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Emerging Trends for SSG/R in view of States of Emergency and Disaster Risk Covid-19 Response Measures

ISSAT Advisory Note

June 2020

Introduction and Objectives

ISSAT has previously published two Thematic in Practice Notes (TiP) on States of Emergency responses to Covid-19 and the [Role of the Security and Justice Sectors in Disaster Risk Response and Preparedness](#). **Both recommended that ISSAT Governing Board Members (GBMs) keep a close watch on these areas over the immediate future.** In these notes, ISSAT recommended that its Members *support Rule of Law Reforms and Political Anchoring of SSG/R* and *recognise States of Emergency as entry-points for SSG/R.*

In this Advisory Note, ISSAT aims to deepen its Governing Board Members' understanding of States' responses to Covid-19 in practice, through a series of case studies, reflecting emerging practices and trends.

ISSAT conducted a quantitative and qualitative analysis of 66 countries, which have introduced one of the following measures: **state of emergency**, **disaster management approach**, **Covid-19 special legislation** or **other steps** with the objective of assessing whether any one of these approaches is better at reducing abuse through more effective checks and balances of the State security sector.

This note also examines whether one measure allowed stronger safeguards against potential slide into limiting the civilian space, curtailing political liberties and hindering community participation and inclusivity in decision-making.

Thirdly, ISSAT looked at institutional fragility aspects and their impact on how the security and justice sector is responding to the crisis. More specifically, this note will:

- Indicate the legal instrument used per country for Covid-19 response, its state of fragility and nature of governance system;
- Compare the typical features between disaster management and emergency laws from a few selected countries and present emerging trends;
- Provide recommendations on how donor programming could support reforming countries' crises responses, avoiding overlapping of instruments.

Context

On 11 March 2020, the World Health Organization declared the Covid-19 coronavirus outbreak a pandemic.[1] Most countries have responded to the Covid-19 crisis by declaring states of emergencies and assuming, in some instances, additional powers to enforce measures ostensibly aimed at containing the spread of the virus. In some cases, these have been draconian. A minority of countries have opted for a disaster management approach. However, this more focused approach has not always resulted in a more measured or proportional response.

The spread of the Covid-19 disease has forced many countries to adopt extraordinary legal measures aimed at addressing the pandemic and preventing its further spread. These measures vary from country to country but almost all of them have introduced strict limitations on the exercise of fundamental rights and sometimes have granted exceptional powers to security forces.

Overall, most of the measures have been largely supported by populations around the world[2] but there is rising concern around their scope, legality, necessity and proportionality, as well as their impact on human rights and livelihoods. Significantly, some of the measures have triggered alarm about the possible decline of constitutional

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[1] World Health Organisation (WHO), *WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020* (2020) available at https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020 (last visited 17 May 2020).

[2] IPSOS, *Public divided on whether isolation, travel bans prevent COVID-19 spread; border closures become more acceptable* (2020) available at https://www.ipsos.com/en/public-divided-whether-isolation-travel-bans-prevent-covid-19-spread-border-closures-become-more (last visited 17 May 2020).

democracies and the prospect that some leaders may find it difficult to relinquish their new powers once the crisis subsides.[3]

This study has shown that countries most at risk of falling into the grip of authoritarianism during the Covid-19 crisis are those that prior to the crisis fell into the categories of 'flawed democracies' and 'hybrid regimes'[4] and which had already endured setbacks to democratic constitutionalism. The Covid-19 crisis opened the door wider for a further clamp down on democracy and the greater accumulation of unchecked power.

Recommendations to ISSAT Governing Members

Geographic Priorities

Prioritise States that have no formally declared legal measures and are currently acting under administrative or executive decrees and orders. ISSAT Members supporting SSG/R should strive to ensure that there is a specific legal basis for disaster and crisis response and that reforming states use it in line with international best practice. Several countries[5] are applying curfews, hindering movement and providing far-reaching powers to the security sector without any emergency or disaster state being declared under law. The risks of excesses and abuses by the security sector is highest in this category, where mechanisms of checks and balances are not sufficiently provided for.

Prioritise fragile and extremely fragile contexts with institutional weakness and where security and justice providers are struggling to cope and respond. This study has shown that countries characterised by rampant inequalities, socio-economic instability and high levels of unemployment are more likely to witness security sector abuses or excesses whilst addressing the public health crisis.

Rule of Law and SSG/R

Encourage meaningful checks and balances rather than pushing for one approach or another. This study established that there is no evidence to indicate that one of the approaches for Covid-19 response (emergency measures, or disaster measures or Covid-19 specific legislation) have allowed for more effective systems of checks and balances, or stronger safeguards against a drift towards authoritarianism or abuse of power by State institutions. Any of these measures could lead to excesses and abuses by the security sector. Accordingly, donors should not aim to push for disaster measures instead of emergency declarations s but rather encourage the existing measure's alignment with international good practice as well as meaningful checks and balances.

Good Practice

Evidence suggests that the scope for security sector excesses tended to be limited, regardless of the approach adopted, where:
- constitutions imposed checks and balances on the executive,
- parliamentary oversight was meaningful,
- the measures were subject to judicial review and scrutiny.

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[3] T Ginsburg and M Versteeg, *Covid-19: States of Emergencies: Part I*, Harvard Law Review Blog (2020) available at https://blog.harvardlawreview.org/states-of-emergencies-part-i/ (last visited 17 May 2020).

[4] See 'Methodology'.

[5] See Appendix 4.

Global Synergies

Invest in pooling donor resources for human rights-based security sector governance across the SSG/R, humanitarian and development communities. ISSAT Members are supporting SSG/R through various entry-points. An emerging thematic area for SSG/R and a joint area of interest for all of ISSAT Governing Board Members is human rights-based reforms. This area is now more important than ever, in view of the challenging times ahead. Alice Donald and Phillip Leach suggest that rights-respecting measures *"are likely to be more effective in protecting life and health, than ones that restrict other rights disproportionately."*[6] They argue that contact tracing apps that rely on a critical mass of public uptake will not be effective if there are concerns about a disproportionate invasion of privacy. They also point out that heavy-handed measures that silence journalists and whistle blowers can have a chilling effect and impede epidemiological control when failings are no longer brought to light.[7]

Sectoral Reforms

ISSAT Governing Board Members should support the clarification and redefinition of the security actors' roles in the crisis, particularly since they are required to perform functions outside of their traditional remit.[8] ISSAT Members should support the review of legal frameworks, regulations and development of Standard Operating Procedures for security forces ensuring that they are in line with international best practice. This could be done in enabling legislation, regulations or binding guidelines. Security forces' oversight and complaints mechanisms need support to remain functional and responsive during such extraordinary times.

> **Risk**
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> The failure to clarify the role of the South African military in the Covid-19 crisis contributed to multiple abuses and resulted in a court ruling that a code of conduct and guidelines had to be immediately developed and widely publicised.

Justice Reform should become an explicit SSG/R priority for donors. Even in the most stringent of lockdowns, donors should support the judiciary's continued functioning, as a minimum for urgent cases dealing with rights violations. In the medium term, donors should support measures to ensure that directions issued under regulations are subject to ongoing and regular scrutiny and not just the regulations themselves.

> **Good Practice**
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> The South African High Court ordered the government to draw up a code of conduct for all security forces with guidelines for their behaviour and interaction with civilians during the state of disaster.[1] The ruling underlined that the courts will hold government and the security forces to account, notwithstanding the extraordinary circumstances and *"that their behaviour will be measured against the standards of the Constitution and the Bill of Rights.*

ISSAT Members should focus on parliamentary oversight under exceptional measures. Covid-19 emergency responses can be the trigger for the donor community to step up its support to parliaments and ensure that any state security response remains accountable, proportional and in line with human rights standards.

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[6] A Donal and P Leach, *Human Rights – The Essential Frame of Reference in the Global Response to COVID-19*, Verfassungsblog (2020) available at https://verfassungsblog.de/human-rights-the-essential-frame-of-reference-in-the-global-response-to-covid-19/ (last visited 20 May 2020).

[7] *Ibid.*

[8] *C Trenkov-Wermuth, How to Put Human Security at the Center of the Response to Coronavirus,* USIP (2020) available at https://www.usip.org/publications/2020/04/how-put-human-security-center-response-coronavirus

> **Good Practice**
>
> A potential oversight model to be explored is New Zealand's bi-partisan parliamentary Epidemic Response Committee (ERC) which oversees the Government's response to the pandemic and helps to identify and remedy mistakes.[1] It should be accepted that since governments are reacting quickly and without perfect information some mistakes will be made.[1] In New Zealand the government was quick to revise its Health Act Order[1] and issue Operational Policing Guidelines[1] after serious questions were raised at the ERC.

> **Good Practice**
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> Some good practices emerging from recent experiences in Finland are worth considering. These include:
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> - Involving parliament in the ongoing management of the pandemic and review of measures, even if this means having to scale down its proceedings and/ or conduct its business online;
> - Including clauses in emergency or disaster management legislation that requires compliance with international human rights obligations;
> - Inserting sunset clauses in legislation providing for the short and temporary nature of the measures with a procedure for their extension; and
> - Providing for the systematic review of legislative and administrative measures before they are finally issued through a body such as a standing committee, comprising constitutional law experts whose legal opinions should be made public.

Cross-Sectoral Reforms

GBMs could explore the establishment of civilian and security force coordination centres[9]. Collaboration between citizens and authorities, especially security forces can ease tensions, and strengthen community-police relations during the pandemic—and beyond.

> **Good Practice**
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> Collaboration between citizens and authorities, especially security forces can ease tensions, and strengthen community-police relations during the pandemic—and beyond, as has been demonstrated in the Tunisian city of MedenineIt. During the Ebola crisis in Guinea, civilian and military coordination centres worked closely and shared information in joint daily briefings. Such coordination built trust and reduced damaging misinformation.

ISSAT Members should actively scope supporting the decentralisation of security and justice provision to the local levels. The case study of the Netherlands shows that the decentralised approach to pandemic management, which includes a delegation of emergency powers to local levels, makes it less likely that central government will accumulate more power than is necessary[10].

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[9] *C Trenkov-Wermuth, How to Put Human Security at the Center of the Response to Coronavirus,* USIP (2020) available at https://www.usip.org/publications/2020/04/how-put-human-security-center-response-coronavirus (last visited 20 May 2020).

[10] A Buyse*, The Netherlands: Of Rollercoasters and Elephant,* Verfassungsblog (2020) available at https://verfassungsblog.de/the-netherlands-of-rollercoasters-and-elephants/ (last visited 17 May 2020).

Methodology

The study is based on the desktop research of Covid-19 measures introduced by various countries. The study involved a simple quantitative and qualitative analysis of 66 selected countries,[11] which have introduced one of the following measures: state of emergency, disaster management approach, Covid-19 special legislation or other steps.

Crisis Measures Categories

Disaster Management: Disaster Management refers to measures adopted under existing laws dealing with public health and/ or disaster management and the protection of civilians which apply nationally.

State of Emergency: State of Emergency refers to instances when states invoke 'states of emergency' as authorised under their constitutions. Some states provide for multiple 'levels' or 'types' of emergencies under their constitutions whereas others only grant certain organs of the state special powers in exceptional circumstances.

Special Covid-19 Legislation: Special Covid-19 Legislation refers to laws adopted by countries to specifically address the Covid-19 pandemic. This may also include amendments to existing laws that are necessary to respond to the pandemic.

Miscellaneous measures: Miscellaneous includes measures that do not fall under any of the categories above.

Target Countries

The 66 countries selected include 15 countries from Africa; 14 from the Americas; 12 from Asia; 19 from Europe; 4 from the Middle East and 2 from Oceania. The study is based largely on data collected by the International Center for Non-Profit Law (ICNL) as part of its project 'Covid-19 Civic Freedom Tracker'.[12] The following information was extracted in relation to each country:

   a) the measure adopted;
   b) the organ declaring the state of emergency, disaster or other measure;
   c) the legal instrument used to introduce the measure (i.e. law, order, regulation or policy).

Additional information was gleaned from the 'Covid-19 Civic Freedom Tracker' and the Centre for Civil and Political Rights,[13] as well as a range of other open sources.

Political System

The analysis in this study employed the categorisation of countries developed by the Democracy Index 2019 of the Economist Intelligence Unit (EIU),[14] namely whether each country considered is a 'full democracy'; 'flawed democracy'; 'hybrid regime' or 'authoritarian regime'. The countries in the Democracy Index 2019 (hereinafter "the DI19 categories") were analysed according to scores assigned to the following five indicators: electoral process and pluralism; the functioning of government; political participation; political culture; and civil liberties.[15] The EIU defined the DI19 categories as follows:

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[11] See Excel Spreadsheet appended to this paper for the list of countries.

[12] ICNL, COVID-19 Civic Freedom Tracker available at https://www.icnl.org/covid19tracker/?location=105&issue=&date=&type= (last visited 17 May 2020) (hereinafter "COVID-19 Civic Freedom Tracker").

[13] Centre for Civil and Political Rights, States of Emergencies in Response to the Covid-19 Pandemic available at https://datastudio.google.com/u/0/reporting/1sHT8quopdfavCvSDk7t-zvqKIS0Ljiu0/page/dHMKB (last visited 17 May 2020) (hereinafter "CCPR Tracker".)

[14] The Economist Intelligence Unit (EIU), *Democracy Index 2019: A year of democratic setbacks and popular protest* (2020) available at https://www.eiu.com/topic/democracy-index (last visited 17 May 2020).

[15] *Ibid.*

Full democracies: Countries in which not only basic political freedoms and civil liberties are respected, but which also tend to be underpinned by a political culture conducive to the flourishing of democracy. The functioning of government is satisfactory. Media organs are independent and diverse. There is an effective system of checks and balances. The judiciary is independent and judicial decisions are enforced. There are only limited problems in the functioning of democracies.

Flawed democracies: These countries have free and fair elections and, even if there are problems, such as infringements of press freedom, basic civil liberties are respected. However, there may be significant weaknesses in governance, an underdeveloped political culture and low levels of political participation.

Hybrid regimes: Elections in these countries have substantial irregularities that often prevent them from being both free and fair. Government pressure on opposition parties and candidates may be common. Serious weaknesses in political culture, functioning of government and political participation are more prevalent than in flawed democracies. Corruption tends to be widespread and the rule of law is weak. Civil society is weak. Typically, there is harassment of journalists and the judiciary is not independent.

Authoritarian regimes: Political pluralism is absent or heavily circumscribed. Some countries in this category are outright dictatorships. Formal institutions of democracy may exist, but these have little substance. Elections, if they occur, are not free and fair. Infringements of civil liberties are common and unchecked. There is pervasive censorship and the media is typically state-owned or controlled by groups connected to the government. Political dissent is not tolerated and there is no independent judiciary.[16]

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[16] *Ibid.,* at 53.

Overall Findings: Measures Used by States to Respond to the Crisis

At least 84 countries across the world have introduced various extraordinary measures to respond to Covid-19 and consequently have significantly limited fundamental rights. This number is probably understated given that data on Covid-19 is still being collected. The sections below provide findings per the measure adopted. In addition, the challenges encountered are considered and possible best practices that donors should consider in their SSG/R programming.

States of Emergency Measures

31 of the 66 studied countries introduced states of emergency as provided by their constitutions[17].

84% of the States in this category are "non-fragile States", 10% are fragile (3 States) and 6% (2 States) extremely fragile.

26 of the 31 States declared a state of emergency through an order by the President, government or Prime Minister. Five States (Tunisia, Ghana, France, Moldova and Bulgaria) declared a state of emergency through a law by Parliament.

> *State of Emergency refers to instances when states invoke 'states of emergency' as authorised under their constitutions. Some states provide for multiple 'levels' or 'types' of emergencies under their constitutions whereas others only grant certain organs of the state special powers in exceptional circumstances.*

Disaster Management Responses

20 of the 66 studied countries adopted disaster management approaches by relying on the existing public health or disaster management laws.

80% of the countries in this category are non-fragile, 15% fragile and 5% extremely fragile. One extremely fragile and three fragile States are included under this measure.

12 of the 20 States used orders by the president or government. China declared a disaster response through government policy. New Zealand and Australia through a Law by government and Denmark through a law by Parliament. Sweden Switzerland and Zambia issued regulations by government. Whilst Croatia opted for an order by a Covid-19 special body[18].

> *Disaster Management refers to measures adopted under existing laws dealing with public health and/ or disaster management and the protection of civilians which apply nationally.*

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[17] See Annex 1, for full list.

[18] See Annex 2, for full list.

Special Covid-19 Laws

8 of the 66 studied countries introduced new special Covid-19 laws or amendments to existing laws specifically aimed at addressing Covid-19.

No fragile States or contexts appear in this category.

Russia, Poland, Ukraine and Germany have issued special Covid-19 legislation, approved by their Parliaments. Hungary and Brazil acted under orders by the government and Oman set up a special Covid-19 organ.

Special Covid-19 Legislation refers to laws adopted by countries to specifically address the Covid-19 pandemic. This may also include amendments to existing laws that are necessary to respond to the pandemic.

Miscellaneous Measures

7 of the 66 studied countries employed miscellaneous measures that fell outside existing laws.

This category includes the highest concentration of fragile and extremely fragile States compared to the total number of countries.

These countries adopted measures that fell outside of existing laws or for which there was no legal basis. The miscellaneous category includes measures that do not fall under any of the categories described above.
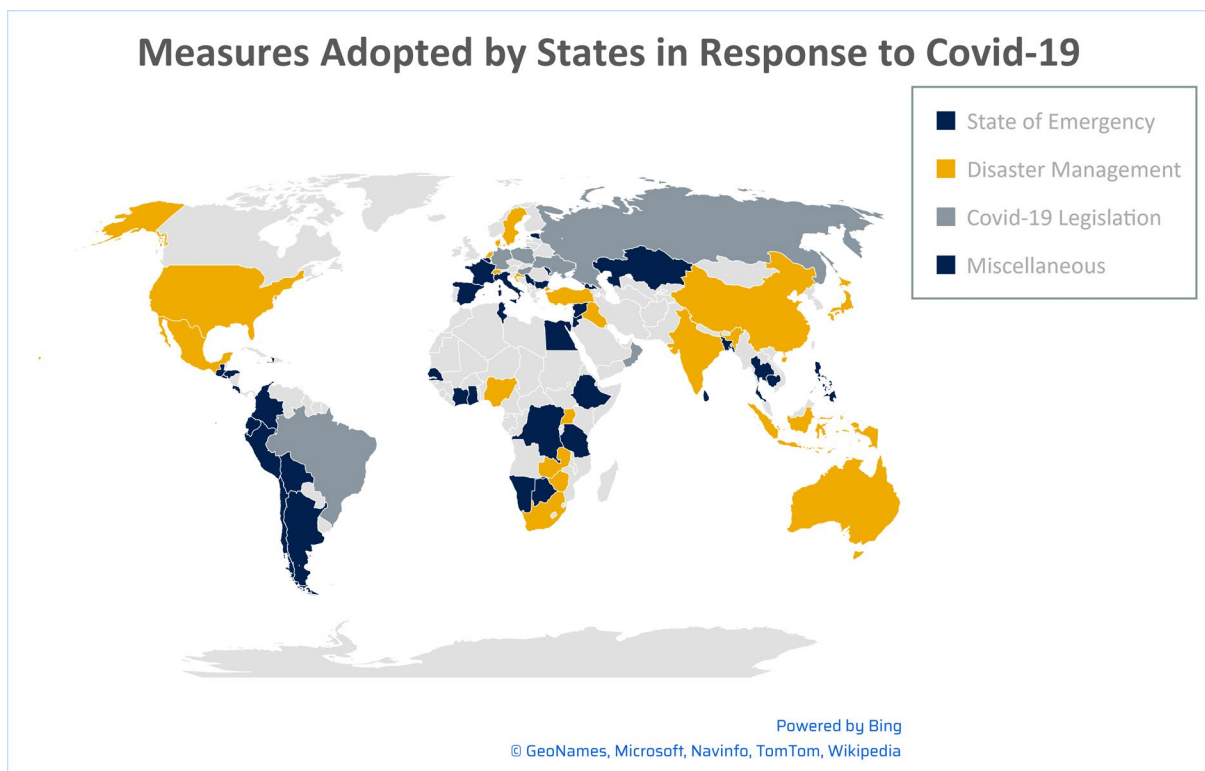
Measures as adopted in 66 states as per this study's analysis.

Emerging SSG/R Challenges

Additional Powers to the Executive Branch Across all Measures

This study has found that all of the examined countries regardless of their system of governance, constitutional design and chosen Covid-19 measure have used extensive executive powers to respond to the crisis, often relying on broad and vague interpretations of their constitutions and laws. This has been evident in the range of categories of measures identified for this study. The most common emerging practices that reinforce this finding cut across all categories and include:

- **Imposing far-reaching limitations on fundamental rights through measures of executive character**: The emergency measures have infringed on an array of human rights including the right to liberty, freedom of movement, freedom of assembly, freedom of association, freedom of expression, freedom of religion, right to privacy, right to work and the right to education.[19]

  The data gathered for this study indicates that[20]:

  - 111 countries introduced measures impacting the freedom of assembly,
  - 33 countries limit freedom of expression,
  - 22 countries restricted press freedom;
  - 28 entries where limits on access to information were imposed.
  - 27 instances involving surveillances
  - 28 countries restrict the right to privacy,
  - 28 use contact-tracing apps,
  - 32 apply alternative digital tracking measures,
  - 10 use physical surveillance technologies,
  - 16 have introduced COVID-19-related censorship,
  - 3 countries maintain internet shutdowns despite the pandemic.[21]

- **Extensive use of executive law-making providing sweeping powers to functionaries:** All measures studied here have given far-reaching power to the executive branch. Taking all categories of measures together, in most states (27) it was a 'President' or head of state who was the most likely state organ to declare the emergency, disaster or other measures, followed by the government (15), parliament (14), minister (5), Prime Minister (2), Covid-19 Special Body (2) or a Governor-General (1).

51 of the 61 states studied used executive orders and regulations to respond to the crisis. 14 states used laws and 1 state used policy[22]. The fragile and extremely fragile contexts all used executive orders and decrees rather than laws.

Broad Interpretations of the Law across all Political Systems

This study has found that all of the examined countries regardless of their political system (full democracy, flawed democracy, hybrid or authoritarian) have used extensive executive powers to respond to the crisis, often relying on broad and vague interpretations of their constitutions and laws.

Authoritarian regimes were most likely to impose states of emergency, by a wide margin. Hybrid regimes and flawed democracies were also more likely to impose states of emergency, but by smaller margins. A majority of full democracies opted for the disaster management approach, but by a slim margin over states of emergency.

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[19] Salem, *Proportionality of State Emergency Health Measures amid COVID-19*, *supra* note 29.

[20] From the COVID-19 Civic Freedom Tracker https://www.icnl.org/covid19tracker/?location=&issue=9&date=&type=

[21] Top10VPN, *COVID-19 Digital Rights Tracker* available at https://www.top10vpn.com/research/investigations/covid-19-digital-rights-tracker/ (last visited 17 May 2020).

[22] See Annexes 5 and 6, for full list.

The 66 case studies do not reflect any significant evidence to indicate that any one measure was preferred by a specific political system. They reflect the necessity to prioritise the context and understand the factors justifying the selection of one measure over the other.

Measures Adopted by States per Type of Regime
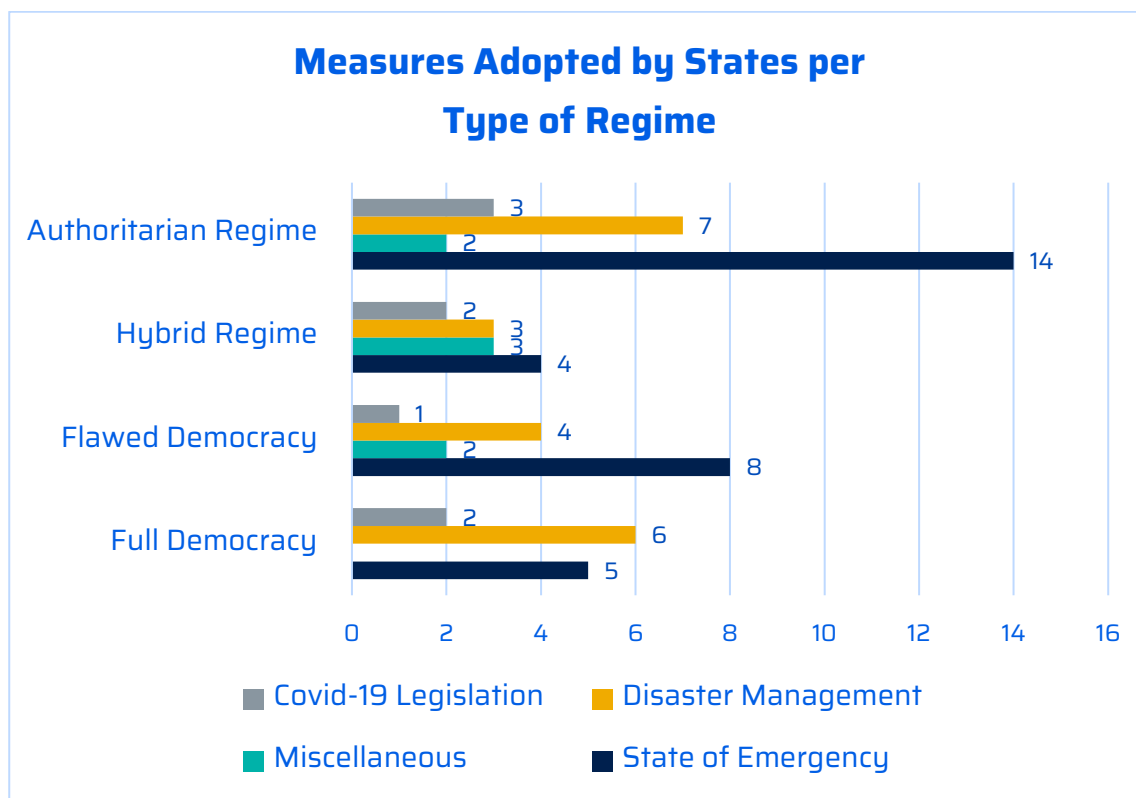
The study has nevertheless found that the less open the political culture is and the less it is conducive to civilian participation in decision-making and accountability, the more likely that the following measures were introduced:

- Defying the requirement of mandatory publication of regulations in Government Gazettes;
- Imposing emergency measures with no expiry date and allowing for indefinite emergencies;
- Disproportionate securitisation with military personnel assuming control of the decision-making process.

Militarised Responses to the Crisis Across all Measures

This study has also shown that hybrid regimes and authoritarian states were most likely to adopt a militarised response to the Covid-19 crisis and in doing so, they made use of both states of emergency and the disaster management approach. No reports indicating that 'full democracies' have had a recourse to the extensive use of military with most countries either being authoritarian or hybrid regimes. Typically, the military is authorised to enforce lockdowns, curfews and/or control public transportation. As a result, the level of securisation appears to be linked to the prevailing degree of democratic constitutionalism.

It also appears through this study that countries characterised by rampant inequalities, socio-economic instability and high levels of unemployment are more likely to witness security sector abuses or excesses whilst addressing the public health crisis.

Legal and Political Justifications for Choice of Measure

The motivation or rationale behind the different approaches to combating Covid-19 appears to depend on the following:

- **The availability of 'emergency provisions' in constitutions.** Some constitutions do not authorise the declaration of states of emergency (e.g. Denmark); or the perceived crisis has not met the legal criteria for the imposition of a state of emergency (e.g. India);

- **Option to manage crisis through executive decrees.** Some governments have avoided declaring constitutionally authorised emergencies in order to avoid invoking constitutional checks and balances or to exclude the involvement of parliaments and assemblies.
- **Historical considerations.** In some cases, historical considerations and experiences of past abuses of state of emergency may have influenced decisions not to declare a 'state of emergency' (e.g. Germany, South Africa, India and Argentina);
- **Balanced Policy Decision.** The decision in favour of a disaster management approach following a weighing of the possible consequences of the Covid-19 crisis against the impact of a state of emergency (e.g. Sweden, South Africa and the Netherlands);
- **Some measures better than no measures.** Triggering some measures is better than no measures in case of governments which have been reluctant or indifferent to addressing the consequences of Covid-19.

Emerging Good Practice

Safeguards Against Abuse of Power

This study reflects the following emerging good practices which have shown results in certain contexts as possible safeguards against abuse of power by states security actors:

- Constitutional design that sets out clearly constitutional checks and balances over security sector;
- An independent, competent and respected judiciary capable of ruling against state security institutions;
- Ability of parliament to scrutinize and curb political exploitation of Covid-19;
- Evidence-based approach to the public-health crisis;
- Effective oversight of security forces through the multiple oversight functions including media, human rights institutions and Ombuds institutions;
- Decentralised response to the pandemic, involving a dispersal of power which permits regional and local centres to respond quickly to actual conditions on the ground;
- Comprehensive and accessible public outreach and communication;
- Strong and courageous civil society ready to challenge authoritarian and anti-democratic policies.

Safeguards Against A Drift Towards Authoritarianism

The 3 main factors that emerge across all studied contexts as key to prevent a drift towards authoritarianism are:

- Enforceable judicial and parliamentary oversight over the executive;
- The imposition of emergency or disaster measures that are strictly proportional to the public health threat; and
- A defined expiry date for the emergency/disaster measures with rational and objective criteria for further extension.

Conclusion

The three notes published by ISSAT on States of Emergency, Disaster Risk Preparedness and the current one on the actual practices of such instruments should give ISSAT's Governing Board Members a clear understanding of the theory and practice of these measures. They should also establish an evidence-based understanding of a way forward, where contextual analysis is key before any assistance programming is designed.

This study was not able to firmly establish that one or other approach to Covid-19 is best suited to avoiding abuse and authoritarianism. All the approaches give executive governments a dominant role in managing the crisis and they have imposed far reaching infringements on human rights and basic freedoms. In these circumstances, donors, should not seek to push for one or other approach, but rather invest in understanding the motivations of the model being used, as well as any weaknesses in the systems of checks and balances.

This is a crucial time for the reform of the security and justice sectors, as they both have a central role to play in implementing and overseeing emergency measures implemented by the executive. ISSAT Members have a key role to play in this respect and ISSAT recommends its Members pool resources and divide roles whether geographically or thematically in order to aim for best possible effectiveness of international assistance to best meet the challenges over the coming years.

Annex 1 – List of Studied Countries Declaring a State of Emergency

State	Organ	Instrument	State of fragility (OECD DAC)
Belgium	Government	Order	Non-fragile
Bolivia	President	Order	Non-fragile
Botswana	President	Order	Non-fragile
Bulgaria	Parliament	Law	Non-fragile
Chile	President	Order	Non-fragile
Colombia	President	Order	Non-fragile
Costa Rica	President	Order	Non-fragile
Ecuador	President	Order	Non-fragile
Egypt	President	Order	Non-fragile
El-Salvador	Parliament	Order	Non-fragile
Estonia	Prime Minister	Order	Non-fragile
Ethiopia	Government	Order	Extreme Fragility
France	Parliament	Law	Non-fragile
Georgia	President	Order	Non-fragile
Ghana	Parliament	Law	Non-fragile
Guatemala	President	Order	Fragile
Haiti	Government	Order	Extreme Fragility
Honduras	President	Order	Fragile
Italy	Government	Order	Non-fragile

Ivory Coast	President	Order	Fragile
Jordan	Government	Order	Non-fragile
Kazakhstan	President	Order	Non-fragile
Moldova	Parliament	Law	Non-fragile
Namibia	President	Order	Non-fragile
Peru	President	Order	Non-fragile
Philippines	President	Order	Non-fragile
Senegal	President	Order	Non-fragile
Serbia	President	Order	Non-fragile
Spain	Government	Order	Non-fragile
Thailand	President	Order	Non-fragile
Tunisia	Parliament	Law	Non-fragile

Annex 2 – List of Studied Countries Declaring Disaster Response

State	Organ	Instrument	State of fragility (OECD DAC)
Australia	Governor-General	Law	Non-fragile
China	Government	Policy	Non-fragile
Croatia	Special Civid-19 Body	Order	Non-fragile
Denmark	Parliament	Law	Non-fragile
India	Minister	Order	Non-fragile
Indonesia	President	Order	Non-fragile

Iraq	Minister	Order	Extreme Fragility
Japan	Prime Minister	Order	Non-fragile
Mexico	Minister	Order	Non-fragile
Netherlands	Government	Order	Non-fragile
New Zeland	Government	Law	Non-fragile
Nigeria	President	Order	Fragile
South Africa	President	Order	Non-fragile
Sweden	Government	Regulation	Non-fragile
Switzerland	Government	Regulation	Non-fragile
Turkey	Minister	Order	Non-fragile
Uganda	President	Order	Fragile
United States	President	Order	Non-fragile
Zambia	Minister	Regulation	Non-fragile
Zimbabwe	President	Order	Fragile

Annex 3 – List of Studied Countries Declaring Special Covid-19 Legislation

State	Organ	Instrument	State of fragility (OECD DAC)
Brazil	Parliament	Order	Non-fragile
Germany	Parliament	Law	Non-fragile
Hungary	Government	Order	Non-fragile
Norway	Parliament	Law	Non-fragile
Oman	Special Civid-19 Body	Order	Non-fragile
Poland	Parliament	Law	Non-fragile
Russia	Parliament	Law	Non-fragile
Ukraine	Parliament	Law	Non-fragile

Annex 4 – List of Studied Countries Declaring Miscellaneous Measures

State	Organ	Instrument	
Argentina	President	Order	Non-fragile
Bangladesh	Government	Order	Fragile
Cambodia	Parliament	Law	Non-fragile
DRC	President	Order	Extreme Fragility
Sri Lanka	President	Order	Non-fragile
Syria	Government	Order	Extreme Fragility
Tanzania	Government	Order	Fragile

Annex 5 – List of Studied Countries Declaring Emergency Measures Through Executive Orders and Regulations

State	Organ	Instrument	State of fragility (OECD DAC)
Argentina	President	Order	Non-fragile
Bangladesh	Government	Order	Fragile
Belgium	Government	Order	Non-fragile
Bolivia	President	Order	Non-fragile
Botswana	President	Order	Non-fragile
Brazil	Parliament	Order	Non-fragile
Chile	President	Order	Non-fragile
Colombia	President	Order	Non-fragile
Costa Rica	President	Order	Non-fragile
Croatia	Special Civid-19 Body	Order	Non-fragile
DRC	President	Order	Extreme Fragility
Ecuador	President	Order	Non-fragile
Egypt	President	Order	Non-fragile
El-Salvador	Parliament	Order	Non-fragile
Estonia	Prime Minister	Order	Non-fragile
Ethiopia	Government	Order	Extreme Fragility
Georgia	President	Order	Non-fragile
Guatemala	President	Order	Fragile
Haiti	Government	Order	Extreme Fragility

Honduras	President	Order	Fragile
Hungary	Government	Order	Non-fragile
India	Minister	Order	Non-fragile
Indonesia	President	Order	Non-fragile
Iraq	Minister	Order	Extreme Fragility
Italy	Government	Order	Non-fragile
Ivory Coast	President	Order	Fragile
Japan	Prime Minister	Order	Non-fragile
Jordan	Government	Order	Non-fragile
Kazakhstan	President	Order	Non-fragile
Mexico	Minister	Order	Non-fragile
Namibia	President	Order	Non-fragile
Netherlands	Government	Order	Non-fragile
Nigeria	President	Order	Fragile
Oman	Special Civid-19 Body	Order	Non-fragile
Peru	President	Order	Non-fragile
Philippines	President	Order	Non-fragile
Senegal	President	Order	Non-fragile
Serbia	President	Order	Non-fragile
South Africa	President	Order	Non-fragile
Spain	Government	Order	Non-fragile
Sri Lanka	President	Order	Non-fragile
Sweden	Government	Regulation	Non-fragile
Switzerland	Government	Regulation	Non-fragile
Syria	Government	Order	Extreme Fragility

Tanzania	Government	Order	Fragile
Thailand	President	Order	Non-fragile
Turkey	Minister	Order	Non-fragile
Uganda	President	Order	Fragile
United States	President	Order	Non-fragile
Zambia	Minister	Regulation	Non-fragile
Zimbabwe	President	Order	Fragile

Annex 6 - List of Studied Countries Declaring Emergency Measures Through Legislative or Executive Bodies

State	Organ	Instrument	State of fragility (OECD DAC)
Australia	Governor-General	Law	Non-fragile
Bulgaria	Parliament	Law	Non-fragile
Cambodia	Parliament	Law	Non-fragile
Denmark	Parliament	Law	Non-fragile
France	Parliament	Law	Non-fragile
Germany	Parliament	Law	Non-fragile
Ghana	Parliament	Law	Non-fragile
Moldova	Parliament	Law	Non-fragile
New Zeland	Government	Law	Non-fragile
Norway	Parliament	Law	Non-fragile
Poland	Parliament	Law	Non-fragile
Russia	Parliament	Law	Non-fragile
Tunisia	Parliament	Law	Non-fragile
Ukraine	Parliament	Law	Non-fragile