

Preventism, Disaster Risk Reduction and the Consequences for Human Rights

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Abstract

This article explores the notion of preventism and how it relates to disaster risk reduction (DRR). It then ponders how the combination of preventism with disaster risk reduction may influence human rights. Different scenarios are considered in which the interaction of these concepts is relevant. The main argument is that preventism may lead to more DRR initiatives and that this may well be considered a positive development to a certain extent, but that care should be taken not to jeopardize human rights in this process.

Keywords

preventism – disaster risk reduction – human rights

Introduction

In early 2016, a fencing-trade fair took place in Nuremberg, Germany, in which representatives of companies from all over the world showcased their products. Customers ranged from states seeking to protect their national borders to ordinary citizens hoping to safeguard their homes.¹ This booming market is reportedly linked to the growing sense of insecurity across states that is due especially to terrorism and to the refugee crisis. The fencing-trade fair represents more than an isolated event; it is anecdotal evidence of the growing sense of insecurity that affects contemporary societies. Associated with these developments are policy trends that excessively and/or exclusively emphasize the need to prevent threats from materializing. These trends are collectively called preventism, which is discussed in the following section. The main rationale behind preventism is that we live in dangerous times or even in a permanent state of emergency, and that actions must therefore be taken to prevent the worst from happening.

The present article discusses various aspects of preventism. It looks first at how preventism relates to disaster-risk reduction, identifies preventism's likely impact on human rights and considers the interaction of preventism, disaster-risk reduction and human rights. It suggests that preventism may lead to an increase in DRR initiatives—which may be cautiously perceived as a positive development—but that care should be taken not to jeopardize human rights in such initiatives.

Clarifying Preventism

As suggested by the editors of this volume in the introduction to this special issue, preventism is, “an underlying ordering principle driving security policies and practices”. One may ask, what does such a principle seek to prevent?

Prevention in this context relates to potentially harmful events that are likely to negatively affect individuals, communities and wider circles such as states or even the entire world. However, preventism is not merely a synonym for prevention; it rather suggests an excessive or exaggerated degree of prevention. As indicated by the editors, preventism implies several things: a certain dynamic interaction among different actors—especially governmental authorities who point to dangers that society faces and who design policies to minimize them; an audience (the public) that feels threatened and asks for more security measures to be adopted as a matter of public policy; and finally, an industry that seeks to meet the needs of society by offering services and products to tackle perceived dangers (and to profit from them).

As Buzan and others explain, a parallel of this dynamic might be drawn from the term securitization:

1 K. Connolly, “‘People Really Feel the Lack of Security Right Now’ – A Day at a Fencing Trade Fair” In The Guardian, 15 January 2016. Retrieved 15 January 2016, <http://www.theguardian.com/world/2016/jan/15/perimeter-protection-business-europes-refugee-crisis>.

“Securitization is constituted by the intersubjective establishment of an existential threat with a saliency sufficient to have substantial political effects”.²

Securitization would therefore require more than authorities who regard an issue to be a security issue, for such labelling does not imply that the population will follow suit. Here one can speak about a securitizing move, but not yet about securitization. Only when the population accepts an issue as a security issue is it possible to talk about securitization, which requires more than the sheer assertion of a potential security issue. Hence, securitization requires that the audience accepts an issue as a security issue. But beyond such acceptance, securitization would allow otherwise applicable rules to be broken or neglected when an issue is labelled and perceived an existential security threat.³ The likely consequence of securitization on the enjoyment of human rights relates to their curtailment and restriction, which to some extent also arise in relation to preventism, as is discussed later on.

Building upon the securitization parallel, the term preventism relates to efforts to prevent or at least minimize the likelihood of events that are considered negative. This is done by considering such events to be security issues and taking appropriate action.

One example in this context is that a natural hazard (e.g. cyclone) hitting a community would not only be considered a potential disaster but also a security issue. In this example, it would be a security task to identify ways to prevent a disaster. To a certain extent, such tasks are conflated with disaster risk reduction efforts, as is explained later on. Although natural disasters are in no way a new phenomenon, their number, regularity and intensity are increasing. Examples of recent major disasters include the 2004 tsunami in the Indian Ocean; the 2005 Hurricane Katrina, in the United States; the 2008 cyclone Nargis, in Myanmar; the 2010 earthquake of Haiti; the 2011 Fukushima triple disaster in Japan; and the 2013 Typhoon Haiyan, in the Philippines. It is therefore plausible that the prevention of such catastrophes will increasingly relate to the need to neutralize the security threat they are considered to pose. Furthermore, climate change is increasingly perceived as a security issue that requires the adoption of preventative security strategies, as suggested in recent official European Union documents.⁴ Through these lenses, climate change is perceived as a “threat multiplier”: it exacerbates ongoing trends, tensions and instability across the globe.⁵ Moreover, so perceived, climate change is not only a humanitarian issue; it is also an issue that involves political and security risks that directly affect rich states.

Already in 2008, Pennings and Grossman identified terrorism among other crises that are linked to great uncertainty and have profound societal impact.⁶ They referred to Hurricane Katrina and September 11 as illustrations of each category: namely, natural disaster and terrorism. By the same token, the current paper refers to both natural disasters and terrorism as scenarios in which preventism might come into play and in which disaster risk reduction might play a significant role.

2 B. Buzan, O. Wæver, and J. De Wilde, *Security: A New Framework for Analysis*, London, 1998, p. 25.

3 B. Buzan, O. Wæver, and J. De Wilde, *Security: A New Framework for Analysis*, London, 1998, p. 25.

4 High Representative and the European Commission, S113/08 CLIMATE CHANGE AND INTERNATIONAL SECURITY: Paper from the High Representative and the European Commission to the European Council, 14 March 2008. Retrieved 7 March 2016, <http://www.consilium.europa.eu/uedocs/cmsdata/docs/pressdata/en/reports/99387.pdf>, pp. 1–2.

5 *Idem*, p. 3.

6 J.M.E. Pennings and D.B. Grossman, “Responding to Crises and Disasters: The Role of Risk Attitudes and Risk Perceptions”, in *32 Disasters*, 2008, no. 3, pp. 434–48, at p. 435.

The next section reflects on disaster risk reduction and how it relates to preventism.

Disaster Risk Reduction and Preventism

First, it is important to adopt a working definition of disaster. A common definition is, “a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts that exceed the ability of the affected community or society to cope using its own resources”.⁷

The definition suggests that disasters depend on the vulnerability of those affected. If a community is well prepared and equipped, a serious disruptive situation may not develop into a disaster. This point is often made in the disaster literature, which emphasises how important it is to identify and address vulnerabilities before they become disasters.⁸ Pre-existing societal vulnerabilities may become matters of life or death when a serious hazard such as an earthquake occurs. In 2011, the 9.0 magnitude earthquake that hit Japan caused fewer deaths than the 7.0 magnitude earthquake that hit Haiti the year before. In Japan, under the triple situation of earthquake, tsunami and nuclear emergency at the Fukushima power plant, the death toll reached 16,000 people; in the 2010 Haiti earthquake, 200,000 people perished.⁹ This dramatic difference in the number of human losses is largely due to the well-known outstanding preparedness of Japanese society in the areas of enforcement of construction standards with respect to earthquakes.¹⁰ On the other hand, disaster preparedness in Haiti was very weak if in place at all, and most people who perished were trapped in the buildings once they collapsed.

In short, a serious disruption in a given community is likely to be linked to the vulnerability of such a community combined with the hazard with which it is confronted. We adopt here a common definition of hazard as, “a dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption, or environmental damage”.¹¹ Common examples of hazards include serious environmental events, such as cyclones and earthquakes; but as already indicated, hazards may also include other seriously disruptive events, such as major acts of terrorism.

Having defined disaster, vulnerability and hazards, it is important to consider how preventism relates to

7 International Federation of Red Cross and Red Crescent Societies, *Public Awareness and Public Education for Disaster-Risk Reduction: A Guide*, Geneva, 2011. Retrieved 16 April 2016, p. 5, <http://www.ifrc.org/PageFiles/103320/Key-messages-for-Public-awareness-guide-EN.pdf>.

8 W.N. Adger, “Vulnerability”, in *16 Global Environmental Change*, 2006, no. 3, pp. 268–81, at pp. 268–69; R.W. Perry, “What Is a Disaster?” in H. Rodríguez, E.L. Quarantelli & R.R. Dynes

9 See *bbc News – Asia*, Japan quake: Loss and recovery in numbers, 11 March 2012. Retrieved 23 April 2016, <http://www.bbc.com/news/world-asia-17219008>.

10 See B. Jr. Concannon and B. Lindstrom, “Cheaper, Better, Longer-Lasting: A Rights-Based Approach to Disaster Response in Haiti, Symposium: A Worldwide Response: An Examination of International Law Frameworks in the Aftermath of Natural Disasters”, in *Emory International Law Review*, 2011, no. 25, pp. 1145–92, at p. 1167. See also M. Hesselman, “Establishing a Full ‘Cycle of Protection’ for Disaster Victims: (eds.) *Handbook of Disaster Research*, New York, ny: Springer New York. 2007, pp. 1–15, at pp. 8–11; M.K. Lindell, “Disaster Studies”, in *61 Current Sociology*, 2013, no. 5–6, pp. 797–825, at p. 799. Preparedness, Response and Recovery According to Regional and International Human Rights Supervisory Bodies”, in *Tilburg Law Review* 18, 2013, no. 2: 106–32, at p. 110. doi 10.1163/22112596-01802005.

11 International Federation of Red Cross and Red Crescent Societies, *Public awareness and public education for disaster risk reduction: a guide*, Geneva, 2011. Retrieved 16 April 2016, p. 5, <http://www.ifrc.org/PageFiles/103320/Key-messages-for-Public-awareness-guide-EN.pdf>.

disaster risk reduction (DRR). Preventism— understood as an exaggeration or overstatement of the need to prevent seriously harmful events—could be linked to disaster risk reduction: i.e., to efforts to reduce the risk of disasters. This conceptual link may indeed enhance the engagement of different actors in DRR activities. By itself, this does not seem to be a bad thing, for it is hard to think of a case in which a community can suffer from excessive preparation for disasters. The current state of affairs in terms of preparation for disasters demonstrates that, to date, we are rather underperforming on this matter and that more attention and resources are needed for disaster risk reduction to succeed. In the latest international framework adopted on the subject, namely the Sendai Framework for DRR, it is acknowledged that some progress has been made in building resilience and reducing losses and damages—especially in the last decade. It also suggests, however, that more efforts are needed for a greater reduction of disaster risk across the globe.¹²

It is important to bear in mind, however, that disasters are intrinsically related to social processes rather than to isolated events or natural phenomena. In other words, the underlying conditions leading to disasters are very much linked to, among other things, developmental models adopted by societies many years ago (perhaps even centuries ago) that may, for example, exclude and/or discriminate against societal groups and thereby perpetuate poverty and oppression.¹³ Preventism is, however, not a tool that is likely to effectively address this deeper aspect, which is crucial for reducing disasters. Even if preventism, at first sight, is of potential added value to the strengthening of disaster risk reduction, it is likely to merely address superficial aspects of it and is thus unlikely to effectively reduce the risks of disasters. It seems that, for DRR to occur, a more holistic and wide-ranging model should be favoured: i.e., one that challenges discrepancies historically embedded in societies—particularly those relating to the exclusion of societal groups, which by itself may amount to human rights violations.

Taking into account the considerations addressed in this section, we suggest that the relationship between preventism and disaster risk reduction is not as simple and clear-cut as it might first appear. Although preventism may indeed lead to a laudable increase in DRR activities, this may not by itself effectively reduce the risk of disasters. It seems that much will depend on how far-reaching such combined initiatives are. Additionally, further challenges may arise from this particular interaction, such as in relation to the likely impact on human rights, as discussed in the coming section.

When Disaster Risk Reduction and Preventism Impact Human Rights

The current section considers two possible scenarios in which both disaster risk reduction and preventism may considerably impact the enjoyment of human rights. Although the section by no means provides an exhaustive coverage of the topic and the multitude of scenarios in which it might be of relevance, it does serve to illustrate key situations in which tension may arise from interactions among disaster risk reduction, preventism and human rights. The situations addressed are the following: a) those involving natural hazards, and b) those involving terrorist acts.

a) Situations Involving Natural Hazards

The first issue worth mentioning here is the identification of those who bear the greater risks and suffer the

12 United Nations General Assembly, A/Res/69/283. Resolution Adopted by the General Assembly on 3 June 2015. Sendai Framework for Disaster Risk Reduction 2015–2030, New York, 2015. Retrieved 17 April 2016, p. 6, para. 16, <http://www.preventionweb.net/files/resolutions/N1516716.pdf>.

13 I. Kelman, I., Gaillard, J.C., Lewis, J. & Mercer, J., “Learning from the History Of Disaster Vulnerability and Resilience Research and Practice for Climate Change”, in 82 *Natural Hazards* 2016, pp. 129–143, at p. 136.

greater impacts of disasters. It is often suggested that those most vulnerable are often more at risk in and most severely affected by disasters.¹⁴ According to the Sendai Framework for Disaster Risk Reduction 2015–2030—the most recent international, non-legally binding framework adopted by countries to engage in disaster risk reduction—over 700 thousand people lost their lives due to disasters between 2005 and 2015, whereas over 1.4 million people were injured and approximately 23 million people lost their homes. The number of individuals affected by disasters during the same period is equally impressive: more than 1.5 billion people were affected. Among these, women, children and other individuals in vulnerable situations were disproportionately affected.¹⁵

An important related issue is the breadth of the definition of disaster risk reduction that might be adopted in initiatives based on preventism, for it may reveal the inclusion or exclusion of some areas. What is questioned here is whether DRR should be broadly understood (thus encompassing complex aspects such as underlying risk factors of disasters, as explained later), or whether, on the contrary, attention is given only to more narrow aspects of DRR such as disaster mitigation, in which structural and non-structural measures are taken to limit the adverse impact of natural hazards. In this context, one narrow DRR measure might be the construction of supporting structures aimed to mitigate the impact of landslides.

On the other hand, an example that suggests a broader definition of DRR and preventism relates to official policies that forcefully evict people from locations labelled as high-risk, disaster-prone areas. Such measures might also be perceived to be linked to preventism if they have been undertaken to avoid a perceived security threat from arising from a likely disaster. Such policies might amount to extreme but potentially justifiable public measures taken to spare people from different hazards, especially landslides. In terms of human rights, such measures might well be considered as seeking to preserve the right to life and physical integrity: two basic human rights. However, they might also need to be carefully assessed so as to avoid excessive encroachment on the right to housing in these particular circumstances. The situation suggests the possibility of a tense interaction among the three concepts: preventism, DRR and human rights.

Anecdotal evidence suggests that such interaction is not without flaws. The general policy in situations of mandatory relocation due to risk of disaster often relates to planned relocation of the affected population to safer zones. The ‘affected population’ mostly comprises individuals living in areas labelled by governmental authorities as high-risk areas.¹⁶ It is not rare, however, to observe the abuse of such protective policies—for

14 J. Carmalt, and C. Dale, “Human Rights and Disaster”, in B. Wisner, J.C. Gaillard and I. Kelman (eds.) *Handbook of Hazards and Disaster Risk Reduction*, London, Routledge 2012, pp. 61–70, at p. 70; G.P. Smith and D. Wenger, “Sustainable Disaster Recovery: Operationalizing an Existing Agenda”, in H. Rodríguez, E.L. Quarantelli & R.R. Dynes (eds.) *Handbook of Disaster Research*, New York, ny: Springer New York. 2007, pp. 234–257, at pp. 254; W.G. Peacock, N. Dash and Y. Zhang, “Sheltering and Housing Recovery Following Disaster”, in H. Rodríguez, E.L. Quarantelli & R.R. Dynes (eds.) *Handbook of Disaster Research*, New York, ny: Springer New York. 2007, pp. 258–274, at p. 269.

15 United Nations General Assembly, A/Res/69/283. Resolution Adopted by the General Assembly on 3 June 2015. Sendai Framework for Disaster Risk Reduction 2015–2030, New York, 2015. Retrieved 17 April 2016, p. 3, para. 4, <http://www.preventionweb.net/files/resolutions/N1516716.pdf>.

16 International Federation of Red Cross and Red Crescent Societies and United Nations Development Programme, “Effective Law and Regulation for Disaster Risk Reduction: A Multi-Country Report”, 2014. Retrieved 15 July 2016, at pp. 60–61, <http://www.undp.org/content/undp/en/home/librarypage/crisis-prevention-and-recovery/effective-law-regulation-for-disaster-risk-reduction.html>; L. Kuhl, P.H. Kirshen, M. Ruth and E.M. Douglas, “Evacuation as a Climate Adaptation Strategy for Environmental Justice Communities”, in 127 *Climatic Change*, 2014, no. 3, pp. 493–504, at p. 496.

example, when areas considered disaster-prone are first evacuated and then sold to influential businesses.¹⁷

In her book, *The Shock Doctrine*, Naomi Klein points out the dreadful consequences the 2004 tsunami that hit the coast of Sri Lanka had for the local fishery population. Not only did they suffer the losses of family members (the death toll was 35,000 people, and almost a million were displaced); their houses were destroyed as well, together with most of their belongings.¹⁸ Reconstruction efforts were conducted so as to keep a buffer zone along the coastline as a tsunami safety measure. Therefore, fishing communities were relocated to settlements farther from the coast than before. These measures have, however not been even-handedly applied. Soon after reconstruction efforts began, hotel resorts took over the oceanfront areas that had previously been occupied by fisherman, under the justification that their building works were labelled by the government as “repair” constructions.¹⁹ This generated resentment among the local community that used to live there, for they were told they had to relocate due to the high risk of disaster. Klein indicates that this is a clear situation in which a disaster was used to remove undesirable (mostly poor) people from areas of high economic value (such as seafront areas).²⁰

This situation illustrates a combination of aspects of preventism, disaster risk reduction and human rights. It could be considered a possible use of preventism to justify the measure taken due to the perceived threat of a new tsunami. However, in this example, it is clear that the government’s decisionmaking was linked to abuse of power and profit making rather than to a desire to protect its population. Also, one must inquire into the best options in such a scenario. Is it important to explore alternative ways to reduce the risk of disasters? In other words, were mitigation measures able to effectively reduce risk? Or could early warning systems be put in place with evacuation measures?

What other options were available to authorities? Such options should take into account the opinions and needs of those most directly affected by the risk: namely, the local community. It is important to genuinely take into account how they leave, whether their livelihoods will be negatively affected if they are relocated, and whether have they been meaningfully consulted before reconstructive measures were adopted.

These questions relate to the need to include human rights in the analysis of measures that are based in or motivated by preventism and disaster risk reduction. In such situations, it could be further argued that (excessive) preventative measures have the potential to be abused by governments—especially when they are adopted out of motivations other than a genuine will to protect populations at risk. Such an example suggests that preventism combined with DRR may lead to human-rights violations—especially to violations of the right to housing and livelihood. One way around this potential abuse is to make sure that the affected population has access to credible information from different sources about the risks they face and has means enough to effectively participate in decisions that will directly impact them. Also, it is important that affected

17 R. Rolnik, “Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, A/66/270, of 5 August 2011”, United Nations, 2011. Retrieved 15 July 2016, at p. 15, <http://www.preventionweb.net/files/resolutions/N1144601.pdf>.

18 N. Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*, New York City, 2010, p. 388.

19 N. Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*, New York City, 2010, p. 388; Similar practices adopted in further countries hit by the 2004 Indian Ocean tsunami were reported by R. Rolnik, “Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, A/66/270, of 5 August 2011”, United Nations, 2011. Retrieved 15 July 2016, at pp. 15–16, <http://www.preventionweb.net/files/resolutions/N1144601.pdf>.

20 N. Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*, New York City, 2010, p. 388.

communities have access to complaint mechanisms that may be used to challenge the outcome of decisions in matters that affect them. However, for this vision to materialize, it is crucial that countries have a good human-rights record—in particular, that they have a free press to facilitate a wide exchange of information and that they enjoy freedom of association and assembly so that meaningful campaign activities may take place.²¹

b) Situations Involving Terrorist Acts

Serious terrorist acts, which, for the sake of argument, are here considered potential hazards, are similarly challenging issues. One difficulty in such a context relates to how to give the affected population access to hazard-related information so that it can better prepare for coming disasters. Terrorism-related information is normally treated as highly sensitive, and governments often classify it.²² Therefore, only very limited access to information of this kind is ever given to the general public before serious terrorist acts materialize.

Preventism is increasingly relevant in this context, particularly since the launching of the “War on Terror” following the 9/11 attacks on the United States. States that engage in counter-terrorism activities often emphasize the exceptional nature of the terrorist threat and the unprecedented challenges posed by modern international terrorism, which, so the argument goes, involves a different kind of enemy in a novel type of conflict.²³

The secrecy around preventism measures relating to terrorist acts may negatively affect disaster risk reduction activities that seek to openly engage the general public, to promote its ownership of disaster preparation, and to play an active part in preparation for disasters. In recent decades, disaster risk management has moved towards strengthening coordination efforts among different sectors and community levels rather than toward preserving the command-and-control approach that is still largely favoured in governmental responses to major terrorist acts.²⁴ This certainly poses a strain in terms of the relationship between preventism and disaster risk reduction, for their directions tend to diverge—at least in a counter-terrorism scenario.

A related difficulty here is to conceptualize and identify viable disaster risk reduction initiatives once we consider terrorism a potential hazard. Would disaster risk reduction activities here encompass the promotion of tolerance and social cohesion across multicultural and multi-faith societies, education for tolerance, de-radicalization programmes, and/or general human-rights education? These questions make one wonder about the effective use of resources by DRR actors and the risk of duplication in case DRR programmes start to merge or to become blurred with traditional human-rights education initiatives that focus on the promotion of mutual respect, tolerance and peaceful coexistence. Questions arise about the potential division of labour among different actors here: about whether DRR activities and limited resources should focus on more traditional hazards such as natural hazards, and about the need to avoid heightening the politicization and sensitivity that terrorism-related initiatives necessarily evoke.

A recent court case might illustrate both the difficulties that can be encountered in dealing with potential terrorist

21 For more on this issue, see K. da Costa and P. Pospieszna, ‘The Relationship between Human Rights and Disaster Risk Reduction Revisited: Bringing the Legal Perspective into the Discussion’, in 6 *Journal of International Humanitarian Legal Studies*, 2015, no. 1, pp. 64–86. doi: 10.1163/18781527-00601005.

22 H. Duffy, *The ‘War on Terror’ and the Framework of International Law*, 2nd ed., Cambridge: cup, 2015, pp. 579, 598, 616.

23 H. Duffy, *The ‘War on Terror’ and the Framework of International Law*, 2nd ed., Cambridge: cup, 2015, p. 2.

24 L.A. Peek and J.N. Sutton, ‘An Exploratory Comparison of Disasters, Riots and Terrorist Acts’, in *Disasters* 27, 2003, no. 4, pp. 319–35, at pp. 329–330.

threats and the challenges such situations pose in terms of having access to sensitive information and in conceptualizing and conducting disaster risk reduction initiatives.

In the case of *Armani da Silva v. United Kingdom*,²⁵ the European Court of Human Rights (ECtHR) decided on the undercover police action that killed a man in the London public transport (tube) during the heightened period of tension that followed the London 7/7 bombings. In this operation, the officers believed the victim to be a terrorist about to detonate a bomb in his backpack. He was shot seven times in the head during an operation in which the police mistook him for a member of the group that had tried and failed to detonate bombs in London's public-transport system just the day before. The victim, De Menezes, died instantly. The British court decided against the London Metropolitan Police, which was fined GBP 175,000.²⁶ The family of De Menezes had their compensation claims settled and received an *ex gratia* payment (i.e., payment was made voluntarily, out of kindness or grace by the government, without acknowledgment of any legal obligation).²⁷

The proceedings that reached the ECtHR were related to the investigation conducted by authorities and to the possibility of bringing criminal charges against the officers who conducted the operation against De Menezes. The family argued that the UK did not fully discharge its obligation regarding procedural aspects of Article 2 of the European Convention on Human Rights (ECHR). The ECtHR, however, did not agree with the claimants. For the court, the fact that UK authorities decided not to prosecute any individual officer was not due to failings in the investigation or to the state's tolerance of or collusion in unlawful acts. It was rather due to insufficient evidence against any individual officer. Nevertheless, UK authorities identified institutional and operational failings and made detailed recommendations so that similar mistakes would not be made in the future.²⁸ The court concluded that the UK did not violate the procedural aspect of Article 2 of ECHR.

Although it is beyond the scope of the present article to provide a detailed analysis of the legal issues considered by the court in this judgment,²⁹ it is for our purposes interesting to observe the extent to which preventism, DRR and human rights relate to the facts addressed in this case. Preventism relates here to the efforts made by the police officers to halt what they believed to be an imminent and deadly terrorist attack, misperception of which might have been caused by the recentness of the 7/7 London bombings. In this case, the court accepted that the police officers acted in self-defence, believing that killing De Menezes was the best course of action.³⁰ In relation to disaster risk reduction, it can be said that the whole police operation (assuming the terrorist attack was a potential hazard) is, to say the least, a far from standard disaster risk reduction activity. The latter normally fosters open engagement with the affected community, encompassing various actions. These actions include, for example, structural and non-structural measures

25 *Case of Armani Da Silva V. The United Kingdom*, Application No. 5878/08, European Court of Human Rights (Grand Chamber), Judgment of 30 March 2016.

26 *Case of Armani Da Silva V. The United Kingdom*, Application No. 5878/08, European Court of Human Rights (Grand Chamber), Judgment of 30 March 2016, paragraph 101.

27 Oxford Dictionary of English (software), version 2.2.1 (171), 2005–2014 Apple Inc.

28 *Case of Armani Da Silva V. The United Kingdom*, Application No. 5878/08, European Court of Human Rights (Grand Chamber), Judgment of 30 March 2016, paragraphs 282–288.

29 For a critique of the judgment, see J. Hessbruegge, "ECtHR *Armani Da Silva v. UK: Unreasonable Police Killings in Putative Self-Defence?*" in EJIL: Talk!, 14 April 2016. Retrieved 23 April 2016, <http://www.ejiltalk.org/ecthr-armani-da-silva-v-uk-unreasonable-police-killings-in-putative-self-defence/>.

30 *Case of Armani Da Silva V. The United Kingdom*, Application No. 5878/08, European Court of Human Rights (Grand Chamber), Judgment of 30 March 2016, paragraphs 83, 254–256.

that are undertaken to limit the adverse impact of hazards, and early warning systems that provide timely information so that people can take steps to reduce the impact of hazards. In contrast, in the De Menezes case, the government operation was based on secret information and adopted a command-and-control approach, thereby demonstrating how difficult it is to reconcile standard DRR activities with particular man-made hazards such as major terrorist actions.

Finally, in this particular case the human right at stake was the right to life (of De Menezes, but also of the police officers and of those using the London Transport System at that place and time). A further related issue is the access to information given to the public to protect itself from hazards. Unsurprisingly in this case, information on the potential hazard (the terrorist threat) was kept secret for a long time to allow the operation to succeed. This, however, makes it hard to reconcile standard disaster-risk reduction activities with those that address particular man-made hazards like major terrorist acts—especially because it is neither feasible nor desirable to disclose to a large number of community members. It is conceded that, in the *Armani da Silva v. the United Kingdom* case, authorities raised the terrorist threat facing the UK from Level 3 to Level 1 when they received intelligence of a possible new attack to take place days after the 7/7 bombings.³¹ It is, however, debatable how disaster risk reduction activities should occur in such highly sensitive and volatile circumstances, and what form they should adopt. On the other hand, to expect authorities to openly share highly sensitive, security-related information might seriously compromise efforts to halt lethal terrorist attacks before they unfold.

Conclusion

The present article considers preventism, disaster risk reduction and human rights. Based upon consideration of natural disasters and serious terrorist acts, the article draws some considerations about how the three concepts interact. The purpose of the article is to tease out some initial considerations on the subject, thereby flagging aspects of their interrelationship and likely impact in different areas. It is beyond the scope of this contribution to delve extensively into each particular aspect relevant to the discussion. The article is intended to identify different concepts that may be more interrelated than they at first sight appear, with the aim of sparking future discussion on the subject.

It is suggested—although preventism appears to involve an excessive or exaggerated perception of the need to prevent harmful events from taking place—that there is some scope for disaster risk reduction to benefit from it, especially in relation to natural hazards. In the event that preventism leads to more preventative measures, it is likely that greater DRR activities may also be undertaken. Therefore, there is room for a convergent relationship between both concepts, especially in relation to natural disasters—although there is always a risk that the rhetoric of preventism will be abused by governments, as is suggested in the example of the 2004 Asian tsunami. On the other hand, the interaction between the two concepts is not always clear-cut. In order words, there is no combination of preventism and disaster risk reduction that is valid across the board. As in the example of acts of terrorism, efforts towards preventism may differ considerably from standard disaster risk reduction initiatives, and much depends on the particular scenario at hand. This indicates the complexity of each of the two concepts and also of their potential relationship, which in some occasions may diverge, thus pointing in different directions.

In relation to human rights, the picture seems far more bleak. The interaction between preventism and

31 Case of *Armani Da Silva V. The United Kingdom*, Application No. 5878/08, European Court of Human Rights (Grand Chamber), Judgment of 30 March 2016, at paragraph 14.


disaster risk reduction may affect human rights, and not always in a positive way. It is suggested that human rights are still overlooked in actions driven by preventism, and that this is also often the case in current disaster risk reduction initiatives. Writing in 2012, David Alexander and Ian Davis challenged the official discourse on DRR,³² as is reflected in the 2005–2015 Hyogo Framework for Action: the predecessor document to the Sendai Framework on Disaster Risk Reduction. Despite the inclusion of the commitment to, “reduce the underlying risk factors”³³ in the list of priorities for action on DRR, there is no reference to the denial of human rights as underlying disaster-risk factors/drivers.

This is an important lacuna that tends to be neglected or completely ignored, as it is in the current Sendai Framework on Disaster Risk Reduction of 2015–2030, which makes a meagre reference to inequality and merely includes a reference to human rights among its guiding principles when it lists the underlying disaster risk factors. This is despite the importance of combating discrimination, of facilitating the exchange of information among different actors, and of setting up mechanisms for individual participation and for the accountability of all those involved in the management of disasters. The observance of basic human-rights standards in this context tends not to receive much attention, for it is undoubtedly controversial and sensitive. What can be done?

It is important to reconsider the notion of disaster risk reduction, which, if taken seriously may lead to important changes in societies. We argue that, without respect for and protection of basic rights and freedoms (including protection against discrimination), efforts to reduce disaster risk are unlikely to succeed. Given the interplay among the concepts we explored earlier, preventism could indeed lead to the adoption of more DRR measures. This may be regarded as a positive development, but if DRR measures are adopted without consideration for basic human rights, they may well fall short of effectively reducing vulnerability. At the same time, the increasing adoption of preventism-motivated measures makes it even more important to include human rights considerations in future policies and operations adopted in this context. We doubt, however, that it is a good idea for DRR actors to lead programs aimed at addressing human-rights issues. There should be a certain division of labour in which human-rights education and related initiatives should be led by human-rights organizations—especially non-governmental organisations and national human-rights institutions.

32 D. Alexander and I. Davis, “Disaster Risk Reduction: An Alternative Viewpoint”, in *International Journal Of Disaster Risk Reduction* 2, 2012, pp. 1–5, at pp. 1–2.

33 United Nations International Strategy for Disaster Reduction. Hyogo framework for action, 2005–2015. Building the resilience of nations and communities to disasters, Geneva, 2005. See Priority for action 4. Retrieved 23 April 2016. <https://www.unisdr.org/we/coordinate/hfa>.



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