

WHEN SECURITY MEANS SILENCE

STATES OF EMERGENCY AND POLITICAL PROTEST

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In a tense climate of a ‘state of emergency’ with no end in sight, many countries in Europe have seen a clampdown on the right to protest, policed by increasingly militarised and intransigent means. The narrowing of the space for dissent has occurred in conjunction with a widening of the definition of terrorism, resulting in an alarming delegitimisation of peaceful protest in the name of counter-terrorism measures.

Charlie Hebdo, Bataclan, Brussels, Berlin. We quake from such terrorist attacks. They tell us to be frightened. To stay inside. To stay safe. When the news spreads, politicians and police tell us that they have things under control. That we must trust them. That they are the experts. That this is an exceptional time, where specialised, militarised police units are needed to keep us safe. We’re told that this is a ‘state of emergency’, where behaviour will be scrutinised, large gatherings banned, people searched, immigrant neighbourhoods raided, and migration curtailed. Threats will be investigated and eliminated. No questions asked. Our fear tells us to agree. To keep quiet.

But the attacks continue and we retreat further. Questions are silenced. Opposition is suspicious. Police attempt to pre-empt, disrupt, and contain social movements fighting for migrant justice, climate justice and against austerity. The militarised units multiply and states of emergency are now routine, and routinely extended. Since 2015, we’ve seen states of emergency declared in Turkey, France, Hungary, Romania, Ghana, Tunisia, Gambia, North Carolina in the US, and Ethiopia. Many other countries in Europe and elsewhere have passed legislation that will make it easier to declare such a state of emergency.

A recent Amnesty International report entitled *Dangerously Disproportionate: The Ever Expanding National Security State*¹, argues that in the last two years there has been “a profound shift in paradigm across Europe: a move from the view that it is the role of governments to provide security so that people can enjoy their rights, to the view that governments must restrict people’s rights in order to provide security. The result has been an insidious redrawing of the boundaries between the powers of the state and the rights of individuals.”

This securitisation of the state gives more power, legitimacy, and influence to police agencies and intelligence agents. This has implications for social movements, from climate justice to migrant rights. This golden fleece of security is found by labelling protesters using vague definitions of terrorism, and it means that police understand protest as a threat, which justifies militarised tactics to pre-empt, contain, and disrupt.

ON THE GROUNDS OF INTENT: PRE-EMPTIVE POLICING

When France declared a state of emergency in November 2015, most non-Muslim activists did not foresee that it would mean constraints

of the right and ability to protest. But in the lead-up to the 2015 climate summit, police used the state of emergency legislation to put at least 24 climate activists under house arrest, accusing them of flouting a ban on organising protests. The following spring, French police authorities forbade several activists from participating in labour protests or being near other protests. Their ban was justified by the Paris police chief Michel Cadot, who cited the ‘state of emergency law’ that allowed him to stop “any person seeking, by whatever means, to hinder the actions of the public authorities” from entering certain areas². Cadot argued that these people, who had been seen in past police brutality and labour demonstrations, had the intention to “participate in violent actions.”

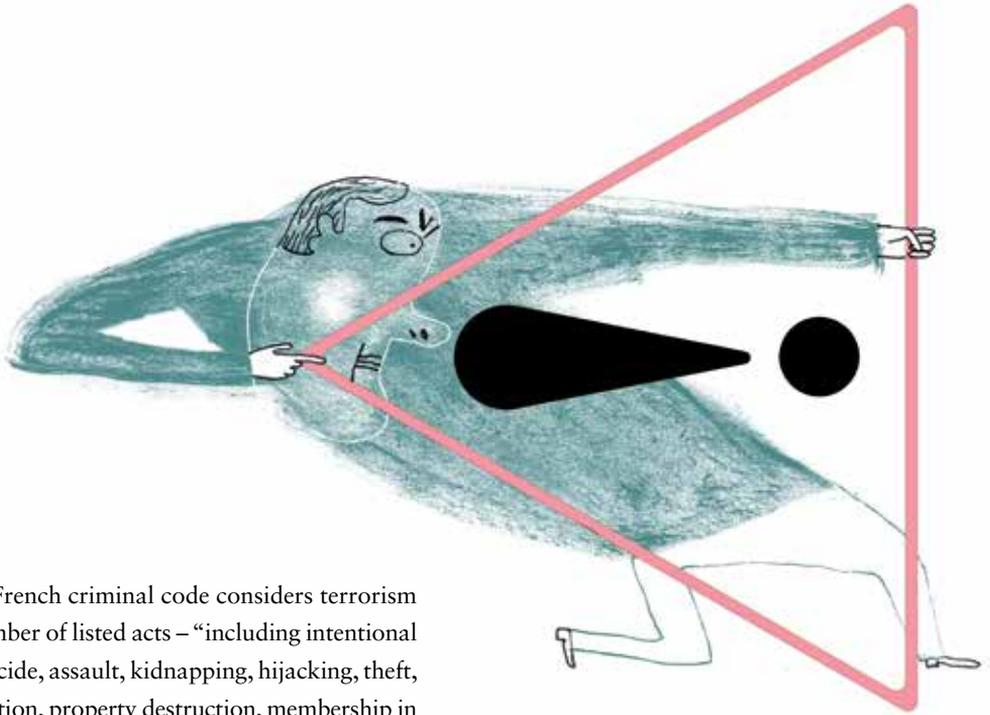
The police ability to limit protest activity on the basis of intent is part of a pattern. Amnesty International noted that the standards of proof of criminal activity that justify intervention are shifting from ‘reasonable suspicion’ to mere ‘suspicion’ and in some states, to no formal requirement of suspicion at all.

A CATCH-ALL DEFINITION OF TERRORISM

The power of state of emergency decrees varies but all rest on vague definitions of terrorism.

1 Amnesty International. 2017. *Dangerously Disproportionate: The Ever Expanding National Security State in Europe* <https://www.amnesty.org/en/latest/campaigns/2017/01/dangerously-disproportionate/>

2 Cross, Tony 2016. *France’s state of emergency used to ban activists from labour law protests*. April 16, 2016. RFI <http://en.rfi.fr/france/20160516-frances-state-emergency-used-ban-activists-labour-law-protests>



The French criminal code considers terrorism a number of listed acts – “including intentional homicide, assault, kidnapping, hijacking, theft, extortion, property destruction, membership in an illegal armed group, digital crimes, forgery”, and more – that are carried out with the goal of “seriously disturbing public order through intimidation or terror.” The question of what “seriously disturbing public order” means is unclear. “Preparing to commit an act of terrorism, and seeking, obtaining, and keeping material to be used for an act of terrorism,” are considered acts of terrorism. Also, “intelligence gathering and training for the purpose of carrying out an act of terrorism also falls under that definition, as does the habitual access to websites that encourage or justify terrorism.”³

The inclusivity of this description with the fuzzy goal of “seriously disturbing intimidation or terror” would mean that actions like pacifist damage of military equipment or animal rights

trashing of testing facilities could be considered terrorism. The EU definition is even broader, including offences to property which are committed with the aim of “seriously intimidating a population; or unduly compelling a government or international organisation to perform or abstain from performing any act; or seriously destabilising or destroying the fundamental political, constitutional, economic, or social structures of a country or an international organisation.” Given that strikes and civil disobedience actions like rail or highway blockades or even unpermitted mass marches or sit-ins have as their goal the destabilisation of economic and political structures, counter-terrorism initiatives have implications for the routine activities of social movements.

3 Buchanan, Kelly. 2015. *FALQ: Terrorism in France*. <https://blogs.loc.gov/law/2015/01/falqs-terrorism-in-france/>

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The openness in these definitions of terrorism has allowed police in France to lay terrorism charges against the Tarnac 9 environmentalist activists in France⁴. Similarly, terrorist charges have been placed on anti-dam activists in Ecuador, animal rights activists in the US, human rights activists in Syria, opposition activists in Bahrain, and Muslim activists in Ethiopia despite the fact that none of these activists have attacked or killed people. Of particular interest is the way definitions of terrorism are stretching to include “economic disruption”.

LEGITIMATE VIOLENCE: TAKING A HARD LINE ON PROTEST

Despite political assurances that counter-terrorism initiatives will not hamper human rights, the toleration of protest is declining. Activists are monitored, migrant communities raided, and protesters arrested. In Poland, counter-terrorism legislation includes “amending the country’s constitution to give the government the power to use the army in the country for anti-terrorist operations, introduce curfews, restrict the movement of vehicles, ban mass events, and reinforce border protection.”⁵

When protesters persist despite the efforts of emergency legislation and anti-terrorism charges, things can get ugly. Those activists who take to the streets, particularly those whom authorities see as a threat to business as usual, face a protest policing approach some observers have titled “strategic incapacitation” or “neutralisation”. In Canada and the US, this is a shift away from an emphasis on negotiation and permits, to a model whereby police attempt to evaluate the threat and risk posed by protesters. If the level is significant, police will attempt to pre-empt disruption through the spatial control of pens, barricades, or walls, or through pre-emptive arrests. If this does not succeed in

⁴ Human Rights Watch. 2016. *France abuses Under State of Emergency*
<https://www.hrw.org/news/2016/02/03/france-abuses-under-state-emergency>

⁵ Shaw, Steve 2017. *The Expanding European Security State*, in Global Comment. Feb 9, 2017
<http://globalcomment.com/the-expanding-european-security-state/>

reducing the threat, specialised units may be called in, sometimes armed with non-lethal weapons.

We've seen this style of protest policing become more common over the past twenty years. Indeed, weapons and strategies once used only in armed conflict are being used against demonstrators. It wasn't until 1993 that police first used pepper

(CS) spray against protesters in North America. By 2016, it had been used against protesters over 200 times in the US and Canada. In 2016, police sprayed protesters at least seven times in Canada and the US. Last year in Europe, police used the spray against Greek retirees, German and Austrian anti-fascists, anti-G7 activists, and British anti-racist activists. They used tear gas against French anti-fascists, German anti-austerity protests, and German squatters. Today, TASERS, stun grenades, and sound and water cannons are part of the police repertoire. However, in a context of emergency decrees and fuzzy definitions of terrorism, activists who distrust the police or those who wish to impact the targeted institution are increasingly seen as unpredictable, and thus threatening.

HOW DID WE GET TO
A POINT WHERE SAFETY
MEANS FEAR, AND SECURITY
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TO TERRORISM'

While risk and threat evaluations appear neutral and commonsensical, the logic overwhelmingly prioritises protecting 'critical infrastructure'. Any vulnerability and risk posed to this

infrastructure are considered as 'threats' or 'risks', whether they come from terrorism or disruptive protest. Risk assessments evaluate the vulnerability of a specific facility or system, with the goal of making a decision on implementing a plan to achieve an acceptable level

of risk at a cost. Threat assessments look at how attractive a target is to a range of potential attackers and sometimes at "terrorists' capabilities and intent."⁶ This means that sites of political decision-making move from being sites of political struggle to forbidden citadels.

How did we get to a point where safety means fear, and security means silence? The explanation needs to go beyond 'responding to terrorism'. Indeed, this shift is tied both to changes in political and economic power and changes in the field of policing and security⁷. Both have altered the way that police and security actors understand protesters and their own role in responding to protest. In combination, they can help to explain the perception of protest as threat.

6 Allen, Gregory and Rachel Derr. 2016. *Threat Assessment and Risk Analysis: An Applied Approach*

7 Della Porta, D. and Reiter, H.R. eds., 1998. *Policing protest: The control of mass demonstrations in Western democracies* (Vol. 6). U of Minnesota Press

GLOBALISING SECURITISATION

As is well understood, states are not what they used to be. Both neoliberal reforms, and transnational integration have meant that the capacity and desire of political leadership to be the absolute sovereigns of their domains has declined. Indeed, neither politicians nor police are able to manage transnational flows of people, violent actors, social movements, and investment. As a result, these leaders turn to transnational alliances and institutions. These range from the UN, to the EU, to Europol. This influences counter-terrorism operations through mandating strategy and harmonising operations. The UN Security Council Resolution 2178, adopted in September 2014, required states to pass laws to counter the threat of “foreign terrorist fighters”. Further encouraging integration, the EU’s European Agenda on Security argued that cross-border counter-terrorism initiatives must “drive better information exchange, increased operational cooperation, and mutual trust.” Within this regional infrastructure, there are monitoring projects like the Serious and Organised Crime Threat Assessment (SOCTA), as well as the European Union Terrorism Situation and Trend Report (TE-SAT)⁸.

This security apparatus relies on problematic assumptions about the role of the state and of police, about the danger of disruptive pro-

test, and of the nature of terrorism. They use a flawed framework that considers threat, rather than understanding political processes and root causes. Counter-terrorism operations are making things less secure by silencing dissent, by militarising protest, and by exacerbating the racial, class, and religious divisions, inequalities, and marginalisation that stimulate terrorist attacks. If we are interested in real security, we need to move in a different direction.



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⁸ Europol. 2017. “About Europol” <https://www.europol.europa.eu/about-europol>