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"State of Emergency"

A Scandalous Ban

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At a time when France is unanimous in paying homage, solemnly and poignantly, to the victims of the 13 November massacres in Paris, the Préfet (chief administrator) of the département of Charente Maritime has made an order banning the Climate March planned for La Rochelle on Sunday 29 November. This order threatens to break the nation's unity.

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Here is the order as communicated to the march's organisers by the Prefecture at La Rochelle :

« In the context of the state of emergency decreed by the President of the Republic and extended by the Parliament, the Préfet de la Charente-Maritime, Eric Jalon, has made an order banning public demonstrations in the Département, for any reason apart from homage to the victims. This applies from Saturday 28 November until Monday 30th at midnight.

« This ban targets public demonstrations that make demands, including those that are festive in character.

« This measure aims to forestall risks to public order in the context of the forthcoming opening of the COP21 Confereence and the strong mobilisation of the security forces required by the current situation.

« The La Rochelle marathon is not subject to this ban, being a sporting event with specific authorization.

«Persons participating actively in any demonstration organised in violation of the provisions of the state of emergency are subject to a penalty of up to six months imprisonment and a fine of 7500 euros, in accordance with article 13 of the law n° 55-385 of 3 April 1955 and its amendments. »

A member of the collective organising the march, Henri Moulinier, president of the Human Rights league in La Rochelle-Aunis, asks some questions :

« Is this not an abuse of power, a discriminating measure officially targeting demonstrations « that make demands », and jeopardising freedom of expression, although the organisers made repeated efforts to warn the Préfet and seek his advice over nearly a week, and a phone call from the prefecture to an FSU office-holder, on 20 November, authorized the march, explaining that an order was ready for the Préfet to sign ?

« Why this discrimination between March and Marathon in the same city, on the same day 29 November, one in the morning, the other after the end of the marathon ? It was known, according to the marathon's security officer (who expects 10000 runners and over 30 000 spectators on a very wide circuit around the city), that all the city's municipal police and a unit of CRS 17 would be mobilized on that day !
[...]

« With the other organizations that initiated this March, the members of the Human Rights League can only wonder about the discrepancy between the Préfet's authorization of the marathon and banning of the climate march, and worry about this kind of selective, demand-stopping measure, whereas another proposal could have been made, that of just having a human chain around La Rochelle's Old Port at 3pm, without prior march through the streets from

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2pm, following the pattern of what was (or had been) accepted by the Paris Prefecture for the capital city ».

ACDN, which was not among the organisers of the La Rochelle climate march for 29 November, shares their indignation at the prefectoral order to ban it, and has decided to join the collective.

It is indeed very unlikely that the Préfet, who represents central government, could have made this decision on his own initiative, seeing that he seemed on the contrary inclined to make an autorization order, and seeing that the organisers for their part demonstrated willingness for conciliation. To justify this ban on the grounds of security is clearly specious : if the forces of order are capable of providing protection for 40 000 people for the entire morning, then they can protect a few hundred people demonstrating for climate action, a few thousand at most (though the government might prefer fewer). Besides, the demonstration did not start with any clear « demand », since it aims at the government's own declared aim : to combat global warming. The Préfet must therefore have made this serious and embarrassing order only with the approval of the government, indeed at its request.

It follows that this decision sheds a stark light on many preceding decisions, starting with the president's request for parliament to extend the « state of emergency» for three months (renewable, according to the Minister of the Interior interviewed yesterday evening on France 2).

Up until now, one could at a stretch accept the banning of citizens' demonstrations, both national and international, planned for Paris on 29 November and 12 December in the context of the COP21 Conference. The ban could be justified by the priority need to ensure the safety of world leaders gathering at Le Bourget for discussions on climate, and placing the safety of the French people lower down - especially if the people's demonstrations affirm that climate change will not be solved by nuclear weapons or nuclear power, or by the production, sale, proliferation or use of weapons (in short by war and war industries). The modest demonstration planned for La Rochelle, through this ban, shatters this « explanation » and offers a « windfall effect » (let's hope that's not its real motive) : to permit the government to muzzle all popular dissent, all demonstrations making demands, whether the issue is professional, social, political or trade union... or even ecological ! For three months, perhaps six, and why not more ?

So the government must choose between two options :

- To confirm the Préfet's order and thus recognize that the « state of emergency » serves to suspend the right to demonstrate as recognised by the constitution, at least as much as the right to combat terrorism : « French citizens, if you march in the street to ask for anything, you risk 6 months prison and a fine of 7500 euros. »

- Or to suspend this order, to authorise the climate demonstration of 29/11 at La Rochelle, and also to prove that the people's security is really and solely their preoccupation, by suspending the transports of plutonium that cross France every week. ACDN requested this on 20 November, and noteed that they cross the Département of Charente Maritime.

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