

CHAPTER I

INTRODUCTION

A. Background

This research aims to analyse the reason of French Government to extend State of Emergency until July 2016, despite the critics of several International Organizations. On 13 November 2015, Paris was attacked by Terrorist that killed 130 people and wounded hundreds of people. Hollande said the attacks was an act of war which allegedly done by ISIS.¹ The incident happened in five different places in Paris and were almost simultaneously, at a concert hall, a major stadium, restaurant, and bars.

Right after the incident, at night, French Government declared a state of emergency for 12 days as a Counter-Terrorism policy. The State of emergency policy taken by the government is the condition where French authorities, especially the Ministry of Interior and police are permitted to have a wide range of powers at their own discretion. They can search houses, business, imposed residence orders, and confines public assemblies.² Those actions that usually needs a judicial order before the implementation can be implemented directly.

Three months after the implementation of State of Emergency by French government, polices have conducted a search into houses and suspected many people

¹ "Paris Attack: What Happened on the Night," The BBC, Retrieved August 01, 2016, <http://www.bbc.com/news/world-europe-34818994>.

² "Upturned Lives: The Disproportionate Impact of France's State Of Emergency," Amnesty International, Retrieved August 19, 2016, https://www.amnestyusa.org/sites/default/files/eur2133642016english_final_pdf.pdf.

without any clear reasons.³ Not to mention, reported by Amnesty International, by the end of January, 350 people were assigned to residence orders. Those people were required to report their activity several times to a police station. Moreover, as they are considered as public threat, to leave the town will not be allowed for them.⁴ For that reason, most of subjected people are losing their income because the requirement for reporting their activity to the officer limit their time to go to work.

In another side, Human Rights Watch interviewed 18 people about French Government's State of Emergency in January 2016. Those people were subjected to abusive searches-the police were rupture houses, restaurants, and mosques. In addition to that, their movements were also restricted by the authorities.⁵ Based on the principle uphold by Human Rights Watch, the practice of State of Emergency by the French authorities are violating the Human Rights value, the very idea of Human being that should be protected. Moreover, Human Rights Watch believe that the policy of state of emergency issued by French Government caused trauma to children, economic hardship, and stigmatised the targets.⁶

Several critiques were also given by society to express their frustration toward the implementation of state of emergency. One of the suspected person, initials K, said his live has been turned upside down. His wife does not work and their family rely on

³ Ibid.

⁴ Loc.cit

⁵ "France abuses under state of emergency," Human Rights Watch, retrieved November 16, 2016 <https://www.hrw.org/news/2016/02/03/france-abuses-under-state-emergency>.

⁶ Loc.cit

him, but he cannot work, as he is assigned residence order. Marc whose house has been searched, also commented the use of state of emergency by the authorities.⁷

However, in January, Francois Hollande demanded to extend the state of emergency for three more months after February 26, 2016 .⁸ The impact towards the societies cannot be denied, in particular, Civil Liberties such as freedom of expression. Eventually, the extension of policy was approved by parliament, even though many critiques are given to the intention of French government to have State of Emergency for the next several months, which hurts the national motto of France, *Liberte, Egalite, Fraternite*, due to the serious impact toward society. Moreover, not only once, it was extended again in May until July instead.

To resist the French Government Counter-Terrorism Policy, Amnesty International-the International NGO that support and campaign on Human Rights-called on French Government and parliament to cancel proposing the extension of State of Emergency after 26 February 2016 as one of their recommendations written in their publication on February 2016.⁹ Along with the critique of Amnesty International towards France State of Emergency, Human Rights Watch also criticises the implementation of French Government Counter-Terrorism Policy, which was

⁷ Amnesty International, Op.cit

⁸ Amnesty International, Op.cit. page 5

⁹ Amnesty International, Op.cit.

mentioned earlier. In another side, United Nations rights expert also urged the French Government not to extend their Policy beyond February 2016.¹⁰

B. Research Question

As the aforementioned background underlines, therefore the main issue is that, why did French Government extend State of Emergency on February - July 2016 despite the critiques of INGOs?

C. Theoretical Framework

To know the reason of State of Emergency extension by the French Government, regardless the critiques of several Organisations, one theory and one concept are used in order to elaborate and analyse the phenomenon, as follows.

1. Counter-Terrorism

On Joint Publication of Joint Chiefs of Staff, Counter-Terrorism is policy of state as an effort to neutralise the condition caused by Terrorism.¹¹ In addition, Counter-Terrorism is an operation to change according to the threat of terrorism.¹² The steps of policy will be taken based on the threat of terrorism; the measures of addressing the threat from “corrigible” group like Hezbollah will be different with Al-Qaeda.¹³ Therefore, most of the state which are attacked by terrorists is adjusting their method

¹⁰ “UN rights experts urge France to protect fundamental freedoms while countering Terrorism,” OHCHR, Retrieved August 21, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16966&LangID=E>,

¹¹ Bhatara Ibnu Reza and Rahmatika Febrianti, *HAM dan Politik Internasional: Sebuah Pengantar*, ed. Soedjtjpto Ani W. (Jakarta, Buku Obor, 2015), 69.

¹² Jason Rineheart, “Counterterrorism and Counterinsurgency,” Retrieved October 19, 2016, <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/122/html>.

¹³ Ibid.

of countering terrorist by the internal condition, society, politically, and the damage itself.

Counter- Terrorism is a policy, which is legal to be taken as it is stated in the most of constitution of the states. The use of force is often be the identity of Counter – Terrorism operation and it focuses to combat the terrorists. The operation involves many national agencies, from police institution, military, to intelligence agency. Each of them has their own capacity to succeed the operation.

France’s decision to declare state of emergency is an operation of countering terrorists attack. The government involves many parties in the operation, such as ministry of interior, police institution, military, and intelligence. The aim of the policy is to find the assailants and restore the public order.

2. Securitization Theory

Securitization can be defined as a transformation of normal issue into something that essential to be discussed by government. Moreover Buzan explains

to securitized meaning the issue is presented as an existential threat requiring emergency measures and justifying actions outside the normal bounds of political procedures...Based on a clear idea...securitization studies aims to gain an increasingly precise understanding of who securitizes, on what issues, for whom, why, with what results, and... under what conditions¹⁴

¹⁴ Barry Buzan et al, *Security: A New Framework for Analysis* (Lynne Rienner Publisher, 1998), 23-24

To understand the use of securitization for analyzing case, these distinctions of variables are made. There are three types of variables involved in securitization

(1) Referent object: things that are seen to be existentially threaten and that have a legitimate to survival (2) Securitizing actor: actor who securitize issues by declaring something –a referent object- existentially threatened (3) Functional Actor: actors who affect the dynamic of a security¹⁵

Securitization theory can be connected to understand the reason behind the extension of State of Emergency applied by French Government. The civil liberties which are the issues upheld by French Government is securitized because state of emergency is holding several liberties of citizen and breaking the law, such as freedom of movement, freedom of expression in public places (demonstration), the conduction of a house searches without warrant from justice.

The aforementioned explanation is supported by the theory of the state described by Max Weber. He stated that State is capable of making a decision and preferences. The use of violence to demand allegiance from the citizen is also allowed by the state. In addition, to reach the goals of the state, force will be used. It means that the necessary action shall be taken by the state if condition says so, because state authority is above all the inhabitants. Moreover, all the action decides by the state is legal as it is backed by the legitimacy.

¹⁵ Ibid, 36.

D. Hypothesis

Based on the background and theoretical framework, several hypothesis are taken. The state of emergency is a counter-terrorism policy to neutralize the condition after Paris Attack 2015. First, It was extended because the existential threat to France's survival from the civil liberties-upheld by government-even after the first implementation is still exist. Second, the freedom of expression and freedom of movement are dangerous for the national security and the state to manage public order and their agenda.

E. Research Purposes

1. To know the urgency of State of Emergency extension by French Government.
2. To know the reason behind French Government ignorance of several rights organisation critiques.
3. To apply the theory or concepts of International Relations to the International Issues.

F. Research Method

This research uses Qualitative method to answer the research question through deep interview, literature review, Publication and report analysis, and internet-data compiling. Qualitative research method involve a continuing interplay between data collection and theory to discover their relationship.¹⁶ Moreover, the qualitative research allows this paper to be conducted from afar, without having a compulsion to go to specific location.

¹⁶ Earl R. Babbie, *Practice of Social Research Method* (Wadsworth, Cengage Learning, 2013), 390.

G. Structure of Writing

Chapter I : This topic will be an introduction chapter of the problem. The requirements are the problem background, purpose of writing, research question, theoretical framework, hypothesis, methods of writing, the research area, and the structure of writing.

Chapter II : This chapter describes The Terrorist Attack in Paris, November 2015.

Chapter III : This chapter will examine the implementation of State of Emergency policy by French Government.

Chapter IV : The fourth chapter will analyse the Justification of French Government for ignoring the critiques of State of Emergency Policy, and extend the policy instead.

Chapter V : This chapter will be a conclusion that summarise the result of the data.