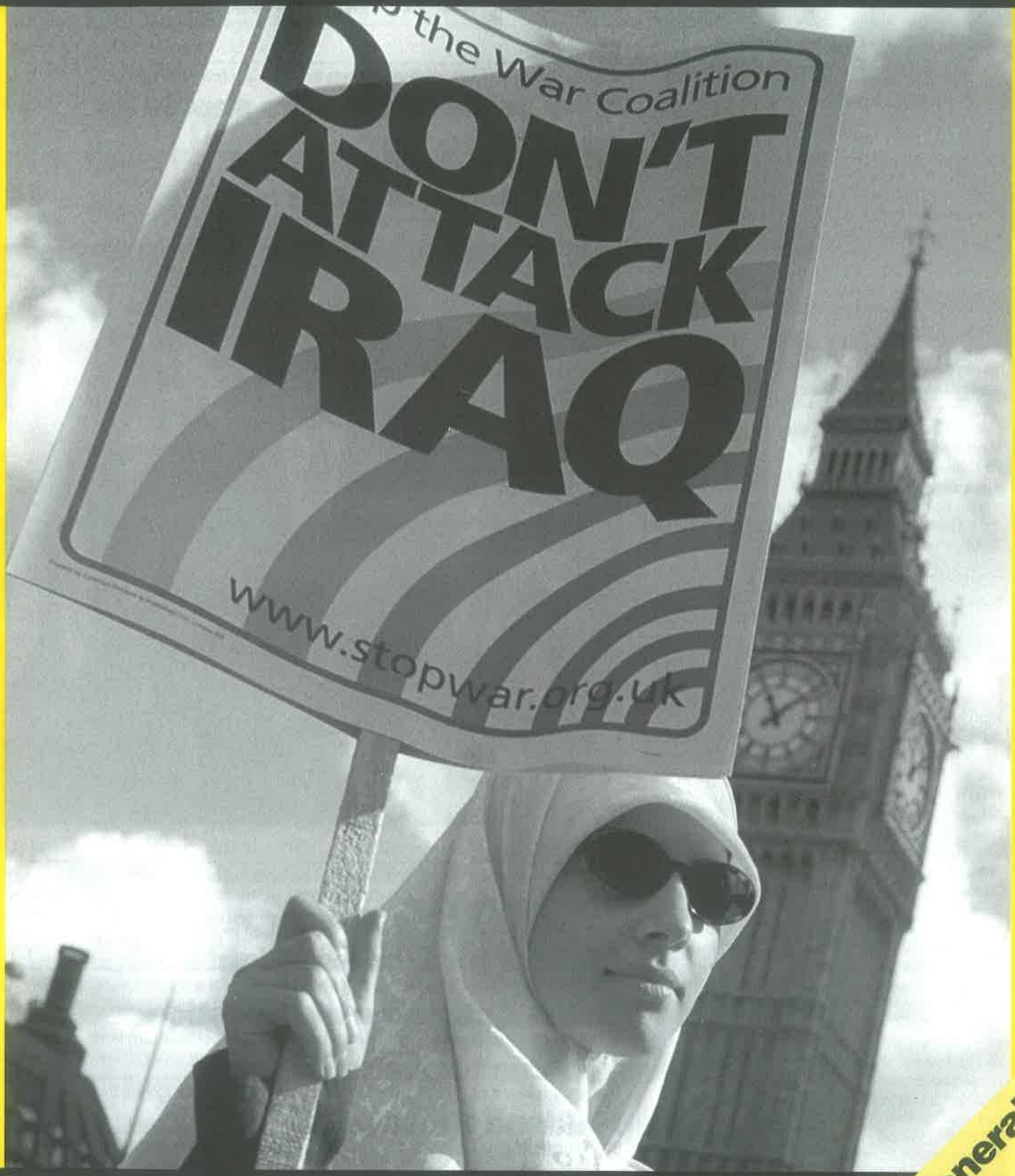
Socialist Lawyer

Magazine of the Haldane Society of Socialist Lawyers ■ Number 35 ● February 2003 £2.50



Why we should oppose the war Mike Mansfield
plus: **Freedom for Palestine** Asylum Act injustice
Mental Health **A Charter for Workers Rights**

Annual General Meeting
see page 11

Haldane Society of *Socialist* **Lawyers**

25a Red Lion Square, Conway Hall,
London WC1R 4RL Tel: 020 7242 2897

The Haldane Society was founded in 1930. It is an organisation which provides a forum for the discussion and analysis of law and the legal system both nationally and internationally, from a socialist perspective. It is independent of any political party. Its membership consists of individuals who are lawyers, academics or students and legal workers, and it also has trade union and labour movement affiliates.

President: vacant
Vice Presidents: Kader Asmal; Louise Christian; Jack Gaster; Tess Gill; Helena Kennedy QC; Michael Mansfield QC; Dr. Paul O'Higgins; Michael Seifert; David Turner-Samuels; Professor Lord Wedderburn QC
Chair: Catrin Lewis
Secretary: Rebekah Wilson
Treasurer: John Hobson
International Secretary:
Bill Bowring, tel: 020 7753 5346,
email: b.bowring@unl.ac.uk
Membership Secretary:
JB Louveaux
Executive Committee:
Adrian Berry; Claire Bostick; Bill Bowring; John Hobson; Soraya Lawrence; Catrin Lewis; JB Louveaux; Neil McInnes; Frances Meyler; Maxine Pieri; Monica Pirani; Hannah Rought-Brooks; Nick Toms; Rebekah Wilson
Regional Contacts:
■ West Midlands – Brian Nott, Flat 2, 40 Chancery Lane, Moseley, Birmingham B13 9DJ
■ Manchester – Neil Usher, Kenworthy Buildings, 83 Bridge Street, Manchester M3
Haldane Sub-committees;
■ Crime – will now meet on the last Monday of every month at 6.30pm at the Haldane Offices, 25a Red Lion Square, Conway Hall, London WC1R 4RL. Tel: 020 7242 2897
■ Employment – meets at the Haldane Office on the third Tuesday of the month. Contact Daniel Blackburn: haldane@ictiv.org
■ International – contact Bill Bowring b.bowring@unl.ac.uk
■ Student – contact: tomhenrybradford@hotmail.com
■ Haldane Society Women's sub-committee – Anyone interested in discussing the issues facing women involved in the legal system should contact Rebekah Wilson at: Tooks Court, 020 7405 8828; email: rebekahmaxinew@hotmail.com
■ The Immigration and Asylum Committee is interested to hear from people who would like to join or to participate in the work of the Committee. The Committee meets every four to six weeks. We campaign on Immigration and Asylum issues from a socialist perspective. If you are interested in the work of the committee or would simply like to join our email list and find out more about us, please send an email to adrianberry@mac.com

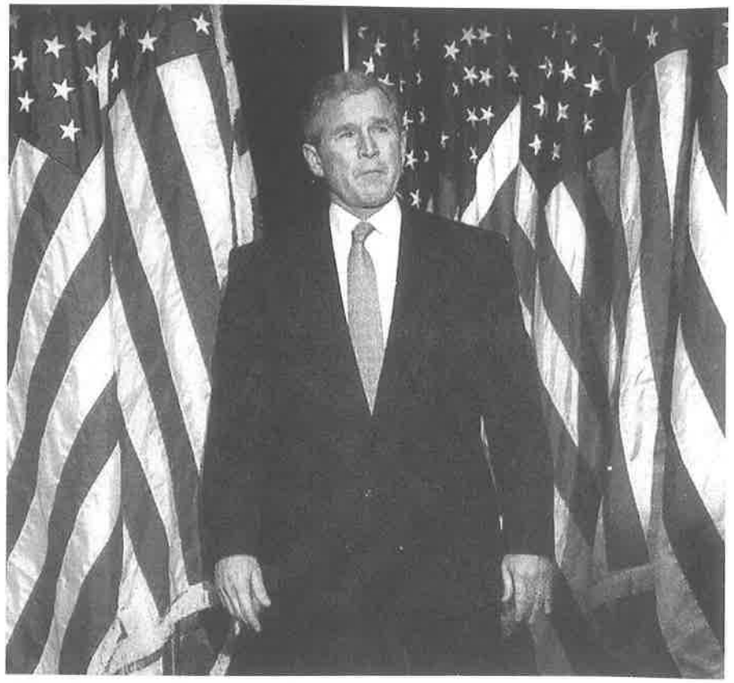
Contents

Number 35 *February 2003* ISBN No 09 54 3635

News 4
Reports, extracts, opinions and snippets from the last few months

'Why socialist lawyers should be against the war' 12
Rebekah Wilson reports from Mike Mansfield's meeting

In the name of the law? 14
The text from John Strawson's talk on 'US Hegemony After 9/11'



Palestine 16
Claire Bostock reports back from a crucial conference on the middle east

The jury's out 20
What is the Criminal Justice Bill for? Andrew Katzen explains

Charter for Workers Rights 22
John Hendy and Carolyn Jones outline the prospects for a workers rights charter

Same Act, same old injustice 26
Sadat Sayeed grows weary with Blunkett and New Labour's asylum laws

You don't have to be mad 28
The government's proposals for a Mental Health Act got Nick Cohen thinking

Haldane News 30
Bill Bowring reports on the Society in Europe; plus Haldane notices

Editorial team: **Catrin Lewis, Adrian Berry, Claire Bostock, John Hobson, Tahmina Molla, Marina Sergides, Rebekah Wilson, Dominic Teagle, Hannah Rought-Brooks & Neil McInnes** *Production editor:* **Andy Smith**
Printed by **East End Offset, London E3** *Cover picture:* **Jess Hurd**

Editorial

Public **meeting**
see inside back page

The fire this time

As this issue goes to press, Tony Blair edges closer to committing British troops to a US-led invasion of its erstwhile ally Iraq. This is a war that is certainly illegal, definitely immoral, and as is increasingly apparent, fraught with danger. At the same time, the unresolved Firefighters' dispute has placed the spotlight firmly on industrial relations, more so than at any stage since the emergence of New Labour.

A few facts. The FBU ballot over pay saw 83 percent of papers returned. Of those, 86.7 percent voted for a programme of industrial action in support of a thoroughly researched and thought out claim. Anyone who has ever been involved with the complexities of a trade union ballot will recognise the incredible achievement of securing such an result.

Such a mandate, however, was not surprising. From 1981 to 1999 calls to the fire service rose by 78 percent in England and Wales, from 541,140 to 965,200 (source: Her Majesty's Chief Inspector of Fire Services). Yet the number of full-time Firefighters were nevertheless reduced by 2.5 percent. Despite this, the 2000-2001 Audit Commission figures record that Government recommended times and targets for attendance times were met 96 percent of the time.

The earnings of qualified Firefighters have been linked to that of basic manual workers since 1978 (in the wake of the last national strike), but there is a wealth of evidence that recognises that the jobs of those in dispute now bear little resemblance to the public service they provided in the late 1970s.

The resultant spin and distortion by a disorganised Government was predictable. That a committed section of public sector workers, demonised as being 'opposed to modernisation', should have attracted such overwhelming public support during their 10 days of strike action was unanticipated. But the FBU's arguments certainly hit a chord with many in the public sector and beyond, who are familiar with 'targets' and 'downgrading', redundancies and casualisation, and the unprecedented and serious attacks on their pension rights.

'Modernisation', with its implied closure and sale of inner-city fire stations, follows the pernicious sale of children's playing-fields and school land in the interests of local building developers.

While New Labour panics about youth criminality, Firefighters quietly carry on with their commitments to long-term education and community programmes such as the anti-social nature of joy-riding. These men and women are committed public servants, not politicians awarding themselves huge pay rises while at the same time demanding a cracking down on the dropping of chewing gum or – in the case of the Birmingham shootings – offering embarrassing back-of-the-fag-packet explanations for gun crime and its impact on communities and young people in particular.

While the Firefighters' case has been admirably made, the dispute also challenges the Left in terms of its organisation and outlook. What will the left do to attract and mobilise a new generation that has reacted with enthusiasm at the sight of firefighters' picket lines, sparking discussion in playgrounds, workplaces and homes?

What is certain is that the myth that young people are not interested in politics has been shattered. The vast numbers – some 400,000 – who marched on the Stop the War demonstration last September also shows that.

In the immediate future, with the frightening thought that war is increasingly likely, socialists and progressives everywhere must focus on building and supporting the coalition against the war, specifically the march in London on 15th February. The difficult task of maintaining those common links and new alliances will follow. We must be ready to rise to the occasion. ■

Stop the war demonstration: Saturday 15th February, London. Haldane Society members meet outside Temple tube station at 12 noon.

400,000 on the streets of London

HUNDREDS OF thousands of people took over central London on the last Saturday of September to march against war on Iraq. The size of the demonstration was stunning, with many marchers still waiting to leave the Embankment while speakers were addressing demonstrators as they poured into Hyde Park.

Euan Ferguson wrote in *The Observer*, "Scotland Yard said at 2pm that perhaps 40,000 had turned up. The Stop the War Coalition claimed the total was more than 350,000. The police reluctantly moved up to 150,000, and the truth was, if anything, higher than either. It was a big, big, important march, and quite angry and quite mixed."

Muslims, trade unionists, students, peace campaigners and community groups carried home-made placards attacking Bush and Blair as war criminals, demanding justice for the Palestinians, and declaring that a war on Iraq was really about oil.

The speeches only ended when the police threatened to cut the power, but the marchers knew they had taken part in an historic event. Many, many more wish they could have been there too. It was a confident declaration to Tony Blair and George Bush that the anti-war movement is growing and is determined to stop any war on Iraq. ■

Fantastic Florence

THE EUROPEAN Social Forum (ESF) in Florence, Italy, vastly exceeded even the most optimistic predictions. It did not just succeed – it was a political triumph. Around 60,000 people took part in the three days of meetings leading up to the anti-war demonstration. People came from every continent, and from 105 countries. There were students and trade unionists, unemployed people and pensioners, activists and campaigners.

The forum was sustained by 1,000 volunteer workers, and made possible by translating many meetings simultaneously into five languages. No wonder the thought of it terrified the right. The Italian state, headed by Silvio Berlusconi, tried to stop the forum. There were threats to ban it, and then dire rumours about how vandals and anarchists were coming to burn Florence down.

All of this intimidation came to nothing. Berlusconi had to back off because of the groundswell of support for the forum and the trade union backing for it. The vast majority of Florence's inhabitants enthusiastically welcomed the forum. On the Saturday's anti-war demonstration local people lined the roads to applaud the protesters, sing socialist songs with them, take up their chants, and hand out food, wine and water.

The forum organised 30 rally-type meetings, 160 seminars which were slightly smaller, and a further 180 workshops. On one morning you could go to big rallies – between 500 and 5,000 strong – on globalisation and the alternatives, food production, "no justice, no peace", the emergence of the far right across Europe, in defence of people denied rights, or on how to take back control of the media and culture.

One meeting on the threat posed to us all by the General Agreement on Trade in Services (GATS) was so huge that it had to be held twice in the same session – and then there were so many still wanting to hear it that it had to be held again. On Friday evening around 15,000 people were listening simultaneously to meetings.

Of course not everyone agreed about what was said or said the same things. There were differences over the relation between the anti-capitalist movement and political parties. There were debates over whether leadership is needed, and what leadership means. But there was an overarching sense of unity. And every day the general feeling grew more radical.

But the meetings were just one part of the forum. In a giant hall you could walk round two floors of stalls put together by hundreds of unions, political parties, campaigns and movements. You could pick up a list of restaurants offering cheaper food to ESF delegates and be sure of a smile when you arrived wearing your ESF badge. The forum was a daily rolling 12-hour protest meeting, a popular university, and a place to enter discussion and make friends. It was an artistic space and somewhere to talk for hours about everything.

The first day was big. The second was almost twice as big. Tens of thousands of young people poured in. Whole classes in local schools were empty. Some colleges had to virtually close. The forum became a magnet for everyone who wants change. It was a focus for all those who are sickened by the war drive, who hate inequality and poverty, and who identify with the forum's slogan: "Another Europe is possible. Another world is possible".

The forum was a huge step forward for the movement that burst into view at the anti World Trade Organisation protests in Seattle at the end of 1999 and developed in Genoa in June 2001.

The pace and extent of the change is so great that perhaps after Florence we should talk of a new movement, a new European left which is offering a potential that has not existed for years. The forum met with the world in the shadow of war. It offered a cry against all the horrors of capitalism, but also pointed towards the battles that will be necessary to do away with those horrors.

One of the most inspiring meetings was a 1,500-strong forum on Eastern Europe.

Andrej Grubacic from Belgrade in Yugoslavia set the tone for many contributions when he talked of the devastation caused by a decade of market capitalism. This had created so much bitterness that the danger was that people would look either to Stalinism or to fascism. He said there was an answer in "a return to the original socialist ideal" of genuinely democratic, participatory planning. There was a desperate need for an alternative, said Alexander Buzgalin from Russia.

But "the fact that there are so many of us here shows that another world is possible." He spoke about the deep class divide in his country and about a new spirit of resistance – "the first small steps in the building of a movement". ■

"We have had a very big victory in Florence. We have shown the world the true face of our movement. We are democratic, diverse, peaceful. The future is on our side." **Walden Bello**, Philippines activist.

"I am one of the founders of the association of victims of 11th September, and this will not be a war in their names. I am here because my brother was murdered that day. We need more marches against war." **Colleen Kelly**, sister of 11th September victim.

"This event has been an inspiration for me. There are tens of thousands of people, from all kinds of backgrounds, united in our determination to understand the capitalistic system and how we can fight it. I've met people from around the world, from Latin America, Colombia, Brazil, and even from the United States. I have been to massive forums on neo-liberalism, on the war, on privatisation, on women, on everything." **Serena Salelia**, Florence.

Picture: Jess Hurd / reportdigital.co.uk

Septemb

28: 400,000 demonstrate in London against war on Iraq.

October

4: United Nations Committee on The Rights of The Child urges Britain to change the law which allows parents to smack their children. John Denham, minister for young people, deems a 'mild smack' a perfectly "reasonable" response from parents.

6: Palestinian leader Yasser Arafat signs into law a bill naming Jerusalem as the Palestinian capital in response to a new US law which called for the city to be regarded as Israel's capital, sparking anger among Palestinians.

12: Unanimous not guilty verdict in 12 charges against Asian youth who defended their community in Burnley from racist attack.

29: Brazil: Workers party leader Luiz Inacio Lula da Silva, elected president.

November

24: Riot at Lincoln Prison, it took more than 550 prison and police officers eight hours to regain control during a night in which three prison officers and 27 inmates were injured.

5: Court of Appeal rules a gay man has same rights as spouse or cohabitee to take over a tenancy. Three appeal court judges used the Human rights Act to overturn House of Lords ruling

6-10: European Social Forum in Florence, one million march against war and capitalism

14: Health secretary, Alan Milburn, pledges controversial mental health bill would be reintroduced in the current session of parliament.

All 15 members of the UN security council vote unanimously for the American and British resolution on Iraq.

Victims the law left out

"Justice for all" has been the blandishment used by the government to herald many of its legislative proposals in the Queen's speech. In particular, emphasis has been put on the need to redress the balance in favour of the victim. There are, however, a large number of victims for whom those words held no meaning.

This group has grown with alarming speed and runs into thousands. They have suffered harrowing loss of life in the many disasters which have beset our daily lives – on the railways (Clapham, Southall, Paddington, Hatfield, Potters Bar); at sea (Zeebrugge); on the river (Marchioness); in the air (Concorde); in the workplace (Piper Alpha); in the care of social services (Victoria Climbie). Beyond those well-publicised events is a raft of others too numerous to detail.

In every case relatives and friends, and the survivors themselves, have one overriding concern – accountability. They want those responsible brought to book. Not so much the individual whose hand is on the wheel, but more the corporation or institution whose directors or managers may have permitted a structure or system to exist within which a combination of fault has caused death.

During the Marchioness inquiry in 2000, Eileen Dallagio, who lost her 19-year-old daughter, pleaded: "As we approach the 12th Christmas without our children, our brothers and sisters, our family and friends, we ask this investigation to begin the process of fundamental change in legislation which still allows the spectre of corporate greed to overshadow responsibility and accountability."

No doubt it was sentiments such as those that made then home secretary Jack Straw announce reforms to the law on involuntary manslaughter that had been mooted by the law commission in 1994. Mr Straw claimed that he was "scandalised like everybody by the fact that corporations or their directors had very little penalty for some very reckless and negligent things that have occurred".

New offences of reckless killing, killing by gross negligence and a third offence involving minor injury, would apply to over 3.5 million businesses, charities, schools, hospitals, other public bodies and undertakings. Mr Straw observed that the law was ineffective because "all too often in the past organisations have been able to escape liability for errors where, if an individual had been responsible they would have been convicted".

Over the years it has proved well nigh impossible to mount successful prosecutions – they do not exceed single figures in the history of English law. The difficulty has been identifying the person who embodies the company – the directing mind and the chain of causation. It is even more complicated with bigger companies, with fragmentation caused by privatisation, where responsibility for safety is diffuse and divided between several related bodies. Personnel are not only transient, the buck is passed with ever-increasing speed.

To solve this, the corporate homicide bill, presented on 18th April 2000, provided that a corporation would be guilty of corporate killing if a management failure by the corporation is the cause, or one of the causes, of a person's death. "Failure" was defined as "conduct falling below what can reasonably be expected of the corporation, particularly if it fails to ensure the health and safety of persons employed or members of the public affected by its activities". The responsible corporate officers are deemed to be the chairman, managing director, chief executive or secretary.

John Prescott weighed in behind these measures: "The law must come down hard on those who persistently put people in danger. Health and safety is a priority issue for those at the top of all organisations and they must be prepared to face the consequences of ignoring the law: in the future that could well mean prison."

No sooner said than dropped. The fate of the corporate manslaughter bill is shrouded in mystery. There has been a resounding silence punctuated by the occasional whisper that all would be remedied in a health and safety bill. Such a bill is forecast in the Queen's speech. It will establish an independent railway accident investigation branch in line with Lord Cullen's recommendations. Yet the bill makes no mention of corporate manslaughter.

Even in America, big business is threatened by prison sentences and punitive damages and, ultimately, offending companies can be closed down. Here in the UK, however, there can only be one message. New Labour's enduring affair with big business cannot be jeopardised by the threat of criminal sanctions.

■ **Michael Mansfield**

First published in *The Guardian*

Queen's Speech main law and order points:

- Reforms of criminal justice system "at heart of government's programme"
- Retrials for those acquitted of serious offences "where new and compelling evidence emerges"
- Crown and magistrates courts to be combined into one organisation
- Bills to tackle anti-social behaviour, to reform laws on sexual offences and improve international cooperation in tackling crime
- Abolition of fixed opening hours for premises selling alcohol.

November

13: Queen's Speech: Double jeopardy rule scrapped.
19: Government White paper published overhauling laws on gay sex, rape, child prostitution, child abuse, incest and treatment of sex offenders.

20: European parliament vote to give temporary workers the same statutory rights as fulltime workers from the first day of employment. The Government plans to amend the directive.

21: Nazi British National Party win Mill Hill ward council seat in Blackburn, Lancashire (Foreign Secretary Jack Straw is MP there). Result: BNP 578, Labour 562, Liberals 505 (previously held seat), Tories 154. Turnout: 39%.

23: Government promises to repeal or amend 97 laws and review further 200 that ban the publication of information held by Whitehall. Info released could include safety reports on rail crashed such as Potters Bar and Ladbroke Grove.

Couples register for gays

The government has announced its plans for a 'same-sex partnership register' giving new rights to gay couples. Along with the register, Barbara Roche, minister for social exclusion, announced a raft of other rights which are currently only enjoyed by those who are married. Although there are of course many more months of consultation, it is hoped that the bill will be before parliament this Autumn.

Unfortunately, Lord Lester's proposal for "civil partnerships" for all unmarried couples, both heterosexual and homosexual, has been dropped. Ministers were concerned that, while both Conservative and Liberal Democrats back greater protection for same sex-couples, the Tories would oppose extra rights for opposite-sex couples as undermining marriage.

The changes for same-sex couples will increase their rights to those traditionally held only by heterosexual married couples – namely property and inheritance rights in the absences of a will, inheritance tax exemptions and the right to be considered the next of kin (allowing gay couples to register partner's death, decide on funeral arrangements and be consulted on medical treatment if a partner is unconscious). People will no longer be turned away from their partner's hospital beds because they are not officially recognised as "next of kin" or evicted from their home after their partners death.

Gay and lesbian firefighters on the march in November

Picture: Jess Hurd / reportdigital.co.uk

An example of the changes that are already beginning to take place can be seen in the new civil service pension scheme, launched last October. It is the first public sector scheme to recognise cohabiting heterosexual and same-sex partners as eligible for benefits in the same way as married spouses.

Same-sex couples living in the capital can already register their partnerships in a "partnership register" brought in by the Mayor of London. The register allows couples to declare their commitment to each other and sign a document giving their relationship mayoral recognition (albeit not legal recognition). The first registration events took place at the greater London Authority's former headquarters in Victoria last September. A year on, 314 gay partnerships have been registered.

Barbara Roche said there was an "extremely strong case" for allowing same-sex couples the chance to register their relationships. A spokeswoman said "Gay couples don't have the option of marriage. The lack of legal status causes serious problems for gay couples." Colin Hart, director of the Christian Institute, said the registration plan did equate gay relationships with marriage, whatever ministers said, "If the special benefits of marriage are given to those in homosexual relationships, then marriage becomes devalued".

However, although the proposal is a step in the right direction and the spirit of it is clear, the detail will prove a battleground. What arrangements, for example, will be in place for settlement of disputes if partners separate? What pension rights will same-sex couples have during life? The move is unlikely to satisfy all gay rights campaigners either.

Some campaigners argue that the law should go further and allow gay couples to marry. A recent poll by a gay website – Gay.com – showed that over 57 percent of the 10,000 lesbian women and gay men across the UK wanted marriage.

■ **Marina Sergides**

24: David Blunkett to change the law to hand over to judges his power to set minimum jail terms for convicted murderers, after seven law lords ruled that the home secretary's role breached the European convention on human rights.

26: Law lords unanimously rule that politicians should play no role in establishing the length of sentence individual offenders should serve.

30: Government eyes plans to replace 'Exceptional Leave to Remain' status with more tightly drawn category called 'humanitarian protection'. They expect it will cut around 12,000 from those allowed to stay.

December

2: Mark Thomas, the 'political comedian', joins Warzone Whitehall Action, a non-violent die-in against war and sanctions on Iraq held in Whitehall Place, Whitehall. Organised by Voices in the Wilderness.

Numbers just keep rising

It's a scary thought to think that by the end of the decade, the prison population in the UK could reach 110,000. Statistics obtained from the Home Office currently places the figure at 72,500, a rise of 30, 5000 since 1990.

It seems that the lord chief justice Lord Woolf's call for a more cautious approach to prison sentences has not dampened the courts 'love affair' with custody. Lord Woolf has repeatedly asked the courts to use jail only as a last resort for dangerous, violent and sex offenders and recently stated that jail overcrowding is a "cancer" eating at the ability of the prison service to achieve its objective of protecting the public from crime. Unfortunately his request has failed to stem the rise. In December 2002, prison officers and probation officers warned that a new jail building programme – with up to 40 extra prisons – would be needed to house the extra inmates.

This growth is a stark parallel with that of the USA. Over the last 20 years, the number of prisoners has surged in every state in the country. While the nation's population has grown by only 20 percent, the number of Americans held in local, state, and federal lockups has doubled – and then doubled again. The United States now locks up some two million people. That's far more than ever before, and more than any other country on earth, and the number is still growing.

How did this happen? Some would argue that the answer has little to do with crime, but much to do with the perception of crime, and how that perception has been manipulated for political gain and financial profit. Courts to politicians have increasingly turned to tough-on-crime policies as guaranteed vote-getters. That trend has been encouraged by the media, which use the public's fearful fascination with crime to boost ratings, and by other businesses whose profit depends on mass-scale incarceration.

Speaking to judges and lawyers at Manchester town hall, Lord Woolf said the judiciary had to accept some of the blame. But there has been a continuous upward pressure on sentences from public opinion, the media, and the government. Lord Woolf further stated that the punitive approach had been tried and had failed. A wider range of community penalties would enable courts to give offenders incentives to take part in drug rehabilitation, restorative justice and other programs geared to preventing re-offending.

David Roddan of the Prison Governors' Association said: "It seems incredible that a modern government's only response to public concern about crime is to lock more people up, regardless of the cost to the taxpayer.

Juliet Lyons of the Prison Reform Trust said the figures were shattering admission of defeat: "It is a matter of national shame that we routinely lock up those in need of care or treatment and then release them from our overcrowded jails more, not less, likely to offend".

However, in a recent attempt to tackle the growing crisis, David Blunkett is pushing courts to abandon prison sentences below six months. There is a growing pressure that the courts should avoid giving short sentences wherever possible because it does not give enough time for rehabilitation programs to make any difference. The move would vastly reduce the pressure on prisons in which more than half of the prisoners are serving short sentences. If no prisoner was serving a sentence of six months or less, the male prison population would be cut by more than 40,000.

Government Minister Hillary Benn said : "We do not advocate any policy that will push up the numbers of those in custody for its own sake. Sentencing must be effective in preventing reoffending, and in many cases, prison will not be the most suitable option"

Treasury funds of £275 million have just been agreed to provide new prison places next year, with a review ordered "to look for longer term answers to stop major increases in the prison population". New measures in the criminal justice bill are expected to divert some inmates to community punishments, but the overall impact of the legislation will be to add just under 1,000 to the daily prison population.

The lord chancellor stated that the government's criminal justice proposals provided "a vision of what might be achieved by diverting offenders from crime without burdening our prisons". But that vision depended on input from the probation service, and had no hope of being fulfilled unless the service was given much greater funding. Otherwise, judges would shun community-based sentences.

Time will tell.

■ **Marina Sergides**

> "It is a matter of national shame that we routinely lock up those in need of care or treatment and then release them from our overcrowded jails more, not less, likely to offend" **Juliet Lyons, Prison Reform Trust**

December

3: Government abandons official targets set in 1998 by Keith Hellawell, former drugs tsar, to cut amount of Class A drug abuse in Britain by 25 percent by 2003.

6: New legal rights for gay couples. Same-sex partners to get property and inheritance entitlements, but new law will not extend to recognition of unmarried heterosexuals.

10: Former US president Jimmy Carter received the Nobel Peace Prize! Despite his own dubious presidency, Carter used peace prize speech in Sweden to condemn current US policy.

14: Transsexuals will be given the right to apply for substitute birth certificates stating their new sex and to marry in their adopted gender. The measure, which is unlikely to become law until 2004, follows a 33-year battle by transsexuals for full legal recognition. A transsexual who was born a man but became a woman, for example, will be entitled to marry a man, be issued with a birth certificate stating her sex as female and receive a state pension at age 60.

In the 1970s, Dumisa Buhle Ntsebeza spent 137 days in solitary confinement under apartheid. Now, as a human rights lawyer, he is seeking reparations from companies like IBM and General Motors that did business with South Africa.

17: The US asked Britain if it can use the RAF Fylingdales early warning station, North Yorkshire, as part of its missile defence strategy.

29: A total of 94 prisoners took their lives in 2002, compared to 73 the previous year, according to the Howard League, who blamed the 28 percent rise on the rising numbers of inmates.

CND's legal battle 'a first'

The Campaign for Nuclear Disarmament failed in December in its bid for a high court declaration that it would be against international law for the UK to wage war against Iraq without a fresh United Nations resolution. Three judges ruled the court had no power to declare true interpretation of UN security council resolution 1441 which set out Saddam Hussein's disarmament obligations. CND had argued resolution 1441 did not authorise the use of force in the event of a breach of its conditions.

The application, made on CND's behalf by Rabinder Singh QC, a colleague of Cherie Booth at Matrix chambers, was against the prime minister; the foreign secretary, Jack Straw; and the defence secretary, Geoff Hoon.

Mr Singh argued that there was a "general principle of international law" prohibiting force unless it was in self-defence or specifically authorised by the security council. Neither of those exceptions to the principle applied. Yet Mr Straw and Mr Hoon had both made statements which suggested that Britain would act without a new UN mandate.

It was the first time that a UK government has faced such a legal challenge over the possibility of a declaration of war. CND argued there was great public interest in ensuring that the government had judicial guidance on what the law actually was, so that it did not embark on military action in the mistaken belief that it was lawful to do so when it was not.

Picture: Jess Hurd / reportdigital.co.uk

But the judge held that the court had no jurisdiction to interpret a UN resolution that had never been incorporated into domestic law. In any event, he said, the court would decline to embark on the determination of an issue if to do so would be damaging to the public interest in the field of international relations, national security or defence. CND's claim was therefore "non-justiciable".

The judges refused CND permission to appeal, although it can still seek permission from the court of appeal.

CND had earlier made legal history when judges agreed to cap its bill for legal costs if it lost the high court case. They held that the exceptional nature of the case justified them making an order that, if CND lost, it would not have to pay more than £25,000 towards the government's costs. The ruling was a blow to the government and CND's solicitor, Phil Shiner, said: "This is the first time ever that a court in this country has made an order of this nature. CND is a relatively small organisation and, in a case of such public importance, it was crucial that it should proceed without having to put its individual staff or campaigning activities at risk through having to meet a huge costs order." ■

Damilola report is just a whitewash

What was learned from the death of 10-year old Damilola Taylor? After a £10 million trial at the Old Bailey, the four charged with his murder were discharged or acquitted. An eight-month review reported in December. Its conclusions were that the police were not at fault but blamed the judge who excluded evidence. It then commended police on 'innovative' tactics in obtaining evidence of confessions from fellow inmates. The panel was made up of two senior police officers, a police inspectorate and a bishop. Not surprising that they found that it was not the police's fault!

The report virtually ignores the inducement offered to one key witness of £50,000 or that the 'evidence' against the four was little more than living locally and were known to the police.

The *Mirror* ran an editorial which rightly concluded: "Once the evidence was looked into, it should have been clear there was not enough to secure a conviction. Instead, the police continued to do everything they could to create a case against them". The Damilola report has done nothing to address this.

The Taylor family was victim to another police investigation that tried to bring a prosecution at any cost.

■ **Matt Foot**

Juveniles secure protection

A landmark decision in the High Court means juvenile prisoners are now entitled to the same legal safeguards as every other child in the UK.

In judicia review proceedings, the Howard League for Penal Reform argued that Prison Service regulations which exclude child prisoners from Children Act 1989 welfare protection are unlawful.

Ruling in the case, Mr Justice Munby said the League's evidence pointed to the "degrading, offensive and totally unacceptable treatment" of juvenile prisoners. He said prison conditions for UK children ought to "shock the conscience of every citizen".

As a result of the Court's decision, prison reform campaigners are hopeful that jail conditions for the more than 2,5000 juvenile prisoners in the UK will significantly improve. Bringing proceedings against the Home Office, Frances Cok, Director of the Howard League, said juvenile prisoners are at risk of serious harm under a prison regime which leads directly to widespread incidents of violent assault, self-harm and suicide among young prisoners.

Central to the legal challenge ws a Prison Service Order which states that the Children Act does not apply to Prison Service establishments (PSO 4950).

The Howard League put forward evidence that child prisoners were routinely subjected to periods of virtual solitary confinement lasting up to 28 days. Prisoners were confined alone with no access to radio or television. The Howard League argued practices under the PSO are punitive and would be unlawful in any other UK setting as they contravene the Children Act.

During the period April 2000 to january 2002 there were 3,776 recorded incidents of segregation. Forty-three percent of prisoners are violently assaulted each year and suicide among juvenile prisoners is running at three deaths every year. Following the Court's decision, the Chief Inspector of Prisons from 1996-2001, Sir David Ramsbottom, said: "If Ministers and the Prison Service had obeyed the law regarding the treatment of and conditions for juveniles coming into their care, this case need never have ben brought."

However, the Court stopped short of finding the PSO unlawful. Rather, it underlined the statutory duty placed on Social Service Departments to intervene in prisons where Children Act standards of care are not upheld. The ruling means that a case can now be made that where a Social Services Department has failed to remove to a place of safety any juvenile prisoner at risk of significant harm, self-harm or suicide, the Department may be in breach of its duty of care under the Act. The place of safety should be a Local Authority Secure Unit. LASU's are not Children Act exempt. The Children Act incorporates into English law the UK's obligations as a signatory to the UN Convention on the Rights of the Child.

■ **Dominic Teagle**

Vigil on death anniversary

SIXTY people held a vigil outside Tottenham police station in north London on 11th January, organised by the friends and family of Roger Sylvester.

The 30-year-old died in hospital on 11th January 1999, eight days after being held by police outside his home. Scotland Yard said he was being restrained for his own safety after acting aggressively. A detective superintendent and two detective sergeants, who were involved in the initial inquiry into Mr Sylvester's death, are facing seven disciplinary charges.

The charges came after complaints by Mr Sylvester's family about the conduct of officers from the Metroploitan Police's complaints investigation bureau.

An inquest into his death was due to be held in October, but it will now take place before Easter 2003. The Police Complaints Authority has said the disciplinary hearing for the three officers will take place after the inquest. ■

December

31: Foreign Office minister Mike O'Brien states that the British government would prefer it if the England cricket team did not go to play a World Cup game in Zimbabwe, though it wouldn't instruct them not to do so.

January

1: Cabinet papers released under 30-year rule. "Playground Marxists were investigated by MI5 in 1972," reports the Daily Telegraph, "after concerns that school agitators could take to the streets as French students had a few years earlier."

8: Two train drivers refuse to move a freight train carrying ammunition on the West Highland Line in Scotland, believed to be destined for British forces in the Gulf, the first such industrial action by workers for decades.

17: Liberty is concerned how the media is covering the arrests of terrorist suspects, accused ministers of allowing lurid coverage for political reasons and said those arrested during raids in London and Manchester must receive a fair trial.

Haldane Society of Socialist Lawyers

Annual General Meeting

Saturday 5th April 2003
from 12.00 noon
at Conway Hall,
Red Lion Square,
London WC1

Nominations for officers and resolutions should be sent to the Secretary, Rebekah Wilson, by email: rebekahmaxinew@hotmail.com or by post to: Rebekah Wilson, Secretary, Haldane Society of Socialist Lawyers, 25a Red Lion Square, Conway Hall, London WC1R 4RL to arrive by 22nd February 2003.

Haldane Society of Socialist Lawyers
25a Red Lion Square, Conway Hall,
London WC1R 4RL Tel: 020 7242 2897

Pictures: Jim Cronin

Mike Mansfield spoke at the first of a new series of Haldane public meetings last October. Society Secretary **Rebekah Wilson** reports

'Why socialist lawyers should oppose the war'

The reasons 'Why Socialist Lawyers Should Oppose The War' may seem fairly obvious to most but the meeting provided an informative and exciting opportunity to discuss the issues posed by the war against Iraq. Catrin Lewis (chair of the society) chaired the meeting held at the London School of Economics at which Michael Mansfield QC was the guest speaker in this series of public meetings the Society is now organising in order to provide a forum for discussion and action.

Michael Mansfield began by praising the recent edition of *Socialist Lawyer*, which he commented put the arguments against the war so cogently. He impressed upon the meeting the article by Helen Duffy of Inter Rights who set out the legality of the war. He went on to address the meeting with his reasons as to why socialist lawyers should oppose the war. He also highlighted the hypocritical approach of the handling of North Korea.

Socialist lawyers have a responsibility to ensure that the legal agenda is debated and followed. 'What can I do?' poses the first question. As a socialist lawyer you must be able to address the arguments made in favour of the war and keep on bringing those arguments back to a legal forum at the same time as creating a coalition of people across all boundaries who are opposed to the war.

At present the real problems are not being thought through. There is either a hawkish or liberal approach. The reasons for war are not being properly addressed. September 11th is a key factor. The ambience of standing shoulder to shoulder without being anti American has been in the vanguard of all events ever since. Tony Blair is regarded not just as an ally but a personal spokesman for the unable Bush who had previously thought the Taliban were a rock group and Al Qaeda a baseball team.

We should listen to those who are qualified to talk about the situation. For example, Scott Ritter a US national, republican voter, ex marine and a UN weapons inspector in Iraq for seven years. He does not regard Iraq as having any current capability to have those weapons of mass destruction. Even if they do, does it entitle a pre-emptive strike? – no it does not. In 1996 a number of Non Governmental Organisations' clubbed together to bring a case at the International court at the Hague. They challenged the legality of nuclear weapons. That court held that it could not outlaw the possession of nuclear weapons. It is totally legal then for a state to have them. The US approach is riddled with hypocrisy, if not, then why not invade China or North Korea?

We turn then to chemical and biological weapons and the numerous countries that have refused to ratify the convention on the use and manufacture of chemical weapons. A number of countries who did eventually sign, including the US, were not prepared to allow inspections of their production. Last autumn in wake of September 11th, we had the anthrax scare, and there was an immediate assumption was that it was Al Qaeda. It then transpires that in fact the anthrax was probably US developed and it's now alleged that it was sent by an American professor who was concerned about the development of chemical weapons in the US going unchecked.

If we need a yardstick we can't ignore the eighty five UN resolutions that Israel are in breach of. Resolutions encompassing land, water and refugees. If there is any threat in the middle east, its is Israel. They are number six in the nuclear club and we can only guess at the number of warheads they have. They have refused to sign any treaty regarding their weaponry. They also have centres developing chemical and biological weapons. We have no information, no inspectors. If we apply the arguments for war on Iraq to Israel then the UN would have to go in to Israel.

This hypocritical approach shows that the reasons being used to argue for war do not hold water. What about the reason out forward to 're instate democracy'. How will that work after the place has been bombed to pieces? We know what happened at the end of the Gulf war. George Bush senior encouraged the opposition in Iraq to rise up. They did. The US then lifted the no fly zone. Saddam could then quash the uprising. US troops on the ground did nothing. The US are not interested in democracy. We only have to look at the particularly corrupt nations they've supported in the past, including of course Saddam's regime.

The real reason for war, only a few have been able to articulate it, oil. The USA has a problem. They have troops in over 140 countries. They need oil for their military machine and global corporation. Money from oil currently goes to banks dominated by the security council. They want control of oil and its price.

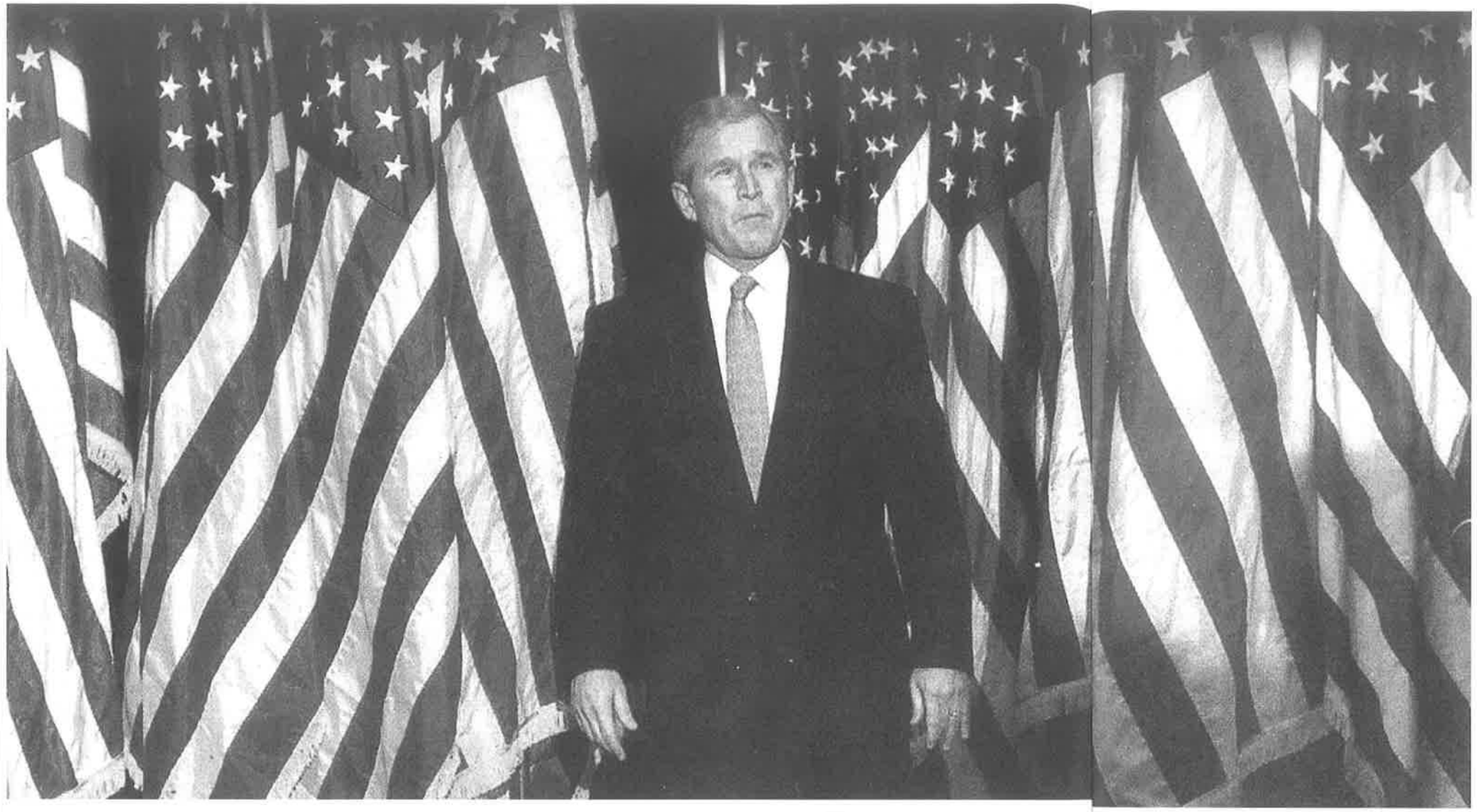
> "The hypocritical approach shows that the reasons being used to argue for war do not hold water"

What should we be doing? The International Criminal Court is not just a gesture but an important institution. At the moment over eighty one countries have ratified it. The US were amongst the last to sign up. The US continue to seek exemptions from any enforcement against them persuading less economically stable countries to back them. If the US is going to ask this country to back a war Blair should say there are certain pre conditions. This is what we should be scrutinising, a country's willingness to sign up to an international rule of law.

Lawyers need to bring the debate back to what makes sense, the ICC. We have the opportunity to be part of a new world order where any country can be put in the dock. People want accountability for mass killings. Including the Kurdish people gassed. There must be a legal edifice to which we are all accountable.

The mindset that we need to use force to deal with force needs to be moved away from. We must ensure that opposition is always on the agenda.

The meeting concluded with a number of contributions from the floor. There was a general view that people feel the need to be doing something and that the society should help co ordinate opposition in numerous ways including a letter writing campaign. It is clear that opposition to the war is strong and socialist lawyers must do what they can to ensure that their voices and the legal arguments are heard. ■



In the name of the law?

John Strawson, Principle Lecturer in Law at the University of East London, spoke to the Society on 'US Hegemony after 9/11'

When I was asked to talk about hegemony, I was wondered whether you meant Mao or Gramsci's concept of hegemony. The last time I gave a talk was at Birzeit University, Ramallah. There have been some very interesting developments in our understanding of our legal system. The bonds of restraint have been broken in the legal system that has existed since 1945. 9/11 broke the bonds. Civilians became weapons as well as targets. The response in Afghanistan also broke the bonds of restraint. The questions raised in relation to Afghanistan relate to the laws of war, the four Geneva conventions and Guantanamo Bay. As has been noted by others the future of international law can be seen in the West Bank. There, over the last two years, the government of Israel has been less and less bound by restraint in respect of the use of torture, targeted killings, and the use of live bullets in riots and crowd control situations.

The Palestinian resistance has also shown a lack of restraint in challenging norms. One side's pitiless action has been met by the actions of despair. The effects on law would have been unthinkable until recently. There has been a development of an international hegemonic law in which the United States holds a particular position. This challenges conventional international law and has had a wrecking effect on international law. The US has become increasingly attracted to unilateralism. It has wrecked international legal instruments such as International Criminal Court. It has justified this as a normal exercise of state sovereignty. However it has used a series of bi-lateral treaties to go far beyond that. Under the Rome Treaty governing the International Criminal Court there is provision for making bi-lateral arrangements. The US has put pressure on states such as the EU Accession States to try and get them to enter into bi-lateral arrangements. Tony Blair has led the campaign inside the EU to allow this to take place.

If you look around today there are more statesmen and women on trial accused of war crimes than in any time in history. You only have to look at the International Criminal Tribunals for Yugoslavia and Rwanda as well the Pinochet litigation in the United Kingdom. The US wants to wreck that process. It has also not signed the Landmines Convention and the Convention on the Elimination of All Forms of Discrimination against Women. On occasion the US finds itself on the same side on these issues as states such as Saudi Arabia. In addition, the US is reluctant to be bound by conventions to control biological weapons. This is particularly poignant in the context of the demands placed upon Iraq.

The US has also challenged the existing Geneva Conventions on the Law of War. It is clear why they do not want to apply these Conventions to Guantanamo Bay. They would be restricted in their ability to interrogate. They have created a category of illegal combatant. There are really only illegal acts. Combatants are combatants. However the US has simply repeated the mantra that there is such a category as illegal combatant. If the people held were prisoners of war they would have had rights. Guantanamo Bay is a form of torture. It builds up a sense of isolation. Other methods might also be used. It is a black hole in the law.

In the territorial US the treatment of these prisoners would be unlawful and could be challenged in the courts. However there is no means to challenge what is happening in Guantanamo Bay. Having broken the bounds of restraint in relation to its prisoners, the US will have a problem in relation to the treatment of its own soldiers when they themselves are taken prisoner.

The US and the UK have also begun to undermine other international instruments such as the 1951 Refugee Convention which they see as a loophole in the war against terrorism as a result of increasing mass migration. They wealth and security of developed states has attracted new waves of migration. The US has also attempted to develop customary international law through the development of the doctrine of anticipatory self-defence. US politicians such as Rumsfeld and Cheny are at the forefront of efforts to develop a doctrine of international law that permits pre-emptive strikes. This could be extraordinarily dangerous for them if is applied to all states. However it is not meant to be mutually applicable. Instead it is designed to be used by the US alone against states such as those that make up the axis of evil. You are either with us or against us.

The doctrine of pre-emptive strike fits in with the way that the US has been dealing with states such as Cuba over the last thirty years through measures such as the Helms Burton Act. Cuba has been defined as a threat to international peace and security and not just the US's peace and security. The US is trying to promote regime change in Cuba, to remove Castro, and to force how free market economy on the country. The legislation creates a universal jurisdiction in the US Courts which can be directed against individuals and their families. It is these sorts of things that mean that you have to be wary of the US legal view of its place in the world.

The Afghan War was supposed to root out Al-Qaeda. However where is the state of Al-Qaeda? All the organisation is, is 5,000 men, plenty of money and camps. United Nations Security Council Resolutions 1268 and 1273 equate terrorism with armed attack as defined in the UN Charter. The test for self-defence is whether there has been an armed attack. The two UN Resolutions have widened the scope of the law of self-defence. Al-Qaeda was operating openly in Afghanistan and was protecting them. Therefore for the US it was implicated in 9/11. The US also considers that Iraq is implicated in 9/11. However the most that they can point to, is that perhaps a member of Al-Qaeda met a member of the Iraqi security forces. The US points out that the Iraq is also supposedly acting in defiance of the international community in failing to comply with UN conditions as they relate to weapons of mass destruction. For the US Iraq, as a state which is acting illegally, is liable to have relations with terrorist organisations and other so-called rogue elements.

For the first time issues of international law have come into the public domain. It is interesting to look at opinion polls after 11/9. On the issue of whether people think that force should only be used in accordance of international law, 78 percent said yes. The fact that people think about international law is very significant. People who are in favour of war are only in favour of a certain form of war. International law itself is moving from a society of formally equal states to a system where the US has created an unequal predominance. The international legal system has been built on the sovereign equality of states. This was developed in the 1960s and 1970s. However international institutions are the result of longer trends of European enlightenment and European colonialism. The image of the world we see in a map is an image of Europe in which most of the borders have been drawn by Europeans. The Cold War gave the international legal system a particular turn. Both the competing powers had universal pretensions through the Brezhnev doctrine and the Reagan-Monroe doctrine. The post-1945 legal order came into its own after the end of the Cold War in the 1990s.

The doctrine of self-defence emerged in the nineteenth Century. However there has been a trend towards the doctrine of anticipatory self-defence. In the 1967 war Israel at first claimed that it had been attacked first. After that was exposed as a lie it said that it said that attacked in order to pre-empt an attack that was being prepared against it. There has been much criticism in the legal textbooks of the concept of anticipatory self-defence. It gives a licence to states to attack first. Iraq, of course, does have the right of self-defence if it is attacked first. 11/9 really was a watershed. However, the trends in the breaking of the bond of international law were there beforehand. It also showed the asymmetric nature of the conflict. People with box cutters were able to show the weakness and isolation from which the US suffers. Bush thought he could influence the German elections. The result was a terrible shock to them.

I think we can look at the US attitude towards the ICC as a sign of a certain weakness rather than strength. It shows a fear of the politics that the court represents. As a global superpower the US needs to define itself against an enemy. The US built up the notion of Al-Qaeda and has tried to show how powerful it is. Only by positing a strong enemy can American power be justified. Unlike the LTTE in Sri Lanka and Palestinian organisations in Palestine, it is very difficult to define the aims of Al-Qaeda. In trying to pin down Al-Qaeda and its many bases the US has introduced the doctrine of failed states. Yet it is the US which acts in an arbitrary manner, intervening in states such as Chile and Grenada where it feels its interests are at stake. ■

From notes taken by Adrian Berry.

For details of upcoming Haldane meetings turn to page 31.

What future for Palestine?

by **Claire Bostock**

Picture: PSC, www.palestinesolidarity.org

On behalf of the Haldane Society of Socialist Lawyers, I attended a conference organised by the Palestine Solidarity Campaign in London on 30th November last year entitled 'What Future for Palestine? International Conference on Sanctions and Divestment.' The audience was broad based, perhaps a reflection of the fact that a wide group of people support the Palestinian struggle against occupation. Through intelligent, informative and interesting lectures, panel discussions, the comments of the Chair, the reading of poems (two of which appear here) and audience participation, the case for the Palestine people was put in the strongest possible terms. This article summarises how that case was put.

Ronnie Kasrils speaking at the PSC conference
Picture: PSC, www.palestinesolidarity.org

The South African comparison

Ronnie Kasrils gave the first lecture at the conference. Mr Kasrils is the minister of water and forestry in South Africa. He was a member of the ANC and at the forefront of the anti-apartheid campaign in South Africa. It was hardly surprising that Mr Kasrils' lecture drew upon the South African experience, a theme which has been addressed in the media as well as academic texts.

In his lecture, Mr Kasrils fiercely criticised the Israeli treatment of the Palestinian people. Mr Kasrils began by condemning the notion that any Israel critics are automatically anti-Semitic, which he fiercely denied being. He declared, "what we went through in South Africa is a picnic in comparison to what the Palestinian people are now suffering."

Mr Kasrils identified similarities between the inhumane treatment of black South Africans under the apartheid system and the Palestinians by the Israeli State. His reference points included land dispossession, democracy and oppression. With reference to land dispossession, Mr Kasrils indicated that through "the barrel of a gun and other devious means 87 percent of land in South Africa during apartheid came under the control of the whites." A similar postion can be found in "Biblical Palestine where 78 percent of the land is under the control of the Israelis and in the West Bank where 22 percent of the land is occupied." As regards democracy, he made his point by reminding us that in apartheid South Africa, it was the Afrikaners who had the vote, not the Africans; in Israel, it is the Israelis and not the Palestinians. Concerning the respective oppression of two peoples, he spoke of the sieges and curfews imposed upon the Palestinians by the Israel Government which last "for months on end," and noted "even in South Africa, we never had curfews, sieges and round ups in the townships. Our sieges and curfews lasted for 24 hours."

Mr Kasrils suggested that the international community is further behind in expressing outrage and taking action against Israel than it was against the apartheid government in South Africa. This feature of the International community's inadequate response to Israel has been further expounded in an article he co-wrote with the conference Chair, Victoria Brittain, entitled 'No room for justice', published in *The Guardian* on 21st December last year. Mr Kasrils ended his lecture by imploring the audience, the world and the Palestinian people to draw inspiration from the South African experience and continue the struggle for freedom in Palestine. His closing words were: "I am convinced that Palestine will be free."

A simple plea from a marcher on the massive Palestinian demonstration against Israeli occupation in London last May (also pictured over)

Picture: Jess Hurd / reportdigital.co.uk

'The General's Property' by Samih Al-Qasim
(To Ariel Sharon)
A flower vase on the general's table
Five roses in the vase
The general's tank has five mouths
Under the tank a boy of five, a rose
A boy and five stars adorn the general's shoulder
In his vase five boys and a rose
Under his tank five roses and five boys
The tank has countless mouths

A view from Ramallah

Dr Mustafa Barghouthi, Secretary General of the Palestine National Initiative and head of the Health, Development and Information Institute, Ramallah, gave the second lecture at the conference. A resident of Ramallah, Dr Barghouthi focussed upon everyday life in the occupied territories.

Dr Barghouthi began by referring to a lack of knowledge by the world community of events "on the ground" in Palestine. He appeared to suggest two reasons for this. First, he blamed an international effort by "Israel and the West to black out what is happening on the ground". Secondly, he blamed "official incompetence in Palestine" in failing to explain "the facts" to the world.

Dr Barghouthi then gave these facts to the audience. He told us that 2038 Palestinians have been killed (19 percent of whom were children and 85 percent civilians) since the start of the second Intifada, which has become widely known as the Al-Aqsa Intifada, commencing on 28th September 2000 and 25th November 2002. We were informed that, during the same period, 42,000 Palestinian people have been injured, 383 of whom were children. Dr Barghouthi stated that in Palestine, where there is a population of 3.3 million people, approximately three Palestinians are killed each day. Dr Barghouthi stated that this figure would be the equivalent to 56 people per day in the UK, 263 people in US and 1,219 in China.

Dr Barghouthi then referred to "four processes" instigated by the Israeli state: "full occupation, siege and curfew, ferocious settlement expansion and the construction of a new apartheid." In that context, he talked about "a strategy" on the part of the Israeli State "to destroy the Palestinian State and its people."

Dr Barghouthi developed this theme by referring to the Israeli checkpoints and how they have effectively partitioned the land and caused the death of at least 77 Palestinians who died as a result of not being able to pass through the checkpoints in order to gain access to health care. He noted that 24-hour curfews have been in place for over 160 days and that the severe poverty in Palestine combined with the destruction of the health care and education systems were all having an obvious effect on the Palestinian people. Dr Barghouthi told us that in Palestine 11 schools have been completely destroyed by the Israeli army. He went on to state that 1,700 Palestinians are held in "administrative detention," that is to say without arrest or charge, and that some of the detainees have been held for over three years. He also observed that Israel controlled the water and electricity supplies to Palestine and that both of these are extremely scarce resources in Palestine.

Dr Barghouthi then referred to, keeping to his theme of the destruction of the Palestinian people, a "policy" of assassination and he explained that 160 Palestinians have been assassinated since the second Intifada by the Israeli army. Israel, he claimed, is "our jury, judge and executioner."

Dr Barghouthi then referred to "the construction of a new apartheid: the building of the wall." The wall, which has recently been widely reported in the western media, is to be eight to 12 metres high, 30 to 100 metres wide and 350 kilometres in length. This wall is not being built on the borders but inside the West Bank. Dr Barghouthi described the effect of the wall by stating that: "it is enclaving, towns, villages and cities; it is denying people freedom of movement; ▶

Picture: Jess Hurd / reportdigital.co.uk

it is destroying homes and properties and people are being uprooted as a consequence of its construction." Dr Barghouthi explained that the construction of wall has led to the "destruction of the last remaining food bank in the West Bank" in that, olive trees, some over 1,000 years old, have been destroyed. Dr Barghouthi explained to us the cultural implications of the loss of the olive tress to the Palestinian people and he explained to us that Palestinians feel humiliated now that they have to purchase olive oil.

Dr Barghouthi movingly declared: "This occupation is a cancer which is eating the lives of the Palestinians and the Israelis". He reminded the audience that 700 Israelis have died since the start of the second Intifada. Dr Barghouthi concluded his lecture by stating there is "only one way forward for a truly democratic Palestinian state: end the occupation, dismantle the settlements, stop building settlements and stop building Israel's Berlin wall." His message from the Palestine people to the audience and the world: "We need your support." His message to Israel: "There is nothing to be proud about being the last colonial power in history." And his parting words to the audience, which responded with a standing ovation: "Nothing will break our will."

Dr Mustafa Barghouti
Picture: PSC, www.palestinesolidarity.org

A view from America

Dr Nancy Murray gave the third lecture. Dr Murray is the former director of the Middle East Justice Network and a member of the Boston Coalition for Palestinian Rights. She is the author of *Palestine: Life Under Occupation*. Dr Murray's lecture focused upon the rationale for the Bush administration's widely acknowledged pro-Israeli approach to the Israeli-Palestinian conflict. Dr Murray also examined events in America as regards Palestinian rights.

Dr Murray, although recognising that the US's pro-Israel approach pre-dates 9/11, began by setting in context the post 9/11 renewed pro-Israeli approach to the conflict. The media has in fact widely reported this. She outlined how and why 9/11 re-doubled the US Government's open support of Sharon. Dr Murray explained that the response to the terrorist attacks in the US could be viewed as an immediate and "rapid consolidation of a military state." The "very hostile climate" had led Bush to take the view that "Christians and Jews," are fighting "Muslim terrorism " together. Sharon, Dr Murray stated, had provided the blueprint of how to respond to terrorism; Bush was following that blueprint.

Dr Murray asserted that in foreign policy terms, the US and Israel have become "one country." She explained that this concept, that is to say a single approach to terrorism orchestrated by Sharon and Bush, has overtaken America, the consequence being a shift in the spectrum of entire discourse to the right. She then identified that the lack of proper media analysis and scrutiny has compounded the problem fuelling a lack of understanding of terrorism on the part of the American people as well as a lack of understanding of the Palestinian cause. In previous work, Dr Murray has also attributed the American pro-Israeli policy to the ineffectiveness of the PLO in telling the Palestinian story and failing to activate empathy for the Palestinian cause. Her work has also criticised a weak international solidarity movement as contributing to the US's ability to pursue it's unilateral policy of support for Israel.

Notwithstanding the general hegemony of the US's support of Israel, Dr Murray informed us that there is a vocal minority in the US who challenged it by the use, for example of internet campaigns, divestment campaigns, public meeting as well as robust pro-Palestinian demonstrations. Dr Murray spoke in support of sanctions and boycotts against Israel. Dr Murray referred to the "new energy" of the groups working for Palestinian rights in America. We were told, however, that much was happening to stop the "dissent" and we were reminded of the hardball tactics used such as the criminalisation of protestors labelled in the US as "domestic terrorists."

Dr Murray did not refer directly to the anti apartheid movement or the American Civil Rights Movement but her call for "Palestinian solidarity" seemed to be inspired by both. Her concluding remarks focussed on the need to continue the struggle for freedom in Palestine.

'I Have Witnessed the Massacre' by Mahmound Darwish

I have witnessed the massacre
I am a victim of a map
I am the son of plain words
I have seen pebbles flying
I have seen dew drops as bombs
When they shut the gates of my heart on me
Built barricades and imposed a curfew
My heart turned into an alley
My ribs into stones
And carnations grew
And carnations grew

An historical perspective and panel discussions

Dr Naseer Aruri, a Palestinian writer and campaigner, provided the fourth and final lecture. In 10 minutes, sadly not enough time for such a significant and complex topic, Dr Aruri gave a history of the region and summarised the evolution of US-Israel relations to date.

The panel discussion then followed. Each panellist spoke about his or her experiences as well as his or her views of the Israeli-Palestinian conflict. Veronica Dunn, past president of UNISON drew upon her personal experiences gained during a trip to the West Bank and she encouraged anybody who had an opportunity to go to Palestine to do so. Anas Altikriti, representing the Muslim Association of Britain, spoke about a campaign for peace and harmony in the Middle East. Professor Rose, professor of biology at the Open University, advocated sanctions and boycotts against Israel. Greta Duisenberg, from the Netherlands Stop the Occupation Campaign, spoke of a need to develop an EU contribution to the Palestinian cause which she is hoping to achieve from her base in the Netherlands. Nicholas Blincoe, writer and boycott campaigner, spoke in favour of a cultural boycott against Israel as a means of promoting the Palestinian cause. Rafael Rhaqi, a Parisian student, told us about how he and other student volunteers in France are working alongside Palestinian students who, as result of the blockades, are unable to communicate freely from campus to campus; the aim of his campaign he informed us is to breakdown the isolation of Palestinian Universities from each other. Kristin Stuide, a student from Lebanon, spoke about the campaign in Lebanon in support of the Palestinian people. And finally, The Rev. Garth Hewitt, Director of the Amos Trust, spoke in support on a non-violent campaign in support of the Palestinian cause as well as boycotts: cultural, sport, economic and academic.

Conclusions

Critics undoubtedly will accuse the conference organisers and participants of bias. In addition, those who expected a completely uncritical support for the Palestine leadership or strategy may have been disappointed. As regards Israel, it is the case that many well respected international organisations, including Human Rights Watch, Amnesty International, the International Committee of the Red Cross and the United Nations Commission on Human Rights, have published reports condemning Israeli activities in the occupied territories and stating that all significant Israel activities in the area are in breach of International law. Many activist groups have also condemned Israeli activity in Palestine, including Al-Awda: The Palestine Right to Return Coalition, American-Arab Anti-Discrimination Committee, Bat Shalom, Gush Shalom, and the Palestine Center for Rapprochement Between People. Respected academics, including Noam Chomsky and Edward W. Said, have also openly condemned Israeli activity in the area. As regards the Palestinian Authority, its continuing difficulties are also well documented; one only needs to look at how this issue was addressed, not without controversy, at the recent meeting in London organised by the British Government.

In the event, the purpose of the conference was to raise the issue of justice for the Palestinian people, which without a doubt was achieved and without which it is well recognised and accepted there can be no peace in the region. ■

Further information about the Palestine Solidarity Campaign can be obtained at www.palestinecampaign.org

Still waiting for number 242

by Paul Foot

Triumphant photographs in the newspapers last November showing all 15 members of the UN security council voting unanimously for the US-UK resolution on Iraq reminded me of a similar picture that dominated my parents' home for a decade. My father, Hugh Foot, later Lord Caradon, was for most of his life a colonial servant. He helped to haul down the Union Jack in Nigeria, where he was chief secretary, and in Jamaica and Cyprus, where he was governor. By far his proudest achievement was as UK representative to the UN in 1967 when he managed, after five months of delicate and dedicated negotiation, to persuade all 15 members of the security council to vote for resolution 242. He had the photograph of the vote framed, and it sat proudly on his desk until he died in 1990.

Resolution 242 referred to the seizure and occupation in the 1967 six-day war by Israeli military forces of lots of other countries' land inhabited in the main by Palestinians. Resolution 242 called for the "withdrawal of Israel's armed forces from territories occupied in the recent conflict". The terms of the resolution have been hotly debated ever since.

Clever pro-Israeli lawyers observe that the word "all" does not appear in the text before the words "territories occupied"; and that therefore the resolution leaves it open to Israeli forces to withdraw only from "some", not all, of the occupied territories. So I was very glad to read an article in an issue of *International and Comparative Law Quarterly* by the London solicitor John McHugo. He meticulously and comprehensively demolishes what he calls "the rightwing interpretation" of the resolution. He cites as an example a notice in a park that "dogs must be kept on a lead", and asks whether this could be taken to mean "some dogs must be kept on a lead", or whether it means what it says – "all dogs must be kept on a lead". He interprets 242 in the context of its preamble that emphasises the "inadmissibility of the acquisition of territory by war". After an analysis of the contributions to the UN debate on the resolution, including my father's, he concludes that the resolution meant what it said: that Israeli forces should be withdrawn from the territories they occupied in the six-day war: the West Bank of Jordan, the Golan heights and a large part of Jerusalem.

How does the reaction to resolution 242 compare with the one passed on Iraq? The Iraq resolution has been pursued with furious haste. Weapons inspectors are in Iraq and if there is the slightest even momentary hesitation on behalf of the Iraqi government, everyone assumes that war will follow. Resolution 242, on the other hand, has been passed for 35 years. For all that time it has been contemptuously ignored by the Israeli government. What conclusion can we draw from this comparison?

Some international lawyers argue that the Iraq resolution is passed under chapter VII of the UN charter and therefore requires prompt action, while resolution 242 does not. But why not? Why is the demand for Israeli withdrawal not backed up with a threat of force? As President Bush himself put it in his speech to the UN general assembly last 12th September: "Are security council resolutions to be honoured or cast aside without consequence?" The real argument behind the double standard seems to be this: unanimous UN resolutions assisting US oil imperialism will be enforced with the most ruthless military rigour, while unanimous UN resolutions directed against states friendly to the US will be ignored. Whether that is what the founders of the UN had in mind is not clear. What is clear is that whatever happens in Iraq, Palestine is still the issue.

■ First published in *The Guardian*.

Picture: Jim Cronin

Andrew Katzen examines the measures that will remove trial by jury despite widespread unease over consequences

The jury's out

The Criminal Justice Bill is a major piece of proposed legislation that will have huge effects on the arrest, detention, bail, trial and sentence of those suspected, accused and convicted of crime. The rationale is to be found in the white paper 'Justice for All'. Using the well-worn image of the scales of justice it is claimed that the changes are needed "to rebalance the justice system in favour of victims, witnesses and communities". In so doing it seems that the government believe that this should be done by letting them fall against defendants and their interests.

The proposals have to be seen in the context of previous unsuccessful attempts by this administration to curtail jury trial. In spite of comments made by the government to the contrary, there is clearly some hostility shown towards the concept of a trial system in which ordinary members of the public play a key role. A concern must be that these proposals could be the first step towards the wholesale abolition of trial by jury on grounds of "modernisation". This is despite the absence of any research demonstrating public enthusiasm for abolition or even reduction of trial by jury. Indeed a recent survey shows that over 80 percent trust juries to come to the right decisions, believe that a fairer trial results from a trial by a jury than a judge alone and say that the quality of the system is better when it includes juries as often as possible (see Views On Trial By Jury: The British Public Takes The Stand, January 2002, research conducted by SWR Worldwide commissioned by The Bar Council, The Law Society and The Criminal Bar Association).

On the application of the prosecution at a preliminary hearing, trial without a jury could be ordered by a judge in complex or lengthy cases involving financial evidence and cases in which there is a real and present danger of jury tampering. The defence will also be able to apply for a trial by a judge alone whatever the charge faced.

a) Complex Or Lengthy Cases (cl.37)

In the white paper the government's justification for the abolition of trial by jury in these cases was two fold. The first reason advanced was that a small number of serious and complex fraud trials placed a huge strain and time commitment on potential jurors thus making it not possible to find a representative sample. Granted that there may be difficulties getting people from all walks of life to sit on a jury for several months. In fact this is recognised in the bill by reducing exemptions from jury service so that more will serve. Yet the solution is one that shows that makes it hard to accept that this is a genuine concern. It is to have just one person trying the case, a judge, who many might feel is the last person likely to reflect the values of ordinary members of society. The second argument put forward was that "the full criminality of such a fraud is not always exposed" due to the complexity of the evidence and the jury's perceived unfamiliarity with it. This, in polite language, seems to mean that prosecutors hold back from showing the whole picture in the fear that jury members are too limited to be able to cope. No evidence has been revealed to back this up. Further it is said "there are risks of a double standard between easy to prosecute 'blue collar' crime and difficult to prosecute 'white collar' crime". From this should it be inferred that the belief is that juries are really too stupid to understand these cases and unjustifiably acquit too many guilty fraudsters? It is understood that over the last three years the Serious Fraud Office's conviction rate runs at an impressive 86 percent, a figure which does not support this position.

The government suggested that the reforms would annually affect 15 to 20 serious and complex 'Maxwell-style' fraud trials. It will be interesting to see, in practice, how many successful applications are made particularly given that the proposed legislation does not just relate to those types of cases.

In ruling on this issue it will have to be decided if the complexity and/or length is either likely to be "so burdensome" to a jury that it is in the interests of justice to dispense with it or likely "to place an excessive burden upon the life of a typical juror". This presumably is the articulation in statute of the twin objections referred to above. It is something of a paradox that it will be a judge that rules on the probable effect that a case will have on an ordinary person. Will this just come down to an arbitrary rule that reads that any trial predicted to last, for instance, for three months or more, or containing papers in excess of, say, 10,000 pages "satisfies" these tests?

Additionally it will have to be shown that the complexity and/or length is attributable to issues of "a financial or commercial nature or which relate to property". Potentially this type of evidence could be found in not just the prosecutions of the Guinness defendants but a wide range of less high profile cases such as benefit and credit card fraud. It is impossible to predict what the scope of this will be.

Picture: Tim Hetherington

b) Jury Tampering (cl.38)

In the white paper it was stated that "a number of trials" are stopped each year due to this problem. We were not told the precise total and an educated guess would be that the figure is not a large one. This is not to trivialise the issue but if there was tangible evidence of an increase in jury tampering then presumably this would have been reflected in a greater number of prosecutions for the offence of intimidation of a juror. In truth, jury protection measures only arise in a tiny minority of cases and there does not appear to be any widely held criticism of their effectiveness.

However the real danger here will be the secret application to remove a jury made on the basis of public interest immunity. Unscrupulous police officers may believe that they have a better chance of securing a conviction with a judge alone dealing with the case and may be tempted to put forward spurious objections to a jury trial. The information will be dealt with in the absence of the defence and it will be almost impossible to challenge it effectively. Furthermore it may well be the same judge who tries the case after having decided that an attempt was made to nobble a jury thus leaving many to wonder if justice could be seen to be done in those circumstances.

80 percent of people believe a fairer trial results from a trial by jury than a judge alone

When considering this the judge will again have to grapple with the concept of "excessive burden upon the life of a typical juror" this time in the context of police protection.

c) Defence application for trial by judge alone (cl.36)

This is perhaps a clever move by the government designed to deflect some criticism regarding the abolition of jury trial already referred to. What possibly could be wrong with the idea of extending to a defendant the chance of asking for a trial by judge alone? Well there are good reasons to be suspicious of this proposal. Let us remember that the obvious analogy is with a right that the government were recently very keen to get rid of, the right to elect jury trial. Twice they tried and failed to remove this. It is difficult to accept that the government have suddenly had a change of heart and welcome the concept of choice of trial being exercised by a defendant. The concern is that it gives an opportunity in the future for it to be said that the changes have worked well, judge alone trials are quicker and cheaper and so the decision should instead be taken by the court rather than the accused.

In practice there is a risk that this measure will introduce a two tier system of justice within the Crown Court. Opting for a trial by judge alone is only likely to arise for defendants facing charges considered to attract bad publicity (such as child abuse) or whose only hope is for an acquittal on a point of law. If so, it may come to be seen as a cynical tactical manoeuvre by those who are afraid of trial by jury. Serious questions have been raised about the nature and extent of pre trial reporting prejudicing the opportunity for a fair to take place. The answer is surely to deal effectively with that problem not exclude the public's participation in the trial process.

If such an application is made the judge must accede to it unless one of the designated exceptions apply. If there is more than one defendant all will have to agree to trial by judge alone. If any defendant holds or held office in the justice system or the trial raises issues as to whether the system has been brought in to disrepute then the application will be refused. This is designed to make sure that the trial of the "bent copper", "bribed beak" etc. is not subject to the accusation that the establishment are looking after their own in refusing the scrutiny of a jury. Finally, if satisfied that there are "exceptional circumstances which make it necessary in the interests of justice" a jury will be empanelled in spite of the accused's wishes. By definiton this will not happen often and it is rather difficult to imagine the situation in which this would arise.

The government seems to determined to press ahead with these reforms in spite of the arguments of principle and the sense of widespread unease about the consequences. Opposition is being mounted by The Bar Council, The Criminal Bar Association, The Law Society, Liberty and The Legal Action Group. A new campaign organisation, Save Jury Trial, has been formed to specifically target this issue. If you don't want to see the jury out forever please get involved. ■

Useful links:
info@savejurytrial.com
www.savejurytrial.com

United for a Charter of Workers' Rights

John Hendy QC, Chairman of the Institute of Employment Rights – an independent charity specialising in employment law – and its Director, **Carolyn Jones**, outline the main points of 'A Charter of Workers Rights'

Above: 'Organise the City' – trade unionists leafleting to raise awareness of employment rights and at the same time increasing the profile of trade unions in the City of London. The campaign is backed by AMICUS, CWU, GMB, TGWU, UNIFI and USDAW

Picture: Jess Hurd / reportdigital.co.uk

The UK Government is currently reviewing its trade union and employment legislation, most particularly the effectiveness of its Employment Relations Act, 1999. At the same time, the Lord Chancellors Department is undertaking an audit of UK laws to assess to what extent they comply with UK obligations under the European Convention for the Protection of Human Rights and Fundamental Principals.

In an effort to inform these reviews, we have produced a Charter of Workers Rights for the consideration of the labour movement. It is hoped that the policy ideas contained in the report will inform the current reviews and go some way to bringing UK legislation back in line with international standards.

John Hendy

Meeting international standards

A Charter of Workers' Rights should not be controversial – at least amongst workers, trade unionists and those who have studied international labour law. The Charter will be founded on fundamental values. These values are not plucked out of the air, rather they are derived from well established and numerous international law documents which have been ratified by the UK.

The international instruments (as the lawyers refer to them) which contain labour laws and the social values and purposes which underpin them include: the United Nations Charter and the UN Declaration of Human Rights 1948; the International Covenant on Economic, Social and Cultural Rights, 1966; the European Social Charter of 1961 (revised 1996); the EU Charter on the Social Rights of Workers of 1989; the EU Charter of Fundamental Human Rights of 2000. They are found in the Conventions and Recommendations of the International Labour Organisation and its Declaration of Fundamental Principles and Rights at Work of 1999; and the OECD Declaration on International Investment and Multinational Enterprises 1976.

It will be seen that though some of these sources are long standing others are very modern indeed, as is the UK's endorsement of them.

The Constitution of the International Labour Organisation, established in 1919 begins with three fundamentals:

- universal and lasting peace can be established only if it is based upon social justice;
- conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, ...recognition of the principle of freedom of association, ...and other measures;
- the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries.

The ILO Declaration of Philadelphia, 1944 reaffirmed the fundamental principles of the ILO and, in particular, that:

(a) labour is not a commodity;
(b) freedom of expression and of association are essential to sustained progress;
(c) poverty anywhere constitutes a danger to prosperity everywhere;

and committed the ILO to the goals of: full employment and the raising of standards of living; satisfying work; training; wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all in need of such protection; the effective recognition of the right of collective bargaining, and other matters.

The ILO's Declaration of Fundamental Principles and Rights at Work 1999 included the fundamental propositions that:

economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty, confirming the need for the ILO to promote strong social policies, justice and democratic institutions;

in seeking to maintain the link between social progress and economic growth, the guarantee of fundamental principles and rights at work is of particular significance in that it enables the persons concerned to claim freely and on the basis of equality of opportunity their fair share of the wealth which they have helped to generate, and to achieve fully their human potential;

The United Nations Charter proclaims that:

we the peoples of the United Nations determined to... reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women... and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, and for these ends to ...employ international machinery for the promotion of the economic and social advancement of all peoples.

It demands "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

The United Nations Declaration of Human Rights 1948 states as its first premise that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

The International Covenant on Economic, Social and Cultural Rights 1966 states at the outset that "the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights."

Thus those values which should shape a modern Workers' Charter – social justice, equality, dignity, respect, participation, democracy, freedom and solidarity – can be seen to be derived from universal and absolute standards adopted across the civilised world.

Modernising the employment relationship

A modern, efficient employment relationship founded on the values above will involve a change in the balance of power between employer and worker. It will displace the Victorian notions of "master and servant" where the omnipotent master is in complete dominance over the cowed and subordinated servant – a notion which continues to influence government and employer thinking. Such an employment relationship is not just antiquely grotesque, it is also foolishly uneconomic. The Conservative laws which have done so much to embed management prerogative and dis-empower workers by slashing the rights and capability of unions to represent their members effectively must be repealed to rectify the imbalance of power. In their place must be laws which guarantee the fundamental rights of trade unions and trade unionists, laws which give workers the essential protections and entitlements which are necessary in a modern society.

The contemporary nature of the Charter is important. The Charter must be appropriate to deal with modern problems, such as the issue of globalisation – a problem identified in the core documents above but now felt much more acutely as the multi-nationals use modern technology and economic power to play off one part of the globe against another. The Charter must be modern enough to deal with the current need to defend public services against privatisation with its consequent degeneration of terms of employment, loss of employment, degradation of public services, and the imposition on taxpayers and consumers of the burden of funding the profiteers.

On the other hand the Charter should not be addressed to transient needs. It should be as absolute as it can be made. Its fundamental principles must be true and relevant whatever the state of the economic cycle or the political complexion of the Government.

One vital principle which must be central to any ▶

Workers' Charter is the right to collective bargaining. The restoration of collective bargaining is the central means of achieving a balance of power, democracy, participation, justice and dignity in the workplace. The changes to labour law over the last twenty or so years have seriously undermined collective bargaining to the extent that the UK now has the lowest proportion of its workforce on collectively bargained conditions of any country in the EU. This means that millions of workers have no input whatsoever into their terms and conditions of employment.

The essential restoration of effective collective bargaining involves a lot of detailed law. Not only the well understood need for modifications to the UK's statutory recognition procedure, but other legal changes are entailed, such as: the institutionalising of national level, industry-wide, collective bargaining, the restoration of the Fair Wages Resolution, applying collective agreements to other employers in the industry and region, giving collective agreements primacy over individualised contracts of employment, the right to secondary action to compel collective agreements to be observed, and so on. The legal mechanisms needed to make the right to collective bargaining a reality are too detailed for the Charter but they need to be borne in mind when drafting it.

Finally, the Charter will be worthless if it is simply regarded as a ringing declaration. It must identify the legal and other tools (including industrial action) to ensure that the Charter rights are effective and can be enforced. One of the main problems with the international standards referred to above is that many of them whilst ratified by the UK are not enforceable and are merely paid lip-service by successive governments. The international laws which the UK has ratified (and it has a good record on ratification) must be implemented in our national laws so that workers can enjoy their protection and enforce them against employers who seek to gain competitive advantage by adopting lower standards than in other countries.

Indeed, by the adoption in the UK of a Workers' Charter compliant with international law, this country would be setting an example which might lead to the compulsory implementation of these civilised minimum standards to the millions of workers throughout the world exploited by globalisation. This could be achieved by making international trade and international trade agreements conditional on international labour standards. But a first step, must be the implementation of these standards in the UK.

● *A Charter of Workers' Rights* (Edited by Keith Ewing and John Hendy, QC) is available from the Institute of Employment Rights, 177 Abbeville Road, London SW4 9RL. Tel: 020 7498 6919. Price £12.00. Order on the website: www.ier.org.uk

How to develop a Charter of Workers' Rights

The Government's review of the Employment Relations Act, 1999 is currently underway. As are consultation procedures around the Information and Consultation Directive, the Temporary Workers Directive, the Agency Workers Directive and the European proposals for the extension of protection against discrimination. Work is also being done on proposed amendments to the TUPE Regulations and the Working Time Regulations as well as the thorny issue of employment status and entitlement to statutory employment rights.

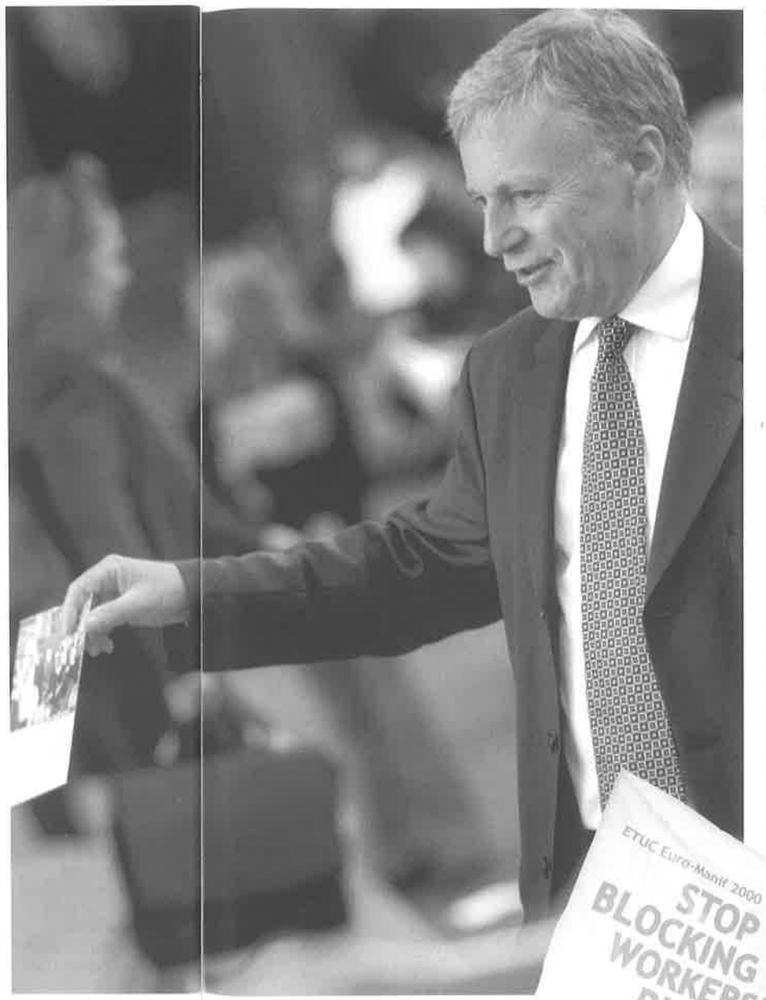
Such activity suggests that employment law is high up the political agenda. But is the work hitting the target? Has the government delivered 'fairness at work'? Has the past and proposed legislation moved us on from the position where workers complain that they work the longest hours, for the lowest pay with the fewest rights and the shortest holidays in Western Europe? Current disputes suggest not.

Will the possible amendments to existing legislation bring us in compliance with our international obligations? One would hope so. Britain's trade union laws have been repeatedly found to be in breach of those obligations, most recently by the ILO in June 2002 and the European Court of Human Rights in July. Recent suggestions, however, that the Government might consider a further layer of anti-strike legislation in response to the firefighters claim for fair pay will do nothing to simplify our laws. Such a move would no doubt attract yet more condemnation from the ILO for the complex nature of our strike laws and our failure to protect basic rights of freedom of association.

Individual and collective rights at work

In a timely and authoritative report, the Institute of Employment Rights considers some of these issues in a 176 page book entitled A Charter of Workers' Rights. As the title suggests, the book promotes regulation of the employment relationship as the most effective way of delivering fairness at work, economic efficiency and social justice. The idea that we can rely on management prerogative delivering a 'trickle-down' concept of fairness is rejected. Rather the book promotes new or improved rights on issues including working-time, training, health and safety, all aspects of equality (race, sex, disability, sexuality, religion and age) transfer rights, protections for those facing redundancy or unfair dismissal and a section on pensions.

But the emphasis of the work is on collective rights and the role of trade unions in the workplace. In a modern society, it is argued, there should be no questioning or resentment towards workers fully participating in rule-making processes. Indeed workers should be positively encouraged to get actively involved in decisions which significantly impact on their lives. It is the workers who best understand how sites and services operate to maximum performance. Whether it is in health, education, transport or the fireservice – the best way to modernise a service is to ask those at the front-line of delivery how the service could best be improved. One of the main objectives of the Charter is therefore to consider how to promote effective procedures for collective bargaining at local, sectoral and national levels.



Carolyn Jones

"I hope this Charter will be widely read and discussed in the trade union movement in coming months as we continue our campaign for Fairness at Work" – TUC General Secretary John Monks, from his Foreword to A Charter of Workers Rights

The Charter also discusses proposals for extending rights of representation both individually and collectively. It suggests methods of simplifying and improving the recognition procedures and suggests the introduction of an unfair labour practices clause. It looks at the duties of ACAS and the role of contract compliance measures in promoting collective bargaining structures.

Similarly the Charter highlights the need for wider freedoms for workers to act together for mutual support as a prime means by which the imbalance of power between worker and employer can be addressed. To this end, the Charter makes a number of recommendations including simplifying and extending the right to strike, suspending the contract of employment during disputes (a practice common throughout Europe), simplification of the balloting provisions, the right to take solidarity action and to peaceful assembly at any workplace and the removal of the use of injunctions without full trial.

International Standards

The Charter and more particularly the summary which accompanies it clearly identifies those many international human rights treaties, principles and standards which the UK has voluntarily ratified (and in some cases recently reaffirmed) but which we increasingly breach. (see accompanying article by John Hendy, QC) The book argues that these laws should be implemented into domestic law in a similar way as the European Convention on Human Rights was transposed into UK law through the Human Rights Act, 1998. In that way workers can enjoy their protection and enforce them against employers who seek to gain competitive advantage by intensification of work rather than through investment and innovation. ■

A Charter of Workers' Rights

1 dignity and fair terms
Every worker has the right to dignity at work, to a fair wage and to just conditions of work.

2 health and safety
Every worker has the right to a safe and healthy working environment.

3 non-discrimination
Every worker has the right not to be discriminated against and to be treated with equality in equivalent circumstances.

4 job security
Every worker has the right to security of employment (whether in relation to closures, redundancies, transfers or otherwise).

5 income security
Every worker has the right to fair income security in retirement, sickness and unemployment.

6 union membership
Every worker has the right to form and join a trade union for the protection of his or her occupational, social and economic interests, and not to be discriminated against on grounds of union membership, participating in union activities, or union representation.

7 union autonomy
Every trade union has the right to uphold its own rule-book, to spend its funds and to conduct its activities including industrial action in accordance with its rules, free from employer and state interference.

8 industrial action
Every worker has the right to take industrial action for the protection of his or her occupational, social and economic interests (or those of any other worker) without being in breach of contract, and without threat of dismissal or discrimination.

9 union representation
Every worker has the right of individual and collective representation by a trade union, including the right to collective bargaining and to participate in decisions at work.

10 effective remedies
Every worker has the right, from the outset of his or her employment, to effective remedies to enforce his or her rights, including adequate rights for workers' representatives to inspect and to obtain information.

Pictures: Jess Hurd / reportdigital.co.uk

This government should be standing up to the media-fuelled hysteria over asylum seekers but their latest Asylum Act, argues **Sadat Sayeed**, plays into the hands of the racists

New Act, same old injustice

The new Nationality, Immigration and Asylum Act 2002, is a draconian piece of legislation that is being labelled as "the largest overhaul of immigration and asylum for 30 years". It continues the government's depressing slide towards the increasing penalisation of asylum seekers, and solidifies in law much of the racist undercurrent that has characterised the *Daily Mail* hysteria that has surrounded immigration and asylum. Along with many of the recent and increasingly regressive decisions being handed down by the higher courts, the new Act continues the alarming trend of the UK finessing its obligations under the 1951 Refugee Convention.

The Act contains a number of controversial changes to nationality law. It creates a formal citizenship ceremony at which new citizens must swear an oath of allegiance to the Queen as well pledge their loyalty to the UK. However, most worrying is the Secretary of State's sweeping power to deprive British citizens (including those born here) of their nationality if he is satisfied the person "has done anything seriously prejudicial to the vital interest of the UK or a British overseas territory". This is a frighteningly vague phrase. It can only apply to dual nationals (it cannot make someone stateless), and would therefore seem to be aimed at immigrants who have subsequently naturalised and also to British born citizens of non-UK descent.

The new support provisions of the Act seek to penalise those asylum seekers who fail to 'cooperate' with procedures. For example, support may be refused if the Secretary of State is not satisfied that an asylum seeker has claimed asylum as soon as reasonably practicable after his or her arrival in the UK. This provision will undoubtedly penalise those who genuinely wish to claim asylum but are unaware of the procedures. For those working in asylum, experience has shown that many claimants need guidance from those in their community or legal representatives before seeking asylum, and this is more often than not, not available immediately on entry.

The Act continues the expansion of the immigration detention estate, and is inspired by David Blunkett's desire for an "end to end" asylum process. The Act allows the Secretary of State to detain all asylum seekers, except unaccompanied minors for up to 14 days. This power will be used to detain large numbers of asylum seekers in euphemistically named "induction centres", and has been given the green light by the House of Lords who held in the "Oakington" case that the detention of asylum seekers for administrative purposes is lawful, both under domestic law as well as the European Convention on Human Rights. Further, what were once called "detention centres" have now been more menacingly renamed as "removal centres", and detainees can be held at these centres even if they are still awaiting either a decision on their claim or an appeal. The Act also gives "detainee custody officers", i.e. Securicor/Group 4 employees (who are not subject to PACE), the power to enter private premises by force, in order to search for a detainee and then remove him or her to a removal centre.

White working class people can support asylum seekers – so why not New Labour?

Pictures: Jess Hurd / reportdigital.co.uk

The Act seeks to exclude refugees from Convention protection if they have been convicted of a crime and sentenced to two or more years of imprisonment. The Secretary of State can also, by statutory instrument, exclude someone who is convicted of a specified offence (even if it did not attract a sentence of two years). This blanket provision is a clear misinterpretation of the exclusion clauses under the Refugee Convention and is contrary to UNHCR advice.

Appeal rights and judicial review have also suffered under ▶

the new Act. The Act sees the re-introduction of the "White List" – this list contains the ten EU candidate accession states – any asylum claim from one of these states will usually be certified as "clearly unfounded". The upshot of such a certificate is to deny the asylum seeker an in country appeal, and gives the immigration authorities the all clear to execute speedy removal. The asylum seeker will have the right to appeal from abroad, but this right of appeal is in fact more illusory than real. The removal of this appeal right is a direct result of pressure on the UK government to recognise the supposed safety of the countries who are being brought into the "European family". It is further, specifically aimed at the Roma who originate from many of these former Eastern bloc states. Anyone who is familiar with the plight of Roma in these countries will instantly recognise that this will put many Roma at risk of further persecution. The Roma continue to be the victims of violent racism in these accession states and the authorities in those countries in turn continue to turn a blind eye to such persecution. This new provision makes the UK complicit in that persecution.

Alarmingly, the Act sees the removal of judicial review for refusals of leave to the Immigration Appeal Tribunal. Judicial review is replaced with "statutory review", which consists of a High Court judge determining an application on paper only. His decision is final with no right appeal to the Court of Appeal. This is a hugely punitive measure, which again seeks to starve asylum seekers of the right to have the often flawed findings of the immigration courts reviewed properly by a High Court judge in full judicial review proceedings. Practitioners in this area know all too well that the right to renew a judicial review application orally before a High Court judge is crucial. History has shown that many of the seminal decisions in refugee law in this country, started their lives by being dismissed on the papers by a High Court judge. Further, when one considers the regrettably poor quality of decision making that often takes place in the Immigration Appellate Authority, this new provision will create a bottleneck of injustice against which there will be no proper remedy.

Outlined above are just some of the sweeping powers that this act gives to the immigration authorities. Hand in hand with this, comes a further erosion of the right of asylum seekers to have their claims assessed and scrutinised properly by independent judges. The halcyon days of giving asylum claims the most anxious judicial scrutiny now seem like a distant memory. Blunkett promised that he would overhaul the asylum system and he has done so, but in reality all he has done is to bow to the racist anti-asylum seeker rhetoric that is sweeping across Europe. Historically the UK has had an admirable record of giving refuge to those fleeing from persecution, however, this piece of politically loaded legislation serves only to show that this government is more concerned with winning cheap votes than it is about the fundamental rights of those who seek safety on our shores.

Labour – shame on you.

● Sadat Sayeed is a barrister at Two Garden Court Chambers

You don't have to be mad

The proposed Mental Health Bill and a few spiteful neighbours, could potentially put us in the asylum, says **Nick Cohen**

Demand for redundant Parliament is lower than the stock market. Getting through the security and into that half-empty theatre is usually a matter of minutes. On Wednesday I turned the corner into Parliament Square and stumbled on what looked like the first night of a West End hit. Hundreds were piled up in a queue. They can't be desperate to hear the whispers of Iain Duncan Smith, I thought, Prime Minister's Questions are over.

After 20 minutes of sneaking forwards, I reached the front and saw the cause of the delay. The police were insisting on full body scans. They followed up every beep from covered watches or buckles. 'Worried about al-Qaeda?' I asked as an officer shoved a probe under my coat. It was far worse than that. The mad were lobbying Westminster, she replied. The strictest security I've seen around Parliament was ordered to protect our representatives from mentally ill constituents.

If the proposed Mental Health Bill becomes law, the Government believes the cops will be able to relax. It has been gripped by the delusion that psychiatrists can identify who will be a killer and lock them up before they strike. At the moment, doctors can only incarcerate those whose illnesses can be treated. If the Department of Health and the Home Office have their way, people who can't be helped will be imprisoned. The plain word for what the Government wants is internment. Just as Arabs are being held without trial because MI5 thinks they may be terrorists, but hasn't evidence which would stand scrutiny in open court, so the mentally ill will be imprisoned without trial because psychiatrists think they may be violent one day.

The usually fractious world of mental illness has united to denounce Ministers' medical Utopianism. Psychiatrists and psychologists from rival schools have frankly admitted they haven't the faintest idea who will be murderous. Dr Tony Zigmond of the Royal College of Psychiatrists has quantified his colleagues' ignorance. Even on the kindest assumptions about the reliability of predictions, 2,000 people will have to be incarcerated to prevent one murder. At worst, that figure rises to 5,000.

His numbers give a hint of why New Labour has aroused unanimous contempt. It is pandering to the prejudice the police at Parliament displayed: the inchoate fear that the mentally ill are one message from God away from exploding with wild rage. It's a lie, as Ministers should know. The Department of Health established in 1999 that of the 550 or so homicides in England and Wales each year, about 20 are committed by people with a psychosis. It is safer, much safer, to walk unaccompanied through a psychiatric hospital than pass a pub. But the Government is not proposing the internment of drunks. It is merrily feeding the fear that the 630,000 mentally ill people in Britain are unexploded bombs.

Everyone is blaming gesture politicians for the coming authoritarianism. Jack Straw, a master of the debased art, promised to get tough after Michael Stone was found guilty the horrible murders of Lyn and Megan Russell. Stone's conviction is not to be trusted. Without forensic evidence, the prosecution relied on the tainted testimony of prisoners who said Stone confessed to them while on remand. One admitted taking money from the tabloids. A second forced a retrial when he admitted lying under oath. We may one day have the bitterly comic knowledge that the greatest change in mental health law in a century was inspired by a miscarriage of justice. Yet the joke is also on at least a few of the Government's critics.

Western cultures are saturated with counsellors. When granted prosperity, a substantial minority responded not by helping others or creating works of value and permanence, but by ejaculating a geyser of selfish tears about their trivial woes. Their belief that the human condition could be reclassified as a sickness and cured by buying pills and conversations with strangers was indulged by the mental health industry which ballooned on the proceeds of egoism.

Picture: Jess Hurd / reportdigital.co.uk

The best example of the imperial claims of psychiatry is the Diagnostic and Statistical Manual of Mental Disorders (DSM), the 'bible' of the American Psychiatric Association – and many psychiatrists around the world. It has disorders for each and every one of us. Herb Kutchins and Stuart A. Kirk, two sceptical American academics, showed how the DSM has turned everyday behaviour into profitable illnesses. A busy executive complains she can't sleep (Major Depressive Disorder). A man you last met at school confesses he still has a grudge against you (Paranoid Personality Disorder). A wife says that after 10 years she no longer finds her husband the raging stud he once was (Hypoactive Sexual Desire Disorder). A columnist blubs that he can't write a word without 40 Silk Cut and a gallon of coffee by his side (Addictive Personality). Your sister says she can't get her old boyfriend out of her head (Obsessive-Compulsive Personality Disorder). A colleague says he'd rather be on his own than with friends (Schizoid Personality Disorder). This is a limited selection. The DSM's list of disorders runs to 866 pages.

And that's just psychiatry. Phillip Hodson of the British Association for Counselling & Psychotherapy told me there were about 300 competing varieties of therapy in Britain – all offering the promise that they know what is wrong with you. Any fraud or dunce can be a counsellor because, true to form, New Labour refuses to regulate this booming small business sector while tearing up the civil rights of the mentally ill. No one knows how many counsellors are out there. The highest estimate is that there are 200,000 billing unknown millions.

The Government may be more in tune with the solipsism of a country lost in therapy than the therapists who oppose it. To a public which believes every variant of quirkiness or regret is an identifiable illness, the absurd instruction that psychiatrists pick out criminals before they commit a crime sounds feasible. Ignorant desires for something to be done about the negligible threat of mad axemen are themselves a form of selfishness. Politicians who know how to play on insecurity can gratify people who like to think they are ill by stigmatising and bullying people who are all too ill.

When Ministers are asked what they think they're doing, they say, 'trust us. Only a few people will be caught by the new law'. Dr Zigmond doesn't believe them. He predicts an explosion in coercive treatment. What is being proposed is a return to the compulsion of Victorian Britain before the 1890 Lunacy Act limited the random cramming of the eccentric and simple into asylums. At present, one social worker and two doctors must agree before sectioning a citizen. If, for instance, a disturbed man's parents say they can look after him at home, the professionals have the discretion not to section. The Bill removes that discretion. If symptoms persist, it says the man must be taken before a tribunal, which also has no discretion. If he is sent to a hospital, the tribunal can order psychiatrists to keep him in, when doctors agree he has been cured. 'What are we going to do with him then?' Zigmond asks.

> "Any fraud or dunce can be a counsellor because, true to form, New Labour refuses to regulate this booming small business sector while tearing up the civil rights of the mentally ill"

Hundreds of thousands may be caught. Suppose you tell a doctor you feel stressed. He prescribes pills. You say you hate the thought of drugs and want a counsellor. The doctor insists. The Bill removes your right to oppose him. You will be compelled to swallow your pride and the recommended treatment.

Those psychiatrists who stay with the profession – many are threatening to retire early – will accelerate the trend to hyper-defensive medicine. There has been a 60 per cent increase in sectioning in the past decade, not, say psychiatrists, because the population has got noticeably madder, but because of the blame culture. Doctors don't get criticised for the 999 patients they keep in, but the one they let out who commits a crime.

With its enormous majority this administration can ignore the protests of the 50 organisations which comprise the Mental Health Alliance. Defeat will be inevitable unless they are prepared to try a bold tactic.

Whitehall wants to give everyone the right to call an NHS trust and insist that its psychiatrists examine a citizen you think is dangerous. The trust can't refuse, and I'm sure rejected lovers and spiteful neighbours will enjoy using this nark's power to the full. The Alliance should warn that it will require the Westminster NHS Trust to examine Tony Blair (Psychotic Delusions of Grandeur), David Blunkett (Explosive Personality Disorder), Alan Milburn (Attention Deficit Disorder), Estelle Morris (Masochistic Personality Disorder) and Gordon Brown (Generalised Anxiety Disorder).

Meanwhile, I must tell my colleagues that I have patented this unbeatable wheeze. My lawyers will defend to the death my sole right to order some wretched shrink to dive into the phobias and paranoias which make up the mind of Alastair Campbell.

■ First published in *The Observer*.

Haldane Society in Europe: part of the growing resistance to globalisation

by Bill Bowring

Europe's democratic deficit is deepening with every year. The EU's internal structures are as ever devoted mainly to monetarist policies of integration and enlargement, while externally the Union pursues increasingly undemocratic measures to prevent immigration and asylum, and to strengthen Fortress Europe. The institution which exists to promote democracy and human rights, the Council of Europe, is starved of funds and often sidelined, while NATO and the increasingly compromised ICTY enjoy huge and growing budgets. Opposition and dissent often seem limited to individual member states. And what role if any can lawyers play?

The Haldane Society has helped to create one small but lively centre of resistance.

At a meeting held on 1st May 1993 in Paris, the Haldane Society was one of the founders of the organisation which has become the leading grouping of socialist and democratic lawyers in Europe. Its name is (its sounds better in the original German...) "The European Association of Lawyers for Democracy and World Human Rights", or, for short, EJDM. The founders were the French, German, Italian, Swiss and English lawyers' associations, all affiliated to the International Association of Democratic Lawyers (IADL).

Each of these founder associations is still active in EJDM. Better still, it has grown. There are now lawyers from 13 countries involved: organisations in Bulgaria, England, France, Germany, Italy, Romania, Spain, Switzerland and Turkey, and individuals in Belgium, Greece, Portugal and Ukraine. But the organisation still runs on a shoe-string – subscriptions are fixed at a very low rate, and most events are self-financing.

The individuals who have contributed most to EJDM over the years are well-known to many Haldane members. They are EJDM's General Secretary, the German trade union lawyer Thomas Schmidt; its former President, the French radical professor of international law Monique Chemillier-Gendreau; its present President the Swiss internationalist advocate Rudolf Schaller; and the Italian campaigning researcher Fabio Marcelli. For the Haldane Society, its International Secretary Professor Bill Bowring has attended almost every Administrative Council and General Assembly meeting, and other Haldane members have attended when possible. EJDM members have frequently attended Haldane events in England, including our London Conference on 11th May 2002, "Anti-Terror Laws: Making the world not safer but less free?".

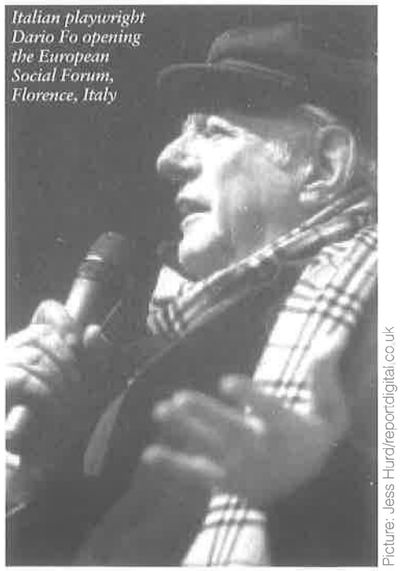
The EJDM seeks to be an activist organisation, which also undertakes serious research and legal support for struggle. Thus, its pattern of work involves at least one major seminar each year, held in various European countries, at least two meetings of its Administrative Council, and participation in a wide range of campaigns.

Haldane members have taken part in most of the past years' seminars. The first of these set the tone for the future, and was entitled "Europe, the beloved country? Nationality, Immigration, Asylum", and was held in East Berlin in 1993. About 20 Haldane members attended, and speakers included Tony Bunyan of Statewatch and barrister Frances Webber.

This was followed in 1995 by a solidarity conference with Turkish and Kurdish lawyers in Istanbul, Turkey, entitled "Democracy and Human Rights in Turkey". Later events included "The European Union – Institutions and Political Foundation" in Florence in 1996, at which Dr Steve Peers made an important contribution, "Environmental Law in Europe" in Brussels in 1997; "Labour Law under Conditions of Globalisation" in Paris in 1998, at which Haldane's Steve Gibbons and Professor Steve Anderman presented papers; Istanbul in April 2000 on "Turkey's entry to the European Union"; "The Right to Asylum is a Human Right" (with a paper by Haldane's Fernne Brennan) in Frankfurt in November 2000; and May 2001 in Paris on "The Charter of Fundamental of the European Union", at which the French and German members of the Convention gave a graphic description of the tooth and nail resistance of the UK delegation to the inclusion of Solidarity Rights in the Charter.

This series of dynamic interventions into the key issues of contemporary Europe has continued. In November 2001 EJDM held a well-attended conference in Frankfurt on Oder (on the border of the former East Germany and Poland) on the theme "Enlargement of the European Union. What will the consequences be? What demands should be made?", attended by Steve Gibbons for the Haldane Society.

EJDM has on frequent occasions contributed members to, or has itself organised, Missions of Inquiry, and trial observation teams. During 2001 EJDM members participated in a Mission of Inquiry to Turkey on the grave violations of human rights in Turkish prisons. They met the IHD (Human Rights Association), families of detainees on hunger strike and killed in prison, Associations of Democratic Lawyers, a sociologist detained on 19th December 2000, eye-witnesses of repression in the jail of Umranie in Istanbul, and the President of the Istanbul Bar Association. The mission participated with Eren Keskin at a sit-in in front of the headquarters of IHD with the relatives of detainees. This has been followed by a Mission to Palestine in November 2002, which observed the trial of Marwan Barghouti. The EJDM has also regularly issued statements in several languages condemning violations of human rights and breaches of international law, including – in particular – the continued attacks on Iraq, the effect of sanctions on its people, and condemning proposals for the use of force today.



Italian playwright Dario Fo opening the European Social Forum, Florence, Italy

Picture: Jess Hurd/reportdigital.co.uk

However, a keystone of the EJDM's activity over the past couple of years has been resistance to globalisation – in other words, international capital. Together with the Italian Democratic Lawyers EJDM organised an international Tribunal concerning the events in Genoa as well as in Goeteborg and in Davos, and the question of democratic rights under conditions of globalisation. An international preparatory meeting was to be held on 15 and 16 September 2001 in Geneva. This organised the International Commission on Fundamental Rights and Globalisation, whose members include Stéphane Felder (Swiss advocate), Professor Luigi Ferrajoli (Rome) Dario Fo (Italy, winner of the Nobel Prize for Literature) the environmentalist Susan George, and Peter Weiss, lawyer (USA) President of the International Association of Lawyers against Nuclear Armament (IALANA). The first session took place in Genoa on 23rd March 2002, and attracted very wide publicity in Italy. The next meeting will probably take place in May 2003.

The Administrative Council of the EJDM was meeting again in Paris on Sunday 12th January 2003, and a wide range of future activities will be discussed. The first concerns the vitally important struggle against racism, and, in particular, the implementation by Germany of the EU's "Racial Equality Directive", the deadline for which is 19th July 2003. A conference will be held in Berlin on 30th-31st January 2003, organised by ENAR, the European Network Against Racism, with EJDM which is a member of ENAR. Issues of domestic law are not forgotten, and on 15th-16th March 2003 in Dresden, the German member organisation, the VDJ, is organising a conference, with German judges, and socialist and social democrat politicians, on "The Public Prosecutor in a Democratic Society." The main event of 2003 will be an international conference on War Crimes, which will be held in Geneva, probably on 17th May, followed by the biannual General Assembly of the EJDM. ■

All Haldane members and associates are very welcome to attend any of these events. If you would like to come, please contact the International Secretary, Professor Bill Bowring at: b.bowring@londonmet.ac.uk

Public meeting

Beyond the law: Camp X-ray and the detainees

Speakers: **Louise Christian** *confirmed*
Conor Gearty *invited*

7pm, Tuesday 11th February 2003 at Conway Hall, Red Lion Square, London WC1

Stop the war demonstration:
Saturday 15th February, London. Haldane Society members meet outside Temple tube station at 12 noon.

Annual General Meeting:
See notice on page 11

Appeal for office equipment:
Computer urgently needed, contact Rebekah at: rebekahmaxinew@hotmail.com

JOIN Haldane Society of Socialist Lawyers

If you would like to join or renew your membership of the **Haldane**Society, which includes subscription to *Socialist***Lawyer** for a year, please fill out the form below and forward with the appropriate membership fee

Membership Rates

Students/pupils/articled clerks/unwaged **£8**
Greater London workers or residents **£30**
Non-Greater London workers and residents **£20**
National Affiliates **£50**
Local Affiliates **£15**

Subscribe including special students rates

If you would like to subscribe to *Socialist***Lawyer** without joining the **Haldane**Society, the following annual subscription rates apply (inclusive of postage, packaging and administrative costs).

Individuals **£10** (Britain & Europe) **£12.50** (Worldwide)
Students/pupils/articled clerks **£8** (Britain & Europe) **£12** (Worldwide)
Local trade union branches/voluntary organisations **£30** (Britain & Europe) **£34** (Worldwide)
Libraries/national trade unions **£40** (Britain & Europe) **£50** (Worldwide)

Haldane Society of Socialist Lawyers Membership & Subscriptions

Name (in capitals) .....

Address .....

..... Postcode .....

*I would like to join/renew my membership of the Haldane Society/subscribe to Socialist Lawyer
*Method of payment: Cheque (payable to the Haldane Society)/Standing Order
*(delete where appropriate)

Standing Order

Please cancel all previous standing orders to the Haldane Society of Socialist Lawyers

Please transfer from my account no: .....

Address (of branch) .....

To the credit of: Haldane Society of Socialist Lawyers
Account No 29214008, National Girobank, Bootle, Merseyside G1R 0AA
(sorting code 72 00 05)

The sum of £ ..... (see rates above)
now and thereafter on the same date until cancelled by me in writing

Signed ..... Date .....

Please send this form (feel free to photocopy this page) to: **The Membership Secretary, 25a Red Lion Square, Conway Hall, London WC1R 4RL**

JOIN Haldane Society of Socialist Lawyers

If you would like to join or renew your membership of the **Haldane**Society, which includes subscription to *Socialist***Lawyer** for a year, please fill out the form below and forward with the appropriate membership fee

Membership Rates

Students/pupils/articled clerks/unwaged **£8**
Greater London workers or residents **£30**
Non-Greater London workers and residents **£20**
National Affiliates **£50**
Local Affiliates **£15**

Subscribe including special students rates

If you would like to subscribe to *Socialist***Lawyer** without joining the **Haldane**Society, the following annual subscription rates apply (inclusive of postage, packaging and administrative costs).

Individuals **£10** (Britain & Europe) **£12.50** (Worldwide)
Students/pupils/articled clerks **£8** (Britain & Europe) **£12** (Worldwide)
Local trade union branches/voluntary organisations **£30** (Britain & Europe) **£34** (Worldwide)
Libraries/national trade unions **£40** (Britain & Europe) **£50** (Worldwide)

Haldane Society of Socialist Lawyers Membership & Subscriptions

Name (in capitals) .....

Address .....

..... Postcode .....

*I would like to join/renew my membership of the Haldane Society/subscribe to Socialist Lawyer
*Method of payment: Cheque (payable to the Haldane Society)/Standing Order
*(delete where appropriate)

Standing Order

Please cancel all previous standing orders to the Haldane Society of Socialist Lawyers

Please transfer from my account no: .....

Address (of branch) .....

To the credit of: Haldane Society of Socialist Lawyers
Account No 29214008, National Girobank, Bootle, Merseyside G1R 0AA
(sorting code 72 00 05)

The sum of £ ..... (see rates above)
now and thereafter on the same date until cancelled by me in writing

Signed ..... Date .....

Please send this form (feel free to photocopy this page) to: **The Membership Secretary, 25a Red Lion Square, Conway Hall, London WC1R 4RL**