RUSSIA - BEHIND THE COUP
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 from a socialist perspective. It is independent of any political party. Its membership consists of those who are lawyers, academics or students and legal workers, and it also has trade union and labour movement affiliations.

The Subcommittees of the Society carry out its most important work. They provide an opportunity for members to develop areas of special interest and to work on specific projects within those areas. All subcommittees are eager to attract new members, so if you are interested in taking a more active part in the work of the Society, please contact the Convener and s/he will let you know the dates and venues of meetings.

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Inquest Lawyers' Group

The inaugural meeting of Inquest's new Lawyers' Group, in September, was chaired by Stephen Sedley, QC.

The meeting, entitled "Clues for Concerned Inquesters, the Law and Deaths in Custody" was addressed by Audrey Strange, QC, Dr Paul Knapman (the Westminster Coroner) barrister Tim Owen, and David Mills, whose son died in prison last year and who was unrepresented at the inquest.

The aims of the group are to provide training for lawyers in inquest representation; to build up a national pool of inquest lawyers; to create a regular forum to discuss developments in the law; and to lobby and campaign for reform of the Coroner's Rules and for legal aid for families to be represented at inquests.

For a membership form, please contact INQUEST at Alexanders National House, 330 Street Streat Road, London WC1, TEL: 011-402-7402. See Noticeboard for meeting dates.

Transferring Irish Prisoners

We are the families and friends of Irish political prisoners held in jails in England. Theirs are sentences of no less than 17 years. Prisoners' advocates for transfer of prisoners of Ireland have been systematically refused.

Our demand is a simple one. To live with Home Office guidelines, we ask that Irish political prisoners be allowed to transfer to jills near their homes and families. There is a surplus of accommodation in what is reputed to be Europe's most secure jail at Maghaberry. There is no excuse for inflicting deliberate punishment on the families of prisoners by refusing re-quests for transfer which would alleviate our suffering.

Many of us are taking cases to the European Court of Human Rights under articles 8,9 and 14 of the European Convention of Human Rights: the right to family life, the right not to be discriminated against and the right to legal redress in one's own jurisdiction. We are advised that these cases should be successful, but that there is no guarantee that the British Government will obey any ruling by the European Court; rather, there is every chance of derogation.

We are doing everything we can to highlight the effects on prisoners' families of the refusal to transfer. To this end, we have organised a tribunal which took place on Tuesday 29th October 1991 in Belfast, to investigate the effects of illegal imprisonment in England on prisoners' families living in Ireland. The Haldane Society provided a panel member as well as the person responsible for compiling the report to follow.

For further information, please contact the Committee for the Transfer of Irish Prisoners, P.O. Box 105, Town Street, Belfast.

Insight

Breathing Life Into IADL

On 3rd July 1991, Haldane Chair, Bill Bowring, signed a joint letter addressed to Professor Stefano Rodota, President of the International Association of Democratic Lawyers (IADL), of which the Haldane is a British section.

The letter was written against the background of revolutionary changes in the world order since the Gulf War and the upheavals in Eastern Europe and the USSR. There were seven other eminent signatories, including a former president of the IADL.

The letter expressed grave concern at the situation of the IADL. In its objectives are not clearly fixed, its activities have been reduced and its finances are very disturbing. The signatories stressed that they were too much attached to the IADL, which has played an historic role, for them to disappear; in their estimation it still has a positive role to play in the world of today. The letter called on President Rodota to take immediate action.

The IADL's Barcelona Congress in March 1990 was attended by representatives from 61 countries and many Non-Governmental Organisations. It took important policy decisions on a range of issues concerning Waldenism, democracy and human rights.

The IADL Bureau (in effect, its executive committee) met in Brussels in October 1990 and there has been no meeting since. But the worldwide movement is not in any means dead. In June this year the affiliated Association of American Jurists met in Brazil and, in September, there was a major IADL Conference of Democratic Lawyers of the Pacific in Tokyo. The Haldane's sister organisation, the IADL and it serves the purpose of defending and furthering the interests of the IADL and its member organisations. Its activities are thriving.

The Haldane Society, which has a firmly internationalist perspective, will be doing everything possible to keep the IADL in being.

Bill Bowring

Lawyers Against the War

The emergence of Lawyers Against The War, enabling a large number of lawyers from widely varying backgrounds and experience to take a public stance against the war in the Gulf was a significant event.

In the aftermath of the Gulf War, there is no question that QCs & senior solicitors, practitioners and students, lawyers from commercial West End firms and from community law centre, academic lawyers from London and many parts of the country all opposed the war. They objected to why and how it was being conducted and abhorred its effects: and, despite the patriotic fervour at the time, were prepared to make their opposition known. Lawyers are by nature a cautious profession, not normally first at the barricades, but, with due proportionality to the Allied assault, with thousands in unnecessary deaths, the disregard of conventional and the Allied assault, with thousands in unnecessary deaths, the disregard of conventional and the Allied assault, with thousands in unnecessary deaths, the disregard of conveniences to protect the environment, the shared anxiety and the determination of Iraqis and Arabs in Britain, and the government manipulation of the media, bought lawyers off the sidewalks.

The lawyers' War became into being only as it was needed in February 1991. It worked with Media Workers Against the War to help inform the British public, including a conference on the background to the war and prospects for peace.

The greatly diminished interest in further anti-war related activities, including a joint project with Lawyers for Palestinian Human Rights or participation in the proposed British Commission of Inquiry into Iraq, gave a clear indication that there is not a constituency for an ongoing Lawyers Against the War organisation.

The fact that the organisation has ceased to have a role does not invalidate its short but active existence. On the contrary, it reinforces its success. It provided the means for lawyers to respond to a specific urgent and grave human rights issue. The urgency has now passed and the issue have become more diffused. Lawyers who were involved will again redirect according to their other interests, but now with a different angle. It is to be hoped that, as it did, on an issue of human rights and international law, stand up to be counted.

Barbara Cohen

First Steps

The Public Law Project (PLP) has recently marked the completion of its first year's work with the publication of a revised prospectus, First Steps.

It has also held in third seminar (the first outside London) in Belfast, on "Challenging Public Decisions in Northern Ireland". Other areas of current work include the PLP acting as a clearinghouse for a group of voluntary organisations drawing up a Code of Practice on the use of bailiffs by local authorities, as well as dealing with a number of specific enquiries relating to issues such as publictic rights, access to information in local government and represent-ation at special inquiries.

The PLP is now seeking funding for a number of new initiatives. Already, a grant from the Economic and Social Research Council has been obtained to hold a series of public law research seminars over the next two years, in conjunction with the Institute of Advanced Legal Studies. Another project is a major empirical investigation into public access and to judicial review. This study will be carried out over the next two years and is designed to complement the Law Commission's new inquiry into the procedures for judicial review. It would look, in particular, at problems in obtaining legal aid for such proceedings.

The PLP is also currently seeking funding to employ a lawyer, so as to enable it to provide more direct advice to groups on pursuing public law remedies and to offer assistance in litigation. An appeal, supported by Lord Justice Harry Woolf, is now being made to leading chambers and solicitors' firms.

Further information and copies of First Steps can be obtained from the Public Law Project, Room 505, Charles Church House, 17 Russell Square, London WC1B 5DR.

Lawyers and British and Ireland Human Rights Project

The British and Ireland Human Rights Project has already held two seminars on the Right of Silence (one in Belfast and one in London) this autumn. A third seminar is to take place in Belfast on 15th November on Coroner's Inquests and will be addressed by, among others, the Corner for Greater Belfast.

This is a busy time for the Project. Plans for the Northern Ireland Human Rights Assembly, due to take place from 6th to 10th August, have been well-advanced. Over the summer, the Project made a lengthy submission to the CASPER Inquiry, chaired by Lord Coleridge, as part of its aim of drawing international attention to human rights abuses. On the Project attended the Moscow CSJE conference in September and Oslo Meeting of Experts on Democratic Institutions in November.

If you would like information about the Assembly or would like to make a donation towards the work of the Project, please write to 95 Hillbrook Road, London, SW17 8SF.
Georgia's Response to Warren McCleskey

Warren McCleskey's name doesn't mean much over here. His execution in Georgia (USA) on 25th September 1991, prompted only a tiny comment in the Times. Yet his name is on two of the most important US Supreme Court rulings on the death penalty in the last decade. His case exemplifies much that is wrong with the way the death penalty is applied in practice in the USA.

McCleskey admitted that he was one of four men who committed a furniture store robbery in May 1978, in which police officer, Frank Schlacht was shot and killed. He always denied shooting Schlacht. McCleskey was the only one of the four to receive the death penalty after being convicted as the serial killer.

The case against him was based on testimony from one of the other robbers, who could himself have been the triggerman, and from a police informant. In exchange for his incriminating testimony, the informant had all charges against him dropped. McCleskey's lawyers discovered this fact some nine years after the trial, after a change in the law enabled them to gain access to police files for the first time.

In 1987, a federal judge ruled in McCleskey's favour, saying the death sentence had been tainted by the prosecution's failure to reveal that their chief witness was a police informer and not just a disinterested informer, as the jury had been led to believe.

The Supreme Court, in 1990, rejected the argument, ruling that the information about the informer should have been introduced earlier in McCleskey's appeals. So, McCleskey lost on a point of procedure. The court did not address the merits of the new evidence nor explain how the lawyers could have presented it earlier.

The importance of that evidence was reiteracted at the clemency hearing on 24th September this year. Two of the trial jurors came forward to say that if they had known the witness was a police informer, they would have undermined his credibility so much that they would not have voted to sentence McCleskey to death.

McCleskey was black. Officer Schlacht was white. In 1987, in a five-to-four ruling, the US Supreme Court rejected statistics showing that killers of white people are far more likely to be sentenced to death than killers of black people. The ruling, McCleskey v Kemp, described at the time as the most important death penalty case in 11 years, eliminated the last sweeping legal challenge to the death penalty in America. McCleskey lost his appeals by the narrowest of margins. It is assumed that the Georgia Pardons Board was ill-informed on whether to commute the death sentence. Appeals for clemency came from prominent people around the world, including Nelson Mandela who said, "...I feel compelled to intervene. From my reading of the facts surrounding this matter, there appears to be a significant doubt about the validity of his conviction... As a person who practiced as a lawyer before my imprisonment, I appreciate fully the concept of "beyond reasonable doubt". To my mind there is far more than reasonable doubt in the case of Warren McCleskey, and I believe his execution would represent a tragic miscarriage of justice.

But clemency in the USA is not always decided solely on the merits of the individual petition. The Georgia Pardons Board had commuted three death sentences quite recently. Another member of the Board, a former 17 year-old who spoke to detectives, had been interrogated in Castletown. He had been arrested twice in recent months. He had been verbally abused, punched in the stomach and spat upon by detectives; shocked until he was nearly fainted and then kicked and punched again. A detective placed his boots between his legs and applied pressure to his testicles. He was bound on the face with a cloth and it was revealed he was_pubic bail. His ears were pulled so that stitches from a previous injury came out. He was interviewed some nine days before being released and threatened with re-arrest on more than one occasion.

Outside the prison, in the rain, prisoners rallied to oppose this, the first execution in Georgia for more than two years, while two members of the Ku Klux Klan, fully robed, looked on from the sidelines. No doubt, they approved of the outcome.

At the Society's AGM this April, a resolution was passed calling for the withdrawal of British troops and for a united Ireland. Against this background, a delegation of the Northern Ireland sub-committee set off for Belfast on 26th September. Winter 1991

Phillip Kaufman was one of 14 lawyers who went on a Haldane delegation to Belfast in September. She recounts the concern felt by delegates at the increasing abuses of the criminal justice process about which so little is known.

Evidentiary was also gathered from four adults of the systematic and daily harassment to which they are subjected. These four are now living in constant fear, having been told by the RUC that the only solution is for them to be 'taken out' (killed). Theirs did not appear an exceptional situation and it seems these abuses are symptomatic of an escalating and systematic policy to intimidate, isolate and divide the catholic community.

The safeguards which do exist are seen to be largely ineffectual. James Greaves, Chairman of the Independent Commission for Police Complaints, using the language of commerce, said that the Commission had made it their business to 'set up mutual respect' and had established a 'happy marriage' between the RUC and themselves.

They went on to say, 'we have spent a lot of time selling ourselves to gain the confidence of the RUC'. They put the high withdrawal of complaints (80%) down to fabricated complaints and saw no need to look beyond the withdrawal, even in the face of independent medical evidence of maltreatment. Mr Greaves said of the state of non-cooperation, 'this is more than just coincidence. You could say that this is a strategy'. Serious and systematic abuse by the RUC of their power was not considered.

Delegates went to Long Kesh jail (the Maze) to visit some of those convicted of aiding and abetting the murder of two undercover British soldiers in the massacre of Coshinian Mac Bindia in March 1988 and serving life sentences. They also visited Casement Park where the funeral took place and watched the television and satellite footage on which the prosecution rested its trial. Delegates were conscious that serious miscarriages of justice have taken place.

A full report is being compiled which will be published in December, distributed to various bodies with a direct interest or involvement in the administration of justice in the North of Ireland.
Despite a relaxation of the laws against homosexuality in the 1960's, and despite progressive change in the rest of Europe, Britain continues to criminalise many aspects of consenting gay behaviour. Prominent gay rights campaigner Peter Tatchell has undertaken research of his own which highlights the continuing discrimination against the gay community inherent in our laws.

Ninety-six years after the trial of Oscar Wilde, the anti-gay laws which led to the imprisonment of one of the greatest writers of the nineteenth century are still on the statute books. Every year, thousands of men continue to be prosecuted for victimless gay behaviour. Despite moves towards closer integration with Europe, Britain still sanctions levels of institutionalised judicial discrimination against its gay and bisexual citizens which is far greater than any other European Community member state. My own recent research, based on official Home Office figures, has shown that in England & Wales during 1989, consenting homosexual relations between men over the age of 16 resulted in an estimated:

- 3,500 prosecutions;
- 2,700 convictions and 380 cautions;
- 40-50 prison sentences.

Among those victimised were 31 men over 21 jailed for consensual gay sex with other men aged 16 to 21. Dozens of teenagers were also penalised: 165 were cautioned, 147 cautioned and 25 imprisoned for the predominantly gay consensual offences of buggery, soliciting, indecency and procuring.

In 1989 the criminalisation of men for consenting gay behaviour cost the taxpayer:

- £12 million for 3,500 prosecutions;
- £1 million for the imprisonment of 40-50 men.

Anti-gay bias within the criminal justice system is suggested by evidence from the government's criminal statistics for 1989:

- 30 per cent of all sex convictions are for consensual gay relations (though these comprise only 13 per cent of sex offences);
- Men who commit consenting homosexual acts are three and a half times more likely to be convicted than heterosexual and violent sex offenders;
- The average police clearance rate for the main consensual gay offences of buggery, procuring and indecency is 97 per cent, which is 28 per cent higher than the average clearance rate for rape and indecent assault on a woman.

- Compared with men who have consenting sex with girls under 16, men who commit the consensual offence of 'indecency between males' with partners over 16 are five times more likely to be prosecuted and three times less likely to be left off with a caution.

- Convictions for victimless homosexual indecency rose by 106 per cent between 1985-1989. According to the Home Office, this can be partly explained by the decision of some Chief Constables to target these offences. Comparable heterosexual behaviour is rare, if ever, targeted by the police.

- Men who have consenting sex with 13-16 year old boys are nearly always charged with 'indecent assault' (despite the boys being willing participants), whereas an 'indecent assault' charge is almost never brought against men who have consensual sex with girls in the same age range.

- Prison sentences for consenting homosexual relations with men aged 16-21 are sometimes as long as for rape and are often twice as long as the jail terms for unlawful sexual intercourse with a girl aged 13-16.

Despite the supposed decentralisation of male homosexuality in England and Wales in 1967, many types of consenting gay behaviour continue to remain criminal offences under the statutes against buggery, soliciting, indecency and procuring. While some of these laws are not always strictly enforced, the following gay behaviour is still illegal in Britain:

1. offering two gay friends the use of a spare bedroom for the purposes of sexual intercourse;
2. cruising and chatting up other men in a public place with the intention of arranging sexual relations;
3. having another man to have sex in a non-private place, such as the back seat of a car or the garden of a house;
4. all gay sex where more than two people participate;
5. introducing two men who fancy each other, with a view to them having anal sex;
6. any form of homosexual activity involving men aged 16 to 21;
7. gay sex in a private house while other people are present in other rooms, as in the case of two men having sex in a bedroom while friends are watching television in the living room;
8. all sexual or affectionate contact - even mere kissing and cuddling - between men outside the privacy of their own homes, including discreet homosexual acts in deserted toilets, parks and lovers' lanes in the middle of the night.

No comparable heterosexual behaviour is a criminal offence, except sex in non-private places. Even then, heterosexual offenders are more likely to be let off with a warning or caution. Though some of these consensual homosexual offences are rarely prosecuted, the mere fact they exist legitimates homophobia, sanctions prejudice and reinforces the legal and social inequity of gay and bisexual men. Most of these consensual offences are classified as serious sex crimes under Clause 31 of the Criminal Justice Bill.

An estimated 3,065 men were convicted of the predominantly consensual gay offences of buggery, soliciting, indecency and procuring in 1989. According to official statistics, these convictions break down as follows:

- 1,503 convictions for indecency (mostly gay sex in non-private places);
- 462 convictions for soliciting (cruising and chatting up men);
- 346 convictions for procuring (inviting or aiding and abetting gay sex);
- 254 convictions for buggery (mainly age of consent violations with teenagers aged 16-21).

In addition, 500 men are estimated to have been convicted of homosexual 'indecency' under miscellaneous provisions such as bye-laws, public order legislation and common law.

Though the level of convictions does fluctuate from year to year, the annual average is close to 3,000. Once the Criminal Justice Act is implemented, many of these men could be at risk of longer deterrent prison sentences.

This homophobia of the British legal system is increasingly out of step with the rest of Europe. Last year, for example, newly democratised Czechoslovakia lowered the age of consent for lesbians and gay men to 16, thereby ensuring parity with the age of consent for heterosexuals. In Britain however, we continue to have more laws against gay sex than any other country in Europe. East or West.

We also prosecute men for consenting homosexual behaviour than any other European nation.

1992 is only a few months away. Now is the time to campaign for 'Equality With Europe'. As Britain joins the process of closer European cooperation, we should ensure we have European style equal ages of consent (typically 15) and partnership rights (as in Denmark), anti-discrimination legislation (similar to the French) and laws against incitement to hatred (along the lines of Ireland). Nothing could better commemorate the centenary of Oscar Wilde's trial in 1995 than the repeal of Britain's anti-gay laws and the achievements of full equality for the lesbian and gay citizens of this country.

1949 is the latest year for which full information is published. The figures quoted are based on official Home Office statistics for the offences of soliciting, buggery, procuring and indecency (including estimates of indecency offences under bye-laws etc. which are not listed in the official figures). Since some of these offences occasionally involve heterosexual behaviour, coercive or young children, such cases have been subtracted from the total in produce the quoted figures for consenting homosexual behaviour 'with men over the age of 16.'
Peoples Courts In a
'New South Africa'

Informal dispute resolution has a long tradition within the black townships. Daniel Nina, a Puerto Rican lawyer currently researching in South Africa, traces its development and draws attention to recent government initiatives to impose alternative methods of dispute resolution. Whatever the outcome, the community must be consulted, he concludes.

A Natural Mediator

Mama Louise always carries her record-book of pending 'cases' under her arm as she is walking through the streets of Alexandra, a black township. She is a natural mediator of disputes amongst the dwellers of her community. Depending on her time, something quite scarce in her complicated life as chairperson of the ANC Women League in her community, she will decide to sort out a community dispute on the spot or refer it to the Advice Committee of the Alexandra Civic Association.

People's Power

The people of Alexandra, as in most of the black townships throughout South Africa, have developed organs of people's power since early 1980. Their nature was highly democratic, via elected representatives, and their interest was to create mechanisms that could allow the people to rule themselves. One of the manifestations of this process was the consolidation of a project of 'people's justice' in which the legitimacy of the townships was defined. Conceived in values of democratic participation, equality and resistance to the apartheid regime, the community organised its own mechanism of dispute resolution: the people's courts.

The people's courts operated as a judicial body in the communities, whose members were elected by the community structures. The main aim of these courts was to deal with cases that could have created conflicts and tensions amongst the dwellers, for example, neighbourhood disputes, family matters and crime. In addition to this type of cases, the people's courts engaged in 'trials' where the principles and political campaign of the community as a whole were in dispute, such as the prosecution of those dwellers who had broken the community calls for rent, transport and school boycotts and stayaway (day of community strike) actions. During the heyday of people's courts (1985 to 1986) the proceedings of these organs were conducted with a great deal of community participation, having as their ultimate aim the rehabilitation and re-education of the wrongdoer.

Outlawing of the People's Courts

In opposition to what has been broadly claimed, mainly by the state, there is no factual evidence of people's courts in Alexandra punishing people with 'necklacing' (the burning of a tyre around someone's neck). However, there is ample evidence of these courts whipping a guilty party as representative of its more severe punishment. Nonetheless, they relied more on restoration and community work as a means of re-education. It is interesting to note that since 1986 the government prohibited any activity of the people's courts and banned the publication of any information favourable to these organs of people's power.

State repression, loss of legitimacy amongst the community dwellers and real mistrust committed by these courts, led to their eventual disappearance. In Alexandra there is evidence that after the community leaders engaged in the courts were arrested, members of the youth took control. The immediate impact of the involvement of the youth in the people's courts caused many injustices and violations of fundamental human rights of the community dwellers.

The 'Civics'

However, this situation led to the transformation of the civic structures into the finest mechanisms of people's government and the resolution of internal disputes of the members of the community. Decentralising the organs of justice, taking away the control of the people's courts from the hands of the youth, and bringing mechanisms of dispute resolution to every instance of the community structure, allowed the continuation of the people's justice in this particular community. So far, the importance of the Civics has never been recognised by the state. However, due to their effectiveness throughout the community it became difficult for the state to repress them. Currently, during this period of transition, the existence and future role of the Civics is in question - they might even represent a problem of people's mobilisation and struggle for those coming in to power: the ANC.

An external initiative

Nonetheless, there is something not in dispute at the moment in South Africa that in the short term, any government in power would not be able to deal with the financial crisis and crisis of legitimacy that the old legal system embodies. There, the solution has been to seek alternative modes of disputes resolution that could ameliorate the legal crisis. The solution has not arisen from the communities, but from external sectors that are trying to implement new schemes of dispute resolution. The Community Dispute Resolution Resource Committee (CDRRC) is the best example of this new trend. Originated as a joint project of the National Association of Democratic Lawyers, the Centre for Applied Legal Studies of the University of the Witwatersrand, CDRRC is trying to develop a scheme of mediation and arbitration in the communities.

In whose interests?

In this sense, CDRRC coincides with the interests of the Government that will allow the people's courts to operate in the townships, provided that it helps the state in its financial and legal crises. However, the question to be raised in relation to projects like CDRRC, is in whose interests are they going to be operating? This question has to be seen in relation to the nature of the informal justice/ people's courts which has a long history in South Africa. How, for example, could the expression of informal justice, with strong community participation and legitimacy be preserved within a new scheme that has been originated outside the black townships? How can the justice, that has been fought for so many years, avoid developing into a private enterprise, run by university intellectuals and lawyers outside the community and financed by charity institutions?

On the other hand, a great many community members are in favour of this new initiative of mediation or arbitration. The reason for some is to overcome many of the mistakes committed by the organs of the people's power. For others, this new external initiative would allow them to continue organising their internal structures (regardless that they might...
have to adapt themselves to a new project with a different name) without fear of state repression.

Following Mozambique

Albie Sachs, one of the leading constitutionalist lawyers of the ANC, has proposed a model of 'Community Courts', based on the Mozambican experience of popular tribunals, institutionalized since 1978. According to his proposal, such courts should follow the African traditions of community dispute resolution, have limited jurisdiction, and have no power to incarcerate or physically punish a party in dispute. They should be institutions where the value of the 'new South Africa' could be reproduced and entrenched. Education and reintegration of the wrongdoers would be the main aim of Sachs' 'Community Courts'.

What strikes any person who is currently doing research inside the black townships is that none of the above-mentioned proposals have arisen from the community. What should be done in relation to the people's courts or the civil structures? Should they be obliterated in the new South Africa? These questions are certainly of vital importance when one reflects on the history of struggles of the black communities in any society, and recognizes that it is necessary to restructure the civil structures to accommodate the community. It is important to note that the community courts exist and are the only ones that are able to participate and mediate. There is no one who knows that this issue have been already considered and are still in consideration in any future project.

Looking to the future

It is certainly the beginning of a long process of discussion and definition as to the future role of the informal justice system in the new South Africa. Serious consideration should be given to the role of community mediation that is used in the community mediation and arbitration in the communities. It is important to consider an alternative to this model of popular justice such as in Mozambique or Cuba. Also, it is important to define what will be the role of the 'people' in defining the role of the informal justice in the new South Africa. The discussion and the debate promise to be extensive and fruitful. However, it is of great importance that every sector of society, the university intellectuals to the dwellers in the townships, contribute to it. Mama Louisa is certainly happy nowadays. Not able to be a judge during the era of the people's courts as women were excluded from being judges, she knows that the civil structures managed to create some democratic foundation in which any member of the community, regardless of his/her subjectivities, was able to participate and contribute. She, more than anyone, knows that any future community legal institutions should guarantee at least those victories gained in the past.

References

1. See: Shlomo Modreski and others 1986 (4) SA 738; and Shlomo Zusman and others 1987 (4) SA 169.

Roger Trask was recently in Istanbul for the court hearing in which the Turkish teachers' union is fighting for recognition. He reports on the optimism which prevails pending the outcome of the case.

Orders compelling transfer to various parts of Turkey, made against the 15 foundation members of the 'Turkish teacher's trade union, Eğitim-İş, have again been withdrawn by Education Minister, Arvi Aykol. The government climbdown came as hopes rose that the union would win its 15 month battle for legalization. The transfers were the second attempt by the government to scatter the leadership of the union to all parts of the country.

The withdrawal of the transfers came at a meeting on 16th July between Mr Aykol and representatives of Eğitim-İş, led by their president Niyazi Altunya. The move came just a day after court proceedings over the legalization of the union were again postponed, this time until 15th October.

Rumours of a decision within the government over whether the union should be allowed legally to exist are almost certainly true. But now, with the appointment of Mr Yıldız, the balance appears to have been tipped towards those in favour of legalizing of 15,000 strong Eğitim-İş and other fledgling public service unions.

Under the 1982 Constitution, drawn up while the military were still in power, only blue-collar workers are formally granted the right to organise. No mention is made in the rights of public servants such as teachers and health workers, although Turkey is a signatory to a number of international conventions which provide for public servants to join trade unions. Significantly, both the new premier and the Supreme Court have recently stressed the importance of Turkey fully implementing its obligations under the international treaties it has signed.

This was the issue at the latest court hearing when some 20 Eğitim-İş lawyers and 60-70 teachers packed into a small third floor courtroom in Ankara's Central Court to attend the proceedings of the Court of First Instance. During a short hearing the presiding judge, Hasan Erdogen, who is seen as being the progressive side of the judiciary, asked to be supplied with the Turkish translation of the Paris Charter, signed by President Turgut Ozyildiz and 33 other European leaders at the CSCE security conference summit last November.

After more than a year of court battles, Hasan Ural, head of the union's legal team, seemed satisfied with the brief proceedings and the announcement by the judge that he would give his decision on the case at the October hearing. In Mr Ural's estimation, as long as the judge is not replaced, he is almost certain to decide in favour of the union. Another favourable factor is the need for government to respond were to the International Labour Organisation's report which is critical of the government for not legalising public sector trade unions.

The case against Eğitim-İş have been brought by the Minister of Labour and the Governor of Ankara, both figures identified with the still powerful military. They are bidding to prevent the union holding its first conference and have put every obstacle in the way of the teachers.

One by one, Eğitim-İş has summoned those hundred straws in its path, and in July, the Istanbul office of the union became the last one to reopen after several were closed by the police in March.

However, a rise in political violence across the country could yet boost the old guard in the government and give them excuse to thwart the union's bid. In July the security forces in the Kurdish dominated south east of the country fired on a demonstration killing and wounding many. Ten alleged Devol leftist guerillas were shot dead by police in Istanbul and this was followed by a wave of retaliatory killings.

† Snap decisions since the writing of this article have resulted in a swing to the centre right True Path Party. Although a coalition with either the outgoing Motherland Party or the Social Democrats is anticipated, the prospects of legalization of the public service unions is now increasingly likely.
BEHIND THE COUP

Bill Bowring, barrister, international law lecturer and Chair of the Haldane Society, was in Moscow for the first three weeks of July. He participated in a demonstration for two Democratic Union activists held in custody and charged with seeking to overthrow the 'existing system'. Here he sets out the constitutional and legal background to the August coup.

The events of the 'August Coup' have been chewed over so many times now in the Western media that they have almost lost their flavour. There is an unpleasant odour of triumphalism - coupled with unease at just precisely the Yeltsin counter-coup will mean. Not only has the Communist Party of the Soviet Union been suspended, and its property seized, but the entire Communist system, and the Soviet Union itself, seem to have undertaken the most spectacular and pathetic self-destruct in history.

The Role of Law

But there is another story, not so much recounted; the role of law in the coup. Constantly, in the background, there was a continuous reference to and reliance on the new structures of law.

A number of facets of a juridical nature helped precipitate the coup. First, on 31 July, the USSR Supreme Soviet adopted the Law on Privatisation, according to which 50% of industrial enterprises must be freed from state control by the end of 1992. One of the coup leaders was the representative of the military-industrial complex. Second, and the main talking point while I was in Moscow, was Russian President Yeltsin's Decree No.1 of 20th July 1991. Promulgated only a month after his election, it outlawed the activities of political parties and mass public movements in state organisation of the Russian Federation. It challenged a fundamental feature of the Communist system.

The response of the Soviet Communist Party Politburo was to ask the USSR Supreme Soviet to instruct the Committee for Constitutional Compliance (CCC) - which is the Soviet equivalent of a Supreme Constitutional Court, to examine the Decree's compliance with the Constitution and Soviet legislation. The Politburo called the decree not only "an unconstitutional, illegal interference in the activities of public associations and a violation of their rights", but also that it "undermines fundamental constitutional norms."

The new Democratic Party of Russian Communists

On 2nd August 1991 Aleksandrov, now Russian Vice-President, held the founding Conference of his new 'Democratic Party of Russian Communists' within the Soviet Communist Party, in opposition to Pobedonostsev's "conservative" Russian Communist Party. He attracted some 800 people, including Edward Shatrovich and Aleksandrov Yavlinsky, who on 28th July 1991 had resigned from his position of Counsellor to Gorbachev. Rumskoy was immediately 'expelled' from the Russian Communist Party, to which he denied ever having belonged.

Yavlinsky told the TASS news agency, immediately after

The Coup started on August 19th, the Democratic Communist Conference, that he had become increasingly convinced that our tragedy results from Marxism-Leninism. He said he had written to Gorbachev explaining his reasons for resigning. But, he said, Gorbachev unfortunately continued to believe the Soviet Communist Party could reform itself. However, in only half a year, the Party had lost 4.2 million members. Nonetheless, the Party Central Committee continued to occupy buildings of 120,000 square miles, and to employ 1,100 functionaries and 3,000 technical personnel.

I met a number of Democratic Communist activists on 1st August, any seemed to me to be honest people who genuinely wanted to maintain continuity, as Communists, with socialistic principles, including the 19th century revolutionary democratic traditions of Pushkin, Nekrasov, Herzen and Chernyshevsky, and to fight reactionary Russian chauvinism and anti-semitism.

Thus, in a few weeks, the juridical, as well as the political conditions were created in which the leaders of the Coup believed, for good reason, that if they failed to act - the Party would split and lose the material and political basis for its remaining power.

On 15th August, Pavlov published the text of the 'Turn for the Union of Sovereign States', spelling the end of the old USSR. This was denounced by the future coup leaders. The same day, the Party's Central Committee, announced that it was impossible for Yavlinsky to remain in the Party. On 16th August, he resigned from the Party, after announcing the threat of a coup d'état against President Gorbachev.

Yeltsin and the 'Committee' Take Over

He knew something. Did Gorbachev? The Coup took place two days later. On Sunday 18th August, Soviet Vice-President, Yeltsin, and the State Committee for the Emergency Situation in the USSR' issued their decree.

This was a coup claiming legal cover. Yeltsin, taking over the office of President, purported to rely on Article 127 of the Soviet Constitution.

On 16th August, the CCC once more swung into action. In a statement they said they considered it their duty to announce that the measures taken by Yeltsin and the 'Committee' could be validated in law only if there were the strictest conformity with the Soviet Constitution and laws. They called on the USSR Supreme Soviet, as the competent body, to consider the question of Yeltsin's assumption of power.

As to the 'Committee', the CCC drew attention to the fact that in accordance with the Soviet Constitution, and the Sovet Law 'On the legal regime for states of emergency!', only the USSR Supreme Soviet could impose a state of emergency for the whole country.

At the Moscow Press Conference called by the leaders of the coup on 19th August, the journalist from the 'Narodnaya Gvardia' (Independent Newspaper) - by then banned - asked Yeltsin: 'Could you please tell me whether or not you understand that last night you carried out a coup d'état?' What comparison seems more appropriate to you - 1917 or 1964 (Khrushchev's removal)?

Yeltsin replied: 'As for the allegation that a coup d'état was staged last night, I would beg to disagree with you, as we are basing ourselves on constitutional norms. I assume that confirmation by the USSR Supreme Soviet of the decision we have taken will enable us to state that absolutely all the juridical and, so to speak, constitutional norms have been observed.'

Famous last words!

Yeltsin's Decree of 20 August insisted that Yeltsin's decrees opposing the coup had no legal force since they coincided with the Soviet Constitution.

But on 21st August, the Supreme Soviet President, meeting with members of the CCC, declared that Gorbachev's removal and replacement by Yeltsin were unlawful. In the extraordinary session of the USSR Supreme Soviet on 22nd August, Yeltsin announced that he had already decreed the
suspension of the activities of the Russian Communist Party, including publication of its newspapers, pending the investigation by juridical bodies of its involvement in the coup. The next day Gorbachev resigned as General Secretary of the Soviet Communist Party and said that in the current situation the Party Central Committee 'must adopt a difficult but honourable decision to dissolve itself'. Later that day he issued a decree that the Soviets must take the Party's property under their 'protection'.

The Communist Party Banned

Yeltsin decreed, only two days later, that all property and lands belonging to the Soviet and Russian Communist Parties, including bank deposits, were henceforth Russian state property. Finally, on 29th August, the USSR Supreme Soviet resolved 'to suspend the activity of the Soviet Communist Party throughout the Soviet Union' on the basis of the existing information about the participation of its leaders in the preparation and staging of the coup. The same day, Anatoly Lukyanov, the Supreme Soviet's Chairman, allegedly complete in the Coup, was arrested by members of the Russian promnacy. The

There has, so far as we know, been no mass protest at the banning of the Communist Party. But, in a speech to the USSR Supreme Soviet on 3rd September, the historian and long-term oppositionist, Roy Medvedev, said:

'However illegal and criminal the totalitarian regime may have been in our country, today's removal of the Communist Party, in effect, the suspension of its activities is equally illegal and tyrannical, as it is the arbitrary deprivation of all its material funds.'

On 5th September, the Supreme Soviet voted for the end of the Soviet Union and its replacement by a 'union of sovereign states', and for the adoption in principle of a Declaration of Human Rights and Freedoms of the Human Being. An interview, 'When the logic of political struggle is placed higher than the law', with Professor VS Mamontov, head of the Faculty of Civil Law of the Moscow Law Institute, appeared in the new, reformed, 'Pravda' on 10th September.

In his view, the decree 'suspending' the activities of the Communist party violated the Soviet and Republican Constitutions. He appealed to the draft Declaration, Article 9, which states, 'The citizen has the right to join a political party, professional union and other social organisation and to participate in mass movements.' Similarly, he argued that the decree seizing Party property, when the Party had been simply 'suspended', was unlawful. Only a Coup - the Soviet Supreme Court - could dissolve a party or other social association. The rights of millions of honourable people had been trampled.

The questions remain: Are the decrees effectively banning the Communist Party lawful? What will be the role of the OCC, or its replacement? What is the status of human rights instruments? The law will continue to play a central role in whatever happens next.

References
2. 'Nazi Kan Markus' article in the last Journalist Lampfer for an excerpt of the HEU delegation's meeting with members of the OCC.
4. (1) Article 48 of the USSR Constitution, guaranteeing the right of USSR citizens to take part both directly and through public association, including political parties, in running state affairs, [2] Article 5 of the USSR Constitution.
5. Article 49 of the Russian Communist Parties, guaranteeing public organisations the conditions for successfully carrying out their goals.
8. 'Publications and Nekrasov - two of the greatest Russian 19th Century poets.' People published the revolutionary worker's paper 'The Bell' from exile in London. Chernyshevsky wrote the original 'What is to be done? - a novel of the 'new people'.
12. Text of the Declaration is in Prawda, 3rd September 1991. 'This is the 'new' Prawda, produced by its journalists. No more 'Voice of the Central Committee', no more 'proletarian of the world party', no more head of Lenin.'
Ms Average talked to a cross section of students who had just completed the 1990-91 Bar Finals Course at the Inns of Court School of Law. The Bar Finals Course was singled out in order to contribute to the current debate about policies to counter racial discrimination at the Bar and moves to restrict entry from 1992.

An old course dressed up as 'new'

It was students from the black community, women and those working class students who voiced the most cogent criticisms in this survey. They came to the course with a wealth of experience and high expectations. They soon discovered that their experience was devalued and their expectations invalid.

In 1990 a new Bar Finals Course was introduced. The course covered the traditional academic areas plus two specialist subjects. The rest of the course was devoted to seminars and larger group work designed to impart the basic communication skills needed by a barrister such as conferences, legal research, advocacy, and drafting. A mass of short lecture courses attempted to fill the gaps in areas such as sentencing, remedies, Employment Law, and professional conduct.

The course was projected as a radically, practically based training scheme to meet the needs of the Bar in the 21st century. However, to many students the two new elements have been merely grafted onto the existing syllabus and the practical exercises are predominantly used for assessment purposes. This has two major repercussions. First, the course is badly overloaded, leading students to learn the bare essentials or ignore certain subjects altogether. Second, the use of a high proportion of practical exercises for continuous assessment, 27 times within a 30 week course, prevents students from developing at their own pace, an essential feature of a course designed to impart practical ability, not mere factual knowledge.

The standard judged is that of 'a competent student of average ability'. But with more than 960 students and a large and diverse number of practitioners and academics teaching and assessing, this standard is arbitrary and sometimes completely obscured. Borrowing from American management training techniques, the logic appears to be that students of varying different backgrounds and experience can be taught the magic formula to become competent barristers by tutors with equally varied pasts, as long as the latter have comprehensive model answers and voluminous teacher's notes.

Most students, with individual strengths and weaknesses, have difficulty pitching their work to the average standard. If they do not hit upon the 'magic formula' early on, their difficulties increase rapidly. The demands of the course mean that there is no individual assistance to build up weaker areas.

The students most disadvantaged are those the Bar professes to want to encourage. It is not that women and those from the black community are less able. But they are clearly less able to conform to the 'model of competence' based on the views and abilities of practising barristers. Despite the growth of socio-legal research and teaching, the needs of the client community do not seem to have informed the course design or the image of the type of barrister needed in a modern, multi-cultural society.

These contradictions mirror the conflicting pressures within the Bar. Some members wish to see the traditional insularity and accept that legal knowledge alone will not produce a barrister best equipped to represent an increasingly varied client community. Others rely on tried and tested professional skills and believe that advocates are born, not made. For the latter, the Bar schools exist to inculcate the 'desired' values and to browbeat those who resist or question. If the Bar is to become a more efficient and user-friendly service - a demand implicit in recent support for reform - it needs to look again at the training it provides.

A skills-based training was a long overdue first step but, by itself, is not enough. A different attitude to the students is also needed. They should be viewed as part of the training equation, being given time and skills of benefit to student and tutor alike. In this way, students who do not conform to the stereotype will feel valued.

'Touche and Giggle'

The present course does not take this view. The very tone and language of practical exercises and the attitudes of many staff undermine its ability to simulate situations young barristers will meet in practice. The interpersonal skills course may alert students to the dimensions of stereotyping by race, class and gender, but, in seminars, the positive role model appraised is the white male of middle or upper class origin. Everyone else is consigned to a somewhat suspect and inadequate world in which most criminals bear Irish or Caribbean names and all working class families spend their lives in a version of the 'Queen Vic' and all call their daughters 'Tracy'.

The inability of some staff to tackle sensitive issues, such as rape, incest or child sexual abuse as informed adults is thinly masked by recourse to crude schoolboy humour. Fathers who rape their daughters are called 'John Thomas' and the toddler victims of child sexual abuse, are called 'Touche' and 'Giggle'.

'Such stereotyping presented serious course material and in final assessment papers does nothing to challenge the uninformed attitudes of some students. It also further undermines the confidence of and respect owed to those who were the butt of jokes and constricted situations, be they working class, women or black.'

The course has emphasised the need to encourage advocacy, and assessment seriously undermines these changes and perpetuates the most negative aspects of the traditional Bar.

Sanctions, not incentives

There should be a reassessment of training skills needed for the new course. It seems that tutors were given neither sufficient time nor training. Instead, they fell back on methods they themselves were subjected to, where sanctions take the place of incentives, followed by ridicule and withdrawal of advice and assistance. Unfortunately, it is the black, female or working class student who takes the brunt of this negative teaching strategy.

Staff should have a realistic view of their students' lives. Many do not have private incomes. Many have family responsibilities or the emotional and social problems of living alone in a new city. Lack of student grants, the cost and stress of having to carefully manage spending, completing distant requirements and seeing suggested dress codes are all real life problems. The college and the Bar itself need to acknowledge that merely opening the doors to the wider community without addressing their needs is unrealistic and discriminatory.

The college will only be successful if the Bar cooperates, since the college reflects the fears and entrenchment of the profession. It must acknowledge that many of the Bar's professional skills can be informed by non-lawyers and that a public school education and fancy dress are not essential prerequisites.

As more students from the wider community are attracted to the profession and gain self-confidence, attitudes may change. But that does little to assist students now facing discrimination and prejudice.

The Haldansome Society organised a public meeting to continue this debate in October. It was open to all students, whether on the Bar course or studying for degrees or solicitor's finals. 60-70 students attended and it is hoped to establish a Haldansome Student Group, to monitor developments in legal education and make representations to the relevant professional bodies.
At the recent TUC conference in Glasgow, concerns were raised about the low level of involvement of black workers. Oudia Mirza, solicitor, casts a critical eye over the unions’ record on black issues and reveals a disturbing failure to take a lead.

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The TUC’s continued concern at the low level of involvement of black members is reflected in its most recent research which looks at ten unions, representing about 60% of the TUC’s currently affiliated membership. Although the final reports are not available at the time of going to press, a summary of key findings were put to this year’s conference. The TUC stressed the importance of education and training but stated that several of the unions ‘reported concern at a general lack of membership, education and training on race’. Although most of the unions studied were committed to the principle of ethnic monitoring, some of them currently maintained a comprehensive monitoring record – neither for ordinary members nor for those at shop steward level and above. It is disturbing to find that not all the unions studied had written equal opportunities policies for their own employees. Black employees found promotion to officer positions difficult to obtain and general concern was expressed at the unsatisfactory promotion prospects for black staff. Publicity for the recruitment of black employees was either inadequate or completely lacking in some unions. The study also recommended better publicity of tribunal cases and other matters affecting black workers.

Accounting for race discrimination and racial harassment cases on behalf of black members is reiterated in the study. However, the findings reveal that most unions’ record in this area is desultory at best. Black members indicated that “race discrimination was not seen by some members as a trade union issue” and were more likely to allow the CRE to take up cases than their own unions. Only one union out of the ten investigated uses black lawyers in race discrimination cases, and most unions had no express procedure for dealing with such complaints from their own employees.

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The Way Ahead

Ken Gill, speaking at the 1986 TUC conference, cautioned delegates that black workers would lose the little confidence they had in unions to represent their concerns if urgent action was not taken to tackle race issues. Implicit here was the issue of black caucuses within individual unions. Support for separate black members’ groups has been gathering momentum over the last few years precisely because such warnings have not been heeded. This year’s conference endorsed the move, and changes of “separatism” and “marginalisation of black members” were brushed aside by delegates - both black and white. In the words of Gloria Mills of the National Union of Public Employees: “We are not talking about separatism. We are talking about a direct voice for black workers to participate effectively in trade union democracy”.

The trade union movement finally appears to have recognized that the caucuses of the 1970s is essential for the effective representation of its black members.

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References

2. Independent on Sunday, 7 July 1990.
3. Under section II Race Relations Act 1976, unions have a responsibility to ensure that their members do not discriminate and are not discriminated against.

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'Socialist Lawyer' - Feature: discrimination
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ANTARCTICA

Private Property or Public Heritage?

KEITH SUTER

This year has seen the initiation of a new protocol defunding the environment in Antarctica. Largely a result of agitation by Greenpeace, the new international agreement substantially strengthens the continent's legal protection against mining and pollution. Formally designating the region a 'Nature Reserve and Land of Science', it also increases protection of Antarctica's wildlife.

Keith Suter's book on Antarctica was unfortunately completed before these optimistic developments. The book, like yesterday's newspaper, has lost its edge. Although it shouldn't detract from its historical interest, even this is undermined due to a tendency to lapse into dooms-fallen evangelism. Initiating at the best of times, the style seems inappropriately urgent and gushy in the light of the new arrangement.

Suter is surely right to see the 1959 Antarctic Treaty as a model of sorts for international agreement and scientific co-operation. Indeed its significance could grow if the positive aspects of the current international scene continue to develop. Initiatives to harmonise international environmental protection, and the newly proclaimed objectives of space-programmes to co-ordinate to help save 'Planet Earth' rather than destroy it can be seen as part of a continuum with the 1959 treaty. But Suter overstates his case. He claims that 'in the late 1950's/early 60's, the Antarctic Treaty helped ease the disarmament deadlock by offering a new route via arms control'. The connection is not convincingly argued. In fact, not really argued at all. It is probably more accurate to see the treaty as a kind of surreal anomaly, like the exchange of Christmas gifts in No Man's Land, between the First World War Germans and British troops.

The extreme Antarctic climate and the practical uselessness of the Continent at the time pragmatically explains why it was possible to declare the region a neutral area at the height of the Cold War. What should be emphasised is the way the treaty has become an evolutionary 'system' of international governance. Regulatory measures (recommendations, conventions and protocols) have been successfully applied to new areas of concern.

Equally, issues still remain to be worked out. The regulation of tourism, which is having increasingly detrimental effects on the environment, requires urgent attention. And no one should be sentimental about the good intentions of the major industrialised countries. In 50 years time, when the present agreement expires, the conditions may be 'right' to exploit the natural resources of Antarctica. The preservation of the Continent as a kind of Global Nature Park will depend on the environmental enlightenment of international politics and multi-national business.

Suter covers some of the issues well, but his 'manifesto' intentions obtrude too often and ultimately distort the book. This book need not have been the case. He makes the mistake of over-emphasising the significance of his subject. The strange, beautiful continent is important enough without being made the centre of the Universe.

Simon North
Employment Law: An Adviser's Handbook, by Thomas Kibling and Tamara Lewis
LAG, 1991. £15.00

Employment law can be daunting. To understand it involves knowing not only the common law, European and domestic legislation, and the Tribunal system which has its own rules of procedure and is not as informal as it might be. As there is no legal aid for Industrial Tribunals, many of the people advising applicants have experience both in advocacy and in conducting cases and sometimes have little experience of the legal system at all.

It is therefore surprising to find that there are very few practical guides to employment law. The EDS (Incomes Data Services) handbook series is good, but extremely detailed and not in general sale. Harvey’s encyclopaedic work on employment law is good once you have a general idea of the subject matter. The remaining books tend to be aimed at students, employment specialists, or are so general that they are of little practical use.

In an attempt to fill this gap, Thomas Kibling and Tamara Lewis have written 'Employment Law: An Adviser’s Handbook', the most recent in the excellent series of practical guides published by the Legal Action Group. The handbook summarises all the relevant law, gives practical advice on the gathering of evidence for particular types of cases and has a number of precedents and checklists dealing with everything from the initial interview with the client to an agreed settlement and settlement.

The handbook makes no pretence of being a forum for scholarly debate, with less than 250 pages, but it does set out the general law with admirable clarity and provides a good foundation for a more detailed knowledge. The text has footnotes to point the reader towards the particular statutory provisions and authorities, should more detail be needed.

Michelle Strange

Black Mask Retires

Goodbye, dear readers. This is the end. I simply cannot cope with any more detectives and lawyers. There are so many books to read, movies and TV series to watch that I can only throw up my hands and give up. You’re on your own now. After my years of training you in the art of detective fiction criticism, I know you will be able to carry on without me.

When I started this column, Socialist Lawyer was a dry organ of the Haldane Society and I suggested reviews of detective fiction almost as a joke, to lighten the tone. Now, Socialist Lawyer is filled with thrilling articles and reviews on popular subjects. I feel I have achieved my goal of making the mag more readable and should make way for up and coming young legal critics. I would love to do a column of fashion tips for lawyers, but appreciate that even in these politically confused times, such a proposal is utterly incorrect.

The last book I will review was written by a former client of mine and a criminal case at that. As an article, I used to visit Ronan Bennett in Brixton, where he was held on remand as a defendant in what was called the ‘persons unknown’ trial. He was accused, with others, of committing to do all sorts of things. Ronan had already served time in the Maze, before his conviction was quashed on appeal.

So, more than 10 years ago, I saw Ronan in Brixton, took some instructions and lent him books. Eventually, he freed in and, representing himself, got bail and an acquittal. I ran into him again recently, the first time I had met him as a free man. He told me his incarceration in the Maze was interesting, but Brixton was a waste of time. I wouldn’t wish Brixton on my worst enemy, let alone Ronan, who seems like a nice guy, but it has provided him with some fascinating material which he has put to excellent use in his first novel.

Second Prison is about a young man who has spent a large part of his life in prison as a result of terrorist activities in Northern Ireland. He comes to London to settle old scores, spends some time in Brixton on remand and, in the end, reconsider his old values. Interwoven with this is a fascinating portrait of Brixton life; the novel is a gripping story with some interesting characters, notably a twisted detective, aptly named Tempest. The hero’s legal team, a solicitor and barrister, are interestingly recognisable, long time Haldane members, known to us all.

I have a few minor criticisms. The plot is too circular, everyone trying in too neatly. But this is a feature of the genre, I guess, and Second Prison is a thriller of sorts. The main woman character, the lynchpin of the plot, is no one convincingly like a person. The book is written in a tight, sparse style that suits the subject matter. Second Prison is an impressive novel, first or otherwise.

Second Prison, by Ronan Bennett, Hamish Hamilton, £13.99

Black Mask is Beth Prince

A new quarterly magazine, focusing on trade union rights worldwide, is to be launched this December by the International Centre for Trade Union Rights. The new journal, entitled International Union Rights, will contain a lively mix of news, analysis, interviews and opinions on trade union rights issues around the globe. Today, many trade union rights are under threat. Some states are opposing the conventions of the International Labour Organisation, whilst elsewhere governments which have ratified the Convention are blatantly abusing them.

International Union Rights, with correspondents in over 50 countries, will seek to develop an insight into trends within governments and multinational corporations on employment and trade union rights and expose areas where international standards are being abused, pinpoint repression against individuals and unions where international solidarity is urgently needed.

In addition, the journal will be involved encouraging trade unionists, lawyers, journalists and academics to share ideas on how those rights currently under threat can be defended and how new rights can be won.

For further details, contact: Roger Trask, Editor, International Union Rights, 230 North Gower Street, London NW1 2HL. Tel: 071-383 3353; Fax: 071-383 0877

Despite Blackmask's complimentary remarks about the new look SL we aren't just purely voluntary editorial staff. Anyone who would like to help produce the magazine or contribute to it, please contact the editors (see page 2 for details). In particular, we are looking for a replacement for Black Mask. With the guillotine down to any budding new columnist, with creative ideas on how to build on the existing strengths of the magazine. All suggestions (even a fashion page) will be given due consideration.

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So then, Black Mask, it's a fond adieu. Our famed review slot - who duzus? You. Shall we look upon your like again? Aye, Black Mask II, take up your pen.
Haldane News

Over the summer the Haldane Society has concentrated its efforts on a legal critique of the criminal justice system. Submissions to the Runnymede Commission will be the first step, followed by a series of public meetings and seminars to widen the scope of the critique. The approach to the Commission was discussed at the September Executive Committee (EC) meeting and at a special meeting, convened at the LSE. The Society will focus on the elimination of inequality at all stages of the criminal justice system. This will enable the broadest overview to be taken and will encompass submissions on policing and the role of prosecuting authorities at all stages.

After a trial period during which the EC met only once every other month, it has reverted to monthly meetings. If you would like to attend or observe, please contact Keith Stammers. The dates are as follows: 2nd November, 14th December, 11th January, 8th February, 14th March and 11th April. The EC has co-opted Danny Machover, Fenella Morris and Sarah Maguire to number and assist Joana Dondan and Mike Rowan as observers.

The announcement in the Home Secretary's bill intended to further restrict the rights of refugees and asylum seekers is currently being challenged in the High Court.

and, in particular, curtail their rights to legal advice and representation of their choice through the legal aid scheme, was condemned by the Society. A special leaflet and briefing pack were published and the Society is continuing to campaign widely on the issue. Further details of this work can be obtained from Steve Cave, London EC4. The Haldane Educational Trust is almost ready to publish its prospectus. After many months of due diligence the trustees have finally agreed a draft in which the Trust recognises and is guided by the following three principles:

1. That substantive law and legal process fail to secure the rights of the majority of poor people and the poorer in under-developed countries of the world;
2. That rights are determined by both domestic and international law and by activities of large corporations and governments in their own countries and in their international relations;
3. That there are fundamental human rights, already given legal recognition by a variety of instruments, which are nevertheless applied unequally between rich and poor, powerful and weak. A launch date for the trust will be announced in the near future.

On 3rd July 1991, Haldane Chair, Bill Rowing, signed a joint letter addressed to members of the International Association of Democratic Lawyers. Of which the Haldane Society is the British Section. The letter expressed concern at the reduction of the activities of the organisation. For a full account of the issues raised, see the article on Page 4.

This year's fringe meeting at the Labour Party Conference was, like last year, held jointly with the Society of Labour Lawyers and was 'The Evasion of Civil Liberties 1979-91'. Speakers were Madeleine Colvin from Liberty and James Goodie QC. Much of the discussion focused on the arguments for and against a Bill of Rights within Britain. The SLJ has recently produced a pamphlet upposing a Bill of Rights; that day at the Conference, Roy Hattersley had announced a 'Labour Movement' for a 'Charter of Rights'. The Haldane Society asked that both societies should continue and develop their contributions to struggles for rights in an international context.

TRADE UNION AND EMPLOYMENT LAW: Ongoing work includes submissions to the Labour Party of the reform of Trade Union, Employment and Discrimination law; 'Unleash the Unions' Campaign; provision of articles to union journals; trade union education courses; research on the government's latest Green Paper; assistance to workers in struggle. The next meeting will be on Tuesday, 16th October at 4 Black Court, Temple (entrance for Desmond Brown). Please contact Steve Gibbons on 071-252-3474 (or 071-252-9631 (a)).

MENTAL HEALTH: Currently setting up a legal sub-group for women in Special Hospitals. Meetings regularly. Please contact Fenella Morris at 67 Durham Road, Clapton, E5.

NORTHERN IRELAND: After a successful delegation to Northern Ireland last month, see page 11 of the学会 News, for a full report on the sub-committee currently preparing a detailed report and will then be raising the issues highlighted in that report with human rights organisations. Please contact Nathan Finch at 31 Doughty Street, WC1. Tel: 071-601-1151

Tuesday 29th October
PROVOCATION - A DISCRIMINATORY LAW?
Edward Fitzgerald, Banter
Piragna Patel, Southall Black Sisters
Gwendolyn, Asian Human Rights Campaign
This meeting has been organised by the Women's Sub-Committee.

Friday, 8th November
THE ADMINISTRATION OF CRIMINAL JUSTICE AND MISCARRIAGES OF JUSTICE IN FRANCE
Marcel Lemoine, a leading progressive French Judge, Vice-President of the Tribunal of Grande Instance de Lyon, Member of the Delmas-Marty Commission on Penal Justice and Human Rights
M. Leclerc, an Associate practising in criminal law in Paris and member of the Delmas-Marty Commission
Dr. Richard Vogler, of Sussex University, author of research for Prisoners Abroad who will also speak on criminal procedure and miscarriages in Germany and Spain.

Thursday 21 November
THE RIGHT TO SILENCE
Steven Green, of Bristol University, who has written many articles and contributed to many books on the subject
Andrew Puddephatt, Director of Liberty
Debbie Triplett, solicitor and participant in the recent Haldane Society delegation to Belfast.

Tuesday 11th December
PROVOCATION - A DISCRIMINATORY LAW?
Edward Fitzgerald, Banter
Piragna Patel, Southall Black Sisters
Gwendolyn, Asian Human Rights Campaign
This meeting has been organised by the Women's Sub-Committee.

Wednesday 14th December
THE D.H. PRITT MEMORIAL LECTURE: LESSONS FROM THE CASE OF THE BIRMINGHAM SIX
Chris Mullin MP.

NOTICE

ALL MEETINGS ARE AT THE LONDON SCHOOL OF ECONOMICS, Houghton Street, London WC2, Vera Anstey Room, at 7pm unless stated to the contrary.

Saturday 7th December, 10am-5.30pm
AFRICA, DEMOCRACY & THE 'NEW WORLD ORDER' - A SYMPOSIUM
£3 for individuals £5 for organisations

Abdul Rahman Mohamed Babu, Political scientist, Pan-Africanist, Institute of Economic Planning, in the Government of Tanzania
Horse Campbell, Professor of Pan African Politics at Syrakuse University, writer and political activist
Sanyu Semafunnu, Ugandan lawyer and lecturer at Coventry Polytechnic.

For a full programme, please contact the Bill Bowing on 071-465-6114.

INQUEST LAWYER'S GROUP (see INSIGHT for details)
Law Reform Group - 4th December, 7pm at RIC (contact Ken Greer, Tripley). For a launch meeting on 'Labour Party plans for inquests' in Stroud. A meeting has been arranged. Please tel: 081-802-7413 for further details.

ERROR
Due to a sub-editing error, the article on the Casement Park trials in the last issue of SLJ is factually incorrect. The latter part of the summary paragraph attributes facts to Pat Kane which should have been attributed to Sean Kelly. The paragraph ought to have read as follows:

'In Kane's case, he had never been inside a police station before, was hard of hearing, illiterate and educationally subnormal. His submissions were partial and included statements, one supposedly written by a friend, in which he recounted the Provisiona'rs' version of events. The interviews were taped and no solicitors were present. On the advice of a solicitor, Kelly was not even asked anything following a statement he made. Under these circumstances alone, attaching weight to any answers and inferring guilt from silence must be wrong. Had Kelly have any advice, he would have insisted on silence being afforded, it is doubtful whether he would have been convicted.'

Apologies to Pierre Moroy, who wrote the article and to the two men and their families.

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Socialist Lawyer - Winter 1991
Haldane Public Meetings Programme

Tuesday 29th October
PROVOCATION - A DISCRIMINATORY LAW?
Edward Fitzgerald, Banister
Professor of Penal Law, South Bank University
George Driff, Southwark Campaign
This meeting has been organised by the Women's Sub-Committee.

Friday, 8th November
THE ADMINISTRATION OF CRIMINAL JUSTICE
AND HARCOURSES OF JUSTICE IN FRANCE
Marcel Lemondre, a leading progressive French Judge, Vice President of the Tribunal de Grande Instance de Lyon, Member of the Delmas-Marx Commission on Penal Justice and Human Rights
M. Leclerc, an Avocat practising in criminal law in Paris and member of the Delmas-Marx Commission
Dr. Richard Vogler, of St. Andrews University, author of research for 'Prisoners Abroad' who will also speak on criminal procedure and miscarriages in France and Spain.

Thursday 21 November
THE RIGHT TO SILENCE
Steven Grace, Head of Human Rights, who has written many articles and contributed to many books on the subject
Andrew Puddephatt, Director of Liberty
Debbie Triplett, solicitor and participant in the recent Haldane Society delegation to Belfast.

INQUEST LAWYER'S GROUP (see INSIGHT for details)
Law Reform Group - 4th December, 7pm at Old Cock 7 Yaverland Street. Training Session - 25th January, 1992, 7pm. Venue to be arranged. Please tel. 081-802 7430 for further details.

ERROR
Due to a sub-editing error, the article on the Casement Park trials in the last issue of SL is factually incorrect. The latter part of the penalistic paragraph attributes facts to Pat Kane which should have been attributed to Sean Kelly. The passage ought to have read as follows:
“A Kane’s case, he had never been inside a police station before, was heard ofbrowse, libelous and educationally subversive. His submissions were partial, and included statements, one supposedly
sentimental, which were inconsistent with the Prosecution’s case evidence. The
interviews were taped and no witnesses were present. On the advice of a solicitor, Kelly refused to say anything following a statement he made. Under those circumstances alone, attaching weight to any answers and inferring guilt from silence must be done.
Had Kelly been arrested post three months after the trial, the right to silence was abolished, it is doubtful that he would have been convicted.”

Apologies to Piers Motyn, who wrote the article and to the two men and their families.

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