new world order

Can human rights fill the gap?

BILL BOWRING

plus

MIKE MANSFIELD
Runciman: rights at risk

DAMIAN BROWN
Human rights & the ILO
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.

The Haldane Society Sub-Committees

At the heart of the work of the Haldane Society lies the various sub-committees, which cover a broad range of issues and whose work includes campaigning as well as disseminating information and stimulating discussion in the particular area. All members of the Society are encouraged to join one or more of the committees or to form new ones. We would in particular like to revive the Housing and Immigration Sub-Committees and would welcome suggestions. Below are listed details of the different committees, including the relevant contact person. For details of recent activities please see Haldane News on page 27.

Crime - Members are welcome to join the committee's mailing list for details of future work & events. Contact: Victoria Teague, tel: 071-583 8233 and George Gros, tel: 071 831 1750

International - Meetings, with an invited speaker, are on the second Tuesday of each month at 2 Field Court, Gray's Inn, London WC1 at 7pm. Contact: Bill Bowering, tel: 071-405 6114

Lesbian and Gay - Contact: Tracey Payne and Stuart Walker, Mitre House Chambers, 44 Fleet Street, EC4, 071-583 8233

Trade Union and Employment Law - Meetings take place on the third Tuesday of every month. Contact: Steve Gibbons, tel: 071-254 9633

Northern Ireland - Contact: Cas Hayward, tel: 071 553 1633.

Mental Health - Contact: Fiona Morris, tel: 071-295 7766.

Women - Contact: Sandi Nabi, c/o 11 Doughty St, WC1N 2PG.

Environment - Contact: Simon Carran, tel: 071-622 1401.

Student & Trainee - Contact: Richard鈥檚, tel: 071-274 0850.
Parliamentary Lobby

Although only established in March of this year, the Haldane Society's Student and Trainee Group has seen its membership more than treble to nearly 90 members.

Now, with experience of campaigning to expose the crisis in funding for all students undergoing legal education, the Group is planning a lobby of Parliament.

They hope the lobby will increase the pressure on politicians to introduce a fairer and more accessible system of legal education. All Haldane members are urged to support this lobby, which is just part of a wider campaign to reverse the 14 years of crisis in not only legal education, but higher education as a whole.

The lobby, to be held in conjunction with the Critical Legal Group, will take place on the afternoon of Wednesday, 24th November, traditionally a time free of lectures.

Keynote speakers approached to speak include Ann Taylor MP, Labour Education Spokesperson, Helena Kennedy QC and Keith Vaz MP. Also invited is the Secretary of State for Education, John Patten.

Leaflets and petitions to support the lobby will be circulating around colleges and universities in time for the start of the autumn term.

Anyone wishing to attend or support the lobby should contact the Student And Trainee Group, tel 071 274 0850

Richard Bielby

FRU exists to provide representation in Tribunals where Legal Aid is not available. FRU is committed to the extension of Legal Aid to Tribunals but until this unlikely event takes place, the demand for FRU's services continues to grow. Last year FRU represented applicants in around 1300 cases and this year it is already 36% more than the number represented last year. However, FRU receives far more cases than its existing representatives can handle and as its reputation has grown, the scope and complexity of cases referred to it has increased. This has led FRU to launch its Chambers Scheme through which sets of barristers Chambers undertake to represent a certain number of cases for FRU per year.

In order to enable more senior barristers to represent FRU cases the Unit is employing a full-time solicitor who will prepare those cases up to the point where they are sent as a brief to Counsel, thus cutting out the time consuming preparatory and interlocutory work which a normal FRU rep has to undertake. The intention is that this will encourage established practitioners to commit themselves to working for FRU and thereby enable the Unit to increase the number of cases in which it can provide representation.

Catrin Lewis

For information about the scheme contact FRU on 071-831 0692.

A Green Vocation

As organiser of the Haldane environmental law group, I was invited to run a seminar at the Critical Legal Group annual conference, held in March at Warwick University. We were asked to address the question, "How can law protect the environment?"

Environmentalists tend to be either very cynical about what the law can do to protect the environment unaccompanied by radical cultural changes, or else they demand, rather simplistically, ever more and ever stricter legislation. There is a need to explore the limitations and possibilities of law within a more rigorous and sophisticated theoretical structure, probably focusing on the concept of sustainable development.

A left-wing, green lawyers' agenda, might include monitoring the effectiveness of legislation such as the Environmental Protection Act; evaluating the need for a special environmental court or tribunal; considering an extension of the tort of nuisance to include a concept of aesthetics - along the lines of constitutional provisions in some U.S. states; an exploration of the uses and abuses of strict liability; the pros and cons of public hearings; the practicality of an environmental bill of rights; and the extension of the fiduciary duty of corporate directors to protect the environment.

These were some of the themes and ideas discussed at the seminar. They might also serve as an initial agenda for the Haldane environment group. The first meeting will take place in the autumn. All those interested please contact me.

Simon Curran
59 Crescent Lane, London SW4 9PT 071 622 1401
For many on the left, the New World Order signifies theoretical confusion and political disorientation which at times seem terminal. Bill Bowring, lecturer in International Law and Vice-Chair of the Bar Human Rights Committee, asks whether human rights discourse can fill the void.

With the Gulf War and its bloody aftermath in Somalia and Yugoslavia, the collapse of “communism”, and the decay of Marxism as a guide to research or action, there are almost as many claims to provide a reliable map of the present as there are commentators. Witness the complete conflation of the left in response to Thatcher’s call to arm the Bosnians. Is there any sense in which human rights discourse can fill the ideological void?

The UN World Disaster

Recent events seem to deny this possibility. The UN World Conference on Human Rights in Vienna late June was heralded as a pivotal event, re-drawing the map since the last World Conference in Tehran in 1968. The Conference has been gone, and no-one much noticed. Many have condemned it as quite simply a disaster.

Indeed, there is widespread disillusionment about the effectiveness of the international protection of human rights. The message of Amnesty International was that ‘most governments are likely to use the World Conference as a diplomatic smoke-screen to divert attention away from the shocking powerlessness of UN Human Rights bodies’. They pointed to conflict between Asian and Western states, the Asian argument being that the West insisted on civil and political rights to the exclusion of economic and social rights, seeking to impose Western moral and cultural values on the poorer countries; while Western states see this as a cover for violation of fundamental norms regarding the integrity of the person, due process, and political pluralism.

There is some truth in this, although the conflict may more aptly be seen as an aspect of the gross imbalance between the North and the South. For the US and its Security Council allies, violations of human rights are increasingly seen as justifying - some would say as a pretext for - intervention, ‘humanitarian’ or otherwise. The UN justifies its unlawful economic blockade of Cuba in part on the grounds of alleged Cuban human rights violations.

Universalism versus Relativism

Deeper issues are at stake, too. The 1948 Universal Declaration of Human Rights, to which all member states of the United Nations subscribe, asserts the universality of human rights standards (including the social and economic rights), deriving them from the inalienable dignity of the individual human being. Such rights must, it is argued, apply to all people everywhere. That is also the view of Amnesty International. The opposing view, relativism, is that human rights are social constructs, and rooted in particular historical cultures and traditions. Of course, for certain states in the East - China, Malaysia, Indonesia - relativism is used as a cloak for gross violations.

Human Rights Under Fire

On the intellectual plane, human rights discourse is heavily, not for the first time, contested. The French Revolution’s ‘rights of man’, were attacked mercilessly in the nineteenth century by thinkers as far apart politically as Jeremy Bentham (who called them ‘nonsense on stilts’), Edmund Burke, and Karl Marx, who criticized bourgeois rights which could not secure human emancipation in the context of bourgeois social-economic relations.

Today, belief in fundamental human rights is dismissed by some as a-historical nonsense, on a par with belief in witches and unicorns! Human rights are criticised, from a post-modernist viewpoint, as stabilising mechanisms which have become incoherent, and unstable. Feminists condemn them as neglecting entirely questions of gender oppression in the home and in everyday life. But Williams’ argues, from her own experience of the dual oppression of women and blacks, that they have employed the rhetoric of rights (even if it is only rhetoric) as symbols of the denied aspects of their humanity. Rights have been given content by the alchemy of generations of struggle. Most recently, Bentham attempts a socialist account of human rights, enriched by feminist and environmental arguments, which can provide an ‘authoritative morality of rights and justice’.

Human Rights as Positive Law?

But human rights discourse is not just a topic for intellectuals. There is now a lot of positive international law around. The language of rights is pervasive and powerful. The International Bill of Rights now includes, in addition to the 1948 Declaration, which had no binding force, the binding 1966 International Covenants on Civil and Political, and Economic, Social and Cultural Rights, which many states have ratified. Of course, the UK has still
to give its citizens the right to complain to the UN Human Rights Committee.

Furthermore, individual Conventions on Racial Discrimination (1965), for the Elimination of Discrimination against Women (1979), against Torture (1984), on Rights of the Child (1989), and many others, have achieved wide acceptance. The European Convention system permits individual petition and will soon comprise some 30 states. The 'inter-American system' is beginning to tackle problems of disappearances and impunity. The African Charter system, the youngest and most controversial, with its emphasis on duties, and on peoples' rights, is well under way.

Human Rights as an Instrument of Progressive Politics?

But can human rights discourse become a discourse of social and political emancipation, an instrument of progressive politics? Professor De Sousa Santos has recently answered this question in a positive and provocative way.

Human rights are, he says, most often discussed in terms of the rule of law and democracy. Without a firm base, it is easy to fall prey to conservative politics. Santos wants to un-couple law from the state, and re-couple it to the agenda of social revolution. Law, and rights, were the language of the big problems of Europe, up until the mid-nineteenth century. This was the essential language of the great French and American revolutions (as well as the language of imperialist expansion). But since about 1848, law ceased to be the 'common conversation of human kind' and became a bureaucratic function of the state.

With the end of the Cold War, the world is less democratic: weak states are weaker, and poor states poorer. The dichotomy between reform and revolution has ended, but this does not mean that law is now vindicated or hegemonic. The socialist revolution failed not because it ceased to be necessary, but because it betrayed its own necessity. Nation states no longer dominate. States like Somalia which were bolstered by the Cold War have broken up. There is a multiplication of new states. Religion, which always lay behind Western modernity, has re-emerged to compete for the idea of the better life. For Santos, the tasks before us are threefold: to identify across cultures common aspirations for justice and human dignity; to do so in a way which distinguishes what is progressive from what is regressive; and to learn from the South, from the silenced minorities. He insists that human rights are the privileged ground on which law and revolution come together; on which law and state may be un-coupled; and on which law can be brought back into the common conversation of mankind. In his view, all cultures aspire to universal values: in that sense, relativism is wrong.

Santos' project is to move from generalisation to integration; all regions of the world should contribute. The future should include a progressive legal pluralism, participatory democracy, and trans-national, non-state, coalitions. Santos concludes: 'Modernity crushed Utopia in the jaws of science. The sense of global blockage is the end result. Human rights are now our Utopia.' There are many points at which Santos' presumptions may be challenged. But the terrain of human rights, of the discourse of human rights, may well prove the finest ground for socialists in this new world.

Notes
1. See Jeremy Waldron's excellent collection, containing the texts by all three, 'Nonesse on Rights' (London 1987).
6. Though many now argue that it has acquired the status of customary international law, binding on all states, even those which are not UN members and, incidentally, an integral part of United Kingdom domestic law. See 'Exced the Tracing Corporation vs Central Bank of Nigeria' 1997.

Daniel Machover reports on the European Court of Human Rights' ruling that the UK's derogation from the European Convention on Human Rights is lawful.

Article 5(3) of the European Convention on Human Rights gives detained suspects the right to be "brought promptly before a judge or other judicial officer authorized by law to exercise judicial power..." However, in the UK since the 1974 Prevention of Terrorism Act (PTA), Ministers have been empowered to authorize the detention of terrorist suspects after two days, for a further period of up to five days. Over the past two decades thousands of people suspected of terrorism offences have been detained without charge for periods of up to seven days without ever going before a judge. The vast majority of detainees are released without charge.

In November 1988, the European Court of Human Rights found in the case of Brogan and others that the UK had breached Article 5(3) of the Convention in the case of all four applicants, holding that the shortest period of detention under the PTA of four days and six hours (ie
without being brought before a judge) fell outside the strict commitment to '司法' implied by the word 'promptly'.

Article 15 of the Convention entitles a state to depart from many of its obligations under the treaty (ie derogate) when faced with a 'public emergency threatening the life of the nation'. Even so, a measure derogating from any Convention right is only supposed to do 'so 'to the extent strictly required by the exigencies of the situation.'

Rather than amend the PTA by introducing a judicial element after four days so as to comply with the Brogan judgment, in December 1988 the UK entered a 'notice of derogation'. It claimed that there was a public emergency within the meaning of Article 15 in 'respect of terrorism connected with the affairs of Northern Ireland'. In order to satisfy the second limb of Article 15, the notice of derogation asserted that the UK's executive detention power was exercised only 'to the extent strictly required by the exigencies of the situation to enable necessary enquiries and investigations properly to be completed in order to decide whether criminal proceedings should be instituted' against suspected terrorists.

The Challenge to the UK's Human Rights Derogation

Last November the European Court of Human Rights heard the landmark case of Brounge v McIntyre & Co in which the applicants were challenging the validity of the derogation. They had been arrested in January 1989 under the PTA and then detained by the RUC for more than four days. They applied to the European Commission of Human Rights claiming a breach of Article 5(3) and arguing that, while there might be an emergency within the meaning of Article 15, both the ministerial power to extend detention beyond the Brogan minimum and the exercise of that power against them were measures which exceeded 'the extent strictly required by the exigencies of the situation'.

The Commission decided by eight votes to five that the UK had not breached Article 5(3) of the Convention in view of its derogation of December 1988, but referred the case to the Court. The Court agreed to receive written comments from the government's own Northern Ireland Standing Advisory Commission on Human Rights, Amnesty International and (jointly) Liberty, Interights and the Committee on the Administration of Justice (CAJ).

The Advisory Commission argued against the government's claim that a judicial procedure for dealing with extended detention applications would inevitably lead to the disclosure of over-sensitive information to a detainee. It said that Northern Ireland judges were used to dealing with these issues and there were sufficient procedural and evidential safeguards to protect confidentiality, which worked in other situations such as bail applications. The applicants' lawyers presented very similar arguments.

Amnesty International argued that the Article 5(3) right was so important in the context of 'incommensurably serious situations' of suspected terrorists, and the potential and actual abuses they suffered, that the exigencies of the situation could not justify a denial of that right. Amnesty urged the Court to strictly apply the requirements of Article 15 to the UK's derogation.

The joint comments of Liberty, Interights and CAJ also highlighted the significance of suspected terrorists not being brought before a judge early on in their detention, given the reported abuses, the difficulties of excluding confession evidence and the heavy reliance on confessions by the Diplock Courts. Uniquely, they strongly questioned whether there really does exist in the UK 'an emergency threatening the life of the nation' in the sense of the type of short-term crisis which Article 15 is designed to cover, rather than a semi-permanent quasi-emergency. Finally, they argued that even if this was an emergency situation, the longer it went on the less likely the Court should be prepared to give the UK in considering a departure from an important judicial safeguard.

UK Government Let Off the Hook

However, on 26 May 1993, the Court found by twenty-two votes to four that (a) the UK's derogation was lawful, and (b) that the two applicants could not therefore validly claim that their prolonged detention breached Article 5(3).

The Court dismissed much of the information provided to it by the third party interveners. It refused to depart from earlier decisions which provide that the Convention organs give states a 'wide margin of appreciation' when Article 15 is in issue. In other words, 'under the principle, the international judge to decide both on the presence of...an emergency and on the nature and scope of derogations necessary to avert it.'

This approach is extremely conservative and flabby contradicts standards laid down by the International Law Association, which enjoin treaty implementing bodies not to 'extend a broad margin of appreciation to the derogating state...but make an objective determination whether a public emergency as defined in the treaty actually existed, whether the measures taken were proportionate to the emergency and non-discriminatory.'

The Court stressed the need for it to 'give appropriate weight to such relevant factors as the nature of the rights affected by the derogation, the circumstances leading to, and the duration of, the emergency situation.', but it is failed to indicate whether an emergency can, for the purposes of Article 15, continue almost indefinitely.

The Court was careful to stress that on 'making its own assessment' it was in no doubt that the emergency did exist in December 1988. This was despite the UK's withdrawal in August 1984 of earlier derogation notices dating back to the early 1970s. In one of the most alarming and compliant passages of the judgment, the Court declared that: 'It does not judge it necessary to compare the situation which obtained in August 1984 with that which prevailed in December 1988 since a decision to withdraw a derogation is, in principle, a matter within the discretion of the State and since it is clear that the government believed that the legislation in question was in fact compatible with the Convention.'

The judgment has profound repercussions for civil liberties in this country and elsewhere. The conservative approach of the Court will give succour to other member states of the Council of Europe and countries worldwide, as they decide to breach human rights in response to internal dissent. In particular, we can expect to see states who regularly use extended pre-charge executive detention justifying their actions with quotations from this judgment.

Obiter, the Court had no doubt that Article 5(3) right was important, and the exigencies of the situation could not justify a denial of that right.

Notes

1. 29 November 1988, Brogan and Others a United Kingdom (Series A, No 198/88 at para 62).
3. Copies of the joint third-party intervention by Liberty, Interights and CAJ are available from Liberty for £4, including package and postage.
4. Para 63 - 65 of the judgment.
5. Para 43 of the judgment.
6. Guideline 9 of the ILA's Queensland Guidelines, cited at para 5.2.2 of the Liberty, Interights and CAJ submission. An interesting contrasting judgment, Judge Mantess takes issue with the rest of the majority for failing to adopt the approach recommended by the ILA.
7. Pure obiter, in other words, the UK did not think it would lose a case like Brogan when it decided to withdraw the previous derogation in 1984.
HELP MIND LEAVE
A LEGACY OF HOPE

People with mental health problems have been left a legacy of neglect. MIND brings them a legacy of hope.

MIND works in the community: by running day centres, social clubs and friendship schemes; by providing sheltered housing and employment as well as a network of support through more than 250 local associations for those who have nowhere and nobody else to turn to.

MIND provides expertise: by advising Government and official bodies on matters of policy; by operating a legal advice and referral service for psychiatric patients and their families; by providing legal training and education for their advisers; by running a comprehensive information service; by helping the public to understand the problems and to respond with sympathy and care.

MIND campaigns: to improve standards of care and treatment; to get more help for those leaving hospital; to get more national resources for mental health care.

MIND depends on voluntary support to continue this work: the donations, covenants, legacies and residuaries of estates of men and women who share our concern. They help MIND to leave a finer legacy than the one we inherited.

Write for more information and a legacy leaflet to:
Jeanne Bradbury, Ref Jr,
MIND (The National Association for Mental Health)
22 Harley Street.
London W1N 2ED
Tel: 071-637-0741

Registered Charity No. 219
The New World Order seems to hold out little prospect of socialist or trade union advance. Damian Brown, employment lawyer, looks at the role trade unions can play in the improvement of human rights.

Look through the pages of analytical left journals of recent years, and there is little indication that trade unions are regarded as a force for change. At best, coverage of unions, even in the news of the left, is relegated to the wage struggle, or business unionism.

Apart from non-governmental human rights organisations, trade unions have occasionally been the other force behind major shifts in international thought on human rights, most notably in the case of South Africa. Trade unions were also historically involved in influencing the content of many liberal rights, as in the case of the International Labour Organisation (ILO). The prospects of this influence continuing look remote, given the strength and nature of the progressive forces in the new order, but bringing such influence to bear remains a vital task.

Silence of the Left

In 1989 Francis Fukuyama published his article The End of History in which he claimed politics had reached its nadir in liberal capitalist democracy. Fukuyama argues that democracy is a set of political, legal and economic arrangements that have evolved over time as the best suited to the development of capitalism. Nothing controversial in that analysis for those on the left. Where company parts is not just the use of derogatory words to describe liberal democracy, but also Fukuyama’s assertion that such a set of arrangements is the end of the road.

Where Fukuyama may be right however, is in his view that the impetus for change and the existence of tangible alternatives have disappeared. There is a silence of the left that is in many ways understandable following the collapse of ‘actually existing socialism’ even amongst those who never accepted its tenets. But even for the latter group it is hard to deny that the Soviets gave other governments an impetus to reform. The fear of revolution led to reformism and compromise and the founding bodies such as the ILO to prevent the exploitation of workers.

It is this lack of a counter-balance that means the New World Order is not business as usual for those trade unions hoping for legislative reform or international assistance, but is in fact a significant worsening in the trade unions’ position. Social democratic governments throughout the world are implementing austerity programmes and cuts in workers’ rights. The 1980’s saw an attempt by New Right governments to claw back the gains of the post-war settlement.

Those looking for a change in approach now that the evil empire has gone are mistaken. The British example is only too familiar. Whilst John Major may represent a ‘kinder gentler’ Conservatism in terms of style, if anything parts of the Trade Union Reform and Employment Rights Act 1993 represent a far more vicious attack on the rights of working people than the attacks of previous Conservative governments. Ken Clarke’s theme continues: destruction of collective bargaining, restriction of union strength (especially effective industrial action), introduction of flexible working methods and lowering wage costs. The Government is now not even ashamed to advertise itself abroad as a land where worker’s rights are no impediment to investment (see the DTI publication Britain - The Preferred Location, which ludicrously proclaims that British workers ‘welcome’ technical change where it results in fewer jobs).

Overseas the situation is equally gloomy. The Cold War was an instantaneous flow to the flow of rampant imperialism and colonialism in which the two sides by and large stood off (whilst of course continuing to pursue their ‘interests’ in Vietnam, Eastern Europe, Afghanistan and Central America). The stand off is over, one cowboy lies dead and the other is riding off, proclaiming that there is a new sheriff in town. The markets of the Third World have reopened for exploitation and the IMF and World Bank again lay down the correct economic policies for ‘structural adjustment’ constraining the bounds and form of political systems and democracy.

International Rights and the ILO

On this scenario there is little hope for any advance in trade union rights. Further repression of workers’ rights looks likely in many Western countries now that the external enemy has been removed. The main, if not only, right that continues to receive attention is that of Freedom of Association - largely in the context of human rights abuses and offences against the person. The ILO, for example, received a record 113 complaints this year on abuses of Freedom of Association. In 1944, at the Twenty Sixth Conference, the aims of the ILO were set out in the Philadelphia Declaration. This proclaimed that lasting peace and social justice required that the equality of all persons, irrespective of race, creed or sex, in the pursuit of dignity and freedom should be the central purpose of national and international policy. The Declaration’s ‘aim, however, was not only the protection of workers, as is widely presumed, but also to promote changes in the economic and political systems which caused the initial social evils. Statements were included to the effect that labour was not a commodity and that poverty anywhere constituted a danger to prosperity everywhere.

Unfortunately, subsequent ILO Conventions embodying economic rights have not been pursued with vigour - a fact which may be linked to the general problems facing the ILO and its effectiveness (see Brown and McCluskey U.K. Employment Law and the ILO: the Spirit of Co-operation? 1992 IIJ). International law depends largely upon co-operation and is only selectively enforced by sanctions and armed coercion. Political will is the decisive factor and is should be unsurprising that these rights are ignored. The ILO is now seeking to address the new agenda but its approach (whilst emphasizing the fight against unemployment and poverty) seeks ways of finding a better balance between the State and market. One option is to work on an international level playing field but the key question remains whether this is based on the best labour practices or the worst.

The Challenge for the Left

The economic rights of ILO conventions will not receive any new lease of life, if they had any previously, given the lack of a coherent alternative to capitalism on the left (and this includes social democrats). Much of the left will be relegated to the margins for some time, but ideas will trickle through as they have in the past. New realism continues as a doctrine more akin to neo-liberalism and post-modernism (with its marvellously original line that there are no solutions to problems or alternative visions of society) and the supporters of these ideologies cannot be expected to meet the challenge and abuses of power in any real sense. They have not done so to date.

Of course, trade unions have a selfish interest in supporting the economic and human rights described above. Further, such rights embody principles that are clearly attractive to most progressives, and are rights of universal application not just rights for a privileged few. By supporting these rights trade unions are seen to move away from business unionism, away from the old critiques on sectional interests and towards a genuine claim to represent all. In this way trade unions can be far more effective in challenging abuses than other social movements and human rights agencies, by attacking not only the manifestation of power but also challenging the very basis on which the power is exercised.

The stand off is over, one cowboy lies dead
and the other is riding around proclaiming
that there is a new sheriff in town.
Police arrest partygoers at an all night party in Clapton - part of 'Operation Lucy' - a swoop on 'Yardies'. Photo: Evening Standard.

Michael Mansfield QC, leading civil rights lawyer discusses the implications of the Royal Commission's Report published in July this year, containing recommendations for the reform of the criminal justice system.

The past two years have seen endless meetings, submissions, discussions all conducted with great careness and diligence, in the pious hope that this Royal Commission, chaired by Lord Runciman, would at long last suggest a fresh start and tackle the fundamental shortcomings of the criminal justice system. Rumours were rife but there was a certain underlying confidence by some that it would all come right at the end. No such luck. It was all utterly predictable.

The opportunity was hijacked away from the miscarriages of justice which led to the Commission's birth, towards the need to ensure that the guilty 'are convicted' as quickly as possible. It is as if the victims of those well known miscarriage cases have been treated as some form of unfortunate aberration in an otherwise safe system. One wonders whether the patient and unfortunate need Royal reform of the criminal lawyer established.

It is certainly difficult to find any serious recognition of the causes of the miscarriages in the recommendations in the report at all. The few that do reflect that concern are recommendations the Commission could hardly avoid making without a total loss of credibility, for example, a review authority in place of the Home Office. This had already won universal approval from a wide cross section of opinion, including previous Home Secretaries (Hauld and Baker), before the Commission had even been established.

**Attacking Juries**

The one voice which has clearly made its mark is that of the Director of Public Prosecutions. This is so particularly in relation to limiting the right to jury trial and in undermining the right to silence by advance defence disclosure. The Guildford 4, the Maguire 7, the Birmingham 6, the Tottenham 3 and the Cardiff 3 must wonder how such proposals arise out of their wrongful convictions let alone prevent their recurrence.

The attack on juries is insidious and unwarranted and was certainly no part of the Commission's proper remit. This much the Commission acknowledges, without letting that deflect the Commission from advocating such proposals. Over the last decade there has been a continuous and concerted attempt to erode jury trial by devious and different means. Each Criminal Justice Bill knocks a few more offences off the jury list; the Roskill Commission backed by a number of legal luminaries including Lord Hailsham recommended fraud trial being heard by specialist panels/assessors; there were proposals for abolishing juries altogether for certain forms of crime where it was suspected jury nobbling occurred; and the mooted extension of the Diplock Courts in the North of Ireland. Any chance to curtail jury trial territory has been seized upon, fuelled by establishment anger at decisions such as Randle and Porter, and Ponting.

Essentially, juries still provide the fairest and most democratic form of trial devised and while they continue to do so they also provide a challenge which authority is unwilling to countenance. Under the guise that so many guilty people are being acquitted or alternatively on economic grounds that jury trial is an expensive luxury, more instead are proposed. Magistrates, who are no longer to be given the role of examining magistrates for committal proceedings, are nevertheless to be given the power to decide in hybrid cases the manner of trial, namely what is in the best interests of the state.

All this is the more extraordinary when the Commission describes jury trial as the cornerstone of British justice and concludes that no evidence was received which would lead the Commission to argue that an alternative method of arriving at a verdict in criminal trials would make the risk of a mistake significantly less.

Instead of an adherence to fundamental and inalienable rights there is a glib and arrogant rejection of fairness in the name of efficiency.

What is overshadowed by the astonishing
recommendations to limit jury trials, is the real attack on the integrity of justice. This is the further recommendation that the jury decision making process be subjected to research. Object - if we have just as all they ought to be the 'right type'. The Commission thinks such research might throw light on the case for raising the age limit for jury service; the case for a literacy requirement; the case for amending the disqualification rules; and even the arrangements for majority verdicts.

Confessions - Inadequate Safeguards Continue

Having digested in this way one might have thought the Commission would at least have overcome one of the central problems about which there is much public concern, namely confession evidence. Here one might have expected some stringent, strict and far sighted improvement. The track record on this is so appalling (Timothy Evans, Confin, the Fisher report, the last Royal Commission through to the Cardiff 3) that it is now irresistible that confessions provide the worst and most unreliable source of evidence; and that the provisions of PACE have not eradicated the risks inherent in confessions based on such evidence. In the case of Stephen Miller, the main appellant in the Cardiff 3, the interviews were conducted after the implementation of PACE. There were 19 interview sessions, each one was taped and, save the first 2, all were in the presence of a solicitor qualified for 5 years. None of this prevented brow bearing, suggestive, threats, inducements, misstatements until Miller, having denied the offence over 300 times, finally began to adopt the scenario repeatedly put to him by the officers. All of this was specifically drawn to the attention of the Commission. In other words, what is required are more safeguards not less.

The Commission however, has chosen none of the potential safeguards put forward by groups and individuals most conversant with miscarriages. It is to be noted that the membership of the Commission did not include anyone who had experience either as a barrister or a solicitor in any of the main miscarriage cases. The Commission rejected the notion of any independent supervision of police investigation/interrogation by someone who is not a police officer; rejected any requirement that confession evidence should be corrobobated for alone a prohibition on the commencement of proceedings in the absence of corroboration; rejected even the basic concepts of solicitor presence and taping as absolute preconditions for admissibility; rejected any exclusionary rule of evidence whereby fundamental breaches of codes entail automatic inadmissibility of statements obtained thereby (fruits of the poison tree doctrine); rejected any requirement for a confession to be repeated and confirmed by a detainee in front of an independent body. The most the Commission could bring itself to urge was better interviewing techniques and a video recording facility for the custody suite as it is charmingly described.

If anything the Commission has gone into reverse by undermining the effect of the few provisions that do exist. The most significant steps are the introduction of formalised plea bargaining and the need for advance disclosure by the defence. Once again these do not arise out of the wrongful conviction cases, nor the need to protect the innocent but have a great deal to do with seeking convictions, cost cutting, productivity and efficiency.

Penalising the Innocent

Plea bargaining, or a more open system of sentence discounts as is euphemistically termed in the report, is wide spread in the USA where it is generally regarded as a corruption which benefits only the guilty. The report suggests that a defendant may apply to a judge for an indication of sentence upon a plea of guilty and the earlier plea, the higher the discount. Given that the vast majority of unreliable confession cases have arisen from vulnerable individuals (either because of their predicament, or personality, or both) one can imagine only too readily that such individuals would have found it impossible to resist such pressure to plead guilty particularly aided by strong legal advice to do so (Miller, Raphip, Ward, Kisko, Darvell, the juveniles in the Blakelock murder case). Any appeal for them thereafter would be precluded.

At the moment no indications are given in or out of court and whilst it is generally known there might be some discretion for a plea it is not precise. Even this provides some pressure but it is nowhere near the pressure exerted by a clear possibility of a suspended sentence instead of an immediate sentence of imprisonment increasing by years as the months go by to trial. What we are about to do even more forcefully then we do at present is to penalise the innocent, those who dare to protest their innocence, those who dare to rely on the basic presumption of innocence.

If this is not enough, besides the denial of the right to jury trial and the right to presume innocence, the right to silence is in practical terms being reduced to a formality. Assuming you have survived the police station stage and remained silent you will be expected to disclose your defence in advance of the trial or risk adverse comment being made in front of the jury. There will be new pre-trial procedures to assist this process. The Commission has endorsed the Royal/Davis guidelines whereby there may be hearings on undisclosed material of which defendants are unaware and in which they are unrepresented; and encouraged an extension of the non discloseable category to sensitive material not covered by public interest immunity.

Not only is this all offensive to the fundamental principle of the right to silence, it is an attempt by the authorities to mitigate the damage done, as they see it, by the Ward judgement barely one year ago. There, a whole range of personnel engaged in Judith Ward’s prosecution (police officers, medics, lawyers, scientists) had withheld relevant material on a substantial scale. Non disclosure by the Crown is a continuing malaise that afflicts a large number of current cases - a flood of letters and phone calls have to be made by the defence in order to elicit the smallest trickle of information. When more material is finally released, it is always done grudgingly and the present police response is commonly 'we are not copying all the material you can come round and trapse the dozens of boxes or have limited access to the Home's computer'.

In either event, an under-resourced and hard pressed defence solicitor has the thankless task of trying to make sense of what a whole squad of officers working for many months have accumulated, without knowing how it has been categorised and indexed. Recently, over 5000 relevant documents in a murder enquiry were not released until a week or so prior to trial because it would appear they had been defined as internal administrative documents. And yet another such material was to be found crucial nuggets which had been overlooked, ignored, or deliberately withheld.

The previous inconsistent description by the prime identifying witness in the Taylor Sisters case is but a terrifyingly recent example. For the Commission therefore in its contemplating limitations on prosecution evidence, or disclosure contingent upon the defence, is quite unthinkable and reactionary. Our adversarial system is still a million miles from a true equality of arms in terms of information, evidence gathering and resourcing.

The battle for change is far from over, it is only just beginning. Our task now is to activate the public to ensure that the job which the Commission failed to do is placed squarely back on the agenda.
Contaminated land - sitting on a toxic time-bomb

Residents of the Church Milton Housing Estate first discovered their houses were built on land contaminated with toxic chemicals when their local council told them to cover their gardens with plastic sheeting.

The council warned that "young children during play may swallow enough soil to raise their blood lead levels above normal". Given the links between lead poisoning and mental retardation, the council also urged parents to take their children for blood tests.

Church Milton is just one of an estimated 100,000 contaminated sites in the UK. Unfortunately, there is very little information on the location of sites, let alone the risks they pose.

The most obvious dangers of such sites arise from touching or inhaling the contaminated soil or dust. Eating vegetables grown in contaminated land can also be dangerous. Contaminants may seep underground to cause fires, produce potentially poisonous or explosive gases, undermine building foundations, pipes and cables and pollute water.

Yet, despite the dangers, the government has recently dropped proposals requiring local authorities to identify and publish lists of likely contaminated land.

Toxic Legacy

Many former industrial sites, such as gasworks, cemeteries and fruiteries, have been contaminated either through accidental spills or deliberate dumping of poisonous materials. Typical contaminants include heavy metals (including lead, cadmium and toxic metals) and asbestos.

Often, the polluting activity has long since gone and the site has been redeveloped, with little attention paid to the risks of contamination. As a consequence, hundreds of housing estates have been built on polluted land, with the inhabitants unaware of, and unprotected from, the risks involved.

This issue has become even more pressing with the increasing redevelopment of urban land, despite because of the rundown of basic industries, and the pressure to recycle the inner city rather than utilise "greenfield" sites. It is estimated that over half of all development in the UK is on previously used land.

Clearing Up The Mess

The UK may well have led the way in the Industrial Revolution, but it has been far more haggardly in clearing up the mess. Whilst both the Netherlands and the US started programmes to identify and clean up contaminated land over a decade ago, the British government has adopted the "ostrich approach" of sticking its head in the sand (sometimes very polluted land) and hoping the problem will go away.

Recent criticism of this shortsightedness by the House of Commons' Environment Committee has prompted the government to concede the need to identify sites. Local authorities were required to establish registers of contaminated land uses by section 143 of the Environment Protection Act 1990. In addition, regulations setting up public registers of land likely to have been contaminated through past industrial use were to be introduced in April 1992.

However, these regulations were never introduced and the government issued revised proposals in July 1992. These, by the government's own admission, excluded up to 90% of contaminated sites from the public register by reducing the types of past industrial activity eligible for registration down to just eight.

In March 1993, Michael Howard, then Environment Minister, announced that even these proposals were to be shelved. This U-turn seemed to be the outcome of intense lobbying by property developers, chartered surveyors, insurers and industrialists fearful that the registers would cause planning blight, diminish property prices and affect loans secured against land.

Those lobbying the government were concerned, with some justification, that they would be the losers in this game of toxic pass the parcel since they were being asked to accept the consequences of a problem that they had not caused.

These concerns highlighted the incoherence of the government's contaminated land policy. Once identified, no provision had been made for the clean-up of sites and no rules established which was to pick up the bill.

The real sadness is that instead of moving forward by imposing strict clean-up requirements and applying the "polluter-pays principle", the government opted to retreat and drop the registers.

In the best Whitehall tradition, an interdepartmental group has been given the task of taking a fresh look at the problem: but the real message may be "don't put off until tomorrow, what you can put off outright".

Sean Humber, lawyer and former campaigner at Friends of the Earth, questions the government's commitment to solving the environmental legacy of the industrial age.

's'Hundreds of housing estates have been built on poisoned land''

'the British government has adopted the ostrich approach'
proactive legal observing in human rights trials

In February this year Stephen Cragg, representing the Haldane Society, was part of a European delegation to support six lawyers employed by the People's Legal Office (Halkin Hukuk Borusu) on trial for offences under Turkey's notorious Anti-Terror Law in the State Security Court in Istanbul.

Halkin Hukuk Borusu, founded in 1989, seeks legal solutions for questions of democracy and human rights and campaigns for greater accountability in Turkey's courts. Its clients include leftist newspaper editors, music groups prosecuted for their lyrics, human rights associations, left-wing cultural centres and those suspected of supporting illegal organisations. Lawyers in Turkey defending such people and groups have long suffered harassment and prosecution, and the People's Legal Office has been raided by the security services on many occasions as well as having its staff arrested and imprisoned.

"Politically sensitive trials are often adjourned several times to prevent a coherent campaign building up for the defendants' Treatment" and Amnesty International strongly indicate that the allegations these statements were obtained under torture are likely to be well founded. The Turkish government's motivation for the prosecution of these lawyers is to prevent them, through intimidation, from providing effective defence for their clients.

Two days before the trial, 18 lawyers from Britain, Belgium, Holland, Germany, Spain, France and Austria - most of whom work closely with Turkish and Kurdish communities - gathered at the People's Legal Office. Supporting teams of interpreters, journalists and campaigners brought the total number of delegations to over fifty. We resolved to apply to the State Security Court to be joined as defence lawyers and if this was refused to ask for a prepared statement to be submitted as part of the defence case.

Our Statement presented at the prosecution of lawyers around the world who defend political activists. Secondly, we stated that we were convinced that the evidence against the lawyers had been obtained by torture and cited the Council for Europe and Amnesty International reports. Thirdly, we argued the prosecution was politically motivated by the government to repress political dissent. Lastly, we deplored the fact that the case was being heard by a senior military judge, thus breaching the principle of separation of powers and independence of the judiciary. The application to be joined as defence lawyers was made to the bench of judges in a packed State Court who refused it after retiring for consideration. We were permitted to introduce ourselves individually to the court and a Turkish colleague read out in Turkish our prepared statement, which the judges then accepted. Shortly afterwards the case was adjourned for two months.

Politically sensitive trials are often adjourned several times in this way to prevent a coherent campaign building up around defendants and to drain their energy and resources. This trial is thought likely to last over a year.

The network of lawyers created in Istanbul over those few days has kept in touch and has attended three further hearings in April, June and July. The defendants feel it is only the continued presence of foreign lawyers which will prevent Turkish justice descending to its usual low level. Another mass show of legal support is planned for the final hearing, expected sometime in 1994. This direct and proactive approach by European civil rights lawyers in support of beleaguered colleagues will help towards a successful defence of what we are convinced are both legal and political accusations.

Notes

300 KILLED TODAY

That is the story of the tobacco industry every day in the UK. They also export death to the developing world. We are a group of doctors who are fed up with seeing the results of tobacco related diseases which are entirely preventable. We need the help of lawyers in that fight. If you are interested in helping with our work please write to:

Professor John Moxham
Doctors for Tobacco Law
c/o The British Thoracic Society
1 St Andrew's Place
London
NW1 4LB

Doctors for Tobacco Law

A health initiative from the British Thoracic Society

Smoking kills 300 people a day.
Is the tobacco industry advertising for new recruits?

Cigarette Advertising Reaches Everybody, Not Just Smokers.
To the oft cited ‘man on the Clapham omnibus’ the notion that a person should be liable for damage negligently caused seems uncontroversial: to many people this represents a cornerstone of our civil system. However, since the early 1980s the Courts have adopted a restrictive approach to liability in negligence. The Court of Appeal decisions considered below continue this trend.

In Osman v The Commissioner of Police for the Metropolis the plaintiffs were a woman, who had lost her husband, and her son who was claiming for personal injuries. In 1987 the son, a 15 year old schoolboy, became the object of an increasingly sinister infatuation by one of his school masters. Initially the master harassed a school friend of the son and created graffiti attributing the two boys to having a sexual relationship. Shortly afterwards the school officer was broken into and files relating to the two boys were removed. Eventually, the master changed his surname by deed poll to that of the son. All these occurrences were made known to the police.

A litany of harassment continued with damage to property including the super-gluing of the locks in the family home and the smear paint of excrement over the front door. The police were made aware of the vandalism and indeed were warned by the school master that he felt there was a danger that he might do something criminally insane. The school master moved between various addresses throughout the country, returning on occasion to his home address and hiring cars in his own name. During his travels he stole a shotgun, the weapon with which he was to shoot dead the father and injure the son two months later.

The basis of the plaintiffs’ claim was the failure of the police to take the necessary steps to apprehend the master given that they had been made aware of the damage he had committed and the nature of his obsession with the son. The Court held there was a sufficient relationship for the police to owe the plaintiffs a duty of care. However, following on from the Hill case, brought by the mother of the last victim of the ‘Yorkshire Ripper’, in which the House of Lords held that as a matter of public policy the police should not be liable for their negligence in the investigation of crime, the Court held that no liability attached to the police.

The Court of Appeal, in Ansell v Chief Constables of Bedford and Hertfordshire, again considered the liability of police officers, in this instance for failing to warn motorists of hazards on the highway. In 1988 police officers, noticing a trail of fuel on a motorway, followed it to a stationary car and urged the neighbouring police force to inform them of the spillage. An officer of the neighbouring force drove past the scene, reported the matter to the Highways Department, and then drove on.

Before any action could be taken to clear up the fuel, the plaintiff’s wife skidded on the split diesel, lost control of her car and collided with an oncoming lorry and was fatally injured. The plaintiff and their child travelling in the car were both injured. The Court of Appeal determined that no special relationship existed between the plaintiff and the police and that no duty was owed by the police. In Osman the Court of Appeal had found such a relationship. However, in any event the police were not to be held liable for their failure to warn as the court decided that to impose such a duty in these circumstances would not advance the public interest.

The basis for both these decisions was the case which arose in the wake of the police’s alleged failure to apprehend and detain Peter Sutcliffe, the ‘Yorkshire Ripper’. The plaintiff in this case argued that this failure led directly to the death of her daughter. The view of the House of Lords was that in order for there to be liability for negligence there needed to be a proximate relationship between the plaintiff and the police and, crucially that this relationship must consist of more than just being a member of the general public.

However, the House of Lords also decided that such a claim could lead to defensive policing practices and a vast amount of wasted expenditure. It was felt that the imposition of such liability was not therefore in the public interest. It was unnecessary in Hill for the Court to consider the role of public policy as they had already determined that no action existed. The recent case now demonstrates how crucial the policy argument was, for it is the ‘broadgate’ argument which has been utilised to preclude actions in negligence. It is difficult to see how the outcomes of Osman and Ansell, in effect supporting careless policing, can be anything but contrary to the public interest. It seems that the pendulum of liability, the subject of rapid expansion and retraction during the past fifteen years, has now swung back too far.
June 1993. A 17-year-old suspect car-thief is dragged from a chip-shop, stripped naked, doused in anti-freeze and chained to a Macclesfield lamppost. Photographs of his ordeal appear in a local newspaper. Could we do this to Commissioner Paul Condon?

Every year, we are treated to a media panic. Two summers ago, it was vicious dogs — usually with bits of small child in their mouths. This year, dinosaurs apart, it was rough justice.

It began in 1992, in fact, when Stephen Owen walked free from Maidstone Crown Court having admitted shooting the drunk-driver who killed his young son. Earlier this year, Michael Douglas as 'D-Fens' attempts to stake, if fictional, blow for the consumer, and in Wales, Michael Jones was jailed for nine months for killing the man he thought had burgled his mother's home. In June, Duncan Bond and Mark Chapman were jailed for five years for kidnapping and threatening a 16-year-old boy suspected of theft. Two hundred locals cheered when Jones' charge was reduced to manslaughter; and when Bond and Chapman's sentences were slammed on appeal, public celebrations spilled onto the streets of Norfolk.

This year's vigilante, you see, is no monosyllabic Survivalist with a taste for steroids and an abundance of sweat glands. He is — inevitably a 'he' — enjoys the wholehearted support of a community which sees him, not as some barmy-beggar Charles Bronson, but as Zoro in Reeboks.

'They do what they did — which is, of course, what a man's gotta do — not for vengeance or gain, but because they had lost faith in the law; didn't any longer believe that it could deliver 'justice'.

A Radical Defence Force

When this endless litany of loss becomes too much, it's tempting to imagine some suit-jawed cadre of radicals determined finally to confront the brawn of the state. Unblinking vigilantes for all we oppressed, they would seek to pursue the dialectic armed, not just with natural justice, but with a fair few tyre-teers and the odd can of mace.

There are, after all, numerous noble precedents. In November 1913, for example, labour-leader Jim Larkin formed the Irish Citizen Army to protect striking Dublin tramway-workers from assault by scabs and their police protectors. At first, its members had to drill with hurley sticks in a local park, but three years later, they led the assault on the GPO.

We needn't be ashamed of these fantasies. They show upon a desire for good order and a love of self-reliance, instinct which, it hardly needs saying, are now as venerable a national institution as The Bill, the 'bung' and the holiday in northern Cyprus.

So how could the Establishment respond to our Radical Defence Force? What could they say; this government, with its Neighbourhood Watch and its side-handled batons, these magnates behind their steel shutters and their video cameras; these 'TV-proprieteers, with their frowning Nick Ross telling us to stay vigilant, regardless; and these tabloids, for whom the words 'have-a-go-hero' come close to secular beatification? Could any of them be heard to sitter a single word of protest if we decided to last at flight our corner?

David Hewitt

The last few months have been very busy ones for the Haldane Society, in which we have been liaising and working with a wide range of other groups. We have had discussions with the Rail Maritime and Transport Union about joint work around civil liberties and with the National Union of Civil and Public Servants about plans to run court services into an agency separate from the civil service. We also met with representatives from three groups which have been mounting legal challenges to nuclear arms: Pax Legan, the World Court Project and the Institute for Law and Peace. In connection with this, we have also now affiliated to the International Association of Lawyers against Nuclear Arms. We have continued to work with Lawyers against Apartheid and assisted them with the very successful social they organised in June.

The sub-committees continue to function well. The Crime Sub-Committee is organising a public meeting on the Royal Commission in the second week in October. The National Health Sub-Committee had a very interesting public meeting recently on proposals to order treatment even when a patient has been released into the community. The Employment Sub-Committee is planning to hold a major conference on Labour Law next year and the Women's Sub-Committee organised transport go to the recent Bursnall Demonstration.

The Annual General Meeting, held in May, mapped out a full programme of activity for the coming year, including work in response to the Royal Commission. This has already started with a press release being issued hours after the Report was made public and a fringe meeting entitled "A Prosecutor's Charter" at Labour Party Conference in Brighton in September.

The new Student and Trainee Group is also following up work proposed in a resolution to the AGM and is organising a lobby of MPs on the issue of funding of law students in November. The Executive is organising activities to follow up on other issues raised at the AGM, including the future of public legal services, the Asylum and Immigration Appeals legislation, the Trade Union Reform and Employment Rights Act and contact with other democratic lawyers in Europe.

At the same time, the Haldane Trust is focusing on its work around questions of social justice with the Trust and the Society also viewing possible offices. Hopefully an office will be open for the Autumn, which can be a resource to members and in sub-committees as well as the Trust and Socialistic Lawyer.

Halldane Christmas Party

3rd December 1993, 7.30pm-12
Cary Golf Club, Bride Lane, London EC4
Details from Richard Bilsby 071 274 0850

Meetings and Conferences

Socialist Conference

500th in October 1993

Held in Chichester. Themes: protecting local government and public services, establishing a socialist network.

Contact Hilary Wainwright for details 071 225 0007

Legal Action Group Conference

6th November 1993, 9:30am-5pm

City University, Northampton Square, London ECI. Criminal Justice, The Way Forward. £25/£16 students.

ContactLAG 071 833 2931

Talking Liberties

13th November 1993, 10am-5pm

Liberty (formerly National Council for Civil Liberties) conference on human rights. TUC conference centre, Great Russell Street, London WC1. £10/£5 unwaged or student.

Contact Marie Ryan for details 071 403 3888.

Speakers include: Kader Asmal, Stuart Weir, Francesca King, Martin O'Brian (CAJ), Louise Christian, Tessa Gill, Pragna Patel, Peter Tatchell, John Foster (NUJ).
Join

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:

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law students/pupils/articled clerks</td>
<td>£ 8.00</td>
</tr>
<tr>
<td>Retired or unwaged members</td>
<td>£ 8.00</td>
</tr>
<tr>
<td>Greater London workers or residents</td>
<td>£ 20.00</td>
</tr>
<tr>
<td>Non-Greater London workers</td>
<td>£ 12.00</td>
</tr>
<tr>
<td>National Affiliates</td>
<td>£ 30.00</td>
</tr>
<tr>
<td>Local Affiliates</td>
<td>£ 10.00</td>
</tr>
</tbody>
</table>

subscribe

- Including Special Student 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).

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individuals</td>
<td>£ 10.00</td>
</tr>
<tr>
<td>Students/traine lawyers</td>
<td>£ 5.00</td>
</tr>
<tr>
<td>Local trade union branches / voluntary orgs</td>
<td>£ 20.00</td>
</tr>
<tr>
<td>Libraries/national trade unions</td>
<td>£ 30.00</td>
</tr>
<tr>
<td>(Britain &amp; Europe)</td>
<td></td>
</tr>
<tr>
<td>(Worldwide)</td>
<td></td>
</tr>
<tr>
<td>(Britain &amp; Europe)</td>
<td></td>
</tr>
<tr>
<td>(Worldwide)</td>
<td></td>
</tr>
<tr>
<td>(Britain &amp; Europe)</td>
<td></td>
</tr>
<tr>
<td>(Worldwide)</td>
<td></td>
</tr>
<tr>
<td>(Britain &amp; Europe)</td>
<td></td>
</tr>
<tr>
<td>(Worldwide)</td>
<td></td>
</tr>
</tbody>
</table>

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

STANDING ORDER FOR:

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: The HaldANE SOCIETY OF SOCIALIST LAWYERS, Account No 29214008 National Girobank, Bootle, Merseyside GIR OAA (sorting code 72 00 05)

the sum of £ ____________________________

(see rates above)

now and thereafter on the same date every year until cancelled by me in writing.

Signed ____________________________ Date ____________________________

PLEASE SEND THIS FORM TO: THE MEMBERSHIP SECRETARIES, C/O 11 DOUGHTY STREET, LONDON WC1N 2PG