

**The Citizen and
the Law of
Armed Conflict**



Transcription of

A CONFERENCE

organised by the

**Network for Law
Accountability
and Peace
(NetLap)**

Friends House, London

1-2 September 2009

The Citizen and the Law of Armed Conflict



THE NETWORK FOR LAW ACCOUNTABILITY AND PEACE

The Network for Law Accountability and Peace (NetLap) operates as a project of INLAP (The Institute for Law Accountability and Peace). It is a Network of NGOs and individuals which seeks to increase knowledge of the domestic and international laws of Armed Conflict among citizens, Parliamentarians, and decision makers; and to explore, develop and improve productive communication between them.

The initiative is the result of concern over the lack of transparency shown by our Government over recent years regarding matters related to armed conflict and the law, and the need to raise awareness of these issues among Members of Parliament. The problem has come to light because of the needs of concerned citizens who are not usually legal experts or full-time NGO workers. They are deeply committed to the rule of law, active in their communities, and anxious to be better-informed. All too often their attempts to gain an insight into Government thinking on these issues have been met with equivocation from Government Departments and lack of understanding by MPs.

To this end NetLap organised a two-day conference in September 2009. Speakers included lawyers, academics, politicians, analysts and activists. As a result NetLap has started to develop a structure for taking these concerns forward. There is already an extensive documentation of correspondence with officials and MPs over several years, and NetLap will establish a system to exchange experience and develop this dialogue.

NetLap is working to enlist the help of professional lawyers and MPs who are willing, from time to time, to provide advice. Based on this NetLap will be able to develop a series of strategies for tackling the problems associated with ensuring adherence to existing laws and achieving more transparency and meaningful responses in the dialogue between the Government and citizens.

Future plans include:

- * Setting up an advisory group of MPs concerned about the poor quality of dialogue with many MPs and officials about law and peace matters. The issue of the International Criminal Court's relationship with the UN Security Council could provide an early basis for discussion,
- * discussing ways with the key Government Departments on how correspondence with them may be improved,
- * creating a website with information about letter-writing which will be of help to both MPs and concerned citizens. We have now obtained finance to develop this,
- * an event early in 2010 in Parliament for MP's and lawyers on International Law,
- * establishing an independent legal resource for MPs.

The Citizen and the Law of Armed Conflict



TUESDAY 1 SEPTEMBER: THE PROBLEM

WELCOME AND INTRODUCTION

LINDIS PERCY AND LAILA PACKER:
**Campaign for the Accountability of American
Bases (CAAB)**

Lindis was unable to attend the conference but the following message from CAAB was read out.

The Campaign for the Accountability of American Bases (CAAB) sends greetings and solidarity with the aims and objectives of the conference. We are so sorry that no one from CAAB will be there to represent us. We are very interested in what the conference is about because we share, through experience over the years, many of these concerns. It is, in our view, an effective way of campaigning.

The aims and objectives of CAAB have always been to bring public scrutiny and awareness to what the US Visiting Forces are doing in the UK (and world wide). This involves a myriad of complex issues. We have always been interested in challenging the laws, since the inception of CAAB in 1992. These have been used against us and other campaigns and individuals who dare to challenge people in authority who make major decisions about our lives. As a result we have been successful, in several significant cases, when new authorities were made and brought into effect through the higher courts. Significant authorities have been cited and used in cases brought against other campaigners.

Also we have always thought that it is important to work within the democratic process (however unhealthy it has shown to be) to effect change. We continue to work with elected representatives (at all levels) to chip away to gain information through MPs asking parliamentary questions on our behalf. We would particularly like to mention the tireless work that was done by Norman Baker for many years. We are also grateful to Colin Challen MP, who has now taken up Norman's work. We have gleaned important information through this work but are also frustrated by the block on some of the questions asked. It is time that there is transparency and openness by government who frequently hide behind the excuses of 'national security'.

We therefore would have had much to contribute to the conference, but we also much to learn from the many and varied speakers and attenders.

We will be there in spirit - we look forward to a report of the conference and hope that through working together and sharing knowledge, experiences, and struggles we can begin to change things round from violence (to settle conflicts) to alternatives to violence - common aims for the common good.



PAT HAWARD:
World Court Project UK

Lindis has said a great deal of what I had actually written down in my notes and I don't want to repeat it. But it's worth thinking over the next two days of the major shifts that have taken place. We've lived through them so they're sometimes difficult to see.

I was thinking particularly of how the balance between the Prime Minister and the cabinet has operated in such a way that it is much more difficult to get at where policy decisions are made.

I also thought of how those parties have necessarily, because of the differences in power within Government, have become quite indistinct in many ways. That is something which our MPs are suffering from. I think that the whips have quite an unpleasant job.

There are also shifts in international politics which affect the way that International Law is regarded - for example the attention that is paid to it and particularly in military operations. They may have a lot of lawyers working for them but what matters is what the Commander-in-Chief or the President or whatever is actually asking for. I'm not going into examples of that. But we have two wars going on at then moment. We have this echo in our heads, as a background all the time, asking: is that about oil? I have to ask myself every now and again why are we in Afghanistan?

There's another type of shift which is about the way we now record information in the cyber world out there as well as the way that the organising of society has shifted since the 50s and 60s. There are now a lot of people coming onto the streets in a different way. We, of course, are part of the public and that is why we are united here today and tomorrow.

PANEL 1: REVIEW OF INTERNATIONAL AND DOMESTIC LAW FROM THE VIEWPOINT OF CONCERNED ACTIVISTS:
Chair Pat Haward



NICK GRIEF: Professor of Law at Bournemouth University and barrister at Doughty Street Chambers, London

I got into all this kind of thing in the mid-80s when I was a young lecturer at Exeter University in Public International law. The very first case I was involved in was the case of a conscientious objector who refused to pay his tax insofar as it related to defence spending. The Revenue took it to court. Surprisingly, the County Court Judge gave me leave to appeal to the Court of Appeal.

For me there were two lessons from this. One was that people like this have looked to International Law as embodying higher values and that it could get to places and do things that domestic law couldn't. In the twenty five years since I have come to understand that we must be cautious about what the law in general, and International Law in particular, can achieve.

There was another thing that I learned. We have to think very carefully about litigation, and especially about appealing. The Court of Appeal dismissed Richard's case in record time on the grounds that there was not sufficient connection between the raising of revenue and the spending of it for there to be any breach of the law. The case that really brought this home to me was the Hutchinson case. So let's be very realistic about litigation and adopt a strategic approach. I think that that is reflected in this conference.

Against that background I want to focus on the accountability of US bases. I have long had an interest in this but it came into focus as a result of the Jones and Miller trial in Bristol in September 2006. I was the instructing solicitor in that. These two were accused of committing criminal damage at RAF Fairford on the eve of the Iraq war. One of the joys of that trial was when we had the cross-examination of Squadron Leader Morris, who was the senior British officer at Fairford at the time. I said the senior British officer because he certainly wasn't the senior officer. This is just a snatch of the exchange:

Squadron Leader Morris – the senior UK officer at RAF Fairford, March 2003

"... not involved in operational planning.... I did not attend operational meetings. I did not know what was happening operationally. I was not privy to that information"

"I knew when the B52s were arriving but I was away that week"

Did you have any insight into what kind of weapons were at Fairford? "None. I was effectively the landlord"

"I don't know if there were any cluster bombs at Fairford"

Were there any parts of the base to which you were not permitted access? "For 95% of it I could go where I liked but for certain areas they had to know I was coming"

Well, there have been a lot of questions asked in Parliament about American bases in Britain. Here's Mr. Ingram, a Minister of State at the MoD, in July 2003, giving a written answer to a question. He said:

Mr Ingram: 'The presence of the United States Visiting Forces at RAF Fairford is, as with all other bases made available to them in the United Kingdom, governed by the NATO Status of Forces Agreement of 1951 and other additional confidential arrangements'

In another written answer in January 2006 the same Mr. Ingram provided this information:

The locations of the principal US military assets in the UK are:

RAF Alconbury	RAF Lakenheath
RAF Croughton	RAF Menwith Hill
RAF Daws Hill	RAF Mildenhall
RAF Fairford	RAF Molesworth
RAF Feltwell	RAF Upwood
RAF Hythe	RAF Welford

In the same written answer the Minister said:

US visiting force military assets stationed in the UK are potentially available, as necessary, in support of NATO missions. Any actual deployment will be undertaken on a case-by-case basis.

We must ask; who decides when and what is necessary?

Digging around in preparation for today I came across this book by Simon Duke which provides us with a great deal of detail on a communiqué issued after talks between President Truman and Prime Minister Churchill in January 1952. It tells us that:

Simon Duke, SIPRI, US Military Forces and Installations in Europe (OUP, 1989)

Under arrangements made for the common defence, the US has the use of certain bases in the UK. We reaffirm the understanding that the use of these bases in an emergency would be a matter for joint decision by HMG and the US Government in the light of the circumstances prevailing at the time'

This is the only official statement on the status of US bases in the UK and it has been re-affirmed by successive governments. It raises a number of questions on matters of interpretation - the question of joint decisions by the two governments, for example. Does this mean what it says? Are we to take it literally? Would there always be prior agreement, or would it just be a matter of consultation? Margaret Thatcher was clear. After the US raid on Tripoli in April 1986 she said that the arrangements for the use of American bases in this country have been the same for thirty years and have not changed. Our agreement was required for the use of these bases by American F111s.

There was another instance concerning the Yom Kippur War of the 1970s when American forces all over the world were on the highest level of alert. The British ambassador in Washington knew nothing. He learned of it only afterwards. So much for the joint decision making.

So just a few words on the legal framework for US forces in the UK. We have the NATO Status of Forces Agreements (SOFA) of 1951. It defines the legal status of visiting forces in Europe.

NATO Status of Forces Agreement 1951 (London, 19 June 1951)

Visiting Forces Act 1952 ('An Act to make provision with respect to naval, military and air forces of certain other countries visiting the UK...')

Visiting Forces (Designation) Order 1954 (S1 1954 No 634), made under S 1(2) of the 1952 Act

Then we have the Legal Visiting Forces Act of 1952 which made provisions regarding military, naval and air forces of certain other countries visiting the UK. Then we have a Statutory Instrument - Secondary Legislation - the Visiting Forces (Designation) Order of 1954. This designates the United States for the purposes of the Visiting Forces Act. With that in mind, here's a sign that Juliet McBride and I found at RAF Welford in June 2008.

Controlled Area

It is unlawful to enter this area without permission of the Installation Commander

Sec 21, Internal Security Act of 1950; 50 USC 797

While on this Installation all personnel and the property under their control are subject to search

We couldn't take our eyes off the reference to Section 21 of the Internal Security Act of 1951.50

USC 97. This is not a reference to a British Act of Parliament. It refers to US legislation. I looked up the legislative authority for that sign. USC stands for "United States Code". "50" means the title number. If you look up Title 50 of the US Legislative Code it is entitled "War and National Defense". Then if we go to Chapter 23 it is all about International Security. Sub-Chapter 1 is about "Control of Subversive Activity". Then comes paragraph 797: "Penalty for violation of security Regulations, which says that whoever willfully violates any defense property security installation, shall be fined or imprisoned or both".

The question that I have is: how on earth does this square with International Law; or with our own Domestic law?

Needless to say, the NATO Status of Forces Agreement Act of 1951 does contain security provisions - the sending state, the US, can exercise criminal jurisdiction over everyone subject to US military law. There is nothing surprising about that. It also says that the receiving state - the UK - has jurisdiction over all offences within the UK and these are punishable under UK law. So there is concurrent jurisdiction on a number of occasions and there are rules under SOFA on how that concurrent jurisdiction can play out - who can exercise that jurisdiction, both the sending and the receiving state?

Art VII (1) (a): SS criminal and disciplinary jurisdiction over all persons subject to SS military law

Art VII (1) (b): RS jurisdiction over members of a force etc. re offences committed within the RS and punishable under RS law.

Art VII (2) (a): SS military authorities may exercise exclusive jurisdiction over persons subject to SS military law re offences (including security offences) punishable by SS but not RS law

Art VII (2) (b): RS authorities may exercise exclusive jurisdiction over members of a force etc re offences including offences) punishable by RS but not SS law

Art VII (3) rules on concurrent jurisdiction

But what really interested me was the next section of SOFA, - Article VII (4).

Art VII(4): 'The foregoing provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the force of the sending State'

So the SOFA makes it quite plain that there is no authority in the SOFA itself for the US authorities to claim jurisdiction over British nationals who are nothing to do with the military forces of the United States.

So where do we go for any legitimisation of that sign at Welford? Is legitimisation to be found in those confidential additional arrangements that the Minister of State refers to in his written answers? It

shouldn't surprise us that the US aims to have such jurisdiction. We have stories in the press about the extra-territorial reach of US law, well beyond its own territory and into that of other countries. But is it lawful? I think we should know.

And lastly, another reason why this really matters is because of International Law on State Responsibility. Here is Article 16 of the International Law Commission's Articles on State Responsibility. These are the articles that say when a state is responsible and liable. Article 16 is all about aid or assistance in the commission of an international wrongful act.

Aid or assistance in the commission of an internationally wrongful act

A State which aids or assists another State in the commission of an internationally wrongful act

- (a) that State does so with knowledge of the circumstances of the internationally wrongful act; and
- (b) the act would be internationally wrongful if committed by that State.

Basically, the position is this. The responsibility of this country, the UK, is engaged under Interna-

tional Law if we voluntarily assist or aid the US in carrying out conduct which violates the United States' international obligations - for example by providing an essential facility such as an air base. The UK's international responsibilities would be engaged if the US, using one of our air bases, were in violation of International Law. Indeed, this is exactly what the Libyans were saying in 1986 after the Tripoli raid. The Libyan Government charged the UK with having contributed directly to the raid by providing bases from which the aircraft flew. It is interesting that the Government did not deny the principle of State Liability in this kind of situation that is articulated in Article 16 of the International Law Commission's Articles. It said that they were not responsible for a violation of International Law. It said that the US was invoking the Right to Self-Defence and protecting itself against Libyan-sponsored terrorism.

There could be associated criminal liability as well - war crimes and possibly the Crime of Aggression on the part of ministers and even military personnel as well.



ROBBIE MANSON: solicitor, researcher, and co-founder of the Institute for Law Accountability & Peace (INLAP)

My name is Robbie Manson and in my closet I have many and several hats. One of these dates from several years ago when I was involved in bringing together lawyers, peace protesters and academics who were seeking to make the Rule of Law an important part of peace campaigning in this country. This eventually came to be known as INLAP – the Institute for Law and Peace, now the Institute for Law *Accountability* and Peace. I believe that is important concerning the brief I am directed to this morning.

I have had personal experiences, as well as being an advisor to many people who have found lack of accountability, especially from the Government and also from Parliament. We have a constitutional settlement which looks to put Parliament first in seeking accountability for Government actions and which reaches downwards through the many threads of our state system even to the way people get treated. We were hearing about this just now from Lindis Percy. This treatment has been meted out, not just at the hands of constables of the Ministry of Defence, but also of the security forces of visiting states. All this demands accountability, to put it mildly.

I believe that my most apposite experience in

recent years derives from the role I played in assisting those who took action in 2003 in the weeks and days before the attack – the war – on Iraq. There are so many different expressions, depending on which side of the fence you stand and I must make it absolutely clear that although I have met many faces in this room on this side of those fences I have myself personally cut through more than I can count. I have stood on the other side of those fences as well.

So I felt that I was in a particularly good position to assist those who had gone into the base at Fairford in 2003. Just to remind you, what occurred in Fairford in March 2003 was certainly in some regard just a symbolic action. But in the case of Jones and Milling they were accused of having done specific damage in excess of \$8,000, according to the Crown. It is interesting that they mentioned the dollar in the paper work rather than pounds sterling. This is in accordance with what we have been hearing about the assertion of American jurisdiction.

The important aspect of their defence was that they wanted the right to assert before a jury of their own peers that under a 1967 statute which laid it down that a person is entitled to use such force

as is needful to prevent a crime. They should be entitled to plead to the jury at their trial that what they were trying to do was indeed reasonable force.

What crime were they attempting to prevent? It was “the supreme international crime” – a concept which goes back to the Second World War. Today is, after all, the anniversary of the German invasion of Poland. In my mind, I am always taken back on these occasions to the moment when His Majesty’s Attorney General, Sir Hartley Shawcross, got to his feet in the Palace of Justice in Nuremberg in 1945. He declared that the charges that the United Kingdom, the Soviet Union, the United States and France then laid against politicians and generals and leading civil servants of the Nazi Regime in the dock were not crimes that they were simply creating themselves for the purpose of that one trial. They were not purely for the purpose of “Victors’ Justice” – the right of the victor to hold the vanquished to account. He said that these were standards of international behaviour and conduct which, at least from then on, if not in previous wars, would be recognised as binding on all nations. He said that it was acknowledged by the Government of this country that International Law was not only binding on states or Governments. He agreed with the impassioned statement of his American colleague, Justice Jackson, that International Law, and especially International Criminal Law, would be unenforceable unless it held individuals to account. He claimed that this had always been the situation in the United Kingdom as it had been in the United States. He claimed specifically that the crimes they were accusing the Nazi leaders of – War Crimes and Crimes Against Humanity – arose from the greatest crime of all, a Crime Against Peace. The judgement itself given at that court a year later in 1946 confirmed this.

It is so antiquated a term now “A Crime Against Peace” that when I talk to youngsters today they cannot really believe that was what it was called. That was the term that the four powers laid down in the Nuremberg for the Crime they accused those Nazis of having committed seventy years ago today when they marched across the line in Eastern Prussia and declared war against Poland. They said that this was a crime in 1939, not just in 1946, and that countries would be held against those standards in the future.

I could go into a great deal of detail about the history between 1946 and sixty years later in 2006 when Nick Grief and I appeared before the Appeals Committee of their Lordships’ House down the road in the case of the Fairford Five, as they were known.

In the sixty years that had gone by, because

there hadn’t been a second trial, nobody had been held to account for this crime by the United Kingdom, or the United States. There were now debates going on in an international forum about what is now known as “The Crime of Aggression”. The Lords ruled that it was now so uncertain what the precise definition of this crime was, that it failed to pass the test of certainty. In any event, even though certain things had been said at Nuremberg about how this country was foremost in the world about upholding International Law, Parliament had never incorporated that crime in a statute.

In their Lordships’ view, while the Court of Appeal made some interesting points about uncertainty, “it would be unhistoric to consider that whilst it had been a crime in 1945, sufficient to execute nine Nazi leaders, it was now somehow uncertain” (Lord Bingham). In his view, and of the whole committee of the House, it was still sufficiently certain as a crime under International Law as to be capable of being a crime under our law. But, and it was a big but, they held that if Parliament hadn’t passed an act to say so, then it ain’t so. Until they do, no person in this country, be they a policeman at the gate, up to the Prime Minister in Downing Street, could be held accountable for that crime.

And there, to my mind, is the real issue of parliamentary accountability, as well as ministerial accountability. Six decades passed between the time his Majesty’s Attorney General stood at the bar of justice at Nuremberg and declared that this country, and every individual in this country, is liable to this crime. However, the House of Lords ruled that Parliament had never found the time to incorporate this into statute. Therefore, no court in this country could consider it a crime; and so a defendant who wanted to plead this justification before a jury at their trial could not be allowed to do so.

Now, we lawyers are always flexible and inventive in these things, and as it turned out, when we got back to the Crown Court in Bristol, that there were other lawful justifications we could rely on. As a result, two of the defendants were acquitted outright, one was acquitted having had two trials at which the jury failed to come to a decision, and two were convicted. One of these was given a conditional discharge and the other was asked to wear a leg bracelet for six months.

Nevertheless, millions of pounds were spent in the exercise. I can also add that one of the answers Squadron Leader Morris gave at his trial was that if he had driven into a cluster bomb he would not have known what it was. I have nightmares at the thought that an RAF officer might have driven into cluster bombs unaware.

So afterwards I asked myself: how can it be that after we left that court there weren't hundreds of newspaper reports? I was not asked to appear before Mr Paxman on the BBC to illustrate and demonstrate the hypocrisy of this lack of accountability. Our representatives celebrate Nuremberg and say that it was a gift of British justice and democracy to the world and that we didn't just execute these vanquished leaders, but that we gave the world these standards. These same people still today hide behind this failure of our Parliament to have legislated, even to the briefest degree, to create an internal codification of this vital supreme asset of International Law.

So what did I do? Well, of course, I wrote to my MP. In fact I wrote to every Member of Parliament and every Lord Spiritual and Temporal that there was. To paraphrase those who did write back: sorry Mr Manson, I don't have time for nutters like you. Please don't tax me further. But three of them, including Adam Price, did write back and gave me an insight as to where to go next. They told me that this issue is, at the moment, being determined at an international forum which is negotiating the future work of the International Criminal Court (ICC) in the Hague.

At that time the ICC had only just got going as a realistic court – the first two cases were in their docket. As well as the actual Court itself there was the Assembly which was a debating forum for the states which have signed and/or ratified the Rome Statute – the States Parties. This debates not only how the Court should be funded, but also what its future jurisdiction should be. The most important function of this Assembly is to set up an international working group on the Crime of Aggression. Every state in the world was invited to come along to take part and have its say about this most important of crimes, the Crime of Aggression. The first meeting I attended was in 2003 in the Hague, but after 2006 I started to attend every meeting, whether it was in the Hague or in New York. This was because every parliamentarian who was friendly told me that we would have to wait until the Assembly of States Parties decided on the common standard for this crime, on its definition, and the circumstances in which the ICC shall exercise its jurisdiction. We in this country will not be prepared to act alone in this matter. Once it is there we shall be in a position to amend and update our own legislation to incorporate what has been decided.

I've been told not to worry about it; it's a very complicated matter. It's going to take a long time to come to fruition. I was told that I should leave it and do something useful with my life and not bother about what is happening in the international

forum. This probably explains why, when I have attended every meeting of the Working Group, to my astonishment and shame I have been the only person there from the United Kingdom. The only other person there is a man from the Foreign Office. Sometimes, during the informal sessions, I have been asked to address the whole group – sometimes in Welsh from a Welsh perspective, much to the chagrin of the interpreters. The President of the Assembly has said that he has often wondered why they call us the United Kingdom.

The most important lesson that I have learnt is that it was vital that I didn't let the ball drop after the House of Lords ruling. The single most important issue that threatens to prevent this crime from becoming an important enforceable part of the jurisdiction of the ICC is the attitude of the five Permanent Members of the Security Council. Amongst these the attitude of the United Kingdom is crucial because it is the one which has most taken the Rome Statute forward. It has signed and ratified the Statute and implemented it up to its current state. So the United Kingdom has a pivotal position between the Permanent Five and the rest of the world.

What can effectively prevent this crime from becoming what those of us who care about this issue hope for is the question of the relationship between the Court and the Security Council over this crime. Ultimately, the Security Council is a political institution. The occasions when the Permanent Five have acted, not in their perceived national interest, but in accordance with its initial role of being the world police, for example by indicting a state for the Crime of Aggression, are so few as to be counted on one hand.

And yet, the position of the United Kingdom is that it will not support the future jurisdiction of the ICC being exercised, not even under the existing regime of control by the Council. Article 16 of the Rome Statute allows the Council to pass a resolution requiring the Court to stop a prosecution, or even to stop an investigation, for at least a year. That is the settlement which was arrived at in Rome in 1998 – it's called the Singapore Settlement. Now, those Permanent Members, the UK foremost amongst them, want to go further. The Crime of Aggression is a crime which can only be committed by the military and political leaders and civil servants, and, in practice, only by heads of Government or of State. The Permanent Five are saying that this new court will not even be allowed to start an investigation on the Crime of Aggression unless it has first obtained the permission of the Security Council. If the Council is politically deadlocked, which it has been time and

again, that is just the rough of the rub.

Now that is unacceptable to me. More importantly it is unacceptable to the Non-Aligned Movement, and to most of the rest of the world. It is astonishing that the United Kingdom still holds onto the notion that it must still have political control over this great new hope for the world, this great new court and the exercise of jurisdiction which we hope it will have in future over this crime.

But people in other countries ask why there aren't more people in the United Kingdom who know about this and are lobbying Mr Milliband to point out that this doesn't express British popular belief as to what we had said at Nuremberg or anything that's happened since. We in this country still hold to the view that aggression is the supreme international crime and that it is reprehensible beyond belief, we find it unacceptable that one Attorney General who was advised by one professor of International Law that what occurred in March 2003 was justified because of one interpretation of a series of Security Council Resolutions that came from the first Gulf War. Lord Alexander described the reasoning behind the Attorney General's advice to the Government as risible.

We have only one last opportunity, according

to the President of the Court, to get this position changed; not only to get the definition of the Crime into the Rome Statute, but also but to get an agreement that will allow the Court to exercise its jurisdiction without the specific green light of the Security Council. That's coming up very soon, in May of next year in Kampala at the Review Conference of the Rome Statute. We, as interested parties, must start picking away at the hypocrisy of Members of Parliament, and most especially on Ministers who say that of course we abide by International Law, that we would never use weapons in the future unless this is consistent with International Law, or even use force except in accordance with International Law. We must make this a reality in this country and in Kampala next year. Otherwise the last opportunity will be lost.

I implore you to join me in lobbying Members of Parliament and particularly our Government to come forward and explain why they think it is necessary for political impunity to be exercised through a Security Council veto in relation to this most important crime. When they do this they make a liar of His Majesty's Attorney General in 1946 and I, for one, do not want to see that go by without a fight.

QUESTIONS

AND DISCUSSION

Question, Martha Baker: a question about meeting representatives of the UK Government.

Nick Grief: If we are to change the negotiating position of the British Government we must do so through the ministers who instruct them.

Question: The sign at RAF Welford where the Americans claim jurisdiction over British criminals may be circumvented by this Mickey Mouse extradition treaty that we have with the United States. Is that true?

Nick Grief: Possibly. I'm worried about the sign at Welford in the light of what we've seen and read in recent months about the Nat West Three, and the young guy who hacked into the Pentagon computers, whom our own authorities are refusing to protect. They're saying these extraditions can go ahead. So there's a sort of unholy alliance between our own prosecuting authorities and our own courts and the US.

Comment: Juliet McBride: I've been in many American bases and they've never used American rules ... I think they're just ignorant. I've always been prosecuted under British law. I've even brought a prosecution against American security police at Greenham under the Visiting Forces Act and SOFA and American law was never brought up. So I think it's their ignorance. But it is their mindset, and when I brought my prosecution they brought in

a certificate of something or other and they withdrew themselves from jurisdiction but the American legal major did say to me: "if you had got anywhere with that prosecution Juliet, we would have flown our men home."

Question, Eileen Noakes: I want to ask what constitutes terrorism, because it has been used as a cloak for a quite astonishing erosion of our civil liberties and human rights and if the Palestinians send rockets into Israel that is terrorism, whereas when Israel bombards civilians with white phosphorus, that is self-defence.

Nick Grief: There are definitions of terrorism but I don't know if there is a single one. As far as Israel and Palestine and the recent conflicts are concerned there is no doubt, and I think this has been recognised by neutral observers, that crimes were committed on both sides, crimes that are in the purview of the ICC, or, indeed, of domestic courts.

Question Anthony Kestin: Has the panel considered the Geneva Conventions Amendments Act of 1995? In the Protocol it states that all member states promise to adhere to the UN Charter which includes a prohibition against military invasion except in self-defence. Of course there is a decided case by the ICJ, the Nicaragua Case, which gives a very confined definition of defence which does not include pre-emptive defence. What I cannot understand is why this Act

hasn't been invoked as a possible means of prosecuting the UK Government for entering the war because the Act clearly overrides any prerogative powers.

Robbie Manson: I would recommend very careful reading of that Act because it is not a wholesale attempt to incorporate everything that is said in the 1977 Protocols into British Statute. All that those Protocols require is that so-called "grave breaches" shall be incorporated into national legislation. This does include some important things such as launching an attack that fails to discriminate between combatants and non-combatants, and things that are in breach of

the Principle of Proportionality such as killing civilians clearly in excess of military advantage. It does include things like not attacking hospitals or those engaged in ambulance work. It doesn't, I'm afraid, include those parts of the Protocols which include reference to the Charter to which you refer.

Nick Grief: There is an overlap between the 95 Act and the 2001 International Criminal Court Act. But we use the Geneva Conventions Act when we are defending the rights of Juliet and others on the basis that the use of Trident would necessarily violate the Geneva Conventions.

PANEL 2: DIFFICULTIES
EXPERIENCED BY CITIZENS
IN RELATING TO GOVERNMENT

Chair Jim McCluskey



JIM MCCLUSKEY

The reason that I am chairing this session is that I have been a member of the planning committee helping George a lot. The reason I got interested in this whole subject was because I was outraged by a series of decisions made by our Government which I considered both inhumane and illegal. I'm referring particularly to Trident renewal also the way Aldermaston has been building up the next generation of nuclear weapons costing thousands of billions of pounds of our money wasted in this way. Then there were the Iraq and Afghanistan wars. So there's plenty for us to campaign against.

We have four speakers this morning and their main overall topic is the problems we as citizens have in relating to Government. The speakers will address four aspects of this. The first one relates to transparency. If we don't know what the Government is doing it's difficult to have a critique against them. The next one relates to the inadequacy of the way that we are offered letters from the Government. The third thing is to do with the fact that very often we are speaking a different language to the Government. If we think nuclear weapons are inhumane and genocidal we are talking to people who think that they give the Government prestige and get their feet under the top table. It is very difficult to get a meeting of minds. The fourth topic is to do with foreign policy. How can citizens relate to the foreign policy that the Government pursues. Each of the speakers will speak for about 20 minutes, leaving 40 minutes for discussion.

Our main objective is to hear what everybody thinks about this so that we can work out jointly some way of going forward, a programme that will enable us to tackle the question of relating to the Government more thoroughly and more meaningfully.

The first speaker is Ann Feltham who is very experienced in the Campaign against Arms Trade which I think is one of the most effective and driving forces in the whole peace area in this country.



ANN FELTHAM:
Campaign Against Arms Trade

The title of this talk is "The Lack of Transparency on the Part of Government" but what I'm going to address is how you get round that transparency, at least in our experience of campaigning on arms export issues. The first thing is the information the Government now produces on a regular basis. This information started in a fairly systematic way with John Major. The war with Iraq highlighted the fact that the UK had actually been supplying arms to the regime of Saddam Hussein, or at least military equipment if not major weapons. So John Major and his Government gave the go-ahead to what had been some civil servant's project for some years, the UN Register of Arms Exports. That was set up pretty quickly. The information that is provided by Governments is not very substantial or detailed but it started the ball rolling and it does exist. That was back in 1993.

The next step in the UK was duplicated lists of exported arms licences. Then the Labour Government came into power in 1997 with a promise to do more and it brought in much more detailed lists of licences granted. There was a glossy annual report looked at by a committee of MPs from

various Select Committees. These were the International Development Committee, the Foreign Affairs Committee, the Defence Committee and what was at that stage, the Trade and Industry Committee. Then the annual reports became quarterly reports published online so that you could get the information quickly. Again this was a list under categories per country. Quite recently, within the last year, the online database became searchable so that you can print out the search results. These annual reports have gone round the EU through the UK Government, so they are mirrored by annual reports from the other EU countries. So it's better than nothing but it's certainly not sufficient for arms exports information. It doesn't give you any information about arms deals. It's very difficult to campaign using that information.

So we have to look elsewhere. They aren't that keen on supplying other information, not only for national security, but they tell us, just as often for foreign policy reasons. They don't want to upset the recipient Governments and, very importantly, because there are commercial companies involved

and a lot of it is deemed commercially confidential.

Campaign against Arms Trade was set up in 1974 and right from the start one of the tasks that has been undertaken every day is to go through the quality press. We also subscribe to a large number of military magazines, US and UK ones. Now these are online as well. We put all this information together and we have a vast library of files with cross references by country and companies. It's taking up an enormous amount of room which is a big problem, but it does mean that if there's suddenly news about, say, Libyan arms, we have all the details in one place for the companies in the UK and often further afield as well. We've also got an e-library so that online articles are there and a lot of books with a retired librarian to catalogue them. We also have a large number of volunteers to make sure everything is in the right file, in order and numbered. There's nothing that can beat that meticulous work. We're open to anyone who wants to come in. We're listed on various library databases.

We use parliamentary questions for confirming information and we also gather year-on-year statistics. There are some questions we ask parliamentarians to put down every year. That's another way of gathering information. They don't necessarily want to produce information out front but we do glean or confirm information this way. There was a great source discovered some years back, pioneered by one individual, the National Archive, that wonderful building in Kew, where you can go and look through old Government records. They are fantastic. I don't know what's going to happen now there are a lot of emails, but the stuff of 20-30 years ago tells you a lot about the arms trade then. One thing about arms deals is that they're often very long-lived because a piece of equipment will need spares. In the case of the Saudis where we've had the most experience, they go on and on forever, The Saudi Defence Minister in 1962 is still the Saudi Defence Minister, so you get stuff in the 60s and 70s when you are still talking about the same guy, so it's really great. It's quite fun to see how they described things and decided what was acceptable, Bribery was certainly acceptable and alluded to all over the place. That's real fun.

In those innocent times the civil servants wrote it all down and they would quite often make mistakes. The most recent was in 2006 when the Export Credits Guarantee Department dumped a file about financing Saudi arms deals in the National Archive and it was a real hot potato. The Guardian journalist rang the MoD for a comment about it and they said, "We don't comment on leaked stories" and the journalist told them, "It's not leaked". When they realised where it was they sent a van round to collect it back, but we had

innumerable electronic copies by then so that was alright. Somebody sat there and photographed the whole file digitally - new technology on old papers.

Another thing we have been using, and this is an innovation, is the Freedom of Information Act which came in 2005. But it takes a long time. Some information we are getting fairly regularly but some of the 2005 enquiries are only just getting to the Information Tribunal, a kind of court case level. Some of them are only just getting precedents set so we know what we can and can't ask for and what it's worth and what kind of information ministers know, what they are allowed to give us, and what they can withhold. We've tested it to its fullest extent on arms deals to Saudi Arabia and the Information Tribunal has ruled that "redacted" files - files with bits withheld - should be handed over and there's still quite a lot of good information in those files. Put together with files we have in the National Archive there's a great deal we are learning about arms deals to Saudi Arabia.

We have another Information Tribunal hearing coming up in about 2 weeks time and that's on a much more recent financial assessment on Saudi arms deals. They are saying that they are withholding some material on the grounds that it would inhibit the ability of civil servants to advise ministers openly if they knew that documents of this sort were going to be open to the public. They're arguing that in the future they would say something and not write it so as not to leave a document trail. I do advise Freedom of Information requests as a good way forward.

We feed information to the media and they then explore it themselves as their resources are greater than ours. I would add overseas media for that as well. The web means that we can follow things like corruption stories when they are in the Swedish press. You can google and then get an idea in translation of vital information. So there's a lot of good media stories out there.

Then there are court cases. We did take up a Judicial Review with the Corner House against the Government's decision to drop the Serious Fraud Office Enquiry into the Saudi arms deals. There were a huge number of documents that came out as a result of that court case under something called disclosure. I don't think we realised how much information you can get as a by-product of court cases. That is very useful.

The bottom line for the Campaign Against Arms Trade is that we're not really meant to be there for writing books or gathering historical information. We're there to stop the arms trade, and that's why we need the information. I think we're moving closer now to demonising the trade and making it unacceptable to the public by the information that's coming out from all these different sources.



DR. PAUL DORFMAN: senior research fellow at the National Centre for Involvement at the University of Warwick, Rowntree research fellow on nuclear aspects of the energy review consultation, and was co-secretary to the UK Governmental Scientific Advisory Committee examining radiation risks from internal emitters.

I'm funded by the Joseph Rowntree Charitable Trust to look at problems with new nuclear build in the UK. One of the things we have done together is to form a group of chairs, professors, and directors of institutes who are concerned about the way we are rushing towards new nuclear build in the UK. My discussion will be about nuclear build and questions and consultation around that.

From this slide you can see how close the water is creeping up to Sizewell B. Questions of nuclear risk are multi-faceted. Different people have different interpretations. It's quite a difficult and complex issue, especially in the context of climate change and our feelings and fears about it. To a certain extent you can conceptualise this in various kinds of ways. For example here is a representation of what plutonium is and does and here's a slug of weapons-grade plutonium. So there is a distinction between theorising about issues and the reality. Here is a pristine nuclear submarine that is probably up in Faslane and there is the first detonation of Hiroshima.

That is an aerial photograph of Sellafield and you can see it's fairly close to the sea and you can see what a substantive piece of kit it is. That's an image of Chernobyl after the accident.

Nuclear issues are problematic and surrounded by lots of uncertainty. There is a vast amount of scientific uncertainty about what happens when a piece of radiation gets inside a human being in terms of the epidemiology and the radiobiology. So it is a question of high impact and low probability; it may or may not happen. That is the risk under conditions of scientific uncertainty. We don't quite know what to do about it. How do we make democratically defensible decisions about it? The universal answer is to balance expert knowledge against everyday knowledge in order to gain a democratic mean. And this is what all this consultation malarkey, stakeholder malarkey, all this stuff about duty to involve that local authorities, or local involvement networks like health and social care are about. It is a question of involving people in participatory democracy, because representative democracy seems to be a bit of a problem.

People are voting less because they trust less. We're talking about issues of trust; trust in government policy, in science, expertise, and



Water creeping up to Sizewell B



A plug of plutonium

$^{94}_{144}\text{Pu}$ <i>plutonium</i>	Name: Plutonium Symbol: PU 94 Atomic Weight 244,000000 Family: Rare Earth Elements CAS RN 7440-07-5	Boiling Point: 3508.15°K, 3235.0°C, 5855.0°F Melting Point: 912.65°K, 639.5°C, 1183.1°F Electrons Energy Level: 2, 8, 18, 32, 24, 8, 2 Isotopes: 20 + None Stable Heat of Vaporization: 343.5 kJ/mol Heat of Fusion: 2.84 kJ/mol Density: 19.84 g/cm ³ @ 300°K Specific Heat: 0.13 J/gK Atomic Radius: 131pm Ionic Radius: 0.887Å Electronegativity: 1.28 (Pauling), 1.22 (Allrod Rochow)
	Description: A silvery white radioactive metal State (25°C) Solid Oxidation states -3, +4, -5, +6 Molar Volume 12.32 cm ³ /mole Valence Electrons: 5f ⁷ s ²	

Propoerties of plutonium



A Nuclear submarine



Hiroshima Detonation



Sellafield from the air



Chernobyl after the accident

experts. It's a question of legitimacy, accountability, transparency, trust, public acceptability, and better long-term decisions.

There's an EU framework that backs this up. So you've got an EU Directive about public participation in environmental plans and programmes, and there's a lot of public involvement in strategic environmental assessment that has to go on for any sort of big potentially polluting process. I'm involved in this, strangely enough for the MoD, in looking at the act of dismantling submarines, a laid-up submarine fleet.

There is a consultation about the future of nuclear power in the UK. The consultation before the present one was deemed flawed by a Judicial Review, so the second consultation sought views on the information set out on whether they should be allowed to build new nuclear power stations in the UK. The Nuclear Consultation Group published a report which appeared on the front page of the Guardian in 2008. We were profoundly concerned that the assumptions that framed the questions asked by the Government during the nuclear energy consultation of 2000 were designed to provide particular and limited answers. The regulatory body, the UK Market Research Standards Board, said that the public consultations carried out by the Government on new nuclear energy plants, were flawed. Information was inaccurately or misleadingly presented and imbalanced. This gave rise to a material risk of respondents being led towards a particular answer. This is a Statutory

Board speaking. However the Prime Minister's official spokesman responded that the outcomes of the consultation would stand whatever the view of the Market Research Standards Board.

So what happens now? There's a process going on now called the Justification Process which is required by law to justify new nuclear power stations in the UK. We are calling for an independent public enquiry as allowed for under the regulations governing the justification of practices involving ionising radiations 2004. So far we've been backed by the Welsh Assembly Minister for Environment Sustainability and Housing, Jane Davidson. Under Section 62 of the Government of Wales Act 2006, they can get involved in anything that affects Wales. The Welsh Assembly Government supports a public enquiry on the grounds of concerns over the safety and security of the management of future radioactive waste.

I'm also about to start talking to the Scots about this because most of the devolved administrations of Wales and Scotland are part of the Justifying Committee, part of the decision-making process that justifies new nuclear power stations in the UK. In terms of stakeholder involvement, we're organising a big seminar in the Wilson Room of Portcullis House on October 19, calling for a public enquiry on justification. We'll be inviting MPs, Ministers, the policy press, the media, regulators, industry, and commerce. The room will only fit in 70 people, but we hope to make a bit of a splash and basically we're going to push forward on this request for a public enquiry on the justification process.



DR. NICK RITCHIE: Research Fellow at the Department of Peace Studies, University of Bradford. He has been responsible for a series of publications, in particular "Trident and British Identity".

I'm going to talk about the issue of Trident and British identity. We'll start with the question of why we are replacing Trident. The Government's argument is that our strategic security demands it in an uncertain world of nuclear-armed states. This is the position set out in the 2006 White Paper. But this strategic security case is really far from compelling. The relevance of nuclear weapons to our security now and in the future is highly questionable. If we didn't have nuclear weapons now we would not, in all probability seek to acquire them.

We must then ask ourselves what's really driving this decision. Political identity is an essential part of the explanation and I explore this issue in the report that Jim has mentioned which is available to download on Bradford University's website. Understanding the collective identities of the policy elite is crucial because it's these identities that play a vital role in determining what constitutes the national interest and the appropriate rational policy choices. This report explores six of the aspects of the British political defence establishment identity that are relevant to nuclear weapons.

First of all, Britain is a pivotal world power on the world stage, so nuclear weapons underpin this core self-identity. The Labour Government's narrative of our international identity states that the combination of our history, power, influence and values mean that we have a special responsibility for the upkeep of international peace and security and the maintenance of international order. We may no longer be a global power but, to paraphrase Tony Blair, we are a pivotal power at the centre of world events and there we must remain. This identity and the narrative that expresses it therefore necessitates a long-term obligation to intervene with military force in conflicts that threaten international peace and security. A nuclear capability, this narrative argues, is required to underpin this expeditionary interventionist policy, to provide, as it were, a form of insurance in case one of these military interventions gets ugly and we find ourselves confronted or threatened with another state using weapons of mass destruction against us or our armed forces.

Second we have this historic association

between being a major power and a nuclear-weapons state which remains very strong to this day. Here it is important to recognise that for the policy elite Britain is a nuclear-weapon state. It's a very important part of the establishment's identity. It makes thinking about being a non nuclear-weapon state very difficult almost to the extent of that being not Britain. Underneath the many rational justifications for deploying nuclear weapons, for replacing Trident, is this deeper sense that Britain ought to possess nuclear weapons as part of the currency of being a major or pivotal world power.

Third, being viewed as the United States' closest political and military ally is absolutely intrinsic to the establishment's identity. This is so strong as to appear natural. Our possession of nuclear weapons is perceived to be a vital part of what enables us to maintain political and military credibility in Washington. Our nuclear weapons are seen to provide a major power-projection capability fully inter-operative with US military forces. This in turn facilitates our willingness and our ability to operate alongside the United States in military activities. It's seen to facilitate our access to the highest levels of policy making in Washington. This identity suggests that any action, for example relinquishing nuclear weapons, that could conceivably have a negative effect on our credibility in Washington and on our core identity, should be avoided at all costs.

Another aspect is New Labour's identity as constructed through the 1990s that requires it to be strong on defence. This requires maintaining nuclear weapons, support for Trident, and support for Britain's status as a nuclear-weapon state. The Party's fairly traumatic history over nuclear weapons, its policy decisions in the 60s and 80s over Polaris and Trident, still resonate in parts of the Party, and the associated fear of electoral rejection has led to considerable caution in the Party about nuclear weapons policy decisions.

Next there is the UK's historical competition with France to be Europe's pre-eminent military power, being enabled to defend the continent from external aggression. A significant part of this identity relates to an abiding reluctance to

leave the French as the sole nuclear power in Europe, should the Government decide to relinquish nuclear weapons. It has little to do with rational nuclear deterrent strategic security justifications but refers to what the late Sir Michael Quinlan called, "national gut feeling". Quinlan, in evidence before the House of Commons Defence Committee Enquiry on Trident replacement in 2006, said, "To leave the French as the only people with this, nuclear weapons in Europe, would twitch an awful lot of historical nerves". I'm not arguing about the logic of this. I just think that it would be that gut feeling we cannot shake off.

The sixth aspect of identity I want to touch upon is one that underpins the whole discourse on nuclear weapons both in the UK and internationally. It is a very broad and powerful issue of masculine identity in international politics by which nuclear weapons are associated with ideas of virility, of strength, rationality, autonomy, of protecting the people, defending the nation. In contrast, nuclear disarmament is associated with the gendered dichotomous opposites of irrationality, subordination, weakness, and emasculation. These are associations most politicians are keen to avoid. The gendered nature of this discourse on nuclear weapons places largely unspoken parameters, a straightjacket if you like, on what are considered appropriate or inappropriate policy choices with regard to our nuclear weapons.

So these six aspects of identity generate a national interest in our continued deployment of nuclear weapons and it's important to acknowledge these and engage with them if we want to take forward the debate on whether we should remain a nuclear weapons state. I'm not saying that political identity is the only issue that matters, but it's certainly a very important one that underpins much of the contemporary debate.

Where do we go from here? Well, identities are not the only thing to be aware of. They are political and social constructions. They are not objective static facts. They can be deconstructed and transformed. However, it's important as we

engage with this to acknowledge and challenge the implicit causal fears underpinning some of these identities, the fears of what might happen to these important identities that define what Britain is should we relinquish our nuclear weapons. These six identities that I've looked at imply that a decision to abandon nuclear weapons would signal an end to this pivotal power status, signify a major re-think, a down-grading of our role in the world, an abrogation of our international responsibilities. It would mean that we could no longer consider ourselves a major power and we probably wouldn't be seen as a major power by other countries. It would destabilise the special relationship. It would undermine our identity as the USA's No. 1 ally. It would break the vital bonds that ensure our security.

With regard to the French it would undermine NATO cohesion; it would undermine European security and establish inferiority with regard to the French. On the French issue, there was an interesting article in the Financial Times regarding Sarkozy's reaction to the French Defence White Paper a year or two ago about reducing the number of bases in Europe and overseas deployment. The French generals were in uproar because it was seen as conceding the military initiative in Europe to the British. So this works both ways. The FT writer said that "as far as the French generals were concerned there could be no more heinous crime".

So these are some of the implicit causal fears connected with these identities that need to be confronted and challenged. Overcoming these fears will have to be part of a process of accepting and institutionalising a non-nuclear weapons identity within the policy elite. In particular here, the association between being a major power and possessing nuclear weapons will have to be overcome, in a way that moves beyond these gendered associations of weakness and emasculation. Perhaps this could best be done through a reconceptualisation of what it means for Britain to exercise international leadership on the world stage. Perhaps our last Trident missile could end up as a museum piece.

DR. ANDREW BLICK: Senior Research Fellow for Democratic Audit and is working on the Federal UK project for the Federal Trust and has worked for an MP.

I've had various jobs in and around politics for a number of years including working for Graham Allen MP at a time when he forced a recall of Parliament during the summer of 2002 to discuss the issue of Iraq. He also helped to coordinate the two largest Commons backbench rebellions in history in February and March 2003 again over the issue of Iraq. More recently I've carried out research for the Joseph Rowntree Charitable Trust looking into how Parliament oversees or fails to oversee the external policies pursued by the Government. I helped to produce a book in 2006 "Not in Our Name - Democracy and Foreign Policy in the UK" and in 2007 a report called "A World of Difference". I think that report is still available on the Rowntree website.

Based on my experience in research I would like to talk about two interlinked things. First what can Parliament achieve in terms of holding the Government to account? Second, how can citizens go about influencing Parliament and in turn Government?

Working through Parliament to try and get the Government to do something is an indirect approach. So we have to bear in mind what Parliament can actually achieve. Broadly speaking, Parliament is weak in its ability to influence how Governments conduct themselves internationally. Many parts of foreign policy such as ratifying treaties, controlling the armed forces, engaging in armed conflict, conducting diplomacy, recognising states, crediting diplomats, all part of foreign policy, are still conducted under the Royal Prerogative, although there are some proposals for reform by the Government. The Royal Prerogative enables ministers, in particular the Prime Minister, and to some extent, officials, to act without a legal framework prescribed by Parliament, and without the need to formally consult with Parliament over anything that's done. I might add that the possibilities of any Judicial Review being carried out are considerably circumscribed. The Royal Prerogative is an important reason why Parliament has to struggle to play a meaningful part in foreign policy.

Other problems include the traditionally high levels of secrecy surrounding external affairs and the lack of resources held by Parliament such as

research reports. I think resources are a key issue here in achieving things - research resources, access to the media etc. Taking into account all these problems it's hard for Parliament to force the Government to change its policy once adopted. There are examples of limited success in supporting materials provided for this conference e.g. the issue of cluster bombs. What was achieved there was partly through Parliament working in a broad coalition of resources which took in civil society, organisations and even someone within the Government who was sympathetic. So that's an example of success, but it is an isolated one.

Parliament may have influence in ways which are sometimes harder to detect. It's possible that Government does or doesn't do certain things because it anticipates problems. It may be that over an issue such as "do we want to get involved in military action in Iran", one factor which the Government would consider would be, "We're going to get a lot of trouble with our back-benchers". Because they've seen the trouble they had over Iraq, Iran could be even worse. In some sense you could say that Parliament achieved an impact here. It's very hard to assess this factor because if the Government avoids anticipated problems, then these problems never arise in any case.

Bearing in mind these weaknesses that Parliament suffers from, I have a variety of thoughts as to how we might go about approaching MPs. When you're campaigning, bear in mind that whether or not the Government adopts a particular policy will ultimately depend on a number of variables that you can't influence. There are a lot of different political configurations beyond your control which you need to take into account when deciding what to do. It's better to focus on what you can do and keep up the pressure in your chosen area.

Bear in mind that MPs are busy people and their ability to devote time to your cause is always going to be limited even if they are sympathetic to it. Also MPs will appreciate thanks if they do something that is actually worth praising, especially if they stick their necks out about a particular issue. I would also recommend looking at the different things Parliament does and try and look at what

processes within Parliament might be useful. Select Committee activities can make a difference, not necessarily directly upon Government, but they can lead to headlines if a Select Committee produces a particular report. That kind of work can make a difference and may be worth contributing to.

There are some activities which are less likely to produce results. For example, Early Day Motions are used a lot and I think they can sometimes be made an excuse for not doing anything if MPs have signed. The number being tabled grows at an incredible rate and the more you have the less impact each one has. They are not irrelevant and obviously if you had 600 MPs signing one about something controversial then that would be important.

Think about having a clear strategy, what you actually want an MP you are approaching to do, and also how you can help them do it. Rather than just creating work for them, offer to take some work off their hands. They may get something out of it themselves, support for what they want to do or good publicity. I would avoid time-wasting.

Parliamentary questions are a way of eliciting information from the Government. It's also worth trying Freedom of Information requests. You could also get them to table a Member's Bill or issue a statement of some kind.

The most important thing you should consider when approaching an MP is to look at their personal profile. Are they a Minister? If so, what you are trying to get out of them will be completely different to trying to get something out of a back-bencher. Are they on a relevant Select Committee? If so, you can look at how they might work on that Committee to get them to do what you want them to do. If they are a young MP's setting out on their career they might be less likely to go against their Party but keen to make an impact in some way.

Finally, there are many issues you can't determine or even influence. You should bear in mind the political environment you are trying to pursue and the kind of questions it's worth asking. Where are we in the electoral cycle? Has the Government a particular strength or weakness and how might this affect the issue you're interested in? Might the Opposition be used to apply leverage on the Government?

It occurred to me today that it might be well worth approaching Peers. They may have fewer demands on their time than MPs. They're probably going to be in after the next election because it doesn't affect them. Also it's a regrettable state of affairs that the House of Lords does have quite a lot of influence and it's a group that might be worth approaching.

QUESTIONS AND DISCUSSION

Question, Jenny Maxwell: When you're asking for an independent enquiry into building new nuclear power stations how do you get over the fact that there are so few people like you who have the scientific expertise but are not part of the nuclear industry?

Question: My question is similar. I am in the constituency which includes Bradwell power station on the Essex coast and my MP is John Whittingdale. I don't know his background but this seems to be an important project that I could work on.

Paul Dorfman: To a certain extent it's true that the nuclear industry obviously holds a lot of the scientific expertise such as nuclear engineering. More so in fact than Government because it is relying on industry and also other countries in order to get approval through for the new nuclear designs.

The Health and Safety Executive and the Nuclear Installation Inspectorate do not have the capacity to do that. It's not actually true that either industry or Government have exclusive inside knowledge. In the Nuclear Consultation Group there are 20 professors and chairs of various kinds of risk, nuclear economics, politics, and philosophy. There's a lot of knowledge that can be drawn on to

counter these kinds of arguments. We can provide a large amount of expertise issues like siting, waste, health effects, proliferation, or economics,

Regarding Bradwell, Professor Andy Blowers and Pete Wilkinson are involved in the Nuclear Consultation Group. Isn't there an organisation called BANG? I'm also in touch with other parliamentarians. Simon Hughes and other Liberals are very interested in this because there is a very clear political distinction between them and the policies of Labour and the Conservatives. It's not simply in terms of the risk. What is interesting is not just the political area that is associated with the plant but the areas near it if anything happened to go wrong.

Question, Bruce Kent: This idea of an alternative national self-image. In Scotland it is beginning to come and that is why Scotland is taking a different view on nuclear weapons. I wonder if anyone in this country is doing any work on a positive promotion of Britain in the world in a different sort of role. Is there any paper that anyone is going to introduce along that line?

Nick Ritchie: Not as far as I'm aware. People think about these issues in their own field as I have done, and are looking at how the explicit and implicit

policy choices by the policy elite reflect different institutional identities related to what it means to be Britain. The last time I was aware that this was done to a significant extent was when the New Labour came to power in 1997, when there was a sense that there was a fresh opportunity to rethink what role Britain should play in the world. The National Security Strategy's last White Paper shows quite a lot of Government thinking about Britain being an international leader. There are these long-term institutional identities, particularly the sense that the Number One Foreign Policy priority is that the UK must remain America's foremost political ally. Perhaps with the Obama administration there could be a shift. But changes in these core identities would be incremental rather than a wholesale transformation in what it is to be Britain.

Question: I would like him to comment on the fact that due to historic competition between the UK and France as regards to nuclear and military power, how come that we wouldn't allow France to be the sole nuclear power in Europe but we will allow them to effectively be the sole civilian power. Could you comment on Arriva's presence in the UK in that respect? How come we are allowing our nuclear power industry to be handed to France on a plate?

Question: In regard to MPs working with the media, are there any particular procedures or guidelines MPs are told to abide by?

Nick Ritchie: I would argue that being a nuclear power-generating state it is not nearly so important to the political and defence establishments as being a nuclear weapon state. The Labour Government has certainly opened up or decentralised the market for energy supply and recognised that provision of UK energy must at a European scale rather than a UK only scale. The issue with nuclear weapons is very much wrapped up in the security of the UK and provision of wider security commitments through NATO. If you look at the way in which France is discussed, which is always very implicit on nuclear weapons issues, you can see the way in which the UK discourse constructs Britain as a responsible nuclear power that can be trusted to defend the European continent. The French are constructed as an irresponsible 'other' who can't be trusted in a time of crisis to use its nuclear weapons responsibly because it's not formally allied to the US or tied into NATO in the way that the UK is. I think the difference is in the way that nuclear weapons are conceived as essential to our defence in a way that nuclear power generation isn't.

Andrew Blick: Regarding perceived guidelines for MPs, I think they are allowed to say whatever they want to the media. There are rules about what they can do with resources in terms of campaigning, but during the last 10-15 years party machines have been producing standard press releases that go to MPs for them to send out under their particular names. Those kinds of press releases are unlikely to be helpful for the campaigns we are talking about

here today. One alternative to that would be to produce a press release of your own on which they can put their names if they are supporting a particular campaign. The pressure in terms of contact with the media comes more from the party machine rather than parliamentary regulations. A way round that is to create your own alternative machine. This offers them an opportunity to take work off their hands. This also allows them to promote what you're doing and also to promote themselves.

Question, Antonio Nunes: About the Saudi arms deals with Iraq and UK: I'd like to know if these deals are operated within a legal framework and how the campaign to stop arms deals could go beyond demonising the trade and challenging the framework in which they operate. Also, the reasons states buy weapons is essentially for national security and this is the reason why states commit all sorts of crimes. How can we challenge that?

Comment, Pat Havard: Just recently, because of the attempt to go back to the ICJ, we've been talking to the diplomatic representatives to some of the Commonwealth countries. Many of these are actually in nuclear-free zones and it gives a kind of strength to Britain's past - wanting to be part of the countries that Britain has a special interest in. America doesn't know much about the Commonwealth, so we would have some provenance around actually satisfying a special relationship. Many of those countries are genuinely interested in the position Britain takes up and can be very critical especially when it comes to United Nations issues. Every year we have CHOGM, the Commonwealth Heads of Government Meeting and it seems to me that there is space here for some kind of campaign, perhaps looking for a different identity.

Question: This is about the special relationship between Britain and America. I remember distinctly when I was young being inundated with bobbysoxers etc. and I remember the quite anti-American feeling that we were being taken over. I wonder what the attitude of the public, apart from those who must go to Disneyland at least once a year, is about this relationship. So what I would really like to ask is why a Government, which, you have suggested, is very keen to maintain this relationship, doesn't talk about it, or share their enthusiasms about it?

Ann Feltham: You asked about the legal framework for the Saudi arms deals. They date back to the 1970s. There's a series of memoranda and other kinds of letters of intent between the Saudi and UK Governments, the most important of which was the 1986 Memorandum of Understanding. So there are Government agreements. They include the maintenance within the UK MoD of a unit to support the arms sales. There are currently 200 UK civil and military personnel working in that unit and it is entirely paid for by the Saudi Government. It's strange that MoD employees are paid for by another state. The UK Government also has its own agreement with the main contractor which is now BA systems. So the legal framework is Government to Government treaty.

You said also that you thought that arms deals were because the buying Government wanted its own national security. That may be quite true in some cases but questionable in others. As far as the backhanders in the Saudi deals were concerned, there were quite clear reasons why the Saudis wanted to buy weaponry and very clear reasons why the UK wanted to push it. The first reason was to recycle oil money. The Saudis have a lot of spare cash and the Western Governments wanted to soak it up. The US didn't particularly want to sell to Saudi because it would upset the pro-Israel lobby in the US so they allowed the special relationship to work here. They let the British get in on the act. The Company does very well out of this. In some of the other arms deals I would say it is Company pressures to sell that drives the demand. I think South Africa was a very strong illustration of that. The new ANC Government came in with modest wishes to renew its armed forces. A string of European Companies went in and sold them tons more gear and once again corruption was involved some of which has been successfully prosecuted and others are being investigated. It's a bit illusionary to say that arms sales are for national security. Sometimes there are big powerful interests, commercial ones at heart, which is why this continues.

Nick Ritchie: I haven't actually looked into how the Commonwealth is represented in the national security discourse in the UK but it would be interesting. I recall that Churchill presented the image of Britain at the centre of concentric circles of the US, Europe, and the Commonwealth, and certainly Blair frequently articulated this image of Britain being a bridge between America and Europe across the Atlantic. The Commonwealth has perhaps fallen off that map, but certainly this other aspect of identity as a bridge to the US is one we try to play.

In terms of anti-Americanism in the UK I'm sure there are people more qualified to answer that broad issue than I, but I wouldn't conflate anti-Bushism with anti-Americanism. Anti-Bushism was rife when Brown became PM. With Bush now gone and Obama not yet a year in office, perhaps the Brown administration and the Labour Party are waiting to see what happens - whether there's a real lasting shift in the tenor of their politics. My sense is that anti-Americanism in the UK and Europe isn't that widespread. Again I would see their specific high-level policy agreements as the tip of the iceberg. Beneath the waterline there is a tremendous amount of political, military and intelligence activity that could be construed as coming under the umbrella of the special relationship and this continues on a day-to-day basis.

Question: Do you see the aims of an organisation like Amnesty, which is for a partial ban on the export of arms, as inimical to the aims of CAAT?

Question: I can understand that all states try to have a

narrative which justifies what they're doing, and the narrative that he suggests they have is an implicit one. The difficulty is that it has to justify its activities in a general international context. It can't say, "We can do this because we're Britain, but you can't do that because you're Iran". All the advantages which the possession of nuclear weapons gives can be replicated by other countries. Why should Iran say all these things about itself, and if so, what could possibly be the logical answer the British Foreign Office or any British minister can give?

Question, George Farebrother: You spoke about mass produced press releases to MPs. With letters that World Court Project gets, replies from MPs have a remarkable similarity. Could it be that political parties also mass produce these replies and we would be well advised to provide replies to letters of our own for the use of MPs?

Question, Steve Hucklesby: My question relates to the next general election in anticipation that we might have a change of Government. There are aspects of Conservative foreign policy which would worry us, for example the suggestion that they would re-institute DESO (Defence Export Services Organisation). There are other aspects of Conservative foreign policy on which we might be able to build. Are there positive aspects which would allow us to have dialogue?

Question, Robbie Manson: Parliament is a place replete with conventions. One of the better known is the Ponsonby Principle about treaties that the Crown is allowed to ratify on the table. Some parliamentarians take the view that there is an unwritten aspect of this. First, the convention is tabled, having gone through all its stages of negotiation in international conferences and the Crown acceding to it by signing it. It is claimed that Parliament has no legitimate interest in it and cannot comment on the position the Crown has taken in that debate. In most other countries that's regarded as not only anachronistic but quite ludicrous. It denies parliamentarians who represent the people an opportunity to say what the people think about what their Government is doing in those debates. Do you detect a spirit in our Parliament where they are beginning to move away from the convention that they should leave it to the Crown to privately negotiate their position before the treaty is actually concluded?

Ann Feltham: As to Amnesty campaigning against arms exports. The Arms Trade Treaty, which a lot of groups are supporting, is a fantastic idea for getting everybody to sign up to it. But when you get an Arms Trade Treaty that the arms manufacturers are talking about, thinking it's a good idea and bringing other countries up to the British standard, we think it's not such a great idea. The Campaign Against Arms Trade is trying to stop the UK from promoting and subsidising arms exports. We're not so interested in the control side when the UK government justifies anything to anybody even though it's supposed not to sell to human rights violators or regions of instability. We don't think that's good enough. The Arms Trade Treaty might just give legitimacy to the UK Government view. I do think groups like Oxfam and Amnesty do realise that a bad Arms Trade Treaty is not something to work for.

Somebody mentioned DESO. I was told by a Conservative front bencher last week that it is their policy at present but whether it will be manifesto policy he didn't know. I think there is some discussion within different departmental teams on the Conservative front bench as to what will happen there. There are good and bad people in both of the main parties on arms exports. People from very different perspectives come to the same conclusions as CAAT. There's a Conservative MP who really hates feather-bedding of arms companies but he's an extreme right winger. My own personal hope is that we get a hung Parliament in which the Lib Dems and the smaller National parties have some say because their arms exports policy is better than the others.

Andrew Blick: It's no great secret that the parties produce stock policy responses. They are another example of what I was talking about earlier. It would be better to get a genuine response.

On to the Ponsonby Principle. When it was first produced, Arthur Ponsonby was a campaigner for international governments, so he deserves some credit. Now, the convention that is attached to his name is very out of date, the idea that a treaty is tabled for 21 sitting days. A parliamentary vote isn't required for it to enter into force and it's very rare for a treaty to actually be debated while it's being tabled. The first point I'd like to make about that is the Constitutional Reform and Governments Bill which has been introduced to Parliament in July will place the Ponsonby Principle on a statutory basis. This is not an immense amount of progress. All that is doing is transferring into law a convention that is completely inadequate for bringing about parliamentary oversight of treaties. It is significant from the constitutional viewpoint in that it's transferring what was a Royal Prerogative power for agreeing and ratifying treaties to Parliament. It will give Parliament the potential in certain circumstances to block a treaty from being ratified. The mechanisms whereby that might come about are not yet clear, but it could one day be regarded as having been a significant development. The question did raise the other interesting point, that it's all very well to agree or disagree with a

treaty once negotiated but why doesn't Parliament have any role in the actual diplomacy leading to that treaty being agreed in the first place? At the moment it looks like that at best they will be presented with a take it or leave it option. There's a process used in other European countries called mandating, where a parliamentary committee meets with a minister in advance of their attending an international or EU negotiation and actually discusses with them what their bargaining position will be and then it's mandated and they're given authority as to how far they can go before they go into that meeting. There's some discussion as to whether we could use that process in the UK. We may actually see a shift towards what is called soft mandating, whereby a minister goes along to a parliamentary committee in advance of an international or EU negotiation and discusses the kind of things that might be talked about. There's some evidence of a shift in that direction but we are a long way from really seeing Parliament taking an active role in negotiations.

Nick Ritchie: I agree with what you said about narratives being presented post facto to justify a particular action taken in the national interest. But the power of institutionalised identity is that it sets the parameters for determining what the national interest is in the first place to determine appropriate or inappropriate policy action.

In terms of the fact that the UK must justify its nuclear weapons policy actions in an international context, what you find in nuclear weapons policy debates, and Julian Lewis MP is one person who specifically articulates this, is the sense that nuclear weapons are not morally equivalent. Nuclear weapons in our responsible hands are good but with those unpredictable others like Iran and N Korea, are branded dangerous. This view cannot be reconciled with the NPT in which all nuclear weapons are equivalently bad. In terms of the British Government justifying its nuclear weapons in that context, what it does is to conflate legality with legitimacy. That's what the nuclear weapon states do. They say we have a right to nuclear weapons and that right is legal and legitimate. Of course it's incorrect. The NPT doesn't recognise anyone to have a legal right to them.

PANEL 3: HOW WE RELATE
TO PUBLIC OPINION
Chair George Farebrother



JENNY JONES:

**Member of the London Assembly since 2000
and leader of the Green Group;
formerly Deputy Mayor of London.**

GEORGE FAREBROTHER

Jenny Jones has been working for London, especially in the Green Party which has a special place in the Assembly. Jenny has sat on various Boards and Commissions and has a great deal to offer us about public opinion and politics, not necessarily by the direct method.

You could say I am one of the best people to talk on this topic or one of the worst. The best because I have been a campaigner since 1958. My first march was with CND and it's fairly horrifying to think that 50 years later we are still marching and campaigning. But I could be the worst because, as a Green, I have been saying more or less the same thing for 20 years and the Green Party before me has been saying it for 35 years. It has taken this long for it to become a widely-accepted fact that climate change is happening.

It has been a real struggle to put this message across and it seems to me that public opinion, which Mil Rai is going to tell us much more about, is a difficult thing to gauge. This is partly because most of the population are worried about whether they can afford to keep their houses, feed their children, or find work. So the issue of peace and nuclear weapons is something that they don't feel is part of their everyday life. Then there is the whole problem that if issues are not taken up by newspapers or politicians then they don't get an airing and you can do as much leafleting as you like and it doesn't move public opinion very much.

I'm going to tell you a bit about what the Green Group in the London Assembly call "The Politics of Embarrassment". It's not a very nice term but it has proved a most effective way of changing people's minds, specifically politicians. If you don't engage politicians you are not going to see the changes you want. Politicians actually direct the money and where money and power go. That's how to make things happen. So you have to get politicians by the scruff of the neck and make sure they're listening. I'm going to give you my five top tips. Some of these you've covered, but they do translate into tiny little campaigns, like getting a bus route to change, right up to great national issues.

First of all you have to engage people. In the

peace world there are lots of people and lots of names, groups, personalities. If it's a small campaign, it's great, "Friends of Braithwaite Avenue" etc. When you have a name or group like that you can sometimes get funding, from the Council, from the Rowntree Trust etc. You've got to make friends and join forces with people.

Secondly, if you're trying to stop a road being built for, example, get every sort of person or group involved that you possibly can. You need to engage people and organisations like yourselves, people whose voices are heard in all sorts of different communities so that the message cuts across all the normal divides in the campaign.

The third thing is to keep it simple. You have to keep on repeating your message. Nothing succeeds like persistence. If you stick at something for long enough and you say it often enough, you get to a point where if you're not there people wonder why. The last thing I did was a meeting against violence because I sit on a police authority in London. I've been talking about civil liberties and rights. To my shame I've never been arrested. I gather George has. I have been shoved around by the police and it's very offensive. Because I've been banging on for 9 years if I'm not at a meeting people will say, "If Jenny were here, she would say....." Repetition is very important. When I say keep it simple, you've got to clarify the message, you've got to make it personal for the public, but you've also got to make it political. For example what CND has done is to say that if we don't have Trident we can do more for the NHS. With a message like that you've got to have standard letters and emails.

A lot of people write to me and say, "Please can you write to the Council, or the Mayor, or the Government about this problem?" Usually I'm more than happy to do that, but what I need in that

situation is a letter written for me. I cannot, in half-an-hour, sit down and completely understand the situation and write my own letter. You have to make things easy for me. When you are approaching politicians remember that they're usually very busy. People come to me on all sorts of issues, on planning, on food etc. and it's impossible to know everything about everything.

The fourth thing is you've got to target people. If you have a small campaign you should be targeting your local Council. If it's a big campaign you should go to your MEP or MP and you should get letter-writing campaigns going. All politicians are susceptible to voters. Votes mean they get re-elected and if you start to say things like, "I'd like to know your opinion on this because it will influence my vote in the next Council, General or European election, you start to get a response. You should be there at hustings and asking them what their opinion is on the issue you care about. You have to make them say what they think so they can be held accountable for their voting patterns. You have to check that they're voting the way they say they are when that topic comes up. Try to find friendly MPs and widen that circle. If you had Jeremy Corbyn talking to a group of socialists and there was a really nasty Tory there, he might make more of a splash. Try to widen your base. Find people who can influence their Party.

Number 5 is something that a lot of people don't like to do. It is to use the media. Just as you

find friendly politicians you must find friendly journalists. You should be talking to people like Andrew Gilligan and the various Guardian and Telegraph people. You should be targeting all the media outlets you possibly can. Newspapers are probably easier for this sort of campaign than TV, but TV and radio can be used as well. If you can't get the journalists interested there are still opportunities to get letters in. There should be a letter almost every week in almost every newspaper. Keep up a regular flow of letters and contact with journalists in all areas, taking turns and trying to make them acknowledge that this is a big topic they can't really ignore. Journalists and politicians do like to know what public opinion is. You might be only a small section of public opinion, but you will be the sort of people who vote in elections and you are the sort of people they will want to hear from.

This is a campaigning strategy, the five top tips of "The Politics of Embarrassment" We at the London Assembly, the Greens, use it a lot to constantly bring the issues to the public through the London Assembly or going to the Mayor about it. It's very different now. We've got a Mayor who did withdraw from *Mayors for Peace* which was a huge disappointment. He very quickly went back in because I think he realised that he had annoyed a great many people and that was because he was bombarded with protests. You can get people to make the right decisions if you give them enough information, do it regularly and never give up.



MILAN RAI:

Co-ordinator of *Justice Not Vengeance*,

Co-editor of *Peace News*.

GEORGE FAREBROTHER

Milan Rai lives in Hastings. He was instrumental in the reading of the names of the civilian dead from the Iraq War at the Cenotaph in 2005 and got into a certain amount of trouble with the authorities. Today he is going to concentrate on aspects of public opinion which are pertinent to our interests.

I've been asked to say something about public opinion and activism. The first thing I want to say is that there is obviously a lack of correlation in the kind of areas we were talking about today to do with foreign policy, security policy and so on, between what the public want and what policy is. The most dramatic example of that was the invasion of Iraq where opinion polls showed very clearly before the invasion that over 50% of people were against it if there was no UN authorisation. Of course there never was a UN security council resolution authorising that invasion, nevertheless the war went ahead.

There are a lot of similar examples. One item refers to a Greenpeace poll in 2005 which was re-doing a poll from 1955. The main question was, "Would you approve of using a nuclear bomb in these cases?", and on the topic of the enemy that is not using it, i.e. first use of nuclear weapons, in 1955 64% people disapproved of it and in 2005, 77% were against it. The reason I bring that up is that first use of nuclear weapons has been British Government policy since the beginning of the nuclear era, and was institutionalised by NATO in the concept of flexible response. So right the way through the nuclear era first use has been the policy, but it's been disapproved of by a majority of people.

I would like to put forward a model of what the problem is that we are talking about now. It is that people within Government are working in an institutional framework with certain imperatives. In the core issues we're talking about, concerned citizens are a cost to be managed. We are a nuisance to be neutralised. We are not really partners in dialogue or stakeholders as far as they're concerned. Maybe on other issues but not on the core issues we're talking about.

I'll give you a few results from a Telegraph poll in 2007. The key finding is that 65% of people said that Britain is already over-extended; we should reduce our military commitments and not seek to have as much military influence in the world as we now have. We heard earlier from Nick Ritchie about elite self-identity. There is a gap between the

public and the elite there. Several questions in this poll reflect this: 60% of people said that if we are over-stretched militarily we should reduce Britain's commitment overseas so that British forces do not become involved in overseas crises: 55% of people said we should not try as a nation to punch above our weight or try to have more influence in the world than our military and economic strength would indicate.

This is not an artefact of the 2003 invasion of Iraq. If you go back to Gallop Polls in 1965 and 1985 you find that in 1965, 55% of people think we should try to be a world power. By 1985 55% of people are saying we should be more like Sweden or Switzerland. I would say that's largely a result of the movement in the 1960s, maybe something to do with the peace movement of the 1980s. So there are some changes there. I should point out in passing that 55% is pretty much the same number as saying, "we should not try to punch above our weight".

You'd have to have further investigation to see what the change was between 1985 and 2007. The same polls found that the majority of people think that troops should be brought home from Iraq and Afghanistan rapidly and there have been a lot of polls recently which have confirmed that in relation to Afghanistan.

A Guardian poll in July was about the Trident replacement issue. 54% of people said we should not replace Trident. We should no longer have a nuclear deterrent. There was a mis-report in Peace News which said that this was the first time we had a majority like this without reference to economic considerations. Questions 1, 2A & 2B were all about budgets and financial prices so that was in the context of budgetary cuts. It's not actually in question No. 3.

On the arms trade, 85% of people are saying we should not sell arms to governments which abuse human rights. 74% of people saying they disapprove strongly. So on the basis of these figures you've got a national consensus saying we shouldn't do this.

On the other topics we've got strong majorities. On the "punching above our weight" issue we've got a pretty strong majority going back quite a long way. Nevertheless, Government policy doesn't accord with public opinion.

There are two questions here. One of them is that if you have poll results like this, why don't we have more pressure on the Government? Why aren't the organisations that are working on these issues much bigger than they are? One factor is that people have a very rational perception that their personal conception of the change they'd like to see is likely to be a grain of sand in the desert. There are very few individuals who have the capacity to make a huge contribution all by themselves.

There are also perceived possible social costs: alienation, ridicule, or scorn from your friends, family, or workmates. People are worried that if you become actively engaged in these issues it becomes harder to avoid confronting the feelings of despair, guilt, anger, and sadness that the ordinary person has when they try to relate to what's going on in the world and what's likely to be happening to us in the near future. I think these are some of the factors that explain that people who have an opinion might not translate that opinion into action.

In my other paper, I referred to an incident in November 1964, because the other question is, "If public opinion is so strong, why don't we have policy changes that reflect those opinions?" I think we have a very clear crystallisation of one of the realities we should be talking about today. In 1964 when Harold Wilson was told by Lord Cromer, then Governor of the Bank of England, that the policies he was pursuing, which were part of the Labour Party Manifesto, were not acceptable to the International Financial Market and therefore should be discontinued. Harold Wilson wrote in his memoirs, "We have now reached the situation where a newly-elected Government, with a mandate from the people, was being told not so much by the Governor of the Bank of England as by international speculators, that the policies on which we had fought the election could not be implemented, that the Government was to be forced into the adoption of Tory policies to which it was fundamentally opposed". The Governor, to his credit, admitted that that was the reality and Wilson gave this gloss: "because of the sheer compulsion of the economic dictation of those who exercise decisive economic power".

Ann Feltham referred earlier to commercial interests being at the heart of why these things continue. When you look at Government policy we have to admit that, in terms of what we're talking



about now, a decisive influence is wielded by concentrated economic and financial power in this country.

It's a plain reality that public opinion, whether manifested in the general sentiment of the people in opinion polls or by the vote, is not a decisive factor in policy formation. It can be an influence and I think in the case of the Iraq War that we got a lot further in detaching Britain from the invasion of Iraq than is commonly perceived. I think that from a civil servant's point of view the light green are people who don't actually do anything [see diagram above]. It doesn't matter what they think, they're not actually putting any pressure on the system. The dark green are the people who are taking some action which has an impact on decision-makers. It may be well-thought out and persistent or not, but they're doing something. They're writing a letter or they're occupying a factory like Vesta's workers did recently.

The black line divides the general public from the insiders. Inside the black line you're working within an institutional framework and there are people who have a lot of influence, the light blues, then at the centre are the decision-makers, the white men at the top. From the point of view of the people within the system, they're working to serve an imperative which they don't necessarily want to be transparent about. This means that their interactions with us outside are seen as political costs to policies that are seen in terms of the financial and commercial interest of transnational corporations based in the UK. Those of us on the outside can put reasoned arguments and demolish the justifications and we should. But in terms of changing or modifying policy I think our main impact in policy change lies in the amount of political cost we can impose. That is the fundamental reality of our position as concerned citizens trying to modify or terminate policies that are unacceptable or even pose a danger to our survival.

PANEL 4: RELATING TO POLITICIANS
AND DECISIONMAKERS

Chair Tony Kempster



NORMAN BAKER
MP for Lewes

TONY KEMPSTER

I'm Chair of the Movement to Abolish War. Panel 4 is about the relationship between campaigners, MPs and Government. We have two MPs and two campaigners. One of our MPs, Norman Baker, is a Liberal Democrat who has a very powerful reputation for questioning in parliamentary committees and Parliament generally. The other, Clare Short, is an Independent who has twice resigned from the front bench of the Labour Party on issues that are very close to our heart, terrorism, and war. What they have in common is a particular interest in Parliament, one to do with transport, and the other to do with the throw-away society we live in. Both are concerned with the environment.

I've been asked to talk about a couple of things. One is my activity on American bases and secondly on effective ways of approaching MPs on issues citizens are concerned about.

MPs are not the solution to everything, even in our democracy. The solution lies with a myriad of powers across the country, some of them elected, like the London Mayor & local Councils and others like yourselves through the power of action and co-ordination in terms of campaigns. We've heard about Twyford Down, a very important movement in terms of people power in this country. There is also the power of people who are not elected and don't have your or my interests at heart. I'm referring to currency speculators, multi-national companies and the like. Foreign powers also have an agenda and we are a convenient player in the game for them, the back-end of a penny farthing.

Parliament does have a role, but is not quite so effective in my view because we have a system which guarantees power for one party, almost certainly the one with a majority of seats in the House of Commons, in spite of the fact that it hasn't got a majority of the votes. No party since 1945 has gained the majority of the votes cast although the Tories came close in 1955. We need a better system of Government. In addition to that, power between the Executive, the PM, the Cabinet and Parliament itself, is, in my view, wrongly balanced and we need a more powerful Parliament in order for parliamentarians to do their work properly.

There are a whole range of matters which we cannot get information about, including US bases. I have long been concerned about this notional idea we have about RAF bases across the country. They

are not RAF bases at all. They are American bases. I asked the Defence Secretary about RAF Feltwell where there are no RAF personnel at all, why this is so. The answer was that there was no operational requirement for them to be based there. There's a list derived from answers to parliamentary questions which gives information about the American personnel based in this country.

We do have a close relationship with the US. But what we ought to have is proper accountability on what the Americans are doing in our name, in our country. There was a suggestion from a report in the European Parliament a few years back suggesting that all telephone, fax, and email communications within Europe are routinely monitored by US forces based at RAF Menwith Hill. I asked John Reed about that matter from the floor of the Commons. He said that he "would not expect me to comment on a report I'd never seen, or indeed heard of, far less about its veracity". I then raised a point of order to say to him, "Well, in a reply to another Member, Ann Clywd, earlier in the year he said, "I'm aware of the report referred to by my Honourable Friend". So I asked him to withdraw the comment that he wasn't aware of the report. He then disputed that he'd said that. There's a serious issue about whether this is a foreign policy matter beyond remit of the rest of us. But my judgment is that Britain made a fundamental error of judgment after the end of the Second World War by carrying on pretending to be a world power in the tradition of the big three, Stalin, Churchill, and Roosevelt. We need to change our attitude to that in order to become more European.

How can you get information from MPs? In

my judgment MPs respond best to their own constituents. If people come to my surgery and want answers on a particular issue, then I am willing to be engaged for 15 minutes listening to constituents who come along well-briefed with one or two requests. They might say, "I want you to sign an EDM", or "I want you to write to the Foreign Secretary about this issue and then report the answer back to me". The majority of MPs will treat their constituents conscientiously, and will try to respond to genuine queries.

An MP's life is a very busy one and they work quite long hours. We haven't always got our finger on the pulse of every single issue, so it's important that we can find out something we don't know from our constituents. The most important thing is to contact your MP by surgery or by letter or email, but certainly not using a round-robin. If we get 500 postcards all saying the same thing, we do recognise that there's a strong view in our constituency but we send out standard replies to all the people who wrote the postcard. It doesn't involve any more thought than that. If someone writes to us on a specific point, then hopefully we can do something about it. We can then take matters forward as written parliamentary questions or as written questions which I think are much undervalued. It can be a very powerful weapon. I've used it to help remove Peter Mandelson in connection with the passport affair. Oral questions from the floor can be useful, as can questions to Select Committees.

There's another way of communicating which I use and you should use as well. It is the Freedom of Information act and all credit to the Government for bringing this in although it has

been watered down from the original White Paper. It's rather hit and miss but it has actually produced information which is embarrassing to the people releasing it. That is the key test of democracy, "Can you force someone in power to tell you something unhelpful about themselves". And the Act does do that, sometimes by the body to which you address the question - the MoD or the Foreign Office for example - volunteering it. At other times sometimes the Information Commissioner of the Information Tribunal overruling the Government Department and forcing them to release information. The Government does have a final veto. It has only used it once to prevent information from the Cabinet minutes about the Iraq War coming out. We now know the B - or perhaps Z - list celebrities that have been to see Tony Blair. We now know what lobbying of Government by companies has taken place. You write in and if the information is refused you ask for an internal review. If that doesn't work you can appeal to the Information Commissioner. Then you can appeal to the Tribunal via the body from which you asked information. If the Information Commissioner is on your side he will produce legal opinions to support you at Tribunal hearing. I've gone through that with MPs expenses and it can be useful in getting information.

It's your country and you're entitled to the information, so by all means lobby MPs. It's also about you collectively in a democracy to say what you want to say and think what you want to think without being hide-bound by rules and regulations from those who'd rather you kept quiet. They say that one in ten of the people in this country



**CLARE SHORT MP for Birmingham Ladywood
and formerly Secretary of State
for International Development**

I think that if you write a letter or go to see MPs they will treat you with respect. They may write to a minister, or ask a question in Parliament, or sign an Early Day Motion – unless they're totally opposed to it – and that's about all in most cases. It doesn't mean there's no point in doing it. Postcard campaigns have some use – at least the MP knows how many people are supporting it. All of this is part and parcel of keeping constituents reasonably happy. Andrew Lansley [Christine Titmus' MP] could easily behave in this way even if

he didn't change his view on anything. But by being that rude I think people living in his constituency will think less of him.

We have a real crisis on our hands now. A long time ago Andrew Hunt said that we are living in an elected dictatorship. That is even more true now than when he said it. When it comes to foreign policy the two main parties show no difference at all, although the Liberal Democrats, to their great credit, stood against the Iraq War. The demonstration against that war was extraordinary.

knew someone who'd been on that march. It was one of the greatest demonstrations in British History. Because it was ignored a lot of people became disgruntled with politicians. It probably also explains why you have had difficulty in stirring people up. They ask what point is there if nobody listens.

When you come to nuclear weapons – we now have a weapons system targeted at no one - we are told that the future is uncertain and that therefore we need a new system. And there sits Iran which certainly feels threatened – especially by the United States. The idea that they should contemplate having nuclear weapons is seen as an outrage. I'm not advocating that Iran should have nuclear weapons, but I am pointing out the hypocrisy of our position. If I were Iran I'd be seriously tempted to do what Israel, India, and so on, have done – pretend to develop civil nuclear power, which they are allowed to do under the Non-Proliferation Treaty, and then say at the last minute that they want nuclear weapons. It seems that the present US administration no longer sees an attack on Iran as a viable military option, and thank heavens for that. The real danger now is nuclear proliferation. In the case of North Korea, if China has nuclear weapons, why shouldn't North Korea? It's all very frail and it's unravelling. If Iran were to get a nuclear capacity then certainly Saudi Arabia, Egypt, and so on, would also want it and the Middle East would be the most unstable region in the world.

The best role for us would be a willingness to get rid of our weapons and to think how best to get a new commitment to non-proliferation. Why don't we do this? I do think that Dean Acheson was right when he said that Britain had lost an empire but never found a role. It is an easy explanation of our foreign policy. This gets ever more excruciatingly embarrassing. Remember all those pictures of Margaret Thatcher with Ronald Reagan? But when he invaded Grenada she disagreed and did so publicly. We've now reached the point where people are saying that someone in prison who might be released on compassionate grounds, and who could be dead in a month or two, might be a danger to the United States and this would endanger our security. Britain's role in the world is like a little boy in the playground who says: leave me alone; I've got a friend who's bigger than you. If you read all the books on the lead-up to the Iraq War it is clear that we are pretending to be the best friend of the United States and that is all mixed up with the posture that we must have nuclear weapons and so that makes us important.

So what is our role in the world? It seems to me that our social model is becoming increasingly influenced by that of the America. Meanwhile, just over the water we have the Scandinavian countries with much less unemployment, very efficient economies, fine public services, much less crime, and a better quality of life. Their perception of their role in the world is that they are small countries which support the United Nations and international law. If Britain were to identify itself

with values like that and join up with others they could be a real force within the United Nations, rather than try and do exactly what Israel and America are doing.

So I don't think we can win just by saying don't have Trident or this or that. I think we have to question the whole of Britain's attitude about itself and popularise the really useful role that a country like ours can play if we break out from that particular hegemony. It's not that we want to fall out with the United States and poke our fingers in their eyes. There will always be links of history and language and so on. I don't think we should always look to the EU either. Now that it is so enlarged a lot of the former Eastern bloc countries are going for a closer relationship with the United States. I think we're looking at a coalition of the willing to act as and when we need to on various issues such as non-proliferation, or standing up for inter-national law in areas like the Middle East. Britain could play a massively useful role with all those historical links – the Commonwealth, Europe, and the Security Council – although that will need reforming with rotating seats. We can't possibly go on with Britain and France having permanent seats with India and so on not being represented. Of course, that's another obsession with Britain. We must have our seat on the Security Council. We therefore increasingly vote with the United States, come what may.

I'm not running for Parliament again at the next election. Things are very much worse than when I came into the House of Commons in 1983. The distortion in the popular vote is even greater. For example, after Iraq the number of people who voted for New Labour in a very low turnout was only 35.2%. If we had a more proportionate representation in the House of Commons we would certainly have a very different kind of politics. We would have all sorts of people and we wouldn't have this 24 hour media fixation on Downing Street. We'd have a Parliament that has to be persuaded because the Government wouldn't have an automatic majority. My prayer would be that in the next election we don't get a party with an overall majority and that the LibDems have the guts to stand firm and do a deal and say that their support depends on there being some form of electoral reform. We would get a bit more pluralising in our conversation and an honest debate with a chance to open up all these questions. This change will come because people have completely lost respect for the system.

As far as the Tories are concerned, the system seems to be biased against them. They need to be ahead by nine points in the polls for them to form a government, so it's not inevitable that they will come sweeping in at the election next year. We have got to learn from these difficult times. We must be more ambitious than just concentrating on one single component in campaigning. We have to shift the whole attitude and face the crisis that is coming.



FRANKBOULTON:

**Medact, International Campaign to Abolish Nuclear Weapons,
Oxford Research Group.**

MEDACT is a peace NGO which is in the great family of NGOs which inject the health element.

But I want to talk about something very different which has been around for a long time. I want those of you who are feeling very angry just to step back for a minute or two to propose a somewhat different approach which is a very important part of engaging with the diplomatic process. This is dialogue in the sense initiated by David Bohm. He was a nuclear scientist who died in 1992 and he worked out a thought process which is a sort of free association of experts in a particular subject. They would engage in their innermost thinking and be prepared to really dialogue from the point of view of preconceived notions.

I am very much aware that there is an element in campaigning which can be criticised for always pushing one point of view. There is a case for sometimes stepping back into dialoguing with decision makers who would be able to consider your viewpoints in a highly different environment from that of lobbying or debating which normally play an important part in our approach.

I am talking about dialogue as a collaborative process in which each participant is really listening to the viewpoint of the other. A very important element of this is knowledge. You can't dialogue unless you know what you're talking about. That goes for both sides. When the Oxford Research Group was looking for a name for itself, the word "research" in the middle was so important because that's what it was really based on. The search for real information is vital. So when you are dialoguing with a person, be it a decision maker of whatever nature, then you really have to know what you're talking about and you have to assume that they know what they're talking about. In this way they will be in a position also to listen to you. This cannot be done in open debate. It is a confidential Chatham House Rule-type situation in which the views of each party may be displayed but not necessarily attributed. There is a really important element of security about the dialogue process.

What is the difference between debate and dialogue? With dialogue, finding common ground is the goal and listening is really important. It enlarges and possibly changes the partisans' point of view. If you are engaged in this sort of process you've got to be prepared to change your viewpoint. An example I've come across is the role of civil nuclear power, given the climate challenge

we have. My current thinking is that I don't like nuclear power for several reasons. One is that it is a bomb factory. Another is that it is extraordinarily dangerous to the environment and there are far better ways of solving the problem. Nevertheless, it's a fine point and an argument I would be prepared to listen to. The dialogue process causes introspection of one's own position but debate causes critique of the other's position and so they are two very different ways of dealing with these issues. If you get away from the hurly-burly of debate and hurling insults at each other – the British adversarial process in law – and try to achieve a calmer viewpoint, then we may end up with a better solution.

With all the themes that we've heard today – and I particularly like Clare's point about the reform of the UN at the very centre – we can't get there unless we actually persuade each other to look again. With the entrenched position that the P5 are in – and Britain is part of that P5 – there is a real need to search hard for other viewpoints there.

So my use of the word "dialogue" does not mean talking *at* and lobbying *at* decision makers. In real dialogue there is a listening mode in which people won't necessarily be made immediately accountable. There's a real possibility of development. Debate, however, creates a closed-minded attitude where people have to prove that they're right whereas in dialogue they can consider it possible that they may be wrong.

Quakers say: consider it possible that you may be wrong. We're in a Quaker environment so it's reasonable to quote that. There aren't many politicians who are prepared to say they may be wrong but I think there are a couple in front of us. In dialogue one submits one's best thinking. It also calls for temporarily suspending one's beliefs and assumptions. I would say that there's a real place for this mode of dialogue in our way of working. It's difficult to know if it works. You may think that you have persuaded a decision maker about your point of view and then two weeks later, something disappointing happens. This happened at an ORG session with India and Pakistan and six months later they both set off nuclear bomb tests. Even so, we do believe that in this area of dialogue and listening you are influencing the next generation. I think that Obama, for instance, was influenced by the dialogue approach in his past and that has come to fruition now.

QUESTIONS AND DISCUSSION

Question, Martha Baker: How effective is it for people to phone up their MP?

Question: Voting is down and there are problems with representative democracy. Everyone is saying that participatory democracy is the way forward. This involves local involvement networks, consultations etc. What role does participatory democracy have to play as opposed to representative democracy?

Question, Nick Ritchie: How useful to an MP is literature from NGOs?

NORMAN BAKER: Literature from NGOs. I usually prefer one side of A4 providing a basic level of knowledge. I'm not impressed by a 90 page glossy document.

Participatory democracy is something I raised in my contribution. I think some of the changes that have been made, not by politicians, but by the people, going back to the Chartist Movement and others, are very important. In this way people have an opportunity and the will to get information and to formulate general views which then have an impact on politicians and decision-makers. On a very small issue, MP expenses, there's no doubt that the public mood has changed how that is going to be organised in future. So those sorts of voices being heard is very important. I think the public and politicians rely on a free press that is prepared to be gutsy and investigative. I'm very concerned by the retrenchment of our media into safe mindless reality TV shows and away from what they should be doing. Where are the *World in Action* or *Panorama* type programmes that used to be on TV? Where are the insight teams that used to be in the Sunday papers? I was interviewed by *Dispatches* this morning, one of the last avenues left. Nobody really picks up the major stories any more. I recommend a book called *Black Earth News* by one of my constituents, a Guardian journalist, about how the press don't get stuck in any more; they just take the easy option.

As to phone calls, I'd rather you didn't ring me up if you're one of my constituents. I work on a very tight diary. If you ring up my office you get put through to a caseworker who will happily take messages, but I have a rule in my office that the issue is my priority not the means of communication. People who ring in will not be treated earlier than people who write in.

CLARE SHORT: I have emails and letters which I answer but if it's something serious and urgent my office will take phone calls. I'll take the message and deal with it but I don't want to spend time on on a lobbying machine.

Regarding participatory democracy, I think our system is far too centralised. It's a real problem in the British system. It needs decentralisation. I don't know what people mean when they talk about citizens' juries. I don't like the idea of focus groups. They are highly manipulable but enormously powerful. You have to have some form of representation. If you set up an allotment club in your local community, you need a structure where you have some kind of representation. I'm all in favour of participation but I'm not sure that a system that doesn't have some form of representative democracy is viable.

Literature from NGOs - the thick report and serious back-up work are read by people who are concentrating on that area of policy. Most MPs can't really deal with all areas. Short, sharp focused campaigning where there's some sort of follow-up can make a difference. People will take notice of it. It has some impact but we get more and more mail. More and more people are targeting MPs and they can't do much anyway. I don't mean people should be more inactive. People say "it matters enormously to me and I will use my vote and campaign". Sometimes when an MP is rude you can have little demonstrations outside their advice bureau. They hate that sort of thing.

Question: Do you think it's worthwhile the public taking note of MP's votes and holding them to account on that? In Parliament the Whips hold them to account on it and can damage their reputations in future, but the public usually doesn't.

Question, Robbie Manson: When I was at an international diplomatic conference a couple of years ago I was asked about whether or not the ICC ought to be able to exercise a jurisdiction over the crime of aggression in future without waiting for permission from the Security Council, and what would be our parliamentarians view? I expressed one view. The only other person in the room from the UK expressed the view that they would never be so crass as to express a comment about the negotiating position of HMG before the treaty was concluded. Do you think you have the right to express views about the negotiating position of our Government before a treaty is concluded on a matter as important as the independence of the ICC?

Question, Frank Jackson: Norman spoke about the pressures on MP's time. How much of that time is actually devoted to things which ought not to be in the provenance of an MP? If things in his constituency were working properly, or if the local councils were doing their job, would that not release much more time for MPs to be involved in things they are, according to our constitution, responsible for, such as monitoring the Government, passing laws and determining major issues of policy.

CLARE SHORT: I think it's a good idea to hold MPs to account for votes. It only works when they're trying to give the impression to some of their constituents that they have one view but voted another way. That does happen and to publicise it openly sometimes causes embarrassment, so be aware of those moments and draw it to the attention of the public if they are saying one thing and voting the other way. This could have some influence if people got into the way of it.

What a very old-fashioned view that you should never criticise Britain abroad. MPs used to have the rule that you don't criticise your Government when you're in another country, even though you can do so vehemently at home. I think that's gone now. Of course we should be able to express a view of treaties but the way that treaties are made is a very unaccountable because it comes under the Royal Prerogative. We need to change it. There should be better scrutiny. We need to require the Government to make its position public before it goes into a treaty negotiation and be accountable to a Committee of both Houses when they are concluded. Whether it would be better for the ICC to deal with the UN Security Council, that's a big question. We need a reformed Security Council but we need a new mood and new ideas about how the UN is to be updated, because it is increasingly held in disrespect because its resolutions lead nowhere.

Frank, you are right that lots of my time in my advice bureau and with my mail in one of the poorest constituencies in Britain, I have large numbers of people coming to see me and some of them have to wait quite a long time. I can't tell them to go away. I try to shake up the system but the problem is there. Lots of our councillors up and down the country are not very active in doing something for their constituents.

Comment by Frank Jackson: They're also inhibited by their lack of powers ...

I think that's probably true. If you can't do anything about Britain's foreign policy then perhaps you can get Mrs Brown's roof fixed. It makes you feel better.

NORMAN BAKER: Is it worth taking account of MP's votes for the reason Clare has given? I make a point of being in the House of Commons for votes where either I know I would be criticized quite rightly if I wasn't there, even if it makes no difference to the outcome. Secondly I'm there for those issues I want to publicise. For instance, I voted against the increase in Bingo tax and the two major parties voted for the increase – Clare voted against that as well and a few abstained. So that enables me to write to all the people who said that

it was an issue for them to tell them that I voted the way they wanted and that the other two parties didn't.

When Richard Taylor, the Independent MP, came in on the basis of saving the local Kidderminster hospital, the sitting minister in the constituency had got it badly wrong. The minister lost his seat by quite a long way and we got Richard Taylor elected as an MP. As far as MPs speaking out is concerned, we have a Parliament which comes from the French word "parler", to speak, and we should be free to speak about anything. It doesn't always further our careers but we should be able to do that. Of course, if you're a Foreign Office minister you may have a period of purdah where it's not sensible to reveal everything as you go along in minute detail, but those outside the circle should certainly be allowed to say what they want the Government to do.

Regarding the Security Council. When I was in the UN in New York I raised the point about the British and French being the only countries from the EU. Why were India, Brazil, and South Africa not there? Our ambassador was rather taken aback by this and I asked him when the last time we used our veto alone was. He went to check and when he came back he said that it was in 1973 over Rhodesia.

Should we be good constituency MPs these days or should we be something else? Well, the old-fashioned view is that people send their MP to Westminster to look after the Government of the day and pass legislation. Of course that's part of it. That's what the Swedes do, for example. Their MPs are astonished at the amount of work we do in terms of casework. But the opinion polls show that although people don't much like politicians, they think that their own MP is better than the average in the political system. This applies regardless of party. I find that engagement with the public is very important to me as an MP and helps to make me more grounded in what I do. In my constituency, which is not a deprived one except for a few pockets, people often know how the system works. When they come to me as an MP, they have gone to the local councillor or transport authority or whatever and found that it hasn't worked. I welcome this although I'm getting a lot of junk mail. At the moment I'm getting a lot of stuff from Gateshead about regeneration there. I'm sorry; I'm not interested in that.

Question, Talin Rahman: How long does it take you, on the average, to respond to an email? I wrote to my MP and it's been a month.

Question, David Partridge: The Prime Minister told Joanna Lumley that he would not let her down. Doesn't our teetering-on-the-edge-project, Trident, approach the thing from the wrong end?

NORMAN BAKER: Joanna Lumley is a very effective campaigner. Sometimes celebrities can be effective but sometimes they can be ineffective if they don't know what they're talking about; so they have to have political nous.

As far as Trident is concerned, I don't want it, I'm sure a lot of Labour back-benchers don't want it and a lot of people are concerned about the financial consequences. It's for a purpose which is indefinable, apart from some sort of badge you can wear; so we've got to stop it.

How long does it take for MPs to respond to letters? It depends on the MP, on the issue, and how effective their office system is. I acknowledge by postcard first of all or by email to say I've got it, but I try to respond it within two or three weeks. I try to prioritise but if I have to deal with something like a person being homeless, that must come first.

CLARE SHORT: I try to answer within ten days otherwise everything accumulates. But in the summer it'd sometimes be a question of being away. If it gets to six weeks, then you should chase it up.

Joanna Lumley. It was a winnable campaign and the media came in behind her. So bless her and it's good. But you wouldn't, even if you found the Archangel Gabriel himself, turn Trident around with a campaign like that. It wouldn't work in the same way. But at the moment there's such pressure on the Defence budget. There are a lot of people in the Ministry of Defence who hate Trident because it takes up so much money. We do need to think afresh about how to come at it. The Scottish Nationalists say that they are going to kick it out and then Britain will be a much smaller power, it won't have a location for Trident, and the armed forces will be smaller. So this might force the Government to reconsider this question.

Question, Lesley Docksey: You mentioned that the governing party has a very low percentage of the electorate voting them into power. Just how low does that percentage have to be before a political party admits that it doesn't have the right to govern us? If there isn't a low limit on that percentage shouldn't we have one?

Question, Joyce Pickard: How do MPs put up with the whips? I know Clare is out of this now. Wouldn't it be wonderful if the MPs in the three major parties turned against it and refused to kow-tow to them. Then it would be the best development short of Proportional Representation we could get overnight.

Question: Wouldn't it be more useful for us to persuade the public and get the MPs and the vested interests and the military-industrial complex to run after us?

Question, Chris Gidden: In communication through MPs to the various ministries I've found that that if you write multiple questions they always find the easy one to answer at the expense of all the others. Is it best to stay with a single issue for each item of correspondence?

CLARE SHORT: There is a great deal of agreement between the two parties on foreign policy and large areas of domestic reform. It seems to me that the less there is to disagree about the more they shout at each other. On the question of Trident I think they're always afraid of seeming to be scared and not standing up for the national interest. I don't see any approach to consensus between the two parties in the near future unless there's something like a serious environmental crisis.

Lesley: Labour won the 2005 election with only 22% of the electorate supporting them. You need a majority of 60 or so to get anything through the Commons. No Government would say that there has to be a lower limit of electoral support for them to govern. Of course, turnout in general has been falling for some time – below 60% now.

About the whipping system. It's partly because of the greasy pole. We have so many members of the Government in the Commons. If you want to be a minister then you have to keep your nose clean. If you want to be on a Select Committee you have to behave yourself. If you're awkward, both parties try to get rid of you at a local level. It used to be that everyone was consulted before some-thing was decided and people were allowed to exercise their conscience. Nowadays you have to put up with it or you'll be in trouble. What we need is for the electorate to vote more selectively. If that started to happen MPs would behave themselves. With the question of expenses, it will be very interesting to see what comes out at the next election.

Andrew, changes in public attitude have been important in history. There have been revolutionary changes in the franchise when the establishment was frightened of what the public might do. Of course, in Continental Europe they had revolutions. I do think we're going into a time when policies are going to change because people are getting so angry and agitated.

Civil servants are important, but they act within an agreed policy. In my old department I changed that policy. It wasn't somebody in a back room doing something that had nothing to do with me.

If you write a very long letter with a lot of questions you'd be better off asking your MP to put down a series of parliamentary questions. To answer such a letter you have to write a book.

PANEL 5: SOME CASE STUDIES:
Chair Jenny Maxwell



ANGIE ZELTER

Trident Ploughshares

**An Analysis of Trident Ploughshares'
dialogue with Government officials.**

TP engaged in dialogue and negotiation from the very start of its campaign with an Open Letter to then Prime Minister Tony Blair on 18th March 1998. We had already clearly stated the reasons for dialogue in our first 'Tri-denting It Handbook' that was published and distributed before the direct disarmament work began.

To quote, *'Dialogue and negotiation with the Government and other state institutions, such as the police and the judiciary, is seen as a very necessary part of the TP campaign. If there is any willingness at all, on the part of the British Government, to actually fulfil their international and humanitarian obligations by disarming Trident themselves, then we will not have to undertake this work ourselves and can stop our ploughshares actions.'*

We need to have dialogue to make sure that we are listening to the Government and state institutions and continually checking that our aims, objectives and actions remain appropriate within the changing circumstances.

We also need to apply the pressure of rational, logical discussion, to ask awkward questions, show up inconsistencies and hypocrisies, all the abuses which eventually develop in those holding power.

The dialogue of regular letters and contact backs up our active, practical disarmament work and keeps it alive and potent...

Dialogue and resistance go hand in hand in order to create social and political change.' End of quote.

After over 11 years of writing to the Prime Minister, Ministers of Defence and the Foreign Office, plus leaders of the main political parties in the UK, and having received very unsatisfactory replies from most of the letters, nevertheless I still believe this kind of dialogue is an essential part of social change. It keeps us in touch, keeps our minds focused and our strategies sharp. It confronts the Government with its own inconsistencies and shows up its hypocrisy.

Most governments and political leaders, including repressive regimes and dictators, but especially those that like to consider themselves 'democratic' like our own, draw much of their power from ensuring law and order by portraying

themselves as law keepers and their opponents as law breakers. Thus our work in showing their acts to be illegal and criminal undermines their power.

For those of us working on the issue of nuclear disarmament, the past couple of decades have shown the importance of our strategy of civil resistance combined with continued dialogue and negotiation, self-education and advocacy around international humanitarian law.

TP has experience of various different kinds of dialogue, which have intertwined and benefited each other. There has been the dialogue with lawyers who have defended them in court, most of whom knew nothing or very little about international law as it related to nuclear weapons before getting involved in the cases and had not recognised its importance before their involvement. The majority of TP defendants represent themselves in the courts, sometimes in quite high profile cases at the High Court level, and this has ensured a degree of education and dissemination of information about international law in very accessible ordinary language, as legalese can be difficult for ordinary folk to understand. This has enabled more of us to gain the understanding and confidence to challenge such remarks coming from prosecuting lawyers as *'International law is not real law and it does not apply in this court'*. Our appeals, amongst others, have led to these kinds of comments being almost unknown now.

In our liaison and negotiation work with the police, in order to facilitate peaceful protests, we have stressed the law enforcement role of the police and asked why they are allowing preparations for war crimes to continue inside the nuclear bases like Faslane or Aldermaston. It is quite common to hear protesters talking to police at demonstrations and blockades and asking why they are not arresting the 'real' criminals. In court, when police are brought as witnesses against us, we cross-question them on international law, asking them for instance if they are aware that the Geneva Conventions Act was passed in the UK in 1957, and other such

questions that de-legitimise the position of the State vis a vis the deployment of nuclear weapons.

Thus our dialogue and negotiation and advocacy work, alongside that of other organisations, has helped bring international law issues into general public discourse.

The third strand of our dialogue and negotiation work has been in the form of letters to and from the Government. During the process we get some information and insight into Government thinking and some of the information has proved useful in our cases in court where we can use them as evidence of the criminal activities of various Ministers of State and the military. However, it has not yet led to the courts taking up the challenge of confronting the UK Government for its major breaches of international law nor has it led to the major changes in defence and foreign policy that we desire. We still have Trident and we are at this moment struggling to ensure there is no replacement of Trident. Of the ten visible and verifiable elements that TP listed as being 'indispensable to genuine commitment by the government to a process of de-nuclearising Britain' none have yet been fulfilled. These included for instance, taking Trident off 24-hour patrols, and removing the nuclear warheads and storing them separately. Sometimes we may feel we are getting nowhere but I believe that the steady, consistent dialogue is slowly eroding and exposing the falsehoods we are fed and that this will slowly evolve into practical changes on the ground.

I believe our main task when engaging in dialogue is in challenging the obfuscation, misleading comments, underlying motivations and irrelevancies by trying to clarify what is actually being said or implied and we do this by simplifying the language, and by stating plainly what we think is going on under the surface and by bringing it all into open public discourse.

So, let me be more specific and now give some examples from our correspondence with the Government. The full correspondence can be accessed from our website.

Bringing into public discourse – our letters to officials are either copied to the press in the first instance or used by our supporters for writing letters to the press, or are aired through radio and TV interviews. They are used as evidence in courts and are put on websites. They are included in briefing papers for the general public. The letters are often slow to be answered so we ask supporting MPs to write on our behalf to get decent replies, so our questions are not ignored. This keeps the MPs up to date with the arguments too. Over the last decade there has been a marked increase in the use

of international law arguments. Most of the public now understand what a 'war crime' is and are aware of the International Criminal Court. The international war laws and humanitarian law in general are discussed in a variety of contexts ranging from decisions to go to war, the use of torture and rape, the bombing of civilians in Afghanistan and are now part of public discourse. However, although people may recognise the criminality of the bombing of Gaza or the torture of prisoners not many see the deployment of Trident as a crime as it is one step removed from actually having happened – it is a preparation for a war crime. It is not so clear to the public that preparations for war crimes are also criminal acts, though this is slowly getting through.

Asking awkward questions – we try to probe deeper into hidden motivations by asking questions like, *'If zero nuclear weapons are the minimum necessary for the security of most of the world, on what basis do you calculate that this Western European island requires a minimum of four nuclear armed submarines?' or 'if Trident were essential for our security, how would it be used? It is widely recognised that nuclear weapons do not deter terrorists.'*

Clarification - we translate officialese into plain language and in the process uncover bare facts – thus we don't talk about *'minimum deterrent'* but clarify that this actually means *'threatening to use nuclear weapons of 100 kts'* and then we go into details of the effects of such use which includes hundreds of thousands of deaths of civilians, poisoning of the environment etc etc. and that such use would constitute a war crime. We continue by explaining that a threat to commit a war crime is also what is known in international law as a crime against peace.

We try to 'unpack' the glib phrases that are used. For instance, what does the government mean by stating that Trident is a *'deterrent to a potential aggressor who might wish to threaten UK national interests'* – what exactly are our *'national interests'*? It seems, according to the 1995 Defence White Paper, that they mean protecting the global financial structures and banks and big business, making sure that our country has cheap access to raw materials (like oil) regardless of the impact on ordinary people in other countries. Whereas, most people think of defence and national security as protecting our country from military attack or invasion and occupation. We try to clarify these differences of perception and then go on to attempt to widen the public debate and talk about what *'real security'* might mean.

Omissions - we point out that their unwillingness to answer our questions and engage in open legal argument on the legality of specific uses of Trident,

and their refusal to publicly think through the actual options, are because they do not want it to become apparent that they are prepared, if deterrence fails, to use their nuclear weapons. They know this would be unlawful and immoral and so dangerous (as it would likely start a nuclear exchange) that there would be a public outcry. But because they need to keep up the myth that deterrence will never fail as it prevents nuclear weapons from being used, they cannot actually publicly allow an evaluation of the actual use of nuclear weapons, even though we know that the military have these plans and have to practice the targeting and release of the nuclear weapons on Trident. If such a legal examination of nuclear weapons policies were allowed it would become apparent that any use of 100 kiloton nuclear weapons would be unlawful. However, it is probably the case that those civil servants, politicians and military that have thought through the international law implications of Trident probably could not care less about the law as they believe that if deterrence fails and nuclear weapons are exchanged the horror that will be unleashed will be so great that international law will be totally irrelevant. Our dialogue and questions try to uncover these hidden beliefs and attitudes.

Often we are told the information we seek is 'classified' and the 'secrecy' is necessary for national security. This is frustrating and all we can do is write back and point out that the information is already in the public domain, or is known by the so-called 'enemy' and all such secret classification does is prevent free and informed public discussion in our own country which limits and weakens our democracy.

Corrections - when misleading comments are made we examine them more fully and bring to light the obfuscation. Thus for instance, when the Government baldly states it is complying with the NPT, we write back and state that Article VI of the NPT requires each state to “*pursue in good faith negotiations on effective measures ... relating to nuclear disarmament.*” And then clarify by explaining that “*Good Faith*” means negotiating sincerely and flexibly to achieve the desired result - global nuclear disarmament. The International Court of Justice pronounced that the obligation is not just to talk about global nuclear disarmament. It is to make it happen. Good Faith means that this objective should be pursued consistently with real political will. The

conclusion should be reached within a reasonable time and the parties must avoid policies which contradict the very purpose of the negotiations.’ This process is then contrasted with the present Government's plans to renew Trident and the current expansion of Aldermaston to enable the research and building of new nuclear weapons – which is hardly an act in good faith. And we continually remind them that the NPT was made in 1968 and more than 40 years is hardly a 'reasonable time'.

To sum up, I think our dialogue with government officials, police, courts, and lawyers is important and has led to a greater knowledge of how our government's policies and actions are undermining international peace and security.

However, we have not been able to generate enough public debate and understanding on these issues as they are complex; and also perhaps because there is a deep cynicism about the willingness of any of the major nuclear powers and their allies to abide by international law when it affects their own nation's actions. It seems as though only the less powerful or the 'vanquished' are taken to international tribunals to answer the charges of war crimes – certainly we have yet to see one of the leaders of the 8 nuclear powers taken before the ICC.

However, it does not end here. Our letter writing and dialogue helps us to update our strategies too.

Informing our strategies - Thus from noticing the Government's insistence that it is in full compliance with the NPT, despite our arguments to the contrary, we could then come up with a strategy for undermining this by, for instance, getting statements from prestigious lawyers and judges backing up our arguments. We can ask other governments (mainly from the non-aligned states) to state internationally that in their opinion the nuclear weapon states are not acting in good faith etcthese statements can then be referred to in the next series of letters - a long process maybe, but in my opinion it is one of the essential strands in an overall movement for social change that includes a spectrum of activities from education to voting to lobbying to civil resistance. Each important in itself but all relying upon the work and progress of the others.



GARETH PEIRCE:
solicitor working for
Birnberg Peirce and Partners

I'm one of the lawyers whom Angie educated. We had the privilege of being involved in trials in which not just activism to stop the use of Trident submarines was involved, but also the issue of British Aerospace provision of Hawk jets to bomb East Timor - spectacular victories of morality, fact and legality achieved by Angie and others who not only took action, but then educated all involved in court proceedings, in particular the jury. What she has been describing is profoundly impressive because it is sustained, intelligent, informed and persistent but also willing to take high risks when necessary to spark a higher understanding. She and others have, by direct action, courageously and with a great deal of personal sacrifice of themselves, done exactly, on occasion, what Angie has described as lacking - how to spark understanding and interest, to move away from the apathy of our lives and the political apathy of the country in which we live.

What I will speak about today is not, sadly, the longer term actions to change a route which is unlawful and immoral, but the short-term reactions that have been needed in the last eight years. Practically every international humanitarian treaty obligation that we thought our country adhered to and was bound to observe, has been ignored, avoided, denied or altered in ways that are very hard to reclaim. None of the challenges that succeed in Court are a victory. All of this is in fact, defeat, because it has been acquiesced in. We, in this country, have a form of Government that is spectacularly effective at maintaining secrets in the name of national security.

Some of the most fundamental concepts and obligations are not difficult. The UN Convention on Torture emphasises that there are no exceptional circumstances in which torture can be inflicted by anyone upon any human being. No circumstances justify it, neither war nor state of war. Orders from superiors are specifically excluded as a defence. However, I don't know if all of you are aware that for four years our Government's lawyers stood in courts in this country and argued that evidence obtained from torture should be used in English courts. The argument was slapped down eventually by the House of Lords but we had to argue for it. It emerged, not because of any communication with parliamentarians

or the public, to say this is what we do. In fact, perversely, the American boastful displaying of men in orange suits crouching in cages in Guantanamo Bay or shackled like slaves in slave ships, shockingly demonstrated very overt triumphalism. That proved to be America's mistake, because it spectacularly woke up the world with the visual shock.

We haven't done that here. We kept secret our complicity. We were there. We ticked the American's boxes - where to find British nationals and British residents all over the world. Only by accident did some telegrams come to light which showed that we said "These are the people travelling on the plane, these are the flight numbers showing where they came from. This is where they're going to", and only accidentally in one of these appalling secret courts that we've invented here was there an opportunity for an agent anonymised behind a curtain, briefly to be asked the question, and not expecting the answer: "Would you ever use evidence that was obtained from torture?" The answer was "Yes. The only issue is what weight we give it". Now that is something that we have been involved in. It's shocking, it's unlawful, but there are no heads rolling. When some men have come back from torture to this country attempting to find information, to litigate, to bring prosecutions, it's all denied on the basis that, "We're the Government. It is our duty to protect the public of this country. You have to trust us. You have to pay deference because we have that duty. Therefore, what we know is secret and it would be detrimental for you to know". We are a deferential society. We do not challenge, but continue, more than any other comparable parliamentary democracy, to accept the concept of secrecy. We let our Government and our legislators and our civil servants get away with it.

Just as the definition of torture is not difficult, nor is the definition of crimes against humanity, grave breaches of the Geneva Conventions causing great suffering, wilfully depriving people of the right to a fair trial, unlawful deportation without extradition, unlawful confinement. We all know that that is what has been going on for eight years around the world. We have come to know, more recently, that

our Government has had a hand in this.

There are moments in history where there is sufficient moral indignation and anger to demand a change. We are in the middle now of a game of hide and seek where our Government is trying to hide and some are trying to seek, where victims of torture are now trying to sue the Government for complicity. The Government is asking the court in a week's time to have much of their defence to a civil claim that they were complicit heard in secret. Never in this country have there been civil actions by people who have been wronged, where the other party's defence is to be considered in secret. It's a constitutional crisis that this has been suggested. It might be allowed, but the intent is to avoid discussion and to bury it before it can even begin.

Considering war in this context, the war in Iraq, in Afghanistan, the normal concept of how and why we go to war, what we're told has been circularised in the sense that the captured prisoners of war, described as "the captured unlawful enemy combatants", by Bush, once captured, these "unlawful enemy combatants" were used to provide the justification for the war against them in the first place.

There's one tortured man, generally thought of to be a good man living in Afghanistan over many years, nothing whatsoever to do with Al Qaeda, who was waterboarded again and again until he had given the basis for the invasion of Iraq. That is known and accepted. The articulated basis came from the waterboarding of this man who is now dead. War in its classical concept, as the programme talks about here, the Citizen and the Law of Armed Conflict, has become distorted in the last eight years. There's nothing clean or decent about war. We all know it but this has become something different. This is a distortion, a corruption, even of those laws that call themselves the Laws of War. In this country we have introduced secret courts, used secret evidence.

So we have disregarded the Geneva Conventions. We have disregarded and abused the Torture Convention. We develop this in many of the actions that have been taken in relation to calling

people terrorists, defining what constitutes a threat to this country, justifying more and more national security and use of secret evidence. We're actually re-defining and re-interpreting the UN Charter and the Declaration of Human Rights. It's very important to know that those fundamental concepts that were hammered out in the aftermath of World War II, that were meant to hold good for all time against all-comers, have now been re-written where it suits political purposes.

The UN Charter and the Declaration of Human Rights guaranteed that every people defined in law in terms of their ethnicity and by their geographical composition has a right to self-determination. Every people under attack has a right as a last resort to take up arms against the oppressor. Many movements of self-determination of the past 30-40 years have been re-defined even though it is prohibited in law to use retrospective prosecution. Many of those movements have now been labelled "terrorism". There are trials going on in this country in our courts which have no business there. Juries are being asked to decide right or wrong about a conflict far away. Two men in court earlier this year, whose people had resisted genocide and massacre by the regime in Pakistan (the Baluch people), were labelled terrorists because at the time it politically suited us to back the then Pakistani regime. By the time of the trial politics had changed but the momentum was there. The jury saw sense as they did when they listened to Angie Zelter, but we have no business re-defining, abusing and misusing language in that distorted way. We stretch, expand and distort and we dis-inform when we talk about the "War on Terror" justified by national security.

There is a huge amount that has gone on in the last eight years. I see this as a time of true crisis where we have lost our moral way and we have done it in a way which isn't visible. There's just the occasional case that shocks us into thinking that something has to be done. There are sufficient clusters of knowledge now. We should be shocked and we should do something now.



JACKIE CHASE:
Free Omar Campaign

I honestly cannot say whether the Save Omar Campaign was a successful interaction between citizens and government.

I know that we campaigners caused plenty of hassle, reams of letters, newspaper articles and short bursts of TV coverage consistently for four years and more than anything we embarrassed our government, local citizens and the media. But whether anyone was responding to or interacting with the issue - which was *habeus corpus* - was never easy to be sure.

Omar Deghayes, for those who don't know of him, is a Libyan born forty year old man who, at the age of fourteen, sought refuge along with his mother and siblings in Brighton, (where they had previously owned a holiday home), following the assassination of his father Amer Deghayes, a lawyer and trade unionist whose vocal opposition to the Gaddafi regime had alerted Amnesty International to the danger the entire family faced.

In 2000 Omar went to Afghanistan searching for spiritual roots, and, as a law student, seeking to compare Sharia law to British law. The simpler lifestyle suited him and he began to work on agricultural and irrigation projects with a Birmingham-based charity. He married and had a son.

When the war began he fled to Pakistan, and, whilst awaiting travel papers for his family, was arrested and subsequently taken to Guantanamo Bay.

I heard of his plight through the BBC World Service. I tried to find out more from colleagues on the Brighton Racial Harassment Forum, but they were unwilling to say much for fear of repercussions for the local Muslim community. Then a friend and local green councillor put together a motion for Brighton and Hove City Council to appeal to Jack Straw - then Foreign Secretary - to reconsider his position, which was that British residents, unlike British citizens, did not warrant British consular assistance. This required lobbying the council. Another friend, who was the Chair of the Brighton and Hove Muslim Forum, asked my help to do this, and that was the start of the campaign.

The key to the campaign was getting acceptance that Omar was a resident of Brighton, who, like any other Brighton resident, had rights.

Treating him as such gained the trust of his

family whose cooperation in interviews, providing background and photographs, inviting campaigners, MPs, and the media into their home, and speaking publicly was pivotal to a change in perception by all these parties.

Treating him as a local resident who was entitled to basic human rights caused the local media to be highly supportive of the campaign and made them willing to weather the storm of abuse and racism until the calm voice of reason and fairness emerged.

To this day strangers say to me 'Oh Omar, he's that guy we got out of Guantanamo Bay'. They like being part of a city that stood up for one of its residents - mainly because they see it as a success story but also because we all want to think of ourselves and where we live as nice. Nice meaning safe, trusting, worry-free, liked, and liking: a sense of community. But we had to do more for those things. We had to change the premise that the war on terror meant that detainees were probably guilty - even though the war on terror meant that no-one knew anything about these prisoners, including their captors and guards. We had to point out that the war on terror was fragmenting our community, tearing down bridges we had worked hard to build and the hypocrisy and tokenism of local and central government policy and the knock on in areas such as policing. For all ages and cultures the war on terror was spoiling our lives: young people all became chavs in hoodies and good citizens became suspects too, no rewards for good behaviour, only doubt, cynical distrust and much worse for (this time) the Muslims.

Our MPs were very slow to get on board with the campaign despite endless queues of us at their clinics, letter-writing initiatives and naming them publicly as part of the problem. They had to admit in the end that they did not agree with the behaviour of senior government officials and that they had no influence over decision making in the Blair administration. There was no transparency or professionalism and there were a lot of secrets, particularly regarding the influence of Washington.

Worst were the US government officials who even refused entry to the Embassy, (for an agreed appointment with the Ambassador, whilst Omar was on hunger strike), to our MP on grounds of security. On that occasion I stood for forty-five minutes with hail stones lashing down outside the

security hut at Grosvenor Square reading our entire dossier of law, letters and names on a petition to a fiftyish woman secretary who had no qualms about treating me rudely. A music teacher with a mouth and some pieces of paper posed a threat. They apologised to the MP and subsequently sent a first secretary to meet him, us and the lawyers at our MP's office. As happened so many times, the conversation circled around what Omar was doing in Afghanistan, and not the illegality of his detention and the abuse of his human rights. With the media too we found every interview started with what was he doing in Afghanistan, not why his situation was so very wrong and set a truly dangerous precedent.

US officials lost our letters, presentations and petitions in that dreaded vacuum, the mail. They refused to give access to email addresses, and would not let me play an audio CD in case I blew up the U.S. ambassador to the EU in Brussels. Our MEP Caroline Lucas was first rate and chased officials doggedly whilst the British MPs were much less willing. She too was treated with disrespect by the US Euro Ambassador who was unable to meet with us, though we had travelled to Brussels specially, as he was out to lunch at 4.15pm - again whilst Omar was seventeen weeks into a hunger strike. He did not find his excuse distasteful, nor did his first secretary, who shot me a look of disgust, for disputing the policies of their superiors in Washington and the general disdain of the US representatives. They found it incomprehensible that I could consider their behaviour unacceptable,

being married to an American, post 9/11. Many MPs found it acceptable to say it was not their issue - he wasn't their constituent, even if the letter writer was.

The Save Omar Campaign upset the staff at the Home and Foreign Office, and the MPs, because it showed how powerless they were. It laid open the cracks and exposed the lack of consensus decision-making in our government, and their weakness in the face of Washington. It showed the lack of true representation or accountability.

It also showed the power of measured behaviour, a clear theme of justice and human rights. The activism of people of all ages, from different walks of life and from different cultures: doctors, lawyers, teachers, students, lollipop ladies, retired people, unemployed people, school kids, musicians, dancers, interfaith workers, Welsh clerics, Muslims, Quakers, actors, writers, film makers, shopkeepers, journalists campaigned for Omar. The University students held vigils and festivals. Our best venue put on huge gigs. We were visible with stalls, candles, speakers, orange boiler suits, stilt walkers balancing justice in one plate and a gun in the other. Our little orange badges with Omar's prisoner number 727 made lots of people ask - and often regret asking - why we were wearing that number. Brighton Festival invited lots of human right speakers because they could feel the energy for debate on these issues. It trickled through to many walks of life through unions and through our faces on the street. And we did not give up. That I

QUESTIONS

AND DISCUSSION

Question, Noel Hamel: I wanted to ask about Shaker Aamer. I was at a meeting recently in Battersea where we sent a motion to David Milliband and the local MP is supposed to be organising a protest and a delegation is going to see David Milliband personally. Shaker was digging wells in Afghanistan and doing education projects. He has been detained for 7 years and he's totally innocent. We should be absolutely ashamed by this. We can't get him back. What's happening, Gareth?

Comment: George Farebrother: I would like to draw attention to the last item in the package - Trident Ploughshares and the Prime Minister - the latest TP letter together with the answer from the Department. It's a useful exercise for somebody to look at those two side by side and say which bits are answered, which bits are ignored, which bits are irrelevant, which bits are false, and which are misleading.

Gareth Peirce: A lie came from the Foreign Office which has now been exposed saying our fears for his safety are completely misplaced because, we were told, he refused to see his American lawyer. He didn't see his American lawyer because he had been seriously beaten up and injured by the guards. On this crisis note we are trying to get into the High Court this week to compel the Foreign Office to get this man home. They're just hoping the problem will go away.

Jackie Chase: On the Brighton Against Guantanamo website - brightonagainstantanamo.com, there is a template letter to send to David Milliband demanding that the British Government intervenes on his behalf now on and the other cases to do with secret evidence in this country. There is information there too.

WEDNESDAY 2 SEPTEMBER: THE WAY FORWARD

WELCOME AND PLENARY SESSION
Chair, Peter Nicholls



JENNY MAXWELL:
West Midlands CND

JENNY MAXWELL, West Midlands CND

The purpose of writing a letter is that it should be read.

- Start positively, by thanking or praising, if you can (not always possible).
- Keep letters short, clear and concise - you want them to be read.
- Be polite, though a bit of emotion and the personal touch do no harm.
- Ask questions, but not too many or the easy ones will be answered and the others left. If possible, follow up if answers are unsatisfactory.
- Make sure you can back up quotations and facts with references. One slight slip can mean a total loss of credibility.
- Tailor your letter to the audience - asking questions of a Minister or MP is quite different from writing to your local paper.
- Use the theme of your letter, adapted, for several purposes (e.g. to your local paper, saying "I have written to my MP asking ...").
- If writing to a Government Minister, send the letter to your MP, asking for your views to be passed on - if you go directly to the minister, a civil servant will deal with it. It gives your MP information and tells your MP what you think.
- Post or fax is better than e-mail - so much comes through e-mail that it is often ignored. If the letter is about an EDM, you must quote its number and the full text.
- This package develops what the speakers have been talking about on Tuesday but it will also be useful for the Discussion Groups on Wednesday. It would be useful if you could have a look at it before then - if you have the time.



GEORGE FAREBROTHER:
World Court Project UK
& Institute for Law Accountability and Peace

I came into activism through happenstance and street work. I found myself out on the street one day handing out leaflets about nuclear weapons back in the 1980s and wondered what this was all about, and moved on from there. I still work on the Eastbourne street stall and there you learn about the real threats to security in a composed seaside resort. These threats come mainly from the seagulls.

I came into World Court Project in the 1990s and was enchanted by the concept of the *Public Conscience* and the idea that there was a law behind the law, an area of morality which informed the actual details of the law.

Teaching at secondary school level involved a wide variety of intellect. This gave me a fair experience of making fairly complicated things accessible. This got me interested in making law accessible on one side of A4, with a bit of luck, both to activists and to Members of Parliament.

That has had interesting results. Many World Court Project supporters write to their MPs and we do find that many of them, at least in the area of law and security issues, are dismissive of what we say. My MP is a prime example. We have talked before about the routine handout-type letters which MPs send out. I don't mind an MP sending the same one to several people or even several MPs sending out the same letter – which must have a source somewhere. What does worry me is when MPs like my own send the identical letter regardless of the questions we raise with them. One way in which I dealt with this was to visit him in his surgery and produce a sheaf of letters and say that this was the letter I wrote to you, and this was your answer; and here's a letter on an entirely different issue and here's an identical answer. He looked a little sheepish and promised to send some of my stuff to the

Conservative foreign policy team and he is now willing to pass material to those in the know to ensure an answer.

So, if anything, the lesson is persistence and to keep going until you're absolutely bored with it yourself, let alone the recipient.

As far as people in the Ministry of Defence and the Foreign Office are concerned we tend to be fobbed off with statements like "the UK would always obey international law". Example 12 in the Pre-Conference Booklet shows a typical misunderstanding where the official believes that we are trying to get official secrets out of him whereas what we are hoping for is some idea about the beliefs and presuppositions that inform legal decisions about weapons. The analogy I always use is that of medical health decisions. These underlying beliefs are available to us and open to scrutiny. We are hoping to engage in that sort of discussion with the people who make the decisions in our name.

So we're hoping to do two things. When we have produced one side of A4 – or at least one and a half – which has been pored over, researched and checked by lawyers and we send it, through our MP, to the Ministry of Defence or the Foreign Office, we would welcome even a comment on where we've gone wrong – in their view. But we never get anywhere near that sort of engagement. If there is an answer somewhere in the Ministry of Defence to the question of how Trident could ever be used lawfully, then I am willing to listen to it.

I hope, as a result of this conference, that we can help to set up some sort of system within the ministries whereby the people in the Ministry who actually do the thinking are able to make links with the people who write the letters. I suspect they are just out of kindergarten and are moving on to better things.



ASHLEY WOODS:
Director of REAL Exhibition Development

Our goal is to inform citizens confused by the complexities in the law of armed conflict, what the British state is communicating. We aim to provide a channel for communication between MPs and the public to make sure that MPs address the questions that are being provided by the public. We also need to provide a tool that helps civil servants and the Government to communicate with us and vice versa.

I'd like to propose an idea right at the beginning which may be presumptuous of me but it may help to get the creative juices flowing. We need to create an influential public website in the UK. For those of you who already know your "Tweets" from your "Tags" it would start with a basic Wiki and go on to be a very popular Blog. Referring to the answers received from most MPs, according to George, I propose to call this - Ihopethisishelpful.com.

What would the results be? Well, there would be massive public mobilisation, local and international media coverage including TV and radio. This would result in strong public pressure from MPs and Government to participate and to contribute. The Government would then decide to buy the site out and of course we would refuse.

So who are we? What are our strengths? We already have a strong active network of professionals, activists, and concerned citizens which we can build upon. We also represent the law. Other organisations and networks should be invited to join our campaign, especially student groups. Remember that it was the 18-24 year age group that voted Obama to power.

Who do we wish to influence? Who is our audience? We need to start by influencing the public before moving on to MPs and Government. We need to create a community.

What are the MPs habits? Most UK MPs are men, but the UK ranks 55th place in the international league of woman MPs. This and other characteristics which need to be researched have an important bearing on the way this campaign in run.

So what is new media and why is it important? New media is digital rather than analogue. Andrew Shapiro argues that the growth of new digital technologies signal a potential radical shift of who is in control of information, experience and resources. As new digital media became popular it nurtured a silent social revolution especially among younger users. In this way the public was no longer

a passive observer of the media. In the new social media environment the public has the ability to actively engage with the media, hence the term, "social media".

According to Wikipedia's definition of social media it describes the online technologies and practices that people are using to share insights, experiences, opinions, and perspectives with each other. It can and does do a lot more. For us, social media is a tool of an active community. The public is no longer passive, it actually engages. It's also cheap and easy to use, the perfect tool. There are many different forms of social media. Getting involved in social media can be intimidating, so you might not know where to begin. There are blogs, forums, wikis, photo-sharing, video blogging and others. They are all different. Which of these are of use to us as activists and campaigners? They are all of use. All have different possibilities and results.

An important area is the community-based social network such as Facebook and MySpace. Secondly we have the micro blogs. These include online journals, e-blogger, twitter, and the wikis. There are also communal databases such as Wikipedia, forums, discussion areas, topics of interest, and the swapping of music and videos. Finally we have the content communities where people share content, photos, links, podcasts, and videos including U-Tube which is popular and Flickr which is becoming very popular.

The most popular social media in the UK is the community based Facebook which has 8.5 million visitors, followed by Myspace, Twitter, Ebo, which is a music forum, micro-blog and Linked-in which is a community website for professionals. Facebook is a community network website which is privately owned. Founded in 2004 by 4 university students it now has over 250 million active users worldwide. Facebook is a one size fits all social networking site which is why it has become so popular, particularly after it opened itself to the entire world and not just students. That will also be its downfall as well. More targeted social networking sites will eat into its popularity. One example is NING which allows everyone to create their own free networking site, based on their interests, social or political.

What is of most interest to us as campaigners is blogging. This is already being used by a number

of politicians in the UK and abroad. Many political blogs in the UK frequently publish articles. Labour's MP Tom Harris was voted best MP-blog by Total Politics 2009. Note that the site was endorsed by the Daily Telegraph who called it an absolutely brilliant must-read. Tom Watson, the Digital Minister engaged the Guardian editor in a public twitter debate and more recently actually resigned, using twitter to do this by publishing a tweet linked to his resignation letter that he published on his blog.

Many political blogs in the UK frequently publish articles, rumours, and news from various angles often with a general anti-establishment bias. According to a former Washington Post journalist, web-based political sites are in many ways becoming more important than the mainstream media itself. Furthermore, the surging popularity of left and right wing blogs in the US has become a crucial source for politicians as regards to their campaigns, as was recently the case with last year's Presidential elections. Obama's campaign staff was

told to search for pro-Obama blog postings which negatively reflected their opponents. The staff then mass-emailed those comments, treating them as news releases, to both the mainstream media and to new media sources.

Most political blogs are news-driven and as such political bloggers will link to articles from news websites often adding their own comments as well. Political media blogs in the UK such as the Guardian's Political Weekly can and do influence policy-making and election coverage. To find out about the current state of political blogging in the UK I suggest you read the Tom Ireland's Blog Guide, published recently.

So blogging can be the activist's tool. It is a quick and inexpensive way to create a presence on the internet, to disseminate information about a cause and to organise actions to lobby decision-makers. One such site is *Blog for a Cause*; the guide is designed to be accessible and practical, "giving activists a number of easy to follow tips on how to use a blog to further their particular cause."

QUESTIONS AND DISCUSSION

Comment by Malcolm Pittock: Use local radio. If the local paper does not publish your letter ring up the letters editor and ask if he has received it. It always works with Bolton News. Always give a press release of anything you're doing in the town. Sometimes they will even send a photographer as well as a reporter. It's also a good idea to write letters to people. For instance, I've written to Geoffrey Robinson who is terribly prejudiced over issue of the Lockerbie bomber. Finally it is worth while getting to a civil servant. Brian Midgeley, an acquaintance of mine, was many years ago a civil servant in the MoD. He was also a staunch Roman Catholic who came to the conclusion after several years that it was incompatible with his faith to continue there.

Comment from Martha Baker: When I email my MP, his secretary has told me to please follow it up with a phone call. They get so many emails but if I phone they will actually look for it and read it.

Question: She mentioned that sometimes we get replies from our political representatives and we wonder if they even believe what they are saying. If more of us write it will indicate to them a greater sway of public opinion. Would it be a good idea to write letters we can actually put several names to, rather than as individuals?

Comment from Jim McCluskey: I would like to recommend Jenny's recommendation that when we're writing letters we should always remember that words like "deterrent" and "defence" are lies. When we're talking about defence we're talking about aggression. In the Independent today, "Lies,

damn lies and double-speak" is the headline of an article by Johann Harry. I will certainly be writing to him about deterrence regarding his article. These articles are openings for people like us because the authors are already interested and they want feedback from the public, so I always relate to something that is in the newspaper already. If you are writing to The Independent, they will publish your letter or not publish it without telling you. If you write to the Guardian, they phone you and say that they might publish your letter. If they say that, then they are going to publish it.

ASHLEY WOODS: If you go onto the Independent website, there may be a blog and you can post up your comments immediately.

Comment from Alun Howard, LANSIA - International Action Network on Small Arms: We are a global network of NGOs working against gun violence. I want to comment on the local media. This is really important. A lot of our members around the world use local media to make a point. One thing that is missing from today's discussion is making a co-ordinated effort on the national media. I'm thinking of press releases as a way forward. One thing that could potentially come out of today's discussion is a loose network of organisations which could get together to produce co-ordinated press releases when the media is interested in a particular subject. One thing that is quite frightening is how lazy journalists are and if you provide them with a quote and a headline they will often write an article and this can sometimes go on to BBC News.

Comment from Christine Titmus: Vice Chair for MAW and Chair of INLAP: I would like to make two points. Firstly I keep hearing the words, Guardian and Independent. What about the words, Telegraph, Times etc.? It's so important not to keep talking among ourselves and they do print letters. They like a bit of to and fro. If we're about communication and dialogue, then we need to be talking to people who are not so well-informed as us, who do perhaps swallow the official line and believe all they're told. I'm not saying they all belong to Times and Telegraph readers, but please can we write letters to other papers. Online they have very lively dialogue on their website. I've written to the Telegraph several times. We hear about reaching the public. Telegraph readers are on these discussion websites all the time and you can get into a really good discussion with them if you are well-informed and argue your case well, if you listen and are careful. We need to consider this when we're talking about outreach. The second point is that for most of us here, new media is quite frightening. Whether we like it or not that's the way it is going and instead of letter writing it's all going to be done in cyberspace. That's the way we need to do things in the future instead of letter-writing.

Comment from Lesley Grahame: I'd like to make a point about challenging local media if they're not giving you the support you deserve. I wonder if other people have experience of that especially at national level, because we have some success when we ask them. We were appalled by the treatment of peace activists around the G8 and other things and we asked them for a right of reply and they actually said, yes, you can have a column once a month. That column has now become a weekly column and it sells newspapers. I think it has contributed enormously to things that are happening in Norwich and I wonder if that could be done at national level.

Comment and Question from Sarah Lasenby: Two things - talking about different newspapers from the Independent and Guardian, I do think we ought to think about the Mail. The best extended article in a newspaper I have ever seen was published in the Mail. It even gave information about Aldermaston I didn't actually know and it was so good. Somewhere there must be people who read the Mail who are seriously interested. I wanted to ask Ashley a question about blogs. How do you get people to read your blog?

JENNY MAXWELL: Obviously the more letters that are written the better. The more we write the more we'll get out of people who don't agree with us. Write a lot yourselves and get other people to write as well. If you have one person who is writing to the local paper every week, there's a

tendency for people to say, oh, it's them again!" There are some people who are happy to put their name to a letter if you write it, with their permission.

On the multi-signature one, if you're writing to the press it's a good idea because people will read it and say, "Well if all these people support this it must be worth looking at." With an MP it's probably better to write individual letters and then they'll think, "I've got 10 letters on this, maybe it's worth thinking about." I certainly never meant to suggest that you should only write to the local press. The more people you write to the better, and write to the ones that don't normally agree with you.

ASHLEY WOODS: Blogs are not just about people reading them. It's also about putting forward your comments. There are two things here. What exactly is a Blog? As campaigners, as an organisation or a group of networks, we can actually set up our own sites. In this case you can put contents up to the sites where people can actually blog on certain contents whether they are visuals, photos or interviews. It's about getting people interested in going in and seeing what you're presenting and sparking discussions and opinions. There are more and more mass media websites today that link you to their own blogs. There will be more to see in the future. Most articles today will invite you to participate and give your opinion, and that opinion might just be picked up by the person who's written the article and it's then in their interest to see what the public has said about them. They can get it in a matter of hours of the article being put online. So they will then look and choose a few people to reply to. You're generating a discussion, much more than if you were to sit down and write a letter. You will still have to have the same approach and word it in such a way that invites response.

Comment: George earlier mentioned the dialogue process which is going on among Quakers. I heard yesterday that Kat Barton is actually leaving and she will be replaced as soon as possible. The dialogue process is aimed at Quakers but it's shared with Paul Ingram of BASIC, so Paul and Kat have been running it together among Quakers, but I'm pretty sure in time that there will be a chance for other people to join in. I'm involved in that because I worked with Kat to present this to a Quaker Meeting in York earlier this month, so I shall be in touch with that development as well.



MARTIN BIRDSEYE:
Morality of the Nuclear Deterrent
The Decision Flowchart Project

This talk is not about law and the accountability of decision makers, but about what lies beneath the law. The question of morality is a question for everyone. We all know that nuclear weapons are foolish, dangerous, and immoral. But unfortunately not everybody thinks so. If you had a paper divided into two, moral and immoral, some people would put nuclear weapons in one side and some on the other. An alternative list which people have devised is almost as stupid as that because the people who actually accept a means of defence that entails a capability to incinerate millions of people, have an immense moral discontinuity in their lives. A lot of people don't notice this. When I first realised this stupidity at a time when nearly everyone thought nuclear weapons were good, I thought the answer was to show everybody that stupidity. It's not so easy because it's a mindset embedded in history. Everybody thinks they know the answer. I've spent years on what I would call circular arguments - people talking past one another. I've got my reasons and you've got yours and they're on a different wavelength. So we need to make a logical and complete analysis of this argument.

First we must define the scope of the problem, in this case the morality of nuclear deterrence. We organise all the questions in the right order and on one sheet of paper. What you come up with is what you've got on the middle page of last month's Peace News - a decision flow chart. This will give you a logical framework for decision. All you do is answer the questions and follow the lines to the next question and people here would probably come to the answer down the left-hand side in about four or five questions. It's also good as a discussion or research agenda. It's also a useful way to challenge the decision-makers. You can ask them to show you their solution and actually it helps them to re-examine where they stand. The flow-chart is very accessible as it can be put down on one sheet of paper and get to anybody quite quickly. It is an accountable means of dealing with the problem because the logic is all there.

Everybody has to take the responsibility for their decisions because they lead to the next logical question and both the disarmers and deterrers have to face the consequences of their decisions. Technically it's an algorithm. If you put the right data in you can get the right answer. It's a very

commonplace thing in all sorts of electronic control systems. If you put your response in it will give you the right answer for you at the level of the individual conscience. As regards the applications of it, it's an individual decision chart for groups and workshops and when you come to the decision-makers, specifically MPs, it's an open-decision chart, and it's exposed.

Although it's an individual conscience thing, their decisions ought to be public property. You're entitled to take it to them to find their way through it. It doesn't have to be a confrontation. In fact it can be an opportunity for them to change. They can see the opportunity, confronted with all the economic difficulties of nuclear weapons, to take the moral high ground. You can't force them to be rational but you can expose irrationality because when you say to your MP "OK, show us your way through this" they'll have to do it or you can tell everybody that they won't. It's not just a piece of paper. It's a project.

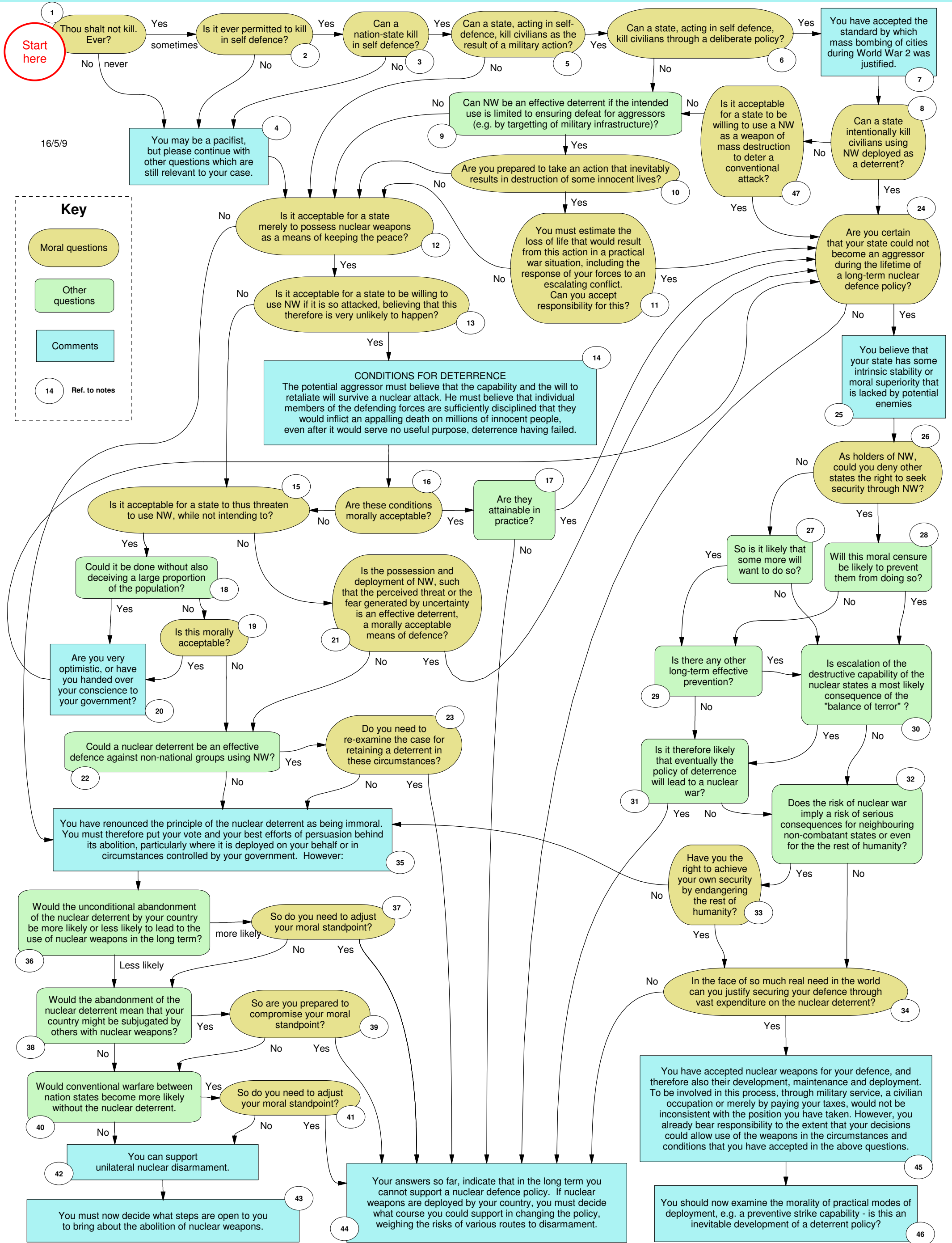
I'll go on changing it. It's adaptable. I'm asking various faith communities to make their own special version. It's got to be a popular decision process before you can take it to the decision-makers. You've got to take it to the people and organisations like us, and then move into other parts of civil society, universities, schools, churches, and the media. Already I'm trying to make it international. I've taken it to the USA and Germany, Nigeria and India and China. To make it bigger than that we're planning an online interactive version. You can already see it on the website to be downloaded.

What I want is a version where you can work it on screen and it'll give you a red line marking your solutions and then anywhere in the world you can enter basic demographic data about who you are and where you live, and submit that. Then we'll make a global scorecard to inform considered opinion, which I think will be a powerful thing to have. Phase 3 is for the decision-makers. That seems to be the more urgent.

I said in my introduction in "Peace News" that morals are really consistent standards affecting everything in our society. It occurred to me many years ago that it was the critical point at which to assess this problem. There's a major inconsistency in society. When I put that in "Peace News" I was pulled up by my advisor, who is a theologian in a

The Morality of the Nuclear Deterrent - how to decide for yourself

Everyone in the world is threatened by the existence of nuclear weapons. Has anyone the right to wield such destructive power? Everyone has a right to ask this question, and those who live in countries possessing nuclear weapons have a duty to answer it. It has to be a personal moral decision, because if you accept nuclear weapons (NW) for your defence, then morally you hold them in your own hands. This chart is designed to help you decide, and to make national decision makers more accountable. Just follow the chart, answering the questions for yourself; it's easier than it looks but the decisions can be hard.



The purpose of this document is to enable a broadly based democratic response to a very complex problem. By limiting the scope to morality of deterrence using nuclear weapons it becomes feasible to present a basic analysis on one sheet. Notes overleaf give additional background. Anyone who is not happy with the questions or the logic can amend the chart as part of their own individual response. Those who do so may wish to subject their changes or enhancements to the scrutiny of others and thereby make a contribution to the general debate. Further information is at: www.nuclearmorality.com or contact Martin Birdseye +44 (0)77 6274 6895, martin@nuclearmorality.com

peace institution in Germany. He said, "That's not good enough. Morals are intrinsic values and they're principles of action at a personal level". So I regretted using that very brief description, but at least it made me think hard about the whole thing.

Something that has gradually come to me is that you've got to have the right reasons for the abolition of nuclear weapons. We will, indeed, abolish nuclear weapons. It will happen world-wide, sooner than we think. I'm fairly optimistic. But we have to do it for the right reasons. If we did it just for economic reasons, or because of their danger and ineffectiveness, then we could never be sure that we wouldn't go back to them. There's a parallel here. People working for nuclear abolition often think of slavery. This is very apt because when slavery was abolished it had existed for many years and it was acceptable even to people who didn't own slaves. Very good Christian people participated in that. Then, by the end of the campaigning for abolition, they came to see that this was inconsistent with all their other standards, and it became repugnant to own a slave. We can never go back to a slave-owning society. It will be similar for nuclear weapons. When people come to see that for our security we maintain the capability to incinerate millions of people, they will reject it and it will become part of the global culture and we will never go back to it. That's why morality is an important

issue to work on. I think that this has suddenly become more urgent.

This project will have to build up gradually. But we are now coming to a time when all the political parties are beginning to think that Trident is such a good idea. Now is the time to say we don't want it. Not just because its ineffective and we can't afford it, but because it's bad.

I'll just show you now how I work with this flow-chart. In a normal exercise I would go through a few slides about the problem. Then we do mention morality, introduce the idea of the flow-chart, and then do the exercise. It starts with "Thou shalt not kill". Some people say that it's alright in self-defence. You'd be surprised how many people don't go down to this blue box, which leaves them being a pacifist but with lots of other questions to answer. I'm going to click on this link and you can see how it develops. We come to, "Can a nation state kill in self-defence?" and "Can a nation state kill civilians accidentally because of the result of an action?" Some people drop out there. "Can a nation state acting in self-defence kill civilians through a deliberate policy?" Most people drop out there. Then they come to what I call, the Quinlan question. He was a highly moral Permanent Under-Secretary at the MoD. He justified things in that sort of way. To work the chart is easy but the questions are quite difficult.

QUESTIONS AND DISCUSSION

Question, Robbie Manson: I axiomatically support your approach, but with a slightly more legal hat on. Can I suggest that when I started on the first line of the flow, I ended up immediately at the blue box that declared that I have now accepted the standard that mass bombing of cities in World War II was justified, which rather horrified me. I suspect one reason is because I am a great advocate of the distinction between the verb "to be able" in its various forms and the verb falling out of use in our language which should be brought back, which is "may". May I suggest you substitute your "cans" for "mays"?

Question, Andrew Loman: This webpage. Would it be like a Wikipedia or would it be web which is editable so you can put things in?

MARTIN BIRSDEYE: It has to be very focused to keep it under control as one sheet of paper. I'm still looking for someone to develop the basic system for me. If I had a thing where we say that this is a reasonable analysis and enough people go through it then we can do this global score card business?

Question: Tim Hart: It's interesting the way you've focused on morality. I'm wondering whether you've looked at all the other factors and thought of other flow-charts which would interact with this other than just morality.

MARTIN BIRSDEYE: Do you mean use the same technique to analyse the problems from different points of view? Anything that would make it more manageable would help the problem. I haven't done that. It's become almost a full-time job since I retired. I've worked through the creative phase and I've now got to promote it and take it out to people. If anyone has any other ideas to take this forward, do please go ahead.

Comment from Malcolm Pittock: The moral issue is quite straightforward. We actually operate a dual system of morality. All you've got to do is to take the standards you were brought up with and refuse to re-interpret them. I was brought up to believe that it is wrong to murder another person. All you've got to do is to say, "If it's wrong for me to murder another fellow citizen, it must be wrong to murder anybody else". You can't have a system whereby it is

absolutely wrong to commit suicide, to have euthanasia, yet it can be right to kill people by the barrowload. I'm always puzzled why people do not make that connection. It's very obvious with Catholics who believe that abortion is absolutely wrong. Yet they also have a belief in Just War, which means that it's perfectly alright to kill lots of people in a just cause. I've never met a Catholic who sees this discrepancy. If there's a just war, there must be a just abortion. If you're against abortion you must be a pacifist. It's people's failure to make logical connections.

Comment: Jim McCluskey: I would like to congratulate you on putting morality at the top of the list. It's most important and it is the issue where ordinary people are most likely to come on board. It's worth bearing in mind that Quinlan said that in the final analysis it is a gut feeling. We have to remember that people's guts react in different sorts of ways. Stalin said that to kill one person is murder; kill a million and it's a statistic. A lot of people think that way.

Comment: I would like to start a Guardian Reject Club for

letters as I'm always banging on about morality and they only print 1 in 10 letters. I get very disturbed by the fact that it is only in the last 2 or 3 years that the whole question of Faslane and Trident Renewal is likely to be decided by affordability. I don't see the word on your sheet but it may be there. There's something grossly wrong when affordability is king.

MARTIN BIRSDEYE: This is question 34. In the face of so much real need in the world, can we justify basing our defence to a vast extent, on expenditure on a nuclear deterrent. That's a moral question. But there's another question you're implying, a practical one, that we can't afford it.

Question: I've read this through and I've got as far as Question 38 and I think if my name were Ahmadinejad that would raise some hackles on the back of my neck. As to morality, if you want to concern yourself with Iranians you want to move across to Box 45.

MARTIN BIRSDEYE: You might indeed.



BILL RAMMELL MP
Minister of State for the Armed Forces

My advisors said that coming here would be going into the Lions den. But I disagree with the premise. To suggest that there is a fundamental disagreement between two opposing sides presupposes a them-and-us mentality. I disagree with that because I've been a minister at Education, the Foreign Office, and Defence. At all three departments I've taken decisions and have found that has rarely been an easy option. Ministers take a range of advice when taking decisions, especially when these relate to our servicemen and women. If you compare government today with, say, thirty years ago, we are hugely more open when it comes to communicating our policies and, perhaps more important, disclosing the thinking behind them.

But we do face some difficulties and dilemmas. Firstly, there's the 24/7 media reality. Misinformation is eagerly gobbled up, no matter how flimsy the evidence, and this is peddled immediately as truth. Ministers have always had to explain how, why and when decisions are made and I think that is right and proper, but never in as much detail and at such a pace. At the touch of a button anyone can ask the Government for information and the Government has a duty to respond. On top of that, the media does distort facts to suit their own agenda. It can transform what can and should be

well informed and good mannered discussions on important issues into something which is less factual, more sensational and damaging. Headlines can capture a moment, but they can also suffocate context, balance and facts. I don't think this serves the public well and it can fuel the sense that the Government doesn't listen. This is partly the purpose of your conference.

I want to outline how we take decisions, sometimes unpopular ones, in the Ministry of Defence. Take, for example, the Law of Armed Conflict. This is a careful balancing act between a number of competing principles which include necessity, distinction, and proportionality. For example, when planning air strikes, this is done with the utmost attention to minimising civilian casualties. Adhering to those principles is difficult in theory and even more so in practice. Difficult decisions have to be made at all levels, particularly when the lives of our troops are at stake. That is what our people are trained to do and ministers rightly accept responsibility.

Electoral oversight through the ballot box is not, I think, sufficient. So we have evolved checks and balances through parliamentary procedure, through the actions of the different parties, through the media, and through non-governmental

organisations, third party organisations and, importantly, through Select Committees where MPs from all parties meet to scrutinise the actions of particular government departments. Also there is the Freedom of Information Act which this Government designed and delivered.

Let me apply that to an emotive issue, nuclear deterrence. I don't expect agreement here today on how, or even if, nuclear weapons contribute Britain's security. Much has been written on the legality of their use. It is a moral life or death issue. But I am clear on one thing. A world free from nuclear weapons will be safer by far. That is a fundamental guiding principle that I and the Government operate and I would be amazed if people in this room disagree. It is the policy of this Government to work for a world free from nuclear weapons. But getting there will be hard and, sadly, that day has not yet come. We in this country have been leading by example. We have reduced the explosive capability of our nuclear arsenal by 75% and we are rightly seen as the most forward-looking of the states with nuclear weapons in terms of nuclear disarmament.

Now there is an argument put forward by many people who believe in the power of countries to lead by example, that by giving up our deterrent we would encourage other countries to do the same. But to do so at the moment would be to ignore context and involve grave realities. I do think that we face ongoing challenges. So our position, fully consistent with all our international obligations, is that we continue to believe in a minimum deterrent.

Does everyone agree with that policy? Clearly not. The issues are not black and white. They never are and our policy is constantly kept under review. I think all of us in a democracy should recognise the right of the Government to take these decisions, backed by the law, even if we don't agree with them.

Finally I'll say a word on legal challenges. It is right and proper that decisions should be subject to legal challenge, in our own courts, in Europe and, if necessary, in the International Court which polices the treaty obligations which we have signed up to. If Government refuses to be held to account, then I believe that legal challenges should usually be a last resort and not a first option. Whilst I respect the right of legal action I do worry about what seem to be ambulance-chasing lawyers who almost choose some cases regardless of their merits.

Let me now say something about policy making as a process. I think good policy making involves significant debate which tends to emerge in dialogue which involves the parties listening and respecting each other's views. I'll give three recent

examples in Defence which I think have yielded results in terms of dialogue and debate.

The first is cluster munitions. This has been a sensitive issue for many decades. Last year we signed the Convention on Cluster Munitions. As a result we rightly withdrew our cluster munitions from service. That came about through NGO engagement, particularly the Cluster Munition Coalition. It really influenced the outcome and we shall continue to consult those organisations as the treaty is implemented within the next year.

Secondly there is the issue of nuclear deterrence and the White Paper. I know many people feel strongly about it. But I feel that the process of the White Paper is a good example of open engagement with the public. It went, on an unprecedented basis, to a parliamentary vote, certainly unprecedented among nuclear weapon owning states. Since then we have published two further papers to communicate our policies to the public as simply as possible.

Finally, there is nuclear arms control. We need a clear forward path in nuclear disarmament, crucially by preventing proliferation. That's got to include forward progress towards a Comprehensive Test Ban Treaty and a Fissile Materials Cut-off Treaty. In March this year the Prime Minister publicly restated his commitment to the NPT. This week we're hosting a major conference of the five recognised Nuclear Weapon States and earlier this year we wrote a policy information paper entitled *Lifting the Nuclear Shadow*. That paper exposes the key policy challenges associated with nuclear weapons and helps to create a progressive climate ahead of the NPT Review Conference next year. We balance our commitment to a world free of nuclear weapons with the duty to protect our own citizens now and in the future.

Now what does it mean? Are we listening? Now I think that we do, in Government, listen. Any Government should. That's why, for example, we have announced that the thirty year rule for the release of documents is progressively to be reduced to 20 years. We are certainly proud that this Government brought in the Freedom of Information Act which shifts the onus towards openness and disclosure. It can certainly be argued that the process can be refined, but I think we can all agree on the fundamental principle behind it. Here the MoD record stands up well.

We try to communicate our policies effectively. Members of the public bombard the MoD with thousands of questions each year on every conceivable defence issue. We need to delegate responsibility to our experts. No matter how trivial or brief the request we are duty bound to respond within fifteen working days. We also require that any

response is approved at a sufficiently senior level, even though this builds in some frustration and delay.

In conclusion, I do reject the notion that we aren't listening, just as I reject the notion that today I am coming into the lion's den. I think that this is precisely the sort of forum that ministers should engage in and there are a number of people here whom I've met on previous occasions. My practice as a minister is going out to meet people and trying

to engage with them. But listening does not mean that we can always agree. Providing leadership under the Rule of Law is the duty of any democratically elected government though some may not like the results. The responsibility is to try and communicate with people and get a strong consensus. With that in mind I've come along this afternoon and I shall be happy to engage in debate and discussion.

QUESTIONS AND DISCUSSION

Question: I do agree with much of what you've said about moving along the road towards disarmament in "The Road to 2010" and "Lifting the Nuclear Shadow". My question to you is about the Initial Gate on Trident Replacement. Can you tell us please when that's going to be? Do you agree with the school of thought that says the Government is going to delay that until after next year's NPT Review Conference to show that these things are not set in stone and to build upon the good work that the Government has already done?

Question, Lesley Docksey: You talked about the Rule of Law and the legality of everything that the Government tries to do. I have a question about thermobaric weapons which, as far as I know, would be deemed illegal under international law. The MoD talked about it for a year or 18 months and they've renamed them "enhanced blast weapons" and they say that because it's been renamed it's legal. Could you explain that?

Question and Comment, George Farebrother: Why was there practically no reference to International Humanitarian Law, as applied to Trident, in the White Paper?

When we write detailed and thought-through questions to the Ministry of Defence about International Humanitarian Law we tend to get the same stock response. My suggestion is that we think more about the Ministry's method of replying to such letters. There is the question of the people who are drafting the replies and the sort of discussions they would have to make the responses more thoughtful and considered. That is one of the main purposes of this conference.

BILL RAMMEL: First of all, the question on the Initial Gate. What is taking place is a detailed technical evaluation of the options and not a re-analysis of policy about deterrence. Nor is it about the main construction contract. In that context that I think we can move forward. But the decision we took about Trident wasn't for ever and a day, a definitive one. The reason we took this decision – and I know some people disagree with this – was that had we not taken it, because of the shelf-life of the system, we would have taken an irrevocable decision to disarm in seventeen or so year's time. I don't think that in current circumstances that would have been right. But we have started the process of

renewal. There are various stages to go through and we do keep that policy constantly under review.

I will write back to you on the distinction between the two [thermobaric and enhanced blast weapons]; but we are very clear about the distinction between the two.

Finally, George, I think you make an impressive point. Let me share a reality. Part of the challenge in drafting those replies is the astonishing expansion of the number of people who write in and the way they do it. That's a good thing. But are we equipped and resourced to respond adequately? I think there's a question mark there. What you tend to get is relatively junior people who will be drafting responses to members of the public. Obviously, if you go through a Member of Parliament you will get a more immediate response; but relatively junior officials will be looking at the existing policy and pulling together a response. I'm not sure, unless people are willing to pay sufficient taxes to get a very high level official to become what is in effect a correspondence officer, how you get round that problem. What I can say is that we are concerned about that within Government. As a minister, every night in my red box there will be draft replies both to members of the public and to Members of Parliament. With the resources we have available, if you want the kind of tailored response your question suggests, I'm not sure that is really possible.

Question, Vijay Mehta: A new strategy is being talked about in the UK and America about Afghanistan. Can you give us some idea about what the new approach will be? Will more military be sent to Afghanistan? When you talk of winning hearts and minds, don't you think we should send more peacekeepers to the area instead of troops? Better still, could we train our troops to become peacekeepers so that conflicts can be resolved peacefully?

Question, Christine Titmus: You mentioned that you're familiar with the call from many of us for the UK to lead by example and I got the impression that you understand this to mean unilateral disarmament. Well, have you heard of the

call for a Nuclear Weapons Convention? Many of us are not pressing for unilateral disarmament, but for the UK to lead by example in calling for a Nuclear Weapons Convention. Many countries are already in support of this. In this way negotiations in good faith, which are part of the NPT, can actually begin. Negotiations haven't even started.

Question, Angie Zelter: How can a 100 kiloton nuclear weapon be used lawfully?

When US personnel break English law how can we ensure that they are brought before the English Courts?

BILL RAMMEL: On Afghanistan. I want to see things resolved peacefully. The Taliban are ruthlessly prepared to target not only the military but civilians as well. If you talk to ordinary Afghans, and the hear fears they have, for instance the planting of improvised explosive devices in a civilian context ...

Vijay Mehta comment: Northern Ireland?

Even at the worst of the troubles in Northern Ireland there was an enemy you could engage with as a whole body. I don't think we're anywhere near that in Afghanistan. Yes, there are some elements of the Taliban who want to see re-integration. If they are prepared to renounce violence, yes we should work with them. But I don't think they're there as a whole body. General McChrystal is conducting a review at the moment and his report will be coming out within the next month or so. The strategy is built on trying to equip the Afghans to look after their own security. This why there are 90,000 Afghan troops and there will soon be 144,000 and if we keep on moving in that direction we can equipped them to look after their own situation.

I'm not opposed, as an article of faith, and neither is the UK Government, to a Nuclear Weapons Convention. But at the moment, we have got to get through the NPT Review Conference. First there is the need to increase the momentum towards a Comprehensive Test Ban Treaty and I think that the recent statements from the Obama administration are a very welcome step in the right direction. If the United States comes on board, there are indications that the Chinese will follow suit. Similarly with the Fissile Materials Cut-off Treaty. We ought to see that conference as an opportunity and a challenge to get countries like North Korea and Iran back under the auspices of the NPT. We're not saying no to a Convention forever and a day but at the moment we have to concentrate on that conference next year.

Angie, the only circumstances in which nuclear weapons would be used would be for self-defence.

On the question of American personnel, we are very clear. With the vast majority of American troops there is not a problem. If you look at Iraq,

or Afghanistan, there is excellent contact. Where it goes wrong and there are acts which are unacceptable to both sides, these can be tackled through investigations, inquiries, and ultimately by legal action and there are different routes to achieve that.

Question, Steve Hucklesby: My question is around the Initial Gate decision again and Gordon Brown has announced that it will be delayed until after the NPT Review Conference. Is that simply to create a positive environment for the Review Conference or could it be that the outcome of the Conference could in some way influence the decision on Initial Gate? If, for example, we had a ratification of the CTBT, the Fissile Materials Cut-off Treaty, ... a Nuclear Weapons Convention and some other positive movements that are going on with Russia, if these things came together would that lead the Government to think again about Initial Gate?

Question, Robbie Manson: A question relating to your wisdom as a former Education Minister, as well as your current one. This week sees the sixtieth anniversary of His Majesty's Government's ratification of the four Geneva Conventions. Subsequently we also ratified the two Additional Protocols. One of the least known, but, I would suggest, one of the most important undertakings we undertook as a State Party to the Articles of the Conventions is to widely disseminate them amongst our population. In particular we undertook to teach that text and context in our schools and other educational institutions. Do you feel that we have honoured that commitment? If not, what do you propose to do about it?

Comment, Martha Baker: I fear that Vietnam would soon be spelt A-F-G-H-A-N-I-S-T-A-N and that you could substitute Viet Cong for Taliban.

Question: Sarah Lasenby. I would like to ask you if you are privy to the information about when the House of Commons will be given the second opportunity that Margaret Beckett told us about during the Trident debate. She spoke about it in the House and we saw it on television. She said don't worry; you will have another chance within two years. Well, we've shot past the two years. When are we going to have that second debate?

Malcolm Pittock: I have never heard an answer to the question of the illegality of the invasion of Iraq. I've read Philippe Sands on the subject, I've read Helena Kennedy on the subject, I've been in touch with Phil Shiner on the subject – I know it by heart. You actually went to war without the approval of the United Nations Security Council. Nothing could make that legal. Whenever it's brought up you always shift the ground to something else like getting rid of Saddam Hussein. Why doesn't the Government answer the questions that are put forward by senior international lawyers?

BILL RAMMEL: On the last one, it's a bit rich to accuse me of lying before I've even given the answer. I could produce you lawyers who

politically disagree with the decision to go to war with Iraq, but who could nevertheless give you a view that it was a legal action. Bluntly, there was a disagreement at the Security Council about what we had agreed regarding Resolution 1441 – whether there was automaticity about moving towards conflict or not. Nevertheless, we, and our legal authorities were very clear that it was legal to go to war.

Steve, on the Initial Gate: there is at the moment no change in our view that it would not be safe to unilaterally disarm. In taking our decision in 2007 we were starting a process without irreversibly committing to unilateral nuclear disarmament in seventeen or so years' time. There are various stages in that process at which we will be able to take stock and we do keep the overall policy under review. Our overall aim, emphatically, is a world free from nuclear weapons. But there are difficulties that we face. I was talking to an academic and saying that we want to see a world free of nuclear weapons and did he think that was for the fairies and not achievable? He said that it was achievable, although there's a debate about the time scale but that one of the worries is that if you do reduce your arsenals across the world, in some senses the risk becomes grater. I do want to see a world free of nuclear weapons but this is a staged process in terms of the renewal of Trident.

Robbie on Education: I was Minister of

Education for three and a half years and one of the things I heard repeatedly from teachers and their representatives is that you shouldn't overload the National Curriculum. I've been to stacks of meetings like this. I've even heard at a Labour Party Conference that Health and Safety should be on the National Curriculum. There is a myriad of opinions about things that should be added; but you have to make a balance and you don't want to overload the curriculum. An important change that this Government has made was to bring Citizenship into the curriculum. One of the challenges that Ofsted picked up was that it is all very well putting something in the curriculum, but you must have teachers who are willing and equipped to carry it out. Should I commit today to put the Geneva Conventions on the Curriculum? No I can't and I don't think it would be the right thing to do.

Finally, Sarah, I'm not sure what the specific that you are referring to is. I think that what Margaret may have been saying is just what I've said – that there are stages in the process and that at each stage there will be an opportunity for Parliament to look at this. The most important ones are in the course of the next Parliament. There are no irrevocable decisions, but we have started a process which we keep under constant review and there are opportunities for the Houses of Parliament to engage in this and actually to make decisions.

REPORTS FROM DISCUSSION GROUPS



Group 1: Talyn Rahman, Jenny Maxwell, Jim McCluskey: **How best to approach MPs and decision makers**

A. What authority do we have?

- * We are citizens
- * We can join groups which can give us more power
- * We should make sure we are well-informed – this gives us added authority.
- * We should get to know about those we are approaching. Go to local meetings and gatherings where your MP is appearing

B. Experience of replies to letters and what works best

- * There is a large variation in replies – some are good and some bad
- * be persistent. If the reply is inadequate, explain why politely
- * You can contact civil servants directly. Their names and areas of responsibility are on the Departmental websites. Make the initial contact by letter and later try to arrange a face-to-face meeting
- * You can contact the working groups within the civil service. The group titles are on the Departmental websites
- * MPs' positions can be shifted

C. How well do visits to surgeries go?

- * They are advisable and enable an important personal relationship to be built up
- * Go even if the MP has a hostile point of view
- * Be persistent but polite
- * A group of women in Oxford invite the MP to a group meeting, about once a year, on neutral ground, giving advance notice of what the topic under discussion will be
- * There is usually a long queue of people waiting to see the MP, so it's often better to arrange a separate appointment
- * Another alternative to a surgery visit is to invite the MP to a public event or debate with a well-known figure (e.g. Bruce). This can generate good local publicity
- * Don't slog away at totally intransigent MPs, but look for an alternative
- * You can hold vigils or demonstrations outside a surgery
- * Don't be confrontational – a good approach is to ask your MP for her/his help

D. Early Day Motions

- * Opinions vary as to their usefulness, but they can send helpful messages to government
- * They can help to discover where MPs stand on issues, and identify ones who are likely to be sympathetic to our views
- * It might be possible to get your MP to write an EDM jointly with yourself
- * They are a useful way of telling your MP what you think, and raising an issue
- * Ministers won't sign

E. MPs outside your own constituency

- * They are likely to be interested only if the matter concerns their constituency
- * You can approach them if they are a minister, or on a Select Committee, dealing with your concern
- * Look out for Select Committee inquiries, to which individuals can submit evidence

MEPs

- * Don't forget them, even though they are difficult to contact
- * Jean Lambert and Caroline Lucas are particularly good
- * There are subsidies to take delegations to MEPs
- * It's best to see them in Brussels

G. MPs not aware of issue

- * They have a vast array of issues to cover so need our information, especially on defence issues.
- * They are very busy so keep it short and to the point

H. Approaching MPs indirectly

- * Take concerns jointly to MPs with e.g. churches, trade unions, Women's Institute
- * Approach via the media. The media is particularly interested in unusual juxtapositions, e.g. Women's Institute/prostitutes; CND/ex-servicemen; generals/Trident
- * Go through an MP's researcher
- * Write to the local press, saying, "I have written to my MP asking ...". This gives information to the public and, if there has been an unsatisfactory, or no, reply, can shame the MP

I. Central bank of interactions with MPs

- * It would be good to have a central bank of information on MPs, and their letters and statements, particularly when they have said something which they probably shouldn't have.
- * We could extend it to include ministers and civil servants
- * We must respect off-the-record discussions
- * It would be useful to have a list of media contacts, and a moderator to ensure its proper use.

J. Other - Nato

- * Nato is currently having a Strategic Concept Review
- * The new Secretary General, to whom we can write, is a former Prime Minister of Denmark.
- * You can give your views on the NATO website, or write to the UK delegate to NATO

K. Other besides NATO

- * Contact with religious communities can be helpful.

(Powerpoint summary – some of this repeats material above)

- * Approach as an individual
- * Approach as an organisation
- * How to deal with unresponsive/ uninterested MP
- * The indirect approach
- * And other decision-makers
- * We are citizens with votes

Reason to Approach

- * Create a climate of opinion to form a pressure group
- * Build traffic on an issue
- * Mention that your vote will depend on the issue that will be tackled by MP

Letters

- * Praise
- * Provide information within context
- * Facilitate them with how you will help
- * Suggest amendment
- * Be polite, be persistent, be brief
- * Sign on a personal capacity
- * Sign on behalf of organisation if there is reasonable agreement or sign as yourself e.g. Co-chair of XXX within an organisational context

Surgery

- * Build a personal relationship
- * Ask to be seen last so you are not holding other people up
- * Arrange personal meeting

EDMs

- * MP either don't sign out of principle or sign without thinking about it
Need number of signatures
- * Approach researcher as they have contact with MP
- * Compiling bank of responses

Transparency

- * Could break trust if private dialogue is shared
- * Set out parameters
- * Tell MP their letter will be published online, so be honest and forthcoming
- * If a letter is being ignored or avenue of communication has been stopped, someone else can start up the communication from previous correspondent and start a new rapport
- * www.theyworkforyou.org

Who are the other Decision Makers?

- * Media? Corporations?
- * Who do we talk to and WHY? (MP, civil servant, organisational institution like NATO...): Different reason therefore other channels for target (especially if letters are simply passed down to the right authority and then get a general response that doesn't answer your query)
- * Think of the role MPs play and ask yourself whether it is better to approach an MP or someone else
- * Know the advisory group within the government. By knowing this network you can target better or you even can become part of a steering group
Look at advisory structure and groups that can be found online
- * You can write to targeted civil servants directly. List of civil servants can be found on website with their special interest
- * Local papers and national papers. Have set of media contacts and moderator
- * Keep up the pressure by regularly contacting your chosen decision-maker

Group 2: Christine Titmus, Pat Haward:

How can we develop a bank of useful responses based on the advice of lawyers?

Two main ideas from groups discussing question two:

- 1) The formation of an independent lawyers group as a resource for MP's
- 2) Event in parliament on International Law, for MP's and lawyers.

Independent Lawyers Group

This could provide a badly-needed service for MP's. At present, should they seek information regarding the law, they must rely on party mechanisms, relevant government department, government briefings, a friendly lawyer, Sergeant-At-Arms...where can they go when in need of independent legal advice?

We suggest that, firstly, the idea be promoted to relevant All-Party Parliamentary Groups, with ideas of how it may be created and run. They could then arrange an exploratory meeting in parliament to set up the group of lawyers. Important that the bank of lawyers not be just the 'usual suspects' (less likely with the involvement of all-party groups).

Such a group should be formalised as a resource for MP's, funded by parliamentary channels (NOT via MP's expenses!) MP's would know they could access a lawyer for a range of information/advice independent of government. We strongly recommend, therefore, that this conference writes to the chairs of selected All-Party groups, offering INLAP's support for example by providing contacts and easing lines of communication. Group members felt confident that a sufficient number - probably 8 to 12 - of public-spirited lawyers would be found to support the idea.

IN addition to providing much needed independent and accessible legal advice, such a resource has potential to encourage greater support and respect for the law, and improve current generally poor levels of knowledge regarding use of the law and its significance. Such a group, once constituted and underway, would help establish the principle of independent legal advice for all politicians. The All-Party groups to be contacted:

- * Parliament First (Mark Fisher)
- * International Law
- * One World
- * Parliamentarians for Global Action
- * Conflict Prevention

Another suggestion in connection with the above is for INLAP to offer to provide some content for MP's websites. This could include a button linking to the lawyers' group, to INLAP legal information/discussion pages/ other resources/ lines of communication, links? INLAP as a web-based service..

The content of their websites is increasingly important to MP's. Yet with limited time and interest they may welcome services such as the above.

International Law Seminar

Very few lawyers, and probably far fewer MP's, know much about international law, or take it seriously. A seminar on this topic, to explode a few myths and misunderstandings, explain why and how it benefits individuals (Highlight air traffic control, broadcasting, postal service, law of the sea, and so on -) To be held in parliament for politicians and for lawyers. International Law is a relatively new concept and quickly evolving. Funding for such a seminar may be available from EU/other bodies?

We hope such an event may foster greater respect for and understanding of International Law.

Both the above ideas grew from a realisation that, unless MP's have high regard for, and an appreciation of, the law, then the use of it in our communications will be less effective. Therefore, to raise and increase MP's awareness/respect is vital. If we continually cite/question this or that legal position – especially in terms of international law – then unless the MP concerned shares our view of the law's importance, our letter has less clout.

Other points:

- * Proclaiming its legality can be a 'bridge' for MP's who fear losing face or credibility for supporting a particular position.
- * We could make better use of our history/culture of fairness and justice

If we justify our actions via the concept of breaking the law in order to prevent a worse crime, then we must accept that this same reasoning may be applied by some states for justifying nuclear weapons. It is a serious – not silly – argument, for a state to say that, if using a NW breaks the law, then it is worth it to prevent the destruction of that state (the greater crime).

Morality is 'the law behind the law' – the public conscience, which informs the law

Important to recognise evolution of the law; do not blindly adhere to all law regardless, but remain alert to any need for reform/revision BUT when we DO use the law, we must ensure we are correct in what we present as the law.

1.40 group

Some discussion of use of books. Also of possible changes in UN structures, particularly around the separation of powers: relative to the political power of the Security Council, neither the General Assembly nor the ICJ has any power.

Also of what is achievable when international law is so amorphous and when US law is so intrusive. GF gave example of how working on Declarations of Public Conscience 1994 – 6, before the ICJ hearing, had been effective and morally satisfying.

1. Example of ICC definition of aggression: UK government is pushing the Singapore limits on the ICC's powers which would give the Security Council the right to veto or to influence ICC. A campaign is needed to support Robbie Manson (often the only Brit. at meetings apart from the official delegate) before the Kampala meeting in May 2010.

2. Following the Scottish Trident Ploughshares case: international law can be useful. Local courts, lawyers, judges, police know so little that a jury can gain influence and give a favourable verdict. However, all litigation is risky, so it may be wiser to use other means, e.g. MPs.
3. In Parliament: use parliamentary questions, including written ones. (Norman Baker's persistence re US bases has been especially good.) This leads to John McDonnell's suggestion for legal advice free for MPs: a mechanism which would provide a 'cross-political' group of lawyers responding to MPs' needs; discussion to use cross-party groups for planning and then for financing.
4. International Law: arrange a training day for MPs. Nick Grief to be available?
5. Can Custom be a legal force to use? Probably too slippery, leading to too much disagreement. But practice can lead to legal obligation and recognition under international law.
6. The role of IALANA, which is vigorous in Germany and the US. But which does not have a branch in UK. And the position taken by such lawyers as Phillippe Sands and Helena Kennedy. How useful?

3.20 group

1. Where possible use the media to publicise international law issues and to educate the public.
2. Why do states obey international law? It is in their interests to do so and it was they who created it. They need observed reciprocity.
3. How can we make international law stick in domestic courts, particularly regarding weapons, e.g. drones? The main defence, proportionality, is too slippery. Perhaps working with other organizations it would be possible to make an offence of selling certain arms, a criminal offence.
4. Since 'security' seems to mean 'in our state's interest', perhaps we need to redefine that.
5. Use of Freedom of Information? Do we need a bank of advisors for varied issues? Could the FoI be used for the ICC issue re the definition of Aggression? Check with N. Baker and Robbie Manson. But other information may already be available and should be searched first.

Group 3: Will Pritchard: What can we learn from related work carried out by other organisations. How can we reach out to like-minded groups and to the public, bearing in mind public opinion?

As would be expected, there was much debate within groups. As such, what follows is a summary of the perceived overriding opinion rather than a comprehensive listing of all that was said.

Although some concern was raised regarding the number of smaller organisations operating from a similar viewpoint and with similar intentions, overall it seemed to be the view that, as a "catch all" campaigning group would be impossible, cooperation between organisations with similar goals should be encouraged, rather than allowing conflict to develop due to their similarities.

The importance of targeting was also raised. All manner of organisations exist with the intention of influencing policy at different levels (for example, through local councillors, MPs, MEPs and Ministers). It was thought that attention should be paid to an organisation's intentions in this respect prior to working with them to ensure they are suitable and complement our work.

The importance of using existing structures rather than (or at least prior to) creating new structures was stressed by many members of the discussion group. The Network for Peace was raised frequently, and it was felt that the use, for example, of its common events calendar could be more widespread. The general mood was that the network structure, rather than a hierarchical structure, works better for enabling and furthering communication between organisations. It was felt by many that the greater the frequency with which organisations are brought together, be it in a formal or informal context, the better. Milan Rai reminded the group members of how we need to work together to "transform latent public opinion into mobilised pressure" through convincing people that they can make a difference and influence policy both personally and through organisations.

The Sustainable Communities Act 2007 was raised as an example of success through cooperation and coordination between a range of organisations. Further details on the Sustainable Communities Act is on <http://www.communities.gov.uk/publications/localgovernment/sustainablecommunitiesact>

Possible common goals (i.e those which could be worked towards through cooperation with other organisations) that were suggested included the democratic deficit regarding our representative democracy and the link between climate change and conflict (MAW is already exploring this).

Participants raised the issue of young people and some commented on the fact that the environmental movement seems to be able to mobilise large numbers of young protesters whilst other movements, such as the peace and justice movement, appear to be less effective in this respect. It was suggested that perhaps cooperation with the environmental organisations involved could be beneficial in increasing our understanding, access to and involvement with young people.

Additional Comment: Lesley Docksey

My thoughts about what we could aim for (this came up in a session I took part in rather than facilitating - what can we learn from other organisations? As I couldn't stay for all of the reporting back at the end, I don't know if this was mentioned. I suggested following the methods used by Local Works which resulted in getting the Sustainable Communities Act through Parliament. In the discussion that followed it was realised that any actions we took needed very clear goals. And I think the goals (if achieved) should be able to affect more than one area. For instance, most people (including MPs) want to get rid of the Royal Prerogative but - a year or so ago we had a long discussion with our MP Oliver Letwin about this. He had really given it some thought as he was in favour of abolishing it. However, he pointed out that anything passed by Parliament would have to have a get-out clause, allowing a Prime Minister to act in an emergency (when there was simply no time to have a vote in Parliament). Quite reasonable, but it would in the wrong hands create a loophole.

A goal I would love to see achieved is to get the crime of aggression onto the Statute book. This could affect more than one would think. For instance, as the crime of aggression includes 'preparation for war', unless a nation had specifically been asked to take part in military exercises in another 'host' country, or their forces were a part of a legitimate peace-keeping force, it could be argued that it would be illegal to move the army beyond one's borders or national waters. Think about it!

Group 4: Kitty McVey: What systems can we set up (IT and other) for developing and monitoring our future work?

We do NOT need a new organisation. Instead we should make BETTER USE of existing communications facilities. So INLAP / WCP should continue.

NEXT STEP: We start with a basic Wiki then work out from there. This is conference planning Wiki renamed at Ashley's suggestion. ANYONE can use this Wiki for anything relevant to conference theme e.g.:-

List links to websites we should be using, what they are useful for.

List internet buddies to help us do it.

Planning the next steps

Everyone's guide to dialogue with decision-makers AND using the internet to help with that?

Meetings on that joint purpose.

Legal resource: set up project WITHIN WIKIPEDIA to IMPROVE wikipedia's relevant legal articles.

Archive of correspondence: proposal to mySociety by Sept 15th

Political Web Resources (Julian's links for use by everyone at the conference).

(So prioritise trawling through conference notes for points relevant to that, and discuss with Julian)

Not most important but may be most urgent.

Offline system: Network for Peace

Have our issues as a theme at NfP meetings: ask for a regular corner

Rosie Houldsworth does dialogue workshops and is willing to do it for us

Avoid duplication. There is a great deal of material on the web

We can use free sites but be careful – they can be closed down

What material can we contribute that is not already available by surfing

There is a space for an IT portal with info that MPs who are interested in law can use

Wiki seen as a procedural / planning thing not as end product in itself

A Website would be different – it would have finished material on it

Information was passed round about the new Trident website

Repeated comments - too much information does not have links that are not targeted

We should ask questions that can only be answered “yes”

Robert is the mathematician who likes to know the implications of statistics e.g. 75% of people don't support Trident Renewal etc

In international Law the first publisher owns the copyright. We should challenge this?

There does not seem to be much information touching our concerns which is both focussed and targeted
Network for Peace is struggling, can only just manage its one annual meeting.

We may meet in Oxford or Huddersfield, not London next time

Is there any disadvantage to having widest possible access?

George's archive consists of photocopies and pdf files of letters. To scan and upload these to create and maintain an archive on web may well be very time-consuming.

We will talk to Julian about the mySociety proposal

Will said we should take care how we approach young people, noting the response Gordon Brown using YouTube



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