



SOLIDARITY FOR EVER —Republican and English prisoners singing 'Auld Lang Syne' at the end of the Hull orson demonstration, September 1978

NORTHERN IRELAND - What Lessons for Oz?

"Carnegie says he remains an optimist. But he acknowledges the impossibility of a worst-case scenario that I argued to him: that Australia could become the Uruguay of the South Pacific - a country in which rural and manufacturing industries collapse leaving no jobs for the majority of the work force, and no occupation for an entrenched army of bureaucrats, and the countries sole wealth residing in capital-intensive low employment mining owned by foreigners." [Max Suich, interview with Rod Carnegie of C.R.A., 1977. Quoted by H. McQueen in "Joh's Queensland - Australia's Future" The National Times 13/10/79.]

It appears that in four years we have moved some distance down the road towards Carnegie's worst-case scenario. Indeed, recent suggestions that tourism could be Australia's major industry by the mid-80's (The Australian, 16/4/81) underlines the movement towards the reality of a Banana Republic which faces this country.



So what relevance does Northern Ireland have?
A recent issue of Rights (Vol. 9:2 November 1980), the newspaper of the British National Council of Civil Liberties, highlights the dangers to liberty when major segments of the legal order are transformed in order to solve political issues through force. The comprehensive destruction of traditional common law rights in theory held by British citizens, has failed to resolve the problem of guerilla warfare in Northern Ireland. (See P. Taylor, Beating the Terrorists, 1980, reviewed in The Australian 18/4/81). It also has created a climate wherein massive deprivations of civil liberties by agents of the state have become an acceptable part of state policy. (See for example "Ambush at Tully West" below). Furthermore, there has been some seepage back to the British mainland, for example, The Prevention of Terrorism Act, 1974, under which the Home Secretary was given two new and unprecedented powers (1) to ban any organisation which he/she believes is involved in or encourages acts of terrorism (connected with Northern Ireland) and (2) to exclude from Great Britain any person believed to have been involved in such acts. Also the police were given the power to arrest people they suspect have committed such an offence and detain them without charge for 48 hours, plus an additional five days if authorised by the Secretary. In 1976 the Act was amended, creating two new offences (1) that of contributing, or seeking contributions towards, acts of terrorism and (2) withholding information relating to terrorist acts or people committing them. Concerning these amendments, the N.C.C.L. stated "As a consequence,



much legitimate political activity ... has been curtailed ... these offences are so vague that no one can be quite sure whether they are breaking the law or not".

The historic link between Ireland and Britain and the affect this has had on the development of the repressive capabilities of the state are dealt with in some detail in several books (for example T. Bunyan, The Political Police in Britain; C. Akroyd et al., The Technology of Political Control).

For Australians, the controversy surrounding the Hilton Bombing, and the Ananda Marga trial suggests that what is good for the British state may be just as good for the state in Australia. Given the argument about the development of the strong state (see previous article in this issue) and the possibility of Carnegie's worse-case scenario, or something akin, coming to fruition, we could presently be watching the early development of an exceptionally repressive regime for the 1980's. We are certainly getting the lead from Queensland (see McQueen, *infra*) and Western Australia ("Premier 'Setting up police state'" The Australian 23/10/80). There appears to be no real reason to expect other states not to move in that direction, and the same applies to the federal sphere (wherein substantial progress in that direction has already been made on the grounds of protecting the uranium/nuclear industry, fighting organised crime/drugs and, of course, subversives. See for example G. Boehringer, "Federal Police: Security for Whom?" [1978] 3 Legal Service Bulletin 135).

Ironically, one way of establishing the right kind of McCarthyite atmosphere for such developments is to suggest that there have been (are?) subversive elements within government and in particular within the security agencies, as has been done recently here and in Britain. Fear and suspicion - as the senator from Wisconsin proved - are invaluable tools in reducing democratic discourse, and ousting non-conformists and progressives from active public life. Nor, as the N.C.C.L. makes clear in relation to the Northern Ireland experience, are Commissions on Human Rights (especially if advisory only) or Fair Employment Acts likely to offer much protection to persons victimised for their political beliefs once the point is reached where the strong state itself is pursuing a policy of comprehensive suppression.

But, as we all know, it can't happen here ...

Heir Boehringer

(Reprinted from 18 April, a Journal Dedicated to a critique of legal order, School of Law, Macquarie University.)

