Protest law compendium

The Protest Handbook
by Tom Wainwright, Anna Morris,
Katherine Craig and
Owen Greenhall
Bloomsbury Professional,
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The backlash against austerity in Europe is producing mass
demonstrations in Spain, France and Greece. In the images and
videos we are increasingly seeing of protests, the tension between
individuals and the State is palpable. With the 20th October
2012 TUC march to fight
austerity having taken place and
the National Union of Students
demonstration on the 21st
November 2012 fast
approaching, a text by
practitioners on protest law
written for the benefit of
protesters is a very welcome
development.

The Protest Handbook is a
brilliantly useful compendium of
protest law, with a thorough
overview of common criminal
offences brought against
protesters, the laws surrounding
kettling and crowd control, the
laws relevant to occupations,
how to bring complaints and
litigation against the police.

This is a text useful to both the
lawyer and the seasoned activist.
Activists are already beginning to
view the book as a staple. A
number of those acting as legal
observers on demonstrations
whip out their dog-eared copy of
the handbook when necessary.
Not only does it give a fairly good
picture of the relevant law behind
protests, it is a pragmatic text
that also lays out what often
occurs in practice. It is also
uncompromisingly political, insofar as it recognises that the
ability to protest is crucial to a
democratic society. This text is
not a mere reference work. It is
easily readable, particularly in its
exploration of the history behind
the law. Rather than merely go
through the relevant case law,
statutes and procedure, The
Protest Handbook offers tactics
together with the pros and cons
of a number of different options
for protesters, whether it is
brining a complaint to the
Independent Police Complaints
Commission or considering what
evidence may be relevant in
bringing a claim against the
police in the courts. It does all of
this with consideration for
individuals for whom funding
may be an issue.

For new practitioners or
students, the text also offers a
comparative look at the old law
around policing, which points to
a system offering less police
accountability. It also offers
insight into the current mindset
of many in the judiciary in the
wake of the August 2011 riots.
The Protest Handbook also
points out those cases still in the
works and includes an online
updating service to ensure that
the reader remains up to speed
with this dynamic area of law.

The aim of law is often said to
be to safeguard the status quo
and privileged interests. Protest is
countervailing force; it is
critique of this status quo. If
socialist lawyers do nothing else
but keep these rights in place,
ensuring that the law stays on the
right side of protests and that
protesters know their rights, we’ll
have reason to be proud.

Natalie Csengeri

Informers in the TUC?

The Shameful Deportation
of a Trade Union Leader: the
Story of Albert Fava
by Jonathan Jeffries and Tom Sibley,
64pp. TGWU Section of Unite
Gibraltar

We are painfully aware of the
savage attacks upon British trade
unionism by Thatcher and the
continuation of this process by
New Labour. What is less well
known is the story of the enemy
within the so-called ‘enemy
within’. The recent blacklisting
scandal in the construction
industry revealed collusion
between some trade union
officials and the blacklisting
employers, but an early indication
of such betrayal is also revealed in
the story of Albert Fava, a
courageous Gibraltar-born pioneer
of trade unionism and it deserves
to be told. Thankfully, it is
brought to our attention in the
short but poignant book by
Jonathan Jeffries Dr Tom
Sibley, The Shameful Deportation
of a Trade Union Leader: the
Story of Albert Fava.

International solidarity within
British trade unionism was
shockingly lacking in 1948 with
the deportation from his native
Gibraltar to Britain of Albert
Fava, allegedly for communist
activities which were never proved
nor shown to be against the
interests of Gibraltar or Britain.
The story involves spies within the
Trade Union Congress and
Transport and General Workers
Union actively undermining the
interests of Gibraltar workers
at the same time that these unions
were informing the Atlee
government’s programme in
Britain. It is set within the context
of the anti-fascist and anti-
colonial movement in Gibraltar
and reads like a spy novel
involving the insidious role of the
Colonial Office and British secret
services.

Albert Fava was born in 1912 in
Andalucia but was issued with a
British passport in Gibraltar in
1940. Colonial Office files show
that Fava was economically active
in Gibraltar during the mid 1930s
and that in 1936 he was engaged
in arms procurement work for the
Spanish Republican Government
then under attack by the rebel
Franco forces. Fava was evacuated
from Gibraltar to Britain during
World War Two and led an active
political life in the Communist
Party of Great Britain and the
Amalgamated Engineering Union
in Scotland. However, in 1948 he
answered the call of the Gibraltar
Confederation of Labour and
returned to his homeland as
General Secretary.

Fava’s appointment led to a
dramatic increase in the activity of
the Gibraltar Confederation of
Labour and a vastly improved
structure with a focus on its
development as a mass
organisation with strong anti-
colonial and anti-Francoist policies.
Official British colonial and trade
union policy during Bevan’s years
as Foreign Secretary was to
encourage the development of
independent trade unions in the
Colonies. However, whenever trade
union developments suggested a
challenge to British interests, such
as the strategic importance of
Gibraltar as a naval dockyard, there
was interference and action taken
to prevent colonial workers from
pursuing their democratic rights.
This interference and the role of
informers ultimately led to Fava’s
deportation from his homeland in
October 1948, just three months
after he took up his post. For a full
appreciation of this story, Socialist
Lawyer readers are encouraged to
read this excellent book by Jeffries
and Sibley.

Declan Owens