Britain prepares its own version of US Patriot Act

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The Civil Contingencies Bill, published on January 7, is meant to serve as a legal veneer for the Labour government of Prime Minister Tony Blair to defend its own existence during an "emergency". It grants ministers draconian powers to remove fundamental civil liberties.

According to the government, existing legislation is inadequate to deal with the threats posed to Britain post 9/11. The new law will replace earlier Emergency Powers Acts and Civil Defence Acts, drawn up mainly to deal with industrial unrest and a possible Soviet attack.

The bill enables the government to declare a state of emergency without a parliamentary vote. Moreover, ministers are empowered to introduce "emergency regulations" under the Royal Prerogative, again without recourse to parliament. The scope of such regulations is virtually unlimited. They contain the power to "give directions or orders" including the destruction of property, prohibiting assemblies, banning travel and outlawing "other specified activities".

Failure to comply with the regulations or an order made under them becomes a criminal offence that can be punished by up to three months in jail or a hefty fine.

The new legislation enables the Defence Council—a body comprised of ministers, senior civil servants and military top brass—to deploy the armed services without prior parliamentary debate or approval. Most ominously emergency regulations may be passed "protecting or restoring activities of Her Majesty's Government" effectively allowing the Defence Council absolute power.

Tony Bunyan, from the civil liberties organisation Statewatch, dubbed the legislation "Britain's Patriot Act". He warned, "At a stroke democracy could be replaced by totalitarianism ...

"The powers available to the government and state agencies would be truly draconian. Cities could be sealed off, travel bans introduced, all phones cut off, and web sites shut down. Demonstrations could be banned and the news media be made subject to censorship. New offences against the state could be 'created' by government decree."

Although the threat of terrorist outrages is being employed to justify the proposed measures, past experience indicates that the concerns of the government are more to do with suppressing domestic opposition to its pro-big business policies.

Since World War I, a state of emergency has been declared in Britain less than a dozen times, the last being in 1974, in each case because of strikes or other industrial action. Most recently, Home Secretary David Blunkett declared a "technical" state of emergency in order to suspend parts of the European Convention on Human Rights prohibiting detention without trial, to be able to intern foreign "terrorist" suspects.

A state of emergency was not called once as a result of "The Troubles" in Northern Ireland, despite the 1979 assassinations of former Chief of the Defence Staff Lord Mountbatten and shadow Northern Ireland Secretary Airey Neave at the House of Commons and the attempted assassination of almost the entire Conservative cabinet in the 1984 Brighton bombing.

The powers granted to government ministers under existing emergency legislation were already draconian and wide-ranging, including imposing travel bans, food rationing and cutting off communications. Many of these powers are simply transferred to the new legislation.

But as Statewatch notes, earlier legislation like the 1920 Emergency Powers Act was concerned with

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preserving the “essentials of life” in an emergency, such as the food supply, utilities and transport. In contrast the original draft of the Civil Contingencies Bill, first published last summer, sought to extend the government’s emergency powers to preserve “the political, administrative or economic stability of the United Kingdom or of a part or region.”

This paragraph came in for heavy criticism from many civil liberties organisations, and even from the Labour-dominated parliamentary Joint Committee, since it provides a blank cheque for a government to pass legislation to preserve its own existence in the absence of any real emergency.

The Joint Committee expressed its disapproval in their report on the Bill: “We have grave reservations about allowing enabling legislation to contain exploitable opportunities that could give the government of the day the power to protect its own existence when there may be no other threat to human welfare.”

In its response to the Joint Committee, published at the same time as the redrafted Bill, the government has agreed to remove the specific wording that caused objection. However, the ability to enact emergency laws to preserve “political, administrative or economic stability” remains, according to the government, since any threats to such stability “if they were serious enough to justify use of emergency powers, [would] be captured within the definition of human welfare” set out in the new bill.

The Cabinet Office minister in charge of the legislation, Douglas Alexander, said the government had made some “small changes” to the bill ahead of its passage through parliament and praised many of those who had made submissions: “I am very grateful for the work of the Joint Committee, the Defence Committee and others involved in the pre-legislative scrutiny process. I am also pleased that so many practitioners took time to contribute to the policy development process. The bill has benefited significantly from their contributions.”

Scandalously, the human rights organisation Liberty said of these superficial amendments, “The government has taken a step in the right direction.”

Liberty’s director, Shami Chakrabarti, told BBC Radio 4, “There has been a real listening and very detailed engagement. There may be further work to be done as the bill goes through parliament, but there is cause to welcome it. I have to give a certain amount of credit to Mr. Alexander and his colleagues.”

Far from being a “step in the right direction”, the Civil Contingencies Bill creates a legal framework for the most far-reaching assaults on basic democratic rights. Since it came to office in 1997 the Labour government has introduced a raft of legislation attacking civil liberties: allowing the indefinite internment of alleged foreign terrorists, ending the right to jury trials for some offences, limiting the “double jeopardy” rule, legalising the mass surveillance of email, to name but a few.

One section of the Civil Contingencies Bill could have been lifted directly from the programme of Ariel Sharon’s government in Israel, one of the world’s most repressive regimes. In permitting ministers or other officials to order the destruction of someone’s property, the new law enshrines a power that has been used with terrible results in the West Bank and Gaza Strip, where those deemed to be opponents of the state can have their homes and businesses raised to the ground by armed bulldozers.

Reference:

Statewatch: UK Civil Contingencies Bill published - Britain’s “Patriot Act”

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