

# New Zealand: Occupy Auckland evicted from city square

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Occupy Auckland protesters who had camped for over two months in the centre of New Zealand's largest city pulled down their tents and departed on Christmas Eve. The move was in response to a December 22 court order giving them 48 hours to leave. Auckland City Council said if any of the occupiers defied the ruling it would seek warrants for their arrest on contempt of court charges.

About 100 people established the camp in Aotea Square on October 15, as part of the global protest movement against social inequality and corporate control over government decisions. It was the biggest of the New Zealand occupations, which also saw encampments in Wellington, Christchurch and Dunedin.

Acting on a council complaint, Judge David Wilson said the group was breaching a by-law governing the use of public places and had caused damage. The protesters immediately returned to court to lodge an appeal but it was dismissed. Occupy Auckland spokesman Chris Glenn said many were resolved to stay through Christmas despite the eviction order, but a general assembly meeting decided to abide by the decision. Some protesters set up tents in another square.

On December 29, Judge Philippa Cunningham rejected as "draconian" a council application to imprison the last half dozen protesters remaining in the Auckland camp. The judge said it would be an "unenviable task" for the police to identify who was genuinely residing at the square and who was protesting peacefully and not breaching any by-laws. She warned, however, that the court "cannot and will not" tolerate "continued defiance", and imprisonment

could result if the occupiers did not comply. A further hearing date was set for mid-January.

The legal crackdown is a significant attack on basic democratic rights. Several councils were closely watching the Auckland case after police had earlier refused to act on a similar eviction order sought by the Dunedin Council. The police argued that since the Occupy camp was being conducted in a peaceful and orderly manner, moving against it would leave them open to being sued for breaching the Bill of Rights Act.

Despite protests by the council, police were constrained by legal precedent. In 2004 the High Court upheld an appeal by teacher Paul Hopkinson against his conviction for setting fire to the national flag during a demonstration against the Iraq war. The court held that, in the context of a legitimate political protest, the Bill of Rights, which affords certain protections for freedom of expression, overrode provisions of the Flags and Emblems legislation under which Hopkinson had been charged.

Writing in the *Otago Daily Times* in November, University of Otago law professor Andrew Geddis noted that the Bill of Rights affirms the right to express opinions "in any form we choose", as well as to peacefully assemble to join in collective action. These rights can be limited, according to the Act, only if doing so is "demonstrably justified in a free and democratic society".

According to Geddis, a local council which claimed protesters' actions breached its by-laws ignored its obligation as a public authority to respect the rights affirmed in the Act. Unlike private landowners, public

authorities can only use a trespass notice to stop protests where it is “reasonable” to do so. Geddis argued that the Occupy protesters were exercising rights “fundamental to a democratic society” and of “paramount importance”.

In the Auckland case, Judge Wilson blatantly ignored any considerations of democratic rights. In a hostile ruling, he claimed the group did not “practice what they preached” in terms of “participatory democracy”. He argued the protesters “did not ask those who live and work around Aotea Square... what they would think if Aotea Square [was] turned into a tent city”. Although Wilson accepted the square is regularly used for protests, Occupy Auckland had given the council no notice of their intention to camp there.

The Auckland Council promptly welcomed the judge’s decision. Mayor Len Brown said: “We encourage the protesters to go home and enjoy Christmas with their families.” He recommended the council apply to the court to have the eviction order enforced, insisting, “There needs to be an end to this.”

In the October 2010 election for mayor of the newly amalgamated Auckland “super city”, the entire pseudo-left fraternity promoted Brown as a progressive candidate. Unite Union leader Matt McCarten enthused in his *Herald on Sunday* column after Brown’s victory that the “left-wing” was “flying high over Auckland”. Last week, the so-called “centre-left” council voted 18-2 for Brown’s resolution to enforce the eviction. The nominal leader of the “progressives”, Mike Lee, pontificated that council by-laws existed “to protect the majority against the minority”.

The eviction all but brings to an end to the New Zealand occupations. Earlier in December, the Dunedin protesters voluntarily packed up their camp. In Wellington, a majority group left the Civic Square camp just before Christmas. About 20 of the original 50 protesters remain, as the council considers its next move in the light of the Auckland decision.

While the protests are being shut down, the class issue at the centre of the Occupy movement—the glaring social inequality between a capitalist elite and the

majority of the population—will continue to politicise ever wider layers of workers and young people in New Zealand and internationally.

Definite lessons need to be drawn from the occupations in preparation for the next stage of struggle. Politically, they have been dominated by the conception that protest, in-and-of-itself, can combat capitalism. This position was actively promoted by pseudo-left organisations such as the Workers Party, the Unite Union and Socialist Aotearoa, which insisted that “major change” to social inequality could be achieved through “mass protests” and “pressure” on the existing political establishment. Instead, in country after country, governments have used state force to shut down the occupations, out of fear they could trigger a broader movement in the working class.

A genuine struggle for social change requires the independent political mobilisation of the international working class, the only force that has the power to overthrow capitalism. This means a conscious fight for a socialist program, aimed at ending the private ownership of the means of production and the nation-state system, which are at the heart of the contradictions wracking the world economy.



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