

PEOPLE POWER

campaigning into the next decade. 16/03/10

Conference Report

**SHEILA
MCKECHNIE
FOUNDATION**

thegoodagency

Introduction

On 16th March 2010, the first ever 'People Power' event took place, a conference organised by the Sheila McKechnie Foundation and the Good Agency.

The event brought together over 100 campaigners from across the UK, from large charities through to small, local grassroots campaign groups. They spent the day in discussion and debate with diverse panels of speakers on issues that will affect campaigners over the next decade.

This conference report provides a detailed account of the discussions that day. We thought about producing a much shorter report, but we felt that it was the detail, the analysis and the sheer volume of ideas and intelligent debate that made People Power 2010 so valuable.

This report is NOT a verbatim transcription of the day. Instead, we have carefully paraphrased the content to make it more readable. So while you are welcome to reference content of this report, please be aware these are not direct quotes.

We will be back for People Power in March 2011. I do hope you can join us there for what will again be another stimulating day of debate about the role of campaigners, and the role of 'people power', in shaping a more just society.

Linda Butcher
Chief Executive, SMK

About the Sheila McKechnie Foundation (SMK)

Campaigners play a vital role in society, fighting injustice and inequality. We exist to connect, inform and support campaigners through:

- *The annual SMK Campaigner Awards, to support new and emerging campaigners*
- *Events and workshops about effective campaigning*
- *Campaign Central, the online community for campaigners*
- *Promoting the rights of campaigners*

For more information about SMK visit www.smk.org.uk

About the Good Agency

The Good Agency creates movements of people to bring about desired change for a better world. We develop communications that inspire and enable people to maximize their influence and contribution to the prosperity of society, the environment and the individual wellbeing of people throughout the world.

For more information about The Good Agency visit www.thegoodagency.co.uk.

People Power Conference Programme
16th March 2010

Time	Session
10:00 – 10:05	Welcome Linda Butcher, Chief Executive, SMK
10:05 – 10:15	Opening remarks: 'Freedom Pass' Lyndall Stein, Chair, SMK
10:15 – 10:50	Keynote speech - 'Campaigners in the new decade - are we the new champions of democracy and change?' Kumi Naidoo, Executive Director, Greenpeace International
11:10 – 12:30	Question Time - 'How will Government engage with campaigners in the new decade?' Julia Unwin CBE, Chief Executive, Joseph Rowntree Foundation (Chair) Jonathan Aitken Tony Benn Matthew Elliott - Chief Executive, TaxPayers' Alliance Pam Giddy, Director, POWER2010 Neal Lawson, Chair, Compass
13:15-14:30	Conversation 1 - 'What will charity campaigning look like in the next ten years?' Bharat Mehta, Chief Executive, City Parochial Foundation (Chair) Dame Suzi Leather, Chair, Charity Commission Ian Leggett, Director, People & Planet Rosamund McCarthy, Partner, Bates Wells & Braithwaite
13:15-14:30	Conversation 2 - 'How will the media (and the public) perceive activists in the coming years?' Professor Ivor Gaber, Professor of Political Campaigning, City University (Chair) Caroline Diehl, Chief Executive, Media Trust Simon Hart, Chief Executive, Countryside Alliance Bibi van der Zee, Guardian columnist and author
14:50 – 16:35	Question Time - 'What is the future of public protest?' Mike Schwarz, Partner, Bindmans LLP (Chair) Shami Chakrabarti, Director, Liberty Conor Gearty, Professor of Law at LSE Nick Hardwick, Chair, Independent Police Complaints Commission Sir Hugh Orde, President, Association of Chief Police Officers Val Swain, Activist, FITwatch
16:35 – 16:45	Closing plenary Linda Butcher, Chief Executive of SMK

Opening remarks: 'Freedom Pass'

Lyndall Stein, Chair, SMK

This year I got my Freedom Pass - a great delight and a good reason to reach 60. It marks for me some 45 years of campaigning, starting with the Aldermaston marches against nuclear weapons when I was fifteen. We have much to learn from CND - the single-mindedness, the inclusive nature of the campaign, the brilliance and consistent visual identity, and of course the credible research and input from scientists, ensuring that CND would build outrage on the firm foundations of truth and evidence.

These ingredients; credible focussed evidence, a clear dynamic identity and building a broad base of support, have lessons for all of us. We also need to recognise the different and nuanced efforts that operated within this broad-based alliance of trade unionists, MPs, ordinary people and celebrities. We have to remember the bravery of the committee of 100 who bravely took the struggle into the area of civil disobedience and risked arrest and harassment when they organised mass sit downs in Trafalgar Square and other key locations. In terms of civil disobedience I have always had a special affection for the group of older women, who a few years ago broke into an airline base and smashed up planes that were being used by the Indonesian Government to bomb civilians in East Timor. Those bold women are part of a great heritage of angry women.

I still smile when I see women fire-fighters and even when I see women driving black cabs – I remember as a young woman, when I wanted to work in the print industry, being told '*well, we won't employ you because it will be a waste, you will only go off and get married*'. Men in charge may still think that way, but they can't say it and risk prosecution if it can be proved that they acted on such attitudes. Well, I did later become a printer and was even a proud member of the printers union and I must confess rather a bad printer – and I never did get married.

Those women like the Greenpeace campaigners who broke into the coal-fired power station in Northolt were not imprisoned. Their efforts, though illegal, were recognised by their juries in the court as legitimate actions.

So what have I seen changed by campaigning in these 45 years?

I was a witness when my great friends Colin and Alan became civil partners in Bradford – the week before two elderly gentlemen in their 80's also became civil partners, after being together for 60 years. Everyone in the registry office, including the registrars, cried that day - how much blood, sweat and tears had been lost to make this celebration of love possible?

My friend Michael is able to work as an A& E nurse, completely open about his HIV positive status, supported and encouraged throughout his training. The campaign against discrimination in the workplace begun by the Terrence Higgins Trust 20 years ago has paid off and a key part of its success was involving a key group of major companies to develop

positive policies themselves - and the initiative for this actually came through a very talented corporate fundraiser. At that time the Terrence Higgins Trust did not even employ any campaigners, but they were, and are a great campaigning organisation.

Twenty years ago Nelson Mandela left prison a free man after 27 years. This historic anniversary and the defeat of the apartheid system was driven by the extraordinary bravery and tenacity of the South African people, both in South Africa and the many hundreds of thousands who fled into exile, many who found a safe refuge here in London. Our role here in the UK was also critical, especially the anti-Apartheid movement, whose brilliant leader for many years Mike Terry sadly died last year. He was renowned for his single-minded determination, and after 25 years of campaigning when apartheid was finally defeated and the first democratic government was elected, went back to where he had been - before he was 'interrupted' by the campaign - he went back to school as a physics teacher, his job done! And all of us here should be looking forward to putting ourselves out of a job one day.

We campaigners must never accept that we are not up to the fight, that our enemies are too numerous or too strong. We must never believe that we are dreaming an impossible dream. We must have courage, cunning, creativity and commitment and we need to have fun! So much remains to be done - our planet is in trouble, cruel injustice and inequality remain. Our campaigning efforts are more urgently needed than ever. We are so fortunate that we will be hearing from a great global campaigner - you are most welcome Kumi.

All your skills and determination can really change the world - as we salute the achievements of the past, we need to keep our eyes on the prize, to make real change in the future, this day will offer us all great opportunities to share and learn from each other.

Dark stories have been circulating that our precious Freedom Passes might be under threat. They had better beware, us grey panthers are on their scent - they shall not have our passes!

Keynote speech: Campaigners in the new decade – are we the champions of democracy and change?

Kumi Naidoo, Executive Director, Greenpeace International

Campaigners in a perfect storm

NGOs and campaigners are vital components of society. The current moment in history is a 'perfect storm', which sends a wake-up call to all environmental campaigners and an indication that time is running out. The fuel crisis and its knock on effect to food prices; the ongoing poverty crisis which claims close to 50,000 lives daily; the climate crisis which is more serious than previously anticipated; and the recent financial crisis should inspire campaigners to recognise the interconnectedness of these crises, stop campaigning in silos and act together to bring about change.

Macro, meso, micro

We need a 'macro, meso, micro' approach to campaigning i.e. looking at 'governance-policy-delivery' of programmes.

The issue of gender-based violence illustrates the point. At the micro level, there is a need to campaign for safe refuges for survivors of violence, but if this is the only action taken and there is no emphasis on the policy and governance process we will only be treating the symptoms. This requires perseverance and investment on a significant timescale. Going forward campaigners need to make strategic decisions about whether it is the macro, meso or micro level they invest in and the proportionality of that investment. There is no hierarchy to the levels of investment but they are interconnected and campaigners must address the current disconnect.

Lessons from Copenhagen

The Copenhagen summit in December 2009 was not solely about climate change, but also about global governance, the economy and how power is shared in the world. Furthermore, an important issue that we can also take away as a learning experience from the summit is how power in the world has changed and shifted. Looking at what we can learn from the Copenhagen summit and what we can salvage from a campaigning point of view, there are a number of lessons:

1. **'Intersectionality'** - It is essential that as campaigners we recognise that we have to work together better. We need to think about 'intersectionality' - used by the women's movement decades ago to connect issues of race, class and gender. We need a nuanced understanding of the interconnectedness of three generations of rights: civil and political; social and economic; and environmental and cultural. It is essential that campaigners understand how and where these rights intersect and how we address them – because the challenge has become much too huge for us to make an impact without working together effectively.
2. **Local, national global** - It is critical that we consider how we divide our energy and investment in terms of the different levels of governance and identify campaign targets strategically. We need to think and act locally and globally and particularly so within the context of shifting power structures. Campaigners must address questions of how to apportion and invest scarce time and energy at the local, national, EU and global levels.
3. **Insider vs outsider strategy** - How do we balance our investment in the 'insider - outsider strategy' i.e. engaging in dialogue with those in power on the one hand and showing resistance, pressure and civil disobedience on the other? Campaigners must address the issue of 'access vs. influence' in the next decade.

Although there has often been access to a seat at the table in different fora this has frequently been tokenistic, with little real voice and has not led to the kind of influence hoped for. Making this distinction is important so that campaigners are not duped. The current balance is incorrect with too much emphasis on the insider strategy and too little on the external approach.

4. **The power of big business** - The power of the corporate sector has become excessive. Why is it that governments in rich countries were able to find trillions overnight to bail out the banks but can't find a fraction of that money to address poverty in the UK, poverty in the world and ensure that we can gear up to address climate change? Why can't we have the same amount of political will to the questions that really matter and which affect the majority of citizens? Furthermore, why did we not take on the banks as an international community and why did we let them get away with it? Time has not run out and campaigners can still tackle this issue.
5. **The 'Two Tribes' Syndrome** - In the UK there is a 'two tribes' syndrome amongst campaigners. Although both tribes share the same values, one is internally focussed on domestic issues and the other externally focussed on international issues. What is critical is to find the common ground and bring these two communities closer together in order to achieve much greater impact.
6. **Long term impact of campaigners** - There are many desperately lonely days when campaigners may ask questions as to the impact their work has and the speed at which change takes place. Whilst these moments are frustrating campaigners should remember that the world would be a much more pessimistic place but for the campaigning work that they do. Furthermore, so long as campaigners are here, speaking out and resisting then we still have a chance to deliver a world to our children where there can be social, economic, political and environmental justice. Additionally, history will hopefully acknowledge that campaigners, faced with many and complex challenges, did their best to tackle them and rose to the challenge to try and deliver a more just and fair world.

Question time: How will Government engage with campaigners in the new decade?

Julia Unwin CBE, Chief Executive, Joseph Rowntree Foundation, (Chair)

Jonathan Aitken

Tony Benn

Matthew Elliott, Chief Executive, TaxPayers' Alliance

Pam Giddy, Director, POWER2010

Neal Lawson, Chair, Compass

Julia Unwin: What will campaigning using social media tools such as Facebook mean for the future of campaigning?

Neal Lawson: Campaigns have to be about a struggle. Nothing of any real value or meaning has ever been given away and instead has to be taken from people, whether that is political power or wealth. Facebook does not feel like much of a fight or a struggle. This is not to say that it should not be used as a tool for campaigning but a struggle demands sacrifice and putting something of yourself into the campaign. Facebook does not provide the same amount of depth, emotion or personal commitment that campaigning requires to really make things happen and bring about lasting change.

Pam Giddy: Facebook provides a tool and mechanism for campaigning through which people can reach out to others beyond their normal coterie of supporters. It is unlikely, however, that any campaign running solely online will be very complex or have much longevity. Although it can be an easy and effective way to motivate people to take action it does not indicate whether people have discussed, thought about and deliberated over an issue - or simply added their name to something.

Tony Benn: It provides a tool to get information out to a mass audience and provides information that is useful but the techniques are different to the objects.

Campaigning is about changing things and about struggle and in the course of changing things people will come up against opposition. Furthermore, we must never assume that it is easy to bring about change. Even if on the face of it is necessary and there seems to be a strong case for it, there will always be people opposed to it.

Matthew Elliott: Under the Lisbon Treaty the Citizens Initiative means that if there are 1m signatures from across the EU this can trigger a referendum. This could have a clear influence on policy and could change politics hugely. It is not yet clear whether these signatures can be online or would have to be paper-based but it will present a big change in the next five years to the current system.

Jonathan Aitken: Fast campaigning and big numbers campaigning is not necessarily good campaigning. Twitter might be the latest tool in campaigning but previously people got excited about the word processor as a development! Numbers and speed do not make a campaign and indeed the faster a government responds to a campaign the less likely it might be to get it right. Knee-jerk reactions are not always the best. Well researched evidence coupled with sustained and high quality campaigning is the best option.

Julia Unwin: In light of a reported remark made by David Cameron suggesting that public affairs lobbying will be the next big scandal to be addressed, will voluntary and campaigning organisations increasingly be seen by government as self interested lobbyists?

Matthew Elliott: the not-for-profit sector would benefit under the Conservatives as it proposes to bring more transparency to government, such that the public will know who different ministers are meeting.

Tony Benn: The idea that government would sponsor campaigning is strange given that government are often the last to get a message! It could be seen as a cause for concern or manipulation if they were to come along with the campaigners. Furthermore, most serious campaigns are about power and addressed against the powerful, although this does not necessarily mean government.

Julia Unwin: Aren't all campaign groups narrow interest groups that we should be as mistrustful of as we are of government and the media? Why should anyone trust the views of campaign groups more than anyone else?

Comment from the floor: Ivor Gaber, City University: One could take the view that within a parliamentary democracy, campaigning should be done only through the political parties who seek representation through the ballot box. Arguably, any attempt to subvert that process by campaigning outside the political process is anti-democratic given that whoever speaks loudest, quickest, most articulately will be heard. This is a theoretical position but one worth considering given that, as panellists have stated, just because a campaign looks effective does not necessarily make it right.

Pam Giddy: Campaigning and campaign groups are part of our democracy and it is vital they are there as there needs to be a healthy outsider approach. Part of the problem over the last 15 years relates to confusion around the role of campaigns. Government's inclusive approach has diminished people in some ways. Whilst there is certainly a need to engage with those in powerful positions, it can't be the only part of your strategy.

On the question of trusting campaign groups, their views should be trusted no more than others. But their job is to lobby, engage people, do the research, capture the attention of the media and put a case forward alongside the views of all other voices. In pursuing this it is not necessary to cosy up to government but neither should government be dismissed. There is a game to be played and not to do so would be letting down campaign supporters.

Neal Lawson: Everyone has the right to lobby politicians but what can be done to equalise access to decision-makers? A course of public action is required to ensure that those with legitimate concerns but less money, power and wherewithal have as much access as those who do have it. We live in a country where the trickledown effect is supposed to work but it doesn't, where corporate interests have their way, where money talks and being rich matters. This is what dominates the political agenda. Unless and until this is ideological framework is challenged there will not be significant change.

Jonathan Aitken: There may be a famine for the campaigning industry. There is increasing scepticism because of some bad practices which have been rumbled. Furthermore, we will also be entering an age of shortages. And when resources are short it will be easier, maybe even imperative for the Government to say no. One of the reasons for scepticism about the campaigning industry is that it is dominated by the big battalions. These highly

technically efficient battalions know the techniques of the game but perhaps might be questioned about whether their heart is really in the right place.

Comment from the floor: Jackie Schneider, Merton Parents for Better Food in Schools: The expression 'campaigning industry' is objectionable. Campaigners are fighting injustice - and if there wasn't injustice then there wouldn't be the need to campaign. Whether or not there is a zeitgeist for campaigning, or worrying whether campaigning is up or down in the economic climate, misses the point that where there is injustice there will be campaigns.

Matthew Elliott: We are in danger of being too harsh towards campaign groups, given that in the broader political landscape those who are currently despised are MPs, especially in relation to the expenses scandal. There is a lack of ideology in politics and as a result there might perhaps be a greater degree of openness towards campaign groups who stand up for principles and might advance certain political agendas.

Julia Unwin: If you were in government and you could do one thing to support campaigning what would it be and why?

Pam Giddy: Proportional representation should be the first thing government introduce to help campaigners. By bringing in different voices within the electoral world it would help us all.

Politics and democracy need to be funded properly so that it is not so reliant on big business and trade unions.

Matthew Elliott: The first priority for government should be to clear up the legislation about campaigning and how charities can and cannot campaign. There is currently a lack of clarity between the roles of the Charity Commission, the Electoral Commission and the Advertising Standards Authority in regulating campaigning by charities.

Comment from the floor: Rosamund McCarthy, Bates, Wells & Braithwaite: Charities can produce election manifestos, and the Electoral Commission provides clear guidance for what they can and cannot do. There is indeed a need for improved guidance around communications and social advertising. However, the Electoral Commission and Charity Commission guidance is clear in the run up to the election.

Comment from the floor: Caroline Cook, Charity Commission: The Charity Commission published guidance at the end of January for charities in the run up to the election which is intended to clear up any confusion on these issues.

Tony Benn: Instead of 'protesting' people should be 'making demands' and asking for what they want. Funding should be generated by those who campaign and if they cannot raise adequate funding then it is indicative that there is not enough support for the issue. For those that can raise funds spend it on getting the basic campaign message across to as many people as possible.

Comment from the floor: Martin Harper, RSPB: Within the RSPB if members do not like what they hear or feel the organisation is being too provocative about a particular issue then they vote with their subscriptions and they leave. It would be the RSPB that feels the pinch and therefore has to be responsive to its members.

It is going too far to suggest that government should support campaigning but they should support good public participation in democracy.

Pam Giddy: The legacy of the Labour government is 'consultation fatigue'. It is often done badly, without any real purpose, and people see through this. One of the real revelations to emerge from the Power Inquiry is about effective forms of deliberative consultation. It is important that we are canner about why we are consulting people and the manner in which we consult them.

Tony Benn: The most controversial idea of our time is democracy. To move the decisions from the market place to the polling station is what characterises a genuine democracy and if people can vote for what they need then the government can, and must, find the resources to meet those needs. In wartime there is no limit to money and government will spend what is necessary to win a war. The same principles should be applied to what happens at home.

Julia Unwin: What is the panel's' views on private philanthropic foundations providing funding for campaigning and how might this be affecting the democratic process?

Neal Lawson: I both do and do not like charity but Index on Censorship would probably not exist if it wasn't for the Quakers. They have shown great foresight for over 150 years to invest and leave a legacy and there is a question about who is doing this now with a similar vision for the future. A world reliant on individual charity and good will that can be given and taken away at the whim of an individual is of great concern. There should be a much more systemic answer to injustice and a political system through which democracy can change the world.

Jonathan Aitken: There is no good argument for not allowing Foundations to thoughtfully support the campaigns they want to, other than perhaps for the reasons raised by Neal about money coming from a tainted source. Many Foundations change significantly over time. For example, whilst many people might have criticised John D Rockefeller's actions in exploiting oil resources, few would be likely to condemn the activities of the Rockefeller Foundation today.

The way that MPs come to power has changed and indeed many have come up through a lobbying route. There is public scepticism of the lobbying and campaigning world, particularly because of MPs emerging from this background. 'Backbenching' might be about to make a comeback with a potential change of government, given that if the Conservatives do win the election it will only be with a small majority.

Julia Unwin: It is not that long ago that working with backbenchers, select committees and scrutiny processes were absolute key to getting policy changes through, and over the last 15 years people have done less and less of this.

Pam Giddy: The Joseph Rowntree Reform Trust is constituted as a Company Limited by Guarantee and as such it can, and does, give money to overtly political causes. Its resources are always stretched as there are so many demands for this type of money. Those who are thinking about setting up a private foundation should not be obsessed with being a charitable foundation as there is so much need for non-charitable money.

Julia Unwin: What strengths should campaigners bring to bear on government in the lean times ahead?

Comment from the floor: Graeme Covington, Advocacy Online: When there is a scarcity of resources and spending is being pulled back, this is the time when there is greater competition for priorities and public spending. It is likely that we will see an increase in campaigning and 'backbenching' in the times ahead.

Jonathan Aitken: There are several different forces that might 'cut the mustard' in front of a parliamentary vote or government decision, including the moral, environmental and job creation arguments.

Neal Lawson: Samuel Johnson said 'Great deeds aren't achieved by strength but by perseverance'. Campaigners need to keep going and pursue what they believe in. 'Stickability' is essential but so is a 'stick'! Campaigners need to show the strength of their argument and the electoral price to be paid for people not taking their position. An example is London Citizens, who have successfully combined perseverance, building relationships and trust and using their power effectively to get what they want.

Matthew Elliott: The fiscal situation and financial crisis provides a boon for campaigners. If we assume that the Conservatives will win the election it will be positive for campaigners as they are keen to get civil society more closely involved with government.

Pam Giddy: Campaigners need to bring to bear three interconnected issues - voice, accountability and leadership - on government. It is important that campaigns both big and small bring a nimbleness to what they do and are responsive to the outside world.

Tony Benn: The Freedom of Information (FOIA) Act has been very successful and has taught us a lot. The right to know is a basic democratic right and we should always demand the right to know. FOI is something that in almost every area would do us good. Government wants to know about us but doesn't necessarily want us to know about them. We ought to know more about them and they ought to know less about us - and then we might all make progress!

Comment from the floor: Leigh Webster, Care International: Are professional campaigners, particularly in the international arena, missing a trick by not building more solidarity between working people in the UK and the struggles of working people in countries in the global south?

Tony Benn: Solidarity is the key to progress. Remember that 'they are few, we are many'. When people do organise together they can make a greater impact.

Jonathan Aitken: Class solidarity should not be the driving force but we must ask the question 'is the campaign right'?

Neal Lawson: The miners' strike was not successful campaigning. The pits did close but what is important to remember is that the miners had put up a fight. They did something to try and stop the closures. There is an underlying issue of class, and it is often those that say class no longer exists that are usually doing well for themselves. Furthermore, there are huge numbers of people who could be galvanised into much more broadly based campaigns against injustice with the correct approach - but we need the confidence, wit and wisdom to do this effectively.

Closing remarks from the panel

Jonathan Aitken: Campaigners must be 'nimble'. The campaigning game is changing and there is now greater scepticism. Furthermore, if the Cameron rhetoric is to be accepted there will be more localism, with more power returned to communities and it may well be that well researched local campaigning is more effective than the big battalions with bowls outstretched to government to fund them.

Tony Benn: Key to it all is people's confidence. We must encourage people to support campaigns and give them the confidence to take up issues where they believe something has gone wrong and will campaign for it.

Matthew Elliott: We have not picked up on the issue of the 'right to protest' which has been massively curtailed in the past 10 years. This is something that we should certainly seek to get back.

Pam Giddy: Your biggest strength is not forgetting what your campaign is about. You need to find the linkages with other campaigns and not be too territorial about things.

Neal Lawson: The answer is hope, confidence and belief in a better and good society. Whilst we do our bit to ameliorate the worst bits of society and the symptoms of it we must lift our sights and work together.

Conversation one: What will charity campaigning look like in the next ten years?

Bharat Mehta OBE, Chief Executive, City Parochial Foundation, (Chair)

Dame Suzi Leather, Chair, Charity Commission

Ian Leggett, Director, People & Planet

Rosamund McCarthy, Partner, Bates, Wells & Braithwaite

Introduction by Bharat Mehta: The key issues for discussion are:

- The direction of charity campaigning in the next 10 years
- Whether CC9 is likely to be significantly tightened or interpreted more narrowly if there is a change of government?
- Assessing whether culturally and politically there is likely to be more or less acceptance of charities undertaking campaigning work.

Bharat Mehta: What are your initial thoughts about the main question? Do you consider there are going to be changes and different interpretations ahead?

Suzi Leather: There will be a range of views as to the extent that campaigning is warmly or coldly regarded. But it is up to the Charity Commission as the statutory independent regulator to write the guidance under the current legal framework. Any changes will depend fundamentally on whether it is perceived that we (the Charity Commission) and the sector have got the balance right. My sense is that in CC9 this balance is right. CC9 is genuinely empowering and it is intended to give charities the green light to campaign and to conduct political activity within the law. It gives confidence about the freedoms and limits to such activity.

Over the next 10 years there will be much less money to run campaigns, so campaigns will have to be much smarter and better targeted. Given the problem of public debt, there is also going to be much less money for government, which will put them in a much more difficult position of political prioritising. As a consequence Government are perhaps going to be less well disposed to campaigners.

Yet, we know the world will be a nastier place, standards in public service provision may be undermined, there will be greater need to speak up on behalf of others with less power, and there will be growing inequality in income and access to services. So campaigning will never be more important than in the years ahead. There is a critical role both for campaigners and regulators within this.

Rosamund McCarthy: People in the room should be congratulated for 'speaking truth to power'. We should paid tribute to Dame Suzi and the Charity Commission on the CC9 guidance, which is genuinely empowering and which unequivocally endorses the right of charities to campaign. Where the problem arises with CC9 is around registration and specifically at a Case Officer level. The guidance is currently not being interpreted properly. There is a nervousness and over-caution at this level and it is one that causes frustration in terms of registrations. As to whether a Tory government would clamp down on charity campaigning, it would be naive to think that there wouldn't be some pressure on charities, whoever is in power. Whilst the Charity Commission is independent, all political parties do interfere and also have very subtle ways of doing so. What is key is how the Charity Commission, which is facing budget cuts, will deal with this interference.

There is a changing stereotype of campaigners. Under Thatcher there was a request to stop charities campaigning but under Labour there has been a 'need' for campaigners. This in turn has led at times to a feeling that campaigners are 'in hock' to government.

We need to be cautious and realistic about what might happen in the future but for now we have excellent guidance.

Ian Leggett: The Charity Commission drove a very good process in producing and implementing CC9. In the CC9 guidance we have something that the sector can really get behind, that works well and will stand the test of time. There are certain management issues that need to be addressed within the Charity Commission. So whilst the policy is good, it is not always applied across the board and this does need to be sorted out.

More and more organisations are beginning to campaign and have the confidence to speak out on issues. This is one of the successes of CC9. There are also increasing numbers of people outside of organisations that will campaign in non-regulated ways – for example, Climate Camp, whereby a lot of young people who might feel marginalised are taking action. We will increasingly see an alternative stream of people that takes its own action regardless of the government or the Charity Commission and this is an issue that the voluntary sector overall might face.

Bharat Mehta: We all have our own particular interests and are no more democratic or accountable than corporate lobbyists. So what is so special about charities? Should charities be campaigning at all?

Ian Leggett: The term campaigning is very broad. Provided what we are doing is about achieving our objects as organisations and if campaigning provides a way to do so then of course we should do it. There is a slightly problematic issue of 'political' campaigning within CC9 and the way in which this sets up the notion that some campaigning is OK and 'political' campaigning is not OK.

'Active Citizenship' is a charitable purpose so involvement in public policy-making is a way of exercising one's rights as a citizen. Organisations that enable others to do this are still operating with charitable purposes as long as they have active citizenship within their Memorandum and Articles of Association.

Suzi Leather: Charities should campaign, if that's what they want to do. Charity campaigning and corporate lobbying are very different for at least three reasons:

- Firstly, charities are much more focussed on beneficiaries and can talk out of this experience and evidence-base. Because of increasing scepticism, campaigns will need to be increasingly and overtly evidence-based in the future.
- Secondly, unlike corporates, charities are not self-regarding. They are 'other-regarding' and are there for public benefit.
- Thirdly, there is a responsibility to campaign because of the public trust in charities. Therefore they have the ability to change the public mindset in a way that someone doing something for money – i.e. a 'corporate' - cannot do. An important dimension of this trust base is the independence charities have and their separation from party politics. It is important that we continue to get the balance right in terms of this independence and in light of how damaging it would be if such independence did not exist.

Rosamund McCarthy: It does seem like a bonkers question as to whether charities should campaign as we are all in agreement that they should. But we do need a narrative to explain this because it is coming under attack in the right wing blogosphere all the time and this is seeping into the mainstream press too. The Tory agenda is small and local is

fine, larger NGO campaigning is bad. We shouldn't get into this small vs. large debate as we need both and coalitions of both. Charities have always addressed structural injustice. If charities can't campaign or the funding arrangements prohibit this, it will have a chilling effect.

On a separate note, campaign groups wanting to register as charities should consider whether it is worth chasing the tax relief that charity status brings. Campaign groups need to question if they would become a charity even if they could get funding without doing so. In these situations, it is important to look at other options rather than squeeze yourself into a legal structure that isn't right for you.

Comment from the floor: Miranda Lewis, Advocacy Associates: 'Charity campaigning' is quite an unhelpful term as we are talking about people organising for change. Charities may be the vehicle through which they do this. It is really about providing the expertise and knowledge and knowing what happens on the ground. The challenge is to say we are working with people, not for them, and that they are meaningfully engaged in structures - this does address some of the accountability issues.

Comment from the floor: Emma Taggart, Freelance Consultant: The discussion around localism and big society is interesting and presents a great opportunity for charities to work in partnership with an incoming Conservative administration, both to deliver services and work in partnership at generating the solutions to a whole lot of policy challenges from the bottom up. Where there is a threat is if a Conservative government see charities as being able to provide public services on the cheap. It will be important not to lose influence on the campaigning side, while delivering services for the right amount of cash. In contrast, in the last 13 years there have been a great number of people in politics that have come from a tradition of campaigning and are steeped in the culture of activism. This has given the voluntary sector a certain degree of access to government that may not be there in the same way in the future.

Comment from the floor: Brian Lamb, RNID: Perhaps we have been too incorporated in the last 13 years, and maybe we need to get back to being outsider campaigners. There is also a huge danger, if a Tory government gets back in, that as a sector we become oppositional outside organisations once again. We need to find a way to keep the accommodation going with a government that may be suspicious, precisely because of the ties created over the last 13 years.

Suzi Leather: Localism is a very current idea. Many decisions about public services are being taken at a local level and therefore more campaigning needs to be at a local level. However, some of the challenges we face are much bigger and cannot be addressed at the local or even national level. Many are global issues and campaigns run by charities have to match the level at which the decision-making is happening.

Rosamund McCarthy: In terms of transparency and accountability, many membership organisations have an incredible legitimacy because they are more democratic than political parties, for example the Women's Institute. This legitimacy comes from the grassroots, and when you have a campaign that is owned by people and created democratically then others will listen.

Comment from the floor: Liz Atkins, NCVO: The public have got fed up with 'over glossy' campaigning. In the next 10 years this is not likely to be as acceptable - either from government or the charities. And given that we do depend on public trust, it is about being authentic and using real people, real experience and real problems, which we can

address with real solutions. Campaigning is about struggles, not about glossy tactics.

Comment from the floor: Natalie Duck, Action Against Hunger: In terms of international development, what is missing is better connections with civil society, community-based campaigning and local level activism in developing countries. We can be good at using voices to raise money but less so in terms of policy and campaigning activities. This issue of expertise is related to this. We see ourselves as experts but are often unwilling to go to developing communities to consult on the correct answers. We need to be more closely aligned with organisations in developing countries and not have their voices drowned out by the larger voices that dominate this space.

Bharat Mehta: Within a rapidly changing global framework how will this affect campaigning? Where does regulation fit into this?

Suzi Leather: some of the charitable activities that are particularly admirable in the global context are those that very specifically relate what they are doing to civil society in a particular country. Using food security as an example, one of the most powerful things charities can do is remind us of our responsibilities as developed world citizens to citizens in the less developed world. Our choices here (for example, in supermarkets) have profound implications for the life chances of people in developing countries. It is very important to explain why these choices matter and what the collective implications are. This will also enable government to take more radical action because it provides a groundswell of public support and understanding as to why change is needed.

Comment from the floor: Natalie Duck, Action Against Hunger: There is a culture that drives our work which is about doing good in other people's countries and we quite enjoy the 'pat on the back'. Because of this there is a reluctance to point to the elephant in the room in terms of what we do in our own country that has an adverse effect elsewhere e.g. on food security. It can be difficult to mobilise our own sector to look at this differently given the cultural barriers it hits.

Rosamund McCarthy: In the next 10 years it would be great to see more development in relation to human rights and organisations that promote human rights internationally, but there are currently complexities in charitable registration for these types of organisations. This should change and we should have more progress in spite of the progressive work of the Charity Commission to date.

Interestingly though, campaigning to change behaviour of corporates is not viewed as political. There is quite a lot of flexibility to influence corporates and we may see more work in this area in the years ahead.

Comment from the floor: Glen Tarman, BOND: Over the next ten years we will need new allies, especially relating to the digital environment and media industries. We need to look at what sort of leadership we need and what skills we need. What will a strategic vision of campaigning look like in 2020? Looking back, what sort of learning can take us there? Given all the deliberations of people around the Copenhagen Summit, why didn't we succeed? We need to get to answers quite quickly.

Having said that, campaigning is going from strength to strength and is part of British society. There is a sense of agency that people feel about participating in campaigns.

Comment from the floor: James Buchanan, CAFOD: One of the biggest obstacles which hasn't been touched on too much is apathy. How do you think we can encourage people out of their apathy and what can we do to challenge this?

Ian Leggett: There is a confused picture about young people being more apathetic and being more interested in things other than changing society. The experience of People & Planet shows that young people do care. In relation to the fair trade campaign, over 100 universities have now signed on and this is all driven by voluntary effort and students that care about the issues. Furthermore, People & Planet have moved into working with FE colleges and again it is interesting to see the level of take up in what is traditionally a more difficult place to work on such issues. What is evident though is that when issues are broken down and people feel that their campaign efforts really can make a difference we see more success. Taking on big global issues is challenging (e.g. climate change) but if we ask questions of it at a different level that is within a relevant and achievable timeframe then changes can be made (e.g. what can your university do in the next three years to improve its carbon footprint). It is important to take these global issues and convert them into people's life experiences in an achievable way.

Comment from the floor: Martin Harper, RSPB: There has been a lot of talk that if public policy doesn't keep up with the need to tackle climate change then there will be more civil disobedience in the future. How will the relationship between the charitable sector and those that would like to do more civil disobedience develop over the next ten years?

Rosamund McCarthy: In terms of civil disobedience, it is interesting to look at religious groups. You actually have more leeway to break the law as a religious organisation than as a charity. As a religious organisation you can propagate beliefs without having to be balanced in the way that you do it.

There is also a welcome resurgence in feminism, and there are several fantastic organisations taking action. This is a very positive move, which we might well see more of in years ahead.

Organisations that don't take statutory or corporate funding are to be admired. However, we shouldn't fall into the trap of thinking that organisations are automatically compromised if they do take such funding. It is important that organisations are able to 'bite the hand that feeds' and many of them do this.

Suzi Leather: With increased campaigning there is a proliferation of messages – how do the public decide which are the most important? For example, when we ask ourselves questions about what the good life is, what the right way to live is and how we should treat fellow human beings then there are a huge range of messages that provide the answers - and this does cause confusion as to what is the most critical thing to do. It would be helpful if charities could join up a little on the messages that they give to people, because when there is confusion we tend to do nothing at all.

One of the reasons for an increase in campaigning is not only because people in government have been sympathetic to it, but it is also a result of the failure of politics at a global level to sort out problems. If we are going to see less centrist policies we may actually generate more interest in politics and less interest in single issue politics which charities have gained quite a lot from.

Closing remarks from the panel

Ian Leggett: Achieving the right balance between campaigning and service provision is important.

Also, rights have emerged as a driver of change in the past and I would hope that this becomes more important in the next 10 years. There is also a growing tendency for people to use the law in terms of achieving change in terms of their mandate.

Rosamund McCarthy: There are reasons to be optimistic –trust in charities and NGOs campaigns is very high and this is a result of integrity and conviction of such organisations. Leadership is important and we will see good leadership in tough times. Coalitions will play a more important role, taking collective action, showing solidarity, and working together to achieve change.

Access to information is becoming increasingly important. The Freedom of Information Act is incredible. Campaigning will not stop and I hope that we will see more solidarity and collective action.

Suzi Leather: What campaigners and campaigning organisations do will become more complex and what will be increasingly important is the connection to beneficiaries and grassroots and to the global governance scene. Effectiveness doesn't depend only on money available but also on what happens to politics itself. Don't forget that people, when they are confused about what they should do, do nothing, so please think about prioritising action for citizens so that they are encouraged to be more deliberate in what they do.

Conversation two: How will the media (and the public) perceive activists in the coming years?

Professor Ivor Gaber, Professor of Political Campaigning, City University (Chair)

Caroline Diehl, Chief Executive, The Media Trust

Simon Hart, Chief Executive, The Countryside Alliance

Bibi van der Zee, Guardian columnist and author

Opening remarks from Ivor Gaber

The media is in a state of flux and there are three main changes that could hurt or help campaigners in the next ten years:

1. The news is now ubiquitous. It has moved from news cycles to constant coverage which may make it harder for campaigners to plan a media strategy.
2. The media has fragmented from a few great monoliths to many, varied news sources.
3. Increased competition has resulted in increased 'tabloidisation' or sensationalism. This may make it harder to get 'serious' issues in the news.

In the current political climate, people seem to be more interested in single issues than whole party platforms.

General notes from the discussion

A number of themes and ideas emerged from the discussion that are relevant to how campaigners engage with the media:

- It is important to make your campaign issue resonate with the public. You need to present your issue to your audience in such a way that they think 'this could happen to me'.
- Campaigners' tone of voice should be peaceful and even humorous – not shrill, which it can often be (perceived as).
- Campaigners need to appreciate how their messages might be vilified by the media. If you know how your messages are going to be interpreted by (particular sections of) the press, you can manage your messages more effectively.
- Campaigners should be presenting their messages in a way that resonates with a broad audience, not just your own natural audience. For this reason, it's also useful to find a spokesperson, or a diverse range of spokespeople, that have a broad appeal.
- Campaigners shouldn't be frightened of journalists. And remember you can publish yourself online, which is cheaper too!
- Campaigners should put real people forward to the media, who are directly affected by the issues you are campaigning on. This is something journalists always want.
- Negative coverage can actually be helpful – not everyone reads the carefully considered articles in publications such as the Guardian. More minds are sometimes changed by being introduced to a contentious issue that isn't necessarily represented the way you necessarily want it to be.
- While 'celebrity' can help you to get your message heard it is by no means vital. Celebrities are a blessing and a curse. The environmental movement is an interesting example, with people taking turns at being the voice and there being no central figure.
- Campaigners need to engage with the public, and much of this needs to take place outside of the media. There are better ways, increasingly through social media, to connect with and listen to potential supporters.

- If you're campaigning to change the law then your target is the politicians, but you can use the media to get to them.
- Having said this, campaigners often assume that they actually need the media, but they don't always.
- Sometimes, it's better to work around the press to reach your audience. You can contact politicians directly, without a media 'angle'.
- Campaigners need to maintain integrity, creativity and not forget their key aims when engaging with the media.
- Campaigners need to factor in the ethnic, class and gender make up of the journalists that they are hoping will cover their story – because this will influence how they report your story. This can especially be an issue for Black, Asian and Minority Ethnic (BAME) groups, who often struggle for media attention. Having said this, things have improved and journalists are no longer just 'Eton boys'.
- Try unusual coalitions for media attention.
- Make stunts/actions FEEL important. People don't take things seriously until there is a crisis – make them feel like it is a crisis.
- Make your media work entertaining and not offensive.
- Depending on the nature of the campaign, use children as your campaign ambassadors. They are real people. Politicians can't waffle at them. Children require straight answers, and there is a good human interest angle too.
- Invest in empowering people you represent to have a voice – listen, get stories and let them represent you.
- It is easy to be nimble when you have money as you can try many tactics and see what works. Although, there is also an alternative view that having little money can also make you nimble.
- Does the media need us? Is the survival of (traditional) media dependent on responding to activists and local people?
- There is a democratisation – breaking up/segmentation of news. Readers can now inform news more through polls, comments etc
- Tabloid media are generating their own campaigns that *feel* grassroots to get people to rally behind newspapers – we need to ask where these campaigns stem from?

Question time: What is the future of public protest?

Mike Schwarz, Partner, Bindmans LLP (Chair)

Shami Chakrabarti, Director, Liberty

Conor Gearty, Professor of Human Rights Law, London School of Economics (LSE)

Nick Hardwick, Chair, Independent Police Complaints Commission (IPCC)

Sir Hugh Orde, President, Association of Chief Police Officers (ACPO)

Val Swain, Activist, FITwatch

Mike Schwarz: What is the future of public protest? Is our right to protest in good health now and in the future?

Conor Gearty: Campaigning for things that powerful people don't want has always been extremely unpopular and restricted by the state. In the 20th century there has been a paradox where, if you are protesting about something on which the powerful have no view, you may protest. Otherwise there is a problem. There never was a golden age when protest was possible – the suffragettes, unemployed associations of the 1930s, CND, industrial pickets were all subjected to an array of state power designed to break them, including statute, common law and contract law. These patterns are repeating without change although there has been a move towards statute law and parliamentary legislation to control protest.

The Human Rights Act has had some success in liberating public protest, particularly as it emphasises the use of statute as opposed to common law controls, but it does not secure complete freedom of speech.

Nick Hardwick: The right to protest, like other rights, is delicate and needs to be cherished. Actively protect it or you'll lose it. The more effectively you protest the more barriers will be put in your way. In a time of economic difficulties the right to protest is more important but people may be more hostile towards it.

Val Swain: Police repression isn't new but there has been a qualitative change in the policing of protest. There is a greater emphasis on an intelligence-led approach. Police collect data on activists and consequently instil terror. People are now less prepared to demonstrate, afraid of getting a tainted name, a police record and getting arrested for a minor offence. This is intentional – Police Forward Intelligence Teams (FIT) want to intimidate protestors. At the Kingsnorth protest in 2008 there was a deliberate attempt to stop and search as many protesters as possible. Over 8,000 stop and searches were completed to produce data on who was attending. Over 2,000 personal details were entered on a database as a result. FIT was deliberately disruptive – they identified and stopped cars going to the protest, identifying and harassing organisers. I was arrested for photographing police during the stop and search operation, and as a result was held for four days in a nearby prison. Charges were later quietly dropped. While protest may have always been restricted by the state, the difference now is the capabilities of the police regarding data collection on individuals.

Hugh Orde: The right to protest is assured. HMIC's 'Adapting to Protest' report [published in November 2009] will be critical in changing the nature of policing protest– it recommends minimum intervention and transparency and incorporation of the Human Rights Act. There are days when the police get it wrong but the routine is based on human rights. The majority of events occur without the need for police intervention. Policing protest is complex - Police aim to get the balance right between the rights of protesters and those who oppose them.

Shami Chakrabarti: Rights and freedoms have to be indivisible. Privacy is an important right within the context of protest and it is protected within the Human Rights Act. The Act gave the first solid right to free speech and protest in English law. And yet, over the same period, despite the strides in Northern Ireland, the last 15–20 years have not been a glorious period for peaceful dissent. This is due to:

- The sweeping powers, such as those relating to public order or terrorism, giving a 'blank cheque' to the Police.
- An anti-dissent culture in politics.
- The blurring of the ideas of offence, difference, dissent and harm – people think they have a right NOT to be offended or be disrupted by a demonstration.
- Police powers being politicised – the Police power statute book allows for the blurring between civil nuisance and criminal law, which can in turn allow the Police to unwittingly become private security guards for private groups.

All that considered, G20 was a tragic turning point and it may bring positive change within the Police. It was not just the Police who were taking pictures. We're all taking pictures now and every protestor, citizen journalist and passer-by with a mobile phone is a walking CCTV camera - what goes around comes around.

Mike Schwarz: To what extent is the policing of protest as much about privacy as what happens in public?

Val Swain: It is implied, especially by police photographers, that you have to give up your right to privacy on a public protest. But you don't necessarily want people in every segment of your life to be informed about your decision to participate in activism. It is important that people feel they are able to demonstrate. Privacy is a fundamental aspect of the freedom to protest.

Hugh Orde: Police start from the principle of minimum interference in citizens' affairs. Police have no right to privacy in a public situation. This is emphasised in the 'Adapting to Protest' report. We have used CCTV and other electronic forms of monitoring in order to detect serious crimes committed during public order events but we do not keep all of the data. The Police do not have a huge capacity to store and retrieve this material. Police do need to be careful about what material is kept and, while not disturbing the rights of those who wish to protest, monitor domestic extremists like David Copeland. It's important to keep information about those people on a database.

Mike Schwarz: asked Sir Hugh Orde, on behalf of a member of the audience, to elaborate on the way the police use social media to find on information about protest groups, sinister or otherwise.

Hugh Orde: The police are not that interested and they are very busy. The Police don't have the resources and, personally, I do not want that amount of information. But the Police do have the right to collect data. There is a myth that if you turn up to a public demonstration you will be placed on a Police database.

What is critical is that protestors contact and communicate with the Police so we can manage protestors' rights and keep activists and others safe. As an example of the effectiveness of police and community collaboration, there were horrific riots in Northern Ireland in 2005 where 100 officers were injured and over 1,000 police and military were required for the march. The following year the same march was policed by two officers because in the lead up to the event the Police worked with the community.

Val Swain: Hugh's assertion that police do not retain data is not consistent with other information. After speaking to senior officers in the Public Order Unit of Scotland Yard, it is clear that the criteria for getting included on the database in Scotland Yard is astoundingly low. The criteria include connection to 'suspicious groups' like 'Stop the War', or drawing attention at a protest by handing out literature. This is not just collecting data on dangerous people. Why are they collecting this? We don't know precisely what data is retained because we don't have access.

Shami Chakrabarti – Conversation between activists and Police is indeed important. Liberty is always happy to converse with the police but often the conversation ends in court like the Gillan Case or the Wood Case (which confirms Val Swain's assertion that details of peaceful dissenters were kept by Police). You are unable to have free speech without the right to association or privacy. Conversations are occurring internally within the Police force and there are competing ideas. There are the Dennis O'Connors who want to understand, facilitate and respect dissent and there are some who consider protesters a problem per se. Police using Facebook or Twitter to source data on activists is not proportionate – in terms of cost, resources or privacy. In relation to activists, it's only proportionate when the Police seriously suspect major criminal offences.

Nick Hardwick: There is a debate going on within the Police, and particularly the Met, about how protest should be policed. The debate should include all and it should be held in public. The problem with Police photography and CCTV is retention, not the initial recording. There is also a pragmatic argument for retaining less material as it allows the Police to use it more effectively.

Hugh Orde: The key word is proportionality. In Northern Ireland we didn't take or keep information that was not needed. This is a debate and we are open to a continual debate about what is appropriate in terms of retention.

Mike Schwarz: The report 'Adapting to Protest' talks about minimum force being used and the use of force by the Police being a sign that co-operation has failed. Discussion was invited.

Conor Gearty: There are two types of force within policing protest:

1. An unplanned response by police officers, where you need to analyse the moment, such as in the May Day protests in 2001, with the detention of large numbers at Oxford Circus. For on-the-spot incidents, the legal proportionality test often favours the Police officer(s).
2. Deliberate killing of citizens. Human Rights laws have expanded the right to life, which means the state is not allowed to take life. It also means that if an incident occurs then the conduct of the authorities, in a broad way, will be examined.

Nick Hardwick: There are cases that are currently being tried (the Tomlinson case and the Fischer case) that relate to individual officers' use of force. While unable to comment on the cases specifically, they take too long to get to court. The 'Adapting to Protest' report talked of 'creep of force' in policing protest, giving the example of short shields being used as weapons rather than as a defence, which had been worked into training without official authorisation. The report also mentions the importance of individual officers using force that is proportionate despite stressful, frightening situations. Effective supervision is required from the leaders on the ground - inspectors and sergeants - to manage these situations and tactics. Debates around policing often focus on strategy and senior leadership, neglecting the importance of on-the-ground supervision.

Shami Chakrabarti: Conor is right, there was never a glorious period for policing protest but there is a best and worst tradition. The best tradition is about police officers being individual constables who come from the people, who aren't militaristic. There is another tradition, seen at the miners' strikes and G20, which is more militaristic. Part of effective policing of protest is not about command, control and supervision but returning to the idea that police and protesters are human beings. In the lead up to G20 the Police described itself in militaristic terms. Minimum force in policing means not rising to provocation in a protesting situation. Police officers should be highly skilled, individual professionals, not squaddies following orders.

Hugh Orde: Leadership is very important for managing officers. We use independent Human Rights Advisors to the Policing Board, who are given a visible place in Police briefings and who act independently to monitor Police actions. This set a clear tone for the style of policing in Northern Ireland at that time. The Police were designed to be a civilian not military force and this is supported by the European Code of Police Ethics. The use of force must be proportionate; officers should not need to resort to force for the lack of Police planning. So much of this comes back to the Human Rights Act; it is not an impediment to good policing but should inform and help it.

Comment from the floor: Tim Gee, Bond: Like many activists, Bond members set up stalls and distribute leaflets as part of their campaign work. Increasingly shopping centres owned by private companies shift protestors out. Would an officer arrest someone for handing out a flyer or refusing to move when asked?

Hugh Orde: Most cops would not arrest someone in this situation but every cop has discretion to exercise the law within their own reasonable interpretation. The 'Adapting to Protest' report discusses the tension between peaceful and lawful; it depends on the leadership of the policing body as to how these matters will be policed. Again, it comes back to the Human Rights agenda and whether this is incorporated into training – if it does it alters the culture of frontline cops.

Conor Gearty: There is a discussion as to whether Human Rights legislation destabilises or legitimises the status quo, whether it affects outcomes or merely alters the process. In Northern Ireland it has affected process and outcomes. Human Rights are radical in inception but conservative in implementation. In the case of Appleby vs. UK, activists were prevented from distributing leaflets in a private shopping mall and removed by private security. The European Court of Human Rights found that the mall was private property and that activists had no right to distribute flyers but could do so on the High Street. This reflects the tension between public rights and political speech. The ruling did not reflect the modern reality that private space can be a place for public conversation. In the case of the judiciary, we need to remember that while Human Rights are an emancipatory idea, it takes a different form as a legal fact that may not have the outcome activists desire.

Comment from the floor: Andy Gregg, London Advice Services Alliance: Can the panel comment on the judiciary, specifically in relation to cases from the Gaza demonstrations that appear to have disproportionate, exemplary punishments.

Conor Gearty: The effect of the Gaza sentences is twofold. It operates as a powerful disincentive to protesting against Israel. This is unlikely to have happened if the protest was directed towards almost any other nation. I was present at the protests and I cannot recall any incident that warranted the level of retribution seen by the state. Secondly, the sentences divert attention from the original cause for protest.

Val Swain: I was also at the protests and attended some of the hearings where the strict sentences were passed. An extraordinary amount of police resources have gone into tracking down and prosecuting these people. The judge was quite clear that sentences had a strong deterrent element rather than simply being about punishing wrongdoing. For example Mosab Al-Ani, who had no prior record threw an empty plastic bottle at armoured riot police, for which he received a 12 month prison sentence.

Hugh Orde: The systems in place can be a sledgehammer to crack a nut. Issues are better dealt with informally at a local level. It is helpful if the Police feel they are able to apologise and have the power to deal with issues informally.

Comment from the floor: In the light of the disquiet following the G20 protest does the panel believe there are sufficient mechanisms supporting the accountability of police officers?

Nick Hardwick: In short, no. The IPCC is only able to examine individual police conduct, leaving many questions unanswered. A positive outcome of G20 is that the training of individual officers has been examined, but political accountability has not been examined. What form political accountability takes is up for debate – the Tories have proposed elected police commissioners. Labour wants to give police authorities greater powers. The Liberal Democrats want a stronger link between the Police and elected local bodies such as local councils.

Hugh Orde: Chiefs walk a fine line between policing and politics. Accountability is needed but by what method? We should be concerned about the possible involvement of single elected officials in monitoring the police.

Comment from the floor: Ed Cox, Virtual Construction: What may be coming up that will affect the future of public protest.

Val Swain: The debate appears to be if and how recommendations from the 'Adapting to Protest' report will be implemented. The jury is still out but I am cynical, and the report will not make a substantial difference to the way protest is policed. To increase public freedoms it is up to demonstrators and activists to take action and complain when something unacceptable happens. This constant vigilance protects the right to protest.

Nick Hardwick: There are reasons to be more positive. There was an apathetic period but now there is a vigorous debate about policing protest across numerous forums and this is a good sign.

Hugh Orde: What will happen next is that ACPO will need to codify the 'Adapting to Protest' report. We want to develop a broad set of principles that would set the standard around minimum intervention, proportionality, and peaceful vs. unlawful. It is important that local commanders are able to make local decisions to create a bespoke style of policing. There is an anecdote that demonstrates what ideal policing is. Recently I witnessed a spontaneous event in Parliament Square with four to five hundred demonstrators and saw two local Police groups help protest leaders to distribute food to the demonstrators. This is the embodiment of the British Police force style – ordinary, low level, common sense policing.