

THE GOVERNMENT'S OBLIGATION TO RESPOND
TO PEACEFUL PROTEST

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ADDRESS BY THE MINISTER FOR EDUCATION, SENATOR THE HON SUSAN RYAN,
TO A SEMINAR ON THE RIGHT OF PEACEFUL PROTEST: THE GOVERNMENT'S
OBLIGATION TO RESPOND TO PROTEST, AT THE AUSTRALIAN NATIONAL
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I accepted with pleasure your invitation to speak today because this conference gives me an opportunity - from the Government side - to address in a serious way some serious issues which are often pushed off our day-to-day agenda by the pressure of more urgent business.

I want to talk about human rights and peaceful protest together to point to the ways in which these two notions intersect with each other and support each other. I am especially interested in the ways in which peaceful protests have enlarged our concepts of human rights. By that I mean that peaceful protest has led us, or obliged us, to accept new rights for new purposes, for new groups, for new goals. The human rights agenda can never be set in concrete. • That agenda resembles more a concertina, The agenda expands, for example, in Australia while it is constricting dramatically in South Africa. For any Government, Australian or South African, responses to peaceful protest are a .good, test of the value they really place on-the commitment to human rights they

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profess. Our response to protest tests our tolerance, our openness to divergent opinions and disparate groups, our patience and most of all our judgement.

I have mentioned South Africa. I am sure that won't be the first or last such reference today. When we talk about protests or rights and government responses in Australia we need to keep on reminding ourselves that the history of modern Australia has - with the tragic exception of Aboriginal Australians - been marked by a broad recognition of human rights. But our conference today is overshadowed by the denial of all basic human rights, including the right to peaceful protest, for most of the people of South Africa. The South African government response to protest in South Africa is especially agonising, not just because of the continuing loss of life and the spectacle of a country devouring itself, It is more agonising because of the juxtaposition of developments in South Africa with those recently in the Philippines.

Cory Aquino's revolution in the Philippines demonstrates the authentic power of peaceful protest, deployed against tanks, against the entrenched system of corruption and tyranny, against the odds, Peaceful protest has been used in the Philippines as a lever to restore human rights. We should all celebrate that achievement of freedom. In doing so, we are celebrating the Filipinos' dogged determination to explore the full range of non-violent options and to use all the tactics and all the

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techniques of political agitation which are denied to blacks in South Africa, The Filipino struggle succeeded because the Marcos Government failed to find any form of effective response to Peaceful protest,

Rights are hard won and we have to work hard to keep them. Fighting for rights in Australia necessarily takes on a different character than in the Philippines. It has to do with the refinement of rights, and the legal expression of rights, rather than the struggle to establish basic rights, The current debate over the Bill of Rights is a good as well as timely example, That Bill, amongst its other virtues, would formally guarantee the right to peaceful protest, Protests against the Bill have remained peaceful. They have, however, also been mendacious, scurrilous⁴ and deplorable,

I don't want to reiterate the arguments for a Bill of Rights because I continue to believe that its essential virtues are self-evident. I would like to test that proposition by recalling some domestic examples of peaceful protest, each of which was made more difficult, more arduous, and more complicated by the absence of a Bill of Rights, that is, legally expressed guarantees to certain freedoms,

The first example to which I wish to refer is the moratorium campaign for the war in Vietnam, That campaign was supported and assisted by my party. That campaign in turn greatly assisted my party - and the people of Australia generally, even those who at the time supported the war.

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Let me explain what I mean, The moratorium campaign of itself did not bring the troops home, It did not persuade the Government of the day to change its policy, But it did persuade or help to persuade the people of Australia to change the Government, And . the Whitlam Government brought the troops home, Voting is, after all, an eloquent and effective form of peaceful protest in its own right, Voting certainly engenders a Government response, even if some other tactics may not, But the moratorium movement served other important purposes. It demonstrated just how broad and how deep a coalition could be built on an issue of general concern, It provided a mechanism for people who had neither trusted nor used the political process to become engaged and committed. It made legitimate new causes and issues, In short it enlarged our notion of rights.

The other speaker at this session will talk about the Gordon Dam campaign, but I want to mention that topic as well, The campaign against the Gordon Dam used the tactics of peaceful protest in a highly organised and thorough fashion, The campaigners against the Gordon Dam demonstrated perseverance, stamina and single-minded commitment to a clear goal, Again the ALP supported that campaign and endorsed its objectives, Again, on election to Government we achieved its objectives,

These campaigns had effects beyond their specific goals, They raised basic questions about respect for minority views, about free speech; about our tolerance for diversity, about our

attitudes towards our heritage and resources, and about our views on the right of peaceful protest itself, However much opposition they provoked, (and their opponents did not always restrict themselves to peaceful protest) and acknowledging the fact of continuing bitterness amongst many of those opponents, these campaigns, like Cory Aquino's, demonstrated that peaceful protest' can be more successful in changing policies, changing realities, than violence and brutality.

There is another longer, more painful campaign that we have witnessed in Australia, one that has aroused even more ferocious, more fundamental, more powerful opposition than the Vietnam moratorium or the Franklin Dam - I refer to the two hundred year struggle of Aboriginal people throughout Australia for secure rights to their land, It was not in its early years a peaceful protest - they did attempt to defend their land and culture with their weapons of war, That phase, as we know, failed in the face of overwhelming numbers and modern weaponry, But in this century the campaign for land rights which began again some time in the 1930's and grew to a protest of national dimensions in the seventies and eighties, has been a peaceful protest,

I judge it a successful campaign, Of course it has not had a clear cut and final outcome such as bringing the boys home or abandoning the dam, But substantial numbers of Aboriginals in all parts of mainland Australia have, or are about to get, title to land as Aboriginals; that is, title which in varying degrees and

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in various forms depending on state or federal law or policy, stems from their Aboriginality and is quite different from the way you or I, non-Aboriginals, may acquire land. It has been a peaceful campaign, It has attracted a broad range of allies, It has also provoked the opposition of wealthy and powerful groups, and of racists, It has not achieved everything it has aimed at. But all mainland Governments in Australia today have responded to it to a significant extent, So I judge it to be a successful campaign, and one that will continue,

I have referred to three major peaceful protests to which Governments have responded, I have expressed my support for the techniques of peaceful protest, and my confidence in the efficacy of this approach, But I should, of course, acknowledge that Governments do not always respond to peaceful protests, nor should they, Judgements must be made about the content as well as the form of protest. Where the cause is just, Governments should act, where, however, the cause is greed, for example the protest against our Government's decision to make rich businessmen pay for their own meals in restaurants, then the Government is right to resist. Whenever a cause is fundamentally aimed at restricting the rights of others, for example, the protests against our Government's Sex Discrimination Act, or more recently, the protest of certain religious groups against the rights of other Australians to see a particular foreign movie, then the appropriate response is for Governments to tolerate the expression of those views, but to remain unmoved by them,

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Democracy involves a complex and interlocking network of rights, of individuals and of groups. Elected governments have to find ways of balancing the claims of one against the other, and try to protect all from injury. In carrying out these important duties, I believe that they are informed, guided and assisted by those who exercise their right of peaceful protest.