

## **Australian Human Rights Centre Annual Public Lecture**

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### ***Human Rights, Human Security: Protecting Rights in the National Interest***

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**Introduced by NSW Attorney General, the Honorable Bob Debus, MP**

Thank you very much Attorney for your remarks and also for the content of the remarks. It's a pleasure to hear somebody who's engaged in tough issues expressing what we might call civil libertarian points with such clarity. It's relatively easy when you're in opposition to do so, quite easy when you're in academia to do so, it's slightly trickier when you have a federal government of the type that you have.

Thank you also to Andrea Durbach, Director of the Australian Human Rights Centre at the University of New South Wales for the invitation to address you. It is indeed fantastic to see so many people here. Having said that, you're only going to have to listen to me for maybe thirty five minutes or so and then there's a drink for everybody. But we reveal where the drink is afterwards because obviously if you're anything like the kind of audience I normally speak to, you'd leave now if you were told where it is. I did have to give a human rights lecture once with an open bar just over there, which was a real challenge, I can tell you that. Fortunately it was in England. I think if it had been in Ireland or Australia I wouldn't have had a chance in making any progress.

My topic is, and I want to just say it slowly because my talk is built around the elements of the topic: *Human rights, Human Security and Protecting Rights in the National Interest*. So, it's about a number of things. It's about human rights, but also human security, which is an important new phrase. Then it's about protecting rights, in the national interest. My talk will be a reflection on these various terms. I'm going to take up the Attorney's challenge and I'm going to take up this group's challenge, which is to think a little bit seriously about human rights, because I think we need to, actually, if by we I mean the kind of people who give these talks and indeed the kind of people who come to these talks. Some of the hard questions were dodged on human rights ten years ago, and it was possible to get away with the dodges because there weren't very challenging responses. But nowadays there are, and human rights people need to be a bit more confident about what they're talking about. Because if they're not confident they won't be able to defend themselves, and if they don't defend themselves they'll be overwhelmed and they'll be left talking to each other, describing to each other how dreadful the population is, and complaining how everybody doesn't share their point of view. And that is in fact a sect, it's not a movement.

First proposition: it's good to talk about human rights before human security. It's actually really hard to believe in human rights, if you take the word human seriously. It's actually really tough to look beyond your family, look beyond your village or community, look beyond the interests that you share with other people and to empathise with and connect with complete strangers, vulnerable strangers, people from other communities, people from other ethnic backgrounds, people who don't mix easily in the world in which you move. So, the first thing I think we need to recognise is how difficult it is to think seriously about human rights. Then you ask, well where do these things come from? Where are the intellectual supports to help me with this difficult job? One of the superficially attractive but shallow responses is to point to international law. So you say, well it's all in the Universal Declaration and it's all in the convention on the elimination of this discrimination or in this or that international covenant. You'd be surprised how many lawyers dive under the cover of law. We were advertising once for a post in London and we all asked the question at the start "what are human rights?" and most of them answered, "they're whatever's in the document, more or less". So if there were suddenly a right to compulsory genocide, it would be part of human rights. So law doesn't work. It works for technicians. It works for us international lawyers at some levels, but we must realise that's not an answer. It begs the questions, where do these rights come from? How come they're in this document? Same with national law, national law isn't an answer either. We can discuss it and analyse it and so on, but it's just begging the question. Why these rights? Why this phraseology? It can get you through a sound bite, but it just doesn't work. It's not enough.

Nor, any longer, is **religion**. You're not allowed to declare that you believe in human rights because you see in every person, no matter how strange or different, the image of Christ. For example, if I said that now, you'd all get a bit nervous. But that was normal once and indeed once you see some theological basis for seeing the stranger as somebody who's representative of a higher presence, who has a soul which is similar to yours, then human rights are easy and that's where a lot of the human rights foundations came from. Jeremy Waldron, who's an absolutely brilliant philosopher, has done a very good book on Locke, in which he points out, to everyone's annoyance in some ways, how immersed Locke is in Christianity. And Locke is the godparent of human rights. So religion worked once, it worked for some people, but doesn't any more.

But then we say, ah, **reason**. And reason worked for a long time. What we all do is we think really hard and we work out what we are obliged to do, from which it follows that people have rights as a consequence of obligations. And we go away and we read these German people and they tell us in complicated prose what most of us can't follow, but we can bluff at our dinner parties. Kant and others tell us that we can reason things out. But that doesn't work either any more, it worked for ages and ages, but now we think of the idea of reason and rationality as in itself culturally informed. Who's reason? Who's sense of obligations? How come they're all men who are white, from good universities, in the first world? How come all their versions of obligations so fit with their ideas of right and wrong, which in turn are derived from

where they're from culturally and historically? You never find a leading human rights philosopher find a human right, which they report exists, which they don't like. They always find, through the clever exercise of their minds, exactly what they feel ought to be the case.

Now, this leads me to believe, and many will say unfortunately, that actually it's not enough just to say read Professor Rawls, or read Professor Dworkin, they'll tell you what truth is. Because actually, we're stuck with the fact, which is that not only do we think of reality and moral obligation as culturally embedded in wherever you happen to be at whatever point you happen to be, we also think of truth itself as something which isn't out there waiting to be found by the clever exercise of our mind, so the brainy ones can work out what truth is and tell the rest of us. We actually think now, and we can't help this, we can't undo the effect on us of people like Nietzsche and Wittgenstein even if we try. Truth is much more now created by us, is made by us. So we have moved as a culture beyond just assuming that truth can be discovered by the brain and we no longer believe that it can be told to us by the priest. So we buy into a culture in which we see these crutches of reason and religion no longer available to us. We are what we want to be. We create truth, we don't find it.

Now where does human rights fit in all of that? Well actually it doesn't really fit. It's not comfortable in a world that says truth is what you say, truth is what you agree with other people is truth, because human rights has a much stronger sounding claim. So human rights are a little bit old hat. Leading people in this world, whose work is convincing rather than old fashioned, are contemptuous of human rights. To Alistair Macintyre they're akin to unicorns, they're as ludicrous as unicorns. To the great philosopher and anthropologist Richard Rorty, human rights are mere superstitions. The problem is that these narratives, embedded in what (and I've avoided the phrase) you might call post-modernism are convincing to enough people today to leave the human rights argument sounding old hat. It's what the priest told me. It's what Professor Dworkin told me, because he's brainier than me. These don't work any more.

So, there's a problem. What happens when a phrase is popular, as human rights is undoubtedly. It doesn't get abolished, it doesn't get abolished because we don't suddenly stop using it and we continue to use it because there's enough of a hangover of the past culture in our communication. We're still half committed to the idea of objective truth. We still half believe in the enlightenment project and we still quarter believe in religion. So, the idea of human rights is a kind of hangover from past generations who reached out to a community because of their belief in God, and past generations who reached out to the community because they believed in Kant.

But it won't last. Newer generations, who are shedding the moral obligations of their parents are not replacing those moral obligations with anything, they're just dumping them, because the parents aren't very persuasive about why they do it. They do it out of habit; they do it out of the convenience of the reliance on past practices. So it's pretty fragile. But the term survives. What happens is more subtle: the term is

manipulated. The term is transformed and what you see is the beginnings of a process weaving in the term 'human security'. This is a new thing dreamed up by well-meaning people who are trying to explain why human rights isn't all about helping terrorists. They say no it's not, it's about 'human security'. Then we have my title: protecting rights in the national interest. So we're saying different things, we're saying: we're not so keen on 'human', it's rights in the 'national' interest. And it's not 'human rights', it's 'human security'. So the word security is introduced and it displaces rights and before you know it, you have different stories. What are those stories? There are the stories rooted in the national interest and what's the national interest? It's a commitment to land. It's a commitment to community. It's a commitment to kith and kin. It's a subversion of the universality of human rights and it's packaged as the national interest. You have of course, 'the war on terror', so called. And the war on terror, in this context is about fear, suspicion, mistrust.

These are the positive and the negative rejections of human rights. The positive rejection of human rights is 'our land, our place, our territory, our people. We're safe together'. The negative rejection of human rights is 'look at those other people over there; they're going to blow us up'. And so the two together don't destroy the language of human rights, they render it empty. Human rights people at this point should say 'that's a scandal'. But, it's more complicated than that. We risk being a mere sect if we all agree with ourselves that this challenge is not one that should be met squarely, it should be merely rejected. There's a huge debate going on in the United Kingdom this weekend about the Human Rights Act. I think the Act has been successful. But it didn't stop the Prime Minister of the United Kingdom writing a letter to the Home Secretary, which has appeared in the press, asking for it to be amended. And also for him to be joined by the Leader of the Opposition in saying that it should be repealed and replaced.

In other words, what politics gives, politics can take away. Laws come, but laws go. Human rights people are absolutely ill-equipped to deal with those political facts. They are extremely good at achieving human rights and then they think politics is over. They think they don't have to bother beyond that. They think that's alright and they don't meet the argument with the answers, they meet the argument with the type of superiority which says 'we're human rights people', which of course compounds the alienation.

Now the issues that Mr Blair has confronted are serious issues. There's been a case in Britain last week. I was rung up by a member of the government, advisor to the Home Secretary, about two years ago about this case. 'What do you human rights people say to the following' he said: 'An ordinary Afghan person smuggles himself into Britain, he is caught and then expelled from the country. Nothing can stop this – he is sent back to Afghanistan. Meanwhile, other Afghans hijack an aeroplane, terrorise passengers, land illegally at Stansted, hold the passengers hostage and are eventually apprehended. They can stay, because the Human Rights Act says they can stay'. Or the second example: Chinese people smuggled into the country, caught, sent back. The Chinese smuggler caught, not sent back. His human rights

might be affected in China. Now, there is something odd going on with human rights in these instances and it's not enough, in my view for the human rights people to say, 'that's the Human Rights Act, you have to accept it', because the public don't understand that.

So, we have to recognise, I believe, that there is a crisis of foundationalism in human rights and that the critics are not always mad, evil, ill-disposed, when they point things out. Secondly, flowing out of that, we therefore have to re-engage. Re-engage, I would say, with the broader community in three different ways. Firstly, philosophically, because people think that philosophy doesn't matter, but philosophy is what empowers activism. Secondly, politically and thirdly, flowing from the first two, we need to actually take on the hard issues. We need not to be afraid of them and not be so sure that we are right, so often, that we don't need to discuss.

So lets say, firstly, the philosophical. I have thought an awful lot about the philosophical base because I was absolutely persuaded for a very long time that there was no philosophical base to human rights and I was in particular very persuaded by the anti-foundational arguments of the pragmatists, people who say there is no truth, truth is what people agree is truth. I found the arguments against human rights rooted in this extremely strong. But then, I see Rwanda and I read books (which I recommend to you all) like *In the Land of the Machete*, an extraordinary recounting of the first hand experiences of people subjected to that kind of horror. Or I see Darfur and I say to myself, I don't believe that the post-modern rejection of truth is a sufficient response to this.

Something is engaging me at a different level. I then say, there *is* some irreducible quality to us. I find it in a recognition of what is an apparent weakness, namely that we are animals, as Darwin found and therefore we don't have a special soul, necessarily (we might but we don't know enough about it to claim we do), and we don't necessarily have a special set of rational attributes that distinguish us. But, that we are animals does not then lead to survival of the fittest, which was not Darwin, but Spencer's read on Darwin. It does not lead, necessarily, to the assumption that we as a species are committed to only the survival of the strong. In other words, I see that reading of Darwin to be socially embedded in a certain capitalistic read of evolution, which plundered it for explanations as to why it was good to be successful through exploitation. Because there is a contrary narrative which today can usefully be described in the words 'human rights'. Usefully, pragmatically, summed up in that phrase, which is a narrative which says evolution is not about competition necessarily, in the way described brutally as social Darwinism, it's also about something more sophisticated. It's about assistance, altruism, cooperation. These are core parts of us in the way in which the instinct for competition is and there is a synergy between the two. In today's world, what has come to describe that part of our animal nature which makes us the success we are today, is the language of human rights.

In particular, that language of human rights notices something extraordinary about us, which is that we have the capacity to humiliate and to engage in cruel action. But, in having that capacity, we recognise also its wrongness. We, through out language of human rights, have a certain statement, which is the wrongness of cruelty and humiliation, and that represents a trait in our species, which is part of why we are successful. But we go further and we are a species that has seen the power of collaboration with strangers. So we have improved ourselves immeasurably by interaction and our great success has been to be able to reach across cultures and ethnicities and divides. The explanations for progress are about the extent to which countries have been able to integrate. So we see in our species a capacity to engage in a commitment to universal human flourishing which again I would say is currently describable in the language of human rights.

Now, that may or may not work for you. You might choose to repose your continuing commitment to human rights in religion or indeed in reason, if you remain persuaded by the philosophical positions epitomised by people like Professor Dworkin and John Rawls. I don't mind which of these techniques you use to persuade yourself that there's something out there, which is true, called human rights. Because, at the end, I think, that we need to look past the consequences of post-modernism, look past the implications of saying there is no truth, and recoil from it. We have a responsibility, as a species, to walk away from the implications of our brains, which are that nothing is true, because the implications are too dreadful to recognise and accept. So, if you want a return to a kind of noble lie, is my last position. Having had a century and a half of unmasking of the self, it's time for a little bit of re-masking. Because having seen where post-modernism gets us, we might in all honesty say, we don't exactly know why, but we don't want to be there. Some of us might say it's because we've extrapolated a theory about evolution, some of us might say it's because we believe in God, some of us might say it's to do with the environment and the fact that our competition and our competitive instincts will destroy us. I don't care what the basis for it is, but that instinct, whatever its source, that apparently ineradicable instinct, won't go away. And nowadays, it's in my view a human rights instinct. Those are the words that come most readily to peoples' minds when they describe it.

That's the philosophical.

Secondly the political. This is the hardest, because human rights have not historically had a strong political project to assist them. A human rights party doesn't sound right. Human rights sounds dangerously close to a kind of altruistic conservatism. So we need to try and build an engagement in politics, standing for human rights and that's hard. I've often thought of human rights as a kind of visibility project; trying to get people to see people, trying to get people to recognise that they are people. And that's partly what democracy was about, so to me democracy and human rights are hand in hand. The best way to see people is to give them a vote, for example. The hardest thing, is to try and persuade people that it's not just about minorities. That is the strongest and most important task., We don't need a strong human rights project for people who are already powerful, for people who are already on the way up. We

do have a human rights project, it's just that they don't need it because they're powerful. We need to persuade them that actually, the project accommodates them. And that's a work of intellectual persuasion and political persuasion. We need to persuade them that we have 'values for a sceptical age', to quote Francesca Klug. Or I would prefer, social democracy for a post-socialist age. Human rights has emerged as the term we use when people no longer understand us when we talk about social democracy. We need to persuade people, on pragmatic grounds, that actually life will be better if they buy into the human rights vision. There's a very interesting essay by Clive Hamilton, which I read in the *Quarterly Review*, which calls for a new politics of wellbeing. I think human rights could develop that, present itself as a post-socialist politics of wellbeing.

It's interesting that even powerful people, when they are in trouble, rely on the Human Rights Act. His Royal Highness the Prince of Wales is very opposed to human rights. He writes, as some of you may know, long letters, hand-written, possibly in green ink, to various ministers opining on issues of the day and a number of these letters have referred to how dreadful the Human Rights Act is. But when the Prince needs to stop his diaries being published he turns to the Human Rights Act; and I think we should remind him of that. When he is weak, he needs the Act. And he wins. David Blunkett is the Home Secretary, a very strong antagonist to the Human Rights Act and he was a powerful man, but he lost his job, for a series of problems. Then as Mr Blunkett needed to have certain publicity given to certain court proceedings, which were closed, he used the Human Rights Act to argue for open justice. So even this all-powerful Home Secretary, when he was in trouble, needed the Human Rights Act.

This is a political act. Try to explain to people, they may feel powerful today, but they'll feel weak tomorrow. One important effect of the tragic shooting in London in July of a Brazilian on his way to work was that people recognised that it could have been them. It wasn't some odd bloke, from some suspicious 'terrorist' country. The Brazilian looked a bit like them, his parents looked a bit like them. So it was a strong message to the British people that operation Stratos, which was an outrageous secret decision to kill suspected terrorists, which the police had come to without consultation, allegedly within the breadth of the Criminal Law Act, was one which could kill innocent people. The British learned this before over other miscarriages of justice. They learned that it wasn't just Irish people, it could be anybody. So it's possible to persuade. Human rights people are sometimes far too pompous, far too superior, don't bother with persuasion, don't bother with politics, they know right and wrong. Stop that. Engage. Persuade. Then, if you can do that kind of thing, argue that human rights is the opposite of selfishness. Human rights is selflessness. See off that hangover argument from individualism in the nineteenth century and argue for a new politics of selflessness, rooted in the long-term interest of the species.

Then, you can come and attack, tackle the tough issues. I said I'd mention the tough issues. Two I'll mention. One is asylum and the other is of course, this so-called war on terrorism. I think it's outrageous that people can commit serious criminal acts,

engage in the terrorisation of innocent persons, and then secure sanctity within a country, with all the social support that naturally flows from that, on the basis of that act, which is denied to those who would actually use the normal route to seek to enter the country. Now that's not all I think. I would, if I were properly engaged in human rights, I would try and recover from old socialism, a new kind of internationalism. Ask serious questions about asylum. Why do we have border controls? Asylum is a subject which needs rational engagement, rooted in serious analysis, rooted in respect for individuals, in the form of trying to give everybody the chance to flourish. A new internationalism would divert the discussion from the very narrow one about protecting these hijackers, into a much broader one about why do we need these immigration laws in the first place. So human rights people would be on the progressive side of the debate, not just caught up in some narrow argument about protecting baddies, which is a terrible message to send to decent persons who are seeking to enter the country; you'll be alright if you hijack a plane.

On terrorism, there are really serious problems. I was fascinated that the Attorney picked up David Cole's article. David Cole, more than anyone else, really understands how serious what's going on in the United States of America is. I know it's not directed to this lecture, but you have your Prime Minister over there at the moment. The United States Executive, at least a certain small number of them, but very powerful people, are intent essentially on reconstructing the American Constitution, on locating all power in the White House, on the basis of an ongoing war on terror, the end to which they do not see, which entitles the President as Commander-in-Chief to determine the nature of legality, both within and outside their jurisdiction. They have a bunch of otherwise third rate lawyers, who would be unknown characters, who have popped up to provide spurious and obscure rationales for this and have secured advancement as a result. It is extremely serious. They are merely taking a strategic position, when they talk to various international organisations and try and see off the Red Cross. Their intellectual position is that the Constitution has essentially been superseded by the powers of the Commander-in-Chief in a time of war. That's why the Supreme Court is terrified, that's why Congress is getting angry, and you can see it in the recent furore about the wiretaps. To Bush, the Constitution is being superseded, as he is being told it was by Roosevelt and as it was by Lincoln (but in each case to a much lesser extent). But combine that with an enemy you can't see and a war that'll never end and you are you are actually technically within George Orwell's 1984 where the enemy changes without you knowing. In the middle of a speech the enemy can change from A to B and the whole thing carries on as it was.

Where this manifests itself in human rights is deeply disturbing in two ways. One is conventional, the other is even worse. The conventional way in which it manifests itself is that there are exceptions to various human rights in international law documents and the exceptions are usurping the rules. So what's becoming the case is that various attacks on peoples' dignity, various cruel actions, various constraints on the capacities of people to flourish, are being described as legitimate under human rights law, because either they are 'necessary in a democratic society' or they



are driven by the exigencies of a war-type situation. This is a highly dangerous development. Albert Venn Dicey, a nineteenth century don in Oxford, said 'show me a Bill of Rights and I'll show you a police state'. What he meant of course was that Bills of Rights come with these clauses, override clauses, and once you have one, it's very tempting for a bad faith executive to press the destruct button. Now that's happening, it's happening across the place, and the terrorism laws are the engine with which to persuade civil society that it's necessary.

But the second way it's happening is even worse. In the hands of a number of leading academic "experts" in human rights, some of whom I gather are to be found in Australia, the argument is being made that our culture is a human rights culture and that it's under attack. So severe the attack, so desperate the opponent (by which of course they mean Islam), that it's warranted to depart from human rights standards, in order better to survive, in order better to fight back. So-called human rights professors have written books about things they call "necessary evil". So called liberals. People like Alan Dershowitz, who is of course against torture, (every single one of these people is always against torture by the way, nobody's ever in favour of it), but because it's a certainty, let's have judicial warrants to allow it.

There is a head of steam building up over human rights, not as human rights, as our rights; as belonging to decent, respectable, first-world, proper, democratic countries, which always include Israel, the unspoken nation. Therefore, because we are all under terrible attack, we can fight back. So a little bit of sensory deprivation, a little bit of Guantanamo Bay – keep the Red Cross out, this is war. Now that's the most dangerous, because that's the likely way our language of human rights will go if we don't muster political support. It'll become the case that we are a wonderful human rights society, we all tell each other we're a human rights society, but for people who are different from us, people who come from suspect communities, we won't look like a human rights society at all. Sure, when they're being beaten up there'll be a doctor, who'll make sure that their beating up hasn't caused their death, and there'll be some new guideline from the doctors about how far you can go, and there'll be lawyers, who'll stamp the affidavit as to how many finger nails can be pulled out, but we will have destroyed the language of human rights.

Now, what's so terrible about this is that the answer to the problem of terrorism is straightforward. The right human rights response engages at two levels, as with the question of asylum. It parrots back to Mr Blair a sound bite of his own: "tough on terrorism, and tough on the causes of terrorism". The human rights person does not accept the language of terrorism. The human rights person insists that there is no such thing as a war on terror. You can't fight a feeling. The human rights person constantly points out that political violence across the world is not generalisable into a disease. It is rooted in places and on some occasions it is justifiable, and on others it is not. The human rights person makes clear that state action that terrorises populations is a kind of violence. The human rights person is therefore internationalist and is sceptical.

But the human rights person is also saying that violence is criminal and that we have criminal laws with which to deal with violence. We have criminal laws in Australia, and in the United Kingdom and in the United States, which cover the whole spectrum of conduct which we describe as terrorist. Moreover, we have police powers, intelligence operations, methods of surveillance, and a whole series of inchoate crimes: attempt, incitement, conspiracy, that provide for pre-emptive action where you can achieve it. But then they say that there's a gap, and the gap is where somebody hasn't attempted anything, hasn't conspired to do anything, hasn't incited anybody to do anything, hasn't engaged in anything, but they're a baddy. That's not a gap, that's called freedom. And the answer is the traditional answer, which is to engage in proper police practice; infiltrate the groups. Why can't we infiltrate? Because they are alienated. Infiltration is a good thing in a properly functioning state. You should know what's going on if people are planning criminal actions, but you shouldn't be arresting and destroying them in the absence of traditional proof. If there's problems of evidence gathering and problems in the criminal process, which there certainly are, look at them and solve them and address them with an open mind. Human rights people shouldn't be saying the way the criminal law was in the nineteenth century is the way it will remain, that is pure, don't touch it. We are our own worse enemies when we deny flexibility in the criminal process. But the great advantage of the criminal process, is that it focuses on the need for proof. So it's a proper human rights response. The state protects the human rights of its community by engaging in a properly enforced criminal system, but it does so in a way that adheres to procedural fairness, which both guarantees the rights of the individual and guarantees the community, by ensuring the right people are convicted and that justice being seen to be done and as a result the process does not generate greater antagonism.

I'll end with two images. One is the man who was the big bogey man of the press in England, Abu Hamza. He was a preacher and he said some dreadful things and he had great support. He was kicked out of his Mosque and he met on the street and he appeared on the television and he had all the makings of a martyr. He wasn't interned or sent to some island, he was charged with something quaintly called a crime – conspiracy to murder. There was a case; with something rather old fashioned called a jury. The jury listened to the evidence, and the jury heard the summing up, and he was represented, and he was convicted. As he left the courtroom (I saw the picture on the television that evening) there was one, slightly odd fellow with a placard. And he had said he was a martyr. He's no martyr, and he knows he's no martyr. He's gone. He is just another crook. The process triumphed. If he had been detained, his supporters would be on the TV, there'd be complaints about miscarriages of justice, and there'd be suspicion.

The second example is that of Zacharias Moussaoui, the alleged extra hijacker who survived in America. There is a chap, who pleaded guilty and then had a long case concerning whether he would be executed or subjected to life imprisonment. The jury decides he should be subjected to life imprisonment denying the prosecution's demands that he be killed. He applies to the judge afterwards for a retrial. He says, I

want to withdraw my guilty plea, I had no idea I would have a fair trial. He is told by the judge, too late. I end with a quote by Gary Young who is a Guardian writer: "Justice, not vengeance, passed down by a female judge, after a fair trial. All the things fundamentalists like Moussaoui really hate". So the system triumphed, but the system wasn't the Pentagon, or the CIA, or Mr Bush, it was a regular American jury and people understand that. So, the human rights people need to push hard for the criminal process as part of human rights and push hard for rejecting the whole language of terrorism and not just be constantly manoeuvred into positions of marginality as the defenders of crooks and terrorists. In that way, human rights can actually have a fair chance of succeeding, and human security will be seen for what it is, achievable through human rights, and the national interest will be something to which we are all committed.

Thank you very much.

*Conor Gearty's new book Can Human Rights Survive? (Cambridge University Press) will be released next week.*