

# *Peace & Progress*

## *The Struggle for Rights*

### *Meeting to Launch: A World without Fear or Poverty*

Good afternoon. Given the density of the arguments it's hard to summarise *A World without Fear or Poverty*, so I'd like to use the time allotted to me to, particularly for those of you who have not yet read it, to underline some of its main arguments.

History has taught us that the rule of law is fundamental to any democracy. Law and democracy are the foundations on which our constitutional architecture is built. All our hopes for the future of humanity should be built upon law, human rights and consent.

The greatest lesson from history is the rise of fascism and the bloodshed of World War II. *A World without Fear or Poverty* begins with the foundation document of the United Nations (UN), the Universal Declaration of Human Rights (UDHR). Out of the ashes of fascism, the holocaust and unspeakable barbarism was fashioned a declaration that at its most simple stated, 'Never Again'. The drafters called for a world free from fear. The declaration was and remains a clear statement of principles that has inspired generations fighting oppression and injustice throughout the globe. The Declaration of Human Rights created the framework for a series of treaties and conventions that provide the basis for a law governed world. If the political will exists to implement them, they are powerful instruments for economic and social progress, for human rights and for democracy.

Of course the challenge to these principles and the rule of law in recent years has a history as long as the declaration itself. Sovereign states have betrayed the principles of the Declaration and broken the treaties and conventions they are signatory to, consistently. The gradual erosion of our fundamental human rights and civil liberties has been at the centre of political struggle throughout the post war years. It has accelerated as a result of globalisation and the drive for profit which requires unrestricted freedom of movement for capital alongside a corresponding restriction in the freedoms of the ordinary people needed to create and service global markets. This reality has required a shift in power. A shift away from ordinary people supported by hard won rights, to the use and abuse of executive power by government discarding those rights.

This government is abusing its executive authority, derived from the royal prerogative to demolish the cornerstones of our democratic institutions and processes, to either by-pass parliament completely or reduce it to rubber-

stamp legislation; and to undermine the separation of powers between parliament and the judiciary. By the use of executive authority through the abuse of royal prerogative I am referring to the transfer of monarchical powers to the Prime Minister and the cabinet who are accountable to Parliament, rather than the transfer of those powers to parliament itself.

This process has corrupted our political process entirely. The impact upon the electorate has been immense.

But there is another factor which has increased the attack on our rights even further, an attack that gathers pace at an alarming rate - the so called 'War on Terror'. And it is the executive within government, both in the UK and the US, that heads a challenge to the principles of the UN Declaration, international law and the rule of law in general, in the name of the 'War on Terror'. A permanent, illegal war, as the catastrophe in Iraq has demonstrated. The atrocity of 9/11 was indeed the dawn of a new era.

I'd like to focus us on the challenge to law. In the US it spawned the Patriot Act. From the Patriot Act onwards, the Bush administration began to ride roughshod over the rules of war contained in the Geneva Conventions and their protocols, treaties which the US is signatory, and over the Constitution of the United States itself.

Here in the UK Tony Blair, eager to follow suit, presented the Council of Europe with a derogation of Article 5 from the European Convention of Human Rights (ECHR) - thus undermining the Human Rights Act, Labour's own flagship legislation. Successive legislation followed, such as the Anti-Terrorism, Crime and Security Act (2001) which shared with the Patriot Act the power to detain foreign nationals without charge or trial, thus suspending habeas corpus, and overthrowing the basis of British common law, just law, for centuries, in one blow. Senior Law Lord, Lord Hoffman, stated that:

*"The real threat to the life of the nation comes not from terrorism but from laws such as these."*

Another Law Lord, Lord Scott, described the Act which authorised indefinite detention on grounds not disclosed and evidence by a person whose identity was not disclosed as: *"the stuff of nightmares"*.

There isn't time to go into detail here, but the nightmare goes on.

The government's intention to challenge the rule of law was given renewed impetus after the terrorist attacks in London on 7 July and 21 July 2005. The Prime Minister declared that *"the rules of the game have changed"*. At the heart of the government counter-terror strategy was the deportation of suspected terrorists and the use of evidence obtained under torture. And what has since emerged is that extraordinary rendition, the forcible transportation of suspects by states from one country to another in order to subject them to interrogation and torture and other acts of degrading

treatment has become a staple tactic of the US, Britain and their allies in the war on terror. Perhaps the substitution of rendition with kidnapping would be a better word.

This is why 'A world without Fear and Poverty' insists that Guantanamo Bay is at the apex of the struggle for human rights. Moazzam Begg and Ian Macdonald can explain in better detail than I, but suffice to say that it is through the abuses at Guantanamo that the US is seeking to create a new 'legal' regime. The noxious, illegal culture of the global war against terrorism led by the White House, the Justice Department and the Pentagon, has permeated every nook and cranny of the New Labour government, the Ministry of Defence, the Foreign Office, the Home Office and the intelligence services in spite of the protests of former UK diplomats, military personnel, the Law Lords and almost all the international lawyers in Britain.

To quote Lord Steyn, a former senior law lord and a consistent critic of this government's attack upon the rule of law:

'Guantanamo bay will forever be a historical reference point for our time. It is a stain on American justice. Only the present US administration tries to defend the utter indefensible. Unfortunately our Prime minister is not prepared to go further than to say that Guantanamo bay is an understandable anomaly. In its feebleness, this response to a flagrant breach of the rule of law, reminiscent of the worst actions of totalitarian states, is shaming for our country.' (*Lord Steyn, the Atlee Foundation Lecture 2006*).

Despite the recent pronouncements by the Lord Chancellor that Guantanamo should close - and Bush's statements this week that he wants "Guantanamo to end" - we must understand that these are the statements of people whose hands are stained with the blood of those detainees, men who are seeking to distance themselves from a growing world condemnation and whatever they say now, it is a fact that detainees have been interrogated under torture, and a fact that many have been "rendered" with the complicity of the British government, in defiance of the Geneva Conventions and contemptible disregard for international conventions and human morality.

And if they close Guantanamo Bay down, unless we bring about closure to this new 'crusade', this 'war on terror', injustice will be legion in the Guantanamo Bays and police cells of the world - including here at home.

So how do we deal with the reality of the terrorist threat? Human rights, the right to food, shelter, education, all those basic necessities of life are the only guarantee against the desperation of extremism. The war on terror is incompatible with the war on poverty. State terror is the weapon of governments used to quell revolt and dissent. But state terror denies people their human rights. State terror breeds terror. No increase in international security can be gained by denying human rights; quite the contrary. Justice

is the name we give to our civil, political, and human rights. Where there are no rights, there is no justice, and where there is no justice there is no security.

When Tony Blair speaks about the time for change in his post modern reality, he is not just speaking about the UN. He is speaking about every law and principle and instrument of law. And we should all be very worried indeed. Our Prime Minister, cosseted by advisors and secure in the knowledge garnered from controlled focus groups, represents the interests of an increasingly narrow cross section of society - the rich and the, essentially, white upper middle classes. Furthermore he is a man more concerned with the Elect than the electorate.

This government's assault upon rights is evident on the pages of every newspaper everyday. Take Blair's speech yesterday on reforming the criminal justice system (I downloaded the whole speech from the internet last night). I sat aghast for 36 minutes as he talked about the gap between the Criminal Justice System, what people expect from it and the rights of the victims of crime. Then I remembered Helena Kennedy's brilliant James Cameron lecture from earlier this year. What she said then could be applied, almost to the letter, to what he said yesterday. We've heard it all before. His views are not new. What is alarming is that despite the defeats and rebuttals the government has suffered in the attempt to rewrite the statute book, his views remain the same. And what becomes increasingly apparent is that Blair is an ideologue who sees himself as above the law, which is why this is so worrying.

Why? Why is he like this? Helena Kennedy made a brilliant critique in the Cameron Lecture of the New Labour approach to law in her speech which sheds light upon our problem. She could have been critiquing Blair's demagoguery yesterday.

New Labour represents government-as-product-supplier, designing policy on the basis of what 'works' rather than principle. New Labour's warm embrace of the market endeavours to take out the role of the state in the delivery of public services and welfare. In this post state vision, the Criminal Justice system can look like another aspect of state provision that is ripe for rebalancing, giving more power to the consumer - increasingly identified increasingly as the victim. This issue of balance should be chillingly familiar to us all. How often have we been asked, disingenuously I must say, to balance human rights with security? But we can't balance or separate rights out in this way. The criminal justice system is a social good that belongs to all. The law applies equally to all, it's what makes justice.

But once again the focus yesterday was on re-balancing. That is what Blair said yesterday. And, he insisted, in response to those who accuse him of destroying rights that it's not a question of a threat to civil liberties, but whose rights take priority - which human rights will prevail. He actually said this - in the same breath as talking about human rights as inalienable and calling for an intellectual debate about first principle. But first principle is

surely that human rights are universal. Once they become selective - weighted in favour of the 'victim' rather than the 'criminal', they are no longer rights.

This rhetoric disguises what is actually taking place - the re-balancing of power towards the state. If the war on terror, and the illegal detention of suspects has taught us anything it is this.

And New Labour will rewrite the statute book and ride roughshod over common law too. Before we ever spoke of Human Rights, common law - based on practice, on case law and on independent judicial discretion - embodied everything that is in the UDHR. We are in danger of forgetting that the state is there courtesy of us, we are not here courtesy of the state. Law is cultural, culture grows out of history, but new labour is a history free zone. When Tony Blair talks of our values and our way of life, where does he think it has come from? - the historical foundations of our political culture that he seeks to overturn. We must not forget. If we do not understand the history of our rights and the struggle for them we are susceptible to this kind of dogma. The gap between the Criminal Justice System and the public Tony Blair propagandised yesterday is the rule and discretion of the law. He is trying to fill the gap with politics.

That is why Peace & Progress has struggled to publish '*A World without fear or poverty*'. Our constitution states that:

*"The object of the Party is to organise, educate, argue for, and achieve all the principles of Human Rights as set forth in the Universal Declaration of Human Rights, and in all subsequent international Human Rights Conventions and treaties to which this country is signatory and by which it must be bound".*

We exist for the reasons contained in our constitution. Our members and our party are pledged to advocate and defend human rights whenever and wherever they are under attack.

This government's contempt for the rule of law and human rights is undermining security and democracy in this country. The more our government and opposition parties are united in the belief that human rights are expendable in the pursuit of power, the more human rights become politicised. We believe that none of the mainstream political parties can now be entrusted with the defence of our universal rights, because they represent the interests of the wealth and privilege.

Human rights aren't a single issue. They are the very fabric of our society. We simply cannot relinquish them or trade them off in the face of the pressure to bend them for the sake of political expediency.

Towards the end of '*A world without fear or poverty*' we quote the words of an American judge, Louis D Brandeis, written some 75 years ago:

*“Our government is the omnipotent, the omnipresent teacher, for good or ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself”.*

This government is a lawbreaker breeding contempt for the law, a government bereft of principle.

What is the cost? To return, briefly, to Guantanamo Bay -

On 10 June 2006 it was announced that three other victims of the war on terror detained at Guantánamo Bay had taken their own lives. The US spokesperson stated that they were a good PR move by people who showed no respect for people’s lives. US Navy Rear Admiral Harry Harris said the suicides were ‘not an act of desperation’ but ‘an act of asymmetric warfare’.

The new regimes we face are characterised by cruel indifference to human suffering, they are bereft of humanity. And the war on terror is no more than a war waged by states against all the peoples of the world.

We hope you will read ‘*A world without fear or poverty*’, subscribe to its principles, work with us, and consider joining us in building a party of peace and progress, a party of human rights.

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London, 24.6.06