

The history of Magna Carta is an epic one, spanning as it does 800 years and being concerned with a great many lofty ideals about justice, freedom and the rule of law. But, at heart, it is also a great story.

So I would like to begin my speech today by telling that tale, complete with its cast of colourful but, generally speaking, pretty nasty characters. Then I will have a go at explaining how Magna Carta made the leap from English legal history to internationally recognised symbol of liberty and what that means for us today. Then, if I could be so bold, I would like to end by laying out briefly what a Magna Carta for the twenty-first century might look like.

When the curtain lifts on Act 1 of our story we find ourselves in England in the year 1215—a country wracked by civil war. On one side, the grasping King John seeks to bring his rebellious barons to heel. The barons, tired of the king's continuous efforts to raise taxes by picking their pockets, seek to curb his powers.

The stage for this opening scene is an unassuming one—a place called Runnymede, not much more than a meadow next to a bend in the River Thames. In 1215, there was no particular significance to this location; it just happened to be far enough away from the barons' base of the City of London and not too close to the king's fortress of Windsor Castle. It is still there, of course, though the surrounding area is a little bit more developed these days. If you have flown in or out of London's Heathrow airport, you have probably passed over the very spot where this momentous piece of history occurred.

King John and the barons had met there to thrash out the terms of a peace deal that would end the civil war, and in doing so, almost by accident, they would sketch out the framework of what we now call the 'rule of law'.

The cast of our play are a fairly gruesome bunch. King John, as anyone who has seen any film or television version of *Robin Hood* will know, was a nasty piece of work—and if anything the scriptwriters of modern times may have been rather generous. The

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barons who opposed him were certainly not interested in establishing a fundamental system of rights for the common man. They were concerned only for their own rights. Their talk of the rights of free-born Englishmen was only meant to refer to themselves and others of their class, not common folk.

Despite a great deal of bad blood and very little in the way of mutual trust, the two sides were able to come to an agreement of sorts—essentially a set of rules that laid out for the first time how the king should govern the country. The sixty-three clauses that make up what we now call Magna Carta were copied out on parchment—the treated skins of sheep. Of the four surviving copies of the 1215 Magna Carta each is a different size and shape, according to the dimensions of the piece of parchment it was written on, but the words are essentially identical.

So what do those words say and, perhaps more importantly, what do they really mean?

It is a bit of a hotchpotch of a document really. Unsurprisingly, there is a lot about taxation of various kinds as this was, in large part, what the war had been about. There is also much attention paid to inheritance, dowries for widows and the like—all of which were of great importance to the aristocracy back then but of much less relevance today.

The interests of the merchants and guilds in the City of London—who had thrown their lot in with the rebels—are reflected in some very practical stuff about weights and measures and freedoms for traders to move about the country unobstructed by fish weirs—clearly a big thing in 1215 but of less obvious relevance now.

As an aside, I am reliably informed that the fish weir clause gave rise to a public right of fishing, which was believed to have transferred over to Australia. Indeed, Magna Carta was cited as recently as 2010 in a submission to the New South Wales upper house by the Canberra Fisherman's Club. That suggests that the clause has survived the test of time rather better than many others. It also suggests that picking a legal argument with the Canberra Fisherman's Club would be a really bad idea.

But we must return to the matters at hand in 1215. Magna Carta also outlines some important and very practical reforms to the administration of justice and local government—petitioners for the king's justice no longer needed to follow his court around the country, for example.

But tucked away in all this talk of the machinery of medieval government is one particular sentence which elevates Magna Carta from a moderately interesting

historical document to the foundation of the rule of law and, in later centuries, the inspiration behind our system of democracy and belief in human rights.

This sentence is usually known as clause 39 from its place in the original text:

No free man is to be arrested, or imprisoned, or disseized, or outlawed, or exiled, or in any other way ruined, nor will we go or send against him, except by the legal judgment of his peers or by the law of the land.

This clause is considered to be of such fundamental importance to our system of law that it remains part of the English legal code today.

The next clause adds:

To no one will we sell, to no one will we deny or delay, right or justice.

There are other clauses in Magna Carta which still have resonance but, for me, these two sentences are why this 800-year-old piece of parchment still matters today.

These statements changed something fundamental about the relationship between a people and the government—in this case a king—that ruled them. The power of that government was no longer absolute. A crucial principle had been established: that no man was above the law, not even the king.

The fact that 800 years later I am standing in a parliament on the other side of world talking about Magna Carta suggests strongly that—in the long run, at least—it has proved to be a success.

But it did not get off to a great start—the peace that it was supposed to guarantee lasted just a few weeks. King John himself only lasted another 16 months before dying, most likely of dysentery, while on campaign with his army. He was not much lamented—the chronicler Matthew Paris, writing some 40 years later, noted that ‘Foul as it is, Hell itself is made fouler by the presence of John’. As you can tell, John had made a lasting impression on his subjects—and it was not a good one.

For the purposes of our story though, John’s death was crucial. It brought his nine-year-old son Henry III to the throne and the boy king’s advisers needed a way to bolster his legitimacy as ruler and rally more allies to the king’s side. So they reissued Magna Carta, first in 1216 and then again the next year. Over time, this began to have

the desired effect—in fact it proved to be such a successful tactic that the king was to reissue or restate his commitment to Magna Carta every five years or so on average throughout his long reign, which lasted until 1272.

His son, Edward I, continued the tradition, issuing what is usually considered to be the definitive version of Magna Carta in 1297. It is a copy of that document that is kept here in Parliament House—but more about that later.

The repeated publication of Magna Carta throughout the thirteenth century is a useful lesson for all of us involved in the public discussion of government policy—it is not enough to just say something once, however important it is. You have to keep saying it again and again until as many people as possible get the message.

This remains as true today as it was 800 years ago. Indeed, Alastair Campbell, Director of Communications under Prime Minister Tony Blair, used to say that it is only when you feel physically sick of hearing the same old message that other people are just about getting it.

Each time Magna Carta was reissued or reaffirmed, the document had to be diligently and carefully copied out by hand an estimated 50 times so it could be distributed around the country. So maybe we should save our sympathy for the aching fingers of the poor scribes charged with this painfully tedious task.

But it was thanks to this regular reissuing and reaffirming of Magna Carta—and a lot of hard work by the royal scribes—that by the start of the fourteenth century the process of getting that message across was essentially complete. Magna Carta had cemented its place as the bedrock of English law. And with that, the first act of our story draws to a close.

The second part of the Magna Carta story concerns how a set of rules designed to constrain a medieval English king took on a much greater significance and in doing so leapt oceans, helped give birth to new nations and made its way here, to the very parliament in which we sit.

Between Acts 1 and 2 of our story we must take a short interlude—of about 300 years—and pick up the plot again in the early part of the seventeenth century.

The political situation at the time might have been familiar to our cast of characters from 1215, though the fashions had moved on a bit. England again faced tensions

between a king, Charles I, who was perceived to be behaving in a tyrannical manner, and the governing class—who were no longer barons but members of parliament. As in the thirteenth century money, or rather the lack of it, was the cause of much of this tension. The king needed money but could only raise it with the support of parliament; they were unwilling to provide it without conditions.

These tensions would eventually lead to a terrible series of civil wars that would see the British Isles devastated, the king deposed and eventually executed. But that is certainly a topic for another lecture—and another lecturer. What makes it part of today's story is that the legal and philosophical opposition to the Stuart kings was, at least in part, based on Magna Carta.

Of course, Magna Carta was even then a 400-year-old document so proponents such as Chief Justice Sir Edward Coke and the Leveller 'Freeborn John' Lilburne, interpreted it in a new light, one that better reflected the political considerations of their day. But rooting their new ideas on the foundations of the ancient liberties established by Magna Carta gave them greater legitimacy and more persuasive power.

And here is where our tale takes an international turn. At the same time as Magna Carta was once again being cited as a touchstone for individual freedoms, many people were leaving the British Isles for America. Many of those were fleeing political and religious persecution and it is easy to see why a 'great charter' guaranteeing ancient rights might have had enormous appeal to them as they began a new life in the 'New World'.

Thus it was ideas stemming from Magna Carta that in the next century would be expressed first as 'no taxation without representation' and would then find form in the United States 1776 Declaration of Independence. Some of the language in the Declaration, and even more notably in the Bill of Rights that followed twenty or so years later, is unmistakably similar to that of Magna Carta. Perhaps then it is not surprising that the charter's image is proudly displayed on the doors of the US Supreme Court. Slightly more surprising is that the Magna Carta Memorial at Runnymede—inscribed with the words 'To commemorate Magna Carta, symbol of Freedom Under Law'—was paid for by the American Bar Association.

Having influenced the founding fathers of the United States of America, Magna Carta would continue to inspire others charged with drafting the constitutions of new or newly independent nations. Its distinctive style can be found in the constitutions of Australia, Canada, India and many other Commonwealth countries.

Given the historical connections between these countries and the UK—the ‘home’ of Magna Carta—perhaps we should not be too surprised at that. But the influence of this 800-year-old piece of sheepskin has grown far beyond the Anglosphere and the Commonwealth.

In 1948, as Eleanor Roosevelt was chairing the committee charged with drafting the Universal Declaration of Human Rights she described it as ‘the international Magna Carta of all men everywhere’.¹ And the influence of the original is clear to see in the final version of her committee’s work.

A more recent example of Magna Carta’s influence can be found in the Charter of the Commonwealth, which was only adopted in December 2012. It is worth noting too, that the countries of the Commonwealth clearly see the continued relevance of a written charter of rights, responsibilities and values in the twenty-first century. That is something that I hope to build on in the final part of my talk today.

Having noted Magna Carta’s influence on Australia’s Constitution I do not intend to try and discuss it—in this 800th anniversary year there will be plenty of opportunities to hear other, far better qualified speakers on that topic. In fact, an earlier Senate Occasional Lecture by Harry Evans, from way back in 1997, covered this ground brilliantly.

But it would be remiss of me not to note that Canberra is one of only two cities outside the United Kingdom to play host to a copy of Magna Carta. The other is Washington DC and they only unveiled theirs as recently as 2008, nearly 50 years after Canberra’s was first put on display.

The story of how Australia’s Magna Carta came to take up residence in this building is a fascinating one, with its own cast of quirky characters and plot twists aplenty. I am sure I will not be able to do it justice so I will only recommend that you seek out a copy of Professor Nicholas Vincent’s essay on the subject. Helpfully, it has just been republished by the Department of the Senate, in an excellent book alongside many other great essays on Australia’s Magna Carta, including the one by Harry Evans that I just mentioned, and a particularly fascinating one by Rosemary Laing.

¹ Eleanor Roosevelt, ‘Statement to the United Nations’ General Assembly on the Universal Declaration of Human Rights’, 9 December 1948, The Eleanor Roosevelt Papers Project, https://www.gwu.edu/~erpapers/documents/displaydoc.cfm?_t=speeches&_docid=spc057137.

We have now told the story of how Magna Carta came into being and how its influence has spread and grown right up until the present day. But what of the future? And why is it that people like myself, representing the British Government, still feel that it has more to give to the world?

Certainly, one part of the answer to that last question is that Magna Carta is a topic close to the heart of our Foreign Secretary Philip Hammond, and not just because he represents the constituency of Runnymede and Weybridge in our own House of Commons. It is because the rule of law is still the crucial, necessary element that provides the foundations for a successful society.

In a speech given by our Foreign Secretary in London earlier this year, he said:

The foreign policy of a democratic nation must have a single, unifying goal: the relentless pursuit of the long-term enlightened national interest—that is, the interests of its citizens, present and future.

But that is not to suggest that the projection of our values is relegated to the margins of foreign policy making. On the contrary, the rule of law, good governance, and the accountability that rests on equality before the law and freedom of speech ... these are the building blocks of successful societies and the very expression of our national self-interest.

And since successful societies are the building blocks of the global security and prosperity to which our nation aspires, so the rule of law, good governance, and accountability are fundamental enablers of our own national security and prosperity objectives.²

I think this expresses most clearly why, while the parchment that Magna Carta was written on may have aged, the concept of the rule of law that first found expression in its words has not. And it is my firm belief that it will not lose its significance any time soon.

Having completed the second part of our story, we now move on to the third and final act, in which the narrator—that's me—muses on the significance of it all and, perhaps unwisely, attempts to draw some conclusions.

² Rt Hon. Philip Hammond, Speech delivered at Magna Carta 800th Anniversary Dinner, The Guildhall, City of London Corporation, 12 January 2015.

In the run-up to this, the 800th anniversary of the sealing of Magna Carta, I have been thinking about what a Magna Carta for the twenty-first century might look like.

Firstly, a disclaimer. This is not the work of a high-level committee of the finest minds in Great Britain, it is not necessarily the official policy of the British Government and it is neither fully formed nor definitive. It does, however, reflect some of the experiences I have had in 25 years of criss-crossing the globe as a British diplomat. And, more importantly perhaps, it has been informed by the aspirations I have for the world that my three children will grow up in.

You will be relieved to know that I think I can express it in six clauses rather than 63. It is not in Latin. And it will be reproduced on my blog and Twitter account rather than sheep's parchment.

Clause 1: Equal rights for all

No one should be discriminated against on the basis of gender, race or sexuality. Just taking my own organisation as an example, it used to be the case that female diplomats had to resign from the Diplomatic Service when they married—shockingly, that rule persisted until the 1970s. And we refused to admit homosexual staff into the Foreign Office until 1991, two years after I had joined the organisation. We have come a long way on this in recent years, with around 40 female Heads of Mission around the world and a growing number of ambassadors who are from minority groups or who are openly gay.

But there is still plenty more that we can do in the Foreign Office and across our societies to reach the stage where men and women of all backgrounds have equality of opportunity—and equal pay. The gender pay gap in both Australia and the UK is surprisingly large, and in fact growing—reaching 18.8 per cent in Australia and 19.7 per cent in the UK in 2014. So my twenty-first century Magna Carta would address this issue head-on, reflecting the changes in our society over the last 800 years or so.

There is an obvious fairness argument about why we have to get this right but the often overlooked point is that discrimination imposes a huge cost on societies by preventing many of our talented people from achieving their full potential—be that in business, civil society or the arts. And while there is an important role for anti-discrimination legislation, the key to realising this change is to demonstrate that inclusive organisations with diversity at senior levels perform better than those that are homogenous in representation and ways of thinking.

Clause 2: The internet, particularly social media, should be used to promote closer relations between peoples and states, not to propagate hatred and violent extremism

It seems odd to consider something that has only really begun to affect our lives in the last 20 years as being of such fundamental importance—after all, most of us managed to get along without it. But I have included it here because of its enormous power to communicate across divides. Both in the physical sense—most Brits in Australia will be familiar with Skyping or Facetiming friends and family back home—and in overcoming social and cultural barriers.

I recently came across some staggering figures about our use of the internet. Every minute one hundred thousand tweets are sent, thirty hours of YouTube footage is uploaded and Google processes more than two million search queries. That is every minute of every day. And those figures are growing fast.

That is why the internet and social media have become our best tools to spread some of the messages we discussed earlier—the importance of the rule of law, good governance and an accountable democracy.

But in recent years we have been provided with ample evidence that the online communication can also be used to spread poisonous ideologies and hatred. Earlier this month I attended the regional Countering Violent Extremism summit in Sydney. I was heartened to hear examples of how we can use strong, positive messages to fight back against those who incite violence online. It is important that we take effective action to protect some of the most vulnerable in our society from these influences.

I left that event certain that the internet is a powerful force for good in the world. But it also relies on each of us to behave responsibly, to call out the trolls. It also requires collaboration between government and the technology giants—Facebook, Twitter, Microsoft, Google, Apple—to shut down the voices of extremism and hatred, without suppressing freedom of expression. I recognise this balance is not an easy one to strike, but in my twenty-first century Magna Carta, we should at least try.

Clause 3: Freedom of religion

How disappointing it is to think that this issue, which was close to the heart of many people fleeing Britain for America in the seventeenth century—and indeed many others throughout history—still needs to be championed in the twenty-first century. But it surely does. As a global community of nations we must unite in opposition to the politics of hate and the grim view of the world promoted by ISIL and their adherents that justifies killing others purely on the grounds of what they believe.

My friend and former colleague, Gerard Russell, has written a brilliant book called *Heirs to Forgotten Kingdoms: Journeys into the Disappearing Religions of the Middle East*. In it, he ventures into the distant, nearly impassable regions of the Middle East where small and mysterious religions are clinging to survival, but face the possibility of extinction due to the advance of militant extremism. It is a moving reminder that we still cannot take our eye off the ball when it comes to freedom of religion—far from it.

Clause 4: Global abolition of the death penalty

We have made progress in the 800 years since Magna Carta on moving away from all kinds of barbaric and degrading punishments. And progress has been made in recent decades towards the shared UK and Australian goal of global abolition of the death penalty. In 1977, only 16 countries had abolished in law or practice; today that number has risen to 140—nearly two-thirds of countries around the world.

Yet in 2014, Amnesty International recorded executions in 22 countries, the same number as in 2013. At least 607 executions were carried out worldwide. So we have more to do to achieve our goal to see the total abolition of the death penalty globally. As UN Secretary-General Ban Ki-moon says, ‘we must continue to argue strongly that the death penalty is unjust and incompatible with fundamental human rights’.³

Clause 5: A commitment to long-termism

The authors of the original Magna Carta were not really focused on the long-term benefits of their charter—it was all about preserving their own short-term interests, and pockets. But we are better than that. In our busy, complicated world where we face a constant stream of threats and challenges, I believe we have a shared responsibility to focus on the long-term as well as the short-term, the important as well as the urgent, thinking of our children, and our children’s children.

Two issues I am thinking of in particular. One is climate change, which can only be tackled holistically as an international community of nations, working collaboratively and beyond our own borders. That is why the climate change conference in Paris at the end of this year is so important in uniting the world in pursuit of rapid climate action.

The second is the fight to end poverty, in particular by ensuring that no one is disadvantaged by their place of birth when it comes to education and healthcare. This

³ Ban, Ki-moon, Statement: Secretary-General’s video message for High-Level Event of the Human Rights Council on the Question of the Death Penalty, Geneva, Switzerland, 5 March 2014, www.un.org/sg/STATEMENTS/.

is part of the work that began through the Millennium Development Goals, which expire in 2015. These eight goals were set in 2000 by 191 UN member countries and included commitments to halve world poverty, reduce child mortality, halt the spread of HIV/AIDS and provide universal primary education.

Not all of them have been reached, but they set the aspiration high and there have been some real successes. For example, the proportion of people living in extreme poverty has been halved from 46 per cent to 22 per cent; there are more girls in education; we have begun to reverse the spread of HIV and AIDS; and we have halved the proportion of people without access to safe drinking water.

There is a lot of important work going on now to decide how we should take this forward and in what form, setting an ambitious post-2015 development agenda. I will not go into the details of that now, but I think this work sits neatly within the framework of a twenty-first century Magna Carta.

Of course there is a tension between long-termism and short parliamentary cycles—especially when, as in Australia, those only last for three years. So I was heartened to see that, before the recent UK general election, the three main party leaders issued a letter which basically said: ‘we all agree on climate change, so it isn’t an issue in this election’. This could be a model applied more widely to long-term issues, with party leaders campaigning only on things they can actually change within a three-year time frame. That would be a refreshing change!

Clause 6: For all states to abide by the rules-based international system

That brings me to the sixth and final clause of a twenty-first century Magna Carta. And it is probably the most important, since it underpins almost everything else I have said today.

You may remember that in the quote I read out earlier, our Foreign Secretary stressed the central importance of both our national security and prosperity objectives in how we conduct our foreign policy. That is because these are inextricably linked to the way in which we and other countries deal with each other.

We know that the world today faces many challenges, including some that we had hoped were consigned to the past. Last year we saw one European country annex the territory of another for the first time since the Second World War. In our own Asia-Pacific region, territorial disputes over uninhabited rocks and reefs have the potential to generate enough friction in international affairs to spark a confrontation.

With nations connected like never before, there are few parts of the world that can consider themselves safe from the contagious effects of conflict between states. Even for those countries not directly affected, the global reach of news and the almost universal access to it means there are no more ‘far-away countries of which we know little’.

That is why in the twenty-first century the best hope of resolving these challenges lies in what is sometimes called the rules-based international system.

It is a concept that comes up regularly in diplomatic circles but what does it mean in layman’s terms? Essentially, it means that nations are driven by rules, not power, in how they conduct themselves internationally—so abiding by the rule of law, good governance and ending corruption. Of course, we cannot entirely avoid disagreements between countries but we can try to contain those disagreements within the dispute-resolution mechanisms of international and regional organisations—such as the United Nations, ASEAN or the African Union. If we are successful in avoiding the wars—both hot and cold—that so scarred the history of the twentieth century then the prize, in terms of peace and prosperity for all our countries, is a truly enormous one.

That is why the final principle of my Magna Carta for the twenty-first century is this: for all states to abide by the rules-based international system. A system that ensures, just as Magna Carta did 800 years ago, that no one—neither king nor country—is above the law. That would be worth celebrating for at least another eight centuries.

We have covered a lot of ground today: from Runnymede to the English Civil War; from Alistair Campbell to Ban Ki-moon; from America to Australia; and from a document written 800 years ago on sheepskin to some ideas for a Magna Carta for this, our twenty-first century. I hope I have convinced you, at least, that the Magna Carta has relevance and resonance in our complex, globalised world today.



Rosemary Laing — In relation to the use of the internet in the twenty-first century to promote closer relations, you mentioned that this sets up some kind of tension with the idea of freedom of speech. Freedom of speech is one of those central liberties that we focus on a great deal and have done for several hundred years, but how do you think we can manage the internet to put limits on hate speech and the use of the internet for terrible purposes? Do you think that governments have a role in this? Does it come down to self-regulation or people turning away from that kind of content on the internet? I would appreciate your thoughts.

High Commissioner — Thanks Rosemary, I did touch on it in my speech without actually resolving the issue, but now you are forcing my hand so I will have a go. First of all, it is not easy and certainly in Britain we hold the values behind the idea of freedom of speech very dear as I know our friends do in America and obviously in Australia as well. But I think we are facing a situation which is new and unique in our global history and I think we do need to find ways of managing that tension as you put it, between the right to freedom of speech but our insistence that we should not use tools like the internet to propagate hatred and promote extremism.

I cannot pretend to have all the answers but I think there are three components to it. One is government. In the UK our new conservative government has announced that we will be introducing a new extremism bill to parliament and the aim of that will be to do more to clamp down on people and organisations which do promote hate through the internet or through preaching, mosques or other places where people meet. I think that will try to get at what I call the grey area between what is obviously completely outrageous and very bad and illegal, and what is okay and part of the freedom of speech. It is trying to find that grey area and take more action in that space which I think is the key to government intervention. I am not pretending it is easy and I know there will be a lot of debate about that in the UK.

The second area I think is industry and I did mention the internet giants. I think they have got a role as far as they can in monitoring what is going on, on their websites and on social media, and taking action where they are seeing it being misused and going against their own rules of engagement. I know we have very productive conversations in Britain, Australia and elsewhere with those companies and in fact it was great to see many of them at the summit in Sydney a couple of weeks ago, where they were very engaged on this and very much wanted to be part of this agenda, so I think that is promising.

The third thing I would say is that it does come down to each of us as individuals, it comes down to people. To go back to the Sydney summit, somebody gave a presentation and they talked really powerfully about the asymmetry of passion. What they meant is that at the moment, it is the people with the more extreme views, the people who are propagating hatred and extremism who are taking up a lot of the space on the internet. They had a figure, which I cannot quite remember, but it was quite startling the number of nasty, extremist, violent messages put out on things like Twitter every day. Their pitch was that as individuals each of us has a role in responding to that and grabbing some of that passion and using it in how we use the internet and challenging that narrative and making sure that we balance out the use of the internet for those purposes. I found that struck a chord with me and it is something that I will try and talk to my kids about a bit as well. They, of course, are much more

in the maelstrom of all this; we are more often observers of what is happening. So I think if you can get those things right—government, industry and us as individuals—then we will be able to find a balance and make progress.

Question — I was particularly interested in your six principles. You did not include the rule of law and I suppose you thought that was given. In a very important address on Monday at Old Parliament House the Australian Human Rights Commissioner suggested that the greatest threat to the rule of law came from the increase in executive power, particularly in response to perceived threats of terrorism. My question to you is what principles should guide the community in on the one hand addressing the obvious threat of terrorism and on the other hand the values we place on the rule of law?

High Commissioner — I may not have had the rule of law as a principle but I think the point is that that is the principle that underpins a rules-based international order and a rules-based international system. So I think what I am saying is that the rule of law is not a national concept anymore, it is very much an international concept, and that should be our guiding principle in how we conduct relations between states and between nations. I think the issue around the increase in executive power is one that is part of this difficulty we were referring to earlier on, about the balance between freedom and managing the threat that we face from terrorists. I think there has to be a balance.

I think part of the balance is in our legislatures to be honest. In the UK the extremism bill that I have referred to which probably will notch up executive powers a little bit again, will have to go through a very vigorous process of debate. It will be debated on the floors of the houses of parliament, in the media and in the press. At the end of the day I think we are part of a democracy and that is the role of the democracy—to challenge, to test, but ultimately to abide by the laws of the states. So I think that is where the answer has to lie and it is incumbent on parliamentarians and those of us who write the laws to bear in mind as well the views of our constituents across our countries and across the international community. Does it worry me on a personal level? Yes, it does. I think that we have to keep working towards that balance but I am also confident that our own democratic systems will support it and make sure that we achieve the right outcomes.

Question — How is it that these copies of Magna Carta have survived for 800 years? I read somewhere that the church had something to do with this because I gather there would not have been any official archives, but can you tell us a little bit about the history of how the copies may have survived?

High Commissioner — I may ask Rosemary to help me answer that one. I do not know the answer actually and I think there are lots of different copies around and I am not the expert on where they are and how they got to where they are today. I think in recent times it is a lot of very careful preservation of the ones that we do have, including by museums and institutions, and I guess as well the fact that they have lasted in a way is a testament to their own continuing relevance through our societies and perhaps that there were lots of them in the first place. So some survived but presumably others did not, but I am going to pass to Rosemary to help you out with that one.

Rosemary Laing — Well I am no expert either, High Commissioner, but I can possibly add a little to the story. There were quite a lot of copies made. The purpose of coming to this agreement, signing up this treaty, binding as many people as possible to the terms of the treaty, meant that the methods of communication in the thirteenth century were brought into play. It required that many copies of Magna Carta and similar charters be made so that they could be sent to various parts of the country and promulgated. So, for example, the typical places where copies were sent were to the sheriffs of the counties. There was a distribution to churches as well so that in county courts, in gatherings, Magna Carta was read aloud not just once, but at the opening of court sessions. The church, I think, has played a very important role in the preservation of copies. If you think of who could read and write in those days, most of that talent was gathered in churches—clerics, clerks who could read and write were engaged, scribes in copying out various exemplifications of these documents—and the church had a pretty good record of keeping things in storage.

I will just give you the example of our copy. How did we get our 1297 copy? How did we find it to buy it in 1952? Well the fact is we know that that particular copy was written out by a scribe called Hugh of Yarmouth. His signature is on it and it was destined for the county of Surrey and it was sent to the sheriff of the county of Surrey who also happened to be sheriff of a nearby county. For safe keeping it was quite common for documents to be held in monasteries and priories and we think that this particular copy was safely held in a priory in Sussex and it stayed there within the religious institution until the dissolution of the monasteries. From there our particular copy probably went into the hands of a local lawyer and after a few mix-ups it ended up in a school from where it was discovered.

These things are not things that are taken out every day and read; they don't have the wear and tear that books in our own libraries might. They are precious things. They are taken out from time to time but they are preserved and protected where they can be found and that is perhaps one answer why we have still got from the thirteenth

century, from the 1200s, 23 or 24 original issues from that time. And also vellum is pretty tough, but ink fades. It is in some senses a miracle.

Question — Your Excellency, I have to say I concur with all of your thoughts. It springs to mind: very noble, but who bells the cat? I think of all the people who have a vested interest in the instability in our world society, all the people who may find their vested interests in conflict with the direction that we, as a caring community, would like to go. I think of media barons, I think of arms barons and I think of the politicians who have the task of helping us to create this new world and their conflict of interest. They want to be re-elected, they want that position of power, but these vested interests have a desire to see them suppressed. We have all seen what happens in Britain with the media barons and what you went through in the last few years. I think of America wrestling with the arms race and the people who are making so much money. I think of our dependence upon oil and this is what is financing terrorism. So I would like to travel with you, I hope for the sake of my grandchildren I can travel with you, but I just don't know how we are going to get there. I do not expect you to have the answers but your thoughts would be interesting.

High Commissioner — I wish I did have the answers and I don't really, like everybody else. I think all I would say is that having worked very close to people in the centre of government in the UK in some of the previous jobs I have done—I was private secretary to our permanent undersecretary during the Iraq war, for example, when some other terrible things happened including the Bali bombings, the attack on our consulate in Istanbul in which some of our staff were killed, et cetera—all I would say is that up close I think the people who are taking decisions are very often just like the rest of us and trying to do their best.

I completely recognise that is a very rosy interpretation and of course there are all sorts of power plays going on beneath that. Of course there is vested interest and conflict of interest but I think that fundamentally I believe that people are trying to do the right thing and that usually goes for our politicians and our leaders as well. Certainly those experiences that I have had have only built my faith in the democratic institutions of our states rather than made me disillusioned or angry, which is why I am still doing the job that I am doing. I think we just have to keep working together to try to reach solutions.

I have set out a series of principles and ideas but I am conscious that trying to get those implemented and achieved would be a whole different ball game. I think, as our foreign secretary said, you have got to keep those principles with you and they have to be woven into our foreign policy because if they are not, then our policy is nothing and it won't actually support our own long-term national interest. So I think we have

to rely on that and keep thinking about the values that underpin our interactions with other nation states. But I take the point. It is not all easy, there are lots and lots of challenges, but I think these principles might help us continue to deal with them.

Question — I was particularly interested that you indicated areas where Magna Carta had a great influence outside the British Commonwealth. Are there other equivalents to Magna Carta in other countries that were used to establish the rule of law? It is good to find Magna Carta has played such an influence, but are there other documents of long vintage that are also equivalent to Magna Carta in status?

High Commissioner — I think it is a really good question and the question you are asking me is: is Magna Carta unique in terms of our human existence? In getting this prominence but also spreading its wings beyond the shores of the British Isles and then even the Anglosphere. Tony Brennan, who is our Deputy High Commissioner, has just said the Koran, so I think that is a good example. The Bible?

Comment — French Republic documents?

Rosemary Laing — Very new! Almost still shiny.

Comment — I remember when I went on holiday to Iceland, they had a tradition where they all met in the Thingvellir valley and they went to Denmark, I think it was, and got their law and they brought it back to Iceland and everybody assembled and it was recited. If you didn't correct the person who was reciting it, then the new version became the law, so it was very important that everybody knew what they were listening to and hauled the narrator up if he left something out otherwise you would lose it. That was done every year, but I don't know if they still do it.

Rosemary Laing — Iceland certainly has one of the ancient parliaments of the world.

High Commissioner — That is very interesting. So we cannot quite answer your question but there are a few ideas, mainly ancient religious texts I think, that have stood the test of time. But we will go away and do a bit of googling as well and see if we can come up with a better answer.

Rosemary Laing — And there would be law codes from ancient civilisations like Assyria, ancient Greece, codes of Solon, such as that. But I think what is so profoundly moving about Magna Carta is that you have a group of incredibly self-interested barons who are out to master the king for their own interests and you end up with this set of principles that resonate so massively 800 years later based on some

very simple ideas. I think that is not only a great irony but one of the things that makes Magna Carta such a magic thing.