

Speech by the Rt Honourable Alan Johnson, MP, Home Secretary

SECURITY IN THE 21ST CENTURY: national, global, local.

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In 1782, the Prime Minister, the Marquis of Rockingham divided the principal duties of the state into two parts, and the very first cabinet posts of Home Secretary and Foreign Secretary were created.

For most of the two centuries that followed, international and domestic threats to security were distinct and could more or less be dealt with separately.

The business of war-making, peace-making and trade with fellow nation states came under the Foreign Office.

The task of keeping Britain's streets safe fell to the Home Office.

Today, there is no longer an easy and convenient distinction between what is international and what is domestic.

Crime and antisocial behaviour are experienced as local issues, though their causes often reach beyond national borders.

A crack-den in Manchester provides drugs that originated in the coca plantations of South America. Or the poppy fields of Afghanistan, where they are harvested and sold to narco-barons who help to fund the Taliban. By the time these drugs are smuggled into the UK, they will have travelled through multiple national borders and a host of criminal networks.

So tackling crime and antisocial behaviour – in all its manifestations – has a significant international dimension. Our agents in the Serious Organised Crime Agency (SOCA) are involved in counter-narcotics operations across the world. To give just one example, it was SOCA agents, working with the Royal Navy and operatives from the US, Spain and France, who intercepted \$55 million worth of cocaine off the coast of Venezuela, three months ago.

If the global aspects of crime and disorder are unclear, immigration is easily located in the public consciousness as an international issue, and one that has been greatly magnified by globalisation.

It's recently become fashionable to accuse politicians in mainstream parties of shying away from the debate, which is why I want to talk about immigration today, tomorrow, next week and on any occasion I can. The criticism may well be valid but we'll see what media coverage a rational discussion actually gets.

But in addressing the ramifications of migration, governments across the world have to resolve the conflict between national interest – ie. what's best for the economy - and the legitimate concerns of the electorate.

Too often what gets lost in any discussion on immigration are the reasonable expectations of the moderate majority

These are the people who accept that immigration has enriched our society – from its culture to its cuisine.

They accept the economic case for immigration but want it to be carefully controlled and monitored.

They accept that offering asylum to those who face persecution in their own land is part of our Island story – part of what makes us a civilised and mature democracy.

But they want to be confident that those who have no right to be here – whether foreign national prisoners, illegal immigrants or failed asylum seekers – are identified and speedily removed.

So I welcome any opportunity to talk about immigration policy. But there are four clear principles which all rational participants in this debate must observe.

First, that there is no sensible argument for immigration to cease altogether, and no sensible, mainstream politicians are arguing that it should.

Second, that there are communities which have been disproportionately affected by immigration, where people have legitimate concerns about the strain that the growth in the local population has placed on jobs and services.

Third, that the problems caused by immigration in recent years are not unique to this country – they are shared by governments across the West.

Fourth, that it is reasonable to expect that those who come to live amongst us should learn the language, obey the laws, and pay their taxes.

Whilst I accept that governments of both persuasions, including this one have been maladroit in their handling of this issue, I do believe that the UK is now far more successful at tackling migration than most of its European and north American neighbours.

We were one of the first countries in the world to introduce biometric visas. We were one of the first to introduce ID cards for foreign nationals.

We are one of the only countries in the world that resolves asylum cases with an objective of full completion within 6 months. That means not just that a decision is made in 6 months – the target includes the time it takes to return failed asylum seekers to their country of origin.

And the independent and expert advice of the Migration Advisory Committee on economic migration is admired by countries across the world – many of whom are adopting a similar version.

This government has never pursued an open-door immigration policy. The former civil servant, who claimed recently that in 2001 we had now says that his words have been twisted out of all context.

I read the article, I know the history. I'm responsible for the policy. The article was complete nonsense.

Since the Immigration and Asylum Act of 1999, the rules about who can come here and who can't have been steadily tightened.

And we are the only government in British history to have introduced a system where it is possible not just to physically count people in and out of the country, but to know which individuals have left and which have arrived.

As I've said, our record is not perfect. When we came into government in 1997, there was no magic button we could push immediately to resolve all the historic, political and operational problems associated with immigration. The legacy problems with unreturned foreign national prisoners and asylum seekers may have accumulated under

previous administrations, but they continued to be ignored for far too long on our watch.

Like many other countries, we struggled to contain the huge surge in migration – legal and illegal – that emerged from the countries such as Kosovo, Iraq, Zimbabwe, Sri Lanka and Somalia.

But this shouldn't overshadow the real and rapid progress we've made, particularly in the last three years. In 2001, an illegal immigrant could arrive at Sangatte, from where with comparative ease they could conceal themselves in a freight vehicle or train and cross the channel.

The reason why this problem has been reduced so dramatically is that the border no longer starts at the white cliffs of Dover – it stretches to Northern France. A freight vehicle is likely to be scanned before leaving French soil. Last year, 28,000 people were stopped from crossing the Channel illegally. The number of illegal immigrants detected in Kent has fallen by 90 per cent since 2001.

Those who do enter the country and try to claim asylum have their case would in all likelihood be processed in 6 months – including the time taken to deport them if their claim failed. In 1997, it took an average of 22 months. In 2001, it took an average of 18 months.

For the first time in this country's history, we have a reliable way of checking individuals in and out of the country. It's called e-borders and when complete it will deal effectively with the perennial problem of the visa over-stayer which has always been the principal route to illegal settlement.

Already, it means that border effectively stretches beyond our coastline. If someone applies for a visa in New York, their information will be checked instantly against thousands of records of people who've tried to enter the country illegally, who are known criminals or are suspected of being involved in terrorist activities. If there's a match, it is in New York that they will be prevented from entering the UK.

E-borders will be fully operational by 2014, and together with record numbers of foreign prisoners being returned, and the completion of the legacy cases on immigration and asylum by summer 2011, will ensure that the problems of the past are resolved while similar problems in the future are avoided.

The Conservatives say there should be a cap on immigration. Let's be clear about this – a cap is not a moratorium. What they propose is a pre-determined, arbitrary, fixed figure on the number of non-EEA

nationals allowed to work or study in the UK. They have yet to tell us what this figure would be or how it would be determined.

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The cap may be so high that it's immaterial or so low that they'd need to explain which young people would not be allowed to come here to study. Are they intending to stop those who have the legal right to join family members?

We don't know what they will say to employers who cannot recruit skilled staff because they've reached this arbitrarily, pre-determined limit.

And we don't know how they will deal with the changing social and economic conditions that will emerge after their cap has been fixed.

As the Financial Times commented last month: "At best the [Tories' policy] could make little difference and at worst they could damage business. A Tory government would better spend its time fine-tuning the points-based system which though suffering some teething problems appears a sensible approach."

The removal of 80 different routes into Britain under the old work permit system and its replacement by the points based system in 2007 has radically overhauled how we control economic migration, so we can balance the needs of the economy with the indigenous demand for jobs. Most significantly, it is a flexible system that can be adjusted to meet changing circumstances.

The Conservatives are perfectly entitled to argue for a cap. It's illogical, and opaque, but it recognises the need for immigration and proposes to deal with it in a different way.

What they are not entitled to do is claim that Britain has an open-door policy. This wilful misrepresentation of the facts is a hangover from their dog whistle politics of the last election. What's needed in Britain is a rational debate based on the facts.

And protecting our borders requires us to be active in resolving the international issues that increase our vulnerability.

On counter terrorism, many of the major terrorist plots of recent years have links to Pakistan, or the porous border in the mountains between Afghanistan and Pakistan, as last Thursday's discovery in South

Wazinstan of a German passport belonging to Said Bahaji, a close associate of the one of the 9/11 hijackers, reminds us.

Nothing better illustrated how our involvement in Afghanistan and the support we offer the Pakistan government are essential to the safety and security of our citizens here.

The democratically elected government of Pakistan is currently embroiled in a serious conflict with Taliban insurgents, who have launched countless attacks on innocent Pakistani citizens and who continue to shelter Al Qaida in the mountains between Pakistan and Afghanistan.

There is little doubt from leading experts that without the support of the British government and coalition forces from 42 other countries, Afghanistan would once more become a safe haven for terrorists and this would magnify the risk of future terrorist attacks and completely destabilise an already unstable region.

The biggest threat to these extremists is the resilience and confidence of the communities they claim to represent. The overwhelming majority of Muslims are horrified by those who distort Islam to justify atrocities here and abroad.

The UK stands alongside the Islamic Republic of Pakistan in the fight against religious extremists – not because of their religion, but because of their extremism.

Our Prevent strategy is based on a very simple premise: that British Muslims must be at the forefront of undermining those who seek to distort Islam in order to justify terrorism, and they should be supported in those efforts.

It goes hand in hand with tackling social exclusion and deprivation which disproportionately affect Pakistani and Bangladeshi communities, and challenging those far-right extremists who peddle anti-Muslim propaganda – who say that Islam is based on violence and oppression, or that it has no place in democratic, western society.

Prevent is categorically not about spying, and false assertions to the contrary can damage the good partnership work going on in communities across the country.

Islam clearly advocates the right to life, to freedom of expression, to belief, justice and equality of opportunity – these are universal values.

They are remarkable in their similarity to the articles of the UN Universal Declaration of Human Rights, which were agreed by 58 member states including many Muslim states, in 1948.

While the nature and scale of the threats to security have changed irrevocably (as well as the tools we need to tackle them), these values have not dimmed in their significance over the 61 years since the UN Declaration was launched.

Or since the UK played a major role in drafting the European Convention on Human Rights, which is now incorporated into our laws through the Human Rights Act of 1998.

In our determination to protect this country from terrorist attack, there are occasions where the rights of the individual have to be weighed against the rights of society as a whole – a modern version of a dilemma that has always been a fact of Home Office life.

It is human rights legislation that ensures this balance is struck correctly. Not because it pitches the rights of the individual against the will of the state, but because it helps ensure that the response of the state is proportionate to the threat.

By necessity, there will be times when such rights are inconvenient to the government of the day - but this is not an argument to repeal the Act. On the contrary, it demonstrates its necessity.

Sir Edward Coke, the Attorney General who prosecuted Guy Fawkes and his fellow conspirators said this: "Howsoever these Traitors have exceeded all others their Predecessors in Mischief; yet neither will the King exceed the usual Punishment of Law, nor invent any new Torture or Torment for them; but is graciously pleased to afford them as well an ordinary Course of Trial, as an ordinary Punishment, much inferior to their Offence."

Admittedly, their punishment would be judged as inconceivably barbaric by today's standards. But even in the 17th century, when many people still believed in the divine right of kings, in dealing with one of the first acts of terrorism on British soil, it was the law that was the ultimate authority, not the state.

I want to touch on two aspects of policy where the issue of what is proportionate has been hotly debated.

The first is on the Regulation of Investigatory Powers Act, on which we will publish a review very shortly.

The late 1990s witnessed a huge growth in communications technology – the use of mobile phones and e-mail became ubiquitous. At the same time, the regulation of who could use communications data and for what purpose was patchy and unclear.

Other techniques, such as covert surveillance, were not regulated at all.

The aim of RIPA was not to grant new powers to the state, but to protect the public from the excessive use of existing powers.

The public willingly accept that in their efforts to bring criminals to justice, the police should be able to locate people by their mobile phone records. They will also no doubt accept that there's a case for the Environment Agency being able to use such techniques to track down companies who are disposing of toxic waste illegally. Or for the Civil Nuclear Constabulary to use covert surveillance to protect nuclear power stations.

But they will not accept such powers being used to spy on people who put their rubbish out on the wrong day, or let their dogs foul the streets, because this is clearly not proportionate. There is no evidence that such practice is widespread – but I want to make it clear that in no circumstance is it acceptable.

If agencies use RIPA powers for such trivial reasons, the case for using them to track down serious offenders who put public safety at risk rapidly diminishes in the eyes of the public.

The second proportionality issue is control orders.

If someone is suspected of being involved in terrorist activity, then our first objective will always be for that person to be tried and prosecuted in an open court, or deported if they are foreign nationals.

But there are a handful of people who undoubtedly pose a substantial threat to public safety, and who for good reason can't be deported or prosecuted. Either because, in the case of foreign nationals, their safety cannot be guaranteed if they are returned to their home country, or because we do not always have sufficient admissible evidence

These cases are very rare – when I made my last report to Parliament, there were only 15 control orders in force and the total number of people who had ever been the subject of a control order was 44.

In comparison, between 2001 and 2008, there were nearly 1500 terrorist-related arrests, 35 per cent of which led to a charge, compared with 31 per cent of arrests for other offences.

Control orders are subject to rigorous scrutiny. The High Court gives permission for orders to be made – and subsequently undertakes a full review of each case. That review considers whether there is sufficient reason to believe that the individual in question is involved in terrorist activity and whether a control order is necessary to protect the public.

This is an area of the law where there is little precedent, and case law is consequently developing all the time. There have, inevitably, been legal challenges – in particular in relation to Articles 5 and 6 of the European Convention on Human Rights.

And in some instances, for this very small number of cases, there is no doubt that complying with the judgments that have come from these challenges has made the work of the police and the Security Service more difficult. Not impossible, but more difficult.

But these compromises and adjustments are an essential part of the process through which we strive to get the balance right: protecting the public, but in a way that's proportionate to the threat, and without disregarding the values enshrined in our laws.

Over two hundred and twenty-seven years have passed since Lord Shelburne was appointed as the first ever Home Secretary alongside Charles Fox as the first Foreign Secretary.

Shelburne and Fox would recognise much of what Johnson and Miliband have to contend with but the global context in which matters of safety and security have to be considered would have seemed alien.

Some seek to simplify the role of the Home Secretary into a series of choices.

Between global and local.

Between opening the door to immigrants or closing it completely..

Between liberty and security.

But the world in which we live does not support such simplicity – it is doubtful whether it ever did.

Because there is no liberty without security.

It would be foolhardy to stop immigration altogether, and equally so to actively encourage it.

There is no grand contest between the rights of the individual and the will of the state – because the state must uphold both individual rights and those of society as a whole.

Home Secretaries are often portrayed as having to make a kind of choice between louché liberalism and iron-clad authoritarianism.

A decade into the 21st century, such choices are irrelevant. The prime duty of the state – ensuring the safety of its citizens – is more complex and varied than it ever has been. But the universal values that were forged by the internationalism of the last century are as relevant today as they have ever been. Only by protecting them can we secure our democracy for the future.