

The other key issue I think will be cultural and religious tolerance, as this question lies at the heart of so many human rights problems, including refugees, terrorism and our responses to it, discrimination, and even poverty.

Do you think those issues will be reflected domestically?

I think those problems will largely be seen as offshore concerns. One possible exception I think is Indigenous peoples. It is extraordinary now when you look at how indigenous affairs have just dropped off the radar. Just one of those things I remember, when I was working on the Human Rights and Equal Opportunity Commission post Stolen-Generations report, was a study commissioned by HREOC on how much coverage the stolen generations, and the associated report, got in the press in 1996-7; it was then by far the single most important social political issue in the Australian press. I would be surprised if today [Aboriginal affairs] even makes it in the top five. I think that indigenous social, political and legal concerns will come around again as they are unfinished business.

Do you think that international human rights law is achieving its goals or at least getting closer to them, and will it continue to be relevant in the C21st century?

Human Rights have become a sort of ‘secular faith, and in all sorts of ways, not just in the Academy. If you look at the sheer numbers of people who do human rights work compared to ten or fifteen years ago. Many more people are engaged in human rights work. They see it, I think, as interesting, as relevant, as part of the social globalisation along side the economic and technological globalisation.

However I think there are some problems with overkill. Human rights can be used as a bludgeoning instrument for just about anything. It has become an overused and misunderstood term, like democracy, or rule of law, and it has lost its traction and a little bit of currency because of this. Having said all of that, I don’t see the human rights project as fundamentally flawed. I do see it as an important, sophisticated, philosophically grounded, global phenomenon. A cultural and political phenomenon, and I think probably soon, an economic phenomenon. How the notion will develop and adapt in these contexts will be a key challenge.

Has it achieved its goals? I think that now, not least because of hyper-communication at a global level, there is more dialogue, there is more knowledge shared and to some extent better understanding of others. However, I do think that with such increased exposure there has come increased fear and suspicion. They may know more but in fact it may scare them. It strikes me that this is a problem that we have to deal with. Dialogue however seems to me, in a grand sense, better than ignorance; better than no dialogue. There is a wonderful Japanese international

lawyer who talks about the need for a truly inter-civilisational dialogue. I absolutely agree. Such dialogue is both a goal of, and pre-requisite for - better human rights protection.

Has, therefore, human rights achieved its goals? No, and I don’t think it ever will. I think that there are egregious human rights abuses now, and, alas, I think there always were. But it seems to me that the only clear way forward is to pursue the goals of engagement, knowledge and greater understanding and from that there will eventually come greater empathy and respect for one another.

Professor David Kinley will be taking up a Professorial Chair in Human Rights Law at the University of Sydney Law Faculty.

China Delegation

On 3 August 2004 the Castan Centre hosted the Human Rights and Equal Opportunity Commission China – Australia Human Rights Technical Cooperation Program (HRTC) for the day.

The China – Australia Human Rights Technical Cooperation Program is an integral part of the dialogue on human rights between the Governments of Australia and China and is aimed at providing practical assistance to China to administer, protect and promote human rights. Activities are designed and implemented through a cooperative venture between the Human Rights and Equal Opportunity Commission and a particular Chinese organisation.

The recent activity with which the Castan Centre was involved was coordinated in conjunction with the National Judges College of China, and involved a visit to Australia by the President and senior officials of the National Judges College from 2 – 14 August 2004. The objective of the activity was to enhance the ability of the National Judges College to design and deliver curricula for the education of trainee and mid-career judges in human rights and judicial protection of human rights.

The Castan Centre participated in the hosting of the delegation on 3 August 2004. The officials were given an overview of the University and Centre’s undergraduate and postgraduate programs in human rights related areas, which involved discussion of the fundamental nature of human rights and the international framework for protection.