Abstract

The purpose of this paper is to explore the place of human rights in contemporary Conservative Party foreign policy thinking. This paper asks three interrelated questions: Firstly, what role have human rights come to acquire in the post–war era? Secondly, how have human rights affected Conservative foreign policy thinking? Thirdly, what are the ideational tensions in Conservative foreign policy over the place of human rights in the early 21st Century? The purpose of this paper is to propose and consider some answers to these research questions. To do this, a mixed methodological approach will be relied upon that combines textual analysis of speeches from leading Conservatives with elite actor interview material.
Introduction

Since David Cameron became leader of the Conservative Party in 2005 a growing body of academic literature has emerged analysing contemporary Conservative foreign policy under Cameron. In the literature topics such as the Strategic Defence and Security Review (SDSR) (Martin, 2011); Cameron’s EU policy (Lynch, 2012); the ideational context (Beech, 2011; Dodds and Elden, 2010) and Cameron’s Conservatives and humanitarian intervention (Beech & Oliver, 2014; Daddo & Schnapper, 2013) have been critically examined. However, there are gaps within the literature particularly on the place of human rights in Conservative foreign policy. This paper seeks to address that gap within the academic literature and to explore the contested role of human rights in contemporary Conservative Party foreign policy thinking. It will examine the dilemmas for Conservatives of the growing emphasis attached to human rights in foreign policy particularly within the context of the difficulties they have with the European Convention on Human Rights (ECHR).

To do this, a mixed methodological approach will be relied upon that combines textual analysis of speeches from leading Conservatives with elite actor interview material. The first part of the paper will examine the rise of human rights. Secondly, it will examine the emergence of human rights and Cameronite Conservatism. Thirdly, it will examine tensions within liberal conservatism through the lens of the ECHR and humanitarian intervention.

The first tentative conclusion it offers is that despite Conservative scepticism in domestic politics about human rights and the influence of the ECHR, such is the irresistibility of human rights, both as an idea and in the codification of rights in international law, that Conservatives in foreign policy terms have embraced them, both rhetorically, and in other international institutions. The second conclusion it proposes is that Cameron’s Conservatives have been confronted by the reality that globalisation has led to the internationalisation of foreign policy problems including the dilemma caused for state actors when another state is responsible for human rights abuses and violations within their own territory. As such, it is argued that Cameron’s liberal Conservative foreign policy is sceptical towards human rights as codified in the ECHR.
but is willing to commit blood and treasure to uphold human rights abroad as the intervention in Libya and thwarted intervention in Syria demonstrate.

The rise and rise of human rights

In May 1997 when the then Foreign Secretary, Robin Cook introduced the so called ‘ethical dimension’ into UK foreign policy he was reflecting the fact that over the past sixty years human rights, across the globe, had established themselves in the words of one scholar, as the ‘...coin of the normative realm, the lingua franca of moral and political claim making’ (Ingram, 2008: 41). Human rights were a central part of New Labour’s approach to foreign policy-making whilst in office. Indeed, a substantial body of literature has developed exploring further what was meant by the phrase ‘ethical dimension’ and its impact on UK foreign policy making (Daddow and Gaskarth, 2011; Gaskarth, 2006 & 2012; Williams, 2002).

However, like motherhood and apple pie, who could be against the idea of human rights? The pervasiveness of human rights has manifested itself in a number of legal, constitutional, social and political ways. Firstly, in legal terms, there has been a substantial increase in international human rights treaties and agreements (Alston & Goodman, 2013). Secondly, in constitutional terms there is a growing tendency for states to enshrine these individual human rights in the form of a constitutionally entrenched charter of rights to be interpreted and applied by the judiciary (Hirschl, 2004). Thirdly, in political terms, what can be increasingly observed is the way in which individuals and communities deploy the language of human rights to make what are essentially political claims about their respective needs, interests and entitlements and to articulate a vision of what human beings require to live a conception of the good life (Dworkin, 1978; Shue, 1996). Fourthly, alongside these legal, constitutional and political manifestations, in social terms, there has also been the rise of international human rights NGOs involved in monitoring the implementation of international human rights obligations, reporting on alleged human rights abuses and lobbying for more effective international and national human rights protections (Neier, 2012).
Whilst fundamental disagreement may exist over what is meant by the term ‘human rights’, they are, arguably, an ever-present feature of contemporary political discourse. Long lists of political, legal and moral claims are made using the language of rights. Indeed, human rights language has acquired such a hegemonic status in discourses of international law and politics and domestic law and politics that to a large extent the triumph of human rights as the idea of our age appears almost complete (Henkin, 1996). However, despite the pervasiveness of human rights in our political, philosophical and legal discourse many doubts about their philosophical basis and practical outworking still persist at a practical and theoretical level (Douzinas, 2000). It is beyond the scope of this paper to explore these debates in greater detail particularly because of reasons of space and clarity nor will this paper, for similar reasons, seek to advance a definition of human rights suffice to say that irrespective of one’s views or otherwise on human rights one is confronted by this claim as articulated by the historian Mark Mazower, ‘...whether rhetoric or reality, human rights are a global phenomenon’ (Mazower, 2004: 379). As Richard Rorty puts it, human rights have become a ‘...welcome fact of the post-Holocaust world’ (Rorty, 1993:72). Much of the scholarship tends to consider 1948 and the UNDHR as a conceptual year zero for human rights. Anna Grear who focuses on how the project of international law is framed by the Universal Declaration of Human Rights (UNDHR) as the foundational framing document states that it:

...functions as a particularly potent form of framing, for it selects aspects of perceived reality, making them not just salient but symbolically central to the entire philosophical, moral, juridical order designated by the term ‘international human rights law’ (Grear, 2012:18).

The notion that the contemporary human rights idea emerged in the post-holocaust world is a widely held academic position. As one scholar puts it in very forthright terms, ‘...the contemporary idea of human rights was formulated and given content during the Second World War and its aftermath’ (Henkin, 1990:1–2). Furthermore, according to Mazower the explanation for the emergence of rights discourses in the post Second World War can be attributed to two related and overlapping reasons: the ‘Eleanor Roosevelt’ version and the ‘Adolf Hitler’ version (Mazower, 2004). The former sees human rights emerge in political thinking because of a strong commitment by a noble
number of visionaries to implement the concept and enact the UN Declaration on human rights whilst the latter stresses the reaction of ‘widespread revulsion’ to the Nazi atrocities acting as a catalyst for a strong emphasis on human rights protection (Mazower 2004: 380).

In many ways international law has been the primary factor in pushing human rights towards the normative place it has acquired in contemporary political discourse. It has played an extremely significant role in shaping the form and content of contemporary human rights discourse but one should be careful to avoid the presupposition that widespread agreement exists about the nature and content of the rights contained in international human rights treaties simply because certain rights have been enunciated in international human rights treaties. As Griffin puts it, ‘...widespread doubts about certain reputed civil rights, objections to the lavishness of some welfare rights...have a rational force that can not be countered simply by showing that these rights appear in international treaties.’ (Griffin, 2008: 204) Moyn has recently questioned the orthodoxy of human rights historiography arguing that it was not until the 1970s that the contemporary idea of human rights crystalized and gained traction (Moyn, 2010). In other words he rejects an orthodox historiographical account that traces the contemporary idea of human rights to the enlightenment and as a response to the revulsion of the Holocaust in the post-Second World War period. Having considered the rise of human rights, this paper now moves to consider the problems that human rights have caused domestically for Cameron’s Conservatives.

**Cameron’s Conservatives and the human rights problem**

The new emphasis that the Labour Government brought to human rights issues in foreign policy was also reflected in changes to Britain’s domestic human rights regime through the introduction of the Human Rights Act (HRA) in 1998. When the HRA took effect in 2000 it meant that for the first time UK citizens could rely explicitly upon their Convention rights in the domestic legal system. The Conservative Party have had an uneasy relationship with the HRA and with the development of a new human rights culture in Britain (Munce, 2012; 2014). Their concern has centred around four main arguments. Firstly, that the HRA has caused an imbalance in the criminal justice system
in favour of the perpetrator, not the victim, and that abolishing the HRA would be an important part of their fight against crime and restoring dignity to the victim. Secondly, that the operation of the HRA has undermined the effectiveness of the government’s fight against terrorism. Thirdly, that the HRA has upset Britain’s historic political constitution undermined parliamentary sovereignty and created a politicised judiciary. Fourthly, that the HRA and the new human rights culture in Britain has under-emphasised the importance of balancing rights with responsibilities and civic duty.

Conservative concern about the HRA has been shared by every Conservative leader in opposition since 1997 but it was the election of Cameron as leader in December 2005 and the speech he made to the Centre for Policy Studies (CPS) in June 2006 that signalled a change in direction for the Conservatives in terms of their approach to the HRA. Cameron’s speech to the CPS was his first significant intervention on the human rights debate. His speech raised familiar themes about the negative impact the HRA had had on the criminal justice system and in national security issues particularly regarding the deportation of terrorist suspects and the restrictions that Strasbourg jurisprudence has placed on national governments. It was in this CPS speech that Cameron first committed himself to the repeal of the HRA and the introduction of a British Bill of Rights (BBoR) that would address the sense of alienation felt by the public that the HRA somehow reflected the foreign imposition of rights and liberties:

So I believe that the time has now come for a new solution that protects liberties in this country that is home-grown and sensitive to Britain's legal inheritance that enables people to feel they have ownership of their rights and one which at the same time enables a British Home Secretary to strike a common-sense balance between civil liberties and the protection of public security. (Cameron, 2006a)

However, the formation of a coalition with the Liberal Democrats in May 2010 frustrated Cameron’s attempt to deal with the human rights issue. The Conservative Party and Liberal Democrats entered the 2010 General Election with very different policies towards the HRA. Whilst the Conservatives were committed to replacing it with a BBoR, their Coalition partners, the Liberal Democrats were equally committed to protecting the HRA and to defending its political legacy. As a result of the Coalition
Agreement a compromise was found on the HRA through the creation of a BBoR Commission established by the Government in March 2011. It was established under the leadership of Sir Leigh Lewis, a retired senior Civil Servant, and consisted of eight part-time commissioners. The purpose of the Commission was to investigate, ‘...the creation of a British Bill of Rights that incorporates and builds on all our obligations under the European Convention on Human Rights’ (HM Government, 2010: 8). The clear intention of the Coalition partners in establishing the Commission was to put the issue of the HRA and Britain’s relationship with the ECHR into cold storage until after the next general election and navigate a course of least resistance until both parties were at greater liberty to argue for their respective distinctive positions on the HRA and the protection of human rights in the UK (Munce, 2014).

The Commission was, arguably, destined for stalemate from its inception as its composition, ‘...merely reflected the dividing lines within the coalition on the HRA with its membership equally divided between those who wanted to keep it and those who wanted to repeal it’ (Munce, 2012: 62). The main problem with the Commission was that its composition was reflective of the wider fault lines in the Coalition on the HRA. For Liberal Democrats the fact that a Commission was established to build upon the foundations of the ECHR should be considered a significant victory (Hazell & Young, 2012). For some Conservative MPs, however, the fact that Britain’s relationship with the Convention was not within the remit of the Commission was problematic. In entering a coalition with a party so committed in its support and defence of the HRA, Conservative opposition to the HRA was destined to be permanently constrained for the duration of the Coalition. This paper now moves onto consider some of the tensions within liberal Conservative foreign policy.

**Tensions within a liberal Conservative foreign policy**

The interpretative approach to the study of governance and of policy actors has gained significant traction in recent years as a method of uncovering the underlying beliefs of various policy actors through exploring tensions, dilemmas and traditions of thought. In recent years, this method has also been applied to foreign policy studies (Bevir et al, 2013; Beech, 2011). This paper relies on that approach, in particular, through exploring
the tensions that the Conservative position on the ECHR and the doctrine of humanitarian intervention cause for a liberal Conservative foreign policy. However, before exploring those tensions in more detail it is necessary to understand what is meant by a *liberal Conservative* foreign policy.

Cameron and Hague have framed Conservative foreign policy around the idea of liberal Conservatism. Cameron introduced this theme in a speech in 2006 when he argued:

> I am a liberal conservative, rather than a neo-conservative. Liberal - because I support the aim of spreading freedom and democracy, and support humanitarian intervention. Conservative - because I recognise the complexities of human nature, and am sceptical of grand schemes to remake the world. A liberal conservative approach to foreign policy today is based on five propositions. First that we should understand fully the threat we face. Second, that democracy cannot quickly be imposed from outside. Third that our strategy needs to go far beyond military action. Fourth that we need a new multilateralism to tackle the new global challenges we face. And fifth, that we must strive to act with moral authority (Cameron, 2006b).

The pursuit of this liberal Conservative global view was not affected in any way by the formation of the Coalition with the Liberal Democrats in May 2010. The idea of liberal Conservative foreign policy has been of great interest to a range of scholars from political science and international relations; interested in tracing both its ideational heritage and the extent to which it represents continuity or change in British foreign policy making (Beech, 2011; Beech and Oliver, 2014; Daddow and Schnapper, 2013; Gaskarth, 2012). In this paper we contend that the concern to promote and protect human rights abroad has been an important feature of liberal Conservative foreign policy.

*ECHR*

As this paper will demonstrate Cameron and Hague’s liberal Conservative foreign policy has a strong commitment to human rights at its core. However, at the same time when support for human rights were emerging as a critical element of their global view the Conservatives were pursuing an alternative narrative domestically which, as we have
seen above, was profoundly critical of the HRA and, in particular, since the issue of prisoner voting rights has featured high on the political agenda, Conservative MPs have also expressed growing criticism of the ECHR and its court; the European Court of Human Rights (ECtHR). Therefore, within liberal Conservative foreign policy there are two tensions. Firstly, the tension between the scepticism and dissatisfaction expressed about the HRA and the strong support for human rights that exists within the liberal Conservative global view and, secondly, a tension within liberal Conservatism between strong support for international human rights standards and the persistent and serious concerns expressed about the ECHR and the ECtHR in Strasbourg.

In response to some of the controversial decisions from the ECtHR the tone and nature of the Conservative response is different. Consider this interview Cameron gave to a BBC programme in September 2013:

I am less interested in which Convention we are signed up to but as Prime Minister I want to know can I keep our country safe? So for instance are we able to chuck out of our country people who have no right to be here who threaten our country. I say we should be able to do that. Now, whatever that takes we must deliver that outcome and that is what I think we have the next 20 months to do and put into our manifesto whatever measures need to be taken so that we can get the effect we want which is basically to have greater ability to keep our people safe. (Cameron, 2013b)

When asked by the interviewer what is wrong with saying ‘we are pulling out of the Convention’ Cameron replied: ‘Well it may be that is where we end up’ (Cameron, 2013b). In other words it is possible to detect a shift in Conservative thinking from dissatisfaction with the Convention’s rights regime expressing itself in mere words attesting to that fact to withdrawal now being an option seriously considered by Cameron and senior Conservatives including the Home Secretary Theresa May and Lord Chancellor Chris Grayling. During a debate in the House of Commons on the impact of the ECtHR’s decision in Hirst v UK ((No. 2) - 74025/01 [2005] ECHR 681 (6 October 2005)) which ruled that a blanket ban on voting for prisoners was a breach of article 3 of Protocol 1 of the ECHR a number of Conservative MPs expressed their discontent at the Strasbourg Court’s decision. One Conservative MP during the debate argued that,
'The bottom line for me is that there would be less shame in leaving the European convention on human rights than in giving prisoners the vote.' (Philip Holloborne HC Debs 10 Feb 2011 vol 523 cc 537). During a debate in the House of Commons on the 7th February on the issues surrounding the deportation of Abu Qatada another Conservative MP said:

What the British public want to know is this: if we cannot secure the reforms that we need from the European Court of Human Rights, will we withdraw from the European convention? In the absence of that commitment, the Home Secretary will simply be spitting in the wind.
(http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120207/debtext/120207-0001.htm last accessed, 18th September, 2013).

The most senior Conservative, apart from Cameron, to express discontent was May who in a speech on 9th March, 2013 said that:

...by 2015 we'll need a plan for dealing with the European Court of Human Rights. And yes, I want to be clear that all options – including leaving the Convention altogether should be on the table.

Not all elements of the Conservative Party agree with this direction, most notably the Attorney General Dominic Grieve who warned that if the UK withdrew it would risk being viewed as a 'pariah state’ by the international community
(http://www.telegraph.co.uk/news/politics/9596949/Britain-could-become-Belarus-if-it-abandons-human-rights-legislation-warns-Attorney-General.html last accessed, 18th September, 2013) Previously, whilst in opposition he stated that withdrawing from the Convention would:

Send a very damaging signal about how the UK viewed the place and promotion of human rights and liberties and would be an encouragement to every tin pot dictator such as Robert Mugabe, who violates them. Nor, if a UK government intends to behave in

Conservatives have repeatedly stressed that their problem is not with the text of the Convention itself, with the rights enshrined in it or indeed the original vision of those who drafted the Convention. For Conservatives the problem is with the Court’s jurisprudence, which the Justice Secretary Chris Grayling has labelled as ‘jurisprudence without limits’ (Joint Committee on the draft Voting Eligibility (Prisoners) Bill, 2013). For example, as the Eurosceptic Chair of the ‘Better Off Out’ ginger group of Conservative MPs, David Nuttall argues:

There is nothing wrong with the rights in the original ECHR. The problem is that it was written in the aftermath of the Second World War. In the minds of the draftsmen were the atrocities that had been committed in Nazi Germany. What has gone wrong over the years is that judges have moved it way beyond that into areas that no one would have ever believed that set of broad principles could have ever applied to. Nuttall, D. (3 July 2013) interview with the author.

Therefore, the Conservatives have attempted to decouple their problem with the Strasbourg Court from their support for the text of the Convention itself. However, the problem is that you cannot have one without the other. Until Protocol 11 the right of individual petition to the court and the court’s jurisdiction were something that a State signed up to voluntarily, now the right of individual petition and the court’s jurisdiction were compulsory. The UK Government under Harold Wilson first signed the UK up to accepting the right of its citizens to bring a case before the Court and to be within the Court’s jurisdiction. This was renewed every five years. However, this was no longer the case. In a significant development membership of the Council of Europe and being a signatory to the Convention was now conditional on accepting the compulsory jurisdiction of and the right of citizen’s individual petition to the Court.
Furthermore, as Andrew Moravcsik has argued, ‘the ECHR system is widely accepted as the most advanced and effective international regime for formally enforcing human rights in the world today’ (Moravcsik, 2000: 218). In other words the ECHR system is the paradigm in terms of rights protection in the world today not least because of its enforcement mechanisms through the Court. Therefore, arguably, there is a charge of inconsistency that can be brought against the liberal Conservative foreign policy of Cameron and Hague. How is it possible for Conservatives to support the promotion of international human rights through the UN; through interventions in Libya; and through the rhetoric of their speeches and, simultaneously, have significant problems with the Convention’s rights regime? Added to this inconsistency is the fact that many Conservatives support the idea of the UK denouncing the Convention and withdrawing its commitment to this pre-eminent international human rights treaty.

In other words, what this points towards is a significant disjuncture in foreign-policy practice. One scholar suggests it amounts to the, ‘...selective deployment of international human rights standards’ (Grear, 2012: 24). Western powers in the late 20th and early 21st centuries chose to intervene in Kosovo on humanitarian grounds but not in Rwanda to confront mass genocide. As such, as Grear argues, ‘...international human rights law, in both theory and practice is riven with contradictions, disputations, rival framings and oppositional accounts’ (Grear, 2012: 24). Indeed, this disjuncture is epitomised in the current practice of the British Conservative Party towards international human rights. On the one hand senior Conservative Government Ministers such as May and Grayling express profound dissatisfaction with the judgements of the ECtHR against the UK in Strasbourg and as a result question whether the UK should remain as a signatory to the ECHR. Whilst, on the other hand, the FCO led by Hague express their support for the international human rights regime and recently campaigned to be a member of the UN’s Human Rights Council for 2014-2016 arguing that the UK is ‘committed to a strong, effective international human rights system.’ (FCO, 2014) Furthermore, Hague has emphasised the importance of the international rule of law in this speech from 2012, *International Law and Justice in a Networked World:*
Some people may wonder why I have chosen to speak about international law and justice today. This subject is more commonly the preserve of lawyers, academics and justice Ministers. But there are three compelling reasons why I think it is important to speak about it as Foreign Secretary, and to do so now. The first is that justice and international law are central to foreign policy. My second reason for giving this speech is our growing reliance on a rules-based international system. We are far more vulnerable today than we ever have been to threats that no one nation can address alone, while our economic ties to other nations grown ever more complex. So we depend more and more on other countries abiding by international laws and agreements. (Hague, 2012)

Arguably, there is a potential dissonance between this conception of Conservative support for a rules based, often through international human rights, system of international law and their developing position on the ECHR.

*Humanitarian intervention*

Humanitarian intervention is an established facet of Britain's global role. It remains controversial, highly dangerous to both human life and Britain's reputation as a responsible member of the international community. Few states possess the requisite military sophistication and/or the political appetite for humanitarian intervention. Despite the significant down-grading of Britain’s naval capabilities (Martin, 2011) and the catastrophe of Iraq, Her Majesty’s Government remain committed to this aspect of Britain’s global role (Cabinet Office, 2010; HM Government, 2010b).

It is our contention that in an era of increased internationalisation of foreign policy problems Britain must be prepared, from time to time, to engage the military instrument for the purpose of humanitarian intervention. In addition, we argue that the Conservatives under Cameron have, for the first time in their party’s history, overtly accepted that Britain is committed to undertake humanitarian interventions to protect the human rights of non-British citizens (Cameron, 2011a, 2011b, 2012; Hague 2011; 2012). This is contrasted with the more sceptical and realist perspectives held by older Conservatives which emphasise diplomacy and economic sanctions. As Sir Malcolm Rifkind argues:

...
Certainly until the last 30 to 40 years the assumption would be that you do not interfere in the internal affairs of other countries other than in the most exceptional circumstances. As a general principle you shouldn’t do so unless you own security and national interest is at stake. That was taken as an almost automatic assumption until recent times. I think the debate however has moved on... The modern Conservative Party today would have no difficulty with the view that we should use diplomacy and foreign policy and our political institutions to advance the cause of human rights, democratic government and the rule of law in other countries. As a principle, as a universal value, I think modern Conservatism would have no difficulty with that.... If you go to war as we did in the Falklands because the Argentineans had invaded then you know what your objective is - to recover the freedom of these islands and get the Argentineans out - once you’d done that the war had succeeded. Likewise the war to liberate Kuwait, the first Gulf War; the purpose of it was quite clear, quite specific, quite finite, if on the other hand you have the case of Kosovo and Iraq a sort of general objective of human rights, protection and prevention of persecution and enhancing democracy then you’re stuck.

Rifkind, M. (23 November 2009), interview with the author.

When asked about the principle of the doctrine of humanitarian intervention\(^2\) and whether it is compatible with the traditions and ideas of British Conservatism, Lord Hurd stated:

I think most Conservatives would approach the *ideal* with a certain suspicion and scepticism which is not to rule it out in all cases. There will be cases when the conditions apply but they will be quite few. You get moments of high indignation Gladstone on the Bulgarian atrocities, Britain over the invasion of Belgium where people really get worked up in to fever pitch but they are quite rare. On the whole we’re a coolish country. Hurd, D. (14 December 2009), interview with the author.

In answer to the same question Lord Howe suggested:

I’m not sure they ever have espoused doctrines like that. The idea of becoming a unique propagator of democratic government with a unique capacity to succeed therefore justifying regime change is gravely misleading. The United Kingdom created more democracies than any other country has had hot breakfasts and we’ve seen so many of them crumbling that it’s a very sensitive banner to wave or brandish. It is much more difficult than it seems. Howe, G. (14 December 2009), interview with the author.
Cameron and Hague's commitment to humanitarian intervention in defence of human rights was initially tested during the conflict in Libya (Beech and Oliver 2014) and then, after much consideration, Cameron argued that military action be taken for the sake of protecting the human rights of the people of Syria against the Assad regime who had used chemical weapons (Cameron, 2013a). This, of course, did not come to fruition as Cameron opted to follow or, to some extent, to activate the convention announced by the Brown Government in its Green Paper *The Governance of Britain* (HM Government, 2007). Given the effect of the long war in Afghanistan in the public's consciousness; the debacle of Iraq; fiscal pressures; and the caution inherent in the Conservative foreign policy tradition, Cameron put his case for humanitarian intervention in Syria to the House of Commons on 29th August 2013 and lost by 285 votes to 272. From this we can observe Cameron's tempered road to humanitarian intervention in Syria in part a tonic to a decade of British interventions authored by the longest serving Labour Prime Minister; which was ultimately stymied by a new political convention set out by Cameron's Labour predecessor; and then, utilised to veto his foreign policy by the Labour Leader of the Opposition.

The most pertinent following question pertaining to liberal Conservative humanitarian intervention is what of the situation in the Crimea and Eastern Ukraine? One can interpret the following extract from Hague as an implication pertaining to possible military consequences if Russia continues to transgress the sovereign right of Ukraine and infringe the human rights of Ukrainian citizens:

Russia should be clear about the long term consequences and in the United Kingdom we will not shy away from those consequences, on that, in this House and with our allies we will be clear and clear about our own national interest, which is in Ukraine being able to make its own decisions and in the upholding of international law and the UN charter, and the prevention of future violations of independent European states. (Hague, 2014).

If Cameron's Conservatives believe, as a last resort, that a humanitarian intervention in partnership with the United States is necessary to protect the human rights of Ukrainian citizens, it will again require parliamentary consent. If given, Conservative foreign
policy will face its sternest challenge, a conflict against Russia a nuclear power with significant conventional forces led by a Silovik (a former Soviet KGB operative) who presides over Russia’s nationalist party. Further speculation of how this conflict might develop is not the purview of our paper. What is, however, is the fact of liberal Conservative foreign policy tension over the place of human rights. In the cases of Libya and Syria the Conservatives under Cameron have been willing, and in the case of Libya they were able, to risk the lives of British service personnel and spend scarce public funds in the cause of upholding the human rights of non-British citizens. One can draw the conclusion that many Conservatives are human rights enthusiasts abroad and human rights sceptics at home.

Because many Conservative MPs - some in Cameron’s cabinet - are HRA sceptics it is entirely possibly that a future majority Conservative government would supplant the HRA with a BBoR particularly if one considers the overt hostility towards the HRA expressed by Conservative politicians since it took effect in 2000 (Munce, 2014). For more hard-line ‘Convention-sceptic’ Conservatives the preferred option would be a reappraisal of the UK’s international human rights obligations. These Conservatives may not have a problem with the text of the Convention or the rights it protects but with the jurisprudence of the Court. For such Conservatives, despite their support for the original raison d’etre of the ECHR, the requisite action is to remove the UK from the ECHR – one of the key sources of Britain’s problematic ‘rights culture’. If Britain was to abandon its sixty-year commitment to the Council of Europe’s first treaty it would be the only state in the European Union; the only European victim of Nazi aggression; and together with the People’s Republic of China, the only non-signatory or observer to the ECHR on the UN Security Council. What this means for Britain’s soft power options is not fully clear. But, Britain’s reputation would inevitably suffer. No longer would it be taken as a given that the nation-state above all who crafted the ECHR remains a respecter of fundamental human rights.

**Conclusion**

The first tentative conclusion this paper offers is that despite Conservative scepticism in domestic politics about human rights and the influence of the ECHR, such is the
irresistibility of human rights, both as an idea and in the codification of rights in international law, that Conservatives in foreign policy terms have embraced them, both rhetorically, and in other international institutions. In other words Conservatives might have expressed opposition to the Strasbourg Court and to the domestic regime for the protection of rights in the form of the HRA but in foreign policy terms Cameron-Hague have embraced the language of rights, rhetorically speaking, in foreign policy speeches and also through interventions in places such as Libya. Furthermore, they have supported international structures that promote justice, human rights and the rule of law and supported other UN human rights institutions.

An essential aspect of the irresistibility of human rights lies in the discursive hegemony they have acquired (Hoffman, 2012). Therefore, whilst in reality not all people have had their rights respected there has been a discursive hegemony that the idea of rights have acquired in ethical discussions within international relations. This point has been emphasised by Nicholas Rengger who has perceptively pointed out ‘the language of human rights is for many the lingua franca of ethical discussion of international politics’ (Rengger, 2011: 1160). Indeed, for the purposes of this paper this insight is of critical importance. Indeed, as is well known the UK has not been isolated from this discourse as the rise of the so-called ‘ethical dimension’ in British foreign policy attests to because the ‘ethical’ aspect of these British foreign policy discussions has been and remains conducted with an appeal the language of human rights. This tendency began with New Labour and its so-called ethical foreign policy that was launched by Robin Cook’s 1997 speech not long after New Labour took office and has been continued in the rhetoric of the liberal Conservative foreign policy espoused in the Cameron-Hague global view. Furthermore, according to international relations theory all nations, it is argued, foster a national self-image (Forsythe, 2000), which, in the post-Cold War era includes ‘respect for internationally recognized human rights’ (Donnelly, 2000: 31). Human rights, respect for human rights and commitments to defend and uphold them abroad therefore, are an essential element of a nations narrative self-understanding. The global self-image of Britain is also one that values the historic role Britain has played as a beacon of democracy, liberty, freedom and respect for the rule of law around the world. According to the Secretary General of the Council of Europe in his evidence to the pre-legislative committee in Westminster examining prisoner voting rights in terms of
compliance with the ECtHR and respect for the Convention system the UK is the ‘best in the class’ (Jagland, 2013: 196). This also helps to explain why Cameron-Hague’s liberal Conservative foreign policy has been comfortable in accommodating support for international human rights because to do so is consistent with the self-image they have attempted to construct.

At its most foundational level the international human rights regime relies on a system of national compliance where, crucially, the intensity of human rights commitment matters (Donnelly, 2000). For example, the intensity of human rights commitments that the UK enters into by being a signatory to the UNDHR is very different from the level of commitment the UK enters into by being a signatory to the ECHR with the Strasbourg Court as its enforcement mechanism to ensure effective national compliance with the Convention. In the future, Cameron and Hague’s liberal Conservative foreign policy may conclude that the level of commitment required by the ECHR is too high a price to pay in terms of the loss of national sovereignty and the domestic political consequences for the Conservatives and that withdrawal is the only option left for them to pursue.

The second conclusion is that the early twenty-first century has witnessed the increasing internationalisation of foreign policy problems. The nature of globalisation has forced states to co-operate more closely on issues pertaining to foreign policy where once they would have been reluctant to do so. The threat from Islamic fundamentalism in the form of Al Qaeda, failed states, financial shocks and energy insecurity nudge policy-makers together. This can be evidenced by the rise in elite-level international summits. The internationalisation of foreign policy problems also includes the subjects of our discussion: human rights and humanitarian intervention. Instances of human rights violations and, in particular, attacks upon people groups which can be interpreted as ethnic cleansing and, as its scale grows, can be classed as genocide occupy much time and energy within the international community. The complex nature of these attacks which are often rooted in tribal, ethnic or religious conflict is manifold. This makes deciding whether to intervene and how to intervene the most serious of questions for states especially those who are deemed to be great powers such as the United Kingdom.
Cameron and Hague's liberal Conservative foreign policy is a break from the traditional realist worldview of their Conservative forebears. Their commitment to defend international human rights via humanitarian intervention is evidence of this evolution in foreign policy thinking. A tension at the heart of their liberal Conservatism is the dissonance between scepticism of the HRA and the ECtHR and enthusiasm for international human rights. At home these Conservatives are often the sharpest critics of human rights but, abroad, they harness British foreign policy to defend the human rights of non-British citizens.
Bibliography


Cameron, D. (2013b) Interview on *The Andrew Marr Show*, September 28th.


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1 The Liberal Democrats appointed 4 members and the Conservatives appointed 4 members. The Liberal Democrat appointees (Anthony Lester QC, Helena Kennedy QC, Philippe Sands QC and Professor Sir David Edward QC) all supported the ECHR and the idea of incorporation of Convention rights into UK domestic law whilst the 4 Conservative appointees (Jonathan Fisher QC, Martin Howe QC, Michael Pinto – Duschinsky – later replaced by Anthony Spaight QC and Lord Faulks) were broadly sympathetic to the argument of withdrawing from the ECHR and enacting a UK Bill of Rights to replace the HRA.

2 The term ‘liberal internationalism’ was used during the interviews.