



By: *Harvey Morris*

# UK's "soft power" at stake in human rights debate



Ireland's premier Leo Varadkar, in the tone of someone witnessing the terminal decline of an elderly neighbour, recently lamented what he saw as the United Kingdom's "disengagement from the world".

He cited Britain's departure from the European Union as well as its retreat from its previous international aid commitments. He also pointed to its potential withdrawal from the European Convention on Human Rights, an issue as yet unresolved.

That all too real possibility would amount to Britain ditching one of the central planks of the post-World War II structure in Europe that it helped to create. According to the convention's defenders, it would reduce Britain to a human rights outlier, alongside the likes of Russia and Belarus.

The ECHR is a treaty that seeks to protect the human rights and basic freedoms of people in its 46 signatory countries. Alleged violations of the treaty are judged by the European Court of Human Rights in Strasbourg, whose rulings are binding on member states.

Varadkar has his own reasons for opposing the UK's withdrawal, an issue he raised in talks with Prime Minister Rishi Sunak last week. The move could potentially complicate the Northern Ireland peace agreement, a concern shared by senior members of Sunak's cabinet.

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However, a more potent catalyst for the current stay-or-go debate was a ruling by the Strasbourg court that scuppered the Conservative government's deportation of asylum seekers to Rwanda, a key element of its strategy of dealing with would-be immigrants arriving across the Channel in small boats.

The Strasbourg court's mid-2022 judgment in

favour of a 54-year-old Iraqi asylum seeker halted the first deportation flight to Rwanda hours before it was due to take off.

Sixteen months on, with the issue of the Rwanda scheme's legality still unresolved, the matter this week went before the UK's Supreme Court, which is expected to deliver its judgment sometime next month.

With the issue still stranded in the UK courts, the government has little to show for its tougher immigration policy.

In the interim, the rhetoric against the ECHR has been mounting within the Conservative government, with Home Secretary Suella Braverman emerging as its most vociferous opponent.

"It's a politicised court, it's interventionist, it's treading on the territory of national sovereignty," she said in August, while acknowledging that quitting was not yet on the government agenda.

The issue of ECHR membership is likely to come to a head in November when the Supreme Court is due to deliver its Rwanda judgment.

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If the government were to lose the case, Prime Minister Rishi Sunak might feel obliged to yield to pressure from potential leadership rivals such as Braverman and Kemi Badenoch, the business secretary, who has said that withdrawal is "definitely something that needs to be on the table".

If that led to a Conservative pledge to leave the European convention after the next election, it would confirm the Irish Taoiseach's fears of the UK's further international disengagement.

There are those on the Conservative side who

worry that Britain risks sacrificing yet more of its diminished "soft power" status for the sake of an ill-considered element of an immigration policy that has yet to deliver on a campaign pledge to "stop the boats".

Damian Green, a former minister and spokesman for centrist One Nation Conservatives, has described the ECHR debate as one aspect of a political division within the ruling party. He said leaving the European convention would be a red line for up to 80 Conservative MPs.

Highlighting a split in the Sunak cabinet on the issue, Foreign Secretary James Cleverly remarked in the margins of the recent Conservative Party conference that "I don't feel in order to achieve what we need to achieve to protect our borders, we are necessitated to leave the ECHR."

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It's an internal debate that dates back at least a decade to the time when then prime minister David Cameron threatened the "nuclear option" of withdrawing from the ECHR if it stood in the way of UK immigration policy.

His attorney general, Dominic Grieve, was among Conservatives who then warned that Britain would risk damaging its international standing.

Grieve, since ousted from the party over his stance on Brexit, returned to the issue in recent weeks, warning that leaving the ECHR was likely to be politically counterproductive and "at an international level be little short of catastrophic".

He argued the government could still face difficulties enacting its Rwanda policy even if it did quit the European convention.

The Strasbourg court's 2022 injunction merely

froze Rwanda deportations until such time as the British courts reached their own conclusions.

As part of that process, the Court of Appeal in June declared the Rwanda scheme unlawful on human rights grounds. It is that judgment which the government is this week contesting in the Supreme Court.

The government has already toughened its immigration restrictions with the passage of the Illegal Immigration Act which became law in July and grants ministers the discretion to ignore interim judgments emanating from Strasbourg.

Britain's international reputation and indeed that of its Conservative Party have rested in a large part on its vigorous defence of human rights. Sir Winston Churchill was a vocal champion of the ECHR, which was seen as extending the protections of English common law to a recently liberated continent.

Polling evidence of voters views on the ECHR is contradictory, although it scarcely rates as a hot button issue, unlike the overall issue of immigration.

Sunak, as leader of a ruling party that was purged of liberal voices such as Grieve's post Brexit, has so far given hardliners such as Braverman a free rein indulge in their anti-ECHR pronouncements.

If they have their way, they risk undermining the UK's influence to speak out of human rights issues while doing little to reform a broken immigration system.