



**BROOKLYN
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PEACE**

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Summary of International Law Series

Series: Does The U.S. Violate International Law?

Session One: September 28, 2010

The framework of International Law: History, Mechanisms, Enforcement

Peter Weiss (Center for Constitutional Rights) discussed the surge of international “norms” created after World War II, both “conventional” and “customary,” but also their increasingly weak implementation. Also he noted the split among International Law practitioners, some stressing basic principles and some stressing specialized systems (e.g. International environmental law, international trade law).

On implementation of International Law in US courts, Weiss noted CCR’s use of the Alien Tort Claims Law. But he noted a recent Second Circuit opinion exempting corporations from International Human Rights Law.

Jeanne Mirer (International Association of Democratic Lawyers) discussed the sources of international human rights law, international humanitarian law, and the law of war, with special attention to the United Nations Charter (applying to nations) and the Nuremberg Principles (applying to individuals)..

Regarding customary law, she noted that some were immutable of (“ius cogens” — peremptory norms) while others had exceptions and could be modified by law.

On implementation of International Law generally, Mirer stressed the importance of “political will,” contrasting the weak enforcement of international human rights and humanitarian law and the strong powers of the World Trade Organization in enforcing international commercial law.

Mirer also noted the national assessments by the UN Human Rights Council, including the assessment of the United States conduct which is due for review this year.

In the Q&A, these issues were raised:

- what remedies are available against Nations?
- how remedies can be used by individual citizens?
- what are examples of remedies effected under Universal Jurisdiction?

A highlight was Mirer’s comment, during the Q&A:

After 9/11, what if, in the spirit of the Nuremberg trials, the United States had taken legal action against Al Qaeda and Osama bin Laden, Iraq and Saddam Hussein under International Law and had not invaded Afghanistan and Iraq?



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Below are the links to see highlights of this Session:

Part One: Peter Weiss —

<http://blip.tv/brooklynforpeace/the-framework-of-international-law-part-1-5151839>

Part Two: Jeanne Mirer

<http://blip.tv/brooklynforpeace/the-framework-of-international-law-part-2-5152039>

DVD's are available. Contact us at bfp@brooklynpeace.org to purchase a copy.

Brooklyn For Peace: International Law Committee

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