# Attorney General warns abandoning international courts echoes dangerous 1930s Germany rhetoric



In a recent speech, Attorney General Richard Hermer articulated a firm stance against calls for the United Kingdom to abandon international courts, drawing a stark historical parallel to the rise of Nazi Germany. He characterised the notion of breaching international obligations as a “radical departure” from the UK’s constitutional traditions. Speaking at the Royal United Services Institute (RUSI), Hermer stated that the dismissive attitude towards international law recalls rhetoric from the early 1930s in Germany, where thinkers like Carl Schmitt asserted that state power outweighed legal frameworks. This perspective, according to Hermer, poses significant risks not only to the rule of law but also to the UK’s standing in the global community.

Hermer’s comments come amidst growing discussions within the Conservative Party regarding the UK’s relationship with international treaties, particularly the European Convention on Human Rights (ECHR). Though Conservative leader Kemi Badenoch did not advocate for an outright departure from the ECHR, she suggested that the country might need to reconsider its commitments if they hinder national interests. This reflects a broader sentiment shared by some party members who argue that adherence to international law could compromise the UK’s ability to enact domestic policies, especially in areas like immigration and border control. Reform UK leader Nigel Farage has gone further, explicitly calling for the abolition of the Convention, echoing concerns about national sovereignty.

During the same speech, Hermer underscored the importance of reforming, rather than abandoning, international legal obligations. He advocated for a flexible approach to international rules, emphasising the need for adaptation to contemporary challenges. Hermer warned that disregarding international laws could embolden adversaries, referring specifically to leaders like Vladimir Putin, who may perceive such actions as a signal of weakness within Western democracies. His assertion comes at a time when international law remains critical in addressing global human rights violations and territorial disputes, functions notably performed by institutions such as the International Court of Justice (ICJ).

This backdrop of political discourse raises essential questions about the role of international law in shaping national policy. Critics argue that rejecting established legal frameworks could lead to a dangerous precedent of unilateral action by states, reminiscent of historical instances where such decisions have led to catastrophic results. Therefore, while some Conservative figures push for a reevaluation of the UK's commitments, others, including Hermer, maintain that engagement with international law is vital for ensuring both domestic and global stability.

Ultimately, as the debate continues to unfold within British politics, the implications of shifting away from international treaties not only threaten the longstanding legal traditions of the UK but may also alter its relationships on the global stage. With the Attorney General calling for a balance between reform and adherence to international obligations, the future of the UK's legal landscape remains uncertain.

## Reference Map:

* Paragraph 1 – [[1]](https://www.irishnews.com/news/uk/attorney-general-compares-calls-to-leave-international-courts-with-nazi-germany-X3Z44B6TMRKAFG2TN47UWCQXBA/), [[2]](https://www.ft.com/content/929a6597-28ab-4b44-bee3-b906c34e9e57)
* Paragraph 2 – [[1]](https://www.irishnews.com/news/uk/attorney-general-compares-calls-to-leave-international-courts-with-nazi-germany-X3Z44B6TMRKAFG2TN47UWCQXBA/), [[4]](https://www.washingtonpost.com/opinions/global-opinions/the-supreme-court-considers-when-the-us-can-judge-other-nations-human-rights-violations/2020/12/28/d0f0b02e-492e-11eb-a9f4-0e668b9772ba_story.html)
* Paragraph 3 – [[3]](https://www.icj-cij.org/index.php/node/104259), [[6]](https://isreview.org/issues/27/international_law/)
* Paragraph 4 – [[5]](https://lawandcrime.com/supreme-court/scotus-appears-skeptical-that-holocaust-victims-families-can-get-justice-in-u-s-courts-against-nazi-germanys-property-crimes/), [[7]](https://www.congress.gov/event/110th-congress/senate-event/LC8715/text)

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## Bibliography

1. <https://www.irishnews.com/news/uk/attorney-general-compares-calls-to-leave-international-courts-with-nazi-germany-X3Z44B6TMRKAFG2TN47UWCQXBA/> - Please view link - unable to able to access data
2. <https://www.ft.com/content/929a6597-28ab-4b44-bee3-b906c34e9e57> - In a recent lecture at the Royal United Services Institute, UK Attorney-General Richard Hermer criticised Conservative leader Kemi Badenoch's suggestion that Britain prepare to leave the European Convention on Human Rights (ECHR). Hermer argued that abandoning international treaties like the ECHR could embolden adversaries such as Vladimir Putin and undermine the West. He emphasised the importance of adhering to international law and cautioned against viewing it as a replacement for politics. Hermer reaffirmed his support for the ECHR and its court, noting there's no contradiction between backing reforms and defending fundamental rights like Article 8, which the Conservatives have criticised. ([ft.com](https://www.ft.com/content/929a6597-28ab-4b44-bee3-b906c34e9e57?utm_source=openai))
3. <https://www.icj-cij.org/index.php/node/104259> - The International Court of Justice (ICJ) is the principal judicial organ of the United Nations, responsible for settling legal disputes between states and providing advisory opinions. The ICJ's role is to interpret and apply international law, ensuring that states adhere to their obligations under international treaties and customary law. Its decisions are binding on the parties involved, and it contributes to the development and clarification of international legal principles. The court's jurisdiction covers a wide range of issues, including territorial disputes, maritime boundaries, and human rights violations. ([icj-cij.org](https://www.icj-cij.org/index.php/node/104259?utm_source=openai))
4. <https://www.washingtonpost.com/opinions/global-opinions/the-supreme-court-considers-when-the-us-can-judge-other-nations-human-rights-violations/2020/12/28/d0f0b02e-492e-11eb-a9f4-0e668b9772ba_story.html> - The U.S. Supreme Court deliberated on whether American courts should have jurisdiction over Holocaust-era claims brought by Jewish survivors or their heirs against foreign governments. The cases involved lawsuits against Germany and Hungary for alleged forced sales of art and property during the Nazi era. The Court expressed concerns about the implications of allowing such cases, considering the potential for reciprocal actions by other nations and the complexities of international law. The discussions highlighted the challenges in balancing justice for historical wrongs with principles of sovereign immunity and international relations. ([washingtonpost.com](https://www.washingtonpost.com/opinions/global-opinions/the-supreme-court-considers-when-the-us-can-judge-other-nations-human-rights-violations/2020/12/28/d0f0b02e-492e-11eb-a9f4-0e668b9772ba_story.html?utm_source=openai))
5. <https://lawandcrime.com/supreme-court/scotus-appears-skeptical-that-holocaust-victims-families-can-get-justice-in-u-s-courts-against-nazi-germanys-property-crimes/> - During oral arguments, the U.S. Supreme Court appeared sceptical about allowing Holocaust victims' families to seek justice in U.S. courts for property crimes committed by Nazi Germany. Justices questioned the applicability of the Foreign Sovereign Immunities Act (FSIA) and expressed concerns about the broader implications of such cases. The German government's lawyer acknowledged the historical injustices but argued that the FSIA protected foreign nations from such lawsuits. The Court's deliberations underscored the complexities of adjudicating international human rights violations within the U.S. legal system. ([lawandcrime.com](https://lawandcrime.com/supreme-court/scotus-appears-skeptical-that-holocaust-victims-families-can-get-justice-in-u-s-courts-against-nazi-germanys-property-crimes/?utm_source=openai))
6. <https://isreview.org/issues/27/international_law/> - The International Socialist Review discusses the United States' approach to international law, particularly in relation to the International Criminal Court (ICC). It highlights the U.S. administration's efforts to exempt American soldiers and officials from prosecution by the ICC, reflecting a broader strategy to influence international legal frameworks. The article critiques this stance, arguing that it demonstrates the U.S.'s ability to shape international norms to its advantage, often at the expense of global justice and accountability. The discussion provides insight into the intersection of U.S. foreign policy and international law. ([isreview.org](https://isreview.org/issues/27/international_law/?utm_source=openai))
7. <https://www.congress.gov/event/110th-congress/senate-event/LC8715/text> - The U.S. Senate Committee on the Judiciary held a hearing titled 'No Safe Haven: Accountability for Human Rights Violators in the United States' on November 14, 2007. The session focused on the challenges of holding human rights violators accountable within the U.S. legal system, particularly those involved in Nazi-era crimes. Testimonies highlighted the importance of legal mechanisms to address such violations and the complexities of international law in ensuring justice for victims. The hearing underscored the need for vigilance and legal frameworks to prevent impunity for human rights abuses. ([congress.gov](https://www.congress.gov/event/110th-congress/senate-event/LC8715/text?utm_source=openai))