

Dear Reader:

As the global community becomes more interconnected, the need to address challenges on an international level is more vital than ever. Global justice is not a new concept, but its importance has never been more apparent. The COVID-19 pandemic, for example, left no corner of the earth untouched and evidences the inability to isolate ourselves from global problems. Climate change, societal inequalities such as systemic racism and gender disparities in professional and personal spaces, and deep-seated ethnic conflicts are only a handful of the issues to which we must now seek international solutions. Such issues are inextricably intertwined with ideas of global justice. In the interest of justice, states need to look beyond their domestic obligations and meaningfully consider their ties to the global community.

International law and multilateral instruments can help address issues which individual states lack the capacity or will to address. International instruments provide states with a host of options: financial assistance from organizations like the International Monetary Fund ensuring justice through fairer global development, forums for holding global corporations accountable for environmental damage, international tax regulations to address the social wealth gap, and international courts for dispute settlement and redress.

One of the most significant multilateral achievements of the last decades in the field of international law is the creation of the International Criminal Court (“ICC”). The ICC’s role is to adjudicate individual criminal responsibility for genocide, crimes against humanity, war crimes and the crime of aggression, when national justice systems fail to do so. The ICC is also designed to provide reparation to victims of crime. To make victims whole, reparation brings forth possibilities beyond the need to prove criminal responsibility beyond a reasonable doubt. Through international law, the global community can, therefore, not only play a role in providing legal accountability for perpetrators, but also in ensuring individual victims receive redress for the harm they have suffered.

The United States, however, has recently attacked the ICC with threats and coercive measures, citing three main objections. First, the United States argues that the ICC violates sovereignty by claiming jurisdiction over citizens of countries that have not ratified the Rome Statute, the ICC’s constitutive treaty. Second, the United States worries about politically motivated prosecutions. Finally, the United States objects on the grounds that the ICC would violate due process.

Despite its objections and current relationship to the ICC, in the past, the United States has assisted the Court in ensuring accountability for atrocious crimes. Consider how the United

Nations (“UN”) Security Council, of which the United States is a permanent member, referred the Darfur and Libya situations to the ICC. Domestically, the Clinton Administration did sign the Rome Statute on his way out of office. George W. Bush’s subsequent administration, however, reversed the signing. Nevertheless, after an initial period of open hostility, the Bush Administration still found areas to work with the Court. The Obama Administration also cooperated. After the Trump Administration’s aggressive hostility toward the ICC, the incoming Biden Administration carries hopes of making cooperation with ICC possible once again. A renewed cooperation between the United States and the ICC would also be a step toward re-establishing the United States as the “city upon the hill” for the good of humanity in matters of accountability for atrocious crimes.

Historically, the United States has not been particularly enthusiastic about ratifying international treaties. For example, the United States took forty years to ratify the Genocide Convention, one of international law’s least controversial treaties. Many treaties with global support remain unratified by the United States, including the Convention to Eliminate All Forms of Discrimination Against Women and the Convention on the Rights of the Child. The Rome Statute has not been an exception to the United States’ approach to international law. Regardless of the criticisms against the ICC and its imperfections, it serves as a last resort for victims who otherwise would not have access to justice for genocide, crimes against humanity, war crimes, and the crime of aggression.

Global awareness and dialogue about these challenges are an integral step in progressing toward a more responsive international community. Scholarly publication venues are an important forum for discussing such legal issues and challenges. *The Rutgers International Law and Human Rights Journal* is organized with the [mission](#) “to create an important forum through which leading legal scholars, practitioners, and students can foster intellectual and interdisciplinary dialogue on emerging and key legal issues affecting the global community.” As a law journal, it serves an essential function by ensuring that readers are not only reading curated pieces that speak to the times we live in, but also that those pieces are rigorously fact checked to ensure readers are not misled or misinformed. It is imperative that international law scholars, practitioners, and students raise their voices through such forums to foster meaningful dialogue about emerging legal challenges. To that end, it is my pleasure to introduce *The Rutgers International Law & Human Rights Journal*’s inaugural issue.

Sincerely,



Dr. Chile Eboe-Osuji
4th President of the International Criminal Court
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