

# How Did We Get Here?

Adesola A. Orogade

Asking “How did we get here?” is not an exercise in nostalgia or blame; it is a necessary step in confronting the realities of the present, reflecting on the past, and shaping more effective future actions. Progress within the international community requires an honest engagement with international law as it exists today – what works, what falls short, and what gaps demand attention.

Today, crimes against humanity, one of the four mass atrocity crimes,<sup>1</sup> formally recognized aftermath of the Second World War,<sup>2</sup> occupies a paradoxical position in international law. Although it is universally condemned and considered part of customary international law, there is no standalone international treaty specifically codifying these crimes. Ongoing efforts by international scholars, practitioners, and institutions reflect a continued push to clarify and strengthen the legal mechanisms through which international courts may hold perpetrators accountable. At the same time, a growing global consensus recognizes crimes against humanity as a moral rupture, warranting international concern even when committed within a state’s borders and against its own population. Unlike other mass atrocities, especially genocide and war crimes, crimes against humanity remain the only mass atrocity crime without a comprehensive, standalone international treaty.<sup>3</sup>

In response to this longstanding gap, international scholars – including Professor Leila N. Sadat of Washington University in St. Louis – diplomats, law students, international fellows, and institutions have invested

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<sup>1</sup> *Defining the Four Mass Atrocity Crimes*, GLOB. CTR FOR THE RESPONSIBILITY TO PROTECT (Aug. 15, 2018), <https://www.globalr2p.org/publications/defining-the-four-mass-atrocity-crimes/> [<https://perma.cc/X5R3-3LMH>].

<sup>2</sup> While atrocities that would now be classified as crimes against humanity occurred long before the Second World War, the concept was formally recognized and codified in international law in the aftermath of the war, most notably during the Nuremberg Trials. For example, in 1915, France, Great Britain, and Russia jointly characterized the mass violence by the Ottoman leadership against the Armenians as crimes “against humanity and civilization”. *France, Great Britain, and Russian Joint Declaration*, ALLIED JOINT DECLARATION 1915 (May 24, 1915), [https://www.geschichte-menschenrechte.de/fileadmin/editorial/download/Allied\\_Joint\\_Declaration\\_1915.pdf](https://www.geschichte-menschenrechte.de/fileadmin/editorial/download/Allied_Joint_Declaration_1915.pdf) [<https://perma.cc/W2G8-2VSD>]; see also *France, Great Britain and Russian Joint Declaration, 1915*, FACING HISTORY & OURSELVES, <https://www.facinghistory.org/resource-library/france-great-britain-russia-joint-declaration-1915> [<https://perma.cc/W7Z3-M5NQ>].

This and other early expression of atrocities did not coalesce into a binding international law, especially during the interwar period. Sean D. Murphy (Special Rapporteur on Crimes Against Humanity), *First Rep. on Crimes Against Humanity*, at 233 ¶ 31, U.N. Doc. A/CN.4/680 (Feb. 17, 2015), [https://legal.un.org/ilc/documentation/english/a\\_cn4\\_680.pdf](https://legal.un.org/ilc/documentation/english/a_cn4_680.pdf) [<https://perma.cc/2B7X-J24K>].

<sup>3</sup> *Defining the Four Mass Atrocity Crimes*, *supra* note 1.

significant time and effort in advancing a comprehensive legal framework. These efforts culminated in the adoption of Resolution 79/122, establishing the formal process to create a new international treaty on Crimes Against Humanity, on December 4, 2024. Washington University Global Studies Law Review's 2025 Spring Symposium celebrated this moment of consensus, which reflects a path forward, and engages critically with an instrument designed to address the enduring paradox surrounding crimes against humanity.

This symposium does not claim to resolve the tensions surrounding crimes against humanity. Instead, it invites reflection, debate, and reimagining. In doing so, it affirms that the future of international criminal law depends not only on preserving foundational commitments, but also on critically examining the paths that brought us to this moment—and the choices that lie ahead.

As the Editor-In-Chief of this volume and issue, it has been a great honor working alongside the contributors of this issue along with my editorial team to make these materials publishable. The substantive contributions are rich and thought-provoking, reflecting diverse perspectives, rigorous analysis, and a shared commitment to advance the discourse on crimes against humanity and international law. I am grateful to everyone who helped bring this issue to fruition, and I hope readers will find it both insightful and inspiring.