

## Foreword

As the world moved into the twenty-first century, in some cases, of whether to prosecute war crimes, a controversial debate in the halls of government and the academic community. The academic, transatlantic, and the inherent tension between States pursuing the quest for the globalization and standardization of sovereignty, universal jurisdiction, accountability, and justice. As diplomats and lawyers negotiated the world, the debate started in the 1990s as a noble effort to address and combat breaches of international peace and stability, with each side vying for possession.

In some quarters international justice was seen as a necessity. In others a general intolerance for international law existed. With each side vying for public opinion, the debate often became more about justice—and more about winning the argument. That, regardless of motives, politics was at the heart of it.

With the lessons learned a new approach to international law and nuance emerged. The time has come to address the crimes prosecutions and their future. In this book, Kingsley does just that—giving us an historical analysis of the trials. Kingsley articulates how the strict liability standard evident at the end of the twentieth century

Importantly, using concrete examples from the intersection between international law and politics, he examines the conceptual tension between the two as it concerns war crimes. This aspect of the approach used in this book, has not received the attention it deserves.

Kingsley is perfectly suited to write this book. He has dedicated his professional life to international law, having studied in universities such as Harvard Law School and The Fletcher School of Law and Diplomacy, and served in peacekeeping and human rights missions for the United Nations, including the International Criminal Tribunal (ICTR) where he and I first met.

It was 1997 in Arusha, Tanzania, during the trial in the matter of the *Prosecutor v. Jean-Paul Akouyimana*, the first ever conviction for the crime of genocide by the International Criminal Tribunal—and Kingsley had just become its registrar. It was a time when international law was in its infancy. Literally everything was being developed. Procedures had to be built, rules were being drafted, and precedents established. It was all new. The goal was to create a new body of international law with no room for error.

The political issues were equally high-stakes. The Tribunal tackled difficult diplomatic negotiations between the cooperation of states. They were forced to balance the political and cultural components of the mandate at a time when governmental legitimacy was in question, including justice. Kingsley Moghalu was instrumental in helping chart the course through these challenges. As the ICTR tackled each challenge to the mandate, Kingsley was instrumental in helping chart the course about the Rwanda genocide trials in an international context.

In *Global Justice*, Kingsley approaches international law from a realist perspective and draws parallels between it and international relations. He illuminates questions that have heretofore been overlooked. Moghalu offers much needed clarity and depth on this important issue.

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