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BUTCHER MEDAL LECTURE

This lecture was held on April 17, 2025 at 12:00 p.m. Mélida Hodgson, President of ASIL, introduced the Golter T. Butcher Medal recipient and lecturer: Leila Sadat, James Carr Professor of International Criminal Law; former Adviser on Crimes Against Humanity to the ICC Prosecutor.

Introductory Remarks by Mélida Hodgson

I am Mélida Hodgson, president of ASIL, and on behalf of the Society, I welcome you to this lecture by Leila Sadat, this year's awardee of our Goler T. Butcher Medal.

The Goler T. Butcher Medal has been awarded by ASIL since 1997 to a distinguished person of American or other nationality for outstanding contributions to the development or effective realization of international human rights. It is named for Goler Teal Butcher, a prominent African American scholar and professor of international law at Howard University School of Law, who served as Assistant Administrator for Africa at the U.S. Agency for International Development in the Carter administration and was a leading advocate for ending global hunger.

I am proud to introduce this year's eminent awardee, Leila Sadat, who will formally be presented with the medal this evening at the Assembly.

Leila Sadat is the James Carr Professor of International Criminal Law at Washington University and was a visiting professor at Yale Law School from 2021 to 2024. She served as Special Advisor on Crimes Against Humanity to the International Criminal Court (ICC) Prosecutor from 2013 to 2023 and is on the registered list of experts for the Moscow Mechanism of the Organization for Security and Co-operation in Europe.

A devoted teacher and prolific scholar, she is recognized for her expertise in international law, human rights, and international criminal law, having published over 180 articles and books in leading journals, academic presses, and media outlets throughout the world.

Sadat is the first woman to receive the Alexis de Tocqueville Distinguished Fulbright Chair and has received many awards for her work, including an honorary doctorate from Northwestern University, the Arthur Holly Compton Faculty Achievement Award from Washington University, the Klatsky Humanitarian Award from Case Western Reserve School of Law, and the Charles M. English Award from the American Bar Association Criminal Justice Section.

In 2008, she launched the *Crimes Against Humanity Initiative* to write the world's first global treaty on crimes against humanity and continues to spearhead its negotiation and adoption at the United Nations.

The title of Ms. Sadat's remarks today is "The Long Arc of Justice: Forging a Convention for Crimes Against Humanity." Welcome. And please, Ms. Sadat, welcome to the stage.

Lecture by Leila Sadat

Thank you so much, everybody. It is very exciting to be here and a little overwhelming, I have to say. It is an incredible opportunity to share some thoughts and reflections on the work that I

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have been doing about crimes against humanity and with respect to crimes against humanity. I am really overcome by the honor bestowed upon me and accept it quite humbly, knowing that I stand in the shoes of giants, and actually, I literally stand in the shoes of giants because looking at my predecessors, I think I am the shortest person to have ever received the award. But I am standing at my full height.

Thank you so much to the Society of which I have been a proud member for many years, and thank you to my university for its support, to the friends and colleagues—many of you are here now—with whom I have joined forces to walk this path for many years, as well as to the teams of students, some of whom are here now, who have helped me write, document, calculate, create, and suffer through a lot of this work.

I would also like to thank my family members who have endured long absences while I have been doing this work, but also my parents who taught me the beauty and promise of the United States of America and the value of working hard, fleeing religious violence on my mother's side and political violence on my father's. It is hard not to recognize at this particular moment that we stand on the cusp of a dark time, peering into the abyss and trying to pull ourselves back from it.

Human rights and human rights lawyers will be more important than ever in the days and years to come, and at this splendid and wonderful annual meeting, we have the opportunity to come together in solidarity, in community, to help us weather and forge a path forward through these times.

Turning now to the subject of my lecture, I will frame today's conversation about crimes against humanity by reaching into a dark past. I am going to reach into that past to better understand the central importance of how law and lawyers, with sometimes maddening technicality and exhausting rigor, can nonetheless make a difference to human beings on the ground and to human society in the larger sense.

You are undoubtedly familiar with the transatlantic slave trade that took nearly 13 million African people from their homes between 1501 and 1867. They were kidnapped, forced onto European and American ships, and crossed the Atlantic in appalling conditions to find themselves enslaved, abused, and separated from their homes, families, ancestors, and cultures. This not only fractured and devastated the African continent for centuries but turned the Americas into a place where race and color created a caste system defined by inequality and abuse.

Slavery and the slave trade were crimes against humanity, crimes that by their cruelty and savagery traumatized not only the victim population but forever changed for the worse and degraded the perpetrators, as Alexandre de Tocqueville observed during his travels throughout America. Stopping the slave trade, like ending slavery itself, seemed impossibly difficult. Doing so required moral courage, sometimes physical bravery. It also required physical legal tools, international cooperation, and domestic and transnational enforcement. And that is where the current story begins.

For reasons I will make clear later, it is useful to start our examination of the slave trade as a crime against humanity with the voyage of the *Antelope*, which on August 24, 1819, sailed from Havana, Cuba, under a Spanish flag, to acquire 350 slaves from West Africa. The saga of this vessel and the fate of its captives tells us much about the journey to transform morality and natural rights into international law. The *Antelope* was ultimately taken and boarded as it lay anchored in Cabinda Bay off the coast of modern-day Angola and eventually made its way back across the Atlantic with approximately 331 enslaved persons in the hold. Many died along the way, and many more would perish after their arrival due to the horrific conditions that they were held in.

Because the slave trade was by then illegal in most parts, the *Antelope* could not easily profit from her cargo but finally made her way to the coast of Spanish Florida and then navigated up

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toward Georgia, where slavery was legal but not the slave trade. It was captured by a U.S. revenue cutter and brought ashore in Savannah. The fate of the by then only 258 survivors, whose average age was fourteen, and more than 40 percent of whom were between five and ten years old, was unclear.

The captives had been taken by Spanish, Portuguese, and American vessels, and claimants stepped forward arguing that even if the slave trade was illegal under U.S. law, the law nonetheless required the courts to respect the ownership rights of the enslavers. The lower court upheld the claims of Spain and Portugal, but not the Americans.

The U.S. government took the case up to the Supreme Court on behalf of the captives. It was argued by the Supreme Court by two very famous Americans, Francis Scott Key, who you might know for the "Star-Spangled Banner," and Attorney General William Wirt. They relied upon a line of British and American cases, including *La Jeune Eugénie*, decided in 1822 by Justice Story, who was riding circuit at the time, that found that the slave trade was contrary to the principles of justice and humanity, prohibited by universal law, and violated natural law and the law of nations. And on this slide you can see depictions, not as gruesome as the actual thing would have been, in what the slave trade looked like.

Key and Wirt contended that a British court had found in Somerset's case, decided fifty years earlier, that because U.S. law prohibited the slave trade, under our law, they were not slaves but free men. And under this theory, the captives were free the minute they set foot on U.S. shores. Unfortunately, a closely divided Supreme Court disagreed, in an opinion penned by Chief Justice Marshall, who found that although the African slave trade was contrary to the law of nations, it was not prohibited by positive law, because it was not specifically criminalized or made unlawful by treaties.

Justice Marshall rejected Portugal's claims on the facts, but he accepted Spain's, as the *Antelope* had set out lawfully as a Spanish slave vessel at the outset. That said, in what might be seen as a careful compromise, he did suggest that many of the captives did have to be returned. 120 were saved and returned to Africa, but unfortunately not to their homelands but to Liberia, where they faced great hardship. Those not returned spent their lives in bondage in the United States, their stories lost along with their dignity and freedom.

The story of the *Antelope* is less well known than that of the *Amistad* many years later that was memorialized by the gripping film directed by Steven Spielberg. The *Amistad* ultimately set aside the *Antelope*'s endorsement of the slave trade, but the *Antelope*'s reasoning persisted and shaped the infamous *Dred Scott* case in 1857. Ultimately, slavery did not end until the Civil War in the United States, which killed an estimated 620- to 850,000 souls, more people than died in World War I and World War II together, an example of crimes against humanity in peacetime that led to war.

The decision in the *Antelope* evinces the same tensions we are experiencing today in the face of atrocity crimes. A court cognizant of geopolitics that even in the face of an 1819 U.S. law that rendered the slave trade illegal and likened the slave trader to a pirate over whom universal jurisdiction could be exercised in peacetime and wartime, nonetheless found that because there were exceptions existing to the prohibition of the slave trade, it was not truly universal and therefore did not form part of the law of nations. This argument still finds some currency today, although the 1926 anti-slavery and 1956 treaties finally put that argument legally and juridically to rest.

But the *Antelope* and the continued horror of slavery in the United States for some decades was not the entire story. These "crimes against humanity," as they were widely referred to during the nineteenth century, were eventually outlawed everywhere, starting with treaties entered into by the British with the Netherlands, Spain, and Portugal. And these instruments not only prohibited the slave trade but included mutual rights of search and seizure between the contracting parties

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outside the conduct of war (or what we would now call interstate cooperation and mutual legal assistance backed by enforcement jurisdiction). And they provided for trials in mixed commissions by treaty courts, including those set up in Sierra Leone, Havana, Rio de Janeiro, and Suriname, which we would now call international and national justice.

As Professor Jenny Martinez has noted, slavery and the slave trade were endemic in 1800 and had been eliminated by 1900 intentionally by people who had come to believe it was morally wrong. It was eradicated in part by military force but also by coordinated international legal action, including the establishment of international courts established by treaty.

What does this history mean for the development of a new treaty on crimes against humanity? It tells us that treaties matter. They make clear the obligations of states. They provide for interstate cooperation. They include jurisdiction for courts to adjudicate cases. Without them, we are subject to the whim of judges, who may sometimes, like Justice Story in *La Jeanne Eugénie*, reason in one direction to declare an atrocity a crime, but in others, like Chief Justice Marshall in the *Antelope*, arrive at the opposite conclusion.

Fast forward now—you knew I was getting there—to the modern era. What are crimes against humanity? Their legal elements need little introduction to this learned audience. The term is generally attributed in our time to a meeting between Hersch Lauterpacht and Justice Robert Jackson, as beautifully chronicled in Philippe Sands's extraordinary book, *East West Street*.

However, as I have already alluded to, the concept did have a long prior history as a description of slavery and the slave trade, King Leopold's atrocities in the Congo, and the massacres of the Armenians in the early twentieth century. It was enshrined in the Martens Clause of the 1899 and 1907 Hague Treaties, which provided that until a more complete code of the laws of war had been issued, the parties and the inhabitants and the belligerents remain under "the protection and the rule of the principles of the law of nations as they result from the usages established amongst civilized people from the laws of humanity and the dictates of the public conscience." Thus were morality, natural law, and the law of nations unified in this important preambular paragraph.

Crimes against humanity later materialized in Article 6(c) of the Nuremberg Charter, and they were incorporated into a handful of national systems, included in the statutes of the *ad hoc* tribunals, and codified as Article 7 of the Rome Statute. You can see that the original iteration at Nuremberg was much shorter than the complex definition that we have today. They are mass crimes. They take many forms: a state policy of torture or disappearances; a campaign of rape or other forms of sexual or reproductive violence; arbitrary arrest and detention, typically accompanied by inhumane conditions; mass expulsions or deportations, often referred to as ethnic cleansing; or mass murder of individuals by a government or non-state actors in war or in peace.

As Antonio Cassese observed, they are characterized either by their seriousness or their savagery or by their magnitude or by the fact that they were part of a system designed to spread terror or that they were a link in a deliberately pursued policy against certain groups.

Over time, four key features emerged from the jurisprudence of the *ad hoc* tribunals and the ICC. First, crimes against humanity protect all civilians, including a state's own nationals, from widespread or systematic attacks on their human rights that rise to a certain level of seriousness. Second, unlike the crime of genocide, although the crime of persecution addresses attacks undertaken on a discriminatory basis, persecution or discrimination is not an element of a crime against humanity, although it is often present. Third, the perpetrators of crimes against humanity may be state or non-state actors, including but not limited to organized armed groups. Fourth, unlike war crimes, crimes against humanity can be committed during armed conflict or in peacetime. And, finally, the Rome Statute added an additional element, the policy element, that the crime has to be committed in furtherance of a state or organizational policy. This Rome Statute

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definition, which will undoubtedly become the centerpiece of the new treaty, expanded, as I said, upon Article 6(c).

Why is the prosecution of these crimes so important? Because of a phenomenon I have labeled "the atrocity cascade," which is where human rights abuses deteriorate to the point of becoming criminal, and if not staunched, descend further even into war or genocide. I have a visual depiction of this here. Prosecutions or other forms of legal advocacy based on crimes against humanity can start prior to the onset of war or the commission of genocide, rendering crimes against humanity charges a potential tool for mass atrocity prevention. Human rights violations occur in every country in the world, and most national systems have mechanisms to address them. Typically, they are sporadic, so addressing them is within a country's domestic jurisdiction.

There are also treaties and institutional mechanisms that address human rights issues at the international level, but sometimes both the national and the international systems fail, and they overcome the ability of the national system to address them and leave the international system to condemn, but without concrete enforcement.

If they reach a certain threshold of seriousness, they may become crimes against humanity. There is thus a frontier between human rights violations and criminality in peacetime, which you can really see where combating crimes against humanity is really important, and it is why a new international treaty is so critical as well.

This peacetime importance of crimes against humanity is particularly evident in the work of the International Criminal Court, as I discovered during my ten years serving as Special Advisor on Crimes Against Humanity at the Court and in my academic work. Crimes against humanity have been alleged in all the situations referred to the ICC and most of the cases. In situations involving armed conflict, crimes against humanity will often track war crimes charges or are added to target persecution or sexual violence or fill gaps in the laws of war.

In many situations, however, like Venezuela and the Philippines, as recently demonstrated by the arrest warrant executed against former President Duterte, the crimes against humanity charges are the only basis upon which the ICC can exercise jurisdiction, given the absence of an armed conflict and the implausibility of alleging genocide. Thus, crimes against humanity can serve as an important tool of genocide prevention, applicable before atrocity levels spin completely out of control in a situation that is degrading into conflict or overwhelming levels of atrocity crimes. Syria is an obvious example.

In a study I published in 2013 in the *American Journal of International Law*, of the eight situations before the ICC at the time, 30 percent of those cases were crimes against humanity cases only, in contrast to the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, where it was 1.2 percent, just to show you how different it is now with a court that can act in real time.

But given that we have the ICC with 125 states parties, we still have to answer the question, which I have been asking for many years: Why do we need a new treaty on crimes against humanity? First of all, our experience with the ICC demonstrates that it takes very few cases. This was a prediction in 2008. It is a clear reality today. We are also seeing a resurgence and a recrudescence of these crimes around the world.

Second, there is no duty in the ICC statute for states to criminalize the offenses, although there is an encouragement to do so. Third, there is no obligation for states to prevent crimes against humanity in the Rome Statute.

Finally, in order to effectively investigate, prosecute, and deter these crimes, states need interstate cooperation. They need to have mutual legal assistance as a possibility. The ICC is a vertical mechanism. A new treaty would be a horizontal one instead. Thus, you can see there are

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many gaps—a legal gap, an impunity gap, a state responsibility gap, a lack of state cooperation, and definitional uncertainty.

In 2007 and 2008, I launched the *Crimes Against Humanity Initiative*, directed by an international steering committee of luminaries that helped to shape and direct the project.

Through an iterative process convening meetings in St. Louis, The Hague, and Washington, D.C., and reaching out globally, we brought together more than 250 experts to draft what we thought of as an academic offering to the world, the world's first draft international treaty for the prevention and punishment of crimes against humanity. That treaty and the academic work that shaped it is now published.

Our model treaty contains twenty-seven articles, six annexes, and its own Martens Clause, adopted Article 7 of the Rome Statute, provided horizontal enforcement, and built upon four pillars: the normative, the preventive, the punishment, and the capacity building.

I now turn to the International Law Commission (ILC), and I should add one little note, which is that our annexes that had the interstate cooperation provision were actually taken and became the subject of a different initiative, the Hague-Ljubljana Treaty for Mutual Legal Assistance, which has not yet entered into force but has been negotiated and signed.

Now we leave St. Louis and go to the International Law Commission, which meets in Geneva each summer. I want to emphasize that this is a story about people and their work. In 2010, the *Initiative* held its last meeting at the Brookings Institution, and Professor Sean Murphy attended it. Professor Sean Murphy was then nominated to the UN International Law Commission and decided to make a treaty on crimes against humanity a centerpiece both of his election campaign and his work at the ILC.

In 2014, the *Initiative* hosted a conference at the Villa Moynier in Geneva, to support the work of the Commission, and for several years, Professor Murphy would write a report, submit it to the Commission, and present draft articles. The Commission would work on it. It was an iterative process, basically, of ping-ponging back and forth between the Commission, civil society, states in the Sixth Committee, and then back to the Commission.

After several years, in 2017, the Commission completed its first reading, governments commented, and then a complete set of Draft Articles on the Prevention and Punishment of Crimes Against Humanity (Draft Articles) was adopted by the Commission on second reading in 2019. The second reading took as the centerpiece Article 7 of the Rome Statute with a few modifications. It includes a series of articles, fifteen *in toto*, and an annex that was like our project but shorter Draft Articles make clear states' obligations, including general obligations and obligations of prevention, *non-refoulement*, et cetera. And they made a recommendation at their 3499th meeting that there be the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries.

When the Commission issued its report, I was thrilled because at last the Draft Articles were advancing to New York where they could be considered by the UN General Assembly.

Unfortunately, progress in New York did not quite happen the way we hoped.

What happened in New York? It took six years for the Commission's draft of 2019 to be acted upon. The difficulty is that the Sixth Committee of the General Assembly, the legal committee, works on the basis of consensus. If states say we need more time to study it, we are not sure if we are ready, or we just do not like this idea, a handful of states can block progress. And for three years, that is what happened. 2020 was particularly difficult because of the pandemic. In addition, in 2020 and 2021, civil society could not get in the building, which I think also made a difference. There was real enthusiasm in 2019, and it was extraordinary to see how the core group of states supporting this project worked together over the next three years to say, how are we going to get this done? How are we going to overcome this?

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In 2022, determined to avoid a repeat of 2021, a cross-regional group of eight states—Colombia, Costa Rica, Gambia, Mexico, Korea, the UK, and the United States—introduced what is called a "zero draft resolution" shortly after the start of the Sixth Committee session but before the date scheduled to take up crimes against humanity, which would have moved the process forward. This would have required states to vote unless states could work together to find a consensus path forward, which they did.

I am not going to go into all the details of what happened, but basically, there were extensive negotiations, and eventually a resolution was adopted, 77/249, which provided for a two-year period during which the Sixth Committee would meet in interactive sessions in order to exchange substantive views. The bad news was that it stayed in the Sixth Committee, which had the consensus problem. The good news was, however, that through the effective use of the mini-debate, and through very successful negotiations, as well as the perseverance of Mexico, the Gambia, Canada, the United States, Sierra Leone, Portugal, the European Union, Palestine, really so many states came together to work assiduously over the next two years to advance the treaty.

Resolution 77/249 was adopted with eighty-six co-sponsors and a total of one hundred states supporting the draft text in some measure, and for the first time, it allowed for a process to move forward.

In 2023, we had the first resumed session with very positive results. The introduction of substance into the conversation really changed the dynamic. Civil society was able to be in the building in 2022 and 2023, which helped.

The war in Ukraine was changing the dynamic beginning in 2022. And in 2023, the war in Gaza changed the dynamic as well.

In 2023, our data showed increased support from states in the Sixth Committee, allowing us to move cautiously toward the hope that after the two-year period is up in 2024, the Sixth Committee would take a decision to move forward. Just as Mexico and the Gambia had—and I say this with deference to Pablo Arrocha—flipped the tortilla on this process by depositing the resolution in 2022, they did the same thing in 2024, and in 2024, there was a very strong zero draft resolution that was submitted.

When I saw the zero-draft, I confess that I cried when I saw the words, "Decides to convene the United Nations Conference of Plenipotentiaries" in the draft resolution. Of course, the fact that they had to move forward by consensus was going to make the negotiations really challenging. And challenging, they were. I am not going to retraumatize some of the beleaguered delegates here in the room by rehashing the debate.

We had a very large number of states speaking out, 145 states and entities this time, with 125 states expressing positive views, 7 remaining neutral, and 13 expressing negative views. You can see that from my slide, as well as the data on our website.

Several states that had previously expressed concerns, including Egypt and Nigeria, turned around and were positive in this session. Sierra Leone, taking the lead, delivered a cross-regional statement on behalf of seventy-seven states. There were still states saying, we need more time, we need more study. But most appeared to agree—and I am just using Brazil as one example—that there would never be an ideal moment and that time is of the essence when it comes to the preservation of human life.

I think what was memorable about the Sixth Committee session in fall 2024 was that occasionally the voices of the victims would break through, and were carried by the state representatives that raised them. South Africa noted its own painful and wrenching history with the crime of apartheid. The current ambassador for Afghanistan, not representing the Taliban, referenced the scourge of gender apartheid. Haiti and Sierra Leone spoke to the horrors and continuing legacy of modern-day iterations of slavery and the slave trade. Bangladesh, Israel,

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Myanmar, and the state of Palestine spoke personally as well, referring to painful experiences in the past and the present. Poland condemned acts on children. Nigeria expressed strong support but also said we need to address crimes of concern to African states, including colonialism, and emphasized the need for reparations. The few states maintaining their opposition included the Russian Federation and China.

On November 22, 2024, after an exhausting and dramatic day of negotiations conducted in person and by WhatsApp chat, the Sixth Committee adopted a draft resolution by consensus to sustained applause, co-sponsored by ninety-nine states. You can see how consensus and support continue to grow on my slide. As an aside, I note that Madaline George is in the room; she was one of the first people that had to work on this data collection and these charts. Many, many people have had to work on these charts over the years, since 2013.

This resolution was then adopted by the General Assembly as Resolution 79/122. It sets out a framework to move forward over the next four years. There was a stronger resolution that was on the table before the negotiations.

The time period was lengthened. The original draft would have had this treaty negotiated in 2026. We now have a preparatory committee meeting in two sessions, time for government proposals, and then two, potentially, three-week sessions in 2028, 2029. But it is moving forward.

The struggle to do this and win state support for a new treaty on crimes against humanity against the backdrop of a world on fire with their commission has been long with many players and many partners. Some have been states that, like Great Britain's quest to abolish the slave trade in the eighteenth and nineteenth centuries, have been willing to take the lead in galvanizing world opinion.

Others have been legal experts, UN officials, members of civil society, including organizations of survivors and victims. It has taken sustained effort, procedural innovation, diplomatic acumen, and hard work to get this project this far, an effort that has truly spanned the globe and has been led by the Global South and largely, but not entirely, by women.

Now comes the real push for the next five years when at last, the substance of the new treaty can take shape. The ILC's draft articles provide an excellent starting point for negotiations, but there are still some questions. The Chair's summary report from the two April resumed sessions includes many comments by states relating to the text, as do the comments already submitted by governments which have another opportunity to submit proposals before April 30, 2026.

Questions have been raised about the absence of the Martens Clause in the preamble of the treaty, the unusual drafting of the definition of persecution, the possibility of adding incitement or whether other additional modes of liability should be considered, whether the obligations of prevention are sufficiently well defined in the text, including a definition of victims, and incorporating additional fair trial rights. Many also believe that there should be a treaty monitoring body. And since the Commission does not draft final clauses, there are questions about what the treaty will include relating to the question of reservations or the International Court of Justice Compromissory Clause. Concerns about gender competency and children's rights have also been raised. States will have their opportunity to submit formal proposals, but now is the time for study and preparation.

Of some concern, to me at least, is the deleted provision ensuring robust civil society participation, which was eliminated from the zero-draft as negotiations intensified last fall. I really saw during the years that the treaty languished in the Sixth Committee that civil society participation was important to helping achieve forward momentum. When we could get in the room, the dynamics really changed.

Resolution 79/122 does permit Economic and Social Council-accredited organizations to attend the preparatory committee, presumably the working group, and the diplomatic conference,

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but other civil society members may not be able to get in. More than 650 experts around the world weighed in this fall with a declaration supporting the treaty, and Avaaz generated an online petition that obtained more than 500,000 signatures in three weeks. Robust civil society participation and strong advocacy is going to be necessary.

At the end of the day, the real beneficiaries of this treaty will be those who receive justice or who do not become the victims of crimes against humanity to begin with. We do not know how many people will benefit, and we cannot stop all crimes or punish all perpetrators.

Returning to the beginning of this lecture, however, we know that the slave courts in Sierra Leone heard more than 500 cases and, according to Professor Martinez's research, saved an estimated 65,000 enslaved persons plus another 90,000 who were never enslaved at all. Perhaps this is one of the reasons that Sierra Leone has been one of the champions of bringing this forward today. Friends, this treaty is not just a piece of paper. It is a promise to survivors. History tells us that its adoption will be a necessary but not a sufficient first step in preventing and punishing the commission of crimes against humanity. Without it, we are missing a critical legal tool, as the nineteenth century experience with the slave trade tells us. With it, we have at least a chance to save victims, survivors, and ourselves.

As former Supreme Court Justice Robert Jackson argued nearly eighty years ago in a courtroom I had the honor to stand in about two weeks ago, civilization asks whether law is so laggard as to be utterly helpless to deal with crimes of this magnitude. It does not expect that one can make war impossible, but that we put the forces of international law on the side of peace.

Even once the treaty is adopted, the hard work will need to continue. A ratification campaign will be required and enforcement by states will be important. And I suspect the most difficult part of the journey probably lies ahead, not behind, particularly given the current geopolitical environment. Yet we take heart from the example of the U.S. experience with the horror of slavery, that although the arc of the moral universe is often painfully long, it does indeed bend toward justice, as the Reverend Dr. Martin Luther King reminded us in 1965. I hear former Nuremberg Prosecutor Ben Ferencz's voice in my head with his usual admonition: Never give up, never give up, never give up.

At this juncture, however, it seems appropriate to pause for a moment and be grateful for the adoption of this resolution to convene a UN diplomatic conference of plenipotentiaries on the prevention and punishment of crimes against humanity. It has been supported by 192 out of 193 UN member states that adopted it by consensus.

I have been privileged to be a part of this journey, a small part of a long arc of history indeed, and encouraged by the support of so many along the way, as well as this award. And finally, I would like to show you the reason why the room where the *Crimes Against Humanity Initiative* at Washington University convened is so important. First, it was the site from which the call for the 1907 Hague Peace Conference came in 1904 when the World's Fair was held in St. Louis, Missouri. Second, the *Initiative* met there in 2009, on the occasion of its first meeting. And finally —and I have to give a shout-out to my students who organized an academic conference on the adoption of Resolution 79/122—where we took another photo. And here you have, sitting in the front two chairs, the legal advisors of Mexico and the Gambia, who we invited to St. Louis with other distinguished colleagues, all sporting their commemorative T-shirts.

In closing, thank you so much for your kind attention. Thank you to the Society for this award and for its support.

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