

**Editors**

The editors of the four volumes of *Historical Origins of International Criminal Law* come from China, Europe and Southeast Asia:

- Morten Bergsmo is Visiting Professor at Peking University Law School, and Director of the Centre for International Law Research and Policy;
- CHEAH Wui Ling is Assistant Professor at the Faculty of Law of National University of Singapore;
- SONG Tianying is Legal Adviser at the International Committee of the Red Cross East Asia Delegation in Beijing; and
- YI Ping is Associate Professor at Peking University Law School.

They have worked with a team of experts including Gareth Richards, ZHANG Binxin, Moritz Thörner, Pauline Brosch and Alf Butenschøn Skre.



The editors hope that the publication of the four volumes will increase knowledge on historical antecedents and factors contributing to the development of international criminal law, and help crystallize the community of those interested in the sub-discipline of history of international criminal law. As we encounter new challenges and situations, it may be useful to remind ourselves of how similar problems were dealt with or not dealt with in the past. In this way, history can provide us with some interesting lessons or inspirations. By presenting us with a richer and more complex understanding of international criminal law's origins or 'histories', it reminds us that the pursuit of justice is seldom easy, quick, or straightforward. We should bear this in mind when assessing our own present-day efforts.

**Project partners**

The Centre for International Law Research and Policy (CILRAP) has conceived and co-ordinated the HOICL research project, in co-operation with several partners from around the world, including the following:

- Asian-African Legal Consultative Organization
- City University of Hong Kong
- Delegation of the European Union to India
- European Centre for Constitutional and Human Rights
- European University Institute (Department of Law)
- Indian Society of International Law
- NALSAR University of Law
- O.P.Jindal Global University
- Peking University International Law Institute
- Waseda University Law School

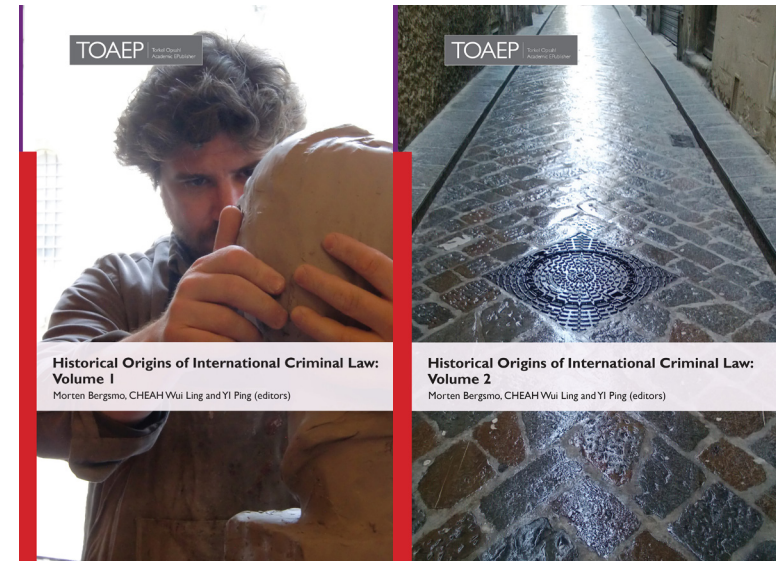
The foreign ministries of Germany and Norway have supported the project financially.

CILRAP is an independent research Centre incorporated in Brussels under the laws of Belgium. It has offices in Beijing and Berlin and an administrative office in Brussels. It owns the non-profit Torkel Opsahl Academic EPublisher which has published Volumes 1-4 of *Historical Origins of International Criminal Law*. These books are freely available at [www.fichl.org/publication-series/](http://www.fichl.org/publication-series/).



**Torkel Opsahl Academic EPublisher**  
A publisher of the Centre for International Law Research and Policy

100 Avenue des Saisons  
1050 Brussels  
Belgium  
URL: [www.toaep.org](http://www.toaep.org)  
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**United by the Basics of International Criminal Law: Exploring its Historical Origins**



## United by the basics of international criminal law

Some states are keen to strengthen the International Criminal Court and develop international criminal law further, while others have adopted a wait-and-see attitude. Issues such as universal jurisdiction, the crime of aggression, and the selection and quality of cases before the International Criminal Court have become intensely divisive. This tension should not cloud the historical consensus around the principles of the Nuremberg and Tokyo trials, the 1948 Genocide Convention and the 1949 Geneva Conventions, as the basis of international criminal law. It is increasingly important to find common ground where actors from different sides of the international criminal justice spectrum can engage constructively. Growing polarization between states can undermine international criminal law as a whole.

Such common spaces may take different forms. Ideally, a bridge-building topic will lead to the development of new knowledge and contribute to vertical consolidation of the discipline of international criminal law. Exploring the history of international criminal

law holds that potential by focusing on the evolution over decades of the common core of the discipline. "History can be our instrument to find this common ground in the field of international criminal law and related disciplines", writes Wegger Chr. Strømme (Secretary General, Norwegian Ministry of Foreign Affairs) in his foreword to Volume 4 of *Historical Origins of International Criminal Law*. He notes that by "creating a discourse community with more than 100 scholars from around the world, the Centre [for International Law Research and Policy] has set in motion a wider process that will serve as a reminder of the importance of the basics of international criminal law".

## HOICL

The Historical Origins of International Criminal Law Project ('HOICL') is the largest research project in international criminal law to date. The first four Project volumes published by the end of 2015 contain more than 3,300 pages of material, 80 chapters and 100 authors from around the world. Two 2014 conferences in Hong Kong and New Delhi generated most of the chapters in

the four volumes, with launches of Volumes 1-2 in New York and Volumes 3-4 in The Hague, Beijing, Berlin and New Delhi.

The figure reproduced below visualizes the substantive taxonomy of HOICL Volumes 1-4 combined. They are made up of the following 13 clusters of interrelated topics:

- Early antecedents of international criminal law;
- aftermath of World War I;
- period between the two World Wars;
- Nuremberg trial legacy;
- Tokyo trial legacy;
- prosecutions in China and Southeast Asia after World War II;
- prosecutions in Europe after World War II;
- origins of core international crimes;
- origins of principles of individual criminal responsibility;
- contributions by internationalised jurisdictions;
- contributions by national jurisdictions;
- contributions by other actors and methods; and
- additional disciplinary perspectives.

