

## EDITORIAL

# Editorial

We are pleased to present another issue of the Journal to our readers. In this issue, we have several papers by Muyiwa Adigun, Benson Olugbuo, and Charles Jalloh.

In the first article, “The Rome Statute Complementarity Principle and the Creation of the African Court of Justice and Human and Peoples’ Rights”, Adigun examines how the Nigerian criminal justice system interacts with the ICC, which is currently undertaking a preliminary examination of the Situation in Nigeria. The piece assesses how the requirements of ‘unwillingness’ or ‘inability’ found in Article 17 of the Rome Statute of the International Criminal Court could be met before the ICC can begin prosecutions and the changes that will be required to give effect to such work.

Second, Olugbuo’s paper “Civil Society Perspectives on the Criminal Chamber of the African Court of Justice and Human Rights” discusses the regulations of civil society organizations in West Africa and how self-regulation and national regulations could potentially feed into a global framework for regulating civil society organizations.

Finally, in a new type of article not yet published in our journal, we turn the spotlight on the work of the United Nations International Law Commission. The idea is to highlight issues that are either under consideration or being considered by the UN body, which may be of particular interest to Africa. Of course, the ILC was created as a subsidiary body of the General Assembly in 1947 to assist States with the progressive development of international law and its codification.

Jalloh’s article, “A Proposal for the International Law Commission to Study Universal Criminal Jurisdiction”, is the syllabus actually presented, by the Sierra Leone member, which suggests the ILC take a study on the topic of universal jurisdiction. The paper, which notes that the topic has been of considerable interest to African States in the past 20 years, provides an overview of the principle of universal jurisdiction, explains how universal jurisdiction satisfies the criteria for inclusion in the ILC’s long-term programme of work, and examines the potential future scope and outcome of a study on universal criminal jurisdiction.

The topic, which was notified to States in the 2018 Report of the ILC to the General Assembly, generated some feedback from States. This occurred against the backdrop of concurrent consideration of the related agenda item ‘The scope and application of the principle of universal jurisdiction’ by the Sixth Committee of the General Assembly.

The topic of universal jurisdiction was discussed under General Assembly agenda item 82 (Report of the International Law Commission on the work of its seventieth session) and agenda item 87 (The scope and application of the principle of universal jurisdiction). The Summary Records included in the issue pro-

vides excerpts of the Secretariat's summaries of verbatim statements of States that participated in the discussion either in support or against the addition of the topic to the ILC's long-term programme of work. A good number of States urged the ILC to move the topic forward. A number of other States expressed some doubts. Of course, possibly an even larger number of individual States were neutral in that they did not take a position on the issue. It is therefore important to include the summary records in the volume to ensure that the positions of various States are reflected.

Concerning next steps. The statements contained in the Summary Records will be considered by the ILC during the Seventy-first session to be held in Geneva in the summer of 2019. The Commission will evaluate the comments of the various States and determine if the topic of universal criminal jurisdiction should be added to the ILC's current work programme for the 72nd session (2019) and if a Special Rapporteur should be appointed.

It is hoped that these articles will spark the interest of our readers in the subjects that they treat.

Charles C. Jalloh

Founding editor