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THE JURISPRUDENCE OF THE CRIME OF AGGRESSION VIS A VIS ACTS OF CHARITY IN INTERNATIONAL LAW

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Abstract

The challenge of ensuring that acts of charity are not mistaken for acts of aggression have continues to attract international comments and discourse. Separating these acts and granting criminal immunity to persons who engage in charitable acts has become not only complex but enigmatic. There appears to be a precarious convergence and divergence between making a clear identification of persons who carry out Welfarist and humanitarian activities and the crime of aggression. This paper seeks to analyze the difficulty of decoding and explicating the components and elements of the crime of aggression in international law premised on the technical definition of the term from its evolutionary concept to its modern jurisprudential pontification. The first problem is the conceptual definition of the crime of aggression which has attracted a legion of interpretations and varied scholarly comprehension which have only heightened the complex interrogation and impediment that confront the various attempts to give the crime of aggression any precise acceptable definition. Under international law and other legal instruments, the definition of the *crime of aggression has been so hazily and obscurely defined such that it has lost its intended meaning. This paper seeks to solve the conjoining jurisprudential problem that exists between persons that have charitable intention and whose obligation is to embark on acts that are purely for the purposes of philanthropy and beneficence and the crime of aggression in*

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international law. The emphasis is that those who set out to carry out humanitarian activities are given special criminal immunity as they do their daily obligation. The paper submits that there is a dire need to redefine the concept of aggression in international law by deploring more modern ways and means of monitoring and regulating acts that can be misplaced and taken as acts of aggression. This will help to distinguish between humanitarian activities and acts of aggression.

Keywords: Aggression, Charitable Acts, International law, Responsibility, Criminal Immunity, Crime, Humanitarian law.

1.0 Introduction

The discourse on the general application of the crime of aggression as an international crime has attracted complex understanding and interpretation. One reason is the fact that the crime of aggression is a recent development with its varied definitional problem. Contemporary times did not see the crime of aggression as an international crime until the 1940s particularly because of the gory and devastating activities during the Second World War.[1]Even though there was obvious illegalization of certain acts, which were generally labelled as crime of aggression before the Second World War.[2]

There is no argument that the 1919 Treaty of Versailles, as well as the Soviet Union's draft definition of aggression in 1933 had impacted on the evolution and progression of concept of the crime of aggression.[3] There is equally no doubt that these two documents became visible as a point of reference because of the experiences these countries had in World War I. The devastating consequences of World War I did not only leave behind horror and tears but attempts to avert similar

[1] Trust Bush, 'The dichotomy between International Law and Acts of Aggression' Journal of International Criminal Review, (2007) (2) (8) 76

[2]*Ibid*, 54

[3]AndrewJohnson and Clinton Praise, 'The Relationship between International Law and the crime of Aggression' *Ladam Review of International Law* (2017) (15) (8) 69

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occurrences in the future are still hazy and problematic. One key occurrence was a peace treaty that was signed between Germany and the allied forces to restore international peace and security.[4]

One evolution of international law is its influence of the progression from the term crime against peace towards a colloquial development and transition of the term crime of aggression.[5]International law also created the League of Nations which has a great role in midwifing the attempts at defining the term the crime of aggression. This was in addition to the influence of the Soviet Union in 1933 on the general Assembly where the League of Nations proposed a more acceptable architecture for the definition of the crime of aggression.[6]

A more elaborate evolution of international law is the conversations around how the aggressor in an international conflict is labelled. The crime of aggression was seen in many dimensions. First dimension is when a country decides to declare war against another country. In addition, if the armed forces of a country attack the territory of another country without the intention of declaring war. Another dimension is when a country knowingly bombards the air forces of another country. These foregoing scenarios capture the very definition of the crime of aggression even though there may not be any unanimity.[7]

It is argued that the time in which the modern definition of the crime of aggression was established is related to World War II, especially the period after the war. Also important was the events that followed not long after the end of the world war ii. That is, from the Nuremberg processes which followed the German Nazis 'prosecutions as well as the work of the International military tribunal for the Far east, stands out as the most radical period where the emphasis on the concept of aggression was given a more critical analysis.[8]

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[4]*Ibid*, 75

[5]Matthew Morigin, 'The Dynamics of the Crime of Peace and the Crime of Aggression' *Bossomy International Law Journal*, (2019) (7) (1) 39

[6] Ibid, 48

[7] Jack Tenny and Clifford Tompson, 'Analyzing the Modern Jurisprudence in the Crime of Aggression' *Tremmy International Law Journal*, (2021) (3) (1) 76

[8]LuckyHowell, 'Thinking Radical Jurisprudence and the Crime of Aggression', *Criminal International Law Journal*, (2022) (8) (5) 39

2.0 Revisiting the Mercurial and Murky Definitions of Crime of Aggression

Attempts at defining the crime of aggression have been mercurial and murky. This situation is premised on some core extraneous reasons which unfortunately are still in existence. This smoggy situation has affected the emergence, significance and legal interpretation of any definition of the crime of aggression.[9]

Despite the fact that war crimes and genocide are generally guided by the provisions of the Geneva Convention and the Convention on the prevention and punishment of the crime of Genocide respectively, the criminalization of aggression did not start simultaneously at the beginning of the various trials at the International Military Tribunal at Nuremberg and the International tribunal for the Far east.[10] The problem can be historically traced to the various factors:[11]

Firstly, after World War II, the international community made attempts to hold those responsible for commission of heinous war crimes even though it was perceived as the victors wanting to punish those defeated. The understanding was that those who willingly participated in the war needed to be punished which was the usual practice at each time a war was fought.[12]The foregoing clearly shows how the consequences of World War II created special circumstances which made it imperative to punish those responsible for the crime of aggression as well as crystalizing how the definition was adequate in its contemporary dissection.[13]This only gave more credence for the urgent need for a more proactive and engaging definition. This transitional attitude lies primarily within the desire and need to avert crimes of aggression such as those that occurred in World War II.

[9]*Ibid*, 47

[10] Joyce March and ComfortJohnson, 'Dissecting the Crime of Aggression in International Law', *Morgan International Law Journal*, (2020) (18) (8) 26

[11]*Ibid*, 31

[12]Godom Nelson, 'The International Intricacies of Fighting A Just War' *Indian Review of International Law*, (2019) (6) (3) 69

[13]*Ibid*, 76

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Equally important was the problem of permitting the use of military intervention.[14]The UN charter has already summarized the basis in which the use of military force is allowed and forbidden. Consequently, a deduction of provisions of Article 51 of the Charter, only allowed the approval of the Security Council or in situations of self-defense. The condition precedent of military intervention as such was unambiguous. One problem that arose within the prescription of the use of military force was the issue of self-defense that is variedly interpreted.[15] This misplaced interpretation heightened the problem as to how to determine when the use of force would be permitted.[16] This was because the understanding of self-defense very mercurial and murky. The charter somewhat crystalizes the definition of self-defense through its interpretation of article 51, which clearly defines it as a situation when a threatening danger exists, which is different from an illegal self-defense that shows an attack that is undertaken with the objective of anticipating the various acts of aggression.[17] The issue of self defence is subjected to various interpretations because when self-defense is permitted, the interdiction of military intervention is not affected. The implication is that such a state cannot be considered an aggressor.[18]It is this lack of exactitude that leads to the inability of international law to clearly define the crime of aggression. Closely related to the foregoing was the very core issue of the analysis of the crime of aggression which is contained in the article 2(4) of the charter, which also refers to the problem of permitting the use of military intervention as one of the reasons of its inability to clearly define the concept of aggression. Article 2(4) of the charter is one of the fundamental principles of the United Nations, unfortunately, it did not offer any qualification of the concept of the use of force, but the

[14] Rotimi Fayemi, 'The Evolution of Military Jurisprudence and International Law' *Yale International Journal of Comparative Law*, (2022) (23) (6) 49
[15] Laden Moses, 'Constitutional Jurisprudence and International Law' *German Journal of Comparative Law*, (2020) (6) (8) 39
[16]*Ibid*, 63
[17]Richard Suofade Ogbe, 'The Illegalization of Coercive Force' *African Journal of Law, Ethics and Education,* (2023) (4) (1) 26
[18]*Ibid*, 34

concept is rather indirectly read from the related provisions of the charter.[19] This situation may have heightened the problem.

3.0 The Convergence between international Acts of Charity and Acts of Aggression

The vivisection between charity acts and acts of aggression is equally murky and mercurial which accounts for the varied interpretation and understanding.[20] This is part of the reason the pace of development of international legal standards for humanitarian activities is rather stolid.[21]In addition, the definition of the crime and acts of aggression as have been advanced over time and as they currently stand today is equally enigmatic and compounding.[22]

It is necessary to take a snappy look at some sources of international law in passing.[23]International law has a variety of sources. Article 38 of the International Court of Justice enumerates three groups of sources, viz: first, international conventions and treaties, second, customary international law, and third, the general principles of law accepted by civilized societies.

Generally speaking, treaties and international conventions are written agreements which States willingly sign to be bound by their contents.[24] They are the major form of international law which is premised on the principles contained in the Vienna Convention on the Law of Treaties. Under international law, the UN Charter is arguably perceived as the fundamental international legal treaty which is superior to other treaties. It is this charter that created the United Nations and other bodies like the UNSC and the UNGA. Even though the United Nations

[19]Thursday Clinton, 'Analyzing the dynamic nature of Crime of Aggression'', *Criminal Journal of International Law*, (2018) (6) (9) 63

[20]Godday Promise, 'Separating Acts of Aggression from Humanitarian Activities' European Human Rights Review, (2020) (8) (5) 53

[21]Salome Nixon and Gloria David, 'The Thorny Issues ofthe Crime of Aggression in international Law' Journal of Cnadian International Law, (2019) (18) (4) 75

[22]*Ibid*,

[23] Nath Paul and Christmas Andrew, 'Territorial Jurisprudence and the Crime of Aggression', *Malian Review of International Law*, (2009) (7) 72

[24]Abraham Davidson, 'The Place of Customary Jurisprudence in International Law', *South African Review of International Law*, (2020) (6) (8) 63

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General Assembly resolutions are mere recommendations which are considered as soft law, but they do contribute to customary international law.

Customary international law is one fundamental ingredients of international law.[25] Customary international law relates to international obligations created from international practices in contradistinction from obligations created from formal written conventions and treaties.[26]These best practices of nations are done out of a sense of legal obligation and responsibility.[27]

General principle of law or general legal principle refers to rules and principles that are generally accepted in all legal relations, irrespective of the kind of legal system involved.[28] It can also be principles that are widely accepted by people whose legal order has attained a certain level of progression and development. International tribunals usually rely on these principles and rules when other sources of international law are not readily available to be cited as authority and direction.[29]

4.0 Analyzing proper understanding of Acts and Crimes of Aggression under other Treaties and Customary International Law

The UN charter deals with acts and crimes of aggression even though these concepts are contextually not the same in the charter.[30]This kind of understanding is to be expected because of the varied interpretation given to these acts by different scholars. The act is taken as an infraction by the State, while the crime is the individual criminal responsibility that the mastermind of an act of aggression may be confronted with. That explains the understanding that, it is usually a

[25]Marian Collins, 'The Consequences of the Crime of Aggression' *Lumus Journal of Transnational Law*, (2020) (5) (8) 56
[26] Ibid, 64
[27]Glory Dickson, 'Legal Effect of the Crime of Aggression', *International Journal of Law and Politics*, (2018) (8) (10) 56
[28] Benson Brighton, 'Conceptualizing the Crime of Aggression,' Eastern Journal of International Law and Policy, (2016) (8) (9) 53
[29]*Ibid*, 73
[30]StrawsonKufi, 'Delineating the Crime of Aggression in line with the dictate of the ICC', *Militia International Law Journal*, (2016) (8) (4) 68

State that commits acts of aggression, while an individual commits crimes of aggression. Both the crime and act of aggression are equally enshrined in the Rome Statute and other legal instruments.[31]

After the World War II the United Nations considered it necessary to make the prohibition of acts of aggression its highest priority as clearly contained in its charter.[32]This is part fulfilment of its primary purpose and objection of maintaining international peace and security.[33] This is clearly seen in article 2 of the charter that mandates members to refrain from the use of threat or force against any state in their international relations with each other in any way that goes contrary to the general objectives and purposes of the United Nations. [34]

The Security Council is empowered to come to a conclusion as to whether there is any act that constitute a threat to international peace and security and decisively deal with such a threat or situation accordingly in line with articles 39 to 51 of the charter. The issue over the years is what acts constitute acts of aggression. Unfortunately, the Charter did not specifically state what act of aggression is or means. The charter gives the Security Council to determine what constitutes the acts of aggression and threats to peace.[35] The SC has carried out this onerous duty in many strenuous and deluded circumstances that have been interpreted and criticized by many public commentators as not good enough.

One statute that deserves consideration as regards the definition of the act of aggression and crime of aggression is the Rome Statute that created the International Criminal Court in 2002. The treaty donates the requisite power to the ICC with jurisdiction over the crime of aggression. Some countries such as the United States, UK, and other Western allies did not support the inclusion of the crime in the court's

[31]*Ibid*, 76

[32] Thought Lucky, 'Dissecting the Crime of Aggression and the Power of the ICC', *Manson University International Law Journal*, (2017) (1) (8) 87

[33]Fred Ferdy, 'Revisiting the Crime and acts of Aggression in International Law' *Journal of International law and Policy*, (2022) (5) (4) 48

[34]*Ibid*, 68

[35]Musa Sunday, 'The Troubles of defining the Crime of Aggression in International Law' *European Journal of Law and Environment*, (2018) (8) (6) 68

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jurisdiction.[36]Despite this opposition the inclusion was successful because of the effort of a coalition of many European union states and many members of the movement of non-Aligned countries who gave their support to its inclusion.

In 2010 the Kampala Conference adopted a definition. One of the core highlights of the Kampala conference was that individual can be duly prosecuted for a crime of aggression. Certain conditions were underscored and brought to focus. The first condition is where such a person is in any position or authority where he or she has dominating control over or the requisite capacity to direct the political or military action of a country.[37] The second condition is where a person has been actively concerned with the general scheming, configuration, actuation or execution of an act of aggression that shows by its characteristic foible, enormity and squander, which by those acts constitute an obvious violation of the Charter of the United Nations.[38]

Under customary international law the definition of acts and crime of aggression is equally mercurial and murky. This part of the paper considers what happened at the International military tribunals at Tokyo and Nuremberg and considers the historical paradigm shift that has taken place since then. Moreso, it considers the contemporary definition of aggression as contained in the U.N. Security Council and the general Assembly and the International Court of Justice's treatment of aggression in its ruling in line with public commentators' perceptions.

It can be argued that it was after world war II that the actual execution of the commission of the crime of aggression prosecution by international tribunals started. The allied powers created International military tribunals at Tokyo and Nuremberg to hold those war criminals account for their crimes against humanity including waging wars of

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[36]Nathan Jolly, 'International Law and the Acts of Aggression: Solving the Problem of a Unified Definition' *Griffith University Journal of International Law*, (2016) (6) (9) 38

[37]Henry Nathaniel, 'The Legal Problems of Balancing the Crime of Aggression and Compassion in International Law,' *Fordian International Law Review*, (2018) (7) (6) 67

[38]Fombo Best, 'The Relationship between the Jurisprudence of International Law and crime of Aggression' *Ford University Law Journal*, (2018) (6) (8) 67

aggression.[39]The Nuremberg Court captured masterminding or orchestrating any war of aggression as the fundamental international crime that must be punished to serve as a deterrent to others.

Former government and military officials were indicted by both the International Military Tribunal at Nuremberg and the International military tribunal for the Far East for their different roles and complicity in aggressive wars. The charges against them criminalized both the coordination, collaboration and the active initiation in the acts of aggression. unfortunately, the tribunals disavowed the defense put forward by those charged that they were simply carrying out orders by their superior overseers in line with their official obligations and oath of office.

These tribunals were the first to accept and give credence to aggression as an offense in international law. The allied powers contend that these crimes and their prosecution were based on international law as it was widely known even before the First World War era. In spite of all these disputations and dissentions, the decisions of these tribunals and other subsequent developments contextually make criminal liability for acts of aggression as an incontrovertible part of present-day customary international law in contemporary times.[40]

5.0 Analyzing Acts and Crimes of Aggression by UNSC and UNGA

The Security Council is conferred with the power to investigate and conclude whether there exists any threat to the peace, breach of the peace, or act of aggression.[41] These three separate expressions as used by the U.N. charter are taken to have varied meanings and interpretations.[42]The way and manner these terms are used by the U.N.

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[39] Brighton Wills, 'The Conceptual tenets of Acts of aggression in international Law' *Journal of South Korean International Law*, (2017) (9) (8) 56

[40]Elijah Elison, 'Revisiting the Meaning of the crime of Aggression in International Law', *International Criminal Law Review and Policy*, (2017) (14) (7) 69

[41] Jackson Cliff, 'International Jurisprudence and the Crime of Aggression', *Indiana International Law Journal*, (2018) (16) (7) 43

[42]Cath Sunday, 'Examining the various Components of the Acts of Aggression', *Nordic Journal of International Law*, (2018) (7) (9) 37

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charter and general assembly resolutions further gives credence to such interpretations. Primeval intention and successive use in international law only take actions that qualify as acts of aggression as the most severe actions.[43]That informed the Security Council decision to consider an act of aggression as the most serious breaches of the peace in theory. But in practice, acts of aggression are construed differently by the Security Council. It perceives aggressive acts like the use of armed might against the territorial integrity of a victim's country as acts of aggression.[44]

That is why it is surprising that the Korean War, the Iran-Iraq war, the Falkland's war, and several Israeli operations were not regarded as acts of aggression by the UNSC and UNGA. The show of lack of capacity to see the foregoing situations as cases of aggression might have been either because the UNSC could not discuss and take decisions on them or it did not even consider the situations necessary of any attention. One conclusion that can readily be made from the foregoing analysis is that the determination of acts aggression and crime of aggression by the Security Council is seen as more political and rhetorical than any legal obligation.[45]

There have been several situations where the UNGA analyzed circumstances and took resolutions that bother on actions it considered as acts aggression and crimes of aggression. These resolutions only serve as experiential evidence of customary international law because they are not binding on states. For instance, a UNGA resolution 42456 considered the intermediation by China in the Korean War, as well as the actions of those it was supporting, as acts of aggression. Again, UNGA resolution 53485 condemned South African incursions into South West Africa, describing any annexation as constituting acts of aggression. Furthermore, UNGA resolution 54278 equally vilified South Africa's indictable occupation of Namibia and intrusion in Angola and Zambia and described those actions as acts of aggression.

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[43] Johnson Mendah, 'The Problems of Jurisdiction and the Crime of Aggression', *Norway Journal of International Law*, (2018) (6) (9) 65

[44] Benita John, 'Redefining the Concept of Impunity and the Crime of Aggression,' African Comparative Review of International Law and Policy, (2018) (6) (2) 78

[45] Matthew Holiday, 'The Problems of the Enforcement of the Crime of Aggression', International Journal of Law and Environment, (2016) (8) (13) 48

The UNGA and UNSC noted their previous resolutions of the definitions of the crime of aggression which also found South African's colonial habitation of Namibia as acts of aggression. Finally, the General assembly has declared some actions of Israel as acts of aggression. These include: any military control, or any annexation of such territory, and its occupation of the Golan Heights. Finally, in 1992, the General Assembly criticized and denounces the military incursion into Bosnia and Herzegovinar by Serbia and Montenegro as aggressive acts.

Again, the foregoing clearly shows a proclivity towards finding of acts of aggression by the UNGA. For instance, when a country has violated another's territorial sovereignty and, such countries are usually declared as pariah states as punitive punishment meant to serve as a deterrent.[46]The UNGA has severally been accused of being choosy in its determination of acts of aggression and crimes pf aggression.[47]Many people have wondered why over the years the UNGA has been unable to generate an acceptable definition of the crime of aggression that is fair to potential defendants and can serve to guide prosecutions in an equitable manner. This inability is seen by many as its albatross.

5.1 Providing Possible Solutions

This part of the paper considers how criminal immunity can be granted to persons who carry out charitable humanitarian activities in the field while prosecuting the crime of aggression. This includes an examination of the definition of the crime of aggression as well as some kind of reevaluation of the investigation and prosecutorial processes.

There is the need to reexamine the ICC's Kampala Amendment and scrupulously hold on to it. Attempts can also be made at the executing the definitions contained in UNGA Resolution 3314.One way to accomplish this is to address the murky and mercurial definition

[46]Wills Jackson and Johnson Manasa, 'Conceptualizing the Dynamics of the Crime of Aggression', International Journal of Conflict and Law, (2016) (17) (7) 43

[47] Gold Trust, 'The Problems of Impunity and the Crime of Aggression', Chicky Journal of International Law, (2018) (16) (6) 66

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problem by granting the ICC jurisdictional power on how to form an opinion on how and when to prosecute acts of crimes of aggression. Care must be taken to reduce the limitless interference by the Security Council on the processes of the determination of investigation and prosecution of acts of aggression. Presently, the court follows the guidance of various UNGA resolutions and its own national systems in defining the crime of aggression, determine which cases were severe enough to meet the necessary requirement and then accordingly prosecute persons involved in the planning and execution. The predisposition for the ICC is based on the fact that it is proficient and able to provide defendants with fair and equitable investigation, prosecution and indictment.[48] This is in addition to the fact that the confidence and popularity countries now have for the ICC and its activities are increasing by the day.

It is now clear that the present definition of the crime of aggression is fraught with complexity as regards ways and means of identifying charitable humanitarian activities. Under the existing definitions, any bona fide humanitarian activities would almost surely qualify as a prima facie act of aggression under the foregoing Resolutions.

Another solution is to stick to resolution 3314 in the determination of the crime of aggression. This approach is in line with customary international law. There is a need to exclude any determination for a crime of aggression where the intervention has to do with regional multilateral participation. In other words, those who work with regional groups which carry out intra-regional humanitarian activities should not be held liable for prosecution for crimes of aggression. Even though these activities had no legal basis in the U.N. Charter, the UN, Security Council and the international community widely commended these interventions. For instance, the effort of ECOWAS was applauded by Security Council in all its resolutions and statements regarding the Liberian Civil War. These efforts made the Security Council to exempt ECOWAS forces from its Resolution 788 which deals with weapons importation embargo. Similar intervention efforts

[48] Clem Samime, 'Humanitarian Law and the Jurisprudence of International Politics', *Klema International Law Journal*, (2019) (8) (4) 69

made by NATO were seen as justified as a matter of international law and policy.[49]

Another solution is to make the ICC to remedy and improve its definition of crime of aggression. The current definition is too gargantuan, murky, restricted and mercurial to allow actual charitable humanitarian activities free from the apparition of criminal liability.[50] The only way to guaranty the independence of the ICC is to ensure that the procedure for any deference to the Security Council's resolution is not too intertwined with any political consideration and bias.

Mention should be made of the three elements on which those who intend to use as defense actual charitable humanitarian activities would need to prove.[51]First, is the concept of the charitable principle motivation? Second, are palpable records of massive human rights violations, and third, is a well- founded belief in the Security Council's ineptitude and incapability.

The first element is the actual charitable humanitarian principle motivation which requires the person using this principle to prove that his rationale for deploring military might was a bona fide humanitarian desire to forestall stupendous human rights violations.[52]This kind of proof will warrant such a person to prove such intention by deploring documents to show actual designing and implementation of the military action as well as evidencing mechanism deplored just to prevent civilian casualties. This is meant to enable the ICC to identify and distinguish actual charitable interventions from gardy invasions or show of military might.

The second element is that the accused person needs to prove that it is to his personal knowledge that gargantuan gross human rights violations were occurring in the target state.[53] The third element is

[49]Benson Rutham, 'Crime of Aggression as a Component of War Crime', *West Southern International Law Journal*, (2012) (48) (2) 57

[50]Rome Jonathan, 'The Murky Definitions of the Crime of Aggression', *Gloson Journal of International Law*, (2019) (6) (3) 58

[51]Ajason Lome, 'A Concepts of the Laws of Self Defence' Person *Journal of Law and Policy*, (2014) (8) (2) 23

[52]*Ibid*, 43

[53]*Ibid*, 54

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that, the accused person may have to clearly demonstrate that he had reasonable suspicion of the incapability or unfounded reluctance of the Security Council to respond to the crisis on basis that are not connected to the accused's (or his state's) own acquiescence and indifference. The Security Council can then recommend a military action in line with the relevant provisions in the U. N. Charter.

6.0 Conclusion

This paper has done a critique on the convergence and divergence that exist between the crime of aggression and charity-based activities in line with their earliest progression and development. It is the opinion of this paper that adopting both procedural and substantive methods as panacea will take care of the mercurial and murky convolution. One critical finding is that the crime of aggression under international law is still hazy even though there has been an evolving definition sufficient to generate indictment drawn from customary international law. It is proposed that international bodies like the ICC should extend its jurisdiction to define, investigate and prosecute crimes of aggression. This is because international political bodies like the United Nations General Assembly and Security Council are incapable of providing an unbigoted trial because of their political colouration and considerations.

The way out of this legal quandary is to strive to discard international criminal liability for the crime of aggression. This kind of step is meant to avert many political and legal battles which will unavoidably arise. Even though it may seem to be impracticable, individual liability for the crime of aggression is a piece of customary international law worth improving and desiccating. Despite the fact that it may be unquestionable and unrealistic to imagine that such an arrangement and strategy would work hitch-free, but making attempts to create a system where those who undertake, design and implement acts of aggression is adequately and fairly made to face the wrath of the law is a worthy step meant to guarantee an equitable and peaceful society.