

relevant to the book's specific examination of use of domestic law, the point seems much more general, and this book is therefore an unexpected place to find the point being made.

As a result, in these respects, the book arguably over-extends. While chapter 2's argument on the VCLT is credible and carefully made, it seems to speak to a different audience than the remainder of the book. Meanwhile, given the available evidence to date, the conclusions of chapter 8 ought perhaps to be taken more as a predictor of future approaches in international adjudication rather than a clear taxonomy of current approaches.

However, neither these over-extensions nor the unanswered questions outlined above detract from the technical quality and sophistication of the book's arguments in themselves. Throughout the book, Peat demonstrates attention to detail, a welcome appreciation for the insights of theory, and an impressively wide knowledge of international law and adjudication. The book sharpens thinking and blurs boundaries, adding yet further evidence of 'the complexity . . . of the international/national legal interface'.¹⁷ As this interface comes under increasing scrutiny, Peat's work will play an important guiding role.

Jarrod Hepburn

Senior Lecturer

Melbourne Law School, University of Melbourne

Email: j.hepburn@unimelb.edu.au

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Claus Kreß and Stefan Barriga (eds). ***The Crime of Aggression: A Commentary***, 2 vols. Cambridge: Cambridge University Press, 2017. Pp. 1583. £236.99. ISBN: 9781107015265

The Rome Statute is now complete.¹ Indeed, at its 16th Session in New York, the Assembly of States Parties (ASP) of the International Criminal Court (ICC or the Court) decided to activate the Court's jurisdiction over the crime of aggression as of 17 July 2018.² The 'activation decision' renders homage 'to the historic significance of the consensual decision at the 2010 Kampala Review Conference to adopt the amendments to the Rome Statute on the crime of aggression'.³ Truly, both the Kampala amendments and the New York's activation decision are of historical significance. The former defines the hitherto undefined; the latter, though an activation decision, signifies the end of negotiations.

Yet, several issues with respect to the crime of aggression, as defined in (now) Article 8bis of the Rome Statute, and how the Court will exercise its jurisdiction, pursuant to Articles 15bis and 15ter, are still in need of clarification. Claus Kreß and Stefan Barriga, two leading experts in the process leading to the adoption of the aggression amendments in Kampala, provide (much of) these clarifications (and considerably more) with their edited book, *The Crime of Aggression: A Commentary*. The Commentary forms with *The Travaux Préparatoires of the Crime of Aggression*, published by the same editors in 2012, the *Crime of Aggression Library*. With its more

¹⁷ H. Charlesworth *et al.*, 'International Law and National Law: Fluid States' in H. Charlesworth *et al.* (eds), *The Fluid State: International Law and National Legal Systems* (Federation Press 2005) 2.

¹ Rome Statute of the International Criminal Court, 2187 UNTS 9, 17 July 1998 ('Rome Statute').

² ICC, Activation of the Jurisdiction of the Court over the Crime of Aggression, Resolution ICC-ASP/16/Res.5, 14 December 2017, § 1.

³ *Ibid.*, Preamble.

than 50 chapters, written by scholars, members of the Special Working Group on the Crime of Aggression and members of delegations to the 2010 Review Conference, the Commentary is designed to be the leading authority on the crime of aggression. The Commentary is divided into five parts: (I) 'History'; (II) 'Theory'; (III) 'The Crime of Aggression under Current International Law' (IV); 'National Law'; and (V) 'The Future World Order'. Altogether, these five parts speak about the law – be it comparative or international, legal-technical or theoretical – history, philosophy and ethics of the criminalization of aggression.

The almost 100 years of history prior to the Kampala amendments begin with the deliberations leading to what ultimately became Article 227 of the Versailles Peace Treaty⁴ – i.e. the infamous provision drafted with the aim of prosecuting Kaiser Wilhelm II for the mystifying 'supreme offence against international morality and the sanctity of treaties'. As Kirsten Sellars' chapter on the origin of the idea of 'aggression' in international criminal law conveys, the puzzling wording of the charge against the Kaiser reflected the mixed desirability between the Entente Powers to couch in law what appeared to many as a political act. The political ramifications of the crime of aggression are indeed a theme that pervades Part I and to which Martti Koskenniemi returns in Part V. Koskenniemi argues that whatever the definition of aggression is, its application is doomed to encapsulate notions of power or, if you prefer, of a political penchant towards one party instead of another (at 1379).

While the trial of the Kaiser never occurred, it is well known that the Nuremberg and Tokyo Tribunals found almost all – all in the case of the Tokyo Tribunal – of the defendants appearing before them responsible for crimes against peace, the ancestor of the crime of aggression. Yet, as discomfiting as it is, neither the tribunals nor their statutes defined what crimes against peace are. Carrie McDougall's close inspection of the post-World War II judgments nonetheless reveals that a customary definition of the crime against peace, especially the state conduct element, can be extracted from these precedents. Yet, she opines that Kampala criminalized a much broader range of conduct and that therefore 'the jurisprudence of Nuremberg and Tokyo will be of little assistance to the judges of the International Criminal Court' (at 105).

Looking at historical precedents helps finding sources from which to borrow or draw interpretations, inspirations or lessons. One historical source from which Article 8*bis* borrows, and to which there is an explicit *renvoi* (i.e. 'in accordance with'), is the 1974 UN General Assembly Resolution 3314 (hereinafter UNGA Resolution) and its annexed Definition of Aggression (hereinafter UNGA Definition), dealing with aggression by states. However, the ultimate aim of the UNGA Definition was only to serve as political guidance for the UN Security Council (UNSC). It is certainly questionable whether the Resolution's nature as well as ambiguous language are suitable to establish individual criminal responsibility. Interestingly, Sellars, in a second contribution, portrays the deliberate ambiguities of the UNGA Definition as fading reflections of the Tokyo dissents on crimes against peace. Her chapter admirably sets the stage for Thomas Bruha, who examines the whole body of provisions of the UNGA Definition in light of their *travaux préparatoires* before concluding that it was not necessarily a good idea to reference the UNGA Resolution in Article 8*bis*(2) of the Rome Statute (at 172–173). For Bruha, the UNGA Definition's vagueness and ambiguities might be acceptable when understood as a political document addressed to the UNSC, but are not always fit for a criminal law statute (at 163). As Leena Grover's chapter argues, the guiding principle while interpreting the crime of aggression is, like for the other crimes, the principle of legality (at 377). Grover acknowledges that the *renvoi* to the UNGA Resolution might have been intended to convey special meanings to terms found in Article 8*bis*(2) (listing the acts of aggression), but also believes, like Bruha, that by its nature the resolution does not really belong to the law applicable in ICC proceedings (at 398–399).

⁴ Versailles Peace Treaty 1919, 225 Parry 188.

The International Court of Justice (ICJ) has examined the practice of states in light of the UNGA Definition – but never found an act of aggression had been committed. Building on this jurisprudence, Dapo Akande and Antonios Tzanakopoulos spell out the distinctions and commonalities between use of force, armed attack, acts of aggression, war of aggression and the crime of aggression. Their chapter is an essential read to grasp how the law on state responsibility for unlawful use of force interrelates with the law on individual criminal responsibility for the crime of aggression.

Moving deeper into the intersections between the two fields, Claus Kreß offers an impressive coverage of the elements relating to the state conduct element as contained in Article 8*bis*. In this comprehensive chapter – which could serve by itself as a textbook on the use of force – Kreß meticulously analyses all elements for a use of force to constitute an act of aggression and the threshold clause. The latter requires, indeed, that for a state's act to qualify as aggression per the Kampala definition, the act in question must by its character, gravity and scale constitute a manifest violation of the Charter of the United Nations. Importantly, Kreß's analysis discusses at length what he terms the 'legal grey areas' (at 457–501) concerning the prohibition of the use of force; that is, those uses of force where illegality is seriously debated, such as anticipatory self-defence, rescue of nationals abroad or humanitarian intervention. According to Kreß, uses of force that fall into such grey areas are not manifest violations of the UN Charter, and thus are not covered by the prohibition against aggression, as contemplated by Article 8*bis* (at 523–524).

Jeff McMahan supports Kreß's defence of the threshold clause. He argues, from the angle of moral philosophy, that the definition of the 'crime of aggression' would be over-inclusive – in the sense of over-reaching – if it did not allow other justifications to use force than self-defence and UNSC's authorization (at 1391). In particular, whereas a UNSC authorization is morally irrelevant, humanitarian intervention that is for a just cause but not authorized by the UNSC should not fall under the definition (at 1392–1393). Indeed, for McMahan, as for Kreß (at 525–526), the requirement that the act of aggression amounts to a 'manifest' violation of the Charter should be used to save the Court from engaging in morally unsound findings.

The adoption of a definition of the crime of aggression did not only require a consensus to be reached on what are acts of aggression and which ones should be criminalized, it also required agreement on the individual conduct element of the crime. To commit a crime of aggression an individual must have been involved in the planning, preparation, initiation or execution of an act of aggression reaching the threshold clause. Furthermore, not every person involved in an act of aggression is capable of committing the crime. The crime of aggression is a 'leadership crime' – pursuant to Articles 8*bis*(1) and 25(3)*bis*, only 'persons in a position effectively to exercise control over or to direct the political or military action of a State' are within the scope of the crime. Roger Clark discusses in two distinct chapters the drafting history of the individual conduct element and other considerations relating to general principles of criminal law. For a more practical reflection on the individualization of aggression, it is advisable to turn to Jens David Ohlin's contribution – though the latter is in Part V, while Clark's are in Part III. Ohlin remarkably exposes the difficulties of discerning who is to be held responsible for the crime of aggression – and what type of *mens rea* is required – when war making emerges from the decision of a corporate body (e.g. a parliament). In states where decision-making powers over the use of force are vested in the parliament or congress, it will undeniably be complicated to determine which members of these deliberative bodies should bear responsibility for having authorized an (aggressive) military campaign. For instance, as Astrid Reisinger Coracini observes, while '[a]ll post-Kampala national definitions of the crime of aggression reflect the leadership clause' (at 1044), pre-Kampala national provisions 'do not contain a leadership clause' (at 1073). Whether the leadership requirement is to be understood as an implicit part of the latter provisions is not confirmed or refuted by the case law. There has

been no subsequent case law since the trials conducted by the Allies in Germany and Japan, even if one looks at all the domestic jurisdictions that have been involved in conflicts.

As these discussions suggest, the Kampala definition of the crime of aggression will trigger enormous challenges for the ICC, unless Article 8*bis* of the Rome Statute remains merely symbolic – a fate that would not be surprising if one looks at the domestic practice. On the one hand, the complex structure of the crime of aggression, the risks of political trials and the *par in parem in imperium non habet* principle have long been concerns militating against domestic prosecutions. On the other hand, many national criminal codes have criminalized aggression *ex ante* (as well as *ex post*) Kampala, sometimes even postulating universal jurisdiction over this crime.⁵ Part 4 of the Commentary, usefully synthesized by Reisinger Coracini, helps digest the core elements of the crime, as well as the jurisdictional bases, under such national legislations. Her study shows that most national legislations tend to widen the scope of application of aggression, especially in states where the national provision predates Kampala and thus does not include the so-called threshold and leadership clauses (at 1070–1074). Pål Wrange addresses the issue of domestic jurisdictions in light of the complementarity principle. He contends that there are several valid (though controversial) legal bases, including universal jurisdiction, for exercising domestic jurisdiction over the crime of aggression (at 714–721), but acknowledges, by the same token, that it might be better in terms of policy for the ICC, rather than states, to undertake such prosecutions (at 733).

For those researching why the Kampala amendments have also been called the 'Kampala Compromise',⁶ the section on 'Actors' Views' in Part V provides an insightful overview of the various stances adopted by states regarding the aggression amendments. The 16 (relatively brief) chapters in this section offer a unique opportunity to understand the main points of divergence between key states, including states parties as well as non-states parties, engaged in the process leading to the amendments.⁷ The section concludes with an incisive chapter by Noah Weisbord delineating civil society's confused engagement with the Kampala amendments. Indeed, out of concern that the crime of aggression was not a human rights matter or that it would distract the Court from more pressing issues, most non-governmental organizations (NGOs) failed to be as engaged in Kampala as they had been in Rome during the negotiations leading up to the Rome Statute.

Interestingly, despite the debates at Kampala, the rationale for criminalizing aggression remains disputed. For instance, William Schabas argues for the recognition of a human right to peace, the fulfilment of which entails the criminalization of aggression (at 353). It is in this vein that Schabas believes that the human rights NGOs utterly failed to comprehend the meaning of the criminalization of aggression (at 366). Drawing on just war theory, and going back to the writings of More, Vattel and Grotius, Larry May defends a human rights approach to aggression, whereby aggression is not focused on transgressions of state's sovereignty/territorial integrity, as Kampala's state conduct element suggests (at 278). May's human rights approach instead questions whether the impugned use of force involved, prompted or repelled major human rights abuses.

A variation of this construction is adopted by Frédéric Mégret, who concludes that what really makes aggression the supreme international crime is that it triggers international humanitarian law (IHL); a regime that legalizes a large amount of the violence provoked by war and

⁵ See Reisinger Coracini, '(Extended) Synopsis: The Crime of Aggression under Domestic Criminal Law', in Kreß and Barriga (eds), 1038, at 1068–1069.

⁶ Kreß and von Holtendorff, 'The Kampala Compromise on the Crime of Aggression' (2010) 8 *Journal of International Criminal Justice* (2010) 1179.

⁷ Chapters 33–48.

thus ‘makes permissible the impermissible’ (at 1437). Mégret blurs the clear separation between *jus ad bellum* and *jus in bello* by framing aggression as a crime against human rights. Instead of merging IHL and human rights, or governing their relationship through the *lex specialis* rule, he proposes a parallel application of both regimes (at 1436). That is, on the one hand, the aggressor state’s leaders would be held criminally responsible under the crime of aggression for the harm (i.e. human rights violations) that combatants and civilians suffered from the war, even when the infliction of such harm were lawful under IHL. On the other hand, the aggressor state’s combatants would remain personally immune under their IHL belligerent privilege from responsibility for *ad bellum* charges (at 1444).

Ohlin follows up with an enlightening chapter also addressing the underlying moral rationale of the crime of aggression. For Ohlin, the crime of aggression is ‘a crime of bootstrapping’, whereby a ‘State bootstraps its way into the permissive rules of IHL’ which allow for mass killing (at 1461). Like Mégret, he contends that while *jus in bello* allows for the lawful killing of combatants, *jus ad bellum* would prohibit a state from forcing this state of affairs.⁸ It would indeed be morally unjust, Ohlin argues, if a state leader were not held accountable for having forcefully created a situation where killings are lawful. Kreß expresses doubts that this approach has found its way into positive law (at 420–421). Yet, the Human Rights Committee’s recent General Comment No 36, affirming that ‘acts of aggression [. . .], resulting in deprivation of life, violate ipso facto article 6 of the International Covenant on Civil and Political Rights’⁹ gives credence to Mégret and Ohlin’s approach.

Considering soldiers, combatants and civilians (vulnerable to collateral damage) as the potential injured parties to the crime of aggression is not only a theoretical question; it may also be determinant with respect to the rights of victims at the ICC. Erin Pobjie makes a convincing claim for recognizing individuals as victims of the crime of aggression (at 830–832). Her views on individuals as victims of this crime, even if its definition, taken literally, entails that the victim is the aggressed state, can find support in recent ICC case law. In the *Al Mahdi* case, the Court held that individuals and communities harmed by the war crime of attacking religious and historical buildings in Timbuktu – a crime that is by definition committed against buildings and properties – were victims who could participate in the proceedings and receive reparations.¹⁰ As Pobjie points out, if such construction of ‘harm’ is conceivable for the war crime of destruction of cultural heritage, why should it not be so for the crime of aggression (at 827–828), even if the latter may imply recognizing millions of individuals as victims?

It remains unclear whether these new conceptualizations still see aggression in Nuremberg’s fashion, that is, as ‘not only an international crime [but as] the supreme international crime, differing only from other crimes in that it contains within itself the accumulated evil of the whole’.¹¹ Florian Jeßberger shows how the modern scholarly debate has evolved from qualifying aggression as a supreme international crime to letting the crime fall into oblivion, only to come back into the sphere of international criminal law as an ordinary core international crime. Jeßberger’s review, however, stops with May’s writings, which sees the crime of aggression as ‘subsumable under the broader characterization of crimes against humanity’ (at 279). It does

⁸ See also Mégret, ‘What is the Specific Evil of Aggression?’, in Kreß and Barriga (eds), 1398, at 1437.

⁹ Human Rights Committee, General Comment No. 36 (2018) on Article 6 of the International Covenant on Civil and Political Rights, on the Right to Life, CCPR/C/GC/36 (30 October 2018), para. 70.

¹⁰ Judgment and Sentence, *Al Mahdi* (ICC-01/12-01/15-171), Trial Chamber VIII, 27 September 2016, para. 80.

¹¹ International Military Tribunal (Nuremberg), Judgment, 1 October 1946, in *The Trial of German Major War Criminals, Proceedings of the International Military Tribunal Sitting at Nuremberg, Germany, Part 22* (1950), at 447.

not fully capture the contributions by Mégret and Ohlin which point to the extraordinary gravity of the crime, perhaps greater than the other core international crimes.¹²

Following on Jeßberger's observations, Reisinger Coracini and Wrangé demonstrate that the crime of aggression is not so special in character from the other core international crimes. In their meticulous analysis of the various arguments made in favour of making the crime of aggression different, Reisinger Coracini and Wrangé argue that such difference, if it exists, is not one of quality but of degree. Yet, despite the arsenal of argument put forward by the authors, one cannot fail to be reminded that whether it be in Rome, Kampala or New York, states have not been able to treat the ICC jurisdiction over the crime of aggression in the same way as for the other core international crimes. Consistent resistance to enabling the Court to exercise jurisdiction over aggression without the consent of the territorial and national states suggests that the *Monetary Gold* principle (preventing international tribunals from exercising jurisdiction over cases that would essentially involve determining the responsibility of a state that has not consented) plays a much greater role in respect to this crime than Reisinger Coracini and Wrangé acknowledge.

The most debated issues in Kampala did not relate to the definition of the crime but concerned the procedure for its entry into force, the conditions for the ICC's exercise of jurisdiction and the role of the UN Security Council. Ultimately, it was decided to split the provision relating to the exercise of jurisdiction in two. While Article 15*ter* relates to the exercise of jurisdiction based on Security Council referrals, Article 15*bis* relates to the exercise of jurisdiction based on state referrals and *proprio motu* investigations. The Kampala amendments create several idiosyncrasies with respect to the latter jurisdictional triggers. First, for the Court to have jurisdiction under state referrals and investigation *proprio motu*, the Prosecutor must ask the authorization of the Pre-Trial Division unless the UNSC has determined that a specific act is an act of aggression. Nicolaos Strapatsas's thorough analysis of past UNSC practice helps us get a sense of what type of determination the Council has made, and whether such determination could have been deemed a green light for the Prosecutor to immediately open an investigation.

Second, where the UNSC does not make such a determination, the Kampala amendment, by insisting on the authorization by the Pre-Trial Division of the Court, creates an additional jurisdictional filter, which is furthermore assigned to a body not initially conceived as having such a role. The investigation of other crimes following a state party referral does not need to be authorized. Moreover, prior to Kampala, it was to the Pre-Trial Chambers that judicial functions were normally assigned, while the Pre-Trial Division was primarily an administrative unit. Yet, the ASP preferred to assign the task of authorizing an investigation into the crime of aggression to the larger Pre-Trial Division, which is formed of a minimum of six judges, instead of the three judges forming the Pre-Trial Chambers. It is unclear how situations involving aggression and other crimes will be dealt with. As Chaitidou, Eckelmanns and Roche show, this new judicial function as well as the new procedure contemplated by Article 15*bis* creates lacunas (mostly relating to the Pre-Trial Division's powers, composition and decision-making process) that need several amendments not included in the Kampala package.

Third, the Kampala amendments deviate from Article 121(5), which explicitly regulates the procedure for the entry into force of amendments to the Rome Statute's provisions on crimes, and the conditions for the exercise of jurisdiction over the crimes, as amended. Article 121(5) makes clear, in its first sentence, that an amendment only enters into force for the states that have ratified the amendment, and, in its second sentence, that the Court shall not exercise its jurisdiction regarding a crime covered by this amendment when committed by nationals or on the territory of a non-ratifying state party. However, Article 15*bis*(4) suggests that the Court has

¹² However, see Mégret, *supra* note 8, at 1445, 1447.

jurisdiction over the crime of aggression committed by a non-ratifying state party, unless the latter has issued an opt-out declaration. Stefan Barriga and Niels Blokker co-author three consecutive chapters which set out their understanding of what has been decided in Kampala with regard to the entry into force of the amendments, and the conditions under which the Court shall exercise its jurisdiction under Articles 15*bis* and 15*ter*. Barriga and Blokker persuasively defend Article 15*bis*(4) on the ground that Article 12(1) – providing that by ratifying the Statute, states parties have accepted the Court’s automatic jurisdiction over the crime of aggression – is *lex specialis* to the second sentence of Article 121(5) (at 666). Yet, what the Commentary is unable to capture – given that it was published before the New York session – is that the ‘activation decision’ severely contradicts the jurisdictional regime established in Kampala, in particular the opt-out regime foreseen in Article 15*bis*(4). Cumulative ratification by the territorial state and the state of nationality seems now to be required. Indeed, the New York resolution emphasizes that it is Article 121(5) in its entirety that regulates the amendments’ entry into force and the Court’s jurisdiction.¹³ Except for the chapter on Security Council referrals, the other two chapters will therefore need to be read with caution¹⁴ – perhaps in conjunction with the chapters in Part V exposing the views of Japan and the United States in Kampala,¹⁵ or even more on point with the aid of Kreß’s article published post New York, where he describes the ASP’s ‘unconditional surrender’.¹⁶ As is clear from this particular debate, the process of activating the crime of aggression has been cumbersome; and some of the hopes held out during the Kampala review conference have been dashed.

At times, the Commentary, especially the chapters on entry into force and jurisdiction, may be too tied to the optimistic spirit of Kampala or too close to the liberal defence of humanitarian interventions. There are no fewer than three chapters supporting the exclusion of humanitarian intervention from the crime of aggression’s purview, and no chapter arguing the opposite. However, the Commentary also contains the voices of critique. David Scheffer, for one, makes clear that in his view the amendments must be renegotiated to include, among other considerations, cyber-attacks and non-state actors (at 1480–1481) – whether these issues should have delayed the activation of the Court’s jurisdiction is fortunately moot. Koskeniemi – as mentioned earlier – is circumspect of the project itself, namely criminalizing aggression in a world where there is no ‘thick community’ (at 1378–1379). Indeed, the Commentary is to be praised for the rich variety of disciplinary perspectives it offers on the crime of aggression but also (humanitarian interventions aside) for the diversity of views, including from authors within the same as well as across disciplines, on issues emerging from the 2010 aggression amendments. A further example is the debate coming across various chapters, distributed in different parts of the Commentary, on the customary character of Article 8*bis*. While McDougall argues that Article 8*bis* is broader than the customary international definition of the crime of aggression as emerging from the post-World War II trials (at 105), Kreß counter-argues that the process leading to the adoption of the Kampala amendment developed such custom, and that, accordingly, Article 8*bis* is in conformity with customary international law (at 537). Faced with this argument, other contributors, such as Wrangle, accept the possibility that the Kampala definition might be slightly more expansive than the core of the crime of aggression (at 710); Grover, instead,

¹³ Resolution ICC-ASP/16/Res.5, *supra* note 2, para. 2.

¹⁴ See Barriga and Blokker, ‘Entry into Force and Conditions for the Exercise of Jurisdiction: Cross-Cutting Issues’, in Kreß and Barriga (eds), 621; Barriga and Blokker, ‘Conditions for the Exercise of Jurisdiction Based on State Referrals and *Proprio Motu* Investigations’, in Kreß and Barriga (eds), 652.

¹⁵ Komatsu, ‘Japan’, in Kreß and Barriga (eds), 1217, at 1228–1230; Koh and Buchwald, ‘United States’, in Kreß and Barriga (eds), 1290, at 1296.

¹⁶ Kreß, ‘On the Activation of ICC Jurisdiction over the Crime of Aggression’, 16 *Journal of International Criminal Justice* (2018) 1, at 12.

suggests interpreting the crime of aggression, as defined in Article 8bis, with a rebuttable presumption of conformity with customary international law (at 392). Although the so-called Kampala Compromise was adopted by consensus, many issues are still the subject of disputes and the editors are to be commended for including the various views on these debates. No other book such as the one under review has been able to convey so clearly the underpinnings of these issues.

To conclude, *The Crime of Aggression: A Commentary* is nothing short of a jewel. The editors have succeeded in compiling in two majestic tomes all the material indispensable for grasping in depth the milestone achieved in Kampala. From the attempted trial of the Kaiser, via Nuremberg to Kampala – and now New York – the crime of aggression has always attracted and continues to attract a significant degree of controversy. While we might not see an ICC trial for aggression in the near future – perhaps not even in most of our lifetimes – the activation of the Court's jurisdiction over this crime may change our entire understanding of the values permeating international criminal law. Whether one looks for an historical, legal-technical, theoretical, critical, political or philosophical account of the crime of aggression, this commentary will illuminate his or her research. Indeed, it delves profoundly into all aspects of the crime and is therefore an essential read for international criminal law scholars, policymakers and practitioners.

Alexandre Skander Galand

Postdoctoral Research Fellow
Centre for Fundamental Rights, Hertie School, Berlin, Germany
Email: alexandre.s.galand@hotmail.com

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