

THE ACT OF AGGRESSION AS A FORM OF STATE LIABILITY

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ABSTRACT: *At the ICC Review Conference held in 2010 in Kampala, Uganda, State Parties have taken important decisions, in this regard by adopting definitions for "the act of aggression" and "the crime of aggression" and making the jurisdiction potentially available even in the absence of a referral from the Security Council. At the same time, the State Parties have decided that the ICC's jurisdiction over this crime will only enter into force after January 1, 2017, on the basis of a subsequent decision of the State Parties. Even then, the ICC jurisdiction for this offense will be limited, as there are exceptions available to State Parties wishing to avoid exposure to this jurisdiction and it will not extend to states that are not parties to the Rome Statute. In addition, there are considerable uncertainties and ambiguities about the exact process of activating the jurisdiction, how the jurisdiction will operate once it is activated, its institutional effects on the Security Council and the ICC itself and its long-term implications for jus ad bellum (the right to war). (Murphy, 2013)*

KEYWORDS: *crime of aggression; state liability; armed force; International Criminal Court.*

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