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Individual Criminal Responsibility for the Crime of Aggression: The Role of the ICC's Leadership Clause

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ABSTRACT

Before the 2010 Kampala Conference, this research study investigates the notion of individual criminal accountability for crimes of aggression. The article examines the qualifications for leadership underneath the ICC leadership clause and dives into the legal concepts of actus reus as well as mens rea as they apply to the act of aggression. The article argues that the ICC's inclusion of the leadership clause is crucial for delegitimizing the act of aggression and holding individuals accountable for their roles in committing it. Through a comprehensive review of legal cases and scholarly literature, this article concludes that the leadership clause serves as a necessary tool for enforcing international criminal law and deterring future acts of aggression. The qualitative research methodology has been applied on following article.

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1. Introduction

World Wars I and II have a solid connection to how the international community responded to mass atrocities committed by state leaders. Plans were made to bring state heads, generals, and representatives to justice rather than simply grant them amnesty for holding office. However, there was a massive disagreement over whether or not they could be tried for the crimes they had committed on a global scale. Because of the West Pallia Treaty, most nations were sovereign, and their leaders and heads of state were exempt from all types of litigation under their national legislations, as implied by the idiom *"The king can do no wrong."* It ended up taking more than a thousand years to come to the conclusion that states are not abstract entities—rather, criminals are committed by specific individuals. The legal foundation for individual criminal accountability has yet to be established. Nonetheless, it was ultimately decided that each offender should be held responsible for the violations committed by them and that they should be tried before an international permanent criminal court in order to prevent retribution wounds from festering (Sayapin, 2014). There are two categories of individual criminal accountability currently available: criminal accountability and individual accountability. The former, which is the focus of this paper, contracts with a natural person's individual criminal liability rather than that of a synthetic person or conceptual entity. As explained by the latter phrase, a person can be held accountable for their actions or the actions of others. Individual criminal accountability refers to the situation in which a individual is accountable for the crime he or she committed, as contrasted to collective criminal accountability, which is sometimes used to refer to accountability for the illegal actions of another person (Bilsky, 2012).

1.1 Objectives of the Study

(a) To investigate the concept of individual criminal accountability for crimes of aggression. (b) To examine the ICC leadership clause and its qualifications for leadership. (c)To explore the legal concepts of actus reus and mens rea and how they apply to the act of aggression. (d)To argue the importance of the ICC's inclusion of the leadership clause for delegitimizing the act of aggression and holding individuals accountable for their roles in

committing it. (e) To review legal cases and scholarly literature comprehensively and draw conclusions on the role of the leadership clause in enforcing international criminal law and deterring future acts of aggression.

1.2. Theoretical Implications of the Study

(a) The study contributes to the development of legal theory by advancing the understanding of the concept of individual criminal accountability for crimes of aggression. (b) The study adds to the literature on the ICC leadership clause and its importance in enforcing international criminal law. (c) The study deepens the understanding of legal concepts such as actus reus and mens rea and their application to acts of aggression.

Practical implications of the study: (a) The study provides guidance to policymakers and practitioners on the importance of the ICC's inclusion of the leadership clause in delegitimizing the act of aggression and holding individuals accountable for their roles in committing it. (b) The study helps in the development of legal frameworks for addressing crimes of aggression, particularly with regards to individual criminal accountability. (c) The study's findings can be used to enhance the effectiveness of international criminal law in deterring future acts of aggression and promoting accountability for perpetrators.

2. Delegitimizing the Crime

Shortly after World War II, an acknowledged system of norms known as international law emerged, with its main objective being to regulate peaceful interstate relations. The UN charter's Article 2(4), which is replicated below, allows for the recourse to force to resolve disputes, was widely disregarded.

In order to achieve the purposes outlined in Article 1, the Organization and its Representatives must follow the following precepts.

- *"All Members of the Organization are considered to be sovereign equals according to its principle.*
- *All Members shall perform their responsibilities in good faith as set forth in the present Charter in hopes of guaranteeing that all Members are entitled to the advantages and privileges of membership.*
- *All Members shall endeavour to settle their international differences amicably so as to preserve international harmony, safety, and justice.*
- *All Members shall abstain from using or attempting to use force against with the political independence as well as national sovereignty of any state, or from acting in any other way that is at odds with the objectives of the United Nations, in their international affairs.*
- *Members must abstain from aiding any states that the UN is punishing or implementing action against and provide the UN with any support it requires in accordance with the corresponding Charter.*
- *In order to preserve global security and peace, the Organization shall take all possible steps to guarantee that non-member states abide by these Principles.*
- *The current Charter neither mandates that Members bring such disputes to the attention of the UN for resolution under the current Charter, nor does it permit the UN to intervene in matters that are primarily within the domestic purview of any state. However, the implementation of enforcement actions under Chapter VII is unaffected by this principle" (Simma, 1995).*

The famous pledge made by the American Chief Prosecutor at Nuremberg was that the latest international criminal law would serve as a deterrent against war of aggression and that all lawbreakers would be attempted for crimes against peace (Bullock, 1947). Because the crimes perpetrated during WWII had astounded the entire world, the focus at the time was on attempting to bring to fair trials those deemed primarily to keep blaming for starting the conflict in the first place. In the years that followed the Nuremberg and Tokyo trials, aggression was seen as the most fundamental crime under the rules of international criminal law. The lack of initial consensus on the meaning of force was one of many factors that discouraged state leaders from using it. The presence of the additional three fundamental crimes that fall under the ICC's purview could call a powerful government official's behaviour into question (Werle, 2007).

Charges against defendants in post-World War II tribunals were based on acts of war crimes, crimes against humanity, and peace crimes (Sadat, 2007). The Agreement on the Prevention of the Crime of Genocide was ratified by the General Assembly of the UN in 1948 (Lippman, 1994). The essential component of public international law now includes genocide. Conflicts in the former Yugoslavia in the 1990s led to the creation of the first international tribunal when post-World War II trials, including the International Crime Tribunal for the former Yugoslavia (Petrovic, 2012). The vast bulk of the civil military leaders who were in responsible of massive conflagrations were managed to bring before the tribunal even though the ICTY did not have authority to investigate acts of aggression. The justification for this is best encapsulated by Mauro Politi's assertion that three fundamental offenses—crimes, crimes against humanity, and mass slaughter take place besides the commission for aggression crime and may equally be the main topic of accusations against senior figures in the both the political and military spheres (Politi, 2012).

It is difficult to imagine a circumstance in which one would be charged with aggression as the only crime. The ICTY's legal precedent demonstrates that there are additional ways to bring someone to justice for starting an illegal war. Less likely it is that international law will be violated beyond the prohibition on starting a war, the longer the war lasts. It is highly challenging to accept the somewhat simplistic idea that, during a protracted armed war, one may only be convicted for the aggressive crime rather than for other international crimes. One of the charges in the accusation, and possibly not even the first, will be the crime of aggression. Notwithstanding, when other fundamental crimes are rendered ineffective by their limitations, aggressive prosecution may actually furthermore the preferences of justice (Jia, 2015). The UN Charter may be breached in any way when a high-ranking government representative launches an attack, participates in aggression against by the sovereign powers, territorial sovereignty, as well as self-determination of another state, as well as commits any other unlawful act. As a result, those certain criminal offences involve individual criminal culpability, and the crime of aggression does so without violating any rules and regulations of war (Scheffer, 2017).

In this situation, it is important to keep in mind that the interpretation of aggression has a threshold requirement that, in some ways, precludes criminal liability for brief wars; as a result, only a war that, by its countryside, gravity, and scale, establishes a demonstrable contravention of the UN Charter is criminalized. A short war, or a conflict that lasts only a short time but clearly violates the UN Charter, is an instance in which the possibility of trying to prosecute aggression might be fully utilized. Given some states' technological and military advancements, we shouldn't rule out the possibility that such events will occur in the near future. Finally, standardization in the use of the law's guidelines is necessary for maintaining legal certainty. A clear legal structure must be in place for the criminal charges and the chamber to determine whether or not an individual's activities give increase to criminal accountability. Because the ICC considers this crime within its purview, there also needs to be a clear legal framework for determining criminal responsibility for individuals. Following World War II, the Rome Statute stipulated the requirements for individual criminal accountability, but those have changed over time. The justice-related interests must once again be protected as international criminal law faces tough possibilities.

3. Aggression and Individual Criminal Responsibility

In spite of the lack of a precise definition, aggression act is one of the central crimes listed in the Rome of ICC legislation. Individual criminal culpability for aggression offences is not yet established by international law. The Rome Statute ICC allows for aggressive crimes to be included within its jurisdiction, but it must be amended to incorporate an interpretation of aggression and requirements for the court to exercise its power. Individual criminal responsibility is the primary motivation for legal experts to establish the elements of the worldwide crime of aggression. It is suggested that the creation of the ICC provides a once-in-a-generation opportunity for the international community to acquire effective jurisdiction from over crime of aggression. On the other hand, if we look back in time to when people were attached to and punished for these kinds of global crimes, Grotius and Vattel created the first set of laws that bound people together directly and via their natural law theories (Khan, Javed, Khan, & Rizwi, 2022). It's possible they'll be exonerated if it turns out they actually broke the law. In the wake of World Wars I and II, the arena of individual criminal liability began a fresh era with the

establishment of the Tokyo and Nuremberg criminal tribunals. The Nuremberg war trial can be seen as the beginning of a new branch of international law called international criminal law. The Nuremberg tribunal eliminated the protection of state authorities and army personnel as well as the political doctrine of sovereignty in addition to plainly identifying criminal responsibility. The ICJ rejected Serbia's claim that it lacked jurisdiction because the convention's wording specifically excludes state responsibility from its purview:

"The Nuremberg judgment's famous dictum that people, not abstract entities, commit crimes against the world community or violate international law is acknowledged by the court (IMT, 1947). It was until recently that the state members to the ICC of Rome Statute agreed on a description and parameters for the aggression act that would fall under the court's jurisdiction" (Van Sliedregt, 2012).

4. Individual Criminal Accountability for the Aggression Act Before 2010 Kampala Conference

The Kampala Conference was a significant event in the development of international criminal law. Its main outcome was the adoption of the amendment to the Rome Statute of the International Criminal Court (ICC) that included the crime of aggression as one of the crimes under the ICC's jurisdiction. This marked a major milestone in the fight against impunity for acts of aggression committed by state and non-state actors. The inclusion of the crime of aggression in the ICC's jurisdiction has several significant implications. First, it helps to clarify the definition of the crime of aggression, which had been a contentious issue in international law. Second, it provides a legal framework for holding individuals accountable for committing acts of aggression. Third, it sends a strong message to potential aggressors that the international community takes the crime seriously and will not tolerate it. Overall, the Kampala Conference and the adoption of the amendment to the Rome Statute represent a significant step forward in the development of international criminal law and the fight against impunity for serious crimes. It demonstrates the commitment of the international community to holding individuals accountable for their actions and promoting respect for international law.

Prior to the Kampala Conference and the creation of the crime of aggression, individual criminal culpability in this context was principally regulated by the Nuremberg trials and the 1974 resolutions of the UN GA. The terms "Actus reus" and "Mens rea" are used to describe the elements of criminal liability. As a result, one may only be held accountable for warcrimes if their activities were unlawful, or they possessed the necessary knowledge and purpose to be punished (Grzebyk, 2013). Mens rea and actus rea for international offence might be described as follows for the sake of conciseness.

4.1. Actus Reus

The 1974 Resolution defines aggression broadly and then provides illustrations of specific aggression Acts. Section 2 of Article 5 mandates that.

"An aggression act constitutes a crime against international peace, and is responsible for international liability (N. R. Hajdin, 2021)."

It is essential to mention that the 1974 Resolution contains two fundamental theories of aggression that were contested during the discussions that led up to its implementation (Kemp & Lyubashenko, 2018). The Resolution's broad definition of aggression is stated in Article

1: *"Aggression, in this sense, is any act that violates the United Nations Charter, including the use of armed force by one member State against another member State's sovereignty, democratic values, or political independence" (Benjamin Jr, 2015).*

Invasion, attempted invasion, bombardment, blockade of a port as well as coast, armed confrontation, etc. are all examples of aggression listed in Article 3. The SC has used this list of behaviors listed in Article 3 as guidance in determining which unlawful uses of force qualify as aggression act. The UN charter, which offered the structure for the interpretation of an aggression act, served as the foundation for the 1974 Resolution.

4.2. Mens Rea

The 1974 interpretation of aggression does not include any mention of personal criminal responsibility. State accountability was the primary focus of the resolution. An individual's criminal accountability aggression act cannot really be established according to this definition since mens rea is not included (Weisbord, 2013). Individual criminal accountability is not regulated by the 1974 definition, which appears to be a gap in criminal law. Due to the state-centric nature of the concept as a whole, the interpretation itself cannot serve as the basis for personal criminal accountability. Prior to Kampala, the IMT decision served as the primary source of information regarding the criminal liability for aggression. Law professor Yoram Dinstein argued that the idea of crimes against peace gave rise to a particular type of subjective element (Dinstein, 2017). According to the IMT, mens rea, along with Actus reus, is an essential component of a crime. Mens rea in the aggression crime would include both intent and knowledge, according to another legal author, Kriangsak Kittichaiseree. The Nuremberg Military Tribunal ruled in United States of America v. Wilhelm von Leeb and 12 others, also known as the "High Command Case," that those charged with the crime of aggression must have.

"The person must actually know that an act of aggressive war has been planned and will be an aggressive war if it is actually launched. Additionally, if they have this information, they must be able to use it to either promote, hinder, or prevent the policy that starts or perpetuates the war. If a person supports a war, they are legally culpable; yet, when they employ their power to stop a war, their behaviour demonstrates their lack of intent to commit a crime with regard to such a policy"(Dinstein, 2017).

One should be applauded for getting closer to comprehending the aggression acts thanks to the 1974 concept. However, as the subjective element was left out, there is no binding international legal treaty defining mens Aggression, according to Lords Bingham of Cornhill, Hoffmann, and Mance, satisfies both of the Actus reus as well as Mens rea requirements for criminal liability. Due to a lack of post-WWII state practice, customary international law has not evolved since the Tokyo and Nuremberg trials except for the aggressive crime. Under conventional international law, aggression is a crime, according to a 2006 House of Lords decision (Stahn, 2019).

4.3. ICC and The Act of Aggression

The 2010 Kampala Conference made history and will be regarded as the turning point when the ICC Statute's first Review Conference agreed on the aggression crime. Despite extensive international negotiations before and after Rome, representatives to Kampala brought a wide range of divisive issues with them (Sayapin, 2014). Nevertheless, it took a half century to define the crime of aggressive behavior because there was little agreement on what it meant (Van Schaack, 2010). The moment the president's hammer fell, signaling the success of reaching a compromise, the entire room burst into applause. Aggression criminalization has now been going on for 60 years (Kreß & Von Holtzendorff, 2010). The Rome Statute's Article 8bis provides a clear definition of it as follows:

1. In terms of this Statute, the word "crime of aggression" refers to the planning, initiation, or commission of an act of aggression by a person with the authority to control or direct the armed forces or political conduct of a State, which, due to its nature, magnitude, and/or commission, constitutes a gross violation of the UN Charter.

2. Under paragraph 1, the term "act of aggression" refers to the use of armed groups by a State to undermine the self-determination, national sovereignty, or jurisdiction of another State, as well as any other act that infringes the United Nations Charter. The United Nations General Assembly declared in resolution 3314 (XXIX) on December 14, 1974 that any of the aforementioned acts constitute an act of aggression whether or not a state of war has been declared:

A) occupation and annexation of land by a state's military, even if only for a limited time and with the use of force, of another state.
B) attack by one state's military forces (bombing, etc.) against another state's territory.
C) A military blockade occurs when one state surrounds the ports and coastlines of another.

D) Assaults launched by one state's military against another's navy, air force, and land, ocean, and air troops.

E) The presence of armed forces of one member State deployed in the territory of another member State with the approval of the sending member State, but acting in breach of the agreement's conditions or prolonging their stay past the expiration date of the agreement, is considered an armed force violation.

F) When a member state gives permission for another state to engage in an aggression act against a third member state using its territory, it is committing an act of violence itself.

G) Acts of militant group against another State of such gravity as those described above, or considerable participation in such Acts, by armed ensembles, gangs, irregulars, especially mercenaries, dispatched by or on authority of a State (Scheffer, 2010).

Article 8bis can be understood on three distinct levels. As defined in the first sentence, aggression occurs when a person with the power to effectively exercise control over or direct a member State's armed forces or political activities plans, prepares, initiates, or carries out an aggressive act that, in essence, magnitude, or context, makes up a manifest infraction of the UN Charter. There are many ideas in international criminal law that have obvious conceptual issues. One of them is the standard known as "control or to direct," which will be examined in more detail below. Second, the very first paragraph of Article 8bis establishes the connection among individual criminal acts and state-level acts of aggression, while paragraph two of that same article provides a definition of such acts. Seven of the second paragraph's sub - paragraph, which reflect a list of behaviors that the 1974 Resolution defines as aggressive acts, express the third stage of this structure.

It is essential to note that the commission of an illegitimate aggression act does not instantaneously render those who participated in it criminally liable. Such responsibility can only come about when at least three requirements are met. First and foremost, the aggressive act must represent a serious breach of the UN Charter due to its nature, seriousness, and scope. In order to limit prospective perpetrators to a government's high delegates, the control or to direct necessity must be satisfied. Under Article 8bis of the ICC Statute, if a person in the dock is a leader, and an aggression act is committed, he is only criminally liable if he was involved in the "planning, preparation, initiation, or implementation of an aggression act"(Godara, 2019).

While Article 8bis (1) of the ICC Statute contains at least two new developments, the interpretation of an aggression act was taken verbatim from the Resolution. The first innovation is the obligation that aggression only be prosecuted in cases where the act in question "by its character, inertial forces, and scale represents an evident breach of the UN charter." It is obvious that border skirmishes and debatable legal situations like interventionism, which were believed to be outside the purview of the ICC by the SWGCA, are intended to be excluded from criminalization. Second, contrary to traditional international law's shape-or-influence standard, aggression mandates individual criminal responsibility only for those in positions of control or authority over state policy.

4.4. The Leadership Clause

In the post-WWII trials, powerful state agents were acknowledged as the only ones capable of committing aggression. According to well-known leadership clauses, only someone who is able to effectively control or direct the military or political activity of a nation may commit an aggression. A crime of aggression may be charged against fewer potential aggressors under this clause. Both the Nuremberg and the Tokyo trials concluded that lower-ranking state officials lacked the mental ability to be held accountable for the crime. Regular soldiers cannot commit the aggressive crime. Because of their position, they were not aware of their superiors' aggressive ambitions in most situations. Government leaders and top officers are usually the only ones to know about the aggressive initiatives of a state (Kress, 2007).

4.5. The Criteria for Leadership

Only massive war criminals fell under the IMT's purview at the time, and the Tribunal had not yet established a standard for leadership. Additionally, it was acknowledged that non-state actors could engage in the crime of aggressive behavior. It is assumed that those who were intimately involved in the Nazi conspiracy, whether directly participating in the conspiracy or supporting it indirectly, would be criminally accountable. The aggression act didn't approach

what it is today until after the High Command case. It changed from being the crime of participation and knowledge to being the criminal offense of leadership. In hypothesis, if an industrialist met the requirement of "knowing about the Nazi conspiracy," he or she could be held responsible for planning, preparing, or initiating aggression during the IMT proceedings. Paradoxically, the most significant industrialist could only be held accountable after a court found that he or she was a participant of or cognizant of the Nazi conspiracy. It was the Nuremberg Military Tribunal (NMT) that upheld for the first time that only government officials could be held accountable for aggression crimes in the High Command case.:

"The men who formulate a criminal policy are held accountable for it under international law; this assumption is both obvious and inevitable. Commanders and commanding officers underneath the policy level do not engage in the planning, preparedness, initiation, conduct, or actively fighting of war or the launching of an invasion, which are all prohibited by international law. They also do not move against a nation on command or engage in combat after a war has been declared"(Vervaet, 2014).

According to the IMT, the form standard for leadership amounted to personal criminal responsibility: " Establishing guilt for crimes against peace should not depend on a person's position or status, but on their ability to affect the policy of their state. After its initial use at the Nuremberg trials, this policy threshold was revised by the Special Working Group on the Aggression Crime, which opted for the "control or direct" norm over the "form or influence" standard. There is an even narrower pool of potential violators now because the new rule is stricter. According to Kai Ambos, the shape or influence method created almost as much difficulties as the important role requirement during the Nuremberg trial and its aftermath, thus the direct or control criterion is suitable. One viewpoint that needs serious consideration is that this purported surrender from Nuremberg would grant non-political leaders immunity from prosecution. The prosecution has the responsibility of presenting evidence in court and illustrating how effectively non-political performers were able to control aggressive foreign policy. Narratively, the ICC can charge non-political leaders with crimes under the Rome Statute (Vervaet, 2014).

As a result of the foregoing, it is impossible to convict someone of aggression act without first establishing that he actually possessed the ability to impose control successfully; de jure authority alone cannot entail personal culpability. Armed forces and political leaders typically have this kind of authority, and they should be held responsible for whatever aggressive actions they do. The Kampala Conference suggestion to alter the ICC Statute makes no reference of the level of control required, and instead assumes that leadership evaluations should be made on a case-by-case basis. De facto, Queen Victoria's participation in developing colonialism all around world demonstrates that she lacked the ability to control or manage the military or political action of a state, although having de jure power. Even if a trial were to take place, the Queen could not be held accountable for colonization because of the lack of real leadership in the colonized countries. It is evident, however, that the ICC's policies have become more strict since the post-WW II trials. The logic of NMT cannot be used to bring potential offenders into the criminal justice system. It is therefore necessary to devise a new strategy for identifying those who meet the control or direct requirements (Weisbord, 2009).

4.6. Conceptual Underpinnings of the Leadership Clause

The leadership clause's conceptual underpinnings can be found in the German sociologist Max Weber's theoretical theory of leadership. During the post-World War II trials, his theory served as a core philosophy for determining each defendant's level of criminal responsibility for aggression. Three concepts of political authority were presented by Weber in Politic as Vocation. The concept of the immortal yesterday is a tenet of traditional leadership. This power was used by the patriarch and patrimonial prince in the past. Because its customary, people follow them. Their authority was primarily justified by consecrated religious tradition. The charismatic leadership style is the second category of authority. Because the ruler possesses a grace or charismatic gift, dominance is legitimate (N. Hajdin, 2015). People follow the commander because of his personal characteristics, such as his leadership position in the army, his courage, his demagogy, etc. According to Weber, followers of a charismatic leader choose to follow him because they think he deserves the title "leader of men." Last but not least, there is a mode of leadership in which the presence of law legitimizes the exercise of power. This concept of authority originates with the acceptance of a state's legislative structure and its "competence"

in carrying out its functions in accordance with regulations that were rationally crafted. Weber posited that this kind of government emerged in the first decade of the twentieth century, and that it is implemented in conformity with the rule of law.

In the London Charter, Weberian legal-rational leadership was first applied to the issue of aggressiveness. The SWGCA embraced the same tenet since it is consistent with the bureaucracy that is acknowledged globally as the ideal system for structuring big organisations like state governments. As a result, the ICC statute declares that any act of aggression that is organized, prepared, started, or carried out by a person who effectively controls the military or political operations of a state constitutes a "aggression act." (N. Hajdin, 2015).

The study wants to interject two significant observations at this point. First off, only state actors are subject to the aggression act, per the ICC Rome Statute. A country is a nonphysical jurisprudential entity recognized by international law that has jurisdiction over a particular region and is symbolized by a single, centralized government (Evans, 2006). The Montevideo Convention on the Rights and Duties of States, which was endorsed in 1933, states in Article 1 that:

"According to international law, in order to be recognized as a valid political entity, a State must (a) have a sizable population; (b) have a clearly delineated territory; (c) have a functioning government; and (d) be able to establish and maintain diplomatic relations with other states."

The UN currently consists of 193 member states. When determining whether an entity qualifies as a state, the Montevideo criteria ought to be used as a starting point. A equitably well-educated international attorney did, notwithstanding, see some of the judges' most original understandings in different world courts. At the very least, it would not be unexpected if the leaders of a group that possesses some statehood-like qualities but not all of them were brought before the ICC.

The International Criminal Court (ICC) can use the notion of legal principle of authority to decide a state's rulers, however not to the same degree that it did during the trials following World War II. In his lectures on politics as a vocation, Weber focused primarily on the distribution of power within the structure of the state. According to Weber, a state is like a sizable bureaucratic organization today. For him, the primary feature that sets states apart from other types of organizations is their exclusive right to use physical violence within their borders. The phrase "most likely" was specifically used in the study because, starting with the era of the earliest cases of aggression, ideas about state governance changed. There is a growing influence of civil society leaders on state policy, yet their goals often conflict with those of the state's top officials. Yet, as I've already mentioned, this idea is applicable to a surprising extent, and it will surely help us understand the larger notion of leadership (Evans, 2006).

The second finding is that deciding whether to direct or restrain states from acting aggressively is a political matter. What one thinks of the idea of politics depends a lot on this statement. From a sociological perspective, the expansive interpretation of diplomacy could be condensed to include any form of active independent leadership. To that end, the context of any instance of the exercise of authority is always political, albeit with various variations. A leadership role is a type of state organisation, and the leadership approach is the fundamental element of political structure. A state is an arrangement between various groups where men and women dominate other men and women and where authority figures have the legal right to use force when followers disobey their orders. This concept essentially captures the core of a reliable state organization. He believed.

"In our understanding, politics refers to the pursuit of power-sharing or the endeavor to influence the allocation of power, be it among states or groups within a state. This meaning aligns with its typical usage. If a matter is deemed to be a "political" matter, or if a government official or decision is described as "political," it is always because interests concerning the allocation, retention, or transfer of power are critical in resolving the issue or shaping the official's role." (Meier, 2019).

In a contemporary state, a person who challenges authority (such as from a position of authority over the political and military behavior of a state) is actively spreading their own political ideologies. Using the legal power he enjoys among his subordinates; he tries to impose his will. Demagogy is one strategy used by political leaders to advance their agenda. Demagogy is an electoral tactic that claims to influence political outcomes. Politicians and military leaders both use various methods to spread political will, though. What exactly is a war if not a tool used by a state to impose its political will upon other states or other political organizations that it is in conflict with? Modern states typically place military leaders lower on the state power structure than political leaders (Meier, 2019). However, they may still stray within their area of responsibility and meet the criteria for direct or indirect control, making them liable for the act of aggression. There is a viewpoint that examines the limitations of the Weberian principle, which is in line with my theoretical findings. According to Noah Weisbord, this psychological approach is much more state-centric and, among other things, cannot be used as a core principle in deciding whether leaders of post-bureaucratic organizations, like terrorist organizations, are criminally responsible. Because of the state's more vertical organizational structure, which articulates the distinction among superiors and subordinates as the core of bureaucracy, organizations like paramilitary ones do not do so. In contrast to post-bureaucratic organizations, where superiors are not credited with effective control over their subordinates, It could be argued that using Weber's charismatic leadership style as a theoretical guide will help you identify those in positions of power. Further examination of this topic will be excluded because the Rome Statute restricts aggression to acts done by nations (Meier, 2019). It is extremely questionable whether issues of the act of aggression will be brought up in this context given the interest of nations to assert exclusive jurisdiction to punish persons participating in terrorist or military organizations if the offense occurred within their national systems.

5. Conclusion

According to the study's findings, the crime of aggression is the root of the major offences encompassed by the ICC statute, and its infringement violates the fundamental principles of the UN Charter. States are not allowed to wage aggressive war in any way against other sovereign countries. Hence, anytime a crime of aggression is chosen to be perpetrated, international criminal law will stand against it, and under Article 8 of the ICC Rome Statute for Crime against Aggression, all parties that have to initiate a war to promote their unlawful goals and interests will be tried individually. Furthermore, the barrier that military leaders and government officials had been employing to escape accountability for crimes against peace or for waging war vigorously against another sovereign country has been taken down. The Nuremberg legacy brought the ground-breaking notion of individual criminal accountability, which now subjects all of those who commit crimes on a worldwide scale to international criminal law, as well as the judgements of the ICTY and ICTRY. The domains of personal criminal responsibility for violent crimes are only just beginning to emerge, and they still need to grow in order to be useful and practical.

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