

Nuremberg Declaration on the Crime of Aggression

Nuremberg, 8 May 2023

Mindful of the fact that crimes against peace were one of the three categories of international crimes under Article 6 of the Nuremberg Charter of 8 August 1945,

Mindful of the conviction of the allied powers including the then Soviet Union that aggressive war is an international crime,

Mindful of the Nuremberg International Military Tribunal's pronouncement that waging a war of aggression constitutes the supreme international crime,

Mindful of the principles of international law recognised by the Nuremberg Charter and the judgement of the Nuremberg Tribunal (the Nuremberg Principles) as affirmed by the United Nations General Assembly on 11 December 1946,

Mindful in particular of Nuremberg Principle VI (a) which provides that crimes against peace are crimes under international law, specifically (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances; (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

Further noting individual criminal responsibility for the crimes under international law as per Nuremberg Principle I and Principle III, holding that "The fact that a person who committed an act which constitutes a crime under international law, acted as Head of State or responsible government official, does not relieve him from responsibility under international law",

Mindful of the Definition of Aggression adopted by consensus via United Nations General Assembly Resolution 3314 on 14 December 1974, in particular of article 5(2) of the Definition of Aggression annexed to Resolution 3314, which specifies: "A war of aggression is a crime against international peace",

Recalling that all members of the United Nations shall refrain from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations as per Article 2(4) of the UN Charter,

Mindful of the fact that aggression constitutes the most serious violation of the prohibition of the use of force,

Mindful of the International Law Commission's designation of the prohibition of aggression as a peremptory norm of general international law (Draft conclusions, 2022 A/77/10, para. 43, Conclusions 23),

Mindful of the horrendous suffering of combatants and civilians caused by aggressive war,

Mindful of the Human Rights Committee's General Comment 36 (2018), in which it is stipulated that acts of aggression resulting in the deprivation of life "violate ipso facto article 6" of the International Covenant on Civil and Political Rights,

Mindful of UN General Assembly Resolution on Aggression against Ukraine ES-11/1 (2022), designating Russia's actions as an act of aggression,

Appalled by the ongoing aggressive war waged by the Russian Federation against Ukraine, and by the involvement of Belarus in this aggressive war,

Mindful of the consensus definition of the crime of aggression in Article 8bis of the Rome Statute of the International Criminal Court,

Mindful of the current distinct limitations in the Rome Statute of the International Criminal Court with regard to the prosecution of the crime of aggression,

Recalling the mandate of the International Nuremberg Principles Academy, especially conscious of its historic heritage, to promote sustainable peace through justice,

The International Nuremberg Principles Academy on 8 May 2023 following on a thorough deliberation on these matters with leading international law experts in the historic Nuremberg Palace of Justice:

Reiterates that the crime of aggression is a crime under international law,

Emphasises that this crime triggers individual criminal responsibility,

Calls upon the international community to ensure the prosecution of crimes of aggression,

Calls upon the international community to support the establishment of a tribunal to prosecute crimes of aggression as defined under international law committed on the territory of Ukraine,

Calls upon States Parties to the Rome Statute of the International Criminal Court to amend the jurisdictional provisions governing the crime of aggression to align them with those applicable to the other crimes within the jurisdiction of the International Criminal Court.