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**Preparatory Commission for the International  
Criminal Court**

**Working Group on the Crime of Aggression**

New York

13-31 March 2000

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**Comments by Colombia on the Italian proposal made orally  
in the Working Group on 13 March 2000**

Welcoming the important Italian proposal on methodology for the treatment of the crime of aggression at subsequent meetings, we support the suggestion of thematic approximation. With respect to the items suggested by Italy, we have a few comments:

1. With regard to the definition of the crime of aggression, the Colombian proposal involves a general definition, not a detailed list such as the one contained in General Assembly resolution 3314 (XXIX). We believe that the first option guarantees greater scope for the concept, whereas the second option may limit protection of a country's territorial integrity, sovereignty and political independence, if they are subjected to attacks not covered in the list.

Notwithstanding the above, if the option of a list of acts constituting aggression would facilitate consensus, our delegation would suggest that the acts included as elements of aggression should be included only as examples.

2. With regard to the conditions for the exercise of the jurisdiction of the Court, we believe that the scope of jurisdiction must be clarified in relation to the jurisdiction of the Security Council under the Charter of the United Nations.

In this connection, we should not forget the framework for the activities of these respective organs: the Security Council seeks to maintain international peace and security, and its goal in determining the existence of an act of aggression is to urge the parties concerned to comply with such provisional measures as it may deem necessary, and to make recommendations or take pertinent action for the maintenance or restoration of peace and security. In other words, the scope of its jurisdiction is political, economic and even military.

The task entrusted to the International Criminal Court is another matter. That task is to investigate, judge and establish the individual responsibility of any person involved in an act of aggression. The scope of jurisdiction is totally judicial.

In the situations envisaged in the Colombian proposal, the goal is to reaffirm the necessary independence of the International Criminal Court in its judicial mission, differentiating between the scope of jurisdiction of the Court and that of the Security Council.

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