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(translation)

Statement by Ms. Ji Xiaoxue
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At the 71st Session of the UN General Assembly

On Agenda Item 85

The scope and application of the principle of universal jurisdiction

New York, 13 October 2016

Mr. Chairman,

Since 2009 when the Sixth Committee of the UN General Assembly began its consideration of universal jurisdiction, the Chinese delegation has participated constructively in relevant discussions, and submitted to the General Assembly in 2010 its written comments on “the scope and application of the principle of universal jurisdiction”, which have clearly elaborated China’s views. Now, the Chinese delegation would like to reiterate the following position:

First of all, the establishment and exercise of universal jurisdiction should be in line with the purposes and principles of the UN Charter and the norms of international law without violating state sovereignty, interfering in the internal affairs of States, or infringing upon the immunity enjoyed by States, state officials and diplomatic and consular personnel.

Secondly, universal jurisdiction is complementary in nature. Respect should be given to the primacy of the exercise of territorial, personal and protective jurisdiction by States, so as to avoid overlapping or competing jurisdictions and maintain the stability of the system of international law and international relations. At the same time, universal jurisdiction is different from the obligation of *aut dedere aut judicare*, and from the jurisdictions explicitly conferred upon existing international judicial bodies by treaties or other legal instruments.

Thirdly, with the exception of acts of piracy, States have divergent views on whether universal jurisdiction exists in other situations as well as on its scope and conditions of its application, and no rule of customary international law has yet taken shape in this regard. The discussion of this topic at the current stage should focus on questions such as ensuring that States apply universal jurisdiction in a prudent manner and refrain from

overstepping the existing international law, unilateral claims or the exercise of universal jurisdiction that is not explicitly permissible under the existing international law, with the view to maintaining the stability and healthy development of international relations.

Mr. Chairman,

As of the current session, the Sixth Committee has been considering the topic of universal jurisdiction for eight years in a row. Judging from the considerations in previous sessions and the written comments of Member States, there is great controversy regarding the scope of crimes to which universal jurisdiction is applicable, and it seems impossible to reach a consensus any time soon. In light of this, all sides may wish to reflect on the necessity for the General Assembly to continue its consideration of this topic. Of course, this will not affect the continued exchange of views within the framework of the working group. China stands ready to actively enhance its communication with all sides on this matter.

Thank you, Mr. Chairman.