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**MISSION TO THE UNITED NATIONS**

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第 70 届联大议题项目 86  
普遍管辖权原则的范围和适用

**中国代表周武在第 70 届联大六委  
关于“普遍管辖权原则的范围和适用”议题的发言**

(2015 年 10 月 20 至 21 日)

主席先生，

对于联大六委及其工作组为明确普遍管辖权原则的范围和适用所作的努力，中国代表团表示赞赏。

普遍管辖权是一个涉及法律、政治和外交的综合性问题，复杂而敏感。六委已经对该议题连续审议了七年，但各国对于普遍管辖权的定义和适用范围等分歧依然明显。除公海上海盗行为等极少数严重罪行外，各国对普遍管辖权所适用罪行的范围争议很大，短期内难以达成共识。

主席先生，

为准确把握该议题审议的进程和方向，有必要回顾一下联大当初确定该议题的初衷。联大审议该议题，是为了厘清普遍管辖权的含义，明确其适用范围和条件，防止出于各种目的的滥用行为。因此，中国代表团认为，讨论本议题的当前要务是

确保各国审慎适用普遍管辖权，限制其滥用，避免对国家间关系的稳定带来负面影响。

主席先生，

中国代表团愿重申，一国确立和行使普遍管辖权必须严格依据国际法。目前，除涉及海盗行为外，各国对其他情形下是否存在普遍管辖权及其范围和适用条件存在明显分歧和争议，尚未形成相关的习惯国际法规则。同时，普遍管辖权既不同于一系列打击跨国犯罪的国际条约所确立的“或引渡或起诉”义务，也不同于现有国际司法机构根据特定条约或其他法律文书明确被授予的管辖权。

在当前对普遍管辖权的定义、范围和适用缺乏国际共识的情形下，各国应避免超越现有国际法、单方面主张和行使不为现行国际法明确许可的普遍管辖权，切实维护国际法基本原则和国际社会共同利益，保障国际关系的稳定和健康发展。

谢谢主席先生。



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*PLEASE CHECK AGAINST DELIVERY*

*(translation)*

**Statement by Mr. Zhou Wu**  
*Chinese Delegate*

**At the 70<sup>th</sup> Session of the UN General Assembly**

*On Agenda Item 86*

**The scope and application of the principle of universal jurisdiction**

*New York, 20-21 October 2015*

Mr. Chairman,

The Chinese delegation appreciates the efforts made by the Sixth Committee and its working group to determine the scope and the application of the principle of universal jurisdiction.

As a composite issue involving legal, political and diplomatic aspects, universal jurisdiction is both complex and sensitive. The Sixth Committee has deliberated on this topic for seven consecutive years, yet there are still notable differences among states on its definition and scope of application. Except for a handful of serious crimes such as piracy on the high seas, states have widely divergent views on the scope of crimes to which universal jurisdiction is applicable. A consensus is still far off.

Mr. Chairman,

To accurately understand the process and direction of the consideration of this item, it is necessary to recall the original intention of the General Assembly when it established this item. Consideration of this item by the General Assembly is intended to clarify the meaning of universal jurisdiction, determine its scope of and conditions for application and prevent its abuse for whatever purposes. Therefore, the Chinese delegation believes that the priority of our consideration now is to ensure prudent application of this principle by states and prevent its abuse so as to avoid producing negative effects on the stability of state-to-state relations.

Mr. Chairman,

The Chinese delegation wishes to reiterate that a state must strictly follow international law in establishing and exercising universal jurisdiction.

With the exception of piracy, there exist currently notable differences and controversies among member states on whether universal jurisdiction exists in other cases and on its scope and application conditions. Relevant rules of customary international law have yet to emerge. In the meantime, universal jurisdiction is different from the obligation of “extradite or prosecute” established by a series of international treaties against transnational crimes. It is also different from the jurisdiction explicitly granted to existing international judicial bodies by specific treaties or other legal instruments.

In the absence of an international consensus on the definition, scope and application of universal jurisdiction, states should refrain from going beyond the current international law and seeking to unilaterally claim and exercise universal jurisdiction not explicitly permitted by the current international law, so as to effectively safeguard the basic principles of international law and the common interest of the international community, and ensure stable and healthy development of international relations.

Thank you, Mr. Chairman.