



*Permanent Mission of the Kingdom of Eswatini
to the United Nations*

**Statement
On behalf of the Kingdom of Eswatini**

by

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Permanent Mission of The Kingdom of
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**Under Agenda Item 87
“The Scope and Application of the Principle of
Universal Jurisdiction”**



Celebrating Peace, Stability and Development

Mr. Chairman,

It is trite law, recognized in all principal legal systems, and reflected in the jurisprudence and decisions of the International Court of Justice, that a State which relies on a purported international custom practiced by States must, generally speaking, demonstrate to the satisfaction of the Court that the alleged custom has become so established as to be legally-binding on the other party. This is something that, in our mind, is extremely difficult, if not impossible. We must bear in mind that, there are no agreed international moral standards. The idea of universal jurisdiction offends against cultural relativism. Therefore, there exists the fallacy that, first, there is a set of global moral norms and, secondly, that the courts of a country that wishes to exercise jurisdiction over a particular individual would know with certainty what those norms may be. Domestic courts exist so that they may apply the existing law's for each member state, according to that particular states' own understanding, and acceptance, of standards and values. Universal jurisdiction seeks to impose the will of external actors over the principle of self-determination. States should have complete and inextinguishable sovereignty over what happens in their countries.

Mr. Chairman,

In conclusion, we therefore call for a robust interrogation of the scope and application of the principle. There can be no global solution that is super-imposed upon independent states over and above their own will and intent. In the absence of an exclusive and express undertaking by an individual State, it is wrong to impute this as the case.

I thank you.

Mr. Chairman,

As this is the first time that we take to the floor, permit me Excellency, to congratulate you on your Chairmanship and assure you of the full support of my delegation.

I have the honour to speak on the topic entitled, "The Scope and Application of the Principle of Universal Jurisdiction". Permit me to take the opportunity to align my delegation with the statement made by the esteemed representative of The Gambia on behalf of the African Group and further associate ourselves with the statement delivered by the distinguished representative of the Islamic Republic of Iran speaking on behalf of the Non-Aligned Movement. We further wish to express our gratitude and appreciation to the Secretary-General for the report issued on the topic at hand.

As has often been stated in decisions of many African Union Summits, we join our fellow African States in recognizing that universal jurisdiction is a well-established principle of international law. It carries with it, noble intent, and in conception, seeks to ensure that individuals who commit grave offences, such as war crimes and crimes against humanity, do not enjoy impunity and are brought to justice. We do not believe that it is a principle that operates in isolation of, nor to the exclusion of, other international norms and principles. These include, the sovereign equality of states, the territorial jurisdiction and the immunities afforded to officials existing under customary international law.

Mr. Chairman,

As a delegation we wish to express our grave concern over the application of the principle of universal jurisdiction as it has been hitherto utilized. The apparent selectiveness has led to concern over the intent behind it's use and as such the discussion that we are engaging in today is one of the utmost importance.

Universal jurisdiction, as it is currently applied, has moved from what may have been intended, that it offers justice, and has been influenced heavily by a political slant. This is not a desirable circumstance. As a principle, the concept is well established, however there needs to be greater interrogation of the uncertain scope and application of the principle and the abuse of it.