



United Kingdom Mission  
to the United Nations

One Dag Hammarskjold Plaza  
(885 Second Avenue)  
New York, NY 10017

Tel: +1 (212) 745 9200

Fax: +1 (212) 745 9316

Email: [uk@un.int](mailto:uk@un.int)

[http://twitter.com/UKUN\\_NewYork](http://twitter.com/UKUN_NewYork)

# UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED NATIONS GENERAL ASSEMBLY, SIXTH COMMITTEE,  
SEVENTY FOURTH SESSION, AGENDA ITEM 84

**THE SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION**

STATEMENT BY MR. PHILIP DIXON  
FIRST SECRETARY (LEGAL)  
UNITED KINGDOM MISSION TO THE UNITED NATIONS

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*Check against delivery*

Chair

The United Kingdom considers the term “universal jurisdiction” to refer to national jurisdiction established over a crime irrespective of the location of the alleged crime, the nationality of the alleged perpetrator, the nationality of the victim or other links with the prosecuting State. It is therefore distinct from the jurisdiction of international judicial mechanisms established by treaty (including that of the International Criminal Court). Similarly, it is distinct from other established categories of extra-territorial jurisdiction enjoyed as a matter of domestic law, for example over the extra-territorial conduct of a State’s citizens or residents. Conceptually it also appears to be distinct from, though sometimes linked to, “extradite or prosecute” regimes provided for in treaties, which will usually require at least the presence of the accused on the territory of the contracting State before jurisdiction can be exercised.

The United Kingdom also considers that there are practical constraints on delivering justice by means of exercising universal jurisdiction. The primacy of the territorial approach to jurisdiction reflects the reality that the authorities of the State in whose territory an offence is committed are generally best placed to prosecute that offence, not least because of the

obvious advantages in securing the evidence and witnesses necessary for a successful prosecution. Consequently, there is only a small number of offences for which the courts in the United Kingdom can exercise jurisdiction where there is no apparent link to the United Kingdom. We have provided a non-exhaustive list of these offences to the Office of Legal Affairs, along with more detail on our position.

The United Kingdom has previously referred to, and the International Law Commission has previously acknowledged, the lack of international consensus about the nature, scope and application of universal jurisdiction. This lack of consensus between States indicates that it would be premature to take a definitive view on the crimes to which universal jurisdiction should apply or on a methodology to determine such crimes. Adopting a definitive list or methodology risks undermining the ability of States to agree on how best to deal with a particular crime, by limiting the options they can take in respect of jurisdiction. It is important, therefore, that questions as to whether universal jurisdiction, or another form of extra-territorial jurisdiction, should apply to a particular crime are approached collaboratively between States – as has been done to date through treaties – with a focus on what would make an effective contribution to efforts to address that crime.

Given the issues faced by States in respect of universal jurisdiction, and the diversity of views on its scope and application, the United Kingdom continues to doubt whether, this is a topic which would be best addressed by the International Law Commission.

Thank you.