



**United Nations General Assembly 78th Session
Resumed Sixth Committee Session**

Agenda Item 80: Crimes Against Humanity

Statement of Ireland on Cluster 3

**Delivered by James Kirk
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New York, 3 April 2024

– CHECK AGAINST DELIVERY –

Chair,

1. Ireland has considered with interest the comments so far made by states on draft articles 6 to 10, and wishes today to comment only on draft article 7.
2. Ireland considers that draft article 7 provides for the exercise of what James Crawford termed 'treaty-based quasi-universal jurisdiction',¹ or of territorial jurisdiction over persons present in the forum state, albeit in respect of acts committed outside that state.² Ireland notes, however, the flexibility in the last paragraph to exercise other forms of criminal jurisdiction established by a state in accordance with its national law, which may include universal jurisdiction.
3. The establishment of the International Criminal Court has reduced the need for states to assert universal jurisdiction over the most serious crimes of international concern, as that Court may exercise jurisdiction where the territorial state is unable or unwilling to do so.
4. Ireland agrees with comments made by certain states that there is insufficient clarity on concurrent jurisdiction in this draft article, and welcomes further discussion on the prioritisation of jurisdictions here. Jurisdictional priority should be given to those states with the closest nexus to a crime, for example a state exercising its jurisdiction on the basis of one of the grounds set out in paragraph 1 of draft article 7, ahead of a state seeking to exercise its jurisdiction on the basis of the grounds in paragraph 2.
5. We are grateful for the views so far expressed by states on draft article 7, as well as on draft articles 6, 8, 9 and 10, and believe that we are now ready to negotiate the precise content of these draft articles in more detail as part of the process of the elaboration of a convention. We are confident that any remaining divergences of opinion on draft

¹ James Crawford, *Brownlie's Principles of Public International Law* (9th edn, Oxford university Press 2019) 454.

² *ICJ Arrest Warrant (DRC v Belgium)*, Separate Opinion of Judges Higgins, Kooijmans and Buergenthal, para 41.

articles 6 to 10 can be resolved through such negotiation, and hope to proceed rapidly to that next stage.

Thank you