



# CZECH REPUBLIC

## **Permanent Mission of the Czech Republic to the United Nations**

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Sixth Committee

The scope and application of the principle of universal jurisdiction  
Explanation of Position

**Statement by**

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**On behalf of S3 (Austria, Czech Republic, Slovakia)**

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Mr. Chair,

I am delivering this Explanation of Position on behalf of S3 group (Austria, Slovakia and my own country, the Czech Republic) on the draft resolution just adopted by the Committee under the agenda item entitled “The scope and application of the principle of universal jurisdiction”.

Our delegations have been closely following the consideration of this topic in the Committee and have actively engaged over the last years. It seems, however, that the discussion has been stalling, including in terms of making progress towards a common understanding on definition, scope and rules of application of universal jurisdiction. A mere reiteration of positions without deeper substantive dialogue should not be the objective of this Committee’s consideration.

Over the past several years, our delegations have proposed that the topic of universal jurisdiction should be referred to the International Law Commission. This topic is inherently a legal one and we are convinced that an input by the ILC would be only beneficial for further consideration by this Committee. Although the referral to the ILC would have been our preferred outcome, we understand that this proposal meets with opposition from some delegations. Therefore, for this year’s resolution our delegations proposed a reflection on how to best inform our future discussions, with ILC input and informal intersessional dialogue as only two of many more available options. I wish to stress that we did not propose to refer the topic to the ILC or take the considerations out of this Committee. Our proposal only aimed to encourage consideration – by each and all of us – of options to promote informed discussion in this forum.

Mr. Chair, we thank those delegations that were willing to negotiate in good faith and tried to find a compromise solution. We showed a high level of flexibility and creativity, and we were willing to accept a severe compromise, as colleagues have seen during the informal consultations. Unfortunately, this spirit of constructiveness and cooperation was lacking on the part of certain delegations, undermining the spirit of consensus building, which requires openness to negotiations and concessions from all sides, not merely repeating “no”. Decision-making by consensus does not entail the power to veto.

Withdrawing our proposal at the last stages of negotiations should not be interpreted as accepting such attitude. We maintain our position on the need to promote informed discussions on universal jurisdiction and the usefulness of the ILC input in this regard, and we reiterate our willingness to find avenues of advancing our common understanding of this topic.

Finally, Mr. Chair, let me express our appreciation to the facilitator of this resolution, our colleague from Mauritius, for her efforts and the open and transparent way in which she led these negotiations. Similarly, we thank the Chair of the respective Working Group, our colleague from Costa Rica, for his attempts to instil more extensive substantive dialogue in that format.

Thank you, Mr. Chair.