



United States

Resumed

Agenda Item

Statement of Ireland on Cluster 3

Delivered by

Legal Advisor

New York, 3 April 2024

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Chair,

1. Ireland has considered with interest the comments so far made by States on draft articles 6 to 10, and wishes to say that it is in general in favour of the draft articles.
2. Ireland is not a party to any treaty-based universal jurisdiction, or of territorial jurisdiction over persons outside the State.¹ Ireland notes, however, the flexibility in the last paragraph of article 6, which may include universal jurisdiction.
3. The establishment of the International Criminal Court has reduced the need for a tribunal to assert universal jurisdiction over the most serious crimes of international concern, so that Court may exercise jurisdiction, where the territorial State is unable or unwilling to do so.
4. Ireland agrees with comments made by several States that there is insufficient clarity on concurrent jurisdiction in this draft article, and that the order of priorities in the discussion on the prioritisation of jurisdictions here, jurisdictional priority, should be given to those States with the closest nexus to a crime, first to the territorial State, and then to the State on the basis of one of the grounds set out in paragraph 1 of article 7, and to the State seeking to exercise its jurisdiction on the basis of the ground set out in paragraph 2 of article 7.
5. We are grateful for the views of several States on draft articles 5, 8, 9 and 10, and believe that the content of these draft articles in more detail as part of the deliberations on a convention. We are confident that we are remaining in close contact with all States.

¹ James Crawford, *Brownlie's Principles of Public International Law*, 8th ed., Oxford University Press, 2012, para. 1000.

² ICJ Arrest Warrant (DRC v Belgium), Separate Opinion of Judge O'Donnoghue, paras. 100-101 and 103-104.

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