



14 December 2011

## 10<sup>th</sup> Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court

Mr. Martin Sørby  
Deputy Director General  
Ministry of Foreign Affairs

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President,

Let me begin by congratulating you on your election as President of this Assembly and wishing you every success in your new function. I also extend our thanks and appreciation to the outgoing President, Ambassador Wenaweser, for his able guidance of the Assembly's work and for his personal commitment to the development and consolidation of the Court over the last three years. Last, but not least, I would like to extend Norway's sincere congratulations to the newly elected judges and, in particular, to Fatou Bensouda on her election as Prosecutor of the Court. We can assure her that she can count on Norway's full support and cooperation.

President,

As we are approaching the tenth anniversary of the entry into force of the Rome Statute, Norway is pleased that there is a clear and steady development towards universality of the Court. This year saw the largest number of ratifications of the Rome Statute since the second session of the Assembly of State Parties in 2003. Norway welcomes Cape Verde, Tunisia, the Philippines, the Maldives, Grenada and Vanuatu as new States Parties, making the number of States that have acceded to the Rome Statute 120.

The movement towards universality of the Court is also reflected in the fact that in February this year the Security Council referred – unanimously – for the second time, a situation to the Prosecutor of the Court. Norway welcomes this development, which is yet another acknowledgement of ICC's important role in ensuring accountability for the most serious crimes of concern to us all.

(Check against delivery)

President,

As the judicial and investigative workload of the Court is increasing, it is vital to ensure that it has the necessary budgetary resources to function effectively. Norway is aware of the difficult financial situation facing many States Parties in connection with the global financial crisis. In this context, it is particularly important that the Court shows the willingness and ability to increase its efficiency and effectiveness, to optimize the use of limited resources. In our view, however, cuts do not necessarily lead to effectiveness, but could in some circumstances result in delays in investigations and court proceedings. Worse, resource constraints could also lead to impunity in situations where the Court is mandated to act. For these reasons Norway cannot accept budget reductions that prevent the Court from carrying out its mandate in an effective manner. Therefore Norway supports the Court's budget proposal, as adjusted by the CBF.

The Security Council's referrals to the Court, welcomed by Norway, have added significantly to the Court's workload. The difficult budgetary situation highlights the fact that the UN Security Council referrals should be accompanied by UN funding, as foreseen in Article 115 (b) of The Rome Statute.

President,

The Court cannot function without the effective cooperation of States. Eleven warrants of arrest are outstanding – warrants pertaining to the situation in Uganda, Darfur (Sudan), the Democratic Republic of the Congo and Libya. Four warrants have been outstanding for over six years. This is a matter of grave concern to Norway, and we therefore welcome the proposal of adopting an Assembly procedure relating to non-cooperation.

Norway expects that States fully implement their obligations under the Rome Statute in their national legislation, and that concerned States comply with their obligation to cooperate with the Court in specific situations and cases. Particularly with regard to the Darfur situation, we call on all States, and – of course – on the Sudanese authorities, to cooperate fully with the Court and to comply with their legal obligations under Security Council resolution 1593 (2005). We also encourage the Security Council to consider measures to ensure compliance with resolution 1593.

President,

Norway is particularly committed to the fight against impunity for sexual and gender-based violence, which often target the most vulnerable groups – women and children – on a large scale. This is why Norway's voluntary contribution to the Trust Fund for Victims, which amounted to 2 million kroner – approximately 250 000 euros – this year, has been earmarked for assisting victims of such violence. We commend the Trust Fund for its important work. I am pleased to announce that Norway will continue its financial support to the Trust Fund in 2012, providing approximately the same amount as this year. With this contribution we will have supported the Trust Fund with a total amount of 950.000 euros.

President,

The role of NGOs and civil society in supporting and promoting the work of the ICC should also be acknowledged. In this regard, we would particularly like to thank the Coalition for the ICC for the establishment of the Independent Panel on ICC Judicial Elections. This is an example of civil society showing the way forward. It is paramount for the development of the Court that judicial candidates are sufficiently qualified, and that judges are elected among the most highly qualified candidates. Norway, therefore, supports the establishment of an independent Advisory Committee on Nominations, as foreseen in the Rome Statute.

President,

It is the States that bear the primary responsibility for investigating and prosecuting ICC crimes in accordance with the principle of complementarity. National capacities to try alleged perpetrators should be enhanced. Without proper access to legal sources and information on international criminal law it is difficult for national prosecutors and judges to write motions and decisions that meet international expectations. Actors of national war crimes justice should have equal access to legal sources as those working in international criminal justice. Such empowerment will strengthen national ability. In this respect we would like to commend the ICC's Legal Tools Project. During 2011, the Legal Tools Database has significantly increased the number of documents it makes available to the public without cost. With close to 2,000 unique users every month, making more than 40,000 hits, the Database has become the leading resource for legal information on core international crimes. We hope all States Parties will respond to the invitation of the ICC to submit national decisions and other legal documents that may not yet be included in the Database. This is in our common interest.

President,

Let me finish by assuring you that Norway will continue to actively promote international criminal justice and contribute to the global fight against impunity. The International Criminal Court can count on Norway's continued firm support.

Thank you.