

Statement by
H.E. Ambassador Kirsten Biering
Ambassador of Denmark



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Assembly of States Parties to the Rome Statute of the
International Criminal Court
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Mr. President,

Allow me first to welcome you to the chair, Ambassador Wenaweser, and assure you of the full cooperation of Denmark in your important endeavour. Following in the footsteps of H.E. Bruno Stagno Ugarte you will, we are convinced, continue his tireless efforts in the most able manner.

We also wish to express our gratitude to President Kirsch for advancing the work of the International Criminal Court during his term in office and for his contributions to international law and the fight against impunity in general.

The ambition of the Rome Conference - to establish a universally accepted, international criminal court – is in the process of being fulfilled. The International Criminal Court has come into operation remarkably quickly and is steadily gaining universal recognition and legitimacy. The Court is actively engaged in a number of situations bearing witness to the fact that the Court has an important role to play in ensuring justice in the context of some of the most serious conflicts.

At the same time, the situations on the case list show the complexity and the substantial challenges that the Court will face in its work. Perceived or real tensions between peace and justice, difficulties in enforcing arrest warrants, securing protection of witnesses and obstacles to collecting evidence and are but some of these challenges. Important issues will have to be addressed effectively in order to meet them.

It is central to ensure cooperation with the Court. The Court relies on States Parties to assist it in various ways, be it implementation of arrest warrants, witness protection or enforcement of sentences and freezing of assets. States Parties must be ready to provide the necessary support in a cooperative manner.

At the same time, let us not forget that although the Court is dependant upon the second pillar of the Rome Statute in several aspects, it is a judicially independent institution. States should refrain from interfering in the judicial activities of the Court, regardless of the nature and circumstances of the case in question. Denmark remains committed to ensuring full support for Court and preserving its judicial independence, as a vital component of the international legal order.

Mr. President,

It is important also to secure efficiency and solidity of the functions of the Court itself. Any organisation derives its legitimacy not only from the full implementation of its mandate, but also from aspiring to the highest standards of good governance and management, transparency and efficient and cost-effective execution of operations. Furthermore, a properly managed institution is a precondition for attracting and retaining qualified and experienced staff. We have taken note of the comments made in particular by the Committee on Budget and Finance on this matter. Denmark encourages the Court to undertake all necessary efforts in this regard together with States Parties and other stakeholders, as appropriate. We welcome steps already taken by the Presidency, the Prosecutor and notably Registry, to this end, under the one-court principle.

Mr. President,

Earlier this year the Government of Denmark pledged a donation of 500.000 euros with the specific aim of assisting victims of sexual violence used as a means of war. This is one of the most heinous crimes know to mankind. The work carried out by the Trust Fund is very important as it complements the judicial activities of the Court. Naturally

we expect also the Trust Fund to exercise the utmost prudence and discipline in managing this and future contributions as well as in the general administration of the Fund.

Mr. President,

A unique relationship exists between the Court and the State Parties. States Parties have an important role to play through their support and through their guidance. The Bureau and its working groups deal with issues directly related to the general workings of the Court. To make this relationship work in an optimal fashion, it is of the essence that the Court complies with requests for information in a timely manner, that it interacts with States in a transparent way and that it is prepared to pay special attention to issues of concern.

States Parties on their side must act responsibly in their dealings with the Court. We must pay due attention to the burdens that we place on the Court with our requests for input and participation. We should be precise in articulating what we want and how we want to go about it. We should be mindful of the division of labour and responsibilities, including where it is appropriate for States to intervene and where it is not.

Micromanagement – tempting as it may sometimes be – is not our business. Big-picture issues are. And the end goal – the consolidation of the Court and its functions that it may operate effectively as the independent judicial body that it is – must never be lost. That should constantly determine the nature of our interaction and dialogue with the Court.

Mr. President,

As the Court matures and internal processes – judicial and administrative – become routine, the role of States Parties in the day-to-day operations of the Court would and should diminish. This is a natural development and should be welcomed. While States will still need to exercise oversight, such a state of affairs will provide both sides with the opportunity to take a step back and focus on the truly important long-term issues, such as strategic planning and budgeting, possibilities and scope for positive complementarity and the long term vision for the Court.

Mr. President,

Denmark is and remains a faithful friend of the Court. We attach great importance to the unique interrelationship between the Court and States Parties and note with satisfaction the substantial and fruitful dialogue that is being developed. We look forward to this session of the Assembly of States Parties and trust it that it will be carried by an equal amount of cooperation and compromise where needed, as we all strive to ensure that the promise from Rome will be fulfilled.

Thank you, Mr. President,