

**PERMANENT MISSION OF DENMARK  
TO THE UNITED NATIONS**

Statement by

H.E. Ambassador Carsten Staur,  
Permanent Representative of Denmark to the United Nations

---

**Statement by Denmark**

**9th Session of the Assembly of States Parties to the Rome  
Statute of the International Criminal Court**

**6 December, 2010**

---

New York  
6 December, 2010

*Check against delivery*

E-mail: [nycmis@um.dk](mailto:nycmis@um.dk)  
<http://www.missionfnnewyork.um.dk/en>

Mr. President,

The ambition of the Rome Conference, the establishment of a universally accepted International Criminal Court, is being fulfilled.

We now have before us a fully functional Court, with cases being adjudicated and jurisprudence developing. The increasing number of countries – in different regions – where the Court is active is a testimony to the importance of the ICC in bringing peace and justice to areas of conflict.

We have this year completed the first Review Conference of the Rome Statute. And, Mr. President, in all modesty I think we can congratulate each other, and particularly our Ugandan hosts, on a job well done. The Review Conference added three war crimes to the Statute, thereby bringing consistency to the war crime standards pertaining to international and non-international armed conflict. We adopted - by consensus - the crime of aggression; a feat which few considered possible prior to the Conference. And, finally, we concluded a comprehensive stock-taking exercise on four key issues: complementarity, cooperation, victims, and peace and justice.

It is no secret that particularly the question of how the crime of aggression should be operationalised was a difficult issue to resolve. Laying down the content and procedures for prosecuting the illegal use of force was controversial. But this only makes the result achieved the more remarkable. States Parties and non-States Parties showed impressive willingness to compromise and find solutions.

This happened not only because there was a strong wish to put the crime of aggression into effect. But also because it was clear that postponement of, or divisive votes on, the crime of aggression would have risked seriously harming the Court. The shared perception was that we needed to leave Kampala with the Court in better shape than before we arrived. That goal was achieved.

Mr. President,

For Denmark the work done in Kampala during the stock-taking exercise on complementarity was of particular interest. The Rome Statute system can be said to consist of two independent but connected parts: the ICC and the national jurisdictions. The Court itself is a court of last resort, and a central motive underlying the Rome Statute system is to remind national jurisdictions of their primary responsibility to fight impunity. This makes perfect sense from the perspective of the limited resources and capacity of the ICC. It is also an expression of the fundamental value of ensuring the highest possible degree of national ownership to fighting impunity and of delivering justice close to the victims.

Denmark has a long history of supporting the development of rule of law institutions through technical assistance. Thus, we see the issue of complementarity not only as flowing from the activities of the Court. It is also part of a broader and sustained effort of promoting justice and good governance for the benefit of all.

The task given to us prior to Kampala was to bring forward the work on complementarity. At the Review Conference the stocktaking exercise succeeded in focusing complementarity also on the role of other stakeholders than the Court itself. Denmark, together with our co-focal point, South Africa, has been pleased to continue the effort of developing a common approach to complementarity.

Importantly, it has been decided to establish a designated function within the Secretariat to facilitate information sharing. And we are bringing in other stakeholders that in their own right can supplement the ICC's efforts. We have worked with States, various UN agencies, the European Commission and NGOs, particularly the International Centre for Transitional Justice, during these past months to strengthen the work on complementarity.

Reaching out to other stakeholders is partly out of recognition of the financial and institutional limitations of the Court itself. But it is also, and perhaps more importantly, born by the belief that complementarity can only be fully realized if all stakeholders make their contributions to the fight against impunity. We are grateful for the cooperative approach everyone has taken to our work as focal-points and look forward to fruitful discussions during this ASP's stocktaking segment on Wednesday.

Mr. President,

As speakers before me have pointed out, there are a number of important challenges for this Assembly to consider. Having dealt successfully with what one might term "high politics issues" in Kampala, there is growing awareness of some of the governance challenges before us. These pertain both to the functioning of the Court and to the ASP's discharging of its responsibilities under the Statute.

Any organization derives its support not only from fulfilling its objectives and achieving results, but also from aspiring to the highest standards of good governance, transparency and efficient operations. Denmark welcomes the measures undertaken by the Court in this regard, and urges further measures to be taken by the Organs of the Court.

On their part, States should be careful not to micro-manage the Courts operations. The Assembly is a policy-making institution not an implementing one. A central task for States is to create the framework within which the Court can operate effectively and smoothly. We welcome the efforts to be undertaken on issues such as for example election of judges, nominations of a successor to the Prosecutor and strengthening cooperation.

Mr. President,

Denmark strongly believes that those bearing the greatest responsibility for the most serious crimes must be held accountable for their actions. No one can be above the law. We urge all States to fulfill their obligations under the Rome Statute and relevant instruments of international law.

The incentive for cooperation with the Court not only comes from the strong moral force of the Rome Statute system. It is also a clear legal obligation. In the EUs statement to this Assembly the concrete steps that need to be taken with regard to specific situations have been clearly spelled out, and we strongly echo these calls.

Mr. President,

Let me in conclusion affirm a point that has been made earlier today, but nevertheless bears reiteration: universality of the Statute is of paramount importance and the best guarantee for building an ever stronger International Criminal Court. Denmark congratulates the four most recent States Parties to the Rome Statute - Bangladesh, Moldova, Saint Lucia and the Seychelles - on their ratification. We look forward to working with them, with you, Mr. President, and other State Parties in this Assembly.

Thank you.