

Statement by Norway to the Assembly of State Parties of the International Criminal Court
November 24, 2006

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Mr President,

There are now more than 100 states having confirmed their determination to put an end to impunity for the perpetrators of the most serious international crimes and to that end contribute to the development of the ICC.

Our vision is clear, our message is strong. And our expectations with regard to the Court are high, to mirror the importance of its mission.

These high expectations should set the standard for the Court in its work to transform words into action. States parties must also devote their efforts to turn rhetoric into reality.

At the same time, we should remind ourselves that these high expectations are rooted in a long term perspective. The ICC is established and developed for the sake of not only present but also future generations.

Mr President,

The success of the ICC lies in its proven record as a fair, effective and credible Court.

Let me develop certain aspects that Norway sees as key to achieving success based on these three criteria, and how we as states parties have a particular responsibility to enable the court to fulfil them.

Proven record as a fair Court hinges on the Court's ability to apply the law in an impartial manner, while at the same time protecting the rights of victims, witness and accused. The Court will not be seen as fair, if it does not. At the same time, this logic does not automatically work the other way around. The Court will not necessarily be assessed as just, even though it applies the law in an impartial manner. As actors engaged in the development of the court we naturally contribute to the establishment of how it is perceived, and should constantly keep this in mind.

As we all know, the effectiveness of the Court is to a large extent dependent on contributions from state parties through international co-operation and judicial assistance. All state parties share this responsibility. At the same time, State party cooperation remains the field where rhetoric seems to be one step ahead of action. That the ICC just started hearings of the first person appearing in front of the Court, underscores the urgency that state take active steps to provide the Court with the necessary framework for cooperation and judicial assistance. To contribute to the effective functioning of the Court, Norway is at the final stages of concluding an enforcement of sentence agreement with the Court.

I started by stating that our message is strong, by referring to the fact that more than 100 states have become State Parties to the ICC. At the same time, some 20% of the Court budget is still unpaid. This sends a very wrong signal!

The ICC is a Court for the exceptional cases only. Its effectiveness can therefore not be adequately measured by looking at numbers of cases or convictions. The final test of ICCs effectiveness lies in the protection of individuals from the most serious crimes. The fulfilment of our broader vision to end impunity for the perpetrators of the most serious international crimes depends thus on the implementation of national measures to prosecute such crimes. Here all state parties have a great responsibility. Norway is currently in the process of introducing as separate criminal offences those crimes which are listed in articles 6, 7 and 8 of the Rome Statute into Norwegian legislation. Even though we have long had criminal jurisdiction *ratione materiae* with regard to these crimes, we have not yet had an explicit incorporation of them in our Penal code, and introducing such is seen as an important signal to the world and to any perpetrators of such crimes. (The implementation is due to be completed by 2008.)

To promote capacity building and prosecution at a national level, worldwide, Norway is financially supporting the ICC Legal tools project, which provides a unique tool for the effective prosecution of the most serious crimes of concern to the international community.

To enhance the effectiveness of the Court in the administration of its own work, the Court has engaged in the process of developing a strategic plan. Norway welcomes the Court effort to identify such plan as we believe it will be an important tool to focus the work of the institution, to avoid duplication of task and unnecessary institutionalisation. In this respect we fully support the ongoing dialogue between the Court and the State Parties on this matter, and the efforts to clarify the status of the plan and the terms of the ongoing interaction between the Court and the State parties. An important aspect of the Strategic plan should be the incorporation of lessons learnt from other international criminal tribunals.

Furthermore, the effectiveness of the Court will depend on its ability to integrating into our interdependent world. In this respect, the newly established liaison office at the UN is an important milestone. The conclusion of regional arrangements, with the EU, various UN entities and the process with a view to conclude such an agreement with AU are also of importance for the effective operation of the Court. While justice is blind, the international Court should not stumble in the dark.

Crucial to the effectiveness of the Court is cooperation by states affected by its ongoing judicial work. They have a responsibility to provide security for actors involved, a possibility to conduct investigations as well as the surrender of wanted persons. International consensus and pressure on the importance of adherence by concerned states to their international legal obligations must continue.

With regard to the third criteria for ICCs success, credibility, Norway sees out-reach as of paramount importance. For the ICC to fulfil its role justice should not only happen, it must also be seen to happen. Out-reach is a shared responsibility for the Court, NGOs, state parties, and particularly states affected by the Court's ongoing judicial work.

Mr President,

We would like to take this opportunity to express our support to the draft resolution on the permanent premises. The issue of permanent premises has been subject to extensive deliberations. In order to move the process forward, we think the time has come to focus our efforts on the Alexanderkaserne.

We are sensitive to question that could arise for a new prospective member as a consequence of the scale of assessment. Norway will be open to discuss, at least temporarily and as long as unfair effects would exist, how to accommodate such concerns.

Mr President,

Norway is a firm supporter of the ICC. We fully recognise the impressive achievements both at the administrative and operational level, of this young institution. The ICC is developing as a just, effective and credible Court. And it is with contentment that we follow the Court as it steadfast raise as a legal pillar in the international community.

Mr President,

The challenges one faces when dealing with the past in projecting the future are well known. How to balance peace with justice has always been a complex task. The creation of the ICC has not changed this. As Norway declared by signing the Rome Statue, we are determined to end impunity for perpetrators of the most serious international crimes, mindful of the fact that the pursuit of justice is not an obstacle to the pursuit for peace. On the contrary, as inherent in the Rome Statue, the end of impunity is a confirmation of the aim of the UN of international peace and security. The limits to support impunity in violation of state obligations under the Rome Statue stems from the recognition that sustainable peace cannot be obtained without justice. Peace and justice goes hand in hand, as clearly pointed out by the General-Secretary Kofi Annan, addressing the 61st General Assembly, stated that "Justice, especially transitional justice in conflict and post-conflict societies, is a fundamental building block of peace. In the face of pressures to the contrary, the international community should ensure that justice and peace are considered to be complementary requirements".

Mr, President,

When states achieved consensus to adopt the Rome Statute, we were all amazed by the drive of the process, now we should put the same level of energy into finding consensus on how we, as states, best can support the Court in its mission to fulfil our high expectations.

Thank you.