



**PERMANENT DELEGATION
OF NORWAY TO THE OSCE**

**HUMAN DIMENSION SEMINAR ON
Strengthening the rule of law in the OSCE area, with a special focus
on the effective administration of justice 12 May 2009**

STATEMENT BY Minister Counsellor Brandsrud, Deputy Permanent
Representative of Norway to the OSCE

Mr. Chairman. Excellencies. Ladies and gentlemen,

Like previous speakers, I would like to thank the ODIHR for organising this Human Dimension seminar, which is dedicated to a highly important topic. The broad agenda encompasses many attention-grabbing questions which should make for a fruitful exchange of views and best practises.

In our view, independence of the judiciary clearly stands out as the most important precondition for building a society on the basis of the rule of law, as was so thoroughly explained by the key note speaker, Judge Robinson earlier this morning. Therefore this statement will solely be devoted to this item of the agenda.

Let me also take this opportunity to say that we are very happy to see so many representatives of international organisations and the civil society among us. Like the EU we strongly believe that it is one of its strengths and essential to this organisation that we maintain a free and open dialogue between NGOs and participating states. Norway firmly believes that the NGOs have a natural place at this table.

Mr. Chairman,

The rule of law is founded on and includes certain minimum, fundamental values like a fair, free and transparent judicial system, independent and competent corps of judges, highly qualified prosecutors and lawyers, and an accountable police force. In a real democracy power must not go uncontrolled and unchecked.

The independence of the judiciary is the key element in providing the necessary control, and without it justice cannot be impartial. Independent courts guarantee the protection of the rights of citizens and of the rule of law and are a vital precondition for a proper democracy. Without these preconditions in place, a real democracy cannot work. In this respect I would like to underline that all participating States have committed themselves to protect the independence of the judiciary.

Mr. Chairman,

Regrettably, some participating States have faltered in their creation of an independent judiciary, which has politically influenced the outcome of politically sensitive cases. Therefore the judiciary, the executive and the legislative powers must all function in ways that build people's confidence and trust.

Transparency and access are key words in this regard. The executive power must take its legitimacy from an open, transparent legislative process – and decisions taken by the judiciary must be based in law and fully open to scrutiny by the public. Transparency engenders legitimacy as well as predictability – and thus paves the way for a just and stable society.

Mr. Chairman

The OSCE has developed a unique capacity to assist countries in strengthening their justice system, and this is a good example of an area where this organisation has an “added value”. Norway is highly supportive of the OSCE's engagement regarding the rule of law and did co-sponsor the draft decision adopted on this matter during the Ministerial meeting in Helsinki last year.

Finally Mr Moderator, Norway would like to reiterate her belief in the fundamental importance of independent, impartial courts to the proper functioning of any democracy, and we call on all participating States to conduct their trials in accordance with international standards.

Thank you Mr. Chairman.