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Report on the activities of the Oversight Committee

Addendum

Draft resolution on the permanent premises of the International Criminal Court

The Assembly of States Parties,

Recalling resolution ICC-ASP/4/Res.2, which emphasised that “the Court is a permanent judicial institution and as such requires functional permanent premises to enable the Court to discharge its duties effectively and to reflect the significance of the Court for the fight against impunity”, and *reiterating* the importance of permanent premises to the future of the Court,

Recalling resolution ICC-ASP/6/Res.1, adopted on 14 December 2007 at the 7th plenary meeting of the sixth session of the Assembly, and resolution ICC-ASP/7/Res.1, adopted on 21 November 2008 at the 7th plenary meeting of the seventh session of the Assembly,

Noting the report of the Oversight Committee on the permanent premises, including the annexed explanatory note on the modalities for one-time payments,

Mindful of the reports of the Committee on Budget and Finance on the work of its twelfth and thirteenth sessions,

Reiterating the important role of the Court throughout the process,

Welcoming the fact that [seven] States Parties committed to making a one-time payment in accordance with the principles contained in resolution ICC-ASP/7/Res.1, annex III,

Reiterating the important role of the Assembly’s Project Director in providing leadership and overall management of the project, and recalling his responsibility for meeting the project’s goals, timelines and costs, and quality requirements, as provided in resolution ICC-ASP/6/Res.1,

Recalling the relevant provisions of the Rome Statute, and *noting* that the Financial Regulations and Rules and internal and external audit arrangements of the Court are applicable to the project,

1. *Welcomes* the decision of the Oversight Committee, in accordance with the procedures for awarding a contract as elaborated in ICC-ASP/7/Res.1, to award the contract for the permanent premises to [name of architect], subject to the final agreement of the Oversight Committee prior to the signing of the contract between the Court and the design team, and *invites* the Project Board to finalize the negotiations, including on the terms and conditions of the contract, with the selected design team;
2. *Expresses* its appreciation to [names of other two architects], the other prize-winners in the architectural competition, who have not been awarded the contract, for their hard work and cooperation during the selection process;
3. *Welcomes* the fact that legal and/or contractual agreements have been concluded between the Court and the host State on the loan agreement, the mortgage and the land lease, including the separation of ownership of the land from that of the building, thus allowing the building process to proceed and *further expresses* its appreciation to the host State for its ongoing cooperation;

4. *Expresses* its appreciation to the Project Board and the Oversight Committee for the progress made on the permanent premises project since the seventh session of the Assembly;
5. *Notes* that the completion date for the permanent premises has been delayed until 2015, *recognizes* the efforts of the Project Board and Oversight Committee to mitigate this delay and associated consequences, and *encourages* the Project Board, in consultation with the Oversight Committee, to continue to identify ways to mitigate the delay and its consequences;
6. *Takes note* of the revised cash-flow scheme contained in annex I, incorporating the schedule for the use of funds deriving from one-time payments, and requests the Project Director, in consultation with the Oversight Committee in accordance with ICC-ASP/6/Res.1, to continue to submit annually, for consideration by the Assembly at its regular session, more detailed estimates of the final cost estimate for the project on the basis of the most recent information, and incorporating the schedule for the use of funds deriving from one-time payments;
7. *Requests* the Project Director to continue to report annually to the Assembly, through the Oversight Committee, on the realization of the previous years' estimates and the level of expenditure;
8. *Requests* the Court, in consultation with the Project Director, to identify and quantify the other costs related to the project but not directly related to the construction, such as the costs of relocating the Court from the temporary premises to the permanent premises, movable items such as furniture and ICT hardware, potted greenery and decorations, costs relating to communications and public relations for the project and costs relating to the interim premises, and to report on these annually to the Assembly, through the Oversight Committee;
9. *Endorses* the recommendation of the Bureau, in accordance with ICC-ASP/6/Res.1, annex II, that the membership of the Oversight Committee, from the eighth to tenth sessions of the Assembly, be comprised of those States referred to in annex II to this resolution;
10. *Requests* the Project Board to finalise the project manual, which takes into account the provisions of resolution ICC-ASP/6/Res.1, annexes II, III and IV, in light of the selected architectural design and to submit it to the Oversight Committee for approval, and to inform the Oversight Committee of any subsequent relevant developments;
11. *Notes* that a trust fund for voluntary contributions dedicated to the construction of the permanent premises has been established, and *invites* members of civil society with a proven track record of commitment to the mandate of the Court to raise funds for the permanent premises project;
12. *Requests* the Oversight Committee to remain seized of this issue, and to continue to provide regular progress reports to the Bureau and to report back to the Assembly at its next session.

Annex I

Cash-flow scheme

| Totals (M€) | | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|--|-----------------|-------------|------|-------------|-------|--------------------|-----------|--------|-------|
| | | Competition | | Competition | | Design & tendering | Execution | Maint. | |
| | | year | year | year | year | year | year | year | year |
| BOX 1; Construction costs | 100% € 114.9 | 0% | 0% | 0% | 0% | 18% | 34% | 34% | 14% |
| | | 0.0 | 0.0 | 0.0 | 0.0 | 20.7 | 39.1 | 39.1 | 16.1 |
| BOX 3; Other construction costs | € 75.1 | 0.0 | 1.1 | 5.1 | 13.0 | 11.5 | 17.8 | 18.1 | 8.4 |
| <u>Divided in:</u> | | | | | | | | | |
| 15% Contingency | € 17.2 | 0% | 0% | 0% | 0% | 18% | 34% | 34% | 14% |
| | | 0.0 | 0.0 | 0.0 | 0.0 | 3.1 | 5.8 | 5.8 | 2.4 |
| 1% Integrated, specialized representational features | € 1.1 | 0% | 0% | 0% | 0% | 10% | 20% | 50% | 20% |
| | | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | 0.2 | 0.6 | 0.2 |
| 4% Fees project management | € 5.3 | 0% | 10% | 25% | 17% | 15% | 14% | 13% | 6% |
| | | 0.0 | 0.5 | 1.3 | 0.9 | 0.8 | 0.7 | 0.7 | 0.3 |
| 14% Fees designers, engineers, and consultants etc | € 18.5 | 0% | 3% | 18% | 50% | 13% | 9% | 4% | 3% |
| | | 0.0 | 0.6 | 3.3 | 9.3 | 2.4 | 1.7 | 0.7 | 0.6 |
| 4% Permits and dues | € 3.5 | 0% | 0% | 0% | 43% | 29% | 19% | 7% | 3% |
| | | 0.0 | 0.0 | 0.0 | 1.5 | 1.0 | 0.7 | 0.2 | 0.1 |
| sum Consultancy user permits | € 0.1 | 0% | 0% | 0% | 0% | 0% | 0% | 90% | 10% |
| | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.1 | 0.0 |
| Total | € 45.7 | 0.0 | 1.1 | 4.7 | 11.7 | 7.4 | 9.1 | 8.2 | 3.6 |
| | | 2.8% | 5.6% | 8.6% | 11.6% | 14.7% | 17.9% | 21.1% | 24.5% |
| 1.03 Escalation, estimated 3% | € 29 | 0.0 | 0.1 | 0.4 | 1.4 | 4.1 | 8.6 | 10.0 | 4.8 |
| Total | 190 | 0 | 1 | 5 | 13 | 32 | 57 | 57 | 25 |
| | | 0 | 1 | 6 | 19 | 51 | 108 | 165 | 190 |
| Scheduling of one-time payments* | 13.5 ** | | | | | | | | |
| Utilization of host State loan* | | | | | | | | | |

* To be completed on the basis of figures available at the time of the eighth session of the Assembly.

** As at 15 October 2009, seven States Parties had communicated their final decision to opt for the one-time payment scheme.

Annex II

Members of the Oversight Committee

[To be inserted]

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