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**ASSEMBLY OF STATES PARTIES TO THE  
ROME STATUTE OF THE INTERNATIONAL CRIMINAL  
COURT  
SEVENTH SESSION**

**Report on the activities of the Oversight Committee on permanent  
premises**

Your Excellencies,

Distinguished delegates,

It is an honour to report to the Assembly of States Parties on the activities carried out by Oversight Committee on permanent premises. In order to consider the various issues under its mandate, over the past year the Oversight Committee held 15 sessions and a number of informal meetings and meetings of the two sub-groups that were established.

The work of the Committee benefited greatly from the spirit of cooperation and the commitment and enthusiasm of its members, for which I am grateful. We were able to reach all decisions by consensus, even on some complex and challenging issues.

I wish to say a special word of appreciation to the Vice-Chairperson of the Committee, Ambassador Lyn Parker (United Kingdom of Great Britain and Northern Ireland), and the rapporteurs of the two sub-groups of the Committee, Mrs. Birgit Frie (Germany) and Mr. Martin Strub (Switzerland) for their assistance and support in tackling the responsibilities entrusted to the Oversight Committee.

Furthermore, I wish to thank the Court and the host State. Their assistance and expertise proved to be crucial in the consideration of the financing options and the selection of the Project Director. My appreciation goes also to the professional work of the Secretariat of the Assembly of States Parties.

I also wish to acknowledge the role of the State Party experts who had been involved in the process from the very beginning. In particular, I wish to thank Mr. Ken Jeavons (United Kingdom of Great Britain and Northern Ireland) who served as Chairperson on the selection panel for the recruitment of the Project Director.

In accordance with resolution ICC-ASP/6/Res.1, I took it upon me as Chairperson to provide regular progress reports to the Bureau of the Assembly. The Committee also considered it useful to keep the The Hague Working Group regularly abreast of the latest developments.

On 2 and 3 October 2008, Ambassador Paul Wilke of the ICC Task Force of the Netherlands and I travelled to New York and met with delegations to consider the draft resolution. In addition, we had the opportunity to exchange views and discuss with the United Nations Assistant Secretary-General for the Capital Master Plan, Mr. Michael Adlerstein, the similarities between the permanent premises project of the Court and the Capital Master Plan of the United Nations. In order to benefit from the lessons learned it is my intention to intensify contacts with his office.

As regards to the recruitment of the Project Director, I am pleased to inform you that Mr. Hans Heemrood assumed the position on 1 October 2008. The Oversight Committee is confident that Mr. Heemrood will discharge his mandate in the most effective manner possible, keeping in mind the interests of the Assembly.

The report of the Oversight Committee is contained in document ICC-ASP/7/22. In the addendum to the report, contained in document ICC-ASP/7/22/Add.1/Rev.1, you will find a draft resolution that sets out the main principles of the suggested financing scheme and the general operation of the project for the permanent premises. In particular, I wish to draw your attention to the following:

First, the financing scheme is based on the assumption that the Assembly would accept the offer of the host State to provide a loan of up to €200 million, against an interest rate of 2.5 per cent and to be repaid over a period of 30 years. Accepting the host State loan, however, would not in any way restrict the Court's discretion in seeking funds for the same purpose from other sources if the Court chooses to do so. The host State also accepted to reduce the amount of the loan to be repaid with a subsidy equivalent to 17.5 per cent of the non-utilized part of the loan.

Second, States Parties would have the option of making use of the one-time payment arrangement, which would allow them to pay their estimated assessed share at an early stage in the project and would thus exempt them from the payment of interest and the repayment of the host State loan. These one-time payments would be subject to an adjustment

once the final cost of the project is determined. One-time payments and potential voluntary contributions would reduce the total interest that would be payable on the loan.

At its eleventh session, the Committee on Budget and Finance commended the Oversight Committee for the financial scheme it had developed as it combined flexibility for States Parties with a cash flow arrangement that would meet the requirements of the project.

If the Assembly so decides, the Oversight Committee would continue exercising its functions in accordance with resolution ICC-ASP/6/Res.1 and, in addition, further refine the financing mechanism. Particular focus would be on the possibility for States to make one-time payments and the scheduling thereof.

Furthermore, now that the results of the architectural design competition are known and the project will enter into its design phase, an important task lies in identifying and quantifying costs that are related to the project but not directly to the construction thereof. Moreover, it is expected that in the coming year more refined estimates of the overall cost envelope could be presented to the Assembly.

However, if the Assembly agrees, the first use of the host State loan will need to take place in 2009 for approximately €6 million, as foreseen in Annex IV of the draft resolution, so as to cover costs to be incurred that year and thus allowing the project to remain within calendar. It is however important to stress that the required funds would be available without increasing the regular budget of the Court in 2009.

This, in general terms, constitutes the financing scheme and the main aspects of the operation of the project as developed by the Oversight Committee in consultation with the host State, the Court and the Project Director. Informal consultations on the issue are scheduled to take place on Wednesday, 19 November at 10:00 a.m. In the meantime, the members of the Oversight Committee and I stand ready to provide delegations with further clarifications if so required.

Thank you.

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