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Report of the Court on the appointment of the External Auditor

1. Regulation 12.1 of the Financial Regulations and Rules provides that:

“The Assembly of States Parties shall appoint an Auditor, which may be an internationally recognized firm of auditors or an Auditor General or an official of a State Party with an equivalent title. The Auditor shall be appointed for a period of four years and its appointment may be renewed.”
2. The Court informed the Audit Committee at its meeting on 28 April 2010 that the appointment of the current External Auditor was due to expire with the audit of the financial period ending on 31 December 2010. This audit was expected to be finalized by mid-2011. Action would be required on part of the Assembly of States Parties (“the Assembly”) to either reappoint the current External Auditor, i.e. the National Audit Office of the United Kingdom, or to select a new External Auditor in December 2010 during the Assembly’s ninth session.
3. In its report of 24 August 2010, the Audit Committee recommended to the Committee on Budget and Finance (“the Committee”) that the Assembly reappoint the current External Auditor.¹
4. At its fifteenth session, the Committee discussed this issue and recommended that the Court undertake a bidding exercise for external auditing services among States Parties and submit the results to the Assembly in order for the Assembly to take a decision at its ninth session.²
5. Consequently, the Registry prepared the documentation required for the bidding exercise of external auditing services to be sent to all States Parties in October 2010.³ Before sending these to States Parties, the Court discussed the matter again with the Audit Committee at its meeting of 20 to 21 October 2010.
6. The Audit Committee noted that, in view of the short lead-time to the ninth session of the Assembly in December 2010, the Court should not proceed with the procurement exercise until the Assembly had decided on the applicable selection procedure.
7. The Audit Committee recommended that the Court propose to the Assembly a selection procedure that would include:
 - (a) A decision by the Assembly on the selection procedure at its ninth session in December 2010;
 - (b) A review by the Audit Committee of the specifications in February 2011;

¹ Report of the Audit Committee (CBF/15/14), para.15.

² Report on the work of the Committee on Budget and Finance at its fifteenth session (ICC-ASP/9/15), para. 21.

³ The tender documents, signed on 20 October 2010, consist, inter alia, of a note verbale to all States Parties, the request for proposal for external auditing services with scope of work, and general conditions for contracts for purchase of services.

- (c) A suitable period of time for interested audit organizations to prepare tenders;
- (d) Measures to ensure the tender was widely disseminated, including to all States Parties;
- (e) The appointment of a technical evaluation panel with representation from the Court, the Audit Committee and the Committee;
- (f) The provision for interview of shortlisted organizations;
- (g) A review by the Audit Committee in June 2011 and the Committee in August 2011; and
- (h) The final recommendations from the panel to be put to the tenth session of the Assembly in 2011.

9. Furthermore, the Audit Committee recommended that the Court suggest to the Assembly the reappointment of the current External Auditor for 2011 only, in order to allow sufficient time for an appropriate selection process.

10. In view of these comments, the Court has now put the tendering process on hold and has forwarded the tendering documents to the members of the Audit Committee for their review.

11. The Court has also briefed the facilitator for the budget, Ambassador Lydia Morton (Australia), on these developments. The facilitator subsequently briefed The Hague Working Group thereon at its informal consultations of 29 October 2010.

12. The Court recommends that the Assembly adopt the procedure proposed by the Audit Committee.

13. The Court would recall that, in 2002, the Assembly delegated the appointment of an External Auditor to the Bureau and requested that it report to the Assembly at the resumed first session in February 2003.⁴

⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002, (ICC-ASP/1/3 and Corr.1), part I, para. 29.*