

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

The Hague, November 28 – December 3, 2005

**Statement on permanent premises by
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Head of the ICC TASK FORCE**

The Hague, December 2, 2005

Mr. Chairman, Distinguished delegates,

Thank you very much for allowing me to make a statement on behalf of the host state with regard to the issue of permanent premises.

1. Last year, at its third session, the Assembly of States Parties (ASP) of the International Criminal Court (ICC) endorsed the recommendation of the Committee on Budget and Finance (CBF) regarding consideration of the desirability of establishing purpose built permanent premises for the Court. The Assembly also endorsed the recommendation of that Committee regarding the Court to prepare an analysis of the costs and benefits of continuing to use the current premises or of the (now) ICTY premises, in order to assist the Assembly in considering the options.

As recommended by the CBF and endorsed by the ASP, the Court prepared and submitted different reports, for consideration by the ASP in its fourth meeting, including documents containing the comparison of different options for future permanent premises, and estimates of the possible range of costs. Furthermore, the Court, at the request of the Committee on Budget and Finance , prepared a report on financing methods used for the new premises of other major international organisations, including comparable international judicial institutions.

2. In their preparation for the fourth session of the ASP, both in The Hague and in New York, and in the meetings this week of the working group on the permanent premises, States Parties have expressed their views on the issue, and more in particular on the documents mentioned before, that have been submitted by the Court.

The host State has noted that, at several occasions, States Parties have made an appeal, sometimes passionate, to the host State to be forthcoming with regard to the financing of permanent premises. States Parties thereby also referred to financing methods adopted for other similar international organisations.

The host State has also noted that some States Parties expressed as their view that an offer by the host State of financial support with regard to permanent premises

would be an important element in their preference for purpose built premises, and for the way ahead with regard to the issue of permanent premises for the International Criminal Court.

3. In the Diplomatic Conference in Rome in 1998, The Netherlands presented a bid entitled “International Criminal Court: a Bid for justice”. With regard to the issue of premises this bid states that

Quote

“..Suitable premises (conforming to the standards of the Dutch building code and complying with local planning regulations) will be made available to the Court, rent-free, for 10 years from the date on which the Statute enters into force (i.e. July 1st, 2002). At the end of that period (i.e. July 1st, 2012), the ICC may rent the premises, tax-free at the prevailing market rates...” Unquote

4. Against the background of the discussions on permanent premises to date, and bearing in mind the unique character, and significance, of the International Criminal Court, the host State at Cabinet level has decided to offer an additional financial bid that is related to permanent premises for the International Criminal Court.

This additional financial bid consists of the following:

- The bid relates to purpose built new premises on the “Alexander Kazerne” site;
- The host State offers the land of that site free of charge; the ownership of the land remains with the host State;
- The costs related to making the site ready for construction works to start, will be borne by the host State;
- For the financing of the costs of purpose-built new premises (i.e. construction costs, fees, and fixed interior costs) the host State will provide a favourable loan to the amount necessary, to a maximum of 200 million Euro, and to be repaid over a period of 30 years, at an interest rate of 2,5 %;

- The host State will bear the costs related to the selection of an architect; this selection process will be presided by the Government State Architect of The Netherlands.

Savings on the ICC budget regarding permanent premises resulting from this financial bid may be calculated at some 40%.

Mr. Chairman, Distinguished delegates,

5. To conclude:

The host State itself has, on the basis of the documents presented by the Court, and based on the recommendations by the CBF, come to the conclusion that purpose-built permanent premises on the site of the Alexander Kazerne are indeed the best solution for the permanent housing needs of the Court.

The host State hopes, that the ASP in its current session can conclude that the States Parties and the Court be seized with the further planning and preparatory work for purpose-built permanent premises, including preparations for the selection of an architect.

The host State trusts that, with this additional financial bid of the host State in mind, the Assembly of States parties will be able to complete the preparations of this important matter for final decision in its fifth session in 2006.

Thank you.