

Annex VI

Statement of the representative of the host country at the 1st meeting of the Assembly, on 8 September 2003

1. The two years since the Statute entered into force have been tempestuous. Remarkable progress has been made, demonstrating the ability of the international community to act effectively and coherently.
2. When the Court started operating on 1 July 2001, there was neither an agreed budget nor staff to implement policies. An advance team financed by other means bridged the gap hand in hand with the host nation. Now, more than a year later, the Arc building in The Hague is bustling with activity.
3. Although we should not spend too much time on self-congratulation, it would be amiss not to highlight your role and your leadership, Mr. President. It is a privilege for the Netherlands to work with you.
4. Similarly, the business-like and fruitful relationship that has existed between the Netherlands and the Court from the outset has been further enhanced since the senior officials took up their positions. With the President, the Prosecutor and the Registrar all in The Hague, the Court can present a united face to the world, and indeed speak with one voice. It can now also liaise effectively with the host country. On 25 June, I was privileged to present a detailed update to the plenary meeting of the Court and the Prosecutor on the work that had been done prior to their arrival and on our proposals to take them further.
5. The Registrar and I have successfully established the practice of weekly bilateral meetings to coordinate day-to-day matters. And we will continue to do so as long as work goes on to improve the Court's interim premises and adapt them to its needs. Matters like detention, security, protocol and the headquarters agreement are also regularly on the agenda.
6. I would like to take this opportunity to brief the Assembly on some of the issues that the Netherlands has been working on.
7. Let me once again emphasize the importance of close collaboration and open lines of communication between the Court and the Netherlands. And I am very pleased that our pledge and good intentions have been reciprocated. The setting up of this global organization is unique. There are no precedents. Together we are entering uncharted territory.
8. Transparency on all matters is of the utmost importance in the Netherlands' relationship with the Assembly as well. The Court belongs to us and we need to build it up together, as a shared responsibility. I am always available to any of you if you need information.
9. As the Court has informed you, many projects at the interim premises are either finished or are under way. We work to tight schedules, which may sometimes unavoidably cause a certain degree of inconvenience to the Court. Many of the requirements set by the Court needed tailor-made solutions. These include high-technology security measures, and complete state-of-the-art recabing of the buildings.

10. The Netherlands has agreed to the construction of a multifunctional room on the interim premises, to be used as both a pre-trial room and a regular meeting room. This project has expanded to include security installations, access for the public and the disabled, interpreters' booths and audio-visual installations.

11. The design of the main courtroom is ready and the construction work has started. It will be an essential and prominent addition to the existing building. The main courtroom was designed in close cooperation with the Court's officers. It will include extensive media facilities, a library, holding cells, a protected witness entrance and a safe room. A "shell" will be constructed for a second full courtroom, to be fitted out later by the Court at its own expense, if the need arises. I expect the main courtroom to be ready by the summer of 2004.

12. Allow me, Mr. President, to say a few words about the permanent premises and their location in The Hague. Over the past year, the architectural project manager in my team and consultants from our Government Buildings Service, together with experts from the Court and elsewhere, have developed a detailed brief for the construction of the permanent premises. This was done in anticipation of the arrival of the Court officials, who will need to take the lead in the follow-up to and finalization of this extremely difficult and complex process. The brief is now ready for a first full reading and review by the Court. The Court has to decide how and where the brief should be further elaborated. This seems to me to be one of the urgent topics the Court's senior management needs to tackle. The work already completed must be endorsed before the Court can submit it to the Assembly for approval and the international architects' competition can be started. We agree with the Court that it is more important to be thorough than to act in haste. However, I hope that, with our assistance, the Court will be in a position to start the competitive bidding procedure in 2004. On the basis of requirements stemming from the assumed workload currently foreseen by the Court, we estimate that the costs of the permanent premises will be at least 300 million dollars. These requirements include office space for up to 2,000 staff, courtrooms, detention facilities, a library, public areas, storage facilities, records and reception rooms.

13. A few words on the location of the permanent premises. A decision on the site was taken in 1999 on the basis of the data available to us at the time. But as we acquire new insight into the nature of the Court and the complexities of the accommodation it requires, there is a growing possibility that the site meets many, but perhaps no longer all, of the Court's requirements. I am therefore actively planning for contingencies, in close cooperation with the Court's management. Should a larger site be necessary, the host country will either expand the selected site or make a new site available.

14. A final word on the permanent premises. Together with the brief, two more important and urgent matters need to be discussed: the ownership of the land and the buildings, and how construction is to be financed. Once we have reached agreement on these issues, we will need to consider them again in the Assembly.

15. As you are aware, there is a provisional headquarters agreement between the Court and the Netherlands. I am pleased to report that ICC experts and my staff have made good progress in negotiating a draft for a definitive agreement, based on existing instruments and the "basic principles". A "rolling text" was submitted to the plenary session of the Court in June 2003. A few issues have not yet been discussed. The Registrar is presently reviewing the text and will comment on it at a meeting to

be held on 30 September 2003. At that meeting we will agree on the modalities for subsequent meetings with a view to finalizing a draft text at the earliest possible date. As you know, the outcome of the negotiations will be presented to the Assembly and to Parliament for their approval before the agreement can enter into force.

16. I am also pleased to tell you that my Government has agreed to the Agreement on Privileges and Immunities, and that I have been mandated to sign it in the course of this week. The Netherlands will conduct the parliamentary ratification process together with the ratification of the headquarters agreement. I would like to reiterate the Court's appeal and urge all fellow States parties to sign and ratify as soon as possible.

17. This meeting of the Assembly will need to deal with many issues. I would like to quickly point out two that are of specific concern to me.

18. First, the draft resolution on the Coalition for the International Criminal Court. The Netherlands supports this resolution fully. It does not invoke any form of exclusivity or give the Coalition a special legal status in the Netherlands. It does, however, acknowledge the contribution of the Coalition to the negotiations on the Statute and the establishment of the Court, and recognizes the active role the Coalition will continue to play. I am convinced that we will all be able to agree on the text of the draft resolution.

19. Second, the budget. Compared to the budget of the first financial period, this budget has more than doubled. This is of course only acceptable because the organization is being set up. An often used standard of a zero-growth rate would be very detrimental to the effective setting up of new policies and organizational structures. We also accept that the caseload may dictate further increases in the future. The Committee on Budget and Finance has made some very useful recommendations, most of which I can agree to. My line is to monitor policy and leave detailed management decisions to the Court management. I do feel, however, that I should highlight one particular issue on this occasion: the financing of the new Assembly of States Parties secretariat, which will be housed in The Hague as of 1 January 2004. I would like to ask all of you to carefully review the figures. My concern is that the functions and responsibilities of the Assembly of States Parties secretariat, which also include to support the working group on aggression, should not be underestimated, and that I need to be convinced that the proposed budget does sufficiently guarantee support from the Court for this otherwise independent institution. We need to ensure that you, Mr. President, and indeed the Assembly itself are well supported in your duties.

20. Be assured of the continued firm commitment of the Netherlands, both as the host country and as a State party, to the integrity of the Statute and the effective functioning of the Court in The Hague.

21. Senior management of the Court has hit the ground running and I can report from my privileged view on the operations of the Court that we feel confident with the progress made and that we have trust in the capabilities of all being involved to take it even much further.