

Part III

Resolutions adopted by the Assembly of States Parties

Resolution ICC-ASP/12/Res.1

Adopted at the 12th plenary meeting, on 27 November 2013, by consensus

ICC-ASP/12/Res.1

Programme budget for 2014, the Working Capital Fund for 2014, scale of assessments for the apportionment of expenses of the International Criminal Court, financing appropriations for 2014 and the Contingency Fund

The Assembly of States Parties,

Having considered the 2014 proposed programme budget of the International Criminal Court ('the Court') and the related conclusions and recommendations on the 2014 proposed programme budget for the Court contained in the report of the Committee on Budget and Finance ("the Committee") on the work of its twentieth and twenty-first sessions,

A. Programme budget for 2014

The Assembly of States Parties,

1. *Approves* appropriations totalling €121,656,200 in the appropriation sections described in the following table:

<i>Appropriation section</i>	<i>Thousands of euros</i>
Major Programme I - Judiciary	10,045.8
Major Programme II - Office of the Prosecutor	33,220.0
Major Programme III - Registry	66,293.0
Major Programme IV - Secretariat of the Assembly of States Parties	2,843.6
Major Programme V - Interim Premises	5,900.7
Major Programme VI - Secretariat of the Trust Fund for Victims	1,585.8
Major Programme VII-1 - Project Director's Office (permanent premises)	1,283.2
Major Programme VII-2 - Permanent Premises Project – Interest	110.8
Major Programme VII-5 - Independent Oversight Mechanism	373.3
Total	121,656.2

2. *Notes* that the host State will continue to contribute to the costs for the Court in relation to Major Programme V – Interim Premises and that these contributions amount to €2,950,350, as referred to in section C of this resolution;

3. *Further notes* that those States Parties that have opted for the one-time payment and have paid in full such payments for the permanent premises will not be assessed for the contributions corresponding to Major Programme VII-2 Permanent Premises Project – Interest on the host State loan amounting to €110,829;

4. *Further notes* that these contributions will bring down the level of the 2014 programme budget appropriations that need to be assessed for contributions by States Parties from €121,656,200 to €118,595,000 and that this amount will be assessed following the principles described in section D;

5. *Further approves* the following staffing tables for each of the above appropriation sections:

	<i>Judiciary</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Secretariat Assembly of States Parties</i>	<i>Secretariat Trust Fund for Victims</i>	<i>Project Director's Office</i>	<i>Independent Oversight Mechanism</i>	<i>Total</i>
USG		1						1
ASG		1	1					2
D-2								0
D-1		3	4	1	1	1		10
P-5	3	12	16	1	1	1	1	35
P-4	3	29	39	1		1	1	74
P-3	21	44	66	1	3			135
P-2	5	46	62	1		1	1	116
P-1		17	6					23
<i>Subtotal</i>	<i>32</i>	<i>153</i>	<i>194</i>	<i>5</i>	<i>5</i>	<i>4</i>	<i>3</i>	<i>396</i>
GS-PL	1	1	16	2				20
GS-OL	15	63	268	2	2	1	1	352
<i>Subtotal</i>	<i>16</i>	<i>64</i>	<i>284</i>	<i>4</i>	<i>2</i>	<i>1</i>	<i>1</i>	<i>372</i>
Total	48	217	478	9	7	5	4	768

B. Working Capital Fund for 2014

The Assembly of States Parties,

Resolves that the Working Capital Fund for 2014 shall be established in the amount of €7,405,983, and *authorizes* the Registrar to make advances from the Fund in accordance with the relevant provisions of the Financial Regulations and Rules of the Court.

C. Interim premises of the Court

The Assembly of States Parties,

Welcomes the continuous contribution of the host State to the rent of the interim premises of the Court in the amount of 50 per cent, up to a maximum of €3 million per year for the period of 2013, 2014 and 2015, according to the agreed terms and conditions, with the 2014 contribution amounting to €2,950,350.

D. Scale of assessment for the apportionment of expenses of the Court

The Assembly of States Parties,

1. *Decides* that for 2014 the contributions of States Parties shall be assessed in accordance with an agreed scale of assessment, based on the scale adopted by the United Nations for its regular budget applied for 2013-2015, and adjusted with the principles on which the scale is based,¹

2. *Notes* that, in addition, any maximum assessment rate for the largest contributors and for the least developed countries applicable for the United Nations regular budget, will apply to the Court's scale of assessments.

¹ Rome Statute of the International Criminal Court, article 117.

E. Financing of appropriations for 2014

The Assembly of States Parties,

1. *Notes* that the contributions to the interim premises by the host State and the payments corresponding to Major Programme VII-2 Permanent Premises Project – Interest will reduce the level of the budget appropriations to be assessed for contributions by States Parties to €118,595,000;

2. *Resolves* that, for 2014, assessed contributions for the budget amounting to €118,595,000 and the amount for the Working Capital Fund of €7,405,983, approved by the Assembly under section A, paragraph 1, and section B, respectively, of the present resolution, be financed in accordance with regulations 5.1, 5.2 and 6.6 of the Financial Regulations and Rules of the Court.

F. Contingency Fund

The Assembly of States Parties,

Recalling its resolutions ICC-ASP/3/Res.4 establishing the Contingency Fund in the amount of €10 million and ICC-ASP/7/Res.4 requesting the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund,

Taking note of the advice of the Committee in the reports on the work of its eleventh, thirteenth, nineteenth and twenty-first sessions,

Taking note that the Assembly replenished the Fund in the amount of €0.5 million in 2013 based on an estimation consistent with the €7 million threshold decided by the Assembly in resolution ICC-ASP/8/Res.7,

Taking note that after closure of the accounts of the Court and the publication of its Financial Statements for 2012, the Fund reached the amount of €7.5 million in 2013; €0.5 million above the €7 million threshold,

Taking note that the host State will generously make funds available for the rental, catering and service costs incurred by the Court's annual meetings of the Assembly in 2013 and 2015 as communicated by letter dated 7 October 2013, which could have decreased the level of assessed contributions for 2013,

Taking note that the level of the Fund will be consistent with the €7 million threshold, not requiring to be replenished in 2014,

Taking note that the level of the Contingency Fund may differ from the approved threshold after the closure of the accounts of the Court and the publication of its Financial Statements for 2013,

Requests the Bureau to keep the €7 million threshold under review in light of further experience on the functioning of the Contingency Fund.

G. Transfer of funds between major programmes under the 2013 approved programme budget

The Assembly of States Parties,

Recognizing that under Financial Regulation 4.8 no transfer between appropriation sections may be made without authorization by the Assembly,

Decides that, in line with established practice, the Court may transfer funds between major programmes at the conclusion of 2013 should costs for activities which were unforeseen or could not be accurately estimated be unable to be absorbed within one major programme, whilst a surplus exists in other major programmes, in order to ensure that appropriations for each major programme are exhausted prior to accessing the Contingency Fund.

H. A strategic approach to an improved budgetary process

The Assembly of States Parties,

1. Welcomes the recommendations of the Study Group on Governance² on the budget process designed to improve the transparency, predictability and efficient conduct of the entire budget process and each phase therein and, in this regard:

(a) *Recalls* resolution ICC-ASP/11/Res.1, in which the Assembly notes the value of a judicial calendar and requests to be periodically updated by the Court on the current state of budgetary evaluation of judicial activities,

(b) *Stresses* the importance of an enhanced engagement with the Committee, with a view to allowing States Parties to raise particular issues or concerns and welcomes the willingness of the Committee to engage more actively with the Assembly,

(c) *Welcomes* the enhanced dialogue between the Assembly and the Court and *encourages* the continuation of the transparent information practice aimed at fostering mutual trust and confidence between the stakeholders, preparing the ground for constructive and collaborative budget negotiations,

(d) *Endorses* the view of the Committee that the current Financial Regulations and Rules related to the Contingency Fund should be updated, reflecting the experience gained and the established safeguards to ensure its prudent use;³

2. Welcomes the lessons-learned exercise carried by the Office of the Prosecutor (OTP) and the new strategic plan of the OTP focused to ensure the quality and efficiency in investigations, prosecutions and cooperation; *notes* the likely impact of the strategic plan on the proposed budget requests until 2017, *invites* the OTP to keep its structure under review, in consultation with other organs, in order to maximize efficiencies and to adopt best practices, *welcomes* the Prosecutor's efficiency target of two per cent savings calculated on the funds allocated for investigative resources in 2014, and *requests* that the Prosecutor report to the Assembly on the progress in implementation of the Strategy through the Committee at its twenty-second and twenty-third sessions, with specific focus on measures aimed to increase quality and efficiency, especially in the areas of recruitment, absorption capacity and change management;

3. *Authorizes* the Registrar to reorganize and streamline the Registry's organizational structure within the envelope of the approved programme budget for 2014 and the maximum number of established posts and approved positions; *welcomes* the Registrar's commitment to engage in an inter-organ strategic dialogue with a view to eliminating duplication, increasing effectiveness and efficiency, as well as creating synergies, *requests* the Registrar as part of his reorganization plan to achieve at least three per cent savings in the approved programme budget for the Registry, to be found during the course of 2014, and *requests* that the Registrar report to the Assembly through the Committee at its twenty-second and twenty-third sessions on the progress of implementation, including on savings, efficiencies and synergies gained.

I. Human Resources

The Assembly of States Parties,

1. *Endorses* the recommendations of the Committee on Human resources,⁴ and on the organizational structure of the Court⁵ and *requests* the Court, in its human resources management report to the Committee, as appropriate, to provide information on streamlining and simplifying its staffing structure in all categories of staff, with a view to providing transparency and efficiency;

2. *Notes* the Committee's consideration of the revised report presented by the Court on the Junior Professional Programme (JPO), and *endorses* the Committee's recommendation

² ICC-ASP/12/37, section V.

³ *Official Records ... Twelfth session ... 2013* (ICC-ASP/12/20), vol. II, part B.1, para. 20.

⁴ *Official Records ... Twelfth session ... 2013* (ICC-ASP/12/20), vol. II, part B.1.

⁵ *Official Records ... Twelfth session ... 2013* (ICC-ASP/12/20), vol. II, part B.2.

that the JPO programme be introduced to the Court on a trial basis, taking full account of the concerns raised by the Committee, in particular the possible impacts on geographical representation, and subject to a comprehensive review in 2017;

3. *Notes* the Committee's views and recommendations for the mandatory age of separation applicable to current staff members as well as new staff members who join the Court on or after 1 January 2014, and *further notes* that amendment to the current Staff Regulation 9.5 is required for the implementation of the decision to raise the mandatory age of separation to the age of sixty-five for new staff members who join the Court on or after 1 January 2014;

4. *Endorses* the Committee's recommendation that the Court raise the mandatory age of separation to the age of sixty-five for new staff members who join the Court on or after 1 January 2014;

5. *Further endorses* the Committee's recommendation that, pending a decision by the Assembly at its thirteenth session on the mandatory age of separation for current staff members, to grant extensions up to the end of 2014 to any staff who reached the age of sixty-two in 2014, should they wish to continue their service with the Court and unless the staff member was subject to separation due to reasons other than age, in compliance with the Staff Regulations and Rules;

6. *Decides* to replace Staff Regulation 9.5 with the following text:

“Staff members shall not be retained in active service beyond the age specified in the Regulations of the United Nations Joint Staff Pension Fund as the normal age of retirement. However, staff members whose normal age of retirement is sixty may be retained in active service until the age of sixty-two. The Registrar or the Prosecutor, as appropriate, may, in the interest of the Court, extend these age limits in exceptional cases.”

J. International Public Sector Accounting Standards (IPSAS)

The Assembly of States Parties,

Recalling that at its seventh session, the Assembly decided that the Court would work towards implementation of IPSAS in the period of 2011 to 2016 and *welcoming* that the Court is in position to implement IPSAS as of 1 January 2014,

Further recalling that the total amount approved for this multi-year project was €1,917,550 and *welcoming* expectations that the project would be completed on time and within budget,

Endorses, as an exceptional and one-time measure and in view of the nature of this long-term project the recommendation of the Committee that a portion of the 2013 approved budget for IPSAS implementation amounting to €290,000 shall remain available to fund the IPSAS project in 2014 in order to reduce assessments for IPSAS in 2014, and recalls that, in case the amount of €290,000 is not fully consumed for that purpose, the surplus should be apportioned and surrendered among States Parties pursuant to rule 4.7 of the Financial Regulations and Rules.

K. Referrals by the Security Council

The Assembly of States Parties,

Noting the financial implications of the situations referred to the Court by Security Council resolutions 1593 and 1970,

Recalling that, pursuant to article 115 of the Rome Statute, expenses of the Court and the Assembly shall be provided, inter alia, by funds of the United Nations, subject to the approval of the General Assembly, in particular in relation to the expenses incurred due to referrals by the Security Council,

Mindful that, pursuant to article 13, paragraph 1, of the Relationship Agreement between the Court and the United Nations, the conditions under which any funds may be

provided to the Court by a decision of the General Assembly of the United Nations shall be subject to separate arrangements,

Invites the Court to continue including this matter in its institutional dialogue with the United Nations and to report thereon to the thirteenth session of the Assembly.

L. Independent Oversight Mechanism

The Assembly of States Parties,

Considering the provisional budget proposal for the Independent Oversight Mechanism (IOM) contained in annex VII of the 2014 proposed programme budget needed for a fully operational IOM with a comprehensive mandate,

Noting resolution ICC-ASP/12/Res.6 operationalizing the comprehensive mandate of the IOM and deciding that the IOM shall consist of four staff members: the head of the office at the P-5 level, an evaluation officer at the P-4 level, a staff member at the P-2 level and another staff member at the general service level,

Further noting that the full budget provision will not be required in 2014, initial year for the establishment of the fully operational IOM, considering the time required for the recruitment of the approved resources,

Decides to resource the IOM with the total amount of appropriations as referred to in section A of this resolution.

M. Advisory Committee on Nominations of Judges

The Assembly of States Parties,

Considering the proposed budget for the Advisory Committee on Nominations of Judges contained in annex VIII of the 2014 proposed programme budget, amounting to €22,834,

Noting the report of the Advisory Committee on Nominations of Judges ICC-ASP/12/47 containing a revised estimated budget proposal amounting up to €65,804,

Endorses the recommendation of the Committee to accept the proposed budget in the amount of €22,834, and *decides* that any additional costs are absorbed within the 2014 approved budget of Major Programme IV.