

Part III

Resolutions and decisions adopted by the Assembly of States Parties

A. Resolutions

Resolution ICC-ASP/13/Res.1

Adopted at the 12th plenary meeting, on 17 December 2014, by consensus

ICC-ASP/13/Res.1

Resolution on the Programme budget for 2015, the Working Capital Fund for 2015, scale of assessments for the apportionment of expenses of the International Criminal Court, financing appropriations for 2015 and the Contingency Fund

The Assembly of States Parties,

Having considered the 2015 proposed programme budget of the International Criminal Court (“the Court”) and the related conclusions and recommendations contained in the report of the Committee on Budget and Finance (“the Committee”) on the work of its twenty-second and twenty-third sessions,

A. Programme budget for 2015

1. *Approves* appropriations totalling €130,665,600 in the appropriation sections described in the following table:

<i>Appropriation section</i>	<i>Thousands of euros</i>
Major Programme I - Judiciary	12,034.1
Major Programme II - Office of the Prosecutor	39,612.6
Major Programme III - Registry	65,025.9
Major Programme IV - Secretariat of the Assembly of States Parties	3,012.8
Major Programme V - Interim Premises	6,000.0
Major Programme VI - Secretariat of the Trust Fund for Victims	1,815.7
Major Programme VII-1 - Project Director’s Office (permanent premises)	1,140.6
Major Programme VII-2 - Permanent Premises Project – Interest	1,068.7
Major Programme VII-5 - Independent Oversight Mechanism	339.9
Major Programme VII-6 - Office of Internal Audit	615.3
Total	130,665.6

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 €3,000,000, as referred to in section C of this resolution;

3. *Further notes* that those States Parties that have opted for the one-time payment in respect of the permanent premises, and have made such payments in full, will not be assessed for the contributions corresponding to Major Programme VII-2 Permanent Premises Project – Interest on the host State loan amounting to €1,068,700;

4. *Further notes* that these contributions will bring down the level of the 2015 programme budget appropriations that need to be assessed for contributions by States Parties from €130,665,600 to €126,596,900;

5. *Further notes* that the level of assessed contributions have been further adjusted by the funds arising from the reimbursed defence costs from Mr. Bemba amounting to €2,068,000, as referred to in section D; and *notes* that these funds will further reduce the level of the 2015 programme budget appropriations that need to be assessed for contributions by States Parties from €126,596,900 to €124,528,900 and that this amount will be assessed following the principles described in section E;

6. *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>Office of Internal Audit</i>	<i>Total</i>
USG	1							1
ASG	1	1						2
D-2								
D-1	3	3	1	1	1		1	10
P-5	3	12	17	1	1		1	35
P-4	3	29	39	1		1	1	75
P-3	21	44	64	1	3		1	134
P-2	5	47	61	1	1	1		116
P-1		17	6					23
<i>Subtotal</i>	<i>32</i>	<i>154</i>	<i>191</i>	<i>5</i>	<i>5</i>	<i>3</i>	<i>3</i>	<i>396</i>
GS-PL	1	1	16	2				20
GS-OL	15	63	289	2	2	1	1	374
<i>Subtotal</i>	<i>16</i>	<i>64</i>	<i>305</i>	<i>4</i>	<i>2</i>	<i>1</i>	<i>1</i>	<i>394</i>
Total	48	218	496	9	7	4	4	790

B. Working Capital Fund for 2015

The Assembly of States Parties,

Resolves that the Working Capital Fund for 2015 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 €3,000,000 per year for the period of 2013, 2014 and 2015, according to the agreed terms and conditions, with the 2015 contribution amounting to €3,000,000.

D. Reimbursed defence cost of Mr. Jean Pierre Bemba Gombo

The Assembly of States Parties,

1. *Decides* that the funds from Mr. Bemba for the reimbursement of defence costs amounting to €2,068,000 be treated as miscellaneous income to be returned to States Parties;

2. *Approves* that the assessments of States Parties be adjusted for 2015 based on the funds arising from this miscellaneous income, instead of following the procedure established by the Financial Regulations and Rules.

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

The Assembly of States Parties,

1. *Decides* that for 2015, 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 in accordance 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 assessment.

F. Financing of appropriations for 2015

The Assembly of States Parties,

1. *Notes* that the contributions to the interim premises by the host State, the payments corresponding to Major Programme VII-2 Permanent Premises Project – Interest, and the seized funds from Mr. Bemba will reduce the level of the budget appropriations to be assessed for contributions by States Parties to €124,528,900;
2. *Resolves* that for 2015, assessed contributions for the budget amounting to €124,528,900 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, will be financed in accordance with regulations 5.1, 5.2 and 6.6 of the Financial Regulations and Rules of the Court.

G. Contingency Fund

The Assembly of States Parties,

Recalling its resolutions ICC-ASP/3/Res.4 establishing the Contingency Fund in the amount of €10,000,000 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,

1. *Notes* that the current level of the Fund is €7.5 million;
2. *Decides* to maintain the Contingency Fund at a level consistent with the €7 million threshold for 2015;
3. *Decides* that, should the Fund fall below €7 million by year-end, the Assembly shall decide on its replenishment up to an amount considered appropriate, but to no less than €7 million;
4. *Decides* to exceptionally allow the Court to resort to the Contingency Fund for the additional resources required in relation to judicial developments that occurred after the twenty-third session of the Committee on Budget and Finance until the date of the approval of the 2015 budget; bearing in mind that all efforts should be taken by the Court to absorb any such additional costs within its approved budget for 2015;
5. *Requests* the Bureau to keep the €7 million threshold under review in light of further experience on the functioning of the Contingency Fund.

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

H. Transfer of funds between major programmes under the 2014 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 2014 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.

I. A strategic approach to an improved budgetary process

The Assembly of States Parties,

1. *Emphasizes* the central role that the report of the Committee on Budget and Finance has on budget discussions in preparation for the Assembly sessions, *requests* the Committee on Budget and Finance to ensure that its meeting is held as early as possible before the Assembly session and *stresses* the importance of continuing the inclusive and constructive interaction between the Court and the Committee;

2. *Acknowledges* the continued efforts of the Registry to reorganize and streamline the Registry's organizational structure and *authorizes* the Registrar to continue with this process within the envelope of the approved programme budget for 2015 and the maximum number of established posts and approved positions;

3. *Requests* the Office of the Prosecutor to consider carefully the financial implications of its Strategic Plan for 2016-2018, taking into account the cost implications not only for the Office of the Prosecutor but also the other organs, and the relevant sections of the report of the Committee on Budget and Finance on the work of its twenty-third session, and to *report* on the progress of this consideration to the twenty-fourth and twenty-fifth sessions of the Committee on Budget and Finance as well as to the Assembly;

4. *Welcomes* the Court's enhanced commitment to continue to engage in an inter-organ strategic dialogue with a view to increasing effectiveness and efficiency and *notes with appreciation* the commitment of all the major programmes of the Court to engage with each other to identify areas where resources are committed against the same or similar activities, and to further identify areas of joint optimization, and to *report* annually on the results including savings found to the Committee on Budget and Finance, starting at its twenty-fifth session;

5. *Taking note* of the recommendation in paragraph 44 of the report of the Committee on Budget and Finance on the work of its twenty-third session, *invites* the Bureau in consultation with the Court to consider the recommendation, in the context of the review of the budgetary process, taking into account the draft OTP Strategic Plan 2016-2018.

J. Human Resources

The Assembly of States Parties,

Endorses the Committee's recommendations on the mandatory age of separation for current staff members that, pending a decision by the Assembly at its fourteenth session, the Court continues to grant extensions up to the end of 2015 to any staff who reached the age of 62 in 2014 and would reach the age of 62 in 2015, should they wish to continue 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.

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 fourteenth session of the Assembly.