

## Resolution ICC-ASP/9/Res.4

*Adopted at the 5<sup>th</sup> plenary meeting, on 10 December 2010, by consensus*

### ICC-ASP/9/Res.4

#### **Programme budget for 2011, the Working Capital Fund for 2011, scale of assessments for the apportionment of expenses of the International Criminal Court, financing appropriations for 2011 and the Contingency Fund**

*The Assembly of States Parties,*

*Having considered* the proposed programme budget for 2011 of the International Criminal Court and the related conclusions and recommendations contained in the report of the Committee on Budget and Finance on the work of its fifteenth session,

### **I. Programme budget for 2011**

1. *Approves* appropriations totalling €103,607,900 for the following appropriation sections:

<i>Appropriation section</i>	<i>Thousands of euros</i>
Major Programme I - Judiciary	10,669.8
Major Programme II - Office of the Prosecutor	26,598.0
Major Programme III - Registry	61,611.4
Major Programme IV - Secretariat of the Assembly of States Parties	2,728.2
Major Programme VI - Secretariat of the Trust Fund for Victims	1,205.2
Major Programme VII-1 - Project Director's Office (permanent premises)	492.2
Major Programme VII-2 - Permanent Premises Project – Interest	0.0
Major Programme VII-5 - Independent Oversight Mechanism	303.1
<b>Total</b>	<b>103,607.9</b>

2. *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 (permanent premises)</i>	<i>Independent Oversight Mechanism</i>	<i>Total</i>
USG		1						1
ASG		2	1					3
D-2								0
D-1		2	4	1	1	1		9
P-5	3	12	17		1			33
P-4	3	29	39	2		1	1	75
P-3	21	44	66	1	3			135
P-2	5	47	61	1			1	115
P-1		17	7					24
<i>Subtotal</i>	<i>32</i>	<i>154</i>	<i>195</i>	<i>5</i>	<i>5</i>	<i>2</i>	<i>2</i>	<i>395</i>
GS-PL	1	1	16	2				20
GS-OL	15	63	268	2	2	1		351
<i>Subtotal</i>	<i>16</i>	<i>64</i>	<i>284</i>	<i>4</i>	<i>2</i>	<i>1</i>		<i>371</i>
<b>Total</b>	<b>48</b>	<b>218</b>	<b>479</b>	<b>9</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>766</b>

## II. Working Capital Fund for 2011

*The Assembly of States Parties,*

*Resolves* that the Working Capital Fund for 2011 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.

## III. Scale of assessment for the apportionment of expenses of the International Criminal Court

*The Assembly of States Parties,*

1. *Decides* that, for 2011, 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 2011 and adjusted in accordance with the principles on which that scale is based;<sup>1</sup>

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

<sup>1</sup> Rome Statute of the International Criminal Court, article 117.

## IV. Financing appropriations for 2011

*The Assembly of States Parties,*

*Resolves* that, for 2011, budget appropriations amounting to €103,607,900 and the amount for the Working Capital Fund of €7,405,983, approved by the Assembly under part I, paragraph 1, and part II, 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.

## V. 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 that requested the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund,

*Taking note* of the advice of the Committee on Budget and Finance in the reports on the work of its eleventh and thirteenth sessions,

1. *Decides* to maintain the Contingency Fund at its current level for 2011;
2. *Decides* that, should the Fund reach a level below €7 million by the end of the year, the Assembly should decide on its replenishment up to an amount it deems appropriate, but no less than €7 million;
3. *Requests* the Bureau to keep the €7 million threshold under review in light of further experience on the functioning of the Contingency Fund.

## VI. Amendment to the Financial Regulations and Rules

*The Assembly of States Parties,*

*Having* regard to the Financial Regulations and Rules<sup>2</sup> adopted at its first session on 9 September 2002,

*Endorsing* the views of the Committee on Budget and Finance at its fifteenth session in respect of the scrutiny and approval process for access to the Contingency Fund, as well as the desirable level of detail and justification required for such access,<sup>3</sup>

*Decides* to amend regulation 6.7 of the Financial Regulations and Rules by substituting the word “detailed” in the second sentence for the word “short”.

## VII. Transfer of funds between major programmes under the 2010 programme budget

*The Assembly of States Parties,*

*Noting* that in 2010 the Court will see the first actual recourse to the Contingency Fund,

*Having* considered the recommendation contained in paragraph 43 of the report of the Committee on Budget and Finance on the work of its fifteenth session,<sup>4</sup>

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

*Decides* that, in line with established practice, the Court may transfer funds between major programmes at the conclusion of 2010 should costs for activities which were unforeseen or could not be accurately estimated be unable to be absorbed within one major

<sup>2</sup> *Official Records ... First session ... 2002* (ICC-ASP/1/3 and Corr.1), part II.D, as amended by resolution ICC-ASP/3/Res.4, annex (*Official Records ... Third session ... 2004* (ICC-ASP/3/25), part III).

<sup>3</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.2, para. 40.

<sup>4</sup> *Ibid.*, para. 43.

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.

## VIII. External Auditor

*The Assembly of States Parties,*

*Noting* that the term of appointment of the External Auditor is due to expire in 2010 and that a decision is required by the Assembly pursuant to regulation 12.1 of the Financial Regulations and Rules to either renew the term of the current Auditor or to select a new Auditor for the period 2011-2015,

1. *Accepts* the recommendation<sup>5</sup> of the Committee on Budget and Finance at its fifteenth session that the Assembly adopt a policy of limiting the term of the External Auditor to four years with a possibility of one renewal;
2. *Accepts* the recommendation of the Audit Committee that a detailed selection procedure for procurement of an External Auditor be undertaken in time for the tenth Assembly of States Parties;
3. *Decides* to extend the term of the current External Audit by one year while the procurement is undertaken;
4. *Decides* to amend rule 12.1 of the Financial Regulations and Rules to replace the words “and its appointment may be renewed” with the words “and its appointment may be renewed for one additional period of four years, once only”.

## IX. African Union Liaison Office

*The Assembly of States Parties,*

1. *Requests* the organs of the Court to make available in 2011 appropriate human resources and travel funds not less than that expended in 2010 (€38,300) to maintain diplomatic engagement with the African Union pending revision of the decision by the African Union to reject, for now, the request by the Court to open a Liaison Office in Addis Ababa, Ethiopia;
2. *Decides* that, should the African Union agree to the Court’s request, the Court may notify the Committee on Budget and Finance of the requirement for access to the Contingency Fund up to the amount in the Court’s proposed budget (€429,900) to proceed with establishing the Liaison Office in Addis Ababa.

## X. Family visits for indigent detainees

*The Assembly of States Parties,*

*Recalling* resolution ICC-ASP/8/Res.4 on the funding of family visits for indigent detainees,<sup>6</sup>

1. *Decides* to establish a special fund within the Registry for the purpose of funding family visits for indigent detainees entirely through voluntary donations and charges the Court with promoting the special fund and collecting contributions from States Parties, other States, non-governmental organizations, civil society, individuals and other entities;
2. *Welcomes* the generous and immediate voluntary contribution to be made by one State Party to the special fund and calls on all other potential contributors to positively consider making a contribution to the special fund;
3. *Agrees* that the special fund shall be administered on a budget neutral basis.

<sup>5</sup> *Ibid.*, para. 21.

<sup>6</sup> *Official Records ... Eighth session... 2009* (ICC-ASP/8/20), vol. I, part II.