

Resolution ICC-ASP/10/Res.4

Adopted at the 9th plenary meeting, on 21 December 2011, by consensus

ICC-ASP/10/Res.4

Programme budget for 2012, the Working Capital Fund for 2012, scale of assessments for the apportionment of expenses of the International Criminal Court, financing appropriations for 2012 and the Contingency Fund

The Assembly of States Parties,

Having considered the 2012 proposed programme budget and the 2012 proposed supplementary budget of the International Criminal Court ('the Court') and the related conclusions and recommendations on the 2012 proposed programme budget for the Court contained in the report of the Committee on Budget and Finance on the work of its sixteenth and seventeenth sessions and the statement made by the Chair of the Committee on Budget and Finance ("the Committee") at the plenary meeting on 15 December 2011.

A. Programme budget for 2012

The Assembly of States Parties,

1. *Approves* appropriations totalling €111,000,000 with €108,800,000 for the budget and €2,200,000 to replenish the Contingency Fund. The €108,800,000 is for the following appropriation sections:

<i>Appropriation section</i>	<i>Thousands of euros</i>
Major Programme I - Judiciary	10,284.0
Major Programme II - Office of the Prosecutor	27,723.7
Major Programme III - Registry	65,041.7
Major Programme IV - Secretariat of the Assembly of States Parties	2,777.3
Major Programme VI - Secretariat of the Trust Fund for Victims	1,450.6
Major Programme VII-1 - Project Director's Office (permanent premises)	1,337.2
Major Programme VII-5 - Independent Oversight Mechanism	185.5
Total	€108,800.0

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

	<i>Office of the 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		2	1					3
D-2								0
D-1		2	4	1	1	1		9
P-5	3	12	17	1	1			34
P-4	3	29	39	1		1	1	74
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>

	<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>
GS-PL	1	1	17	2				21
GS-OL	15	63	267	2	2	1		350
<i>Subtotal</i>	<i>16</i>	<i>64</i>	<i>284</i>	<i>4</i>	<i>2</i>	<i>1</i>		<i>371</i>
Total	48	218	479	9	7	3	2	766

B. Working Capital Fund for 2012

The Assembly of States Parties,

Resolves that the Working Capital Fund for 2012 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. Scale of assessment for the apportionment of expenses of the Court

The Assembly of States Parties,

1. *Decides* that, for 2012, 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 2012 and adjusted in accordance with the principles on which that scale is based,¹

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

D. Financing appropriations for 2012

The Assembly of States Parties,

Resolves that, for 2012, budget appropriations amounting to €108,800,000 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.

E. 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 and thirteenth sessions,

Taking note that the Fund should be replenished up to an amount the Assembly deems appropriate, but no less than €7 million,

Taking note that the Fund will reach a level below €7 million by the end of 2011,

1. *Decides* to maintain the Contingency Fund at the level of €7 million for 2012;
2. *Decides* to replenish the Fund in the amount of €2.2 million in 2012;²
3. *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.

² The suggested exact amount of replenishment will be communicated by the Court after the closure of the accounts of the financial period.

F. Transfer of funds between major programmes under the 2011 approved programme budget

The Assembly of States Parties,

Noting that in 2011 the Court will make recourse to the Contingency Fund,

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 2011 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.

G. 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 include this matter in its institutional dialogue with the United Nations and to report thereon to the eleventh session of the Assembly.

H. A strategic approach to an improved budgetary process

The Assembly of States Parties,

Stressing that the Court's budgetary process and its interface with the Committee would benefit from more strategic and consolidated approach so as to identify further efficiencies,

1. *Requests* the Study Group on Governance, in consultation with The Hague Working Group, to engage with the Court and the Committee, with a view to enhancing the transparency and predictability of the budgetary process and to present its preliminary recommendations to the Bureau before August 2012,

2. *Requests* in this regard the Court to prepare, if it proposes any increase of the budget for 2013, a paper which details the Court's options where reductions would be made in order to bring the level of the approved budget for 2013 in line with the level of the approved budget for 2012, as well as how those reductions would impact on the Court's activities.

I. Review of Personnel Conditions

The Assembly of States Parties,

Recalling the recommendations of the fourth,³ twelfth⁴ and fourteenth⁵ sessions of the Committee concerning the appraisal system of staff within the Court,

³ *Official Records ... Fourth session ... 2005* (ICC-ASP/4/32) part II.6(a), section E, para. 46.

Recalling the discussions between States Parties and the International Civil Service Commission at the tenth session of the Assembly,

Calls upon the Court to review the appraisal system, including through a consideration of different options by which satisfactory performance is assessed, and the discretionary elements of terms and conditions of service within the United Nations common system, and to report back to the Committee at its eighteenth session.

J. Legal aid

The Assembly of States Parties,

Noting the fundamental importance of the legal aid system to ensure the fairness of proceedings, including in particular the rights of the defendants and victims,

Taking into account the analysis and proposals of the Committee at its seventeenth session for the mitigation of the increasing costs of legal aid,

Noting the Registrar's discussion paper on legal aid⁶ and the options contained therein,

1. *Requests* the Registrar to finalize the ongoing consultations, as appropriate, with the stakeholders on the discussion paper, in accordance with rule 20.3 of the Rules of Procedure and Evidence, and to present a proposal for a review of the legal aid system to the Bureau before 15 February 2012;
2. *Mandates* the Bureau to decide on the implementation of the revised legal aid system and requests it to do so before 1 March 2012 with a view to allowing for its application as of 1 April 2012 to cases currently before the Court and future cases;
3. *Requests* the Court and the Bureau to continue reviewing the legal aid system, including its application pursuant to paragraph 2 above and to report their findings to the Assembly at its eleventh session;
4. *Invites* further the Court to continue to monitor and assess the performance of the legal aid system in consultation with States Parties and, as appropriate, other relevant stakeholders and, as appropriate, to propose measures to further enhance the efficiency of the system.

K. Interim premises of the Court

The Assembly of States Parties,

1. *Takes note* of the Court's report to the Assembly as transmitted by the Bureau to the Assembly⁷ and *adopts* the recommendations therein,
2. *Authorizes* the Court, through the Registrar, to conclude a rental agreement for its current interim premises on the basis of the terms outlined in the report.

⁴ *Official Records ... Eighth session ... 2009* (ICC-ASP/8/20), part B.2, section G: para. 57.

⁵ *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), part B.2, section G: para. 63.

⁶ ASP10/01P13 and Add.1.

⁷ ICC-ASP/10/41.