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Report of the Bureau on the arrears of States Parties**I. Introduction**

1. The present report is being submitted pursuant to the mandate given to the facilitator, Mr. Rikiya Takahashi (Japan), on the issue of arrears, upon his appointment by the Bureau of the Assembly of States Parties (“the Assembly”) on 5 December 2012. The report follows the submission of reports to the fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh sessions of the Assembly by the previous facilitators on the same issue and aims to build on their findings and recommendations.¹ It should thus be read in conjunction with the said reports, whose recommendations have been endorsed by the Assembly. The facilitator held informal consultations with the New York Working Group on 24 October 2013.

2. The facilitation on the issue of arrears has a number of objectives:

(a) To find ways to ensure that no assessed contributions to the Court remain outstanding, by promoting a culture of financial discipline;

(b) To seek ways of cooperating with States Parties that have not met their financial obligations in order to reverse any outstanding balances;

(c) To examine what could be done in the cases in which these outstanding contributions amount to arrears under article 112 of the Rome Statute and/or when obligations have not been met due to circumstances beyond the control of the States Parties in question;

(d) To keep under review the mechanism allowing States Parties to seek exemptions from article 112,² and

(e) To enhance communication among the Assembly, the Court and States Parties in arrears, so as to address the issue of outstanding assessed contributions more effectively.

3. In addition to endorsing the recommendations of the Bureau on the arrears of States Parties,³ the Assembly, at its sixth session, “urge[d] all States Parties to the Rome Statute to transfer their assessed contributions in full and by the deadline for contributions”⁴ and

¹ICC-ASP/4/14, ICC-ASP/5/27, ICC-ASP/6/19, ICC-ASP/7/26, ICC-ASP/8/41, ICC-ASP/9/27, ICC-ASP/10/34 and ICC-ASP/11/23.

² Article 112, paragraph 8, of the Rome Statute provides as follows: “A State Party which is in arrears in the payment of its financial contributions towards the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party.”

³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth Session, New York, 30 November - 14 December 2007* (ICC-ASP/6/20), vol. I, part III, ICC-ASP/6/Res.2, para. 48, and annex III.

⁴ *Ibid.*, para. 46.

“decide[d] that the Bureau should review on a regular basis the status of payments received throughout the financial year of the Court and consider additional measures to promote prompt payment of contributions by States Parties, as appropriate.”⁵

II. Status of contributions and States in arrears as of 17 October 2013

4. As of 17 October 2013, nine States Parties were in arrears that exceed the amount of the contributions due from them for the preceding two full years. The total amount of outstanding contributions to the Court by States Parties in arrears stood at €176,127, a decrease of 0.73 per cent from last year, while the total outstanding contributions as of 17 October 2013 by all States Parties since 2002, amounted to €8,498,579. The nine States Parties will be required to make a minimum payment before the twelfth session of the Assembly (to be held from 20 to 28 November 2013), so as to avoid the application of article 112 of the Rome Statute.

5. The total outstanding contributions by all States Parties to the approved programme budget for 2013 amounted to €8,001,447, which was equivalent to 7.14 per cent of the total budget of €112,039,600.

III. Informal consultations

6. The summary of the informal consultations held on 24 October 2013 is as follows:

(a) It was noted that the total outstanding contributions by all States Parties since 2002 had marked a decrease of approximately 30 per cent compared to last year, while the total amount of outstanding contributions to the Court by States Parties in arrears remains at almost the same level as reported in the previous year. Bearing in mind that the status of arrears should be kept under close observation, the substantial decrease in the total outstanding contributions by all States Parties was viewed as a positive sign for the Court experiencing constant budgetary pressures.

(b) Given the fact that updates of the status of arrears have been conducted and reported annually in the reports of the Committee on Budget and Finance, it was proposed to biennialize the facilitation on the issue of arrears with the aim of bringing additional value to the reports of the Committee. It was affirmed that the objectives of the facilitation are not confined to updating the status of arrears, but include making an effort to find ways to ensure that no assessed contributions to the Court remain outstanding.

(c) It was also suggested and generally agreed to consider the desirability or usefulness of making an assessment of the changes in the status of arrears and total outstanding contributions by States Parties in future facilitations, so that such analysis could be the basis for finding concrete ways to address the issue of arrears.

IV. Recommendations

7. The Bureau recommended that the Assembly biennialize the facilitation in the New York Working Group on arrears and thus that the topic be considered again in two years with a report to be submitted to the fourteenth session of the Assembly.

8. The Bureau recommended that the facilitation on the issue of arrears consider the desirability or usefulness of analyzing the changes in the status of arrears and total outstanding contributions by States Parties in future facilitations.

⁵ *Ibid.*, para. 48.