

**ASSEMBLY OF STATES PARTIES
COMMITTEE ON BUDGET AND FINANCE**

**Statement by the Chairperson of the Committee on Budget and Finance
to the Assembly at its seventeenth session
The Hague, 5-12 December 2018**

Monday, 10 December 2018

Your Excellencies,

Ladies and gentlemen,

It is an honour to present the main outcomes of the thirtieth and thirty-first session of the Committee on Budget and Finance.

At the outset, I would like to take this opportunity to thank my fellow colleagues from the Committee for their devotion and hard work in the course of the last two sessions, as well as to the Executive Secretary and his team for their outstanding support.

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Mr President,

During its thirty-first session, the Committee focused on the consideration of the 2019 proposed programme budget of the Court. I will now briefly outline the budget performance for 2018 and the main outcomes of our discussions on the recommended resources for 2019.

As regards the **budget performance**, the Committee noted the updated¹ forecast implementation rate for the Court for the end of 2018, including the interest and capital repayments on the premises, is expected to be 97.4 per cent, or €143.6 million, against the 2018 approved budget.

The Committee had received four Contingency Fund notifications so far in 2018. These notifications were related to the extension of the terms of two judges,

¹ Updated forecast of the Court on its budget implementation for 2018 (CBF31/16P01), dated 19 November 2018.

the situation in the Republic of Burundi, the situation in the Republic of Mali and the situation in the Central African Republic. On 6 November 2018, the Registrar submitted a revised CF notification for Burundi informing that the Court had reduced its original estimate, resulting in a revised notification for Burundi of €1.12 million. Thus, the total revised amount notified in relation to the four Contingency Fund notifications amounts to €3.21 million.² The Committee noted that the Court's forecast implementation could create room to absorb these unforeseen expenditures within the regular budget.

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Mr President,

Let me now turn to the **consideration of the 2019 proposed programme budget**

The Committee scrutinized the Court's 2019 proposed programme budget and an Addendum to the budget submitted on 7 September 2018 in accordance with the Financial Regulations and Rules.³ The revised proposed budget, when taking into account the Addendum, amounts to €47.3 million (excluding the instalments for the host State loan of €3.6 million). This represents an increase of €3.44 million (2.3 per cent) compared to the 2018 approved budget.

The Committee noted that the proposed increase in the budget for 2019 was the lowest in recent years and welcomed the Court's efforts to identify savings and efficiencies, non-recurrent costs and other cost reductions, thereby absorbing potential increases. The Committee believed that such a budget level provides a sufficiently flexible base, if complemented by prudent and sound financial management as well as strict prioritisation of activities.

In line with the One-Court principle, the Committee compared the budget requested for each major programme against the workload presented, as well as the Court-wide impact across the organs. Noting that the Court would

² €116,792 for the extension of the mandate of two judges in order to render decisions in two appeals in the *Bemba* case in the situation in the Central African Republic; revised amount of € 1.12 for the situation in the Republic of Burundi; €1.75 million for *Al Hassan* in the situation in the Republic of Mali and €220,300 for the transfer of Mr. Alfred Yekatom in the situation in the Central African Republic.

³ Regulations 3.5bis of the Financial Regulations and Rules.

continue to face unforeseen developments, the Committee recommended that the Court adopt flexible policies and manage its human resources in a manner that would allow for the redeployment of resources based on workload requirements.

After carefully scrutinizing the 2019 proposed programme budget and the justifications provided, the Committee recommended that total reductions in the amount of €2.59 million could be achieved. The adjusted 2019 proposed programme budget would thus amount to €144.7 million (without instalments for the host State loan). This represents an increase of €854.4 thousand (or 0.6 per cent) compared to the 2018 approved budget.

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Mr President,

I will now briefly touch upon the Committee's key recommendations for the main major programmes as contained in the Report of the Committee on the work at its thirty-first session (ICC-ASP/17/15).

In relation to **Major Programme I (Judiciary)** the Committee noted that various non-recurrent costs (for example, in relation to the appointment of the newly elected judges to the Court, which were only needed in 2018) would result in reduced resource requirements for 2019. Furthermore, the Committee took note of the transfer of the New York Liaison Office from Major Programme I to Major Programme III. After scrutinizing all staff and non-staff costs, the Committee recommended total reductions in the amount of €270 thousand for Major Programme I.

The resource requirements for **Major Programme II (Office of the Prosecutor)** were based on the following assumptions: nine preliminary examinations, eleven situations, eight active investigations,⁴ three trial teams, and five final appeals.

The Committee noted that the requested increase of €2.1 million for the Programme, of which staff costs amounted to €1.2 million, was primarily

⁴ Burundi, Central African Republic II(a), Central African Republic II(b), Côte d'Ivoire, Georgia, Darfur, Libya III and Libya IV.

related to the Burundi situation. Taking into account the OTP's capacity to flexibly reallocate available resources according to workload requirements, emphasizing the need to exhaust all possible efforts before requesting additional resources, and having carefully reviewed all staff and non-staff costs, the Committee recommended reductions of €1.3 million in Major Programme II.

The 2019 proposed budget for **Major Programme III (Registry)**, when taking into account the Addendum, amounted to €76.87 million, representing a decrease of €273 thousand (or - 0.4 per cent) against the 2018 approved budget.

The Committee welcomed the approach taken by the Registry with regard to its proposed budget, resulting in a zero-nominal-growth request, which was achieved by offsetting increases through the reallocation of resources, savings and efficiencies, as well as through non-recurrent costs and cost reductions.

The Committee recommended total reductions in the amount of €17 thousand in Major Programme III.

The Committee noted that **Major Programme VI (Secretariat of the Trust Fund for Victims)** requested a budget of €4.02 million, representing an increase of €1.5 million (58.5 per cent) against the 2018 approved budget. The requested increase resulted mainly from staff costs with the aim to expand the TFV's organizational capacity, in particular in relation to its reparations mandate.

The Committee noted with concern the constant under-implementation of Major Programme VI, as well as the continuing lack of workload indicators. Bearing this in mind, the Committee was of the view that all efforts should be made to make best use of available resources within the STFV and recommended that some of the requested established posts be approved on a GTA basis. The Committee recommended total reductions in the amount of €747 thousand in Major Programme VI.

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Mr President,

I will now proceed with the **status of contributions**.

The Committee noted with concern the large amount of outstanding contributions amounting to €9.2 million (13.4 per cent) for the 2018 approved budget as at 31 August 2018. Total outstanding contributions, including those from previous years, for the regular budget, the Contingency Fund and the instalments for the host State loan, stood at €36.9 million.

The Committee noted that 19 States Parties had paid their outstanding contributions amounting to a total of €15.4 million in the period from 1 September 2018 until 7 December 2018, which significantly improved the cash flow situation of the Court. The Committee urged all remaining States Parties to settle their payments as soon as possible in order to ensure an adequate cash-flow for the Court. The Committee took note of the Court's efforts to actively manage its budget with a view to finding savings and efficiencies.

While continuing to closely monitoring the use and level of the Working Capital Fund and the Contingency Fund, the Committee decided that it would come back on precautionary reserves and the liquidity issue at its thirty-second session in April 2019.

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Mr President,

Please allow me to conclude my statement by briefly elaborating on the **amendments proposed by the Committee with regard to its own Rules of Procedure**.

As an advisory body to the Assembly, the Committee is continuously striving to improve its internal processes and procedures to ensure compliance with the evolution of internal best practices and standards with a view to providing timely and reliable advice to the Assembly, while tackling a continuously growing workload.

The Committee worked for the last two years to update its Rules of Procedure, which were adopted by the Assembly in 2002. The Committee reached

consensus at its thirtieth session in April 2018 on amendments reflecting improvements in its internal practices and relevant decisions taken by the Assembly. Fully aware that the final decision-making pertains to the Assembly, an amendment proposal was submitted for consideration and approval by the Assembly.

I would like to stress that a review of the Rules of Procedure is a good internal governance practice. Let me also emphasize that the proposed amendments neither have budgetary implications nor are they aimed at creating a new governance structure. The Committee is looking forward to exchanging further with States Parties on the proposed amendments and stands ready to provide all required background information and with a view to enabling the Assembly to take a decision, as appropriate. The Committee will further continue to closely coordinate with other oversight bodies with a view to providing expert advice to the Assembly.

Mr President,

This concludes my remarks. Thank you for your attention.
