

**Seventeenth session**

The Hague, 5-12 December 2018

**Report of the Working Group on the 2019 proposed
programme budget of the International Criminal Court****External audit, programme budget for 2019 and related
documents****A. Introduction**

1. The Assembly of States Parties (the Assembly) had before it the 2019 proposed programme budget submitted by the Registrar of the International Criminal Court (the Court), in an advance version, on 25 July 2018,¹ the reports of the thirtieth² and thirty-first³ sessions of the Committee on Budget and Finance (the Committee), the financial statements for the period 1 January to 31 December 2017,⁴ and the financial statements of the Trust Fund for Victims for the period 1 January to 31 December 2017.⁵ The Assembly also had before it annex IV of the report of the Committee on the work of its thirty-first session, in which the Court outlined the budgetary implications of the Committee's recommendations on the budgets of the major programmes.

2. At its eighth plenary meeting, the Assembly heard statements by the Registrar of the Court, Mr. Peter Lewis, the Chair of the Committee, Mr. Hitoshi Kozaki, and the representative of the External Auditor (*la Cour des comptes* (France)), Mr. Guy Piolé. The Assembly was further assisted by a member of the Committee, Ms. Elena Sopková.

3. The Working Group on the Programme Budget met on 10 and 11 December 2018. Informal consultations were also convened during the Assembly session. Diverging views were expressed regarding participation in the informal consultations. Some States noted that it was important for representatives of the Court to participate in the negotiations on the budget of the Court. On the other hand, some States noted that the budget negotiations should be a State-driven process. The Court attended most of the informal consultations prior to the Assembly session.

4. During the meeting on 11 December the draft resolution was considered and finalized.

B. External audit

5. The Assembly noted with appreciation the reports of the External Auditor and the related comments of the Committee, contained in the report on the work of its thirty-first session.

¹ *Official Records ... Seventeenth session ... 2018*, (ICC-ASP/17/20), vol. II, part A.

² *Ibid.*, part B.1.

³ *Ibid.*, part B.2.

⁴ *Ibid.*, part C.1.

⁵ *Ibid.*, part C.2.

C. Amount of appropriation

6. The Court's 2019 proposed programme budget amounted to €150,876,500, including €3,585,100 for Major Programme VII-2 (Host State Loan).
7. The Committee considered the Court's 2019 proposed programme budget at its thirty-first session and concluded that there were a number of areas where savings could be made. Accordingly, the Committee recommended that the budget allocation be reduced to a total of €148,285,800, including €3,585,100 for Major Programme VII-2 (Host State Loan).
8. The Assembly commended the Court's efforts to find savings and efficiencies, particularly in Major Programme III. Some States expressed serious concerns at the level of increase for Major Programme II and Major Programme VI. Others underlined that no additional savings should be made in Major Programme II, whereas there was a broad understanding regarding Major Programme VI.
9. The Assembly endorsed the recommendations contained in the report of the Committee, with an additional adjustment to Major Programme VI, as reflected in resolution ICC-ASP/17/Res.4.
10. Further to discussions held by the Bureau of the Assembly on the process for the election of the Prosecutor, the Assembly noted that any costs associated with that process in 2019 would be absorbed by Major Programme IV within its approved budget.
11. The Assembly therefore approved a budget appropriation for 2019 of €148,135,100.
12. The Assembly noted that without Major Programme VII-2 (Host State Loan) the total level of assessed contributions for the 2019 programme budget amounted to €144,550,000.

D. Working Capital Fund and Contingency Fund

13. The Assembly decided to maintain the notional level of the Contingency Fund at €7 million.
14. The Assembly authorized the Court to transfer funds between major programmes at year end if the costs of unforeseen activities could not be absorbed within one major programme while a surplus existed in other major programmes, to ensure that all appropriations for 2018 were exhausted before accessing the Contingency Fund.
15. The Assembly took note of the recommendations of the Committee on Budget and Finance and decided that the Working Capital Fund for 2019 shall be established in the amount of €1.6 million. The Assembly also decided that the Court may only use the surplus funds and funds received from the payment of outstanding contributions to reach the established level of the Working Capital Fund.
16. The Assembly welcomed the intention of the Committee on Budget and Finance to review the level of precautionary reserves and encouraged the Committee to take a comprehensive approach. Some delegations expressed the view that the Committee should, among other things: assess the level of the Working Capital Fund, including a possible increase of reserves from 4 to 6 weeks of operation; assess the actual and notional level of the Contingency Fund; assess the feasibility of using any cash surpluses above the amounts needed for the Working Capital Fund to replenish the Contingency Fund; and make recommendations to that effect.

E. Financing of appropriations for 2019

17. The Assembly resolved that, for 2019, the total assessed contributions amounted to €144,550,000.
-