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Report of the Committee on Budget and Finance on the work of its thirty-fourth session

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Executive Summary

1. The Committee met via remote link on 18-19 May and 11-12 June 2020. The session focused on the impact of the COVID-19 pandemic on the operation of the Court, as well as other time-sensitive matters such as the liquidity situation and the appointment of the new External Auditor. Due to the restrictions imposed by COVID-19 a series of items had to be deferred and would be dealt with, to the extent feasible, at its thirty-fifth session.

2. **The Committee considered the impact of the COVID-19 pandemic on the operations of the Court**, and in particular: a) the impact on judicial and other activities, including the spending of the 2020 approved budget; b) the liquidity situation and the status of contributions; and c) the preparation of the 2021 proposed programme budget.

- a) **Impact of the COVID-19 pandemic on judicial and other activities, including the spending of the 2020 approved budget:** The Committee was informed that, notwithstanding the underspend as a result of COVID-19, the Court expected very high spending of its approved budget for 2020. This was mainly due to the need to absorb increases in staff costs under the United Nations Common System.

The Committee found that the Court's response to the crisis had secured the continuation of operations and responsible financial management of the Court. It was also of the view that there was sufficient financial flexibility to manoeuvre during the crisis, and not to overspend in the 2020 budget. The Committee recommended that the Court continue reprioritizing activities and developing contingency plans in order to resume operations and mitigate the impact of the pandemic.

- b) **Liquidity situation and the status of contributions:** In light of the updates provided, the issue of liquidity remained a significant concern to the Committee. The Committee emphasized the importance of complete and timely payment of assessed contributions.
- c) **Preparation of the 2021 proposed programme budget:** The Committee welcomed the Court's efforts, in spite of the current unpredictable situation, to comply with the timelines for the preparation of the 2021 proposed programme budget. The Committee recommended *inter alia* that the Court identify relevant savings and efficiencies in order to reach the leanest possible budget proposal. It further recommended the Court to make an assessment on the impact of the required level of staffing and non-staffing resources in specific areas of its operational activities.

Some uncertainty would remain in regard to various items at the time of submission of the budget. The Committee was therefore of the view, in such limited cases, that further information and refinement of justifications should be provided to the Committee at its thirty-fifth session, once the situation had developed and more clarity had been attained.

3. The Committee received a presentation from The Hague Working Group facilitator for the budget, conveying budget-related queries and comments to the Committee on behalf of States Parties. The Committee took these into account in its interactions with the Court and in the preparation of this report.

4. As regards the **appointment of the new External Auditor**, the Committee endorsed the recommendations of the Audit Committee and authorized the Registrar to cooperate with the Board of Audit and Inspection of the Republic of Korea in order to make the necessary arrangements for the procurement of external auditing services, subject to the approval of the Assembly.

5. In light of the forthcoming election of six new judges, the Committee welcomed the initiative of the Presidency of the Court with respect to the relevance of article 35(3) of the Rome Statute for a smooth judicial transition.

6. The thirty-fifth session of the Committee is, COVID-19 regulations permitting, scheduled to take place from 14 to 25 September 2020 in The Hague.

I. Introduction

A. Opening of the session

7. The thirty-fourth session of the Committee on Budget and Finance (“the Committee”) comprised four meetings and was held via remote-link on 18-19 May and 11-12 June 2020.
8. The session had originally been scheduled from 4 to 8 May 2020,¹ at the seat of the International Criminal Court (“the Court”) in The Hague, but had to be re-scheduled and held remotely as a result of the travel restrictions and other limitations imposed by the COVID-19 pandemic.
9. The President of the Court, Judge Chile Eboe-Osuji, delivered the welcoming remarks during the opening of the session.

B. Election of officers

10. In accordance with Rule 10 of its Rules of Procedure, the Committee elected Ms. Mónica Sánchez Izquierdo (Ecuador) as Chairperson of the Committee and Mr. Werner Druml (Austria) as Vice-Chairperson.
11. The Committee further appointed Mr. Urmet Lee (Estonia) as Rapporteur in accordance with Rule 13 of the Rules of Procedure.
12. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as Secretary of the Committee. The Executive Secretary and his team assisted with the substantive and administrative provision of conference services.

C. Adoption of the agenda and organization of work

13. As a result of the COVID-19 pandemic, it was not possible for the Committee members to travel to The Hague for the session. Instead, virtual meetings were arranged using the Court’s secure video-conferencing platform, WebEx. Due to the range of time zones involved, the meetings had to be limited to two working hours per day. It was also not possible to arrange simultaneous interpretation within the WebEx system at the time of the session, and some members experienced intermittent internet connection issues. As a result, the working conditions for the Committee at the session were highly unusual.
14. The Executive Secretary, in consultation with the Chairperson, prepared a provisional agenda and a work programme for the thirty-fourth session of the Committee. At its first meeting, the Committee adopted the following agenda:
 - 1) Opening of the session
 - (a) Welcoming remarks by the President of the Court
 - (b) Election of officers
 - (c) Adoption of the agenda and organization of work
 - (d) Participation of observers
 - 2) Appointment of a new External Auditor
 - 3) Operation of the Court during the COVID-19 pandemic
 - (a) Impact on judicial activities, including the implementation of the 2020 approved budget
 - (b) Liquidity and status of contributions
 - (c) Preparation of the 2021 proposed programme budget
 - 4) Other matters
15. The Committee extended its great appreciation to the outgoing members, Mr. Gerd Saupe (Germany), Ms. Helen Warren (United Kingdom), and Mr. François Zoundi (Burkina Faso), for their work during previous years. It also welcomed its new members, Mr. Werner Druml (Austria), Mr. Loudon Overson Mattiya (Malawi),

¹ ICC-ASP/18/Res.6, annex I, para. 19(a).

Mr. Daniel McDonnell (United Kingdom) and Mr. Klaus Stein (Germany), who were elected at the eighteenth session of the Assembly.

16. The following members attended the thirty-fourth session of the Committee:

- 1) Mr. Werner Druml (Austria);
- 2) Ms. Carolina María Fernández Opazo (Mexico);
- 3) Mr. Fawzi A. Gharaibeh (Jordan);
- 4) Mr. Hitoshi Kozaki (Japan);
- 5) Mr. Urmet Lee (Estonia);
- 6) Mr. Loudon Overson Mattiya (Malawi);
- 7) Mr. Daniel McDonnell (United Kingdom);
- 8) Ms. Mónica Sánchez Izquierdo (Ecuador);
- 9) Ms. Margaret Wambui Ngugi Shava (Kenya);
- 10) Ms. Elena Sopková (Slovakia);
- 11) Mr. Klaus Stein (Germany); and
- 12) Mr. Richard Veneau (France).

D. Participation of observers

17. Representatives from the Presidency, the Office of the Prosecutor (“the OTP”) and the Registry addressed the Committee and participated in the session. In addition, The Hague Working Group facilitator for the budget, Ambassador Andrés Terán Parral (Ecuador), addressed the Committee. The Committee wished to thank the observers for their input to the discussions.

18. As part of his presentation to the Committee, The Hague Working Group facilitator for the budget conveyed a number of budget-related queries and comments to the Committee on behalf of States Parties. The Committee was grateful for these contributions and took them into account in its interactions with the Court and in the preparation of this report.

19. A representative of the External Auditor requested to attend the meeting of the Committee as an observer. The Committee invited the representative to participate in an exchange of views regarding the evaluation assignment entrusted to the External Auditor by the Assembly.² However, after an informal discussion with of the External Auditor and representatives of the Committee regarding the procedural aspects of the evaluation assignment, the representative of the External Auditor considered that the views of the Committee would be gathered through the participation of Committee members in a workshop, which would be arranged by the External Auditor in the coming months after distributing to the CBF members a preliminary review paper.³

II. Consideration of issues on the agenda of the Committee at its thirty-fourth session

A. Appointment of a new External Auditor

20. In accordance with its Charter,⁴ the Audit Committee is mandated to make recommendations to the Assembly concerning the appointment of the External Auditor. The term of the External Auditor had been due to expire with the consideration of the 2019 financial statements of the Court and the Trust Fund for Victims, but a detailed procurement process undertaken in 2019 did not lead to a satisfactory outcome. As a result, at its tenth session in 2019, the Audit Committee recommended that the term of the current External Auditor, the *Cour des comptes*, be extended for a further year. Accordingly, at its eighteenth session the Assembly extended the term of the *Cour des comptes* so as to include the financial statements of the Court and the Trust Fund for

² In resolution ICC-ASP/18/Res.1, section I, para. 6, the Assembly “request[ed] the External Auditor to conduct an evaluation of the oversight bodies of the Court as part of its work in 2020, replacing the performance audit, and to recommend possible actions on their respective mandates and reporting lines, while fully respecting the independence of the Court as a whole”.

³ “A preliminary review of the organisation of the Court’s oversight arrangements (mandates, staffing and budgetary resources, reporting lines), and an assessment of their compliance with the standards and best practices in force in other international organisations;” from the External Auditor’s “Terms of Reference Assessment and proposals on the oversight organisation of the ICC” (13 March 2020).

⁴ Charter of the Audit Committee, para. 60.

Victims for the year ending 2020.⁵ The Assembly also noted that a selection procedure for procurement of an External Auditor would be completed in time for its nineteenth session in December 2020.⁶

21. At its eleventh session, in March 2020, the Audit Committee received an update from the Executive Secretary and the Head of Procurement Unit of the Court on the steps undertaken in 2020 for the procurement of an External Auditor. The Audit Committee was informed that the supreme national audit office of the Republic of Korea, the Board of Audit and Inspection (BAI), had submitted an Expression of Interest. The Audit Committee reviewed the Expression of Interest submitted by the BAI, and determined that it conformed to the requirements of the Assembly and the Court at an acceptable price. In addition, the Audit Committee recalled that the comprehensive procurement process undertaken in 2019 had not produced a satisfactory outcome, and therefore a further formal method of solicitation as set out in the Financial Regulations and Rules (FRR) would not be in the best interest of the Court.⁷ The Audit Committee also noted that, under Rule 110.18(b) of the FRR, “[t]he Registrar may, to the extent authorized by the Committee on Budget and Finance, cooperate with the Government of a State Party, another public international organization, non-governmental organization or specialized private enterprise in respect of procurement activities and, as appropriate, enter into agreements for such purposes”.

22. The Audit Committee therefore recommended⁸ that the Assembly appoint the Board of Audit and Inspection of the Republic of Korea as the External Auditor of the Court for the financial years 2021-2024. In addition, the Audit Committee recommended⁹ that the Committee on Budget and Finance authorize the Registrar to cooperate with the Government of the Republic of Korea in respect of the procurement.

23. The Committee endorsed the recommendations of the Audit Committee and authorized the Registrar to cooperate with the Board of Audit and Inspection of the Republic of Korea in order to make the necessary arrangements for the procurement of external auditing services, subject to the approval of the Assembly.

24. The Committee noted that, for future appointments, it would be prudent to once again commence the procurement process two years in advance of the anticipated appointment, to allow sufficient time for what may be a prolonged process.

B. Operation of the Court during the COVID-19 pandemic

25. The Committee received an update from the Court on its operation during the COVID-19 pandemic. In particular, the Court outlined the measures taken to protect the health and safety of its staff and comply with host State guidelines while also enabling the Court to continue to fulfil its mandate. The Committee was informed that the Court had set up an inter-organ Crisis Management Team (CMT), which was providing guidance and recommending practical measures to manage the COVID-19 crisis and organize the activities of the Court in a coordinated manner.

1. Impact on judicial and other activities, including the implementation of the 2020 approved budget

26. As regards the impact on judicial and other activities, including the implementation of the 2020 approved budget, the Committee was advised that, notwithstanding the COVID-19 crisis, the Court expected very high spending of its approved budget for 2020. This was mainly due to the need to absorb increases in salary and post adjustment costs, as well as medical insurance costs, under the United Nations Common System (UNCS). These costs amounted to a total of €5.1 million. Additional expenditure in items such as IT of a total amount of €380 thousand had emerged as a direct result of COVID-19, in order to ensure the necessary tools existed to enable the whole staff to work remotely in an efficient and secure manner. This additional expenditure was planned to be offset in part by underspend in *inter alia* travel, training, contractual services and consultants, and general operating expenses, in a total amount of about €4.2 million. This left a remaining gap of about €1.3 million (see the breakdown by major programmes in Table 1 below), to be covered by prudent financial management of the Court. In addition, the Committee was informed that the financial situation of the Court in 2020 is further evolving because of the continuing uncertainty caused by the COVID-19 pandemic and unexpected expenditure that might occur from additional activities.

⁵ ICC-ASP/18/Res.1, section I, para. 2.

⁶ ICC-ASP/18/Res.1, section I, para. 3.

⁷ Financial Regulations and Rules, rule 110.17(a)(v).

⁸ AC/11/5, para. 54.

⁹ *Ibid.*

Table 1- Underspend and unbudgeted costs to be covered by the Court in 2020

Approved budget for 2020		2020 APB	Unbudgeted costs to be covered in 2020			Underspend in 2020 as a result of COVID 19						Total Additional expenditures: Adapting to remote working	Net effect	
			Impact of UNCS changes on Staff Costs	Impact of Medical Insurance increase	Total	Travel	Training	Contractual Services/ Consultants	GOE	Supplies and Material	Furniture and equipment			Total
MP I	Judiciary	12,081.5	296.0	27.4	323.3	(20.0)	-	-	-	-	-	(20.0)	-	303.3
MP II	Office of the Prosecutor Registry	47,383.4	2,139.9	207.6	2,347.5	(1,500.0)	-	-	-	-	-	(1,500.0)	-	847.5
MP III	Registry	75,916.9	1,924.5	241.5	2,166.0	(800.0)	(63.0)	(140.0)	(1,330.0)	(60.0)	(20.0)	(2,413.0)	380.0	133.0
MP IV	Secretariat of the Assembly of States Parties Premises	3,316.7	63.7	7.3	71.0	(25.0)	(7.0)	-	-	-	-	(32.0)	-	39.0
MP V	Premises	2,270.0	-	-	-	-	-	-	-	-	-	-	-	-
MP VI	Secretariat of the Trust Fund for Victims	3,226.1	107.4	9.4	116.8	(200.0)	-	-	-	-	-	(200.0)	-	(83.2)
MP VII-5	Independent Oversight Mechanism	704.7	33.0	3.4	36.4	-	-	-	-	-	-	-	-	36.4
MP VII-6	Office of Internal Audit	721.2	35.6	3.4	39.0	-	-	-	-	-	-	-	-	39.0
<i>Subtotal</i>		<i>145,620.5</i>	<i>4,600.0</i>	<i>500.0</i>	<i>5,100.0</i>	<i>(2,545.0)</i>	<i>(70.0)</i>	<i>(140.0)</i>	<i>(1,330.0)</i>	<i>(60.0)</i>	<i>(20.0)</i>	<i>(4,165.0)</i>	<i>380.0</i>	<i>1,315.0</i>
MP VII-2	Host State Loan	3,585.1	-	-	-	-	-	-	-	-	-	-	-	-
Total ICC		148,135.1	4,600.0	500.0	5,100.0	(2,545.0)	(70.0)	(140.0)	(1,330.0)	(60.0)	(20.0)	(4,165.0)	380.0	1,315.0

27. Nevertheless, at this point in time, the Committee found that the Court's response to the crisis had secured the continuation of operations and responsible financial management of the Court. The Committee was also of the view that there was sufficient financial flexibility to manoeuvre during the crisis, and not to overspend the 2020 budget. **First**, because in Table 1 no savings or efficiencies are envisaged. The Court further informed the Committee that any reduction in expenditure, especially through managing staff costs by delaying recruitment, advising on absence without pay or not filling vacant posts, would be allocated to cover the staff costs deficit, as well as the Contingency Fund notifications in 2020. The financial impact of those measures is also not included in Table 1. **Second**, a potential area for offsetting some of the 2020 approved budget pressure is long term capital replacement, as the Committee was informed that the Court had decided to shift its initial proactive approach towards a more reactive approach within the capital replacement plan, and focus only on the most vulnerable systems. By stepping up to a higher risk, which could imply dealing with some disruptions, the Court believed it would be able to save a portion of the approved capital replacement plan. The Committee was informed that as at 11 June 2020, 20 per cent of the total approved budget of €425 thousand had been utilised for capital replacement. **Third**, the underspend because of COVID-19 in some line items was relatively low compared to the approved budget (see Table 2, for example in training) which may create some additional space for postponing the costs.

Table 2: COVID-19 budgetary impact on non-staff costs in comparison with approved budget

	Underspend in 2020 as a result of savings/efficiencies and COVID 19 (millions) ¹⁰	2020 approved budget for this line item (millions)	Underspent percentage of 2020 budget line item
Travel	-€2.55	€6.33	- 40.2%
Training	-€0.07	€1.05	- 6.7%
Contractual services and consultants	-€0.14	€4.07 + €0.7 = €4.77	- 2.9%
General operating expenses	-€1.33	€15.52	- 8.6%
Supplies and material	-€0.06	€1.23	- 4.9%
Furniture and equipment	-€0.02	€1.37	- 1.5%
Sub-total underspend	-€4.17	€30.27	

¹⁰ This represents both savings/efficacies and money unspent due to the COVID-19 pandemic.

28. It is important to mention that the underspent funds as a result of the COVID-19 crisis cannot be considered “savings”. Those funds are only available exceptionally and temporarily to tackle the budget pressures arising from the UNCS in 2020. The Committee also enquired with the Registrar about the possibility of more permanent cost structure changes like across-the-board human resources cutting decisions, but learned that blanket decisions in human resources are not a viable option for cost reduction since the litigation risks outweigh the possible financial gains and they would also negatively impact the capability of the Court once normal operation is possible.

29. As regards the OTP, the Committee was advised that the Office was following the guidelines developed by the CMT but had also developed contingency plans to be ready to resume formal operations as soon as the situation changes. Furthermore, the Committee was informed that cases and situations under investigation or at the trial stage have been affected by the COVID-19 crisis. Moving to the virtual office in the field and in The Hague had further reduced the ability to collect evidence in the field. Access to databases was more difficult, as well as other activities conducted from home. All teams had been asked to reprioritize other activities that did not require travel. New operational costs had arisen from remote witness interviews, such as technical solutions as well as renting safe locations to perform those interviews.

30. The Committee recommended that the Court, through the CMT, continue reprioritizing activities and developing contingency plans in order to resume operations and mitigate the impact of the pandemic. The Committee also requested that the Registrar include an additional annex in the monthly financial situation reports, with updated data about the underspend and additional COVID-19 costs, until the thirty-fifth session of the Committee. In the half-year implementation report to be submitted to the Committee at its thirty-fifth session, the Committee requested, in addition to the COVID-19 impact data, information about the implemented as well as anticipated savings and efficiencies for 2020.

31. The Committee was informed about the possibility that the United States of America might impose sanctions on the Court, as announced on 11 June 2020. The Court also advised that the possible impact of these sanctions on the budget of the Court remained to be seen.

2. Liquidity and status of contributions

32. As is standard procedure for its annual spring session, the Committee reviewed the status of contributions as at 31 March (see Annex I):

- (a) the status of assessed contributions for the approved budget for 2020 of €145,140.8 thousand;¹¹ and
- (b) the status of contributions corresponding to Major Programme VII-2 host State loan, amounting to €3,585.1 thousand, for the permanent premises.

33. The Committee noted that, as at 31 March 2020, regular contributions of €67.31 million (46 per cent) were outstanding for the 2020 approved budget of €145.14 million (excluding the host State loan and the portion of the approved budget for Major Programme IV which was financed from the 2017 cash surplus). As at the same date, the outstanding contributions for the replenishment of the Contingency Fund (CF) and for the permanent premises by new States Parties that joined after 2015 stood at €5.4 thousand. The Committee observed that only 45 out of 123 States Parties had fully paid their contributions at the end of March 2020.

34. The outstanding/unpaid contributions from previous years (excluding the host State loan) stood at €22 million as at 31 March 2020.

35. States Parties that did not opt to make a one-time payment¹² were required to cover the payments due on the loan from the host State. The outstanding contributions for the host State loan, including for prior years, as at 31 March 2020, stood at €2.13 million.

Updated situation as at 31 May 2020

36. As a result of the session being deferred due to the restrictions imposed by COVID-19, the Committee also received updated information from the Court on the status of contributions as at 31 May 2020 (see Annex II).

37. The Committee noted with great concern that, as at 31 May 2020, a grand total of €70.45 million was outstanding for all years, including contributions for the host State loan. This figure represented 47 per cent of the 2020 approved budget. The Committee recalled that it was imperative for States Parties to make their contributions on time. Failure to do so may result in a cash flow shortfall, which would impede the Court’s core activities and operations and would require the Court to access the Working Capital Fund at the end of the year.

¹¹ See ICC-ASP/18/Res.1, section A, paras 1 to 3. This figure does not include the host State loan or the portion of the approved budget for Major Programme IV amounting to €479.7 thousand, which was to be financed from the 2017 cash surplus.

¹² As at 31 December 2014, 65 States Parties had chosen to make full one-time payments to contribute to the construction of the new permanent premises and are exempt from the obligation to repay the loan and the interest.

38. According to article 112, paragraph 8 of the Rome Statute, “a State Party which is in arrears in the payment of its financial contributions toward 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.”

39. The Committee observed that, as at 31 May 2020, 12 States Parties were in arrears and would therefore not be able to vote in accordance with article 112, paragraph 8 of the Rome Statute. The Committee noted that the Secretariat of the Assembly sent notifications on 11 October 2019 to all States in arrears informing them of the minimum payment required to avoid the application of article 112, paragraph 8 of the Rome Statute, and of the procedure for requesting an exemption from the loss of voting rights.

40. The timely payment of contributions by States Parties in the times of the pandemic was a common concern addressed by the President of the Court, the Registrar and the budget facilitator in their remarks to the Committee. Taking into account the status of contributions as described in the paragraphs above, the issue of liquidity also remained a concern to the Committee. The Committee noted with particular concern that, if 2019 payment patterns were used to calculate 2020 income, the Court would not be able to meet its financial obligations during the last quarter of the financial year. Thus, **the Committee emphasized the importance of complete and timely payment of assessed contributions.**

41. Table 3 below provides an analysis of the trend in arrears, including a projection for 2020 based on information available as at 31 March 2020.

Table 3 - Analysis of the trend in arrears

	Programme budget	Outstanding contributions at the end of the period (incl. for prior years)	Outstanding contributions (in per cent)
2008	90,382.10	557.5	0.62%
2009	101,229.90	1,093.00	1.08%
2010	103,623.30	6,254.90	6.04%
2011	103,607.90	2,791.60	2.69%
2012	108,800.00	6,569.30	6.04%
2013	115,120.30	6,980.20	6.06%
2014	121,656.20	14,489.30	11.91%
2015	130,665.00	20,785.70	15.91%
2016	139,590.60	18,405.00	13.18%
2017	144,587.30	31,047.90	21.47%
2018	147,431.90	21,121.90	14.33%
2019	148,135.10	25,771.80	17.40%
2020*	149,205.60	29,111.68	19.51%

* The forecast for 2020 is based on 2019 trends of contributions received. As reported by the Court in its monthly financial situation report as at 31 May 2020, information on payment of €57.8 million of outstanding contributions is currently pending.

Figure 1: Outstanding contributions in per cent

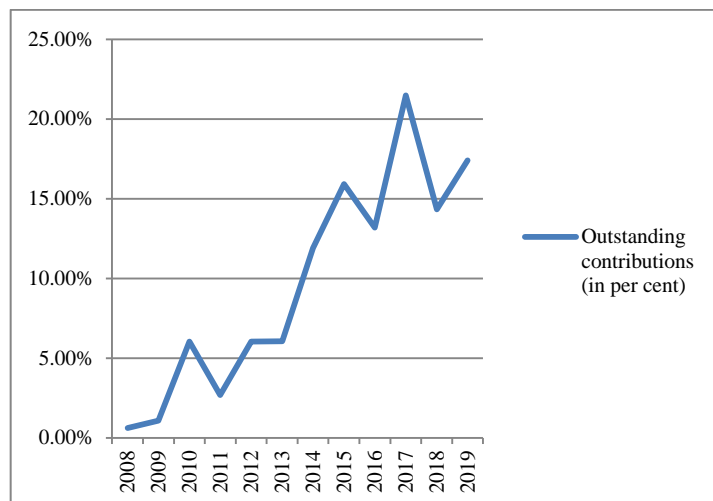
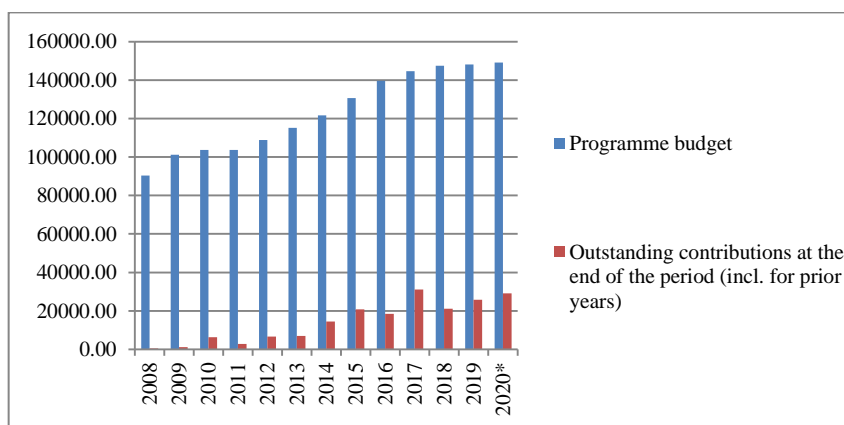


Figure 2: Outstanding contributions at end of period



3. Preparation of the 2021 proposed programme budget

42. The Committee received an update from the Court on the preparation of the 2021 proposed programme budget in light of the COVID-19 pandemic. The Committee welcomed the information that, despite the current unpredictable situation, the Court was making all efforts to comply with the timelines for preparation of the 2021 proposed programme budget.

43. Ahead of 2021, the Court is facing a rising fixed cost base. Successive changes to the UNCS salary scale have increased the cost pressure on the Court's budget. The pressure in 2020 is being offset, to an extent, by a temporary reduction in expenditure on discretionary and flexible costs such as training and travel. As we move into 2021 and COVID-19 restrictions ease there will be an expectation that the Court resumes some, if not all, of its regular training and travel requirements. Against an uncertain economic outlook for States Parties, the Committee is conscious that the Court's 2021 proposed programme budget could require significant and challenging prioritisation. The Court explained to the Committee that it was reviewing its lessons from COVID-19, in terms of ways of working and the capital replacement programme, to mitigate the budgetary pressures it was facing. **The Committee recommended that the Court identify the relevant savings and efficiencies for an affordable and lean budget proposal ahead of 2021.**

44. **The Committee recommended the Court to make an assessment on the impact of the required level of staffing and non-staffing resources for the 2021 proposed programme budget in specific areas of its operational activities. The Committee further recommended that the Court submit a table clearly indicating where reductions had been made and resources reallocated to offset the increases. The Committee also recommended that the Court identify lessons learned and improvements that could be applied in the future to ensure greater flexibility and scalability of its operations.**

45. Furthermore, it was clear to the Committee that at the time the budget would be submitted to States Parties for consideration, some uncertainty would remain in regard to some budget items. Therefore **the Committee was of the view, in such limited cases, that detailed descriptions of such items need not be included in the proposed programme budget and instead further information and refinement of justifications should be provided to the Committee during its consideration of the 2021 proposed programme budget at its thirty-fifth session, once the situation had developed and more clarity had been attained.**

C. Other matters

1. Deferred agenda items

46. The Committee reviewed the list of agenda items, which had originally been scheduled for consideration at its thirty-fourth session, but which had been deferred due to the restrictions imposed by the COVID-19 pandemic. A list of these items is contained in (annex III) to this report. The Committee decided that the deferred items would be dealt with, to the extent feasible, at its thirty-fifth session. The Committee considered that this would only be possible if the situation improved sufficiently to allow an in-person meeting to take place in The Hague.

2. Election of judges

47. In light of the election of six judges of the Court, which would take place at the nineteenth session of the Assembly, the Committee observed that in accordance with article 35(3) of the Rome Statute, the Presidency of the Court may decide, based on workload and in consultation with fellow judges, the extent to which any judge who is not a member of the Presidency shall be required to serve full-time.

48. The Committee took note of the letter from the President of the Court, dated 9 June 2020, addressed to the President of the Assembly in regards to the upcoming judicial elections. The Committee welcomed this initiative by the Court's Presidency, which is in line with its recommendation issued at its thirty-first session concerning the judicial elections.

3. Future sessions of the Committee

49. The thirty-fifth session of the Committee is scheduled to take place from 14 to 25 September 2020 in The Hague. The Committee will keep the situation under review in light of developments regarding the COVID-19 pandemic.

Annex I: Status of contributions as at 31 March 2020

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds ¹	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL			
1	Afghanistan	-	-	-	706	14,514	-	15,220	2020
2	Albania	-	-	-	-	21,336	-	21,336	2020
3	Andorra	-	-	-	-	13,353	-	13,353	2020
4	Antigua and Barbuda	-	372	21,927	186	5,370	-	27,855	2015-2020
5	Argentina	-	-	2,233,145	-	2,432,995	-	4,666,140	2019-2020
6	Australia	-	-	-	-	-	-	-	-
7	Austria	-	-	-	-	-	-	-	-
8	Bangladesh	-	-	-	-	-	-	-	-
9	Barbados	-	-	-	-	-	-	-	-
10	Belgium	-	-	-	-	-	-	-	-
11	Belize	-	-	-	143	2,613	-	2,756	2020
12	Benin	-	-	-	430	7,983	-	8,413	2020
13	Bolivia (Plurinational State of)	-	-	42,353	-	42,526	-	84,879	2019-2020
14	Bosnia and Herzegovina	-	-	-	-	-	-	-	-
15	Botswana	-	-	-	2,269	37,156	-	39,425	2020
16	Brazil	-	416,882	10,059,104	416,882	7,838,909	-	18,731,777	2018-2020
17	Bulgaria	-	-	-	-	-	-	-	-
18	Burkina Faso	-	-	-	-	7,921	-	7,921	2020
19	Cabo Verde	-	143	2,602	143	2,613	-	5,501	2019-2020
20	Cambodia	-	-	-	-	-	-	-	-
21	Canada	-	-	-	-	-	-	-	-
22	Central African Republic	8	486	10,571	143	2,613	-	13,821	2015-2020
23	Chad	393	523	47,122	154	10,595	-	58,787	2015-2020
24	Chile	-	-	-	-	1,082,170	-	1,082,170	2020
25	Colombia	-	-	-	-	46,163	-	46,163	2020
26	Comoros	8	514	24,186	143	2,613	46	27,510	2007-2020
27	Congo	335	2,538	91,837	706	15,965	73	111,454	2012-2020
28	Cook Islands	-	-	-	143	2,613	-	2,756	2020
29	Costa Rica	-	-	-	-	-	-	-	-
30	Côte d'Ivoire	-	-	-	-	24,770	-	24,770	2020
31	Croatia	-	-	-	-	-	-	-	-
32	Cyprus	-	-	-	-	-	-	-	-
33	Czechia	-	-	-	-	-	-	-	-
34	Democratic Republic of the Congo	-	-	383	32	14,514	-	14,929	2019-2020
35	Denmark	-	-	-	-	-	-	-	-
36	Djibouti	-	-	-	-	2,576	-	2,576	2020
37	Dominica	-	-	-	143	2,613	-	2,756	2020
38	Dominican Republic	-	-	4,395	6,392	140,932	-	151,719	2019-2020
39	Ecuador	-	-	-	-	212,776	-	212,776	2020
40	El Salvador	-	-	-	-	31,764	5,084	36,848	2020

Outstanding Contributions

	State Party	Working Capital Fund	General Fund				Other Funds ¹	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL			
41	Estonia	-	-	-	-	-	-	-	
42	Fiji	-	-	-	430	7,983	8,413	2020	
43	Finland	-	-	-	-	-	-	-	
44	France	-	-	-	794,694	11,771,645	12,566,339	2020	
45	Gabon	-	-	-	1,793	39,914	41,707	2020	
46	Gambia	-	-	-	143	2,613	2,756	2020	
47	Georgia	-	-	-	-	-	-	-	
48	Germany	-	-	-	-	-	-	-	
49	Ghana	-	-	4,222	1,986	39,914	46,122	2019-2020	
50	Greece	-	-	-	-	973,169	973,169	2020	
51	Grenada	-	-	-	143	2,613	2,756	2020	
52	Guatemala	-	-	968	3,836	95,793	100,597	2019-2020	
53	Guinea	134	514	32,119	143	7,983	40,977	2011-2020	
54	Guyana	-	-	-	-	-	-	-	
55	Honduras	-	-	2,037	1,136	23,948	27,121	2019-2020	
56	Hungary	-	-	-	-	-	-	-	
57	Iceland	-	-	-	-	-	-	-	
58	Ireland	-	-	-	-	-	-	-	
59	Italy	-	-	-	-	8,793,501	8,793,501	2020	
60	Japan	-	-	-	-	14,124,442	14,124,442	2020	
61	Jordan	-	-	-	-	55,861	55,861	2020	
62	Kenya	-	-	-	-	48,355	48,355	2020	
63	Kiribati	-	-	-	-	-	-	-	
64	Latvia	-	-	-	-	-	-	-	
65	Lesotho	-	-	-	-	168	168	2020	
66	Liberia	-	405	7,599	143	2,613	10,760	2016-2020	
67	Liechtenstein	-	-	-	-	-	-	-	
68	Lithuania	-	-	-	-	-	-	-	
69	Luxembourg	-	-	-	-	-	-	-	
70	Madagascar	-	-	-	390	10,595	10,985	2020	
71	Malawi	-	-	-	287	5,370	5,657	2020	
72	Maldives	-	-	-	143	10,595	10,738	2020	
73	Mali	-	-	-	574	10,595	11,169	2020	
74	Malta	-	-	-	-	-	-	-	
75	Marshall Islands	-	-	-	123	2,613	2,736	2020	
76	Mauritius	-	-	-	-	-	-	-	
77	Mexico	-	-	-	-	3,435,483	3,435,483	2020	
78	Mongolia	-	-	-	-	-	-	-	
79	Montenegro	-	-	-	-	-	-	-	
80	Namibia	-	-	-	-	23,948	23,948	2020	
81	Nauru	-	-	-	-	171	171	2020	
82	Netherlands	-	-	-	-	-	-	-	
83	New Zealand	-	-	-	-	-	-	-	
84	Niger	30	1,031	41,566	287	5,370	48,376	2009-2020	
85	Nigeria	-	12,785	675,068	12,785	664,745	1,365,383	2018-2020	
86	North Macedonia	-	-	-	1,136	18,578	19,714	2020	

Outstanding Contributions

	State Party	Working Capital Fund	General Fund				Other Funds ¹	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL			
87	Norway	-	-	-	-	-	-	-	
88	Panama	-	-	369	749	119,596	-	120,714	2019-2020
89	Paraguay	-	-	15,977	1,423	42,526	-	59,926	2019-2020
90	Peru	-	-	13,346	16,621	404,217	-	434,184	2019-2020
91	Poland	-	-	-	-	-	-	-	-
92	Portugal	-	-	-	-	552,548	-	552,548	2020
93	Republic of Korea	-	-	-	-	-	-	-	-
94	Republic of Moldova	-	-	-	-	7,983	-	7,983	2020
95	Romania	-	-	-	-	-	-	-	-
96	Saint Kitts and Nevis	-	143	2,602	143	2,613	-	5,501	2019-2020
97	Saint Lucia	-	-	-	-	-	-	-	-
98	Saint Vincent and the Grenadines	-	-	129	143	2,613	-	2,885	2019-2020
99	Samoa	-	-	-	-	-	-	-	-
100	San Marino	-	-	-	-	5,370	-	5,370	2020
101	Senegal	-	1,700	27,008	850	14,514	-	44,072	2017-2020
102	Serbia	-	-	-	-	-	-	-	-
103	Seychelles	-	-	-	143	5,370	-	5,513	2020
104	Sierra Leone	-	143	3,518	143	2,613	-	6,417	2018-2020
105	Slovakia	-	-	-	-	-	-	-	-
106	Slovenia	-	-	-	-	-	-	-	-
107	South Africa	-	-	-	-	-	-	-	-
108	Spain	-	-	-	-	-	-	-	-
109	State of Palestine	-	-	-	706	21,336	-	22,042	2020
110	Suriname	-	882	27,971	441	13,353	-	42,647	2018-2020
111	Sweden	-	-	-	-	2,409,047	-	2,409,047	2020
112	Switzerland	-	-	-	-	-	-	-	-
113	Tajikistan	-	-	-	430	10,595	-	11,025	2020
114	Timor-Leste	-	-	-	-	5,370	-	5,370	2020
115	Trinidad and Tobago	-	-	105,811	-	106,388	-	212,199	2019-2020
116	Tunisia	-	-	-	5,112	66,474	-	71,586	2020
117	Uganda	-	-	-	850	14,514	-	15,364	2020
118	United Kingdom	-	-	-	-	9,107,912	-	9,107,912	2020
119	United Republic of Tanzania	-	-	-	893	14,514	-	15,407	2020
120	Uruguay	-	-	-	-	231,354	-	231,354	2020
121	Vanuatu	-	-	-	143	2,613	-	2,756	2020
122	Venezuela (Bolivarian Republic of)	-	320,118	8,453,445	89,087	1,935,743	-	10,798,393	2014-2020
123	Zambia	37	2,885	56,659	850	14,514	-	74,945	2016-2020
	Total	945	762,064	22,008,039	1,367,514	67,312,234	5,379	91,456,175	

1) Regards outstanding amounts of assessed contributions to i) Contingency Fund and ii) the permanent premises by new States Parties that joined the Court after 2015.

2) The above table excludes the total outstanding balance of €3,553 from Burundi (withdrawn State) for Host State Loan, period 2021-2046.

Annex II: Status of contributions as at 31 May 2020

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds ²	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL ¹			
1	Afghanistan	-	-	-	-	-	-	-	
2	Albania	-	-	-	-	-	-	-	
3	Andorra	-	-	-	-	-	-	-	
4	Antigua and Barbuda	-	372	21,927	186	5,370	27,855	2015-2020	
5	Argentina	-	-	2,233,145	-	2,432,995	4,666,140	2019-2020	
6	Australia	-	-	-	-	-	-	-	
7	Austria	-	-	-	-	-	-	-	
8	Bangladesh	-	-	-	-	-	-	-	
9	Barbados	-	-	-	-	-	-	-	
10	Belgium	-	-	-	-	-	-	-	
11	Belize	-	-	-	143	2,613	2,756	2020	
12	Benin	-	-	-	430	7,983	8,413	2020	
13	Bolivia (Plurinational State of)	-	-	42,353	-	42,526	84,879	2019-2020	
14	Bosnia and Herzegovina	-	-	-	-	-	-	-	
15	Botswana ⁵	-	-	-	2,269	37,156	39,425	2020	
16	Brazil	-	416,882	10,059,104	416,882	7,838,909	18,731,777	2018-2020	
17	Bulgaria	-	-	-	-	-	-	-	
18	Burkina Faso	-	-	-	-	3,348	3,348	2020	
19	Cabo Verde	-	143	2,602	143	2,613	5,501	2019-2020	
20	Cambodia	-	-	-	-	-	-	-	
21	Canada	-	-	-	-	-	-	-	
22	Central African Republic	8	486	10,571	143	2,613	13,821	2015-2020	
23	Chad	393	523	47,122	154	10,595	58,787	2015-2020	
24	Chile	-	-	-	-	1,082,170	1,082,170	2020	
25	Colombia	-	-	-	-	46,163	46,163	2020	
26	Comoros	8	514	24,186	143	2,613	27,510	2007-2020	
27	Congo	335	2,538	91,837	706	15,965	111,454	2012-2020	
28	Cook Islands	-	-	-	-	-	-	-	
29	Costa Rica	-	-	-	-	-	-	-	
30	Côte d'Ivoire	-	-	-	-	24,770	24,770	2020	
31	Croatia	-	-	-	-	-	-	-	
32	Cyprus	-	-	-	-	-	-	-	
33	Czechia	-	-	-	-	-	-	-	
34	Democratic Republic of the Congo	-	-	383	32	14,514	14,929	2019-2020	
35	Denmark	-	-	-	-	-	-	-	
36	Djibouti	-	-	-	-	-	-	-	
37	Dominica	-	-	-	-	-	-	-	
38	Dominican Republic	-	-	4,395	6,392	140,932	151,719	2019-2020	
39	Ecuador	-	-	-	-	212,776	212,776	2020	
40	El Salvador	-	-	-	-	-	-	-	
41	Estonia	-	-	-	-	-	-	-	

Outstanding Contributions

	State Party	Working Capital Fund	General Fund				Other Funds ²	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL ¹			
42	Fiji	-	-	-	3,556	-	3,556	2020	
43	Finland	-	-	-	-	-	-	-	
44	France ⁴	-	-	794,694	11,771,645	-	12,566,339	2020	
45	Gabon	-	-	1,793	39,914	-	41,707	2020	
46	Gambia	-	-	143	2,613	-	2,756	2020	
47	Georgia	-	-	-	-	-	-	-	
48	Germany	-	-	-	-	-	-	-	
49	Ghana	-	4,222	1,986	39,914	-	46,122	2019-2020	
50	Greece	-	-	-	973,169	-	973,169	2020	
51	Grenada	-	-	-	-	-	-	-	
52	Guatemala	-	968	3,836	95,793	-	100,597	2019-2020	
53	Guinea	134	514	32,119	143	84	40,977	2011-2020	
54	Guyana	-	-	-	-	-	-	-	
55	Honduras	-	2,037	1,136	23,948	-	27,121	2019-2020	
56	Hungary	-	-	-	-	-	-	-	
57	Iceland	-	-	-	-	-	-	-	
58	Ireland	-	-	-	-	-	-	-	
59	Italy	-	-	-	-	-	-	-	
60	Japan	-	-	-	14,124,442	-	14,124,442	2020	
61	Jordan	-	-	-	55,861	-	55,861	2020	
62	Kenya	-	-	-	48,355	-	48,355	2020	
63	Kiribati	-	-	-	-	-	-	-	
64	Latvia	-	-	-	-	-	-	-	
65	Lesotho	-	-	-	168	-	168	2020	
66	Liberia	-	405	7,599	143	-	10,760	2016-2020	
67	Liechtenstein	-	-	-	-	-	-	-	
68	Lithuania	-	-	-	-	-	-	-	
69	Luxembourg	-	-	-	-	-	-	-	
70	Madagascar	-	-	390	10,595	-	10,985	2020	
71	Malawi	-	-	287	5,370	-	5,657	2020	
72	Maldives	-	-	143	10,595	-	10,738	2020	
73	Mali	-	-	574	10,595	-	11,169	2020	
74	Malta	-	-	-	-	-	-	-	
75	Marshall Islands	-	-	123	2,613	-	2,736	2020	
76	Mauritius	-	-	-	-	-	-	-	
77	Mexico	-	-	-	3,435,483	-	3,435,483	2020	
78	Mongolia	-	-	-	-	-	-	-	
79	Montenegro	-	-	-	-	-	-	-	
80	Namibia	-	-	-	-	-	-	-	
81	Nauru	-	-	-	-	-	-	-	
82	Netherlands	-	-	-	-	-	-	-	
83	New Zealand	-	-	-	-	-	-	-	
84	Niger	30	1,031	41,566	287	92	48,376	2009-2020	
85	Nigeria ⁵	-	12,785	675,068	12,785	-	1,365,383	2018-2020	
86	North Macedonia	-	-	-	1,136	-	19,714	2020	
87	Norway	-	-	-	-	-	-	-	

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds ²	Grand Total/ All Funds	Outstanding Period
			Prior Years		Year 2019				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL ¹			
88	Panama	-	-	369	749	119,596	-	120,714	2019-2020
89	Paraguay	-	-	15,977	1,423	42,526	-	59,926	2019-2020
90	Peru	-	-	13,346	16,621	404,217	-	434,184	2019-2020
91	Poland	-	-	-	-	-	-	-	-
92	Portugal	-	-	-	-	-	-	-	-
93	Republic of Korea	-	-	-	-	-	-	-	-
94	Republic of Moldova	-	-	-	-	-	-	-	-
95	Romania	-	-	-	-	-	-	-	-
96	Saint Kitts and Nevis	-	143	2,602	143	2,613	-	5,501	2019-2020
97	Saint Lucia	-	-	-	-	-	-	-	-
98	Saint Vincent and the Grenadines ⁴	-	-	129	143	2,613	-	2,885	2019-2020
99	Samoa	-	-	-	-	-	-	-	-
100	San Marino	-	-	-	-	-	-	-	-
101	Senegal	-	1,700	27,008	850	14,514	-	44,072	2017-2020
102	Serbia	-	-	-	-	-	-	-	-
103	Seychelles	-	-	-	143	5,370	-	5,513	2020
104	Sierra Leone ⁴	-	143	3,518	143	2,613	-	6,417	2018-2020
105	Slovakia	-	-	-	-	-	-	-	-
106	Slovenia	-	-	-	-	-	-	-	-
107	South Africa	-	-	-	-	-	-	-	-
108	Spain	-	-	-	-	-	-	-	-
109	State of Palestine	-	-	-	706	21,336	-	22,042	2020
110	Suriname	-	882	27,971	441	13,353	-	42,647	2018-2020
111	Sweden	-	-	-	-	-	-	-	-
112	Switzerland	-	-	-	-	-	-	-	-
113	Tajikistan	-	-	-	430	10,595	-	11,025	2020
114	Timor-Leste	-	-	-	-	5,370	-	5,370	2020
115	Trinidad and Tobago	-	-	105,811	-	106,388	-	212,199	2019-2020
116	Tunisia	-	-	-	5,112	66,474	-	71,586	2020
117	Uganda	-	-	-	850	14,514	-	15,364	2020
118	United Kingdom	-	-	-	-	-	-	-	-
119	United Republic of Tanzania	-	-	-	893	14,514	-	15,407	2020
120	Uruguay	-	-	-	-	231,354	-	231,354	2020
121	Vanuatu	-	-	-	143	2,613	-	2,756	2020
122	Venezuela (Bolivarian Republic of)	-	320,118	8,453,445	89,087	1,935,743	-	10,798,393	2014-2020
123	Zambia	37	2,885	56,659	850	14,514	-	74,945	2016-2020
	Total	945	762,064	22,008,039	1,365,949	46,311,372	295	70,448,664	

- 1) The outstanding shares are as after the ascension of Kiribati to the Rome Statue on 1 February 2020.
- 2) Regards outstanding amounts of assessed contributions to i) Contingency Fund and ii) the permanent premises by new States Parties that joined the Court after 2015.
- 3) The above table excludes the total outstanding balance of €3,553 from Burundi (withdrawn State) for Host State Loan, period 2021-2046.
- 4) Outstanding contributions were fully settled in June 2020.
- 5) Outstanding contributions were partially settled in June 2020.

Annex III: List of deferred agenda items

1. Workshop on budgetary governance
 - a. Budgetary process, savings and efficiencies and their effect on the baseline¹³
 - b. Budgeting Non-Staff Cost
 - c. Court macro-analysis of resources¹⁴
2. Working methods of the Committee on Budget and Finance
 - a. Amendment of the Rules of Procedure of the Committee
3. Other financial and budgetary matters
 - a. Programme performance of the 2019 budget, and 2020 first quarter
 - b. The use of unapproved GTAs¹⁵
 - c. Status of disbursement of the Court's unliquidated obligations¹⁶
4. Human Resources
 - a. Annual report on Human Resources Management
 - b. Geographical distribution and gender balance
 - c. Sick leave¹⁷
 - d. Internal mobility framework and staff exchange arrangement within the United Nations Common System
 - e. Zero tolerance policy on harassment¹⁸
5. Legal aid
 - a. Annual report on legal aid for the year 2019
 - b. Detailed legal aid expenditure for each case before the Court¹⁹
 - c. Reform of the legal aid system²⁰
6. Trust Fund for Victims
 - a. Division of responsibilities between Major Programme III and Major Programme VI²¹
7. Other matters
 - a. Status of exercise and financial implications of the establishment of alternative dispute resolution mechanisms at the Court²²
 - b. The redeployment of staff in Major Programme II²³
 - c. Status of the cases before the ILOAT and Appeals Board²⁴

¹³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventeenth session, The Hague, 5-12 December 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 26.

¹⁴ ICC-ASP/18/5, para. 32.

¹⁵ ICC-ASP/18/15, para. 37.

¹⁶ ICC-ASP/18/5, para. 54.

¹⁷ ICC-ASP/18/15, para.224.

¹⁸ *Ibid.*, para.106.

¹⁹ ICC-ASP/18/15, para 276.

²⁰ *Ibid.*, para.213.

²¹ ICC-ASP/18/15, para. 126.

²² *Ibid.*, para. 151.

²³ ICC-ASP/18/15, para. 59.

²⁴ *Ibid.*, para. 267.

Annex IV: List of documents

<i>CBF document symbol</i>	<i>Title</i>	<i>ASP document symbol (if converted)</i>
CBF/34/1	Provisional agenda for the thirty-fourth session	
CBF/34/9/Rev.1	Report on Budget Performance of the International Criminal Court as at 31 March 2020	
AC/11/5	Report of the Audit Committee	
