

Resolution ICC-ASP/19/Res.1

Adopted at the 4th plenary meeting, on 16 December 2020, by consensus

ICC-ASP/19/Res.1

Resolution of the Assembly of States Parties on the proposed programme budget for 2021, the Working Capital Fund for 2021, the scale of assessment for the apportionment of expenses of the International Criminal Court, financing appropriations for 2021 and the Contingency Fund

The Assembly of States Parties,

Having considered the 2021 proposed programme budget of the International Criminal Court (“the Court”) and the related conclusions and recommendations contained in the reports of the Committee on Budget and Finance (“the Committee”) on the work of its thirty-fourth¹ and thirty-fifth² sessions,

Taking note of the recommendations in the final report of the Independent Expert Review on the International Criminal Court and the Rome Statute system,³ in particular as they relate to the budget process, without prejudice to the resolution on the review of the International Criminal Court and the Rome Statute system,

A. Programme budget for 2021

1. *Approves* appropriations totalling €148,259,000 in the appropriation sections described in the following table:

| <i>Appropriation section</i> | | | <i>Thousands of euros</i> |
|------------------------------|-------|---|---------------------------|
| Major Programme | I | Judiciary | 11,756.3 |
| Major Programme | II | Office of the Prosecutor | 47,334.8 |
| Major Programme | III | Registry | 75,784.0 |
| Major Programme | IV | Secretariat of the Assembly of States Parties | 2,837.0 |
| Major Programme | V | Premises | 2,270.0 |
| Major Programme | VI | Secretariat of the Trust Fund for Victims | 3,199.6 |
| Major Programme | VII-5 | Independent Oversight Mechanism | 739.5 |
| Major Programme | VII-6 | Office of Internal Audit | 752.7 |
| <i>Subtotal</i> | | | <i>144,673.9</i> |
| Major Programme | VII-2 | Host State Loan | 3,585.1 |
| Total | | | 148,259.0 |

2. *Notes* that those States Parties that have opted for the one-time payment in respect of the permanent premises and have made such payments in full will not be assessed for the contributions corresponding to Major Programme VII-2 Host State Loan, amounting to €3,585,100;

3. *Further notes* that these contributions will bring down the level of the 2021 programme budget appropriations that need to be assessed for contributions by States Parties from €148,259,000 to €144,673,900, and that this amount will be assessed following the principles described in section E;

¹ *Official Records ... Nineteenth session ... 2020* (ICC-ASP/19/20), vol. II, part B.1.

² *Ibid.*, part B.2.

³ ICC-ASP/19/16.

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

| | Office of the Judiciary | Prosecutor Registry | Secretariat, Assembly of States Parties | Secretariat, Trust Fund for Victims | Independent Oversight Mechanism | Office of Internal Audit | Total |
|-----------------|-------------------------------|------------------------|--|---|---------------------------------------|--------------------------------|------------|
| USG | - | 1 | - | - | - | - | 1 |
| ASG | - | 1 | 1 | - | - | - | 2 |
| D-2 | - | - | - | - | - | - | - |
| D-1 | - | 3 | 3 | 1 | 1 | - | 9 |
| P-5 | 3 | 18 | 22 | 1 | - | 1 | 45 |
| P-4 | 3 | 36 | 44 | 1 | 4 | 1 | 90 |
| P-3 | 21 | 77 | 82 | 1 | 2 | - | 184 |
| P-2 | 12 | 79 | 90 | 1 | - | 1 | 183 |
| P-1 | - | 25 | 5 | - | - | - | 30 |
| <i>Subtotal</i> | <i>39</i> | <i>240</i> | <i>247</i> | <i>5</i> | <i>7</i> | <i>3</i> | <i>544</i> |
| GS-PL | 1 | 1 | 15 | 2 | - | - | 19 |
| GS-OL | 11 | 79 | 312 | 3 | 2 | 1 | 409 |
| <i>Subtotal</i> | <i>12</i> | <i>80</i> | <i>327</i> | <i>5</i> | <i>2</i> | <i>1</i> | <i>428</i> |
| Total | 51 | 320 | 574 | 10 | 9 | 4 | 972 |

B. Working Capital Fund for 2021

The Assembly of States Parties,

Recalling that the Working Capital Fund was established to ensure that the Court be able to meet short-term liquidity problems pending receipt of assessed contributions,⁴

Noting the recommendation of the Committee at its twenty-seventh session to reinstate the Working Capital Fund to represent approximately one month's expenditure of the Court's 2016 approved budget (€11.6 million),⁵

Further noting that the Committee recommended a consideration of a multi-year funding timetable,⁶

1. *Notes* that the Working Capital Fund for 2020 was established in the amount of €11.6 million;
2. *Further notes* that the current level of the Working Capital Fund is €11.5 million;
3. *Resolves* that the Working Capital Fund for 2021 shall be established in the amount of €11.6 million, 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;
4. *Takes note* of the recommendation of the Committee⁷ at its thirty-second session that the Working Capital Fund be maintained at one month of the Court's expenditure, therefore recommending an increase of the notional level to €12.3 million, *notes* that the Committee recommended at its thirty-fifth session, in light of the liquidity risk faced by the Court, that the Bureau and the Assembly keep the level of the Working Capital Fund under review, and *further notes* that States Parties will continue to consider this important and urgent matter in The Hague Working Group facilitation on the budget; and

⁴ Financial Regulations and Rules 6.2.

⁵ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 144.

⁶ *Ibid.*, para. 148.

⁷ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.1, para. 66.

5. *Decides* 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.

C. Outstanding contributions

The Assembly of States Parties,

Welcoming the report of the Bureau on the arrears of States Parties,⁸ and in particular the conclusions and recommendations contained in that report,⁹

1. *Urges* all States Parties to make timely payments of assessed contributions and *requests* the Court and States Parties to make serious efforts and take necessary steps to reduce the level of arrears and outstanding contributions as far as possible to avoid liquidity issues for the Court, and *further requests* the Court to communicate to the Committee all information concerning outstanding contributions in advance of the twentieth session of the Assembly of States Parties;

2. *Welcomes* the Court's development of guidelines,¹⁰ consistent with existing rules and regulations, for States Parties which are in arrears and subject to the provisions of article 112, paragraph 8 of the Rome Statute, and which face significant economic hardship, to enter into voluntary and sustainable payment plans, *encourages* States Parties in arrears and subject to the provisions of article 112, paragraph 8, to work voluntarily, in coordination with the Court, to develop such payment plans, and *further requests* the Court to keep States Parties informed of any such payment plans and their implementation through The Hague Working Group facilitation on the budget, including via the monthly financial reports provided to States Parties; and

3. *Takes note* of the recommendations of the Committee¹¹ and the External Auditor¹² concerning liquidity issues and *notes* that States Parties will continue to consider this matter in The Hague Working Group facilitation on the budget.

D. 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,

Recalling further that the Contingency Fund was established to ensure that the Court can meet: a) costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation; b) unavoidable expenses for developments in existing situations that could not be accurately estimated at the time of the adoption of the budget; and c) costs associated with an unforeseen meeting of the Assembly,¹³

Taking note of the advice of the Committee in the reports on the work of its eleventh, thirteenth, nineteenth and twenty-first sessions,

Recalling that the Assembly, at its sixteenth session, decided that, should the Contingency Fund fall below €5.8 million by its seventeenth session, the Assembly would assess the need for its replenishment, bearing in mind the report of the Committee on Budget and Finance,¹⁴ and regulation 6.6 of the Financial Regulations and Rules,

1. *Notes* that the current level of the Contingency Fund is €5.2 million;

⁸ ICC-ASP/19/27.

⁹ *Ibid.*, paras. 16 to 17.

¹⁰ ICC-ASP/18/6.

¹¹ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.2. para. 193.

¹² Final audit report on the budget process of the International Criminal Court (ICC-ASP/18/2/Rev.1), recommendation 9.

¹³ Financial Regulations and Rules 6.6.

¹⁴ *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2.

2. *Decides* to maintain the Contingency Fund at the notional level of €7.0 million for 2021; and
3. *Requests* the Bureau to keep the €7.0 million threshold under review in light of further experience on the functioning of the Contingency Fund.

E. Scale of assessment for the apportionment of expenses of the Court

The Assembly of States Parties,

1. *Decides* that for 2021, 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 2019-2021,¹⁵ and adjusted in accordance with the principles on which the scale is based;¹⁶ and
2. *Notes* that, in addition, any maximum assessment rate for the largest contributors and for the least developed countries applicable for the United Nations regular budget will apply to the Court's scale of assessment.

F. Financing of appropriations for 2021

The Assembly of States Parties,

1. *Notes* that the payments corresponding to Major Programme VII-2 Host State Loan will reduce the level of the budget appropriations to be assessed for contributions by States Parties to €144,673,900; and
2. *Resolves* that, for 2021, assessed contributions for the budget amounting to €144,673,900 of the budget appropriations approved by the Assembly under section A, paragraph 1 of the present resolution, will be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations and Rules of the Court.

G. Premises of the Court

The Assembly of States Parties,

Noting the recommendations of the Committee on Budget and Finance regarding maintenance and capital replacement for the premises of the Court,¹⁷

1. *Approves* capital replacement for the premises of the Court at the level of €378.9 thousand in 2021, while underlining the need to see maintenance and capital replacement in conjunction;
2. *Reiterates* the need for the capital replacement to be fully justified and limited only to those elements which are absolutely necessary, *requests* the Court to continue to ensure that all measures are taken to achieve savings and efficiencies, including using alternatives to capital replacement whenever possible, and *invites* the Court to submit rolling medium and updated long-term capital replacement plans and estimates in line with these principles;
3. *Notes* that any capital replacement needs arising in the foreseeable future should be financed within the scope of the regular budget process;
4. *Welcomes* the intention of the Committee to review the medium and long-term plans and estimates for capital replacement, as well as financial and administrative mechanisms including possible alternatives to current contractual arrangements, at its thirty-sixth and thirty-seventh sessions,¹⁸ and *invites* the Committee to continue to undertake a detailed analysis and evaluation of the proposed budget taking into account the need for prioritization;

¹⁵ A/RES/73/271.

¹⁶ Rome Statute of the International Criminal Court, article 117.

¹⁷ *Official Records ... Nineteenth session ... 2020* (ICC-ASP/19/20), vol. II, part B.2, paras. 95 to 107.

¹⁸ *Ibid.*, paras. 105 and 106.

5. *Recalls* the recommendation of the Committee¹⁹ regarding a mechanism for *pro bono* expert advice from States Parties in the planning and implementation of capital replacement, and *invites* States Parties to further explore this possibility and put forward suggestions in this regard;
6. *Reaffirms* that the Bureau is entrusted with the mandate concerning the governance structure and total cost of ownership, via its Hague Working Group which has a facilitation on the budget, and *requests* that a report on the topic be submitted for consideration by the twentieth session of the Assembly; and
7. *Welcomes with appreciation* the artwork donations to the premises of the Court made by several States Parties in 2020.

H. Transfer of funds between major programmes under the 2020 approved programme budget

The Assembly of States Parties,

Recognizing that under regulation 4.8 of the Financial Regulations and Rules no transfer between appropriation sections may be made without authorization by the Assembly,

1. *Decides* that, in line with established practice, the Court may transfer any remaining funds between major programmes at the conclusion of 2020 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.

I. Audit

The Assembly of States Parties,

Having regard to the Charter of the Audit Committee, adopted at its fourteenth session,²⁰ as amended,

Noting the reports of the Audit Committee on the work of its eleventh and twelfth sessions,²¹

Further noting the recommendations of the Committee on Budget and Finance concerning audit matters,²²

1. *Welcomes* the reports of the Audit Committee on the work of its eleventh and twelfth sessions;
2. *Decides* to appoint the Board of Audit and Inspection of the Republic of Korea as the External Auditor of the International Criminal Court and the Trust Fund for Victims for four years starting with the financial year 2021;
3. *Recalls* its request to the External Auditor, the *Cour des comptes*, 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, and *looks forward* to considering the outcome of that evaluation as soon as it is available; and
4. *Takes note* of the proposed amendments to the Charter of the Audit Committee contained in annex III to the report of the Audit Committee on its tenth session and *decides* to consider those amendments, taking into consideration the outcome of the evaluation to be

¹⁹ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.2, para. 116 and *Official Records ... Nineteenth session ... 2020* (ICC-ASP/19/20), vol. II, part B.2, para. 104.

²⁰ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, annex IV.

²¹ AC/11/5 and AC/12/5, available on the website of the Audit Committee at:

https://asp.icc-cpi.int/en_menus/asp/AuditCommittee.

²² *Official Records ... Nineteenth session ... 2020* (ICC-ASP/19/20), vol. II, part B.1, paras. 20 to 24 and *Official Records ... Nineteenth session ... 2020* (ICC-ASP/19/20), vol. II, part B.2, paras. 214 to 227.

undertaken by the External Auditor and the report of the Independent Expert Review,²³ in order to take a decision as appropriate.

J. Budget Management Oversight

The Assembly of States Parties,

1. *Notes* that the Strategic Plans of the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims are dynamic and updated on a regular basis;
2. *Notes* the Strategic Plans of the Court, the Office of the Prosecutor and the Registry for the period 2019-2021 and of the Trust Fund for Victims for the period 2020-2021 and *also notes* that the Strategic Plans benefit from the views and comments States Parties make in the dialogue with the Court, the Office of the Prosecutor the Registry and the Trust Fund for Victims;
3. *Welcomes* the report of the Office of the Prosecutor on the implementation of its Strategic Plan for 2016-2018, and *requests* the Court to continue to assess, develop and apply the lessons learned contained therein;
4. *Reiterates* the importance of strengthening the relationship and coherence between the strategic planning process and the budgetary process, which is crucial for the credibility and sustainability of the longer-term strategic approach;
5. *Recalls* its invitation to the Court to hold annual consultations with the Bureau in the first trimester on the implementation of its strategic plans during the previous calendar year, including on use of and improvements on performance indicators;
6. *Invites* the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims to report annually to the Assembly on the implementation of the Strategic Plans; and
7. *Notes* the oversight roles of the Audit Committee, the Committee on Budget and Finance, the External Auditor, the Independent Oversight Mechanism, and the Office of Internal Audit, and *recommends* that these bodies continue to expand their coordination in order to improve the timely exchange of information and reporting of results amongst them, the organs of the Court, the Bureau, and the Assembly, to optimize their oversight capacities, and to avoid duplication of competence and work.

K. Development of budget proposals

The Assembly of States Parties,

1. *Requests* the Court to present a sustainable budget proposal for its 2022 programme budget, based on transparent and strict financial assessments and needs-analysis. Proposed increases above the level of the 2021 approved budget should be requested only when necessary for the purpose of mandated activities and after all possible steps have been taken to finance such increases through savings and efficiencies;
2. *Recalls* that the proposed programme budget should present the costs for the following year by first highlighting the costs of maintaining current activities, then proposing changes to those activities including full costings of such changes;
3. *Invites* the Court to continue to ensure a stringent internal budgetary process steered by the Registry as part of an annual cycle taking into account past expenditure and leading to a sound and transparent budget proposal, thus allowing the Court to manage its financial situation responsibly, *encourages* the Court to make all efforts to ensure a balanced budget, as appropriate, across organs, and *emphasizes* that the Court should strive to present accurate and sustainable budget proposals based on robust forecasts;

²³ ICC-ASP/19/16.

4. *Welcomes* the recommendation of the External Auditor²⁴ that the Court question the nature of current appropriations when preparing the annual budget proposal, to avoid a gradual drift in budget appropriations;
5. *Recalls* the conclusions of the External Auditor with regard to financial trade-offs²⁵ and *further recalls* that States Parties support the Court in many ways, also outside the normal budgetary process;
6. *Welcomes* the constructive dialogue between the Committee on Budget and Finance and the Court at the thirty-second session of the Committee on the presentation of budget proposals and *requests* the Court to set Court-wide annual efficiency targets and to present an annex to the 2022 programme budget on the achievements of these efficiency targets, as well as detailed information which clearly distinguishes, to the extent possible, between savings, efficiencies, non-recurrent cost reductions and additional cost reductions achieved in 2021 and estimations for 2022, and which, as recommended by the External Auditor,²⁶ refers to those savings and efficiencies which result from genuine managerial initiatives and have an impact on the baseline; and
7. *Further welcomes* the recommendations of the Committee in relation to the presentation of the budget proposals and the efforts made by the Court in this regard, *encourages* continued improvement, and *notes* that the Committee will be updated ahead of its thirty-sixth session on the measures taken by the Court and will include its comments in its reports to the Assembly of States Parties.

L. A strategic approach to an improved budgetary process

The Assembly of States Parties,

Bearing in mind the independence and confidentiality required to allow the Judiciary and the Office of the Prosecutor to carry out its duties,

1. *Considering* that the Court was able to mitigate the detrimental effects of the COVID-19 pandemic, and ensure business continuity through flexibility and versatility in its sound management of operations, and *noting* that, in part, cost reductions in the budget were related to these exceptional circumstances;
2. *Emphasizes* the central role that the report of the Committee on Budget and Finance has on budget discussions in preparation for the Assembly sessions, and *requests* the Committee to ensure that its reports are published as soon as possible after each session;
3. *Reiterates* that in principle documentation should be submitted at least 45 days before the beginning of the respective session of the Committee in both working languages of the Court;
4. *Stresses* the utmost importance of achieving economies of scale, streamlining activities, identifying potential duplications and promoting synergies within as well as between the different organs of the Court;
5. *Welcomes* the Court's continued efforts to fully implement the "One-Court principle" when establishing the proposed programme budget, which has resulted in improvements to the budgetary process;
6. *Welcomes* the inclusion of comparative tables in the report of the Committee showing the yearly increases in approved programme budgets 2013-2020²⁷ and budget allocation per active investigation in Major Programme II and *invites* the Court to include updated versions of these tables in future budget proposals;
7. *Welcomes* the continued work of the Court on the topic of performance indicators as an important tool to fulfil its functions, in particular with regard to effective leadership and management, and *encourages* the Court to continue this work in light of the recommendations

²⁴ Final audit report on the budget process of the International Criminal Court (ICC-ASP/18/2/Rev.1), recommendation 2.

²⁵ *Ibid.*, para. 213.

²⁶ *Ibid.*, recommendation 3.

²⁷ *Official Records ... Nineteenth session ... 2020* (ICC-ASP/19/20), vol. II, part B.2, annex V.

of the External Auditor and to share with States Parties any update on the development of performance indicators;

8. *Notes*, in relation to the report of the Independent Oversight Mechanism (November 2019) on the evaluation of the Secretariat of the Trust Fund for Victims, the decision of the Board of Directors of the Trust Fund for Victims in December 2019 to accept the report's recommendations and to request the Executive Director to submit an action plan to implement the recommendations; *notes also* the Board's approval of the action plan in March 2020 and its integration in the revised Strategic Plan of the Trust Fund for Victims and its activity tracker, as both adopted in August 2020; *takes note* of the notification by the Trust Fund for Victims of the public versions of the activity tracker, as well as of the Management Brief of October 2020, thus accounting in a transparent and comprehensive manner for the activities of the Trust Fund for Victims, including in relation to the Independent Oversight Mechanism recommendations; and *encourages* the Board and Secretariat of the Trust Fund for Victims, in close cooperation with the Court and in particular with the Registry, to continue the implementation of measures to improve the performance of the Trust Fund for Victims and increase efficiency and effectiveness in relation to its mandate and its strategic goals of impact for victims and organisational performance;

9. *Notes* the importance of frequently reconsidering the value of current activity, including any opportunities for redeployment,²⁸ and *recalls* that careful prioritization is an important principle of efficient and effective management and is key to achieving successful outcomes;

10. *Requests* the Court, in consultation with the Committee, to continue to develop its budgetary process, guided by the Registry, by:

(a) Further strengthening the "One-Court principle" by ensuring that the budget process and its underlying assumptions and objectives are based on coordinated and robust strategic planning and prioritization;

(b) Further enhancing dialogue and information sharing between the Court and States Parties on the assumptions, objectives and priorities which underpin the draft programme budget at an early stage;

(c) Employing maximum flexibility in the management of its human resources in reacting to unexpected situations, and to the extent possible redeploying resources based on actual workload requirements;

(d) Continuing to explore ways to preserve the Court's long-term ability to deliver on its mandate effectively and efficiently, while being mindful of the financial constraints of States Parties;

(e) Enhancing the dialogue and information sharing between the Court and States Parties on potential medium-term cost drivers with a view to enhancing budget predictability; and

(f) Continuing to make all efforts to ensure accurate forecasting and expenditure in all budget lines;

11. *Requests* the Court to continue submitting its annual report on activities and programme performance including, as appropriate, relevant information on the approved budget, expenditure and variance at the sub-programme level with all budget lines, as well as the provisional expenditures and revenues for all trust funds administered by the Court, also being provided by the Court in its financial statements;

12. *Requests* the Court to continue striving for structural and sustainable enhancements in the efficiency of its work;

13. *Welcomes* the monthly financial reports provided by the Court to States Parties, showing monthly figures on cash flow, balances of the General Fund, the Working Capital Fund and the Contingency Fund, the status of assessed contributions, and monthly and annual cash flow forecasts, and *emphasizes* the usefulness of these reports; and

²⁸ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.2, para. 27.

14. *Commits* itself to financial practices which give utmost priority to the annual budget cycle and *calls for* a restrictive use of multi-annual funds administered outside the cycle.

M. Human Resources

The Assembly of States Parties,

Recalling its decision, during its fifteenth session,²⁹ to approve the implementation of all the elements of the new compensation package applicable as of 1 January 2017, in alignment with the changes and timelines approved by the United Nations General Assembly,

Noting the report of the Committee on Budget and Finance on the work of its twenty-eighth session, which welcomed the development of the policy put forward by the Court regarding the compensation review package,³⁰

Noting also that the Court submitted the amended text of the Staff Rules relating to the United Nations education grant, special education grant and related benefits to the Committee on Budget and Finance at its thirty-second session and that the Committee recommended that the Assembly approve the proposed changes,³¹

1. *Welcomes* the work undertaken by the Court to implement the changes with respect to the new compensation package for staff members in the Professional and higher categories in conformity with the United Nations common system standards;

2. *Recalling* that the Court submitted the text of the amended provisional Staff Rules relating to the United Nations education grant, special education grant and related benefits, *notes* that the Court intends to promulgate the amended Staff Rules in early 2021;

3. *Notes* the Administrative Instruction on the Classification and Reclassification of Posts promulgated by the Registrar,³² *requests* the Committee to continue monitoring the implementation of the Administrative Instruction at its thirty-sixth and thirty-seventh sessions and to report to the Assembly, *recalls its decision* that no new requests for reclassifications should be submitted by the Court until the new review of the Administrative Instruction is finalized,³³ *stresses* that reclassifications of posts cannot be used as a promotion tool or as a consequence of increased workloads and *recalls* the importance of fairness and transparency in all Human Resources decision-making;

4. *Notes* the External Auditor's recommendations that the Court strive to apply a unified set of Human Resources management policies³⁴ and develop and publish an ethics charter,³⁵ and *encourages* the Court to update States Parties on the implementation of those recommendations; and

5. *Encourages* prudent management of the Court's human resources to ensure full budget discipline, and *notes* that all new staff of any category, including temporary, must be properly justified.³⁶

N. Referrals by the Security Council

The Assembly of States Parties,

Noting with concern that, to date, expenses incurred by the Court due to referrals by the United Nations Security Council³⁷ have been borne exclusively by States Parties,

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

²⁹ ICC-ASP/15/Res.1, section N, para. 1.

³⁰ *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), vol. II, part B.1, para. 105.

³¹ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.1, para. 121.

³² ICC/AI/2018/002, 22 November 2018.

³³ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.2, para. 43.

³⁴ Final audit report on Human Resources Management (ICC-ASP/17/7), recommendation 2.

³⁵ *Ibid.*, paras. 238-240.

³⁶ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.2, para. 37.

³⁷ United Nations Security Council resolutions 1593 (2005) and 1970 (2011).

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,

1. *Notes* the report of the Registry on the approximate costs allocated so far within the Court in relation to referrals by the Security Council,³⁸ and *notes* that to date the approved budget allocated in relation to the referrals amounts to approximately €70 million, borne exclusively by States Parties;
2. *Encourages* States Parties to continue discussions on a possible way forward on this issue; and
3. *Invites* the Court to continue including this matter in its institutional dialogue with the United Nations and to report thereon to the twentieth session of the Assembly.

O. Five-Year Information Technology and Information Management Strategy

The Assembly of States Parties,

Noting the recommendation of the Committee at its thirty-first session with regard to multi-year budgeting of the Five-Year Information Technology and Information Management Strategy (“the Strategy”),³⁹

Recalling its request⁴⁰ to the Court to provide the Committee, at its thirty-second session, with a solution within the parameters of the Financial Regulations and Rules for the transfer of unspent funds of the Strategy, caused by objective delays in procurement, from one financial year to the following,

Noting the recommendation of the Committee at its thirty-third session⁴¹ that the Court continue to implement the Strategy on the basis of the maximum cost estimates for the years 2019-2021 as presented in the report of the Committee on the work of its thirty-first session (2019: €2,168.5 thousand; 2020: €2,072.5 thousand and 2021: €2,559.5 thousand),⁴²

Noting also the recommendation of the Committee at its thirty-fifth session⁴³ to extend the Strategy until the end of 2022, with new expenditure ceilings in an amount of €2,052.5 thousand for 2021 and €158.0 thousand for 2022,

Noting further that the Strategy would result in foreseen total savings of €403.9 thousand, based on the forecast execution of €8,267.0 thousand and the Committee’s original endorsed total of €8,670.9 thousand,⁴⁴

1. *Decides*, in view of the nature of this long-term project, that a portion of the 2020 approved budget for the Strategy amounting to €165,000, and resulting from objective delays in procurement, shall remain available in 2021; and
2. *Requests* the Registrar to report annually to the Assembly, through the Committee, on the implementation of the Strategy.

³⁸ ICC-ASP/19/17.

³⁹ *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 104.

⁴⁰ ICC-ASP/18/Res.4, section P, para. 1.

⁴¹ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.2, para. 86.

⁴² *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 98, table 5.

⁴³ *Official Records ... Nineteenth session ... 2020* (ICC-ASP/19/20), vol. II, part B.2, para. 75.

⁴⁴ *Ibid.*, Table 3, para. 74.