



**Cour
Pénale
Internationale**
**International
Criminal
Court**

L'Assemblée des États Parties
The Assembly of States Parties

Twentieth Session of the Assembly of States Parties
The Hague, 6-11 December 2021

Briefing by
Mr. Werner Druml, Chairperson
Committee on Budget and Finance

World Forum, King Willem Alexander room

9 December 2021, 10:00 – 11:30

Madam President,
Your Excellencies and Distinguished delegates,
Ladies and gentlemen,

I would like to thank you for the opportunity to address you today and to present the main outcomes of our discussions at the thirty-sixth and thirty-seventh sessions of the Committee on Budget and Finance (“the Committee/CBF”).

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, and to the representatives of the Court for their availability and cooperation especially during this difficult time. I also extend my thanks and appreciation to the Executive Secretary to the CBF and his team for their quality and outstanding support.

Madam President,

The Committee held its thirty-seventh session between 6 and 17 September 2021. I had the occasion to brief the Hague Working Group at the end of our meeting on the outcome of our session expressing that final calculations of the cuts made by the Committee will be checked by the Court.

I would like to begin with the greatest challenges the Court is facing:

- 1) The Committee raised its repeated concern with both the Working Groups and the Court that the liquidity issues facing the Court are now at a level that they are a strategic concern for the Court. The Court found temporary and one-off solutions in 2020 to its liquidity issue such as utilizing advance contributions and delaying recruitment and procurement. Those solutions, if repeated, will, however, exacerbate and accelerate the issue of liquidity in each of the following year. The Committee, first and foremost recommends that the Court and States Parties do the utmost to bring the States in areas to fulfill their obligations towards the Court and international justice. Recently, one State made a substantive payment of an outstanding part that may have alleviated this year’s liquidity problem, the concern however remains unchanged.

Also in light of this situation the Committee has over the years been calling the Court to systematically and radically increase the efficiency of the Court operations to manage the inevitable and predictable workload increases. The 2022 PPB clearly demonstrates that what has been done is too little. Increasing efficiency and realization of savings as a result of restructuring and of IER implementation will continue to be necessary.

- 2) The impact of the COVID-19 pandemic remains also a challenge. The Committee observed that the Court had shown flexibility and versatility in its operations to ensure business sustenance. This challenge will remain however, and the Court will have to adapt accordingly and profit from new working methods.

- 3) An additional challenge for the Court as for any other institution is to improve the working environment. The Committee took note with great interest the intention of the new Prosecutor to implement a new way of working and culture designed to enhance the work of the Office. Implementation of IER recommendations will be very important in this respect.
- 4) Finally a permanent challenge relates to the geographical distribution and gender balance. The Court acknowledged that progress has been slow and measures taken in the past not been as effective as has been hoped for. The Committee reiterated its recommendation that the Court draw up a plan to gradually alleviate the geographical imbalances. Concerning the gender balance, the Committee noted the intention of the Principals of the Court to establish a Gender Equality Focal Point to assist with improving the development of Court-wide policies. The Committee reiterated its previous recommendation that the Court draw up a long-term plan to gradually narrow the gender gap.

I will now briefly outline the main cross-cutting areas of the 2022 PPB (staff costs, IT, travel) and the main considerations the Committee was guided by:

Human Resources

As regards the human resources, the Committee observed a significant increase in the request for additional positions essentially in Major Programme I (Judiciary), Major Programme II (Office of the Prosecutor) and Major Programme III (Registry) due to the planned increase of judicial activity in 2022.

After an in-depth scrutiny of the newly requested posts and positions, of the Office structure and the assumed workload, the latter also against the background of past experiences, the Committee's recommendations were limited to posts whose justification were fully provided. Those recommended new positions were not necessarily always for full 12 months, taking into account time-consuming in recruitment procedures.

Information Technology

A second crosscutting area of substantial financial impact is the Five-Year Information Technology and Information Management Strategy. The Committee considered the status of the Five-Year Strategy with a total approved budget of over €8.6 million. The total costs of the Strategy by next year will be lower than the total approved budget. The Committee welcomed the savings achieved by the Court in implementing the Strategy. However, the Court added an additional amount of nearly €900 thousand as non-recurrent costs to be spent on different projects in various major programmes, the Committee was of the view that such costs could be reduced.

Travel costs

As regards the travel costs, both in terms of volume and cost, the Committee observed that although they are likely to increase in 2022, the Court should use the new hybrid ways of working to

reduce as much as possible actual travel since the Court successfully performed various activities remotely during the past 18 months, e.g., conducting witness interviews and testimonies or increasing the number of staff in the Country offices, triggering synergies, which should bring additional savings. The Committee believed therefore that travel costs could be reduced to the 2021 approved level taking into account the experience gained over the last two years.

Consideration of the 2022 proposed programme budget

The Court requested a programme budget of some €162 million for 2022, representing an increase of €14.1 million (or 9.5 per cent) against the total approved budget for 2021.

The Committee acknowledged that additional trials, implementation of IER recommendations and the restructuring of the OTP by the new Prosecutor will need to be met with a mixture of increased resources and the realisation of both savings and efficiencies. After an in depth scrutiny of the Court's proposed programme budget for 2022 and the justifications provided, the Committee concluded that total reductions could be achieved in the amount of some €6.8 million from the requested increase of €14.1 million. This represents a net total increase of about €7.3 million (4.9 per cent) as compared to the 2021 approved budget.

The recommended reductions, which the Committee always provided with appropriate justifications, will, in our view, not harm the operation of the Court. The still substantial increase of about €7 million in comparison to 2021 (an increase of 5.4 per cent for the Judiciary, 4.7 per cent for the OTP, and 5.3 per cent for the Registry, representing the main major programmes) should allow for the restructuring of the OTP and to meet the increase of the workload of the Court. As we recently learnt, the host State will continue subsidizing the renting of the venue for the Assembly of States Parties ("Assembly/ASP") in 2022, which will be a further reduction from the budget of the Court of about €300 thousand.

A final word on the CBFs role in the budget process of the Court, which is going to be addressed in the first part of next year given the report of the former External Auditor on the oversight mechanisms and recommendations by the IER. The central role of the report of the CBF on budget discussions in preparation for the Assembly sessions has been regularly emphasized by the ASP. Also the Independent Experts seem to support the important role of the Committee, recommending States Parties to defer to the CBF on technical budgetary details. The independent character of technical advice and a professional secretarial support are key in this respect. The current set up of the two independent committees of the Assembly, the CBF and the Audit Committee both serviced by the Executive Secretary proved to be effective, efficient and following international standards and best practices.

This concludes my remarks. Thank you for your attention.
