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**Report of the Committee on Budget and Finance
on the work of its tenth session**

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I. Introduction

A. Opening of the session, election of officers and adoption of the agenda

1. The tenth session of the Committee on Budget and Finance (“the Committee”) was convened in accordance with a decision of the Assembly of States Parties (“the Assembly”) taken at the 7th plenary meeting of its sixth session on 14 December 2007. The Committee held its tenth session, comprising eight meetings, at the seat of the Court in The Hague, from 21 to 25 April 2008. The President of the Court, Mr. Philippe Kirsch, delivered welcoming remarks at the opening of the session.

2. For the tenth session, the Committee elected by consensus Mr. David Dutton (Australia) as Chairperson and Mr. Santiago Wins (Uruguay) as Vice-Chairperson.

3. The Secretariat of the Assembly of States Parties (“the Secretariat”) provided the substantive servicing for the Committee, and its Director, Mr. Renan Villacis, acted as Secretary of the Committee.

4. At its 1st meeting, the Committee adopted the following agenda (ICC-ASP/7/CBF.1/L.1):

1. Opening of the session
2. Election of officers
3. Adoption of the agenda
4. Participation of observers
5. Organization of work
6. Programme performance of the 2007 budget
7. Programme performance of the 2008 budget: first quarter
8. Audit matters
9. Distribution of costs in the proposed programme budget
10. Human resources
11. Translation costs
12. Legal aid: financial investigator
13. Premises of the Court
14. Contingency fund
15. Other matters

5. The following members attended the tenth session of the Committee:

1. David Banyanka (Burundi)
2. Lambert Dah Kindji (Benin)
3. David Dutton (Australia)
4. Carolina María Fernández Opazo (Mexico)
5. Gilles Finkelstein (France)
6. Fawzi A. Gharaibeh (Jordan)
7. Myung-jae Hahn (Republic of Korea)
8. Gerd Saupe (Germany)
9. Ugo Sessi (Italy)
10. Elena Sopková (Slovakia)
11. Santiago Wins (Uruguay)

6. The following organs of the Court were invited to participate in the meetings of the Committee to introduce the reports: the Presidency, the Office of the Prosecutor and the Registry.

B. Participation of observers

7. The Committee accepted the request of the Coalition for the International Criminal Court to make a presentation to the Committee. The Committee invited the Coalition for the International Criminal Court to make a similar presentation at its next meeting. Furthermore, the Committee decided to designate Mr. Gerd Saupe (Germany) as its contact point for non-governmental organizations.

C. Statement by a representative of the host State

8. At the 6th meeting, on 23 April 2008, Ambassador Paul Wilke, Permanent Representative of the Netherlands to the International Criminal Court, made a statement on behalf of the host State on the issue of permanent premises.

D. Timeliness of documentation

9. The Committee expressed concern that its recommendations to the Court, contained in the reports on the work of its sixth, seventh, eighth and ninth sessions,¹ had by and large not been heeded. It wished to convey once more to the Court the importance the Committee attached to the timely and orderly submission of the Court's reports and other documents to the Secretariat of the Assembly, so as to ensure that they were distributed to the Committee at least three weeks in advance of its sessions. This would enable members of the Committee to examine the documentation in a thorough and detailed manner prior to their arrival at the session and to perform their function of providing advice to the Assembly in the most effective way.

10. **The Committee recommended that the Court adhere to the guidelines set out in the Manual of Procedures adopted by the Bureau of the Assembly of States Parties on 31 August 2006 and noted in particular the content of paragraph 4 thereof.**²

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November - 1 December 2006* (International Criminal Court publication, ICC-ASP/5/32), part II.D.6(a), para.72 and part II.D.6(b), para. 133.

² "4. The present Manual of Procedures contains guidelines which have been developed to facilitate the preparation and submission of official documentation to the Secretariat by the organs of the Court, and to streamline all procedures related to conference services provided by the Secretariat to the Assembly and its subsidiary bodies. The main guidelines regarding submission of documents are:

(a) The Court should submit documentation to the Secretariat of the Assembly in a staggered and orderly manner, in accordance with an annual timetable to be prepared by the Secretariat, so as to ensure that documentation is submitted to the Assembly or its subsidiary bodies at least three weeks in advance of the respective session.

(b) If a report is submitted late to the Secretariat, the reasons for the delay should be included in a footnote to the document.

(c) The substantive office that submits documentation to the Secretariat should include, where appropriate, the following elements in the reports:

(i) A summary of the report, which should quantify any programme budget implications;

(ii) Consolidated conclusions, recommendations and other proposed actions;

(iii) Relevant background information.

(d) All documents submitted to legislative organs for consideration and action should mark conclusions and recommendations in bold print."

II. Consideration of issues on the agenda of the Committee at its tenth session

A. Review of financial issues

1. Status of contributions

11. The Committee reviewed the status of contributions as at 24 April 2008 (annex I). It noted that a total of €2.56 million was outstanding from the previous financial periods. The Committee welcomed the improvement in the rate of payment as compared to previous years. So far, 70 per cent of 2008 contributions had been paid, compared to 62 per cent in 2007. The Committee expressed concern that only 43 States had fully paid all their contributions, leaving a total of €29.59 million outstanding for all financial periods.

2. Cash holdings

12. The Committee was informed that at 31 March 2008 the Court held approximately €94.9 million. This included cash for the working capital fund (€7.4 million), contingency fund (€9.2 million), accruals for judges' costs (€97 million), the 2006 surplus (€22.8 million), the 2007 provisional surplus (€7.3 million) and contributions for the 2008 financial period.

13. The Committee noted that States had only recently been advised that the 2006 surplus was available to be returned to States in accordance with regulation 4.7 of the Financial Regulations and Rules. The Committee noted that regulation 4.7 required any cash surplus in the budget to be surrendered to each State Party at 1 January of the year following the year in which the audit of the accounts of the financial period was completed. The Committee observed that States would have been able to offset their share of the 2006 surplus against their 2008 assessments if the Court had surrendered the surplus on 1 January in accordance with regulation 4.7. **The Committee encouraged the Court to seek to ensure that, as a general policy, the cash surplus was made available to States in a timely manner in January each year, in accordance with regulation 4.7, and, accordingly, that the 2007 surplus was available to States on 1 January 2009.**

14. The Committee was informed that the Court's cash was held in three banks, at interest rates between 4.4 and 4.5 per cent. The Committee agreed to seek a further explanation of the Court's treasury function and policy at its next session.

B. Audit matters

15. The Committee had before it an interim report on governance arrangements submitted by the Court.³ The Court informed the Committee that though it recognized the importance of having an effective and efficient audit and governance system, the Court was still in the process of developing the overall governance structure. The Court had been in consultation with external advisers on a model that could be developed for the Court, bearing in mind that the Court's functions were unique. Such a model should therefore be specific and tailor-made, catering for the independence of the judiciary and the Office of the Prosecutor.

Risk management

16. In order to update the risk assessment conducted in 2006, the Court had identified external consultants to perform the assessment. The project would be presented to the Audit

³ Interim report on governance arrangements (ICC-ASP/7/CBF.1/3).

Committee. **The Court expected the results of the project before the seventh session of the Assembly of States Parties.**

Internal and External Audit

17. The Court informed the Committee that the relationship between the External Auditor and the Office of the Internal Auditor had been strengthened and that the external peer review team had reported that the Court was in compliance with international best practices. The Committee was further informed that the Office of the Internal Auditor would soon be fully staffed and the new Director of the Office would be appointed soon. The post had been vacant since August 2007. **The Committee recognized the importance of the work of the Office of Internal Audit, took note of its work programme for 2008 and encouraged the Court to expedite the Office's work.**

18. **The Committee requested the Court to consider the possibility of having the annual financial statements finalized earlier in the year, if possible prior to the first annual session of the Committee.**

Audit Committee

19. The Committee was informed that external members of the Audit Committee had not yet been appointed due to the undefined terms of reference of the Committee, which had prevented the Court from identifying suitable candidates. The absence of any financial remuneration for external members had also made it difficult to attract suitable candidates. To overcome this, consultations with external advisers had been conducted and the structures of other organizations analysed. Revised terms of reference of the Audit Committee had subsequently been drafted. According to the revised terms of reference, the Audit Committee would be composed of the three Court principals plus two external members appointed by the principals. Payment would be provided to external members to ensure that the Court could attract highly-qualified candidates. **In this connection, the Committee recalled the recommendation of the External Auditor and the Committee that the Audit Committee be composed of a majority of external members and be chaired by one of the external members.⁴ The Committee again called on the Court to work towards this objective and urged the Court to appoint external members to the Audit Committee as soon as possible.**

20. The Audit Committee had met once in January 2008 and had scheduled a second meeting for May 2008.

Statement of Internal Control

21. The Committee was informed that the External Auditor had recommended that the Registrar, in conformity with the Financial Regulations and Rules and best governance practices, should provide an annual statement of internal control. The draft wording of the statement had been circulated to the Audit Committee and Registry's Legal Advisory Section for review.

22. The Committee noted that it had expected that the interim report would contain more detail on each of the matters requested by the Committee at its previous sessions. **Therefore it decided to return to the question of governance arrangements at its eleventh session and requested the Court to ensure that the Committee was provided in advance with the**

⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November – 1 December 2006* (International Criminal Court publication, ICC-ASP/5/32), part II.D.6(b), para. 22.

approved terms of reference of the Audit Committee, the revised Charter for Internal Oversight and any other relevant documents.

C. Budgetary matters

1. Programme performance of the 2007 budget

23. The Committee considered the report on programme performance of the International Criminal Court for the year 2007.⁵ The Committee noted that the overall implementation rate had been 90.5 per cent, compared to 79.7 per cent in 2006, 83.4 per cent in 2005 and 81.4 per cent in 2004. **Furthermore, the basic budget had an implementation rate of 97.7 per cent, while the situation-related budget had an implementation rate of 82 per cent.** The Committee also noted that key factors that had influenced the Court's ability to implement the situation-related elements of the 2007 programme budget had included the delay in the commencement of a trial, travel restrictions due to security risks, and recruitment difficulties. Similar factors had influenced the Court's ability to fully implement the 2006 programme budget.

24. The Court advised the Committee that it had also incurred €3,491,000 of unforeseen expenditures, including judges (€720,000), staff (€47,000), field operations (€1,087,000) and the expansion of a computer room (€950,000), necessary as a result of space limitations in the interim premises of the Court. **The Committee requested that detailed information on the unforeseen expenditures be submitted prior to its eleventh session.**

25. The Committee welcomed the improved implementation of the 2007 programme budget. However, it noted that higher implementation in some parts of the Court had not been the result of full realization of the stated assumptions of the budget, and that overspending had occurred on general temporary assistance, consultants, contractual services, and furniture and equipment. The Committee observed that experience in 2007 still showed that there was a substantial gap between planning the budget and the Court's actual activities. While this remained understandable given that the Court was still developing rapidly and had to adapt to external factors, the Committee felt that it was important for the Court to continue to work towards more accurate budgetary planning. The Committee acknowledged that the nature of the Court's operations would probably never allow completely accurate and consistent budgeting such as might be possible in some other international organizations. Nevertheless, it was important for the governance of the Court and for the qualitative analysis of performance each year to explain and differentiate the reasons for variations from the budget. The Committee was concerned that the information provided did not equip it to assess where variations had resulted from external factors and where problems had arisen in either budgeting or implementation.

26. The Committee noted that major programme I had spent 97.69 per cent of its budget, although there had been no significant variations in the assumptions. The Committee was informed that the high implementation rate was the result of the need to accrue the unexpected costs of a disability pension, costed at €1,407,170, due to the disability pension payable to a judge of the Court. No provision had been made in the 2007 budget for such a situation and therefore a total of €1,170,448 from the underspend of major programme I had been utilized to cover the disability pension accrual. The Court was considering the means of covering the additional €236,722. **The Committee observed that the authority of the Assembly might be required for the Court to overspend in major programme I, transfer funds from another major programme in the budget, or appropriate specific funds. In**

⁵ Report on programme performance of the International Criminal Court for the year 2007 (ICC-ASP/7/8).

that regard, the Committee suggested that the Court might wish to submit a request to the resumed sixth session of the Assembly for authorization to overspend major programme I or transfer the sum of €236,722 from another major programme to major programme I.

27. The Committee noted that the Office of the Prosecutor had spent 79.27 per cent of its budget, despite the fact that the assumptions applicable to the Office had been almost entirely realized. The Court advised that the underspend had been due to lower staff costs and recruitment delays, and that the staffing gap had been covered by staff working excessive hours for sustained periods of time. During discussions with the Court on expenditure by the Office, the Committee noted that, while it agreed that some reasonable limits of confidentiality should apply to avoid divulging critical or confidential information on the Office's activities, it was important that the Court submit to the Committee as detailed information as possible on expenditure to ensure proper oversight and allow the Committee to perform its role effectively.

28. The Committee noted that the Secretariat of the Assembly of States Parties had spent 67.04 per cent of its budget, which was attributed to the variations in conference servicing costs resulting from the different venues at which the Assembly had held its sessions and the duration of the sessions, and from greater efficiency in documentation and the use of interpretation services. **The Committee recommended that the Secretariat review its budgetary requirements closely in the light of the continuing underspend and noted that it expected a reduction of the budget to be possible in 2009.**

2. Performance of the 2008 budget (first quarter)

29. The Committee considered the report on budget performance of the International Criminal Court as at 31 March 2008.⁶ The Court made a presentation on the budget performance for the first quarter of 2008. The total level of implementation stood at 23.7 per cent. The Committee noted that 40.8 per cent of the basic budget for general temporary assistance (GTA) and 45.9 per cent of the basic budget for general operating expenses had already been committed. As regards the latter, the Committee expressed its expectation that the figures to be presented to the Committee at its eleventh session would substantiate the Court's assertion that the high expenditure for general operating expenses had been caused by annual contracts for utilities and maintenance being obligated at the beginning of the year, and that consequently no overspend was foreseen for 2008.

30. With respect to the status of situations under investigation by the Court, the Office of the Prosecutor advised the Committee that in the Uganda situation the arrest and surrender of the suspects remained a priority, irrespective of the outcome of the peace negotiations. With regard to the situation in the Democratic Republic of the Congo, the Court indicated that the trial in the case against Thomas Lubanga was scheduled to commence on 23 June 2008. The confirmation of charges hearing in the case against Germain Katanga and Mathieu Ngudjolo Chui was scheduled for May 2008. In accordance with its strategy and as announced in previous years, the Office of the Prosecutor was in the process of selecting a third investigation, which was to commence in the course of 2008. Arrest warrants remained outstanding in the situation in Darfur and cooperation by the Government of Sudan was pending. Nonetheless, the Office of the Prosecutor had launched two additional investigations, for which an application for arrest warrants or summons to appear were expected to be issued in the course of 2008. As regards the situation in the Central African Republic, progress was being made in the investigations and an application for arrest warrants was planned for 2008.

⁶ Report on budget performance of the International Criminal Court as at 31 March 2008 (ICC-ASP/7/7).

31. The Committee noted that the Court was considering drawing from the contingency fund to meet the costs in 2008 related to a second trial, including pre-trial activities. It noted that the Registrar would write to the Chair of the Committee, and that the Committee would provide comments to the Court in accordance with the Financial Regulations and Rules.

32. The Committee received a briefing by the Court on the issue of family visits for detainees. It was informed that the Court was continuing to fund family visits from the budget on an interim basis pending the Assembly's decision on the policy issue. The Committee noted that the implications of a policy decision on the matter could go beyond the ambit of the Court itself and that the issue was under consideration by the Bureau of the Assembly, through one of its working groups. The Committee requested the Court to indicate the programme budget implications of the matter in its forthcoming proposed programme budget for 2009.

3. Programme structure and budget presentation for 2009

(a) Budget terminology and outlook for 2009

33. The Court informed the Committee in an informal oral report that substantial additional resources would be proposed in the 2009 budget. These would probably include approximately €4.8 million to restore the vacancy rate to the normal level of 10 per cent following the one-off adjustment made in 2008, approximately €1 million to fully cost new posts that were half-costed in 2008, approximately €1.3 million in common system costs and approximately €9.1 million for a second trial. The Court also advised that additional resources might be required for victims and witnesses. The Committee noted that there might also be additional requirements for the permanent premises project, subject to the Assembly's decisions on financing the project.

34. The Committee recalled its previous comments on the desirability of measuring growth between the actual level of expenditure in one financial period (the baseline) and the proposed level of expenditure in the next. The Committee recognized that it would not be possible to make a meaningful comparison on this basis in the proposed programme budget, since the latter would be finalized before July. As such, the Committee recalled the description of the baseline in the report on the work of its eighth session, which had been agreed by the Committee and the Court.⁷ **Accordingly, the Court should prepare the proposed programme budget for 2009 so as to include comparisons between the level of actual expenditure in 2007, the approved 2008 budget and the proposed 2009 budget. In addition, the Court should present an addendum to the budget comparing the proposed budget for 2009 with a forecast for current year (2008) actuals, and a qualitative analysis of variants for 2008. This should be based on expenditure at the latest convenient date prior to the Committee's eleventh session.** The Committee agreed that it would begin its analysis of the proposed 2009 programme budget by reviewing expenditure in 2007 and 2008 and requested the Court to ensure it was ready to provide qualitative information on recent budget performance.

35. **The Committee requested that the Court utilize in the proposed 2009 budget the terminology recommended by the Committee in the report on the work of its ninth session.**⁸ Accordingly, the term 'zero growth in real terms' should reflect the fact that the budget had increased only due to inflation or other price increases, the underlying factors

⁷ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. II, part B.1.II.B.3(b), para. 26 (i).

⁸ *Ibid.*, part B.2, II.C.2(c), para. 39.

having remained constant. The Committee recognized that the additional funding required to restore the vacancy rate to a normal level should be considered as 'previous commitments'.

36. The Committee noted that the vacancy rate should be set at a realistic level for 2009 and decided to look closely at this question at its eleventh session in the light of the rate of recruitment up to that point. The Committee noted that the restoration of the vacancy rate to a normal level, following the one-off adjustment in 2008, would not create any additional capacity in the Court. In that sense, the Committee recognized that, while not strictly falling within the definition of 'zero growth in real terms', the restoration of the vacancy rate did not represent any growth in staff resources.

37. The Committee noted that the Court had indicated in its presentation on the 2009 outlook that it would propose price adjustments for some non-staff resources, including contracts, utilities and travel. The Committee noted that the Court had not applied any systematic price adjustment for non-staff costs in the 2008 budget, other than for travel.⁹ The Committee agreed that it would examine any proposals for price adjustments for additional non-staff costs on their merits. **However, the Committee emphasized that the budget proposal should provide a full explanation of the methodology employed for adjusting prices and the additional resources requested. It also emphasized the need for continual efforts by the Court to absorb budgetary increases due to inflation by finding efficiencies and prioritizing expenditure. It requested the Court to also explain its efforts to absorb any additional price adjustments within the existing budgetary provisions.**

38. Finally, the Committee recognized that there would be significant additional requirements for 2009. This situation required the Court to make more strenuous efforts to find savings and efficiencies across its work programme. **The Committee requested in particular that the Court should also examine any possibilities for reductions in GTA due to the increased staffing level in established posts and reductions in equipment, given that most of the Court's infrastructure was now in place. The Committee expected that the Court would provide detailed information on its efforts to find savings and efficiencies in the proposed budget for 2009.**

(b) Distribution of costs

39. The Committee was informed that the Court intended to make adjustments to the presentation of distributed costs in its 2009 budget proposal. Previous budget presentations had shown costs distributed from administrative sections to receiving sections as a separate line item in proposed budgets and as part of the approved appropriation. Experience had shown that this practice created operational challenges with the potential risk of a need for redeployments between major programmes. The Court informed the Committee that it now intends to follow standard practice and to distinguish between managerial and financial accounting by detaching cost distributions from the budget appropriation. This measure is intended to support the further development of the system of cost distributions by allowing the addition of new line items. The Court further informed the Committee that the proposed change would not have any influence on the information presented, as both information lines would still be presented in each major programme, programme and sub-programme summary table.

The Committee took note of this information, supported the approach indicated by the Court and decided to consider the issue further at its eleventh session in the context of its consideration of the proposed programme budget for 2009.

⁹ Ibid., para. 45.

(c) **Translation costs**

40. The Court presented a report on translation costs¹⁰ as requested by the Committee at its last session. The Committee was unable to discuss the report in detail due to limitations on its time, and therefore decided to revert to the report in the context of the proposed programme budget for 2009. **It requested that the Court provide additional information in that context of further options for outsourcing translation work (given savings made by other organizations and the need to locate potential providers of good quality services) and further information on its systems of managerial control of translation costs within the Court.**

D. Human resources

41. The Committee welcomed the progress report of the Court on recruitment¹¹ as well as on the development of a human resources strategy,¹² and supported the focus on the specific human resources objectives which were part of the Court's implementation of its Strategic Plan. The Committee noted that some of the measures would be implemented by the Court and that other proposals would subsequently be refined further and submitted for consideration by the Assembly, through the Committee, with a clear indication of any programme budget implications. In this connection, while recognizing the specific needs of the Court, the Committee stressed the desirability of remaining within the framework of the common system. Therefore, the Committee supported a gradual implementation of the objectives, which must be realistic and compatible with the resources and needs of the Court. **The Committee requested that a further comprehensive report be provided at its twelfth session and that any proposals with programme budget implications for the 2009 budget be identified for consideration at its eleventh session.**

Recruitment

42. With respect to specific human resources objective 14 (recruitment), the Committee welcomed the Court's policy to seek to recruit staff of the highest standards of efficiency, competency and integrity, having regard to equitable geographical representation, a fair representation of female and male personnel, and representation of the principal legal systems of the world, in accordance with the Rome Statute.

43. The Committee noted that there had been an improvement in the geographical representation and gender balance in the recruitment of staff of the Court,¹³ and encouraged the Court to continue its efforts in this regard. **Further, the Committee invited the Court to consider further ways to improve geographical representation, such as through national competitive examinations or through advertising vacancies in national newspapers of underrepresented or non-represented countries.**

44. The Committee welcomed the progress made by the Court to increase the rate of recruitment as recommended at its ninth session.¹⁴ **It advised, however, that the Court should ensure that the recruitment process did not result in the filling of posts that might not be needed, nor should the principles of competence and high-quality of staff**

¹⁰ Report of the Court on options for outsourcing translation work (ICC-ASP/7/5).

¹¹ Report of the Court on recruitment (ICC-ASP/7/CBF.1/2).

¹² Report of the Court on Human Resources - Development of a Human Resources Strategy: Progress Report (ICC-ASP/7/6).

¹³ Annex II, tables 1, 2 and 4.

¹⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. II, part B.2.II.C.2(e), para. 51.

be sacrificed in the quest to comply with the recommendation of the Committee on increasing the rate of recruitment.

45. The Committee noted that the current net recruitment rate of 11 staff members per month¹⁵ would result in the filling of 88 of the 126 vacant posts by the end of 2008, which would mean that all posts, except for new posts approved in the 2008 budget, would have been filled. The Committee decided to keep this issue under review at its eleventh session.

46. The Committee was informed that the Court would soon launch an electronic recruitment system by implementing a module of Systems, Applications and Products (SAP).

Strategic objective 16: Cultivate a caring environment which values the diversity of staff

47. The Committee welcomed the specific objectives relating to conditions of service and compensation systems, staff well-being and the internal justice system. It stressed the importance of engaging all staff in the development of the Court's objectives, and welcomed the focus on career development. The Committee requested the Court to present its proposals in due course, including their programme budget implications.

48. The Committee stressed the importance of an ethics regime in an international institution of a judicial nature. The Court informed the Committee that a code of conduct for investigators had been developed, and that a draft code of conduct for the Court as a whole was being developed and would be made available to staff shortly. **The Committee requested that the Court present an update on the draft code of conduct in its report on human resources at its twelfth session, for consideration in the context of an overview of the Court's internal justice system.** The Committee questioned the desirability of the proposed post of ombudsman, since appeals procedures were already in place to deal with issues of concern to staff.

49. The Committee underlined the importance of security of staff, in particular, of field staff. The Court informed the Committee that its security standards complied with the United Nations Security Management System, and that the conditions and levels of security established by the United Nations were implemented at all its field offices.

50. On the issue of ensuring attractive conditions of service and compensation systems for all staff at headquarters and field locations, the Committee was informed of the efforts of the Court to attract and retain qualified personnel, including a proposal to introduce the field service category for field staff. The Committee noted that the Court was comparing the Mission Subsistence Allowance (MSA) system used by the United Nations Department of Peacekeeping Operations with the Special Operations Living Allowance (SOLA) used by some funds and programmes within the United Nations system for staff working at non-family duty stations, as a possible means to attract and retain staff at these duty stations.

51. The Committee noted that the implementation of the SOLA regime would have programme budget implications. **In this connection, the Committee requested the Court to indicate the number of staff that would be affected by such a change and the respective programme budget implications, so that the Committee and the Assembly could make an informed decision.**

¹⁵ ICC-ASP/7/CBF.1/2, para. 25.

Employment advancement for well-performing staff

52. The Committee welcomed the key areas identified by the Court as priorities for the implementation of this objective. It noted that the Court was putting measures in place to this end, and welcomed the focus on performance management, training and career development. **With respect to training, it encouraged the Court to continue to provide language courses, in particular, through its training programmes.**

53. The Court stressed the importance of establishing an effective performance appraisal regime in order to ensure the advancement of staff. **The Committee supported the thrust towards staff development and in this regard requested the Court to report at its eleventh session on the programme budget implications of its training programme in the context of the budget.**

Resource-sharing

54. The Committee considered the possibility of the pooling of staff where possible, in order to reduce costs and to provide the opportunity for staff to diversify their professional expertise.

55. The Committee suggested the possibility of a pooling of staff resources with respect to legal officers having similar competence within the Registry. At its ninth session, the Committee had noted that the revised structure for Chambers' legal support would maintain support for individual judges and Chambers, while providing additional staff for each Chamber as a whole rather than assigning staff to individual judges.¹⁶

56. **The Committee therefore recommended that the Court examine the possibility of a pooling of resources for judicial support between the Chambers and the Registry.** This step would allow for flexibility in the deployment of staff according to need. The Committee noted that the movement of legal staff from the Office of the Prosecutor to the Chambers and vice versa would not be feasible for reasons of confidentiality and to protect the independence of the organs.

57. The Committee recalled in this regard, that it had, at its eighth session, approved¹⁷ the reclassification of 16 posts of Associate Legal Officer within Chambers from the P-2 level to P-3, and requested that any further changes in the structure of the staffing of Chambers should be presented to the Committee as part of a clear strategy for the Chambers.

E. Legal aid: financial investigator

58. The Court presented a report on appropriate resources for financial investigations under the Court's legal aid programme. The Committee was unable to discuss the report in detail due to limitations on its time, and therefore decided to revert at its eleventh session to the report in the context of a full report on legal aid¹⁸ and the proposed 2009 budget. The Committee also noted that any reclassifications of posts should be proposed in the context of the 2009 budget. The Committee also noted the proposal to consider using gratis personnel and expected that any such use would comply with the relevant rules.

¹⁶*Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. II, part B.2.C.2(h), para. 56.

¹⁷*Ibid.*, vol. II, part B.1.II.E, para. 72.

¹⁸*Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. I, part III, resolution ICC-ASP/6/Res.2, para. 13.

F. Premises of the Court

1. Permanent premises

59. The Committee welcomed the presentation by the Chairperson of the Oversight Committee, H.E. Mr. Jorge Lomonaco (Mexico), in which he provided information on the activities of and progress made by the Oversight Committee on issues pertaining to the recruitment of the Project Director and the financing of the project. With regard to the latter, the Oversight Committee had submitted for the consideration of the Committee on Budget and Finance a series of questions focusing on financing options and, in the event of the Assembly deciding to accept the host State loan, repayment modalities.

60. The Committee noted that the questions posed by the Oversight Committee focused only on financing options and did not address the question of which costs should be financed as part of the premises project and which might be included in the regular programme budget of the Court. The Committee agreed to consider this matter at its eleventh session on the basis of the work of the Oversight Committee.

61. The Committee considered the questions posed by the Oversight Committee and agreed on the following advice.

(a) Host State loan and/or other financing options

- a. Is it recommendable to finance the project through the host State loan? Are there additional options to consider, such as financing the project directly through States Parties?*

62. The Committee observed that there were two broad options which States should consider:

- i) Direct financing over the life of the project. This could be done on an annual basis according to cash-flow needs or funds could also be accumulated in advance of the project by assessment of States;
- ii) Use of the host State loan;
- iii) A combination of direct financing and the use of the host State loan.

63. The Committee agreed that it would not be possible, at present market rates, to obtain private financing of the project at a lower rate than the 2.5 per cent offered by the host State.

64. The Committee noted that the question of which option was to be preferred would depend on the particular circumstances of States. The 2.5 per cent offer was likely to be lower than domestic interest rates in most States and the loan might therefore be attractive since it would reduce the overall cost of the project for those States. Some States might also wish to spread out the cost of the project over a long term to reduce the annual impact on their assessments; that might be an important consideration for States which had difficulty paying their annual assessments to the Court.

65. Alternately, the Committee observed that some States might prefer to pay for the project through direct financing if that would be less costly or more convenient within their national budgetary systems. There might be potential to utilize as well the value of the host State loan in that option, to reduce the total costs to States. Direct financing would have the advantage of avoiding any payment of interest. It had the disadvantage of requiring larger assessments on States until the project was completed.

(b) Repayment of the loan

- a. *What would be the advantages and disadvantages of commencing repayment of the host State loan and the accrued interest in the financial period following the one when the disbursement is made?*

66. The Committee observed that commencing repayment in the financial period following the first utilization of the loan would be less costly for States than if repayments were commenced at a later date. It would, however, require assessments to commence at an earlier point.

- b. *What would be the advantages and disadvantages of commencing repayment of the host State loan and the accrued interest after the project has been finalized?*

67. An advantage of delaying the start of repayments until after the project had been finalized would be to allow States to defer being assessed for the project for as long as possible. Another advantage would be that the final cost of the project would be known, and a precise repayment schedule could be set out. However, this option would increase the total interest payable over the loan.

- c. *What would be the advantages and disadvantages of repaying the loan and the accrued interest through any of the following three options?*

- i) *Including the repayment obligation in the proposed programme budget of the Court;*
- ii) *Establishing a trust fund; or*
- iii) *Combining options i) and ii).*

- d. *Are there any disadvantages to ensuring that the assessed contributions of States Parties consist of the following three categories?*

- i) *Working Capital Fund;*
- ii) *Proposed programme budget; and*
- iii) *Permanent premises project.*

- e. *Are there any disadvantages to ensuring that the assessed contributions of States Parties consist of the following two categories?*

- i) *Working Capital Fund; and*
- ii) *Proposed programme budget, which would include all costs related to the permanent premises project (under major programme VII).¹⁹*

68. As regards the method for repayment, the Committee noted that the project could be funded either by:

- i) *incorporating the costs for the project in the budget of the Court, either as major programme VII or an additional major programme; or*
- ii) *creating a separate budget for the project.*

69. The Committee noted that, in either case, there would be no possibility to transfer funds between the project and other funds or budgets of the Court. Transfers would not be permitted between major programme VII and other major programmes, or between the project budget and the regular budget. Full transparency of the costs of the project should be ensured.

¹⁹ The Registry of the Court would be requested to inform States Parties, via its regular communications on the assessed contributions, of the amount of such contributions which would correspond to major programme VII.

70. The Committee considered that if the Assembly were to decide to incorporate the costs of the project in the budget, then the cost of the project would be assessed to States through existing mechanisms. Accordingly, there would be no need to address the question of how to assess States and how to treat arrears, since there would be no change to the current practice.

71. The Committee considered further that if the Assembly were to decide to create a separate budget for the project, there would be greater flexibility to design a specific system of appropriations, assessment and cash flow. This would require the Assembly to decide whether to assess States for the cost of the project in the annual assessment notice for the budget of the Court and the working capital fund, or to do so separately.

72. If the Assembly were to decide to assess States separately from their annual assessment notice, there would be a need to maintain a separate system for issuing assessments, keeping track of payments and handling arrears. This would also create the possibility of adopting different timelines for the issuance of assessments if that were desirable for the cash flow of the project. The Committee also noted that if the host State loan was to be utilized, a decision would have to be taken on how to address the additional interest that arrears might generate. There would also be a need to decide on how to handle a situation in which late payments by States of their contributions for the project resulted in the Court being unable to meet the cash-flow requirements of the project.

f. What would be the advantages and disadvantages of transferring the annual surplus to a trust fund?

73. The Committee observed that any surplus from the regular budget of the Court was required to be returned to States in accordance with the Financial Regulations and Rules, unless the Assembly otherwise decided. It would be possible to accumulate surpluses prior to commencement of the project as a means of accumulating funding for the project and reducing costs later. However, this could create advantages and disadvantages for particular States according to whether they had fully paid their contributions for the period of the surplus and depending on whether there had been any changes to the scale of assessments between the period of the surplus and the period in which the funds were utilized.

74. The Committee further observed that once payment of the project had commenced, there would not be any advantage in transferring surpluses to the project, as the surpluses would in any case be returned to States.

g. What would be the advantages and disadvantages of providing States Parties with the opportunity to pay their contribution to the permanent premises project in full upfront, as is the case with the United Nations Capital Master Plan?

75. The Committee considered that this option would have the advantage of providing greater flexibility to States and reducing the total cost of interest if the host State loan was to be used. The disadvantages of this option would be that it would require the scale of assessments for the project to be fixed, at least for any State exercising the option of paying up front, and it would most likely be more expensive for the State concerned. Given that the final cost of the project would not be known at the beginning of the project, it would not be possible for a State to be fully discharged of its obligations to the project in advance. The Committee thought it important to note that the United Nations Capital Master Plan allowed up-front payments as an alternative to assessments over five years, whereas the project might run over 30 years, if the loan were to be utilized.

(c) Arrears of States Parties

- a. Should article 112, paragraph 8, of the Rome Statute, concerning the loss of voting rights, apply to contributions to the permanent premises project?*

76. The Committee agreed that the question of whether the provision ‘should’ apply was a matter for the Assembly rather than the Committee.

77. If the Assembly were to decide to incorporate the costs of the project in the budget of the Court, or to assess the cost of a separate budget in the annual assessment issued to States, then article 112, paragraph 8, would apply to the costs of the project in the same way as it presently applied to the budget and working capital fund.

78. If the Assembly were to decide to assess the costs of the project separately from other contributions, there might be a need to obtain legal advice on whether article 112, paragraph 8, would apply to assessments issued for the project.

- b. Should the Assembly address the issues of non-payment and partial payment, as they may have an effect on the cash flow for the project and generate additional interest?*

79. The Committee observed that if the Assembly were to decide to incorporate the costs of the project in the budget of the Court, there would be no need to address those issues since the existing rules for the budget of the Court would apply.

80. If the Assembly were to decide to create a separate budget for the project, there might be a need to address those issues given the possibility of a situation in which late payments by States of their contributions for the project resulted in the Court being unable to meet the cash-flow requirements of the project.

- c. Would it be advisable to charge interest to the amount due from States Parties in relation to the permanent premises project?*

81. The Committee noted that if the Assembly were to decide to incorporate the costs of the project in the budget of the Court, interest could not be applied with respect to costs for the premises without also applying interest to budgetary contributions of States. At present, no such system existed.

82. If the Assembly were to create a separate budget for the project, it would be possible to charge interest for late payments, should the Assembly so decide. Doing so would have advantages for some States and disadvantages for other States, depending on their payment record. Whether that would be advisable was a matter for the Assembly to consider.

(d) Financial Regulations and Rules

- a. Would it be necessary to modify the Financial Regulations and Rules?*

83. The Committee agreed that substantial modifications might be required if the Assembly were to decide to create a separate budget for the project. Modifications might not be required if the Assembly were to decide to incorporate the costs of the project in the budget of the Court. That question should be considered carefully when the options under consideration by the Assembly were more clearly defined.

G. Other matters

1. Dates for the eleventh session

84. The Committee agreed that its eleventh session would be held in The Hague, from 8 to 16 September 2008.

Annex I

Status of contributions as at 24 April 2008

States Parties	Prior Year Assessed Contributions	Prior Year Receipts	Prior Year Outstanding Contributions	2008 Assessed Contributions	2008 Contributions Receipt	2008 Outstanding Contributions	Total Outstanding Contributions
1 Afghanistan	10,068	6,973	3,095	1,346	-	1,346	4,441
2 Albania	31,050	31,050	-	8,074	8,074	-	-
3 Andorra	35,694	35,694	-	10,765	10,765	-	-
4 Antigua and Barbuda	16,680	16,680	-	2,691	2,691	-	-
5 Argentina	5,049,815	3,417,049	1,632,766	437,316	-	437,316	2,070,082
6 Australia	10,366,473	10,366,473	-	2,404,564	2,404,564	-	-
7 Austria	5,512,389	5,512,389	-	1,193,535	1,193,535	-	-
8 Barbados	58,667	52,510	6,157	12,110	-	12,110	18,267
9 Belgium	6,826,501	6,826,501	-	1,482,837	762,425	720,412	720,412
10 Belize	6,300	6,300	-	1,346	1,346	-	-
11 Benin	10,998	10,998	-	1,346	1,346	-	-
12 Bolivia	51,276	10,233	41,043	8,074	-	8,074	49,117
13 Bosnia & Herzegovina	24,328	24,328	-	8,074	8,074	-	-
14 Botswana	77,576	77,576	-	18,838	7,215	11,623	11,623
15 Brazil	9,046,956	8,605,704	441,252	1,178,735	-	1,178,735	1,619,987
16 Bulgaria	109,443	109,443	-	26,912	26,912	-	-
17 Burkina Faso	10,267	10,267	-	2,691	1,422	1,269	1,269
18 Burundi	4,677	694	3,983	1,346	-	1,346	5,329
19 Cambodia	10,998	10,538	460	1,346	-	1,346	1,806
20 Canada	17,831,635	17,831,635	-	4,005,814	4,005,814	-	-
21 Central African Republic	6,300	2,318	3,982	1,346	-	1,346	5,328
22 Chad	1,603	-	1,603	1,346	-	1,346	2,949
23 Colombia	906,528	906,528	-	141,287	141,287	-	-
24 Comoros	1,870	-	1,870	1,346	-	1,346	3,216
25 Congo	5,043	5,043	-	1,346	454	892	892
26 Costa Rica	186,039	178,759	7,280	43,059	-	43,059	50,339
27 Croatia	255,188	255,188	-	67,279	67,279	-	-
28 Cyprus	253,111	253,111	-	59,206	28,287	30,919	30,919
29 Democratic Republic of the Congo	19,519	4,349	15,170	4,037	-	4,037	19,207
30 Denmark	4,577,440	4,577,440	-	994,389	994,389	-	-
31 Djibouti	6,104	3,699	2,405	1,346	-	1,346	3,751
32 Dominica	6,300	3,781	2,519	1,346	-	1,346	3,865
33 Dominican Republic	114,610	15,792	98,818	32,294	-	32,294	131,112
34 Ecuador	126,621	126,621	-	28,257	11,446	16,811	16,811
35 Estonia	80,782	80,782	-	21,529	21,529	-	-
36 Fiji	23,599	21,303	2,296	4,037	-	4,037	6,333
37 Finland	3,401,632	3,401,632	-	758,912	758,912	-	-
38 France	38,703,006	38,703,006	-	8,478,548	8,478,548	-	-
39 Gabon	58,188	46,134	12,054	10,765	-	10,765	22,819
40 Gambia	6,300	6,300	-	1,346	916	430	430
41 Georgia	17,238	17,238	-	4,037	4,037	-	-
42 Germany	55,133,637	55,133,637	-	11,541,106	11,541,106	-	-
43 Ghana	25,819	25,819	-	5,382	5,382	-	-
44 Greece	3,451,193	3,451,193	-	801,970	314,878	487,092	487,092
45 Guinea	14,989	2,390	12,599	1,346	-	1,346	13,945
46 Guyana	4,677	4,677	-	1,346	371	975	975
47 Honduras	31,344	12,741	18,603	6,728	-	6,728	25,331
48 Hungary	979,453	979,453	-	328,323	328,323	-	-
49 Iceland	218,404	218,404	-	49,787	49,787	-	-
50 Ireland	2,323,292	2,323,292	-	598,787	598,787	-	-
51 Italy	31,205,613	31,205,613	-	6,834,240	6,834,240	-	-
52 Japan	4,887,949	4,887,949	-	19,884,061	-	19,884,061	19,884,061
53 Jordan	69,054	69,054	-	16,147	6,510	9,637	9,637

States Parties	Prior Year Assessed Contributions	Prior Year Receipts	Prior Year Outstanding Contributions	2008 Assessed Contributions	2008 Contributions Receipt	2008 Outstanding Contributions	Total Outstanding Contributions
54 Kenya	37,682	37,682	-	13,456	7,274	6,182	6,182
55 Latvia	96,226	96,226	-	24,221	24,221	-	-
56 Lesotho	6,300	6,300	-	1,346	720	626	626
57 Liberia	4,677	4,677	-	1,346	454	892	892
58 Liechtenstein	40,135	40,135	-	13,456	13,456	-	-
59 Lithuania	150,856	150,856	-	41,713	41,713	-	-
60 Luxembourg	499,807	499,807	-	114,375	114,375	-	-
61 Malawi	6,681	6,681	-	1,346	454	892	892
62 Mali	10,998	10,998	-	1,346	1,346	-	-
63 Malta	90,681	90,681	-	22,875	22,875	-	-
64 Marshall Islands	6,300	2,207	4,093	1,346	-	1,346	5,439
65 Mauritius	69,304	69,304	-	14,801	7,802	6,999	6,999
66 Mexico	6,629,300	6,629,300	-	3,036,991	3,036,991	-	-
67 Mongolia	6,300	6,300	-	1,346	709	637	637
68 Montenegro	2,536	2,536	-	1,346	1,346	-	-
69 Namibia	38,420	38,420	-	8,074	3,486	4,588	4,588
70 Nauru	6,300	2,507	3,793	1,346	-	1,346	5,139
71 Netherlands	10,972,705	10,972,705	-	2,520,285	2,520,285	-	-
72 New Zealand	1,461,163	1,461,163	-	344,470	344,470	-	-
73 Niger	6,300	724	5,576	1,346	-	1,346	6,922
74 Nigeria	288,396	288,396	-	64,588	24,203	40,385	40,385
75 Norway	4,423,627	4,423,627	-	1,052,250	1,052,250	-	-
76 Panama	125,502	124,916	586	30,949	-	30,949	31,535
77 Paraguay	66,855	66,855	-	6,728	3,350	3,378	3,378
78 Peru	573,416	345,633	227,783	104,956	-	104,956	332,739
79 Poland	2,907,964	2,907,964	-	674,140	674,140	-	-
80 Portugal	3,048,240	3,048,240	-	709,125	709,125	-	-
81 Republic of Korea	11,589,622	11,589,622	-	2,923,961	2,923,961	-	-
82 Romania	392,976	392,976	-	94,191	43,806	50,385	50,385
83 Saint Kitts and Nevis	1,870	1,870	-	1,346	200	1,146	1,146
84 Saint Vincent and the Grenadines	6,104	2,012	4,092	1,346	-	1,346	5,438
85 Samoa	6,182	6,182	-	1,346	700	646	646
86 San Marino	18,282	18,282	-	4,037	4,037	-	-
87 Senegal	29,899	29,899	-	5,382	2,861	2,521	2,521
88 Serbia	123,532	123,532	-	28,257	11,279	16,978	16,978
89 Sierra Leone	6,300	2,739	3,561	1,346	-	1,346	4,907
90 Slovakia	335,612	335,612	-	84,772	84,772	-	-
91 Slovenia	538,455	538,455	-	129,176	49,348	79,828	79,828
92 South Africa	1,908,652	1,908,652	-	390,220	390,220	-	-
93 Spain	16,597,534	16,597,534	-	3,993,704	1,144,643	2,849,061	2,849,061
94 Sweden	6,423,867	6,423,867	-	1,441,124	717,036	724,088	724,088
95 Switzerland	7,619,586	7,619,586	-	1,636,234	1,636,234	-	-
96 Tajikistan	6,300	4,247	2,053	1,346	-	1,346	3,399
97 The former Yugoslav Rep. of Macedonia	36,199	36,199	-	6,728	2,725	4,003	4,003
98 Timor-Leste	6,182	6,182	-	1,346	580	766	766
99 Trinidad and Tobago	142,916	142,916	-	36,331	16,229	20,102	20,102
100 Uganda	32,375	31,545	830	4,037	-	4,037	4,867
101 United Kingdom	39,069,632	39,069,632	-	8,937,393	8,937,393	-	-
102 United Republic of Tanzania	36,250	36,250	-	8,074	4,375	3,699	3,699
103 Uruguay	288,685	288,685	-	36,331	36,331	-	-
104 Venezuela	1,147,029	1,147,029	-	269,118	125,074	144,044	144,044
105 Zambia	10,604	7,931	2,673	1,346	-	1,346	4,019
Total	320,145,546	317,582,551	2,562,995	90,382,100	63,357,500	27,024,600	29,587,595

Annex II

Human resources tables

Table 1: Geographical representation of Professional staff

Status as at 31 March 2008

Total number of professionals: 248*

Total number of nationalities: 65

Distribution per region

African		
	Benin	1
	Burkina Faso	1
	Democratic Republic of the Congo	2
	Egypt	2
	Gambia	3
	Ghana	1
	Kenya	2
	Lesotho	1
	Mali	2
	Mauritania	1
	Niger	1
	Nigeria	8
	Senegal	3
	Sierra Leone	5
	South Africa	5
	Sudan	1
	Uganda	1
	United Republic of Tanzania	1
	Zambia	1
African total		42

Asian		
	Iran (Islamic Republic of)	3
	Jordan	3
	Lebanon	1
	Mongolia	1
	Palestinian Territory, Occupied	1
	Philippines	1
	Republic of Korea	3
	Singapore	1
Asian total		14

* Excluding language staff.

Eastern European		
	Albania	1
	Belarus	1
	Bulgaria	1
	Croatia	4
	Estonia	1
	Georgia	1
	Romania	4
	Serbia	3
	Ukraine	1
	Eastern European total	17

GRULAC¹		
	Argentina	3
	Brazil	4
	Chile	1
	Colombia	7
	Costa Rica	2
	Ecuador	2
	Mexico	1
	Peru	2
	Saint Vincent and the Grenadines	1
	Trinidad and Tobago	4
	Venezuela	1
	GRULAC total	28

WEOG²		
	Australia	11
	Austria	2
	Belgium	8
	Canada	11
	Denmark	1
	Finland	4
	France	25
	Germany	21
	Ireland	4
	Italy	9
	Netherlands	9
	New Zealand	4
	Portugal	1
	Spain	10
	Sweden	1
	Switzerland	3
	United Kingdom	18
	United States of America	5
	WEOG total	147

¹ Group of Latin American and Caribbean States.

² Western European and Other States Group.

Table 2: Geographical representation of Professional staff per post, per region*
Status as at 1 April 2008

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
D-1	GRULAC ¹	Ecuador	1
		GRULAC total	1
	WEOG ²	Belgium	1
		Canada	1
		France	2
		Germany	1
	WEOG total	5	
D-1 total		6	
<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
P-5	African	Gambia	1
		Kenya	1
		Lesotho	1
		Mali	1
		Senegal	2
		South Africa	1
		African total	7
	Asian	Philippines	1
	Asian total	1	
	GRULAC	Argentina	1
	GRULAC total	1	
	WEOG	Australia	1
		Belgium	1
		France	1
		Germany	6
		Ireland	1
		Italy	1
		Switzerland	1
		United Kingdom	2
		United States of America	1
WEOG total		15	
P-5 total		24	
<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
P-4	African	Democratic Republic of the Congo	1
		Nigeria	2
		Sierra Leone	1
		African total	4
	Asian	Iran (Islamic Republic of)	1
		Jordan	1
	Asian total	2	
	Eastern European	Croatia	1
		Serbia	1
	Eastern European total	2	

* Excluding language staff.

¹ Group of Latin American and Caribbean States.

² Western European and Other States Group.

GRULAC	Argentina	1
	Colombia	1
	Ecuador	1
	Peru	1
	Trinidad and Tobago	3
	GRULAC total	7
WEOG	Australia	1
	Belgium	1
	Canada	2
	Denmark	1
	Finland	1
	France	4
	Germany	1
	Italy	2
	Netherlands	4
	Spain	3
	Sweden	1
	United Kingdom	7
	United States of America	2
	WEOG total	30
P-4 total	45	

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
P-3	African	Benin	1
		Congo, Democratic Republic of the	1
		Kenya	1
		Mali	1
		Niger	1
		Nigeria	2
		Sierra Leone	1
		South Africa	4
		Zambia	1
		African total	13
Asian		Iran (Islamic Republic of)	1
		Jordan	2
Asian total	3		
Eastern European		Romania	2
		Albania	1
Eastern European total	3		
GRULAC		Brazil	3
		Colombia	3
		Costa Rica	1
		Trinidad and Tobago	1
		Venezuela	1
GRULAC total	9		
WEOG		Australia	4
		Austria	1
		Canada	3
		Finland	3
		France	9
		Germany	9
		Ireland	2

	Italy	5
	New Zealand	1
	Spain	3
	Switzerland	1
	United Kingdom	7
	United States of America	1
	WEOG total	49
P-3 total		77

<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
P-2	African	Burkina Faso	1
		Egypt	2
		Gambia	1
		Ghana	1
		Mauritania	1
		Nigeria	3
		Sierra Leone	3
		Sudan	1
		United Republic of Tanzania	1
			African total
	Asian	Iran (Islamic Republic of)	1
		Lebanon	1
		Mongolia	1
		Palestinian Territory, Occupied	1
		Republic of Korea	3
		Singapore	1
	Asian total	8	
	Eastern European	Belarus	1
		Bulgaria	1
		Croatia	1
		Georgia	1
		Romania	2
		Serbia	2
		Ukraine	1
	Eastern European total	9	
	GRULAC	Colombia	3
		Costa Rica	1
	GRULAC total	4	
WEOG		Australia	4
		Austria	1
		Belgium	5
		Canada	5
		France	7
		Germany	4
		Italy	1
		Netherlands	4
		New Zealand	3
		Portugal	1
		Spain	2
		Switzerland	1
		United Kingdom	2

	United States of America	1
	WEOG total	41
P-2 total		76

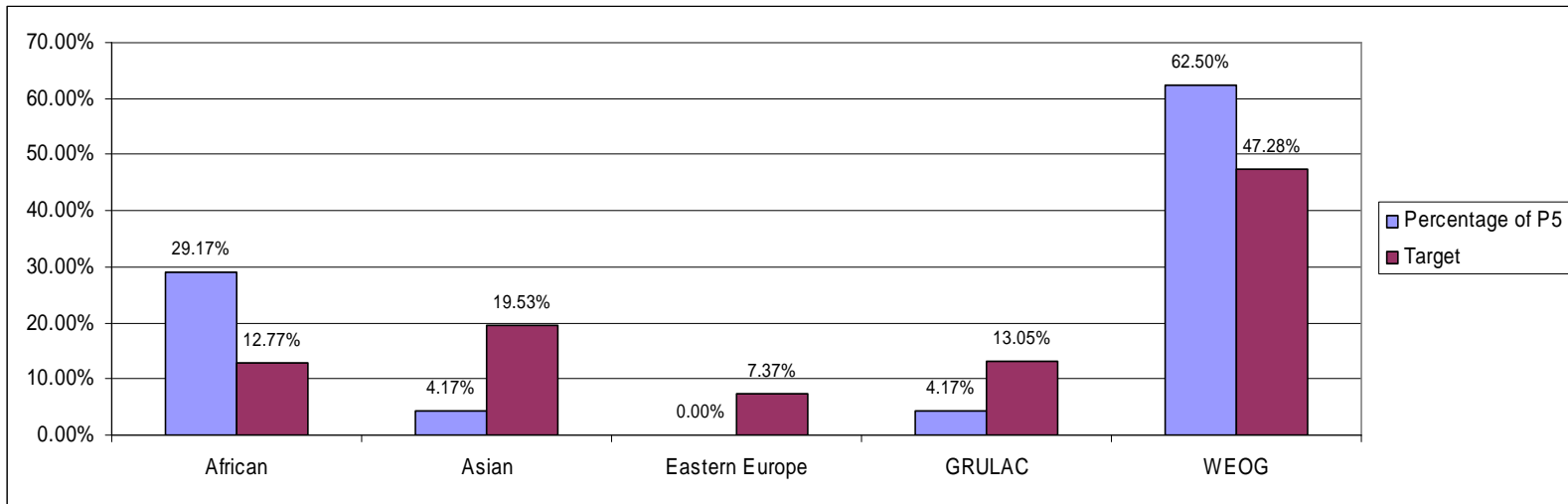
<i>Grade</i>	<i>Region</i>	<i>Nationality</i>	<i>Total</i>
P-1	African	Gambia	1
		Nigeria	1
		Senegal	1
		Uganda	1
		African total	4
	Eastern European	Croatia	2
		Estonia	1
		Eastern European total	3
	GRULAC	Argentina	1
		Brazil	1
		Chile	1
		Mexico	1
		Peru	1
		Saint Vincent and the Grenadines	1
	GRULAC total	6	
WEOG	Australia	1	
	France	2	
	Ireland	1	
	Netherlands	1	
	Spain	2	
	WEOG total	7	
P-1 total		20	
Grand total			248

Percentage of staff per post, per region

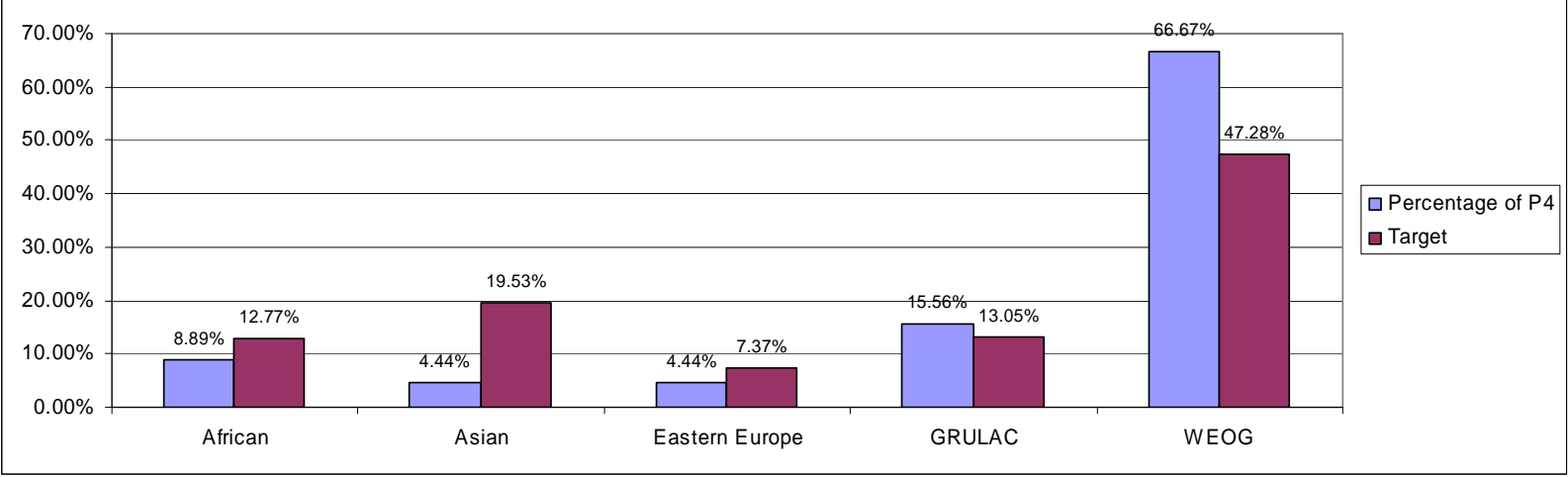
Percentage – D-1 posts

Due to the limited number of only 6 positions concerned, statistic and graphic representations could be misleading, please refer to the exact numbers in table above.

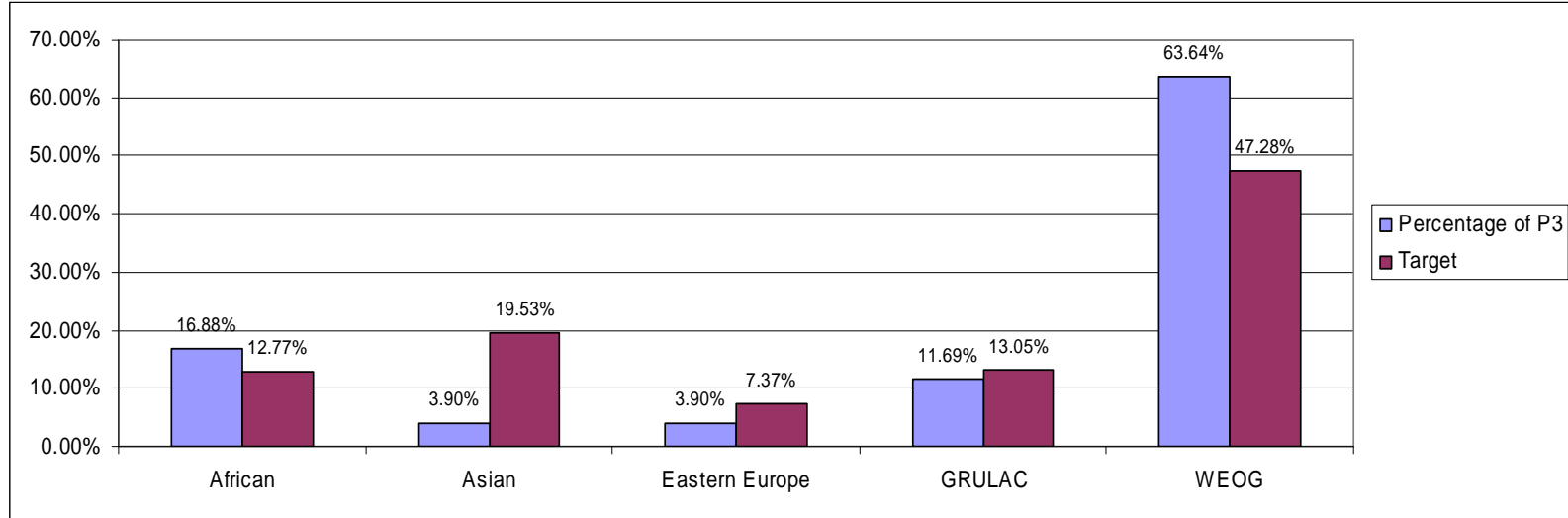
Percentage - P-5 posts



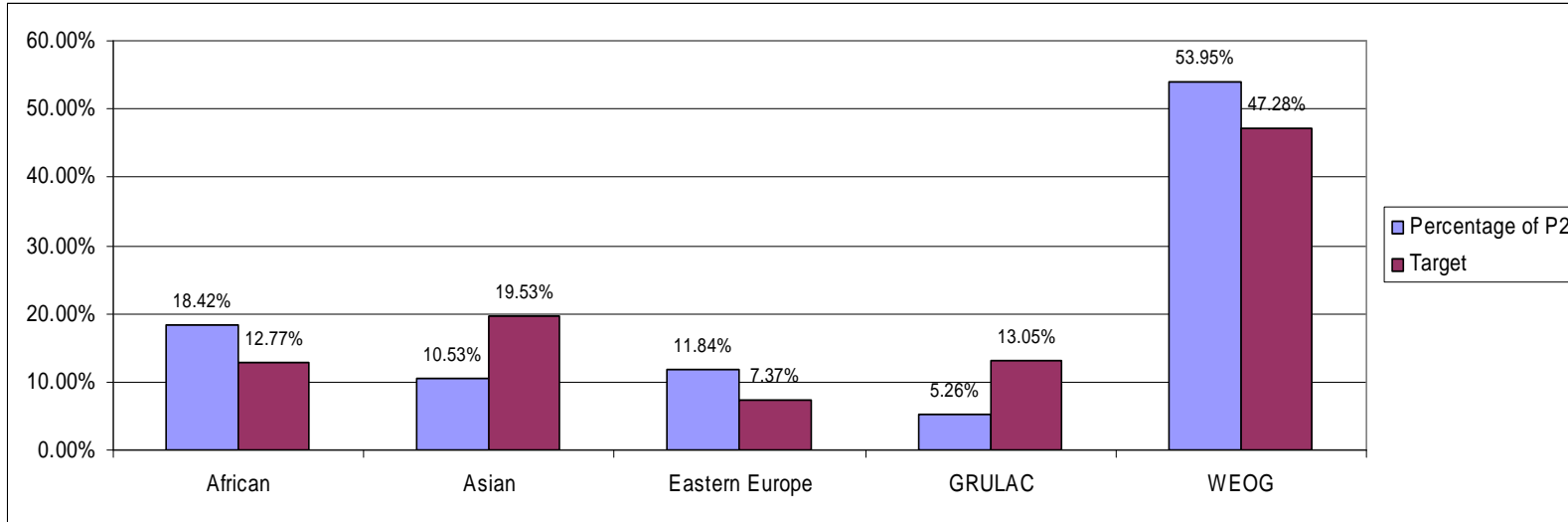
Percentage – P-4 posts



Percentage – P-3 posts



Percentage – P-2 posts



Percentage – P-1 posts

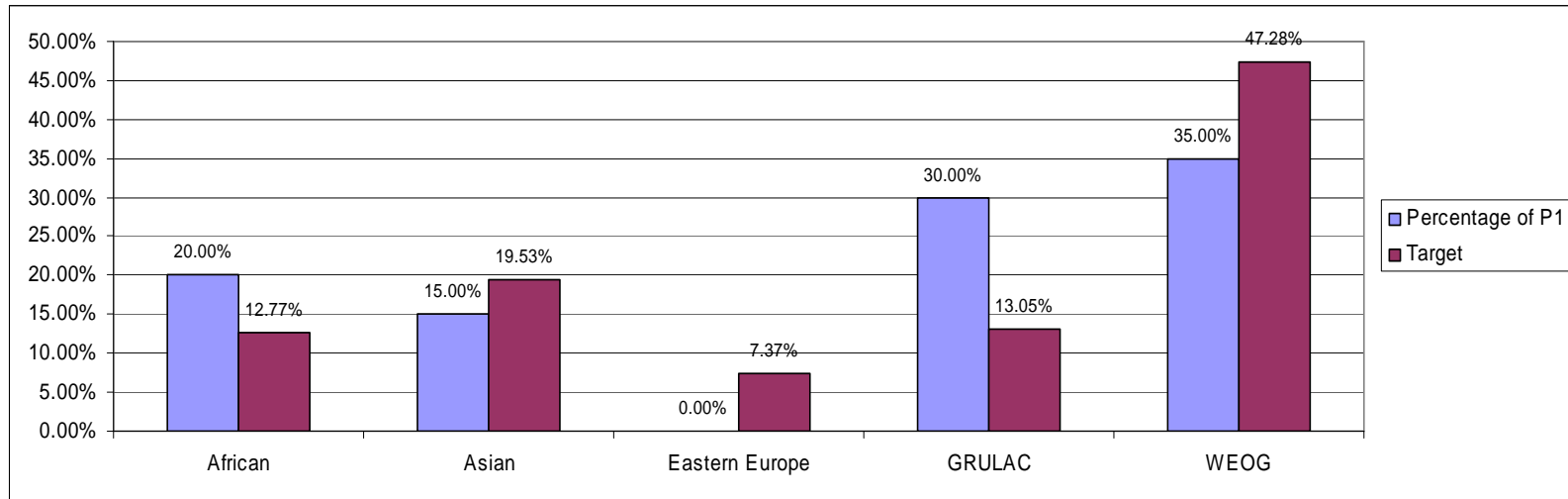


Table 3: Geographical representation of Professional staff

Desirable and weighted distribution of staff in posts subject to geographical distribution, by State Party (as at 31 March 2008)

Region	Country	Assessment 2007	Desirable Range	Midpoint	No. of Staff
AFRICAN					
	Benin	0.00149%	1.06 - 1.43	1.24	1
	Botswana	0.02084%	1.03 - 1.40	1.22	
	Burkina Faso	0.00298%	1.10 - 1.49	1.29	1
	Burundi	0.00149%	1.05 - 1.43	1.24	
	Central African Republic	0.00149%	1.02 - 1.39	1.20	
	Chad	0.00149%	1.07 - 1.45	1.26	
	Comoros	0.00149%	1.00 - 1.35	1.18	
	Congo	0.00149%	1.02 - 1.38	1.20	
	Djibouti	0.00149%	1.00 - 1.35	1.18	
	Democratic Republic of the Congo	0.00447%	1.44 - 1.95	1.70	2
	Gabon	0.01191%	1.02 - 1.38	1.20	
	Gambia	0.00149%	1.01 - 1.36	1.18	3
	Ghana	0.00596%	1.17 - 1.58	1.37	1
	Guinea	0.00149%	1.06 - 1.43	1.25	
	Kenya	0.01489%	1.01 - 1.37	1.19	2
	Lesotho	0.00149%	1.01 - 1.36	1.19	1
	Liberia	0.00149%	1.02 - 1.38	1.20	
	Malawi	0.00149%	1.09 - 1.48	1.29	
	Mali	0.00149%	1.08 - 1.46	1.27	2
	Mauritius	0.01638%	1.02 - 1.38	1.20	
	Namibia	0.00893%	1.02 - 1.38	1.20	
	Niger	0.00149%	1.09 - 1.48	1.29	1
	Nigeria	0.07146%	2.15 - 2.91	2.53	8
	Senegal	0.00596%	1.09 - 1.47	1.28	3
	Sierra Leone	0.00149%	1.03 - 1.40	1.22	5
	South Africa	0.43175%	1.95 - 2.64	2.30	5
	Uganda	0.00447%	1.22 - 1.65	1.43	1
	United Republic of Tanzania	0.00893%	1.29 - 1.75	1.52	1
	Zambia	0.00149%	1.08 - 1.46	1.27	1
ASIAN					
	Afghanistan	0.00149%	1.19 - 1.61	1.40	
	Cambodia	0.00149%	1.10 - 1.48	1.29	
	Cyprus	0.06551%	1.09 - 1.48	1.28	
	Fiji	0.00447%	1.00 - 1.36	1.18	
	Japan	22.00000%	33.38 - 45.16	39.27	
	Jordan	0.01787%	1.06 - 1.43	1.25	3
	Marshall Islands	0.00149%	0.99 - 1.34	1.17	
	Mongolia	0.00149%	1.01 - 1.37	1.19	1
	Nauru	0.00149%	0.99 - 1.34	1.17	

Region	Country	Assessment 2007	Desirable Range	Midpoint	No. of Staff
	Republic of Korea	3.23511%	5.96 - 8.07	7.01	3
	Samoa	0.00149%	0.99 - 1.35	1.17	
	Tajikistan	0.00149%	1.04 - 1.41	1.22	
	Timor-Leste	0.00149%	1.00 - 1.35	1.18	
EASTERN EUROPEAN					
	Albania	0.00893%	1.03 - 1.39	1.21	1
	Bosnia & Herzegovina	0.00893%	1.03 - 1.40	1.21	
	Bulgaria	0.02978%	1.09 - 1.47	1.28	1
	Croatia	0.07444%	1.13 - 1.53	1.33	4
	Estonia	0.02382%	1.03 - 1.40	1.22	1
	Georgia	0.00447%	1.03 - 1.39	1.21	1
	Hungary	0.36326%	1.58 - 2.14	1.86	
	Latvia	0.02680%	1.05 - 1.41	1.23	
	Lithuania	0.04615%	1.08 - 1.46	1.27	
	Montenegro	0.00149%	1.00 - 1.35	1.17	
	Poland	0.74588%	2.33 - 3.15	2.74	
	Romania	0.10421%	1.29 - 1.75	1.52	4
	Serbia	0.03126%	1.11 - 1.50	1.30	3
	Slovakia	0.09379%	1.16 - 1.57	1.37	
	Slovenia	0.14292%	1.21 - 1.64	1.42	
	The former Yugoslav Republic of Macedonia	0.00744%	1.02 - 1.37	1.20	
GRULAC¹					
	Antigua and Barbuda	0.00298%	1.00 - 1.35	1.17	
	Argentina	0.48385%	1.96 - 2.66	2.31	3
	Barbados	0.01340%	1.01 - 1.37	1.19	
	Belize	0.00149%	0.99 - 1.35	1.17	
	Bolivia	0.00893%	1.07 - 1.45	1.26	
	Brazil	1.30417%	4.22 - 5.72	4.97	4
	Colombia	0.15632%	1.54 - 2.09	1.82	7
	Costa Rica	0.04764%	1.09 - 1.48	1.28	2
	Dominica	0.00149%	0.99 - 1.34	1.17	
	Dominican Republic	0.03573%	1.11 - 1.50	1.30	
	Ecuador	0.03126%	1.13 - 1.53	1.33	2
	Guyana	0.00149%	1.00 - 1.35	1.17	
	Honduras	0.00744%	1.05 - 1.42	1.24	
	Mexico	3.36017%	6.56 - 8.87	7.71	1
	Panama	0.03424%	1.06 - 1.44	1.25	
	Paraguay	0.00744%	1.05 - 1.41	1.23	
	Peru	0.11612%	1.36 - 1.83	1.60	2
	Saint Kitts & Nevis	0.00149%	0.99 - 1.34	1.17	
	St. Vincent and the Grenadines	0.00149%	0.99 - 1.34	1.17	1
	Trinidad and Tobago	0.04020%	1.06 - 1.43	1.24	4
	Uruguay	0.04020%	1.07 - 1.45	1.26	
	Venezuela	0.29776%	1.61 - 2.18	1.90	1

¹ Group of Latin American and Caribbean States.

Region	Country	Assessment 2007	Desirable Range	Midpoint	No. of Staff
WEOG²					
	Andorra	0.01191%	1.01 - 1.36	1.19	
	Australia	2.66044%	4.97 - 6.72	5.85	11
	Austria	1.32055%	2.94 - 3.98	3.46	2
	Belgium	1.64063%	3.41 - 4.62	4.01	8
	Canada	4.43209%	7.57 - 10.24	8.90	11
	Denmark	1.10021%	2.64 - 3.57	3.10	1
	Finland	0.83967%	2.23 - 3.02	2.62	4
	France	9.38078%	14.85 - 20.09	17.47	25
	Germany	12.76924%	19.85 - 26.85	23.35	21
	Greece	0.88731%	2.34 - 3.17	2.75	
	Iceland	0.05508%	1.07 - 1.45	1.26	
	Ireland	0.66251%	1.97 - 2.66	2.32	4
	Italy	7.56150%	12.23 - 16.54	14.39	9
	Liechtenstein	0.01489%	1.01 - 1.37	1.19	
	Luxembourg	0.12655%	1.18 - 1.59	1.38	
	Malta	0.02531%	1.03 - 1.39	1.21	
	Netherlands	2.78848%	5.10 - 6.90	6.00	9
	New Zealand	0.38113%	1.57 - 2.12	1.84	4
	Norway	1.16422%	2.69 - 3.64	3.16	
	Portugal	0.78459%	2.19 - 2.96	2.58	1
	San Marino	0.00447%	1.00 - 1.35	1.17	
	Spain	4.41869%	7.62 - 10.31	8.96	10
	Sweden	1.59448%	3.34 - 4.51	3.93	1
	Switzerland	1.81035%	3.63 - 4.92	4.28	3
	United Kingdom	9.88846%	15.57 - 21.07	18.32	18
	Total*	100.00%		306.00	229

² Western European and Other States Group.

* 19 other professional staff members are nationals of non-States Parties.

Table 4: Gender balance of Professional staff* by grade per organ
Status as at 31 March 2008

Judiciary

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	1	2	3

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-4	1		1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-3	8	6	14

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-2	4	1	5

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-1		1	1

Office of the Prosecutor

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
USG		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
ASG	1		1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	1		1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	2	6	8

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-4	6	14	20

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-3	8	23	31

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-2	21	20	41

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-1	11	5	16

* Including language staff.

Registry

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
ASG*		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1	1	2	3

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-5	4	9	13

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-4	17	12	29

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-3	23	28	51

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-2	22	14	36

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-1	5	3	8

Secretariat of the Assembly of States Parties

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1		1	1

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
P-4	2		2

Secretariat of the Trust Fund for Victims

<i>Grade</i>	<i>F</i>	<i>M</i>	<i>Total</i>
D-1		1	1

Grand total

<i>F</i>	<i>M</i>	<i>Total</i>
138	150	288

* At the time of preparation of this report, Mr. Bruno Cathala was still assigned as Registrar. The current situation would reflect a total of one female ASG.

Table 5: Staff count, actual

As at April 2008, the actual situation regarding the Court's staff count is as follows:

Staff count	
Established posts	553
Approved GTA	198
Interns	59
Visiting professionals	3
Consultants	29
Elected officials	21
Total	863

Table 6: Staff count based on the approved budget for 2008

Based on the approved budget for 2008, and on averages of interns, visiting professionals and consultants in the previous years, the Court's headcount at the end of 2008 will be as follows:

Staff count	
Established posts	675
Approved GTA	166
Interns ¹	90
Visiting professionals	12
Consultants	40
Elected officials	21
Total	1004

¹ The number of interns is fluctuating and comprises European Union funded internships as well as unpaid internships.

Table 7: Vacant Posts - Professional staff

Status as at 31 March 2008

Major Programme (MP)	Programme	Sub-programme	Post level	Post title	Total	Occupied by GTA	
MPI	Chambers	Chambers	GS-OL	Research Assistant	1	Yes	
			P-4	Legal Adviser	1	Yes	
MPHII	Immediate Office of the Prosecutor	Immediate Office of the Prosecutor	P-4	Public Information Adviser	1		
MPHIII	Office of the Registrar	Immediate Office of the Registrar	P-3	Writer/Editor	1		
		Immediate Office of the Registrar	P-5	Special Advisor to the Registrar on External Relations	1		
	Common Administrative Services Division	Information Technology and Communications Section	GS-PL	Senior Application Integration Assistant	1		
			GS-OL	Field ICT Technician	1		
			GS-OL	Field Administrative Assistant/Language Assistant	1		
	Division of Court Services	Court Interpretation and Translation Section	GS-OL	Court Reporter (French)	1		
			GS-OL	Court Reporter (English)	1		
			GS-OL	Text Processing Assistant (French)	1	Yes	
			GS-OL	Text Processing Assistant (English)	1		
			GS-PL	Senior Court Reporter (English)	1		
			Victims and Witnesses Unit	P-2	Associate Operations Officer	1	
				GS-OL	Field Protection/Operations Assistant	1	
	Public Information and Documentation Section	Outreach Unit	GS-OL	Field Outreach Assistant	1		
GS-PL			Field Senior Outreach Assistant	1	Yes		

Major Programme (MP)	Programme	Sub-programme	Post level	Post title	Total	Occupied by GTA
	Division of Victims and Counsel	Defence Support Section	GS-OL	Administrative Assistant (Database)	1	
		Office of the Public Counsel for the Defence	P-2	Associate Counsel	1	Yes
		Victims Participation and Reparations Section	GS-OL	Field Administrative Assistant	1	
MPIV	Secretariat of the Assembly of States Parties	Secretariat of the Assembly of States Parties	GS-OL	Administrative Assistant	2	
			GS-OL	Meetings and Administrative Assistant	1	Yes
			P-3	Legal Officer	1	Yes
MPVI	Secretariat of the Trust Fund for Victims	Secretariat of the Trust Fund for Victims	P-3	Field Programme Officer	1	Yes
			GS-OL	Communications Assistant	1	Yes
MPVII	Project Office for Permanent Premises	Project Office for Permanent Premises	D-1	Project Director	1	
			P-4	Deputy Project Director and Financial Controller	1	
			GS-OL	Administrative Assistant	1	
Grand Total*					29	9

* 93 other posts are currently under recruitment or advertised.

Annex III

List of documents

Committee on Budget and Finance

ICC-ASP/7/CBF.1/L.1	Provisional agenda
ICC-ASP/7/CBF.1/L.2/Rev.1	Annotated list of items included in the provisional agenda
ICC-ASP/7/CBF.1/1	Report on appropriate resources for financial investigations under the Court's legal aid programme
ICC-ASP/7/CBF.1/2	Report of the Court on recruitment
ICC-ASP/7/CBF.1/3	Interim report on governance arrangements
ICC-ASP/7/CBF.1/4	Report of the Court on options for outsourcing translation work
ICC-ASP/7/CBF.1/4/Add.1	Report of the Court on options for outsourcing translation work - Addendum
ICC-ASP/7/CBF.1/5	Report of the Court on Human Resources Development of a Human Resources Strategy: Progress Report
ICC-ASP/7/CBF.1/6	Report on budget performance of the International Criminal Court as at 31 March 2008
ICC-ASP/7/CBF.1/7	Report on programme performance of the International Criminal Court for the year 2007