

Resolution ICC-ASP/3/Res.4

Adopted at the 6th plenary meeting, on 10 September 2004, by consensus

ICC-ASP/3/Res. 4

Programme budget for 2005, Contingency Fund, Working Capital Fund for 2005, scale of assessments for the apportionment of expenses of the International Criminal Court and financing of appropriations for the year 2005

A. Programme budget for 2005

The Assembly of States Parties,

Having considered the draft programme budget of the International Criminal Court for 2005 and the related conclusions and recommendations of the Committee on Budget and Finance contained in its report,

1. Approves appropriations totalling €66,784,200. for the following purposes:

<i>Major Programme</i>	<i>Euros</i>
Major Programme I Judiciary	7,304,400
Major Programme II Office of the Prosecutor	17,022,200
Major Programme III Registry	37,312,300
Major Programme IV Secretariat of the Assembly of States Parties	3,080,300
Major Programme V Investment in the Court's premises	2,065,000
Total	66,784,200

2. Further approves the following staffing tables for each of the above major programmes:

	<i>Judiciary</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Secretariat of the Assembly of States Parties</i>	<i>Investment in the Court's premises</i>	<i>Total</i>
USG		1				1
ASG		2	1			3
D-2						0
D-1		1	2	1		4
P-5	2	10	10			22
P-4	2	23	30	2		57
P-3	3	23	45			71
P-2/P-1	20	40	40			100
<i>Subtotal</i>	<i>27</i>	<i>100</i>	<i>128</i>	<i>3</i>	<i>0</i>	<i>258</i>

	<i>Judiciary</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Secretariat of the Assembly of States Parties</i>	<i>Investment in the Court's premises</i>	<i>Total</i>
GS-PL	1	7	13	3		24
GS-OL	13	40	153	1		207
<i>Subtotal</i>	<i>14</i>	<i>47</i>	<i>166</i>	<i>4</i>		<i>231</i>
Total number of posts	41	147	294	7	0	489

B. Contingency Fund

The Assembly of States Parties,

Having considered the report of the Working Group on the Draft Programme Budget and the report of the Committee on Budget and Finance on the proposed establishment of a contingency fund,

1. *Approves* the establishment of a Contingency Fund in the amount of €10,000,000 to ensure that the Court can meet:

(a) Costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation; or

(b) Unavoidable expenses for developments in existing situations that could not be foreseen or could not be accurately estimated at the time of adoption of the budget; or

(c) Costs associated with an unforeseen meeting of the Assembly of States Parties.

2. Decides further that the Contingency Fund shall be financed initially by applying to it the surplus of the 2002/2003 budget in the amount of a maximum of €10,000,000;

3. *Requests* the Registrar to submit, every six months, to the Assembly of States Parties through the Committee on Budget and Finance a report on the implementation of activities financed by the Contingency Fund;

4. *Approves* provisionally the amendments to financial regulations 4.7 and 5.8 and the insertion of new financial regulations 6.6 to 6.10 as set forth in the annex to this resolution;

5. *Further requests* the Court to submit, through the Committee on Budget and Finance, a report on changes to the Financial Regulations and Rules which might be necessitated by the establishment of the Contingency Fund; and

6. *Decides* that the Fund shall be limited to a period of 4 years and that the Assembly of States Parties shall decide at its session in 2008 on the extension or possible discontinuation of the Fund and on any other question related to the Fund that it deems necessary in the light of experience.

C. Working Capital Fund for 2005

The Assembly of States Parties,

Resolves that the Working Capital Fund for 2005 shall be established in the amount of €5,565,400, 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.

D. Scale of assessments for the apportionment of expenses of the International Criminal Court

The Assembly of States Parties,

Decides that, for the year 2005, the International Criminal Court shall adopt the scale of assessments of the United Nations applicable for the year 2005, with adjustments to take into account the difference in membership between the United Nations and the Assembly of States Parties to the Rome Statute, in accordance with the principles upon which the scale of the United Nations is based.

E. Financing of appropriations for the year 2005

The Assembly of States Parties,

Resolves that, for the year 2005, budget appropriations amounting to €6,784,200, the amount for the Working Capital Fund of €5,565,400, and €10,000,000, for the Contingency Fund approved by the Assembly under part A, paragraph 1, and part C and part B, respectively, of the present resolution, shall be financed in accordance with regulations 5.1, 5.2 and 6.6 of the Financial Regulations and Rules of the Court.

Annex

Amendments to the Financial Regulations and Rules necessary to establish a contingency fund Amendment to regulation 4.7

At the beginning of regulation 4.7, insert the phrase “Subject to financial regulation 6.6, last paragraph, . . .”

Amendments to regulation 6 – Funds

After regulation 6.5 insert the following:

6.6 There shall be established a contingency fund to ensure that the Court can meet:

(a) Costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation; or

(b) Unavoidable expenses for developments in existing situations that could not be foreseen or could not be accurately estimated at the time of adoption of the budget; or

(c) Costs associated with an unforeseen meeting of the Assembly of States Parties.

The level of the Fund and the means by which it shall be financed (i.e. by assessed contributions and/or cash surpluses in the budget) shall be determined by the Assembly of States Parties.

6.7 If a need to meet unforeseen or unavoidable expenses arises, the Registrar, by his or her own decision or at the request of the Prosecutor, the President or the Assembly of States Parties, is authorized to enter into commitments not exceeding the total level of the Contingency Fund. Before entering into such commitments, the Registrar shall submit a short, supplementary budget notification to the Committee on Budget and Finance through its Chairperson. Two weeks after having notified the Chairperson of the Committee on Budget and Finance, and taking into consideration any financial comments on the funding requirements made by the Committee through its Chairperson, the Registrar may enter into the corresponding commitments. All funding obtained in this way shall relate only to the financial period(s) for which a programme budget has already been approved.

6.8 The Registrar shall report together with the new draft programme budget to the Assembly of States Parties, through the Committee on Budget and Finance, on any exercise of the commitment authority given under regulation 6.7.

6.9 Income derived from contingency fund investments shall be classed as miscellaneous income for credit to the General Fund.

Amendment to regulation 5 – Provision of funds:

Amend regulation 5.8 as follows:

- 5.8 Payments made by a State Party shall be credited first to the Working Capital Fund, then to the contributions due to the General Fund, and then to the contingency fund, in the order in which the State Party was assessed.
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