



Reference: ICC-ASP/5/SP/24

Secretariat - Secrétariat

The Secretariat of the Assembly of States Parties presents its compliments to States Parties to the Rome Statute of the International Criminal Court and has the honour to refer to the decision of the Bureau of the Assembly, taken on 25 September 2006, regarding the vacancy in the Committee on Budget and Finance which resulted from the resignation of Mr. John F.S. Muwanga and which corresponds to the seat allocated to the Group of African States.

The relevant resolutions for the nomination and election of the member of the Committee are: resolution ICC-ASP/1/Res.4 of 3 September 2002, as amended by resolutions ICC-ASP/2/Res.5 and ICC-ASP/4/Res.6 of 12 September 2003 and 3 December 2005, respectively (see annex I); and resolution ICC-ASP/1/Res.5 of 3 September 2002 (see annex II). Paragraph 2 of resolution ICC-ASP/1/Res.5 reads as follows:

“States Parties shall nominate their candidates during the nomination period, which shall be fixed by the Bureau of the Assembly of States Parties.”

The end of paragraph 2 of the annex to resolution ICC-ASP/1/Res.4 reads as follows:

“... In the event of a vacancy, an election shall be held in accordance with the procedure for the nomination and election of members of the Committee on Budget and Finance. The procedure shall apply mutatis mutandis, subject to the following provisions:

- (a) The Bureau of the Assembly of States Parties may fix a nomination period which is shorter than the one used for other elections.
- (b) The Bureau of the Assembly of States Parties may elect the member.
- (c) A member elected to fill a vacancy shall serve for the remainder of the predecessor’s term and may be re-elected.”

Accordingly, the Bureau decided to fix a nomination period which would run for one week, from Thursday 28 September to Wednesday 4 October 2006 (Central European Summer Time). Nominations received before or after the nomination period will not be considered. The member elected shall serve for the remainder of the predecessor’s term, namely until 20 April 2008.

The Secretariat of the Assembly recalls that candidates should fulfil the requirements set out in paragraph 2 of the annex to resolution ICC-ASP/1/Res.4, which provides that “the members of the Committee shall be experts of recognized standing and experience in financial matters at the international level from States Parties”. Furthermore, paragraph 6 of resolution ICC-ASP/1/Res. 5 stipulates that each nomination shall specify how the candidate fulfils the above requirements.

For its part, paragraph 5 of the latter resolution provides that nominations should be communicated through diplomatic channels to the Secretariat of the Assembly of States Parties, International Criminal Court, Room C-0690, Maanweg 174, 2516 AB The Hague, The Netherlands (or also to fax +31 70 515 8376 or via e-mail to [asp@asp.icc-cpi.int](mailto:asp@asp.icc-cpi.int)). If possible, the Secretariat of the Assembly would appreciate receiving an electronic copy of the nomination and its accompanying documents.

The Hague, 28 September 2006



## **Annex I**

### **Resolution ICC-ASP/1/Res.4\***

*Adopted at the 1st plenary meeting, on 3 September 2002, by consensus*

#### **ICC-ASP/1/Res.4 Establishment of the Committee on Budget and Finance**

*The Assembly of States Parties,*

*Bearing in mind* article 112, paragraphs 2 (b) and (d) and 4, of the Rome Statute,

*Desiring* to provide an appropriate mechanism for the budgetary and financial review and monitoring of the resources of the International Criminal Court, including those of the Assembly,

*Decides* to establish a Committee on Budget and Finance in accordance with the terms of reference set out in the annex to the present resolution.

#### **Annex**

1. The Assembly of States Parties establishes, in accordance with the present resolution, a Committee on Budget and Finance composed of 12 members.
2. The Assembly shall elect the members of the Committee on Budget and Finance, who should not be of the same nationality, on the basis of equitable geographical distribution. The members of the Committee shall be experts of recognized standing and experience in financial matters at the international level from States Parties. They shall carry out their duties for three calendar years and may be re-elected. Of the 12 members who are initially elected, 6 shall be elected for a period of two years and the remaining 6 for a period of three years. In the event of a vacancy, an election shall be held in accordance with the procedure for the nomination and election of members of the Committee on Budget and Finance. The procedure shall apply *mutatis mutandis*, subject to the following provisions:
  - (a) The Bureau of the Assembly of States Parties may fix a nomination period which is shorter than the one used for other elections.
  - (b) The Bureau of the Assembly of States Parties may elect the member.
  - (c) A member elected to fill a vacancy shall serve for the remainder of the predecessor's term and may be re-elected.
3. The Committee on Budget and Finance shall be responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications or any other matter of a financial, budgetary or administrative nature, as may be entrusted to it by the Assembly of States Parties. In particular, it shall review the proposed programme budget of the Court, prepared by the Registrar, in consultation with the other organs referred to in article 34, subparagraphs (a) and (c), of the Rome Statute, and shall make the relevant recommendations to the Assembly concerning the proposed programme budget. It shall also consider reports of the Auditor concerning the financial operations of the Court and shall transmit them to the Assembly together with any comments which it may deem appropriate.
4. The Committee on Budget and Finance shall meet when required and at least once per year.
5. The Assembly of States Parties shall keep under review the number of members of the Committee on Budget and Finance.

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\* As amended by resolutions ICC-ASP/2/Res.5 and ICC-ASP/4/Res.6 of 12 September 2003 and 3 December 2005, respectively.

## **Annex II**

### **Resolution ICC-ASP/1/Res.5\***

*Adopted at the 1st plenary meeting, on 3 September 2002, by consensus*

#### **ICC-ASP/1/Res.5**

#### **Procedure for the nomination and election of members of the Committee on Budget and Finance**

*The Assembly of States Parties,*

*Bearing in mind* its resolution establishing the Committee on Budget and Finance,

*Mindful* of the Rules of Procedure of the Assembly of States Parties,

*Approves* the following procedure for the election of members of the Committee on Budget and Finance:

#### **A. Nomination of candidates**

1. The Secretariat of the Assembly of States Parties shall circulate through the diplomatic channel the invitations for nominations of members of the Committee on Budget and Finance. The invitations will include the requirement that the candidates be experts of recognized standing and experience in financial matters at the international level.
2. States Parties shall nominate their candidates during the nomination period, which shall be fixed by the Bureau of the Assembly of States Parties.
3. Nominations submitted before or after the nomination period shall not be considered.
4. If at the end of the nomination period the number of candidates remains less than the number of seats, the President of the Assembly of States Parties shall extend the nomination period.
5. States Parties to the Statute shall communicate nominations for the election of the members of the Committee on Budget and Finance through the diplomatic channel to the Secretariat of the Assembly of States Parties.
6. Each nomination shall specify how the candidate fulfils the requirements of paragraph 2 of the annex to the resolution establishing the Committee on Budget and Finance.
7. The Secretariat of the Assembly of States Parties shall prepare a list in English alphabetical order of all persons thus nominated, with accompanying documents, and shall circulate it through the diplomatic channel.

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\* The text of paragraph 15 reflects the amendment introduced by resolution ICC-ASP/2/Res.4.

## **B. Distribution of seats**

8. Bearing in mind the requirements of paragraph 2 of the annex to the resolution establishing the Committee on Budget and Finance, the distribution of seats for the first election is as follows:

- African States, two seats;
- Asian States, two seats;
- Eastern European States, two seats;
- Group of Latin American and Caribbean States, two seats;
- Western European and Other States, four seats.

## **C. Election of members of the Committee on Budget and Finance**

9. Every effort shall be made to elect the members of the Committee by consensus, on the basis of a recommendation by the Bureau. In making its recommendation, the Bureau shall consult the regional groups. In the absence of agreement within the concerned regional group, the Bureau shall abstain from making a recommendation regarding that group.

10. In the absence of a consensus, the election of members of the Committee on Budget and Finance shall be a matter of substance, and subject to the requirements of article 112, paragraph 7 (a), of the Statute.

11. The election shall be by secret ballot. The requirement may be dispensed with if the number of candidates corresponds to the number of seats to be filled or in respect of candidates endorsed by the respective regional groups, unless a delegation specifically requests a vote on a given election.

12. The persons elected shall be those candidates from each group who obtain the highest number of votes and a two-thirds majority of States Parties present and voting, provided that an absolute majority of the States Parties constitutes the quorum for voting.

13. For the purpose of the first election, the President of the Assembly of States Parties shall draw lots to determine, pursuant to paragraph 2 of the annex to the resolution on the establishment of the Committee on Budget and Finance, the cadence of term of office for the members elected.

14. The present procedure is without prejudice to the overall composition of the Committee on Budget and Finance, the procedures for future elections or the future distribution of seats.

15. Travel and subsistence expenses of members of the Committee on Budget and Finance while in performance of the Committee's duties shall be met from the programme budget.

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