

International Criminal Court

ICC-ASP/21/5

Advance Version



Assembly of States Parties

Distr.: General
25 January 2022

Original: English

Twenty-first session

The Hague, 5-10 December 2022

Report of the Committee on Budget and Finance on the work of its thirty-eighth session

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Executive Summary

1. The Committee on Budget and Finance held its thirty-eighth session on 11 January 2022. During the virtual session the Committee carried out the election of the Chair, the Vice-Chair and appointing the Rapporteur, and considering the second draft version of the mock-up document on Major Programme I.
2. The Committee appreciated the effort done by the Court to streamline the budget document and observed positively the incorporation of the recommendations of the Committee and other developments such as the new proposal on “Performance indicators”. However, the Committee noted a number of matters that need improvement, such as the lack of necessary information at the major programmes and programmes level, and provided a set of recommendations for improvement to be considered by the Court.
3. The Committee considered that proposed programme budget document is a living document, where some of its elements may be developed, introduced or changed in accordance with the needs of the future budget cycles in order to provide complete and comprehensive information to the user of the budget document.

I. Introduction

A. Opening of the session

1. The thirty-eighth session of the Committee on Budget and Finance (“the Committee”), comprising one meeting, was held on 11 January 2022 in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its twentieth session.¹ The session was held via remote-link.

Attendance and services for the thirty-eighth session

2. The following members attended the thirty-eighth session of the Committee:

1. Mr. Werner Druml (Austria);
2. Mrs. Carolina María Fernández Opazo (Mexico);
3. Mr. Fawzi A. Gharaibeh (Jordan);
4. Mrs. Yukiko Harimoto (Japan);
5. Mr. Urmet Lee (Estonia);
6. Mr. Loudon Overson Mattiya (Malawi);
7. Mr. Daniel McDonnell (United Kingdom);
8. Mrs. Margaret Wambui Ngugi Shava (Kenya);
9. Mrs. Elena Sopková (Slovakia); and
10. Mr. Klaus Stein (Germany).

3. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as Secretary of the Committee, and his team assisted by providing the necessary substantive and logistical support to the Committee.

B. Election of officers

4. In accordance with Rule 10 of its Rules of Procedure, the Committee re-elected Mr. Werner Druml (Austria) as Chairperson of the Committee and elected Mrs. Margaret Wambui Ngugi Shava (Kenya) as Vice-Chairperson. The Committee also re-appointed Mr. Urmet Lee (Estonia) as Rapporteur in accordance with Rule 13 of the Rules of Procedure.

C. Adoption of the agenda and organization of work

5. At its first meeting, the Committee adopted the following agenda² for the thirty-eighth session:

Opening of the session

- (a) Election of officers;
- (b) Adoption of the agenda and organization of work;
- (c) Participation of observers; and
- (d) Internal discussion.

Mock-up report of Major Programme I

- (a) Mock-up report of Major Programme I.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Twentieth session, The Hague, 6-11 December 2021* (ICC-ASP/20/20-Advance version), vol. I, part I, section B., para. 51.

² CBF/38/1.

D. Participation of observers

6. Representatives from the Court addressed the Committee and participated in the session. The Committee wished to thank the Court's representatives for their input to the discussions during the session.

II. Consideration of issues on the agenda of the Committee at its thirty-eighth session

A. Mock-up report of Major Programme I: Judiciary

7. At its thirty-sixth session, the Committee recommended that the Court produce, along with the 2022 proposed programme budget for the thirty-seventh session of the Committee, a mock-up of one major programme using the new structure.

8. At its thirty-seventh session, after an initial discussion with the Committee, the Court stated that it would further develop its idea and present a second draft that could be considered at the Committee's thirty-eighth session in January 2022. At the time, the Committee recommended that the Court take into consideration the following points, *inter alia*, when further developing the mock-up of the proposed budget document:³

- i. Focus on new information rather than background information about different major programmes as the Organizational Manual of the Court provides the background information;
- ii. The text should focus on the new resource requests in the budget in comparison to previous years' resources;
- iii. More tables with figures at all levels including sub-programmes;
- iv. Include a strategic approach to link it to the strategic plan to see if each expenditure will continue in the next few years; and
- v. The annexes concerning savings and efficiencies require more information in order to be reader-friendly.

9. The Committee considered the Court's report: "Streamlining the Court's budget document - Second mock-up"⁴ and received an in-session presentation. The Court explained that the purpose of introducing a revised budget format/structure is to:

- i. Present "a proposal for a renewed, simplified and shorter budget document, strictly focused on budget-relevant issues and based on the acquired Court's experience" (as requested by the external auditors);
- ii. Suggest practical way forward to improve the budget presentation with a view to achieve "a unified format based on One-Court Principle and making the information more comprehensive, transparent, easy to compare and analyze" (as recommended by the Committee); and
- iii. Strengthen Court-wide messages by improving high-level presentation of resources requirements in particular through the use of the key performance indicators ("KPIs") to illustrate how achieving Strategic Objectives impacts budget resources.

10. The Committee appreciated the efforts made by the Court to streamline the budget document and noted that the new proposal was structured to include a "Programme overview", where the judicial and prosecutorial output will be described in this section for the whole Court

³ICC-ASP/20/15, para. 204.

⁴CBF/38/2.

and will not be repeated under different major programmes. A section on “preliminary examinations” and one on “other administrative and managerial developments” will follow.

11. In addition, the new proposal introduced a section on “performance indicators and performance targets” for each major programme showing three years (target, current and past). However, the proposal did not indicate whether the KPIs will be linked to planned and actual resources in order to support the goals of the Court.

12. The Committee noted that the new proposal did not provide the necessary information required for the budget evaluation such as information on different levels, justification for recurrent resources, a table showing the IT/IM for the whole Court, and others. The Committee considered that the proposed programme budget document should provide complete and comprehensive information for the technical examination by the Committee, and for the States Parties and other interested readers.

13. The Committee further noted that the Court has put under section F a placeholder for a rolling budget forecast as requested by the Assembly in its twentieth session.⁵ However, it considered that the dynamics could also be explained elsewhere in order to provide the reader with more context, i.e., what happened with the IT/IM Court-wide lights-on cost, training, and other cross-cutting costs.

14. The Committee also considered that the proposed programme budget document is a living document, where different budget elements may need to be developed, introduced or changed in future budget cycles.

RECOMMENDATIONS

15. **The Committee recommended that the Court consider swapping sections B and C, whereby the newly proposed section B contains “High-level Court-wide strategic priorities and main cost drivers”, and the newly proposed section C addresses the “Programme overview”.**

16. **The Committee recommended that the Court indicate under the newly proposed section B the workload changes and their overall high level budgetary impact.**

17. **The Committee recommended that the Court under the newly proposed section C also demonstrate how the Court-wide strategy as described in section B be carried forward, possibly under the sub-heading “C.3: Administration and managerial development”.**

18. **The Committee recommended that the Court under the newly introduced section “performance indicators and performance targets” consider linking the KPIs to planned and actual resources, if possible, in order to support the goals of the Court.**

19. **The Committee recommended that the Court include measurable performance targets to the extent possible in the 2023 proposed programme budget document.**

20. **The Committee recommended that the Court provide detailed information on the recurrent and newly requested resources, together with justification for them, in comparison with resources and staffing levels for previous year.**

21. **The Committee recommended the Court keep submitting the annex on the IT/IM Court-wide lights-on cost.**

22. **The Committee recommended that the Court retain the annexes concerning savings, efficiencies and also include an annex on non-recurrent costs.**

⁵ ICC-ASP/20/Res.1/AV.

23. The Committee recommended that the Court submit at its thirty-ninth session in September 2022 a proposal on the scope for employing a medium-term rolling budget forecast based on existing budget assumptions after consulting with the Bureau.

III. Other matters

A. Future sessions of the Committee

24. The thirty-eighth resumed session of the Committee is scheduled to take place from 9-13 May 2022 and its thirty-ninth session from 12-23 September 2022 in The Hague. The Committee will keep the situation under review in light of developments regarding the COVID-19 pandemic.

Annex I: List of Documents

Title
Provisional agenda
Streamlining the Court's budget document–Second mock-up
