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

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Executive Summary

1. The Committee held its thirty-eighth resumed session in the Hague from 9 to 13 May 2022. The Committee held a workshop with the Court and considered a range of issues including liquidity, budgetary governance, other financial and budgetary matters, human resources matters, the Trust Fund for Victims, the Five-Year IT/IM Strategy, as well as some of the IER recommendations.
2. The call for voluntary contributions (financial and also for seconded investigative personnel) by the Prosecutor and the establishment of a trust fund by the Registrar were addressed at the workshop. It was stressed that these should not infringe the independence of the OTP or the Court. Concern was expressed that these additional voluntary funds could lead to asymmetrical growth in capacity, capabilities and funding across the organs of the Court and could result in an increased requirement for resources. The Committee welcomed the readiness of States Parties to support the enhancement of the investigative capacity and commended the Prosecutor's efforts to enhance the quality of the investigations. It also appreciated that the Court is cognizant of the afore-mentioned concerns, which the Committee shared. The independence of the Court should be maintained, and the One-Court principle reinforced.
3. The Committee was informed that the Court expects the upcoming budget to present significant challenges, which will probably lead to a substantial increase in the 2023 proposed programme budget, some of which is due to the increased workload across the Court, inflation and an expected increase in staff numbers. The Committee recommended that the Court should identify efficiencies and savings before submitting the next budget proposal and carry out diligent budget preparation in light of budget constraints of States Parties and liquidity challenges.
4. Given the so far rather reluctant response of the States in arrears to the plea to settle their dues with the Court, the Committee encouraged the States Parties to openly consider the recommendation IER 140 and recommended that the Assembly explore additional means of encouraging the timely payment of contributions in full by States in arrears. Waivers to the suspension of voting rights should be granted only in exceptional cases; the inability to present candidates for elected positions could also be seriously considered.
5. In view of the expected level of activity at the Court and the liquidity situation, which remains challenging, the Committee recommended that the Assembly replenish the Contingency Fund up to its notional level of €7 million. The Working Capital Fund should be able to cover at least four weeks of expenditure. The Committee therefore recommended that the Assembly approve the level of the Working Capital Fund at one twelfth (1/12) of the previous year's approved budget appropriation.
6. Another major area the Committee focused on human resources. Proposed changes to the Financial Regulations and Rules allowing for increased mobility of staff across major programmes were recommended for adoption. The implementation of the new National Professional Officer category was welcomed by the Committee and it provided input for guidelines to be worked out by the Court. Finally, on the Tenure policy recommended by the IER, the Committee recognized that there are some advantages, however, it noted that there are important challenges such as the effect on productivity, financial implications, and litigation risks, which deserve careful examination before reaching a decision by the Assembly.

I. Opening of the thirty-eighth resumed session

1. The thirty-eighth resumed session of the Committee on Budget and Finance (“the Committee”) was held in The Hague from 9 to 13 May 2022, in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its twentieth session.¹ The agenda of the session is detailed in Annex I and attendance and participation by observers are detailed under “Organizational matters”.
2. The President of the International Criminal Court (“the Court”), Judge Piotr Hofmański, delivered the welcoming remarks at the opening of the session.

II. Consideration of the agenda of the Committee

A. Budgetary governance workshop

3. The Committee held a workshop with the Court that focused on voluntary contributions and on the proposed programme budget for 2023.

B. Voluntary contributions

4. Following the call for voluntary contributions by the Prosecutor, the Registrar established a trust fund to enhance the response of the Office of the Prosecutor (“OTP”) to the situations. The trust fund will focus on the following three key areas:

- a) Use of advanced investigative IT;
- b) Provision of enhanced psycho-social support to witnesses and survivors; and
- c) Enhanced capacity to investigate crimes involving sexual and gender-based violence and crimes against children.

5. The Trust Fund for voluntary contributions was established on the basis of article 116 of the Rome Statute and according to Regulation 6.5 of the Financial Regulations and Rules (‘FRR’) and is limited to €15 million with a fixed timespan of three years.

6. Furthermore, the Prosecutor has called for the secondment of investigative personnel from States Parties to support him in coping with the increased workload in all the situations.

7. The Registry stressed that these voluntary contributions should not infringe the independence of either the OTP or the Court. Therefore, it was emphasized that the funds were to be used solely at the discretion of the OTP and that the use of donations could not be earmarked by contributors. Concern was expressed that these additional voluntary funds could lead to asymmetrical growth in capacity, capabilities and funding across the organs of the Court and could result in an increased requirement for resources.

8. The Committee welcomed the readiness of States Parties to support the enhancement of the investigative capacity and commended the Prosecutor’s efforts to enhance the quality of the investigations. It also appreciated that the Court is cognizant of the afore-mentioned concerns, which the Committee shared.

9. The Trust Fund should enable the OTP to become increasingly efficient and agile. This could lead to an increased caseload for the Court, which may result in it requiring greater resources.

10. The Committee encouraged the Court to make sure that the governance processes around the funds are appropriate and effective, whilst maintaining the independence of the Court and reinforcing the One-Court principle. Also, the Committee was informed that the seconded investigators would be integrated into existing teams in such a way as to ensure the OTP’s independence.

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), vol. I, part I, section B, para. 51. Res.6, annex I, para. 19(a).

RECOMMENDATIONS

11. Given the relatively high endowment of the Office of the Prosecutor Trust Fund² and its complementarity to the budget, the Committee requested that the Court provide a spending plan for the Trust Fund in the context of the 2023 proposed programme budget.

12. Furthermore, the Committee requested a report on the governance of the Trust Fund, as well as on the secondment of personnel.

C. 2023 Proposed Programme Budget

13. The Committee was informed that the Court expects the upcoming budget to present significant challenges, which will probably lead to a substantial increase in the 2023 proposed programme budget, some of which are:

- a) an increased work load across the Court – a greater number of investigations, trials (five trials at various stages with parallel use of three court rooms) and detentions (seven persons were expected), an increased field presence, and legal aid;
- b) inflation;
- c) a backlog in capital replacement of the Court's premises; and
- d) an estimated increase in staff costs (i.e., an increase related to the UN Common System, as well as an increase in the total FTE³ of the Court).

RECOMMENDATION

14. The Committee took note of the 2023 proposed programme budget outlook and recommended that the Court should identify efficiencies and savings before it submits the next budget proposal. This would require diligent budget preparation, especially given budget constraints of States Parties and liquidity challenges that affect budget implementation.

15. At its thirty-seventh session, the Committee recommended that the annexes with the lengthiest explanations e.g., Annex IV Strategic Goals, Annex IX (both (a) and (b) Information Technology), and Annex XVI Savings and Efficiencies should be scrutinized in depth during the budget workshop at its thirty-eighth resumed session in May 2022.

16. The Court has requested more time and space before moving forward with any material changes to the presentation of the budget. However, the Court informed the Committee that it would continue to make improvements where possible. The Committee considered this request to defer a full review of the budget presentation sensible given the current context of the Court's workload. The Committee would re-engage with the Court once its workload allowed.

D. Status of contributions, States in Arrears, and Liquidity**1. Status of contributions**

17. The Committee reviewed the status of contributions as at 31 March 2022. See Annex I for details.

18. The Committee noted that as at 31 March 2022, regular contributions of €55,278,977 (36.54 per cent) were outstanding for the assessed contribution of the 2022 approved budget in the amount of €154,855,000⁴ (including the host State loan of €3,585,100). The Committee observed that only 49 out of the 123 States Parties had fully paid their contribution as at 31 March 2022.

² Title of Trust Fund: Technological Tools, Psychosocial Support and Specialised Capacity in SGBV crimes and crimes against Children ("the Trust Fund").

³ FTE stands for full time equivalent.

⁴ *Official Records ... Twentieth session, 2021* (ICC-ASP/20/Res.1), Section A, para. 3.

19. The outstanding contributions for prior years and the current year stood at €89,644,724, including the host state loan (€2,399,443).

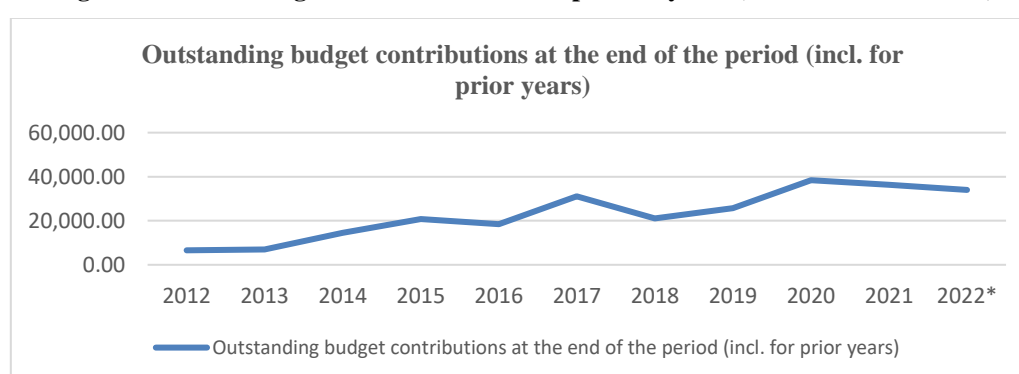
20. Based on the information provided in the monthly financial situation report as at 31 December 2021, the Committee noted that the liquidity situation of the Court remains challenging. Like at the end of 2020, in 2021, the Court had to rely on the willingness of some States Parties being prepared to pay their contributions early for the 2022 assessments in November or December 2021. Without those early payments, the Court would have faced a liquidity shortfall of about €9.9 million by the end of December 2021. Those early payments of contributions may aggravate the liquidity situation towards the end of 2022 and may prolong the problem the Court has with arrears as a result.

21. Based on the monthly financial situation report as at 30 April 2022, the Court once again predicted a liquidity shortfall of about €4.7 million by the end of December. The Registrar had approached several States Parties to request settlement of their outstanding contributions. The Committee was informed that one or more of the main long-term States in arrears might pay a portion of their outstanding contribution this year. How far these payments will sustainably improve the financial situation of the Court remains to be seen. Table 1 and Figure 1 below show the trend for outstanding contributions over the last ten years.

Table 1: Analysis of the trend in outstanding contributions over the past ten years

	Programme budget	Outstanding budget contributions at the end of the period (incl. for prior years)	Outstanding contributions (in per cent)
2011	103,607.90	2,791.60	2.69%
2012	108,800.00	6,569.27	6.04%
2013	115,120.30	6,980.18	6.06%
2014	121,656.20	14,489.26	11.91%
2015	130,665.60	20,785.67	15.91%
2016	139,590.60	18,405.97	13.18%
2017	144,587.30	31,047.93	21.47%
2018	147,431.90	21,121.66	14.33%
2019	148,135.10	25,771.66	17.40%
2020	149,205.60	38,401.74	25.74%
2021	148,259.00	36,266.70	24.46%
2022*	154,855.00	33,947.57	21.92%

Figure 1: Outstanding contributions over the past ten years (in thousands of euros)



* The forecast for 2022 is based on 2021 trends of contributions received. As at 31 March 2022, total outstanding contributions is currently stand at of €55.28 million.

2. States in arrears

22. The Committee noted that not a single State in arrears had made use of a payment plan, an option that was introduced in 2019. The Committee observed, even though some States in arrears are more responsive, that neither the appeals of this Committee or other oversight bodies nor the efforts of the Court have led to a sustainable pattern of payments of contributions by all States Parties.

RECOMMENDATIONS

23. The Committee continued to urge all States Parties, which have outstanding contributions to settle their dues with the Court as soon as possible, and if need be, to establish with the Court a payment plan with the Court.

24. Given the so far rather reluctant response of the States in arrears to the plea to settle their dues with the Court, the Committee encouraged the States Parties to openly consider the recommendation IER 140 and recommended that the Assembly explore additional means of encouraging the timely payment of contributions in full by States in arrears. Waivers to the suspension of voting rights should be granted only in exceptional cases; the inability to present candidates for elected positions could also be seriously considered.

3. Liquidity (Working Capital Fund and Contingency Fund)

25. In light of the expected level of activities at the Court and the ongoing challenging liquidity situation, the Committee considered this issue and also recommendation R141 raised by the IER, as well as the current levels of the Contingency Fund (“CF”) and the Working Capital Fund (“WCF”).

26. The CF has a notional level of €7 million, with an actual amount of €5.2 million. The approved level of the WCF stood at €11.5 million, which does not cover one month of expenditure.

RECOMMENDATIONS

27. The Committee recommended that the Assembly replenish the Contingency Fund up to its notional level of €7 million.

28. The Committee also recommended that the Assembly approve the level of the Working Capital Fund at one twelfth (1/12) of the previous year’s approved budget appropriation.

E. Programme performance of the 2021 budget**1. General observations**

29. The Committee considered the “Report on activities and programme performance of the International Criminal Court for the year 2021,”⁵ which was based on preliminarily unaudited figures. The Committee noted that in 2021 the Court’s total actual expenditure including the CF amounted to €146.65 million, representing 98.9 per cent of the approved 2021 budget of €148.26 million. The remaining balance of €1.61 million included unspent provisions of €327 thousand for the multi-year Information Technology Strategy project that would be carried forward to the year 2022.⁶

30. The implementation rate of the regular budget for 2021 was 97.4 per cent, or a total of €144.45 million, against an approved budget of €148.26 million.

31. Three CF notifications were submitted to the Committee with a total notified amount of €3.29 million, of which €2.2 million was actually needed. The Committee appreciated the Court’s effort in conducting not only the activities projected for 2021⁷ but also various unforeseen activities, including the implementation of some IER recommendations. Furthermore, the Committee welcomed the Court’s achievement of absorbing the expenditure due to unforeseen situations and developments within the 2021 approved budget.

32. In addition, the Committee observed that the ongoing pandemic crisis, unforeseen changes to judicial activities, as well as other external and internal factors, had a direct impact on the implementation rate for the resources allocated for different budget lines. Table 2 depicts the budget performance for 2021 by expenditure item.

⁵ CBF/36/10.

⁶ 100 thousand for the OTP investigation and witness management system and 227 thousand for Court’s cloud adoption.

⁷ Number of pre-trials cases, trials, appeals, investigations.

Table 2: Budget Performance for 2021 by expenditure item (in thousands of euros)⁸

<i>Items</i>	<i>Approved Budget 2021</i>	<i>Total Contingency Fund (CF) 2021</i>	<i>Total Consolidated Budget and CF 2021</i>	<i>Actual Expenditure* 2021</i>	<i>Actual Expenditure* CF 2021</i>	<i>Total Actual Expenditure* Incl. CF 2021</i>	<i>Total Actual incl. CF Implementation Rate 2021 against Approved Budget in %</i>
	[1]	[2]	[3]=[1]+[2]	[4]	[5]	[6]=[4]+[5]	[7]=[6]/[1]
Judges' Salaries	4,711.1	-	4,711.1	3,988.6	-	3,988.6	84.7
Professional staff	64,587.2	-	64,587.2	n/a	n/a	n/a	n/a
General Service staff	25,005.5	-	25,005.5	n/a	n/a	n/a	n/a
Subtotal staff	89,592.7	-	89,592.7	88,668.9	-	88,668.9	99.0
General temporary assistance	18,648.3	818.5	19,466.8	19,079.3	42.3	19,121.5	102.5
Temporary assistance for meetings	511.8	-	511.8	1,072.0	-	1,072.0	209.4
Overtime	237.2	-	237.2	218.0	-	218.0	91.9
Subtotal other staff	19,397.3	818.5	20,215.8	20,369.2	42.3	20,411.5	105.2
Travel	4,096.9	461.8	4,558.7	2,064.9	303.4	2,368.3	57.8
Hospitality	28.0	-	28.0	7.6	-	7.6	27.2
Contractual services	4,056.0	343.5	4,399.5	3,887.8	294.3	4,182.0	103.1
Training	624.8	-	624.8	360.0	-	360.0	57.6
Consultants	627.2	135.1	762.3	859.9	74.5	934.4	149.0
Counsel for defence	3,943.7	516.9	4,460.6	3,913.0	624.6	4,537.6	115.1
Counsel for victims	1,727.1	-	1,727.1	1,531.7	-	1,531.7	88.7
General operating expenses	14,026.5	984.1	15,010.6	13,747.1	856.4	14,603.6	104.1
Supplies and materials	1,111.0	25.5	1,136.5	909.3	4.3	913.6	82.2
Furniture and equipment	731.6	-	731.6	560.8	-	560.8	76.6
Subtotal non-staff	30,972.8	2,466.9	33,439.7	27,842.1	2,157.6	29,999.6	96.9
Total	144,673.9	3,285.4	147,959.3	140,868.7	2,199.9	143,068.6	98.9
Host State Loan	3,585.1	-	3,585.1	3,585.1	-	3,585.1	100.0
Total Including Host State Loan	148,259.0	3,285.4	151,544.4	144,453.9	2,199.9	146,653.7	98.9

* Expenditure for 2021 is based on preliminary and unaudited figures, which are subject to change.

2. Judges' salaries and allowances

33. The Committee noted that the implementation rate for the budget allocated for judges' salaries was 84.7 per cent, representing an under spent balance of €722.5 thousand. The low implementation rate was due to the amended conditions of services and compensation for the Court's judges that started to be used from the year 2021.

RECOMMENDATION

34. The Committee encouraged the Court to adequately reflect the implementation of the amended conditions of services and compensation of the Court's judges when preparing the 2023 budget proposal.

3. Staff costs

35. The overall implementation rate of the Court's staff costs was 100.1 per cent⁹ representing an overspend of €90.4 thousand.

36. The Committee observed that while the cost for the established posts generated savings of €923.8 thousand (€89,592.7 thousand in the approved budget against €88,668.9 thousand actual expenditure), costs for other staff as General Temporary Assistance ("GTA"), and Temporary Assistance for Meeting ("TAM") was exceeded by €1,014.20 thousand representing an implementation rate of 105.2 per cent. The over-implementation rate for GTA of 102.5 per cent reflects the need for flexibility to meet short-term workload, mainly in the Judiciary. The over-expenditure for TAM by €560.2 thousand (209.4 per cent) was mainly due to the increase in the number of freelance interpreters recruited by the Registry's Language Services Section for the two simultaneous trials.

37. The Committee also noted that the vacancy rate had continued to increase from seven per cent in 2019, to nine per cent in 2020, to 12 per cent in 2021. The Committee will continue to monitor the issue closely to avoid any possible distortions resulting from staff cost requests and implementation.

⁸ CBF/38R/7: Report on activities and programme performance of the International Criminal Court for the year 2021, Table 9: Court consolidated budget performance in 2021, by item of expenditure (amounts in thousands of euros).

⁹ Including cost of 42.3 thousand for GTA used for unforeseen activities.

38. The Committee has observed over the past few years a practice by the Court whereby the number of vacant established posts is increasing, coinciding with the number of filled temporary positions. As a result, funds earmarked for financing established posts are shifted towards financing temporary ones. This indicates that the Court has introduced greater flexibility in its Human Resources management. The Committee pointed out that this will raise questions as to whether the requested but unfilled established posts are actually needed.

4. Travel

39. Travel budget was implemented at a rate of 52 per cent (€2,368.3 thousand against the approved budget of €4,169.9 thousand), thus generating savings of €1,728.60 thousand. The Committee welcomed the efforts made by the Court to ensure that despite travel restrictions due to COVID-19 it was still able to conduct planned and unforeseen activities.

RECOMMENDATION

40. The Committee recommended that the Court to further develop the experience gained from 2021 to reduce and prioritize trip requirements, to improve the Court's mission plan, to utilize remote working methods, to the extent possible, and to organize virtual sessions.

5. Hospitality

41. Hospitality was under implemented by 27.2 per cent (of the €28 thousand approved budget, €7.6 thousand was used). The under implementation is attributable to the significant reduction in high-level visits and meetings for all major programmes, as well as limited access to the premises.

6. Training

42. The training budget was implemented at 57.6 per cent (€360 thousand against the approved budget of €620 thousand) due to training being postponed or conducted remotely.

7. Consultants

43. The funds generated from savings were used to offset the over-implemented consultants budget, which had an implementation rate of 149 per cent (€930 thousand against the approved budget of €620 thousand) due to the need to strengthen the existing legal expertise, contract extensions for consultants to the Office of Public Counsel for Victims, and payments to experts in relation to other Court-wide projects.

8. Legal aid

44. The savings were also used to cover the higher costs in legal aid of €398 thousand compared to the amount approved by the Assembly (implementation of 107 per cent). While the approved budget for victims' counsel was not used in full (€1,531.7 thousand against the approved budget of €1,727.1 thousand), resources approved for defence counsel teams were exceeded due to unforeseen developments in the *Gicheru* and *Said* cases, corresponding to the two additional defence teams needed (€4,537.6 thousand against the approved budget of €3,943.7 thousand).

45. The Committee had before it the Court's report on the performance of the Court's legal aid system in 2021 and noted that that 46.6 per cent (or €712.6 thousand of the total expenditure of €1,528.1 thousand) of the victims' legal aid budget was used for long-term reparations in the *Lubanga*, *Katanga* and *Al Mahdi* cases, which are still on-going. Furthermore, the Committee observed that Mr. Lubanga was released on 15 March 2020 after serving 14 years of imprisonment, while the reparations started on 7 August 2012, and Mr. Al Mahdi will be released on 18 September 2022.

46. The Committee took note that in the case of *The Prosecutor v. Bosco Ntaganda*, Trial Chamber VI issued its order on reparation, setting the total reparations award up to \$30 million. The Committee was informed that the reparation order is still under appeal and the draft implementation plan has not yet been approved by the Trial Chamber. Furthermore, the Trust Fund for Victims ('TFV') considers that the amount pertaining to the *Lubanga* programme (\$10 million) can be deducted from the \$30 million.

47. In this context the Committee reiterated its previous observation that reparations are an important and unprecedented role of the Court and recommended taking all necessary measures to accelerate the reparations process to keep in mind fairness, victims' rights and full transparency.

RECOMMENDATION

48. **The Committee requested that the Court report to the Committee at its thirty-ninth session on the financial impact of the reparations process on legal aid.**

9. General operating expenses

49. The Committee noted an over-spend in general operating expenses by €577.1 thousand (€14,603.6 thousand against the approved budget of €14,026.5 thousand). The over-implementation of this budget line was due to a high volume of unforeseen operations in situation countries by the OTP, and to direct witness-related expenditure.

10. Supplies and materials

50. The Committee welcomed compliance with the budget appropriations for supplies and materials despite some unplanned expenditure for personal protective equipment in order to provide a safe environment during the return of staff to the premises and to reduce risk in the country offices.

11. Unliquidated obligations

51. The Committee observed that the amount of unliquidated obligations and open travel claims of the Court as at 31 December 2021 stood at €5,792.9 thousand, which represented an increase of €430.2 thousand (or seven per cent) compared to 2020 of €5,362.7 thousand.

52. The total actual expenditure for travel for 2021 was €2,368.3 thousand, of which €1,055.9 thousand (or 44 per cent) were open travel expenses as unliquidated obligations by the end of 2021. Furthermore, the Committee noted that the number of open travel claims, which includes also staff entitlement travel (e.g. home leave, repatriation) increased by 40 per cent compared to 2020 (207 open trips by end of 2020 compared to the 331 in 2021).

53. The Committee recalled the information obtained at its thirty-sixth session by the Finance Section that on 1 September 2021, the SAP Team launched a full electronic settlement process for travel expenses. The new process was supposed to assist all stakeholders and should have contributed to a reduction in open travel claims by the end of the calendar year. However, the Committee noted that the situation had not improved and it would monitor the situation on a yearly basis.

RECOMMENDATION

54. **Due to significant increase of open travel claims, the Committee will continue to monitor the situation. The Committee recommended that the Court decrease the number of open unliquidated obligations to the extent possible.**

12. Contingency Fund notifications in 2021

55. In 2021, the Court was confronted with a number of unforeseen developments and submitted three CF notifications as detailed in Table 3 below.

Table 3: Summary of notifications to access the Contingency Fund in 2021

<i>Date</i>	<i>Justification</i>	<i>Amount notified</i>
03/09/2021	Unforeseen and unavoidable costs associated with the case of <i>The Prosecutor v. Mahamat Said Abdel Kani</i> in the situation in the Central African Republic.	€2,132,700
03/09/2021	Unforeseen and unavoidable costs associated with the case of <i>The Prosecutor v. Abd-Al-Rahman</i> in the situation in Darfur (Sudan).	€827,200
15/12/2021	Unforeseen and unavoidable costs associated with the case of <i>The Prosecutor v. Blé Goudé</i> in the situation in the Cote d'Ivoire (CIV) and with the case of <i>The Prosecutor v. Paul Gicheru</i> in the situation in Kenya.	€325,500
Total		€3,285,400

56. The Committee noted that the overall use of resources for unforeseen situations amounted to €2,199.9 thousand (or 67 per cent), compared to the total notified amount of €3,285.4 thousand and that the resource requirements were absorbed within the regular approved budget.

RECOMMENDATION

57. **The Committee recommended that the Court use the 2021 budget implementation as a lessons learned exercise and recalled the Assembly's request¹⁰ that instead of setting annual efficiency targets, the Court promotes a culture of continuous improvement by identifying and implementing efficiencies and savings taking into account past experience to produce a sound and transparent budget proposal to prepare the 2023 proposed programme budget.**

F. Budget performance as at 31 March 2022

58. The Committee considered the "Report on budget performance of the Court as at 31 March 2022" and noted that at the end of the first quarter of 2022, the Court had reached an implementation rate of 28.7 per cent, or a total of €43.47 million against the approved budget of €151.27 million, excluding the interest and capital repayment on the premises of €3.59 million. Including the interest and capital repayment, the implementation rate was 30.4 per cent, or a total of €47.05 million against the approved budget of €154.85 million.

59. The implementation rate for Court-wide overall staff costs, as at 31 March 2022, was 24.9 per cent. The Committee had been informed of an increase in the post adjustment for Professional staff since February of this year. The Committee recommended continuing to monitor recruitment activities to achieve a balance between approved posts and positions and relevant operational needs for judicial, investigative, prosecutorial and support activities.

60. The implementation rate for non-staff costs was 43.1 per cent, against 51.4 per cent in 2021. The decrease reflects the early review of planned non-staff expenditure to offset the increase in staff costs and the continuing pressure of COVID-19 restrictions on some operations. The rise in global inflation, in particular in relation to utilities, is expected to affect the implementation rate of non-staff costs and put additional pressure on the Court's budget.

1. Contingency Fund notifications

61. The Committee noted that no CF notifications were submitted during the first quarter of 2022. However, on 8 April 2022, a CF notification was in preparation for submission to the Committee to meet unforeseen costs with regard to the case of *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka* in the Central African Republic (CAR II) situation. In addition, on 11 April 2022, a letter was submitted to inform the Committee of developments in the situation in Venezuela I, and in the situation in Ukraine. The CF notifications for these cases are currently being drafted for submission to the Committee in the second quarter of the year.

RECOMMENDATION

62. **The Committee encouraged the Court to make every possible effort to absorb unforeseen expenditure within its approved budget envelope.**

2. Transfer of funds

63. The Committee observed that there were no transfers of funds greater than €200.00 thousand during the first quarter of 2022.

¹⁰ *Official Records ... Twentieth session, 2021* (ICC-ASP/20/Res.1), section K, paras. 6.

G. Human resources matters

1. *Annual report on Human Resources Management*

64. The Committee considered the report of the Court on Human Resources Management and was informed of the strategic objectives in relation to human resources for 2019-2021, and planned activities and priorities for 2022.

65. The Committee took note of the Leadership Development Plan 2020-2022 implemented to empower leaders at all levels by providing access to learning and development opportunities.

66. In line with the commitment for wellbeing and resilience engagement, the heads of organs supported and developed a new ICC Staff Engagement Survey, aiming to collect new data on current levels of staff engagement supporting the psychological and physical health of all staff through open channels.

67. The Committee expressed its satisfaction with the way the Court had handled human resources during COVID-19 and the lessons learnt, particularly the digitalization of human resources processes and remote data availability.

68. The Committee took note of the efforts made by the Court to find new donors and funding for candidates from non- and under-represented States Parties to participate in the Junior Professional Officer (“JPO”) Programme, as well as for the Internship and Visiting Professional Programme.

69. The Committee noted that the Court is seeking to progress and explore multiple initiatives in order to better configure its workforce to meet various demands across the whole judiciary process, including workforce mobility, National Professional Officer (“NPO”) category and OTP’s drive for more agile investigations in situation countries. Based on documents presented and various presentations by the Court’s officials, the Committee was not confident that these initiatives are governed by a comprehensive Human Resources management approach.

RECOMMENDATIONS

70. **The Committee recommended that the Court manage all current and new Human Resources initiatives by using the Human Resources governance principles to ensure coherence and efficiency in terms of the implementation of the Court’s Human Resources policy, and to report back to the Committee at its forty-first session in spring 2023.**

71. **The Committee reiterated the request for information on the JPO’s Programme at its thirty-ninth session in September 2022.**

72. **The Committee also requested a clear strategic view of the Court’s proposed (and affordable) workforce posture, particularly overseas, including a costed plan for the Office of the Prosecutor’s new forward posture, as well as the proposed National Professional Officer category, to be considered at its thirty-ninth session in September as part of the budget discussions for the 2023 proposed programme budget.**

2. *Amendment of the Financial Regulations and Rules to facilitate inter-organ mobility*

73. The Committee was provided with a proposal to amend the FRR to facilitate inter-organ mobility of staff.¹¹ The Committee was of the view that the proposed amendment would both encourage internal workforce mobility and enable the Court to surge resources to its highest priority areas. The Committee was also in agreement with the Court’s view that the proposed amendment should further enhance the learning and development opportunities available to staff during their career at the Court.

74. The Committee reiterated its previous recommendation that the different organs of the Court make every effort to manage their human resources in the future in a flexible and justifiable manner, maintaining budgetary integrity while allowing the Court to react to unexpected situations to the extent possible, to

¹¹ CBF/36/13, Annex III.

redeploy resources based on actual workload requirements, and to redeploy or discontinue posts that are unfilled and not needed.

RECOMMENDATION

75. The Committee recommended that the Assembly approve the amendments to the Financial Regulations and Rules regarding the inter-organ mobility of staff.

3. Geographical distribution and gender balance

76. The Court submitted the Human Resources Management report in April 2022, and the statistical tables as at 31 March 2022 that showed a total staff count of 1,398.¹² The Committee noted that the Court had used various improvement methodologies and tools to enhance recruitment timelines, Geographical Distribution and Gender Balance (“GDGB”), staff engagement and other Human Resources processes.

77. Concerning geographical distribution, over the span of five years (2016 – 2021), the statistics pertaining to the distribution of States Parties in the professional staff showed significant improvement in the in-balance States and a reduction in the number of over-represented ones. For the rest of the categories, namely the under-represented, non-represented and non-ratified countries, their numbers largely did not change. See Annex III(1) and Annex III(2) for more details.

78. Concerning gender balance, the Court’s Human Resources Management report contained data classified by major programme and professional grade level as at 31 December 2021, and updated statistics tables dated 31 March 2022. Overall, females and males comprised 49.4 per cent and 50.6 per cent, respectively, including elected officials and language staff. Annex IV(1) shows the gender distribution by Major Programme and percentages by grade.

79. In an effort to improve GDGB, the Court intensified its presence on social media. As a result, applications from female candidates increased by 32 per cent, and those from under and non-represented States by 30 per cent.

RECOMMENDATION

80. The Committee recommended an update by the Court on geographical distribution and gender balance issues as part of the Human Resources Management report at its forty-first session in 2023.

4. The use of unapproved General Temporary Assistance

81. The Committee scrutinized the list of all unapproved GTA and the duration of each position as at 31 December 2021 and as at 31 March 2022 and observed a significant decrease in the number of long-term unapproved GTA positions in the second half of 2021. Furthermore, it noted that as at 31 March 2022, seven unapproved GTA positions were used Court wide (i.e., four in the OTP and three in the Registry), representing a decrease of 12 full-time equivalent compared to the situation at its thirty-seventh session.

82. The Committee took note of the administrative and financial arrangements concerning the Head of the Uganda and DRC Country Office, which continues to be a P-5 unapproved GTA, and, according to the documentation submitted to the Committee, discharges its duties from Headquarters, as well as participating in the development and implementation of strategies and policies pertaining to the life-cycle of the Court’s external offices as External Affairs Coordinator.

83. The Committee was informed that in 2022 the External Auditor is conducting a performance audit on Temporary Personnel that comprises GTA, STAs, Consultants and TAM.

¹² As at 31 March 2022, the ICC Staff count was 1,398: established posts (837); approved GTA (172); STA (37); JPO (7); Interns (92); Visiting Professionals (36); Consultants (17); Individual Contractors (178), and Elected officials/Judges (22).

RECOMMENDATIONS

84. The Committee requested that the Court be updated on the status of the External Affairs Coordinator's position, and the possible use of similar arrangements in the Court's strategies and policies for the Country Offices, and to report back to the Committee at its forty-first session in spring 2023.

85. The Committee looked forward to receiving the External Auditor's report on Temporary Personnel.

5. Guidance on the introduction of the National Professional Officer Category

86. The Committee observed that the Court is seeking to implement the proposal of the new NPO category of staff and at its thirty-seventh session agreed to provide guidance on the implementation of the NPO category.

RECOMMENDATIONS

87. Taking into consideration the introduction of the National Professional Officer category, the Committee recommended that the Court develop guidelines, including but not limited to the following points:

- a) The heads of Country Offices would be international staff. In the event of the contrary, what safeguards would need to be implemented to protect the individual, the integrity of the Country Office and the reputation of the Court;
- b) Conversion to National Professional Officers would be from vacant posts/positions and the conversion should follow the same recruitment process as for other categories; and
- c) The temporary nature of National Professional Officer would be taken into account.

88. The Committee recommended that it be kept informed of the developed guidelines and their implementation at its forty-first session in spring 2023.

89. The Committee stressed the importance of clearly identifying the National Professional Officer for the 2023 proposed programme budget, an overview of the number of planned National Professional Officers per Country Office, together with their level, title and the former position they are replacing.

6. Update on cases before the ILOAT and the internal Appeals Board and risk associated with litigations

90. The Committee had before it the "Note on updated on the status of cases before the International Labour Organization Administrative Tribunal ("ILOAT") and the Internal Appeals Board" since September 2021 and considered additional information provided by the Court during the Committee's session.

a) Cases before the ILOAT

91. The Committee observed that the ILOAT had delivered three judgments in January 2022. Two cases were dismissed; accordingly, no awards were ordered. The financial compensation that resulted from one judgment in the amount of €2,400 was recorded against provision allocated for this case.

92. At the time of the thirty-seventh session of the Committee in September 2021, thirteen cases were pending before the ILOAT. This number had decreased, as stated above, by three cases. The remaining ten cases were still pending.

93. Since September 2021, four new cases had been filed with the ILOAT, where an amicable settlement had not been reached. Accordingly, there was a total of 14 cases pending before the ILOAT, representing an increase of one case.

94. The Committee observed that based on non-audited figures, the provisions for litigation before the ILOAT filed by current or former staff members of the Court amounted to €46 thousand by the end of 2021,

representing an increase of €44 thousand¹³ compared to the situation at the end of 2020 (€7 thousand).¹⁴ A balance of €65 thousand of contingent liability remained unchanged compared to the amount at the end of 2020.

95. The Committee observed that based on non-audited figures, the provisions for litigation before the ILOAT filed by current or former staff members of the Court amounted to €46 thousand by the end of 2021, representing an increase of €44 thousand¹⁵ compared to the situation at the end of 2020 (€7 thousand).¹⁶ A balance of €65 thousand of contingent liability remained unchanged compared to the amount at the end of 2020.

RECOMMENDATION

96. **The Committee looked forward to receiving an update from the Court on the situation of the ILOAT cases at its thirty-ninth session.**

b) Cases before the Internal Appeals Board

97. The Committee noted that there were 19 cases pending at various stages of internal proceedings, representing an increase of eight compared to the situation in September 2021 (11 cases). The majority of cases concern suspected unsatisfactory conduct before the Independent Oversight Mechanism and the Disciplinary Advisory Board.

98. The Committee recalled that in order to mitigate the litigation risk, the provision of €72 thousand in 2022 for an external consultant was approved by the Assembly as an interim measure, and it further observed that the Court, in consultation with States Parties, continues to look into other options in response to IER recommendation 118.

RECOMMENDATIONS

99. **The Committee reiterated its previous recommendation and encouraged the Internal Appeals Board to reach amicable settlements to the extent possible and, if necessary, to involve the external consultant. The Committee further urged the Court's management to take all necessary measures to reduce the litigation risk.**

100. **The Committee looked forward to receiving an update from the Court on the situation of the cases before the Internal Appeals Board at its thirty-ninth session in September 2022.**

H. Trust Fund for Victims

1. External auditing firm: sample of the report on implementing partners

101. At its thirty-seventh session,¹⁷ the Committee recommended receiving a sample of the external auditing firm's report on implementing partners at its thirty-eighth resumed session in May 2022. The Committee noted the report conducted by Ernst & Young in accordance with International Standards on Auditing on the Transcultural Psychosocial Organization for the year ended 31 December 2020.

102. The Committee was informed that the selection process to select an audit firm for a centralized audit service on implementing partners is still ongoing.

RECOMMENDATION

103. **The Committee recommended that the Trust Fund for Victims reconsider the need for a centralized audit since all implementing partners had been audited individually by their own auditing**

¹³ A provision of €44 thousand for three new cases.

¹⁴ In 2021, a provision of €5 thousand was reversed as unused provision.

¹⁵ A provision of €44 thousand for three new cases.

¹⁶ In 2021, a provision of €5 thousand was reversed as unused provision.

¹⁷ Report of the Committee on Budget and Finance on the work of its thirty-seventh session (ICC-ASP/20/15), para. 169.

firms. The Trust Fund for Victims can consider appointing an external auditing firm for a centralized audit if the need arises.

I. Five-Year IT/IM Strategy

The Court's assessment of the Judicial Workflow Platform

104. At its thirty-seventh session,¹⁸ the Committee requested that the Court immediately assess whether to continue with the Judicial Workflow Platform (“JWP”) or terminate the project and save as much as possible of the future costs of developing and supporting a potential legacy system.

105. The Court reaffirmed its commitment to the JWP as an essential and strategic project, which is necessary to achieve the vision outlined in the Court’s Five-Year IT/IM Strategy and in the Registry Strategic Plan (2019 – 2021), and without which the Court will not be able to achieve further efficiencies and improvements in judicial processes. According to Court’s assessment, the JWP will not be obsolete on delivery and will operate as the Court’s core system for supporting judicial activities for the standard software system lifespan of a minimum of 12 to 15 years.

106. During the thirty-eighth resumed session, the Chief of Information Management Services Section gave a brief overview of the status of the JWP implementation; a demonstration of currently operational modules of the system was provided by a Court Management Associate Legal Officer. The project is on track with regard to timeline, as well as being within the approved budget envelope for the JWP project of €3,703.0 thousand. The three foundation modules were launched in December 2021 and January 2022, and the platform has been put in use for new cases, including one new situation. The remaining modules will be delivered in the course of 2022 and, from 2023 onwards, the Court foresees using its internal capacity to further augment the JWP. Planned functionality will be achieved and *the migrations will start in 2022 with filings for active cases; migration of transcriptions, evidentiary material and disclosures will continue in 2023 to the end of 2024*. The obsolete legacy systems will be phased out from active use by the end of 2024.

107. The Committee welcomed the recent developments and called on all the Court’s organs to allocate the necessary staff resources to the JWP project at the final critical stage of the implementation. Only full implementation of the JWP would allow the Court to achieve the planned efficiencies of the judiciary operations and speed up processes.

108. At its thirty-first session, the Committee requested that the Audit Committee task the Office of Internal Audit to carry out an audit of JWP implementation. The audit on JWP procurement was completed in 2021. An audit on JWP user requirements had been postponed due to the project release being delayed and was launched in May 2022. The final report was expected by the end of July 2022.

RECOMMENDATIONS

109. **The Committee recommended that all the Information and Communication Technology development projects initiated across the Court’s organs should be designed and implemented so as to ensure that they are compatible and interoperable with the Judicial Workflow Platform.**

110. **The Committee requested that it receive the audit report on Judicial Workflow Platform user requirements together with the Audit Committee’s comments at its thirty-ninth session in September 2022.**

J. Recommendations of the Independent Expert Review

111. The Court had submitted reports on various IER recommendations for the consideration of the Committee.

¹⁸*Ibid.*, para. 123.

1. R 143 on Joint procurement

112. The Committee had before it the “Report of the Court on a joint procurement approach recommended by the Independent Expert Review (R143)”. The IER recommendation R143 reads as follows:

- “R143: States Parties should consider joint approaches with other international courts and tribunals housed in The Hague, such as organising joint trainings, pooling administrative services and exploring possibilities for joint procurement to obtain more advantageous rates.”¹⁹

113. The Committee took note of the Report of the Court on a joint procurement approach, which provides a summary of the work done by the Court in relation to this recommendation.

114. The Committee noted the Court’s view that it had fully embraced the concept of cooperation, not only with other international courts and tribunals based in The Hague but also with organizations in the broader UN system. In a number of areas cooperation was taking place and the Court had also identified a series of further possibilities in the future. The Committee commended the Court on its joint procurement approach and encouraged it to further exploit all useful possibilities for cooperation. The Committee took note that this recommendation was being implemented.

2. R140 and R141 on Liquidity and reserve funds

115. The Committee had before it the “Report of the Court on liquidity and reserve funds in relation to recommendations of the Independent Expert Review (R140 and R141)”. IER recommendation 140 and 141 read as follows:

- “R140: Noting the concerning state of arrears and potential liquidity crisis facing the Court, the Experts recommend that the ASP explore additional means to encourage timely and in full payment of contributions by States Parties, taking into account practices from other international organisations. For example, the ASP could explore setting a lower threshold of arrears beyond which States Parties lose their voting rights or inability of States Parties in arrears to present candidates for elected officials’ positions.”²⁰
- “R141: At a minimum, the ASP should ensure the levels of the Working Capital Fund and the Contingency Fund are maintained at the fixed levels, if not increased.”²¹

116. Regarding recommendation 140, and given the so far rather reluctant response of the States in arrears to the plea to settle their dues with the Court, the Committee supported the IER recommendation and recommended that the Assembly explore, in line with the Rome Statute, additional means of encouraging the timely payment of contributions in full by States in arrears. Waivers to the suspension of voting rights should be granted only in exceptional cases; the inability to present candidates for elected positions could also be seriously considered. See paragraph 24 above.

117. With regard to recommendation 141, the Committee considered the current level of the WCF and the CF. In light of the expected level of activity in the Court, the liquidity situation and the need for predictable financial arrangement, the Committee recommended that the Assembly replenish the CF up to €7 million,²² as well as approve the level of the WCF at a one twelfth (1/12) of the previous year’s approved budget. See paragraph 28 above.

3. R132 and R142 on Budget planning

118. The Committee had before it the “Report of the Court on budget planning in relation to recommendations of the Independent Expert Review R132 and R142”:

- “R132: In parallel with or subsequent to the elaboration of high-level assumptions, inter-organ consultations should be held on a cohesive strategic vision to guide Organs in their budget planning.

¹⁹ Report of the Independent Expert Review of the International Criminal Court and the Rome Statute System (ICC-ASP/19/16), R143.

²⁰ *Ibid.*, R140.

²¹ *Ibid.*, R141.

²² Until 31 December 2021, the balance of the CF was €5,241 thousand (ICC-ASP/20/Res.1, Section D, para.1). €1,759 thousand would be needed for replenishment.

Additional close consultations should be held between the OTP and Registry on these strategic priorities and the Registry's expected capacity.”²³

119. The Court had informed the Committee of the progress made in relation to this recommendation. It considered that close inter-organ consultations should take place regularly throughout every phase of the budget process, from budget planning to implementation. Efficiencies and savings as a result of close consultations between the OTP and Registry had been reported in the past to the Committee.

120. The importance of the link between the strategic plan and the budget has been highlighted. A possible future rolling budget forecast will also have to rely heavily on coordination between the organs.

121. The Committee commended coordination between the organs and noted that the Court was of the view that this recommendation had been implemented.

- “R142: Increased transparency on the organisational structure and organigram should be introduced, with the number of full-time equivalent posts by Section and Office indicated.”²⁴

122. The Court had developed a set of organigrams, presenting the Court by major programme and including for each major programme the requested information. Transparency and understanding of the organizational structure have clearly improved. The Committee took note that this recommendation was being implemented.

4. R138 on Additional workshops

123. The Committee had before it the “Assessment of the Court further to recommendation 138 of the Independent Experts regarding additional workshops between the Court and the Committee on Budget and Finance”. IER recommendation 138 reads as follows:

- “R138. Additional (remote) workshops between the Court and the CBF should be held, ahead of the Committee's fall session, as the main forum for dialogue between the two on the Court-issued budget proposal.”²⁵

124. Workshops between the Court and the Committee are currently held during the spring sessions of the Committee; agenda and attendance are mutually agreed upon. The (virtual) January meeting of the Committee offers a further occasion if the need arises.

125. An additional workshop (albeit virtual) between the submission of the proposed programme budget and the fall session of the Committee would present a significant challenge, coinciding with the 45-day preparation period for the Committee.

126. The Committee took note of the assessment of the Court regarding this recommendation and shared the Court's view that the current practice of holding workshops on the basis of need had proved to be effective and efficient.

5. R84 and R105 on Tenure

127. IER recommendation 84 and 105 read as follows:

- “R84. The Registry is recommended to consider tenure for field office positions, following the example of embassies and UN offices in the field. The conditions of such tenure would depend on whether the duty station is a non-family or hardship one, and whether the staff is international or nationally recruited. The Heads of field offices and Occupational Health Unit (OHU) surveys on field office welfare should be consulted on the matter.”²⁶
- “R105. In order to encourage fresh thinking and bring more dynamism to the Court, a system of tenure should be adopted by the Court, applicable to all positions of P-5 and above. The system should stipulate a maximum tenure in positions of these levels of somewhere between five and nine

²³ Report of the Independent Expert Review of the International Criminal Court and the Rome Statute System (ICC-ASP/19/16), R132.

²⁴ *Ibid.*, R142.

²⁵ *Ibid.*, R138.

²⁶ *Ibid.*, R84.

years, and should admit few, if any exceptions. For reasons of procedural fairness, the limitations should not be applied to those occupying these positions currently and would only apply to those newly appointed to the positions. Nonetheless, long serving officers of P-5 or Director level might be encouraged to retire early to allow the new system to be established as quickly as possible.”²⁷

128. The Committee took note of the report by the Court providing factual information collected from international organizations applying a tenure policy. Unlike the Court, they all have a pronounced role in inter-governmental and political decision-making and the need to exchange technical expertise with States Parties. A representative of the Organization for the Prohibition of Chemical Weapons addressed the Committee.

129. Introducing fresh thinking, an objective pointed out in recommendation 105, was identified by these organizations as one of the advantages of a tenure policy for senior positions. It may also provide more flexibility in terms of organizational design, bring in new skills and competencies and facilitate adaptation to new priorities. A lack of job security may, however, discourage qualified individuals from joining the organization. Increased turnover of staff could disrupt work and knowledge management needs and result in higher administrative and replacement costs. A positive impact on gender and geographical balance had remained marginal.

130. From a legal perspective, a tenure policy for incoming staff at P-5 level and above could be implemented at the Court, provided that significant amendments were made to the Court’s legal framework.

131. Tenure policy may, however, also lead to an important increase in-year costs for the Court, both direct costs as a result of increased numbers of arrival and separation payments to staff, and indirect administrative costs. The effect on productivity could also be significant, with the effective average employment period being shorter than the tenure, and staff seeking employment opportunities early on. Key assets and training invested and institutional memory may get lost.

132. When considering a tenure policy, participation in the UN Common System and its potential impact such as on pensions and the After Service Health Insurance should be taken into account. The potential litigation risk due to unequal treatment between current and newly appointed staff (consulted organizations have followed the tenure policy since their creation) should also be considered.

RECOMMENDATION

133. **The Committee recognized the advantages of a tenure policy but noted some challenges and risks, which would deserve careful examination. Therefore, the Committee recommended that the Court assess in particular those risks and the financial implications of the introduction of a tenure policy and report accordingly during its thirty-ninth session in September 2022, before reaching a decision by the Assembly.**

III. Other organizational matters

A. Attendance and services for the thirty-eighth resumed session

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

1. Werner Druml (Austria);
2. Carolina María Fernández Opazo (Mexico);
3. Fawzi A. Gharaibeh (Jordan);
4. Yukiko Harimoto (Japan);
5. Urmet Lee (Estonia);
6. Loudon Overson Mattiya (Malawi);
7. Daniel McDonnell (United Kingdom);
8. Mónica Sánchez Izquierdo (Ecuador);

²⁷ *Ibid.*, R105.

9. Elena Sopková (Slovakia); and
10. Klaus Stein (Germany).

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

B. Participation of observers

136. Representatives from the Presidency, the OTP, the Registry, the Staff Union Council, the Coalition for the International Criminal Court, and a representative from the Organisation for the Prohibition of Chemical Weapons addressed the Committee and participated in the session. The Committee wished to thank the observers for their input to the discussions.

Annex I: Adoption of the agenda and organization of work

1. At its first meeting, the Committee adopted the following agenda²⁸ for the thirty-eighth resumed session:

i. *Opening of the session*

- (a) Adoption of the agenda and organization of work
- (b) Participation of observers
- (c) Welcoming remarks by the President of the Court
- (d) Internal discussion on reorganization of the Committee's report

ii. *Budgetary governance*

- (a) Workshop on the budgetary process:
 - 1. Voluntary Contributions:
 - a. OTP Trust Fund for Technological Tools, Psychosocial Support and Specialised Capacity in Sexual and Gender Based Violence crimes and crimes against Children.
 - b. Secondments.
 - 2. 2023 Proposed programme budget:
 - a. Strategic considerations and challenges.
 - b. Budget Presentation: follow up on recommendations on the budget format, including its annexes, and the way forward.
 - c. Strategic Plans.

iii. *Other financial and budgetary matters*

- (a) Status of contributions
- (b) States in arrears
- (c) Programme performance of the 2021 budget and 2022 first quarter
- (d) Performance of the Court's legal aid system in 2021

iv. *Human resource matters*

- (a) Annual report on Human Resources Management
- (b) Amendment of the Financial Rules and Regulations to facilitate inter-organ mobility
- (c) Geographical distribution and gender balance
- (d) The use of unapproved General Temporary Assistance
- (e) Guidance on the introduction of NPO category
- (f) Update cases before the ILOAT, internal Appeals Board and risk associated with litigations

v. *Trust Fund for Victims*

- (a) External auditing firm: sample of the report on implementing partners

vi. *Five-Year IT/IM Strategy*

- (a) Court's assessment of the Judicial Workflow Platform

vii. *IER recommendations*

- (a) R132 and R142 - internal consultations and organisational structure
- (b) R138 – additional workshops of the CBF
- (c) R140 and R141 - liquidity and reserve funds
- (d) R143 - explore synergies with other Hague Court
- (e) R23, R84 and R105- tenure

viii. *Other matters*

²⁸ CBF/38R/1.

Annex II: Status of contributions as at 31 March 2022²⁹

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds ¹	Grand Total / All Funds	Outstanding Period
			Prior Years		Year 2022				
			Host State	Budget excl.	Host State	Budget excl.			
1	Afghanistan	-	706	14,467	706	15,127	-	31,006	2021-2022
2	Albania	-	-	-	-	23,144	-	23,144	2022
3	Andorra	-	-	-	-	14,522	-	14,522	2022
4	Antigua and Barbuda	-	744	32,650	186	5,748	-	39,328	2015-2022
5	Argentina	-	-	3,425,169	-	2,083,743	-	5,508,912	2020-2022
6	Australia	-	-	-	-	-	-	-	-
7	Austria	-	-	-	-	-	-	-	-
8	Bangladesh	-	-	-	-	-	-	-	-
9	Barbados	-	-	-	-	23,144	-	23,144	2022
10	Belgium	-	-	-	-	-	-	-	-
11	Belize	-	286	5,217	143	2,874	-	8,520	2020-2022
12	Benin	-	-	-	-	-	-	-	-
13	Bolivia (Plurinational)	-	-	42,526	-	55,062	-	97,588	2020-2022
14	Bosnia and Herzegovina	-	-	-	-	-	-	-	-
15	Botswana	-	-	-	-	-	-	-	-
16	Brazil	-	416,882	15,421,839	416,882	5,833,724	-	22,089,327	2020-2022
17	Bulgaria	-	-	-	-	-	-	-	-
18	Burkina Faso	-	-	-	164	11,648	-	11,812	2022
19	Cabo Verde	-	-	-	143	2,874	-	3,017	2022
20	Cambodia	-	-	-	-	-	-	-	-
21	Canada	-	-	-	-	-	-	-	-
22	Central African Republic	8	772	15,788	143	2,874	-	19,585	2015-2022
23	Chad	-	154	10,561	154	8,622	-	19,491	2021-2022
24	Chile	-	-	-	-	1,217,118	-	1,217,118	2022
25	Colombia	-	-	-	-	-	-	-	-
26	Comoros	8	800	29,403	143	2,874	46	33,274	2007-2022
27	Congo	335	3,950	123,716	706	14,522	73	143,302	2012-2022
28	Cook Islands	-	-	-	141	2,874	-	3,015	2022
29	Costa Rica	-	-	-	-	19,320	-	19,320	2022
30	Côte d'Ivoire	-	1,563	34,432	1,563	63,685	-	101,243	2021-2022
31	Croatia	-	-	-	-	-	-	-	-
32	Cyprus	-	-	-	-	-	-	-	-
33	Czechia	-	-	-	-	-	-	-	-
34	Democratic Republic of	-	32	14,467	32	15,127	-	29,658	2021-2022
35	Denmark	-	-	-	-	-	-	-	-
36	Djibouti	-	-	-	-	252	-	252	2022
37	Dominica	-	143	2,604	143	2,874	-	5,764	2021-2022
38	Dominican Republic	-	-	656	6,392	194,231	-	201,279	2021-2022
39	Ecuador	-	-	-	-	218,006	-	218,006	2022
40	El Salvador	-	-	-	-	37,666	5,084	42,750	2022
41	Estonia	-	-	-	-	-	-	-	-
42	Fiji	-	-	-	430	11,648	-	12,078	2022
43	Finland	-	-	-	-	-	-	-	-
44	France	-	-	-	794,694	12,513,651	-	13,308,345	2022
45	Gabon	-	3,586	79,699	1,793	37,666	-	122,744	2020-2022
46	Gambia	-	-	-	143	2,874	-	3,017	2022
47	Georgia	-	-	-	-	-	-	-	-
48	Germany	-	-	-	-	-	-	-	-
49	Ghana	-	1,986	41,603	1,986	69,584	-	115,159	2020-2022
50	Greece	-	-	-	-	941,806	-	941,806	2022
51	Grenada	-	-	-	143	2,874	-	3,017	2022
52	Guatemala	-	-	-	3,836	118,747	-	122,583	2022
53	Guinea	134	800	48,059	143	8,622	84	57,842	2011-2022
54	Guyana	-	-	-	-	7,585	-	7,585	2022
55	Honduras	-	1,136	23,908	1,136	26,018	-	52,198	2020-2022
56	Hungary	-	-	-	-	-	-	-	-
57	Iceland	-	-	-	-	-	-	-	-
58	Ireland	-	-	-	-	-	-	-	-
59	Italy	-	-	-	-	-	-	-	-
60	Japan	-	-	-	-	14,519,251	-	14,519,251	2022
61	Jordan	-	-	-	-	63,685	-	63,685	2022
62	Kenya	-	-	-	1,850	86,980	-	88,830	2022
63	Kiribati	-	-	-	-	2,874	385	3,259	2022
64	Latvia	-	-	-	-	-	-	-	-

²⁹ As per the Monthly financial situation report prepared by the Court.

Outstanding Contributions									
	State Party	Working Capital Fund	General Fund				Other Funds ¹	Grand Total / All Funds	Outstanding Period
			Prior Years		Year 2022				
			Host State	Budget excl.	Host State	Budget excl.			
65	Lesotho	-	143	2,772	143	2,874	-	5,932	2020-2022
66	Liberia	-	691	12,816	143	2,874	-	16,524	2016-2022
67	Liechtenstein	-	-	-	-	-	-	-	-
68	Lithuania	-	-	-	-	-	-	-	-
69	Luxembourg	-	-	-	-	-	-	-	-
70	Madagascar	-	-	-	430	11,648	-	12,078	2022
71	Malawi	-	287	5,353	287	5,748	-	11,675	2021-2022
72	Maldives	-	-	-	-	-	-	-	-
73	Mali	-	-	-	574	14,522	-	15,096	2022
74	Malta	-	-	-	-	-	-	-	-
75	Marshall Islands	-	-	-	143	2,874	-	3,017	2022
76	Mauritius	-	-	-	-	55,062	-	55,062	2022
77	Mexico	-	-	-	-	3,538,361	-	3,538,361	2022
78	Mongolia	-	-	-	-	-	-	-	-
79	Montenegro	-	-	-	-	-	-	-	-
80	Namibia	-	-	23,871	-	26,018	-	49,889	2021-2022
81	Nauru	-	-	-	137	2,874	-	3,011	2022
82	Netherlands	-	-	-	-	-	-	-	-
83	New Zealand	-	-	-	-	-	-	-	-
84	Niger	-	165	5,353	287	8,622	-	14,427	2021-2022
85	Nigeria	-	-	-	-	-	-	-	-
86	North Macedonia	-	-	-	-	-	-	-	-
87	Norway	-	-	-	120,916	1,967,719	-	2,088,635	2022
88	Panama	-	-	-	-	257,772	-	257,772	2022
89	Paraguay	-	-	-	1,412	75,332	-	76,744	2022
90	Peru	-	-	-	-	75,099	-	75,099	2022
91	Poland	-	-	-	-	-	-	-	-
92	Portugal	-	-	-	-	-	-	-	-
93	Republic of Korea	-	-	-	-	209,296	-	209,296	2022
94	Republic of Moldova	-	-	-	-	14,522	-	14,522	2022
95	Romania	-	-	-	-	-	-	-	-
96	Saint Kitts and Nevis	-	419	7,819	143	5,748	-	14,129	2019-2022
97	Saint Lucia	-	-	-	-	-	-	-	-
98	Saint Vincent and the	-	-	-	143	2,874	-	3,017	2022
99	Samoa	-	-	-	-	2,862	-	2,862	2022
100	San Marino	-	-	-	-	-	-	-	-
101	Senegal	-	850	14,554	850	15,127	-	31,381	2020-2022
102	Serbia	-	-	-	-	-	-	-	-
103	Seychelles	-	-	-	143	5,748	-	5,891	2022
104	Sierra Leone	-	-	-	-	2,685	-	2,685	2022
105	Slovakia	-	-	-	-	-	-	-	-
106	Slovenia	-	-	-	-	-	-	-	-
107	South Africa	-	-	-	-	-	-	-	-
108	Spain	-	-	-	-	-	-	-	-
109	State of Palestine	-	-	-	-	-	-	-	-
110	Suriname	-	1,763	54,634	441	8,622	-	65,460	2018-2022
111	Sweden	-	-	-	-	-	-	-	-
112	Switzerland	-	-	-	-	186,339	-	186,339	2022
113	Tajikistan	-	-	-	-	-	-	-	-
114	Timor-Leste	-	-	-	-	-	-	-	-
115	Trinidad and Tobago	-	-	-	-	105,893	-	105,893	2022
116	Tunisia	-	-	-	5,112	55,062	-	60,174	2022
117	Uganda	-	-	-	850	15,127	-	15,977	2022
118	United Kingdom	-	-	-	-	9,509,128	-	9,509,128	2022
119	United Republic of	-	1,786	28,981	893	15,127	-	46,787	2020-2022
120	Uruguay	-	-	32,849	-	266,689	-	299,538	2021-2022
121	Vanuatu	-	-	-	143	2,874	-	3,017	2022
122	Venezuela (Bolivarian	-	498,292	12,318,704	89,087	507,208	-	13,413,291	2014-2022
123	Zambia	37	4,585	85,640	850	15,127	-	106,239	2016-2022
	Total	522	942,521	31,960,110	1,456,922	55,278,977	5,672	89,644,724	

Notes:

All amounts are in euros.

- 1) Regards outstanding amounts of assessed contributions to i) Contingency Fund and ii) the Court's permanent premises by new States Parties that joined the Court after 2015.

Annex III: Geographical Distribution

(1) Distribution of States Parties as at 31 March 2022

	2016		2022		Change			
	Number		Number		Number		(%)	
	States	Staff	States	Staff	States	Staff	States	Staff
Over-represented	19	163	20	207	1	44	5.3	27.0
In-balance	16	38	23	112	7	74	43.8	194.7
Under-represented	29	90	27	69	(2)	(21)	(6.9)	(23.3)
Non-represented	60	0	53	0	(7)	0	(11.7)	0
Non-ratified	21	40	24	56	3	16	14.3	40.0

Red: Negative trend.

(2) Distribution of Established Professional staff by Regional Group as at 31 March 2022³⁰

	2016		2022		Change	
	No. Staff	(%)	No. Staff	(%)	No. Staff	(%)
Africans	56	16.9	74	16.7	18	32.1
Asians	23	6.9	32	7.2	9	39.1
East Europeans	28	8.5	48	10.8	20	71.4
GRULAC	26	7.9	35	7.9	9	34.6
WEOG	198	59.8	255	57.4	57	28.8
Total staff numbers	331	100	444	100	113	34.1

(3) Distribution of higher grade level of Professional staff by Regional Group as at 31 March 2022

	Africans		Asians		Eastern Europeans		GRULAC		WEOG		Total Per Grade
	No.	%	No.	%	No.	%	No.	%	No.	%	
D-1	1	11.1	1	11.1	0	0	2	22.2	5	55.6	9
P-5	7	17.9	1	2.6	2	5.1	1	2.6	28	71.8	39
P-4	12	16.7	6	8.3	6	8.3	6	8.3	42	58.3	72
Total	20	16.7	8	6.7	8	6.7	9	7.5	75	62.5	120

³⁰ GRULAC: Latin America and Caribbean Countries; WEOG: Western Europeans and other states.

Annex IV: Gender Balance

(1) Distribution of all professional grades by major programme as at 31 March 2022*

	2016					2022					Difference		Change (%)	
	F No.	M No.	Total No.	F %	M %	F No.	M No.	Total No.	F %	M %	F	M	F	M
Judiciary	16	17	33	48.5	51.5	19	14	33	57.6	42.4	3	-3	18.8	-17.6
Office of the Prosecutor	63	81	144	43.8	56.2	100	111	211	47.4	52.6	37	30	55.7	37.0
Registry	89	89	178	50	50	108	111	219	49.3	50.7	19	22	21.3	24.7
Other programmes	5	7	12	41.7	58.3	11	8	19	57.9	42.1	6	1	120.0	14.3
Grand total	173	194	367	47.1	52.9	238	244	482	49.4	50.6	65	50	37.6	25.8

*Excluding elected officials.

(2) Distribution by higher grade level as at 31 March 2022*

	2016 ³¹					2022					Difference		Change (%)	
	F No.	M No.	Total No.	F %	M %	F No.	M No.	Total No.	F %	M %	F	M	F	M
D-1	1	10	11	9.1	90.9	1	8	9	11.1	88.9	0	-2	0	-20.0
P-5	13	20	33	39.4	60.6	10	29	39	25.6	74.4	-3	9	-23.1	45.0
P-4	24	47	71	33.8	66.2	32	50	82	39.0	61.0	8	3	33.3	6.4
Other grades	135	117	252	53.6	46.4	195	157	352	55.4	44.6	60	40	44.4	34.1
Total	173	194	367	47.1	52.9	238	244	482	49.4	50.6	65	50	37.6	25.8

*Excluding elected officials.

³¹ Data is as at 31 July 2016.

Annex V: List of documents

Title
Provisional agenda
Report of the Court on tenure in relation to the recommendations of the Independent Expert Review (R84 and R105)
Report of the Court on budget planning in relation to recommendations of the Independent Expert Review (R132 and R142)
Report of the Court on liquidity and reserve funds in relation to recommendations of the Independent Expert Review (R140 and R141)
Report of the Court on a joint procurement approach recommended by the Independent Expert Review (R143)
Assessment of the Court further to recommendation 138 of the Independent Experts regarding additional workshops between the Court and the Committee on Budget and Finance
Report of the Court on the performance of the Court's legal aid system in 2021
Report on activities and programme performance of the International Criminal Court for the year 2021
Report on budget performance of the International Criminal Court as at 31 March 2022
Response of the Secretariat of the Trust Fund for Victims to the question regarding the projected centralized external audit of implementing partners
Report of the Court on Human Resources Management
