

**Eleventh session**

The Hague, 14-22 November 2012

**Report of the Working Group on the 2013 proposed programme budget of the International Criminal Court****External audit, programme budget for 2013 and related documents****A. Introduction**

1. The Assembly of States Parties (the Assembly) had before it the 2013 proposed programme budget submitted by the Court on 9 August 2012,<sup>1</sup> the reports of the eighteenth<sup>2</sup> and nineteenth sessions<sup>3</sup> of the Committee on Budget and Finance (the Committee), the financial statements for the period 1 January to 31 December 2011,<sup>4</sup> and the Trust Fund for Victims financial statements for the period 1 January to 31 December 2011.<sup>5</sup> The Assembly also had before it annex VI of the report of the Committee on the work of its nineteenth session, in which the Court outlines the budgetary implications of the Committee's recommendations on the budgets of major programmes.

2. At its 5th plenary meeting, the Assembly heard the statements made by the Registrar of the Court, Ms. Silvana Arbia, the Chair of the Committee, Mr. Gilles Finkelstein and the representative of the External Auditor (the National Audit Office of the United Kingdom of Great Britain and Northern Ireland).

3. The Working Group on the Programme Budget met on 17 and 20 November 2012. During these meetings the draft resolution and the report of the Working Group were considered and finalised. The Working Group was assisted in its work by the Chair, the Vice Chair and three members of the Committee.

**B. External audit**

4. The Assembly noted with appreciation the reports of the External Auditor and related comments of the Committee contained in the report on the work of its nineteenth session. The Assembly noted that the Committee had endorsed the External Auditor's recommendations.

**C. Amount of appropriation**

5. The Court's 2013 proposed programme budget amounted to €18.4 million, including €6.02 million for the rent of the interim premises.

<sup>1</sup> *Official Records ... Eleventh session ... 2012*, (ICC-ASP/11/20), vol. II, part A.

<sup>2</sup> *Ibid.*, part B.1.

<sup>3</sup> *Ibid.*, part B.2.

<sup>4</sup> *Ibid.*, part C.1.

<sup>5</sup> *Ibid.*, part C.2.

6. The Committee's first examination of the Court's 2013 proposed programme budget, at its nineteenth session, found a number of areas where, based on actual and forecast expenditure, as well as actual experience, a number of savings could be made. Accordingly, the Committee had recommended that the budget allocation be reduced to a total of €15.12 million.

7. The Assembly endorsed the recommendations contained in the report of the Committee with the modifications reflected in the annex. The Assembly approved a budget appropriation for 2013 of €15,120,300.

8. The Assembly welcomed the generous contribution to the rent of the interim premises by the host State (€2,950,700) and by Mexico (€30,000), which brings down the total level of assessed contributions for the 2013 programme budget to €12,039,600.

#### **D. Contingency Fund**

9. The Assembly recommended keeping the minimum level of the Contingency Fund at €7 million.

10. The Assembly noted that the Registrar reported that the implementation for the 2012 approved budget is estimated to be 98.5 per cent, equivalent to €107.1 million. In addition, notifications regarding potential access to the Contingency Fund during 2012 amounted to €3.8 million with an implementation rate of 58 per cent, or €2.2 million. The estimated implementation of the 2012 approved budget and of the Contingency Fund resulted in a combined estimated expenditure for the Court of €109.3 million in 2012, representing an excess of €0.5 million over the 2012 approved budget of €108.8 million. Based on these forecasts, the estimated access to the Contingency Fund amounts to €0.5 million. Consequently, States Parties would need to replenish the Contingency Fund in the amount of €0.5 million in order to keep it at the minimum €7 million at the beginning of 2013.

11. The Assembly considered the methodology for replenishment of the Contingency Fund. The Assembly decided that the amount of replenishment would be based on an estimation provided by the Court, while recognising that the level of the Contingency Fund may differ from the approved threshold after the closure of the accounts of the Court and the publication of its financial statements for 2012, as reflected in the resolution on the programme budget for 2013.<sup>6</sup>

12. Following established practice, the Assembly authorized the Court to transfer funds between major programmes at year end if the costs of unforeseen activities could not be absorbed within one major programme while a surplus existed in other major programmes, to ensure that all appropriations for 2012 were exhausted before accessing the Contingency Fund.

#### **E. Financing of appropriations and Contingency Fund replenishment for 2013**

13. The Assembly noted that the contributions to the interim premises by the host State and Mexico financed a portion of the budget appropriation. The remaining part to be assessed for contributions by States Parties amounted to €12,039,600. It further noted that, in addition, an amount of €500,000 needed to be assessed for contributions by States Parties to replenish the Contingency Fund.

14. The Assembly resolved that, for 2013, the budget and Contingency Fund replenishment assessed contributions amounted to €12,539,600.

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<sup>6</sup> *Official Records ... Eleventh session ... 2012* (ICC-ASP/11/20), vol. I, part III, ICC-ASP/11/Res.1.

## Annex

*The Assembly of States Parties,*

### A. GTAs

1. Approves in accordance with CBF recommendation in paragraphs 123 and 124 as to the amount suggested; to allow for MPI to meet its workload requirements through the redeployment of available GTAs, thereby achieving a total saving of (€252,100).

2. Approves in accordance with CBF recommendation in paragraph 126 as to the amount suggested; to allow for MPII to meet its workload requirements through the redeployment of available GTAs, thereby achieving a total saving of (€11,700).

Total savings GTA for MPI (€252,100) and MPII (€11,700): **€63,800.**

### B. Consultants (budgeted under contractual services)

3. Approves savings in accordance with CBF recommendation in paragraph 120 (€2,000).

Total savings Consultants: **€2,000.**

### C. ICT investment

4. Approves in accordance with CBF recommendation in paragraph 143 as to the amount suggested, but allow for the Court to prioritise within sub-programme 3260 (ICT Section) in order to ensure the efficient functioning of the Court (€170,000).

5. Requests the Court to include ICT as part of the review of the organizational structure of the Court, in order to assess the need for external support in the review of current ICT practices.

6. Requests the Court to review its procedures in place regarding writing-off of certain assets, with a view to develop a flexible period focusing on the technical status of the item, and submit the policy accompanied by a cost-benefit analysis to the CBF at its twentieth session in order to explore improvements or further possible cost savings.

Total savings ICT investment: **€170,000.**

### D. Conditions of service in the field

7. Approves in accordance with CBF recommendation in paragraph 54 as to the amount suggested, but allow for the Court to prioritise within Staff Costs in order to ensure the efficient functioning of the Court (€300,200).

Total savings Conditions of service in the field: **€300,200**

### E. Summary savings

<i>Line of expenditure</i>	<i>CBF recommendation</i>
GTA	MPI (€252,100) + MPII (€11,700) = (€63,800)
Consultants	(€2,000)
ICT investments	(€170,000)
Conditions of service in the field	(€300,200)
<i>Subtotal</i>	<i>(€1,116,000)</i>
Others	(€2,162,200)
<b>Total</b>	<b>(€3,278,200)</b>