



Herman von Hebel

Registrar

Presentation of the 2014 Proposed Programme Budget

12th session of the Assembly of States Parties

CHECK AGAINST DELIVERY

The Hague, 23 November 2013

Mme Ambassador President of the Assembly,
Mr Ambassador Vice-President of the Assembly,
Honourable Ministers,
Excellencies,
Mr President, Vice-Presidents,
Your honours,
Mme Prosecutor,
Distinguished delegates,
Dear colleagues and friends,

It is my great pleasure and privilege to address the Assembly for the first time, as elected Registrar of the International Criminal Court (ICC) by the Judges in April 2013. I am honoured to have been chosen to serve in this position.

I have pledged to do everything in my capacity to uphold the trust placed in me by the Judges. As I said in my solemn undertaking ceremony, I strongly believe in the Registry as a neutral Organ that provides the structural platform necessary for the effective implementation of the Court's judicial mandate. The quality of the Registry's services impact considerably on the Judges, the parties and participants and the ability to ensure fair trials for all persons appearing before the Court.

With a dozen years' experience in international tribunals and courts, I hope I can bring the right lessons learned and expertise to assist the ICC as its Registrar. I have now been in this position for seven months, and it has been a steep learning curve. In that time I have been consulting with the Judges, the Office of the Prosecutor (OTP) and with the Sections and Offices in the Registry, and also visited our field office in Kinshasa. As a proponent of the One Court principle, I am pleased to report that the relationship between the Organs of the Court is very good and that we are closely coordinating the implementation of our respective mandates. This constructive coordination also extends to other important bodies within the Court, such as the Trust Fund for Victims, the Permanent Premises Project and the Secretariat of the Assembly of States Parties. We share the same vision of building an efficient and effective institution that can deliver fully its mandate.

Today, I have the honour to address the Assembly on matters pertaining to the Court's financial situation. I shall refer to the Court's implementation of the Approved Programme Budget for 2013, the Contingency Fund, the Court's Proposed Programme Budget for 2014, the work of the Committee on Budget and Finance (CBF), as well as the proposed reorganisation of the Registry.

Before I do so, let me congratulate the newly elected Judge H.E. Mr Geoffrey Henderson of Trinidad and Tobago, as well as the newly elected member of the Committee on Budget and Finance, Ms Helen Warren of the United Kingdom. I welcome you to the International Criminal Court and I look forward to working with you.

Furthermore, on behalf of the Court, I would like to acknowledge the host State and The Hague municipality for their generous contributions towards the costs of the ASP sessions in The Hague in 2013 and 2015.

Madam President,

Let me start by noting that the budget compromise proposal put forward for the consideration of this Assembly is the final product of lengthy discussions and tough decisions taken by the Organs of the Court, and also the result of valuable, constructive and transparent exchanges throughout the year with States Parties in The Hague Working Group (HWG), the Study Group on Governance, and with the Committee on Budget and Finance. Discussions have also taken place with partners including civil society organisations and other relevant stakeholders. Overall, States expressed broad support and understanding regarding the Court's need for sufficient resources to operate effectively. However, we are fully aware that any increase should be thoroughly justified. The Court has undertaken every effort to engage transparently with the CBF and with States Parties and to carefully explain its requests for resources.

Implementation of the 2013 Approved Programme Budget

As States Parties, you entrust the Court with making optimal use of the resources that you grant us every year. The Court takes this responsibility very seriously and, in implementing its annual budget, uses its best endeavours to reduce expenses, to find efficiencies and to concentrate its efforts and resources on the most economical and effective means of implementing its mandate.

The Court's Approved Programme Budget for 2013 was €115.12 million. As you will recall, the Assembly approved the Court's 2013 budget by consensus on the basis of a compromise proposal reflecting the Committee on Budget and Finance's recommendations. The Court appreciated greatly the effort of States last year to arrive at a consensual decision on the Court's budget early during the 11th Assembly.

For the first time this year, States had to contend with the payment of the rent for the Court's interim premises, which amounts annually to approximately €6 million. As you are aware, the host State generously agreed to reimburse half of these costs annually, not to exceed €3 million, for 2013-2015 until the Court relocates to the permanent premises in 2016. I would like to thank the host State again for this contribution and for their on-going support. This contribution has also had a significant impact on the Court's Proposed Programme Budget for 2014.

As at the end of October 2013, the Court's forecasted expenditure of the Approved Programme Budget 2013 is 97.3 per cent. This equates to the Court implementing, by the end of December 2013, €112.0 million of the Approved Budget of €115.1 million. This will result in a forecasted unencumbered balance of €3.1 million. I echo the President's comments from the opening session on Wednesday that this proves that we have been responsible managers of the funds duly invested in the Court by States Parties.

Contingency Fund Access

Madam President, I would like to now address the Assembly on the Contingency Fund. I reiterate that it is an important tool for upholding the independence of the Court by enabling it to flexibly manage the unpredictable nature of its judicial or prosecutorial activities.

The opening balance of the Contingency Fund in 2013 stood at €7.5 million. Up until the end of October 2013, the Court had submitted revised notifications for a total of €7.21 million. Notably, these notifications related to *inter alia* the case against Mr Bosco Ntaganda in the Democratic Republic of Congo and the new situation in Mali. Out of the €7.21 million originally estimated, the Court's forecasted actual expenditure from the Contingency Fund as at 31 December 2013 is €3.9 million.

As a result, the resources for the majority of the activities that were initially requested from the Contingency Fund will be accommodated within the unencumbered balance of the Approved Programme Budget for 2013. As in previous years, only after the closure of the 2013 accounts in 2014, will the Court be in a position to definitively determine expenditure for 2013 and the final recourse to the Contingency Fund. However, it is already anticipated that no replenishment will be necessary.

Madam President, let me now address the Proposed Programme Budget for 2014.

2014 Proposed Programme Budget

The Court's budget reflects its mandate as determined by the States, and its Proposed Programme Budget for 2014 is what is required to have an effective International Criminal Court. The Proposed Programme Budget for 2014 amounts to €126.07 million, representing an increase of €10.95 million, or 9.5 per cent, over the 2013 Approved Programme Budget. The increase was largely due to additional judicial activities – nine cases before Chambers – and the resources needed for the effective implementation of the OTP's new strategy, as well as built-in increases, such as staff costs due to the application of the UN Common System. The 2014 proposed budget is the result of a thorough and stringent internal review, which included strict reductions, redeployment of resources and reprioritisation of activities by all Organs, as well as a decrease in the number of active investigations. This achieved a drastic reduction of nearly €5 million in the preparation of the budget proposal.

The Office of the Prosecutor proposed a budget of €35.74 million, representing an increase of approximately €7.5 million from the 2013 approved budget. As you have heard from the Prosecutor on Wednesday, the OTP launched its new Strategic Plan for the coming years, encompassing the two key concepts of "quality" and "efficiency". The OTP has built on past experiences and is adjusting its plans and working methods to meet its challenges. As the President noted in his opening remarks to this Assembly, a significant budgetary increase is unavoidable if we want to attain the common objective of improved OTP processes and output.

In the Registry, there is a proposed increase of €3.6 million, or 5.6 per cent, compared to the 2013 Approved Programme Budget. The Registry has proposed a modest increase, corresponding mainly to the increased number of services requested by the OTP, such as security, field operations and protection of and support for witnesses. Originally the request was to be higher – an additional €3.5 million - however through efficiencies and re-prioritisation, the Registry was able to put forward a lower request and thus accommodate the additional resources necessary to support the OTP's new strategy. As such, other areas of the Registry's proposed budget remained close or equal to zero-growth, despite the increased workload and level of activities. The Proposed Programme Budget for all other Major Programmes is more or less comparable to the 2013 Approved Programme Budget, or, as in the case of the Judiciary, even below the level of its 2013 Approved Budget.

We are acutely aware that these are challenging financial times for the international community that the Court represents. The budgetary pressures faced by many States Parties in the past years have often led to difficult decisions taken domestically to find savings. In light of this, I can assure you that the Court's request for additional resources is not made lightly. The adequacy of the Court's budget is a question of having a functioning, successful institution capable of pursuing its ambitious mandate of ending impunity.

I would like to acknowledge H.E. Ambassador Werner Druml of Austria for his invaluable contributions as facilitator for the Budget discussions within the Hague Working Group. His stewardship has been crucial in the endeavour to forge a compromise. Furthermore, the work done on the Budget Process in the Study Group of Governance by H.E. Ambassador Håkan Emsgard of Sweden and Mr Klaus Keller of Germany is greatly appreciated.

Madam President, let me now address the work of the Committee on Budget and Finance.

Recommendations of the Committee on Budget and Finance

A central pillar of the ASP's administrative oversight system over the Court is the Committee on Budget and Finance. I would like to express my deep appreciation for the very important work of the Committee. I would like to thank in particular its Chair, Mr Gilles Finkelstein, and all of its members for their hard work and dedication both to the Court and the task at hand. The report of the Committee at its 21st session is a culmination of a thorough and detailed technical review of the budget proposal together with the Court.

The Committee found the Court's Proposed Programme Budget to be, on the whole, reasonable and justified. After examining the Proposal, the Committee made recommendations to reduce the Court's budget for 2014 amounting to €4.5 million. The CBF's recommended budget for the Court in 2014 is therefore €121.6 million, which represents an increase of €6.5 million over the Court's 2013 Approved Budget. Notably, the CBF recommendations to reduce the proposed budget increase were made without identifying specific budget lines, which helpfully provides flexibility and responsibility to the Court in expending and allocating its resources. The Court greatly welcomes this approach.

The CBF's total recommended reduction of €4.5 million is substantial and will have repercussions for the Court's operations. We have conducted an extensive analysis in order to allocate the main proposed reductions of €2.2 million and €1.1 million in the OTP and the Registry respectively. As a result, in keeping the quality standards required by their new strategy, the OTP has explained that such reductions would not allow the Office to conduct one full active investigation. Accordingly, the Registry would need to redistribute these reductions in the level of its support services across the Organ.

States Parties have expressed their general support for the CBF recommendations as a basis for agreement. While we appreciate the difficult financial circumstances facing some States, the Court had hoped that, like last year, the CBF report would form the basis of agreement on the Court's budget. We recognise that the CBF report already represents a compromise position, and we hope that this difficult compromise will succeed. Given the new strategic approach of the OTP, the Registry's reorganization exercise, as well as other political challenges facing the Court and the Assembly, it is important to have a consensus budget. We look forward to a productive discussion with States Parties and to concluding an appropriate budget to ensure that the Court can effectively fulfil its mandate in 2014.

Madam President, let me now address the proposed reorganisation of the Registry.

Reorganisation of the Registry

In going forward, I will reflect on the lessons learnt by the Court in its first decade. The ICC has seen a tremendous growth since the start of the functioning of the Court in 2002. The Registry has grown from a handful of staff to a fully operational Organ supporting the needs of a *sui generis* international institution. While the ICC Registry has had commendable achievements in its first decade, much work remains to be done. It is now time to make an in-depth analysis of the functioning of the Registry.

This has in fact been suggested numerous times by the CBF. In 2011 the Committee recommended a fundamental review of the Court's processes in order to determine whether the procedures implemented during the Court's establishment phase were still appropriate.¹ Last year, the CBF recommended that the Court undertake a thorough review of its organisational structure with a view to improving the Court's financial performance, removing unnecessary complexity and duplication, and ensuring that the entire organisational system is set up and aligned to deliver the Court's objectives.² As agreed with the CBF, a preliminary review was undertaken this year by external independent consultants PricewaterhouseCoopers. Importantly, there is widespread agreement across the Court that change is necessary. States have also expressed broad consensus that the Court should be more effective and efficient.

The reorganisation of the Registry will primarily aim at clarifying and ensuring the realisation of the vision, mission, culture and values of the Registry, improving Court-wide

¹ Report of the Committee on Budget and Finance on the work of its 16th session (ICC-ASP/10/20) April 2011, para 72.

² Report of the Committee on Budget and Finance on the work of its 19th session (ICC-ASP/11/20) September 2012, para 72.

and Registry-wide coordination, and at ensuring the continuous and efficient delivery of quality services in the most effective manner. Accordingly, the three main principles guiding the reorganisation are: the One-Court principle, strategic leadership and sustainability.

It is important to restore and reiterate the One-Court principle, both across Organs and within the Registry. This issue has already been raised between Organ Heads, who are eager to enhance cooperation and coordination as one Court. The matter has also been raised by the CBF at its last session when it "(...) invited the Registrar to consider additional savings and efficiencies that could be achieved through synergies with other Major Programmes."³

Adequate structures and processes need to be in place to ensure communication within and across the Registry and *vis-à-vis* the other Organs so as to enhance and expedite decision-making, cooperation and coherence to efficiently achieve quality results. It is necessary to reinforce uniform and consistent approaches. The Organs also agree that along with increased communication and coordination, there needs to be clearer definition of inter-organ relations and operations. An enhanced inter-organ strategic dialogue should lead to increasing synergies, avoiding possible duplications and ensuring the effectiveness and efficiency of the Court's operations as a whole.

Another important objective of the reorganisation is to re-design the Registry's structure and processes to promote strategic leadership. It is important for the Registrar to provide a coherent vision throughout the Registry as well as towards the other Organs, field offices and third parties. This vision must drive operations across the Registry to avoid micromanagement. To ensure and promote strategic leadership, the Registry's structural organisation should aim at reducing spans of control, identifying responsibilities that could be delegated and rationalising reporting lines.

Improving the sustainability of operations is also an objective of the reorganisation. The Registry's operations will be more sustainable in a new structure that is clearly defined and reduces unnecessary bureaucracy and duplication. The reorganisation is intended to create the preconditions under which staff and resources can optimally function and flourish in the short and long term. The aim is to create a more streamlined and integrated Registry with better services providing maximum support for judicial and prosecutorial activities. Also crucial for the sustainability and success of the Registry and Court's operations is on-going trust from all partners, based on the evidence that resources are used efficiently and effectively.

Budget impact

It is important that this ambitious and complex project is carefully managed and communicated, both internally and externally, and that thorough analysis is undertaken before decisions are made. The reorganisation will take some time to be fully implemented, with initial steps being envisaged for at least the coming year and into 2015. A detailed work-plan is being developed, identifying the manner in which all Registry Sections and Offices will be reviewed. The intended reorganisation will be implemented gradually in the

³ Report of the Committee on Budget and Finance on the work of its 21st session, para 66.

course of the next two years, and the process will be validated by internal and external stakeholders, including from other tribunals.

One of the aims of the reorganisation is to ensure the delivery quality services in the most efficient and effective manner. Efficiency improvements are guaranteed, and I am committed to find, within the year, measures that will ultimately result in a final leaner structure of the Registry. However, there may be initial costs necessary to implement the new structure and to sustain the reorganisation process. I stress that the objective of the reorganisation is not downsizing, but rightsizing.

I have committed to ensuring that the reorganisation will not lead to an increase in Registry resources. While not being the primary purpose of the plan, the reorganisation will deliver efficiencies likely to lead to savings in the Registry budget. The CBF recommended that I be invited to set a tentative target of 3 per cent savings in the reorganisation.⁴

Reporting

Throughout the reorganisation, communication and consultation will be key. The Registry will continuously provide updates and reports to the Court's staff, the Staff Union Counsel, the HWG and also the CBF, among other stakeholders. I have already held consultations within the Registry and with the other Organs, as well as hosted a meeting for all Registry staff. I presented the reorganisation proposal to the Hague Working Group, which was positively received, and committed to engage the Group and report regularly on progress. I will be pleased to continue this dialogue with States Parties and look forward to fruitful deliberations to ensure that the Registry fulfils its mandate to the best of its ability.

At the 21st session of the CBF, I presented my vision for reorganising the Registry, which was welcomed by the Committee who recommended that I be granted the authority to do so.⁵ The CBF requested that I report back to the Committee in 2014 on measures taken and proposals to be considered.⁶ This reporting will ensure that the CBF and ASP have adequate oversight of the decisions taken regarding the reorganisation. Support for this new strategic leadership in the Registry from staff, managers and States Parties, will be crucial to the success of the operation. With the approval of States Parties, I shall undertake this ambitious reorganisation plan that will result in a more effective and efficient Registry with better services providing maximum support for judicial and prosecutorial activities.

Conclusion

I know that we all share the same goal of continuing to build an effective institution that can fully deliver its mandate. This responsibility cannot be upheld without the necessary resources and means for the Court to investigate, prosecute, defend, protect and assist victims and witnesses, represent and provide reparations to victims and adjudicate the crimes. Effective and efficient justice requires that the Court be adequately resourced.

⁴ Ibid

⁵ Ibid

⁶ Ibid

Madam President, I would like to note your important contributions, as well as the contributions of H.E. Ambassador Markus Börlin as Vice-President of the Assembly and Chair of The Hague Working Group. In particular, I would like to commend this Assembly's initiative and the consequent efforts undertaken by the Bureau and its Working Groups to streamline their respective working methods.

I am confident that under your stewardship, Madam President, as well as the skillful guidance of Mr Finkelstein and the able facilitation of Ambassador Druml, we will reach an outcome that recognises the importance of granting the Court sufficient means and flexibility to implement its mandate and meet the challenges ahead.

With your support and the cooperation of the international community, the Court will be able to fully deliver its mandate and be a force for justice in the world. I would like to thank you for your kind attention and on-going support to the International Criminal Court.

Thank you.