

Resolution ICC-ASP/20/Res.1

Adopted at the 8th plenary meeting, on 9 December 2021, by consensus

ICC-ASP/20/Res.1

Resolution of the Assembly of States Parties on the proposed programme budget for 2022, the Working Capital Fund for 2022, the scale of assessment for the apportionment of expenses of the International Criminal Court, financing appropriations for 2022 and the Contingency Fund

The Assembly of States Parties,

Having considered the 2022 proposed programme budget of the International Criminal Court (“the Court”) and the related conclusions and recommendations contained in the reports of the Committee on Budget and Finance (“the Committee”) on the work of its thirty-sixth¹ and thirty-seventh² sessions,

Taking note of the recommendations in the final report of the Independent Expert Review on the International Criminal Court and the Rome Statute system,³ in particular as they relate to the budget process, without prejudice to the resolution on the review of the International Criminal Court and the Rome Statute system,

A. Programme budget for 2022

1. *Approves* appropriations totalling €154,855,000 in the appropriation sections described in the following table:

<i>Appropriation section</i>			<i>Thousands of euros</i>
Major Programme	I	Judiciary	12,385.7
Major Programme	II	Office of the Prosecutor	49,546.4
Major Programme	III	Registry	79,219.2
Major Programme	IV	Secretariat of the Assembly of States Parties	3,025.6
Major Programme	V	Premises	2,270.0
Major Programme	VI	Secretariat of the Trust Fund for Victims	3,227.2
Major Programme	VII-5	Independent Oversight Mechanism	820.8
Major Programme	VII-6	Office of Internal Audit	775.0
<i>Subtotal</i>			<i>151,269.9</i>
Major Programme	VII-2	Host State Loan	3,585.1
Total			154,855.0

2. *Notes* that those States Parties that have opted for the one-time payment in respect of the permanent premises and have made such payments in full will not be assessed for the contributions corresponding to Major Programme VII-2 Host State Loan, amounting to €3,585,100;

3. *Further notes* that these contributions will bring down the level of the 2022 programme budget appropriations that need to be assessed for contributions by States Parties from €154,855.000 to €151,269.900, and that this amount will be assessed following the principles described in section E;

¹ *Official Records ... Twentieth session ... 2021* (ICC-ASP/20/20), vol. II, part B.1.

² *Ibid.*, part B.2.

³ ICC-ASP/19/16.

4. *Further approves* the following staffing tables for each of the above appropriation sections:

	<i>Judiciary</i>	<i>Office of the Prosecutor</i>	<i>Registry</i>	<i>Secretariat, Assembly of States Parties</i>	<i>Secretariat, Trust Fund for Victims</i>	<i>Independent Oversight Mechanism</i>	<i>Office of Internal Audit</i>	<i>Total</i>
USG	-	1	-	-	-	-	-	1
ASG	-	2	1	-	-	-	-	3
D-2	-	-	-	-	-	-	-	-
D-1	-	3	3	1	1	-	1	9
P-5	3	18	22	1	-	1	-	45
P-4	3	37	44	1	4	1	1	91
P-3	21	78	85	1	2	-	1	188
P-2	12	79	90	1	2	1	-	185
P-1	-	24	5	-	-	-	-	29
<i>Subtotal</i>	<i>39</i>	<i>242</i>	<i>250</i>	<i>5</i>	<i>9</i>	<i>3</i>	<i>3</i>	<i>551</i>
GS-PL	1	1	15	2	-	-	-	19
GS-OL	11	79	309	3	2	1	1	406
<i>Subtotal</i>	<i>12</i>	<i>80</i>	<i>324</i>	<i>5</i>	<i>2</i>	<i>1</i>	<i>1</i>	<i>425</i>
Total	51	322	574	10	11	4	4	976

B. Working Capital Fund for 2022

The Assembly of States Parties,

Recalling that the Working Capital Fund was established to ensure that the Court be able to meet short-term liquidity problems pending receipt of assessed contributions,⁴

Noting the recommendation of the Committee at its twenty-seventh session to reinstate the Working Capital Fund to represent approximately one month's expenditure of the Court's 2016 approved budget (€11.6 million),⁵

Further noting that the Committee recommended a consideration of a multi-year funding timetable,⁶

1. *Notes* that the Working Capital Fund for 2021 was established in the amount of €11.6 million;
2. *Further notes* that the current level of the Working Capital Fund is €11.5 million;
3. *Resolves* that the Working Capital Fund for 2022 shall be established in the amount of €11.6 million, and *authorizes* the Registrar to make advances from the Fund in accordance with the relevant provisions of the Financial Regulations and Rules of the Court;
4. *Takes note* of the recommendation of the Committee⁷ at its thirty-second session that the Working Capital Fund be maintained at one month of the Court's expenditure, therefore recommending an increase of the notional level to €12.3 million, *notes* that the Committee recommended at its thirty-fifth session, in light of the liquidity risk faced by the Court, that the Bureau and the Assembly keep the level of the Working Capital Fund under review, and *further notes* that States Parties will continue to consider this important and urgent matter in The Hague Working Group facilitation on the budget; and

⁴ Financial Regulations and Rules 6.2.

⁵ *Official Records ... Fifteenth session ... 2016* (ICC-ASP/15/20), vol. II, part B.2, para. 144.

⁶ *Ibid.*, para. 148.

⁷ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.1, para. 66.

5. *Decides* that the Court may only use the surplus funds and funds received from the payment of outstanding contributions to reach the established level of the Working Capital Fund.

C. Outstanding contributions

The Assembly of States Parties,

Welcoming the report of the Independent Expert Review,⁸ as well as the report of the Bureau on the arrears of States Parties,⁹ and in particular the conclusions and recommendations contained in that report,¹⁰

Recalling paragraphs 42, 43 and 44 of resolution ICC-ASP/4/Res.4,

1. *Notes with serious concern* the state of arrears and the liquidity issues facing the Court, and the associated operational risk, *underlines* the importance of endowing the Court with the necessary financial resources and the relevant provisions of resolution ICC-ASP/4/Res.4 concerning timely payments of assessed contributions and arrears, *urges* all States Parties to pay their assessed contributions in full and on time in accordance with the Financial Regulations and Rules of the Court, and *decides* to keep the issue under review and continue to consider the relevant recommendations of the report of the Independent Expert Review, the Committee, the External Auditor and other bodies; and

2. *Welcomes* the Court's development of guidelines,¹¹ consistent with existing rules and regulations, for States Parties which are in arrears and subject to the provisions of article 112, paragraph 8 of the Rome Statute, and which face significant economic hardship, to enter into voluntary and sustainable payment plans, *strongly encourages* States Parties in arrears and subject to the provisions of article 112, paragraph 8, to work voluntarily, in coordination with the Court, to develop such payment plans, and *further requests* the Court to keep States Parties informed of any such payment plans and their implementation through The Hague Working Group facilitation on the budget, including via the monthly financial reports provided to States Parties.

D. Contingency Fund

The Assembly of States Parties,

Recalling its resolutions ICC-ASP/3/Res.4 establishing the Contingency Fund in the amount of €10,000,000 and ICC-ASP/7/Res.4 requesting the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund,

Recalling further that the Contingency Fund was established to ensure that the Court can meet: a) costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation; b) unavoidable expenses for developments in existing situations that could not be accurately estimated at the time of the adoption of the budget; and c) costs associated with an unforeseen meeting of the Assembly,¹²

Taking note of the advice of the Committee in the reports on the work of its eleventh, thirteenth, nineteenth and twenty-first sessions,

Recalling that the Assembly, at its sixteenth session, decided that, should the Contingency Fund fall below €5.8 million by its seventeenth session, the Assembly would assess the need for its replenishment, bearing in mind the report of the Committee on Budget and Finance,¹³ and regulation 6.6 of the Financial Regulations and Rules,

1. *Notes* that the current level of the Contingency Fund is €5.2 million;

⁸ ICC-ASP/19/16, recommendation 140.

⁹ ICC-ASP/20/27.

¹⁰ *Ibid.*, paras. 16 to 17.

¹¹ ICC-ASP/18/6.

¹² Financial Regulations and Rules 6.6.

¹³ *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2.

2. *Decides* to maintain the Contingency Fund at the notional level of €7.0 million for 2022; and
3. *Requests* the Bureau to keep the €7.0 million threshold under review in light of further experience on the functioning of the Contingency Fund.

E. Scale of assessment for the apportionment of expenses of the Court

The Assembly of States Parties,

1. *Decides* that for 2022, the contributions of States Parties should be provisionally assessed, based on the agreed scale of assessment published in the report of the United Nations Committee on Contributions,¹⁴ in the absence of the approved scale for 2022, and adjusted in accordance with the principles on which the scale is based;¹⁵
2. *Further decides* that the final assessments be based on the scale adopted by the United Nations General Assembly at its 76th session for its regular budget, applied for 2022, and adjusted in accordance with the principles on which that scale is based; and
3. *Notes* that, in addition, any maximum assessment rate for the largest contributors and for the least developed countries applicable for the United Nations regular budget will apply to the Court's scale of assessment.

F. Financing of appropriations for 2022

The Assembly of States Parties,

1. *Notes* that the payments corresponding to Major Programme VII-2 Host State Loan will reduce the level of the budget appropriations to be assessed for contributions by States Parties to €151,269.900; and
2. *Resolves* that, for 2022, assessed contributions for the budget amounting to €151,269.900 of the budget appropriations approved by the Assembly under section A, paragraph 1 of the present resolution, will be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations and Rules of the Court.

G. Premises of the Court

The Assembly of States Parties,

Noting the recommendations of the Committee on Budget and Finance regarding maintenance and capital replacement for the premises of the Court,¹⁶

1. *Approves* capital replacement for the premises of the Court at the level of €331.6 thousand in 2022, while underlining the need to see maintenance and capital replacement in conjunction;
2. *Reiterates* the need for the capital replacement to be fully justified and limited only to those elements which are absolutely necessary, and *requests* the Court to continue to ensure that all measures are taken to achieve savings and efficiencies, including using alternatives to capital replacement whenever possible;
3. *Notes* that any capital replacement needs arising in the foreseeable future should be financed within the scope of the regular budget process;
4. *Welcomes* the Committee's review of estimates for capital replacement, as well as financial and administrative mechanisms including possible alternatives to current contractual arrangements, at its thirty-sixth and thirty-seventh sessions,¹⁷ and *invites* the

¹⁴ A/76/11.

¹⁵ Rome Statute of the International Criminal Court, article 117.

¹⁶ *Official Records ... Twentieth session ... 2021* (ICC-ASP/20/20), vol. II, part B.2, paras. 139 to 147.

¹⁷ *Ibid.*, para.141.

Committee to continue to undertake a detailed analysis and evaluation of the proposed budget taking into account the need for prioritization;

5. *Recalls* the recommendations of the Committee¹⁸ regarding a mechanism for *pro bono* expert advice from States Parties in the planning and implementation of capital replacement, and *invites* States Parties to put forward further suggestions in this regard;

6. *Welcomes* Mr. Michael Rotter (Austria) as a *pro bono* expert and *invites* the Court to engage with him and benefit from his advice in its future work on capital replacement;

7. *Reaffirms* that the Bureau is entrusted with the mandate concerning the governance structure and total cost of ownership, via its Hague Working Group which has a facilitation on the budget, and *requests* that a report on the topic be submitted for consideration by the twenty-first session of the Assembly; and

8. *Welcomes* with appreciation the artwork donations to the premises of the Court made by a State Party in 2021.

H. Transfer of funds between major programmes under the 2021 approved programme budget

The Assembly of States Parties,

Recognizing that under regulation 4.8 of the Financial Regulations and Rules no transfer between appropriation sections may be made without authorization by the Assembly,

1. *Decides* that, in line with established practice, the Court may transfer any remaining funds between major programmes at the conclusion of 2021 should costs for activities which were unforeseen or could not be accurately estimated be unable to be absorbed within one major programme, whilst a surplus exists in other major programmes, in order to ensure that appropriations for each major programme are exhausted prior to accessing the Contingency Fund.

I. Audit

The Assembly of States Parties,

Having regard to the Charter of the Audit Committee, adopted at its fourteenth session,¹⁹ as amended,

Further noting the recommendations of the Committee on Budget and Finance concerning audit matters,²⁰

Taking note of the findings and recommendations in the final report of the Independent Expert Review of the International Criminal Court and the Rome Statute system related to Internal and External Oversight Mechanisms,

1. *Welcomes* the reports of the Audit Committee on the work of its thirteenth and fourteenth sessions;

2. *Welcomes* the report of the External Auditor on the International Criminal Court governance oversight,²¹ and *decides* to continue the consideration of the outcome of the evaluation in accordance with the resolution on the review of the International Criminal Court and the Rome Statute system²², with a view to further rationalizing and

¹⁸ *Official Records ... Nineteenth session ... 2020* (ICC-ASP/19/20), vol. II, part B.2, para. 104 and *Official Records ... Twentieth session ... 2021* (ICC-ASP/20/20), vol. II, part B.2, para.146.

¹⁹ *Official Records ... Fourteenth session ... 2015* (ICC-ASP/14/20), vol. II, part B.3, annex IV.

²⁰ *Official Records ... Twentieth session ... 2020* (ICC-ASP/20/20), vol. II, part B.1, paras. 109 to 111 and *Official Records ... Twentieth session ... 2020* (ICC-ASP/20/20), vol. II, part B.2, paras. 257 to 274.

²¹ ICC-ASP/20/6 and Add.1.

²² ICC-ASP/20/Res.3

streamlining the governance oversight system in order to maximize its efficiency, cost effectiveness and coherence;

3. *Welcomes* the report of the External Auditor²³ on the performance audit of the administrative management of the Presidency and the Office of the Prosecutor and the conclusions and recommendations contained therein, *notes with appreciation* the efforts undertaken by the Court in implementing the “One Court” principle regarding administrative functions, and *requests* all organs of the Court to make best efforts to further streamline and coordinate administrative functions, including identifying synergies and eliminating duplications between the organs of the Court, in accordance with the resolution on the review of the International Criminal Court and the Rome Statute system;²⁴

4. *Decides* to re-appoint Ms. Margaret Wambui Ngugi Shava (Kenya) as a member of the Audit Committee for a term of three years starting on 1 January 2022, while serving as an active member of the Committee on Budget and Finance;

5. *Takes note* of the recommendation made by the ad hoc selection panel and *decides* to re-appoint Mr. Aiman Ibrahim Hija (Australia) as a member of the Audit Committee for a term of three years starting on 1 January 2022; and

6. *Takes note* of the proposed amendments to the Charter of the Audit Committee contained in annex III to the report of the Audit Committee on its tenth session²⁵ and *decides* to consider those amendments, taking into consideration the outcome of the evaluation undertaken by the External Auditor, the report of the Independent Expert Review,²⁶ and the report of the Review Mechanism in order to take a decision as appropriate.

J. Budget Management Oversight

The Assembly of States Parties,

1. *Notes* that the Strategic Plans of the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims are dynamic and updated on a regular basis;

2. *Notes* the Strategic Plans of the Court, the Office of the Prosecutor and the Registry for the period 2019-2021 and of the Trust Fund for Victims for the period 2020-2021 and *also notes* that the Strategic Plans benefit from the views and comments States Parties make in the dialogue with the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims;

3. *Reiterates* the importance of strengthening the relationship and coherence between the strategic planning process and the budgetary process, which is crucial for the credibility and sustainability of the longer-term strategic approach;

4. *Invites* the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims to report annually to the Assembly on the implementation of the Strategic Plans in writing, and *invites* the Court to hold annual consultations with the working groups of the Bureau in the first trimester on the implementation of its Strategic Plans during the previous calendar year;

5. *Recalls* the management oversight responsibility entrusted to the Assembly of States Parties and the mandates of the Audit Committee, the Committee on Budget and Finance, the External Auditor and the Independent Oversight Mechanism as well as the Office of Internal Audit, and *encourages* these bodies to intensify their coordination in order to optimize oversight capacity and reporting, ensure an effective division of labour and avoid duplication

²³ ICC-ASP/20/35.

²⁴ ICC-ASP/20/Res.3..

²⁵ AC/10/5, available on the website of the Audit Committee at: https://asp.icc-cpi.int/en_menus/asp/AuditCommittee.

²⁶ ICC-ASP/19/16.

of competence and work, in conformity with the resolution on the review of the International Criminal Court and the Rome Statute system.²⁷

K. Development of budget proposals

The Assembly of States Parties,

1. *Requests* the Court to present a sustainable budget proposal for its 2023 programme budget, based on transparent and strict financial assessments and needs-analysis. Proposed increases above the level of the 2022 approved budget should be requested only when necessary for the purpose of mandated activities and after all possible steps have been taken to finance such increases through savings and efficiencies;
2. *Recalls* that the proposed programme budget should present the costs for the following year by first highlighting the costs of maintaining current activities, then proposing changes to those activities including full costings of such changes;
3. *Invites* the Court to continue to ensure a stringent internal budgetary process steered by the Registry as part of an annual cycle taking into account past expenditure and leading to a sound and transparent budget proposal, thus allowing the Court to manage its financial situation responsibly, *encourages* the Court to make all efforts to ensure a balanced budget, as appropriate, across organs, and *emphasizes* that the Court should strive to present accurate and sustainable budget proposals based on robust forecasts;
4. *Welcomes* the recommendation of the External Auditor²⁸ that the Court question the nature of current appropriations when preparing the annual budget proposal, to avoid a gradual drift in budget appropriations;
5. *Recalls* the conclusions of the External Auditor with regard to financial trade-offs²⁹ and *further recalls* that States Parties support the Court in many ways, also outside the normal budgetary process;
6. *Welcomes* the savings and efficiencies achieved by the Court in 2021 and projected for 2022, as set out in the annex to the proposed programme budget for 2022,³⁰ as well as the Court's commitment to continue this practice, *takes note* of the fact that instead of setting annual efficiency targets as requested by the Assembly, the Court promotes a culture of continuous improvement in identifying and implementing efficiencies and savings,³¹ and *requests* the Committee, in consultation with the Court, to consider the feasibility of setting Court- or Programme-wide annual efficiency targets and to report on achievements in combination with the Court's efforts for continuous improvement;
7. *Further welcomes* the recommendations of the Committee in relation to the presentation of the budget proposals and the efforts made by the Court in this regard, *encourages* continued improvement, and *notes* that the Committee will be updated ahead of its thirty-eighth session on the measures taken by the Court and will include its comments in its reports to the Assembly of States Parties;
8. *Requests* the Court to provide, as an annex to the draft budget proposal, an organigram with the number of full-time equivalent posts by section and office indicated, as a way to increase transparency on the organizational structure of the Court; and
9. *Requests* the Court to provide, as an annex to the proposed programme budget, a table presenting the total costs by field office and a breakdown of costs, for each field office, directly related to the different stages of prosecutorial and judicial activities and workload with a view to increasing transparency, *underlines* that some Independent Expert Review recommendations address the issue of use of resources in the field and are to be assessed in 2022, and *urges* the Court to continue to make full use of resources modulation and flexibility, including related to staff, in order to adapt to changes in activity and workload.

²⁷ ICC-ASP/20/Res.3.

²⁸ Final audit report on the budget process of the International Criminal Court (ICC-ASP/18/2/Rev.1), recommendation 2.

²⁹ *Ibid.*, para. 213.

³⁰ *Official Records ... Twentieth session ... 2021* (ICC-ASP/20/20), vol. II, part A, para. 37 and annex XVI.

³¹ *Ibid.*, para. 36.

L. A strategic approach to an improved budgetary process

The Assembly of States Parties,

Bearing in mind the independence and confidentiality required to allow the Judiciary and the Office of the Prosecutor to carry out their duties,

1. *Considering* that the Court was able to mitigate the detrimental effects of the COVID-19 pandemic, and ensure business continuity through flexibility and versatility in its sound management of operations, and *noting* that, in part, cost reductions in the budget were related to these exceptional circumstances;
2. *Reiterates* that in principle documentation should be submitted at least 45 days before the beginning of the respective session of the Committee in both working languages of the Court, *emphasizes* the central role that the report of the Committee on Budget and Finance has on budget discussions in preparation for the Assembly sessions, and *strongly encourages* the Committee to ensure that its reports are published no more than one month after its session;
3. *Stresses* the utmost importance of achieving economies of scale, streamlining activities, identifying potential duplications and promoting synergies within as well as between the different organs of the Court;
4. *Welcomes* the Court's continued efforts to fully implement the "One-Court principle" when establishing the proposed programme budget, which has resulted in improvements to the budgetary process;
5. *Welcomes* the continued work of the Court on the topic of performance indicators as an important tool to fulfil its functions, in particular with regard to effective leadership and management, and *encourages* the Court to continue this work in light of the recommendations of the External Auditor and to share with States Parties any update on the development of performance indicators;
6. *Recalls* the recommendations of the Independent Expert Review concerning the Trust Fund for Victims and the report of the Independent Oversight Mechanism (November 2019) on the evaluation of the Secretariat of the Trust Fund for Victims, *welcomes* the steps already taken by the Board of Directors and the Secretariat of the Trust Fund in addressing the issues identified by the Independent Expert Review and the Independent Oversight Mechanism,³² and *encourages* the Board and Secretariat to continue pursuing measures to improve the performance of the Fund and increase its efficiency and effectiveness in implementing its mandate and Strategic Plan, in accordance with the resolution on the review of the International Criminal Court and the Rome Statute system;³³
7. *Notes* the importance of frequently reconsidering the value of current activity, including any opportunities for redeployment,³⁴ and *recalls* that careful prioritization is an important principle of efficient and effective management and is key to achieving successful outcomes;
8. *Requests* the Court, in consultation with the Committee, to continue to develop its budgetary process, guided by the Registry, by:
 - a) Further strengthening the "One-Court principle" by ensuring that the budget process and its underlying assumptions and objectives are based on coordinated and robust strategic planning and prioritization;
 - b) Further enhancing dialogue and information sharing between the Court and States Parties on the assumptions, objectives and priorities which underpin the draft programme budget at an early stage;
 - c) Employing maximum flexibility in the management of its human resources in reacting to unexpected situations, and to the extent possible redeploying resources based on actual workload requirements;

³² ICC-ASP/20/14.

³³ ICC-ASP/20/Res.3.

³⁴ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.2, para. 27.

d) Continuing to explore ways to preserve the Court's long-term ability to deliver on its mandate effectively and efficiently, while being mindful of the financial constraints of States Parties; and

e) Enhancing the dialogue and information sharing between the Court and States Parties on potential medium-term cost drivers with a view to enhancing budget predictability;

9. *Requests* the Court to continue submitting its annual report on activities and programme performance including, as appropriate, relevant information on the approved budget, expenditure and variance at the sub-programme level with all budget lines, as well as the provisional expenditures and revenues for all trust funds administered by the Court, also being provided by the Court in its financial statements;

10. *Further requests* the Court to consult with the Bureau on a conceptual proposal on the scope and principles for employing a rolling budget forecast and to prepare, based on the outcome of this consultation, a technical assessment on the feasibility of and modalities for employing a medium-term rolling budget forecast based on existing budget assumptions, including the scope for quarterly or biannual updates, and the role of the Committee in this process, and to submit a proposal to the Committee for its consideration at its thirty-ninth session;

11. *Welcomes* the monthly financial reports provided by the Court to States Parties, showing monthly figures on cash flow, balances of the General Fund, the Working Capital Fund and the Contingency Fund, the status of assessed contributions, and monthly and annual cash flow forecasts, and *emphasizes* the usefulness of these reports; and

12. *Commits* itself to financial practices which give utmost priority to the annual budget cycle and *calls for* a restrictive use of multi-annual funds administered outside the cycle.

M. Human Resources

The Assembly of States Parties,

Recalling its resolution ICC-ASP/12/Res.1 endorsing the recommendation of the Committee on Budget and Finance that the Junior Professional Officer programme be introduced to the Court on a trial basis, taking full account of the concerns raised by the Committee, in particular the possible impacts on geographical representation, and subject to a comprehensive review in 2017,

Noting that the Court submitted to the Committee at its thirty-seventh session a report on the comprehensive evaluation of the Junior Professional Officer programme as well as the guidelines for the programme and the template agreement between the Court and the donor countries concerning the provision of Junior Professional Officers,³⁵

Further noting that, at its thirty-seventh session, the Committee recommended establishing the Junior Professional Officer Programme on a permanent basis, as well as adopting the guidelines and the template agreement,³⁶

Noting that the Court requested that the Committee consider at its thirty-sixth session the possibility of introducing the National Professional Officer category in line with the practice within the United Nations Common System and employed by some of its organizations to perform functions of a professional nature that require local knowledge in terms of culture, language and experience,³⁷

Noting also that the Committee recommended that the Assembly approve the establishment of the National Professional Officer category and to endorse the proposed amendments to the Staff Regulations and Rules; and that such application should be implemented once the financial implications can be seen and reflected as part of the proposed

³⁵ CBF/37/10.

³⁶ ICC-ASP/20/15, para. 247.

³⁷ ICC-ASP/20/15, para. 250.

programme budget for 2023; and that the Committee will provide detailed guidance on the application of this new modality at its thirty-eighth resumed session in May 2022,³⁸

Further noting that the Court submitted the proposed amendments to the Staff Regulations and Rules regarding National Professional Officers,³⁹

1. *Decides* to establish the Junior Professional Officer programme on a permanent basis, and to adopt the guidelines and template agreement;
2. *Further decides* to establish the National Professional Officer category provided that its application be subject to the consideration by the Committee at its thirty-eighth resumed session of the respective financial implications, to be identified and reflected by the Court in the context of the proposed programme budget for 2023;
3. *Takes note* of the proposed amendments to the Staff Regulations and Rules relating to the establishment of the National Professional Officer category;
4. *Requests* the Court, in its consideration of relevant Independent Expert Review recommendations, to be guided by the importance of ensuring flexibility in the management of its human resources, notably in reacting to evolving situations, needs and workload, within and between organs, including by, as appropriate, reviewing the relevant administrative instructions related, but not limited, to recruitments and mobility of staff;
5. *Underlines* the inherent value of multilingualism in promoting and preserving the diversity of languages and cultures and its contribution to efficiency, effectiveness and transparency in the activities of the Court, *calls for* greater emphasis to be placed on staff knowledge of the Court's official and working languages, as appropriate, and *recalls* the principles of equitable geographical representation and gender balance in the recruitment of staff,⁴⁰ and
6. *Invites* the Court to expand its training for staff sitting on recruitment panels to avoid any undue disadvantage or unconscious bias against applicants interviewed in a language other than their mother tongue, *requests* the Court to develop its language training policies to promote continuous improvement of the proficiency of staff in the official and working languages of the Court and other languages, as appropriate, including training for newly recruited staff proficient in only one of the working languages, and to consider ways to ensure adequate funding for this purpose.

N. Referrals by the Security Council

The Assembly of States Parties,

Noting with concern that, to date, expenses incurred by the Court due to referrals by the United Nations Security Council⁴¹ have been borne exclusively by States Parties,

Recalling that, pursuant to article 115 of the Rome Statute, expenses of the Court and the Assembly shall be provided, inter alia, by funds of the United Nations, subject to the approval of the General Assembly, in particular in relation to the expenses incurred due to referrals by the Security Council,

Mindful that, pursuant to article 13, paragraph 1, of the Relationship Agreement between the Court and the United Nations, the conditions under which any funds may be provided to the Court by a decision of the General Assembly of the United Nations shall be subject to separate arrangements,

1. *Notes* the report of the Registry on the approximate costs allocated so far within the Court in relation to referrals by the Security Council,⁴² and *notes* that to date the approved budget allocated in relation to the referrals amounts to approximately € 75,080.5 thousand, borne exclusively by States Parties;

³⁸ ICC-ASP/20/15, para. 256.

³⁹ CBF/37/8.

⁴⁰ ICC-ASP/20/Res.5, preambular paragraph 26, operative paragraph 88, operative paragraphs 122-131.

⁴¹ United Nations Security Council resolutions 1593 (2005) and 1970 (2011).

⁴² ICC-ASP/20/11.

2. *Encourages* States Parties to continue discussions on a possible way forward on this issue; and
3. *Invites* the Court to continue including this matter in its institutional dialogue with the United Nations and to report thereon to the twenty-first session of the Assembly.

O. Five-Year Information Technology and Information Management Strategy

The Assembly of States Parties,

Noting the recommendation of the Committee at its thirty-first session with regard to multi-year budgeting of the Five-Year Information Technology and Information Management Strategy (“the Strategy”),⁴³

Recalling its request⁴⁴ to the Court to provide the Committee, at its thirty-second session, with a solution within the parameters of the Financial Regulations and Rules for the transfer of unspent funds of the Strategy, caused by objective delays in procurement, from one financial year to the following,

Noting the recommendation of the Committee at its thirty-third session⁴⁵ that the Court continue to implement the Strategy on the basis of the maximum cost estimates for the years 2019-2021 as presented in the report of the Committee on the work of its thirty-first session (2019: €2,168.5 thousand; 2020: €2,072.5 thousand and 2021: €2,559.5 thousand),⁴⁶

Noting also the recommendation of the Committee at its thirty-fifth session⁴⁷ to extend the Strategy until the end of 2022, with new expenditure ceilings in an amount of €2,052.5 thousand for 2021 and €158.0 thousand for 2022,

Noting also the Court’s report to the Committee at its thirty-seventh session regarding extending the strategy until the end of 2022, with an additional requested expenditure of €183.7 thousand, bringing the total expenditure for 2022 to €341.7 thousand,⁴⁸

Noting further that the Strategy, with the requested additional 2022 expenditure, would result in foreseen total savings of €293.2 thousand, based on the forecast execution of €8,377.7 thousand and the Committee’s original endorsed total of €8,670.9 thousand,⁴⁹

Noting that the Court submitted the result of the assessment on the Judicial Workflow Platform before the twentieth session of the Assembly as requested by the Committee at its thirty-seventh session,⁵⁰

Recalling its decision that a portion of the 2020 approved budget for the Strategy amounting to €165,000, and resulting from objective delays in procurement, shall remain available in 2021,⁵¹

1. *Decides*, in view of the nature of this long-term project, that a portion of the 2021 approved budget for the Strategy amounting to €327,000 and resulting from objective delays in procurement, shall remain available in 2022; and
2. *Requests* the Registrar to report annually to the Assembly, through the Committee, on the implementation of the Strategy.

⁴³ *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 104.

⁴⁴ ICC-ASP/18/Res.4, section P, para. 1.

⁴⁵ *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.2, para. 86.

⁴⁶ *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 98, table 5.

⁴⁷ *Official Records ... Nineteenth session ... 2020* (ICC-ASP/19/20), vol. II, part B.2, para. 75.

⁴⁸ CBF/37/7, para. 5.

⁴⁹ *Ibid.*, Table 3, para. 74.

⁵⁰ CBF/37/19.

⁵¹ ICC-ASP/19/Res.1, section O, para. 1.