



Reference: ICC-ASP/10/S/CBF/05

Secretariat – Secrétariat

The Secretariat of the Assembly of States Parties presents its compliments to the Permanent Mission of ... to the United Nations and has the honour to refer to the resolutions of the Assembly of States Parties to the Rome Statute on the establishment of the Committee on Budget and Finance (ICC-ASP/1/Res.4, as amended by ICC-ASP/2/Res.5 and ICC-ASP/4/Res.6, see annex I) and on the procedure for the nomination and election of members of the Committee on Budget and Finance (ICC-ASP/1/Res.5, as amended by ICC-ASP/2/Res.4, see annex II), adopted at the Assembly's first and second sessions, as well as to the 1 February 2011 decision of the Bureau of the Assembly of States Parties concerning the nomination period for the election of the members of the Committee on Budget and Finance.

Pursuant to the latter decision, the nomination period for the candidates for six seats on the Committee on Budget and Finance will run from 13 June to 2 September 2011 (Central European Time). The election of six members of the Committee will take place during the tenth session of the Assembly of States Parties, scheduled to be held at United Nations Headquarters, New York, from 12 to 21 December 2011.

A table indicating the composition of the Committee on Budget and Finance, along with the respective terms of office of its members, is included as annex III. The six members whose term of office expires on 20 April 2012 are from the following regional groups: one from the Group of African States; two from the Group of Asian States; one from the Group of Eastern European States; one from the Group of Latin American and Caribbean States; and one from the Group of Western European and Other States.

Pursuant to the aforementioned resolutions and decision, the Secretariat of the Assembly invites States Parties to nominate candidates for six seats on the Committee on Budget and Finance. In accordance with paragraph 3 of resolution ICC-ASP/1/Res.5, nominations received by the Secretariat before or after the nomination period shall not be considered.

The Secretariat of the Assembly recalls that paragraph 1 of the resolution relating to the procedure for the nomination and election of members of the Committee on Budget and Finance requires that "the candidates be experts of recognized standing and experience in financial matters at the international level."

Furthermore, paragraph 6 of the same resolution stipulates that "[e]ach nomination shall specify how the candidate fulfils the requirements of paragraph 2 of the annex to the resolution establishing the Committee on Budget and Finance". The Secretariat of the Assembly recalls that the relevant part of paragraph 2 of the annex to the resolution establishing the Committee on Budget and Finance provides as follows:

"The Assembly shall elect the members of the Committee on Budget and Finance, who should not be of the same nationality, on the basis of equitable geographical distribution. The members of the Committee shall be experts of recognized standing and experience in financial matters at the international

level from States Parties. They shall carry out their duties for three calendar years and may be re-elected."

In accordance with paragraph 5 of the resolution on the procedure for the nomination and election of the members of the Committee, nominations shall be communicated through the diplomatic channel to the Secretariat of the Assembly of States Parties, Room C-0458, Maanweg 174, 2516 AB The Hague, The Netherlands (or via fax +31-70-515-8376 or via e-mail to asp@icc-cpi.int). If feasible, the Secretariat would appreciate receiving digital versions of the nominations, as well as of the accompanying statements and other supporting documentation.

In accordance with paragraph 7 of the same resolution, a list of all persons nominated, in English alphabetical order, together with accompanying documents, will be circulated to States Parties through the diplomatic channel after the nomination period closes.

The Hague, 7 February 2011

Enclosures

Annex I

Establishment of the Committee on Budget and Finance (ICC-ASP/1/Res.4)¹

The Assembly of States Parties,

Bearing in mind article 112, paragraphs 2 (b) and (d) and 4, of the Rome Statute,

Desiring to provide an appropriate mechanism for the budgetary and financial review and monitoring of the resources of the International Criminal Court, including those of the Assembly,

Decides to establish a Committee on Budget and Finance in accordance with the terms of reference set out in the annex to the present resolution.

Appendix

1. The Assembly of States Parties establishes, in accordance with the present resolution, a Committee on Budget and Finance composed of 12 members.
2. The Assembly shall elect the members of the Committee on Budget and Finance, who should not be of the same nationality, on the basis of equitable geographical distribution. The members of the Committee shall be experts of recognized standing and experience in financial matters at the international level from States Parties. They shall carry out their duties for three calendar years and may be re-elected. Of the 12 members who are initially elected, 6 shall be elected for a period of two years and the remaining 6 for a period of three years. In the event of a vacancy, an election shall be held in accordance with the procedure for the nomination and election of members of the Committee on Budget and Finance. The procedure shall apply *mutatis mutandis*, subject to the following provisions:
 - (a) The Bureau of the Assembly of States Parties may fix a nomination period which is shorter than the one used for other elections.
 - (b) The Bureau of the Assembly of States Parties may elect the member.
 - (c) A member elected to fill a vacancy shall serve for the remainder of the predecessor's term and may be re-elected.
3. The Committee on Budget and Finance shall be responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications or any other matter of a financial, budgetary or administrative nature, as may be entrusted to it by the Assembly of States Parties. In particular, it shall review the proposed programme budget of the Court, prepared by the Registrar, in consultation with the other organs referred to in article 34, subparagraphs (a) and (c), of the Rome Statute, and shall make the relevant recommendations to the Assembly concerning the proposed programme budget. It shall also consider reports of the Auditor concerning the financial operations of the Court and shall transmit them to the Assembly together with any comments which it may deem appropriate.
4. The Committee on Budget and Finance shall meet when required and at least once per year.
5. The Assembly of States Parties shall keep under review the number of members of the Committee on Budget and Finance.

¹ As amended by resolutions ICC-ASP/2/Res.5 and ICC-ASP/4/Res.6 of 12 September 2003 and 3 December 2005, respectively.

Annex II

Procedure for the nomination and election of members of the Committee on Budget and Finance (ICC-ASP/1/Res.5)²

The Assembly of States Parties,

Bearing in mind its resolution establishing the Committee on Budget and Finance,

Mindful of the Rules of Procedure of the Assembly of States Parties,

Approves the following procedure for the election of members of the Committee on Budget and Finance:

A. Nomination of candidates

1. The Secretariat of the Assembly of States Parties shall circulate through the diplomatic channel the invitations for nominations of members of the Committee on Budget and Finance. The invitations will include the requirement that the candidates be experts of recognized standing and experience in financial matters at the international level.

2. States Parties shall nominate their candidates during the nomination period, which shall be fixed by the Bureau of the Assembly of States Parties.

3. Nominations submitted before or after the nomination period shall not be considered.

4. If at the end of the nomination period the number of candidates remains less than the number of seats, the President of the Assembly of States Parties shall extend the nomination period.

5. States Parties to the Statute shall communicate nominations for the election of the members of the Committee on Budget and Finance through the diplomatic channel to the Secretariat of the Assembly of States Parties.

6. Each nomination shall specify how the candidate fulfils the requirements of paragraph 2 of the annex to the resolution establishing the Committee on Budget and Finance.

7. The Secretariat of the Assembly of States Parties shall prepare a list in English alphabetical order of all persons thus nominated, with accompanying documents, and shall circulate it through the diplomatic channel.

² The text of paragraph 15 reflects the amendment introduced by resolution ICC-ASP/2/Res.4.

B. Distribution of seats

8. Bearing in mind the requirements of paragraph 2 of the annex to the resolution establishing the Committee on Budget and Finance, the distribution of seats for the first election is as follows:

- African States, two seats;
- Asian States, two seats;
- Eastern European States, two seats;
- Group of Latin American and Caribbean States, two seats;
- Western European and Other States, four seats.

C. Election of members of the Committee on Budget and Finance

9. Every effort shall be made to elect the members of the Committee by consensus, on the basis of a recommendation by the Bureau. In making its recommendation, the Bureau shall consult the regional groups. In the absence of agreement within the concerned regional group, the Bureau shall abstain from making a recommendation regarding that group.

10. In the absence of a consensus, the election of members of the Committee on Budget and Finance shall be a matter of substance, and subject to the requirements of article 112, paragraph 7 (a), of the Statute.

11. The election shall be by secret ballot. The requirement may be dispensed with if the number of candidates corresponds to the number of seats to be filled or in respect of candidates endorsed by the respective regional groups, unless a delegation specifically requests a vote on a given election.

12. The persons elected shall be those candidates from each group who obtain the highest number of votes and a two-thirds majority of States Parties present and voting, provided that an absolute majority of the States Parties constitutes the quorum for voting.

13. For the purpose of the first election, the President of the Assembly of States Parties shall draw lots to determine, pursuant to paragraph 2 of the annex to the resolution on the establishment of the Committee on Budget and Finance, the cadence of term of office for the members elected.

14. The present procedure is without prejudice to the overall composition of the Committee on Budget and Finance, the procedures for future elections or the future distribution of seats.

15. Travel and subsistence expenses of members of the Committee on Budget and Finance while in performance of the Committee's duties shall be met from the programme budget.

Annex III

Committee on Budget and Finance

Terms of office

| <i>Member</i> | <i>State</i> | <i>21 April 2009 to 20 April 2012</i> | <i>21 April 2011 to 20 April 2014</i> |
|---------------------------------------|--------------|---|---|
| Mr. David Banyanka | Burundi | | X |
| Ms. Carolina María Fernández Opazo | Mexico | | X |
| Mr. Gilles Finkelstein | France | | X |
| Mr. Fawzi A. Gharaibeh | Jordan | X | |
| Mr. Masud Husain | Canada | X | |
| Mr. Shinichi Iida | Japan | X | |
| Mr. Juhani Lemmik | Estonia | | X |
| Ms. Rossette Nyirinkindi Katungye | Uganda | X | |
| Mr. Gerd Saupe | Germany | | X |
| Mr. Ugo Sessi | Italy | | X |
| Ms. Elena Sopková | Slovakia | X | |
| Mr. Santiago Wins | Uruguay | X | |

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