

**Twenty-second session**

New York, 4-14 December 2023

**Report of the Bureau on the composition of the
Committee on Budget and Finance****I. Introduction**

1. The mandate for the discussion on the composition of the Committee on Budget and Finance (the “Committee”) was created in accordance with the decision of the Assembly of States Parties ICC-ASP/21/Dec.1, adopted by the Assembly in its twenty-first session in 2022, in which, the Assembly “[r]equest[ed] the Bureau, in consultation with all States Parties, to discuss the allocation of seats on the Committee on Budget and Finance and to submit a report on its discussions by the twenty-second session of the Assembly”.¹

2. On 31 January 2023, the Bureau decided to appoint a facilitator to deal with the issue of allocation of seats on the Committee, and on how to proceed with the elections should the composition of the Committee change. The facilitator “should consult with delegations in both New York and The Hague on the allocation of seats on the Committee, as well on how to proceed with the incoming election to be held at the twenty-second session of the Assembly, taking into account that the decision on the allocation of seats would also be taken at that session”.²

3. The Bureau appointed Ms. Mosammat Shahanara Monica (Bangladesh) as the facilitator on the composition of the Committee on Budget and Finance on 24 March 2023.

4. In light of the fact that negotiations on the composition of the Committee had not yet concluded by the opening plenary of its twenty-second session, the Assembly appointed the facilitator to serve as Coordinator on the topic for the twenty-second session of the Assembly.

II. Consultations

5. Further to her appointment, the facilitator on the composition of the Committee held consultations with members of the Bureau and other interested delegations, which have expressed their views on the topic. The facilitator also held five meetings, one virtually with members of the Bureau both in The Hague and New York on 15 November 2023, two in-person meetings with the wider membership of the Assembly during the intersessional period on 27 November and 1 December 2023, and two additional in-person meetings during the Assembly session on 5 and 11 December 2023.

6. Both during consultations and in the meetings of the facilitation States Parties acknowledged the need to review the composition of the Committee on the Budget and Finance and its allocation among the regional groups. Some member States also stressed the importance of having discussions on criterion for nomination of the members of the CBF, and opined that, in addition to equitable geographical distribution, the qualification of the members of the CBF as well as the efficiency of the Committee need to be taken into consideration in this review process.

¹ ICC-ASP/21/Dec.1.

² https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau1-Agenda-Decisions.pdf.

7. Different options for the allocation of seats in the Committee arose from consultations with the different regional groups, centred around two main ideas: 1) adapting the composition of the Committee without increasing the number of seats; and 2) adapting the composition of the Committee by increasing the number of seats.

8. From discussions with Bureau members and interested States, the facilitator identified four different options for the allocation of seats which were presented in a non-paper and circulated to the members of the bureau on 29 September 2023. The first option would reduce the allocated seats to the Western Europe and Others Group (WEOG) by one and allocate one seat to African States, maintaining the same number of seats in the Committee. The second option maintains the current seat allocation for all regional groups, adding one additional seat for the African Group. This would increase the total number of seats in the Committee from 12 to 13. The third option would reduce the allocated seats to the WEOG by one and increase the allocated seats to all other regional groups by one. This would increase the total number of Committee seats from 12 to 15. Finally, the fourth option would maintain the number of seats allocated to the WEOG and increase the allocated seats to all other groups by one. This would result in an increase of total seats in the Committee from 12 to 16.

9. Following the circulation of the non-paper, additional consultations were held to ascertain the preferred option of the different regional groups on the reallocation of the Committee, aimed at achieving a general agreement on the composition of the Committee.

10. During the meetings held on the facilitation with the wider membership of the Assembly, two additional options for the allocation of seats in the Committee were proposed by the African Group, one contemplating the enlargement of the Committee to 17 members, and a second proposing the decrease of the membership of the Committee to 10 members. States Parties also held in-depth discussions on additional criteria to be considered for the nomination of candidates to the Committee, which would include equitable geographical representation, qualifications, gender balance and a term limit. Possible budgetary implications of the enlargement of the Committee were also discussed and several delegations expressed their views in favour of reviewing the composition of the Committee while ensuring minimal financial impact.

11. On 7 December 2023, the facilitator circulated a draft decision entitled “Election of members to the Committee of Budget and Finance of the International Criminal Court”, based on general agreement reached in favour of increasing the composition of the Committee to 17 members as well as on additional criteria for the nomination of candidates. Following comments from States Parties on the draft decision, an agreement was reached on the allocation of seats in the Committee and the criteria to be considered for the nomination of candidates to the Committee.

III. Conclusions and recommendations

12. Based on the outcome of the discussions, the facilitation recommends that the Assembly considers the draft decision presented as Annex to this report on the allocation of seats in the Committee.

Annex

Draft decision on the election of Members to the Committee on Budget and Finance of the International Criminal Court

The Assembly of States Parties

Recalling the relevant provisions of the resolution of the Assembly of States Parties to the Rome Statute on the International Criminal Court on the election 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 (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),

Further recalling the decision of the Assembly of States Parties (ICC-ASP/21/Dec.1) in which it requested the Bureau, in consultation with all States Parties, to discuss the allocation of seats on the Committee on Budget and Finance and to submit a report on its discussions by the twenty-second session of the Assembly,

Also recalling that every effort shall be made to elect the members of the Committee by consensus, on the basis of a recommendation by the Bureau, and in making its recommendation, the Bureau shall consult the regional groups,

Bearing in mind that the members of the Committee shall be nominated on the basis of equitable geographical distribution; that they shall be experts of recognized standing and experience in financial matters at the international level from States Parties; and they shall meet the requirements of the Rules of the Procedure of the Committee on Budget and Finance (ICC-ASP/18/Res.1) on the question of potential conflict of interests,

Encouraging the States Parties to nominate qualified women candidates with a view to maintaining gender balance in the Committee,

1. *Decides* to increase the total number of seats in the Committee to seventeen seats;
2. *Decides* to distribute the seats among the five regional groups in the following manner:
 - African States, four seats;
 - Asian-Pacific States, three seats;
 - Eastern European States, three seats;
 - Group of Latin American and Caribbean States, three seats; and
 - Western European and Other States, four seats;
3. *Decides* that the election of the new five members should be held during the twenty-third session of the Assembly for a term of three years; and
4. *Decides* that the members of the Committee, both current and new, may be re-elected for no more than two further terms of three years.