Assembly of States Parties

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Report of the Bureau on the arrears of States Parties

I. Introduction

1. Pursuant to articles 112, 115 and 117 of the Rome Statute, the expenses of the Court and of the Assembly of States Parties ("the Assembly"), as outlined in the budget considered and decided by the Assembly, shall be provided by, inter alia, contributions made by States Parties. The contributions of States Parties shall be assessed in accordance with an agreed scale of assessment based on the scale adopted by the United Nations for its regular budget and adjusted in accordance with the principles on which that scale is based.

2. Pursuant to regulation 105.1 of the Financial Regulations and Rules, "assessed contributions and advances shall be considered as due and payable in full within thirty days of the receipt of the communication of the Registrar referred to in regulation 5.5 or as of the first day of the calendar year to which they relate, whichever is the later." For the purposes of this report, lack of full payment within this timeframe is considered an "outstanding contribution." Pursuant to the same regulation, "[a]s of 1 January of the following calendar year, the unpaid balance of such contributions and advances shall be considered to be one year in arrears." Further, as per article 112, paragraph 8, of the Rome Statute, "a State Party which is in arrears in the payment of its financial contributions towards the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party."

3. The Assembly has regularly "emphasize[d] the importance of endowing the Court with the necessary financial resources, and urge[d] all States Parties to the Rome Statute to transfer their assessed contributions in full and by the deadline for contributions or, in the event of pre-existing arrears, immediately, in accordance with article 115 of the Rome Statute, rule 105.1 of the Financial Regulations and Rules, and other relevant decisions taken by the Assembly."[1]

4. At its twenty-third session, the Assembly decided "that the Bureau, through the President of the Assembly, the Coordinator of the working group and the facilitator, should continue to monitor the status of payments received throughout the financial year of the Court and consider additional measures to promote payments by all States Parties, as appropriate, continue to engage in dialogue with States Parties that have outstanding contributions or are in arrears, and via the annual facilitation on the topic of arrears, report thereon to the Assembly at its twenty-fourth session."[2]

[1] ICC-ASP/12/Res.8, para 60; ICC-ASP/13/Res.5, para 86.; ICC-ASP/14/Res.4, para. 100; ICC-ASP/15/Res.5, para. 117; ICC-ASP/16/Res.6, para. 127; ICC-ASP/17/Res.5, para. 144; ICC-ASP/18/Res.6, para. 147; ICC-ASP/19/Res.6, para. 151; ICC-ASP/20/Res.5, para. 156; ICC-ASP/21/Res.2, para. 159; ICC-ASP/22/Res.3, para. 152.
[2] ICC-ASP/22/Res.3, annex 1, para.16 (b).

5. Also at its twenty-third session, in the resolution on the budget,[3] the Assembly noted with serious concern the state of arrears and the report of the Bureau on the arrears of States Parties[4] and welcomes that the Court has received 94 per cent of the assessed contributions to the 2024 budget; it continued to underline 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, urged 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 decided 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. It also recalled the Court's development of guidelines[5] 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 and to work voluntarily, in coordination with the Court, to develop such payment plans, and further requested 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.

6. In January 2025, the Bureau initially decided to allocate "the development of criteria for assessing requests for waivers from the loss of voting rights" to the arrears facilitation, provided a facilitator could be identified[6]. However, as no facilitator was identified, at its meeting on 12 March 2025, the Bureau decided to allocate it to the Budget Management Oversight (BMO) topic in The Hague. The BMO focal point was requested to consult widely, including with New York delegations.

7. Absent the identification of a facilitator, in his role as Vice-President and Coordinator of the New York Working Group, (NYWG) Ambassador Michael Imran Kanu (Sierra Leone) undertook some of the functions of the facilitator on arrears throughout the reporting period.

8. At the meeting of the NYWG on 8 September 2025, Ambassador Kanu provided an update on the situation of arrears at the Court and encouraged those States in arrears to enter into voluntary repayment plans with the Court.

9. On 21 October 2025, the Secretariat of the Assembly of States Parties sent Note Verbales to States Parties falling under article 112 paragraph 8 of the Rome Statute, recalling their financial obligations and outstanding contributions. States Parties were further invited to indicate their interest in participating in a survey concerning arrears. No State Party responded expressed interest.

10. Throughout the reporting period, Ambassador Kanu, monitored the status of contributions to the Court. The President of the Assembly, Päivi Kaukoranta, also monitored the status of contributions and engaged in bi-laterals with some of those States with long term arrears.

II. Status of contributions and arrears

11. As at 28 February 2025, the Court had received 74 per cent of the assessed contributions to the approved budget for 2025. This was a significant increase compared to the same point in previous years, and in response to the Court's appeal for payments at the earliest possible date in order to address potential liquidity implications arising from the possible sanctions and the mitigating measures being taken by the Court.

12. The total amount of outstanding contributions as at 28 February was €74 million, of which €50 million relates to the 2025 budget, and €24 million to prior years. A total of 37 States Parties had outstanding contributions of more than one year, and 16 of those were ineligible to vote under article 112, paragraph 8, of the Rome Statute.

[3] ICC-ASP/23/Res.6.
[4] ICC-ASP/23/16.
[5] ICC-ASP/18/6.
[6] See agenda and decisions of the second meeting of the Bureau, held on 15 January 2025, available at: https://asp.icc-cpi.int/sites/default/files/asp_docs/2025-Bureau2-Agenda-Decisions.pdf.

13. As at 29 October 2025, the total amount of outstanding contributions was € 29.7 million of which € 9.8 million relates to the 2025 budget and € 19.9 million to prior years. A total of 30 States Parties had outstanding contributions of more than one year, and 13 of those were ineligible to vote under article 112, paragraph 8, of the Rome Statute.

14. Of the 13 States currently ineligible to vote under article 112, paragraph 8 of the Rome Statute, one State has been in arrears for close to two decades, 5 States for close to one decade or more and 6 States in arrears for five years or under.

15. In the reports on the work of its forty-seventh and forty-eight sessions, the Committee on Budget and Finance (“the Committee”) reviewed the status of contributions and arrears. During its forty-seventh session, the Committee continued to encourage all States Parties to fulfil their financial obligations to the Court by paying their assessed contributions in full and on time. It further urged States Parties in arrears to settle their outstanding contributions as a matter of priority and, where necessary, to engage with the Court to establish appropriate payment arrangements.[7]

16. During its forty-eighth session the Committee reiterated its previous recommendations and encouraged States Parties to continue to settle their dues on time and as early as possible in the year, as this enables the Court to avoid a liquidity crisis.[8]

17. During the reporting period the Secretariat sent note verbales alerting States Parties that their arrears rendered them ineligible to vote under article 112, paragraph 8 of the Rome Statute. Note verbales were sent to 16 States Parties in April 2025, 15 States in June 2025 and to 14 States in October 2025. Nine States Parties submitted waiver requests for the purposes of the Special Session of the Assembly of States Parties held from 7 to 9 July 2025, all of which were granted by the Assembly.

Independent Expert Review

18. Recommendation 140 of the Independent Expert Review[9] noted the concerning state of arrears and the potential liquidity crisis facing the Court and recommended that the Assembly explore additional means to encourage timely and in full payment of contributions by States Parties, taking into account practices from other international organizations. Recommendation 140 was assigned to the arrears facilitation in the comprehensive action plan prepared by the Review Mechanism and adopted by the Bureau in July 2021, with the budget facilitation listed as the platform for discussion.[10] Consideration of the recommendation in 2025 is contained in the report of the budget facilitation on IER recommendations.

Consultations and sharing of information

19. As in previous years, information on the status of contributions to the Court was annexed to the reports of the two sessions of the Committee.[11] In addition, as initially mandated by the Assembly at its seventeenth session,[12] States Parties received a monthly financial report from the Court which included information on the status of contributions.

Conclusions and recommendations

20. During the reporting period, given the high percentage of timely contributions received with over 90% of contributions by August 2025, the Court faced no serious liquidity problems as a result of arrears. Nonetheless, given the overriding importance of timely payment to the Court, particularly in the current climate, the status of contributions should be kept under close observation. The Assembly must continue to undertake focused efforts to ensure that no assessed contributions to the Court remain outstanding and to ensure that requests for payment are acted upon by all States Parties. For this reason, it is recommended that the Assembly continues to have an annual facilitation on the matter of arrears.

[7] ICC-ASP/24/15, para. 34.
[8] ICC-ASP/24/25.
[9] ICC-ASP/19/16.
[10] https://asp.icc-cpi.int/Review-Court/Action-Plan.
[11] ICC-ASP/24/15 and ICC-ASP/24/25.
[12] ICC-ASP/17/Res.4, section N, para. 10.

21. The Vice-President and Coordinator of the New York Working Group concludes the inter-sessional work by recommending to the Assembly the inclusion in the omnibus resolution of the paragraphs contained in the annex to this report.

Annex

Proposed text for inclusion in the omnibus resolution

1. The following paragraphs of the 2023 omnibus resolution (ICC-ASP/22/Res.3), located in the section on the programme budget, are to be maintained as follows:

> 158. *Takes note with concern* the report of the Bureau on the arrears of States Parties;[1]
>
> 159. *Emphasizes* the importance of endowing the Court with the necessary financial resources, and urges all States Parties to the Rome Statute to transfer their assessed contributions in full and by the deadline for contributions or, in the event of pre-existing arrears, immediately, in accordance with article 115 of the Rome Statute, rule 105.1 of the Financial Regulations and Rules, and other relevant decisions taken by the Assembly;

2. Paragraphs 16 b) and c) of annex I of the 2023 omnibus resolution are to be retained:

With regard to the **programme budget**,

(b) *Decides* that the Bureau, through the President of the Assembly, the Coordinator of the working group and the facilitator, should continue to monitor the status of payments received throughout the financial year of the Court and as appropriate, continue to engage in dialogue with States Parties that have outstanding contributions or are in arrears, and, via the annual facilitation on the topic of arrears, report thereon to the Assembly at its twenty-fifth session;

(c) *Requests* the Secretariat to inform States Parties periodically of States that have recovered their voting rights following payment of their arrears;

[1] ICC-ASP/23/16.