



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Fourteenth meeting

The Hague, 19 November 2015

Agenda and Decisions

The meeting was chaired by the President of the Assembly, H.E. Mr. Sidiki Kaba (Senegal)

Pursuant to resolution ICC-ASP/13/Res.6, operative paragraphs 5 and 6, the Bureau held a meeting open to all States Parties, to discuss the audit report on the cash reserves¹ with the participation of the Chair of the Committee on Budget and Finance and, via conference call, of the External auditor.

The discussion focused on the recommendations contained in the audit report on the cash reserves and the letter thereon by the Chair of the Committee on Budget and Finance², mainly on the financing of the cost overruns of the permanent premises project of the years 2013 – 2015.

Pursuant to paragraph 6 of ICC-ASP/13/Res.6 the Bureau had to decide on the appropriate level of reduction of the Employee Benefits Liabilities fund (EBL) and the Working Capital Fund (WCF) to finance the increase of the unified budget envelope of the permanent premises project in the amount of €6 million. It was noted that accessing the EBL, which had a level of €6.7 million, would suffice to cover the 2015 budget increase of maximum €6 million. The scenario of accessing the WCF, as considered in the audit report, would therefore not be necessary. The External auditor, however, highlighted that the overall overspending was higher than the €6 million considered in 2015. The Assembly had approved additional costs in 2013 and 2014, of which €5.5 million were still to be financed and that therefore the EBL would not suffice to cover all these cost overruns and the WCF would need to be accessed.

In this regard it was pointed out that the Assembly had decided that the 2013 and 2014 cost overruns were to be funded through surpluses from the Court's regular budget and that the EBL and the WCF would be accessed only to fund the budget increase in 2015. Any access to the WCF for the 2013 and 2014 additional costs were therefore to be seen as cash advances, which would have to be reimbursed as soon as surpluses were available. Even if the WCF were reduced, it would be replenished as soon as States Parties' contributions would be received in January 2016.

¹ ICC-ASP/14/44. This report had been submitted to States Parties on 13 November 2015.

² ICC-ASP/14/44, annex. This letter had been submitted to States Parties on 18 November 2015.

With regards to the audit report's recommendation of opening a credit line³ as a safety net in case the WCF would be depleted, it was pointed out that the conclusions on the financial security of the Court reached by the External auditor were based on the assumption made earlier in 2015 that the cash surplus forecast of 2014, which would only be known in 2016, amounted to a deficit of €5.794 million⁴. However, the updated estimates in the latter part of 2015 foresaw a surplus of €1.3 million⁵.

³ ICC-ASP/14/44, recommendation 2.

⁴ ICC-ASP/14/44, paragraph 31.

⁵ ICC-ASP/14/44, paragraph 97.