

Buenos Aires, 18 August 2014.

**REPORT OF WORK IN THE COMMITTEE OF BUDGET AND FINANCE OF
THE INTERNATIONAL CRIMINAL COURT**

In December 2011 during the Assembly of States Parties of the International Criminal Court, nine new members of the Committee of Budget and Finance of this international organization were elected, among which I was endorsed by the GRULAC and elected as a member jointly with Mexico to represent the region in this subsidiary organ of the Assembly.

This election takes place in a period of three years, in other words from January 2012 to December 2014. It should be noted that the election did not require an exchange of votes and it was decided unanimously by the Assembly of States Parties.

This is due in part to the election which took place in the United Nations in New York, where the work that I did during my years at the Permanent Representation of Ecuador, where I was worked on the issues of the Fifth Commission, responsible for analyzing the budget of the United Nations and the administrative issue and was in charge of some issues as representative of the Group of 77 and China.

Additionally, my time at the Office of the President of the General Assembly, as an advisor helped me to carry on some issues related to the Revitalization and management of the Secretariat. This experience has allowed me to propose, in the Committee of Budget and Finance at the International Criminal Court, procedures that, as an international organization and part of a system, it should comply with in many legal and administrative fields with regard to their international civil servants.

The Committee on Budget and Finance of the International Criminal Court is a subsidiary organ that is in charge of the technical analysis of all the documents submitted to the Assembly of State Parties which contain administrative and financial implications, in order to make comments and recommendations for decision making.

For this, the Committee convenes twice a year. In the first semester of the year, the Committee meets in order to review the progress of the implementation of the resolutions adopted by the Assembly in December of the previous year. Within these meetings, the Committee especially analyzes all the administrative aspects and the agenda of the policies adopted by the Court in order to respond to the problems of governance, human resources, organizational structure, among others.

In the session which takes place in the second semester, the Committee revises the proposed budget for the next year, by program. That is, the Committee analyses program by program within the Secretariat, the Office of the Prosecutor and the Presidency.

Similarly, the reports of the various audits are analyzed, as well as the Contingency Fund and the permanent seat of the Court.

The ICC is a young and different organization, and for this reason the administration has had to be built gradually based on the experience, as well as with great challenges in both administrative and judicial processes to carry out their work. This includes, among other things, the capacity of the States to be up to date with their contributions, as well as the restriction that has been imposed on the Court to work with a zero growth budget in the last two to three years.

This measure has meant a restructuration on all levels, in specific with the issues related to human resources. However, while the budget has maintained, the Court has increased the cases of investigation and the judicial procedures in these years. In addition to this is the Resolution adopted by the Assembly for the construction of the permanent seat of the ICC, which is a construction which surpasses the reality of austerity.

In these matters, the Committee has work under the principle of consensus, since the observations and recommendations should have sufficient legitimacy. In my time as a member of the Committee, I have defended always in the issues of human resources that there be a true geographical distribution, especially considering that our continent is the one which has cooperated the most to the Court politically. Likewise, it has been underlined the need that the Contingency Fund be managed according to the rules of procedure established by the Assembly and not as the petty cash of the Court. It is important to point out that the Committee still maintains its technical level, and until now there has not been possible that political interests of some States Parties influence our work.

During the year 2013, I was elected Vice-President of the Committee. In that position I worked together with the President in strengthening the relationship between the States Parties and the Committee in order to let the work be known in depth and analyze the challenges in order to avoid falling into an exercise of budgetary cuts in detriment of the work of the Court and the victims.

In this last period there were changes of the authorities of the Office of the Prosecutor and the Registry, which has allowed a revitalization of the processes recognizing the need that all the organs work in a coordinated manner avoiding the duplication of efforts that existed two years ago.

In 2013, the need that the Committee reviews its methods was discussed with the purpose to improve the analysis of the recommendations and to increase its efficiency in the few days that it has to analyze the financial situation of the Court. This has resulted in an improvement given that the members deal with different issues, which support a better internal discussion.

As I am in charge of the issues related to public procurement and human resources, it is necessary that I work together with the Registry, the Office of the Prosecutor and the Presidency in order to obtain more data that could help the group in taking decisions, as well as to have a better and wider view of the specific situation of those issues, especially those related to human resources. In that sense, we have worked in developing an organization chart and the analysis of every position by the Registry. This exercise turns very complicated due to the fact that without a nominal increase the Assembly will not approve new permanent positions. Most of the work that is executed

at the Court is done by temporal positions (renewables) which in some cases go beyond the decade.

As regards the second session of the Committee, I must say that being it the most lengthy one, the budget programme is reviewed in detail with the objective of identifying which have been the mayor indicators in these years for the budget increase in order to somehow be able to request to the Court some mitigation measures for the following periods without this resulting in a decrease of the efficiency.

The result of this analysis was the identification of the duplication of certain functions that were held due to lack of governance within the Office of the Prosecution and the Registry. During the last period, this relationship was improved, and thus the optimization of resources achieved.

I would like to highlight that the majority of the members of the Committee has more than two re-election periods, and some members have been in the Committee since its beginning. This provides the necessary experience to identify the changes, given the fact that the Court is a young institution and the challenges are also new for us who are part of the Committee.

This is the reason why I consider that a period of three years has provided enough experience to deal with these issues in depth and that a new period will help to that the Latin American and the Caribbean region continue to be represented without losing its position before other countries.

Although it is true that currently there are no judicial processes against nationals of the region, there are some investigations going on like for example the case of Colombia where the Court and the State are working together, and the presence of international observers has been a real support for this State in the investigation thanks to the experience acquired.

In the case of the rest of Latin America and the Caribbean region, it is important to mention that the Court has supported the States in the cooperation to formulate their penal codes and the need to include the crimes of the Statute of Rome, as well as the cooperation to work with the Court in worldwide level cases on extradition processes, protection of victims and witnesses, among others.

Ecuador has proposed to the UNASUR the possibility to study the implementation of a Criminal Court for the region. In this sense, it is important that our country takes advantage of these spaces to acquire administrative and financial experience that could support and contribute with new ideas in case the States accept the possibility of these projects in the future.

Mónica Sánchez
First Secretary