

## Resolution ICC-ASP/22/Res.4

Adopted at the 10th plenary meeting, on 14 December 2023, by consensus

### ICC-ASP/22/Res.4

## Resolution of the Assembly of States Parties on the proposed programme budget for 2024, the Working Capital Fund for 2024, the scale of assessment for the apportionment of expenses of the International Criminal Court, financing appropriations for 2024 and the Contingency Fund

The Assembly of States Parties,

Having considered the 2024 proposed programme budget of the International Criminal Court (“the Court”) and the related conclusions and recommendations contained in the reports of the Committee on Budget and Finance (“the Committee”) on the work of its fortieth session,<sup>1</sup> its forty-first session,<sup>2</sup> and its forty-second session,<sup>3</sup>

Taking note of the recommendations in the final report of the Independent Expert Review on the International Criminal Court and the Rome Statute system,<sup>4</sup> in particular as they relate to the budget process, without prejudice to the resolution on the review of the International Criminal Court and the Rome Statute system,

### A. Programme budget for 2024

1. Approves appropriations totalling €187,084,300 in the appropriation sections described in the following table:

Appropriation section			Thousands of euros
Major Programme	I	Judiciary	15,443.5
Major Programme	II	Office of the Prosecutor	60,593.2
Major Programme	III	Registry	95,271.4
Major Programme	IV	Secretariat of the Assembly of States Parties	3,277.0
Major Programme	V	Premises	2,599.4
Major Programme	VI	Secretariat of the Trust Fund for Victims	4,324.0
Major Programme	VII-5	Independent Oversight Mechanism	1,102.2
Major Programme	VII-6	Office of Internal Audit	888.5
<i>Subtotal</i>			<b>183,499.2</b>
Major Programme	VII-2	Host State Loan	3,585.1
<b>Total</b>			<b>187,084.3</b>

2. Notes that those States Parties that have opted for the one-time payment in respect of the permanent premises and have made such payments in full will not be assessed for the contributions corresponding to Major Programme VII-2 Host State Loan, amounting to €3,585,100;

3. Further notes that these contributions will bring down the level of the 2024 programme budget appropriations that need to be assessed for contributions by States Parties from €187,084,300 to €183,499,200, and that this amount will be assessed following the principles described in section E; and

<sup>1</sup> Official Records ... Twenty-second session ... 2023 (ICC-ASP/22/20), vol. II, part B.1.

<sup>2</sup> Ibid., part B.2.

<sup>3</sup> Ibid., part B.3.

<sup>4</sup> ICC-ASP/19/16.

4. *Further approves* the following staffing tables for each of the above appropriation sections:

	<i>Office of the Judiciary Prosecutor</i>	<i>Registry</i>	<i>Secretariat, Assembly of States Parties</i>	<i>Secretariat, Trust Fund for Victims</i>	<i>Independent Oversight Mechanism</i>	<i>Office of Internal Audit</i>	<i>Total</i>
USG	-	1	-	-	-	-	1
ASG	-	2	1	-	-	-	3
D-2	-	-	-	-	-	-	0
D-1	-	3	3	1	1	-	9
P-5	2	19	21	1	-	1	44
P-4	4	38	46	1	4	2	96
P-3	21	85	82	2	2	-	193
P-2	12	88	93	1	2	1	197
P-1	-	22	6	-	-	-	28
<i>Subtotal</i>	<i>39</i>	<i>258</i>	<i>252</i>	<i>6</i>	<i>9</i>	<i>4</i>	<i>571</i>
GS-PL	1	1	15	1	-	-	18
GS-OL	11	81	282	3	4	1	383
<i>Subtotal</i>	<i>12</i>	<i>82</i>	<i>297</i>	<i>4</i>	<i>4</i>	<i>1</i>	<i>401</i>
<b>Total</b>	<b>51</b>	<b>340</b>	<b>549</b>	<b>10</b>	<b>13</b>	<b>5</b>	<b>972</b>

## B. Working Capital Fund for 2024

*The Assembly of States Parties,*

*Recalling* that the Working Capital Fund was established to ensure that the Court be able to meet short-term liquidity problems pending receipt of assessed contributions,<sup>5</sup>

*Recalling further* its resolution<sup>6</sup> at its twenty-first session that the Working Capital Fund for each year shall be established in the amount of one-twelfth of the approved budget appropriations for the previous year,

1. *Notes* that the Working Capital Fund for 2023 was established in the amount of €12.9 million;
2. *Further notes* that the current level of the Working Capital Fund is €11.5 million;
3. *Resolves* that the Working Capital Fund for 2024 shall be established in the amount of €14.4 million, and *authorizes* the Registrar to make advances from the Fund in accordance with the relevant provisions of the Financial Regulations and Rules of the Court; and
4. *Decides* that the Court may only use the surplus funds and funds received from the payment of outstanding contributions to reach the established level of the Working Capital Fund.

## C. Outstanding contributions

*The Assembly of States Parties,*

*Welcoming* the report of the Independent Expert Review,<sup>7</sup> as well as the report of the Bureau on the arrears of States Parties,<sup>8</sup> and in particular the conclusions and recommendations contained in that report,<sup>9</sup>

<sup>5</sup> Financial Regulations and Rules 6.2.

<sup>6</sup> ICC-ASP/21/Res.1, section B, para. 3.

<sup>7</sup> ICC-ASP/19/16, recommendation 140.

<sup>8</sup> ICC-ASP/22/16.

<sup>9</sup> *Ibid.*, paras. 15 to 16.

*Recalling* paragraphs 42, 43 and 44 of resolution ICC-ASP/4/Res.4,

1. *Notes with serious concern* the state of arrears and the liquidity issues facing the Court, and the associated operational risk, *underlines* 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, *urges* 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 *decides* 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; and
2. *Welcomes* the Court's development of guidelines,<sup>10</sup> consistent with existing rules and regulations, 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, *strongly encourages* States Parties in arrears and subject to the provisions of article 112, paragraph 8, to work voluntarily, in coordination with the Court, to develop such payment plans, and *further requests* 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.

## **D. Contingency Fund**

*The Assembly of States Parties,*

*Recalling* its resolutions ICC-ASP/3/Res.4 establishing the Contingency Fund in the amount of €10,000,000 and ICC-ASP/7/Res.4 requesting the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund,

*Recalling further* that the Contingency Fund was established to ensure that the Court can meet: (a) costs associated with an unforeseen situation following a decision by the Prosecutor to open an investigation; (b) unavoidable expenses for developments in existing situations that could not be accurately estimated at the time of the adoption of the budget; and (c) costs associated with an unforeseen meeting of the Assembly,<sup>11</sup>

*Taking note* of the advice of the Committee in the reports on the work of its eleventh, thirteenth, nineteenth and twenty-first sessions,

*Recalling* that the Assembly, at its sixteenth session, decided that, should the Contingency Fund fall below €5.8 million by its seventeenth session, the Assembly would assess the need for its replenishment, bearing in mind the report of the Committee on Budget and Finance,<sup>12</sup> and regulation 6.6 of the Financial Regulations and Rules,

1. *Notes* that the current level of the Contingency Fund is €2.2 million;
2. *Decides* to maintain the Contingency Fund at the notional level of €7.0 million for 2024;
3. *Decides* that the anticipated cash surplus from 2022 shall exceptionally be used to replenish the Contingency Fund;
3. *Requests* the Bureau to keep the €7.0 million threshold under review in light of further experience on the functioning of the Contingency Fund; and
4. *Requests* the Court to consider practices in place in other international organizations to (i) automatically determine the level of operational reserves similar to the Contingency Fund; and (ii) identify mechanisms for its replenishment to provide more sustainability to such Fund, *and further requests* the Court to submit a report including proposals to the Committee at its forty-fourth session.

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<sup>10</sup> ICC-ASP/18/6.

<sup>11</sup> Financial Regulations and Rules 6.6.

<sup>12</sup> *Official Records ... Seventeenth session ... 2018* (ICC-ASP/17/20), vol. II, part B.2.

## **E. Scale of assessment for the apportionment of expenses of the Court**

*The Assembly of States Parties,*

1. *Decides* that for 2024, 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 applied for 2022-2024,<sup>13</sup> and adjusted in accordance with the principles on which the scale is based;<sup>14</sup> and
2. *Notes* that, in addition, any maximum assessment rate for the largest contributors and for the least developed countries applicable for the United Nations regular budget will apply to the Court's scale of assessment.

## **F. Financing of appropriations for 2024**

*The Assembly of States Parties,*

1. *Notes* that the payments corresponding to Major Programme VII-2 Host State Loan will reduce the level of the budget appropriations to be assessed for contributions by States Parties to €183,499,200; and
2. *Resolves* that, for 2024, assessed contributions for the budget amounting to €187,084,300 of the budget appropriations approved by the Assembly under section A, paragraph 1, of the present resolution, will be financed in accordance with regulations 5.1 and 5.2 of the Financial Regulations and Rules of the Court.

## **G. Premises of the Court**

*The Assembly of States Parties,*

*Noting* the recommendations of the Committee on Budget and Finance regarding maintenance and capital replacement for the premises of the Court,<sup>15</sup>

1. *Approves* capital replacement for the premises of the Court at the level of €379.7 thousand in 2024, while underlining the need to see maintenance and capital replacement in conjunction;
2. *Reiterates* the need for the capital replacement to be fully justified and limited only to those elements which are absolutely necessary and *requests* the Court to continue to ensure that all measures are taken to achieve savings and efficiencies, including using alternatives to capital replacement whenever possible;
3. *Notes* that any capital replacement needs arising in the foreseeable future should be financed within the scope of the regular budget process, taking into account the possible need for a multi-year approach, as appropriate;
4. *Recalls* the Committee's review of estimates for capital replacement, the advice of the pro bono expert on a fully impartial evaluation of the building and the establishment of a medium- and long-term plan, as well as of possible financial and administrative mechanisms including possible alternatives to current contractual arrangements, at its resumed thirty-eighth and thirty-ninth sessions, and *invites* the Committee to continue to undertake a detailed analysis and evaluation of the proposed budget taking into account the need for prioritization;
5. *Welcomes* the impartial assessment of the building and the performance of a revaluation of replacement periods of the building components to establish the final capital replacement budget conducted by a consulting firm and *recalls* the Committee's request to the Court to present a report on its assessment of the proposed plan on the future contract set-up and the multi-year financing plan for its forty-fourth session, in April 2024;
6. *Emphasizes* the importance of availability of adequate space and unimpeded/facilitated/priority access of States Parties to the premises and within the public

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<sup>13</sup> A/RES/76/238.

<sup>14</sup> Rome Statute of the International Criminal Court, article 117.

<sup>15</sup> ICC-ASP/22/25, paras. 183 to 191.

areas of the Court, including the conference rooms,<sup>16</sup> staff cafeteria and library, *welcomes* the efforts undertaken by the Court to seek and provide appropriate solutions and *encourages* the continuation of discussions in this regard and in that spirit;

7. *Requests* the Court to prepare a detailed budget report on the security changes needed concerning the possibility of granting access to the staff cafeteria to delegates of States Parties, including different ways in which States Parties might fund such modifications. The report should be submitted for the consideration of the Assembly through the Committee on Budget and Finance at its forty-fourth session in 2024;

8. *Welcomes* the efforts of the Court to find alternatives for bicycle parking for delegates of States Parties and *encourages* further steps that may facilitate their use of the bicycle shed located at the staff parking lot, including the permits to enter the premises using the north-east gate; and

9. *Reaffirms* that the Bureau is entrusted with the mandate concerning the governance structure and total cost of ownership, via its Hague Working Group which has a facilitation on the budget, and *requests* that a report on the topic be submitted for consideration by the twenty-third session of the Assembly.

## **H. Transfer of funds between major programmes under the 2023 approved programme budget**

*The Assembly of States Parties,*

*Recognizing* that under regulation 4.8 of the Financial Regulations and Rules no transfer between appropriation sections may be made without authorization by the Assembly,

1. *Decides* that, in line with established practice, the Court may transfer any remaining funds between major programmes at the conclusion of 2023 should costs for activities which were unforeseen or could not be accurately estimated be unable to be absorbed within one major programme, whilst a surplus exists in other major programmes, in order to ensure that appropriations for each major programme are exhausted prior to accessing the Contingency Fund; and

2. *Decides also* that the Court may transfer any remaining funds between major programmes at the conclusion of 2023 should some major programmes<sup>17</sup> not be able to absorb the additional costs relating to salary adjustments notified by the International Civil Service Commission whilst a surplus exists in other major programmes.

## **I. Audit**

*The Assembly of States Parties,*

*Having regard* to the Charter of the Audit Committee, adopted at its fourteenth session,<sup>18</sup> as amended,

*Taking note* of the proposed amendments to the Charter of the Audit Committee,

*Further noting* the recommendations of the Committee on Budget and Finance concerning audit matters,<sup>19</sup>

*Taking note* of the findings and recommendations in the final report of the Independent Expert Review of the International Criminal Court and the Rome Statute system related to Internal and External Oversight Mechanisms,<sup>20</sup> including the positive assessment given to recommendation R367<sup>21</sup> and the subsequent technical deliberations on the determination of the appropriate international audit standards,

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<sup>16</sup> Cluster I.

<sup>17</sup> Excluding Major Programmes I, II and III.

<sup>18</sup> *Official Records ... Fourteenth session ... 2015 (ICC-ASP/14/20)*, vol. II, part B.3, annex IV.

<sup>19</sup> *Official Records ... Twenty-second session ... 2023 (ICC-ASP/22/20)*, vol. II, part B.2, paras. 99 to 103 and *Official Records ... Twenty-second session ... 2023 (ICC-ASP/22/20)*, vol. II, part B.3, paras. 299 to 306.

<sup>20</sup> ICC-ASP/19/16.

<sup>21</sup> R367. As a work unit located in the Registry, the OIA would more properly report to the Principals rather than to the Audit Committee, a subsidiary of the ASP. This would not prevent the OIA from appearing before the new budgetary control and audit body as required, and responding to its requests. The new body's role towards the OIA would be overseeing the adequacy of the framework set up for the Court's internal audit function, rather than oversight of the substance of the OIA's work.

*Taking note* of the External Auditor final report on International Criminal Court Governance Oversight,<sup>22</sup>

1. *Welcomes* the reports of the Audit Committee on the work of its seventeenth and eighteenth sessions;
2. *Welcomes* the performance audit report on legal aid submitted by the External Auditor,<sup>23</sup> and the conclusions and recommendations contained therein, and *notes* the request of the Committee on Budget and Finance to the Court to submit a report on the implementation of the recommendations to the Committee at its forty-fourth session; -
3. *Welcomes* the initial consideration of the proposed amendments to the Charter of the Audit Committee and *requests* the Bureau through the Budget Management Oversight facilitation to continue discussions on these amendments in the first quarter of 2024, taking into account both the positive assessment of the relevant recommendation of the Independent Expert Review report,<sup>24</sup> as reflected in a separate report submitted to the Bureau of the Assembly on 27 June 2022 by the facilitation,<sup>25</sup> the subsequent technical deliberations on the determination of the appropriate international audit standards, as well as the outcome of the evaluation of the Secretariat to be conducted by the Independent Oversight Mechanism.<sup>26</sup>

## **J. Budget Management Oversight**

*The Assembly of States Parties,*

1. *Notes* that the Strategic Plans of the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims are dynamic and updated on a regular basis;
2. *Notes* the Strategic Plans (2023-2025) for the Court, the Registry, the Office of the Prosecutor, and the Trust Fund for Victims and *also notes* that the Strategic Plans benefit from the views and comments States Parties make in the dialogue with the Court, the Office of the Prosecutor the Registry and the Trust Fund for Victims;
3. *Reiterates* the importance of strengthening the relationship and coherence between the strategic planning process and the budgetary process, which is crucial for the credibility and sustainability of the longer-term strategic approach;
4. *Invites* the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims to report annually to the Assembly on the implementation of the Strategic Plans in writing, and *invites* the Court to hold annual consultations with the working groups of the Bureau in the first trimester on the implementation of its strategic plans during the previous calendar year;
5. *Recalls* the management oversight responsibility entrusted to the Assembly of States Parties and the mandates of the Audit Committee, the Committee on Budget and Finance, the External Auditor and the Independent Oversight Mechanism as well as the Office of Internal Audit, and *encourages* these bodies to further intensify their coordination in order to optimize oversight capacity and reporting, ensure an effective division of labour and avoid duplication of competence and work, in conformity with the resolution on the review of the International Criminal Court and the Rome Statute system;<sup>27</sup>
6. *Welcomes* the continuous efforts of the oversight bodies to streamline their activities and *invites* them to continue their efforts in that regard;
7. *Welcomes* the increased interaction between these bodies and States Parties, and the initiatives to continue to improve such interactions including via informal meetings;

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<sup>22</sup> *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. II, part B.2, para. 75. ICC-ASP/20/6.

<sup>23</sup> ICC-ASP/22/38.

<sup>24</sup> R367.

<sup>25</sup> <https://asp.icc-cpi.int/sites/asp/files/2022-11/2022-RM-report-progress.pdf>.

<sup>26</sup> Fifth meeting of the Bureau, 10 May 2023.

<sup>27</sup> ICC-ASP/20/Res.3.

8. *Recalls* relevant decisions of the Assembly of States Parties concerning the Secretariat of the Assembly of States Parties,<sup>28</sup> as well as the respective recommendations of the External Auditor,<sup>29</sup> and *welcomes* efforts to further improve synergies and flexibility as regards the human resources of the Secretariat of the Assembly.

## **K. Development of budget proposals**

*The Assembly of States Parties,*

1. *Requests* the Court to present a sustainable budget proposal for its 2025 programme budget, based on transparent and strict financial assessments and needs-analysis. Proposed increases above the level of the 2024 approved budget should be requested only when necessary for the purpose of mandated activities and after all possible steps have been taken to finance such increases through savings and efficiencies;

2. *Recalls* that the proposed programme budget should present the costs for the following year by first highlighting the costs of maintaining current activities, then proposing changes to those activities, including full costings of such changes;

3. *Invites* the Court to continue to ensure a stringent internal budgetary process steered by the Registry as part of an annual cycle taking into account past expenditure and leading to a sound and transparent budget proposal, thus allowing the Court to manage its financial situation responsibly, *encourages* the Court to make all efforts to ensure a balanced budget, as appropriate, across organs, and *emphasizes* that the Court should strive to present accurate and sustainable budget proposals based on robust forecasts;

4. *Welcomes* the recommendation of the External Auditor<sup>30</sup> that the Court question the nature of current appropriations when preparing the annual budget proposal, to avoid a gradual drift in budget appropriations;

5. *Recalls* the conclusions of the External Auditor with regard to financial trade-offs<sup>31</sup> and *further recalls* that States Parties support the Court in many ways, also outside the normal budgetary process;

6. *Welcomes* the savings and efficiencies achieved by the Court in 2023 and projected for 2024, as set out in the annex to the proposed programme budget for 2024,<sup>32</sup> as well as the Court's commitment to continue this practice, *takes note* of the fact that instead of setting annual efficiency targets as requested by the Assembly, the Court promotes a culture of continuous improvement in identifying and implementing efficiencies and savings,<sup>33</sup> and *requests* the Committee, in consultation with the Court, to consider the feasibility of setting Court- or Programme-wide annual efficiency targets and to report on achievements in combination with the Court's efforts for continuous improvement;

7. *Further welcomes* the recommendations of the Committee in relation to the presentation of the budget proposals and the efforts made by the Court in this regard, *encourages* continued improvement, and *notes* that the Committee will be updated ahead of its forty-fourth session on the measures taken by the Court and will include its comments in its reports to the Assembly of States Parties;

8. *Requests* the Court to provide, as an annex to the draft budget proposal, an organigram with the number of full-time equivalent posts by section and office indicated, as a way to increase transparency on the organizational structure of the Court; and

9. *Requests* the Court to provide, as an annex to the proposed programme budget, a table presenting the total costs by field office and a breakdown of costs, for each field office, directly related to the different stages of prosecutorial and judicial activities and workload with a view to increasing transparency, *underlines* that some Independent Expert Review recommendations address the issue of use of resources in the field and were assessed

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<sup>28</sup> ICC-ASP/2/Res.3; *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. I, part 2, footnote 9; and ICC-ASP/18/Res.1, annex, rule 16, para. 1. See also ICC-ASP/18/INF.7, Amendments to the Rules of Procedure of the Committee on Budget and Finance, rule 16, para. 1.

<sup>29</sup> External Auditor: Final report on the International Criminal Court governance oversight (ICC-ASP/20/6).

<sup>30</sup> Final audit report on the budget process of the International Criminal Court (ICC-ASP/18/2/Rev.1), recommendation 2.

<sup>31</sup> *Ibid.*, para. 213.

<sup>32</sup> *Official Records ... Twenty-second session ... 2023* (ICC-ASP/22/20), vol. II, part A, annex XIV.

<sup>33</sup> *Official Records ... Twentieth session ... 2021* (ICC-ASP/20/20), vol. II, part A, para. 36.

positively in 2022,<sup>34</sup> and *urges* the Court to continue to make full use of resources modulation and flexibility, including related to staff, in order to adapt to changes in activity and workload.

## **L. A strategic approach to an improved budgetary process**

*The Assembly of States Parties,*

*Bearing in mind* the independence and confidentiality required to allow the Judiciary and the Office of the Prosecutor to carry out their duties,

1. *Reiterates* that in principle documentation should be submitted at least 45 days before the beginning of the respective session of the Committee in both working languages of the Court, *emphasizes* the central role that the report of the Committee on Budget and Finance has on budget discussions in preparation for the Assembly sessions, and *strongly encourages* the Committee to ensure that its reports are published no more than one month after its session;

2. *Stresses* the utmost importance of achieving economies of scale, streamlining activities, identifying potential duplications and promoting synergies within as well as between the different organs of the Court;

3. *Welcomes* the Court's continued efforts to fully implement the "One-Court principle" when establishing the proposed programme budget, which has resulted in improvements to the budgetary process;

4. *Welcomes* the continued work of the Court on the topic of performance indicators as an important tool to fulfil its functions, in particular with regard to effective leadership and management, and *encourages* the Court to continue this work in light of the recommendations of the External Auditor and to share with States Parties any update on the development of performance indicators;

5. *Recalls* the recommendations of the Independent Expert Review concerning the Trust Fund for Victims and the report of the Independent Oversight Mechanism (November 2019) on the evaluation of the Secretariat of the Trust Fund for Victims, *welcomes* the steps already taken by the Board of Directors and the Secretariat of the Trust Fund in addressing the issues identified by the Independent Expert Review and the Independent Oversight Mechanism,<sup>35</sup> and *encourages* the Board and Secretariat to continue pursuing measures to improve the performance of the Fund and increase its efficiency and effectiveness in implementing its mandate and Strategic Plan, in accordance with the resolution on the review of the International Criminal Court and the Rome Statute system;<sup>36</sup>

6. *Notes* the importance of frequently reconsidering the value of current activity, including any opportunities for redeployment,<sup>37</sup> and *recalls* that careful prioritization is an important principle of efficient and effective management and is key to achieving successful outcomes;

7. *Requests* the Court, in consultation with the Committee, to continue to develop its budgetary process, guided by the Registry, by:

(a) Further strengthening the "One-Court principle" by ensuring that the budget process and its underlying assumptions and objectives are based on coordinated and robust strategic planning and prioritization;

(b) Further enhancing dialogue and information sharing between the Court and States Parties on the assumptions, objectives and priorities which underpin the draft programme budget at an early stage;

(c) Employing maximum flexibility in the management of its human resources in reacting to unexpected situations, and to the extent possible redeploying resources based on actual workload requirements;

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<sup>34</sup> ICC-ASP/21/18, para. 57.

<sup>35</sup> ICC-ASP/20/14.

<sup>36</sup> Resolution ICC-ASP/20/Res.3.

<sup>37</sup> *Official Records ... Eighteenth session ... 2019* (ICC-ASP/18/20), vol. II, part B.2, para. 27.



(d) Continuing to explore ways to preserve the Court's long-term ability to deliver on its mandate effectively and efficiently, while being mindful of the financial constraints of States Parties; and

(e) Enhancing the dialogue and information sharing between the Court and States Parties on potential medium-term cost drivers with a view to enhancing budget predictability;

8. *Requests* the Court, guided by the Registry, to develop an action plan to identify and implement measures to reduce avoidable costs incurred by each major programme, with concrete results to be presented to the twenty-third session of the Assembly of States Parties;

9. *Requests* the Court to continue submitting its annual report on activities and programme performance including, as appropriate, relevant information on the approved budget, expenditure and variance at the sub-programme level with all budget lines, as well as the provisional expenditures and revenues for all trust funds administered by the Court, also being provided by the Court in its financial statements;

10. *Notes* the Court's technical assessment on the feasibility of and modalities for employing a medium-term rolling budget forecast based on existing budget assumptions, *further notes* the recommendation of the Committee at its thirty-ninth session,<sup>38</sup> the progress made by the Court and the comments of the Committee at its forty-first session,<sup>39</sup> and *requests* that the Court continue developing internal processes for a financial forecast system with a view to improving budgetary predictability and report to the Committee at its forty-fourth session;

11. *Welcomes* the monthly financial reports provided by the Court to States Parties, showing monthly figures on cash flow, balances of the General Fund, the Working Capital Fund and the Contingency Fund, the status of assessed contributions, and monthly and annual cash flow forecasts, and *emphasizes* the usefulness of these reports; and

12. *Commits* itself to financial practices which give utmost priority to the annual budget cycle and *calls for* a restrictive use of multi-annual funds administered outside the cycle.

## M. Human Resources

*The Assembly of States Parties,*

1. *Requests* the Court, in its consideration of relevant Independent Expert Review recommendations, to be guided by the importance of ensuring flexibility in the management of its human resources, notably in reacting to evolving situations, needs and workload, within and between organs, including by, as appropriate, reviewing the relevant administrative instructions related, but not limited, to recruitments and mobility of staff;

2. *Underlines* the inherent value of multilingualism in promoting and preserving the diversity of languages and cultures and its contribution to efficiency, effectiveness and transparency in the activities of the Court, *calls for* greater emphasis to be placed on staff knowledge of the Court's official and working languages, as appropriate, and *recalls* the principles of equitable geographical representation and gender balance in the recruitment of staff;<sup>40</sup>

3. *Invites* the Court to expand its training for staff sitting on recruitment panels to avoid any undue disadvantage or unconscious bias against applicants interviewed in a language other than their mother tongue, *requests* the Court to develop its language training policies to promote continuous improvement of the proficiency of staff in the official and working languages of the Court and other languages, as appropriate, including training for newly recruited staff proficient in only one of the working languages, and to consider ways to ensure adequate funding for this purpose;

4. *Invites* States Parties to positively consider making contributions to the Trust Fund for the Development of Interns and Visiting Professionals in order to allow applicants who are nationals from a country that is a State Party to the Rome Statute and appears on the United

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<sup>38</sup> *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. II, part B.3, para. 238.

<sup>39</sup> ICC-ASP/22/15, paras. 5 to 7.

<sup>40</sup> Resolution ICC-ASP/20/Res.5, preambular paragraph 26, para. 88, paras. 122-131.

Nations Statistics Division's list of developing regions to gain transferable experience in a multicultural, international workplace, and to allow the Court to benefit from the input of interns and professionals; and

5. *Notes* the recommendation of the Committee<sup>41</sup> that the Assembly approve the Court joining the International Civil Service Commission (ICSC) of the United Nations with a full membership, and that the Court absorb the related membership costs, and *requests* the Court to engage in negotiations with the ICSC on the applicable agreement, with the purpose of presenting a proposal to the Assembly for its consideration and adoption at its twenty-third session.

## **N. Referrals by the Security Council**

*The Assembly of States Parties,*

*Noting with concern* that, to date, expenses incurred by the Court due to referrals by the United Nations Security Council<sup>42</sup> have been borne exclusively by States Parties,

*Recalling* that, pursuant to article 115 of the Rome Statute, expenses of the Court and the Assembly shall be provided, inter alia, by funds of the United Nations, subject to the approval of the General Assembly, in particular in relation to the expenses incurred due to referrals by the Security Council,

*Mindful* that, pursuant to article 13, paragraph 1, of the Relationship Agreement between the Court and the United Nations, the conditions under which any funds may be provided to the Court by a decision of the General Assembly of the United Nations shall be subject to separate arrangements,

1. *Notes* the report of the Registry on the approximate costs allocated so far within the Court in relation to referrals by the Security Council,<sup>43</sup> and *notes* that to date the approved budget allocated in relation to the referrals amounts to approximately €89.66 million, borne exclusively by States Parties;
2. *Encourages* States Parties to continue discussions on a possible way forward on this issue; and
3. *Invites* the Court to continue including this matter in its institutional dialogue with the United Nations and to report thereon to the twenty-third session of the Assembly.

## **O. Information Technology and Information Management Strategy**

*The Assembly of States Parties,*

*Recalling* that the Five-Year Information Technology and Information Management Strategy launched in 2017 was completed at the end of 2022,

*Bearing in mind* the development of a new Information Technology and Information Management Strategy for 2023-2025,

1. *Takes note of* the recommendation of the Committee at its forty-second session<sup>44</sup> that the Court submit to the Committee, at its forty-fifth session, an update on the implementation of the new Strategy and IT lights-on costs.

## **P. Family visits for indigent detainees**

*The Assembly of States Parties,*

*Recalling* resolutions ICC-ASP/8/Res. 4 and ICC-ASP/9/Res.4 on family visits for indigent detainees and the principle of funding such visits through voluntary donations into the Trust Fund for Family Visits,

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<sup>41</sup> ICC-ASP/22/25, para. 295.

<sup>42</sup> United Nations Security Council resolutions 1593 (2005) and 1970 (2011).

<sup>43</sup> ICC-ASP/22/19.

<sup>44</sup> ICC-ASP/22/25, para. 284.

1. *Urges* States Parties, other States, non-governmental organizations, civil society and other entities to continue making immediate voluntary contributions to the Trust Fund for Family Visits and *calls on* other potential contributors to positively consider making contributions;
2. *Recalls* that the Trust Fund for Family Visits shall continue to be administered on a budget neutral basis; and
3. *Notes* that the recurrent inability of the Court to meet the qualifying needs for family visits for indigent detainees can lead to more onerous situations, financially and legally, and *decides* that the Court may, within existing resources, subsidize family visits for indigent detainees using its regular budget in the exceptional and unavoidable situations where the Trust Fund for the Family Visits is depleted or its available resources are insufficient to do so, in a manner fully consistent with all applicable administrative and judicial criteria.

## **Q. Travel**

*The Assembly of States Parties,*

*Recalling* its resolution ICC-ASP/3/Res.5,

*Having considered* the need to have a more effective and efficient utilization of resources for air travel and daily subsistence allowance,

1. *Decides* to adopt the following provisions on standards of accommodation for air travel and daily subsistence allowance, applicable as of 1 January 2024 to the officials of the Assembly of States Parties and members of its subsidiary bodies when travelling,<sup>45</sup> and requests the Court to align its standard operating procedures accordingly:

(a) The President of the Assembly of States Parties is entitled to travel on the class “immediately below 1st class”;

(b) All other officials shall be entitled to travel on economy class and, if over nine hours, shall be entitled to upgrade to economy comfort class seats or equivalent class if available;

(c) In respect of the President of the Assembly of States Parties, the daily subsistence allowance shall be calculated at the rate equivalent to “*Judges, Under-Secretary-General of the United Nations/Assistant Secretary-General of the United Nations level*”; and

(d) In respect of the officials referred to in subparagraph (b), the daily subsistence allowance shall be calculated at the rate equivalent to the “*Director level*”;

2. *Decides* that any existing provision inconsistent with paragraph 1 is superseded by this resolution, and *requests* the Bureau to propose any necessary amendments to the existing legal framework for consideration by the Assembly, well in advance of its twenty-third session; and

3. *Requests* the Court:

(a) to examine its budgeting projections and assumptions with regard to travel expenditures, with a view to providing the most accurate representation of travel costs to be incurred during the year;

(b) with respect to the existing booking system, to undertake a review in order to achieve, in principle, the most competitive rates reflecting market prices;

(c) to examine its ticketing practices with a view to improve cost effectiveness;

and to submit a report to the Bureau on this matter by 30 April 2024 for consideration by the Assembly at its twenty-third session.

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<sup>45</sup> This includes the President and Vice-Presidents of the Assembly of States Parties, the members of the Committee on Budget and Finance, the Audit Committee, the Board of Directors of the Trust Fund for Victims and the Advisory Committee on Nominations of Judges, as well as the members of any other subsidiary body which the Assembly may decide to establish.