

## Resolution ICC-ASP/7/Res.4

*Adopted at the 7<sup>th</sup> plenary meeting, on 21 November 2008, by consensus*

### ICC-ASP/7/Res.4

#### **Programme budget for 2009, the Working Capital Fund for 2009, scale of assessments for the apportionment of expenses of the International Criminal Court, financing appropriations for the year 2009 and the Contingency Fund**

*The Assembly of States Parties,*

*Having considered* the proposed programme budget for 2009 of the International Criminal Court and the related conclusions and recommendations contained in the Report of the Committee on Budget and Finance on the work of its eleventh session,<sup>1</sup>

#### **A. Programme budget for 2009**

1. *Approves* appropriations totalling €101,229,900 for the following appropriation sections:

<i>Appropriation section</i>	<i>Thousands of euros</i>
Major programme I - Judiciary	10,332.1
Major programme II - Office of the Prosecutor	25,528.9
Major programme III - Registry	60,222.7
Major programme IV - Secretariat of the Assembly of States Parties	3,342.8
Major programme VI - Secretariat of the Trust Fund for Victims	1,301.4
Major programme VII - Project Office Permanent Premises	502.0
<b>Total</b>	<b>101,229.9</b>

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<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. II, part B.2.

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

	Judiciary	Office of the Prosecutor	Registry	Secretariat Assembly of States Parties	Secretariat Trust Fund for Victims	Project Office Permanent Premises	Total
USG		1					1
ASG		2	1				3
D-2							
D-1		2	4	1	1	1	9
P-5	3	10	15		2		30
P-4	3	29	36	3		1	72
P-3	19	45	67	1	3		135
P-2	2	48	54				104
P-1		17	8				25
<i>Sub-total</i>	<i>27</i>	<i>154</i>	<i>185</i>	<i>5</i>	<i>6</i>	<i>2</i>	<i>379</i>
GS-PL	1	1	16	2			20
GS-OL	15	63	262	2	2	1	345
<i>Sub-total</i>	<i>16</i>	<i>64</i>	<i>278</i>	<i>4</i>	<i>2</i>	<i>1</i>	<i>365</i>
<b>Total</b>	<b>43</b>	<b>218</b>	<b>463</b>	<b>9</b>	<b>8</b>	<b>3</b>	<b>744</b>

**B. Working Capital Fund for 2009**

*The Assembly of States Parties,*

*Resolves* that the Working Capital Fund for 2009 shall be established in the amount of €7,405,983, 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.

**C. Scale of assessment for the apportionment of expenses of the International Criminal Court**

*The Assembly of States Parties,*

*Decides* that, for the year 2009, the International Criminal Court shall adopt the scale of assessments of the United Nations applicable for the year 2009, with adjustments to take into account the difference in membership between the United Nations and the Assembly of States Parties to the Rome Statute, in accordance with the principles upon which the scale of the United Nations is based.

*Notes* that, in addition, any maximum assessment rate for the largest contributors applicable for the United Nations regular budget will apply to the International Criminal Court's scale of assessments.

#### **D. Financing appropriations for the year 2009**

*The Assembly of States Parties,*

*Resolves* that, for the year 2009, budget appropriations amounting to €101,229,900 and the amount for the Working Capital Fund of €7,405,983, approved by the Assembly under part A, paragraph 1, and part B, respectively, of the present resolution, be financed in accordance with regulations 5.1, 5.2 and 6.6 of the Financial Regulations and Rules of the Court;

*Notes* the current exceptional and extraordinary circumstances in 2009;

*Further notes* that the Court has, since its inception, spent less than the full amount of the annual appropriations;

*Decides* that, on an exceptional basis for the year 2009, the assessments shall be based on €6,229,900 of the programme budget;

*Urges* the Court to make every effort to find efficiency savings over the course of 2009, and *requests* the Registrar to make an investigation into the possibilities of such savings, implement the appropriate measures, and report to the eighth session of the Assembly of States Parties;

*Invites* all organs and major programmes of the Court to work cooperatively with the Registrar in this endeavour;

*Decides*, on an exceptional and one-time basis, notwithstanding rule 6.2 of the Financial Regulations and Rules, to allow the Court to draw up to €5 million from the Working Capital Fund following notification by the Registrar to the President of the Assembly and the Chair of the Committee on Budget and Finance that the Court will require additional funds up to the full amount of the programme budget as adopted. This notification should include a detailed report describing the efforts made across the Court to find efficiency and other savings;

*Decides* that this formula does not constitute a precedent for financing the budget of the International Criminal Court or any other international organization;

*Requests* the Bureau and the Committee on Budget and Finance to remain seized of this matter;

*Requests* the Court, as recommended by the Committee on Budget and Finance, to make efforts to produce a budget for 2010 which would fund new investments and cost increases entirely from savings to administrative processes, to the extent possible, while taking into account a possibility of any significant increase in judicial or investigative activity.

## **E. Contingency Fund**

### *The Assembly of States Parties*

*Recalling* its resolution ICC-ASP/3/Res. 4 establishing a Contingency Fund in the amount of €10,000,000 and, in particular, paragraph 6 thereof,<sup>2</sup>

*Taking note* of the advice of the Committee on Budget and Finance in the report on the work of its eleventh session,<sup>3</sup>

*Decides* to approve the extension of the Contingency Fund indefinitely;

*Decides* to maintain the Contingency Fund at its current level for 2009;

*Requests* the Bureau to consider options for replenishing both the Contingency Fund and the Working Capital Fund, including the three options identified by the Committee on Budget and Finance in the report on the work of its eleventh session,<sup>4</sup> with a view to making recommendations to the Assembly at its eighth session.

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<sup>2</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), Part III, resolution ICC-ASP/3/Res.4. Paragraph 6 provides as follows: “*Decides* that the Fund shall be limited to a period of 4 years and that the Assembly of States Parties shall decide at its session in 2008 on the extension or possible discontinuation of the Fund and on any other question related to the Fund that it deems necessary in the light of experience.”

<sup>3</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. II, part B.2, paragraph 136. Paragraph 136 provides as follows: “Recalling its long standing support for the Contingency Fund, the Committee recommended that the Assembly decide to continue the Fund indefinitely.”

<sup>4</sup> *Ibid.*, paragraphs 137-141.