

Informal and Unofficial Verbatim Notes from the ASP
25 November 2006, afternoon session

These notes are not an official transcript of the meetings, but may serve as an informal and general overview of the proceedings. Please do not use these notes for official purposes.

Chair: We proceed with our deliberations. Question on IT.

Mr. Lowell: The current system provides for the ASP to look at commitments only by the way of cash snapshots. On IT, it is a similar commitment. As with most organisations, IT is becoming one of the increasing areas of expenditures for international organisations. For the Court, it is hard to have a project with the planning only for the year ahead. We have a similar project on the IT project, as on permanent premises at previous sessions. We shall be quite clear what the implications are and what the financial obligations are. The Assembly shall be prepared to make a commitment on the life of the whole IT project, not only for the year ahead.

Chair: Thank you. As I understand, the CBF will consult the ASP on this matter in the future. If there is nothing from the Court's side to add, I propose the WG take note on this issue, and I'll prepare the WG's report on this issue. Any objection to that?

We move on to the next issue, of inflation, I draw your attention to the para.51 of CBF report <quoting from the text of CBF report>. The understanding is to follow recommendations of the CBF on this matter but not to treat it as a precedent, but to look at this issue case by case. Is it a correct understanding, what the CBF rapporteur, Mr. Lowell, thinks?

Mr. Lowell: There is considerable underspending. It's quite clear that the Court's activities are mature now and, in time, the gap between the budget and the Court's expenditures will be reducing significantly. We've already heard that staff members are below those approved for 2006. On the issue of becoming a precedent, I don't think it is so.

Chair: Thank you, Mr. Lowell. Any other request for the floor on this issue?

Netherlands: Thank you very much, Chairman. I am a little bit puzzled. I am not very happy if we would for practical reasons go along with the suggestion put forward by the CBF. I think that, under normal circumstances, one should take into consideration the element of inflation, that is the indexation of budgets. Second, given the consistent pattern of under-spending, I have some difficulties with this wording, because as the representative of the CBF said, the Court's activities are not "really mature"; we should take this into account. We can't base our decision on "consistent practice of underspending". I hesitate to follow the reasoning of the CBF. My last remark is also regarding the so-called "vacancy rate"; we need information on vacancies and how they are linked to the proposals for next year and regarding GTA people, which number is considerable.

Chair: May I suggest that we take the questions relating on budget in the context of the general debate on the budget, although it is indeed a very important point which merits discussion. And now I give the floor to Mr. Lowell on the inflation rate and on the vacancy rate. I will then give the floor to the representative of the Court.

Fifth Session of the Assembly of States Parties to
the Rome Statute of the International Criminal Court
25 November 2006, 4:30-6pm, Budget and Finance Working Group

Mr. Lowell: The Court's underspending is an average of 16% for four years in a row. In terms of budgetary policy generally, it is dangerous to set too many precedents, because you need to look at this on an ongoing basis.

Chair: Representative of the Court, please.

Representative of the Registry: The question from South Africa on the vacancy rate will be responded individually and we'll produce a document on this matter. So I suggest not to discuss it at the plenary. However, we have produced a summary of updated information, which may be of interest for the audience. There were 183 opened posts on 1 November; now it's changed. There are now 159 open posts, including 25 frozen; 73 posts are advertised and under recruitment. There is in area of 75 GTA, these posts are running against open established positions, so practically all opened positions are managed by GTA. I repeat, I will be more than happy to discuss this matter individually. Thank you.

Chair: Thank you, I recognise the delegate of Germany.

Germany: It is the critical issue whether the inflation rate should be allowed for international organisations, which raises serious questions. But CBF requests a number of cuts in the areas where the States are very reluctant to have these cuts.

Chair: Thank you very much. It is not actually a cut; it's reduction of increase, which was suggested by the CBF. Can we endorse recommendation contained in para.51 of the CBF report as an ad hoc solution?

Germany: I have reluctance to go along with the CBF proposal. But a general cut could be discussed.

South Africa: It should not mean that the Court should not budget for inflation. We have no other difficulties with the CBF recommendation.

Chair: Can we generally agree to this way forward: that we endorse the recommendation in para.51 with the view of the discussion which we had?

Australia: We should receive recommendations of the CBF on this matter.

France: My delegation can go along with your recommendation.

Netherlands: I would like to know whether the Court's budget is with or without inflation.

Chair: It is my understanding that the Court should budget inflation in the budget for 2008, and the CBF will look at it again. Of course, we'll look at the draft of the WG report. My idea is to produce the first draft on Tuesday.

Sierra Leone: Before we go along with the recommendation proposed by the CBF, we're interested to have the Court's reaction on it.

Chair: Of course, I will pass this question along to the Court. We shall also take into the account that this budget has been drafted in May, before the first trial commenced.

Fifth Session of the Assembly of States Parties to
the Rome Statute of the International Criminal Court
25 November 2006, 4:30-6pm, Budget and Finance Working Group

Registrar: We have the CBF report, which indicates that for the last three years we have on average under-spent by 16%. It is up to the Assembly to make a decision on the basis of this estimation. We should also take into account that we have problems with receiving the contributions: yes, we have under-spent, but we also under-receive with regards to the contributions.

Salaries are calculated on the basis of the UN salary scale.

Chair: Shall we proceed with the recommendation or do you object?

Sierra Leone: My delegation will reluctantly be able to go along with this proposal.

Chair: The reluctance will be reflected in the draft of this Working Group's report.

South Africa: I just want to highlight [...].

Netherlands: I do not consider the reasoning of the CBF recommendation to be a sound reasoning. There should be another reasoning for why we need cuts here.

Chair: Now we go the para.52 of the CBF report; here the CBF asks us to approve something. It needs your approval.

South Africa: I just need some clarification on reclassification. I do not understand the process of reclassification. The structure of the Court is not static; we propose to have posts allocated all the time.

Registrar: As you know, classification started several years ago. And now reclassification is needed. For example, procurement has heavier responsibilities now, including procurement on the field, not only in The Hague. And there are other examples of this type, including in the OTP; the workload has increased. It is important to recognize new responsibilities, and we need assistance on this from the CBF, and we totally agree with the CBF on it.

Mr. Lowell: It is also important to support the morale within the Court.

Germany: In principle, I can go along with the proposal of the chair, but with the understanding that the terms of conditions of employment of the Prosecutor and his Deputies are not included in this exercise.

Chair: It is certainly my understanding also; it concerns only the staff.

South Africa: The fact that the workload has increased does not justify the reclassification *per se*.

Italy: We're discussing additional responsibilities, not higher or increasing responsibilities.

Mr. Lowell: I think that this exercise is not just about upgrading the posts, but also about to the lower grade posts.

Fifth Session of the Assembly of States Parties to
the Rome Statute of the International Criminal Court
25 November 2006, 4:30-6pm, Budget and Finance Working Group

Chair: I think that for D-1 and D-2 posts, their responsibilities are defined. It's more on the level of P-1, P-2, P-3, and not necessarily for D-1 and D-2. I recognise the delegate of Peru, please.

Peru: Like the delegation of South Africa, we would like to thank the CBF for your recommendation.

Chair: Thank you very much.

Italy: Just to clarify, that currently we do not have any D-2 positions established.

Chair: Sorry, it was my mistake. Let's start with the issue of outreach. Let me give a short introduction on this issue, than we will hear from the Court and the CBF. Oh, I lost my notes... Paras.31, 32, 77 of CBF report, and we have the Strategic Plan for Outreach before us (ICC-ASP/5/12). One of the important lessons learned in the relatively short history of international justice is the importance of outreach, and it has been mentioned by many States during the general debate. Nobody doubts its importance. I think we should not discuss the importance of outreach in abstract, because, as I understand it, there is a clear agreement on this in this room.

We have two levels on understanding: a prosaic one reflected in para.77 of the CBF report; and secondly on the level of policy for outreach. Questions: What do we expect from outreach? How the Court should perform its outreach functions? How to measure the success of outreach? I think, in your interventions, you may address both levels: what we should do with para.77 and more generally on the policy level.

First, we will hear from Mr. Cathala.

Registrar: The Assembly made a request regarding outreach last year. I shall be very concrete in this regard. In the DRC, we had many seminars in various areas, with many lawyers, journalists, NGOs participating. We were providing information about what the Court is. Our particular focus was using the radio to reach rural communities. We had also many interviews. We also had little sessions regarding the ICC repeated in 4 languages in Congo, without going into all the details. We actually spent more there than was initially planned.

We also had a number of workshops in Uganda.

All of this is just a start. The Court is still not very well known in these countries. Our plan on outreach is a very detailed document. It also includes concrete measures planned in affected countries.

Para.62 concerns evaluation, and we have elements on evaluations in the specific plans for DRC, Darfur and Uganda. For conducting an evaluation, it is also necessary to have people in the field, to know whether the population has actually been reached by outreach.

Chair: I have two pieces good news: first, we have 10 minutes left. The second piece of good news will be announced shortly.

Mr. Lowell: The Committee fully appreciates the valuable role of outreach. We discussed this issue with NGOs and we had a working lunch with them on this matter. I don't think that we

Fifth Session of the Assembly of States Parties to
the Rome Statute of the International Criminal Court
25 November 2006, 4:30-6pm, Budget and Finance Working Group

propose cuts here; it's just less than what the Court initially requested. In fact, what we propose is an increase from 1.4 to 2.3 million euros.

Chair: At the Bureau meeting it was decided that our WG will be given an additional 45min. on Monday morning (11a.m.-11:45a.m.). I think we can dedicate it wholly to outreach.

South Africa: How much was the overspending on outreach? This can be answered on Monday.

Registrar: I can give you the figure now: it is around 200-250'000 Euros.

Uganda: The informal hearing on outreach will be hosted on Monday at 1-3p.m., so I suggest that we use 11-11:45a.m. session on Monday on other issues, rather than outreach.

Chair: It's perfectly alright; let's do something else on Monday morning.

France: On para.77, the CBF has proposed not to establish 2 P-2 posts. I am interested in knowing what are the estimated costs of these posts?

Sierra Leone: I support the proposal of Uganda.

Representative: With regards to the answer to the question of France, the two posts cost 30'000 to 40'000 Euros each.

Chair: On Monday morning, we'll look at detention costs (paras.73 bis and 73ter. contained in corr.1 of the CBF report), and then we'll address the interim premises and security arrangements (paras.82,114-119 of the CBF reports). Thank you all, and especially thanks to the interpreters for staying with us for an additional 10min. on Saturday evening.

Interpreter: My pleasure, Sir.

Chair: The meeting is adjourned.