

Fifth Session of the Assembly of States Parties to the Rome Statute of the International  
Criminal Court

*27 November 2006, 4:30-6:00pm, Budget and Finance working group*

**Informal and Unofficial Verbatim Notes from the ASP**  
*27 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'll deal with outreach now. Please do not discuss the general importance of outreach, but let's better decide what to do with the CBF recommendations.

Belgium: We need to look at the question of outreach from two angles: not only in light of the CBF recommendation, but also from a more general angle. It is important that we clearly emphasize the difference between the outreach activities in affected countries and outreach and awareness building activities, like publishing the Rome Statute, which is not the mission of the Court. The Strategic plan for outreach distinguished between different judicial phases of activities, and it is very important. We would also like to emphasize the partnership with NGOs and civil society for the Court in outreach.

Now we move to para.77 of the CBF report. It is the cut of additional staff proposed and half of printing of documents, and also production and disseminating of video broadcast, which is also very important when we speak about outreach. I would like to know on the basis of which criteria the CBF determined that the increase of staffing level is not justified.

Chair: Next in my list of speakers is Uganda, Ambassador Black, you have the floor, please.

Uganda: This afternoon we have had very constructive discussion at the informal hearing on outreach, and we have some difficulties in accepting the CBF recommendations to cut the proposed budget. In Uganda outreach activities have been extremely successful, thanks to the Court, and every person in Uganda now knows that the Court exists and can give their opinion on its activities. But the opinions are changing every time, right now as we speak. One needs to assess the situations when they evolve, when they develop. You have to be flexible when the need arises. I hope that the Assembly will agree that flexibility is definitely required. If the outreach works properly, it will help people to understand the Court better, especially in affected countries.

Chair: Thank you for proposing that we have this debate after the informal hearings. Now we have Sweden and then I will give the floor to the representative of the CBF.

Sweden: Thank you to the CBF for the report and all the hard work. In my delegation, we have strong assumptions to accept the CBF recommendations, especially in the present context, with the under-spending. It may be an option. I would like to ask the Court, what the proposed reductions would mean in the context; what you can't do with the proposed reductions.

Chair: Thank you, Mr. Lowell first, and then Mr. Cathala.

Mr. Lowell: The Committee has considered the material and had two conclusions. There is a desire to reach an outcome with respect to outreach. The first is our conclusion in para.31. We have significant reservations here on how the Court would measure the outcome. And regarding the specific recommendation, I think it may be helpful if I explain the process of the CBF. First we had a presentation from the Court, regarding the outreach, and we asked

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questions, and on the basis of this we made our decision. Regarding our criteria, we had effectively come to the judgment on the basis of the information presented to us at the Committee. Having taken into account the number of posts already available, it's around 25 posts and money for GTA, and we didn't feel that the funding was justified to the extent as it is in the proposed budget.

Chair: Thank you very much, Mr. Cathala.

Registrar: I would like to answer an excellent question from the delegate of Sweden. The proposal is dealing with the several posts: the P-2 post is to cover hearings at The Hague to produce summaries and other materials; another P-2 post is an associate outreach officer to help the P-3 officer to work on the 3 situations with the 3 different cultures and 5 different local languages. The P-3 post to be cut is the conference organizer, who handles diplomatic and NGO briefings, visits to the Court, seminars.

This section – the Information and Documentation Section – has different sections, including the library, which has nothing to do with outreach, and people who do website, and other who have nothing to do with outreach.

As for outreach, there is a coordinator, P-3, and three country coordinators, hired locally, and that's all. As for other expenses, CBF proposes to cut it in half.

What we've done so far: in DRC we made broadcasts of the most important days of the confirmation of charges hearing, we produced 12 radio programmes in French and local languages. These are examples; I can't give you the details, because they have to be adjusted to the real events.

DRC: Thank you, I would like to congratulate this Working Group for the work done, and the Secretariat for the documents produced. I would like to stress the importance of outreach, especially for countries like DRC. Very grave crimes have been committed on the territory of DRC. Information, particularly when the trial is underway, is particularly crucial. It's never too late to improve things. I think that this debate will give us a possibility to discuss and change the situation accordingly. My delegation would object to the proposed cuts.

Spain: I would like to express my delegation's gratitude for the CBF work. Our delegation very much appreciates the idea of outreach. The Court should truly interact with the outside world. The need for outreach is now proliferating, because of the cases before the Court. Outreach should have real resources in place, and be coherently co-ordinated. We've noticed that to some extent the Court is not comfortable with the proposal. Para.31 of the CBF report proposes that if we fail to implement the system of assessment for outreach, then there are two ways to assess the policy: the first option is to gauge the policy, and the second option is to assess the impact of the policy keeping the beneficiaries of the activities in mind. My delegation's proposal is that the second option may be the best approach. We would like to improve the budget.

Australia: There is consensus on the importance of outreach, and we welcome the Strategic Plan on Outreach. We welcome the further development of the document. We support the increased resources for outreach, in accordance with the previous decision of the Assembly. As a matter of principle, we support the expertise of the CBF. It is important that the CBF proposes this significant increase on outreach.

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Trinidad and Tobago: We think that the Court has provided us with the information, and we think that CBF recommendation reflected in para.77 is a bit inadequate. It's interesting what the CBF considers "considerable resources".

Mr. Lowell: If you look at the budget, there are resources assigned to this program, staff and amounts available to GTA, etc.

Sierra Leone: Mr. Chairman, my delegation appreciates the way in which you conduct our work. We also thank Mr. Cathala. We respect the expertise of the CBF. However, the work on outreach is far from sufficient; there is still a lot of work on this to be done. When we consider the post cuts and cut on printing expenses, we should think about what we do with it. We need to provide the support for the missions in the field. As the Court proceeds with the first trial, outreach should have sufficient resources, and the materials in local languages should be available. One of the most effective ways to measure outreach is to have feedback from the affected population.

Last Assembly, we asked the Court to develop the strategy. The Court has done so, and we can't reward it by cutting the budget. The work of outreach is in the formative stage; it is evolving. We can't right now speak about the immediate outcome.

I support my colleague from DRC and request the Assembly to correct the CBF in its recommendation at para.77. Outreach should have significant resources.

Italy: We appreciated the Strategic Plan for Outreach. It is a promising document, which, as all plans, should be assessed after its implementation. Italy supports the constant increase of resources allocated for outreach. We already approved outreach as one of the priorities for the Court in its work.

We do also support the role of the CBF as a subsidiary body of this Assembly to assess financial implications of its decisions. This Assembly has repeatedly agreed that technical part of its activities should be performed by the CBF. In this regard, we appreciate very much the information given by the CBF.

The resources allocated for outreach were 1.4 million euros, and the Registrar explained that 300,000 Euros were overspent on outreach in 2006. So, there were 1.7 million euros for outreach in 2006. In 2007, the Court then proposes 2.7 million euros for outreach. After the recommendations of the CBF, we would have 2.2 million euros. It's again an increase over 2006 – of 0.8 million euros of the budget approved or 500'000 euros of actual expenses. It is a significant increase. We need additional information from the Registrar, in terms of where the resources over-spent on outreach came from, and whether this situation can repeat this flexibility in the following year.

Chair: Thank you for the figures again. In the budget, we adopt only major programmes, and the Registrar can take these 300'000 from anywhere within this major programme.

Representative of Registry: As the Registrar indicated, we had over-spent for outreach in the area of 250'000 to 300'000 euros, and the CBF recommended a cut of almost half of this sum.

Chair: My list of speakers is growing; they all will not speak today.

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Senegal: As the majority of speakers have said today, the outreach is of absolutely crucial importance. This is an area where it is very important to evaluate, and to know in the short-term what the impact of your investment is going to be. My delegation thinks that the explanations given by the Registrar are very convincing. We encourage the further dialogue in this matter between the Court and the CBF.

Germany: The German Ministry of Finance is not very well-known for spending more money than absolutely necessary. I would not call the cuts “cuts”, but rather “savings”. I wonder whether we can do it without the proposed savings of the CBF.

Chair: On this point I would like to postpone this debate until tomorrow morning. I think it’s very important that even the outreach can be looked at from the pragmatic point of view. Endorsement of the CBF recommendations does not seem to find consensus in this room, so we need to find another solution.

Now, I would like to change the subject completely, and go to the budget presentation and preparation. I would like to give the floor for the introduction of the issue of budget presentation and preparation.

Mr. Lowell: Budget-setting is not an exact science. The draft budget is prepared earlier in the year, and at that point it is not clear how much the things actually cost. The Court has spent 67 million euros and we proposed 88.5 million euros for 2007, and 89 million if outreach is increased. What we should look at is whether the current programme structure is relevant. It is based on the Court’s hierarchy, but not on its functions. The CBF shall from time to time encourage the Court on how things are done. There is also an issue of how the IT is dealt with. If I can come back to the point made by the German delegation, I am not entirely sure that we look at the budget-setting for savings; we need to satisfy ourselves that the amount of money requested is consistent with the outcome required. I am conscious of the time.

The final point is of course that the CBF is to assist the ASP. And we encourage guidance from the ASP in terms of its priorities. On Wednesday, it was discussed whether it is better to have permanent staff in place of GTAs. Another issue of importance for us is the arrears in contribution. It has not been too serious of an issue for us because the workload of the Court has not materialised as expected, but if the reverse has happened, this could be a problem. The arrears of contribution are currently in the area of 20 million euros. It means that not all of the funds are available.

Chair: This is our last chance to ask questions to the CBF. It is a moment to seize if you have questions for the CBF. If not, I thank Mr. Lowell for his report. Thank you very much for your insight. Of course, we will tell you about the results of our debate. We have two open debates: on outreach and on detention. We also have other issues on our agenda: protection of interim premises, state co-operation, translation costs, victims protection costs, and interaction with the SCSL.

We should deal with these issues basically tomorrow, and I reserved tomorrow’s afternoon for the budget preparation thematic debate. Tomorrow night, I will present you this WG report to be adopted on Wednesday. Of course, we can go to the informals, but there are problems for small delegations, and there is also the issue of language. This brings us to 6p.m., thank you very much for your co-operation, and this meeting is adjourned.