



Coalition for the International Criminal Court

Recommendations on the 2017 budget of the International Criminal Court 15th Assembly of States Parties session – 2016

Since the International Criminal Court (ICC) was established, civil society has been working to ensure that governments' financial contributions allow the Court to function effectively, fairly, and independently.

The Coalition for the International Criminal Court is distressed by reports that, while many states parties indicated support for an increase of the Court's activities during the 15th session of the Assembly of States Parties (ASP) General Debate, a small minority of states parties are once again demanding a "zero nominal growth" budget - or similar budget cutting proposals - despite obvious needs for an increase in Court funding in 2017. States Parties have mandated the Court to enforce the Rome Statute and to respond to demands for justice from victims and the global community. States cannot expect and demand the Court to do more each year, while simultaneously reducing its resources.

At the 15th Assembly of States Parties session, the Coalition calls on states parties to:

1. Reject "Zero Nominal Growth"

To require the ICC to respond to more and more atrocity crime situations, referrals, investigations and trials every year, while decreasing its funding is a prescription for disaster. "Zero nominal growth" (ZNG) is a flawed approach that will undermine the effectiveness of the Court. Indeed, the term 'growth' is a misrepresentation. ZNG is the proposal that the ICC budget remains the exact same amount over a period of years. ZNG means that the yearly inflation and increase of costs, such as staffing costs following the UN Common Staff System, need to be absorbed by the Court's program budget. Thus, ZNG is a *de facto* reduction of the ICC's budget.

Imposing "zero nominal growth" on the budget would directly and immediately affect the Court's ability to fully, effectively, and efficiently execute its mandate: it would impact the discretionary allocation of funds and staffing of the prosecution, defense function, victims participation, and outreach. It would also directly impact the Prosecutor's ability to open new investigations and cases, with the consequent effect of delaying, if not denying, justice to the victims in whose interest it was established.

2. Support sufficient funds for 2017, recognizing that the CBF recommendations already reflect a reduction of the Court's requested budget

States parties must ensure that the budget for 2017 provides the International Criminal Court with sufficient resources to perform the preliminary examinations, investigations, and cases foreseen by the Court next year. This requires a detailed technical analysis of the ICC's budget request, not arbitrary decisions based on what some states are willing to pay. The Assembly should therefore focus their discussions on the recommendations of the Committee on Budget and Finance (CBF) - an independent and technical body that is composed of independent experts of recognized standing and experience in financial matters at the international level - recognizing that it has already proposed a significant decrease in the Court's budget request for 2017. Rather than proposing further cuts, the Assembly should review the Committee's recommendations carefully to ensure that they do not undermine the Court's ability to carry out the essential and important objectives identified by the Court for 2017.

3. Oppose the setting of a “financial envelope”

In 2014, the Coalition’s Team on Budget and Finance had expressed its extreme concern at the CBF’s recommendation that *“states parties consider whether a financial target or envelope should be set at each Assembly meeting that would define the anticipated outer limits of the budget for the year following the one immediately thereafter.”* Just ahead of the 15th ASP session, the Study Group on Governance reached the clear conclusion that *“an eventual financial envelope, would likely have a resource driven approach”*,¹ considering the discussions on the matter effectively concluded.²

The approach of setting a financial envelope is entirely inappropriate for the ICC given its fluctuating workload. Moreover, there is a real danger that it would be used to strengthen efforts by a minority of states to impose zero nominal growth on the ICC budget and that the ICC will be denied the flexibility it needs to expand its work when required to respond to impunity. The budget of the ICC should be determined on a regular basis taking into account the workload of the Court, not the budgetary demands of some states, in a transparent process with effective safeguards against politicization of the budgetary process.

4. A reduced budget does not equal enhanced efficiency

Justifications given for a “Zero Nominal Growth” approach to the budget include concern about the yearly increase of the Court’s budget and perceptions of inefficiency in the Court’s work.

The Coalition is not calling for the ICC to be given unlimited funds. Nor should states parties refrain from pressing the Court to reform practices, enhance budgetary transparency, and strive for maximum efficiency. Indeed, over the past years, the ICC has worked to respond to the legitimate concerns of states parties about the efficient use of resources. Reforms have been undertaken to strengthen investigations and prosecutions, speed up trials, bring justice closer to - and make it more relevant for - victims and affected communities.

The reality is that the Court’s current workload continues to expand as atrocities continue at an alarming rate around the world. States need to work together with the Court to address these challenges through dialogue and cooperation; arbitrarily cutting the budget will not lead to court efficiencies. In fact, indiscriminate budget constraints on a developing institution such as the ICC are likely rather to compound inefficiencies, resulting in delays in the delivery of justice for those who need it most, while undermining efforts to make international justice truly global, and feeding perceptions of bias in the Court’s investigations and prosecutions.

5. Governments should make all efforts to pay their arrears

The issue of states in arrears – or states that have not yet paid in full their assessed contributions to the Court’s budget – has an impact on the Court’s work when it cannot access its full allocated budget. Arrears of contributions to the Court’s budget currently stand at over 30 million Euros. The Coalition calls on all states in arrears to pay all outstanding contributions without further delay.

¹ Report of the Bureau on the Study Group on Governance, ICC-ASP/15/21, 14 November 2016, paragraph 77.

Accessed at: https://asp.icc-cpi.int/iccdocs/asp_docs/ASP15/ICC-ASP-15-21-ENG.pdf

² Ibid., para 78.