

Funding Justice: Analyzing The Financial Challenges And Funding Dependencies Of The International Criminal Court

Arushi Bajpai^{1*}, Dr. Teena²

^{1*}PhD Scholar, School of Law, GD Goenka University bajpai2302@outlook.com.

²Associate Professor, School of Law, GD Goenka teena.sol@gdgu.org

Abstract: The International Criminal Court (ICC), established under the Rome Statute in 2002, stands as the world's foremost permanent tribunal for prosecuting genocide, war crimes, crimes against humanity, and aggression. However, the Court's ability to fulfil its mandate is increasingly threatened by financial instability. This paper explores the funding architecture of the ICC, highlighting its dependence on assessed and voluntary contributions from member states. It analyses how delayed payments, donor fatigue, and political influence impair the Court's effectiveness, particularly in investigations, victim reparations, and outreach. The paper also evaluates the potential of informatics and digital financial tools to promote transparency, reduce inefficiencies, and build donor confidence. Drawing on comparative insights from other international tribunals and institutions, the paper proposes innovative mechanisms to ensure sustainable, impartial funding for the ICC. The analysis underscores that financial autonomy is not merely administrative but fundamental to the delivery of international justice.

Keywords: International Criminal Court (ICC), Justice financing, Assessed contributions, Donor dependency, Financial transparency, Informatics in public institutions

Introduction

The establishment of the International Criminal Court (ICC) in 2002 marked a turning point in the pursuit of global justice. Created by the Rome Statute of 1998, the ICC became the world's first permanent international tribunal with jurisdiction to prosecute individuals for the most serious crimes of concern to the international community—namely, genocide, war crimes, crimes against humanity, and the crime of aggression (Rome Statute, 1998). The Court was envisioned as a beacon of hope for victims of mass atrocities and a deterrent against future violations of international humanitarian law. However, two decades after its inception, the ICC continues to grapple with serious structural and operational challenges, chief among them being its financial fragility.

The delivery of international criminal justice is a complex and resource-intensive task. It involves high operational costs related to field investigations in volatile regions, witness protection programs, reparations to victims, and outreach efforts to affected communities. Despite these expansive needs, the ICC operates under a budget that is constrained, inconsistent, and highly dependent on political dynamics. The primary source of funding for the ICC is assessed contributions from States Parties to the Rome Statute, calculated based on the United Nations scale of assessment (International Criminal Court [ICC], 2023). These contributions, however, are often delayed or withheld, creating operational uncertainty and stalling critical judicial functions. The Court also receives voluntary contributions, but these are typically earmarked and unreliable (Coalition for the ICC, 2021).

These funding issues are not just administrative inconveniences—they pose existential threats to the Court's credibility and effectiveness. When member states delay payments or reduce financial commitments due to political disagreements or shifting priorities, the ICC is forced to curtail investigations, delay trials, and reduce its engagement with victims. Such disruptions undermine the Court's impartiality and reinforce perceptions that it is subject to the whims of powerful states. Notably, criticisms have been raised regarding the disproportionate focus of the ICC's investigations on African nations, which some scholars argue reflects an underlying donor bias (Mégret, 2011).

These structural limitations compromise not only the Court's legitimacy but also its ability to fulfil its core mandate of delivering justice to the most vulnerable.

This paper examines the financial architecture of the ICC, identifying the major sources of funding and the challenges associated with them. It argues that the current model, characterized by donor dependence and political vulnerability, is unsustainable and undermines the long-term objectives of international criminal justice. In response, the paper explores the role of informatics and digital governance tools in promoting financial transparency, efficiency, and accountability within the ICC's budgetary processes. Technologies such as real-time budget dashboards, blockchain-based audits, and artificial intelligence in expenditure monitoring offer promising avenues for enhancing the Court's financial integrity.

Through comparative analysis with other international tribunals and informed by best practices in global financial governance, the study proposes practical reforms for creating a more stable, diversified, and transparent funding framework. Ultimately, this paper contributes to the broader discourse on how to ensure that justice, particularly international justice, is not compromised by financial insecurity.

Understanding the ICC's Financial Structure

The financial structure of the International Criminal Court (ICC) is a crucial determinant of its operational efficiency, independence, and capacity to administer international justice. As a treaty-based institution, the ICC primarily relies on contributions from its member states—also known as States Parties—to fund its wide-ranging activities. The three principal sources of funding for the ICC are: (1) assessed contributions from States Parties, (2) voluntary contributions from governments, international organizations, and private donors, and (3) financial and logistical support through cooperation agreements with other international institutions (International Criminal Court [ICC], 2023).

Under Article 112 of the Rome Statute, the Assembly of States Parties (ASP)—the Court's governing body—is entrusted with approving the annual budget and overseeing financial management. Assessed contributions are calculated according to the United Nations scale of assessment, which considers a country's capacity to pay based on its gross national income and other economic indicators (Rome Statute, 1998, art. 112). While this method ensures a degree of fairness and predictability in resource allocation, it also leaves the Court vulnerable to delayed payments, arrears, and political maneuvering by powerful or economically influential member states.

In 2023, the ICC's approved budget was approximately €170 million, a figure that has grown incrementally over the years to accommodate increasing caseloads and operational demands (ICC, 2023). Roughly 70% of this budget is allocated to two critical organs of the Court: the Office of the Prosecutor, which is responsible for investigating and prosecuting crimes under the Court's jurisdiction, and the Registry, which manages administrative functions including detention, outreach, and witness protection. The remaining portion of the budget covers judicial activities, the Assembly of States Parties' functioning, reparations through the Trust Fund for Victims, and public information programs (Trust Fund for Victims [TFV], 2023).

However, this financial model presents several structural vulnerabilities. Voluntary contributions, while welcome, tend to be highly unpredictable and frequently earmarked for specific activities, thereby limiting the Court's discretion in allocating resources based on emerging needs. Unlike assessed contributions, which are relatively standardized, voluntary donations can reflect donor preferences or geopolitical interests, undermining the Court's neutrality and operational independence (Dutton, 2013).

Moreover, chronic delays in assessed payments have proven detrimental. For instance, in recent years, major contributors such as Brazil and Japan have either delayed payments or sought reductions in their assessed quotas, citing domestic budgetary pressures or disagreements with the Court's direction (Coalition for the ICC, 2021). Political tensions have also disrupted funding flows. The United States,

a non-party to the Rome Statute, has historically taken a hostile stance toward the ICC, including imposing sanctions on ICC personnel in 2020, further complicating the Court's diplomatic and financial landscape (Bosco, 2014).

These financial constraints hinder the ICC's capacity to launch timely investigations, adequately support victims, and execute its judicial functions without external influence. A dependence on politically influenced contributions exposes the Court to pressure that can erode its credibility, especially when it must investigate or prosecute actors from powerful or donor-aligned states.

Challenges in Funding the ICC

Despite its ambitious mandate, the International Criminal Court (ICC) faces persistent financial constraints that threaten its efficacy, independence, and legitimacy. The three most pressing challenges in this context are: delays in assessed contributions, politicization of financial support, and the resource-intensive nature of its operations. Each of these issues limits the Court's ability to respond to atrocities in a timely and impartial manner, undermining its credibility in the global justice system.

First, delayed and insufficient assessed contributions significantly hamper the ICC's ability to engage in sustained and effective operations. As per the Rome Statute, member states are required to make annual financial contributions based on the United Nations scale of assessments (Rome Statute, 1998). However, in practice, many states fail to meet these obligations in a timely manner. In 2020, more than 30% of the ICC's assessed contributions were either unpaid or delayed, creating substantial cash flow problems and forcing the Court to postpone critical investigations and outreach programs (Coalition for the ICC, 2021). This financial instability disproportionately affects complex conflict zones where investigative operations are costlier and riskier. The unpredictability of funding not only stalls justice but also discourages long-term strategic planning within the institution.

Second, the Court's financial dependency on member states exposes it to potential political influence. While the Rome Statute envisions an impartial prosecutorial process, the reality is often shaped by the geopolitical interests of major donor states. This dynamic has led to accusations of selective justice, particularly from African Union (AU) member states. Critics argue that the ICC disproportionately targets African leaders while failing to investigate crimes committed by actors from more powerful nations or their allies (Murithi, 2013). For example, all of the first two dozen cases brought before the ICC involved African countries, even though credible allegations of war crimes existed in other regions such as Iraq, Afghanistan, and Palestine. Such patterns foster perceptions of bias and neo-colonialism, discouraging broader participation and cooperation from developing states.

Third, the ICC's institutional scope and obligations are inherently resource-intensive. The Court is responsible not only for judicial functions but also for investigations, victim reparations, witness protection, translation services, outreach, and public information. These activities require sustained investment in infrastructure, staffing, logistics, and security. However, with a limited annual budget and constrained donor flexibility, some of these functions remain chronically underfunded. One of the most notable examples is the Trust Fund for Victims (TFV), which is tasked with providing reparations and assistance to victims of crimes under the Court's jurisdiction. Despite its central role in delivering restorative justice, the TFV receives less than €3 million annually—an amount that falls far short of meeting the needs of victims in places like the Democratic Republic of Congo and Uganda (TFV, 2023). Without adequate funding, the ICC cannot fulfill its commitment to a victim-centered approach to justice, thereby weakening its moral and legal authority.

In sum, the ICC's financial challenges—stemming from delayed payments, political entanglements, and a wide operational mandate—highlight the urgent need for structural reforms and more reliable, depoliticized funding mechanisms. Without financial stability, the promise of global justice remains precarious.

Digital Tools and Financial Transparency

In an increasingly digital world, the use of financial technologies—collectively referred to as informatics tools—has become essential for promoting transparency, accountability, and trust in public institutions. For the International Criminal Court (ICC), which faces persistent scrutiny over its funding model and perceived bias, digital tools offer a viable solution to strengthen financial governance and donor confidence. These technologies can address critical inefficiencies in budgeting, reporting, and resource allocation while enhancing the Court's credibility as an impartial and globally accountable institution.

One of the most promising applications of digital transparency is the use of real-time budgeting software. Such systems allow for up-to-date financial tracking and reporting, thereby enabling decision-makers to respond promptly to funding shortfalls or misallocations. A model worth examining is the United Nations' Umoja platform, which integrates financial, human resource, and procurement data across various departments in real time (United Nations, 2020). By adopting a similar platform, the ICC could streamline its internal financial workflows and improve oversight by the Assembly of States Parties (ASP) and external donors.

Moreover, artificial intelligence (AI)-based audit systems can be instrumental in enhancing the integrity of ICC financial processes. These systems use machine learning algorithms to detect anomalies, flag potentially fraudulent transactions, and optimize expenditure patterns. AI-enabled audits can provide greater depth and efficiency compared to traditional methods, which are often labor-intensive and retrospective (Kokina & Davenport, 2017). For an institution like the ICC, which operates under constant budgetary pressure and political scrutiny, AI audits can ensure that every euro spent is justifiable, transparent, and aligned with its core mission.

Another digital innovation that could enhance the Court's financial transparency is blockchain technology. Blockchain offers a decentralized and immutable ledger for recording financial transactions, making it nearly impossible to manipulate data without detection (Tapscott & Tapscott, 2016). If applied to donor contributions and project expenditures, blockchain can build trust among stakeholders by ensuring tamper-proof financial reporting. It can also facilitate earmarked contributions by providing a transparent trail from donor to beneficiary activity, reducing the risk of misappropriation or unintended use.

Public-facing transparency portals are another effective tool in building credibility and trust. Institutions like the World Bank and the Global Fund to Fight AIDS, Tuberculosis and Malaria use such platforms to provide real-time access to financial data, project status, and impact assessments (World Bank, 2023). The ICC could develop a similar dashboard where stakeholders, including civil society, media, and smaller states, can monitor contributions, expenditures, and outcomes. This visibility would help dispel allegations of bias and improve participation from underrepresented regions.

Additionally, data analytics can play a vital role in identifying underperforming projects and reallocating resources to areas of higher impact. Predictive analytics could even inform budgetary planning by forecasting future needs based on case complexity, geographic scope, and historical costs. In conclusion, the integration of informatics tools into the ICC's financial management architecture can significantly enhance its transparency, reduce inefficiencies, and restore donor confidence. By leveraging digital innovation, the Court not only improves its internal accountability mechanisms but also reinforces its legitimacy in the global justice system.

Comparative Case Study: ICTY and STL

To better understand the financial challenges and opportunities faced by the International Criminal Court (ICC), it is useful to examine the experiences of other international criminal tribunals, particularly the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Special Tribunal for Lebanon (STL). These courts operated under distinct financial models and administrative

frameworks, offering important lessons about the relationship between funding structures and judicial effectiveness.

The ICTY, established by the United Nations Security Council in 1993 under Resolution 827, benefited from relatively stable funding throughout its existence. Its budget was derived directly from the regular UN budget and was approved by the General Assembly, which meant member states were obligated to contribute through their assessed UN dues (ICTY, 2017). This model insulated the ICTY from the kind of voluntary funding dependencies that often complicate the ICC's financial situation. As a result, the ICTY was able to conduct comprehensive investigations, maintain a full bench of judges and legal staff, and complete its mandate without severe financial disruptions. Importantly, this arrangement also ensured political distance between donor preferences and judicial operations, thereby enhancing perceptions of impartiality.

In contrast, the STL offers a cautionary tale about the risks of heavy reliance on voluntary contributions. Created in 2007 through an agreement between the United Nations and the Government of Lebanon, the STL was mandated to prosecute those responsible for the assassination of former Lebanese Prime Minister Rafik Hariri and related crimes. Its budget was intended to be funded 51% by the international community and 49% by the Government of Lebanon (Special Tribunal for Lebanon [STL], 2020). This structure rendered the STL highly vulnerable to domestic political instability and global donor fatigue. Lebanon's financial crises and political fragmentation led to repeated delays and shortfalls in payments, forcing the tribunal to cut staff and delay proceedings (STL, 2021).

Moreover, the STL's lack of financial transparency drew criticism from stakeholders and civil society. Financial reports were not always publicly available, and its expenditures—estimated at over \$90 million annually at its peak—were viewed as disproportionate given its limited caseload (Saul, 2021). Unlike the ICTY, which successfully prosecuted over 160 individuals, the STL concluded its operations having convicted only one person, and in absentia. The perception of high cost and low output severely undermined the tribunal's legitimacy.

These comparative examples highlight critical insights for the ICC. The ICTY's experience underscores the importance of predictable and mandatory funding that is not subject to political discretion. The STL, on the other hand, illustrates the dangers of over-reliance on voluntary and politically influenced contributions without strong transparency mechanisms. For the ICC, which occupies a permanent role in the global legal order, ensuring a stable and depoliticized financial base is essential for maintaining both functional integrity and public trust.

The analysis of these tribunals affirms that financial structure is not merely an administrative concern but a determinant of judicial effectiveness and legitimacy. The ICC must adopt best practices from these predecessors while avoiding the pitfalls that can compromise both justice and institutional reputation.

6. Reform Proposals for Sustainable ICC Financing

To address the structural weaknesses in its financial architecture and safeguard its institutional independence, the International Criminal Court (ICC) must pursue comprehensive reforms aimed at diversifying revenue sources, enhancing transparency, and fostering long-term sustainability. Drawing from comparative institutional experiences and leveraging digital innovation, several concrete proposals can be advanced to ensure that the ICC's financial foundation aligns with its expansive and enduring mandate.

1. Establishment of a Permanent Endowment Fund

One long-term solution to the ICC's recurring cash flow problems is the creation of a permanent endowment fund. Such a fund, supported by philanthropic organizations, international development agencies, and voluntary contributions from supportive states, would serve as a financial cushion during periods of delayed or reduced assessed contributions. Endowment funds are commonly used

in higher education and global health institutions to ensure financial continuity without compromising operational independence (Barman, 2007). For the ICC, this mechanism could support non-core functions such as victim reparations, outreach, or public education, allowing assessed contributions to focus on essential prosecutorial and judicial activities.

2. Development of Public–Private Partnerships

Although core judicial functions must remain shielded from external influence, the ICC can explore public–private partnerships (PPPs) for peripheral services. Collaborations with universities, NGOs, and tech firms could fund initiatives such as legal databases, translation services, or community-based victim support programs. PPPs must be carefully regulated to avoid conflicts of interest, but when structured transparently, they can alleviate budgetary pressures while enhancing institutional innovation (Hodge & Greve, 2007).

3. Adoption of Multi-Year Budgeting Frameworks

Currently, the ICC operates on annual budgeting cycles approved by the Assembly of States Parties (ASP), which creates uncertainty and impedes long-term strategic planning. A transition to a multi-year budgeting system would enable the Court to forecast future costs more accurately, allocate resources efficiently, and better manage complex cases that span several years (International Budget Partnership, 2021). Such frameworks are used successfully in international organizations like the Organisation for Economic Co-operation and Development (OECD), improving financial predictability and administrative efficiency.

4. Integration of Digital Transparency Tools

As discussed previously, adopting technologies such as blockchain, AI-auditing, and open financial dashboards can significantly increase accountability. These tools would allow real-time tracking of expenditures, promote public trust, and offer smaller states reassurance that their contributions are used fairly. Donor confidence is often correlated with transparency; thus, visible and reliable digital infrastructure can help attract and retain financial support (Tapscott & Tapscott, 2016).

5. Diversification of the Donor Base

Finally, the ICC should broaden its donor base by engaging regional bodies such as the European Union (EU), African Union (AU), and ASEAN, as well as international financial institutions like the World Bank. Diversification reduces overreliance on a few major donors and distributes the financial responsibility for global justice more equitably. Moreover, it can foster stronger political support for the ICC across regions.

Together, these reforms constitute a proactive financial strategy that aligns with the ICC’s mission and values. By securing financial autonomy and embracing modern governance tools, the ICC can strengthen its institutional resilience, enhance operational effectiveness, and uphold its role as a beacon of international justice.

Conclusion

The International Criminal Court (ICC) was established with the ambitious mandate of delivering justice for the gravest crimes of concern to the international community. However, as this paper has demonstrated, the Court’s ability to fulfill that mandate is deeply intertwined with the stability, adequacy, and transparency of its financial architecture. Chronic funding challenges—manifested through delayed contributions, politicized donor influence, and insufficient resources—undermine the ICC’s operational effectiveness and judicial independence. These financial weaknesses not only stall justice for victims but also erode global trust in the institution’s impartiality and legitimacy.

The Court’s reliance on assessed contributions from States Parties, while structured to ensure equity and predictability, has proved insufficient in practice due to inconsistent payment behavior and

shifting political will. Voluntary contributions, although useful in supplementing the budget, are often earmarked and driven by donor priorities rather than institutional needs. This model exposes the ICC to external influence, hinders long-term planning, and compromises its ability to respond effectively to emerging crises and complex investigations.

Comparative insights from the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Special Tribunal for Lebanon (STL) have underscored the critical importance of stable, depoliticized funding. The ICTY's integration into the United Nations regular budget provided financial predictability and institutional insulation, enabling it to deliver justice on a relatively broad scale. Conversely, the STL's dependence on politically unstable funding sources led to operational inefficiencies, reputational damage, and unmet judicial expectations. These examples reinforce the conclusion that financial structure is not a peripheral administrative concern but a determinant of an institution's ability to execute its mission.

Against this backdrop, the ICC must adopt proactive reforms to address its financial vulnerabilities. Proposals such as the establishment of a permanent endowment fund, the development of carefully structured public-private partnerships, multi-year budgeting, and the diversification of the donor base are essential. Equally important is the adoption of informatics tools—real-time budgeting software, AI-driven audits, blockchain reporting, and public-facing financial dashboards—that can enhance transparency, accountability, and donor confidence. Digital tools, if implemented thoughtfully, can help close the gap between institutional ideals and operational realities.

Ultimately, justice at the international level cannot be achieved in isolation from questions of financial governance. The ICC's success depends not only on legal frameworks and prosecutorial strategy but also on its capacity to manage resources transparently and sustainably. In a global context where demands on the Court are increasing, and skepticism toward international institutions is rising, a resilient financial model is imperative. Strengthening financial infrastructure will not only empower the ICC to meet its legal obligations but also reaffirm its legitimacy in the eyes of victims, states, and the broader international community.

Ensuring that justice is neither delayed nor denied due to financial constraints is a moral and legal imperative. The reforms proposed herein offer a strategic roadmap for transforming the ICC's financial governance and safeguarding its foundational promise: to hold perpetrators accountable and deliver justice where it is most needed.

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