



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Eighteenth meeting

The Hague

4 December 2018

Agenda and decisions

The meeting was chaired by the President of the Assembly, H.E. O-Gon Kwon.

The President paid tribute to Minister Jacques Baudin, former Senegalese Minister of Justice and former Minister of Foreign Affairs and Senegalese Abroad, and offered condolences on behalf of the Assembly on his recent passing. He noted that Minister Baudin had been the architect of the signature and first ratification of the Rome Statute by Senegal, and had also encouraged many African States to become States Parties to the Rome Statute.

1. Preparations for the seventeenth session of the Assembly

a) Credentials Committee

The Bureau decided to recommend that the Assembly appoint Austria, Guatemala, Hungary, Japan and Romania to the Credentials Committee.¹

The President recalled the provisions of rule 25² of the Rules of Procedure of the Assembly of States Parties and invited States Parties to consider serving on the Committee, bearing in mind the practice of the Assembly of ensuring regional representation on the Committee.

b) Rapporteur

The Bureau decided to recommend to the Assembly the appointment of **Ms. Fatou Oumar Ndiaye (Senegal)** as Rapporteur for the seventeenth session.

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Report of the New York Working Group

The President noted that the New York Working Group had adopted its draft report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court on 3 December 2018, and that the Bureau would consider it under a silence procedure.

¹ On 15 November 2018, the Bureau had decided to recommend that the Assembly appoint South Africa and the State of Palestine to the Credentials Committee.

² “A Credentials Committee shall be appointed at the beginning of each session. It shall consist of representatives of nine States Parties, which shall be appointed by the Assembly on the proposal of the President....”

c) Organization of work

(i) Appointment of Chairperson and Coordinators

The Bureau decided to recommend to the Assembly the following appointments for the seventeenth session:

- Chair of the Working Group on the Programme Budget for 2019: Mr. Jens-Otto Horslund (Denmark)
- Coordinator for the consultations on the omnibus resolution: Mr. Vincent Rittener (Switzerland)

(ii) Programme of work

The Bureau took note of the programme of work, dated 28 November 2018.

The President recalled that the State of Palestine had previously proposed the inclusion of an item on the agenda of the seventeenth session that would address the threats directed at the Court. Following informal consultations which the Coordinator of The Hague Working Group, Ambassador Jens-Otto Horslund (Denmark), had undertaken with the State of Palestine, the latter State had agreed, in the spirit of compromise and streamlining the session, that this item and the item dedicated to the 20th anniversary would be merged and discussed together.

The Bureau took note of the Concept note for the plenary panel discussion, dated 4 December 2018, which would consider the topic “Rome Statute 20 years - Addressing current and future challenges”, on 7 December 2018.

(iii) Statements delivered at the Assembly

The Bureau recalled its 20 September 2018 decision to recommend that the Assembly allocate five minutes to States Parties participating in the general debate, as well as a total of 45 minutes for the participation of Observers and 45 minutes for the participation of non-governmental organizations. It further recalled the Assembly’s practice whereby principals of the Court and other Court officials are requested to deliver statements of no longer than 15 minutes each.

The Bureau requested all speakers to respect the timelines which it had set out, so as to facilitate the smooth and timely functioning of the plenary meetings.

2. Oral report of the Bureau

The Bureau had before it the draft oral report of the Bureau, dated 29 November 2018. The President would present an abridged version of the report to the Assembly on 5 December 2018, on the understanding that the Bureau would finalize its discussions on a topic contained therein.

3. Assessment of the Secretariat

The Bureau had before the draft report of the Bureau on the assessment of the Secretariat, dated 3 December 2018, which contained the President’s proposals, in light of the comments submitted by Bureau members on the previous draft. Some Bureau members proposed amendments to the draft report. The President stated that he would conduct

consultations with the States concerned, and the Bureau would revert to the topic at a future meeting.

4. Amendment to the Regulations of the Court in connection with the activation of jurisdiction over the crime of aggression

The Bureau took note that, on 12 November 2018, the judges of the Court had, at their fortieth plenary session, adopted amendments to three of the Regulations of the Court, which address procedural issues arising in connection with the activation of the jurisdiction of the Court over the crime of aggression as of 17 July 2018. The amendments took effect upon their adoption, pursuant to article 52(3) of the Rome Statute. States Parties had been requested to submit comments thereon by 20 May 2019.

The President encouraged States Parties that wished to submit comments on the amendments to do so before the deadline.

5. Confidential agenda item

The President recalled that a confidential agenda item had been included on the provisional agenda at the request of the delegation of France. However, it was his understanding that both the Presidency of the Court and the Independent Oversight Mechanism (IOM) were looking into the matter, and he hoped that those discussions would produce a constructive result. He proposed that the Bureau revert to the item at a Bureau meeting to be held in The Hague during the first quarter of 2019.

A view was expressed that, in light of the mandate of the Assembly to review the Operational mandate of the IOM, it was important to discuss the issue within the Bureau and if possible, before review of the mandate.

6. Other matters

Colombia indicated that, together with France and Germany, it would propose text for inclusion in the omnibus resolution concerning the application of the “Understanding on the participation of Observer States in meetings of the Assembly of States Parties”,³ adopted by the Bureau on 18 October 2017.

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³ https://asp.icc-cpi.int/iccdocs/asp_docs/Bureau/ASP2017-Bureau06-decision-ENG-ObsvrStates.pdf