



BUREAU OF THE ASSEMBLY OF STATES PARTIES

First meeting

18 February 2021

(via remote link)

Agenda and decision

The meeting was chaired by the President of the Assembly, Ms. Silvia Fernández de Gurmendi (Argentina). The Vice-Presidents of the Assembly, Ambassador Robert Rae (Canada) and Ambassador Kateřina Sequensová (Czech Republic), also participated.

At the start of the mandate of the Bureau, the President welcomed the Vice-Presidents, the new members of the Bureau¹ and the members that had been re-elected.²

Members of the Bureau congratulated the President and Vice-Presidents on their election,. They also congratulated the State Party representatives and the *ad country* focal points on their appointment to the Review Mechanism and hoped that the review process would lead to strengthened performance, as well as greater efficiency and effectiveness. Appreciation was also expressed to the former President, Mr. O-Gon Kwon (Republic of Korea), for his remarkable work throughout his mandate.

The Bureau agreed to invite one of the State Party representatives appointed to the Review Mechanism,³ Ambassador Michael Imran Kanu (Sierra Leone), to brief it on the work of the Mechanism.

1. Allocation of mandates to the Bureau working groups

On the basis of the mandates contained in resolutions ICC-ASP/19/ Res.6 and ICC-ASP/19/Res.1, and taking into account its past practice, the Bureau decided on the following allocation of mandates:

- a) *Ad country mandates*
 - Complementarity
 - Plan of action for achieving universality and full implementation of the Rome Statute
 - Non-cooperation⁴
- b) *New York Working Group*
 - Arrears

¹ Brazil, Canada, Cyprus, Czech Republic, Kenya, Liechtenstein, Norway, Romania, Spain and the United Kingdom.

² Argentina, Bangladesh, Côte d'Ivoire, Ecuador, Ghana, Mexico, Senegal, Serbia, Slovakia, State of Palestine and Uganda.

³ The members of the Review Mechanism were appointed by the Bureau, pursuant to resolution ICC-ASP/19/Res.7, para. 4, at the 5 February 2021 meeting of the Bureau:

https://asp.icc-cpi.int/iccdocs/asp_docs/ASP19R/Bureau20.agenda%20and%20decisions-ENG.pdf

⁴ Based in New York.

- Geographical representation and gender balance in the recruitment of staff of the Court
 - Omnibus resolution
 - Review of the procedure for the nomination and election of judges
- c) *The Hague Working Group*
- Budget (including premises and budget management oversight)
 - Cooperation
 - Legal aid
 - Review of the work and operational mandate of the Independent Oversight Mechanism
 - Study Group on Governance

A reference was made to the Assembly's requests in resolution ICC-ASP/19/Res.6 regarding the composition of the Bureau and the scheduling of future sessions of the Assembly.⁵

As regards the appointment of facilitators and focal points, the President requested the Vice-Presidents, who would also serve as the Coordinators of The Hague Working Group and the New York Working Group, to consult with the members of their respective working groups in order to identify the representatives willing to take up the responsibility for the mandates. Some facilitators were prepared to continue the mandate, while others were not in a position to do so. The President recalled the desirability of ensuring rotation in the appointment of mandate-holders in the working groups.

The Bureau would consider the appointment of facilitators, focal points and Chairpersons at a future meeting, including the appointment of a Chair of the Working Group on Amendments.

As regards the timelines for the work of the working groups, the Bureau took note of the "General Roadmap for facilitations", dated 30 December 2020,⁶ and requested the working groups to proceed with their work in 2021 in accordance with the timelines set out therein.

2. Election to fill a vacancy on the Board of Directors of the Trust Fund for Victims

The Bureau took note that, in light of the 2 February 2021 resignation of a member of the Board of Directors of the Trust Fund for Victims, Mr. Gocha Lordkipanidze (Georgia), following his election as a judge of the Court at the nineteenth session, it was necessary to fill the vacancy on the Board. The vacancy should be filled as soon as possible so that the Board could continue to operate at full capacity for the remainder of its term, until 5 December 2021.

For the reason mentioned above, the Bureau decided, pursuant to resolution ICC-ASP/1/Res.6, paragraph 3,⁷ to elect the member of the Board to fill the vacancy as soon as possible, instead of deferring the election to the twentieth session in December 2021. The Bureau also decided, pursuant to the same resolution, to fix a nomination period which is shorter than the one used for other elections.⁸ In that regard, the Bureau fixed the nomination period to run from 1 to 31 March 2021 (Central European Time). Since the vacancy had

⁵ Paras. 102 and 103.

⁶ Based on the General roadmap contained in resolution ICC-ASP/15/Res.5, annex II.

⁷ As amended by resolution ICC-ASP/4/Res.5.

⁸ For regular elections, the Bureau normally fixes a nomination period that opens 26 weeks before the elections and that lasts for 12 weeks, according to the practice for the judicial candidates described in resolution ICC-ASP/3/Res.6.

arisen in relation to the seat allocated to the Eastern European group, nominations would be open to States Parties of that regional group only.

The Bureau approved the draft note verbale, by which the Secretariat would inform States Parties of the vacancy on the Board and of the opening of the nomination period to run from 1 to 31 March 2021 (Central European Time).⁹

3. Review Mechanism- update

Ambassador Michael Imran Kanu (Sierra Leone), a State Party representative on the Review Mechanism, briefed the Bureau on the initial steps taken by the Review Mechanism, also on behalf of his co-State Party representative, Ambassador Paul van den Ijssel (Netherlands) who was unavailable to join the meeting.

The Review Mechanism had held its first meeting on 17 February 2021, in which the President had participated. The members of the Review Mechanism welcomed the President's indication that the Vice-Presidents of the Assembly would be involved in their capacity of the Coordinators of the two working groups of the Bureau. Some of the Experts' recommendations touched on areas in which the Court had tried to make improvements and she was willing to assist where possible.

The members of the Review Mechanism took note of the tasks set out in resolution ICC-ASP/19/Res.7,¹⁰ and noted further the timelines for the respective stages of their work.

As regards how the work would be carried out, the State Party representatives would take the lead and would rely on the support of the *ad country* focal points. The Secretariat would provide support to the Review Mechanism. In view of the strict deadlines set for its work, the Mechanism would set its own internal deadlines.

The Review Mechanism would hold meetings as often as necessary and planned to meet with, *inter alia*, the Court Focal Points, ASP mandate holders, and regional groups. Members of the Mechanism would brief their respective regional groups; the latter may, as appropriate, be asked to make submissions in writing on specific points, including on the proposal for categorization, and would be involved at all stages. The Mechanism would also consult with civil society, to ensure inclusivity and transparency.

On the modalities for consultation, the Mechanism would continue to hold meetings, and would also make use of the platforms that already existed, i.e. the Hague Working Group and the New York Working Group, to provide briefings to States Parties and civil society. The Mechanism would also use the existing States Parties and civil society informal dialogue platforms.

As regards the deadlines set out in the resolution, the Review Mechanism noted that it did not have the authority to change these deadlines. Members would, therefore, appreciate the cooperation and understanding of all stakeholders regarding the timing of their work.

The President thanked Mr. Kanu and assured the Review Mechanism of her support and that of the Bureau.

⁹ https://asp.icc-cpi.int/en_menus/asp/elections/trust%20fund%20for%20victims/2021/Pages/default.aspx

¹⁰ Paras. 4 and 9.

4. Twentieth session of the Assembly: provisional agenda

The Bureau approved the provisional agenda for the twentieth session of the Assembly of States Parties.¹¹

5. Other matters

a) Bureau working methods

Regarding the frequency of the meetings of the Bureau, the President indicated that meetings would be held in principle on the first Wednesday of each month, with the exception of August. In light of the COVID-19 pandemic, the Bureau would continue to hold virtual meetings for the foreseeable future. The working methodologies might be different at a later point when circumstances change. The Secretariat would prepare a tentative calendar of meetings, taking into account the time differences in the respective location in setting meeting times. .

b) Status of contributions

The President provided an update regarding the status of contributions to the budget of the Court.

As of 31 January 2021, the Court had received 41 per cent of the contributions for 2021. The total amount of outstanding contributions, for 2021 and for previous years, stood at €122 million. As of 15 February 2021, nine States Parties were subject to the provisions regarding the loss of voting rights in article 112, paragraph 8, of the Rome Statute.

The Registrar had raised with the President his concerns regarding the status of contributions and arrears, and the impact on the liquidity of the Court. He considered this to be one of the greatest concerns regarding the future of the Court. He also emphasized that the Court had been able to meet its financial commitments in the last months of 2020 only due to voluntary, early payment by some States.

The President appealed to all States Parties that had not yet done so to make every effort to pay their assessed contributions to the 2021 budget of the Court as soon as possible. She would discuss this matter further with the Registrar and include it in a future Bureau meeting.

c) Seat-sharing arrangements on the Bureau

The Bureau took note of the letter, dated 12 February 2021, from the Permanent Mission of Germany and the Permanent Mission of Liechtenstein, in which they recalled their agreement to share a seat on the Bureau. The President recalled that there was also a seat-sharing arrangement among five members of the Asia-Pacific group with respect to three seats.

The President proposed that the Bureau consider recommending that the Assembly, at its next session, approve the seat-sharing arrangement agreed in the regional groups in order to avoid holding an election of Bureau members at each session. It would, however, be necessary to hold an election for the Asia-Pacific and the Western Europe and other States group at the twentieth session.

¹¹ https://asp.icc-cpi.int/en_menus/asp/sessions/documentation/20th%20session/Pages/default.aspx

The Secretariat would continue to study further what would be required and would provide the information for the Bureau's consideration. The Bureau would prepare a proposal on the seat-sharing arrangements to be approved by the Assembly.

d) Proposal for a lessons learnt exercise- Election of the Prosecutor

A proposal was made that the Bureau should hold a lessons learnt discussion in relation to the recent process for the election of the Prosecutor while this process was still fresh in delegates' minds. Given its importance, a Bureau meeting should be dedicated specifically to this issue.

The President indicated that such a meeting would be held in the coming weeks, allowing for some time to reflect on how this lessons learned process could be conducted.

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