



**ASSEMBLY OF STATES PARTIES TO
THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

DECISION BY THE BUREAU

18 October 2017

The Bureau of the Assembly of States Parties to the Rome Statute of the International Criminal Court,

Mindful that, under article 112 (3) (c), of the Rome Statute the Bureau shall assist the Assembly in the discharge of its responsibilities,

Aware that certain questions have arisen with regard to the participation of Observer States in the meetings of the Assembly,

Bearing in mind the call made by the Assembly of States Parties to intensify their efforts to promote universality,¹

Convinced that participation in the various meetings of the Assembly of States Parties, in a spirit of openness, increases transparency and contributes to a better understanding of the Rome Statute system and that such participation should be conducive to promoting the universality of the Rome Statute, while recognizing the need for certain Assembly deliberations to be conducted only among States that are party to the Rome Statute,

Recalling rule 42 of the Rules of Procedure of the Assembly of States Parties concerning the general principles that apply in the case of public and private meetings of the Assembly of States Parties,

Recalling that at its first session the Assembly decided that Observer States should be allowed to participate in its deliberations but could not participate in the taking of decisions,²

Recalling that in accordance with rule 1 of the Rules of Procedure of the Assembly of States Parties, the term “Observer States” means States which have signed the Rome Statute or the Final Act of the Rome Conference and which, pursuant to article 112, paragraph 1, of the Rome Statute, may be observers in the Assembly;

1. *Decides* to adopt the enclosed “Understanding on the participation of Observer States in meetings of the Assembly of States Parties”;
2. *Decides* to request the Secretariat to distribute the text of the present decision and its enclosure among States Parties and Observer States.

¹ Resolution ICC-ASP/15/Res. 5, “Strengthening the International Criminal Court and the Assembly of States Parties”, para. 1.

² *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002 (ICC-ASP/1/3)*, part I, para. 12.

Annex

BUREAU OF THE ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

UNDERSTANDING ON THE PARTICIPATION OF OBSERVER STATES IN MEETINGS OF THE ASSEMBLY OF STATES PARTIES

1. The Rules of Procedure of the Assembly of States Parties, concerning the participation of Observer States, observers and other participants in the meetings of the Assembly should be complied with in full.
 2. For the purposes of the present Understanding, the term “meeting” of the Assembly of States Parties includes, but is not limited to, plenary debates, formal meetings and informal consultations, including those held by working groups and other subsidiary bodies with general membership.
 3. Observer States’ participation means participation in the deliberations but not in the taking of decisions, as expressed in ICC-ASP/1/3, paragraph 12.
 4. Bearing in mind the provisions of rule 42 of the Rules of Procedure of the Assembly of States Parties, according to which it is up to States Parties of the concerned subsidiary body with general membership to decide whether the in-principle public meetings shall be held in private, and thus whether interested Observer States shall not be allowed to participate in such meetings:
 - (a) The chairpersons and facilitators of the Assembly are requested to communicate to the Bureau any decision made by States Parties within their respective processes to hold meetings in private, without prejudice to case-by-case deviations as may be decided by the States Parties of the respective processes; and
 - (b) The Bureau shall keep a list of such decisions.
- The above is without prejudice to any matter that the Assembly determines is restricted to only States Parties.
5. Observer States participating in a meeting may request to make statements or interventions following the statements and/or interventions of States Parties.
 6. Observer States will not be excluded when a meeting has been made public to observers and other participants as defined by rules 92 and 93 of the Rules of Procedure of the Assembly of States Parties.
 7. This Understanding does not apply to the participation of other observers, other participants and States not having observer status in the deliberations of the Assembly, as governed by rules 92, 93 and 94 respectively.
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