



Fourteenth ICC-ASP Bureau meeting

5 October 2010

Agenda and Decisions

The President of the Assembly, H.E. Mr. Christian Wenaweser (Liechtenstein), chaired the meeting.

1. Review Conference follow-up

a) Peace and Justice

The Bureau appointed Argentina, the Democratic Republic of the Congo and Switzerland to continue as facilitators for the follow-up to the Review Conference for the topic “Peace and Justice”. The Bureau took note of the intention of the facilitators to continue the expert-level discussion on the topic, including at a possible seminar to be organized in 2011.

b) Pledges

The delegation of the Netherlands indicated that the Netherlands and Peru would contact Member States that have made pledges to consider the status of their implementation. States that have not yet pledged should have a chance to do so at the forthcoming Assembly of States Parties. Furthermore, it would be necessary to include a new agenda item in the provisional agenda of the ninth session of the Assembly of States Parties.

The President noted that such an agenda item should be included soon. The Bureau decided to revert to this issue at its next meeting.

2. Composition of the Bureau

The President informed the Bureau that he had held preliminary consultations to identify a candidate for the post of Vice-President of the Assembly for the remainder of the term of former Vice-President Ambassador Muburi-Muita (Kenya). He noted that it was generally understood that the successor should come from the same regional group. The Bureau appointed South Africa to lead consultations to identify such a candidate.

3. Reports of the New York Working Group

New York Working Group

The Bureau adopted the draft report on the Plan of Action for achieving universality and full implementation of the Rome Statute of the International Criminal Court, dated 1 October 2010, submitted by the facilitator, Ms. Eva Šurková (Slovakia).

4. Preparations for the ninth session of the Assembly of States Parties

The President informed the Bureau of a letter, dated 14 September 2010, from the Secretary of the Committee on Conferences, wherein the Secretary informed the Secretariat of the Assembly of States Parties that the Committee had

“recommended to the General Assembly that it explicitly authorize the Assembly of States Parties to meet in accordance with its request and, on the strict understanding that the meetings would have to be accommodated on an “as available” basis, within available facilities and services of the General Assembly are not adversely affected, and every effort would be made to make more efficient use of conference services.”

a) Seating arrangements

In accordance with decision ICC-ASP/1/Decision 4, the President of the Assembly drew lots for the purpose of choosing the State Party to occupy the first desk on the Assembly floor, to the right of the President, from which the English alphabetical seating order would begin. The former Yugoslav Republic of Macedonia was drawn.

b) Establishment of a Working Group of the Assembly on amendments pursuant to resolution ICC-ASP/8/Res.6

The President informed the Bureau that he had conducted preliminary consultations to identify a coordinator for the Working Group of the Assembly on amendments to the Rome Statute. The Bureau will revert to the issue at its next meeting.

c) Election of six members of the Committee on Budget and Finance

The focal point (Romania) informed the Bureau that, following consultations within the Eastern European group aimed at identifying a consensus candidate for election to the one seat on the Committee on Budget and Finance that would become vacant for that regional group on 20 April 2011, the Czech Republic had withdrawn its nomination.

The President thanked the delegation of Romania for carrying out her mandate so efficiently and noted that there was thus a clean slate for the elections in all regional groups. The Bureau therefore recommended to the Assembly the election of Mr. Juhani Lemmik (Estonia) by consensus, in accordance with paragraph 9 of resolution ICC-ASP/1/Res.5.

d) Appointment of a facilitator for the omnibus resolution

The President informed the Bureau that Switzerland was, in principle, available to continue in its role as facilitator of omnibus resolution. The Bureau decided to revert to this item at its next meeting.

5. Decisions of Pre-Trial Chamber I, dated 27 August 2010, informing the United Nations Security Council and the Assembly of the States Parties to the Rome Statute about Omar Al-Bashir's recent visit to Chad and Kenya

The Bureau took note of the letter, dated 14 September 2010, which the President had conveyed to the Minister for Foreign Affairs of Chad.

The President informed the Bureau about his 17 September 2010 meeting in New York with H.E. Mr. Moses Wetang'ula, Minister of Foreign Affairs of Kenya and his 23 September 2010 meeting in New York with H.E. Mr. M. Moussa Faki Mahamat, Minister of Foreign Affairs of Chad. He stated that both Ministers had engaged in an open and positive conversation and had indicated their interest in engaging in a dialogue with the Assembly of States Parties. They had also both indicated that they would respond to the President's respective letters in writing.

The Bureau decided to next consider the item when the written replies from Kenya and Chad were received.

6. Election of the President for the tenth to twelfth sessions

The President informed the Bureau that he had held preliminary consultations to identify a candidate for the election of President of the Assembly. He indicated that under the principle of equitable regional representation, the next President should, if possible, come from the African or the Eastern European Group, and should, in keeping with established practice, be a Permanent Representative based in New York. The President appealed for input from all members of the Bureau, especially those from the African and Eastern European Groups. The Bureau decided to revert to the issue at the next meeting.

7. Election of the Prosecutor for the period 2012 – 2021

The Bureau discussed the idea of establishing a mechanism for consultations with a view to facilitating the process of the election by consensus of a Prosecutor to succeed the current Prosecutor, whose term will expire in June 2012.

The Bureau expressed its understanding that a consensus candidate should be found and that the unique nature and importance of the position would warrant a process that was different from the usual manner in which candidatures are presented in international organizations. Strong emphasis was placed on the need for transparency in the process for vetting and nominating a candidate for Prosecutor. The need for confidentiality was also underscored and it was noted that a balance between transparency and confidentiality should be struck. The importance of perception, which would be improved with increased transparency, was likewise noted. States also raised the problem that in a confidential process, a degree of uncertainty would exist as to whether the chosen candidate would be accepted by all States Parties. The degree of involvement of the Bureau in the process was also discussed.

The President indicated that he would prepare a paper on elements for a consultation mechanism to be considered by the Bureau at its next meeting.

8. Other matters

- a) *Letter, dated 1 October 2010 from Ambassador Jorge Lomónaco (Mexico), Vice-President of the Assembly, to the Assembly on a mandate for The Hague Working Group to conduct formal consultations with the aim of analysing the means of addressing the question of enhancing the effectiveness and efficiency of the Court*

Several delegations favoured the establishment of such a mechanism as a means to improve the dialogue between States Parties and the Court. The question was also raised, whether a formal mandate was required for The Hague Working Group to engage in this kind of dialogue. The President noted that Ambassador Lomónaco, in his capacity as Coordinator of The Hague Working Group, was conducting consultations with the organs of the Court on the modalities of such a mechanism. It was decided to take up consideration of this letter at the next meeting of the Bureau with a view to taking a decision on the proposal.

- b) *Circulation of the Kampala Declaration*

The Bureau took note that text of the Kampala Declaration had not yet been circulated as an official document, as had been suggested at its twelfth meeting. The President undertook to follow up on this matter.

- c) *Programme of work for the ninth session of the Assembly of States Parties*

The President informed the Bureau that a revised provisional programme of work for the ninth session of the Assembly would be circulated, with a view to its approval at the forthcoming Bureau meeting.

- d) *Next Bureau meeting*

The Bureau decided to hold its next meeting within approximately two weeks and, if possible, on 19 October 2010. The President would brief the Bureau on his upcoming visit to the seat of the Court.

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