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Proposal by the Bureau

Explanatory note

This proposal concerns a draft decision on the Procedure for adoption of decisions by the Assembly during the nineteenth session of the Assembly, should in-person meetings of the Assembly not be possible owing to the coronavirus disease (COVID-19) pandemic. The proposed decision would allow the adoption of decisions by the Assembly by the silence procedure similar to that contained in the United Nations General Assembly decision 74/544 of 27 March 2020 entitled “Procedure for taking decisions of the General Assembly during the coronavirus disease (COVID-19) pandemic”.

In this regard the Bureau notes that the adoption of the proposed silence procedure would not constitute an amendment to the relevant rules of procedure of the Assembly (ICC-ASP/1/Res.3 and Corr. 1 and subsequent amendments). All decisions adopted by the silence procedure would be taken note of by the Assembly at its first face-to-face meeting.

This decision would be applied only in situations when the Assembly cannot convene in an in-person format, as foreseen by its rules of procedure. Thus, it would not be applied at the nineteenth session of the Assembly (at its first part to be held from 14 to 16 December 2020 in The Hague and at its resumed part to be held from 17 to 23 December 2020 in New York). Therefore, the present draft should be considered as a contingency in case those meetings cannot take place, in order to enable business continuity in such a situation.

Annex

Draft decision on the procedure for adoption of decisions by the Assembly during the nineteenth session of the Assembly of States Parties to the Rome Statute owing to the coronavirus disease (COVID-19) pandemic

The Assembly of States Parties,

Noting with concern the situation related to the coronavirus disease (COVID-19) and the guidance provided by the World Health Organization Key Planning Recommendations for Mass Gatherings in the context of COVID-19¹ aimed at containing risks of transmission;

Authorizes the President of the nineteenth session of the Assembly [and the President of the twentieth session of the Assembly], if convening an in-person meeting of the Assembly is

¹ Interim guidance, 29 May 2020, available at <http://www.who.int/publications/i/item/10665-332235>.

not possible, to circulate draft decisions of the Assembly under a silence procedure of at least 72 hours;

Decides that, if silence is not broken, the decision shall be considered adopted, and the nineteenth [and twentieth] session of the Assembly shall take note of the decision at its first face-to-face meeting convened as soon as the circumstances allow, and that this decision on the procedure for adoption of decisions by the Assembly shall be in effect until the first face-to-face meeting of the twentieth session of the Assembly;

Decides further that during the nineteenth session and the resumed session of the Assembly, the Credentials Committee may apply *mutatis mutandis* the procedure set out above.
