



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Seventeenth meeting

8 January 2021

In person in New York and via WebEx remote link

Agenda and decisions

The meeting was chaired by the President of the Assembly, Mr. O-Gon Kwon (Republic of Korea). The Vice-Presidents of the Assembly, Ambassador Jens-Otto Horslund (Denmark) and Ambassador Michal Mlynár (Slovakia) also participated.

1. Nineteenth session of the Assembly: second resumption

The President reiterated that pursuant to resolution ICC-ASP/19/Res.5, the second resumption was to be held in New York as soon as possible in 2021. The agenda items which were still pending for the second resumption included the election of the two Vice-Presidents and the election of the Prosecutor. The President informed the Bureau that the United Nations had indicated the availability of the UN General Assembly Hall on Monday, 8 February 2021 from 15:00 to 18:00, pending final confirmation and the medical risk assessment by the UN medical office.

The Bureau decided to convene the second resumption of the nineteenth session on 8 February 2021, from 15:00 to 18:00, in the UN GA Hall, subject to final confirmation by the United Nations.

2. Election of the Prosecutor- the next steps

The Bureau considered the next steps in the consultation process to identify a consensus candidate for Prosecutor. Bureau members had before them the “Summary of consultations”, dated 22 December 2020, which was prepared by the focal points appointed to support the consultation process. The focal points also participated in the meeting.

The Focal Points indicated that they had prepared the summary with a view to sharing the outcome and preliminary conclusions of the first round of consultations, including some emerging trends based on aggregated information gathered. It was noted that the subsequent rounds of consultations would include more targeted questions inviting States Parties to indicate their preferences and rankings of candidates and would focus on the candidates with the highest level of support. In response to a query about the use of metrics, the Focal Points indicated that this would be useful but that some level of flexibility was needed.

It was noted that States Parties were encouraged to approach the focal points in order to share their views at any time. It was also noted that the next round of consultations would commence immediately and would last approximately one week.

The Bureau agreed on an indicative timeline for consultations for the election of the Prosecutor in order to facilitate the process of reaching consensus ahead of the Second Resumed Session of the Assembly. The proposed timeframe was the following: second round of consultations from 11-15 January 2021, after which information will be shared by 18 January 2021; third round of consultations from 20-26 January 2021, after which information will be shared by 27 January 2021; fourth round of consultations from 1-3 February 2021, after which information will be shared by 4 February 2021.

The Bureau was informed about a note verbale from the Embassy of Canada in The Hague, dated 6 January 2021, relating to the issue of the nationality of two of the candidates in light of article 42(2) of the Rome Statute. Bureau members did not comment on the matter.

An increased form of transparency and inclusivity was called for in order to generate full confidence in the process. The Bureau was informed that the Presidency and the five focal points would provide an update to representatives of civil society in due course, in order to ensure that the process is transparent also for civil society. Another Bureau meeting would be scheduled on 15 or 18 January to receive a further update on the consultations.

The Bureau agreed that campaigning during the consultations for the election of the Prosecutor would be strongly discouraged in order to facilitate the process of reaching consensus ahead of the Second Resumed Session of the Assembly.

3. Other matters

a) Review of the Court and the Rome Statute system

The next steps of the Review of the Court and the Rome Statute System were discussed in particular the appointment of members of the review mechanism. It was noted that the recently adopted resolution ICC-ASP/19/Res.7, setting out the process which will be followed this year, provided that the members shall be appointed no later than 60 days after the adoption of the resolution, namely 16 February. Therefore the Bureau members were encouraged to approach The President and the Vice-Presidents with their views on the matter with a view to undertaking informal consultations.

b) Incoming Bureau – participation in Bureau meeting

The Bureau agreed that at its next meeting would follow the standard practice of inviting the incoming Bureau¹ to attend the last meeting of the outgoing Bureau, in order to familiarize themselves with the format of the meetings.

c) Staffing of the Secretariat

The issue of providing sufficient support, with additional Secretariat staff, to the New York Working Group in view of the increased workload in New York was also discussed. Vice-President Mlynár noted that the Bureau should give thorough consideration to ensuring permanent support to the working group, in excess of the special assistant to the President. Some Bureau members agreed and stated the need for systemic improvement to that effect.

¹ See annex.

Annex

Election of the Bureau for the twentieth to twenty-second sessions

The Assembly elected the following members of the Bureau for the twentieth to twenty-second sessions:

- African group: Cote d'Ivoire, Ghana, Kenya, Senegal and Uganda.
- Asia Pacific group:² Bangladesh, Cyprus, the State of Palestine.
- Eastern European group: Czech Republic, Romania, Serbia, and Slovakia.
- Latin American and Caribbean group: Argentina, Brazil, Ecuador, and Mexico,
- Western European and other States group:³ Canada, Norway, Liechtenstein, Spain and the United Kingdom.

² The Bureau took note of a seat-sharing arrangement agreed to by the Asia-Pacific Group States, which would serve on the basis of rotation as follows:

- Bangladesh would serve as member of the Bureau in 2021 and 2023;
- Cyprus would serve as member of the Bureau in 2021;
- Japan would serve as member of the Bureau for 2022-2023;
- Republic of Korea would serve as member of the Bureau for 2022-2023;
- and the State of Palestine would serve as member of the Bureau for 2021-2022.

³ The Bureau took note of a seat-sharing arrangement agreed to by the Western European and other States Group, which would serve on the basis of rotation as follows:

- Liechtenstein will serve as a member of the Bureau for a period of twelve full calendar months commencing from the date the current Bureau ends its work;
- Germany will follow Liechtenstein and serve the rest of the 2021-2023 term;
- Canada will serve as a member for the full 2021-2023 term;
- Norway will serve as a member for the full 2021-2023 term;
- Spain will serve as a member for the full 2021-2023 term;
- The United Kingdom will serve as a member for the full 2021-2023 term.