

Eighth session

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18-26 November 2009

Report of the Bureau on the Review Conference

Note by the Secretariat

Pursuant to paragraphs 60 to 62 of resolution ICC-ASP/7/Res.3, of 21 November 2008, the Bureau of the Assembly of States Parties hereby submits for consideration by the Assembly its report on the Review Conference. This report reflects the outcome of the informal consultations held by the New York Working Group of the Bureau.

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Report of the Bureau on the Review Conference

A. Introduction

1. At its seventh session, the Assembly of States Parties adopted, by consensus, resolution ICC-ASP/7/Res.3 on Strengthening the International Criminal Court and the Assembly of States Parties, wherein it requested the Bureau to continue the preparations for the Review Conference, including with regard to scope and financial and legal implications, as well as practical and organizational issues.

2. The Assembly also decided that proposals for amendments to the Rome Statute to be considered at the Review Conference should be discussed at the eighth session of the Assembly of States Parties in 2009, with a view to promoting consensus and a well prepared Review Conference. The Assembly further recommended that, in addition to a focus on amendments likely to command very broad, preferably consensual support, the Review Conference should be an occasion for a “stocktaking” of international criminal justice in 2010, and noted that it was desirable for the Review Conference to focus on a limited number of key topics.

3. At its tenth meeting, held on 9 July 2009, the Bureau of the Assembly of States Parties agreed to propose 30 September 2009 as the deadline for the formal submission of proposals for amendments to the Rome Statute, so as to provide States with sufficient time to consider the proposals in advance of the session.

4. States Parties were reminded of the deadline for the submission of amendments via a letter from the President of the Assembly of States Parties, dated 15 September 2009 and addressed to their Permanent Missions to the United Nations.

5. At its fifth meeting, on 4 December 2008, the Bureau agreed to mandate the New York Working Group to consider the issue of the Review Conference. Subsequently, at its fourth meeting, on 9 February 2009, the Bureau appointed Ms. Angela Nworgu (Nigeria) and Mr. Marcelo Böhlke (Brazil) as co-facilitators for the issue. On 3 November 2009, the Bureau designated Ms. Stella Orina (Kenya) to take the place of Ms. Nworgu.

B. Informal consultations

6. The co-facilitators held six rounds of informal consultations, on 11 March, 14 April, 10 June, 11 September, 19 October and 6 November 2009 respectively, at United Nations Headquarters in New York.

7. During the informal consultations delegations focused, inter alia, on the non-paper on the scope of the Review Conference¹ that had been submitted by the Assembly’s focal point on the review of the Rome Statute, H.E. Mr. Rolf Einar Fife (Norway), to the second resumption of the seventh session in February 2009. The non-paper inter alia identified the following items that would require substantive preparation in advance of the Conference:

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session (first and second resumptions), New York, 19-23 January and 9-13 February 2009* (International Criminal Court publication, ICC-ASP/7/20/Add.1), chapter II, annex III.

- a) Mandatory issues and recommendations arising from the Rome Statute and the Final Act of the Rome Conference:
 - i) Review of article 124 of the Statute;
 - ii) Crime of aggression (article 5, paragraph 2, of the Statute; resolution F of the Final Act);
- b) Consideration of the crimes of terrorism and drug crimes, in accordance with resolution E of the Final Act;
- c) Consideration of other potential amendments to the Rome Statute; and
- d) Stocktaking of international criminal justice.

8. As regards the crime of aggression, it was observed that informal consultations would be conducted outside the framework of the New York Working Group. An informal inter-sessional meeting on the crime of aggression, under the Chairmanship of H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein (Jordan) and hosted by the Liechtenstein Institute for Self-Determination, Princeton University, was held at the Princeton Club in New York from 8-10 June 2009.²

1. Review of article 124 of the Statute

9. Under article 124 of the Statute, a State, on becoming party to the Statute, may declare that, for a period of seven years after the entry into force of the Statute for the State concerned, it does not accept the jurisdiction of the Court with respect to the category of crimes referred to in article 8 when a crime is alleged to have been committed by its nationals or on its territory. Article 124 stipulates that its provisions shall be reviewed at the Review Conference convened in accordance with article 123, paragraph 1.

10. At the first and second rounds of informal consultations, held on 11 March and 14 April 2009 respectively, delegations considered a non-paper on the issue, prepared by the co-facilitators.

11. Delegations observed that, despite its existence, the article had not been widely used by States. One State had withdrawn its declaration under this provision, while for another State the article 124 declaration was due to expire in 2009.

12. The facilitators pointed out that States might wish to address the question of whether the deletion or reformulation of this provision would amount to an amendment. If so, such amendment would take some time to enter into force (one year after seven-eighths of the States Parties had ratified the amendment in accordance with article 121, paragraph 4). One issue that would merit attention was how to deal with a new State Party that might wish to make such a declaration between the time the amendment was adopted and the time of its entry into force.

13. Delegations were also invited to consider whether the article should be deleted or retained. While some delegations indicated that they were flexible, those who favoured retention of the article, argued as follows:

² Report of the informal inter-sessional meeting on the Crime of Aggression, hosted by the Liechtenstein Institute on Self-Determination, Woodrow Wilson School, at the Princeton Club, New York, from 8 to 10 June 2009 (ICC-ASP/8/INF.2).

- a) The provision would make it possible for certain States to join the Statute;
- b) The provision was not in any way injurious to the Statute;
- c) The Review Conference should focus on more important aspects;
- d) The decision to retain the provision in the Statute would amount to a review and would therefore satisfy the mandatory review requirement contained in article 124;
- e) The advantages of retaining the provision outweighed the advantages of deleting it;
- f) There should be no differentiation between States Parties based on the timing of their ratification of or accession to the Statute. As current States Parties enjoyed the prerogative conferred by the article on becoming a party to the Statute, new States Parties should be accorded the same facility;
- g) The provision should be retained, as it would enhance the prospects of universality of the Statute;
- h) The provision was not a concession, and deletion would compromise the principle of the sovereignty of States.

14. Comments in favour of deletion of the provision were based on the following reasons:

- a) The provision was inconvenient, and its retention would consolidate what was supposed to be merely a transitional provision of the Statute;
- b) The provision amounted to a reservation and therefore would clash with article 120 of the Statute;
- c) The provision was contrary to the spirit and integrity of the Statute;
- d) The provision had been in the 1998 Rome Conference and was meant to be a compromise solution in order to allow for the adoption of the Statute;
- e) Only two States had made a declaration under article 124, and currently only one State had such declaration in force, which showed that the provision was not essential for States to become parties to the Statute;
- f) One delegation expressed the view that differences always existed between old and new parties to any treaty, and that the deletion of the provision would not amount to unequal treatment of States Parties.

2. Consideration of the crimes of terrorism and drug crimes, in accordance with resolution E of the Final Act

15. During the third round of informal consultations, held on 10 June 2009, delegations considered whether, and if so how, the Review Conference should address the issues of drug crimes and terrorism.

a) General comments

16. The view was expressed that the agenda of the Review Conference (annex VII) should not be overburdened, particularly since the Statute left open the possibility for submitting proposals on amendments after the Conference. It was noted that the Court was still at an early stage of fulfilling its mandate; the inclusion of drug crimes or the crime of terrorism would overburden the Court and detract from focusing its limited human and financial resources on the most serious crimes agreed to in 1998.

17. Furthermore, it was observed that both drugs crimes and the crime of terrorism raised significant political sensitivities that would lead to a second difficult negotiation process at the Review Conference, which was already likely to expend a significant amount of time and effort on the political issues surrounding the crime of aggression. Consequently, in accordance with this view, it might be feasible briefly to raise both issues at the Review Conference, but not to embark upon a detailed discussion on either one.

b) Drug crimes

18. It was recalled that the proposal to include drug crimes had received some support in 1998, but not enough for its inclusion at that juncture as one of the crimes under the jurisdiction of the Court. In fidelity to resolution E, the issue should be discussed at the Review Conference. In this connection, the Caribbean Community was reviewing its position, although it was aware of the need for a broad level of support in order for a proposal to be submitted for consideration at the Review Conference.

19. Some doubt was expressed as to whether drug crimes were comparable with the scale of gravity of the other crimes under the jurisdiction of the Court.

c) Terrorism

20. Reference was made to the fact that the United Nations had for several years been considering the issue of a draft comprehensive convention on international terrorism, but that the protracted negotiations on key provisions therein reflected the complexity of seeking to find a broad agreement on, inter alia, the definition of terrorism and the scope of criminalizing conduct amounting to terrorism.³ In light of the status of negotiations at the United Nations, it was suggested that it would not be appropriate to embark upon such discussions at the Review Conference.

21. The point was also made that prolonged and difficult discussions at the Review Conference on the issue of terrorism might detract from a successful outcome at the Conference, and that time at the Review Conference would best be invested in issues with a greater probability of proving acceptable. Moreover, the Conference should focus on strengthening the role of the Court in international criminal justice, including enhancing the universality of the Rome Statute. It was recalled in this regard that proposals to include the crime of terrorism could be considered at further review conferences in the future.

22. On the other hand, it was observed that conduct amounting to terrorism was to a very large extent covered in sixteen multilateral conventions which criminalized such conduct. Consequently, there was no problem of a lack of a definition.

3. Consideration of other potential amendments to the Rome Statute

23. As at 30 September 2009, the following States Parties had submitted to the Secretary-General of the United Nations proposals for amendment of the Rome Statute:

- a) Belgium;
- b) Mexico;
- c) Netherlands;
- d) Norway;
- e) Trinidad and Tobago and Belize.

³ United Nations General Assembly resolution A/RES/63/129 of 11 December 2008 and *Official Records of the General Assembly, Sixty-third Session, Supplement No. 37 (A/63/37)*, operative paragraphs 21 to 25.

24. In addition, the proposals on aggression elaborated by the Special Working Group on the Crime of Aggression had been submitted by Liechtenstein as former Chair of the Special Working Group (annex VI).⁴

25. At the 19 October consultations, the President of the Assembly indicated that, in accordance with the Rome Statute, it was for the Assembly to decide, at its eighth session, which proposals for amendment to forward to the Review Conference. Having absolute clarity in that regard was indispensable in order to allow the Conference to focus on the specific proposals and to allow for an in-depth consideration of the issue of stocktaking.

General comments on proposals for amendments

26. At those same 19 October consultations, some delegations voiced their support for a cautious approach to considering which proposals merited being conveyed to the Conference, since it was essential to avoid overburdening the Conference with proposals that did not have general support. The time allotted for consideration of proposals at the Conference would be best directed at those few proposals which:

- a) Derived from the Rome Statute;
- b) Had been the object of considerable discussions over a lengthy period of time and should be accorded priority;
- c) Had a general level of support, and had a good chance of actually resulting in an agreement for their adoption; and
- d) Did not seek to extend the jurisdiction of the Court at this early stage.

27. Some delegations reiterated that to submit for consideration by the Conference proposals not meeting those conditions would have the unfortunate effect of depriving delegations of adequate time to resolve the pending legal and political matters on the crime of aggression, an ambitious objective in itself.

28. It was further stated that some proposals concerning issues that were still under consideration in other forums would be unlikely to achieve a positive outcome.

29. Furthermore, the view was expressed that, instead of seeking to extend the Court's jurisdiction at the present time, when a full cycle of proceedings had yet to be completed, States should focus on ensuring the effectiveness of the Court's current mandate.

30. Some delegations also expressed their concern that the extension of the Court's jurisdiction, especially concerning subject-matters on which very divergent views persisted among States, including the issue of the gravity of new offences to be incorporated, might not necessarily enhance the prospects for attaining universal adherence to the Statute.

31. It was suggested that delegations give serious thought to the question of whether their proposals for amendments would truly merit or require consideration at the 2010 Conference, in light of the fact that they could always be submitted to future sessions of the Assembly or to future review conferences. That would give States sufficient time to consider the proposals and to attain consensus on their adoption.

⁴ The proposals for amendments to the Rome Statute, in all six official languages of the Assembly, were issued by the depositary on 29 October 2009. Depositary notifications CN.713, 723, 725, 727, 733 and 737 are available on the United Nations Treaty Collection and at <http://treaties.un.org>, as well as at <http://www.icc-cpi.int>, under Assembly of States Parties.

a) Proposals submitted by Belgium

32. The three proposals submitted by Belgium with respect to the list of weapons contained in article 8, paragraph 2, were first considered during the second round of informal consultations, held on 14 April 2009. Comments and suggestions from delegations led to a revised version, which was considered at following meetings and subsequently submitted to the Secretary-General of the United Nations on 29 September 2009 (annex I).

33. At the third and fourth rounds of informal consultations, held on 10 June and 11 September 2009 respectively, the delegation of Belgium recalled that, in the absence of a broad level of support, Belgium would not request that the proposals be conveyed to the Review Conference, as it fully shared the view that the focus of the Conference should remain on article 124, as well as on the issue of the definition of the crime of aggression and the conditions for the exercise of jurisdiction by the Court over this crime. In this connection, Belgium observed, however, that its amendments had already received the encouraging support of a significant number of States. Belgium further indicated that, if its proposals were to be accepted, no State Party would be bound unless it had ratified the amendment in accordance with article 121, paragraph 5, of the Statute.

34. Some delegations pointed out that, in the consideration of any proposed amendment, it should be borne in mind that the proposal should contribute to the promotion of the universality of the Rome Statute, and thus should encourage non-States Parties to join; such careful consideration would require additional time.

35. Some doubts were voiced as to whether draft amendment 2 of the Belgian proposal concerning a new paragraph xxviii) on chemical weapons would qualify as a crime of concern to the international community of the same level as that of the other crimes within the Court's jurisdiction. Belgium explained that the draft proposal referred to conduct that could arise in a situation of armed conflict, and that the gravity of a crime was not an element at this stage, further recalling that the Rome Statute already contained provisions on crimes which did not amount to particularly high thresholds of gravity, such as the destruction of cultural property.

36. The point was also made that the conventions referred to in the Belgian proposal should remain distinct from the Rome Statute, since to meld them to the Statute would amount to a promotion, or even a compulsory universalization, of those conventions via the Rome Statute, and result in raising the threshold for those non-States Parties interested in ratifying or acceding to the Statute. Others argued that no forced universalization would occur, since the conduct would only be prohibited if a State was already a party to the convention in question.

37. Belgium explained that the reference to existing conventions in the proposal had been drafted in such a manner for two reasons:

- a) To avoid a lengthy discussion on the conduct to be criminalized by making a cross-reference to an existing treaty; and
- b) To enable the proposal to be ratified by States that were parties to those conventions, but also in order to make the proposal applicable to the commission of a crime on the territory of a State that was not a party to the convention in question if that State nonetheless had national legislation criminalizing such conduct.

38. At the 19 October consultations, Belgium provided an update on the number of co-sponsors for its proposals.⁵

⁵ The first proposal had 18 co-sponsors, while the second and third proposals had 13 co-sponsors.

b) Proposal submitted by Mexico

39. At the third round of informal consultations, held on 10 June 2009, the delegation of Mexico introduced a draft proposal to amend article 8, paragraph 2 (b), to include the use or threat of use of nuclear weapons as a war crime. On 29 September 2009, the proposal was submitted to the Secretary-General of the United Nations (annex II).

40. The delegation of Mexico recalled that, at the 1998 Rome Diplomatic Conference, the use or threat of use of nuclear weapons was one of the issues that, having attained an important level of support, remained pending so as not to delay the adoption of the Statute. However, the fact that its subject-matter was, at the very least, equivalent in gravity to the other crimes under the Court's jurisdiction merited its penalization as one of the most serious crimes of international concern. Although conscious of the limited time available at the Review Conference, Mexico stated that the draft proposal was based on a *corpus juris* which constituted a clear demonstration that, based on the devastating and indiscriminate effects of nuclear weapons, their use should amount to a crime against mankind as a whole and thus requested that its proposal, which was founded on conventional and customary international law, as well as on United Nations General Assembly resolutions, be given constructive consideration in the process of informal consultations leading to the Conference.

c) Proposal submitted by the Netherlands

41. During the fourth round of informal consultations, held on 11 September 2009, the delegation of the Netherlands submitted an informal proposal for the inclusion of the crime of terrorism in the Rome Statute. On 29 September 2009, the proposal was submitted to the Secretary-General of the United Nations (annex III).

42. In light of the absence of a generally acceptable definition of terrorism, the Netherlands proposed to use the same approach as had been accepted for the crime of aggression, i.e. the inclusion of the crime of terrorism in the list of crimes laid down in article 5, paragraph 1, of the Rome Statute, while at the same time postponing the exercise of jurisdiction over this crime until a definition and conditions for the exercise of jurisdiction had been agreed upon.

43. The Netherlands also proposed that the Review Conference establish an informal working group on the crime of terrorism, which should be tasked with examining the question of the extent to which the Statute might need to be adapted as a result of the introduction of the crime of terrorism within the jurisdiction of the Court, as well as other questions relevant to this extension of jurisdiction. It should not in any way interfere with the efforts to come to an agreement on a definition of terrorism, which was being carried out in the context of the United Nations negotiations on a draft comprehensive convention on terrorism.

44. Several delegations expressly acknowledged the importance that the issue of terrorism merited, yet also indicated that the approach taken with regard to the crime of aggression in 1998 was not an appropriate reference, since the Rome Statute had now entered into force. Furthermore, doubts were voiced as to the feasibility of incorporating the crime of terrorism into the Court's jurisdiction, in the absence of a legal definition of terrorism.

45. Others expressed the view that the proposal merited further consideration, but at a more opportune moment in the near future, which would take into consideration the result of the discussions on the comprehensive convention on terrorism under discussion in the Sixth Committee of the United Nations General Assembly.

46. It was also suggested that a two-stage process to include terrorism - one amendment to include it in the Statute now, and then another once an agreed definition had been attained – might not be desirable, since including the crime together with its definition at a subsequent point in time would obviate the need for States Parties to consider and approve two different sets of amendments.

d) Proposal submitted by Norway

47. On 30 September 2009, Norway submitted to the Secretary-General of the United Nations a proposal for amendment to article 103, paragraph 1, of the Statute, concerning the enforcement of sentences of imprisonment (annex IV).

48. Norway indicated that the experience of the ad hoc tribunals was that only a very limited number of States had concluded enforcement of sentence agreements.⁶ This low number could be attributed to the fact that, although additional States might be willing to conclude such agreements, they were unfortunately constrained because of the need to fulfil the requisite minimum prison standards.

49. The Norwegian proposal thus sought to introduce an element of greater flexibility that would allow for the conclusion of an increased number of such agreements, which would have several positive effects, such as allowing States to receive a higher number of prisoners; facilitating travel for, inter alia, family members; allowing prisoners to live in a more familiar environment, including a region with the same or a similar language. Reference was made to the possible need also to amend provisions the Rules of Procedure and Evidence at a later stage: namely, rule 200, paragraph 5, rule 201 and rule 208.

50. Some delegations stated that they were considering the proposal favourably, since it was substantive and non-controversial, and there was a certain sense of urgency, given the fact that the Court had begun its trials.

51. According to another view, although the substance of the proposal was clearly important, doubts were expressed as to whether an amendment to the Statute was necessary, since there could be scope for making use of existing provisions, such as article 103 of the Statute or the Rules of Procedure and Evidence, so as to enable a State to carry out a mandate entrusted to it by a regional organization.

52. The point was also made that the proposal, not being urgent, merited further consideration, but at a subsequent Assembly or conference.

53. Norway replied that in its view the principle of the role to be played by an international or a regional organization, even if of a secondary or supplementary role compared to that of States, merited explicit inclusion in the Statute, thus obviating any possible questioning of the Court's competence to enter into such agreements. Norway further explained that, at the current stage, the objective was to establish a mechanism for a possible role for an international or regional organization, while the specific modalities for the subsequent implementation, such as whether the organization would run the prison or fund it, should be the object of future discussions in light of how that role developed in practice.

⁶ ICC two; ICTR seven; ICTY 16; SCSL four.

e) Proposal submitted by Trinidad and Tobago and Belize

54. On 30 September 2009, Trinidad and Tobago and Belize submitted to the Secretary-General of the United Nations a proposal for the inclusion of the crime of international drug trafficking in the Rome Statute (annex V).

55. As regards the possible impact upon universality, Belize was of the view that there should not be any concern in that respect, since all States had agreed on the penalization of drug trafficking and therefore it was difficult to see how a discussion on such a serious crime could affect the universality of the Statute.

4. Stocktaking of international criminal justice

56. In the non-paper on the scope of the Review Conference,⁷ it was suggested that the New York Working Group prepare the modalities of the stocktaking exercise, with a view to elaborating a concrete recommendation for submission to the Assembly.

57. During the fourth round of informal consultations, held on 11 September 2009, the facilitators recalled that some delegations considered the Review Conference an appropriate occasion to discuss and analyze the progress already achieved with regard to international criminal justice and the challenges still ahead in that field.

58. In respect of this matter, a number of aspects could potentially be addressed, such as:

- a) State cooperation with the Court;
- b) Cooperation between the Court and other international organizations, including the United Nations;
- c) Lessons learned from other international criminal tribunals;
- d) How to improve the effectiveness of the Court and how to strengthen it;
- e) How to involve local communities, in particular from situation countries, in the work of the Court;
- f) How to raise awareness worldwide about the work of the Court;
- g) National implementation of the Rome Statute; and
- h) How to promote the universality of the Rome Statute.

59. The facilitators asked delegations to comment, even if on a preliminary and informal basis, on the following topics:

- a) Whether the Review Conference should deal with stocktaking at all;
- b) If yes, what should be the format of the discussion on stocktaking (general debate, side events or another format)?
- c) What specific topics could be addressed? and
- d) The expected final outcome of the deliberations (resolution, declaration or another document).

⁷ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session (first and second resumptions), New York, 19-23 January and 9-13 February 2009* (International Criminal Court publication, ICC-ASP/7/20/Add.1), chapter II, annex III.

60. Some delegations expressed support for the idea of a stocktaking of international criminal justice, and expressed a preference for a separate segment to discuss the matter. One delegation favoured dealing with stocktaking at the general debate so that there could be a high-level discussion on the matter. There were differing opinions regarding the two-track approach: namely, one discussion on the proposals for amendment, and a separate discussion on stocktaking.

61. The view was expressed that the list of topics should be restricted to one, two or three subjects. Another delegation stated that the list of topics should not be too ambitious. The issues of complementarity, national implementation of the Rome Statute and cooperation were mentioned by some delegations as possible topics to be addressed at the Review Conference. One delegation emphasized that the main objective of the debate on stocktaking should be to strengthen the system established by the Rome Statute and to enhance outreach.

62. With regard to the expected outcome, delegations concurred that there should be a document reflecting the debate on the topic. One delegation stressed that the outcome should be “constructive”. Another delegation underlined that the outcome, whatever form it might take, should be previously negotiated among States Parties.

63. At the fifth round of informal consultations, held on 19 October 2009, delegations had before them a non-paper on the Review Conference,⁸ submitted by the Presidency of the Court, suggesting that an effective stocktaking exercise should look not only at the Court itself but at the Rome Statute system more broadly. The following four themes could be considered:

- a) Universality of the Rome Statute;
- b) Cooperation with the Court;
- c) National efforts/preparedness to investigate and prosecute international crimes (complementarity); and
- d) Maximizing the impact of the Court and of international justice for affected communities.

64. In terms of outcome, the Presidency recommended that the stocktaking exercise not only result in an assessment of the current state of international criminal justice, but also in the commitment of States Parties to specific, measurable objectives for further strengthening the system of international criminal justice.

The number of topics

65. It was suggested that the stocktaking be limited to a small number of topics (e.g. cooperation; peace and justice; complementarity).

66. Divergent views were expressed as to whether the stocktaking should focus on the Court or on international criminal justice in a broader sense. Some delegations voiced their support for the ideas contained in the Presidency’s paper, since they built upon the experiences of the ad hoc tribunals.

67. The point was made that some of the issues contained in the non-paper by Japan, which had been considered at the prior meeting of the Working Group, should be considered under the stocktaking exercise.

⁸ Dated 19 October 2009.

68. A suggestion was also made that the report by the Assembly's focal point on cooperation,⁹ along with the report on the Plan of action,¹⁰ could constitute the basis for the stocktaking exercise, especially as regards the implementation of the Assembly's recommendations on cooperation. Furthermore, another topic could be the impact of the Court on affected communities, as suggested by the Presidency of the Court.

The outcome

69. Recalling that there was a range of options in terms of proposals, from a report to a resolution, it was also noted that some of those options were not necessarily action-oriented, while others would require a time-consuming exercise of negotiations. The outcome should, it was stated, provide concrete guidance to the Court.

70. It was suggested that the outcome should not consist of a series of statements, but rather encompass issues that could be considered as a basis for future amendments to be taken up on a subsequent occasion.

The format

71. There was general agreement on having a distinct stocktaking segment, separate from any general debate or any side-event, as part of the agenda of the Conference. In this connection, the option of having a panel or a discussion of specific issues was mentioned, as well as having two days or four three-hour meetings devoted to the topics contained in the Presidency's non-paper.

72. Some delegations expressed flexibility as regards the format, but indicated that having a separate segment with simultaneous meetings might prove somewhat complicated for the smaller delegations, who might not be able to cover different meetings at the same time.

The way forward

73. The facilitator summarized the discussion as having identified some matters that still merited further work, while there was agreement on having a separate segment on stocktaking, that the outcome should be of a substantive nature and that it be prepared in advance of the Conference.

5. Other issues

74. The duration of the Conference was still under consideration by the Bureau and would be decided upon at the eighth session of the Assembly, in light of the expected workload that would result from the proposals to be conveyed for consideration at the Conference, as well as the amount of time to be devoted to the stocktaking exercise.

75. The draft host-State agreement was the subject of discussion between the Government of Uganda and the Secretariat of the Assembly.

76. The delegation of Uganda indicated that a waiver of the visa fee had been agreed to for all participants in the Conference, including delegates and members of civil society, that an electronic voting mechanism and interpretation booths were being procured for use at the Conference, and that additional practical information would be made available in the coming weeks.

⁹ ICC-ASP/8/44.

¹⁰ ICC-ASP/8/23.

Annexes I to VI

[See addendum 1]

Annex VII

Provisional agenda

1. Opening of the Conference.
2. Silent prayer or meditation.
3. Adoption of the Rules of Procedure.
4. Adoption of the agenda.
5. Credentials of representatives of States at the Review Conference:
 - a) Appointment of the Credentials Committee;
 - b) Report of the Credentials Committee.
6. Organization of work.
7. General debate.
8. Consideration of the progress of international criminal justice.
9. Consideration of proposals for amendment of the Rome Statute:
 - a) Review of article 124 of the Rome Statute;
 - b) Proposals for a provision on the crime of aggression;
 - c) Other proposals.
10. Closure of the Conference.

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