



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Eighteenth meeting

13 November 2012

Agenda and Decisions

1. Updated work programme for the eleventh session

The Bureau approved the revised work programme for the eleventh session, dated 12 November 2012, and requested the Secretariat to disseminate it and post on the Assembly website, and to update the ASP Journal accordingly.

As regards the general debate, the President once more encouraged delegations in a position to do so to consider submitting written statements only, in view of the allocation of one day for this agenda item.

The facilitator for the budget, Ambassador Håkan Emsgård (Sweden), briefed the Bureau on the status of consultations and indicated his intention to submit for the consideration of delegations a compromise proposal, which reflected the same level of savings as that proposed by the Committee on Budget and Finance (“the Committee”) but achievable via different means. In his view, the level of savings proposed by the Committee could be achieved, and he noted that further cuts would disturb that balance.

The President noted that the gap between the cuts proposed by the Committee and by States had narrowed and expressed the hope that States would approach the issue in a constructive manner.

2. Establishment of working groups and the appointment of coordinators and facilitators

The Bureau agreed to recommend that the Assembly establish a working group on the programme budget, and that it appoint Ambassador Håkan Emsgård (Sweden) as coordinator.

The Bureau took note that the facilitator for the omnibus resolution, Mr. Zénon Mukongo Ngay (Democratic Republic of the Congo), would not be present at the eleventh session, and agreed that the nomination of the facilitator for the topic during the eleventh session would be subjected to a silence procedure.

3. Report on the activities of the Bureau

The Bureau approved the report on the activities of the Bureau, dated 12 November 2012, as amended, and noted that the President would present an abridged version at the first plenary meeting of the eleventh session, and that it would be posted on the Assembly’s website.

4. Selection of national tellers (Election of the Deputy Prosecutor)

As regards the identification of national tellers for the election of the Deputy Prosecutor, the Bureau agreed that the following States would nominate representatives to serve as tellers: Chile (Latin American and Caribbean group); Hungary (Eastern European group); and South Africa (African group); and that Japan would nominate a teller if there was no other nominee from the group. The Bureau requested Finland to conduct consultations to identify a teller from the Western Europe and other States group. As the Assembly would appoint the tellers at the plenary meeting, States were requested to indicate the names of the tellers in advance of the meeting.

5. States in arrears

The Bureau took note that, according to information provided by the Court, as at 6 November 2012, seven States were in arrears of their assessed contributions to the budget of the Court and the Working Capital Fund, and that article 112, paragraph 8, of the Rome Statute would apply to these States. The Bureau requested the Secretariat to make contact with these States to inform them of the possibility of requesting exemption from the loss of voting rights.

In accordance with past practice of the Assembly at sessions at which elections were held, the Bureau agreed to recommend that the Assembly grant exemption from the loss of voting rights where requested by States in arrears.

6. Recommendation concerning the election of the Registrar

The Bureau approved the revised draft recommendation on the election of the Registrar, dated 11 November 2012, adopted by The Hague Working Group, and decided to convey the draft recommendation to the Assembly for its consideration and adoption.

7. Recommendation on the composition of the Credentials Committee

The Bureau decided to recommend that the Credentials Committee appointed at the tenth session also serve in that capacity for the eleventh session. It agreed that, should any of the two members of the Credentials Committee which had not yet indicated their participation in the eleventh session not be present, it would identify other States to serve on the Committee. The representative of the Republic of Korea indicated the interest of her State in so serving, should those circumstances arise.

8. Contingency Fund: response of the Committee on Budget and Finance to the Registrar's 16 October 2012 notification to access the Fund

The Bureau took note of the 5 November 2012 response of the Committee on Budget and Finance to the 16 October 2012 notification submitted by the Registrar pursuant to regulation 6.7 of the Financial Regulations and Rules, to access the Contingency Fund in the sum of €115,200.

9. Rationalization of the Bureau term of office

The President indicated that, in the tenth anniversary year, it was appropriate that the Bureau should also examine its structure and working methods. She noted, for instance, the situation of the Vice-Presidents and the Bureau members who assumed their duties immediately upon their election, not having had the opportunity to acquaint themselves with their mandate. She had consulted with a number of delegations on the issue of the Bureau starting its mandate after the Assembly session at which it is elected, to enable the members

to have sufficient time to prepare for the next session. She noted that the Court was a young organization, and that the activities of the President, Vice-Presidents and Bureau were different from bureau of the respective bodies of the United Nations.

In the absence of the focal point for this issue, Mr. João Madureira, Ms. Victoria Chisholm (Estonia), indicated that the focal had met with some regional groups and delegations, had briefed the Bureau on the proposals, and would present an assessment at the next Bureau meeting.

The view was expressed concurring with the aim of the original concept while stressing that such a change should not be adopted at the expense of the current Bureau, but rather be applied after the end of the Bureau's term.

The Bureau will revert to this issue at a future meeting, in light of the assessment of the focal point.

10. Decision-making by the Bureau

The President noted that the Bureau had held eighteen meetings throughout the year, including two in The Hague, which had been welcomed by delegations. She recalled that delegations based in The Hague had requested meetings in that city, and she had proposed participation in Bureau meetings via video-conferencing facilities for delegations not represented in The Hague, should Bureau meetings be held in The Hague.

The President indicated the perception of civil society, gleaned through her several contacts with them, that the focus of States Parties was diminishing. The Bureau received substantive mandates from the Assembly but it was the perception of some that there was not adequate focus by the Bureau on some of these issues.

The President noted that the Bureau was an important intersessional decision-making body. She proposed that she, as Ambassador-at-Large, could be supported by senior level representatives from Bureau members identified from diplomatic communities in New York, The Hague or at capital level.

In response to the point raised that both ambassadors and their delegates represented the same sovereign, thus their positions would be the same, the President noted that the question was broader, and also included an attempt to create ministerial-level support for the Rome Statute. Some support was expressed for the President's efforts to reach the wider international community and it was posited that her proposal might help to achieve that goal.

The President noted that this was one possible option, but it was clear that greater support for the Court was needed. The Court's challenges were larger than those in The Hague, and must be dealt with at a higher level.

The Bureau would revert to this topic at a later meeting.

11. Other matters

a) Reports adopted under a silence procedure

i) Working Group on Amendments

The Bureau adopted the report of the Working Group on Amendments, dated 10 November 2012, which had been adopted by the Working Group under a silence procedure on 13 November 2012.

ii) Report of the New York Working Group on the Plan of action for achieving universality and full implementation of the Rome Statute

The President indicated that the report of the New York Working Group on the Plan of action for achieving universality and full implementation of the Rome Statute had been adopted under a Bureau silence procedure on 11 November 2012.

b) Meeting of the President with ASP Security Council members

The President drew attention to the Security Council's first ever open debate on its relationship with the Court, on 17 October 2012, entitled "Peace and Justice with a Special Focus on the Role of the International Criminal Court". In light of this and in accordance with the wish of Bureau members, she had, by a letter dated 9 November 2012, invited the Permanent Representatives of both in-coming and out-going Security Council members that are States Parties and of all Bureau members to a meeting on 5 December 2012. She would discuss matters of mutual concern, including non-cooperation in situations which the Security Council referred to the Court. She encouraged Bureau members to attend.

c) Next meetings of the Bureau

The next meetings of the Bureau would be held on 20 and 23 November 2012.
