



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Twentieth meeting

22 November 2012

Agenda and Decisions

1. Mandates of the Bureau

The Bureau assigned the following mandates of the eleventh session of the Assembly to its Working Groups as follows:

The Hague Working Group

- 1) Legal aid, which may be considered in the context of the budget discussions or as a separate facilitation
- 2) Cooperation
- 3) Strategic planning process of the International Criminal Court
- 4) Victims and affected communities and Trust Fund for Victims, including reparations
- 5) Complementarity, on the understanding that ad country focal points would once more be appointed
- 6) Independent Oversight Mechanism
- 7) Budget (including Contingency Fund, salaries and allowances for judges whose terms have been extended)

New York Working Group

- 1) Plan of action for achieving universality and full implementation of the Rome Statute
- 2) Geographical representation and gender balance in the recruitment of staff of the Court
- 3) Arrears
- 4) Review of the process for the election of judges
- 5) Evaluation of the process for the election of the Prosecutor

As regards the process concerning the election of the Prosecutor, the President expressed her hope that this evaluation would conclude soon.

Study Group on Governance

The Bureau decided to extend the mandate of the Study Group on Governance, within The Hague Working Group, for another year, pursuant to the Assembly's request contained in resolution ICC-ASP/11/Res.8, paragraph 40. The President noted that the mandates of the Study Group included the strategic approach to an improved budgetary process, consideration of proposals for amendment under the Roadmap process adopted at the eleventh session, and evaluation of the respective Groups' working methods.

The Bureau recalled that the Assembly had, in paragraph 45 of the omnibus resolution, requested the Bureau, through The Hague Working Group, including its Study Group on Governance, and the New York Working Group to “make an evaluation of the respective Groups’ working methods, including on the relationship between this resolution and other resolutions, and to report back to the Assembly at its twelfth session on their findings, including proposals for rationalization, prioritization, regular scheduling and increased efficiency of their work.” The Bureau decided that this mandate would be carried out by both Working Groups and the Study Group.

Working Group on Amendments

The President recalled that the Working Group on Amendments, which was not part of the New York Working Group, would continue to meet in New York.

In response to a suggestion that the Working Group on Amendments might be more suitably based in The Hague, which would be more practical and efficient, and facilitate more ready interaction with the Court on any amendment proposals, some Bureau members stated that while there was some merit in the suggestion, further deliberations on the issue were required.

Some delegations pointed out that some States Parties, including those whose proposals were before the Working Group, were not represented in The Hague, thus putting them at a disadvantage. It was noted, on the other hand, that these delegations were also in the same position regarding other Working Groups in The Hague.

The President suggested that the Bureau consider this issue further and noted that it concerned the relationship between New York and The Hague in more general terms, not only as regards the physical location of their Embassies, but also coordination between delegations represented in both cities. As the Court entered its second decade, it was an opportune moment for the Assembly to consider practical issues, e.g. the use of video-links, so as to ensure that all delegations were informed of all issues.

Non cooperation

The President recalled that the Assembly had, at its eleventh session, amended the non-cooperation procedures, to enable the Assembly to identify focal points from its general membership. The Assembly had requested the President “to continue to engage actively and constructively with all relevant stakeholders, in accordance with the Bureau procedures on non-cooperation, both to prevent instances of non-cooperation and to follow up on a matter of non-cooperation referred by the Court to the Assembly”. She intended to continue to carry out this mandate with the support of the regional focal points.

She recalled that the report of the Bureau on non-cooperation had set out the activities undertaken in this regard and noted that all instances of non-cooperation were sensitive. She was therefore grateful to all States Parties for the actions that they were in a position to undertake.

2. Other matters

a) Rationalization of the term of the Bureau

The President indicated that the discussions on this issue would continue in New York, led by the Bureau focal point, Mr. João Madureira (Portugal). It was her understanding that delegations were close to a consensus.

b) *Future President of the Assembly*

The President recalled that, pursuant to rule 29 of the Rules of Procedure of the Assembly of States Parties:

“Unless the Assembly decides otherwise, the Assembly shall elect a President at the last regular session prior to the end of the term of office of the President. The President so elected shall assume his or her functions only at the beginning of the session for which he or she is elected and shall hold office until the end of his or her term.”

She stated that the issue was linked to the rationalization of the Bureau term and noted that, when rule 29 was considered together with the issue of rationalization, the next President might have to be identified as early as July 2013 to be elected at the twelfth session of the Assembly and thereafter have to serve for an unusually long term. She encouraged States Parties to consider the issue, and to already begin the process of identifying the future President.

c) *Organization of the twelfth session of the Assembly*

Upon invitation of the President, Bureau members offered views on how the Assembly sessions in The Hague might be better organized.

As regards the consideration of substantive topics by the Assembly, a proposal was made that the Assembly devote one day per topic to such discussion, and that delegations concentrate their interventions on specific, technical sharing of information, e.g. on the practical aspects and challenges of witness protection. The Assembly could take advantage of the presence of experts from capitals, who would be in a position to deal directly and immediately with these issues after the Assembly.

As regards the general debate, some Bureau members supported the proposal that the general debate not be scheduled at Assembly sessions, and that a virtual general debate be held instead, whereby States would have their national statements posted on the Assembly’s website. Additional time could then be allocated for substantive discussions. It was noted that each day of the session was costly. Some Bureau members indicated that they had opted not to deliver a statement in the general debate but to have it posted on the website of the Assembly, and encouraged others to do so.

On the other hand, the view was expressed that while there were ways and means to improve the work of the Assembly and reduce costs, Assembly sessions should not be viewed purely from the budgetary perspective. It was important not to lose sight of the fact that the Assembly is a political and diplomatic organ. The general debate was a useful exercise that would help retain the political character of the Assembly. The point was also made that the eleventh session had not been marked by intensive discussions on the budget, but this could not be guaranteed in future sessions.

The President suggested that the discussion continue in New York.

d) *Funding of activities of the members of the Advisory Committee on Nominations of judges*

The President reminded delegations that according to the Report of the Bureau on the establishment of the Advisory Committee on nominations (ICC-ASP/10/36) the Advisory Committee should not create additional costs. Some Bureau members noted that the members of the Advisory Committee on Nominations, who had been appointed by the Assembly at its eleventh session, were independent experts who should not rely on their respective governments for financing their participation in the meetings of the Committee. A proposal was made that a voluntary fund be

established for this purpose. It was suggested that the members hold discussions via technological means, e.g. Skype.

It was noted that while the regular election of judges would not be scheduled until 2014, the Assembly should not rule out the possibility of an election to fill judicial vacancies in the intervening period. Thus, the Committee had to be ready to meet at short notice.

The President noted that the Committee members would decide on their working methods.

e) Facilities at the World Forum Convention Centre

Some members registered complaints about non-optimal working conditions in the World Forum Convention Centre (WFCC).

The Director of the Secretariat took note of the issues raised and would request upgrades for the next session.

It was suggested that the Assembly formally convey its concerns in writing regarding the poor conditions identified, and that it seek to get value for money. It was also suggested that Vice-President of the Assembly, Ambassador Markus Börlin (Switzerland), take up the issue with the host State.

f) Next Bureau meetings

The next Bureau meeting would be held during the first week of December 2012, in New York.

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