



BUREAU OF THE ASSEMBLY OF STATES PARTIES

First meeting

12 February 2013

Agenda and Decisions

The President of the Assembly, Ambassador Tiina Intelmann (Estonia), chaired the meeting.

1. Address by the President of the Court

The President of the Court, Judge Sang-Hyun Song, addressed the Bureau on developments relating to the work of the Court. He reflected positively about the achievements of the eleventh session of the Assembly and updated the Bureau on the different situations before the Court. Judge Hyun-Song was using every available opportunity to encourage non States Parties to join the Rome Statute and urged States Parties to contribute to the universality efforts by using bilateral relations to promote the Rome Statute system. Further, he took note of the growing attention to the relationship between the United Nations Security Council and the Court and encouraged representatives of States Parties based in New York to raise awareness among members of the Security Council on the work of the Court to improve the modalities of future Security Council referrals.

2. Working Groups of the Bureau: appointment of the Chair of the Study Group on Governance, facilitators and focal points

On the basis of recommendations of the Working Groups, the Bureau made the following appointments:

Study Group on Governance

- a) Chair: Ambassador Håkan Emsgård (Sweden)
- b) Focal points for Cluster I (Expediting the judicial process): Mr. Cary Scott-Kemmis (Australia) and Mr. Thomas Henquet (Netherlands)
- c) Focal point for Cluster II (Budgetary process): Mr. Klaus Keller (Germany)

The Hague Working Group

- a) Budget: Ambassador Johannes Werner Druml (Austria)
- b) Legal aid: Ambassador Gyula Sümeghy (Hungary)

The Bureau recalled paragraph 5 of resolution ICC-ASP/11/Res.5 entitled “Cooperation” and confirmed its understanding that the issue of “non-essential contacts” would continue to be discussed within The Hague Working Group’s facilitation on cooperation.

The Bureau further recalled paragraph 50 of the omnibus resolution ICC-ASP/11/8 and agreed to the recommendation of The Hague Working Group that the topic of intermediaries be subsumed under the facilitation on victims and affected communities.

Ad country focal points

- a) Complementarity: Denmark and South Africa
- b) Plan of Action: Romania
- c) Review of the Working Methods of the Working Groups of the Bureau: Ghana, Sweden and Switzerland

The President informed the Bureau that Romania was holding consultations with a view to identifying a co-focal point, if possible from an underrepresented region. To this end, the President encouraged Bureau members to address this issue within their respective regional groups.

The Bureau recalled paragraph 45 of the omnibus resolution which entrusts it, through The Hague Working Group, including the Study Group on Governance, and the New York Working Group, with the mandate of evaluating the working methods of the respective Groups. The President indicated that she had consulted the Vice-Presidents of the Assembly, Ambassador Ken Kanda (Ghana) and Ambassador Markus Börlin (Switzerland), as well as the incoming Chair of the Study Group on Governance, Ambassador Håkan Emsgård (Sweden), and that their respective States were appointed as *ad country* focal points for the topic, on the understanding that they would conduct consultations in New York and The Hague to provide for a streamlined and well-consulted approach.

The Bureau will revert to the appointment of the co-facilitators for “Peace and Justice” at a future meeting, following additional consultations.

3. Working Group on Amendments: appointment of the Chair

The Bureau appointed Ambassador Paul Seger (Switzerland) as Chair of the Working Group on Amendments.

A proposal was made for the establishment of a sub-group of the Working Group on Amendments in The Hague which would facilitate the discussion of amendment proposals by the Study Group on Governance and report thereon to the Working Group based in New York. Questions were raised on how the distinction could be made between items to be discussed in The Hague and those to be considered in New York and concern was raised that this could lead to a duplication of work.

The Bureau will consider this issue at a future meeting.

4. Twelfth session of the Assembly of States Parties

a) Draft provisional agenda

The Bureau considered the draft provisional agenda for the twelfth session of the Assembly of States Parties and decided to revert to this issue at a future meeting that would further consider the presentation of sub-items on the agenda.

b) Nomination period for the election of six members of the Committee on Budget and Finance

The Bureau fixed the nomination period for the election of six members of the Committee on Budget and Finance to run from 22 May to 13 August 2013. It requested the Secretariat to inform all States of the nomination period.

5. Rationalization of the term of the Bureau

Ms. Fernanda Millicay (Argentina), on behalf of the focal point for the rationalization of the term of the Bureau, Mr. João Miguel Madureira (Portugal), updated the Bureau on the outcome of the 29 January 2013 informal Bureau consultations on the proposals to amend rule 29 of the Rules of Procedure of the Assembly. While some Bureau members agreed on the language of the proposed amendments, some were awaiting formal approval from their respective capitals. The Bureau would revert to this topic at a future meeting.

6. Other matters

a) Advisory Committee on Nominations

Further to the Bureau's 22 November and 5 December 2012 discussions on the modalities of meetings of the Advisory Committee on Nominations (ACN), including the possibility of the President convening an initial meeting, the President indicated that she had established contact with all ACN members and that a meeting would take place in The Hague, probably in April, at which she planned to be present. Most ACN members had informed the President that they were able to have the costs of travel to The Hague covered. In order to ensure that all the members in a position to attend the meeting are able to do so, the Bureau requested the Secretariat to, within existing resources, cover the costs of travel and accommodation to The Hague for those members who are unable to finance the visit.

b) Election of the Registrar

The Bureau took note of the withdrawal by Mr. John Hocking (Australia) of his candidacy for the post of Registrar, which had been reflected on the website of the Assembly.¹

c) ASP11 participation

The Bureau took note of a brief overview of the data relating to the participation of representatives of States, international organizations and NGOs in the eleventh session of the Assembly. The Bureau also took note of a table reflecting the time estimates per session for the general debate.

d) Contingency Fund

The Bureau took note of the two notifications for access to the Contingency Fund in 2013, submitted by the Registrar pursuant to regulation 6.7 of the Financial Regulations and Rules, both dated 17 December 2012.

e) 2012 budget: implementation rate

The Bureau took note that, at the 31 January 2013 meeting of The Hague Working Group, the Court had provided updated figures on the provisional implementation rate for the 2012

¹ http://www.icc-cpi.int/en_menus/asp/elections/Registrar/Pages/default.aspx

budget, which was 97 per cent, equivalent to €105.4 million, while the forecast implementation rate of the Contingency Fund notifications was 61.1 per cent, equivalent to €2.3 million. The Court had informed the eleventh session that the projected 2012 budget implementation rate was 98.5 per cent, equivalent to €107.1 million. Based on these revised estimates, which were still provisional and subject to review by the external auditors in June 2013, the Court had indicated that there did not seem to be a need to replenish the Contingency Fund in the amount of €0.5 million, as foreseen in resolution ICC-ASP/11/Res.1, section F, paragraph 1.

f) Regional focal points for non-cooperation

The President recalled resolution ICC-ASP/11/Res.8, by which the Assembly had amended the Assembly procedures relating to non-cooperation. By that amendment, the Bureau, in order to assist the President of the Assembly in his or her good offices, would appoint four or, if so requested by the President, five focal points from among States Parties, on the basis of equitable geographical representation. The President recalled that, at its 29 May 2012 meeting, the Bureau had appointed Japan as the regional focal point for the Asia-Pacific group, and that the Secretariat had, by note verbale ICC-ASP/12/001 dated 5 February 2013, invited States Parties from the other regional groups to communicate to her their interest in serving as focal points for non-cooperation, preferably by 28 March 2013.

The Bureau took note of the expression of interest by a Bureau member and decided to revert to this issue at a future meeting.

The President informed the Bureau that the Sudanese President, Omar Al-Bashir, had been invited to attend the Summit of the Community of Sahel-Saharan States in Ndjamena, Chad, on 16 February 2013. She highlighted the possible instance of non-cooperation by Chad which, as a State Party, was under a legal obligation to arrest President Al-Bashir. She indicated her intention to deliver démarches to representatives of Chad in Brussels and in New York, and that she had been in contact with States and regional organizations that had been helpful in non-cooperation situations in the past. The President called upon all Bureau members to join efforts to prevent the possible non-cooperation by Chad.

A point was raised about the need for a deeper discussion on the Assembly's non-cooperation procedures.

g) Extension of the secondment of the Temporary Head of the Independent Oversight Mechanism

The Bureau approved the recommendation of The Hague Working Group that the United Nations be requested to extend the secondment of Ms. Kristina Carey as Temporary Head of the Independent Oversight Mechanism, for an additional year, until 31 May 2014.

h) Next Bureau meeting

The next meeting of the Bureau would be held in March, in The Hague.
