



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Seventh meeting

The Hague, 15 November 2016

Agenda and decisions

The meeting was chaired by the President of the Assembly, H.E. Mr. Sidiki Kaba (Senegal).

1. Preparations for the fifteenth session of the Assembly

a) Provisional programme of work

The Bureau amended the provisional programme of work, dated 13 November 2016, as follows:

i) Open Bureau meeting

The Bureau decided to include on the provisional programme of work an open Bureau meeting in which all States Parties would participate, on 18 November 2016 at 15:00 hours dedicated to the topic of the Relations between Africa and the International Criminal Court. Two eminent panellists, one selected by the African group and the other by the President, would be invited to speak and to make recommendations on the best means of responding to the situation. States would be invited to make interventions of three minutes' duration, followed by statements of two representative of civil society. The President would announce the opening of the speakers list on 16 November 2016.

The President encouraged States to participate in a constructive spirit, to renew the dialogue and work together to instil a new dynamic to win the fight for justice. He hoped that the dialogue would facilitate a better understanding of the problems and lead to innovative solutions to the situation which has lasted for too long. The conclusions of the meeting would be contained in a summary by the President, which he hoped would serve as a compass in the future.

ii) Audit report on the ReVision project

The Bureau took note of a note verbale, dated 14 November 2016, from the delegation of France in which it highlighted the necessity of dedicating adequate time to a deep discussion of the Audit report on the ReVision project of the Registry. The Bureau decided that the topic would be considered by the Working Group on the Programme Budget on 21 November 2016.

iii) APIC ceremony

The Bureau decided to include on the programme of work a brief ceremony at which States wishing to do so could commit to ratifying the Agreement on the Privileges and Immunities of the International Criminal Court (APIC). At least three States were prepared to do so. The ceremony would be held on the morning of 22 November 2016.

iv) Performance indicators

Following a request by the Chairpersons of the Study Group on Governance, Ambassador María Teresa de Jesús Infante Caffi (Chile) and Ambassador Hiroshi Inomata (Japan), regarding the necessity of a discussion on Performance indicators, the Bureau agreed to include in the work programme a 90-minute session dedicated to this topic on 22 November 2016 at 16:30 hours. The President stressed the importance of States' participation.

b) Recommendation on the election of a Vice-President of the Assembly

In light of the vacancy that arose upon the resignation of Ambassador Alvaro Moerzinger (Uruguay) as of 20 September 2016, the Bureau recommended that the Assembly elect Ambassador Sergio Ugalde (Costa Rica) as Vice-President of the Assembly for the remainder of the term of the current Bureau, i.e. until the end of the sixteenth session of the Assembly in 2017.

The President congratulated Ambassador Ugalde and congratulated and thanked Ambassador Moerzinger for his commitment and work as Vice-President.

c) Status of nominations for the election of six members of the Committee on Budget and Finance

The Bureau took note that more time was required for consultations to be undertaken in the African group and in the Eastern European group in order to identify a consensus candidate from each of those regions for election to the Committee on Budget and Finance (the Committee).

The President encouraged the African and the Eastern European groups to continue consultations with a view to identifying a consensus candidate.

The Bureau recommended that the Assembly proceed with the election of the four members of the Committee from the regional groups in which the number of candidates was equal to the number of vacant seats, i.e. the Group of Latin American and Caribbean States and the Western Europe and other States group.

d) Credentials Committee

The Bureau decided to recommend that the Assembly appoint the following States to serve on the Credentials Committee, in accordance with rule 25 of the Rules of Procedure of the Assembly of States Parties: Czech Republic, Kenya, Panama, Peru, Republic of Korea, Senegal and Slovakia.

The President encouraged the regional group that was not represented to hold internal consultations and to indicate to the Secretariat the availability of States to fill the two remaining seats on the Credentials Committee.

e) States in arrears

The Bureau took note of the information provided by the Court that, as at 14 November 2016, 12 States Parties were subject to the provisions of article 112, paragraph 8, of the Rome Statute.

f) Seating arrangements for the three heads of organs of the Court

The Chef de Cabinet of the Presidency indicated that the Court had requested that, as of the fifteenth session, the three heads of organs occupy seats at the podium during the plenary session, deliver their respective reports from the rostrum and hear the other reports made to the Assembly. Nonetheless, once the Assembly began its core business, the three heads of organs would leave the podium and be seated in the first row, closest to the rostrum, so as to continue to follow the proceedings. This arrangement would respect the fact that the Assembly is a meeting of States Parties under the chairmanship of the President of the Assembly; the clear delineation between the business of the Court and of the Assembly would be appropriately reflected in the seating arrangement.

The Bureau agreed to proceed accordingly.

2. Reports of the Bureau

a) Reports of the working groups

The Bureau took note that it had adopted the reports of its working groups and the Study Group on Governance via respective silence procedures (annex I and annex II).

b) Oral report of the President on the activities of the Bureau

The Bureau had received the draft oral report of the President on the activities of the Bureau, dated 14 November 2016. The Bureau took note that President would deliver an abridged version of the report under the agenda item “Report on the activities of the Bureau” at the first plenary meeting of the fifteenth session.

c) Working group of the Bureau on the application of article 97 of the Rome Statute

The Chair of the working group on the application of article 97 of the Rome Statute, Ambassador María Teresa de Jesús Infante Caffi (Chile), introduced the report of the working group and recommendations, dated 14 November 2016. In light of the need for further discussion on the subject matter which the Chair and other Bureau members identified, the Bureau recommended to the Assembly that the mandate of the working group be extended.

3. Establishment of a line of credit

Pursuant to resolution ICC-ASP/14/Res.1, the Bureau considered the request submitted by the Court on the establishment of a seasonal line of credit of up to €8 million. In this connection, the Bureau requested additional information from the Court.

4. Independent Oversight Mechanism (IOM)

The Bureau took note of the “Quarterly Activity Report to the Bureau: July to September 2016”, submitted by the Head of the IOM pursuant to resolution ICC-ASP/12//Res.6, as well as of the report of the Head of the Independent Oversight Mechanism (ICC-ASP/15/26).

The Bureau approved the inclusion of draft paragraphs in the omnibus resolution which were contained in a proposal, dated 14 November 2016, related to the Independent Oversight Mechanism.

5. Premises: proposal to the Bureau on the governance structure and total cost of ownership

The Bureau approved the proposal by the Oversight Committee, whereby the Bureau be entrusted with the mandate concerning the governance structure and total cost of ownership, via its Hague Working Group which has a facilitation on the budget or, if necessary, a subcommittee thereof.¹

6. Other Matters

a) Appointment of a co-facilitator for cooperation

The Bureau appointed Ambassador Momar Diop (Senegal) as co-facilitator for cooperation, following the end of the posting of the former co-facilitator, Ambassador Maymouna Diop Sy (Senegal) in September 2016. Ambassador Diop would lead the discussions in relation to cooperation along with Ambassador Paul Wilke (Netherlands).

b) Contingency Fund notifications

The Bureau took note of the following Contingency Fund notifications submitted by the Registrar to the Chair of the Committee on Budget and Finance, pursuant to rule 6.1 of the Financial Regulations and Rules to meet unforeseen expenses in the following cases and situation:

- i) *The Prosecutor v. Thomas Lubanga Dyilo*, dated 9 August 2016.
- ii) *The Prosecutor v. Dominic Ongwen*, dated 9 August 2016.
- iii) The situation in Georgia, revised notification dated 10 November 2016.

A view was expressed that a contingency was difficult to foresee, that the situations to which the notifications related had existed for some time and so could not be described as contingencies. It was stressed that the Contingency Fund was for the purpose of contingencies and not as a means of adding to the programme budget.

c) Advisory Committee on Nominations of Judges (ACN)

The Bureau approved the inclusion in the omnibus resolution of proposals, dated 14 November 2016, regarding the work of the Advisory Committee on Nominations, which arose from the recommendations contained in the report of the Advisory Committee on the work of its fifth session (ICC-ASP/15/8).

¹ ICC/ASP/15/17, annex VIII.

d) Reform of working methods

The Coordinator of The Hague Working Group, Ambassador Sergio Ugalde (Costa Rica), introduced the following papers:

- i) Reform of working methods of the Assembly of States Parties: Proposals for the Bureau of the Assembly of States Parties, dated 13 November 2016.
- ii) Structure and scope of facilitations and focal points, dated 13 November 2016.

The Bureau agreed that the topic required additional discussion.

Annex I

Reports of the working groups adopted by the Bureau

Report of the Bureau on cooperation (ICC-ASP/15/18)

Report of the Bureau on the Plan of action for achieving universality and full implementation of the Rome Statute of the International Criminal Court (ICC-ASP/15/19)

Report of the Bureau on the Study Group on Governance (ICC-ASP/15/21)

Report of the Bureau on complementarity (ICC-ASP/15/22)

Report of the Bureau on the review of the procedure for the nomination and election of judges of the Court (ICC-ASP/15/23)

Report of the Bureau on legal aid (ICC-ASP/15/25)

Report of the Bureau on the arrears of States Parties (ICC-ASP/15/28)

Report of the Bureau on the Strategic planning process (ICC-ASP/15/29)

Report of the Bureau on non-cooperation (ICC-ASP/15/31 and Add.1)

Report of the Bureau on equitable geographical representation and gender balance on the recruitment of staff of the International Criminal Court (ICC-ASP/15/32)

Study Group on Governance

Report of the Study Group on Governance Cluster I in relation to the provisional amendments to rule 165 of the Rules of Procedure and Evidence (ICC-ASP/15/7)

Report of the Bureau on the Study Group on Governance (ICC-ASP/15/21)

Annex II

Statement by Canada, Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland in explanation of their position concerning the use of the term “State of Palestine”

1. We wish to note for the record that we have joined the consensus for adopting the draft reports of the Working Groups presented to the fifteenth session of the Assembly of States Parties.
2. Consistent with our reiterated positions in other international fora we hold the view that the designation “State of Palestine” as used in some of these reports shall not be construed as recognition of a State of Palestine and is without prejudice to individual positions of States Parties on this issue.

Annex III

Statement by the State of Palestine in response to the ‘Statement by Canada, Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland in explanation of their position concerning the use of the term “State of Palestine”’ sent to the Bureau of the Assembly of States Parties to the International Criminal Court on 8 November 2016

The Government of the State of Palestine regrets the issuance of the abovementioned statement, which it considers to be explicitly of a political nature and incompatible with the object and purpose of the Assembly of States Parties.

In light of the challenges the Court is currently facing, it would be advisable to focus efforts on ensuring that the principles and purposes of the Rome Statute are universally upheld and respected, rather than to politicizing the forum of the Assembly of States Parties.

The Government of the State of Palestine will continue its efforts to ensure that the universal values enshrined in the Rome Statute are implemented and respected, including through the framework of the Assembly of States Parties, and beyond.

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