

17 December 2006

**Terms of Reference
Bureau Working Groups**

Introduction

Pursuant to resolution ICC-ASP/3/Res.8 adopted by the Assembly of States Parties at its third session on 10 September 2004, on 1 December 2004 the previous Bureau established two Working Groups (subsidiary bodies), of equal standing, based respectively in The Hague and in New York. As per the terms of reference adopted by the Bureau on 1 December 2004, both Working Groups would operate until the fourth session of the Assembly of States Parties. Following the fourth session of the Assembly, the terms of reference were to be subject to review by the newly-elected Bureau.

Period of Operation

Both Working Groups were reconstituted as of February 14, 2006 and shall be in operation up until the Bureau decides otherwise. The terms of reference shall be subject to review by the Bureau.

Mandate

The Working Groups shall assist the Bureau in those matters referred to them pursuant to the decisions adopted at the 27th meeting of the Bureau on 30 November 2006, and any other matter determined by the Bureau in the future.

Following from the mandates given to the Bureau in resolutions ICC-ASP/5/Res.1, ICC-ASP/5/Res.2 and ICC-ASP/5/Res.3, the Working Group in The Hague will consider the following issues:

- engage with the Court on the implementation of the strategic planning process of the Court [ICC-ASP/5/Res.2, oper. paras. 2 and 3];
- equitable geographic representation and gender balance in the recruitment of staff members [ICC-ASP/5/Res.3, oper. para. 22]; and
- permanent premises of the International Criminal Court [ICC-ASP/5/Res.1, oper. paras. 4 to 8].
- engage with the Court on the issue of cooperation and then report to the Bureau who would decide how to further consider the issue [ICC-ASP/5/Res.3, oper. para.36]
- consider the issue of the budget of the Court, while respecting the special role of the Committee on Budget and Finance.

Following from the mandates given to the Bureau in resolution ICC-ASP/5/Res.3, the Working Group in New York will consider the following issues:

- review the implementation of the plan of action of the Assembly of States Parties for achieving universality and full implementation of the Rome Statute of the International Criminal Court [ICC-ASP/5/Res.3, oper. para. 2];
- arrears, including suggestions to promote timely payment [ICC-ASP/5/Res.3, oper. para. 42];
- engage with the Court on proposals for an independent oversight mechanism [ICC-ASP/5/Res.3, oper. para. 23].
- preparations for the Review Conference, in particular as regards the applicable rules of procedure and practical and organizational issues [ICC-ASP/5/Res.3, oper. para. 47]

Both Working Groups shall consult widely (through the means articulated in the paragraphs below), including with the host State, the Committee on Budget and Finance, the United Nations and other inter-governmental organizations, as well as with non-governmental organizations, where appropriate. Every effort shall be made to ensure that the competencies and independence of the Court are respected and that the views of the Court can be expressed. Every effort shall also be made to ensure that the work of the Working Groups is coordinated with the President of the Bureau to avoid duplication or interference with the other Bureau Working Group.

Composition

The Working Groups shall be open to all States Parties and other interested States that have requested to participate as observers. Decisions concerning the recommendations forwarded to the Bureau must be taken by the representatives of States Parties only. Each Working Group shall be coordinated preferably by an Ambassador, or an official of similar rank, representing a State Party. The Coordinators are to be appointed by the President of the Bureau, following consultation with the Bureau. The Coordinators shall endeavour to ensure broad geographical representation on the part of States Parties in the work of their respective Working Groups.

Operation

The Coordinators shall decide on the most appropriate dates and the frequency of the meetings. The Coordinators may, in consultation with the President, appoint Facilitators on particular issues within the mandate of the Working Groups.

Reporting Duties

The Coordinators shall report periodically to the President of the Bureau on the progress achieved on the issues referred to the Working Groups, or whenever the Coordinators deem it necessary. Once the work on a particular issue has been concluded, the Coordinators shall present the results of the deliberations of the Working Group to the Bureau in writing. Similarly, all recommendations put forward by the Working Groups, for consideration and approval of the Bureau, shall be presented in writing. The Coordinators may also make recommendations to the Bureau regarding the issues that could be considered by the Working Groups in the future.

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