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**Option paper by the Bureau on the establishment of a
New York Liaison Office**

Note by the Secretariat

At its third session, the Assembly of States Parties requested its Bureau to prepare an option paper on the establishment of a New York Liaison Office for the Court, which would set out a number of alternatives for consideration by the Assembly at its fourth session. This paper reflects the outcome of the informal consultations conducted by the Bureau. The Bureau would like to suggest that should the Assembly decide to establish a New York Liaison Office, then such an office would serve the purpose and have the essential functions, as well as the structure, similar to that outlined in this paper.

Introduction

1. At its third session in The Hague in September 2004, the Assembly of State Parties to the Rome Statute of the International Criminal Court ("the Court") endorsed the recommendation of the Working Group on the Programme Budget for 2005 that further consideration of the possibilities for direct liaison between the relevant organs of the Court and interlocutors in New York be undertaken by the Assembly at its fourth session, on the basis of the study of an option paper by the Bureau. With a view to preparing such an option paper, the Bureau established a working group to consider "the relationship between the United Nations and the Court including the issue of a New York liaison office". The working group held four sessions of meetings in New York at which delegations shared their views on the idea of a New York liaison office for the Court. Delegations were divided on the necessity for a New York liaison office. Despite their differing views on the principle of establishing a liaison office, delegations cooperated in preparing an option paper that represents a viable model in terms of structure, functions and budget for a New York liaison office in the event that the Assembly of State Parties elects to establish such an office. This document is presented as the Bureau's Option Paper on the Establishment of a New York Liaison Office for the Assembly of State Parties to consider and decide whether it wishes to establish a New York liaison office.

Purpose

2. The creation of a New York liaison office is aimed at providing support to the Court's investigations, field operations and general functions through facilitating interaction between the organs of the Court and the Secretariat of the Assembly of State Parties on the one hand and the United Nations and its agencies on the other. A New York liaison office would also help to ensure the successful implementation of the Relationship Agreement between the International Criminal Court and the United Nations and the requisite operational cooperation between the two institutions. Furthermore, a permanent New York presence would allow sustained dialogue on matters of ongoing concern to the Court. A New York office would enable the Court to react promptly to emergencies involving issues of cooperation with the United Nations.

Essential functions

3. The establishment of general cooperation with the United Nations and its agencies requires building networks within the United Nations system, which can be done only through sustained and continuous personal contacts. Sporadic visits of Court officials to New York and electronic communication, although useful, are not substitutes for sustained and continuous personal contact with the United Nations. The cultivation of networks is critical for the Court to keep abreast of, and anticipate developments which may affect its operations. Without an established New York presence, the Court risks being unprepared for developments or taking decisions on the basis of outdated information. At the same time, decisions may be taken by actors in New York on the basis of outdated or inaccurate information about the Court. Furthermore, the resolution of specific issues often requires substantial formal or informal contacts which cannot be effectively sustained from The Hague. In other cases, a New York office would facilitate urgent cooperation and action.

4. A New York office would provide practical administrative, logistical and operational support for the activities of the Court, as well as those of its various organs and the Secretariat of the Assembly of States Parties ("the Assembly"). It would also provide support to the Bureau of the Assembly in New York, its working groups and, as far as possible, the President of the Bureau. The liaison office may, as circumstances dictate, depending upon demands from its clients, prioritize its responsibilities, which would include the following:

For the Court:

- (i) Establishing formal contacts and informal networks to enable the Court to keep abreast of developments at the United Nations;
- (ii) Facilitating effective communication and day-to-day interaction between the Court, the United Nations Secretariat and the various United Nations programmes, funds, offices and specialized agencies, including representing the Court before the United Nations;
- (iii) Maintaining regular and continuous contact and cooperation with Permanent Missions, international and regional organizations, and non-governmental organizations having consultative status with the Economic and Social Council of the United Nations;
- (iv) Arranging for the collection, analysis, publication and dissemination of information relating to issues of mutual interest to the Court and the United Nations;
- (v) Consulting and cooperating with the United Nations Secretariat on administrative, financial, personnel and other issues, such as the exchange of personnel;
- (vi) Arranging and servicing meetings, and providing other logistical support for visits by Court officials to the United Nations;
- (vii) Overseeing operational arrangements between the Prosecutor or the Court and the various United Nations programmes, funds, offices and specialized agencies;
- (viii) Facilitating timely resolution of problems in the field by serving as a channel of communication between the Court and various divisions responsible for United Nations operations in the field (Democratic Republic of the Congo and Sudan);
- (ix) Ensuring technical support needed by the Prosecutor from the United Nations for investigations.

For the Secretariat of the Assembly and States Parties:

- (i) Carrying out logistical arrangements and providing technical support for the Assembly, including its President, Bureau and subsidiary bodies;
- (ii) Undertaking communication with States Parties, particularly those without representation in The Hague;
- (iii) Establishing relationships with, and as necessary promoting ratification of the Rome Statute among States not party to the Statute;
- (iv) Facilitating and servicing deliberations among States Parties in relation to Court issues, particularly in connection to activities of the Assembly, including its Bureau and New York based subsidiary bodies.

Structure of the Office

5. In view of its administrative and operational character, the office should be attached to the Registry. It would serve the organs of the Court and the Secretariat of the Assembly, and would take instructions from and report directly to officials in The Hague. Although the office would be responsible for assisting the Court as a whole, measures would be implemented to respect the independence of the Prosecutor.

6. Initially, the office could be operated by two staff members, one P-5 and one G-5. The recruitment of the office's permanent staff would be conducted in an open and transparent manner, in accordance with the procedures of the Court.

7. Ideally, the office would be located within United Nations Headquarters. However, given that organization's current space shortage, the alternative would be to situate the office somewhere within the vicinity of the United Nations. The office would be established as a United Nations observer office.

8. Furthermore, the liaison office would be covered by the Relationship Agreement between the International Criminal Court and the United Nations. With regard to the host country (the United States of America), the legal situation is more complicated. Under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations (General Assembly resolution 169 (II), of 31 October 1947), the United States would be barred, by virtue of Section 11, from imposing any impediments to transit of officials of the Court to or from the United Nations. But the establishment of an office may require more: either the application to the office of relevant laws granting exemptions to international organizations, or a host country agreement. Negotiating such an agreement may not be a routine matter. In the absence of a host country agreement, the Court may need to explore interim arrangements. The issue of privileges and immunities for the liaison office requires further consideration so as to ensure that the liaison office is inviolable.

Financial implications

9. The administrative, financial and other services provided by the Registry would be available to the office to the extent possible. The budget for the office should include costs for the following:

- (i) Personnel (one P-5 post and one G-5 post)
- (ii) Office rental
- (iii) Operations costs (utilities, insurance, etc.)
- (iv) Office equipment and supplies
- (v) Travel and entertainment costs
- (vi) General temporary assistance (during sessions of the Assembly, etc.)

Annex

Proposed Budget for New York Liaison Office

Resource requirements (with one P-5 post and one GS-PL post)

Item	Posts 2005	Posts 2006			Proposed budget 2006 (thousands of euros)		
		Basic	Situation- related	Total	Basic	Situation- related	Total
Professional staff	0	1		1	134		134
General Service staff	0	1		1	66		66
<i>Subtotal staff</i>	<i>0</i>	<i>2</i>		<i>2</i>	<i>200</i>		<i>200</i>
General temporary assistance					16.5		16.5
<i>Subtotal other staff</i>					<i>16.5</i>		<i>16.5</i>
Travel					6		6
Contractual services					16		16
General operating expenses					47		47
Supplies and materials					5		5
Furniture and equipment					49		49
<i>Subtotal non-staff</i>					<i>123</i>		<i>123</i>
Total sub-programme					339.5		339.5

1. Resource requirements of the liaison office

(a) Personnel structure of the liaison office

1. It is suggested that the staff of the liaison office should initially comprise the Head of Office (P-5) and an Administrative and Technical Assistant (G-5). Provision should also be made for the hiring of general temporary assistance to cater for temporary increases in the workload.

Head of the liaison office

The Head of Office, at the P-5 level, would be responsible for the proper administration of the office and would have overall responsibility for ensuring the servicing of the organs as well as of the Secretariat of the Assembly of States Parties in The Hague. Administratively, the Head of Office would report to the Registrar while, substantively, the incumbent would report directly to the organ that had requested a service.

The incumbent would liaise with and represent the Court before the United Nations and its programmes, funds, offices, specialized agencies and related organizations. He or she would further liaise with representatives of States, non-governmental organizations and the media. In particular, the incumbent would report to and advise the Office of the Prosecutor on relevant issues before the Security Council, support the President of the Assembly, including the

Bureau, in the discharge of his duties, implement decisions and carry out instructions from the Presidency and the Registry.

Administrative and Technical Assistant

The incumbent would provide administrative and logistical support to the liaison office and to visiting officials from The Hague; organize information resources; and assist with general support to the liaison office, to meetings of the Court and the Bureau and to sessions of the Assembly in New York.

General temporary assistance

2. Provision is made for the hiring of general temporary assistance at GS-PL level for a period of three months to cater for temporary increases in the workload.

(b) Physical resource requirements of a liaison office

General operating expenses

3. It will be necessary to lease office space somewhere in the vicinity of the United Nations Headquarters. It is estimated that premises of up to 890 square feet (80 m²) would be sufficient to house offices for three people and one meeting room. The office space could be distributed as follows: one office for the Head of Office, one for the Administrative and Technical Assistant, and one for visiting delegates from the Court or for the general temporary assistant. The estimated cost of rent is €29.48 (\$40) per square foot per year.

4. Other costs include utilities, communications running costs for fixed lines, mobile phone costs, commercial access to the internet and costs for meetings.

Furniture and equipment

5. Furniture and equipment include:

(a) Standard office furniture for three offices and one meeting room.

(b) Office automation: three workstations, two printers, one laptop, a network server, cabling, a standard photocopier and software (consisting of standard software as well as VISIO, MS Project, PDF writer, TRIM).

(c) Two mobile phones, encrypted phones and remote access to e-mail.

6. It is important to point out that the above office automation set-up enables the staff to phone and fax securely to The Hague and to have secure access to e-mail at the Court via remote access.

7. In order to fully integrate the liaison office with the Court in The Hague, additional funds for a communications and network switch (€5,000 and €12,000) as well as the running costs of a dedicated internet line (€84,000 per year) may need to be added.

Contractual services

8. This would include insurance costs for the liaison office for liability and inventory, security-related costs and miscellaneous costs.

9. To ensure the security and protection of the premises of a liaison office, it is proposed that the office should be equipped with a double-entrance security door, an alarm and buzzer

system and a secure document storage facility. Ideally, the Court would be in premises with a security guard at the entrance to the building.

Travel costs

10. Provisions are made for two missions from New York to the seat of the Court in The Hague for a period of one week each.

Supplies and materials

11. The provision for supplies and materials includes office supplies, photocopy paper, toners, postage and courier.

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