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Meetings Coverage

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Assembly of States Parties
Sixth Session
7th Meeting (AM)

ASSEMBLY OF STATES PARTIES TO ROME STATUTE OF INTERNATIONAL CRIMINAL COURT

ADOPTS FIVE DRAFT RESOLUTIONS AS IT CONCLUDES TWO-WEEK SESSION

The Assembly of States Parties to the Rome Statute of the International Criminal Court wrapped up its two-week sixth session today by adopting, without a vote, five draft resolutions.

In other actions, the Assembly adopted a draft recommendation concerning the post of Registrar of the Court and the vacancy announcement for the position. Bruno Cathala is the first person to hold the position. The Assembly also adopted the report on the work of the session and took note of five reports, four based on the output of its working groups.

Overseeing the proceedings was Assembly President Bruno Stagno Ugarte (Costa Rica), who will step down later this year at the start of the Assembly's seventh session, upon completion of his three-year term. Also present was International Criminal Court President Philip Kirsch (Canada) and Registrar, Bruno Cathala (France), who will be concluding his term in July.

In paying tribute to Mr. Cathala, Mr. Ugarte said the international justice community owed a debt of gratitude to the man who had taken on the unenviable responsibility of building the Court from nothing, with a very small advance team, until it had grown into what it was today -- a fully functioning international legal instrument that would put an end to impunity for the greatest crimes against humanity.

South Africa's representative, speaking in explanation of position after the Assembly's action on the recommendation, said the Registrar should be selected before the deputy. Sierra Leone's representative said the Registrar should play a role in appointing the deputy, as did the delegates of Senegal, Uganda and Kenya.

The reports before the Assembly were introduced by their focal leaders, with coordinator Christian Wenaweser (Liechtenstein), who was unanimously elected Assembly President yesterday for the seventh through ninth sessions, presenting that of the Special Working Group on the Crime of Aggression. Two new elements in the report were a suggested role for the Pre-Trial Chamber and a so-called "green light" option for the Security Council's role in the Court's work.

Introducing the report of the Working Group on the Review Conference was focal point Rolf Fife (Norway). The report recommended holding the Review Conference in the first semester of 2010 and accepting Uganda's offer to host the event, as a situation country in which the Court would be active.

Coordinator Masud Husain (Canada) introduced the report of the Working Group on the Permanent Premises, to which was annexed a resolution dealing with the decision to establish a Project Director's Office with a budget of €208,500 to cover associated costs. The operational aspects of an architectural design competition were also included.

Hans Magnusson (Sweden), coordinator of the Working Group on the 2008 Programme Budget, introduced the relevant report, noting that concerns had been expressed in the Working Group over the slow

implementation rate of the 2007 budget, and that a reduction in the 2008 budget could be covered by the Court's flexibility in transferring funds within major programmes.

The Assembly also took note of the report of the Credentials Committee, introduced by Zeid Ra'ad Zeid Al-Hussein (Jordan), who said 105 representatives of States parties had been accredited for the sixth session.

For a resumed session to be held at Headquarters in New York from 2 to 6 June, the Assembly had before it a provisional agenda (document ICC-ASP/6/27) and took note of a verbal indication that the provisional list of participants had been emailed, and that corrections would be accepted by email until 20 December. Mr. Ugarte said that circulating the digital version of a lengthy provisional document saved on the need to print about 12,000 pages.

The draft resolution relating to the budget addressed the 2008 Working Capital Fund, the scale of assessment, and financing for 2008. By adopting that text, the Assembly decided that the scale of assessments for the Court would be the same as that of the United Nations General Assembly, with adjustments to take into account differences in membership. Total appropriations for 2008 would be €90,382,100.

Another draft resolution concerned an amendment to the text on financial regulations and rules, while yet another concerned amendments to the pension scheme for judges. That text was adopted as orally amended.

A detailed omnibus draft resolution on strengthening the Court and the Assembly was introduced by Marcelo Bohlke (Brazil), the focal point for informal consultations on the text, who called on all actors to contribute to the Trust Fund for the participation of the least developed countries in the Assembly's work. The Trust Fund had enabled the participation of 13 States in the sixth session. The text also contained annexes with recommendations on the Plan of Action for achieving universality and full implementation of the Rome Statute, as well as draft rules of procedure for the 2010 Review Conference.

Uganda's representative, speaking in explanation of position after the action, said the objectives of geographic representation and gender balance had not been achieved in Belgium, despite the best efforts, and the next selections should be made in New York.

Belgium's representative noted the relevant provisions of the Rome Statute in indicating measures being taken to implement it.

Sabelo Sivuyile Maqungo (South Africa) introduced the draft resolution on the report of the Board of Directors of the Trust Fund.

Assembly Rapporteur Alina Orosan (Romania) introduced the draft resolution on the Assembly's report, which was adopted as orally amended.

In concluding remarks, Court President Kirsch thanked the outgoing Assembly President, saying the Court had been at an early stage when he had assumed the presidency, and the Assembly had grown alongside the Court. The relationship between the two had deepened during those three years, with working groups operating both in The Hague and New York. Mr. Ugarte had been influential in enhancing the dialogue between States and the Assembly. He had introduced the general debate portion of the Assembly's plenary, and that had made a great improvement. He had also guided the Assembly through its formative years, and when Mr. Wenaweser took over as the Assembly's third president later in the year, attention could be turned fully towards securing sufficient cooperation with the Court.

At the end of the meeting, statements of appreciation for Mr. Ugarte's work were expressed by the representatives of Sierra Leone (on behalf of the African States parties to the Rome Statute) and the delegates of Trinidad and Tobago, Australia, Slovenia and Jordan, who pointed out that Mr. Ugarte would be presiding over the resumed session in June.

Uganda's representative called for the establishment of a fitting permanent tribute for Arthur Robinson of Trinidad and Tobago, who had been influential in the early establishment of the Court, and without whom the Court would not exist.

The representative of the Netherlands expressed special thanks to the Registrar and expressed the hope that all States felt confident in his country's conduct of the Court's permanent structure.

Finally, an announcement was made that the Court's 2007 *Outreach Report* had been made available in New York on the occasion of the Assembly's meeting.

Background

Meeting this morning to conclude its two-week-long sixth session, the Assembly of States Parties to the Rome Statute of the International Criminal Court had before it a report of the Assembly's Credentials Committee (document ICC-ASP/6/28), which states that the credentials of 105 representatives to the Assembly's sixth session have been received.

Also before the Assembly was the report of its Special Working Group on the Crime of Aggression (document ICC-ASP/6/SWGCA/1), which describes the Group's seven meetings on 4-7 and 12 December, with Christian Wenaweser (Liechtenstein) as the Chair. Discussions centred on a non-paper by the Chairman, which focuses on a definition of the individual's conduct in relation to aggression. The non-paper contains two new elements on the crime of aggression, the suggested role of the Pre-Trial Chamber and the so-called "green light" option with regard to the Security Council's role in the Court's work on the matter.

The report states that future meetings of the Group will be based on the Chairman's road map to the Review Conference to be held after 2009. Thus, the next meeting of the Group will be scheduled for a resumed sixth session from 2 to 6 June 2008 in New York, and the seventh session from 14 to 22 November in The Hague, with no specific time for the Group. Two days should be devoted to the crime of aggression during the seventh session, and a resumed seventh session of five days should be added in April, May or June 2009, approximately one year before the Review Conference, to finalize the Group's work.

Also before the Assembly was a report of the Working Group on the Review Conference (document ICC-ASP/6/WGRC/1), which held two meetings on 7 December, with Rolf Fife (Norway) as focal point. It was decided that the Conference will be held for 5 to 10 working days during the first semester of 2010, on the basis of invitations to be sent out by the United Nations Secretary-General in 2009. The scope will not be limited to amendments to the Rome Statute, but will also include a stocktaking process of international criminal justice. Uganda's offer to host the Conference will be accepted on the principle that it is a situation country where the Prosecutor of the International Criminal Court is still conducting investigations, where there are outstanding arrest warrants and where a peace process is being conducted. An annex to the report contains a list of non-exhaustive criteria to be taken into account in deciding the venue, including an allowance for maximum participation, financial implications and a positive impact in strengthening the Court's work.

According to the report of the Working Group on the Permanent Premises (document ICC-ASP/6/WGPP/1/Rev/1), discussions in its two meetings on 11 and 12 December, with Masud Husain (Canada) as Coordinator, centred on operative paragraph 10 of a resolution annexed to the report, dealing with the decision to establish a Project Director's Office with a budget of €208,500 to cover costs associated with the premises project. An architectural design competition will be conducted, and jury selection will take into account the significance of the Court in fighting impunity. The host country will run and finance the project, the Coalition for the International Criminal Court will be given observer status on the jury, and the Chief Architect of the Netherlands will consult with the jury to establish the modalities of attendance.

The report of the Working on the Programme Budget for 2008 (document ICC-ASP/6/WGPB) notes the Group's seven meetings from 10 to 13 December and one round of informal consultations on 13 December, with Hans Magnusson (Sweden) as Coordinator, and includes information on the results of both external and internal audits. A general exchange of views indicates concern about the low implementation rate of the 2007 budget, and the flexibility afforded the Court to transfer funds within major programmes to address any difficulties resulting from a proposed reduction of the 2008 budget.

Among specific recommendations contained in the report are budgetary matters related to the judiciary, the Office of the Prosecutor, the Registry, the Assembly secretariat, the Trust Fund for Victims, the permanent premises, and future budget improvements. Other recommendations include freezing the Working Capital Fund for 2008 at the 2007 level, and the consideration by the Committee on Budget and Finance of an appropriate

policy on the Trust Fund. A draft resolution related to common system costs would be submitted to the General Assembly.

Also before the Assembly were a number of budget-related draft resolutions. One of those concerns the 2008 programme budget, the 2008 Working Capital Fund, scale of assessments and financing for 2008 (document ICC-ASP/6/L.4), by which the Assembly would approve staffing for 2008 and appropriations totalling €90,382,100. The Working Capital Fund would be established at €7,405,983, and the Registrar would be authorized to make advances from it. The scale of assessments for the Court would be that of the United Nations, with adjustments to account for differences in membership.

Another draft, on Financial Regulations and Rules (document ICC-ASP/6/L.6), would amend that document to provide for annual reporting by the Internal Auditor to the Committee on Budget and Finance. A draft on Pension scheme regulations for judges (document ICC-ASP/6/L.7) would update articles related to the pension amount, spousal pensions and child benefits.

Among draft resolutions related to the Assembly's work was a five-part text on Strengthening of the Court and the Assembly of States Parties (document ICC-ASP/6/L.3/Rev.1), by which the Assembly would stress the importance of effective and comprehensive cooperation, and assistance by States and organizations to enable the Court to fulfil its mandate. It would also stress that the integrity of the Rome Statute must be preserved, and that Member States must adhere to treaty obligations emanating from it. The Assembly would also welcome the conclusion of the Headquarters Agreement between the Court and the host State on 7 June 2007.

Further, by that draft, the Assembly would call for a number of actions related to institution-building and stress the importance of dialogue between the Court and the Assembly Bureau, particularly with regard to ensuring equitable geographic representation and gender balance. States would be urged to take measures to provide protection for the Court's name, abbreviations and emblems. They would also be called upon to take measures enabling broader cooperation and more effective implementation of the Court's actions, with an emphasis on the need for States to cooperate in areas related to evidence, information sharing, arrests and surrender of those indicted, while also protecting victims and witnesses. The Assembly would call for actions aimed at strengthening the Court through the holding of a Review Conference in the first semester of 2010. That matter would be taken up at the Assembly's eighth session in 2009, and a discussion of the venue would be taken up at the resumed sixth session in June 2008.

By other terms of that draft, the Assembly would decide that the Committee on Budget and Finance would hold its next session in The Hague from 21 to 25 April 2008, and a further eight-day session at a time to be determined. Also, the Assembly would hold its seventh session from 14 to 22 November 2008 in The Hague, and a resumed seventh session in New York, for not less than two days, in 2009 for elections. The Assembly's eighth, ninth and tenth sessions would be held in The Hague, New York and The Hague, respectively.

Annexes contain recommendations on the Plan of Action for achieving universality and full implementation of the Rome Statute and on cooperation, recommendations on arrears, and draft rules of procedure for the Review Conference.

A draft resolution on the Regulations of the Trust Fund for Victims (document ICC-ASP/6/L.5) would have the Assembly amend that document for greater accuracy. A draft recommendation on the Election of the Court's Registrar (document ICC-ASP/6/L.2/Rev.1) would set out the qualifications for the election of that person by the Court's judges. An annex to that resolution contains the vacancy announcement for the position.

The final text before the Assembly was the draft report of the Assembly's sixth session in New York from 30 November to 14 December (document ICC-ASP/6/L.8).

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