



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Eleventh meeting

8 December 2022

Agenda and decisions

1. Twenty-first session of the Assembly

a) Revised provisional work programme

The Bureau adopted the updated work programme for the twenty-first session, dated 7 December 2022, on the understanding that it was subject to modification during the session itself, to take into consideration any developments and needs which might arise.

b) Elections

(i) Election of members of the Committee on Budget and Finance: update

The President recalled the Bureau's previous discussions on the election of members to the Committee on Budget and Finance in relation to the election to fill a seat allocated to the African group on the Committee on Budget and Finance, for which two States had presented one candidate each for the seat.

The facilitator for the issue, Ms. Béatrice Maillé (Canada), briefed the Bureau on her consultations.

Following the 9 November 2022 meeting of the Bureau, in which the President had asked the working groups of the Bureau to consult on the issue, the New York Working Group had discussed it at its 22 November meeting. The African group had presented a proposal, on which a wide variety of views had been expressed. Her consultations had resulted in the following understandings regarding three issues. As regards the first two issues, the Bureau agreed to recommend to the Assembly that:

1) The Assembly, at its twenty-first session, elect Ms. Jasleen Chaona Chirembo (Malawi) and Mr. Sahr Lahai Jusu (Sierra Leone) to the Committee on Budget and Finance for the seat allocated to the African group, on the understanding that the two members would share the seat as follows:

- a) Ms. Jasleen Chaona Chirembo (Malawi) would serve for the first half the three-year term, from 1 January 2023 to 30 June 2024;
- b) Mr. Sahr Lahai Jusu (Sierra Leone) would serve for the second half of the three-year term, from 1 July 2024 to 31 December 2025; and

2) That Assembly request the Bureau, in consultation with all States Parties, to discuss the allocation of seats on the Committee on Budget and Finance and to submit a report on its discussions by the twenty-second session of the Assembly.

As regards the third issue, a casual vacancy that arose in the Committee upon the resignation of Ms. Margaret Shava (Kenya) from the Committee on Budget and Finance, effective 30 November 2022, the Bureau decided to recommend that the Assembly:

- 1) Dispense with the nomination period for the filling of a vacancy on the Committee, which is required by resolution ICC-ASP/4/Res.6, taking into account that the Assembly was in session and States Parties were present;
- 2) Elect the candidate nominated by Kenya, Ms. Sanyu Diana Awori (Kenya), to fill the vacancy for the remainder of the term of Ms. Shava, i.e. until 23 December 2023;
- 3) Emphasize that the decision to dispense with the nomination period required by resolution ICC-ASP/2/Res.6 would not set a precedent for future elections by the Assembly; and
- 4) Agree to recommend that the Assembly proceed in this manner on the basis that the decision to dispense with the nomination period was being taken at the request of the regional group that has agreed to proceed in this manner and has made this request to the Assembly.

2. Nomination period for the election of judges- draft note verbale

The Bureau took note that, following the adoption of the omnibus resolution at the twenty-first session, the Secretariat would circulate the note verbale informing States Parties of the opening of the nomination period for the election of judges, which would include any text approved by the Assembly. The nomination period will run from 2 January to 26 March 2023.

3. Reports adopted by the Bureau

The Bureau took note that, on 2 December 2022, it had adopted via a silence procedure the draft report titled “Report to the Bureau on the review of the procedure for the nomination and election of judges”, which had been issued as document ICC-ASP/21/29

4. Other matters

a) ASP21- request for waiver of loss of voting rights

The Bureau had before it a copy of a note verbale from the Republic of Guinea, dated 5 December 2022, in which it requested an exemption from the loss of voting rights under article 112, paragraph 8, of the Rome Statute for the twenty-first session of the Assembly of States Parties.

The Bureau recalled that, at its 2 December meeting, it had decided to recommend that the Assembly grant requests for waivers at the twenty-first session on an exceptional basis, while also emphasizing the need for the States Parties concerned to engage with the Registrar on an urgent basis in order to establish a plan for payment of arrears. The Bureau would also revisit the issue in 2023, in order to determine the way forward.

On the basis of its 2 December 2022 decision, the Bureau agreed to recommend that the Assembly grant the request of the Republic of Guinea.

b) Allocation of items to the working groups of the Bureau

The President proposed that the Bureau decide on the allocation of items to The Hague Working Group and to the New York Working Group via a silence procedure before the holiday break in December.

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The President thanked the State of Palestine for its work on the Bureau during 2021 and 2022 and noted that Bangladesh would sit on the Bureau for 2023. The Ambassador of the State of Palestine thanked the President and the Coordinator of The Hague Working Group for their work during the 2021-2022 term.

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