



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Twelfth meeting

7 December 2023

Agenda and decisions

The meeting was chaired by the President, Ms. Silvia Fernández de Gurmendi. Vice-Presidents Ambassador Kateřina Sequensová (Czech Republic) also participated.

1. Recruitment of the Head of the IOM: update

The Bureau recalled its 31 October 2023 decision on the Terms of Reference and criteria for the recruitment panel for the Head of the Independent Oversight Mechanism (IOM). The facilitator, Mr. Edward Haxton (United Kingdom of Great Britain and Northern Ireland), noted that the Registrar had submitted a list of candidates for the recruitment panel, pursuant to the 31 October 2023 decision. The Registry had confirmed that all of the candidates were available to act on a *pro bono* basis. The Bureau agreed to appoint the following members of the recruitment panel for the Head of the IOM:

- Mr. Bernardin Assiene (Cameroon);
- Mr. Ignacio Herrera (Argentina);
- Mr. Byung-Kun Min (Republic of Korea);
- Ms. Anais Nau (Switzerland/Germany/France); and
- Ms. Annika Talvik (Estonia).

The President noted that the Registrar would be informed so that arrangements could be made for the panel to begin its work as soon as possible.

In response to a query, the facilitator confirmed that all of the panel members had the required work experience of more than 12 years, as decided by the Bureau. He agreed that the Bureau should strive to have as much experience on recruitment panels as possible.

2. Composition of the Committee on Budget and Finance: update

The Coordinator on the composition of the Committee on Budget and Finance, Ms. Mosammat Shahanara Monica (Bangladesh), provided an update on her ongoing consultations with States Parties. In the consultations held on 1 and 5 December, two new options had been presented by the African group, i.e. a fifth option proposing the expansion of the Committee to 17 members, which would see an allocation of four seats each to the African group and to the Western European and other States groups, and three seats each to the Asia-Pacific, the Eastern Europe and the Group of Latin American and Caribbean states; and a sixth option proposing a reduction of the number of seats on the Committee to 10, which would be shared equally among the regional groups.

States Parties were leaning towards the fifth option, and one delegation was awaiting instructions thereon. Discussions were also held on the nomination criteria for election to the

Committee, which would include equitable geographical representation, qualifications, gender balance and a term limit. Consultations were on-going and she hoped that States would reach an agreement before the end of the twenty-second session.

In response to a query, the facilitator clarified that there would be budgetary implications for the fifth option. A concern was expressed that the option that enjoyed greatest support had maximum budgetary implications while States Parties wished to minimize the budgetary implications. There should therefore be more reflection on this option.

Other members of the Bureau indicated their support to the budget-conscious approach but also indicated their flexibility, in order to move forward. A view was expressed that the issue should be approached with an open mind since it had repercussions for other discussions, and Bureau members should make every effort to reach agreement as soon as possible.

The Bureau took note of the update provided by the Coordinator. The President encouraged the Coordinator to continue her discussions with a view to completing them during the twenty-second session.

3. Recruitment of the Director of the Secretariat of the Assembly: Consideration of modalities of recruitment

The Bureau had before it a revised draft decision on the recruitment of the Director, dated 5 December 2023. The draft incorporated some of the comments raised at the 30 November meeting, and included also a revised proposal for appointment of the panel members which she hoped might satisfy the different concerns. The proposal was that States Parties would be invited to submit names for the recruitment panel, and the Registrar would also be asked to assist by providing names, specifically in relation to members with experience in secretariat or registry administration or conference servicing in a public service organization at the international level, international court or tribunal or intergovernmental organization. The Bureau would then appoint the panel from the list of names submitted.

A view was expressed that it was not necessary to have any overlap in the terms of the new Director and the current one. The President noted that it was unlikely that there would be such an overlap, since the recruitment process would likely take some time.

The Bureau agreed that members of the recruitment panel should have more than 16 years of relevant experience. The point was made that the Bureau should be given flexibility in the recruitment, and that taking into account the experience of the election of the Prosecutor, the recruitment panel's recommendations should not be binding on the Bureau. The President recalled that because the Director was part of the ICC staff, his or her appointment was not done through an election but indeed required a recruitment process. If the Bureau did not agree with the list proposed by the recruitment panel, it would need to start another recruitment process. She noted that consultations on this aspect would continue, with a view to the decision being adopted by the end of the twenty-second session.

4. Twenty-second session of the Assembly

a) Work programme

The Bureau approved a revised work programme, dated 6 December 2023, on the understanding that it would be further modified based on the developments on the issues on the agenda.

In response to a request for the Secretariat to have a live link to the speakers list, the Director indicated that the Secretariat could look into it, but the sessions were being webcast and the sequencing was affected by some speakers not respecting the time limit of five minutes.

As regards the possibility of the General debate being continued on the afternoon of Friday, 8 December, the President noted that informal consultations of the Review Mechanism, followed by a meeting of the Working Group on the Programme Budget had already been scheduled for that time. In response to a query whether the informal consultations could be held in parallel to the General debate, the Director recalled that, in principle, the Assembly had agreed over the years to avoid parallel meetings, taking into account that parallel meetings would be difficult for a number of small delegations.

b) Credentials Committee

Further to the Assembly's appointment at its first meeting of eight members¹ of the Credentials Committee, the Bureau agreed to recommend that the Assembly appoint Argentina as the ninth member.²

5. Adoption of the reports of the facilitations: update

The Bureau took note, regarding the report on "Cooperation", that consultations were still on-going. The President encouraged all States Parties to make every effort to conclude the consultations as soon as possible.

The Bureau took note that the report on "Arrears" had been adopted on 5 December and had been issued as an official document of the Assembly.³

The President recalled that the report of the Review Mechanism had been circulated on 3 December and had been issued as document ICC-ASP/22/11. Some of the annexes, including the two draft resolutions on the future of the Review Mechanism and on tenure, were pending and would be inserted when available.

* * *

¹ Bulgaria, Czech Republic, Finland, Ghana, Mexico, Netherlands, United Republic of Tanzania and Venezuela.

² Pursuant to rule 25 of the Rules of Procedure of the Assembly of States Parties.

³ Report of the Bureau on the arrears of States Parties (ICC-ASP/22/16).