



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Fifth meeting

8 May 2024

(via remote link)

Agenda and decisions

The meeting was chaired by the President, Ambassador Päivi Kaukoranta (Finland). Vice-Presidents Ambassador Michael Imran Kanu (Sierra Leone) and Ambassador Margareta Kassangana (Poland) also participated.

1. Review of the amendments on the crime of aggression

The Bureau continued its consideration of how to proceed with the mandate relating to the review of the amendments on the crime of aggression foreseen by the Kampala Review Conference,¹ as referenced in the omnibus resolution adopted at the twenty-second session of the Assembly.²

Bureau members exchanged views on the venue, format, timing and duration of the review. Some Bureau members stressed the importance of carrying out the preparations, including commencing negotiations on the substance of the review, as soon as possible. A view was expressed that it would be preferable to conduct the review during the regular Assembly session in The Hague in 2025, in order to facilitate the participation of capital-based experts, who would already be attending that session, and to minimise the overall costs, given there would be savings on travel costs for capital-based experts as well as Court and Secretariat staff. In support of that position the point was also made that several days could be dedicated to the review, back-to-back with the regular session in The Hague. On the other hand, a preference was expressed for the review to take place in a special dedicated session, in New York, in the summer of 2025 (i.e. as close as possible to seven years after the activation of the Court's jurisdiction). In this regard the point was made that having the review in New York seemed likely to be the least costly option, and would allow for the widest possible participation, especially from States Parties. The point was also made that the approach should be as inclusive as possible.

The President proposed that a focal point or focal points be appointed in the New York Working Group to liaise with all stakeholders on these issues, without prejudice to any further discussions which could take place at later stage in the Working Group on Amendments or another possible format. She indicated that a specific mandate for the focal point(s) would be submitted for the consideration of the Bureau.

The President recalled that the Secretariat of the Assembly would need to include any 2025 programme budget implications in the budget submission which it would convey to the Court in June.

¹ Resolution RC/Res.6, para. 4: “*Further decides* to review the amendments on the crime of aggression seven years after the beginning of the Court’s exercise of jurisdiction”.

² Resolution ICC-ASP/22/Res.3, para. 157: “*Recalls* the decision taken by the first Review Conference to review the amendments on the crime of aggression seven years after the beginning of the Court’s exercise of jurisdiction and *notes* that this review is to be prepared ahead of 17 July 2025”.

2. Status of contributions

The Bureau took note that, as at 30 April 2024, the Court had received 74 per cent of the assessed contributions to the approved budget for 2024. The total amount of outstanding contributions was €68.9 million, of which €48.5 million related to the 2024 budget and €20.4 million to prior years. A total of 33 States Parties had outstanding contributions of more than one year, and 15 of those were ineligible to vote under article 112, paragraph 8, of the Rome Statute. The President encouraged all States Parties to make their contributions to the budget of the Court as soon as possible.

The President recalled the 30 November 2023 decision³ by the Bureau regarding the development of criteria to better equip the Assembly and the Bureau to assess requests for waivers from the loss of voting rights under article 112, paragraph 8, of the Rome Statute. The initial discussion on that topic had been deferred pending the appointment of a facilitator on arrears. The Bureau agreed to take up the item at its sixth meeting in June 2024.

3. Implementation of IER recommendation R169: Discussion on possible measures due to threats against the Court

Pursuant to the strategy adopted by the Bureau on 29 July 2022 for responding to threats or attacks against the Court, its officials and those cooperating with it,⁴ the Bureau considered possible measures due to recent threats against the Court, including a joint statement in support of the independence and impartiality of the Court. Bureau members discussed the text of a draft joint statement for this purpose. The President indicated that a revised draft would be prepared, taking into account the discussion at the meeting.

4. Other matters

a) Recruitment of the Head of the Independent Oversight Mechanism: update

As regards the recruitment of the Head of the Independent Oversight Mechanism, pursuant to the terms of reference adopted by the Bureau,⁵ the Bureau was informed that the interviews for the position had taken place on 1 and 2 May 2024 in The Hague and that the recruitment panel appointed by the Bureau was finalizing the recruitment report which would be submitted to the Bureau for decision-making as soon as possible.

b) Recruitment of the Director of the Secretariat of the Assembly: update

As regards the recruitment of the Director of the Secretariat of the Assembly, pursuant to the terms of reference adopted by the Bureau,⁶ the Bureau was informed that the first meeting of the recruitment panel appointed by the Bureau would take place on 24 May, during which it was intended that the panel would decide on its Chairperson and Vice-Chairperson and agree on the recruitment process and timelines.

³ See agenda and decisions of the eleventh meeting of the Bureau, held on 30 November 2023, available at: https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau11-Agenda-Decisions.pdf.

⁴ The strategy adopted by the Bureau on 29 July 2022 is available at: <https://asp.icc-cpi.int/sites/asp/files/2022-08/Bureau-Proposal-Rec-169-ENG.pdf>. An annex containing a compilation of good practices approved by the Bureau on 2 December 2022 is available at: <https://asp.icc-cpi.int/sites/asp/files/2022-12/PASP-Request-R169-Good-Practices.pdf>.

⁵ See agenda and decisions of the tenth meeting of the Bureau, held on 1 November 2023, annex, available at: https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau10-Agenda-Decisions.pdf.

⁶ See agenda and decisions of the thirteenth meeting of the Bureau, held on 13 December 2023, annex, available at: https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau13-Agenda-Decisions.pdf.

c) Report of the Court on the desirability and feasibility of establishing regional representations

The Bureau took note of the “Report on the desirability and feasibility of establishing regional representations to promote dialogue, cooperation, complementarity, universality and promotion of the Rome Statute”, which had been prepared by the Court in response to the mandate contained in Assembly resolution ICC-ASP/22/Res.3, paragraph 59.⁷ A view was expressed that the report was missing detailed information on the budgetary implications of the regional representation model proposed in the report, something which States Parties had requested during the negotiations on the mandate. The point was made that it would be important to consider other possible models and less resource-intensive ways to undertake outreach and generate support in the different regions. The Bureau decided to refer the report for consideration in the Hague Working Group, bearing in mind any recommendations on the topic which might be contained in the forthcoming report of the Committee on Budget and Finance on its forty-fourth session.

d) Composition of the Bureau

As regards the mandate on the composition of the Bureau,⁸ the President noted that additional background information on the appointment of the Credentials Committee and Rapporteur had been circulated in response to queries raised at the fourth meeting of the Bureau. She recalled that a dedicated meeting would be convened on the topic, potentially in July 2024.

e) Interim report of the Independent Oversight Mechanism

The Bureau took note of the “Interim Report of the Independent Oversight Mechanism for the period 1 October 2023 to 31 March 2024”, dated 2 May 2024.

f) Appointment of Assembly mandate-holders

The President recalled that the Bureau had appointed Poland as the ad-country focal point on non-cooperation from the Eastern European Group on 1 May 2024 (see annex). Vice-President Kanu indicated that consultations were still underway in the New York Working Group to identify a Chair of the Working Group on Amendments and a facilitator for the topic of arrears.

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Annex

BUREAU OF THE ASSEMBLY OF STATES PARTIES

Assembly mandate-holder appointed by the Bureau on 1 May 2024

New York Working Group

- **Non-cooperation**
Ad-country focal point: Poland

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⁷ Resolution ICC-ASP/22/Res.3, para. 59: “*Recommends* that the Court studies the desirability and feasibility of establishing other regional representations to promote dialogue, cooperation, complementarity, universality and promotion of the Rome Statute, as well as to raise awareness for balanced representation of nationals of States Parties from all regions and asks the Registrar to report to the Bureau on this question, in the first quarter of 2024, including its budgetary implications, and ways to maximize the use of existing resources drawing upon experiences and lessons learned, including in regards to other relevant external presences”.

⁸ Resolution ICC-ASP/22/Res.3, annex I, para. 11(i): “*Requests* the Bureau to discuss the representative character of its composition, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world, and to submit a written summary of views expressed ahead of the twenty-third session of the Assembly, and *further requests* the Bureau to, in light of the written summary, consult with all States Parties on the topic and submit a report, without prejudice to any course of action, ahead of the twenty-fourth session of the Assembly”.