



**BUREAU OF THE ASSEMBLY OF STATES PARTIES**

**Ninth meeting**

**4 September 2024**

*(via remote link)*

Agenda and decisions

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

**1. Review Mechanism: update**

A State Party representative on the Review Mechanism, Ambassador Paul van den IJssel (Netherlands), briefed the Bureau on the work of the Review Mechanism. On 16 July 2024, States Parties had approved revised amendments to the ICC Staff Regulations and Rules prepared by the Court,<sup>1</sup> which would be annexed to a resolution on implementation of the tenure policy as of 1 January 2025, which would be submitted to the twenty-third session of the Assembly.

Also on 16 July, the Review Mechanism had submitted its Report on the overall progress of its work.<sup>2</sup>

The primary focus of discussions in 2024 was developing a tenure policy for ICC staff (P5 and D1 levels). Revisions had been made to ensure that tenure would be tied to individuals, not positions. This had required amendments to the ICC Staff Rules and Regulations to enable the Court to effectively implement the tenure policy and ensure its operational efficiency and staff morale. Ambassador van den IJssel noted that the Assembly was on track to implement the tenure policy by 1 January 2025, pursuant to resolution ICC-ASP/22/Res.6.

Discussions had also covered the inclusion of parental leave in calculating tenure, and States Parties ultimately decided that it would not be included. This would promote gender equality and career advancement, especially for women, and help foster a more inclusive and supportive workplace environment. The Focal Point for Gender and Equality had been consulted.

Another important issue under discussion was the African group's proposal for a moratorium on the recruitment of professional staff from non-States Parties. The Mechanism recognized the importance of the issue and planned to hold further consultations in order to find a balanced solution that would serve the Court's needs and the principle of diversity.

The "Matrix - Progress in the assessment of the IER recommendations", was being finalized and would be circulated shortly. All IER recommendations had been assessed, with the exception of

<sup>1</sup> Titled "Court's proposal for amendment to Staff Regulations and Rules in relation to the Tenure Policy, on the basis of the Proposal Submitted by Sweden, Canada, Estonia and South Africa, on 9 February 2024".

<sup>2</sup> Pursuant to resolution ICC-ASP/22/Res.6.

R78 and R140, and Ambassador van den IJssel encouraged the respective facilitations to complete the assessment as soon as possible in 2024, and to inform the Review Mechanism of the outcome thereof.

The Mechanism would hold another meeting to continue the discussions on a proposal for a moratorium, as well as a roundtable on working culture.

## **2. Preparations for the twenty-third session of the Assembly**

### *a) Seating arrangements*

In accordance with Assembly decision ICC-ASP/1/Dec.4, the President drew lots to determine the State Party that would occupy the first desk on the Assembly floor: Slovakia.

### *b) Programme of work*

The Bureau agreed on the programme of work for the twenty-third session,<sup>3</sup> on the understanding that that it would be updated in the coming weeks and would be subject to modification during the session depending on the progress on different agenda items.

### *c) General debate*

The Bureau decided to inform States that the general debate will begin on 2 December 2024 at 15:00 hours, with ministerial level representatives to speak first, and that it will continue on 3 December 2024 from 10:00 to 13:00 and 15:00 to 18:00 hours.

The Bureau further decided that the general debate would only allow for in-person speakers. States and other stakeholders could submit pre-recorded videos but these videos would not be played during the plenary, only posted on the webpage of the Assembly, together with written submissions.

#### *i. Time limits*

The Bureau recommended, on the basis of rule 50 of the Rules of Procedure and previous decisions of the Assembly on time limits for statements in the general debate, that the Assembly request speakers to limit their interventions to five minutes.

The Bureau requested the Secretariat to inform States of the opening of the list of speakers on 21 October 2024 at 12 am (Central European Time), and of the time limit of five minutes for such statements.

#### *ii. Participation of observers and non-governmental organizations*

On the basis of previous Assembly decisions, the Bureau recommended that the Assembly allocate 45 minutes for the participation in the general debate of observers pursuant to rule 92 of the Rules of Procedure of the Assembly.

The Bureau also recommended that 45 minutes be allocated to non-governmental organizations for the delivery of statements at the end of the general debate.

### *d) Elections: status of nominations*

The Bureau took note of the status of nominations for the elections to be held at the twenty-third session of the Assembly, as at 4 September 2024:

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<sup>3</sup> [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/ASP23-ProvWP.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/ASP23-ProvWP.pdf)

<b>Subsidiary body</b>	<b>Number of vacant seats</b>	<b>Nominations received</b>
Advisory Committee on Nominations of Judges	nine	seven
Board of Directors of the Trust Fund for Victims	five	four
Committee on Budget and Finance	five	two

The President noted that the status of nominations was available on the website of the Assembly, and was updated on a regular basis.<sup>4</sup> On 26 August 2024, the nomination period for each of the elections had been extended until 8 September 2024. The President encouraged States Parties to consider submitting nominations for election, taking into account that the vacancies on two bodies, the Board of Directors of the Trust Fund for Victims and the Committee on Budget and Finance, were regional-specific. For the Advisory Committee on Nominations of Judges, States should endeavour to ensure that the composition reflects “the principal legal systems of the world and an equitable geographical representation, as well as a fair representation of both genders, based on the number of States Parties to the Rome Statute”, as stated in the Terms of Reference for the Committee.

*e) Credentials Committee*

The Bureau took note that, pursuant to rule 25 of the Rules of Procedure of the Assembly of States Parties, the Credentials Committee shall be composed of nine States Parties.

The President requested Bureau members to consult within their regional groups to identify States willing to be appointed to the Committee and to inform the Secretariat about the respective candidates, preferably before the end of October 2024.

*f) Nomination of a Rapporteur*

As regards the appointment of a Rapporteur for the twenty-third session, the President noted that he/she should be a representative of a State Party on the Bureau, and should be from a regional group that is not represented in the Presidency of the Assembly.

The President requested the Bureau members of the Asia-Pacific Group and the Group of Latin American and Caribbean States to consult in order to agree on one nominee for the position, and to inform the Secretariat, preferably before the end of October.

*g) Appointment of Coordinators*

The Bureau agreed to recommend to the Assembly the appointment of the following Coordinators for the twenty-third session:

- Working Group on the Programme Budget: Ambassador Ana Cristina Rodríguez Pineda (Guatemala)
- Omnibus resolution: Ms. Beatrice Maillé (Canada)

*h) Side events*

The Bureau decided that side events may tentatively be organized during the Assembly session, from 2 to 7 December 2024, and should not overlap with the meeting times of the Assembly in order to be reflected in the official Journal. Further details regarding organization of the side events at the United Nations Headquarters are reflected in the “Guidelines for the preparation and conduct of sessions of the Assembly”, available on the Assembly’s website.<sup>5</sup>

<sup>4</sup> <https://asp.icc-cpi.int/elections>.

<sup>5</sup> [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/Guidelines-preparation-conduct-ASP-with-appendix-ENG.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/Guidelines-preparation-conduct-ASP-with-appendix-ENG.pdf).

The Bureau decided that States, observers and non-governmental organizations wishing to tentatively hold side events during the twenty-third session should submit to the Secretariat information regarding side events by 1 November 2024, with a view to the preparation of a draft Advance Journal for dissemination during the week of 4 November 2024.

*i) Trust Fund for the participation of Least Developed Countries and other Developing States*

The Bureau took note that, in light of the level of contributions, the Trust Fund could support the participation of one delegate from Least Developed Countries and other Developing States, and encouraged States in a position to do so to contribute to the Trust Fund, preferably by the end of October 2024.

### **3. Appointment of Assembly mandate-holders**

The President recalled that, on 22 August 2024, the Bureau had appointed Ms. Elisa De Raes (Belgium) as focal point on the preparations for the review of the amendments on the crime of aggression (see annex). Ms. De Raes would be invited to brief the Bureau on her consultations at its next meeting. A Bureau member pointed out the limited time available and stressed the importance for the Bureau to address the preparations for the review of the amendments on the crime of aggression sufficiently in advance of the twenty-third session of the Assembly.

The President noted that there was a vacancy on the Study Group on Governance following the departure of Ms. Mio Takanashi (Japan) from The Hague. Pursuant to a nomination from the Hague Working Group, the Bureau appointed Mr. Masahiro Kimura (Japan) as co-focal point on the Study Group on Governance.

The President noted that consultations were ongoing to identify a facilitator for arrears and recalled that Vice-President Kanu would act as facilitator until an appointment could be made.

### **4. Status of contributions**

The Bureau took note that, as at 31 August 2024, the Court had received 92 per cent of the assessed contributions to the approved budget for 2024. The President noted that a total of €9.3 million had been received from States Parties in August, including a significant amount from one State Party. The total amount of outstanding contributions was €35.2 million, of which €15.8 million related to the 2024 budget, and €19.4 million to prior years. A total of 27 States Parties had outstanding contributions of more than one year, and 13 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.

### **5. Travel to a State Party of a person against whom the Court has issued a warrant of arrest<sup>6</sup>**

The Bureau had a confidential discussion on this item.

### **6. Other matters**

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

The Bureau was informed that the recruitment of the Head of the Independent Oversight Mechanism was close to finalization, with an anticipated start date of 1 November 2024.

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<sup>6</sup> <https://x.com/paspkaukoranta/status/1830932789283176778?s=46>.

*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,<sup>7</sup> the President had been informed that the recruitment panel appointed by the Bureau was in the process of finalizing the shortlist. A written test would be organized during September, and interviews were planned for the last week of October 2024.

*c) IOM evaluation of the Secretariat of the Assembly*

The President noted that, in response to a letter sent to the Chairs of the subsidiary bodies inviting their comments on the IOM evaluation of the Secretariat of the Assembly,<sup>8</sup> the Bureau had received views from the Audit Committee, the Committee on Budget and Finance and the Advisory Committee on Nominations of Judges. She noted that recommendation 3 of the evaluation, which concerned the structure of the Secretariat, had been referred by the Bureau for consideration in the Budget Management Oversight topic in the Hague Working Group.

*d) Amendment to article 39 of the Rome Statute*

The Bureau took note that the amendment to article 39 2) b) of the Rome Statute which was adopted by the Assembly at its twenty-second session<sup>9</sup> had entered into force for all States Parties on 13 June 2024, six months after its adoption by the Assembly, in accordance with article 122, paragraph 2, of the Rome Statute.<sup>10</sup> The President appealed to States Parties to also bear in mind the other amendments, which required ratification, and to do their best to proceed with those ratifications.

*e) UNGA high-level week*

The President invited Bureau members and others to consider including strong statements in support of the Court in the statements of their heads of State and heads of government during the forthcoming United Nations General Assembly high-level week in New York.

*f) Travel of the President*

The President informed the Bureau that she planned to visit The Hague from 2 to 4 October, and New York during the week of 21 October (International Law Week), and would be available to meet with delegations during those visits. She also noted that she had participated in the Bled Strategic Forum on 2 and 3 September, to highlight the role of the International Criminal Court in one of the panels concerning the Summit of the Future,<sup>11</sup> and had also held bilateral meetings with different attendees.

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<sup>7</sup> 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](https://asp.icc-cpi.int/sites/default/files/asp_docs/2023-Bureau13-Agenda-Decisions.pdf).

<sup>8</sup> See agenda and decisions of the seventh meeting of the Bureau, held on 3 July 2024, available at: [https://asp.icc-cpi.int/sites/default/files/asp\\_docs/2024-Bureau7-Agenda-Decisions.pdf](https://asp.icc-cpi.int/sites/default/files/asp_docs/2024-Bureau7-Agenda-Decisions.pdf).

<sup>9</sup> Resolution ICC-ASP/22/Res.2.

<sup>10</sup> See depositary notification C.N.80.2024, issued on 1 March 2024 by the United Nations Secretary-General in his capacity as depositary of the Rome Statute, available at: <https://treaties.un.org/doc/Publication/CN/2024/CN.80.2024-Eng.pdf>.

<sup>11</sup> <https://x.com/paspkaukoranta/status/1830956574980088137?s=46>.

**Annex**

**BUREAU OF THE ASSEMBLY OF STATES PARTIES**

**Assembly mandate-holder appointed by the Bureau on 22 August 2024**

**New York Working Group**

- **Preparations for the review of the amendments on the crime of aggression**

Focal point: Ms. Elisa De Raes (Belgium)

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