



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Ninth meeting

New York

11 December 2017

Agenda and decisions

1. Sixteenth session of the Assembly

a) Work programme

The Bureau took note of the modifications to the work programme for the sixteenth session and requested the Secretariat to inform the Assembly accordingly.

2. Independent Oversight Mechanism

(i) Quarterly report

The Bureau took note of the “Quarterly activity report to the Bureau: October to December 2017”, dated 7 December 2017, submitted by the Head of the Independent Oversight Mechanism, in accordance with resolution ICC-ASP/12/Res.6.

(ii) Recruitment of the Head of the IOM

The Bureau had before it the reply of the Court’s Human Resources Section, dated 8 December 2017, relating to the Bureau’s 7 December 2017 query,¹ and a communication, dated 7 December 2017, from the Permanent Mission of Uganda to the United Nations. The Bureau took note that there had been a clear response from the Court’s Human Resources Section that the roster was no longer valid, as it had been established on 21 July 2015 with a two-year period of validity, which had expired on 21 July 2017.

Uganda proposed that since the second-ranked candidate of the previous recruitment process was still available, and the post should be filled as a matter of urgency, the Bureau should proceed to directly appoint that candidate, thus avoiding a lengthy recruitment process, which had taken one year and seven months. Uganda noted further that the final report of the recruitment panel had created two tiers of candidates, with the two highest ranked candidates being placed in the first tier, and the other top candidates in the second tier. Uganda stated that the panel had recommended that the second-ranked candidate should replace the top candidate if he were unable to take up the post. Therefore, in order to increase efficiency, the Bureau might wish to appoint the second-ranked candidate as Head of the IOM.

¹ See the Agenda and decisions of the 5 December 2017 meeting of the Bureau.

On the other hand, some Bureau members urged caution regarding the appointment of the Head of the IOM, in light of the clear indication from the Court's Human Resources Section that the validity of the roster had expired. Further, the Bureau should ensure that it respected the procedural rules of the Court regarding recruitment, and it should enquire whether the rules would permit the appointment of the second-ranked candidate. If they did not, the Bureau would need to open a new recruitment process. In addition, the need for transparency in the Assembly's interaction with the Court, especially in the area of oversight, was highlighted. There was no agreement among Bureau members on recruiting the second ranked candidate.

Further, the Bureau requested a legal opinion on the powers and responsibilities of the Bureau in the recruitment process and additional information/background paper on the mandate of the Bureau in this regard.

3. Other matters

The Bureau took note of a note verbale, dated 8 December 2017, addressed to the United Nations Secretariat, whereby the Permanent Mission of Indonesia requested the cancellation of a side event organized at the United Nations by the Permanent Mission of Vanuatu entitled "West Papua: Forensic mapping and ecocide", which was scheduled to be held on 12 December 2017. The Secretariat indicated that side events were organized by States Parties and were not held under the auspices of, nor organized by, the Secretariat of the Assembly. Further, the United Nations Secretariat's Department for General Assembly and Conference Management had indicated that, in situations where a State objected to an event organized by another State, the United Nations encouraged the States concerned to resolve the issue.

The Bureau took note that the matter was not an issue for the Assembly of States Parties.

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