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**Proposal on the election of a President of the Assembly and on the future  
composition of the Bureau**

**Note by the Secretariat**

The Bureau of the Assembly of States Parties hereby submits a proposal on the election of a President of the Assembly and on the composition of the Bureau of the Assembly for the period September 2005 to September 2008. The attached report reflects the outcome of the informal consultations conducted by the coordinator, Mr. Christian Much (Germany), at the request of the Bureau and is submitted to the Assembly for its consideration.

## **Proposal on the election of a President of the Assembly and on the future composition of the Bureau**

1. On 24 June 2004, the Bureau of the Assembly of States Parties asked Mr. Christian Much of the Permanent Mission of Germany to the United Nations in New York to conduct informal consultations with States Parties on the composition of the next Bureau. This report contains the outcome of the consultations and of the Bureau's consideration of the matter.

2. Between 28 June and 21 July 2004 the coordinator met bilaterally with representatives of 43 States Parties from all regional groups on the following two issues:

- Future distribution of Bureau seats among regional groups;
- Measures to enhance continuity between the current and the future Bureau.

3. The consultations were creative and constructive and motivated by a shared desire to find solutions to a set of issues that everybody considered to be important. A variety of views were expressed on some aspects, but in the end the coordinator had the impression that consensus had emerged on all issues, and most delegations assured him that they had cleared their views with their respective capitals. There were certainly instances where a State Party might have preferred a different outcome on a particular subject. Nonetheless, it was clear that in no such instance was a State Party bent on pursuing its preference at the cost of breaking the consensus. All interlocutors showed flexibility and willingness to move forward in harmony and at the required pace.

4. As to the future distribution of Bureau seats, there was support for the following formula:

- Group of Western European and Other States and Group of African States: 5 seats each;
- Group of Latin American and Caribbean States and Group of Eastern European States: 4 seats each;
- Group of Asian States: 3 seats, on the understanding that: (a) the next Chair of the Credentials Committee would be elected from a State Party that belonged to the Asian Group and was not a Bureau member; and (b) the Bureau would extend to her/him a standing invitation to participate in Bureau meetings without the right to vote.

5. It should be noted that this formula represents a compromise intended to overcome the difficulty that neither a purely "mathematical" nor an "equal representation" approach was capable of yielding convincing results. Some interlocutors considered that this compromise should not automatically extend beyond the term of office of the next Bureau (2005-2008), and that it might be worthwhile revisiting the question of the composition of the Bureau at the Review Conference in 2009.

6. On the issue of continuity between the current and the future Bureau, there was unanimous support for the idea that a future President of the Assembly of States Parties – like the President of the General Assembly of the United Nations – should be elected in advance of the actual commencement of the term of office. This would allow a future President of the Assembly to participate in Bureau meetings and be involved in International Criminal Court matters, thus acquainting her/himself with future responsibilities. The vast majority of the coordinator's interlocutors were prepared, in principle, to elect a future President of the Assembly as much as one year in advance. It should be noted, however, that a small number of States Parties expressed a preference for the election to be held only a few months before the beginning of the term of office.

7. With regard to another element of continuity, there was no objection to the idea of inviting a former President of the Assembly to participate as an observer in Bureau meetings.

8. Most interlocutors were of the view that it was not necessary to hold elections in advance for membership of the Bureau or for posts other than the Presidency.

9. The coordinator indicated that he had pointed out to his interlocutors that in order to elect the future President of the Assembly as early as during the forthcoming third session of the Assembly of States Parties (6 to 10 Sept 2004), it was necessary to have a clear view regarding: (a) the location of the next Bureau; and (b) a consensus candidate.

10. It was the coordinator's view that there was overwhelming support for the idea that the Bureau should remain in New York. About half of the States Parties have no embassy in The Hague and could only contribute to the work of the Bureau if it was located in New York. Equally, there was a unanimous sense that, while the Court was now established in The Hague, it was imperative to keep a political presence at the United Nations in New York and that, for various reasons, the Bureau was predestined for that role. Another important consideration, applying in particular to the President of the Assembly but also to other Bureau members, was that familiarity with multilateral diplomacy and the functioning and financing of international institutions as well as experience in chairing multilateral conferences were essential requirements, and that they would more easily be encountered among those posted to multilateral organizations.

11. As regards a consensus candidate for the office of President, the coordinator had the impression that there would be consensus support for the Permanent Representative of Costa Rica to the United Nations in New York, Mr. Bruno Stagno Ugarte.

12. He further pointed out that, if Ambassador Stagno were to be elected future President of the Assembly as early as September 2004, preparations would already need to be made, e.g. the inclusion of a corresponding agenda item. Furthermore, the process leading to the election would have to be fully transparent, also with regard to colleagues in The Hague. It was therefore advisable, once the Bureau had considered this report, to circulate it among States Parties, both in New York and in The Hague.

13. On 11 August 2004, the Bureau reviewed the conclusions of the coordinator and expressed its appreciation of his skilful efforts. It agreed with his recommendations regarding both the future distribution of seats among regional groups and the measures for enhancing continuity between the current and the future Bureau – with one exception. The Bureau could not reach agreement on the future location of the Bureau and therefore decided to revisit the issue at its upcoming meeting on 6 September in The Hague. The Bureau also agreed with the coordinator on the merit of having his conclusions circulated to all States Parties. In view of the obvious time constraints, the President of the Bureau opted to distribute the conclusions informally, but also requested the Director of the Secretariat of the Assembly of States Parties to issue the conclusions and the outcome of the Bureau's consideration of the matter as a report to the third session of the Assembly.