

Diplomatic Briefing

The Hague, 8 April 2011

Statement by the Director of the Secretariat of the Assembly of States Parties, Mr. Renan Villacis

Excellencies, Ladies and Gentlemen,

It is an honour for me to address you in order to convey some of the most recent developments concerning the Assembly.

Review Conference amendments

With the dissemination last November of the depositary communications from the United Nations Treaty Section to UN Missions, States may consider submitting the amendments for ratification by their parliament.

Tenth session of the Assembly

The tenth session of the Assembly shall be held at UNHQ from 12 to 21 December 2011. The invitation and provisional agenda were sent in hardcopy and email to all States in February, along with the notes verbales regarding the elections of six judges, six members of the Committee on Budget and Finance and the election of the Prosecutor. The nomination period for all these elections shall be open from 13 June to 2 September 2011.

Bureau

The Vice-President of the Assembly, Amb. Mirela Miculescu (Romania), has been mandated by the Bureau with holding informal consultations regarding the election of the new President of the Assembly for the following triennium. She has held consultations with different regional groups in New York and hopes to report on some expressions of interest in the coming weeks.

On a related topic, the membership of the incoming Bureau is also subject to consultations via Bureau focal points of the five regional groups.¹

Search Committee for the position of Prosecutor

As mandated by the Assembly, the Search Committee has begun its work, in accordance with its terms of reference. The Coordinator of the Search Committee, H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein (Jordan), informed the Bureau last Tuesday that at its second meeting on 28 March the Committee had reviewed the curricula vitae of 12 potential candidates, nationals of States from the following regional groups: five from the African Group, two from the Group of Latin American and Caribbean States and five from the Western European and Others group. Two of those potential candidates were not considered to meet the minimum requirements for the post, while the other candidates would be kept under further consideration.

¹ African States: Gabon; Asian States: Japan; Eastern European Group: Romania; GRULAC: Venezuela (Bolivarian Rep. of); WEOG: United Kingdom.

In its quest, the Committee and its members has, inter alia, given briefings to regional groups, held a press conference on 8 February and contacted professional associations as well as NGOs. The Search Committee would now attempt to conduct deeper enquiries, prior to holding its 2 June meeting. Any individual may suggest potential candidates to the Committee.

Further information regarding the Search Committee is available on the website of the Court.²

Non-cooperation

At its forthcoming meetings, the Bureau will proceed to discuss a paper on non-cooperation that was submitted for its consideration on 5 April. The paper essentially sets out three scenarios that could arise - in the long, medium and short-run - depending on whether a) a State Party has yet to implement the Rome Statute to comply with Court requests; b) concrete non-cooperation is about to occur or is currently on-going; or c) where a State Party may not have cooperated in the past. The specific suggestions for dealing with immediate situations of non-cooperation include resorting to the Bureau or another mechanism yet to be determined; other mechanisms are suggested for dealing with past situations of non-cooperation. The Bureau agreed that consultations on the paper would be conducted by Mr. Stefan Barriga, the Deputy Permanent Representative of Liechtenstein to the United Nations.

New York Working Group

The Working Group on Amendments, chaired by Amb. Paul Seger, the Permanent Representative of Switzerland to the United Nations, will have its first meeting on 19 May. As you may recall, this Working Group has been entrusted with the proposals for amendments that the Assembly had decided would be considered after the Review Conference.

The facilitators for the Plan of Action and the advisory committee on judicial nominations are planning to hold informal consultations on those topics before the end of the second semester, with a follow up meeting in the third quarter of the year.

The Hague Working Group

The facilitator on cooperation has held four informal consultations, with an additional one planned for the latter part of May, and a follow-up foreseen for September.

The facilitators on the Independent Oversight Mechanism also began their consultations and will have another meeting on 13 April. In order to continue its consideration of the additional elements of oversight, i.e. inspection and evaluation, the Bureau decided to conduct a mapping study of the different oversight bodies, via the United Nations Office of Internal Oversight Services; the OIOS experts shall conduct their fieldwork here in The Hague next week, with a view to have this study completed shortly thereafter.

The facilitator on victims and affected communities will hold her second and third informal consultations before the end of April.

The facilitators on the topic of complementarity plan to start their informal consultations with a meeting next week.

² <http://www.icc-cpi.int>, under Assembly of States Parties.

Arrears

There are 12 States Parties in arrears and they would thus not be able to vote in the Bureau nor in the Assembly unless the requisite minimum payments are made. The Secretariat has informed these States, both in New York and The Hague of this situation and the minimum amounts that would have to be disbursed to avoid the loss of voting rights.

Study Group on Governance

The Study Group has held two meetings. At its 14 April meeting it will discuss the extension of judges' terms; election process of judges and the President of the Court; and scope and mandate of judicial independence vis-à-vis administrative accountability; another meeting will take place on 20 April.

Assembly related developments

Oversight Committee on the permanent premises

The Preliminary Design phase ended and a new Final Design Minus phase has begun. The project continues to be within the maximum figure of €190 million at 2014 prices.

As regards costs related to the permanent premises project but not directly related to the construction, the estimate presented by the Court amounts to €42.3 million, of which approximately €1 million would be required for the 2012 financial period. The Oversight Committee decided to seek the advice of the Committee on Budget and Finance on how these costs should be budgeted.

A total of 27 States Parties have informed the Registrar of their decision to opt for one-time payment of their assessed share of the budget for the permanent premises. The deadline for making such a decision is 15 October 2012.³ One-time payments, partial or in full, have been received from 20 States Parties, totaling €2,450,309.

Interim premises

Last week the Bureau approved that the Court sign a letter with the host State regarding negotiations to extend the lease of the Arc Building beyond June 2012.

Committee on Budget and Finance

The Committee's sixteenth session, which will take place next week, shall focus on, inter alia, the premises of the Court, the Contingency Fund and human resources.

Mr. Masatoshi Sugiura (Japan), elected by the Bureau on 5 April to fill the vacancy left by the resignation of Mr. Shinichi Iida, would take part in the session.

³ Resolution ICC-ASP/8/Res.8.

Visits of the President

President Wenaweser visited the seat of the Court in mid-February when he held a retreat with the heads of the three organs on, inter alia, governance issues, as well as met senior Court officials and delegates. He intends to visit The Hague again, probably at the end of June and then once more during the fourth trimester in the company of his successor.

President Wenaweser intends to take part in the 16 and 17 May CARICOM seminar being organized in Port-of-Spain under the Plan of Action seminar series; the SASP is supporting the Government of Trinidad and Tobago and the Commonwealth Secretariat with the organization of this event. He would also take part in the conference being organized in Doha on 24 and 25 May 2011.

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