

**Informal and Unofficial Summarised Notes from the ASP
Plenary of the ASP, 30 November 2006, Morning Session**

These notes are not an official transcript of the meetings, but may serve as an informal and general overview of the proceedings. Please do not use these notes for official purposes.

The session starts at 10:50.

President: Could I invite all the delegations to take their seats? I call to order the sixth Plenary meeting of this Session of the ASP. Allow me first to congratulate all the coordinators and the facilitators of the Working Groups for the true splendid work they have done and allowing us to basically near the conclusions of our work according to the schedule of the draft provisional work program. I'd also like to thank all the delegations for your most constructive work and the fact that we have avoided, as it was on the past, any eventual problems, which I think is the most welcomed achievement.

We are proceeding according to schedule and we are hopefully ready to conclude an important part of our deliberation this morning. This morning we will proceed to the election of the members of the Board for the VTF (agenda item 8). As regards to agenda item 20, the dates of the next session of the ASP, and agenda item 21, the dates and venue of the next meeting of the Committee on Budget and Finance, I wish to note that they shall be dealt with within the framework of the Omnibus Resolution.

This morning there will be general considerations on the report of the WG on permanent premises, the WG on the budget and the special WG on the crime of aggression. In addition, since the ASP has included the deliberation of the Strategic Plan of the Court, you will hear a presentation by the focal point on this matter. You will also hear an introduction on the Omnibus resolution.

Tomorrow, during our 7th and final plenary meeting, we will proceed with the adoption of the various resolutions. Now, without delay, let's start with agenda item 8 and let's proceed with the election of the members of the Board of Directors VTF. In this regard, I wish to recall to all of you that the four regional groups have now endorsed one candidate each, the only outstanding nomination is for the group of the Asian countries. The Bureau of the Assembly recommends to proceed with the election of the 4 candidates endorsed by the regional groups and postpone the further election of the member of the Board of the Asian group to the resumed Fifth session of the ASP, which will be held in January 2007 in NY. Hopefully by then, the Asian group would have nominated their candidates. On this proposal, I suggest that we now proceed with the election of the four endorsed members by the regional groups. I see no objections. It is so decided.

I wish to draw your attention to the document ICC-ASP/5/28, which is prepared by the Secretariat on the election of the members of the Board of Directors of the VTF. As indicated therein, the nominations were granted from 6 January 2006 to 19 November 2006. The alphabetical list of candidates, including their respective statements of

qualifications, is contained in the annex of that document. As previously stated, 4 regional groups have now endorsed their respective candidates. I would like now to remind the Assembly that, as required by paragraph 10 of resolution ICC-ASP/1/US7, every election should be made by consensus. In the absence of consensus, the election shall be by secret ballot. However, this requirement may be dispensed with if the number of candidates corresponds to the number of seats to be filled or in respect of candidates endorsed by the respective regional groups, unless the delegations specifically request the vote on the given election. Given the fact that there are four candidates for four seats, may I suggest that the Assembly would, in accordance with paragraph 10 of resolution ICC-ASP/1/US7, dispense with the secret ballot and proceed to elect: Archbishop Emeritus Desmond Tutu, for the African states; Mr. Tadeusz Mazowiecki, for the Western European states; Mr. A.N.R. Robinson, for the group of Latin American and Caribbean states; and Madame Minister Simone Veil, for the rest of European and other states, as members of the Board of Directors for the Trust Board for Victims, for the three years period, that would commence on 1st December 2006. I see no objections. It is so decided. We have now concluded with agenda item 8.

We now move to agenda item 15, the report of the Special Working Group on the Crime of Aggression, contained in document ICC-ASP/5/SWGCA/1. I give the floor to Ambassador Wenaweser from Liechtenstein, the Coordinator of the Special WG, to introduce the report.

Coordinator of the Special WG on the Crime of Aggression: I thank you very much Mr. President. The report of the group, document ICC-ASP/5/SWGCA/1. The WG held 3 meetings of an hour and a half each and the WG had before this report on the inter-sessional meeting of the special WG, which was held at Princeton University in June 2006. The discussions of the Special WG were focused on the contents of the report of the inter-sessional meeting, as well as on the question of tentative [...] and the relationship of the work of the Special WG to the Review Conference.

In addressing the report, delegations agreed that substantial progress had been made at the 2006 inter-sessional meeting and that progress was reflected into the report of that meeting. It was also emphasized that the Crime of Aggression was one of the main tasks of the Review Conference and the Special WG needed to make all the possible efforts to conclude its mandate on time. Some delegations took the opportunity to offer comments of substance on the issue of the definition of the Crime of Aggression and there was an agreement in the end that the work of the Special WG was entering a new phase and that it was definitely time for the Chair to produce a revision of the Coordinator's paper of 2002, which should reflect the advances that have been made since, and also indicated that I will produce such a revision of the 2002 Coordinator's paper. Now, we have the resumed session of the ASP in January 2007 in NY, which will be dedicated exclusively to the question of the Crime of Aggression.

Finally, with regard to the time of the Review Conference (RC), this is reflected in the second part of the report, paragraphs 12 and 13. There was a general feeling that the Review Conference should be convened in 2009, that was provided regarding article 123

of the Rome Statute, and that if the Review Conference was to take place in 2009, the timetable previously agreed to would be the best way to go forward. However, since there were some comments or indications that the RC might take place at a later date, there was an agreement in the Special WG that if the RC was to be held at a later date, the time table for the Special WG will have to be adjusted accordingly.

I also indicated that I am consulting again with delegations on the possibility of holding another inter-sessional meeting next year, and we are attentively looking at dates in mid- June 2007, and this inter-sessional meeting will again take place in Princeton.

I would like to take this opportunity to thank those states which have supported with financial contributions the holding of inter-sessional meetings in Princeton. This is regarding Canada, Finland, The Netherland, Sweden and Switzerland, which have been generous financial contributors, together with my own government and the Liechtenstein Institute.

I would also like to thank the Special WG for working constructively with me and for entrusting me with the task of producing a revision of the Coordinator's paper. I would also like to express my gratitude to the Secretariat for the support I have received over the past two days. I thank you very much Mr. President.

President: I thank Ambassador Wenaweser for the introduction of the report and we want to thank him for the tireless efforts to bring the Special WG to finish its work. May I ask the ASP if it wishes to take note of the report of the Special WG on the Crime of Aggression? I see no objections. It is so decided.

President: We have now finished with agenda item 15. We shall now turn to agenda item 18, the premises of the Court. We shall consider the report of the Working Group on the Permanent Premises of the Court. I would now give the floor to the coordinator of the Working Group on Permanent Premises, Mr Massud Hussain of Canada who will introduce the report of the Working Group on Permanent Premises of the Court contained in ICC document ICC-ASP/5/WGPP/1. You have the floor, Sir.

Coordinator of WG on Permanent Premises: Thank you Mr President. The Working Group on Permanent Premises met 3 times in formal sessions over the last few days. We also had an informal session. As a result of these discussions and meetings, I am pleased to report to the plenary that the Working Group was able to achieve consensus on the report of the Working Group as well as the draft resolution as contained in its annex. I would like to point out, as it notes in the report, that operative paragraph 6 would in no way prejudge a decision as to what form the architectural design competition may or may not take. The issue will have to be determined in the future. I would also note that there will be a lot of work in the coming years for the Working Group that will be dealing with Permanent Premises. I would thus like to present the report for consideration to the plenary. Thank you.

Mr President: I thank Mr Hussain for the introduction of the report of the Working Group

on Permanent Premises and for his dedication and effort in this important matter. May I take it that the Assembly wishes to take note of the report of the Working Group on Permanent Premises? I see no objection, it so decided. I just would like to point out that we will take action on this resolution tomorrow in the plenary, as we will do for all resolutions, so that you will be bound by the 24-hour rule and that you will have sufficient time to review with proper consideration the various resolutions to be adopted by this ASP.

We shall now turn to agenda item 19, the staff and Strategic Plan of the Court. I shall now give the floor to Ms Michelle Dubrocard from France, the focal point who was coordinating the informal consultations on the Strategic Plan process of the Court. You have the floor.

Focal Point on Strategic Plan: Thank you very much. I have the honor of providing information on the consultations based on the report of the Bureau on the Strategic Plan of the ICC - document which is referenced as ICC-ASP/5/30. These consultations were quickly focused on the draft resolution that figures in the annex. During these consultations, some delegations suggested that it would be integrated in the omnibus resolution in order to avoid the proliferation of resolutions and not to give the impression that the strategic plan was of greater importance than the other points of the omnibus resolution. However, a majority of delegates who spoke to the floor were in favour of maintaining a separate resolution.

Following the suggestion made by the Australian delegation, references to the sectorial strategies were integrated in the resolution: on the one hand with regards to the communications and outreach strategy, and on the other hand with regards to ICT, as well as the prosecutorial strategy. There are therefore two new paragraphs to the draft resolution: preambular part of paragraph 3, paragraph 1 of the operational paragraphs.

Many delegations have emphasized the importance in the future of the place of the Court's activities as well as the appropriateness of *in situ* proceedings with the view to make justice more visible to the affected communities falling under the jurisdiction of the Court. This point figures in paragraph 3 of the draft resolution as amended. This resolution encourages the dialogue between the States and the Court regarding its strategy.

Mr President, I just have to thank all the delegations for their efforts and understanding. I would also like to thank the Secretariat as well as all the interpreters. Thank you.

Mr President: Thank you. I would also like to congratulate Mrs Dubrocard for her excellent work and her dedication on this important matter. Please note that we will take action on the resolution tomorrow morning contained in the document ICC-ASP/5/30.

I would now give the floor to Mr Jurg Lauber, the focal point on the informal consultations on the omnibus resolution. Mr Lauber you have the floor.

Focal Point on the Omnibus Resolution: Thank you Mr President. I have the honour to present to the Assembly this year's draft omnibus resolution entitled 'Strengthening the International Criminal Court and the Assembly of States Parties', ICC-ASP/5/L2. The final version of the draft will include a number of paragraphs on pensions schemes for judges, and on conditions of services and compensation of the Prosecutor and Deputy Prosecutors as adopted last night in the report of the Working Group of the Budget.

Mr President, the delegations participated in 3 rounds of informal consultations in the main conference room with translations provided, and a more informal meeting open to all delegations interested. It is my understanding that the document before you represents consensus among delegations and I would like to take the opportunity to thank all delegations for their constructive attitude during the informal consultations. I would also like to thank the translators and the Secretariat. Thank you.

Mr President: Thank you. I would like to thank Mr Lauber for his continued dedication and effort with regards to the omnibus resolution. We shall now turn to agenda items 11 & 12, consideration and adoption of the budget of the 5th financial year, and consideration of the audit report. I will now give the floor to Mr Lindenmann, coordinator of the Working Group on Budget and Finance, to introduce the draft resolution.

Coordinator of WG on Budget: Thank you Mr President. The Working Group for the 2007 Budget held seven meetings between 24 and 29 November 2006. It also held 3 rounds of informal consultations: 27, 28 and 29 November 2006. The Working Group decided to take the report of the CBF, including the CBF's recommendations, as the basis for its consideration of the budget for 2007. The Working Group also held a number of debates of a more general nature on issues such as outreach as well as the presentation of the budget and budgetary process.

I am pleased to report to the Assembly that the Working Group at its 7th meeting last night successfully concluded its work and adopted its report for submission to the plenary. The report contained in document ICC-ASP/5/WGBF/1 has been issued and will be distributed in this room in all languages. Annex 1 of the report contains the draft resolution of the programme budget for the year 2007, the working capital fund for 2007, the scale of assessment for expansion of expenses of the ICC and financing appropriations for the year 2007. The Working Group recommends to the Assembly the adoption of that draft resolution.

This is the result of a common effort to which many have contributed. I would like to thank all the members of the Secretariat for their support at all stages of the process; I would extend my thanks to the interpreters and technicians. I then wish to particularly thank the sub-coordinator on matters pertaining to the pensions schemes of judges, the condition of services of judges and the condition of services of the Prosecutor and Deputy Prosecutors. I would also like to thank the representative of the CBF, Mr P. Lowell, rapporteur of the CBF, for his insights in the debate of the Working Group. I extend my thanks to the representatives of the Court present in the Working Group, including the Registrar, Mr B. Cathala and Mr Martens. It is always a pleasure to work with officials of

the Court. Mr President above all, I would like to thank all delegations for their work, the mutual respect they have demonstrated and the invaluable spirit of cooperation. It is this spirit that has driven to the establishment of the ICC. It is my belief that the ICC is an institution as no other.

Mr President, this concludes the presentation of my report on the Working Group on Budget and Finance. Thank you.

Mr President: I thank Mr Lindenmann for his statement and I would like to sincerely thank him for his work and dedication, especially in taking the lead of this Working Group on such short notice.

I recognize the delegation of New Zealand. You have the floor.

New Zealand: Thank you and sorry to take the floor. I just wanted to draw the attention to one minor error in the CANZ language that has been inserted in the resolution. It is in paragraph C on the last page of the document. The end of the first line of the second paragraph says 'largest contributorS' when it should read 'largest contributor', singular. I would like it to be noted before we adopt the resolution. Thank you.

Mr President: I would like to thank the representative of New Zealand for raising that matter. The correction will be reflected accordingly. Thank you.

May I take it that it is the wish of the Assembly to take note of the report of the Working Group on the Programme Budget? I see no objection, it is so decided.

Dear colleagues, we have thus concluded our work for this morning. This afternoon the Credentials Committee will be meeting in closed session from 3 to 3.30 pm. The Bureau will be meeting this afternoon from 3.30pm in room Oceania 1. Tomorrow morning, we will have our last plenary meeting in which we will continue our consideration of the reports of the Working Groups and hopefully adopt the draft resolutions. We will then hear the report of the Credential Committee and the report of the Rapporteur. Our final task will be the adoption of the report. If time allows, before we proceed to the closure of the session, we will provide regional groups and Member States with the opportunity to present some brief closing remarks that should not exceed 2 minutes.

Thank you. This meeting is adjourned.