

**Assembly of States Parties**

Distr.: General  
25 June 2003

Original: English

---

**Second session**

New York

8-12 September 2003

**Proposals by the Bureau on the establishment of a permanent secretariat of the Assembly of States Parties****Note by the Secretariat**

1. Pursuant to its resolution ICC-ASP/1/Res.9 of 9 September 2002, the Assembly of States Parties to the Rome Statute of the International Criminal Court requested its Bureau to study the question of the permanent secretariat of the Assembly and to submit related proposals, including an assessment of the budgetary implications for the 2004 budget, to the Assembly so that it might take a decision thereon at its regular session in the second half of 2003.<sup>1</sup> The Assembly also requested the Bureau to examine the modalities for the progressive replacement of the provisional secretariat by the permanent secretariat in an efficient and expeditious manner, in consultation with the Secretariat of the United Nations.

2. The proposals of the Bureau in response to the said resolution are contained in document ICC-ASP/2/2, section II, part two. The proposals have been prepared following consultation with various institutions, including the Common Services Division of the International Criminal Court and relevant units of the Secretariat of the United Nations. Section 1 (ICC-ASP/2/2, paras. 293-341) of the proposals addresses the establishment of the proposed secretariat, in particular questions relating to its mandate, the resource requirements and programme budget implications. Section 2 (ICC-ASP/2/2, paras. 342-345) considers issues concerning the progressive replacement of the provisional secretariat. Section 4 (ICC-ASP/2/2, pp. 134-136) contains the budget estimates for the Secretariat, by object of expenditure. A draft resolution on the establishment of a permanent secretariat, including the terms of its proposed structure, is set out in the annex to the present note.

3. The Bureau recommends that the Assembly adopt a resolution establishing a permanent secretariat, on the terms of the draft resolution contained in the annex to the present note, and that it approve the corresponding costs included ad referendum in the draft programme budget for 2004 (see ICC-ASP/2/2, sect. II, pp. 134-136).

*Notes*

<sup>1</sup> See *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First Session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II.C (ICC-ASP/1/3 and Corr.1), part IV.

## Annex

### Draft resolution

#### **Establishment of the Permanent Secretariat of the Assembly of States Parties to the International Criminal Court**

*The Assembly of States Parties to the International Criminal Court,*

*Bearing in mind* article 112 of the Rome Statute of the International Criminal Court,<sup>a</sup>

*Recalling* rule 37 and other relevant provisions of its Rules of Procedure,<sup>b</sup> in which specific functions regarding servicing of the Assembly and subsidiary bodies established by the Assembly are assigned to, or contemplated for, the secretariat,

*Recalling also* its resolution ICC-ASP/1/Res.9 of 9 September 2003,<sup>c</sup> by which it expressed its desire to ensure that adequate secretariat services are provided to the Assembly on a permanent basis, and requested the Bureau to study this question and to submit related proposals, including an assessment of the budgetary implications for the 2004 budget, so that the Assembly may take a decision thereon at its current regular session,

*Noting* that the Assembly has established, as of now, its Bureau, the Credentials Committee, the Committee on Budget and Finance and the Special Working Group on the Crime of Aggression, and that it may establish further subsidiary bodies, by virtue of article 112, paragraph 4, of the Rome Statute,

*Considering* that secretariat functions are necessary for the exercise of the functions of the Court and the fulfilment of its purposes,

1. *Takes note with appreciation* of the proposals submitted by the Bureau on the establishment of a permanent secretariat, including the assessment of the budgetary implications for the 2004 budget, and on the modalities for the progressive replacement of the provisional secretariat by the permanent secretariat;<sup>d</sup>

2. *Decides* to establish the Secretariat of the Assembly of States Parties (the Secretariat) in accordance with the provisions of the annex to the present resolution;

3. *Resolves* that the Secretariat shall be constituted as an integral part of the Court, operating under the full authority of the Assembly and reporting directly to the Assembly;

4. *Also resolves*, without prejudice to paragraph 3 above, that the Secretariat and its staff shall be integrated into the Registry of the Court.

---

<sup>a</sup> *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I, sect. A.

<sup>b</sup> See *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First Session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II, sect. C.

<sup>c</sup> *Ibid.*, part IV.

<sup>d</sup> See ICC-ASP/2/2, sect. II, part two; and ICC-ASP/2/3.

## Annex

1. The Assembly of States Parties to the International Criminal Court hereby establishes the Secretariat of the Assembly of States Parties to the International Criminal Court (the Secretariat), which shall begin its operations on 1 January 2004.
2. The seat of the Secretariat shall be established at The Hague.
3. The functions of the Secretariat shall be to provide the Assembly and its Bureau, the Credentials Committee, the Committee on Budget and Finance, the Special Working Group on the Crime of Aggression, as well as, upon explicit decision by the Assembly, any subsidiary body that may be established by the Assembly, with independent substantive servicing as well as administrative and technical assistance in the discharge of their responsibilities under the Rome Statute, where applicable by means of pooling with resources available with the Court, as provided in paragraph 8 below.
4. The functions of the Secretariat shall include:
  - 4.1 Conference-servicing functions:
    - (a) Planning, coordination and servicing of meetings, including the provision of interpretation services;
    - (b) Preparation and processing of documentation, including the editing, translation, printing and distribution of documents;
    - (c) Ongoing editorial and publishing functions;
  - 4.2 Core legal and substantive functions:
    - (a) Coordination of the effective functioning of conference and support services (staff, interpretation/translation, conference rooms, supplies, equipment, security services) before and during meetings;
    - (b) Substantive secretariat servicing, including: provision of documentation; preparation of pre-session and in-session documents, reports and analytical summaries; preparation of notes and statements for the President of the Assembly or chairpersons of the serviced bodies; provision of interpretation; provision of legal advice on rules of procedure and the conduct of business; liaising with delegations; and making arrangements, upon request, for informal consultations among delegations;
    - (c) In-house advice on legal and substantive aspects and on the ramifications of the activities and decision of the serviced bodies;
    - (d) Corresponding with Governments, the Court, non-governmental organizations and other relevant bodies and individuals;
    - (e) Protocol and credentials, including the administration of the solemn undertakings by judges, the Prosecutor and the Registrar and the management of participation rights (credentials of State Parties, observers, non-observers, non-governmental organizations), travel arrangements;
    - (f) Public relations through the electronic and printed media;

- (g) Cooperation with the host country;
- (h) Bringing to the attention of the serviced bodies any matter which the Secretariat deems to require their consideration;

4.3 Core financial functions:

- (a) Provision of financial and budgetary advice to the Committee on Budget and Finance, including advice on the Financial Regulations and Rules, drafting of statements on budgetary implications, and preparation of draft resolutions on financial and budgetary matters;
- (b) Preparation of the section of the Court budget that relates to the Secretariat;

4.4 Administrative functions:

- (a) Secretarial work (typing, telephone etc.);
- (b) Management of Secretariat personnel;
- (c) Administration of the budget of the Secretariat;
- (d) Building and property management;
- (e) Maintenance of records, archives and library;

4.5 Any other functions that the serviced bodies entrust to the Secretariat.

5. The Secretariat shall be constituted as an integral part of the Court, operating under the full authority of the Assembly and reporting directly to the Assembly in matters concerning its activities. In this framework, the Secretariat shall be integrated into the Registry of the Court. The staff of the Secretariat shall be an integral part of the staff of the Registry and, as such, of the Court, enjoying the same rights, duties, privileges, immunities and benefits.

6. The Secretariat shall be directed by the Director of the Secretariat, who will be selected by the Bureau of the Assembly and thereupon appointed by the Registrar. The Director of the Secretariat shall have a comprehensive knowledge of the purposes, principles and procedures of the International Criminal Court and shall demonstrate that he/she possesses, if possible through experience gained at the international level, broad managerial and administrative skills.

7. Other personnel resources shall include staff necessary to provide the substantive, administrative and technical assistance specified in paragraphs 3 and 4 above.

8. The functions of the Secretariat shall be exercised in a manner consistent with the Statute and with the principles of effective financial administration and economy. To that end and without prejudice to the authority of the Director of the Secretariat to instruct the Secretariat on ways to accomplish its functions:

8.1 The Secretariat shall operate under the Financial Regulations and Rules and the Staff Rules of the Court, in a manner that secures the adequate participation of the Secretariat in decisions on matters that affect its staffing and its operations. The Secretariat will be subject to the internal and external auditing established for the Court;

- 8.2 The Secretariat and the Court shall attempt, within the bounds of mutual respect for the independent exercise of their respective functions and of maintaining high levels of professionalism, integrity and competence, to find joint responses to situations of increased workload at the Secretariat, by making available to the Secretariat, to the greatest possible extent, relevant expertise and physical resources existent with the Court, whenever possible based on arrangements that the Secretariat and the Court should agree in anticipation of such situations;
- 8.3 In situations where increased workload at the Secretariat cannot be met through cooperation with the Court as called for in paragraph 8.2 above or through other means, the Secretariat shall respond to such situations, within the established budgetary framework, by outsourcing certain administrative, protocol or logistical services;
- 8.4 General operating services, building and property management, procurement services, library services and personnel services shall be pooled to the maximum extent with corresponding services of the Court.
9. The Secretariat shall be funded from the budget of the Court. It shall have no income of its own and may not receive voluntary contributions directly from Governments or international organizations.
10. The Director of the Secretariat shall be responsible to the Bureau of the Assembly for the proper functioning of the Secretariat.
-