



**UNITED
NATIONS**



**United Nations Diplomatic Conference
of Plenipotentiaries on the Establishment
of an International Criminal Court**

Distr.
LIMITED

A/CONF.183/C.1/L.47
3 July 1998

Original: ENGLISH

Rome, Italy
15 June-17 July 1998

COMMITTEE OF THE WHOLE

RECOMMENDATIONS OF THE COORDINATOR

PART 11. ASSEMBLY OF STATES PARTIES

1. At its 18th meeting, on 29 June 1998, the Committee of the Whole considered Part 11 consisting of article 102 entitled "Assembly of States Parties". The Committee entrusted Mr. S. Rama Rao (India) with the task of coordinating informal consultations on the text for article 102.
2. As a result of the informal consultations, the Coordinator submits to the Committee of the Whole the following text:

PART 11. ASSEMBLY OF STATES PARTIES

Article 102

Assembly of States Parties

1. There is hereby established an Assembly of States Parties to this Statute. Each State Party shall have one representative in the Assembly who may be accompanied by alternates and advisers. Other States which have signed the Statute or the Final Act may be observers in the Assembly.
2. The Assembly shall:
 - (a) Consider and adopt recommendations of the Preparatory Commission;
 - (b) Provide management oversight to the Presidency, the Prosecutor and the Registrar regarding the administration of the Court;
 - (c) Consider the reports and activities of the Bureau and take appropriate action in regard thereto;

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- (d) Consider and decide the budget for the Court; ¹
 - (e) Determine whether to alter, as appropriate, the number of judges;
 - (f) Pending
 - (g) Perform any other function consistent with this Statute or the Rules of Procedure and Evidence.
3. (a) The Assembly shall have a Bureau consisting of a President, two Vice-Presidents and eighteen members elected by the Assembly for three-year terms.
- (b) The Bureau shall have a representative character, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world as far as possible.
- The Bureau shall meet as often as necessary, but at least once a year, and shall assist the Assembly in the discharge of its responsibilities.
- (c) The Assembly may also establish other subsidiary bodies as may be necessary, including an independent oversight mechanism for inspection, evaluation and investigation in order to enhance the efficiency and economy of the Court.
- 3 bis. The President of the Court, the Prosecutor and the Registrar or their representatives may participate, as appropriate, in meetings of the Assembly of States Parties or of the Bureau.
4. The Assembly shall meet at the seat of the Court or at the Headquarters of the United Nations once a year and, when circumstances so require, hold special sessions. Except as otherwise specified in the Statute, special sessions shall be convened by the Bureau on its own initiative or at the request of one third of the States Parties.
5. Each State Party shall have one vote. Every effort shall be made to reach decisions on matters of substance by consensus in the Assembly and in the Bureau. If consensus cannot be reached, decisions on matters of substance must be approved by a two-thirds majority of those present

¹This paragraph is without prejudice to the final decision on article 104.

and voting, provided that an absolute majority of States Parties constitutes the quorum for voting, except as otherwise provided in the Statute.

6. A State Party that is in arrears in the payment of its financial contributions to the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party.

7. The Assembly shall adopt its own rules of procedure.

8. The official and working languages of the Assembly of States Parties shall be those of the General Assembly of the United Nations.
