

COUNSEL SUPPORT STAFF COMMITTEE 'S PROPOSED AMENDMENTS TO THE ICCBA CONSTITUTION

CURRENT PROVISIONS	COMMENTS	PROPOSED AMENDMENTS
<p>PART IV: GENERAL ASSEMBLY [...] Article 7: Voting duty and rights 1. All Members in Good Standing may attend General Assembly Meetings, though only Full and Associate Members shall have the right to vote. Votes by Full Members shall be counted as one and a half the amount of Associate Members. [...] 7. The vote of the General Assembly shall be valid only if the following quorum is respected: the quorum of the General Assembly shall exist when at least one fifth of the Full Members are in attendance, in person or by electronic means. 8. A decision taken by the General Assembly is valid if an absolute majority of Members participating are in its favor. The same quorum is required for Special Assembly Meetings.</p>	<p>These proposed amendments are inspired by the “codetermination” practice of certain jurisdictions where workers can elect representatives on boards of directors of corporations.</p> <p>To replicate this for the ICCBA, the majority of seats on the Executive Council are allocated to Full Members, while four seats on the Executive Council are allocated to Associate Members (see the proposed amended Articles 8 and 9).</p> <p>The text removed from Article 7(1) is simply for reasons of redundancy because the rules are now further explained in proposed Article 7(1bis) and Article 7(1ter).</p> <p>7(1bis) explains the voting rights of the various categories of members.</p> <p>With regard to the weight of votes, Article 7(1ter)(a) lays down the basis rule of Full Member votes counting for more than Associate Members, while Article 7(1ter)(b) reserved this for Associate Member positions on the EC and the CSSC. Article 7(1ter)(c) simply reproduces the voting rule already contained in Article 25,</p>	<p>PART IV: GENERAL ASSEMBLY [...] Article 7: Voting duty and rights 1. All Members in Good Standing may attend General Assembly Meetings though only Full and Associate Members shall have the right to vote, subject to Article. Votes by Full Members shall be counted as one and a half the amount of Associate Members.</p> <p>[1bis. The voting rights of Members shall be as follows: a. Full Members and Associate Members have the right to vote in all decisions of the General Assembly as well as the election of any position of any organ of the ICCBA. b. Affiliate Members are only permitted to vote in elections for: (i) positions allocated to Associate Members on the Executive Council; and (ii) Counsel Support Staff Committee positions.</p> <p>1ter. The weight of votes of Members relative to each other shall be as follows: a. Votes by Full Members shall be counted as one and a half the amount of Associate Members, subject to 7(1ter)(b).</p>

	<p>so as to rationalise the drafting of the constitution.</p> <p>The voting weights of Full Members, Associate Members, and Affiliate Members are adjusted to reflect the goals of the amendment. The textual complexity results from the diverse forms of participation in the ICCBA, but for clarity, the amendment sets the voting weight of the categories of members for both Associate Member candidates on the EC and candidates for the CSSC as follows:</p> <p>Associates - 1.5 votes Full Members - 1 vote Affiliates - 1 vote</p>	<p>b. for positions allocated to Associate Members on the Executive Council and Counsel Support Staff Committee positions, votes by Associate Members shall be counted as one and half the amount of Full Members.</p> <p>c. In elections where both Associate Members and Affiliate Members can vote, the votes of Associate Members shall be counted as one-and-a-half the amount of Affiliate Members’]</p> <p>[...]</p> <p>7. The vote of the General Assembly shall be valid only if the following quorum is respected: the quorum of the General Assembly shall exist when at least one fifth of the Full Members [and Associate Members] are in attendance, in person or by electronic means.</p> <p>8. A decision taken by the General Assembly is valid if an absolute majority of Members participating are in its favor. The same quorum is required for Special Assembly Meetings.</p>
<p>Article 8: Procedure for Elections and Resolutions</p> <p>[...]</p> <p>12. The Election Chair holds as many ballots as are necessary, proceeding in the following order until Members have been elected to each position:</p> <p>a. President (one seat); b. Executive Council (fourteen seats); c. Professional Standards Advisory Committee (five seats); d. Defence Committee (seven seats); e. Victims Committee (seven seats);</p>		<p>Article 8: Procedure for Elections and Resolutions</p> <p>[...]</p> <p>12. The Election Chair holds as many ballots as are necessary, proceeding in the following order until Members have been elected to each position:</p> <p>a. President (one seat); b. Executive Council (fourteen [ten] seats [allocated to Full Members and four seats allocated to Associate Members]); c. Professional Standards Advisory Committee (five seats); d. Defence Committee (seven seats); e. Victims Committee (seven seats);</p>

<p>f. Counsel Support Staff Committee (seven seats); g. Legal Advisory Committee (five seats); h. Membership Committee (five seats); i. Training Committee (five seats); and j. Amicus Committee (five seats).</p>		<p>f. Counsel Support Staff Committee (seven seats); g. Legal Advisory Committee (five seats); h. Membership Committee (five seats); i. Training Committee (five seats); and j. Amicus Committee (five seats).</p>
<p>PART V: EXECUTIVE COUNCIL Article 9: Composition 1. The Executive Council is composed of the President, Vice President for Defence and Vice President for Victims and twelve Members who shall all be Full Members. 2. The Members of the Executive Council are elected by the General Assembly from a list of nominees. A Full Member is officially nominated to run for election when supported by five Members. The list of nominees shall be submitted to all Members no later than five days before the election. In exceptional circumstances, nominations can be made during the General Assembly prior to the election. [...] 4. The membership of the Executive Council is based on principles of equity with consideration given to the type of legal representation (Victims/Defence), geographic representation, gender and the various domestic legal systems (e.g., Common and Civil law) and the different languages existing before the ICC. To the extent practicable, a minimum of one seat is respectively reserved to Counsel native to the following areas:</p>	<p>As explained above, the proposed amended Article 9 would also set out that four seats are allocated to Associate Members. Three lists of Members running for elections to the Executive Council are proposed to reflect the amended composition.</p>	<p>PART V: EXECUTIVE COUNCIL Article 9: Composition 1. The Executive Council is composed of[:] [a. T]the President, Vice President for Defence and Vice President for Victims and twelve [eight] Members who shall all be Full Members]; and b. Four Members who shall all be Associate Members]. 2. The Members of the Executive Council are elected by the General Assembly from a [three] list[s] of nominees[: a. A list of Full Members running for President; b. A list of Full Members running for positions allocated to Full Members on the Executive Council; and c. A list of Associate Members running for positions allocated to Associate Members on the Executive Council]. A Full [or Associate] Member is officially nominated to run for election when supported by five Members. The list[s] of nominees shall be submitted to all Members no later than five days before the election. In exceptional circumstances, nominations can be made during the General Assembly prior to the election. [...] 4. The membership of the Executive Council is based on principles of equity with consideration</p>

<p>a. Asia-Pacific States; b. Central and Eastern European States; c. Latin America and Caribbean States; d. North American States; e. North African States; f. Sub-Saharan African States; and g. Western European States. 5. At least eight seats on the Executive Council shall be reserved for Counsel engaged in cases before the ICC or who have been engaged in a case during the three years preceding the elections.</p>		<p>given to the type of legal representation (Victims/Defence), geographic representation, gender and the various domestic legal systems (e.g., Common and Civil law) and the different languages existing before the ICC. To the extent practicable, a minimum of one seat is respectively reserved to Counsel [or Associate Members] native to the following areas: a. Asia-Pacific States; b. Central and Eastern European States; c. Latin America and Caribbean States; d. North American States; e. North African States; f. Sub-Saharan African States; and g. Western European States. 5. At least eight seats on the Executive Council shall be reserved for Counsel [or Associate Members] engaged in cases before the ICC or who have been engaged in a case during the three years preceding the elections. [At least two of the Associate Members on the Executive Council shall be engaged in cases before the ICC or have been engaged in a case during the three years preceding the elections].</p>
<p>PART V: EXECUTIVE COUNCIL Article 11: Meetings 1. The Executive Council shall meet in ordinary sessions on a regular basis, upon the invitation of the Executive Committee, and all its decisions shall be taken by an absolute majority vote.</p>	<p>This amendment simply provides that once elected to the EC, Associate members will have equal voting rights than the Full members on the EC.</p>	<p>PART V: EXECUTIVE COUNCIL Article 11: Meetings 1. The Executive Council shall meet in ordinary sessions on a regular basis, upon the invitation of the Executive Committee, and all its decisions shall be taken by an absolute majority vote. [The votes of Associate Members elected to the Executive Council shall be considered equal to the votes of Full Members elected to the Executive Council.]</p>

<p>PART VI: ORGANS OF THE EXECUTIVE COUNCIL OF THE ICCBA Article 13: The Executive Committee of the Executive Council</p> <p>1. The Executive Council includes a committee named Executive Committee, composed of five Members:</p> <ol style="list-style-type: none"> a. President of the ICCBA; b. Vice President for Defence; c. Vice President for Victims; d. Treasurer; and e. Secretary. 	<p>The composition of the Executive Committee of the Executive Council is amended to include the Vice President for Support Staff.</p>	<p>PART VI: ORGANS OF THE EXECUTIVE COUNCIL OF THE ICCBA Article 13: The Executive Committee of the Executive Council</p> <p>1. The Executive Council includes a committee named Executive Committee, composed of five [six] Members:</p> <ol style="list-style-type: none"> a. President of the ICCBA; b. Vice President for Defence; c. Vice President for Victims; [d. Vice President for Support Staff;] d[e]. Treasurer; and e[f]. Secretary.
<p>PART XII: COUNSEL SUPPORT STAFF COMMITTEE Article 25: Composition</p> <p>The Counsel Support Staff Committee is comprised of seven Associate or Affiliate Members elected by the General Assembly for a term of one year. Members may be re-elected for a maximum of two additional consecutive terms. One of the seven Counsel Support Staff Committee Members shall be designated as chair by the other Members. The Chair of the Counsel Support Staff Committee reports to the Executive Council. At least three Members must be engaged in a case before the ICC or must have been engaged in a case during the three years preceding the elections. As an exception to Article 7(1), Affiliate Members shall have the right to vote for the Members of this Committee. Votes by Associate</p>	<p>Article 25 is amended to remove the voting rule for Affiliate Members for voting on positions on the Counsel Support Staff Committee. This is now captured in the amended Article 7.</p>	<p>PART XII: COUNSEL SUPPORT STAFF COMMITTEE Article 25: Composition</p> <p>The Counsel Support Staff Committee is comprised of seven Associate or Affiliate Members elected by the General Assembly for a term of one year. Members may be re-elected for a maximum of two additional consecutive terms. One of the seven Counsel Support Staff Committee Members shall be designated as chair by the other Members. The Chair of the Counsel Support Staff Committee reports to the Executive Council. At least three Members must be engaged in a case before the ICC or must have been engaged in a case during the three years preceding the elections. As an exception to Article 7(1), Affiliate Members shall have the right to vote for the Members of this Committee. Votes by Associate Members shall be counted as one and a half the amount of Affiliate Members for the purposes of this Committee.</p>

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