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Report of the Bureau on the Strategic planning process of the International Criminal Court

Note by the Secretariat

Pursuant to paragraphs 46 to 55 of resolution ICC-ASP/11/Res.8 of 21 November 2012, the Bureau of the Assembly of States Parties hereby submits for consideration by the Assembly the report on the strategic planning process of the International Criminal Court. The present report reflects the outcome of the informal consultations held by The Hague Working Group of the Bureau with the Court.

I. Introduction

1. The Assembly of States Parties (“the Assembly”), recalling its previous resolutions in this context,¹ early on expressed a strong interest in encouraging strategic planning as an integral part of setting-up and managing the Court’s multiple activities in implementing the Rome Statute.

2. At its eleventh session, the Assembly noted the introduction of the Strategic Plan for 2013-2017 and invited the Bureau to consult with the Court thereon, where appropriate, in the context of the budgetary process. The Assembly requested the Bureau to engage with the Court on the emerging issues of risk management and development of a strategy on field operations.

II. Follow up to the eleventh session of the Assembly and strategic planning in 2013

3. At its sixth meeting, on 17 June 2013, the Bureau appointed Ambassador Vesela Mrđen Korać (Croatia) to serve as facilitator for the issue of Strategic Planning. for the consultations of States Parties and the dialogue between the Court and States Parties in the framework of The Hague Working Group of the Bureau (“the working group”) (three rounds) of informal consultations were held; these included the participation of representatives of the NGO community.

4. The following priority issues were discussed during the working group on the basis of presentations and working papers elaborated by the Court:

- (a) Review of the Strategic Plan;
- (b) Thematic strategic plans of the Court;
- (c) Strategic approach to the communications of the Court in the field; and
- (d) Revised Strategy of the Office of the Prosecutor.

III. Consideration of issues

A. Strategic Plan 2013-2017

5. At the 12 September meeting of the working group, the Court introduced the revised Strategic Plan for 2013 – 2017 through:

1. Structure of the 2013-2017 Strategic Plan;
2. Relationship with: a) risk management and b) budgetary processes; and
3. Impact of the Strategic Plan on the Court’s operations.

1. Structure of the 2013-2017 Strategic Plan

6. The structure of the 2013-2017 Strategic Plan comprises: the statement of the Court’s mission; its strategic goals for 2013-2017; its priority objectives for 2013 and 2014. The Plan is subdivided in three thematic sections: a) judicial and prosecutorial; b) managerial; and c) cooperation and support. For each thematic section, the Plan outlines a number of strategic goals for each section; priority objectives for each strategic goal; and expected results for each objective.

7. The Court underlined that while strategic goals would enable the Court’s management to focus on medium term strategic issues with the intention that the overall structure of the Strategic Plan would be reviewed every five years.

¹ Resolutions ICC-ASP/4/Res.4, ICC-ASP/5/Res.2, ICC-ASP/6/Res.2, ICC-ASP/7/Res.3, ICC-ASP/8/Res.3, ICC-ASP/9/Res.3, ICC-ASP/10/Res.5 and ICC-ASP/11/Res.8.

8. The priority objectives and expected results describe in the short term the planning on operationalization of the medium term strategic goals, requiring it to be reviewed on an annual basis. Such a review would continue at the end of 2013 in light of the experience gained in applying the Plan in 2013.

9. States Parties noted that the inclusion of expected results for each objective is a major improvement which should enable the Court to engage annually in a review of the link between the Plan and the budget through planned performance measurement.

2. Relationship between Strategic Plan and risk management and the budgeting process:

a) Risk management

10. The Court informed that the development of the comprehensive risk management strategy was limited due to the budgetary situation and therefore the Court was focusing on major strategic risks in a view to manage at least the major strategic risks to the extent possible, bridging the gap to a more comprehensive risk management system in the future.

b) Budgeting process

11. The Court informed that strategic goals, objectives and expected results contained in the Strategic Plan are meant to be one of the primary means in giving direction to the development of the Court's proposed budget. Part of the annual review of the Plan's objectives and expected results is intended to focus on the areas where such connection could still be improved.

B. Revised Strategic Plan of the Office of the Prosecutor

12. States took note of the revised Strategic Plan of the Office of the Prosecutor, presented on 14 October 2013, which, inter alia, contained a shift in policy towards ensuring trial-readiness as early as possible; moving from focused investigations toward in-depth, open-ended investigations; and a strategy of building upward in relation to perpetrators, where necessary. The revised strategy also foresees changes to several key units of the Office of the Prosecutor. States noted that the implementation of the new strategy would require additional resources, including for larger teams, additional forensic work and operational support.

13. States further noted that efforts were underway to ensure greater synergies in the work of the Office of the Prosecutor and the Registry, in order to facilitate efficiencies and reduce possible duplications.

C. Strategic approach to communications in the field

14. The Court highlighted the importance of creating a positive image of the Court in the field, for the victims, as well as for the situation countries.

15. The Court indicated that it had an impact on victims' participation in proceedings, and noted that its activities had to be situation specific. It took into account a number of factors, as appropriate, including inter alia the political, social and economic contexts, level of knowledge of the Court, modes of communication, logistical considerations, speed of information dissemination, the judicial context, security. In two situations, the absence of judicial activity resulted in the Court downsizing its activities locally, while in another, the reduction in activity was due to the security situation.

16. States noted the need for greater coordination among the organs of the Court e.g. the findings of the initial assessments of the Registry could be shared with the Office of the Prosecutor with a view to achieving cost effective communication strategies.

17. The Registrar indicated the necessity for the re-organization of the Registry, especially the field offices, through open and transparent communication and careful consideration of the specific situation. One crucial component discussed was the idea of having the presence of a senior representative in the field in order to create a more credible image for the press, local authorities and communities. It was suggested that to achieve

greater effectiveness, there could be a higher level representative in the field, as appropriate, instead of a junior level representative.

18. The Registry also informed of the recruitment of a consultant to revamp the Court's website, which would be ready before the end of 2014.

D. Thematic Strategic Plans of the Court

19. The Court underlined that the Strategic Plan is a living document to be constantly reviewed and improved. Its alignment with other strategic processes, such as risk and budget, also thematic strategic plans, such as the Court's Outreach Strategy, would need to be further developed. States Parties noted that the thematic strategic plans had been developed at various points, serving as management tools for the Court. The Court indicated that all strategies were updated on the basis of a review process, the assessment of its implementation, and the dialogue with stakeholders.

E. Day of International Criminal Justice

20. In the context of the Court's information and communication strategy, the celebration of the Day of International Criminal Justice event² was organized at The Hague Institute of Global Justice on 8 July 2013, with the participation of the President of the Assembly, the facilitator, and the President of the Court. The event was organized with the view to encourage all relevant stakeholders to engage in activities that reinforce the international fight against impunity.

F. Retreat

21. On 16 October 2013, an informal retreat with the Ambassadors of States Parties was organized by the host State and Switzerland, where the issue of how the Court could communicate more effectively was raised.

G. Recommendations

22. On the basis of the work conducted on strategic planning, The Hague Working Group recommends to the Assembly of States Parties the inclusion in the omnibus resolution of the language contained in the annex;

23. In this connection, the working group noted that the expected results for each objective should form the basis for the Court to engage annually in a review of the link between the Plan and the budget through planned performance measurement;

24. Furthermore, the working group invited the Court to review, based on a thorough and transparent objective assessment of results achieved through Court activities in reaching the priorities set, the set of performance indicators, including the horizontal parameters of efficiency and effectiveness, for the Court activities and on the retroaction of lessons learned into the strategic planning process;

25. Bearing in mind that the temporary risk management approach focused on the strategic level the working group invited the Court to further develop and refine such approach with a view to implementing a comprehensive and transparent risk register for managing and mitigating risk situations that might negatively affect the Court;

26. The working group welcomed the readiness of the Registry and the Office of the Prosecutor to strengthen the coordination of their activities and strategy on field operations;

27. The working group also welcomes the initiative of the Office of the Prosecutor to revise, and to share its preliminary examinations policy with States Parties.

² 17 July 2013.

Annex

Draft paragraphs for inclusion in the omnibus resolution

1. *Emphasizes* the need for the Court to continue to improve and adapt outreach activities with a view to further developing and implementing effectively and efficiently the Strategic Plan for Outreach¹ in affected countries, including, where appropriate, by early outreach from the outset of the Court's involvement, including during the preliminary examination stage;
2. *Recalls* that the issues of public information and communication about the Court and its activities constitute a shared responsibility of the Court and States Parties, while acknowledging the significant contribution of other stakeholders;
3. *Notes* with appreciation the initiatives undertaken to celebrate, in the context of its information and communication strategy,² 17 July as Day of International Criminal Justice³ and *recommends* that, on the basis of lessons learned, all relevant stakeholders, together with the Court, continue to engage in preparation of the annual celebrations with a view to reinforcing the international fight against impunity;
4. *Requests the Bureau* to continue to engage with all relevant stakeholders, on the basis of lessons learned, in dialogue with a view to developing a coordinated and comprehensive approach vis-à-vis the communication strategy of the Court;
5. *Takes note of* the revised Court's Strategic Plan for 2013-2017, and *invites* the Court to adapt its Plan, as appropriate, on an annual basis, including for the purpose of the formulation of the budget assumptions and to inform the Bureau thereon with a view to strengthening the budgetary process;
6. *Invites the Court* to hold annual consultations with the Bureau in the first trimester, on the implementation of its strategic plans during the previous calendar year, with a view to improving performance indicators updated on the basis of lessons learned;
7. *Takes note of* the revised Strategic Plan of the Office of the Prosecutor for the year 2014-2015, and *invites* the Office of the Prosecutor to adjust its Plan in accordance with its implementation experience and to inform the Bureau on a regular basis thereon;
8. *Reiterates* the importance of strengthening the relationship and coherence between the strategic planning process and the budgetary process, which is crucial for the credibility and sustainability of the longer-term strategic approach and, in this regard, *requests* that the Court, in consultation with States Parties, continue to work towards setting a hierarchy of its priorities in order to facilitate strategic and budgetary choices;
9. *Requests* the Bureau to continue to engage in a dialogue with the Court on the development of a comprehensive risk management strategy and to report thereon to the thirteen session of the Assembly of States Parties, and *further requests* the Bureau to continue to engage in dialogue with the Court on the implementation of the strategic approach to the Court's presence in the field with a view to the development of the Court strategy on field operations and to report thereon on a regular basis.

¹ ICC Strategic Plan for outreach (ICC-ASP/5/12).

² ICC/ASP/9/29.

³ Kampala Declaration, para. 12.