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

Note by the Secretariat

Pursuant to paragraph 40 of resolution ICC-ASP/9/Res.3, of 10 December 2010, 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 context¹, 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. While continuing to place its activities in the context of the three strategic goals defined in 2008, as well as the strategic priority objectives defined annually and its long term objectives, the Court is currently preparing for the revision and update of the 2009-2018 Court-wide Strategic Plan: this review will be conducted in 2012.
3. In the context of the envisaged 2012 review of the Strategic Plan, States Parties will be ready to participate early on in preliminary informal consultations with a view to contributing substantive inputs to the preparation and conduct of this review.

II. Follow up to the ninth session of the Assembly and strategic planning in 2011

4. On the basis of these orientations, the Bureau designated in January 2011 Ambassador Jean-Marc Hoscheit (Luxembourg) as facilitator 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”).

¹ ICC-ASP/4/Res.4, para. 12.

ICC-ASP/5/Res.2.

ICC-ASP/6/Res.2.

ICC-ASP/7/Res.3, para. 25.

ICC-ASP/8/Res.3, paras. 32-36.

ICC-ASP/9/Res. 3, paras. 35-42.

5. Consultations were also held with the participation of representatives of the NGO community.

6. The following priority issues were discussed during the Working Group on the basis of presentations and working papers elaborated by different representatives of the Court:

- (a) Public information and communication;
- (b) Intermediaries;
- (c) Interface between the Strategic Plan and the annual budget; and
- (d) 2012 review of the Strategic Plan.

7. In order to allow for a holistic approach of the issues related to victims and affected communities, including the implementation and review of the victims' strategy and the results of the stocktaking exercise on the Impact of the Rome statute system on victims and affected communities at the Kampala Review Conference,² it was decided to dedicate a separate facilitation to this issue, and Ms. Míia Aro-Sánchez (Finland) was designated to conduct this facilitation.

8. In general, the process of strategic planning was welcomed by States Parties as an important management tool for the future development of the Court up to 2018. The credibility of strategic planning needs to be maintained and strengthened by establishing its impact on policies, budgetary allocations and operational decisions which needs to be placed firmly within the goals and priorities defined by the Strategic Plan. The translation of strategic objectives into daily operations by the Court needs to be monitored with the help of a short set of quantitative and qualitative performance indicators.

III. Priority issues

A. Public information and communication

9. The importance of pursuing a strong and adapted approach in implementing the Strategic Plan for Outreach³ to affected communities through adequate media and methodologies, and in languages accessible to the communities concerned, was underlined and emphasized also in the context of the victims' strategy and the activities of the Court in this area.⁴

10. Implementing the mandate given by the Review Conference,⁵ 17 July was celebrated, for the first time, as the Day of International Criminal Justice. States Parties, NGOs and the academic and professional communities were informed in advance of a number of actions initiated by the Court, in collaboration with other international courts and tribunals, and they were invited to associate themselves by different means to this event. Audiovisual and print media, were informed of and involved and social media used, in this new initiative which will henceforth be placed on the international calendar every year. States Parties discussed the Court's "Report on celebrations of the 17 July: International Criminal Justice Day 2011" dated August 2011 and requested additional information. It was also decided to compile all available information on governmental and non-governmental initiatives undertaken in this context at the national level. On the basis of lessons learned during this first experience, further initiatives will be undertaken in 2012 by relevant stakeholders, in order to promote internationally the fight against impunity, inter alia, through the celebration of International Criminal Justice Day, while keeping in mind the requirements of cost-efficiency. On the basis of the principle of shared responsibility of the Court and States Parties in the area of public opinion and communication⁶, States Parties were invited to start early on identifying initiatives and partners for the 2012 celebration of the International Criminal Justice day, as appropriate, in coordination and with the support of the Court.

² RC/ST/V/1.

³ ICC Strategic Plan for Outreach (ICC-ASP/5/12).

⁴ Court's report 2011, para. 8.

⁵ Kampala Declaration, para. 12.

⁶ ICC-ASP/9/Res.3, para. 40.

11. States Parties were informed by the Court on the present state of planning concerning the celebration of the tenth anniversary of the International Criminal Court in 2012 and they provided their initial comments in this context: a detailed action plan will be presented at a later stage. States Parties took note in particular of the activities planned for reaching diverse interested audiences, while highlighting that envisaged initiatives will be conducted in a cost neutral manner as regards the budget of the International Criminal Court. The possibility of voluntary contributions to support specific events and/or initiatives will be explored further. States Parties have taken note that the celebration of the Court's tenth anniversary will provide a major focus of the ICC's public information and communication activities in 2012, as this would be an opportunity to focus international attention on the Court and its achievements over the last decade, while enabling the ICC to reach a number of different audiences.

12. In the same perspective, other significant occasions in the life of the Court during the forthcoming year will be similarly used to implement the Court's Public Information Strategy 2011-2013.⁷

B. Relations between the Court and Intermediaries

13. The Court presented recently to States Parties its "Draft Guidelines governing the Relations between the Court and Intermediaries" dated August 2011, which result from the work undertaken within the Court over the last two years. These draft guidelines attempt to present a common framework covering the great diversity of actors assisting and supporting the Court in fulfilling its missions. After an initial round of discussion and taking account of a number of important issues raised in this context, States Parties agreed to come back to this file for a more in-depth discussion.

C. Interface between the Strategic Plan and the annual budget

14. In its 2010 resolution⁸, the Assembly of States Parties reiterated

“the importance of 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, recommends that the Court should work towards setting a hierarchy of its priorities in order to facilitate strategic and budgetary choices”

and invited

“the Court to focus increasingly on the thorough and transparent assessment of results achieved through Court activities in reaching the priorities set, using an appropriate 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”

15. States Parties reiterated that the interaction between the Strategic Plan and the annual budgetary procedure is crucial for the credibility of the planning process. It is specifically through budgetary allocations that the strategic orientations should be translated into operational policies. This link is being emphasized in the introduction to the annual proposed programme budget and the Court continues to refine this process in the context of the budget each year. The structure of the budget and its presentation should highlight this interface, thus clearly setting the proposed annual budget allocations within the context of the longer term strategic planning. The expectation was expressed that the Court should work towards setting a hierarchy of its priorities in order to facilitate strategic and budgetary choices, while implementing the mandates defined by the Rome Statute and taking into account objective requirements and constraints.

⁷ ICC-ASP/9/29.

⁸ ICC-ASP/9/Res.3, paras. 36- 37.

16. The strengthening of the interface between the Strategic Plan and the annual budget procedure, as well as the consolidation of strategic planning as a management tool to guide the Court in its middle-to long term development could usefully be taken up in any future discussion on the review of the ICC's budget process.

D. Emerging issues

17. The following issues will need to be followed attentively:

- (a) Management of risks; and
- (b) Field operations.

in order to determine when States Parties can be usefully involved in consultations on the policy aspects of these important issues.⁹

E. 2012 Review of the Strategic Plan

18. Concerning the announced review of the Strategic Plan for 2012, States Parties stressed in 2010 their "interest in contributing early on to the informal process of consultations leading up to this review".¹⁰ This approach and interest were reiterated following a preliminary presentation of the Court's intentions in this respect, including on the design of the process and the anticipated timing for consultations and decision-making. It was considered that the projected review of the Strategic Plan will constitute the main focus in the area of strategic planning during the forthcoming year.

IV. Conclusion

19. On the basis of the work conducted on strategic planning within The Hague Working Group, the Assembly of States Parties is invited to provide guidance on future work in this area and examine the draft language for inclusion in the omnibus resolution (annex).

⁹ ICC-ASP/9/Res.3, para .41.

¹⁰ ICC-ASP/9/Res.3, para.42.

Annex

Draft paragraphs for inclusion in the omnibus resolution

The Assembly of States Parties

[...]

Recalls that the issues of public information and communication about the Court and its activities are of a strategic nature and constitute a shared responsibility of the Court and States Parties, while acknowledging the significant contribution of other stakeholders;

Emphasizes the need to continue to improve and adapt outreach activities to affected communities in the context of the implementation of the Strategic Plan for Outreach;¹]

Notes with appreciation the initiatives undertaken to celebrate, for the first time, and in the context of its information and communication strategy² the 17 July as Day of International Criminal Justice³ and *recommends that*, on the basis of lessons learned, all concerned and interested stakeholders, together with the Court and other international Courts and Tribunal, engage in preparing the 2012 celebration with a view to reinforcing the international fight against impunity;

Notes with interest the preparation of the 10th anniversary of the ICC and *encourages* States Parties to engage with interested stakeholders, as well as on other significant activities to implement the ICC's Public Information Strategy 2011-2013;⁴

Noted the recent presentation by the Court of its "Draft Guidelines governing the Relations between the Court and Intermediaries" and *agreed* to come back to this important issue for a more in-depth discussion;

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, continues to work towards setting a hierarchy of its priorities in order to facilitate strategic and budgetary choices;

Invites the Court to present, based on a thorough and transparent assessment of results achieved through Court activities in reaching the priorities set, an appropriate 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;

Reiterates its willingness to engage in constructive dialogue with the Court also on such issues as the adequate management of priority risks and the development of a Court strategy on field operations;

Welcomes the announced review of the Strategic Plan in 2012 and stresses its readiness to contribute early on to the consultations in the context of this review and, where appropriate, in the context of the budgetary process, which is intended to strengthen and operationalize the impact of strategic planning on the development of the Court and its activities.

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

² ICC/ASP/9/29.

³ Kampala Declaration, para. 12.

⁴ ICC/ASP/9/29.