

**Assembly of States Parties**Distr.: General
4 May 2012

Original: English

Eleventh session

The Hague, 14-22 November 2012

Report of the Court on its organizational structure***I. Introduction**

1. At its seventeenth session, the Committee on Budget and Finance (“the Committee”) considered the report submitted to it by the International Criminal Court (“the Court”) on the justification for senior positions. It noted that the Court had not taken the opportunity to conduct a thorough study of its current and future needs and how its structure could be modified in order to adequately discharge its mandate.¹

2. The Committee recommended that the Court undertake a thorough evaluation/review of its organizational structure with a view to streamlining functions, processes and corresponding structures, reducing spans of control where necessary, identifying responsibilities that could be delegated and rationalizing lines of reporting.² Furthermore, the Committee recommended that the Court present a report on the complete structure of the Court, and not at the position level, for its eighteenth session, with a view to identifying clear managerial and reporting lines, as well as any needs, current or future, to modify the Court’s structure and post requirements.³

3. The present report is submitted pursuant to the Committee’s recommendation to the Court on the issue of its organizational structure.

II. Organisation of the work

4. In light of the Committee’s recommendation, senior management representing all Organs of the Court considered the different aspects involved in such an undertaking. As a result, a common Court-wide approach was agreed by the Principals of the Court in February 2012 and the process envisaged is described in the present interim report.

5. The review of the Court’s organizational structure is a complex matter and an extensive additional undertaking, which involves the careful analysis of two interrelated aspects: namely the intra-Organ structure and the inter-Organ structure.⁴

* Previously issued as CBF/18/6.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Tenth Session, New York, 12-21 December 2011* (ICC-ASP/10/20), volume II, part B2, para. 43.

² *Ibid.*, para. 46.

³ *Ibid.*, para. 47.

⁴ The review of the organizational structure of the Registry will include, where applicable, the Offices and Major Programmes that fall under the Registry for administrative purposes.

III. Approaching the issue of the review of the organizational structure

6. A three-phase process will be necessary to review the organizational structure of the Court.

A. Phase one. Intra-Organ

7. The organizational review process will start with an intra-Organ review whereby each Organ will carry out its own internal review. The review methodology will be aligned among the Organs where appropriate.

8. Results of the intra-Organ review will be shared among the Organs in order to assess possible inter-Organ impact.

B. Phase two. Inter-Organ

9. After the intra-Organ review and the assessment of the inter-Organ impact, each Organ will decide on the potential for optimization, where necessary in consultation with other Organs.

10. Once Organs have adjusted their internal structure as necessary, it will be easier to identify the areas where inter-Organ discussions are needed and to assess efficiency gains.

11. This phase will aim at identifying activities of similar nature performed across the Organs and determine if a different way of organizing these activities could result in efficiency gains.

12. In order to carry out the inter-Organ review, the following will be taken into consideration:

a) Aim for the optimization of functions among the Organs of the Court while respecting the governance framework;

b) Aim for realistic solutions and analyse the implications of implementation in terms of feasibility, cost and impact on the effectiveness of the Court.

C. Phase three. Review of staffing requirements

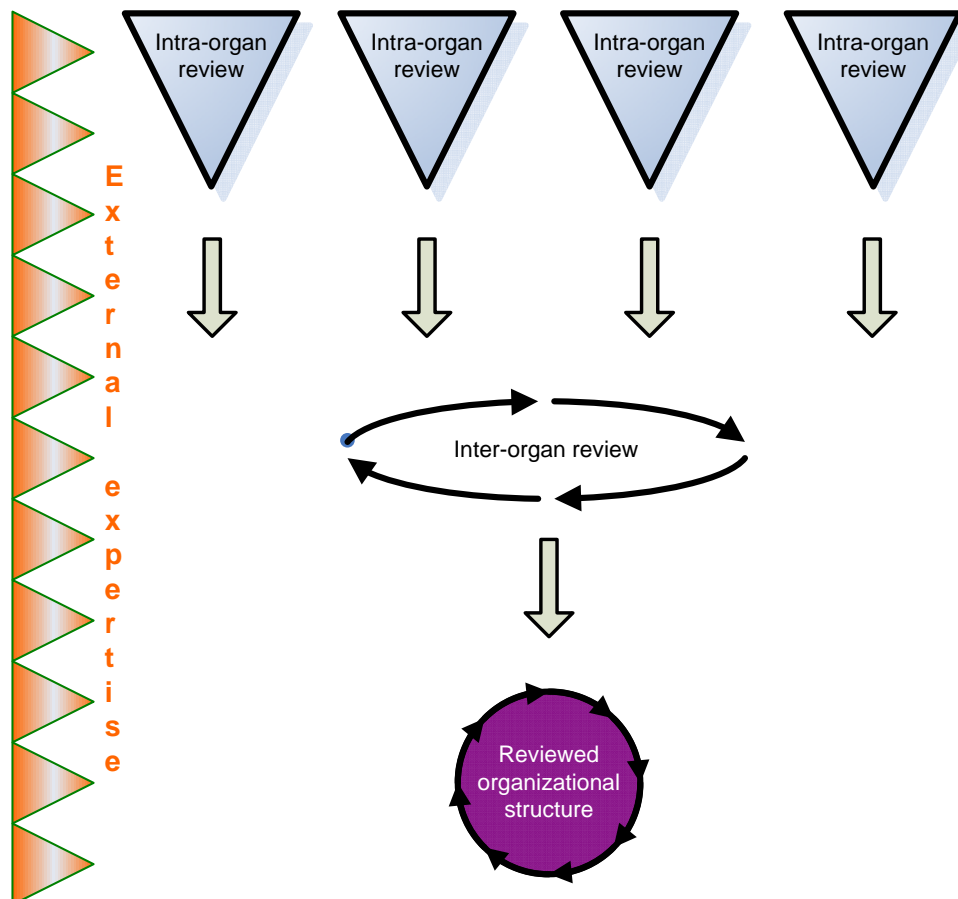
13. At its sixteenth session, the Committee recommended that the Court should not put forward requests for new established positions until a comprehensive justification of all existing posts had been conducted.⁵ Furthermore, the Committee recalled that the Court had difficulty in defining its staffing requirements for the various Court proceedings, and recommended that the Court review its report on its staffing requirements, including the “skeleton” Court, and attempt to better define its core requirements. The Committee requested the Court to submit a revised version of this report to the Committee for consideration at its eighteenth session.⁶

14. The comprehensive justification of posts and the review of staffing requirements of the Court will be carried out during the third phase of the project on the basis of the structure resulting from the review and of the revised workload assessment.

15. Graph 1 illustrates the elements of the review of the organizational structure of the Court.

⁵ *Official Records...Tenth Session, 2011* (ICC-ASP/10/20), vol. II, part B.1, para. 71.

⁶ *Ibid.*, para. 72.

Graph 1. Review of the organizational structure

D. External resources

16. In approaching the issue of the review of the organizational structure of the Court, high levels of expertise and experience are required. External expertise would need to be engaged to support the development of a strategy aimed at such a review.

17. A partnership between external and internal resources will produce a synergy combining the advantages of the neutral perspective provided by external consultants with the detailed internal knowledge of the organization that only insiders can provide.

18. External expertise will enhance the credibility of the review's findings and bring objectivity and added value deriving from a broader base of experience. In order to provide effective input, the consultants will need to be individuals who understand the Court's governance framework and have experience of judicial institutions.

19. Terms of reference for the consultancy work required in the Office of the Prosecutor and the Registry have been drafted.⁷ The Court is in the process of identifying the necessary resources to enable the review to commence. In the absence of dedicated funds, those resources will be requested by the Court in its proposed programme budget for 2013.

⁷ A consultant has offered *pro bono* support to carry out the review of the Office of the Prosecutor.