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**Report of the Court on Human Resources
Development of a Human Resources Strategy: Progress Report***

Introduction

1. At its eighth session held in April 2007, the Committee on Budget and Finance (the Committee) requested the Court to “prepare a comprehensive report on the issue of human resources for consideration by the Committee at its tenth session in April 2008.”¹ The report was to provide an update on policy with respect to a number of human resources issues, including “the potential for merging grades together (broadbanding); measures to ensure that the performance management system is effective and fair; possibilities to link performance to pay and other incentives; and measures to enhance career development and assistance.”² The report was also to include information on the types and length of contracts used by the Court.

2. The issues cited by the Committee, together with a range of other relevant human resources areas, were examined by the Court in the context of the implementation of the Strategic Plan. The aim is to adopt a holistic approach to addressing current and future human resources priorities. The present report provides an overview of the status of this work and presents a first outline of the proposed strategic approach to managing the Court’s most critical asset, its human resources.³ It is expected that, following a process of internal review and consultation, the report on the development of a human resources strategy will be finalized in the course of the second quarter of 2008 and be made available to the Committee at its eleventh session in September 2008.

A. Rationale for a strategic approach to human resources management

3. As the International Criminal Court has grown, the functions and responsibilities relating to the management of its human resources have expanded considerably, and the Court can look back at considerable achievements in this area over the first five years of its operations.

* Previously issued as ICC-ASP/7/CBF.1/5.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. II, part B.1.II.D, para. 63.

² *Ibid.*, para. 60.

³ The Committee also requested that the report should include relevant data on the composition of staff and consultants. These are provided in a separate report.

4. Initial expectations of an effective human resources function were focused primarily on the speedy recruitment of qualified external candidates, the smooth processing of their contracts and benefits and entitlements and the development of key human resources policies and guidelines, including the Court's Staff Rules and Regulations.

5. As the Court transits into the second half of its first decade, the human resources management functions of the Court have developed further pursuant to the demands of both external and internal stakeholders. These include the States Parties, senior management, the staff representative body and staff at large. Examples are the Strategic Plan, the recent reports of the Committee, the results of a staff survey and the programme budget for 2008. All of these require the Court to look beyond the "basic" organizational human resources functions and to start exploring a more dynamic and complex set of human resources management practices to meet the above demands while at the same time, ensuring compliance with its statutory requirements.

6. In light of the above, the Court has assigned priority to the development of a strategic approach to the management of its human resources, to be derived from, and fully aligned with the overall Strategic Plan for the International Criminal Court (the Strategic Plan). The proposed human resources strategy is therefore based on the following strategic objectives stated in the Strategic Plan:⁴

- (a) Strategic Objective 14: Recruit staff of the highest standards of efficiency, competency and integrity having regard for representation of gender, geography and legal systems;
- (b) Strategic Objective 16: Cultivate a caring environment which values the diversity of all staff; and
- (c) Strategic Objective 17: Offer development and employment advancement opportunities to well performing staff.

Relevant performance indicators would need to be internally established to measure the success of the implementation of each objective as part of the overall human resources strategy.

B. Process and Methodology

7. The human resources strategy development process, initiated in August 2007, involved representatives from the Presidency, Office of the Prosecutor (OTP) and Registry. Throughout the development process, it is crucial that senior management provide guidance and in addition, consultations with key stakeholders such as the Staff Council take place.

8. With a view to developing coherent specific human resources objectives that are aligned with the Court's three key human resources-related objectives in the overall Strategic Plan, the Court created a human resources working group composed of relevant organ representatives, which working group proposed the following approach, comprised of four steps:

- (a) Analyze each strategic objective for its contents and identify the key areas for intervention;
- (b) Identify specific objectives related to the key areas determined under (a) as well as required actions for each specific objective;
- (c) Prioritize specific objectives and respective actions; and

⁴ Other objectives stated in the Strategic Plan that relate directly or indirectly to human resources management are strategic objectives 15 (Safety and Security for all staff), 18 (Development of a Common Culture) and 19 (Clear ethical standards of behaviour for all staff).

- (d) Conduct an in-depth analysis for each priority action according to the template provided in the Strategic Plan Implementation roadmap (gap analysis, key stakeholders, detailed actions, financial feasibility, and risks).

9. The present proposal incorporates the initial recommendations relating to steps (a) and (b). Prioritization according to step (c) and the analyses envisaged under step (d) will be carried out, through internal consultations, in the course of 2008.

C. Analysis of human resources -related Strategic objectives

10. The described methodology above yielded three human resources specific objectives for each strategic objective, resulting in nine specific human resources objectives. These are described in the following sections. A summary is shown in table 1, and a more detailed summary including the proposed activities in annex 1.

Table 1 : Overview of key human resources strategic areas and specific objectives

Strategic plan objective	Key areas identified	Specific human resources objectives
#14 Recruitment	Selection processes	Define and apply a systematic, fair and transparent selection process to ensure the highest quality of (external) recruitment and (internal) placement
	Hiring capabilities	Strengthen the capabilities of staff with hiring responsibilities
	Awareness	Increase external awareness of employment opportunities at the Court
#16 Caring Environment	Conditions of service and compensation systems	Ensure attractive conditions of service and compensation systems for all Court staff at headquarters and field duty stations
	Staff well-being	Increase staff well-being by enhancing existing and developing new support programmes
	Internal justice systems	Enhance and develop further the administration of internal justice systems.
#17 Employment advancement for well-performing staff	Performance management	Institutionalize a well-functioning performance management system, including performance-based incentives
	Learning and development	Provide learning and training opportunities that contribute to the achievement of the Court's goals and address individual development needs
	Career management/ advancement	Develop and implement approaches and systems for career management and advancement of staff

11. Many of these specific objectives are inter-related and in some instances may constitute a prerequisite for the achievement of another strategic objective. The most critical linkages and interrelationships are highlighted accordingly.

1. Recruit staff of the highest standards of efficiency, competency and integrity, having regard for representation of gender, geography and legal systems.

12. Objective 14 of the Strategic Plan is a reaffirmation of the principles that have guided the Court's selection and recruitment activities since its inception. A range of systems, guidelines and processes for ensuring compliance with the objective are in place. In defining suitable specific objectives for this key area of human resources management, the emphasis was therefore on review and refinement of existing processes in three specific areas,⁵ which are:

- (a) Selection processes;
- (b) Hiring capabilities; and
- (c) Awareness of employment opportunities.

13. Specifically, the following three human resources specific objectives and corresponding activities were identified:

Specific human resources objective 1: Refine and apply a systematic, fair and transparent selection process

Proposed activities

- (a) Review, revise and where necessary, further develop a coherent set of recruitment policies and systems for their implementation;
- (b) Define and apply a systematic competency-based approach to the selection process; and
- (c) Improve human resources reporting systems.

Rationale

- (a) The process of selecting highest-quality candidates to fill vacancies is a cornerstone of human resources management. Increasingly, vacancies in the Court are filled not through external recruitment but placement of staff already working in the organization. For example, in the last 12 months, 22 per cent of vacant posts were filled by internal staff members already on established posts and another 29 per cent by staff members already on General temporary assistance (GTA) contracts. Recruitment policies and mechanisms for their implementation need to be continuously reviewed to ensure the integrity of the recruitment process while having regard for representation of gender, geography and legal systems in accordance with the Statute;
- (b) The Court had developed a core competency framework in 2005, outlining in particular the basic competencies relating to behavioural skills and attitudes. While these are used, to some extent, in the current selection processes, more specific competencies relating to particular job profiles could be developed to improve the selection process; and
- (c) Improved communication of the Court's recruitment policies and processes as well as the employment opportunities and career development potentials, both internally and externally, notably through the increased use of its intranet and Internet websites, will need to be an integral part of the measures put in place to support this first human resources specific objective.

⁵ It should be noted that one of the current key but short-term priorities in the area of recruitment, the rapid filling of the high number of vacant established posts, has been the subject of a separate internal strategy and is therefore not addressed in this longer-term human resources strategy proposal.

Specific human resources objective 2: Strengthen the capabilities of staff with hiring responsibilities

Proposed activities

Increase support to managers with hiring responsibilities through training and learning activities

Rationale

A careful and systematic planning and designing of the process of recruiting for a vacant position is crucial. This involves drafting of a clear job description, preparation of written tests, and elaboration of interview questions and proper evaluation of the candidates. Thus, hiring managers could benefit from relevant training to enhance their interview skills as well as increase their capabilities to integrate interpretation of different cultural approaches into their selection and evaluation considerations.

Specific human resources objective 3: Increase external awareness of employment opportunities at the Court

Proposed activities

- (a) Develop and implement a strategy to collaborate more closely with States Parties, NGOs, universities and other potential partners to increase awareness of employment opportunities at the Court, including internships. Efforts should also be made to target non-traditional partners, including the commercial sector;
- (b) Participate in job fairs and organize targeted recruitment missions;
- (c) Publish and distribute Court brochures on employment opportunities; and
- (d) Collaborate with the Court's field offices for networking and scouting purposes.

Rationale

Although the Court receives an extraordinarily high amount of applications (22,000 in 2007; more than 3,000 in the month of January 2008 alone), there is still a need to enhance awareness of opportunities for employment with the Court, particularly when it comes to potential candidates from underrepresented regions and countries. Special efforts need to be made in the case of new States Parties and with regard to proactively attracting more female applicants at the senior levels.

2. Cultivate a caring environment which values the diversity of all staff

14. The concept of a "caring environment", put forth in strategic objective 16 of the Strategic Plan, is a complex one and its translation into specific objectives therefore requires focus and specificity. For the purpose of the human resources strategy, the proposed three key areas for intervention with respect to cultivating a caring environment are:

- (a) Conditions of service and compensation systems;
- (b) Staff well-being; and
- (c) Internal justice systems.

15. Specifically, the following three human resources specific objectives and corresponding activities were identified:

Specific human resources objective 4: Ensure attractive conditions of service and compensation systems for all Court staff at headquarters and field locations

Proposed activities⁶

- (a) Review alternatives within the common system for remuneration of staff, with a view to identifying models that are most appropriate to the Court's work;
- (b) The above applies particularly to the Court's compensation systems for internationally-recruited staff serving at field duty stations;
- (c) Expand categories of staff to include nationally-recruited Professional staff ("National Officers") and internationally-recruited General Service staff ("Field Service Level"), in accordance with the United Nations common system provisions;
- (d) Develop and maintain a clearly defined post profile and job evaluation system across the organization to ensure positions are classified and, where appropriate, re-classified, in a timely, fair and transparent manner;
- (e) Explore appropriate hardship and hazard compensation for Headquarters staff travelling to the field;
- (f) Review and revise the Court's social security package; and
- (g) Develop and revise policies and guidelines on relevant service conditions and prepare an information package on conditions of service for potential and current staff. This includes the types and duration of contracts provided by the Court to staff.

Rationale

- (a) The Staff Regulations stipulate that the Court's salaries and allowances "shall be in conformity with United Nations common system standards."⁷ The Court's salary scales are under the review authority of the International Civil Service Commission (ICSC) and approved by the General Assembly. While the salary scales are applied uniformly throughout the common system organizations, there are, nevertheless, different approaches in place in respect of other compensation aspects.⁸ A review of different approaches is currently underway;
- (b) A review is considered particularly timely and important with regard to the Court's field staff. In the case of its field offices, the Court follows the compensation approach used only by one part of the United Nations system, namely the model used by the Department of Peacekeeping Operations (DPKO) for its mission staff. This model, which was conceived on the assumption that mission staff are assigned for a short period of time to a peace keeping operation, does not make provision for a number of benefits available to field staff in other organizations. A short overview of the two different models used for field staff is provided in annex 2;

⁶ Proposals concerning performance-based pay and incentives, while also of relevance in connection with this human resources objective, are dealt with under objective 9, relating to career advancement.

⁷ Article III, Salaries and related allowances, Regulation 3.1, ICC Staff Rules and Regulations.

⁸ For example, some organizations grant professional staff an accelerated annual within-grade-step increase after ten months instead of the customary twelve months, if they have passed the language proficiency examination in a second official language. Other organizations grant this accelerated step increase only to General Service staff.

- (c) Similarly, the Court currently limits itself to two of the four categories of staff available in the United Nations common system for field locations. The options to recruit General Service staff with expatriate benefits and Professional staff with locally-recruited benefits offer considerable potential to benefit both the efficiency and effectiveness of the Court's operations in the field and the staff concerned;
- (d) It is recommended that the Court introduce the new Job Evaluation Master Standard for classifying posts at the Professional level, recently promulgated by the ICSC;
- (e) In some regards, the present social security package of the Court does not compare favourably to other non-tenure international organizations. For example, the Court does not currently offer staff participation in a group life insurance scheme. It is therefore recommended to improve the social security package; and
- (f) In addition to the above, it is proposed that the Court also look at some other aspects of its policies relating to its conditions of service. This includes the types and duration of its contractual modalities. An overview of current contracts used is provided in annex 3.

Specific human resources objective 5: Increase staff well-being by enhancing existing and developing new support programmes

Proposed activities

- (a) Provide staff with adequate support to relocation to and integration at their new duty station, including support to spouses/partners and families of staff at headquarters and the field;
- (b) Ensure healthy working environments and encourage work/life balance, including flexible working arrangements where feasible;
- (c) Ensure that appropriate assistance is available for issues relating to staff burn out and stress management, particularly in relation to staff exposed to conflict zones etc; and
- (d) Propose appropriate mechanisms to assess general climate and staff well being. This may include staff surveys, turnover rates, exit interviews etc.

Rationale

- (a) New staff arriving in The Hague or at the Court's field locations require assistance to help them settle and integrate into their new environment. While the Court is already offering such assistance, more systematic mechanisms may be introduced to assess the needs of newly arrived or relocated staff; and
- (b) Health of staff members is also a key issue which impacts the organisation's performance and productivity; thus appropriate resources and programmes should be provided to encourage a healthy workforce.

Specific human resources objective 6: Enhance and develop further the administration of a comprehensive, accessible, transparent, fair and reasonable internal justice system

Proposed activities

- (a) Develop and implement an integrated policy for managing conflicts/disagreements at the formal and informal levels; including mechanisms for reporting on perceived injustice or misconduct; and
- (b) Establish (internal and/or external) counselling capacity to advise on internal justice matters.

Rationale

- (a) The fair, transparent and timely management of complaints, disputes, grievances, appeals and disciplinary issues is of critical importance in an organization that strives to provide a caring environment and be a model public sector organization. In its first five years, the Court has already accomplished much by creating all required basic elements of a formal internal justice system, notably through the establishment of a Disciplinary Advisory Board, an Appeals Board and the issuance of an Administrative Instruction on Disciplinary Procedures; and
- (b) The enhancement of the currently existing policies on formal justice management by including the informal aspects into an integrated policy would thus follow the achievement of the above measures and this would also include the organization's approach to dealing with reports on perceived injustices or acts of misconduct.

3. Offer development and employment advancement opportunities to well performing staff

16. Strategic objective 17 of the Strategic Plan is also referred to as the "career development" goal of the Plan. It contains three distinct components which are proposed to form part of the Court's human resources strategy:

- (a) Performance management, including performance-based incentives;
- (b) Learning and development; and
- (c) Career management and advancement

17. Specifically, the following three human resources specific objectives and corresponding activities were identified:

Specific human resources objective 7: Institutionalize a well-functioning performance management system

Proposed activities

- (a) Develop job and competency profiles required for each post (linkage with recruitment objectives);
- (b) Review and if necessary revise the current Performance Appraisal System (PAS), also with a view to incorporating multi-rater feedback systems; development and career objectives, ensuring adequate learning opportunities and training and career advancement; and
- (c) Explore possibilities for linking pay to performance, with or without broadbanding (merging) the current grades, and developing various systems for rewards and sanctions, such as accelerated annual step increases or withholding step increases (in case of poor performance).

Rationale

- (a) An efficient, fair and credible performance management system is at the core of successful human resources management and provides the foundation for achieving many other human resources objectives. Currently the Performance Appraisal System is not used consistently across the Court and measures should be introduced to remedy the situation;
- (b) The development of job and competency profiles is seen as a first step

towards a more systematic performance management system. Currently, the Court operates with so-called “work surveys” used for the purpose of classifying posts. These work surveys do not adequately reflect the required objectives and desired competencies for each job. The establishment of job profiles would lay the foundation for the overall improvement of the performance management system and be relevant for other areas of human resources, such as recruitment, learning and development and career advancement; and

- (c) The establishment of an efficient and fair performance management system is necessary before other initiatives such as linking pay to performance, or a broadbanded grade structure etc may be considered. The Committee had requested the Court to explore possibilities in this regard. An established performance management system would also provide the possibility of exploring other incentives such as accelerated within-grade step increments or merit promotions.

Specific human resources objective 8: Provide learning and training opportunities that contribute to the achievement of the Court’s goals and address individual development needs

Proposed activities

- (a) Identify the learning and development needs of staff by analyzing the gaps between desired and actual capabilities (link to performance management);
- (b) Develop learning programmes that address identified gaps and are aligned to organizational priorities, including a revised induction programme for new staff;
- (c) Improve the Court’s ability to measure the impact that learning programmes have on individual as well as on organizational performance; and
- (d) Improve leadership and management practices through leadership development and executive coaching programmes.

Rationale

- (a) Ensuring that the Court’s work force is equipped with the relevant professional skills is paramount in carrying out the Court’s core activities. The Learning and Development Unit within the human resources Services Section has been tasked with managing this, in consultation with the various Organs of the Court; and
- (b) Determining performance gaps (the performance appraisal system will be an important tool for that) and directing the organizational learning and training programmes more closely towards filling those gaps would also contribute to achieving the overall strategic goals of the Court.

Specific human resources objective 9: Develop and implement approaches and systems for career management and advancement of staff

Proposed activities

- (a) Develop and pursue strategic approaches to succession planning and talent management;
- (b) Provide staff with career counselling, including temporary and permanent career transition support;
- (c) Develop and maintain a culturally sensitive assessment process for prospective and current talent pool for selection and development purposes (link with recruitment objectives); and

- (d) Clearly communicate Court's career management practices to prospective and current staff, including setting up a career management web site.

Rationale

- (a) The Court comprises of staff occupying posts at different levels (junior, intermediate and senior) who have different career expectations and goals. This should be managed accordingly to ensure that staff are given opportunities to develop their career paths as well as retain their marketability in their professional fields. Particularly in the case of very specialized functions (such as the investigators), where career opportunities may be limited, measures such as career transition support or creation of internal career paths within the Court are pertinent;
- (b) In line with the above, it is proposed that the Court increase its capacity to undertake workforce analyses, succession planning and talent management. Internal placement, including movements from the General Service to the Professional category, lateral transfers and job rotation already play an important role in the Court and can be further developed;
- (c) Tools for the assessment of competencies and skills, such as psychometric assessments and multi rater assessments are not only relevant in the context of selection and performance appraisal but equally important for the purpose of career management and development; and
- (d) Clear communication to staff and prospective candidates on the Court's career management practices is crucial to manage expectations and to ensure transparency.

D. Summary and next steps

18. The proposed strategy for human resources management in the International Criminal Court is fully aligned with the overall Strategic Plan, in particular with the three key strategic objectives relating to recruitment (strategic objective 14), the cultivation of a caring environment (strategic objective 16) and the provision of development and employment advancement opportunities for well-performing staff (strategic objective 17), with the latter also being referred to as the "career development" objective.

19. Based on these three strategic objectives, the proposed human resources strategy indicates nine key areas for intervention and focus:

Recruitment

- (1) Selection processes;
- (2) Hiring capabilities;
- (3) Awareness raising;

Caring Environment

- (4) Conditions of service and compensation systems;
- (5) Staff well-being;
- (6) Internal justice systems;

Career Development

- (7) Performance management and performance incentives;
- (8) Learning and development; and
- (9) Career management and advancement.

20. For each of these nine key areas, specific objectives have been developed and activities for achieving the objectives have been proposed. Following guidance from senior

management, consultations will commence with stakeholders such as the Staff Representative body to focus on the prioritization of the specific objectives (short-term, medium term and long term), conduct gap analyses and resource feasibility and subsequently implement the relevant objectives.

21. Some of the proposed activities are in progress (such as policy development, career counselling, staff welfare assistance, learning and training) and may need to be enhanced. Others can be implemented quickly and at no or low cost (such as introducing mandatory compliance with the performance appraisal system or the refinement of the Court's competency framework).

22. It is, however, recommended that the potential for speedy implementation of such "low-hanging fruit" and no/low-cost options should not detract attention from the need to also consider those priorities that may require a significant amount of additional time and resources for implementation in the short run. Its human resources are not only the Court's main but also its most critical asset – and the quality, commitment, continuous development and well-being of its human resources, whether at the leadership or support levels, will continue to shape the success of the Court's operations in this second half of its first decade.

Annex I

Proposal for a human resource management strategy in the Court

Human Resource Specific Objective	Activities
1. Define and apply a systematic, fair and transparent selection process to ensure the highest quality of (external) recruitment and (internal) placement	Review, revise and where necessary develop a coherent set of recruitment policies and systems for their implementation
	Define and apply a systematic competency-based approach to the selection process
	Improve existing and develop additional communication tools and human resources reporting systems
2. Strengthen the capabilities of staff with hiring Responsibilities	Increase support to managers with hiring responsibilities
	Develop a recruitment toolkit
3. Increase external awareness of employment opportunities at the Court	Develop and implement a strategy to collaborate more closely with member states, NGOs, universities, and other potential partners, including from the commercial sector, to increase awareness of employment opportunities at the Court, including internships. Use of headhunters for specific positions.
	Participate in job fairs and organize targeted recruitment missions
	Publish Court brochure on employment opportunities
	Collaborate with the Court's field offices for networking and scouting purposes
4. Ensure attractive conditions of service and compensation systems for all Court staff at headquarters and field locations	Review alternatives within the common system for remuneration of staff, with a view to identifying models that are most appropriate to the Court's work, with particular emphasis on the Court's compensation systems for internationally-recruited staff serving at field duty stations
	Expand categories of staff to include nationally-recruited Professional staff ("national officers") and internationally-recruited General Service staff ("field service level")
	Develop and maintain a clearly defined post profile and job evaluation system across the organization to ensure positions are classified and, where appropriate, re-classified, in a timely, fair and transparent manner
	Review and if necessary revise the Court's social security system
	Develop and revise policies and guidelines on relevant service conditions and prepare an information package on conditions of service for potential and current staff. This includes the types and duration of contracts provided by the Court to staff.
5. Increase staff well-being by enhancing existing and developing new support programmes	Provide staff with adequate support to relocation and integration at their new duty station
	Ensure continuous support to spouses/partners and families of staff at headquarters and the field
	Ensure healthy working conditions and encourage work/life balance, including flexible working arrangements where feasible
	Undertake regular staff ("climate") surveys in order to identify the less tangible areas that may increase individual staff well-being and to initiate suitable follow-up actions

Human Resource Specific Objective	Activities
6. Enhance and develop further the administration of a comprehensive, accessible, transparent, fair and reasonable internal justice system	Develop and implement an integrated policy for managing conflicts/disagreements at the formal and informal levels, including mechanisms for reporting on perceived injustice
	Explore the possibility of creating an Ombudsman position
	Establish (internal and/or external) counselling capacity to advise on internal justice matters
	Train internal focal points for informal mediation
7. Institutionalize a well-functioning performance management system	Develop post and competency profiles that describe the outputs, outcomes, relationships and behaviours required for each post
	Review and if necessary revise the current Performance Appraisal system, also with a view to incorporating multi-rater feedback systems
	As part of the revised performance appraisal system, identify and record career objectives (link with learning and training and career advancement)
	Explore possibilities for linking pay to performance, with or without broadbanning (merging) the current grades, and for developing various systems for rewards and sanctions, accelerated annual step increases, merit promotion and the more rigorous use of the probationary period for new staff.
8. Provide learning and training opportunities that contribute to the achievement of the Court's goals and address individual development needs	Identify the learning and development needs of staff by analyzing the gaps between desired and actual capabilities
	Develop learning programmes that address identified gaps and are aligned to organizational priorities, including a revised induction programme for new staff
	Improve the Court's ability to measure the impact that learning programmes have on individual as well as on organizational performance
	Improve leadership and management practices through leadership development and executive coaching programmes
	Review and if possible increase the Court's ability to invest in the learning and development of its human resources
9. Develop and implement approaches and systems for career management and advancement of staff	Develop and pursue strategic approaches to succession planning and talent management
	Provide staff with career counselling, including temporary and permanent career transition support
	Develop and maintain a culturally sensitive assessment process for prospective and current talent pool for selection and development purposes
	Clearly communicate the Court's career management practices to prospective and current staff

Annex II

Mission Subsistence Allowance and Special Operations Living Allowance – two ways to compensate field staff

I. Introduction

1. Internationally-recruited professional staff working at field offices of the International Criminal Court, are currently compensated on the basis of the mission subsistence allowance (MSA) approach. This approach is also used by the United Nations (Secretariat) for its peacekeeping operations personnel. Most other common system organizations are applying the special operations living allowance (SOLA) approach for staff working in non-family duty stations. The following provides a short description of both approaches and its relevance to Court staff currently serving at field locations.

II. Mission subsistence allowance – the peacekeeping approach

2. The mission subsistence allowance approach is used for United Nations personnel serving in special peacekeeping, peacebuilding and political missions and operations. All of these missions are considered non-family duty stations, i.e. a staff member assigned to such a mission is not allowed to be accompanied by spouse/partner, children and secondary dependents.¹

3. The mission subsistence allowance approach was based on the concept that special peacekeeping missions were established on very short notice and were planned and budgeted for short intervals, which does not make it cost-effective to install staff in a new duty station and to grant them the entitlements of a regular assignment. Installation in this context means that staff are paid assignment grant and are provided with a relocation entitlement to pay for the full or partial shipment of household goods to and from the new duty station, or, alternatively, a lump sum relocation grant. Entitlements of a regular assignment imply post adjustment, hardship and mobility allowance and rental subsidy, the latter two depending on eligibility.

4. There are two types of mission appointments: those that appoint staff exclusively for mission service (nowadays the majority of mission staff) and those temporarily assigned to a special mission from another established duty station. In the case of staff appointed exclusively for mission service, the mission subsistence is paid in lieu of post adjustment, mobility and hardship allowance and assignment grant. Staff members temporarily assigned to a special mission from another established duty station continue to receive the entitlements of their parent duty station, while receiving the mission subsistence allowance for the mission location.

5. Mission subsistence allowance rates are determined on the basis of long-term accommodation, food and miscellaneous expenses at the duty station. To set the allowance rates, field surveys are conducted by compensation specialists of the United Nations. A detailed assessment is prepared of costs incurred by staff due to their assignment or appointment to a special mission. Under miscellaneous expenses, account is taken of expenditures deemed necessary to maintain reasonable living conditions in the mission area.

¹ It should be noted that there are also five established (i.e. non-special) peacekeeping missions which are family duty stations. Staff members assigned to these established missions are treated like any other common system staff in an established office, i.e., they receive all regular entitlements and their families can stay with them.

These costs typically include incidentals (e.g. telephone calls), and initial necessary purchases, such as heaters, generators or other equipment. Attention is given to the indirect costs that may arise from non-existent, destroyed or interrupted utilities, as well as other additional long-term costs that accumulate based on the lack of essential facilities, commodities, goods, services and infrastructure. The daily subsistence allowance (DSA), by contrast, is geared towards business travelers of the United Nations and is based on commercial accommodation and food provisions in a non-crisis environment.

6. The disadvantage of the mission subsistence allowance approach became apparent when it turned out that many special missions were not as temporary in nature as originally assumed and that staff serving at a mission would therefore often spend several years – rather than six months, which is the current usual contract duration – at the duty station. While a short assignment at a non-family duty station may be acceptable to a staff member with a family, long-term assignments create considerable difficulties when they imply a wide geographical separation of families, compounded by possible legal difficulties with regard to residence status in the country where the family resides. A proposal to discontinue the mission subsistence allowance approach in favour of another approach used by other organizations of the common system is therefore under consideration.

III. Special operations approach

7. The special operations approach is used by many United Nations common system organizations operating at non-family duty stations. It seeks to encourage and facilitate the assignment of experienced and qualified staff to non-family duty stations. A special operations living allowance is paid in addition to the regular entitlements due to the requirements to maintain two households. This arrangement enables the organizations involved to attract and retain a greater number of high-performing and experienced staff to work in difficult and unsafe duty stations.

8. The special operations approach was developed to respond to organizations' needs to post staff in a growing number of non-family duty stations. Increasing difficulties encountered in attracting staff to move to such duty stations made it an operational imperative for the field-oriented organizations to address this problem. The traditional approach to assigning a staff member to a non-family duty station did not include an organizational responsibility to help ensure that a staff member's family was looked after. This posed particular difficulties when a staff member's family lost the legal right of residence in the previous duty station. Family members were left with no option but to return to a place where they could legally reside and work, which was usually the place of nationality of the staff member or the spouse. The consequence was a wide geographical separation of families, and an increased disincentive for staff mobility to the very locations where staff's talents were most needed.

9. As a result, the field-oriented organizations have changed their approach to posting staff to non-family duty stations: rather than assigning a staff member to a non-family location where he/she will serve, they assign the staff member to a nearby duty station with an adequate family infrastructure in terms of schooling, medical, communications and supply facilities. The family can then be fully installed in this location, called the administrative place of assignment (APA). In some instances, the staff member's family can also be installed at the place of home leave or the previous duty station, if that is legally possible. The location-specific benefits and entitlements of the staff member (such as post adjustment) are based on this administrative place of assignment location, with the exception of home leave and family leave. The administrative place of assignment also serves as a base for the staff member to travel to occasionally for rest and recuperation. In addition, a staff member on this approach receives a subsistence allowance that is currently based either on daily mission subsistence allowance, where it exists, or on the daily subsistence allowance.

IV. The approach of the International Criminal Court

10. When the Court established its first field offices, it was assumed that they would be rather temporary in nature. Therefore, it was decided that internationally-recruited professional-level staff serving at the Court's field locations would be compensated according to the mission subsistence allowance approach for United Nations peacekeeping special missions. The model used is that of staff appointed exclusively for service at special mission. Staff assigned to the Court's field offices therefore receive the net base salary plus a daily mission subsistence allowance and no installation benefits. No provision is made for the installation of families at a nearby family duty station.

11. Like the special missions of the United Nations peacekeeping operations, the Court's field operations in Uganda, the Democratic Republic of the Congo, Chad and the Central African Republic are no longer necessarily of a temporary nature. Considerations regarding the Court's ability to attract and retain the needed highly qualified staff to serve at the Court's field locations are timely and important. The proposed Human Resources Strategy therefore includes a suggestion to review the current compensation model for staff serving at field locations.

Annex III

Overview of current contracts used

Contract types and duration

1. The International Criminal Court provides two types of staff contracts: fixed-term and short-term contracts. In addition to staff contracts, special service agreements are provided to consultants and individual contractors.

Fixed-term contracts

2. Fixed-term contracts are provided to staff recruited both against established posts and as General Temporary Assistance (GTA) personnel. These are governed by the Court's Staff Regulations and Rules.

3. For established posts, the duration of fixed-term contracts normally ranges from one year to three years. The decision whether a position is advertised for three years or less is taken by the responsible manager on the basis of an analysis of the functional needs. There has to be an expectation that the position in question will be needed for at least three years.

4. For GTA fixed-term contracts, the duration is determined by the budget cycle. As a rule, GTA positions are only approved for a maximum of one year.

5. In the case of fixed-term contracts of less than twelve months, certain benefits and entitlements (such as assignment grant) are pro-rated.

6. Fixed-term appointments of three years have a notice period of 60 days. Contracts between six months and less than three years have a 30-day notice period and for contracts below six months, the notice period is 15-days.

Short-term contracts

7. Short-term contracts are provided up to a maximum of one month and are used mainly for language staff (such as conference interpreters), meeting clerks or administrative assistants needed for short periods only. Persons recruited on short-term contracts are staff of the Court but certain entitlements and benefits do not apply. For short term contracts the notice period is 7-days.

Special Service Agreements

8. Special Service Agreements are provided to consultants who work as individual contractors. Individual contractors are not staff of the Court and therefore have no specific entitlements and benefits other than the remuneration agreed to in the agreement.

9. At the moment, the Court does not have continuing or permanent contracts.