

Eighth session

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**Status report on the Court's investigations
into efficiency measures for 2010*****A. Introduction**

1. The report of the eleventh session of the Committee on Budget and Finance (“the Committee”) states that: “The Committee was strongly of the view that managers throughout the Court should be responsible for managing workload and reforming procedures, so as to maximize results for the Court while keeping working hours under control¹.”

2. The Committee further indicated that it “felt that a rigorous examination of possibilities to increase productivity would yield significant cost savings given that many inefficient bureaucratic policies had been adopted in the early years of the Court. It therefore recommended that the Court undertake a review of administrative procedures with the aim of eliminating red tape. Moreover, the Committee challenged the Court to produce a budget for 2010 which funded new investments and cost increases entirely from savings to administrative processes²”. The Committee eventually requested the Court to report on its efforts at its twelfth and thirteenth sessions.

3. Consequently, the Assembly of States Parties (“the Assembly”) adopted the recommendation of the Committee, and indicated that it: “Urges the Court to make every effort to find efficiency savings over the course of 2009, and requests the Registrar to make an investigation into the possibilities of such savings, implement the appropriate measures, and report to the 8th Assembly of States Parties”. The Assembly further requested “the Court, as recommended by the Committee on Budget and Finance, to make efforts to produce a budget for 2010 which would fund new investments and costs increases entirely from savings to administrative processes, to the extent possible, while taking into account a possibility of any significant increase in judicial or investigative activity”.

4. The present report is the first stage of the Court's response to the Committee reporting requirements and takes stock of the Court's progresses addressing the recommendations of the Assembly and the Committee described above.

* Previously issued as ICC-ASP/8/CBF.1/4.

¹ ICC-ASP/7/15, para. 55.

² ICC-ASP/7/15, para. 56.

1. Strategic Plan of the Court

5. The Court presented its Strategic Plan at the fifth session of the Assembly of States Parties³ in November 2006. One of the Court's declared strategic goals is to "Excel in achieving the desired results with minimal resources and through streamlined structures and processes, while maintaining flexibility, guaranteeing accountability and drawing upon sufficient qualified and motivated staff within a caring environment". With this statement, representing one of the three strategic goals of the Court, senior management made clear its intention to continuously scrutinize its internal organisation in order to achieve state-of-the-art administrative and core processes, putting strong emphasis on efficiency in terms of non-bureaucracy, flexibility and accountability.

6. In 2009, the Court revised the strategic goals and objectives, in the process reducing the number of objectives from 30 to 18. However, becoming a non-bureaucratic administration remained a key objective. As indicated in objective 9 (formerly objective 11) of the Court's Strategic Plan, the non-bureaucratic determination of the Court is understood as focusing on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks. Accordingly, the Court identified several priority objectives that became some of the 2009 budget objectives, namely "Human resources", "Risk management" and "Non-bureaucratic administration". Similarly, the Court's activities described in the proposed 2010 budget are planned according to its strategic objectives, and will, at least partially, derive from the strategic goal of improving efficiencies.

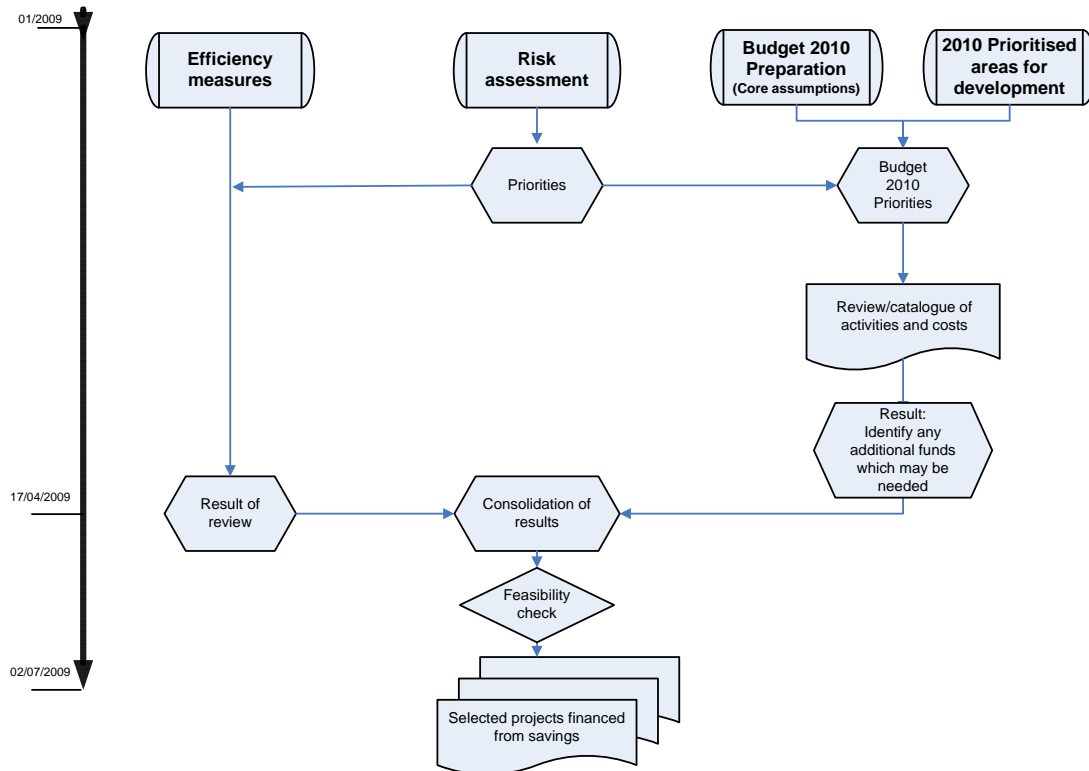
7. The Court's Strategic Plan clearly highlights the need for senior management to continuously investigate into potential efficiency improvements. This strategic focus is at the root of all budgetary and operational planning and will ensure durability of the "efficiency measures" exercise in the long run.

2. Link with other Court-wide activities

8. Implementing efficiency measures is not a stand-alone project. This exercise has clear connections with other strategic activities of the Court; these are the risk assessment project and the creation of the Court's next year proposed budget. These projects have been started earlier and are running in parallel with the investigation for efficiency improvements. The connection between these projects can be depicted as follows:

³ ICC-ASP/5/6 and ICC-ASP/7/25, annex.

Figure 1: strategic and budgetary planning 2009



9. The Court is in the process of completing a comprehensive risk assessment project with a view to ensuring performance of essential court functions under worst case conditions while protecting essential facilities, people, equipment and other assets. The investigation into potential efficiency improvements must take into account the results of the risk assessment project. For example, high risk activities should not be selected as potential efficiency savings without a clear idea of the required mitigating strategy and their influences on the Court’s processes. In other words, quick efficiency wins should not be favoured to the detriment of long-term risk-mitigated process improvements.

10. In the context of the Court’s preparation for the 2010 budget proposal, several key activities are being considered as the priority areas for development. This selection is taking into account the Court’s requirement of efficiency improvement as well as the risk management process in order to ensure coherent strategic implementation throughout the Court. Furthermore, technical measures such as Key Performance Indicators, workload indicators or detailed work-planning have been introduced in past budget preparation processes and continue to be implemented more precisely each year with the goal of supporting managers’ ability to control efficiency within their area of responsibility.

B. Investigation into potential efficiency improvements: “Efficiency measures” project plan

1. Introduction

11. The Court is looking for ways to improve the efficiency of all its processes, from judicial to administrative. This court-wide exercise started at the end of 2008 and is planned to last for the whole of 2009. The exercise engages all organs and is multi-tier, as potential improvements can be found in several different ways and can have different results (monetary savings, freeing resources, gaining time, etc.). The rest of the document describes the approach taken by the Court and the status of its different endeavours to reach the objective. The first phases of the project processes can be depicted as follows:

2. Scope of the project

12. Two parallel processes addressing the issue of identifying and implementing efficiency measures have been put in place and are running in parallel, involving all organs. The processes are:

- a) Preliminary analysis of possible measures by the Court, including review of recommendations made by the Committee at its eleventh session. This exercise will lead to the selection of cost saving projects and the implementation in the shortest possible period.
- b) Re-engineering exercise: selection of priority areas, re-engineering team and perform first exercise on first priority area.

13. The different aspects of the project are described in more details below.

3. Analysis of possible measures

14. The Court's analysis of possible measures is taking place along three tracks:

- a) On the direction of the Presidency, a judge is leading an informal working group reviewing:
 - i) Possibilities for increased efficiency within current legal framework;
 - ii) Financial implications of judicial decisions, in consultation with the Registrar; and
 - iii) The need, if any, for possible amendments to the Court's constitutive texts;
- b) The Office of the Prosecutor is conducting its own internal review of possible efficiency measures; and
- c) The Registry has initiated a broader process, consulting all organs as appropriate, to review efficiency measures.

15. Recommendations of the Committee are being addressed within each track.

4. Review of the Committee's recommendation

Re-engineering process

16. Re-engineering can be defined as "fundamental rethinking and radical redesign of business processes to achieve dramatic improvements in critical contemporary measures of performance, such as cost, quality, service, and speed⁴". Proponents of re-engineering argue that far too much time is wasted passing-on tasks from one department to another and claim that processes can be redesigned in order to eliminate waste. The concept of redesigning or reengineering work processes requires managers to concentrate on their core activities, notwithstanding the constraints or habits that are currently shaping their activities.

17. The Court's administration has started a re-engineering project, to ensure desired results are achieved with minimal resources. The selection of potential processes for this project is ongoing. A test phase has been started with the first reengineering exercise of the travel processes of the Court: a project group has been set-up and will use the services of external facilitators to ensure impartial and thorough review of all travel related processes. The results of this first analysis will then be implemented in the existing work processes.

⁴ Hammer, Michael & James Champy (1993).

5. Preliminary analysis

a) Cost structure analysis

18. In order to clarify expectations, the Court decided to take a closer look at its current cost structure with the objective to identify measures which will have significant impact. A first analysis of the cost structure (table 1) indicates that about 86 per cent of the Court's 2009 budget is spent on the basis of longer term commitments.

Table 1: 2009 budget cost distribution (in %)

Cost distribution 2009 Budget	% of costs
Staff costs	71%
Annual non-staff commitments	8%
Legal aid	3%
Witness protection	3%
Detention	1%
Total	86%

19. 71 per cent of the costs occur for judges' salaries, staff salaries and other staff related contractual expenditures. While judges' contracts vary between six and nine years staff receive contracts with a length between one and three years. This means that efficiency gains cannot be realized overnight. Savings will primarily result from positions not filled yet or natural fluctuation. The costs of any other type of separation would compensate largely the expected savings.

20. Further reducing the possibility for immediate gains, 15 per cent of the Court's budget is related to longer term commitments such as annual or multi-annual contracts (for example utilities or software licences) or activities deeply anchored in the Court's judicial process. Reviewing costs of this nature or even detention and witness protection costs will require a thorough review of the Court's structure.

21. Table 2 shows that a significant portion of the remaining non-staff costs, although not linked to external or contractual requirements are composed of crucial activities which therefore also can only gradually be adjusted in the short run.

Table 2: 2009 budget cost distribution – other major non-staff costs drivers

Other major non-staff cost drivers	% of costs
Travel	5.0%
Training	1.0%
Language	0.8%
Printing, broadcasting etc.	0.7%
IT consultants	0.6%
Total	8.1%

22. The Court will identify "quick wins" where possible, but achieving real gains will take time. That said, the Court has achieved the following progress in relation to recommendations by the Committee.

b) Centralize financial functions

23. At its eleventh session, the Committee “requested the Court to consider how financial functions could be centralized in the Budget and Finance Section and to prepare the 2010 proposed budget accordingly⁵”. The Court extended the argument of this recommendation and decided to consider how all standard functions of the Court might be centralised.

24. Similarly, the Committee suggested the possibility to pool staff resources such as legal officers from different major programmes and recommended “that the Court examine the possibility of a pooling of resources for judicial support between the Chambers and the Registry⁶”. The Committee also “noted that there appeared to have been some functions created in the Secretariat [of the Trust Fund for Victims] which ought to be performed by the Registry and it requested the Court to review these arrangements⁷”.

25. In order to ensure a holistic view of the functions of the Court, a questionnaire was distributed to all major programmes and senior managers. With this questionnaire, the Court will collect comprehensive information on workload and time spent by staff on functions such as administrative assistance or budget creation, as suggested by the Committee.

c) Review of judicial processes

26. Several judicial related activities, such as length of proceedings, protection of witnesses and victims or participation of victims have been identified by the Committee as potential areas of efficiency improvement. The Committee “encouraged the Court and the Assembly to ensure that considerations of efficiency and cost figured appropriately⁸”. These issues are under active consideration by the judges. Given the complex, substantive nature of the issues, progress will take time.

d) Legal aid scheme

27. The Committee is of the opinion that efficiencies and savings can be found in the Court’s legal aid scheme: “The Committee reaffirmed its view that the Court should look for any efficiencies and savings that could be achieved in its legal aid scheme, including by ensuring that the provision of legal aid was commensurate with the level of activity at each stage of proceedings (especially when long delays were experienced), and by evaluating the relationship between OPCD and defence teams.⁹”.

28. The scheme is currently under review by the Court and will be the subject of one or more separate reports. The suggestion is of course included in the Court’s idea register.

e) Procedural efficiencies in the recruitment and other human resources processes

29. The Committee’s recommendations with respect to human resources¹⁰ are addressed in the comprehensive report of the Court on human resources, presented to the twelfth session of the Committee in April 2009.

⁵ ICC-ASP/7/15, para. 83.

⁶ ICC-ASP/7/3, para. 56.

⁷ ICC-ASP/7/15, para. 102.

⁸ ICC-ASP/7/15, para. 53.

⁹ ICC-ASP/7/15, para. 127.

¹⁰ ICC-ASP/7/15, para. 60.

f) Savings for training in 2010

30. The Committee requested the Court to find savings to cover the €750,000 needed for training in 2010¹¹. The Court expects to find the savings as a result of the “Efficiency measures” project. The training needs will also be further investigated to determine if the €750,000 indicated to the Committee will be the exact amount required for this specific activity.

g) Length of documents produced

31. The Committee recommended that the Assembly consider limiting the length of reports submitted for its consideration by the Court, along the lines of the limit set for reports of the United Nations Secretariat to the General Assembly¹². The Assembly accepted this recommendation, and the Court is implementing it accordingly. This measure will limit the number of pages of documents produced by the Court, reducing redaction, editing and reading time for all parties involved.

h) Inter-organ consultations

32. Possible measures to be adopted by the Court have been considered during inter and intra-organ consultations, using pre-existing analyses on possible costs savings done during the 2009 budget preparation exercise. A preliminary list of possible activities was put together, according to the following structure:

- a) Process related measures
- b) Organizational measures
- c) Outsourcing measures
- d) Functional measures
- e) Budget related measures

33. Several potential cost saving activities have been identified and reviewed by senior management of the Court. It constitutes a register of ideas for which a prioritisation exercise is currently taking place. At time of writing of the document, separate project plans for implementation of several activities are being prepared. The ideas were selected as potential candidates for this first round of implementation based on ease of execution criteria.

6. Project review

34. At the time of the twelfth session of the Committee, the results of each process will be evaluated. The evaluation will include prioritisation in terms of costs savings estimates and timeframe, as well as feasibility. A feasibility test will be undertaken to ensure all measures selected for further development are practical and can be carried out.

35. The ranking of results will then be finalised according to selected criteria and method: the end result of this phase will be the selection of measures to be implemented and the actual implementation of selected measures.

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¹¹ ICC-ASP/7/15, para. 83.

¹² ICC-ASP/7/15, para. 97.