
Assembly of States PartiesDistr.: General
20 November 2008Original: English

Seventh session

The Hague

14-22 November 2008

**Report of the sub-group of the Committee on Budget and Finance
on reclassifications**

1. In accordance with paragraph 63 of the report on the work of its eleventh session, a sub-group of the Committee on Budget and Finance met in The Hague on 18 and 19 November 2008 to advise the Assembly of States Parties on reclassifications contained in the proposed 2009 budget. The sub-group was composed of Mr. David Dutton, Chair of the Committee, Mr. Santiago Wins, Vice Chair, and Mr. Juhani Lemmik.
2. The sub-group noted that the Court had proposed to reclassify 14 generic posts applicable to 19 individual staff (see annex). The sub-group reviewed the procedures followed by the Court in proposing the posts for reclassification, and had the benefit of the presence of the Court's expert consultant.
3. The sub-group agreed that appropriate procedures had been followed for the proposed reclassification of 13 of the 14 generic posts in accordance with Staff Regulation 2.1 and in conformity with the methodology laid down by the International Civil Service Commission. (The proposed reclassification of the generic post of Court reporter, applicable to six individual positions, was based on a different rationale, and is discussed below). **The sub-group therefore recommended that the Assembly approve the reclassification of the 13 generic posts.**
4. The sub-group expressed its support for the ability of the Court to reclassify posts, in accordance with the applicable rules and standards, in order to adapt its staffing profile to significant changes in its work. However, the sub-group also noted that there would be a gradual inflation of staff grades if a similar number of reclassifications were to be proposed each year. This would have an impact on the budget, given that the Court had estimated that the costs of reclassifications in 2009 would be approximately €300,900 and had been approximately €483,000 for reclassifications approved by the Committee during 2007.
5. **The sub-group therefore recommended that the Court should continue to adhere to the recommendations contained in paragraphs 67 to 69 in the report of the Committee on the work of its eighth session.**¹ The Committee had recommended that the Court should propose reclassifications only where there had been substantial change to the nature or arrangement of work in a particular area and where new requirements could not be

¹ Official Records ...

met through the reallocation of duties. Such reclassifications should be proposed in the annual proposed programme budget, together with all supporting information, and be submitted in time for consideration by the Committee at its September session. The sub-group expected the Court to consider alternatives for distributing work and arranging work processes before proposing reclassifications. The sub-group also expected that there would continue to be proposals for downward reclassifications, redeployments and the abolition of posts, since these would be as likely to result from changes to the nature and arrangement of work as the need for upward reclassification of posts. The sub-group agreed that the Court should seek generally to maintain the overall balance of grades within the Court.

6. The sub-group also recalled the concern of the Committee in paragraph 71 of the report on the work of its eighth session that the Court should take steps to ensure that reclassification was not used as a promotion tool. The sub-group further noted that the Court would be reporting to the Committee at its twelfth session on human resources matters, and it looked forward to receiving advice of the Court's plans for improving options for career development in that context. The sub-group invited the Court to develop proposals for career development and promotion, including with respect to promotion from general service to professional grades.

7. With respect to the 13 generic posts that were recommended for reclassification in accordance with the applicable rules and standards, the sub-group noted that three had been submitted for classification only in 2007 and had been confirmed at their current levels. It noted the Court's advice that these had been based on the merits of each case and that the Court would not develop a practice of frequently submitting the same posts for reclassification or in order to achieve a desired outcome.

8. The sub-group noted that the Court's expert consultant had recommended that the Special Assistant to the President be reclassified at P-3, rather than P-2 as initially proposed by the Court. **Accordingly, the sub-group recommended that the Assembly approve reclassification of the post at the P-3 level. It noted, however, that there could be a further revision to the staffing structure of the Immediate Office of the President in 2009, given that the current President of the Court would retire from his position in early 2009. The sub-group asked the Court to refrain from making any significant changes to the structure and organisation of the Immediate Office prior to the transition, so as to minimise the possibility of any further need for reclassifications in the Office. In addition, the sub-group recalled the interest of the Committee in being kept informed of plans for the staffing structure for legal support in Chambers. It therefore requested the Court to submit in the context of the proposed 2010 budget an overview of its plans for the staffing of the Presidency and Chambers.**

9. The sub-group noted that the structure for managing the Court's security operations had undergone significant change in the past two years and that several posts had been upgraded, including from general service to professional level. The sub-group requested the Court to present further information to the Committee on the development of the structure for managing the security of the Court at future sessions.

10. The sub-group recalled comments of the Committee on the need for the Court to have an effective capacity for evaluating claims of indigence by accused in the context of the Court's system of legal aid. It hoped that the post of financial investigator would be filled expeditiously and expressed interest in discussing this further when the Committee next considered the question of legal aid.

11. The sub-group noted that the post of Partnerships Officer in the Secretariat of the Trust Fund for Victims had been classified at P-4 level in 2007. Reclassification at P-5 level would result in there being two P-5 officers in the Secretariat in 2009 if the Committee's

recommendation to redeploy temporarily a P-5 financial officer were also approved by the Assembly. The Committee noted that this would result in a top-heavy structure that might be anomalous with the usual practice in the Court. **Given that there had been significant changes in the activities and organisation of the Secretariat, the sub-group recommended that the Court present an overall plan for the staffing profile of the Secretariat in the context of the 2010 budget, through the Board of the Trust Fund for Victims, in order to enable the Committee to review the structure holistically on its merits.**

12. Finally, the sub-group noted that the proposed reclassification of the generic position of Court reporter, applicable to six individual positions, was based on the Court's assessment of the level and salary required to attract well-qualified applicants and was not consistent with the grading standards of the ICSC. The Court advised the sub-group that it had been unable to obtain good applicants while the posts were classified at GS level, and that it had not identified any practical or cost-effective alternative, since outsourcing would be more costly. **In these circumstances, the sub-group accepted the Court's argument that classification at P-2 level for the posts would be the best short-term option, and recommended that the Assembly approve the reclassification. However, the sub-group also recommended that this should not be considered as a precedent that would allow the grading of posts at levels higher than required under the applicable rules and standards where there might be difficult in attracting well-qualified applicants.** The sub-group therefore requested the Court to provide further advice to the Committee at its twelfth session on practices within the common system to deal with similar scenarios.

13. The sub-group noted that the Committee had recommended that the costs of the reclassifications be absorbed by the Court in 2009.

Annex

Results of the job evaluation study of established posts – August 2008

<i>Number of posts</i>	<i>Current level</i>	<i>Major programme/Section</i>	<i>Current functional title</i>	<i>Proposed functional title</i>	<i>Initial classification</i>	<i>Recommended level by external classifier 03/09/2008</i>
Judiciary						
1	P-3	Presidency	Legal Officer	Legal Adviser	February 2007	P-4
1	P-1	Presidency	Special Assistant to the President	Special Assistant to the President	February 2007	P-3 ²
Office of the Prosecutor						
1	P-3	Services Section	Knowledge Base Manager	Knowledge Base Manager	March 2005	P-4
1	G-5	Services Section	Knowledge Base Assistant	Assistant Information Officer	March 2005	P-1
1	G-6	Services Section	Senior Evidence Assistant	Assistant Information and Evidence Officer	December 2007	P-1
1	P-1	Planning and Operations Section	Assistant Operations Officer	Data Processing Manager	March 2005	P-2
1	P-2	Prosecution Section	Appeals Counsel	Appeals Counsel	August 2008	P-3
Registry						
1	P-3	Security and Safety Section	Security Operations Officer	Security Operations Officer	March 2005	P-4
1	P-3	Security and Safety Section	Field Security Operations Officer	Field Security Officer	April 2006	P-4
1	P-3	Security and Safety Section	Protective Security Officer	Protective Security Officer	October 2004	P-3 ³

6	G-7 G-6 G-4	Court Management Section	Senior Court Reporter Court Reporter Text Processing Assistant	Court Reporter	July 2007	P-2 ⁴
1	P-3	Court Interpretation and Translation Section	Translator	Head, Translation Unit	February 2005	P-4
1	P-3	Office of the Head/DVC	Financial Investigator	Financial Investigator	March 2006	P-4
Secretariat of the Trust Fund for Victims						
1	P-4	Secretariat of the Trust Fund for Victims	Partnership Officer	Senior Programme Officer	March 2007	P-5

1. Post submitted at the P-2 level in the proposed budget.
2. Post submitted at the P-4 level in the proposed budget.
3. Post not submitted to external classifier. See paragraph 279 of the proposed programme budget for 2009 of the International Criminal Court.

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