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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 25 of resolution ICC-ASP/7/Res.3, of 21 November 2008, 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.

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

A. Main past steps in the ICC's strategic planning process

1. The Assembly of States Parties (the Assembly) early on expressed a strong interest in encouraging strategic planning as integral part of setting-up and managing the Court's multiple activities in implementing the Rome Statute.¹
2. In 2006, the Court adopted its first Strategic Plan,² providing, "a common framework for the Court's activities over the next ten years, with particular emphasis on the three immediate years". This document was intended to set out "the clear direction and priorities that will guide the Court as it carries out the mandate of the Rome Statute. In doing so, the Plan will ensure continued internal coordination of the Court's activities. Through communication around the Plan the Court also intends to further strengthen its vital relationships with States, international organizations and civil society".³
3. On the basis of the experience acquired, the Court reviewed its Strategic Plan in 2008 and a revised set of strategic objectives covering the years 2009-2018 was adopted after a full set of consultations with States Parties and civil society organizations (see annex I).
4. At its seventh session, the Assembly welcomed these efforts and endorsed a number of recommendations contained in the Bureau's report on the Strategic Plan.⁴
5. In 2009, the Court decided to continue putting its activities in the context of the three strategic goals defined in 2008.⁵ On this basis, a set of eight strategic priority objectives for 2010 was identified (see annex II), whereas seven long term objectives to be achieved by 2018 are also included into the Court's strategic framework for the years to come.

B. Strategic planning and the Assembly of States Parties

6. As indicated, the Assembly has demonstrated over the years a continuous interest in and support for the Court's strategic planning process and its implementation. During its seventh session, the Assembly gave detailed guidance on results achieved and future orientation of the continuous dialogue between the Court and the Assembly as related to the on-going development of a strategic framework for the Court's activities period.⁶

¹ Resolution ICC-ASP/4/Res.4, para. 12.

Resolution ICC-ASP/5/Res.2.

Resolution ICC-ASP/6/Res.2.

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

² Strategic Plan of the International Criminal Court (ICC-ASP/5/6).

³ ICC-ASP/5/6, para. 3.

⁴ ICC-ASP/7/29.

⁵ Report on the Activities of the Court (ICC-ASP/8/40), paras. 98-101.

⁶ Resolution ICC-ASP/7/Res.3, para.25: "Welcomes the Bureau's report on the Strategic Plan, *endorses* the recommendations contained therein, *welcomes* the efforts of the Court to further develop the strategic Plan on the basis of the document entitled "Revised strategic goals and objectives of the International Criminal Court for 2009 – 2018," *welcomes also* the substantial progress made by the Court in the implementation of the Strategic goals and objectives, *welcomes further* the progress made in developing a strategy for victims, *notes* that significant work remains to be done in developing the different areas of the Plan, in particular with regard to the strategy for victims, *reiterates* the need to continue to improve and adapt outreach activities and *encourages* the Court to further develop and implement the Strategic Plan for Outreach in affected communities, *reiterates further* the importance of the relationship and coherence between the strategic planning process and the budgetary process, *recommends* that the Court continue the constructive dialogue with the Bureau on the strategic planning process, in particular, the development and finalization of the strategy for victims and other priority issues identified in resolution

7. The general approach that should characterize this dialogue and guide the positive interaction between the Court and the Assembly in the implementation and development of the strategic planning process was described as follows:

“The underlying premise for the work undertaken was that the Strategic Plan and its components form an internal management tool for the Court. As such, the aim of the Working Group was not to embark on a redrafting exercise with regard to the Plan or to engage in “micro management” of the Court. Rather, the aim was to enter into a dialogue with the Court with a view to giving States Parties an opportunity to comment on the activities carried out by the Court and provide input to the Court on these issues, as well as enabling States Parties to stay abreast of developments in the strategic planning process”.⁷

8. This dialogue is to be conducted in the spirit of confident inter-institutional cooperation, with the perspective of developing a “win-win” approach, which should continue to characterize the interaction.

9. Placed at the intersection of the annual planning and budgeting process and the development of a medium to long-term perspective on the development of the Court, the strategic planning process should be focused both on the implementation of past orientations and recommendations and on the updating and development of the Strategic Plan, as warranted by current evolutions in the role and functions of the Court and in the environment in which it operates. In this perspective, the ICC Strategic Plan should constitute an efficient and credible planning tool that sets the development of the Court and its organs within the context of a longer time frame.

C. Follow up to the seventh session of the Assembly and strategic planning in 2009

10. On the basis of these orientations, the Bureau designated in January 2009 Ambassador Jean-Marc Hoscheit (Luxembourg) as facilitator to organize the consultation of States Parties and the dialogue between the Court and member states in the framework of The Hague Working Group of the Bureau (Working Group), on the basis of a work plan submitted by the facilitator⁸

11. Consultations were also held with representatives of the NGO community.

12. The strategic plan as such as well as 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) Outreach and communications;
- b) Victims’ strategy;
- c) Relationship between the Strategic Plan and the annual budget of the Court;
- d) Geographical location of Court activities.

ICC-ASP/5/Res.2, and *requests* the Court to submit to the next session of the Assembly an update on all activities related to the strategic planning process and its components”.

⁷ ICC-ASP/7/29, para. 12.

⁸ “The Strategic Plan of the Court: A critical path”, discussion paper, dated 9 June 2009.

13. During these consultations, progress achieved so far, as well as pending difficulties and/or delays in the implementation of the objectives of the Strategic Plan in general, as well as of the priorities for 2009 have been assessed and discussed by States Parties. An overview of the priorities for 2010 was also provided and elaborated in the context of the presentation of the proposed budget for 2010.

14. 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 need 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.

15. While providing mid to long-term guidance, the Strategic Plan needs to be flexible enough to take into account new, emerging issues of significant importance for the future development of the Court and its activities, and must be adapted accordingly as the need arises. In this process, constant and substantive dialogue between the Court and States Parties, as well as with representatives of civil society, based on early and full information, within the limits of existing mandates, is of the essence.

D. Priority issues

1. Outreach and communications strategy

- a) Work on the outreach strategy of the Court is an ongoing project being coordinated by a specific focal point within the Court. States Parties were briefed on new developments concerning the outreach to affected communities in situation countries since the presentation of a detailed report to the seventh session of the Assembly. Problems linked to limited means and to some of the methodologies employed were discussed as well as the issue of performance indicators. Generally, the progress achieved so far, within the means currently available, in implementing the outreach strategy was welcomed and a number of concrete proposals formulated – including by civil society organisations – to increase the impact of outreach programmes in affected communities.
- b) Work on providing an understandable Court wide and organ specific narrative, while respecting the different mandates attributed to different organs of the I.C.C., is ongoing. Organizational issues, financial means and technical choices are some of the issues that need to be addressed in the development of the communication activities of the Court and its organs. An increased emphasis on audio and video, as well as Internet-based technologies was noted.

16. States Parties also noted the contribution of improved public information to the important issue of cooperation and welcomed the publication of concise weekly reports by the Office of the Prosecutor and the Public Information and Documentation Section.

17. Taking account of the Court's 2010 priority "to increase the extent to which the ICC is known and the accuracy with which the ICC is perceived by local populations as well as global audiences in comparison to 2009", it was generally felt that public information and communication will constitute a significant challenge for the ICC for the years to come and that, accordingly, an adequate mix of policies, means and methods will need to be designed urgently to meet this challenge.

2. Victims' strategy

18. On the basis of a draft document circulated in August 2008 by the Court, extensive consultations were held in the context of The Hague Working Group and with the NGO community on this major issue. In 2009, separate work on legal aid to victims was conducted under the guidance of the facilitator, Ms. Yolande Dwarika (South Africa).⁹

19. This process of discussion resulted in the presentation in October 2009 of a formal strategy document by the Court¹⁰ in which policy in relation to victims is regrouped around six main policy objectives, while providing at the same time the essential indications on the ways and means necessary to the implementation of these objectives.

20. States Parties have welcomed the presentation of this document which presents the issues related to victims in a more strategic and prospective approach. Due to the date of presentation of this important document, only initial comments could be presented and the Working Group was not in a position to take a considered and complete view on it.

3. Relationship between the Strategic Plan and the annual budget of the Court

21. 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 highlight this interface, thus clearly setting the proposed annual budget allocations within the context of the longer-term strategic planning (annex II).

22. States Parties were informed through which internal means and procedures overall strategic goals as defined in the Strategic Plan are specified through annual priority objectives, which in turn are translated into major programmes, programmes and sub-programmes and the individual objectives assigned to the staff of the Court. This process should ensure the overall coherence between the middle – to long term strategic planning process, annual budget allocations and concrete operational decisions.

23. In preparing the adoption of the annual budget, due consideration should be given to the necessary coherence of budgetary orientations with the overall strategic objectives of the Court.

4. Location of Court Activities

24. In its resolution, ICC-ASP/5/Res.2¹¹, the Assembly had identified the location of activities of the Court as one of the strategic issues deserving priority attention. During 2006-2007, the Court carried out the conceptual work necessary to identify the different options for the location of all of its activities and resources. In 2008, a detailed planning exercise was conducted by the Court to explore the detailed requirements in terms of logistics and, security environment, so as to be fully prepared in case the judges were to make a decision under Rule 100 of the Rules of Procedure and Evidence to carry out proceedings away from the seat of the Court.

⁹ Report of the Bureau on legal aid for victims' legal representation (ICC-ASP/8/38).

¹⁰ Report of the Court on the strategy in relation to victims (ICC-ASP/8/45).

¹¹ ICC-ASP/5/Res.2, para. 3.

25. In the view of the Court, turning the conceptual framework available into concrete options would require more experience with a view to developing a comprehensive strategy on the location of activities. Therefore, a more pragmatic approach has been adopted by the Court, focusing on the conduct and the review of specific operations on an ongoing basis, while maintaining the objective of revisiting the alignment of the Court's geographical location of resources and activities with its mission in light of the experience gained from the first two to three full cycles of judicial activity (Revised strategic plan). Consequently, until two to three cycles of activity are complete, the Court will continue to monitor, review and adapt the location of its activities.

26. While acknowledging the specificities and complexities to conduct in situ activities, States Parties have underlined the political importance that organizing Court proceedings in situation countries, may have as a way to improving the visibility of the Court and enhancing its credibility, inter alia, with affected communities. It has been suggested therefore to keep this important issue under active review, involving on a regular basis both the Court and States Parties in promoting the design of a sustainable strategy on this issue.

5. New emerging issues

27. In view of the evolving role of the Court and changing framework conditions, the order of priorities may be changing and new issues emerging. The strategic planning process must be adaptable and flexible enough to take into account significant new developments which may have an impact on the Court's role and performance, including horizontal and trans-sectoral issues. States Parties need to be attentive in identifying and helping the Court to identify emerging issues in order to prepare in due time the adequate policy, organisational and financial response as required by changing circumstances. In the 2009 report on its activities¹², the Court has for instance determined, on the basis of a court-wide risk management exercise commenced in 2008, that the identification of priority risks facing the Court and the approaches needed to manage these risks constitutes a focus of attention for the period to come. The Strategic Plan should not be a rigid straight-jacket but a flexible working tool helping the Court and States Parties in mastering early on new challenges.

E. Conclusions and future approach

28. Strategic planning is recognized both by the Court and States Parties as a useful and necessary management tool to help in designing and orientating the mid-to long term development of the Court and its activities. Its credibility depends largely on a real interaction between long-term objectives and shorter-term policies and budgetary/operational decision-making.

29. Great progress has been achieved in recent years in the definition and implementation of the Strategic Plan, on a general level, and of specific strategies in areas of priority importance for the development of the Court and its activities. This process must be completed, in the areas where strategic orientations are still missing, strengthened and, where necessary, adapted to new circumstances and new demands.

30. In managing jointly this process – with the Court and States Parties playing fully their clearly defined specific roles – the quality of the dialogue established, based on early, reliable and useful information, is key.

¹² Report on the Activities of the Court (ICC-ASP/8/40), para. 100.

31. In this perspective, the common pursuit of shared strategic objectives should continue to be strongly encouraged by the Assembly of the States Parties of the International Criminal Court.

32. In view of the above, the Working Group proposes that the Assembly consider inclusion of the language contained in annex III in its resolution on Strengthening the International Criminal Court and the Assembly of States Parties ('the omnibus resolution').

Annex I

List of strategic goals and one to three years objectives of the International Criminal Court

<p><u>GOAL 1: A MODEL OF INTERNATIONAL CRIMINAL JUSTICE</u></p> <p>Conduct fair, effective and expeditious public proceedings in accordance with the Rome Statute and with high legal standards, ensuring full exercise of the rights of all participants.</p>	<p><u>GOAL 2: A WELL-RECOGNIZED AND ADEQUATELY SUPPORTED INSTITUTION</u></p> <p>Further enhance awareness of, effect a correct understanding of, and increase support for the Court.</p>	<p><u>GOAL 3: A MODEL OF PUBLIC ADMINISTRATION</u></p> <p>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 and a non-bureaucratic culture.</p>
<p>1. Conduct 4 to 5 new investigations into cases, within existing or new situations, and at least 4 trials, subject to external cooperation received.</p>	<p>4. Further cultivate a level of awareness and understanding of the Court appropriate to the stage of the Court's activities in affected communities.</p>	<p>8. Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks.</p>
<p>2. Maintain and further develop the system to address all security risks, striving for maximum security of all participants and staff consistent with the Rome Statute.</p>	<p>5. Develop mechanisms to provide for all necessary cooperation, in particular the arrest and surrender of persons, witness protection and the enforcement of sentences.</p>	<p>9. Submit sound, accurate and transparent budget proposals necessitating only minor adjustments to the proposed amount and distribution of resources by the Assembly of States Parties.</p>
<p>3. Develop policies for implementing the quality standards specified in the Statute and the Rules of Procedure and Evidence with respect to all participants in proceedings and persons otherwise affected by the Court's activities, in a manner that is respectful of diversity.</p>	<p>6. Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the Court's role and its independence.</p>	<p>10. Attract, care for, and offer career development and advancement opportunities to a diverse staff of the highest quality.</p>
	<p>7. Ensure publicity of all proceedings for local and global audiences.</p>	<p>11. Continue the development of a common ICC culture.</p>

Annex II

Objectives 2010

As illustrated below, the Court's objectives for 2010 are directly linked to its strategic plan.

<u>GOAL 1: A MODEL OF INTERNATIONAL CRIMINAL JUSTICE</u>	<u>GOAL 2: A WELL-RECOGNIZED AND ADEQUATELY SUPPORTED INSTITUTION</u>	<u>GOAL 3: A MODEL OF PUBLIC ADMINISTRATION</u>
Conduct fair, effective and expeditious public proceedings in accordance with the Rome Statute and with high legal standards, ensuring full exercise of the rights of all participants.	Further enhance awareness of, effect a correct understanding of, and increase support for the Court.	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 and a non-bureaucratic culture.
1. Conduct 4 to 5 new investigations into cases, within existing or new situations, and at least 4 trials, subject to external cooperation received.	4. Further cultivate a level of awareness and understanding of the Court appropriate to the stage of the Court's activities in affected communities.	8. Become a non-bureaucratic administration focused on results rather than processes, relying on rules where necessary to guarantee rights or minimize risks.
2. Maintain and further develop the system to address all security risks, striving for maximum security of all participants and staff consistent with the Rome Statute.	5. Develop mechanisms to provide for all necessary cooperation, in particular the arrest and surrender of persons, witness protection and the enforcement of sentences.	9. Submit sound, accurate and transparent budget proposals necessitating only minor adjustments to the proposed amount and distribution of resources by the Assembly of States Parties.
3. Develop policies for implementing the quality standards specified in the Statute and the Rules of Procedure and Evidence with respect to all participants in proceedings and persons otherwise affected by the Court's activities, in a manner that is respectful of diversity.	6. Constantly increase support for the Court through enhancing communication and mutual understanding with stakeholders, stressing the Court's role and its independence.	10. Attract, care for, and offer career development and advancement opportunities to a diverse staff of the highest quality.
	7. Ensure publicity of all proceedings for local and global audiences.	11. Continue the development of a common ICC culture.



<i>Objectives 2010</i>
1. Investigations
2. Trials
3. Public information and outreach
4. Cooperation
5. Victims strategy
6. Security
7. Human resources
8. Efficiency

As part of its budget process, the Court has selected from its strategic objectives eight priority objectives for the coming year. As was already the case for the 2009 budget, the objectives for 2010 provide the basis, in respect of each Major Programme, Programme and Sub-programme, for the yearly plan and results-based budget approach, including related key performance indicators with target values. Further, each Sub-programme's work plan, as well as individual staff objectives, will be aligned with the Court's 2010 objectives after budget approval.

Annex III

Draft provisions for inclusion in the omnibus resolution

“The Assembly of States Parties

(...)

Welcomes the Report of the Bureau on the on the strategic planning process of the International Criminal Court,¹ welcomes the efforts of the Court to implement a strategic approach based on the document entitled “Revised strategic goals and objectives of the International Criminal Court for 2009-1018”,² welcomes also the substantial progress made by the Court in the implementation of the strategic goals and objectives, underlines the importance of a credible process of strategic planning, that has a guiding impact on the definition of the Court’s annual priorities and work programmes as well as on budgetary allocations;

Reiterates the need to continue to improve and adapt outreach activities and encourages the Court to further develop and implement the Strategic Plan for Outreach³ in affected countries;

Considers that the issue of wider communication on the Court and its activities is of strategic nature and that an adequate mix of policies, means and methods is needed to meet this significant challenge;

Welcomes the recent presentation by the Court on victims’ strategy⁴ and considers that the implementation of this strategy constitutes a priority of major importance for the Court in the years to come;

Reiterates further 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, decides to keep the issue of the location of Court activities under active review with a view to assisting the Court in due time in formulating a strategy based on adequate preparation and empirical experience; requests that adequate attention being given to changing circumstances and significant emerging issues to be considered in adapting the Strategic Plan in order to enable the Court to meet new challenges, recommends that that the Court continues the constructive dialogue with the Bureau on the strategic planning process, including the victims’ strategy, and its different priority dimensions and requests the Court to submit to the next session of the Assembly an update on all activities related to the strategic planning process and its components;

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¹ Report of the Bureau on the strategic planning process of the International Criminal Court (ICC-ASP/8/46).

² ICC-ASP/7/25, annex.

³ ICC-ASP/5/12.

⁴ Report of the Court on the strategy in relation to victims (ICC-ASP/8/45).