



## Assembly of States Parties

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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 36 of resolution ICC-ASP/8/Res.3, of 26 November 2009, 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 with the Court.

## I. 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 an integral part of setting-up and managing the Court's multiple activities in implementing the Rome Statute.<sup>1</sup>
2. In 2006, the Court adopted its first Strategic Plan,<sup>2</sup> 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".<sup>3</sup>
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.
4. At its eighth session, the Assembly welcomed these efforts and endorsed a number of recommendations contained in the Bureau's report on the Strategic Plan.<sup>4</sup>
5. In 2010, the Court decided to continue putting its activities in the context of the three strategic goals defined in 2008.<sup>5</sup> On this basis, a set of eight strategic priority objectives for 2011 was identified, whereas seven long term objectives to be achieved by 2018 were also included into the Court's strategic framework for the years to come.

## II. Strategic planning and the Assembly of States Parties

6. While elaboration and implementation of the Strategic Plan is a process entirely under the responsibility of the Court, 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 eighth 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 ongoing development of a strategic framework for the Court's activities period.<sup>6</sup>

<sup>1</sup> ICC-ASP/4/Res.4, para. 12.

ICC-ASP/5/Res.2.

ICC-ASP/6/Res.2.

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

ICC-ASP/8/Res.3, paras. 32-36.

<sup>2</sup> Strategic plan of the International Criminal Court (ICC-ASP/5/6).

<sup>3</sup> ICC-ASP/5/6, para. 3.

<sup>4</sup> ICC-ASP/8/46.

<sup>5</sup> Report on the activities of the Court (ICC-ASP/9/23), paras. 119 - 123.

<sup>6</sup> Resolution ICC-ASP/8/Res.3, paras. 32-36: "32. Welcomes the Report of the Bureau on the Strategic Plan 9, welcomes also 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 2009-2018" and the substantial progress made by the Court in the implementation of the strategic goals and objectives, and *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; 33. *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 countries; 34. *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, hence *encourages* the Court, taking into account the distinct responsibilities and mandates of its organs, to report on a Court-wide plan on public information to the ninth session of the Assembly of States Parties as well as to reinforce the Court's internal coordination of communications activities to maximize their impact; 35. *Takes note* of the recent presentation by the Court on victims' strategy and *considers* that the implementation of this strategy constitutes a priority of major importance for the Court in the years to come; *Reiterates* 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 the Court continue the constructive dialogue with the Bureau on the strategic planning process, including the victims' strategy, and its different priority dimensions, and

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”.<sup>7</sup>

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 and contribute to the wider debate on the future evolution of the Court.

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, while emphasizing the specific nature and objectives of these two processes, the strategic planning process should be focused on the implementation of past orientations and recommendations as well as 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 a credible planning tool, based on verifiable efficiency and effectiveness parameters that set the development of the Court and its organs within the context of a longer time frame.

10. In this perspective, it should be highlighted that the Court intends to update its Strategic Plan every three years, as it did in August 2008. In due time, States Parties should be ready to participate in preliminary informal consultations with a view to contributing substantive inputs to the preparation of this review.

### **III. Follow up to the eighth session of the Assembly and strategic planning in 2010**

11. On the basis of these orientations, the Bureau designated in January 2010 Ambassador Jean-Marc Hoscheit (Luxembourg) as facilitator for the consultations of States Parties and the dialogue between the Court and States Parties in the framework of The Hague Working Group of the Bureau (“the Working Group”).

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

13. 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) Relationship between the Strategic Plan and the annual budget of the Court;
- (b) Outreach and communications.

14. In order to allow for a holistic approach of the issues related to victims and affected communities, including the implementation and review of the victims’ strategy and the results of the stocktaking exercise on the Impact of the Rome statute system on victims and affected communities at the Kampala Review Conference,<sup>8</sup> it was decided to dedicate a separate facilitation to this issue, and Ms. Miia Aro-Sánchez (Finland) and Ms. Elena Bornand (Chile) were designated to conduct this facilitation.

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*requests the Court to submit to the ninth session of the Assembly an update on all activities related to the strategic planning process and its components.”.*

<sup>7</sup> ICC-ASP/7/29, para. 12.

<sup>8</sup> RC/ST/V/1.

15. 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 2010 have been assessed and discussed by States Parties. An overview of the priorities for 2011 was also provided and elaborated in the context of the presentation of the proposed budget for 2011. This process of assessing actual achievements in searching agreed priorities and the objective diagnostic of possible reasons for (partially) insufficient and/or delayed achievements was considered of utmost importance for the credibility of the strategic planning process and appropriate retroaction into the budget cycle needed to be ensured and improved.

16. 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 needs 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.

17. While providing medium- 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 essential.

## **IV. Priority issues**

### **A. Relationship between the Strategic Plan and the annual budget of the Court**

18. 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 should highlight this interface, thus clearly setting the proposed annual budget allocations within the context of the longer term strategic planning. The expectation was expressed that the Court should work towards setting a hierarchy of its priorities in order to facilitate strategic and budgetary choices, while implementing the mandates defined by the Rome Statute and taking into account objective requirements and constraints.

19. States Parties were informed of the cascading process through which overall strategic goals as defined in the Strategic Plan were specified through annual priority objectives, which in turn were 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 medium- to long-term strategic planning process, annual budget allocations and concrete operational decisions. In this process, the search for increased effectiveness and efficiency should constitute constant and horizontal parameters in Court operations, thus contributing in particular to an improved performance of the core missions of the Court.

20. Strong interest was expressed in the development of a coherent and efficient set of quantitative and qualitative performance indicators that should provide reliable information not only on annual budgetary performance, efficiency and effectiveness of expenditure, but also provide information for the overall assessment on progress achieved in reaching larger medium- to long-term strategic goals and, as the case may be, on possible obstacles and/or delays in this context. Lessons learned through this process need to retroact into and impact, as required on policies, management decisions, human resource and budgetary allocations and other operational decisions.

21. 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. This coherence requirement should also be taken into account in the context of envisaged improvements of the budgetary processes and methodologies.

## **B. Outreach and communications strategy**

22. The importance of pursuing a strong and consistent outreach strategy<sup>9</sup> to affected communities through adapted media and methodologies, and in languages accessible to the communities concerned, was underlined and emphasized also in the context of the victims' strategy.

23. States Parties welcomed the presentation by the Court of its report on the public information strategy 2011-2013,<sup>10</sup> as this issue had been flagged as a priority concern during the eighth session of the Assembly.<sup>11</sup> In particular, it was noted that the successful performance of the Court's judicial tasks would be, in itself, a significant boost to the Court's outreach and communication strategy. The document discussed identified fundamental principles, a limited set of objectives, including specific public information related objectives from the Office of the Prosecutor, a number of programmatic action lines, notably five programmes directed towards specific audiences (general public, academic institutions, legal communities, NGOs and media), as well as indications on monitoring and evaluation and resources needed.

24. 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.

25. The challenge of providing an understandable Court-wide and organ specific narrative, while respecting the different mandates attributed to different organs of the ICC, was underlined. 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.

26. Generally it was felt that the document provided positive and useful proposals on a number of the questions raised in relation to the issues of public information and communication of the Court and its organs, while providing a general policy framework on this matter. The question of a unified 'message' of the Court, while respecting the distinct but complementary responsibilities and mandates of its organs was raised during the discussions.

27. The shared responsibility of the Court, States Parties and civil society in promoting the fight against impunity, the Rome Statute and its implementation as well as disseminating information on the Court and its activities was underlined. States Parties also noted the contribution of improved public information to the important issue of cooperation. In the context of this discussion, the proposal of organizing a brain-storming meeting of the Court and its organs, States Parties and NGOs to pool information on activities related to the public information strategy and compare notes on future initiatives in this area, for example in relation to the commemoration of the Day of International Criminal Justice on 17 July,<sup>12</sup> was launched.

<sup>9</sup> ICC Strategic Plan for Outreach (ICC-ASP/5/12).

<sup>10</sup> Report of the Court on the public information strategy 2011-2013 (ICC-ASP/9/29).

<sup>11</sup> ICC-ASP/8/Res.3, paras. 33-34.

<sup>12</sup> Kampala Declaration, RC/Decl. 1, para. 12.

## C. Victims Strategy

28. In order to contribute to developing a more strategic and prospective view on the implementation and review of the victims strategy presented in October 2009<sup>13</sup> and other issues arising from the stocktaking exercise at the Kampala Review Conference,<sup>14</sup> a separate facilitation was conducted by Ms. Miia Aro-Sánchez (Finland) and Ms. Elena Bornand (Chile), the outcomes of which have been brought to the attention of the Assembly.<sup>15</sup>

## D. New emerging issues

29. 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, organizational and financial response as required by changing circumstances. In the 2010 report on its activities,<sup>16</sup> the Court has for example 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 constitute a focus of attention for the period to come.

30. 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. In this perspective, States Parties are willing to engage early on with the Court in informal consultations in order to provide a positive input to the process leading to the triennial update of the Strategic Plan envisaged in 2012 by the Court. The seven groups of priority risks identified through this exercise were assigned to inter-organ working groups in order to develop proposals on how the Court could best manage these risks and the adoption of a number of concrete measures in this respect is forthcoming. In due time, States Parties will want to be informed in general terms of the main results of this exercise and of the overall policy adopted by the Court in managing these risks. Concerning the issue of the localisation of Court activities which the Assembly had identified as one of the strategic issues deserving priority attention<sup>17</sup> and which will therefore be kept under active review,<sup>18</sup> States Parties noted that the Court had engaged the process of defining its Strategy on Field Operations and they were ready to engage into a constructive dialogue with the Court on this important issue.

## V. Conclusions and future approach

31. Strategic planning is recognized both by the Court and States Parties as a useful and necessary management tool to help designing and orientating the medium- 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.

32. 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.

<sup>13</sup> Report of the Court on the strategy in relation to victims (ICC-ASP/8/45).

<sup>14</sup> RC/Res.2, adopted on 8 June 2010.

<sup>15</sup> See: Impact of the Rome Statute system on victims and affected communities - Draft informal summary by the focal points (RC/ST/V/1) and Report of the Bureau on the impact of the Rome Statute system on victims and affected communities (ICC-ASP/9/25).

<sup>16</sup> ICC-ASP/9/23.

<sup>17</sup> ICC-ASP/5/Res.2, para. 3.

<sup>18</sup> ICC-ASP/8/Res.3, para. 36.

33. 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.

34. In this perspective, the common pursuit of shared strategic objectives should continue to be strongly encouraged by the Assembly.

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

## Annex

### Draft provisions for inclusion in the omnibus resolution

“*The Assembly of States Parties*

[...]

*Welcomes* the Report of the Bureau on the strategic planning process of the International Criminal Court,<sup>1</sup> *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 2009-2018”,<sup>2</sup> *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 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; and in this regard *recommends* that the Court should work toward setting a hierarchy of its priorities in order to facilitate strategic and budgetary choices;

*Invites* the Court to focus increasingly on the thorough and transparent assessment of results achieved through Court activities in reaching the priorities set, using an appropriate set of performance indicators, including the horizontal parameters of efficiency and effectiveness, for the Court activities and on the retroaction of lessons learned into the strategic planning process;

*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<sup>3</sup> in affected countries;

*Reiterates* that the wider issues of public information and communication on the Court and its activities are of a strategic nature and *welcomes* the recent presentation of the Report of the Court on the public information strategy 2011-2013;<sup>4</sup>

*Recommends* that a productive dialogue be maintained between States Parties and the Court and its organs on the content and implementation of this strategy; *considers in particular* that the issues of public information and communication are a shared responsibility of the Court and States Parties and *recommends* that information on future initiatives in this area be pooled and notes compared, in particular in view of the celebration of the Day of International Criminal Justice (17 July);<sup>5</sup>

*Notes* that strategic planning, while setting a medium- to long-term perspective, needs to be responsive to changing circumstances and new emerging issues, like the adequate management of priority risks or the development of a Court strategy on field operations, and *reiterates* its willingness to engage in constructive dialogue with the Court also on such issues;

*Underlines* the perspective of the review of the Strategic Plan to be undertaken by the Court in 2012 and *stresses* its interest in contributing early on to the informal process of consultations leading up to this review.

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<sup>1</sup> Report of the Bureau on the strategic planning process of the International Criminal Court (ICC-ASP/9/29).

<sup>2</sup> Report on the activities of the Court (ICC-ASP/7/25), annex.

<sup>3</sup> ICC-ASP/7/25, annex.

<sup>4</sup> ICC-ASP/9/29.

<sup>5</sup> Kampala Declaration, RC/Decl.1, para.12.