



BUREAU OF THE ASSEMBLY OF STATES PARTIES

Second meeting

The Hague

19 January 2018

Agenda and decisions

1. Independent Oversight Mechanism

The President recalled that, following the Bureau's 3 January 2018 approval of the draft vacancy announcement for the post of Head of the Independent Oversight Mechanism (IOM), the Court had published the vacancy announcement on its website on 9 January, with a deadline for applications of 6 February 2018. He invited all States Parties to ensure the widest possible dissemination of the vacancy announcement at the national level and welcomed the Court's efforts to undertake outreach and sourcing activities, using social media.

The President further recalled the Bureau's 20 December 2018 request that the Court's Human Resources Section (HRS) propose a consolidated process that could be followed by the Bureau, including the assistance by an external recruitment agency or the United Nations, with an estimate of the possible budgetary implications and the timelines.

The President referred to the Assembly's mandate to commence the recruitment of the Head of the IOM at the earliest possible date,¹ which formed the legal authority for the Bureau's conduct of the recruitment process.² Further, he recalled the mandate of the sixteenth session whereby the Assembly decided to "fully review the work and the operational mandate of the Independent Oversight Mechanism at its seventeenth session".³ This mandate made it imperative for the Bureau to act expeditiously and efficiently in its recruitment of the Head of the IOM and an early appointment would allow the Head to familiarise him/herself with the work of the IOM, in order to assist the Assembly in a timely manner with the review.

He referred to the 12 January 2018 proposal from the Court's Human Resources Section (HRS), submitted pursuant to the Bureau's 20 December 2018 request and noted that the HRS proposal was different in many respects and it was therefore for Bureau to decide its terms of reference.

The Head of the Human Resources Section, Ms. Susan Seegers, introduced the HRS proposal entitled "Proposal: Terms of Reference- Selection Process for Head, Independent Oversight Mechanism (IOM)". She clarified that as the post fell within the category of staff

¹ ICC-ASP/12/Res.6, para. 5.

² Paper, entitled "Powers and functions of the Bureau in relation to the recruitment of the Head of the Independent Oversight Mechanism", dated 13 December 2017, prepared by the Secretariat.

³ ICC-ASP/16/Res.6, annex, para. 15.

required to file a financial disclosure statement pursuant to Administrative Instruction ICC/AI/2015/005,⁴ the relevant reference had been included.

In providing an update to the proposal regarding the possible subject-matter experts referred to in section 5 and annex B, Ms. Seegers indicated that the Head of the United Nations Office of Internal Oversight Services (OIOS), Geneva, Mr. Ben Swanson, had indicated his willingness to provide technical assistance to the recruitment panel.

The Bureau considered the categories contained in the HRS proposal. Members stressed that since the post of Head of the IOM was recruited by the Bureau, it was important to ensure transparency, impartiality, integrity, efficiency and lack of politicization of the recruitment process.

The Bureau discussed the HRS proposal and agreed:

- a) that the Bureau would have control of the recruitment, i.e. it would approve each step of the process;
- b) to constitute a recruitment panel composed of representatives of five States Parties, who would not be Bureau members;
- c) to engage the support of the same external experts as in the 2014 recruitment process (section 5 and annex B).

The Bureau also considered the following elements of the HRS proposal:

a) Long-listing

A view was expressed that the Bureau had previously agreed that the 2018 recruitment process would not deviate from the 2014 process, and it was noted that the HRS proposal contained differences in the assessment criteria which could have the effect of eliminating certain candidates.

In response to the point that the criteria for the common classification of occupational groups had not been part of 2014 process, the Head of the HRS explained that the common classification category of occupational groups into which the post had been classified, i.e. Auditors and Inspectors, was based on similarity of functions as categorized by the United Nations International Civil Service Commission (ICSC). As there were no similar posts in the Court, the relevant corresponding ICSC classification had been used. While the vacancy announcement had stated that legal experience was relevant, the functional areas of inspection, evaluation and investigations were the areas in which specific experience was required for the functions of the post.

A query was raised as to the reason for the differences between the HRS proposal and the 2014 terms of reference. It was noted also that the 2014 recruitment process had taken approximately four and a half months for the recruitment panel to complete its mandate, while the entire process leading up to the final decision of the Bureau had lasted approximately one and a half years. In this connection, it was suggested that if the 2014 recruitment process had been satisfactory, it should not be necessary to establish a new process.

- b) Short-listing; and*
- c) Written exam*

Regarding the criteria for the short-list and long-list, the HRS indicated that for the long-list, the minimum requirements of the post were examined, while the short-listing

⁴ 'Disclosure requirements- Financial disclosure programme of the Court ("ICC-FDP") and IPSAS related party disclosures.'

focused on the functions of the post in order to determine which candidates best met those functions.

As regards the use of in-house expertise,⁵ the HRS indicated that the Court had in-house investigative expertise which could be relied upon. The HRS had also proposed experts for the assessment of the written test, which would be anonymous.

As regards the budgetary implications of the use of the external experts from other international organizations stated in annex B, the HRS indicated that this expertise was usually offered *pro bono*, with the Court paying only for the experts' travel costs.

d) External assessment centre

The President noted that this option would fully delegate the entire process to an external agency.

The HRS indicated that reliance on an external assessment centre (EAC) had been proposed as a possible option and could be a useful additional tool to help the Bureau identify the most qualified person. The Bureau had not resorted to this option in the 2014 recruitment process but the Court had, in the past, relied on an EAC in the recruitment of some senior posts. The costs for the external centres indicated in annex C could be absorbed by the Court's recruitment budget and/or the budget of the IOM.

Some Bureau members expressed support for this option and viewed it as fair, transparent and budget-friendly. Furthermore, it was stated the Bureau was a political forum where national interests were sought, and thus might not necessarily possess the expertise to conduct the required technical assessment. The Bureau should not avoid a process on the grounds that there were budgetary implications but should rather seek to ensure a process that was as strong, efficient and independent as possible. The EAC would thus provide an external, objective view which could only improve the process. This option would also avoid any appearance of conflict of interest, and the final decision would still remain with the Bureau.

However, other Bureau members were of the view that since the initial phase in the previous recruitment had run smoothly but had become complicated only when it came before the Bureau for final determination, the same process could be followed with no external support. Giving an EAC responsibility for the entire process would be tantamount to subcontracting the recruitment, when the Assembly had conferred that mandate on the Bureau. Should some external support be deemed necessary, however, it could be provided by the United Nations.

e) Interviews

In response to a query on paragraph 8 (e) of the HRS proposal, the HRS clarified that if candidates were equally qualified, then consideration would be given to the criteria of under-represented and unrepresented States Parties and female candidates.

As regards the HRS proposal that the Bureau should participate as of the interview stage, and not in the earlier stages⁶ as in 2014, Bureau members agreed that since the recruitment mandate had been given specifically to the Bureau, it should be involved at each stage of the process. Further, a doubt was expressed as to whether the Bureau could entrust these tasks to the HRS since the HRS itself could at some point be the subject of an investigation by the IOM.

⁵ Section 5 (c) (iv).

⁶ i.e. the long and short listing, written test and assessment.

Some support was expressed for the Bureau's involvement at the interview stage, as this could lead to greater efficiency.

f) Composition of the panel

It was noted that in 2014 the recruitment panel had consisted of representatives of five States Parties assisted by one expert, as there had been a wish to avoid a linkage with the Bureau in the conduct of the recruitment.

The President would, in consultation with Vice-President Ambassador Momar Diop (Senegal), the HRS and the Secretariat, propose a consolidated paper containing draft terms of reference representing a possible consensus approach for consideration by the Bureau.

2. Other matters

The President informed the Bureau that he would travel to New York to preside over the third meeting of the Bureau on 29 January.

He also indicated that he was considering visiting The Hague around mid-February when another meeting of the Bureau could be held, if a need to that effect should arise.
