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**Report of the Bureau on geographical representation
and gender balance in the recruitment of staff
of the International Criminal Court**

Note by the Secretariat

Pursuant to paragraph 22 of resolution ICC-ASP/5/Res.3 of 1 December 2006, the Bureau of the Assembly of States Parties hereby submits for the consideration of the Assembly its report on the issue of geographical representation and gender balance in the recruitment of staff. The report reflects the outcome of discussions held by The Hague Working Group of the Bureau.

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and gender balance in the recruitment of staff
of the International Criminal Court**

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Part I

Introduction

A. Mandate

1. On 3 December 2005, the Assembly of States Parties adopted resolution ICC-ASP/4/Res.4, of which paragraph 23 provides as follows:

“The Assembly of States Parties,

[...]

Decides to invite the Bureau, in consultation with the Court, to submit proposals to improve equitable geographical representation and gender balance in the recruitment of staff members, to the Assembly in advance of its fifth session.”

2. On 14 February 2006, the Bureau of the Assembly decided to mandate The Hague Working Group (“the Working Group”) to consider the issue of equitable geographical representation and gender balance in the recruitment of International Criminal Court staff members. Subsequently, the Bureau designated Ambassador Kalimi Mugambi Mworia (Kenya) as facilitator on the issue. The facilitator initiated a dialogue with the Court and several non-governmental organizations and submitted to the Working Group an informal paper containing some proposals on the matter. In this regard, reference is made to the informal paper submitted by the former facilitator, dated 8 October 2006 (see annex I).

3. In October 2006, the Working Group requested the Court to provide more detailed information on the status of equitable geographical representation and gender balance in the recruitment of staff members, as well as an indication of the steps taken by the Court to improve the current situation.

4. At its fifth session, in November/December 2006, the Assembly welcomed the dialogue initiated between the Court and the Bureau and requested the Bureau to take forward its work and present a detailed report to the sixth session of the Assembly on the status thereof, including, if necessary, any proposals to further improve geographical and gender balance in the recruitment process.¹

5. The terms of reference for The Hague Working Group pursuant to resolution ICC-ASP/5/Res.3 are as follows:

“The Assembly of States Parties,

[...]

Welcomes in this regard the dialogue initiated between the Court and the Bureau of the Assembly of States Parties with regard to ensuring equitable geographical representation and gender balance in the recruitment of staff members, and requests the Bureau to take forward its work and present a detailed report to the sixth session of the Assembly of States Parties on the issue thereof, including, if necessary, any proposals to further improve geographical and gender balance in the recruitment process.”

¹ ICC-ASP/5/Res.3, paragraph 22.

6. At its fourth meeting, held on 1 February 2007, the Bureau appointed Ambassador Mirjam Blaak (Uganda) to facilitate this issue before the Working Group based in The Hague.

7. At its first meeting, held on 18 April 2007 to discuss the terms of the renewed mandate, the Working Group agreed that it would initially concentrate on establishing in the first stage of its discussion the current status of equitable geographical representation and gender balance within the existing United Nations model applied by the Court and would identify underlying trends and deficiencies that may require specific recommendations to improve the situation. The Working Group agreed that, at a later stage in its discussions, it might be necessary to examine the suitability of the model that was adopted by the Assembly at its first session.²

Recruitment principles outlined in the Rome Statute and by the Assembly of States Parties

Article 44, paragraph 2

In the employment of staff, the Prosecutor and the Registrar shall ensure the highest standards of efficiency, competency and integrity, and shall have regard, mutatis mutandis, to the criteria set forth in article 36, paragraph 8.

Article 36, paragraph 8

(a) The States Parties shall, in the selection of judges, take into account the need, within the membership of the Court, for:

- (i) The representation of the principal legal systems of the world;
- (ii) Equitable geographical representation; and
- (iii) A fair representation of female and male judges.

(b) States Parties shall also take into account the need to include judges with legal expertise on specific issues, including, but not limited to, violence against women or children.

ICC-ASP/1/Res.10 (*Adopted at the 3rd plenary meeting on 9 September 2002, by consensus*)³

Selection of the staff of the International Criminal Court

The Assembly of States Parties,

[...]

Desiring to set interim guidelines for the application of these principles during the transitional period of the establishment of the Court, *Decides* that the guidelines contained in the annex to the present resolution shall be applied in the selection and appointment of the staff of the Court until the Staff Regulations are adopted in accordance with the Statute [...]

² See part V of the report.

³ Reproduced in annex II.

4. Geographical representation. For established (i.e., budgeted) posts, and in the case of appointments of at least 12 months duration, the selection of staff in the Professional category shall be guided in principle by a system of desirable ranges based on that of the United Nations. Nationals from States Parties and from those States having engaged in the process of ratification of or accession to the Statute should have adequate representation on the staff of the Court; however, applications from nationals from non-States Parties may also be considered.

Resolution ICC-ASP/2/Res.2 (*Adopted at the 5th plenary meeting on 12 September 2003, by consensus*)⁴

Staff regulations for the International Criminal Court

1. *Approves* the Staff Regulations for the International Criminal Court, which are contained in the annex to the present resolution;
2. *Decides* that its resolution ICC-ASP/1/Res.10, which is annexed to the Staff Regulations shall continue to apply as an integral part of the Staff Regulations.

B. Methodology

8. The facilitator initiated discussions with all organs of the Court (Office of the Prosecutor, Registry, Presidency and Judiciary) at various levels, and liaised closely with the Human Resources Section which provided substantial technical information to the Working Group. At all times relevant Court officials have been cooperative in providing the Working Group with requested information and demonstrated throughout an open and co-operative attitude during the discussions which were held in the period March to September 2007. The contributions from the staff members of the Court were factual only. The facilitator expresses her personal gratitude and also that of the members of the Working Group for the considerable assistance shown by the Court.

9. In the course of its deliberations the Working Group consulted several non-governmental organizations, which have carried out research on the topic of geographical representation and gender balance, such as the Coalition for the International Criminal Court and the Women's Initiative for Gender Justice.

10. With the approval of the President of the Assembly and the Working Group, the facilitator participated in two briefing sessions held in Brussels and New York, respectively, in order to brief Embassies not represented within the Working Group about the ongoing consultations and to achieve a greater transparency and openness in the progress of this issue and to invite their comments and views.

11. Noting the fact that information and charts on geographical representation and gender balance are not static and require regular adjustment due to the continuous turnover and recruitment of staff members, the Working Group decided to use the data prepared by the Human Resources Section of the Court as at 1 May 2007 for the purposes of its discussions and the subsequent preparation of this report. This date was used as a cut off point for the determination by the Working Group of the Court's application and compliance with the present United Nations model, as applied pursuant to Assembly resolutions ICC-ASP/1/Res.10 and ICC-ASP/2/Res.2.

⁴ Reproduced in annex III.

12. Notwithstanding the foregoing, the present report includes a series of charts on geographical representation and gender balance updated as at 1 October 2007 (annex IV). The information provided in these charts is indicative of the dynamic nature of the recruitment of staff members in relation to geographical representation and gender balance.

13. Japan's accession to the Rome Statute took effect on 1 October 2007, and thus it will become the single largest financial contributor to the Court. The accession will in due course have considerable impact on the "desirable ranges" currently applied pursuant to the United Nations model and consequently also on the accuracy of the statistics as reflected in the charts provided to the Working Group as at 1 May 2007. Japan's accession changes the status quo considerably and does not only affect the Asian region but also all other regional groups. Upon request by the Working Group, the Court prepared new charts anticipating the status of geographical representation after Japan's accession to the Rome Statute (see annex V), as at 1 October 2007).

14. The efforts undertaken by the Court since 2003 are reflected in annex VI.

Part II

Geographical representation

A. Findings

15. In accordance with resolution ICC-ASP/1/Res.10, the Court's selection of staff in the Professional category is guided by a system of desirable ranges based on that of the United Nations. The desirable ranges, or in other words percentages, are calculated by considering three factors: the total number of States Parties, a State's financial contribution to the budget and its population size. These factors are attributed with weights that determine the final outcome. At present, substantial weight is given to membership (40%), which is equal for each State Party, the greatest importance is given to the State's contribution (55%) and the final 5% is determined according to the population size of the country (United Nations model 40-55-5).

16. Out of the total of 468 established posts at the International Criminal Court, 203 are professional positions. Equitable geographical representation only applies to professional positions, excluding General Service staff⁵, language staff and GTA.⁶ Due to the relatively small number of professional staff at the Court, statistics about the composition of staff show considerable change due to small numbers of actual staff joining or leaving the Court.

17. The number of staff subject to geographical representation assessment as at 1 May 2007 can be summarized as follows (for a more detailed overview see annex VII):

- 18.14% for the group of African States; target 13.09%, 14 above;
- 6.37% for the group of Asian States; target 7.69%, 4 below;
- 7.84% for the group of Eastern European States; target 7.32%, 1 above;

⁵ At the 14th meeting of the Working Group, on 10 September, a representative of the Court clarified that the General Service staff were not taken into consideration in determining desirable ranges, since they are usually nationals of the host State, and fall under a different salary structure from professional staff.

⁶ The Human Resources section indicated that GTA refers to the nature of funding and should not be confused with contractual status of staff members. GTA funds may be used to create temporary posts, against which recruitment may be of a fixed-term period of limited duration, contingent upon availability of funds and need of service. Staff recruited on GTA funds must endure full selection process in order to be selected against a regular budgeted post.

- 11.27% for the group of Latin American and Caribbean States; target 14.15%, 8 below;
- 56.37% for the group of Western European and other States; target 57.74%, 4 below.

18. In light of the above statistics, some delegations noted that their general impression had been very different from the actual figures. This ambiguity was considered to be due to a possible confusion arising between the number of elected officials and recruited staff members. The Working Group reiterated that its mandate did not include consideration of elected officials in terms of geographical representation and gender balance.

19. In considering the technical information provided by the Court, the Human Resources Section stated that the tables did reflect staff members recruited from non-States Parties. Information on the number of staff recruited from non-States Parties is reflected in annex VIII, as at 1 May 2007. The Working Group noted that although recruitment of staff from non-States Parties is considered an exception to the United Nations model of desirable ranges, it was not limited in number by any of the relevant resolutions adopted by the Assembly.

20. Notwithstanding the numbers of staff representing specific regional groups, the Working Group observed that a number of countries within the groups are currently under-represented in the Court's professional staff. Many States Parties to the Rome Statute - are not represented at all (see annex IX).

21. Furthermore, the Working Group found that, as indicated in annex X, some regional groups are currently under-represented across the senior recruited positions in the Court's staff (P-4 and above).

Conclusion

22. The actual findings of the Working Group based on data received from the Human Resources Section as at 1 May 2007 suggest that the Court is not very far off its target in achieving compliance with the United Nations model as applied by the Court, so far as the regional groups are concerned. Nevertheless, certain countries within the groups are currently under-represented and certain regional groups do not have sufficient representation in the senior level positions.

Recommendations to the Court

Recommendation 1

That the Court should continue to adhere to the principle of recruiting the best-qualified candidates as provided for in article 44, paragraph 2, of the Statute.

Recommendation 2

That the Court should endeavour to achieve adequate representation of nationals from States Parties on its staff at all levels.

Recommendation 3

That the Court should endeavour to achieve adequate representation of regional groups, across all levels of seniority on its staff.

Recommendation 4

That without prejudice to any future discussions on the suitability (or otherwise) of the United Nations model as applied by the Court, the Working Group invite the Court to continue to identify ways to improve equitable geographical representation within the existing United Nations model, since the basic indicators show there are no major imbalances.

Recommendation to the Assembly**Recommendation 5**

That the Assembly consider establishing a limit on the recruitment of non-States Parties' nationals.

Part III

Gender Balance

A. Findings

23. The Working Group spent considerable time discussing the gender balance based on the facts and figures provided by the Court as well as presentations made to the Working Group by Court staff and the Women's Initiative for Gender Justice, which have proven to be very useful.

24. The Working Group noted that the number of staff on established posts is 468, of which 43.70% is female and 56.30% male (see annex XI). Based on 1 May 2007 figures, as provided by the Human Resources Section, the chart below provides clarification of the gender breakdown at each level of professional posts:

Professional level	No. of posts at this level	Female	Male
D-1	5	1 (20%)	4 (80%)
P-5	20	6 (30%)	14 (70%)
P-4	33	14 (42%)	19 (58%)
P-3	59	20 (34%)	39 (66%)
P-2	73	31 (42%)	42 (58%)
P-1	13	9 (69%)	4 (31%)
TOTAL	203	81 (40%)	122 (60%)

25. Due to the relatively small number of professional staff employed by the Court, actual staff joining or leaving the Court can considerably change the statistics on the composition of staff.

26. In 2006 there was a 12% gap between males (56%) and females (44%) in the appointment to professional posts across the Court. Figures as at 1 May 2007 indicate that the gap between female and male appointments to professional posts has further widened to 20% (40% female and 60% male). The Working Group found that this continuing trend shows that no progress is being made to close the gender gap.

27. There is a significant gender imbalance in favour of male staff at every professional level, except for the P-1 level where there are more female than male staff appointed. The imbalance is most obvious in the two most senior levels of D-1 and P-5. The smallest gap between male and female staff is 18% (P-4 and P-2); the largest gap is 60% (D-1).

28. The Working Group found that most female staff are concentrated in lower level professional posts (P-1 to P-3) and this may result in them having less opportunity to participate and influence the fora and structures where crucial decisions are made on a day-to-day basis regarding the substantive work of the Court.

29. During the Working Group meetings, it was noted that the Court is already establishing a 5 and 10-year plan which seeks to address gender equity and gender competence at the Court. A suggestion was made by the Women's Initiative for Gender Justice for the consideration of a multi-year plan that would encourage a pro-active role from the Court and provide a common framework for the activities of the three organs in this area (in line with the "One-Court" principle which was articulated in the Strategic Plan); provide direction and specific objectives to guide the Court in its employment practice, and encourage the Court to further develop strategies to implement its objectives. The Women's Initiative for Gender Justice recommended that a multi-year plan would identify indicators and markers at specific stages towards achieving gender and geographical representation, which require a cohesive, integrated plan by the Court to be implemented across all organs and related bodies, including the Trust Fund for Victims and the Secretariat of the Assembly.

30. Additionally, the Women's Initiative for Gender Justice suggested to the Working Group that the three organs of the Court establish time-specific "placement goals" for the next three years for hiring females and staff from under-represented countries and regions. It was explained by the Women's Initiative for Gender Justice that placement goals are not quotas, but serve as reasonably attainable objectives or targets that are used to measure progress towards achieving equal employment opportunity, and enable the Court to identify "problem areas" resulting in disparities in relation to the appointment, promotion or attrition of females or staff from under-represented countries.

31. The Working Group took note of the figures as at 1 October 2007 which related to applicants by region (annex IV) and observed that some regions reflected greater imbalances in the ratio of the applications received from male and female candidates than from other regions (for example, 826 female and 2921 male applicants from the African region vs. 2354 female and 2506 male applicants from the group of Western European and other States). To address these imbalances the Working Group suggested that the Court intensify its efforts through greater use of existing outreach and external relations activities to reach a wider pool of qualified female candidates.

32. Following discussion with the Human Resources Section the Working Group found that the practice of exit interviews could be used as a possible tool to establish the reasons why female staff members leave the Court.

33. Furthermore, the Women's Initiative for Gender Justice raised with the Working Group the issue relating to the position of a gender legal advisor within the Office of the Prosecutor. They regretted the fact that this position had not been specifically recruited. However, in this regard the Working Group noted that the Office of the Prosecutor had developed and implemented a policy of gender mainstreaming wherein it addresses these concerns.

Conclusion

34. The Court has not yet achieved gender balance in the recruitment of its staff, although the present figures are not too far off target when considering established posts. Furthermore, females are currently under-represented in senior recruited positions.

Recommendations to the Court

Recommendation 6

That the Court should continue to adhere to the principle of recruiting the best-qualified candidates as provided for in article 44, paragraph 2 of the Statute.

Recommendation 7

That the Court give particular consideration to the fact that females are under-represented at the senior levels of the Court's staff.

Recommendation 8

That the Court continue to implement its Strategic Plan (recruitment, career development and caring environment) with specific emphasis on the first three years so as to close the gender gap.

Recommendation 9

That the Court continue to establish the reasons for female staff leaving, including, if necessary, through the practice of conducting exit interviews with departing staff, with particular emphasis on whether their reasons for leaving refer to grounds related to gender.

Recommendation to the Court and States Parties

Recommendation 10

That the Court and States Parties give further consideration to intensifying its efforts to address imbalances in the ratio between applications received from males and females, possibly through existing outreach and external relations activities.

Part IV

Recruitment and human resources

A. Introduction

35. The Working Group considered issues specifically related to recruitment with a view to formulating any recommendations on how the Court, with assistance from States Parties, might improve recruitment procedures. The Working Group acknowledged that the Court is presently applying article 44, paragraph 2, of the Rome Statute, the system of desirable ranges in accordance with resolutions ICC-ASP/1/Res.10 and ICC-ASP/2/Res.2, as well as the recruitment guidelines first issued by the Registrar in October 2003 (as amended) in relation to staff recruitment. The Working Group took note of the fact that a more comprehensive recruitment policy (intended to be published shortly) is currently subject to internal discussion at the inter-organ level.

36. The Working Group specifically discussed the following recruitment and human resources issues with officials from the Court:

- (a) How, if at all, could recruitment procedures be improved to become more transparent?
- (b) How, if at all, could recruitment of nationals be improved from under-represented regions and specific countries?
- (c) How, if at all, could improvements be made to enhance career development for existing female staff in the Court?
- (d) How, if at all, could vacancy notices be more widely distributed to qualified candidates?
- (e) How to achieve and maintain an effective dialogue between the Court and the States Parties on recruitment and human resources issues?

B. Findings

37. The Working Group discussed the desirability of States Parties voluntarily updating the Court with contact lists of relevant national and civil society bodies interested in receiving vacancy notices. This proposal was seen as a budget neutral way for States Parties to assist the Court in reaching the widest national pool of candidates through the Court's own contact data base. Some delegations favoured this approach as being the most cost effective, while others queried whether it would not result in further increasing recruitment from those regions that were already over-represented. In its response, the Court welcomed receiving contact lists from all regions given that the Court's main objective is to recruit the most qualified and suitable candidate for a post.

38. Some delegations highlighted the fact that a major deficiency has developed under the current model of desirable ranges resulting in an overwhelming lack of adequate regional representation in terms of senior positions in the Court (P-4 posts and above). The Working Group considered that in view of the considerable influence that these positions have on the policy and organisational aspects of the Court, it is essential that the current imbalance is rectified.

39. Noting the present imbalances, the Working Group observed that the most important tool in achieving a proper balance in geographical and gender representation is for the process to be transparent and fair. While acknowledging that at times the Court may be challenged to

override the principle of recruiting the best candidate in favour of reducing an existing imbalance (for example, regarding gender in certain high-level professional posts, or even a candidate from an under-represented country), the Working Group nonetheless agreed that the Court should adhere to the principle of recruiting the best-qualified candidate.

40. In its response to the concerns raised, the Court indicated that in order to achieve transparency it had already posted guidelines on its website to serve as a quick reference for applicants.

41. In view of the difficulties experienced by the Court in recruiting suitable professionals from certain countries, a few delegations queried why nationals from certain regions did not apply. In its response, the Court observed that it did not have a clear indication, but suggested that possible reasons might include the competitiveness of the Court's remuneration package, the fact that the Court is located in Western Europe and/or language barriers.

42. Noting the importance of reaching the widest pool of qualified candidates, the Working Group discussed the possibilities of enhancing the recruitment process through the use of staff travelling on mission to identify talent when they meet with officials in the various countries as well as the possibility of holding specific recruitment campaigns in under-represented regions. In addition, the Working Group encouraged the Human Resources Section of the Court to diversify its advertisement of vacancies which target candidates from under-represented countries and/or specifically female candidates with a background in gender issues, through greater use of relevant websites, listservs or newsletters of non-governmental organization networks and regional or national bar associations and national or regional print media.

43. Regarding career development, the Working Group welcomed efforts made by the Court in developing a flexible and comprehensive career development plan that offers staff enhancement and promotion opportunities in their respective areas of expertise and which recognises the under-representation of female staff.

44. The Working Group also noted efforts made by the Court in its Strategic Plan aimed at achieving a "caring environment and a model of public administration".

45. With regard to assisting the Court in effectively providing comprehensive and accurate information to States Parties on recruitment and human resources issues, the Court noted that it has been receiving regular requests for charts, tables and other data on geographical distribution and gender balance. In this context, the Court requested the Working Group to consider receiving standardised charts on a regular basis rather than making ad hoc requests of it.

46. After consultations between the facilitator and the Human Resources Section, it was decided that among a whole range of useful documents, a special set consisting of mainly charts be provided twice per annum, just before the Committee on Budget and Finance meetings, usually held in April and September. The following documents, dated 1 October 2007, which have been previously provided to the Working Group are attached as an example of the standardised documents proposed to be included (see annex IV):

- (1) Geographical representation by region, target and actual (established professional posts);
- (2) Geographical representation per country;
- (3) Pie-chart of professional posts: States Parties and non-States Parties;
- (4) Growth in all ICC staff except elected officials;

- (5) Pie-chart overview of all ICC staff except elected officials;
- (6) Recruitment activity concerning established posts;
- (7) Gender comparison between applicants and staff Professional posts;
- (8) Applicants and staff by region (actual numbers).

Recommendations to the Court

Recommendation 11

That the Court continue to develop and promote a flexible and comprehensive career development plan for all staff.

Recommendation 12

That the Court increase, where appropriate, its advertising of vacancy notices through national channels and/or regional and national press, rather than relying mainly on international journals and publications.

Recommendation 13

That the Court provide to the States Parties on a bi-annual basis a regular standardised set of documents (as listed above) to coincide with the sessions of the Committee on Budget and Finance.

Recommendation to States Parties

Recommendation 14

That States Parties give wider dissemination to vacancy notices in under-represented regions, so as to assist the Court in receiving applications from qualified candidates from those regions.

Part V

Proposals to further improve geographical and gender balance

A. Introduction

47. Having completed the first part of its mandate, namely establishing the current status on geographical representation and gender balance in the recruitment of staff as set out in parts II and III of this report, the Working Group next discussed and considered the second part of its mandate with regard to submitting, if necessary, any further proposals to improve geographical and gender balance.

48. As previously stated, the Court is currently applying the United Nations model on geographical representation for the recruitment of professional staff based on resolution ICC-ASP/1/Res.10, which was initially adopted at the first session of the Assembly in 2002 as interim guidelines. These interim guidelines were subsequently adopted by consensus at the second session of the Assembly held in 2003 by resolution ICC-ASP/2/Res.2 and, from that date, currently apply as an integral part of the Staff Regulations.

49. In respect of the second part of paragraph 22 of resolution ICC-ASP/5/Res.3, namely, to submit “if necessary, any proposals to further improve geographical representation and

gender balance in the recruitment process”, different views were expressed concerning the meaning of the word “improve”. For the majority of the Working Group, the elaboration of the potential improvements in this area should be made in the framework of the existing United Nations model as applied by the Court. Other States thought that the discussion could also consider diverging from the existing model itself. All delegations, however, expressed the need to accommodate different views and to continue to make progress without prejudice to either view.

50. Notwithstanding the above, at a meeting of the Working Group, a representative of the Coalition for the International Criminal Court made a presentation on a research paper entitled “ICC and geographical representation among staff – research on alternative systems regarding desirable ranges”, dated 10 May 2007 (see annex XII).

51. Furthermore, the Working Group took note of the view of a State Party represented in the New York Working Group, but not represented in The Hague Working Group. In addition, on 7 June 2007, the facilitator made a briefing to delegations of the New York Working Group.

B. Findings

1. Discussions before the Working Group

52. In light of the information received from the Coalition for the International Criminal Court, several delegations felt that moving to a system of desirable ranges that would take into account the region in which the Court is conducting investigations could pose conceptual and practical problems and that such a system would undermine the universality of the Court. Furthermore, they noted that if a model attributing greater weight to situation-related regions for the purposes of recruitment were to be adopted, the occurrence of additional situations arising in other regions would require a significant change in the staff recruitment targets for different regions; a matter that made the model less stable than the existing one. Even regular attrition rates might not suffice to offset the resulting imbalance.

53. Moreover, many delegations observed during the discussion that the research presented by the Coalition for the International Criminal Court was incomplete, as there were endless variants on the potential geographical models and that it had only received and considered a limited sample used by different United Nations agencies. They noted that it would have been useful to have had the opportunity to consider other possible geographical models used by non-United Nations international organisations, including international judicial organisations, to provide a more complete picture.

54. However, a few delegations in the Working Group felt that the system of desirable ranges under the United Nations model, as applied by the Court, ought to be amended to make it more equitable because the Court has a specific and unique mandate, and geographical representation of staff makes an important contribution to the legitimacy of the institution, particularly in situation regions. In this context, a view was expressed that changing to a model that would reduce the current influence of the main contributors to the Court’s budget might be perceived as being more equitable.

55. Nevertheless, regarding the United Nations model adopted by the Assembly, the broad consensus of the Working Group was to continue to identify ways to improve equitable geographical representation within the existing model, since the basic indicators showed that overall there were no major imbalances.

56. Regarding proposals to improve gender balance in the recruitment of staff, the Working Group refers to part III of the report.

2. Other views received from delegations not represented in The Hague Working Group

57. The written views of a State Party represented in the New York Working Group, but not in The Hague Working Group, were circulated to all States. These views are attached in annex XIII.

58. In order to encourage the widest possible views on this issue, the facilitator held discussions with the New York Working Group on 7 June 2007.

59. According to the facilitator, the views expressed by one State Party and other delegations speaking at the New York Working Group reflected serious concerns with regard to the existing system of desirable ranges forming the United Nations model on geographical representation based on resolution ICC-ASP/1/Res.10. In particular, some delegations expressed the view that the present system of recruitment was unfair and inequitable and, as the Court is an independent institution, recruitment of its professional staff should not depend on the principle of budgetary contribution. Some delegations also highlighted that the staff of the Court coming from the three largest groups (Africa, Asia and GRULAC) together, comprised only thirty percent of the total number of staff under the current United Nations model applied by the Court. Noting these concerns, it was stated that measures should be undertaken to bring about change in the existing United Nations model.

60. The Hague Working Group thanked the facilitator for her report and made no comment on the substance thereof.

Recommendations to the Bureau

Recommendation 15

That the Bureau continue to engage with the Court to identify ways to improve equitable geographical representation within the existing model, without prejudice to any future discussions on the suitability (or otherwise) of the current model.

Recommendation 16

That the Bureau remain seized of the issue of geographical and gender balance.

Annex I

Paper by the facilitator, Ambassador Kalimi Mugambi Mworira (Kenya), dated 8 October 2006

Proposals to improve equitable geographical representation and gender balance in the recruitment of staff

Proposals by the Facilitator

- (a) Use of newsletters prepared by Embassies/Foreign Ministries;
- (b) States could submit to the Court mailing lists of NGOs/academic institutions/professional associations to whom the vacancy announcements could be sent on a regular basis;
- (c) Extend the standard four week period of advertising currently used by the Court because it is too short a period for replies to be submitted from developing countries.

Proposals by the Court

Enhanced efforts by the Court to disseminate information on available posts¹ could include:

- (a) Use of the Internet sites specializing in recruitment (this would require additional resources in the budget for 2007);
- (b) Target particular States/regions/professions;
- (c) Send recruitment missions to certain regions/countries.

¹ These may have programme budget implications since additional resources would be earmarked for recruitment.

Annex II

Resolution ICC-ASP/1/Res.10

Adopted at the 3rd plenary meeting, on 9 September 2002, by consensus

ICC-ASP/1/Res.10

Selection of the staff of the International Criminal Court

The Assembly of States Parties,

Bearing in mind articles 44, paragraph 2, and 36, paragraph 8, of the Rome Statute of the International Criminal Court, whereby in the employment of the staff of the International Criminal Court the highest standards of efficiency, competency and integrity shall be ensured and account shall be taken of the need for the representation of the principal legal systems of the world, equitable geographic representation and a fair representation of men and women,

Bearing in mind also article 50 of the Statute, according to which the official languages of the Court shall be Arabic, Chinese, English, French, Russian and Spanish and the working languages shall be English and French,

Noting that the Staff Regulations provided for in article 44, paragraph 3, of the Statute, embodying these principles cannot be enacted by the Assembly of States Parties before the second half of 2003,

Desiring to set interim guidelines for the application of these principles during the transitional period of the establishment of the Court,

Decides that the guidelines contained in the annex to the present resolution shall be applied in the selection and appointment of the staff of the Court until the Staff Regulations are adopted in accordance with the Statute.

Annex to the resolution

1. **General principle.** The requirements of article 36, paragraph 8, article 44, paragraph 2, and article 50, paragraphs 1 and 2, of the Statute shall apply to the recruitment of the entire staff of the Court, without any distinction as to category. However, with regard to geographical representation, the system described in paragraph 4 below shall apply only to staff in the Professional category (level P-1 and above).

2. **Notifications.** All vacancies to be filled, and requirements to be met by candidates to such vacancies, shall be notified to all States Parties and to those States which, having engaged in the process of ratification of or accession to the Statute, have expressed an interest in receiving such notifications. All such vacancies shall also be posted on the web site of the Court.

Where appropriate in order to achieve a better balance in gender or geographical representation, such notifications may include preferential consideration of candidates of given nationalities or gender.

3. **Competency.** As a general rule, the competency of candidates shall be determined through an initial evaluation of their background and experience. This should, wherever

possible and appropriate, include examples of the candidate's capacity of analysis and drafting ability in one or both of the working languages of the Court. This evaluation may, where appropriate, be of a competitive nature. The second stage of the evaluation shall consist of an oral interview in one or both of the working languages.

In the case of candidates from similar institutions, the initial evaluation may consist of an assessment of the candidate's experience and record in the releasing organization. This would be followed by an oral interview in one or both of the working languages.

In both cases, knowledge of at least another official language shall be considered as an additional asset.

4. **Geographical representation.** For established (i.e., budgeted) posts, and in the case of appointments of at least 12 months' duration, the selection of staff in the Professional category shall be guided in principle by a system of desirable ranges based on that of the United Nations.¹ Nationals from States Parties and from those States having engaged in the process of ratification of or accession to the Statute should have adequate representation on the staff of the Court; however, applications from nationals from non-States Parties may also be considered.

5. **Selection Committee.** The Director of Common Services shall establish a Selection Committee of not more than three individuals to provide advice on the selection of staff in accordance with these guidelines. The officer in charge of human resources shall be the convenor of the Committee.

¹ See A/56/512 and General Assembly resolution 55/258.

Annex III

Resolution ICC-ASP/2/Res.2

Adopted at the 5th plenary meeting, on 12 September 2003, by consensus

ICC-ASP/2/Res.2

Staff regulations for the International Criminal Court

The Assembly of States Parties to the Rome Statute of the International Criminal Court,

Considering article 44, paragraph 3, of the Rome Statute, according to which the Registrar, with the agreement of the Presidency and the Prosecutor, shall propose to the Assembly of States Parties to the Statute staff regulations which include the terms and conditions upon which the staff of the Court shall be appointed, remunerated and dismissed,

Considering article 38, paragraph 3, of the Rome Statute, according to which the Presidency shall be responsible for the proper administration of the Court, with the exception of the Office of the Prosecutor,

Considering article 42, paragraph 2, of the Rome Statute, according to which the Prosecutor shall have full authority over the management and administration of the Office, including staff, facilities and other resources thereof,

Considering article 43, paragraphs 1 and 2, of the Rome Statute, according to which the Registrar shall be the principal administrative officer of the Court exercising his functions under the authority of the President of the Court, and on the basis of which he shall be responsible for the non-judicial aspects of the administration and servicing of the Court, without prejudice to the functions and powers of the Prosecutor in accordance with article 42 of the Rome Statute,

Considering the Rules of Procedure and Evidence adopted by the Assembly of States Parties on 9 September 2002,

Emphasizing the need to establish a flexible, efficient and fair system for the appointment, remuneration and dismissal of staff of the Court taking into account the requirements of each of the organs of the Court,

Bearing in mind its resolution ICC-ASP/2/Res.3 on the establishment of the permanent secretariat of the Assembly of States Parties to the International Criminal Court,

Noting and encouraging the ongoing coordination and cooperation between the Organs of the Court,

1. *Approves* the Staff Regulations for the International Criminal Court, which are contained in the annex to the present resolution;
2. *Decides* that its resolution ICC-ASP/1/Res.10, which is annexed to the Staff Regulations, shall continue to apply as an integral part of the Staff Regulations.