

ICC Communications and Outreach for 2007
COMMENTS AND RECOMMENDATIONS FOR
STATES PARTIES AT THE FIFTH ASSEMBLY OF STATES PARTIES OF THE ICC

Prepared by the Communications Team*
of the NGO Coalition for the International Criminal Court
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I. THE FIFTH ASP: A MILESTONE FOR OUTREACH

1. The year 2007 will perhaps be the most important year to date for the ICC. In addition to its current investigations in three different situations, the ICC will commence the trial of Thomas Lubanga and there is the strong likelihood of the commencement of additional trials in 2007 as well as an investigation into another situation in the near future. In this context, **the need for the Court to communicate its activities continues to grow in terms strategic importance**¹ and therefore requires an appropriate budgetary increase in both staff (particularly field staff) and non-staff costs for situations requiring sustained field-based efforts.
2. The Fourth Assembly of States Parties in 2005 recognised the importance of outreach as a function of the Court and thus encouraged the Court to intensify its outreach activities. The Assembly also requested that the Court present a detailed strategic plan in relation to its outreach activities for the Fifth Assembly. Prompted by this request, the Court produced the Strategic Plan for Outreach of the ICC (from hereon ‘strategy’).²
3. The Fifth Assembly of States Parties in 2006 has the opportunity to provide input on the strategy, reaffirm the importance of outreach and communications through the General Debate, and reflect its commitment to outreach and communications by including it in the Omnibus Resolution.
4. Also, the Fifth Assembly of States Parties must in 2006 **approve the communications and outreach budget** needed for the implementation of the strategy and **reject the cuts** proposed by the Committee for Budget and Finance (CBF).
5. The Team notes the conclusions by the CBF that the strategy appeared to lack certain clarity (in terms of the “engagement required for the target audience, or any process to evaluate whether that had been achieved”) and that it was not satisfied “that the need for additional [outreach officer] posts had been justified in terms of results”. The Team stresses, however, that while these concerns must be addressed within short period of time by the PIDS and the Court, the proposed cuts could **seriously hinder the Court’s communications and outreach work and, in turn, the Court’s overall effectiveness.**
6. States should welcome the development of the Court’s strategy and provide the Court with the means to implement it. States who support the ICC will send the wrong message by providing verbal support for outreach whilst adopting a proposed budget that would cut critical parts of the Court’s communications funding.

* This document was prepared by members of the CICC Communications Team and does not represent the views of all organisations/members of the Coalition for the ICC. The work of the Team reflects the positions of those Coalition members most active on particular issues; however their work cannot be construed to represent the views of all organisations/members of the CICC. For further information, feel free to contact the Communications Team leader, Alison Smith, Legal Counsel for No Peace Without Justice, on asmith@npwj.org.

¹ Field-based NGOs in the situations where the ICC is conducting investigations have stressed that there is a **major need for the work and functions of the ICC to be better understood**. This is particularly true, but not limited to, situations where State authorities and civil society are less supportive of the presence of the ICC and is particularly relevant for individuals who ignore their procedural rights as victims, with respect to protection, participation and/or reparations.

² **Strategic Plan of the International Criminal Court**, ICC-ASP/5/12, 29 September 2006.

II. RECOMMENDATIONS FOR STATES AT THE FIFTH ASP

At the Fifth Assembly of States Parties, the Communications Team recommends:

1. That States stress the priority of outreach in official statements during the **general debate**;
2. That States take the opportunity to **share their concerns on outreach with the Court** in the course of the ASP;
3. That while respecting the Court's independence and ownership of its outreach strategy, States should request that the ICC uses the annual report on the activities of the Court to the ASP and other appropriate fora to provide more detailed information on its communication activities in order to both identify and clearly justify in a timely way budgetary needs and to annually assess the implementation, effectiveness, and performance of the Court's outreach;
4. That **States maintain the funding levels for outreach requested by the ICC** in order to enable the Court to implement its outreach strategy effectively. Therefore, the Team urges States **not to approve the CBF's recommendations for cuts to the outreach and communications budget**.

III. THE IMPORTANCE OF COMMUNICATIONS AND OUTREACH

1. The work of the ICC on communications and outreach is a **core non-judicial function** of the Court. It is key to conducting investigations successfully in the field, to creating conditions conducive for cooperation with the Court by preventing parties to the conflict from spreading misinformation, to protecting victims and witnesses, to assuring participation and legal representation of victims in the proceedings, to guaranteeing due process rights, and to redressing communities.
2. Communicating with its different audiences and for different purposes – through public information, external relations and outreach³ – needs to be:
 - Carried out on the basis of a coherent strategy, and
 - Supported by specific and sufficient budgetary allocations.
3. The Communications Team recognises the **role of States Parties** in engaging in a dialogue with the ICC on the ongoing development and implementation of the outreach and communications strategy, and insisting on its prompt implementation.
4. Also, States Parties have an important role to play to enable the ICC to fulfill its communications responsibilities by **ensuring the allocation of sufficient budgetary resources and by making outreach and communications a priority** in all their dealings with the ICC to ensure that outreach is not seen as a luxury but as “essential for the system to work at all,” as one State phrased it during the fourth session of the ASP.
5. Allocation of sufficient resources, particularly for field-based outreach activities, will not only save money in the future but will give also certainty and stability to the ICC's communications work. The experiences of the ad hoc Tribunals and the Special Court for Sierra Leone demonstrate clearly that the failure to include **sufficient** resources in the regular annual budget places the

³ For the purpose of this paper: “**communications**” or “**public information**” refers to information to governments, media and the public at large; “**outreach**” relates to targeted information for and interaction with victims and local communities impacted by the ICC's work; and “**external relations**” deals with improving relationships between the Court and other actors, such as States Parties, non-States Parties, NGOs and others.

execution of these core functions at risk of elimination and gives the false impression that these functions are seen as unimportant.

IV. IMPROVEMENTS IN THE ICC'S STRATEGIC PLAN FOR OUTREACH⁴

The Communications Team welcomes the Court's new communications and outreach strategy and notes especially that the strategy:

1. Adopts a positive approach to outreach recognising it as a two-way process of interaction, reflecting the Court's understanding of its role as both an information-provider and an information-gatherer.
2. Acknowledges the **importance of conducting general outreach prior to the issuance of arrest warrants**. The Team has recommended that the Court implement this approach to the greatest possible extent and develop alternative means of communications when it cannot operate directly in the field due to security constraints.
3. Integrates **country specific strategies** and the Court's efforts to identify "practical means" of conducting outreach.
4. Develops details about the functions and responsibilities of the **new Outreach Unit staff** in The Hague and in the field offices, crucial to the Court's future success in the three situation countries.
5. Recognises that the Court's strategy is an **evolving document that needs to be evaluated and developed** to reflect emerging needs and changing circumstances.
6. Reaffirms the Court's intention to **involve external partners** – including States Parties and NGOs – in its evaluation and revision of the strategy.

V. CONCERNS ABOUT THE ICC'S STRATEGIC PLAN FOR OUTREACH

The Communications Team wishes to contribute to the continuous development of the strategy by pointing out to the following concerns:

1. While the Court may wish to do extensive evaluations on its strategy every two years, the Team recommends that the **performance indicators** be evaluated for each of the situation countries more regularly – annually or even semi-annually. This will allow for adjustments in the strategy for shifting situations, positions and information needs. Also, these more frequent evaluations would also provide an ideal report-back mechanism for updating the CBF about the effectiveness of the Court's outreach work and the need for a certain level of budgetary resources in the following year.
2. While the strategy provides specific information about outreach in the three current situations, it is necessary for the Court to also **address situations that are publicly under preliminary analysis**, where an investigation has not yet been launched, as urgent information needs begin to develop during this phase.
3. The outreach strategy would benefit from a phase-by-phase approach that guarantees that the Prosecutor and the Registrar fulfil their **specific notification or information obligations** at various points in the proceedings.

⁴ NGOs were invited by the Court to comment on their Strategic Plan in September 2006. The Communications Team has produced detailed input for the Court in this respect, which is available at <http://www.iccnw.org/?mod=asp>.

4. The strategy identifies the Registry as the organ within the Court responsible for outreach, which is an important guarantee for the independence of the organs of the Court and the Court itself from NGOs and other actors who are either unable or unsuitable to deliver messages on behalf of the Court. However, the strategy fails to delineate the **mechanisms of internal coordination and feedback from** other organs of the Court, in particular with the Office of the Prosecutor (OTP). Additionally, the strategic plan fails delineate coordination among different sections of the Registry.⁵

VI. THE 2007 ICC BUDGET FOR COMMUNICATIONS

1. This year the Court has produced a **well-tuned and clearly laid out outreach strategy** that has been accompanied by the Court's request in its 2007 Budget Proposal **for increased communications and outreach funds in next year's budget**.
2. Among others, the Communications Team supports requests for allocations in the regular budget for:
 - **An adequate number of sufficiently qualified communications staff, particularly field-based and local personnel**, to carry out these essential services.⁶ The staff of the Outreach Unit within the Public Information and Documentation Section (PIDS) of the Registry will be a crucial part of dealing with this critical workload for the Court.
 - **Preparation of materials for outreach, especially in local languages**, such as documents and audiovisual resources explaining in clear straightforward terms the Rome Statute, the Court's proceedings, rights of the accused, and victims' rights, among other issues, as well as summaries and webcasting of trials.⁷
 - **Resources for training and for raising general awareness**, particularly for members of local civil society who influence public opinion, including journalists, religious and traditional leaders, human rights activists and others.
3. However, the CBF in its report⁸ has recommended that States not approve the financing for two P2 posts dedicated to providing support to field work and to coordination. Additionally, the CBF has recommended a smaller increase than proposed by the Court for printing services. Crucially, the Court in 2007 needs to produce a wide array of printed materials in local languages, as well as visual materials such as comic strips, for all three situation countries. **Cuts for printed materials will seriously hinder this important work**.
4. **The Communication Team agrees with the submissions of the NGO Team on Budget and Finance⁹ that if adopted by the Assembly, the CBF recommendations would seriously obstruct the implementation of the Court's Strategic Plan and would undermine the Court's ability to give effect to the Assembly's 2005 request that the Court intensify its outreach efforts.**

⁵ For example, although most of the activities will be carried out by the Outreach Unit, certain activities concerning victims' rights will have to be delivered by the Victims Participation and Reparation Section.

⁶ The Court is proposing four new field-based positions which are essential for its ability to work effectively in the field.

⁷ The Court is proposing the need for more than 500,000 euros for production of documents in 10 languages, which will be crucial resources for the Court to communicate directly with local populations.

⁸ Report of the Committee on Budget and Finance on the work of its seventh session, ICC-ASP/5/23, para. 77.

⁹ The Report of the NGO Team on Budget and Finance is being distributed at the Fifth ASP and is also available at <http://www.iccnw.org/?mod=asp>.