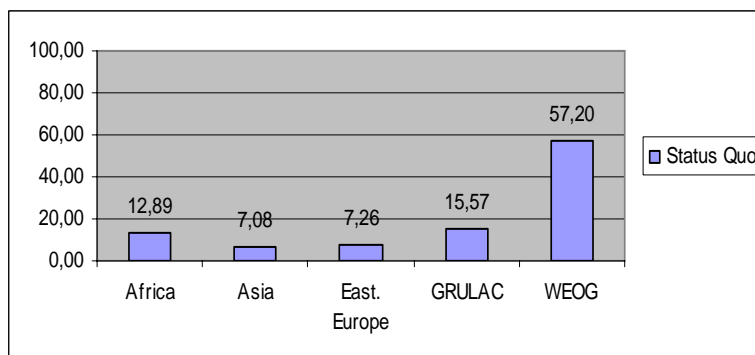


## **SUMMARY – Scenarios on Geographical Representation within ICC Staff**

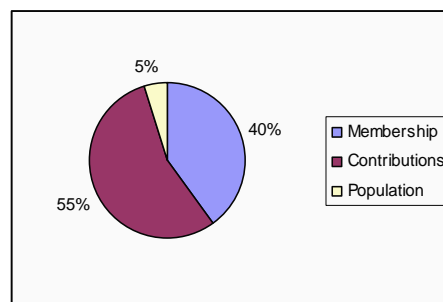
### **1. Introduction**

Concern has been raised with regard to the unequal representation of regional groups within the Court's staff. According to the current guidelines, the Court targets to recruit no less than 57,2% of the ICC's personnel from WEOG countries, and the four other regions share the remaining 42,8% (Africa 12,9%; Asia 7,1%, Eastern Europe 7,3%, GRULAC 15,6% - see chart<sup>1</sup>). It is argued that the legitimacy and fairness of the Court also depend on a staff that represents the international nature of the ICC's work. Further, as most of the Court's work takes place in Africa and the target percentage of African nationals is set at only 13% of the total staff, many believe that the current system of geographical representation could be improved.



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The ICC applies the same system the UN Secretariat currently uses based on a series of calculations. The percentages are calculated by considering three factors: the total number of Member States, a State's contribution to the budget and its population size. These factors are attributed with weights that determine the final outcome. Substantial weight is given to the membership factor (40%), which is equal for each Member State, most importance is given to the State's contribution to the organization's budget (55%) and the final 5% is determined according to the population size of the country (see chart<sup>2</sup>). The contributions factor makes the biggest difference in the ICC's system and the nationalities of the high contributors are better represented within the Court's staff. With the current membership of the ICC, most of these States Parties are located in the WEOG regional group.



This system always applies only to permanent (minimum one-year contracts) professional (jobs that require an academic background) positions. Roughly one third of ICC staff is subject to the policy, the remaining two thirds are temporary staff, linguists or general personnel.

### **2. Alternative Calculations of Geographical Representation**

This section suggests three scenarios for adjusting the current system in an attempt to address the criticism mentioned above by better reflecting the Court's mandate and membership. The CICC Secretariat and the Team on Recruitment do not seek to favor any of these models; they should be first and foremost used as a source of inspiration.

<sup>1</sup> The charts compare regions and not individual States Parties as this paper aims at addressing a regional imbalance, even though most systems of geographical representation do not take into account regional membership as such.

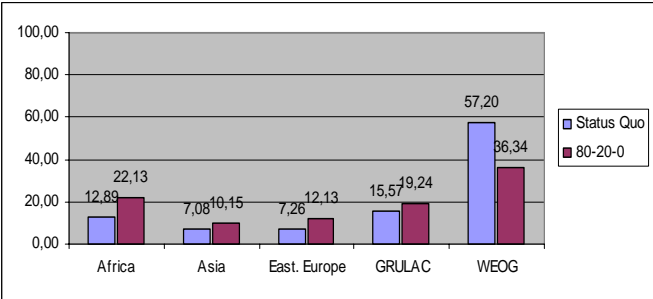
<sup>2</sup> All data on geographical representation at the ICC, is obtained from the ICC itself or on the basis of calculations made by the CICC Secretariat. Small variations between ICC and CICC percentages can occur.

**Alternative 1**

Only the membership and contributions factors are applied. The chart shows the regional breakdown when the ICC would apply a membership factor of 80% and a contributions factor of 20%. As a result, all regions gain at the expense of WEOG and regions with more States Parties (such as Africa), win relatively more. A similar model is implemented by UNESCO.

Advantage: States Parties are more equally represented.

Disadvantage: Balance can change when more countries join the Court.

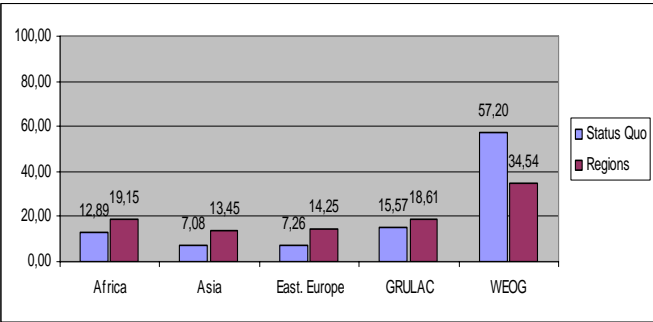


**Alternative 2**

The chart shows geographical distribution with a membership factor of 40%, a contributions factor of 20% and an additional **regional membership factor** of 40%. The national membership factor divides 40% equally over all States Parties (i.e. 0.39% per state) and the regional membership divides 40% equally over all regions (i.e. 8% per region) and *then* over all States Parties in that region. Consequently, all regions win equally, again at the expense of WEOG. Especially regions with relatively few States Parties benefit from this.

Advantage: regions with fewer States Parties are better represented.

Disadvantage: States Parties in regions with many *potential* States Parties might lose on the long term.



**Alternative 3**

The ICC has a special mandate that is very different from other existing international organizations. The Court runs potentially sensitive investigations in countries that are not necessarily a State Party or represented within the Court’s staff. This can be the justification for introducing a new factor based on the region where the ICC is running investigations. The chart shows geographical representation with a membership factor of 40%, a contributions factor of 40% and a **situations** factor of 20% for the **region(s)** where the Court is running investigations. As all three of the Court’s current investigations take place in Africa, this 20% is entirely divided among the African States Parties.

Advantage: reflects Court’s work

Disadvantage: poses a large burden and high expectation of flexibility on the Court’s human resources division: investigations might come and go quicker than staff is recruited.

