

**The Strategic Plan Team of the  
Coalition for the International Criminal Court (CICC)**

**Recommendations to the Fifth Session of the Assembly of States Parties  
from 23 to 25 November and 27 November to 1 December 2006**

**[22 November 2006]**

**PREFACE**

*While the work of the Strategic Plan Team reflects the positions of those Coalition members most active on particular issues and this paper has been prepared in consultation with other Coalition teams, this paper cannot be construed to represent the views of all organizations/members of the CICC. Since the Rome Diplomatic Conference, Coalition members have organized themselves into teams, one to follow each working group or theme of the intergovernmental process. Coalition teams now follow issues addressed by the Assembly of States Parties or its subsidiary mechanisms and by the International Criminal Court. Teams provide a forum within which interested members discuss issues, follow developments, elaborate relevant research and positions in response to developments, and elaborate and implement advocacy strategies in relation to those positions. All Coalition members are welcome to join any teams and all Coalition members are regularly apprised of the work of the teams.*

The CICC Team on the Strategic Plan welcomes initiatives by the International Criminal Court to develop a strategic plan aimed at providing a common strategy and vision of the Court's activities for the next 10 years.

In May 2006, the Court engaged in a consultation process with NGOs and States Parties on the issue. On 4 August 2006, the Court issued the *Strategic Plan of the International Criminal Court* (ICC-ASP/5/6).

The CICC Team fully supports the principle of the Court's ownership of its Strategic Plan. However, we believe that in developing and reviewing this important document, the Court should continue to engage in dialogue and consider constructive comments made by states, NGOs and other actors. In particular, the Team hopes that adequate time will be provided during the fifth session of the ASP for States Parties to discuss the document and to present their views for the Court's consideration.

As the Strategic Plan is an evolving document, the Team hopes that the issues raised in this paper will be considered and reflected in future revisions of the Plan.

**Comments on the Strategic Plan of the ICC:**

- The Team is concerned that the Strategic Plan does not reflect adequately the importance of the Court’s mandate to provide justice to victims, to interact with affected communities and to make Court proceedings relevant and accessible to these communities. The development of the separate Strategic Plan for Outreach is a positive step. However, the Team considers that the Strategic Plan itself should have included more focus on such issues as implementing the rights of victims (including protection, support and participation) and the reparative mandate of the Court set out in the Rome Statute.
- Although the Mission of the International Criminal Court states that the Court will “contribute to long lasting respect for and the enforcement of international criminal justice, to the prevention of crime and the fight against impunity” the goals and objectives listed in the report provide little information about how the Court will achieve this. A major expectation of the Court reflected in the Rome Statute is that, through the system of complementarity, it will take measures to contribute to the fulfillment of national courts’ obligations to investigate and prosecute genocide, crimes against humanity and war crimes. The Team therefore urges the Court to develop an effective strategy focusing on positive complementarity to be incorporated in to the Strategic Plan.
- The Team notes that the Strategic Plan places heavy emphasis on administrative, managerial and organizational issues. Of the 30 objectives, 15 are concerned with organizational and management aspects of the Court’s work. Although the Team recognizes the importance of ensuring effective management and organization of the Court, it believes that these may be best described as means of achieving judicial objectives. As a result, we believe that inadequate attention is provided to the substance of implementing the Court’s mandate set out in the Rome Statute.
- The team notes that terms used in the Plan (such as goals, objectives and activities) appear to be confused with one another, affecting the rigor of the Plan as a whole, including its means of evaluation. The Court may wish to consult, through its Strategic Planning Coordinator, with external ‘process facilitators’ in order to ensure that harmonious methodology and terminology, commonly used for strategic programming are put to best use, ensuring that the Court appropriately aims to fulfill its important mandate, as provided in the Rome Statute and preamble in particular.
- The team points out that the Strategic Plan should reflect adequate focus of the Court regarding support for the defence and victims legal teams. Considering that judicial proceedings have already started, the team stresses the urgency for the two Offices of Public Counsel and the Trust Fund for Victims to develop, and make public, their own independent strategies.

### **Recommendations to the Court and to the ASP:**

- The Court should review its objectives taking into account the above suggestions and concerns.
- The Court should devise strategies to implement the Plan in accordance with the Court’s mandate as a matter of priority.
- The Court should include in the implementation strategies information about the evaluation methods it may apply to regularly assess the progress made in attaining the Plan’s objectives.
- As an extension of the discussion on the Court’s Strategic Plan, the ASP should initiate discussions about a Strategic Plan of the ASP, setting out its role in implementing the Rome Statute system and its objectives for the upcoming few years.
- The ASP should discuss the Strategic Plan in a formal session during the 5<sup>th</sup> session.