

**Administrative Instruction**

Ref. ICC/AI/2009/001

26 June 2009

Inter-Organisational Mobility

The Registrar in consultation with the Prosecutor promulgates this Administrative Instruction on movement of staff members of the Court to other Organizations that are applying the United Nations (UN) common system of salaries, allowances and benefits and are signatories to the Inter-Organization Mobility Accord of the UN Chief Executives Board (Accord)¹.

Section 1**Purpose**

1.1. The purpose of this Administrative Instruction is to regulate the management of and facilitate movement of staff members to other Organizations pursuant to the Accord, taking into account that such arrangements shall not lead to a too high turn-over of staff members of the Court.

1.2. This Administrative Instruction shall apply to all eligible staff members on fixed-term appointments against an established post.

1.3. The Court will aim at developing and implementing human resource strategies that facilitate mobility of staff member as part of its efforts to build a competent, versatile, multi skilled and experienced international civil service.

1.4. When deciding on a request for the exchange of a staff member, the Registrar or the Prosecutor, as appropriate, shall take all relevant factors into account, including the staff member's years of service with the Court, the possible impact and benefit on the operations of the relevant Organ, and the duration of the proposed period of exchange.

¹ The provisions of this Administrative Instruction may be applied to the extent possible to movement of staff to organizations that are not signatories to the Accord.

Section 2
Types of mobility

2.1. A transfer implies that a staff member, upon transferring, ceases to be a staff member of the Court. The staff member who transfers does not maintain a right of return to the Court.

2.2. An exchange may take the form of a secondment or of a reimbursable or non-reimbursable loan.

- a. Under the secondment arrangement, a staff member is administered and paid by the receiving organization.
- b. Under a loan arrangement, the staff member continues to be administered and paid by the Court. In the case of a reimbursable loan, the Court will invoice the receiving organization and get reimbursed according to an agreed schedule.
- c. In the case of either secondment or loan, the staff member maintains a right to return to the Court, either to his/her original post ("lien") or to another suitable post in the respective Organ, subject to availability of such post at the time of return. The question of the return right shall be specified in the exchange agreement.

Section 3
Arrangements for mobility

3.1. A staff member who wishes to move from the Court to another Organization which is a party to the Inter-Agency Mobility Accord shall submit a written request to his/her manager at least three months before the proposed date of exchange or transfer, outlining the reasons and conditions for such request. Upon the recommendation of the manager, the Registrar or the Prosecutor, as appropriate, may accept shorter periods of submission of such requests. Where the move is for purposes of exchange the written request referred to shall include the duration of the release.

3.2. Before the exchange, the manager shall be responsible for:

- a) reviewing the request and submitting a recommendation with justification to the Registrar or the Prosecutor , as appropriate, in consultation with the Human Resources Section (HR);
- b) ensuring the proper arrangements for replacement of the staff member without delay; and
- c) ensuring that the staff member's departure does not in any way impact on the delivery of services nor impose additional burdens on other staff.

3.3. The terms and conditions under which a staff member is released to another Organization shall be negotiated by the Chief of HR on behalf of the Court, and agreed upon in a Memorandum of Inter-organization Exchange signed by the Registrar or the Prosecutor, as appropriate, or by their authorised representatives, the Receiving Organization and the staff member.

3.4. Exchange of staff members to other Organizations shall be for a minimum period of eighteen (18) months and shall not exceed twenty-four (24) months. Upon the recommendation of the manager, given in consultation with the Chief of HR, the Registrar or the Prosecutor, as appropriate, may accept shorter or longer periods of exchange of staff.

3.5. In case of transfer, such move shall be deemed to be separation from service of the Court within the meaning of Staff Rule 109.1(b)(iii).

Section 4

Management of staff mobility

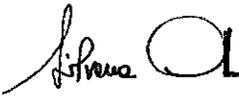
4.1. HR shall be responsible for managing the movement of staff members under the Accord. In particular, HR shall be responsible for:

- a) receiving and processing requests from the requesting organisation for exchange or transfer of staff members;
- b) liaising with the manager in preparing recommendations to the Registrar or the Prosecutor, as appropriate, and facilitating replacement of the staff member;

- c) receiving and processing requests for extensions of exchanges from other Organizations;
- d) monitoring and reporting to the Registrar or the Prosecutor, as appropriate, on all aspects of the exchange or transfer;
- e) liaising with the receiving organisation with regard to the process of a possible extension which may be initiated at least three months before the end of the exchange; and
- f) performing any other duties associated with the management of a staff member's absence or return.

Section 5
Final provisions

This Administrative Instruction shall come into effect on 26 June 2009.


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Registrar