Thematic Evaluation of European Commission Support to Justice and Security System Reform

Final Report

Volume I – Main Report

November 2011

Evaluation for the European Commission

EGEVal II
European Group for Evaluation EEIG
Germany

particip
PARTICIP GmbH
Germany

ADE
Aide à la Décision
Economique
Belgium

DRN
Development
Researchers'
Network
Italy

d·i·e
Deutsches Institut für   German Development
Entwicklungspolitik   Institute
Deutsches Institut für
Entwicklungspolitik
Germany

ecdpm
European Centre for
Development Policy
Management
Belgium

odi
Overseas Development
Institute,
United Kingdom

SOUTH RESEARCH vzw
South Research
Belgium

A consortium of EGEVAL II
(Particip & ADE) –DRN-DIE–
ECDPM-ODI
c/o Particip GmbH, leading
company:

Headquarters
Merzhauser Str. 183
D - 79100 Freiburg / Germany
Phone: +49-761-79074-0
Fax: +49-761-79074-90
info@particip.de

Framework contract for
Multi-country thematic and regional/country-level strategy evaluation studies and synthesis in the area of external co-operation

LOT 2:
Multi-country evaluation studies on social/human development issues of EC external co-operation

Ref.: EuropeAid/122888/C/SER/Multi
Request for Service: 2010/234349

Thematic Evaluation of European Commission Support to Justice and Security System Reform

Final Report

Volume I – Main Report

November 2011

This evaluation was carried out by

ADE
ANALYSIS FOR ECONOMIC DECISIONS

Table of Contents

LIST OF ANNEXES IN VOLUME II

List of Acronyms[1]

ACP	African, Caribbean and Pacific countries
ACR	Alta Consejeria para la Reintegracion, Presidencia de la Republica, Colombia
ADRP	Angolan Demobilisation and Reintegration Programme
AFL	Armed Forces of Liberia
AFS	European Commission geographic programme for South Africa
AIDCO	European Commission Directorate–General (DG) responsible for delivering aid through programmes and projects across the world
ALA	European Commission geographic programme for developing countries in Asia and Latin America
AMM	Aceh Monitoring Mission
APF	African Peace Facility
APSA	African Peace and Security Architecture
ASEAN	Association of Southeast Asian Nations
AU	African Union
AUC	African Union Commission
BCPs	Border Crossing Point
CAR	Central African Republic
CFSP	Common Foreign & Security Policy
CIS	Commonwealth of Independent States
CNDH	National Commission on Human Rights in Rwanda
CNUR	National Commission for Unity and Reconciliation in Rwanda
COFS	Combatants On Foreign Soil
COM	Communication from the European Commission
CPPB	Conflict Prevention and Peace Building
CRIS	Common RELEX Information System, a European Commission database
CSDP	Common Security and Defence Policy
CSO	Civil Society Organisations

---

[1] Please also check the list of abbreviations of the 24 selected interventions for this evaluation, which is provided in Annex 4, Table 1, of the report, and are not included in the list of acronyms.

CSP	Country Strategy Paper
DAC	Development Assistance Committee of the OECD
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DCI	Development Cooperation Instrument
DDR	Disarmament, Demobilization, and Reintegration
DEV	European Commission Directorate–General (DG) responsible for development policy
DEVCO	European Commission Directorate General Development and Cooperation – EuropeAid
DFID	UK Department For International Development
DG	Directorate-General
DG ECHO	Directorate General for European Community Humanitarian Aid Department
DG JLS	Directorate-General for Justice, Liberty and Security
DNA	deoxyribonucleic acid or Deoxyribose Nucleic Acid
DRC	Democratic Republic of Congo
DS	Dissemination Seminar
EC	European Commission
ECCAS	Economic Community of Central African States
ECHO	European Commission - Humanitarian Aid and Civil Protection
EDF	European Development Fund
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
EQ	Evaluation Question
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EU MS	European Union Member States
EUD	European Union Delegation
EUSR	EU Special Representatives
FDLR	Force Démocratique de Libération du Rwanda

FSI	Failed States Index
GAM	Former resistance movement in Indonesia
GB	Guinea Bissau
GLR	Great Lakes Region
GoG	Government of Guatemala
GoGB	Government of Guinea-Bissau
GoL	Government of Liberia
HQ	Headquarters
HR	Human Rights
HRDO	Human Rights Defender's Office
IACC	Inter-Agency Coordination Council in Georgia
IBM	Integrated Border Management
IfS	Instrument For Stability
IL	Intervention Logic
IO	International Organisation
IOM	International Migration Office
IPU	Integrated Police Unit
iQSG	Inter-service Quality Support Group
IT	Information technology
JC	Judgement Criteria
JCLEC	Jakarta Centre for Law Enforcement Cooperation
JEU	Joint Evaluation Unit of the European Commission common to DG RELEX, DG DEV and EuropeAid
JRLO	Justice, Reconciliation, Law and Order
JLS	Justice Liberty and Security
JSSR	Justice and Security System Reform
LEAP	Learning for Equality, Access and Peace
MDRP	Multi-Country Demobilisation and Reintegration Programme
MEDA	Euro-Mediterranean Partnership Programme; Mediterranean members of the partnership.
MONUC	Mission des Nations Unies en République démocratique du Congo
MR	Monitoring Report

MS	Member State
NATO	North Atlantic Treaty Organization
NCDDRR	National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration in Liberia
NGO	Non Governmental Organisation
NIP	National Indicative Programme
NSA	Non State Actors
NSP	National Security Policy
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OECD/DAC	Development Assistance Committee of the OECD
QSG	Operational Quality Support Group
PDO	Public Defender's Office
PDRRI	Programme de Démobilisation, Réinsertion et Réintégration des Ex-combattants en Guinée-Bissau
PMU	Project Management Unit
POLMAS	National Community Policing Strategy in Indonesia
PSD	Peace and Security Department (PSD) of the Commission of the African Union
RAN HAM	National Action Plan on Human Rights in Indonesia
RCA	République centrafricaine
RECS	Regional Economic Communities
RELEX	European Commission Directorate-General for External Relations
RFTF	Results-Focus Transition Framework
RG	Reference Group
RIP	Regional Indicative Programme
ROC	The Republic of Congo
RoL	Rule of Law
ROM	Results-Oriented Monitoring
RRM	Rapid Reaction Mechanism
RSP	Regional Strategy paper
SA	South Africa
SADC	Southern African Development Community

SALW	Small Arms and Light Weapons
SBS	Sector Budget Support
SPSP	Sector Policy Support Programme
SSDAT	Security Sector Development Advisory Team of the UK government
SSR	Security System Reform
SWAp	Sector-wide approach
TA	Technical assistance
TACIS	European Commission geographical programme in Eastern Europe and Central Asia
TEU	Treaty on the European Union
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNMIL	United Nations Mission in Liberia
UNODC	United Nations Office on Drugs and Crime Prevention
UNOGBIS	UN Bureau for the Consolidation of Peace in Guinea-Bissau
WB	The World Bank

Executive Summary

Evaluation aims and scope

This evaluation was commissioned by the Joint Evaluation Unit in DG DEVCO on behalf of the European Commission. It provides an **independent assessment of the Commission's past support to Justice and Security System Reform (JSSR)**, and makes **recommendations** with a view to improving current and future Commission strategies and programmes. The evaluation covers the period 2001-2009 and all regions where the Commission provides JSSR assistance, with the exception of those countries that fall under the mandate of DG Enlargement. Only those aspects of justice reform which mostly directly fall under Security System Reform, such as strengthening of criminal justice systems and the legal institutions involved in the oversight of security institutions, are considered. The evaluation covers all funds provided by the Commission geographical programmes (EDF, ENPI, DCI) and the thematic budget lines (such as the IfS, EIDHR, NSA), with the exception of humanitarian funds managed by ECHO. This represents a total of €1bn of funds contracted over the evaluation period. An inventory and typology of these funds is presented in Annex 9 of this report.

Methodology

The evaluation methodology consisted of inception, desk, field and synthesis phases. During the inception phase, ten Evaluation Questions (EQs) were elaborated which framed the assessment at strategy, country and intervention levels, with a specific focus on 24 interventions in 21 countries. The evaluation used a **combination of data collection tools and techniques** including analysis of 335 documents, eight country visits to Armenia, Chad, Colombia, Georgia, Guatemala, Indonesia, Rwanda and South Africa, and interviews with 258 representatives of the Commission, Council, EUD, EU MS, international organisations, civil society, private companies and final-beneficiaries of Commission JSSR assistance. Additional data was collected through a questionnaire sent to 56 EUD (response rate of 81%), a review of 40 CSP/RSPs, a meta-analysis of 11 evaluation reports, and a quantitative and qualitative ROM analysis of 356 monitoring reports.

Conclusions

On policy commitment and framework

Since 2001, the Commission has substantially increased its engagement in JSSR globally through increased funding, development of its concept, and utilisation of a wide range of financial and non-financial instruments. There has been growing international policy consensus on the need to strengthen justice and security provision as part of wider state responses to poverty, conflict and insecurity. The Commission's financial support to JSSR (contracted funds) increased from €14m in 2001 to €174m in 2009, amounting to €1bn in total of which €0.8bn (76%) had been disbursed as of the date of data extraction in May 2010. This support for JSSR had a broad geographical distribution. Over the same period, the Council and Commission developed a joint JSSR *Policy Framework* which stressed the importance of JSSR in the EU's external action. The

Commission drew upon various financial and non-financial instruments to deliver JSSR assistance, though not all of these instruments were fit for purpose.

The Commission did not generally adopt a strategic, political approach to supporting JSSR in partner countries due to weaknesses in the EU *Policy Framework* and the limitations of its instruments. While the Commission emphasised in its 2006 Communication the need for the EU to take a more integrated approach to JSSR, the *Policy Framework* did not provide for a clear division of labour between the Council and the Commission or specify how to achieve well-coordinated action. This hampered programming at design and implementation stages. Overall EU country support strategies anchored on partner government plans to improve service delivery were rarely developed. Most Commission programmes focused on individual parts of the security sector, often adopting a technical focus to the detriment of political dialogue with national authorities. There was a slow evolution in approach over 2001-09 spurred by awareness of the limitations of a narrow sectoral focus and increasing use of the SBS instrument.

On strategy and implementation

The design of Commission JSSR assistance programmes was not adequately underpinned by local knowledge of security and justice practices and needs or by mechanisms to monitor progress and measure results and impact. Programme design was generally driven by priorities spelled out in CSPs/RSPs and the NIPs. The amount of additional analysis undertaken to inform program design, including strategic security, governance and political assessments, varied greatly. Although efforts were made to consult national actors, the Commission relied heavily on external consultants to develop projects and frame approaches. This information problem was somewhat mitigated by the increasing use of SBS over the evaluation period. But programmes were generally weak in terms of their use of baselines and indicators to measure progress and assess impact.

Commission assistance was heavily focused on building institutional capacity within state security and justice bodies rather than on addressing the constraints to service delivery from the perspective of the intended beneficiaries. The overwhelming focus of assistance was on technical solutions to security and justice problems delivered through training, advice, provision of capital equipment, and infrastructure development. This assistance helped to build capacity within, and strengthen governance of, these sectors. But it often had limited impact in terms of improved service delivery. Insufficient emphasis was placed on involving end-beneficiaries in addressing the constraints to service delivery. Such an approach, where used, included efforts to strengthen relations between security and community actors, assist citizens to articulate their security and justice preferences, and enable oversight bodies to hold security and justice actors to account for their actions.

The Commission placed strong emphasis on national ownership at both policy and programming levels. But its ability to tailor JSSR assistance effectively to the differing needs and priorities of stakeholder groups was constrained by its focus on state institutions and its inflexible programming procedures. Commission support for JSSR was often provided in challenging environments. In practice, the Commission usually aligned its JSSR assistance programmes with partner governments' priorities though these were not necessarily responsive to the preferences and needs of citizens and other interest groups. The slow and inflexible nature of Commission programming procedures further

hampered efforts to make assistance responsive to the needs of different stakeholder groups.

On results and impact

Commission assistance helped in many cases to enhance institutional capacities within state security and justice bodies to deliver public services. But the overall impact on people's security and access to justice has been difficult to measure and was limited by its overall strategy for supporting JSSR processes. The Commission made positive contributions to either getting JSSR on government reform agendas or, with other donors, helping to strengthen the institutional frameworks and capacities necessary for effective security and justice delivery. This assistance reinforced the *governance* of security and justice sectors in some cases, though this did not in itself result in more secure citizens or stable states. Commission assistance was generally not geared to enhancing service delivery which would require a greater focus on integrating end-beneficiaries into reform processes.

The Commission had the potential to provide added value to internationally-supported JSSR processes in several important ways that differentiated it from other actors. But its effectiveness at doing so was undermined by the weaknesses of the EU *Policy Framework* and its internal capacity limitations. Six types of potential value added were identified, notably the Commission's supranational nature, granting it a convening power to harness support and expertise from MS; perceived neutrality enabling it to facilitate dialogue between contesting parties; critical mass in terms of financial support, enabling a wide geographical and sectoral coverage; ability to draw on a wide array of instruments; long-term thematic experience in fields pertinent to JSSR; and, continued presence in partner countries enabling it to establish long-term partnerships.

On institutional capacity and partnerships

The Commission's institutional set up, human resource capacity, and programming tools and guidance were not commensurate with its policy commitment and its level of funding for JSSR. To be most effective, external JSSR support should adopt a strategic, log-term political approach, be based on partner country security and justice strategies, and be integrated in nature. The EU's JSSR competencies were shared between the Commission and the Council, though in practice this institutional set-up and separation of competencies was cumbersome, unclear and there were overlaps. Development of the Commission's human resources capacity did not keep up with its increasing engagement in JSSR. Nor were adequate tools and operational guidelines developed to support its JSSR activities.

The Commission's programming cycle and procedures were not sufficiently efficient, flexible and long-term in orientation to respond adequately to the dynamic and political nature of JSSR. Decision-making procedures, particularly in programmes falling under long-term geographical assistance, were lengthy and complex. It was not possible to make major changes to a project without submitting it for re-approval in HQ, a time-consuming process. The use of the short-term and more flexible IfS instrument was in some cases successfully followed by support through geographical programmes. But in general, interventions financed by short or long-term instruments were not sustainable once funding ended. The move from project approaches to SBS in several countries has helped to overcome some of these shortcomings, suggesting SBS has important potential as a JSSR instrument which needs to be carefully assessed and enhanced.

The Commission did not have a set of shared strategies and operational tools with its partners, either within the EU or outside, that favoured a clear division of labour or enhanced coordination and complementarity in JSSR assistance programmes. The lack of a common framework for EU JSSR engagement did not favour collaboration among EU institutions and MS. Key challenges included different organisational cultures; separation between development, diplomatic and military activities; lack of joint funding mechanisms; and weak incentives for joint implementation of JSSR activities. Many EU MS have their own JSSR strategies and instruments and do not see the Commission as having a comparative advantage in this area. Exceptions were found mainly in border management where the Commission used its supranational nature effectively to harness EU MS expertise.

Recommendations

On policy commitment and framework

The Commission should work with the EEAS to strengthen the EU JSSR *Policy Framework* and develop complementary operational guidelines that reflect the recent evolution of international thinking on JSSR. A strengthened EU *Policy Framework* should set out clearly the aims of EU JSSR action, its overall strategy for achieving these aims, how it can add value to international JSSR processes, and the roles of the relevant European institutions. This would provide greater political impetus and direction for the Commission to strengthen its own operational mechanisms and procedures for delivering JSSR assistance.

On strategy and implementation

The Commission should adopt a more strategic, long-term political approach to JSSR assistance which is anchored in national security and justice strategies in partner countries and facilitates local problem-solving. A strategic, political approach implies that the Commission has thought through its own approach, and has a clear, long-term strategy to promote the outcomes it has selected, based on a deep understanding of the sector and local priorities, available entry-points to support these, and its own comparative advantages in providing assistance. Anchoring assistance in national security or justice strategies and processes provides an entry-point for a long-term, comprehensive engagement and also facilitates coordination of EU and wider donor assistance.

The Commission should place greater emphasis on securing the local knowledge and inputs it requires at the design stage of its JSSR programmes to ensure that they are well tailored to local conditions and priorities. The design goal should not be mere alignment with partner government priorities; rather the Commission should examine on a case by case basis whether priorities as defined by national authorities are appropriate to JSSR objectives and, if not, advocate a different approach. Programme design should be grounded on a firm evidence base reflecting the views of a wide range of stakeholders. As a rule, building on what exists - if it is a potential resource for reform - is better than importing new institutions that may be difficult to adapt to the local context.

The Commission should adopt a longer timeframe for its JSSR programming, combined with more flexible and rapid approval procedures, so as to be able to better respond to the dynamic and political nature of reform processes. Political

priorities often change faster than the programming cycle. A 3-5 year timeframe of engagement, common in many JSSR programmes makes it difficult to accommodate project delays or operationalise the necessary monitoring systems. The Commission can learn from other donors, including the UK and Dutch governments, which are adopting longer timeframes (from 5-8 years) for certain JSSR engagements. Working more flexibly will necessitate developing new planning tools that allow for a more iterative, process-oriented approach to programming.

Service delivery outcomes should drive the Commission's overall approach to JSSR, enabling it to strike a better balance between strengthening state institutional capacities and fostering citizen engagement in reform processes. Building institutional capacity in the security and justice sectors does not automatically translate into improved security and justice for citizens. In keeping with its policy commitment to place the security of people at the centre of its approach to JSSR, the Commission needs to where possible adapt a more 'hybrid' strategy for programming driven by service delivery outcomes. What this means in practice is striking a better balance between seeking to remedy institutional deficits in state security and justice institutions and fostering the ability of pro-reform constituencies to negotiate the improved services they desire.

On results and impact

The Commission should more systematically incorporate into its JSSR assistance programmes the mechanisms required to measure results and, in particular, the impact of its assistance on the lives of people. Commission JSSR programmes did not systematically make use of baseline studies, indicators and other tools to enable monitoring and measurement of programme results. As a consequence, it was difficult to build up a clear picture of how its JSSR assistance has impacted on people's lives. Understanding impact is key to striking a better balance in Commission JSSR programmes between state institutional capacity development and fostering service delivery that benefits citizens directly.

On institutional capacity and partnerships

The Commission - with the EEAS - should work to develop a stronger pool of EU JSSR experts by improving training and ensuring that staff working on JSSR both at HQ and in Delegations receive the appropriate guidance and support. Shortfalls in expertise contribute to weak programme design, hamper implementation and harm the Commission's credibility as an international JSSR player. The Commission should improve and increase JSSR training for staff; bring together within one thematic unit within DEVCO and the EEAS, adequate staff with relevant expertise; and work to gain better access to EU MS experts and other international experts who can support its programming.

The Commission should exploit the comparative advantage offered by its supranational character and more effectively harness Member State capabilities in support of its JSSR programming. The Commission has not focused enough attention on its main comparative advantage – its supranational character and the convening power this offers. The Commission should take steps to more systematically harness the resources and capabilities that exist within the 27 EU MS for supporting JSSR processes in an integrated and complementary manner. Strengthening the EU JSSR *Policy Framework* in close consultation with MS would provide needed political impetus and direction to advance this objective.

1. Introduction

This document is the *Final Report* of the Thematic Evaluation of the European Commission (hereafter referred to as "the Commission") support to Justice and Security System Reform (JSSR). This evaluation is part of the 2009 evaluation programme approved by the External Relations and Development Commissioners.

1.1 Overall objective, mandate and scope of the evaluation

The **subject** of this evaluation is the **Commission's support to justice and security system reform (JSSR)**, which can be regarded as closely linked to the Commission's wider efforts in support of Conflict Prevention and Peace Building (CPPB). The evaluation team has based its work primarily on the policies and approaches laid down in three EU policy documents: (i) the 2005 "EU Concept for European Security and Defence Policy support for Security Sector Reform" [2] (hereafter the "Council's Concept"), (ii) the 2006 Communication of the Commission on "A Concept for the European Community Support for Security Sector Reform"[3] (hereafter, the 'Commission's Concept") which in turn led to the subsequent endorsement in 2006 of (iii) an overarching "Policy Framework for Security Sector Reform"[4].

It should be noted that the period under evaluation commenced several years prior to these policy documents being issued in 2005/06. Two observations should be made in this respect. First, the concept of security sector reform (SSR) has been around since the late 1990s and the Commission has been involved in work led by the OECD/DAC since that time to develop a set of guidelines for donors working on SSR. The Commission's own concept is based on the OECD/DAC definition of SSR. Second, while strictly speaking it is not possible to evaluate the Commission's JSSR performance during the first part of the evaluation period with reference to a policy that had not yet been elaborated, much thinking on SSR had already trickled down to Commission staff working in this area. For the purpose of this evaluation, therefore, assessing these earlier interventions through an SSR lens offers an opportunity to appreciate their achievements and, more importantly, to determine how Commission JSSR interventions may be improved in the future.

The **definition** of security system reform used in the present evaluation is drawn from the Commission's Concept which is itself based on the OECD/DAC definition [5] that has become the international reference on the subject. Security System Reform means "Transforming the security system, which includes all these actors, their roles, responsibilities and actions, working together to manage and operate the system in a

---

[2] Council of the European Union, *EU Concept for ESDP support to Security Sector Reform*, doc n° 12566/4/05, 13 October 2005.

[3] European Commission, *Communication from the Commission to the Council and the European Parliament, A concept for the European community Support for Security Sector Reform*, COM(2006) 253 final, 24 May 2006.

[4] Council of the European Union, *Council Conclusions on a Policy Framework for Security Sector Reform*, doc. n°9967/06, 6 June 2006.

[5] OECD, DAC, *Security System Reform and Governance, Policy and Practice, DAC Guideline and Reference Series*, Paris, OECD 2005, p.20.

manner that is consistent with democratic norms and sound principles of good governance, and thus contributing to a well functioning security framework".

The evaluation also considers Commission support for those aspects of justice reform which fall most directly under Security System Reform as defined above, such as improvement of the functioning of criminal justice systems, and the role of legal and judicial institutions in the oversight and accountability of security institutions.[6] The focus is therefore on justice (and related police and penal) reforms undertaken within the broader framework of security system reform which have a direct impact on the safety and security of citizens, rather than on administrative, commercial or civil law.

For the sake of clarity it should be noted that the terms 'security system reform' and 'security sector reform' mean exactly the same thing. In this report, for consistency, we use the term security system reform. Where we talk about one particular part of the overall security system, we may sometimes refer to this as a 'sector'. Furthermore, under the OECD/DAC definition, justice reform is included under security system reform. However, in order to emphasize the importance of the justice sector and make it clear that justice is not subordinate to security, for the purpose of this evaluation we generally refer to 'justice and security system reform', or JSSR.

The Terms of Reference (*see Annex 1*) for this evaluation specify two main **objectives**:

▪ to provide the relevant External Cooperation Services of the EC and the wider public with an **overall independent assessment** of the Commission's past and current support to justice and security system reform; *and*

▪ to identify **key lessons** with a view to improving the current and future strategies and programmes of the Commission.

The **geographical scope** of this evaluation covers all regions in which Commission cooperation is implemented with the exception of those regions and countries under the mandate of DG Enlargement.

In terms of **temporal scope** the evaluation covers the period 2001-2009.

The **funds** covered by this evaluation include all Commission financial contributions in support of justice and security system reform. They include funds from (i) geographical instruments and programmes, that is the European Development Fund (EDF), the European Neighbourhood and Partnership Instrument (ENPI) [7] and geographical programmes under the Development Cooperation Instrument (DCI); and (ii) thematic instruments and programmes, that is the Instrument for Stability (IfS)[8], the European Initiative for Democracy and Human Rights (EIDHR) and thematic programmes under the DCI (relating to Non-State Actors and local authorities, or cooperation in the area of migration and asylum).

---

[6] It should be noted that in some countries justice systems may include, in addition to the sectors mentioned above, others that are potentially relevant for SSR. However, for practical reasons it was decided together with the Reference Group to limit this evaluation to the sectors mentioned above.

[7] And also the previous geographical budget lines for the Mediterranean region (MEDA) and Eastern Europe and Central Asia (TACIS) which ended in 2007 and were replaced by the ENPI.

[8] And its predecessor the Rapid Reaction Mechanism (RRM)

1.2 Key phases of the evaluation

The evaluation was structured in four main **phases** as summarised in the figure below. This figure presents the **activities** undertaken in the different phases; the Reference Group (RG) **meetings** and the dissemination seminar (DS) to be held upon approval of the Final Report; and the various **deliverables** (draft and final versions) produced at the various stages. Each phase commenced upon approval of the deliverable of the previous phase.

The structuring phase started in May 2010 and ended with approval of the Inception Report in September 2010. The evaluation Desk Phase was concluded with the approval of the Desk Report in March 2011. The Field Phase was carried out between April 2011 and May 2011. The present Final Report is the output of the fourth, Synthesis Phase and builds on the work carried out during the previous phases.

Figure 1 – Evaluation process
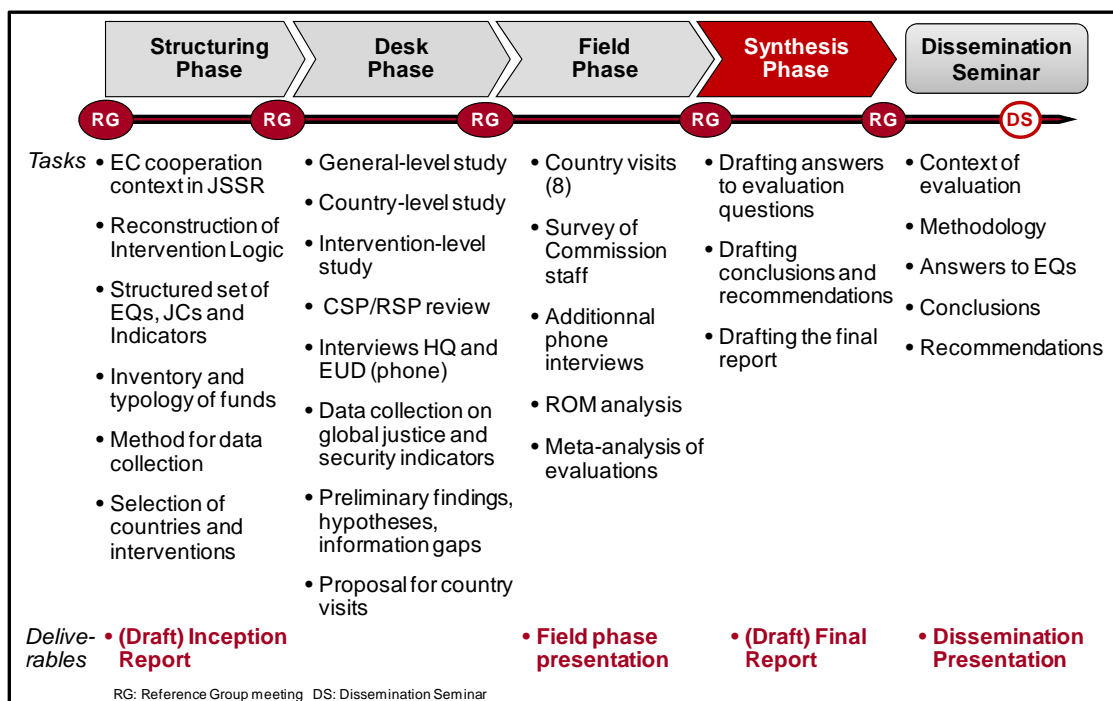
1.3 Structure of the Final Report

The Final Report is structured as follows:

- **Chapter 1: Introduction**: covers the evaluation objectives, mandate, scope and phases.
- **Chapter 2: Background**: provides context for the Commission's interventions in justice and security system reform.
- **Chapter 3: Methodology**: details the methodological approach, the tools and the sources of information used during the evaluation.
- **Chapter 4: Answers to the Evaluation Questions**: presents the evaluation findings.
- **Chapter 5: Conclusions**.
- **Chapter 6: Recommendations**.

The report also contains 13 annexes (in a separate volume): see Table of Contents.

2. Background and context

2.1 Evolution of JSSR policies at international and EU levels

2.1.1 International context

Security System Reform has assumed an increasingly prominent role on the international policy agenda since the end of the 1990s. A number of significant developments in the area of security and development have shaped the emergence of the donor SSR policy agenda. They are summarised here below.

Concept of 'Human Security' (1994)
SSR was influenced by the concept of human security, first introduced in the 1994 UNDP Human Development Report. The 'human security' agenda is based on two key ideas: first, that the protection of individuals is critical to both national and international security; and second, that the security conditions required by people for their development are not limited to traditional matters such as national defence and law and order, but rather incorporate broader political, economic and social issues that ensure a life free from risk and ill-being.

OECD/DAC Guidelines on Conflict (2001)
The first DAC statement on SSR appears in the *OECD Guidelines on Conflict, Peace, and Development Co-operation on the Threshold of the 21st Century* (1997). The DAC approach to SSR was more fully developed in the 2001 *DAC Guidelines on Helping Prevent Violent Conflict* which underscored that security is fundamentally a governance issue and hence a central concern of the development community.

OECD/DAC policy statement on Security System Reform and Governance (2004)
In 2004 DAC Members agreed a policy statement and paper on *Security System Reform and Governance: Policy and Good Practice.* It identifies SSR as "the transformation of the 'security system' – which includes all the actors, their roles, responsibilities and actions – working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance". The OECD/DAC thus views SSR directly through a development co-operation lens, reflecting the view that it should be supportive of wider efforts to strengthen state capacity, to prevent violent conflict, and to promote human development.

OECD/DAC Handbook on Security System Reform (2007)
Building on the 2005 Guidelines, the OECD/DAC developed an operational handbook to help donors implement SSR at field level in line with international norms and standards: the *OECD/DAC Handbook on Security System Reform: Supporting Security and Justice* (2007).

Political changes in the international environment following the events of September 9, 2001 renewed to a certain extent, among a number of donor countries, the focus on

traditional 'hard' security doctrines reminiscent of the Cold War era. However, the international community's difficult experiences in Afghanistan and Iraq appear to be bringing home the case for more comprehensive responses to security problems in crisis countries that are underpinned by long-term developmental solutions.

2.1.2 EU policy context

Within this international context, the EU has also issued several documents that shaped, since 2005, its activities in the area JSSR. They are briefly described here:

EU Concept for ESDP Support for Security Sector Reform (2005)
This document lists some relevant military or civil areas of activity in which the EU, through the ESDP (second pillar in the previous EU structure), can provide support to SSR. It also specifies the need for close cooperation between the Council and the Commission to ensure a clear division of responsibilities and maximum coherence and effectiveness of EU support. The definitions of SSR and the actors which make up the security system largely reflect the standard-setting work carried out by the OECD/DAC.

Concept for European Community Support for Security Sector Reform (2006)
This communication defines the main areas of Commission (first pillar in previous EU structure) engagement in SSR. It notes that the Commission is required to focus more clearly on the governance aspects of SSR, including strengthening of parliamentary oversight, judicial independence and media freedom. It provides an overview of the principles guiding Commission support for SSR, including the need for a holistic approach by ensuring that the different strands of SSR work are effectively coordinated.

EU Policy Framework on Security Sector Reform (June 2006)
On the basis of the two previous documents, the EU comprehensive and cross-pillar approach to SSR brings together views from the first and second pillars, drafted in close consultation. It summarises the main principles which should guide action in support of SSR.

EU Concept for support to Disarmament, Demobilization and Reintegration (2006)
The Council and the Commission jointly developed an EU Concept for support to Disarmament, Demobilization and Reintegration (DDR). It notes that DDR processes are often more successful when part of a broader SSR programme.

Council Conclusions on Security and Development (2007)
It reemphasises the nexus between security and development and calls on EU Member States, the Commission and the General Secretariat of the Council to further improve coordination and information exchange on SSR activities.

Communication from the Commission: Towards an EU response to situations of fragility (October 2007) and Council Conclusions on EU response to situations of fragility (November 2007)
The first document aims at preventing and addressing fragility holistically through a consistent overall response linking peace, security and development. The Commission

document puts forward an integrated "whole-of-government" approach to SSR as the basis for state-building strategies and political legitimacy in post-conflict settings. The second document endorsed on behalf of the EU the Principles for Good International Engagement in Fragile States and Situations, emphasizing the need for a "whole-of-government" approach when addressing fragility.

2.2 Overview of Commission financial support to JSSR over the period 2001-2009

An inventory of the Commission's support to JSSR over the period 2001-2009 was produced during the Structuring Phase of this evaluation. It provides a list of JSSR-related interventions financed by the Commission (except those under the mandate of DG Enlargement) and a descriptive analysis of the funding in terms of its evolution and breakdown by country, JSSR core areas, financing instruments, and so on *(see Annex 9)*.

The inventory is based on data from the Commission's CRIS database. The data was extracted in May 2010 and processed to obtain the best possible overview of the Commission's support to JSSR from 2001 to 2009, financed by both the General Commission Budget and the EDF. A number of challenges were faced by the evaluation team in compiling this data because of inherent limitations in the CRIS database and the complexity of the thematic issue being evaluated. A specific and systematic methodology therefore had to be developed in order to ensure that all relevant interventions were identified. This methodology as well as the detailed results are presented in Annex 9. A summary of the main results of the inventory is presented in the box below:

Box 1 – Main Inventory Results

- Over the period 2001-2009 the Commission contracted **€1bn** for its support to JSSR-related interventions in partner countries.
- The **Commission support to JSSR on an annual basis increased** from €14m in 2001 to €174m in 2009.
- In terms of the number of JSSR interventions, **342 decisions were signed representing 1,039 individual contracts** over the entire period.
- Commission support for JSSR focused mainly on three regions out of five: **ENP-TACIS** (30%), **Asia** (28%) and **ACP** (26%). The other regions are ENP-MEDA and Latin America.
- 105 countries benefitted from JSSR-related interventions, with **85% of the funding concentrated in just 23 countries**.
- Of the six core JSSR areas, the main ones supported by the Commission were: **law enforcement** (29%), **border management** (22%) and **justice reform** (14%). The other areas are DDR, civil management and civil oversight.
- **International organisations** are the main channel used by the Commission to support JSSR in terms of funding (53% of funding). The other "channels" are private companies, NGOs, partner states and EU Member States.
- **Ten financing instruments** were mainly used to finance JSSR interventions: **geographical** (Asia, TACIS, EDF, ENPI, MEDA, ALA, AFS) and **thematic** (EIDHR, IFS, Migration & Asylum).

---

3. Methodology

This chapter presents the evaluation methodology, in particular (i) the evaluation approach; (ii) the tools and sources of information used; and (iii) the challenges and limitations of the exercise.

The whole exercise can be illustrated by the pyramid below. The sources of information described in this chapter provide the factual basis for the analysis, the responses to the Evaluation Questions, and ultimately the drafting of the Conclusions and Recommendations. Each stage of the exercise corresponds to a section of this Final Report as indicated in Figure 2.

Figure 2 – Pyramid of the evaluation exercise

Report sections

→ *Chapter 6* (Recom.)

→ *Chapter 5* (Conclusions)

→ *Chapter 4* (Responses to the Evaluation Questions)

→ *Chapter 4* (Findings & Analysis)

→ *Annexes 3 to 11* (Facts)
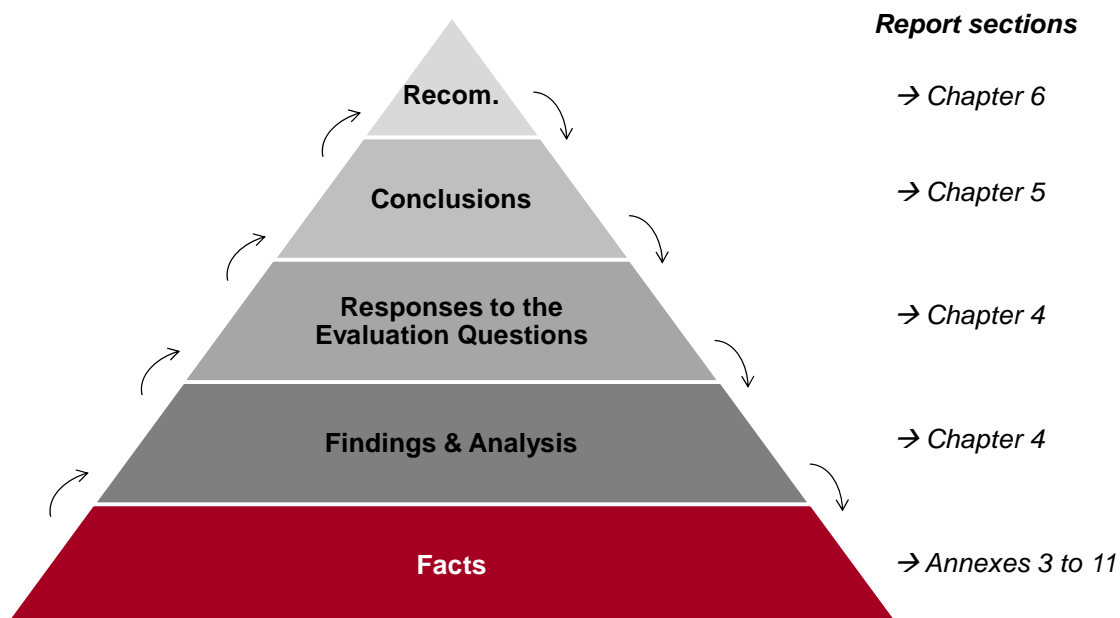
3.1   Structured evaluation approach

The structured sequence of the evaluation process was primarily based on the Joint Evaluation Unit's methodological framework and its specific guidelines for thematic evaluations.[9]

---

[9]   European Commission, *Methodological Basis for Evaluation – External Assistance (volume 1)*, Joint Evaluation Unit, 2006, and updates on the Joint Evaluation Unit's website.

3.1.1 Intervention logic

The intervention logic (IL) of the Commission's support to JSSR was reconstructed by the evaluation team on the basis of key official policy documents[10]. The IL is represented graphically in the impact diagram below (*see Figure 3*). It summarises, across five columns, the hierarchy of objectives, spanning from planned Commission security and justice assistance activities to the expected outputs of these activities; the broader results to which these activities will contribute; the intermediate impact this will have on human security, state capabilities and regional stability; and the expected global impact on peace, security and development more generally.

In summary the intervention logic can be read as follows:

Global objectives (-> Global impacts)

The intervention logic presents the two global impacts to which the Commission seeks to contribute through its support for JSSR, as mentioned in overarching documentation: 1) **strengthening of international peace and security** and 2) **fostering sustainable economic and social development**.

Intermediate objectives (->Intermediate impacts)

The three intermediate objectives for the Commission's support for JSSR correspond to the two high-level objectives which have evolved in JSSR thinking: **human security** and **effective and secure states;** and to a third objective pursued by the Commission, namely **regional stability and cooperation**.

Specific objectives (-> Results)

The specific objectives largely refer to the overarching objectives defined by the OECD/DAC and endorsed by the Commission in its policy documents: the development of **national leadership and ownership** of reform processes; the improved and **sustainable delivery of security and justice services**; and the establishment of effective **governance, oversight and accountability** in the justice and security systems. Alongside these objectives, there are two other specific objectives of Commission JSSR assistance that received substantial attention in its policy documents: the **security and welfare of ex-combatants** (related to Demobilisation, Disarmament and Reintegration); and enhancing the **Commission's capacity to develop and implement JSSR programmes effectively** as well as the **added value it provides** in this area.

Outputs

The outputs column contains a list of indicative outputs derived from each category of the Commission's primary activities in support of JSSR. They are primarily based on the description of JSSR activities in Annex 2 of the Commission Communication on *A Concept for European Community Support for Security Sector Reform,* COM (2006)253.

---

[10] The intervention logic is mainly based on two key documents that outline the intent of Commission assistance in the area of security and justice reform: *A Concept for European Community Support for Security Sector Reform*, COM (2006)253 and *Council Conclusions on a Policy Framework for Security Sector Reform*, 2006. Other documents were also taken into account, namely the *EU Concept for ESDP Support to Security Sector Reform*, 2005, and the *Council Conclusions on Security and Development*, 2007.

Activities

The activities correspond to the six core areas of intended Commission activity in the security and justice domain, described in COM (2006)253, and include: 1) civil management bodies; 2) civil oversight mechanisms; 3) justice reform; 4) law enforcement (including border management); 5) support for the reintegration element of DDR; and 6) limited support to the armed forces in civilian activities. Two additional activities were represented in the diagram since they received much attention in the policy documents: first, the level and quality of investment in capacity-building activities within the Commission itself which are key to enhancing the effectiveness and value-added of Commission support to JSSR; second, the extent to which Commission interventions are preceded and accompanied by effective policy dialogue with the Commission's various partners - on the one hand, its Council counterparts, Member States and other donors, and on the other the recipients of Commission assistance - with a view to enhancing the coordination, complementarity and overall coherence of international JSSR-related support in partner countries and regions.

The hierarchical linkages for attaining the expected impacts are made explicit in the diagram. The latter also highlights the level at which the Evaluation Questions are pitched within the intervention logic.

Figure 3 – Intervention Logic and EQ coverage
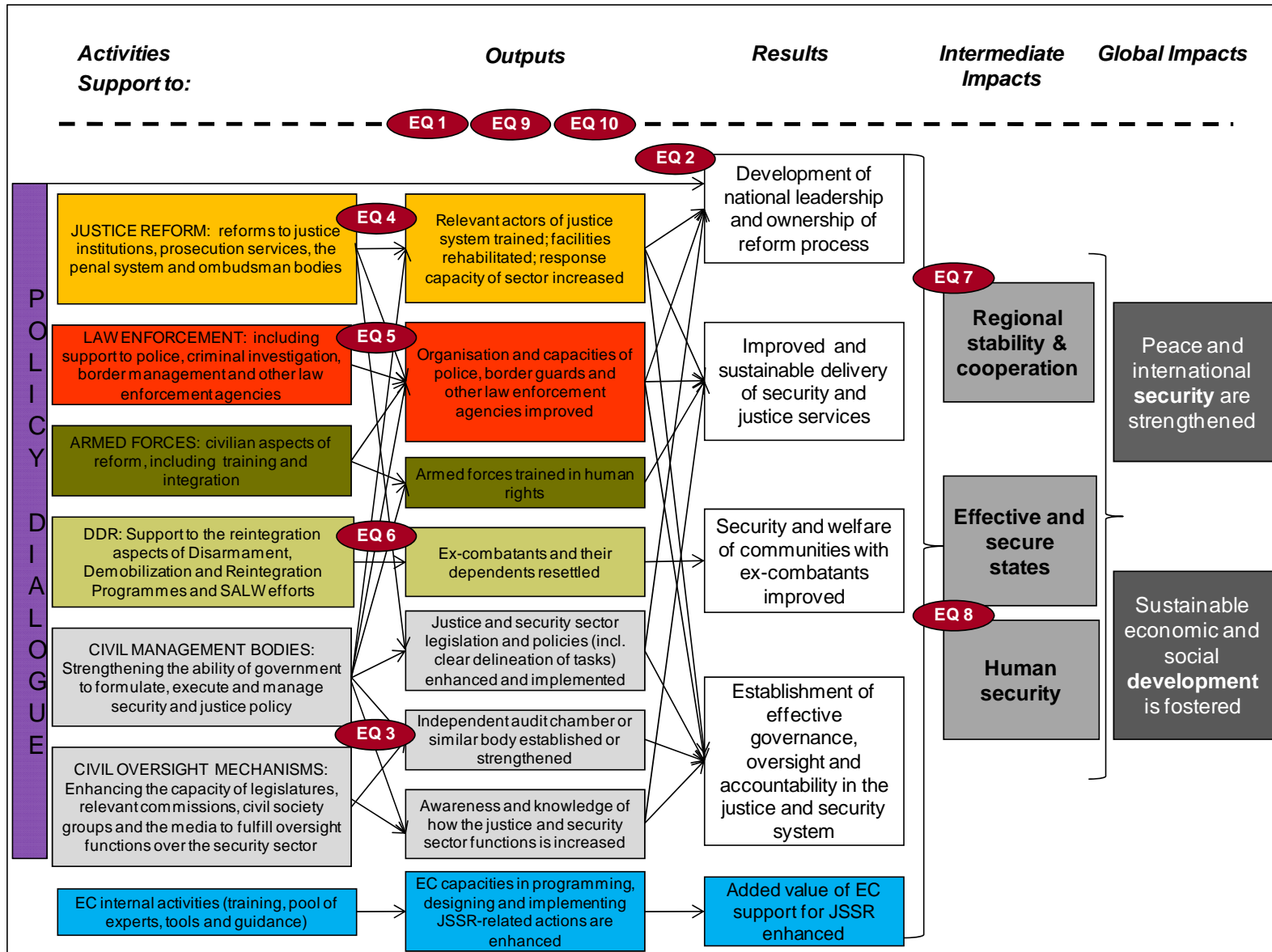
3.1.2 The set of Evaluation Questions

Based on the information gathered during the Inception Phase from analysis of the main Commission and Council policies and other international policy documents relating to JSSR, the reconstructed intervention logic, the mapping of Commission financial support, and interviews with EU staff, the Inception Report proposed a set of **ten Evaluation Questions (EQs)**. They were developed with a view to limiting the scope of the evaluation so as to focus the analysis on the issues deemed to be the most helpful to the Commission in developing its JSSR assistance policy and programming.
They are grouped as follows:

- two (EQs 1 and 2) focus on strategic issues: relevance and added value as well as national ownership of JSSR process;

- four (EQs 3 to 6) seek to assess the Commission's interventions in key areas of JSSR;

- two (EQs 7 and 8) assess the impact of the Commission's support to regional stability, state security and human security; *and*

- two transversal questions (EQs 9 and 10) which address cost-effectiveness and issues of coordination and complementarity.

The ten EQs are summarised in the table below and are also presented in detail in Annex 2, with their associated judgment criteria, indicators, and information sources.

Table 1 – set of Evaluation Questions

EQ 1	Relevance and Value Added	To what extent has the Commission's support to JSSR in partner countries been in line with its policies and objectives in that field and with wider EU development objectives, and what has been the Commission's added value?
EQ 2	National Ownership of JSSR process	To what extent has the Commission's support been delivered in collaboration with national actors and contributed to the design and implementation of, or reinforced existing, nationally-led JSSR processes?
EQ 3	Civil Management Bodies & Civil Oversight Mechanisms	To what extent has the Commission's support contributed to enhanced formulation, execution and management of security and justice policies by executive branches of government and oversight of the security and justice sectors by civil actors?
EQ 4	Justice Reform	To what extent has the Commission's support contributed to the strengthening of the justice machinery, including access to justice by the population and the penal system?
EQ 5	Law Enforcement (incl. Border Management)	To what extent has the Commission's support contributed to increased personal and community safety, improved law and order, reductions in crime and the improved security and regulation of borders/border areas?
EQ 6	Support to DDR	To what extent has the Commission's support for DDR enhanced the security and welfare of former combatants, their families and the wider communities where return or resettlement has occurred?

EQ 7	Regional Stability	To what extent has the Commission's support contributed to regional stability through interventions at local/national and regional levels, including support provided to regional organisations?
EQ 8	State Security and Human Security	To what extent has the Commission's support for JSSR contributed to more secure and effective states that can meet the security and justice needs of their populations?
EQ 9	Cost-Effectiveness	To what extent has the mix and sequencing of the Commission's financing instruments/budget lines, aid delivery methods and policy dialogue as well as the regulatory framework been appropriate in view of achieving cost-effective and timely JSSR interventions?
EQ 10	Coordination and Complementarity	To what extent have the Commission's strategies, programmes and activities in support of JSSR been designed and implemented in a coordinated and complementary manner within the EU (Council, EUSR and Member States) and with respect to other donors?

The figure below provides a schematic overview of the coverage of the evaluation criteria and key issues by Evaluation Questions.

Figure 4 – Coverage of evaluation criteria and key issues by EQ

Evaluation criteria	EQ1 Relevance and added value	EQ2 Nationally owned JSSR process	EQ3 Civil Managem ent & Civil Oversight	EQ4 Justice Reform	EQ5 Law Enforcement (incl. border management)	EQ6 Support to DDR	EQ7 Regional stability	EQ8 State security and Human security	EQ9 cost-effectiv eness	EQ10 Coordination and Complementa rity
Relevance	■	□	□	□	□	■				
Effectiveness			■	■	■	■	■			
Impact							■	■		
Sustainability		■	□	□	□	□				
Efficiency									■	
Coherence	■									
EC added value	■									□
Key issues										
Cross-cutting issues	□			□	□	□				
3Cs										■

■ Largely covered   □ Partially covered

3.2   Tools and sources of information

Once the structuring stage had been completed, information or facts were collected by the evaluation team using specific evaluation tools. This was carried out in the data collection stage which was divided into a Desk Phase and a Field Phase. **Given the complexity of the subject to be evaluated, a combination of tools was chosen** so as to ensure that it would be possible to collect sufficient data to validate all identified indicators. Several levels of information had to be collected to inform the more general-level indicators, as well as country-level and specific-intervention-level indicators. Moreover, the tools used had to allow verification and cross-checking of the information collected. For example the country-level documentary analysis was completed and cross-checked with the field missions in eight countries as well as with the answers to the EUD survey.

The toolbox used for this evaluation is schematically represented in the figure below. Further details for each tool are then provided. The indicative coverage of funding by the evaluation tools is also presented at the end of this section.

Figure 5 – Main information sources and tools
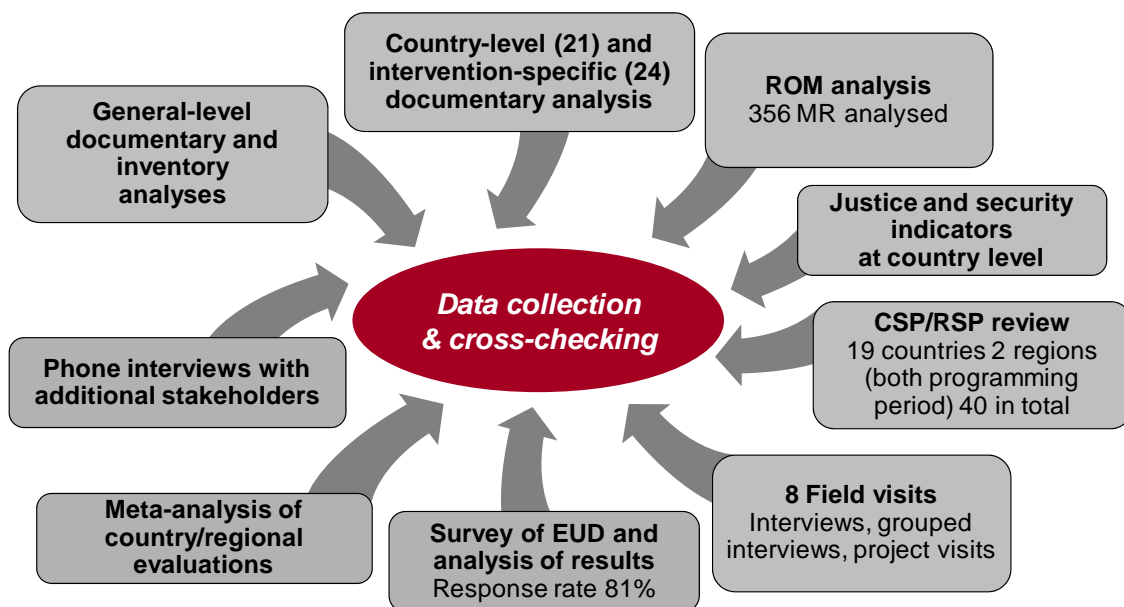
- **General-level information**: strategy or general-level policies, reports, studies, mechanisms, guidelines from the Commission and the Council as well as relevant documents from the OECD/DAC, international organisations, think-tanks and universities, were analysed with reference to several general-level indicators contained in the data collection grids (in particular for EQs 1, 2, 9 and 10). General-level information was also obtained from interviews conducted at Headquarters and from the analysis of the Inventory of Commission financial support to JSSR[11] that was compiled during the Structuring Phase.

_____

[11] Many of the interventions included in the inventory were actually designed in another thematic area, such as Governance, Rule of Law, or Human rights. They are therefore likely to have been less influenced by the SSR framework or concept.

▪ **Country-level and intervention-specific information** for 24 interventions implemented in 21 countries. These interventions were selected from the inventory of the Commission's support to JSSR over the period 2001-2009. The aim of the selection was to (i) reflect the diversity of Commission interventions in support of JSSR and (ii) yield the information required to substantiate the Indicators and Judgment Criteria of the Evaluation Questions. The criteria used for selecting these interventions were the level of Commission financial contributions, the geographical coverage (regions and countries), the JSSR core areas covered, the financing instruments, the channel(s) of delivery, and the dates of implementation. The interventions selected represent 40% of the Commission's total financial support to JSSR.

The evaluation team collected and analysed the information at intervention level (for these 24 interventions) but also at country level in the 21 countries in which these interventions were or are being implemented.[12]

▪ **Field missions:** country-level field missions were conducted in eight of these 21 countries: Armenia, Chad, Colombia, Georgia, Guatemala, Indonesia, Rwanda and South Africa. This selection of countries offered a diversity of country and regional contexts, areas of JSSR intervention, financing instruments, aid delivery methods, and actors. This is the information source with the lowest representativity (11% of total JSSR funding over the evaluation period) but it allowed for a deeper understanding of the interventions selected under the Desk Phase and facilitated cross-checking of the information gathered from other sources (*see Figure 6 below*). The debriefings presented to EU Delegations at the end of each mission can be found in Annex 11.

▪ **Review of Country Strategy Papers (CSPs)/Regional Strategy Papers (RSPs):** a systematic review of the CSPs and RSPs for both programming periods (2001-2007 and 2008-2013) of the 21 countries and respective regions in which the selected interventions were or are being implemented was carried out by the evaluation team. The aim was to answer a series of questions tackling specific issues under each EQ. To this end a specific on-line questionnaire was drawn up and used by all team members participating in the review. This enabled the team to gather data in a consistent manner and obtain results that could easily be aggregated. In total, 40 CSPs and RSPs were reviewed (some countries only had a CSP for the second programming period). Annex 6 presents the questions as well as an outline of the results of the CSP/RSP reviews.

▪ **Justice and security indicators at country level:** indicators relating to justice and security issues for the 21 countries in which the selected interventions were or are being implemented were collected from existing and readily-available data-sets and analysed by the evaluation team. Annex 10 presents the approach, limits and results of this analysis. It provides general background information on each country's justice and security situation and was mainly used for EQ 8.

---

[12] In this context the following activities were carried out by the evaluation team: 1) examination of Commission country strategy documents and evaluations relating to countries in which the 24 interventions were or are being implemented; 2) examination of the available intervention-specific documents (extracted from the Common RELEX Information System (CRIS) and received from the Commission), for the 24 selected interventions: programming documents, implementation reports, monitoring and evaluation reports; 4) interviews with Commission Headquarters (HQ) staff in charge of the individual country programmes, and telephone interviews with EUD staff in charge of the design or implementation of the interventions selected.

- **Survey sent to EU Delegations: a survey of EU Delegations was organised to collect the views of Commission staff in the field.** The survey addressed most of the issues raised under the ten EQs. It covered transversal issues as well as a certain number of straight-forward matters such as the conception and design of JSSR interventions, the EU Delegations' capacities to manage JSSR projects, and the impact of JSSR assistance. Requests for participation in the survey were sent to 56 EU Delegations. Selection criteria were: countries that benefitted the most from JSSR funds, the 21 countries covered during the Desk phase, and the participation of the EU Delegations in the DEVCO seminar on Justice and Security Sector Reform in EU External Aid organized in Brussels in May 2011.[13] In total 44 EU Delegations responded (81% response rate),[14] and the aggregated results can be found in Annex 7.

- **Additional phone interviews:** these were conducted with key international and regional partners of the Commission in JSSR such as the OECD, African Union, UN and WB at HQ level. The aim of these interviews was to gather relevant additional information from the perspective of Commission partners. The issues tackled were JSSR guidelines, implementation, and coordination at general level for JSSR-related projects (including DDR).

- **Results-Oriented Monitoring (ROM) analysis:** The ROM analysis was carried out on 356 monitoring reports (MR) falling within the scope of this evaluation The aim of this analysis was to widen the coverage of the fact-finding analysis by providing additional quantitative and qualitative information on the performance of JSSR-related interventions financed by the Commission worldwide over the period 2001-2009. It allowed fine-tuning of the findings gathered through the desk and field phase, cross-checking of the information, and confirmation or informing of some statements included in the answers to the EQs. The methodological approach and the results of the ROM analysis are provided in Annex 8.

- **Meta-analysis of evaluation reports**: 11 existing evaluation reports of Commission support to partner countries or regions were reviewed on the basis of the analytical Data Collection Grid (*see Annex 5*). Evaluation reports for Angola, Burkina Faso, Chad, Democratic Republic of Congo, Liberia, Nicaragua, Rwanda, Sudan, Thailand, Ukraine and the MEDA region were analysed. The information was gathered at the levels of the Judgement Criteria with the aim of providing an additional basis for the analysis presented in this Final Report.

The figure below provides an indicative coverage of funding using the evaluation tools. Of course several tools can cover the same funding (e.g. country analyses carried out during the eight field missions are also those covered by the survey sent to EU Delegations as well as the CSP/RSP review). But overall, the tools used in the evaluation (except those covering the entire funding, that is the analysis of the inventory, general level documentary analysis and the interviews at Headquarters) allowed the evaluation team to cover 80 % of the Commission's financial support for JSSR over the period 2001-2009.

---

[13] This survey was sent to Heads of Delegations as well as Programme Officers responsible for JSSR interventions in order to obtain their views.

[14] Two Delegations were not taken into account in the response rate: the EU Delegation in Yemen where the personnel had to be evacuated for security reasons at the time of the survey, and the EU Delegation in Sri Lanka which had no JSSR intervention over the evaluation period.

Figure 6 – Percentage of JSSR funding covered by each evaluation tool
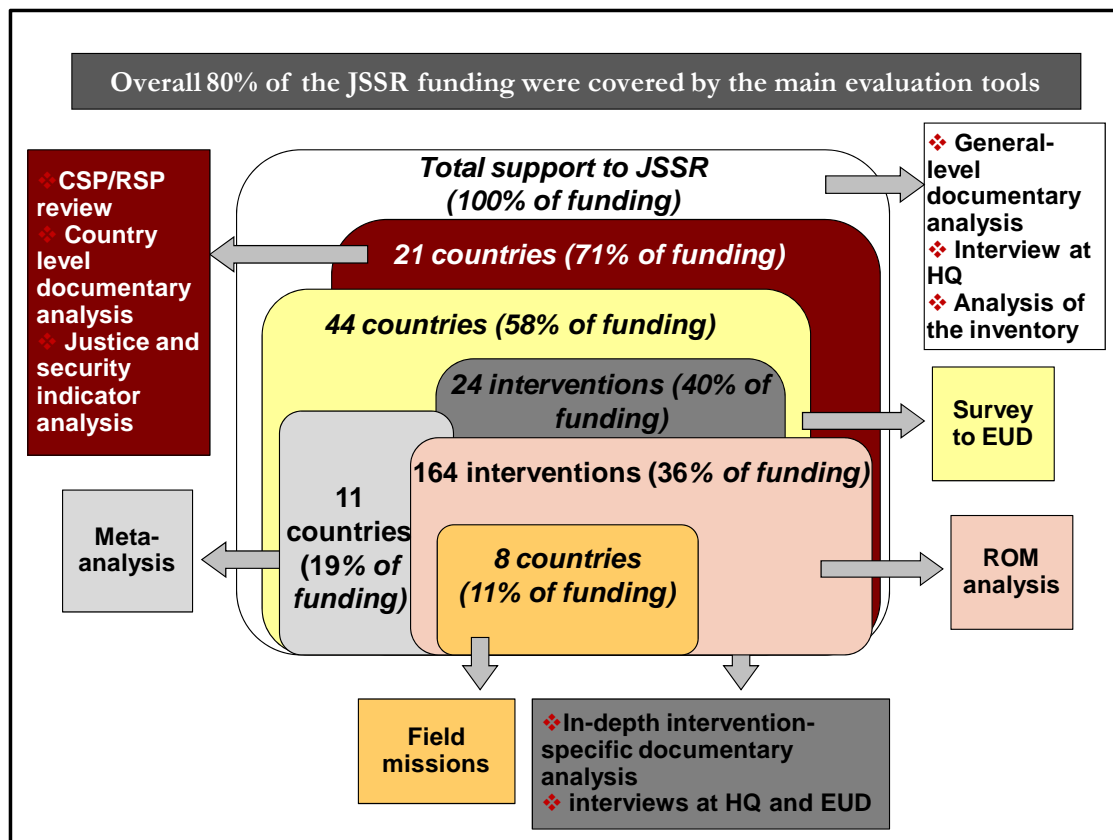
3.3 Challenges and limitations

The limitations of the analysis are closely related to the **quantity and quality of the information that was available to the evaluation team**. This relates in particular to the process of obtaining (i) key documents on the selected interventions; and (ii) important policy documents. Problems encountered in information collection were mainly due to the lack of information on results and impact. This was particularly due to the absence of systematic and detailed monitoring and evaluation of assistance programmes. The team tackled this challenge by diversifying the sources of information. It then triangulated and cross-checked all information collected in the analysis. Another limitation was imposed by time in two respects. First, even though the 24 interventions were carefully selected, the timeframe for some precluded definitive judgements on impact as this would have been premature. Second, while the time allocated for fieldwork was sufficient to satisfy the requirements of a strategy-level evaluation, it was not sufficient to allow the evaluators to thoroughly assess the detailed activities associated with specific interventions.

Finally, a **strategy-level evaluation** of this kind is a challenge *per se*. It goes beyond a mere summation of evaluations of multiple operations and tackles many cross-cutting and high-level issues. It also covers different justice and security related sectors, periods and countries, and simultaneously focuses on individual interventions. This challenge has been tackled mainly through the specific structured methodological approach, based primarily on the reconstruction of the intervention logic; the definition of Evaluation Questions, Judgement Criteria and Indicators; and the choice of countries and interventions for the desk and field studies.

4. Answers to the Evaluation Questions

This chapter presents the answers to the ten Evaluation Questions. There are three levels of analysis (with corresponding degree of details), providing three levels of reading:

- **Answers** to each Evaluation Question (EQ) in the form of **summary boxes**
- **Findings and analysis** on which each answer is based, as provided in the remainder of the text with indications of the Judgement Criteria (JC) on which they are based
- **Facts** on which the findings are based, as provided in the Data Collection Grids (respectively for the compiled data collection grid, and for the meta-analysis in *Annexes 4 and 5*). They consist of specific information on assessment at the level of the Indicators (I) under the JCs and EQs to which the different sections of this chapter refer. In addition, results of the CSP/RSP review (*Annex 6*), of the survey to EU Delegations (*Annex 7*) and of the ROM analysis (*Annex 8*) are directly provided in each EQ where relevant.

A number of references to the 24 selected interventions are made in the following text in order to substantiate the findings and provide examples. To facilitate the reading, abbreviations are used in the text. **A list of all selected interventions with their abbreviation is provided in Annex 4, Table 1.**

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

Evaluation Question 1 on relevance and added value

To what extent has the Commission's support to JSSR in partner countries been in line with its policies and objectives in that field and with wider EU development objectives, and what has been the Commission's added value?

This Evaluation Question addresses the dual nature of JSSR in EU external action: it is at the same time a key component of economic and social development in countries and regions where the EU provides development assistance, and it is a part of the EU's security and crisis management policies.

The question covers the issue of **relevance** *from two angles:*

- *First, the evaluation has sought to verify whether at the programming stage the Commission's support to JSSR has reflected the priorities and principles set out in the key EU concepts and policies relevant to JSSR. As these policy documents have only been issued recently, the alignment of the Commission's support on international JSSR policies and guidelines (such as those issued by the OECD/DAC)[15] has also been assessed, in particular for interventions initiated early in the evaluation period.*

- *Second, the suitability of this support has been assessed against the broader development and security objectives of the EU as set out in the Commission Communications on Conflict Prevention (2001) and on Governance and Development (2003), the European Security Strategy (2003), the EU's Development Policy Statement, and the European Consensus on Development (2005).*

This question also covers the Commission's **added value** *in JSSR as outlined in its main Communication on JSSR (COM(2006)253, section 4.3). This specifies a number of distinct features of the way in which the Commission operates and which enable it to provide added value in support of JSSR (e.g. its supranational nature, long-term presence on the ground, and commitment to policy coherence for development).*

EQ 1 on relevance and added value – *Answer Summary Box*

The Commission support to JSSR was generally aligned with its wider policy objectives although mechanisms to promote an integrated approach to security and development were weak. Over the period of the evaluation, references to the EU policies and concepts specific to JSSR as well as to the OECD/DAC principles have become more frequent in programming documents. The main value added of the Commission's JSSR interventions is perceived by many stakeholders in partner countries as deriving from its supranational character.

Over the two programming periods covered by the evaluation (2001-2007 and 2008-2013) there was increasing reference in Commission programming documents to JSSR principles consistent with the OECD/DAC guidelines. Strategic security and governance assessments of the sector were rare. With the exception of the few countries in which the Commission adopted a sector-wide approach to dealing with security and justice issues, stakeholders perceived the Commission as adopting a case-by-case approach to JSSR programming rather than a strategic approach.

---

[15] Bearing in mind that the DAC guidelines were only endorsed by members in 2004, and that it would take some time for those principles to be effectively integrated into policy and programming.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

While they frequently referred to the EU's wider policy commitments, programming documents seldom analysed the linkages between support to JSSR and the wider EU development objectives, and although the need for an integrated[16] approach to promoting security and development was often mentioned in the CSPs, it was seldom taken into consideration in the project documents. Cross-cutting issues were taken into account in CSPs and project documents; this is especially true of good governance and human rights, which were at the core of many JSSR projects, whereas gender, although mentioned in nearly all project documents, was not always effectively addressed at the implementation stage.

When they addressed the issue of the value-added of Commission interventions in the field of JSSR, programming documents most frequently mentioned the variety of financial and non-financial instruments available to the Commission's cooperation programmes. Stakeholders of the Commission's interventions in partner countries highlighted other features relating to the supranational character of the Commission: its perceived neutrality, the large diversity of models and experience available among EU MS, the Commission's capacity to mobilise expertise in all EU MS, and its experience in the design and implementation of regional projects.

JC 1.1 Extent to which the Commission's support to security and justice reform has been informed by EU and internationally-agreed policies and concepts relevant to JSSR

Over the period covered by the evaluation, EU policy documents increasingly made reference to JSSR. This was the case mainly after 2005[17] (i.e. the second half of the period covered by the evaluation), but there was also occasional reference to JSSR beforehand[18]. In 2005 the OECD/DAC issued its guidelines on Security System Reform and Governance, which outline five key working principles that DAC donors committed themselves to adopting. Against that background the DAC also agreed on a series of ten recommendations for action[19].

References to internationally-agreed policies and concepts relevant to JSSR in the Commission's programming documents increased during the 2002-2007 and 2008-2013 programming periods. Of the 21 CSPs/RSPs covering the second programming period (2008-2013), only one refers to key EU policy documents on JSSR, and only three refer to the OECD/DAC guidelines. However, references to principles consistent with the OECD/DAC recommendations were more common:

---

[16] Under this EQ what is meant by integrated is that interventions are designed with a view to foster both security and development and is in this way "integrated". It is not a reference to the 2001 COM on conflict prevention and the four dimensions of the integrated approach to CPPB.

[17] These specific documents as of 2005 are: Joint EU's Development Policy Statement and the European Consensus on Development (2005); EU Concept for ESDP Support to Security Sector Reform (2005); Concept for Commission Support for SSR (COM (2006)253); Council Conclusions on Policy Framework for SSR (2006); Council Conclusions on Security and Development (2007).

[18] Reference in earlier documents, e.g.: Commission Communication on Conflict Prevention (COM (2001)211); Commission Communication on Governance and Development (COM(2003)615); European Security Strategy (2003)

[19] OECD/DAC, *Security System Reform and Governance, DAC Guidelines and Reference Series*, 2005 (http://www.oecd.org/dataoecd/8/39/31785288.pdf).

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

▪ Half of the 40 CSPs/RSPs examined refer to one or more of the eight principles reviewed (*see table 2*). Of these 20 CSPs, 18 covered the second programming period. Indeed, only in the case of Georgia and South Africa were such references made over both programming periods. Even though references to these international documents were made in only four cases (one CSP referred to the Council Conclusions on a Policy Framework for Security Sector Reform, and three to the OECD/DAC guidelines) their publication contributed to reasserting the importance of certain concepts relevant to JSSR (*see table 2*), and these were increasingly taken into account in CSPs/RSPs.

Table 2 – Type of principles referred to in CSPs/RSPs reviewed

Type of principles referred to	2002-2008	2008-2013	Total
1. Nationally/regionally owned reform processes	3	10	**13**
2. Policy coherence by taking a whole-of-government approach to SSR	0	3	**3**
3. Greater co-ordination between development and other actors	0	8	**8**
4. Strengthened institutional frameworks and human capacity for managing SSR	1	5	**6**
5. Development of workable multi-sectoral strategies	0	2	**2**
6. Creation of a pro-reform environment (e.g. support to civil society)	1	5	**6**
7. Building on existing initiatives where possible	1	7	**8**
8. Adopting a regional perspective when supporting the national SSR process	1	3	**4**
Total	*7*	*43*	*50*

▪ **Some principles are more frequently mentioned than others.** Table 2 also shows that some of the principles such as the importance of a nationally- or regionally-owned reform process or the importance of coordination between actors and of building on existing initiatives were more frequently mentioned than others. The adoption in 2005 of the Paris Declaration may to some extent explain the emphasis put on these principles during the second period.

In most of the countries visited by the evaluators, **stakeholders perceived the Commission's approach to JSSR as being more "context-driven" than influenced by a strategic vision or concept of JSSR.**[20] There are, however, examples of the contrary such as in Armenia and Rwanda where several stakeholders noted that there was a shift from a project approach to a sector-wide approach. This resulted in Commission programmes that were better aligned with JSSR concepts, and that contributed to a more integrated approach involving all national institutions working in the sector.

Most CSPs reviewed address issues of security and governance in the partner countries. Two thirds of the CSPs examined (27 out of 40) include in the chapter devoted to the context analysis a presentation of the security and governance situation in the

---

[20] This perception stemmed from different aspects such as: lack of training with staff acknowledging that the programme they managed was not inspired by a strategic vision of the sector in the country, or the Commission mainly agreeing to support a reform undertaken by partner countries without linking such support to a broader strategy in the JSSR sector in the country.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

partner country or region. In most cases this presentation is purely descriptive and does not provide much guidance to the Commission's cooperation strategy. There are, however, cases[21] in which security and governance issues are analysed in their relationship with development and have a distinct influence on the Commission's cooperation strategy. In Georgia, the 2001-2007 CSP was revised in 2002 so as to take into consideration the political crisis and to put security issues (justice, rule of law, good governance and peace building) at the core of the Commission's cooperation strategy. But there was little evidence of project design that was informed by a strategic security and governance assessment or a strategic vision of JSSR.

JC 1.2 On the consistency of Commission's support to security and justice reform with wider EU development objectives

The programming documents often refer to wider policy commitments, but in a rather formulaic manner and without analysing the linkages between support to JSSR and the wider EU development objectives.

A substantial share of the CSPs/RSPs reviewed refer to overarching policy commitments:

- Nearly all (37/40) refer to at least one EU policy document with overarching policy commitments;

- About half (18/40) refer to an EU Treaty: eight in the first period and 10 in the second;

- Nearly all the CSPs/RSPs from the second period (20/21) refer to the EU Consensus on Development;[22]

However, even where CSPs/RSPs refer to wider EU development objectives, they rarely make a specific link with JSSR support. Rather, they state in general terms that good governance, including the establishment of a stable and secure state, is part of a development-enabling environment. Typically the 2008-2013 CSP for the Central African Republic (CAR) states that the main objective of the Commission's cooperation is to promote some key requirements for sustainable development, such as peace, security and good governance.

The need to adopt an integrated approach to promoting security and development is often mentioned in CSPs, but is seldom taken into consideration in the formulation of the Commission's interventions. The majority of the CSPs/RSPs examined (26 of 40) mention the need to adopt an integrated approach to promoting security and development. Most of these (15) are from the period 2008-2013.

The absence of reference to the importance of an integrated approach is striking in such projects as the Law and Order Trust Fund (LOTFA) in Afghanistan, the justice reform and modernisation of police (PAMPA) in Algeria, and the Strengthening of the Rule of Law and Security (RoL) in Indonesia. These projects had very specific targets and this was positive, but no link was established in the programming documents between these targets and a wider strategy in the country reflecting the integrated approach that the Commission

---

21 For instance in the Democratic Republic of Congo, Georgia or South Africa.
22 Other overarching policy documents frequently mentioned in CSPs for African countries are the 2005 EU Strategy for Africa and the Cotonou Agreement; and in countries coming under the European Neighbourhood Policy, the 2003 EU Security Strategy.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

wished to adopt. Cases where there is an explicit and comprehensive integrated approach are exceptional; and of them, several are linked to DDR.[23]

Stakeholders acknowledged that Commission interventions in the field of JSSR were consistent with the wider goals of the EU's external cooperation. The argument that justice and security are prerequisites for sustainable development is unanimously accepted. In countries of the EU neighbourhood, both EU MS and representatives of the governments acknowledge that JSSR interventions are consistent with the European Neighbourhood Policy (ENP) and contribute to meeting objectives stated in the Association Agreements.

Most of the programming and projects documents explicitly plan to take into account one or more cross-cutting issues identified by the Commission as priorities when intervening in the field of JSSR. The references to cross-cutting issues are much more frequent in the period 2008-2013 than in the period 2002-2008[24].

Table 3 – Cross-cutting issues referred to in CSPs/RSPs reviewed

Cross-cutting issues referred to	2002-2008	2008-2013	Total
Good Governance	9	18	**27**
Human Rights	8	16	**24**
Gender	8	15	**23**
Environment	3	2	**5**
Total	*28*	*51*	*79*

All of the projects examined were designed to take into account one or more cross-cutting issues. Indeed, improved governance and respect of human rights were at the core of the results expected. Gender was also frequently mentioned although in some cases (e.g. the PASS project in Honduras or the CSC project in Guatemala) this issue was not explicitly mentioned in the expected project results or included in performance indicators.

JC 1.3 On the specific role/value added of the Commission in supporting security and justice reform

Less than half of the strategy programming documents tackle the issue of the expected value added of the Commission in supporting JSSR. Of the CSPs/RSPs reviewed, 18 out of 40 (eight in the first period covered, 10 in the second) refer in one way or another to a specific Commission added value. They most frequently mention the variety of financial and non-financial instruments available to the Commission (12 references) and to a lesser extent the Commission's long-term presence on the ground, its global reach, and its supranational character (five references).

---

[23] The Contribution to the Multi-Country Demobilisation and Reintegration Programme (MDRP) in the Great Lakes region is an example of such integrated approach. The Financing Agreement underlines that "*conflict prevention and peace-building can be successful only if a holistic approach that addresses three key areas is pursued: the creation of a secure environment (including DDR), the promotion of participatory systems of government, and the promotion of economic and social well-being*".

[24] It should be noted that in the first period there are more cases where reference to cross-cutting issues would not have been relevant because there were no specific JSSR interventions or because the cross-cutting issue concerned would not have been relevant given the nature of the interventions.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

Programming documents for the interventions selected for the desk phase generally do not provide much information on value added.

The survey sent to Delegations and the interviews conducted in Brussels and during the field missions provide some insights into what is perceived by the Commission's staff and its partners as the value added of its cooperation.[25]

The Commission's supranational nature was most frequently mentioned by interviewees, whether Commission staff members or foreign partners, **as a distinct and positive feature of the Commission's cooperation.** This encompasses various aspects which, however, do not necessarily directly relate to JSSR.

- Interviewees[26] expressed the view that the Commission is a more neutral player than bilateral donors or the Bretton-Woods institutions. In particular its cooperation is not suspected of concealing a hidden agenda. The Commission is therefore considered a more appropriate partner for tackling sensitive issues such as JSSR.

- Interviewees[27] underlined the variety of models and experiences available to the Commission through the 27 EU MS and praised the Commission for its capacity to mobilise expertise in the EU MS and their specialised agencies.[28] It may be noted that, while giving credit to the Commission for its expertise mobilisation capacity, some interviewees expressed the view that the Commission itself has limited in-house technical capacities.

- According to interviewees in Armenia, Georgia and Indonesia, the Commission - because of its supranational character - has a better capacity than bilateral donors to formulate and implement regional projects involving several partner countries.

The Commission's capacity to mobilise a critical mass of funding and to resort to various financing modalities and implementation tools was mentioned by a large number of interviewees, who also stressed that the Commission's aid is provided as grants and not as loans. Delegation staff members who mentioned this argument also pointed out that the magnitude of the Commission's aid and the diversity of its instruments makes possible implementation of comprehensive approaches to JSSR involving all actors of the sector.

The long experience of the Commission in the country and the continuity of its assistance programmes were highlighted by interviewees in Colombia, Sudan and Rwanda. In Armenia and Georgia, continued cooperation with the Commission is seen as a valuable means of creating the conditions for closer relations, not excluding accession.

---

[25] Of 44 Delegations responding to the survey, 32 stated that the Commission's cooperation brought a specific value-added compared to the EU MS and/or other donors in terms of support to JSSR; ten did not answer this question and only two denied any specific value-added to the Commission's cooperation.

[26] In Afghanistan, Algeria, Angola, Chad, Colombia, Haiti, Indonesia, Lebanon, Philippines, Rwanda and Timor-Leste

[27] In Armenia, China, Colombia, Honduras, Georgia, Guinea-Bissau, Russia, Syria, Tunisia and Uruguay.

[28] In the cases of Armenia and Georgia this statement especially refers to the highly-appreciated implementation in these countries of twinning projects.

Evaluation Question 2 on national ownership of JSSR processes

To what extent has the Commission's support been delivered in collaboration with national actors and contributed to the design and implementation of, or reinforced existing, nationally-led JSSR processes?

*This question examines the extent to which the Commission's support has reinforced **national ownership of security and justice reform processes at design level or during implementation**. As underscored in COM (2006)253, national ownership of JSSR "is of central importance to ensure a sustainable reform process. National ownership of the overall reform process should therefore be ensured, together with engagement by the different national and regional stakeholders".*

In cases where JSSR processes do not already exist and the Commission seeks to provide support to initiate a reform process, the challenge is to ensure that there is genuine national buy-in to the process, that there is political will on the part of national authorities to drive the process forward, and that it is designed in such a way as to respond effectively to the needs and priorities of key national stakeholders among both the government and the population. Where a nationally-led JSSR process already exists, the challenge facing the Commission is to find a way of supporting this process so that it responds effectively to national needs and priorities and continues to be driven by national actors. In both cases, political dialogue with relevant state and non-state stakeholders is of central importance in ensuring their sustainability, particularly when Commission support draws to an end.

*This question addresses the **relevance** of Commission interventions to partner country needs, objectives and policy frameworks in the context of reinforcing national ownership of JSSR processes. It also addresses the **sustainability** issue in the sense that it seeks to verify whether Commission support reinforced the role of national state and Non-State Actors in leading JSSR processes, which is key to ensuring sustainability.*

EQ 2 on national ownership of JSSR processes – *Answer Summary Box*

The Commission was committed to providing JSSR assistance in ways that reinforced ownership by national stakeholders. It sought to translate this commitment into practice in various ways - including through policy dialogue with partner governments; by aligning its programmes with the relevant national development and security frameworks; and by involving national stakeholders in the design, implementation and monitoring of its interventions - though its success was variable.

COM (2006) 253 stresses the importance of national ownership of JSSR support programmes. However, no specific guidance was available to Commission staff on how this could be achieved.

In practice, policy dialogue with the national authorities during the formulation and implementation of interventions was commonly used for that purpose. Involvement of Non-State Actors in this dialogue was much less frequent.

Strategic governance and security assessments were carried out in about half of the partner countries in order to inform the design of country strategy programmes and interventions. Additionally, there is evidence that even when no specific

---

assessment was commissioned to inform project design, the formulation of interventions generally relied on some form of background analysis.

Commission interventions in support of JSSR referred to other existing strategic development and security frameworks without, however, making it clear how synergies could be developed with these broader strategic processes.

Government and relevant state agencies of partner countries were in most cases involved in the formulation, implementation and monitoring of Commission JSSR interventions, but involvement of civil society representatives remained limited.

In countries where the Commission supported JSSR processes, its financial and non-financial contributions have been quite substantial. There is, however, no evidence that consideration was given as to how this Commission support could best be used to have a catalytic effect on a reform process or, in the case of budget support, that the amount provided was proportionate to the implementation costs of the reform it aimed to support.

Most stakeholders, particularly on the government side, acknowledged the Commission's efforts to ensure ownership of the JSSR processes it supported.

JC 2.1 Extent to which Commission support for JSSR was delivered in a manner that involved national actors and reinforced their ownership of the process

Commission Communication (2006) 253 notes the importance of national ownership and the need for national inputs into the design of JSSR support programmes.[29] But there is no evidence of clear Commission guidance on the tools and strategies available to enhance national ownership while ensuring that Commission-supported interventions are tailored to national capacities and priorities, and are sustainable.

COM (2006)253 makes a number of recommendations which have broad potential relevance to this challenge of reinforcing national ownership, which include: i) strengthening policy and programming dialogue; ii) ensuring coordinated planning (including the use of "needs assessments"); and iii) developing tools for planning and implementation (including "comprehensive SSR analyses"). However, there is no explicit discussion of how these recommendations would apply to the challenge of reinforcing national ownership.

There was no specific guidance available from DG DEV, RELEX or AIDCO on the topic of reinforcing national ownership in relation to JSSR although there are other more generic guidelines such as the Backbone Strategy on Technical Cooperation which may be useful in this regard.

---

[29] *"Political buy-in by national stakeholders is of central importance to ensure a sustainable reform process. National ownership of the overall reform process should therefore be ensured, together with engagement by the different national and regional stakeholders"* Commission Communication, *"A Concept for European Community Support for Security Sector Reform"*, COM(2006) 253, 24 May 2006, p.7.

**There is evidence that policy dialogue was used by the Commission in the majority
of its interventions to assist in their design and implementation. This dialogue was
mainly with national authorities, with much less effort made to solicit the views of
Non-State Actors.**

▪ The CSP/RSP review shows that when the Commission supported a JSSR process,
policy dialogue was generally carried out with state actors.[30] Policy dialogue with Non-
State Actors was less frequently mentioned in the CSPs/RSPs.[31]

▪ In most of the interventions analysed, reference was made to political dialogue that was
carried out primarily with national authorities, reflecting the fact that in most cases
state security or justice ministries and agencies were the target of Commission
interventions. In several cases, however, including Rwanda (Rule of Law) and Chad
(Prison Oversight), civil society actors were key to implementation and were included
in dialogue.

▪ The field missions confirmed the Commission's willingness to carry out with the
partner governments a policy dialogue aimed at ensuring ownership of the reforms. In
all of the countries visited, there were regular talks between the Commission and the
Government on justice and security issues.[32] However, this dialogue may in some
countries have been difficult or failed to ensure ownership of the reforms.[33]

The very long and bureaucratic Commission project formulation and approval process
often worked against national ownership. Although this process commonly extended up to
18 months, the relevant national authorities were not always given much time to scrutinise
drafts. When eventually a Decision was made the situation on the ground had often
changed and it was difficult to adapt projects and in this way secure buy-in by local actors.[34]

**In about half of the countries where the Commission supported JSSR processes,
formal strategic security and governance assessments were conducted or
commissioned by the Commission to inform the design of their country strategies
and interventions. Where such an assessment was not carried out, there is evidence
that in most cases programme designers drew on some form of background
analysis although there is limited evidence on the nature and quality of this
analysis.**

▪ Among the 27 CSPs/RSPs referring to Commission support for a JSSR process, 16
mentioned such an assessment taking the form of either political or governance
analysis. This was included in the context section of the CSP except in two cases (the
2008-2013 CSPs for Chad and the Democratic Republic of Congo 2008-2013) where

---

[30] Of the 27 CSPs/RSPs referring to Commission support for a JSSR process, all but one mentioned a policy dialogue
with state actors.

[31] Of the 27 CSPs/RSPs referring to Commission support for a JSSR process, 16 CSPs referred to it and 11 did not.
While it is true that this type of dialogue with Non-State Actors is less likely to be mentioned in strategy documents
such as CSPs/RSPs, field mission confirmed that the Commission has focused its policy dialogue on state
institutions.

[32] Positive examples were found in Armenia and Georgia, where the Commission assisted the Government in the
formulation of the justice reform strategy and action plan, as well as in Rwanda and Indonesia, where it supported the
implementation of sector strategies formulated by the Government.

[33] In the cases of Chad, Colombia and Guatemala, despite evidence of regular exchanges between the Commission and
the Government, this dialogue failed to persuade the Government to make firm commitments to implementing
certain reforms.

[34] This issue was especially raised in Chad, Indonesia and South Africa.

specific annexes were devoted to, respectively, a general governance assessment and an assessment of the conflict situation.

▪ Of the 44 Delegations which responded to the survey, 25 mentioned that a strategic security or governance assessment had been carried out, 16 of which had been commissioned by the Commission. 13 Delegations responded that no assessment had been carried out and six Delegations did not answer the question. In the 13 countries where no assessment had been carried out, the Delegations indicated that reports produced by other donors (11 references) or information provided by the Government (10 references) had been used to inform the design of the Commission's support.

▪ During the field missions, Delegations pointed out that the Commission's project formulation process normally included pre-feasibility and feasibility studies carried out by consultants[35] whereas the formulation of budget support programmes required an assessment of the sector policy for which the Commission was considering providing implementation support.[36]

▪ Where programmes were evolutionary in nature, there are indications that new phases which the Commission supported were informed by an assessment of past phases (e.g. Indonesia, Liberia) but there is limited evidence of the nature, depth and quality of these studies.

Commission interventions in support of JSSR were generally designed with knowledge of the existence of other relevant strategic development and security frameworks and appreciation of the need to ensure that the Commission-supported interventions were consistent with and supportive of these frameworks.

▪ In the vast majority of CSPs and project documents analysed, reference was made to other strategic frameworks ranging from peace agreements (DRC, Liberia, Guatemala) to national security and justice policies (Algeria, Chad, Georgia, Haiti, Honduras, Jamaica and South Africa) and poverty reduction plans (Chad, Guinea-Bissau). Indeed, of the 27 CSP referring to support to a JSSR process, 24 mentioned the need to align with the national strategic frameworks.

▪ In all eight countries where field visits took place, interviewees confirmed that reforms supported by the Commission in the field of justice and security are consistent with either overall strategic development frameworks (Armenia, Chad, Guatemala, Rwanda) or, where they exist, with more specific sector strategies (Armenia, Colombia, Georgia, Indonesia, Rwanda, South Africa).

However, beyond the overall statement that security and an accessible, efficient and fair justice system are key elements of a development enabling environment, there is little evidence that efforts have been made to create synergies between the JSSR processes and broader strategic processes.

---

[35] In Colombia the study commissioned to formulate the FORJUS project involved representatives of the Government, of other national stakeholders and of other donors. In Rwanda, the most recent interventions of the Commission took into account a Joint Governance Assessment financed by the Commission and DFID, which was jointly carried out in 2008 by the Government and development partners.

[36] In Georgia the EU and the Commission contributed from the very beginning to the assessment of the criminal justice system and to the design of its reform.

Inputs appear to have been sought from local actors in the design, implementation, and monitoring and evaluation phases of Commission interventions. Whereas the Commission was rather successful at involving government agencies, participation by civil society remained limited.

- On the involvement of national stakeholders in the design and implementation of Commission interventions, 24 Delegations out of 44 responded that the Government's involvement was high and 17 that it was moderate. [37] Figures relating to the involvement of justice or security agencies are similar: 22 high and 19 moderate.[38] Only ten Delegations felt that Non-State Actors actively participated in the design and implementation of the Commission's interventions, 21 considering that they were moderately involved. [39] Low involvement of Non-State Actors is explained by the weakness of civil society in given countries (e.g. in Guinea, Niger) or by the reluctance of governments to allow civil society organisations to be associated with the reform process (e.g. Nicaragua, Syria, Tunisia).

- Field missions confirmed this finding and allowed nuancing of it in light of the aid modality used. Indeed, government involvement was high in Armenia and Georgia where the Commission provided its aid to justice reform in the form of sector budget support. This aid modality entails the objectives of the reform process and the performance indicators through which its progress is monitored being jointly agreed between the government and the Commission. Implementation of the reform is entirely the responsibility of the government with technical assistance provided on demand by the Commission. But Non-State Actors were even less frequently involved in the implementation and monitoring of budget support programmes than they were when the Commission provided project aid. In Georgia, however, the Commission made its budget support to the Criminal Justice Reform contingent on the establishment of an Inter-Agency Coordination Committee (IACC) in which civil society organisations were represented.[40] In all countries visited, Commission projects were implemented under the leadership of a Steering Committee in which state actors were generally far better represented than civil society organisations.

Most national stakeholders, particularly on the government side, acknowledged that the Commission is attentive to ensuring ownership of the justice and security reforms it is supporting.

- In Armenia, Georgia and Rwanda, government representatives stressed that the provision of sector budget support resulted in a complete alignment of the Commission cooperation with the government strategy. In Colombia, the Ministry of Justice decided to turn the Project Management Unit, which had been put in place to

---

[37] On the involvement of national authorities: co-financing is a critical indication of ownership. Of the 24 selected interventions, four were co-financed. It must not be assumed, however, that the ownership of these was necessarily higher. For example, the PASS in Honduras was one of these four interventions and its level of ownership has been questioned.

[38] Several Delegations pointed out that the quality of their cooperation with public stakeholders varied from one institution to another. According to the Delegations' staff members, an uneven degree of commitment of the different ministers and heads of agencies involved, or tensions between different stakeholders within the sector (e.g. between judges and prosecutors), explain such discrepancies.

[39] Ten stated that Non-State Actors were hardly involved or not at all.

[40] The IACC therefore involves various ministries and agencies, members of civil society organizations and representatives of all the donors providing support to the reform process. Through monthly meetings IACC coordinates the reform implementation process and monitors its results.

coordinate implementation of the FORJUS project in support of the judicial sector, into a permanent section of the Ministry.[41]

Commission support for JSSR processes was substantial in both financial and non-financial terms, but there is limited information on the degree to which this assistance was catalytic in nature and had a sustained impact.

In most of the cases examined the Commission's financial support for the implementation of JSSR projects constituted a significant portion of the overall budget, and in relation to counterpart funds provided by partner governments and other donor resources. The major exceptions were where Commission support was provided through donor trust funds (i.e. the MDRP DDR programme, and the Liberia DDR programme) to which other donors also made significant contributions.

In most cases there is evidence that the Commission provided technical assistance to complement its financial support. Typically Commission funds financed TA projects implemented by consultancy companies. However, in the so-called Neighbourhood Countries technical assistance to JSSR has also consisted of civil servants sent by EU MS to cooperate with their national counterparts in the partner country.[42] In several cases there were indications that TA projects included a significant budget for the provision of equipment.

While the Commission's support to JSSR was significant in real terms over 2001-09, there was no evidence of whether and how calculations were made to determine whether this support was catalytic in nature (i.e. that it would make a real difference by precipitating a major change in governance or delivery of services in a particular sector) and whether the process which the Commission intervention supported was sustainable. This concern also arose in those cases where the Commission provided budget support.[43] More funding is not always better, particularly if it leads to a model of reform that is not tailored to local circumstances and creates unrealistic expectations of future Commission support that is not likely to be forthcoming. In the Central African Republic, while evaluation reports assessed very positively the contribution of the international experts provided by the project, they underlined that the project duration (18 months) had been too short to deliver sustainable results and that an exit strategy was missing in its design.

---

[41] Chad was another example where interviewees expressed the view that national ownership of the Commission-funded projects was generally achieved through the involvement of national stakeholders in the design of these projects.

[42] This was the case in Armenia where component of the Commission support to the Human Rights Defender's Office (HR Armenia) was implemented in the framework of a twinning project. Also in Ukraine and Moldova, some 22 EU MS have seconded experts to EUBAM which supports (it is an on-going project) the development of an effective and efficient border management system at their common border.

[43] In these cases (Armenia, Georgia, Rwanda, South Africa and Jamaica), the assistance provided seemed not to be calculated on the basis of the implementation costs of reform but was rather determined by the overall envelope allocated to the partner country in the National Indicative Programme (NIP) and to the share of this NIP that the Commission considered reasonable to provide in the form of budget support.

Evaluation Question 3 on civil management bodies & civil oversight mechanisms

To what extent has Commission support contributed to enhanced formulation, execution and management of security and justice policies by executive branches of government, and oversight of the security and justice sectors by civil actors?

This evaluation question covers Commission support for:

▪ *reforms intended to improve the functioning of civil management bodies across government that play a role in the formulation, execution and management of security and justice policy; and*

▪ *external oversight mechanisms which have the overall aim of enhancing democratic control and transparency of security and justice policy processes.*

Civil management bodies *include defence, finance, foreign affairs, internal affairs and justice ministries as well as specialised bodies or agencies in government (National Security Committees, Offices of the President or Prime Minister, etc.) that have a role to play in the management of security and justice policy. This area of work has as a central aim the strengthening of government capacity to plan strategically and implement policy effectively, as well as the strengthening of internal accountability mechanisms.*

In parallel, there is a diverse range of civil actors which have a role to play in overseeing the functioning of the security and justice sectors, *among which the key ones are: a) legislatures, including relevant select committees that have a specific mandate to oversee the security and justice sectors (public accounts, defence, justice and security committees); b) specialised, independent audit bodies or inspectorates with a mandate to conduct financial audits within security and justice agencies; c) offices of the ombudsman which may play a role in preventing corruption; d) human rights commissions, which are often linked to government, and e) various types of NGO and media organisation which play a 'watch-dog' role. Judicial authorities (primarily prosecutors and judges) also have a role to play in monitoring compliance by security and justice sector bodies with the law; this is addressed under EQ4.*

This question addresses the criterion of **effectiveness***. It also addresses issues of* **relevance** *with respect to the appropriateness of Commission support, and* **sustainability** *insofar as the task of enhancing the capacity of civil management bodies and civil oversight bodies should be conducted in a sustainable manner. In addition, it covers* **cross-cutting issues** *(human rights and gender).*

EQ 3 on civil management bodies & civil oversight mechanisms
– Answer Summary Box

The evaluation findings point to great variation from country to country in the emphasis placed on enhancing civil management and oversight capacities. Overall, the approach adopted focused more on technical approaches to building institutional capacity than on supporting institutional changes that would lead to improved delivery of security and justice services. High-level commitments to enhancing oversight of the security and justice sectors were not adequately translated into appropriate programming targeted at parliamentary, civil society and other oversight bodies.

The Commission provided modest support at strategic government levels at which planning and management of cross-sectoral or national policy responses to security and justice problems generally occurs.

The cases examined suggest that helping governments to develop more integrated policy responses to security and justice problems, particularly at a strategic government level, requires both a political and technical engagement which may not be facilitated by all approaches used by the Commission.

In a majority of the countries examined, Commission JSSR interventions have been focused at sectoral level to enhance the ability of security and justice ministries to manage policy processes and the activities of implementing bodies (e.g. the police, the court system).

Commission programmes have generally favoured a capacity-building approach (essentially through training, equipment and infrastructure development) when it comes to enhancing the capacity of ministries to manage security and justice policies as well as the activities of relevant agencies. While there has been some strengthening of the legal and policy frameworks in which ministries operate and improvements in organizational capacity to deliver services, the measurable impact on the lives of people has been limited.

The Commission rarely provided dedicated assistance to help strengthen personnel management and budgetary processes, despite the fact that both areas are key to improving the accountability and effectiveness of security and justice sector management processes.

Despite general acknowledgement in CSPs and programming documents of the important role which civil society and the media have to play in security and justice provision, in practice the Commission did not direct extensive JSSR assistance at civil society and the media.

There was limited evidence that, as a result of the Commission's support, these groups have been able to voice their perspectives on government justice and security issues and advocate for change.

JC 3.1 On enhancing the ability of governments to implement more strategic, balanced and sustainable policy responses to security and justice challenges

The Commission provided modest support at the strategic government level at which the strategic planning and management of cross-sectoral policy responses to security and justice problems generally occurs. Such a focus might implicate various bodies including Offices of the President or Prime Minister, their Cabinets, national security committees, or other bodies with a mandate to formulate and implement government-wide policy responses to security and justice challenges.

- The inventory carried out in the structuring phase of this evaluation *(see Annex 9)* shows that only 4% (or €39 m) of the total amount contracted by the Commission in support for JSSR over the period 2001-2009 explicitly targeted civil management capacities, and most of those funds were channeled to line ministries.

- Amongst the interventions examined **there were three cases where Commission programmes adopted a broad cross-sectoral focus**, namely in Central African Republic (2008), Honduras (2008), and Jamaica (2009). The aim in Central African Republic was to support government efforts to develop a coordinated strategy for SSR involving key sectors including defence, justice, policing, public finance, and oversight groups. In Honduras the Commission encouraged the government to develop a more global approach to addressing security and justice problems that brought together two key ministries – Security and Public Affairs - and the Supreme Court. In Jamaica, the Commission intervention supported implementation of the National Security Policy (NSP) which provides a master plan for integrating the country's major security policies, goals and actions into a coherent whole.[44]

- Despite the fact that security and justice policy challenges tend to be closely inter-related, there are several reasons why the Commission has adopted such cross-sectoral approaches in a limited number of cases:

  - first, interviewees highlighted the **political sensitivity of such engagements,** reflecting the fact that the area of security and justice decision-making is the most important sovereign responsibility of states;

  - second, the Commission's interventions tend to adopt **narrower sectoral approaches, reflecting its mandate** to work on justice and law enforcement issues, with responsibility for sectors such as defence and intelligence coming under the remit of the Council;

  - third, **working at strategic government levels does not lend itself easily to formalised assistance arrangements**, involving the transfer of technical solutions, but rather political and policy dialogue that requires involvement by senior aid and political officials in donor agencies.

Overall, the information collected suggests that helping governments to develop more integrated policy responses to security and justice problems, particularly at a strategic government level, requires both political and technical engagement:

- An evaluation of the CAR intervention noted that the focus of the Commission's advisory support had been on intra- and inter-ministerial coordination at technical rather than political level. Because the initiative was not driven by the Office of the President or Prime Minister, there was weak political buy-in to the process.[45]

- In Honduras efforts to work in a more integrated fashion were initially resisted by the relevant actors, and then put on hold following the 2009 coup d'état. But with the establishment of a new government in 2010, there was a renewed interest in developing strategic planning and coordination capacities in the sector notably on the part of the President and the Ministry of Security, a process supported by the Commission both through technical assistance and policy dialogue.

---

44 It may be added that even though the focus in Georgia was on the reform of the criminal justice sector, certain conditionalities for the release of variable tranches of the SPSP were directly linked to the reform of law enforcement bodies and some of their practices.

45 *"Support by a multi-disciplinary team must ensure that support to any SSR process is situated within a framework for political engagement….Future deployments should consider placing the team leader in a more strategic position, for example within the office of the President or Prime Minister."* ISSAT, *Mission Report from EU Evaluation in CAR*, part 2, Bangui, 10-17 December 2009.

- While the Commission was not directly involved in the development of Jamaica's National Security Plan, this was a wide-ranging consultative process which was closely observed by donors. All donors held consultations and commented on the drafts of the Government's strategic reviews in the justice and security sectors, a process which then served to underpin the SBS programme developed by the Commission.

JC 3.2 On enhancing the ability of key ministries to manage security and justice policy processes as well as the activities of implementing bodies

In a majority of the countries examined, Commission JSSR interventions have had as an aim an enhancement of the ability of security and justice ministries to manage policy processes and the activities of implementing bodies (e.g. the police, court system).

- Commission assistance had various aims: in some cases the focus was on strengthening the legal and policy framework in which ministries operate; in others, the focus was on enhancing the organizational capacity of ministries; in yet others, more integrated approaches were adopted that sought to improve the capacity of a sector as a whole to deliver services including, for instance, police forces or the functioning of courts and magistrates. Despite these various aims ***Commission programmes have generally favoured a capacity-building approach (essentially through training, equipment and infrastructure development)*** when it comes to enhancing the capacity of ministries to manage security and justice policies and relevant agencies.

- In Indonesia, Component 1 of the Rule of Law and Security Programme supports efforts to integrate the activities of a range of actors involved in anti-corruption efforts. Both SCIBM and EUBAM had as key aims, first, enhancement of inter-agency cooperation both within and between relevant countries with a view to implementing an Integrated Border Management (IBM) scheme, and, second, development of more strategic responses to such regional problems such as organized crime.[46]

As a result of Commission support, there have been some attempts to strengthen the legal and policy frameworks in which ministries operate and to improve organizational capacity to manage security and justice processes. But the impact on the lives of people has been lessened as these types of reforms usually had a short-term emphasis and did not include a service delivery component.

- The Commission has supported, through policy dialogue, the strengthening of legal and policy frameworks within which key ministries are required to operate in a limited number of cases, although it is not clear yet whether this contributed to improvements. Strengthening ***organisational capacity*** to manage policy processes, including staff numbers, financial resources and operating procedures have obtained mixed results. The organisational procedures operated by 24-hour courts in Guatemala provide an example of positive results. [47]

---

[46] Other examples were Rwanda which developed a sector-wide approach (SWAp) in the JLRO sector that helped develop a strategic vision of the sector and reinforced the link between 14 different actors. Commission assistance in Georgia's justice sector helped in the development of a high-level coordination body bringing together agencies involved in criminal justice.

[47] The 24-hour courts were introduced by the programme PARJ (Programa de Apoyo a la Reforma de la Justicia). These courts are not only functioning 24 hours, they more importantly gather under one roof the different actors in the criminal justice chain.

JC 3.3 On the contribution to strengthened security and justice budget processes and personnel management systems

The cases examined indicated that the Commission rarely provided dedicated assistance to help strengthen personnel management and budgetary processes, despite the fact that both areas are key to improving the accountability and effectiveness of security and justice management processes. What support is provided in these two areas is often part of larger packages of assistance which have as a general goal capacity-building in a sector or assisting with the delivery of a donor project, rather than long-term strengthening of budgetary or personnel management systems.

- In Afghanistan the Commission contributed to the Law and Order Trust Fund which aimed at covering police salaries. This included implementation of an electronic payment scheme and training on payroll and data entry systems, though this was a very minor part of the overall support provided, most of which went on salaries, and the government did not adequately embrace the new payment systems and processes.

- In Chad strengthening of personnel management systems in the justice sector (by the Government) was established as a pre-condition for the Commission's assistance programme (PRAJUST), although this did not take into account the immense institutional weaknesses and resource constraints in the sector which made it very difficult for the government to meet this condition in the limited time available.

In a number of cases it is evident that support for personnel management and budgetary systems *would have effectively complemented other support provided by the Commission*.

- The absence of support for personnel management and budgetary systems is also notable in the context of three DDR processes which the Commission supported in Liberia, the greater Great Lakes region (MDRP covered seven countries) and Guinea-Bissau, each of which resulted in (or in the case of Guinea-Bissau was intended to result in) significant reductions in military personnel. But these interventions were not followed up with support to strengthen systems for managing the remaining personnel or defence finances in an effective manner.[48]

The impact of assistance directed at strengthening personnel management and budgetary processes *was difficult to measure given either that results were not available from the few cases examined, or that these components were part of broader packages of reforms.*

- As an example, Commission support for budgetary processes in Central Africa's security sector, designed to target each of the relevant ministries, was constrained both by the level of funding available and the brevity of this support.[49].

---

[48] The MDRP end-of-programme evaluation noted: *"Given that there seems to be considerable value-added to having local DDR skills, a formalized program would clearly have been useful."* Scanteam, *MDRP End of Program Evaluation,* June 2010, p. 77.

[49] An evaluation mission noted that: *"Public finances are central to SSR, though there is an evident challenge to address them in a reform process … Public finances only received limited attention, however, in the 2009 SSR strategy document"*, ISSAT, *Mission Report from EU Evaluation in CAR*, part 2, Bangui, 10-17 December 2009, p. 8-9.

JC 3.4 On enhancing the oversight capacities of legislative select committees, human rights commissions, audit bodies and ombudsmen

The Commission generally places more emphasis on supporting civil management bodies (responsible for policy management or service delivery) than on bodies focused on civil oversight of the justice and security sectors.

- According to the inventory *(see Annex 9),* interventions addressing civil oversight (which would also include the role of civil society actors and the independent media, addressed below) only represent 3% (or €38m) of total contracted Commission support for JSSR over the period 2001-09.

- Among the 24 interventions examined, only relatively few had enhancement of civil oversight capacity as an explicit objective.[50]

The design of Commission interventions aimed at strengthening oversight capacities varies extensively depending on the actors addressed. During interviews, concerns were raised on several occasions about the absence of a focus on civil oversight bodies, particularly in a context where JSSR interventions were focused on building the capacity of security forces which could be used both to promote and undermine the safety, security and justice of citizens. This was the case, for instance, in the SCIBM where the lack of an 'integrated' approach to JSSR programming and the risks thereof were noted.

JC 3.5 On enhancing the ability of NGOs and the independent media to monitor compliance with human rights standards and influence policy

Despite general acknowledgement in CSPs and programming documents of the important role which civil society and the media have to play in security and justice provision, in practice the Commission did not direct extensive JSSR assistance at civil society and the media.

- Half of the interventions examined (12/24) included actions that involved NGOs, although in the case of the media only three cases were identified.

- The bulk of assistance directed at civil society and the media comes from the thematic budget lines (notably EIDHR and Non-State Actors). This had two particular consequences for the Commission support for civil society and the media:

    - First, support to enhance civil society and media oversight of and influence on policy was often not closely integrated with wider justice or security reform processes;

    - Second, the shift to budget support programming in a number of countries has reduced the amount of resources available for civil society and the media, also reinforcing this tendency to address them in stand-alone projects.

---

[50] These were Indonesia (state audit board involved in anti-corruption efforts/regional level parliaments), Central African Republic (support for parliament), Rwanda (National Human Rights Commission), Colombia (Office of the Ombudsman/Public Defender's Office), Georgia (the Public Defender's Office) Armenia (the Human Rights Defender's Office, South Africa (general legislative strengthening) and Jamaica.

<div style="border: 1px solid black; padding: 20px;">

Box 2 – Promoting Democratic Security through Civil Society Control of Government Security Services in Guatemala

This project was financed through the EIDHR from 2006-2009. The overall objective of the project was to promote civil society oversight of domestic security and intelligence bodies in three departments through a) capacity-building and training, b) information and awareness-raising, and c) advocacy.

The project faced various challenges including:

- Identifying legitimate representatives of civil society in a context where civil organisations were weakly rooted in society
- Overcoming the antagonistic relations that existed between public institutions and civil society: the project did not involve the institutions being overseen by CSOs.
- Integrating the support for civil society oversight with wider justice or security reform processes. This project was financed by the EIDHR and no real synergies were established between this action and the larger one supporting the reform of justice (PARJ) and financed under the geographic programme, even though the PARJ did have some activities targeting the police.

That said, the project had some positive achievements such as meeting the initial target of training 180 civil society representatives on concepts and mechanisms of democratic control, establishing networks on democratic security in the three targeted departments that still exist, and providing civil society with a higher profile public role in commenting on government security policy.

</div>

On design, the evidence suggested that civil society and media involvement was usually addressed with the aim of facilitating implementation of broader justice or law enforcement reforms, rather than building the capacity of these bodies to hold government to account for its security and justice policies.

- Among the projects involving civil society, *only in three cases* was the substantive focus of the project on enhancing the policy influencing or oversight capacity of NGOs. In Cambodia the focus was on reinforcing efforts by NGOs to monitor human rights issues and influence policy relating to migration and trafficking; in Chad the purpose of the project was to build the capacity of an NGO involved in prison monitoring[51]; in Guatemala the aim was to strengthen civil society structures for the monitoring of civil and military security services.
- In other cases, the role of civil society and the media was addressed as part of a wider justice or law enforcement programme. [52] In Indonesia and Madagascar, in consequence, they were de-prioritised until later in the process and *were not appropriately equipped to fulfil the oversight roles they were intended to play*. In Georgia, on the other hand, the publication by justice and security actors of monitoring reports, including human rights records, tended to suggest an enhanced ability of NGOs to oversee these actors.

---

[51] The project was ultimately brought to a halt before implementation began.

[52] This was the case in Chad (PRAJUST), Georgia (SRCJS), Indonesia (RoL), Madagascar (GG) and Rwanda (RoL).

Evaluation Question 4 on justice reform

To what extent has the Commission's support contributed to strengthening of the justice machinery, including access to justice by the population and the penal system?

This Evaluation Question covers the Commission's support for justice reforms and processes (including improving access to justice services) that have direct relevance to efforts to improve the safety and security of the population. This question is not intended to assess the wider functioning of the judicial system. Justice areas that apply to JSSR include prosecution services, the penal system, the oversight role played by the courts in terms of addressing impunity, functioning of the ministry of justice in terms of its management of judicial processes that affect the delivery of justice services, and so on. Not included are constitutional, administrative, family, civil and commercial law, except where they have a direct effect on criminal justice concerns.

Strengthening the justice machinery entails both capacity building of various types as well as efforts to enhance the independence of the judiciary so that it can fulfil its functions free from political interference. The specific areas of capacity building support include the training of prosecutors, judges and court administrators, strengthening of infrastructure for judicial and prosecutorial institutions, ministries of justice courts, support for legal aid and processes to enhance access to justice by the population, renovation of courts, prison construction and training of prison officers, etc.

This question mainly addresses the criterion of **effectiveness**. *It also addresses the criteria of* **relevance**, *in the context of the appropriateness of the support provided, and* **sustainability** *insofar as the task of enhancing the capacity of justice services is designed to be conducted in a sustainable manner. In addition it covers* **cross-cutting issues** *(human rights and gender).*

EQ 4 on justice reform – *Answer Summary Box*

Support for criminal justice reform, focusing primarily on state justice sector institutions, was an important area of engagement for the Commission. Assistance programmes have generally contributed to the strengthening of the justice machinery, particularly in the areas of legislation, organizational capacity, human resources and infrastructure, but there is limited evidence that this has resulted in improved access to criminal justice services for the population.

Support for justice sector reform is an important focus of engagement for the Commission in the area of JSSR. The primary focus of these interventions was on state justice sector institutions. This focus was, however, not sufficient in terms of making a significant contribution to the longer-term outcome of enhanced service delivery by justice sector institutions. Indeed, Commission justice assistance programmes generally contributed to the strengthening of the justice machinery in the countries where it intervened, but there is limited evidence that this has resulted in improved access to criminal justice services for the population.

Commission programming in the justice sector had a human rights and gender dimension, although this was an explicit focus in only a third of the interventions examined. Only very limited evidence is available to determine whether justice personnel have become more sensitive to human rights and gender issues as

---

measured by better treatment of prisoners and improvements in due process or enhancement of the rights of defendants.

The Commission provided limited assistance explicitly for strengthening linkages and collaboration between justice sector actors, although this was in practice a key objective of many of the reform processes it supported, particularly where sector-wide approaches were adopted. There is some evidence that the support provided resulted in increased communication and collaboration between actors in the criminal justice chain.

Support to enhance the ability of judicial authorities to oversee the functioning of the security and justice services and agencies was limited.

Finally, the degree of involvement of beneficiary institutions in the design of Commission justice interventions was variable, and only in few cases was there a focus at the design stage on ensuring the sustainability of the Commission's support.

JC 4.1 On the contribution to the strengthening of legal institutions for the administration and delivery of criminal justice services and improved service delivery

Support for justice sector reform is an important focus of engagement for the Commission in the area of JSSR.

- Of 40 cases, the CSP/RSP review refers to justice as a focal sector in 19 cases, makes occasional reference to justice reform in 16 cases, and no reference at all in five cases.

- 13 of the 24 projects examined during this evaluation included a direct or indirect focus on justice reform.

- In terms of overall Commission spending on JSSR during 2001-09, the area of justice comes third behind law enforcement and border management, amounting to 14% or €151m. In reality the Commission spends much more than this on justice reform given that there is in some cases an important justice dimension to its law enforcement programmes; in addition, interventions categorised as 'multi' – which make up 19% of overall funding - denote a focus on multiple JSSR actors or sectors, among which the justice sector may be included.

The Commission supported criminal justice reforms through a range of different interventions, including policy dialogue. The primary focus of these interventions was on state justice sector institutions.

- Justice sector support provided by the Commission included financing, technical advice, capital equipment and training aimed at modernizing infrastructure, strengthening legal frameworks and enhancing human capacities. This support was generally accompanied by policy dialogue between the Delegation and partner governments with a view to formulating and receiving government inputs on the design of Commission support programmes in the justice sector. The nature, extent and quality of this policy dialogue varied from case to case.

- The most common entry point for Commission interventions was capacity-strengthening initiatives aimed at state justice sector institutions. In Chad, the main focus of the PRAJUST programme was the penal chain and involved three strands: building human capacities, modernizing infrastructure and equipment, and strengthening legislation. In addition, limited support was provided to help civil society groups strengthen their 'watch-dog' role. In Madagascar, First Instance and Appeals Courts had their equipment and facilities modernized.[53]

Involvement of beneficiary institutions in the design of Commission justice interventions was variable, and only in few cases was there a focus on ensuring the sustainability of the Commission's support at the design stage.

- The methodology for project formulation used by the Commission relies heavily on the use of external consultants who spend relatively short periods of time in-country during the project identification phase. While consultation with national stakeholders may be thorough during this period, **approval takes place at Headquarters**, after which there tends to be **limited opportunity for these stakeholders to comment on and input into the final design**.[54] This problem was highlighted in Indonesia (RoL-anti-corruption component) and in Chad (PRAJUST) where key government stakeholders did not have a view on the final project design before it was approved.[55]

- A **more positive picture of beneficiary involvement emerges in the context of sector budget support programmes** in Georgia (SRCJS) and Jamaica (SSRP) which were the catalyst for policy dialogue between the Commission and a range of partner government institutions in the justice sector. This contributed to the strengthening of cross-sectoral approaches to dealing with criminal justice issues.

- **Rarely was there evidence that the issue of sustainability was addressed thoroughly at the design stage.** Exceptions were Georgia where sustainability issues were considered, given that the conditionality matrix of the SPSP largely reflected the national reform Action Plan; and Armenia where the Strategic Plan identified the necessity of ensuring the independence of the ombudsman, both financially and in terms of the legal standards that would need to be in place by the end of the project.

Commission justice assistance programmes have generally contributed to the strengthening of the justice machinery in the countries where it intervened, but there is limited evidence that this has resulted in improved access to criminal justice services for the population.

- Generally, Commission contributions improved the passage of legislation, the training of personnel, and other associated institutional capacity-building outputs. In Jamaica,

---

[53] Other examples were in Haiti where the RJP financed the construction of tribunals, and Algeria where IT systems were installed.

[54] As noted under EQ2, by the time of approval, more than a year may have passed by which time the situation on the ground may have changed.

[55] In Algeria, it was not only the timing but the overall involvement of national stakeholders that was questioned by the mid-term evaluation of Justice 1: *"La particularité du secteur justice et des magistrats qui n'est pas un secteur « technique » comme les autres n'a pas été suffisamment prise en compte ou évaluée au niveau de la formulation des TdR. On constate que le schéma de l'UAP correspond à une structuration institutionnelle du projet, assez théorique. L'approche dans la conception et l'exécution du projet n'a pas été assez partenariale."* in Atos Origin Belgium (for the European Commission), *Mission d'évaluation à mi-parcours du Programme MEDA/2004/6263, (Rapport final), Appui à la réforme de la justice en Algérie*, 2008.

---

the SSRP programme assisted the government in ***the successful legislation on six criminal justice laws***; the drafting and implementation of a Ministry of Justice strategy to address gang violence; and the establishment of a Sexual Offender's Registry. In the Colombia FORJUS project, ***criminal public lawyers, judges, justices of the peace and mediators have been trained***; in addition, 1,044 prosecutors have been nominated for public service through a new merit-based examination system.[56]

- In terms of Commission support for the modernisation of criminal justice equipment and infrastructure, this occurred in various countries including Jamaica (SSRP) where the capacity of the Office of The Independent Commissioner for Investigation was bolstered by ***rolling out mobile forensic crime laboratories island-wide***; and Colombia where the FORJUS project financed a forensic laboratory in the Public Defender's Office and created a ***virtual law school*** to provide training in all four branches of the profession: justices of the peace, judges, magistrates and lawyers.

Box 3 – Commission support to justice reform in Georgia

The Commission's support to the criminal justice reform process through the ongoing Sector Policy Support Programme (SPSP) running from 2009 to 2013 has, so far, contributed to a shift in Georgia's criminal system from a punitive to a more liberal one. The factors which have contributed to the SPSP's success so far have been:

- the SBS instrument itself – based on the meeting of conditionalities for the release of its variable tranches - has been widely considered as "smart";
- the Commission's close involvement and monitoring of the SPSP and of the meeting of the conditionality matrix;
- the combination of the SPSP with other forms of support in the field of criminal justice, which supported the meeting of some of the SPSP's conditionalities:
- the complementary support provided in parallel to NGOs active in the criminal justice reform process funded under EIHDR;
- the high level of national leadership of the process as a result of the establishment of the Inter-Agency Coordination Council (IACC) in the Ministry of Justice;
- building on an existing national process and on an already important basis of support from the EU/Commission (from 2004) so that the reform process has reached sufficient maturity for an external impetus to move it significantly forward.

Nevertheless, a number of notable challenges remain: the status of human rights and healthcare in the penitentiary system, shortcomings in transparency and inclusiveness within the reform process, and insufficient financial allocations to the sector.

---

[56] Other examples were Indonesia where the RoL project integrated training modules for many of the relevant criminal justice actors in transnational crimes; Chad where the PRAJUST project strengthened the human capital of the penal system and financed the construction of a judicial training centre; and Haiti where the Commission-supported project RJP has contributed to increased capacity of the justice system as a result of the passage of three laws/regulations on the Higher Judicial Council and capacity improvements of the National School of Judges.

Commission-designed interventions were appropriate in many cases given both the difficult working context and the limited objectives set for assistance programmes which generally involved strengthening the capacities of criminal justice services and modernizing equipment and infrastructure. This focus was often insufficient, however, to make a significant contribution to the longer-term outcome of enhanced service delivery by justice sector institutions.

- Some exceptions were found at the level of activities within projects: in Guatemala (PARJ), the Commission support for 24-hour courts contributed to reducing the excessive number of pre-trial detention cases and has improved access to justice services; while in Colombia (FORJUS) the virtual audiences allowed the conducting of legal processes at a distance, preserving in this way the security of all stakeholders.

JC 4.2 On the contribution to raised awareness of human rights and gender issues in the security and justice services

While training was the primary means used to raise awareness on these issues among security and justice services, awareness can also be raised through programmes that support increased access to justice, by placing emphasis on key governance principles (participation, inclusion, etc.) in reform programmes, and adoption of 'human rights-based' or 'gender mainstreaming' approaches in programming within the security and justice sectors.

Commission programming in the justice sector had a human rights and gender dimension, although this was an explicit focus in only a third of the interventions examined.

- The Commission adopted different approaches to human rights and gender: in Madagascar, through construction of a pilot prison for women; in Rwanda, support for the post-genocide *Gacaca* courts included provisions for ensuring conformity with international human rights standards as well as separate activities targeting NGOs with a view to improving the participation of women in the process;[57]
- The Commission places gender and human rights at the centre of its approach to JSSR, as reflected in statements made in policy and programming documents. In practice this was not always translated into programme initiatives: in Afghanistan the LOTFA had a gender component, although resources were not set aside to implement it; while in Honduras the prominence given to human rights and gender issues in the programme analysis was not reflected in the expected results of the PASS.

There is very limited evidence available to determine whether justice personnel have become more sensitive to human rights and gender issues as measured by better treatment of prisoners and improvements in due process or enhancement of the rights of defendants.

---

[57] In Colombia, promotion of human rights was central to the justice reform process which involved two key institutions with a mandate to promote this issue.

▪ For instance, stakeholders interviewed in the Rwanda programme gave positive feedback indicating that Commission support had enhanced awareness of human rights, although the impact on behaviour cannot be measured.

▪ In addition, the application of new skills requires that wider, more systemic changes within the justice and security system be allowed. In the case of Armenia, the ability of the staff from the Human Rights Defender's Office to put into practice their new awareness of human right issues can be constrained by other institutions, given the sensitivities involved in holding members of the security services to account for violations.

JC 4.3 On enhancing the links and collaboration between relevant justice sector actors in the criminal justice chain.

The Commission provided limited assistance explicitly aimed at strengthening linkages and collaboration between justice sector actors, although this was in practice a key objective of many of the reform processes it supported, particularly where sector-wide approaches were adopted.

▪ In Indonesia, the main aim of the Anti-Corruption component within 'RoL-Indonesia' supported by the Commission was to reinforce collaboration between a range of actors including prosecutors, the anti-corruption court, Audit Board, Corruption Eradication Commission, and others. In Georgia (SRCJS), collaboration between the Ministry of Justice, of Interior, Ministry of Corrections and Legal Advice was conducted through sector budget support

▪ This was also the case with Rwanda's project on post-genocide justice which had as a general aim improved collaboration between relevant actors. The Rwandan intervention was the only one studied that involved customary law. Over the period evaluated, the Commission has not focused its assistance on traditional justice actors.[58]

There is some evidence that Commission supported reform processes resulted in increased communication and collaboration between actors in the criminal justice chain.

▪ Results have been most positive where the Commission has supported development of a strategic vision for managing the sector underpinned by operational mechanisms to support collaboration between relevant actors. In Georgia one of the requirements of the SPSP (SRCJS) was precisely the creation of a high-level coordination body to develop more integrated policy responses to criminal justice issues. In the cases of Colombia and Indonesia, results were less promising than expected, with interviews suggesting that Commission-supported reform processes – which were essentially technical in nature – had limited impact on the balance of power between institutions which have long been accustomed to working in an autonomous fashion.

---

[58] The study published by Europeaid last year describes the two main difficulties for engaging in this specific sectors: "*les principes normatifs à l'oeuvre dans cette justice sont souvent difficilement accessibles, le plus souvent transmis par voie orale […] donc non prévisible et vérifiables notamment au regard des standards internationaux de respect des droits de l'homme »* and *« la compétence juridisctionnelle est le plus souvent accordée à des chefs traditionnels qui exercent d'autres fonctions […] La confusion des fonctions n'est pas conforme au principe de la séparation des pouvoirs. »* European Commission, *Appui à la Réforme de la Justice dans les Pays ACP,* Document de Référence N°9, Septembre 2010, p.17.

JC 4.4 On enhancing the ability of judicial authorities (prosecutors and judges) to oversee the functioning of security and justice services

The Commission provided limited support that was explicitly intended to strengthen the ability of judicial authorities to oversee the functioning of the security and justice services and agencies. Most support has been targeted on strengthening the broader organisational capacity of justice sector institutions, often with a view to increasing judicial 'independence' although this political outcome is difficult to achieve through technical assistance programmes. *There is no evidence on which to determine whether or not Commission support resulted in judicial authorities being able to express an independent view on the record of the security and justice services and agencies, or prosecute violations of the law committed by them.*

- RoL Indonesia's Anti-Corruption component was explicitly designed to provide prosecutors, the Anti-Corruption Court and the Audit Board with enhanced tools and capacity to crack down on corruption, including corruption among security and justice personnel. While the police has only recently come under the jurisdiction of civil courts, the military does not and hence cannot be addressed as part of this initiative.

- In Armenia, interviewees underscore the wide range of factors which impact on independence of the judiciary and which would need to be addressed, including influence over the executive power, training and remuneration of judges, having appropriate legislation, and so forth. The Rwanda project evaluation notes that the Commission programme was not sufficiently well-adapted and flexible to take advantage of the newly-acquired independence and autonomy of the judicial powers accorded by the constitution.

A general finding has been that **determining whether interventions' outputs can be related to impact in terms of improvements in the provision of the public good and service of justice has been challenging,** given that baselines assessments do not appear to have been regularly incorporated in the initiative's design. Although information was very patchy, the assessment of the 24 interventions suggests that the Commission neither systematically made use of political or policy assessments or baseline surveys, nor developed clear indicators, when designing its assistance programmes. This generally makes it more difficult to manage programmes effectively or to measure results and impacts. In particular, it is difficult to build capacity without conducting an organizational audit which lays out clearly the problems and requirements.

Evaluation Question 5 on law enforcement (incl. border management)

To what extent has the Commission's support contributed to increased personal and community safety, improved law and order, reductions in crime, and improved security and regulation of borders/border areas?

This Evaluation Question covers the Commission's support for police and other law enforcement bodies (including border management agencies) that are in the front line of government efforts to improve personal and community safety, maintain law and order, reduce crime and secure border areas. This includes:

- *support for criminal investigation services which are usually led by law enforcement bodies which support the functioning of the wider justice machinery, including the prosecution services (covered under EQ 4);*

- *border management and customs authorities: the Commission has put particular emphasis on these specific dimensions of law enforcement through the financing of border management and support to customs programmes across all regions where it has assistance programmes.*

The Commission's support for law enforcement includes capacity-building in the areas of resource management, logistics, upgrading of infrastructure such as policy operational centres, police training (including training at border crossings), provision of equipment, support for specialised law enforcement bodies that address organised crime (drug and human trafficking, money laundering, etc.), support for customs and other border management authorities with a view to enhancing border security and management in accordance with international norms, standards and protocols.

*This question mainly addresses the criterion of **effectiveness**. It also addresses **relevance** insofar as it assesses the appropriateness of the support provided, and **sustainability** insofar as the task of enhancing the capacity of law enforcement actors (including border management actors) is intended to be conducted in a sustainable manner. It also covers **cross-cutting issues** (gender and human rights).*

EQ 5 on law enforcement (incl. border management) – *Answer Summary Box*
Support for law enforcement, including border management, was an important area of engagement for the Commission. Assistance programmes have generally contributed to strengthening of law enforcement institutions, particularly in the areas of legislation, organizational capacity, human resources and infrastructure, but there is limited evidence that this has resulted in improved security for communities or a greater success rate in combating serious crime.
From a design perspective, Commission interventions could be considered appropriate in many cases given both the difficult working context and the narrow output-focused objectives of assistance programmes (i.e. building capacity, modernizing equipment) although this focus is not sufficient in terms of making a significant contribution to the longer-term outcome of enhanced service delivery by law enforcement institutions.   **Involvement of beneficiary institutions in the design of Commission law enforcement interventions was in most cases extensive, although there was generally a limited focus on ensuring the sustainability of the Commission support**

> **at the design stage.**
>
> **There is limited evidence that Commission support has resulted in reduced levels of crime as measured by the timeliness and quality of investigations, partnerships between police and prosecutors, and so on.**
>
> **Commission support has contributed to improved border management and security in the two cases examined where it supported such initiatives. However, neither intervention was by design intended to be a JSSR project, and there have been shortcomings in both cases relating specifically to the lack of a clear governance dimension in the support provided by the Commission.**
>
> **The lack of systematic attention to developing needs assessments, organizational audits, baseline surveys and clear progress indicators makes it more difficult both to design appropriate interventions and assess the extent to which they are meeting the intended objectives.**

JC 5.1 On enhancing the ability of law enforcement bodies to improve the safety and security of the population

Support to strengthening law enforcement, particularly at the community level, was an important focus of engagement for the Commission in the area of JSSR.

- In the 40 CSPs/RSPs examined there was reference to the police and other law enforcement bodies as a focal sector in 11 cases, occasional reference to law enforcement in 19 cases, and no reference at all in five cases.

- 13 of the 24 projects examined during this evaluation included a direct or indirect focus on law enforcement (11) and border management (2) issues.

- In terms of overall Commission spending on JSSR during 2001-09, the areas of law enforcement and border management were the largest recipients in financing terms, amounting to 29% (€300m) and 22% (€231m) respectively *(see Annex 9)*. It is important to note, however, that in the case of law enforcement this included Commission support for the Afghanistan Law and Order Trust Fund (LOTFA), amounting to €197.5m and which consisted mainly of a salary support programme. In addition, interventions categorised as 'multi' in the inventory – which make up 19% of overall Commission spending on JSSR - denote a focus on multiple JSSR actors or sectors, among which certain law enforcement activities may be included.

The Commission sought, through a range of different interventions including policy dialogue, to enhance the capacity and effectiveness of law enforcement. The primary focus of these interventions was on state law enforcement institutions.

Commission technical and infrastructure support for law enforcement was generally accompanied by policy dialogue between Delegations and partner governments with a view to formulating and receiving government inputs on the design of Commission support programmes in the law enforcement sector. The nature, extent and quality of this policy dialogue varied from case to case.

▪ The most common entry point for Commission interventions was capacity-strengthening initiatives aimed at state law enforcement institutions. In Afghanistan (LOTFA), support was provided for development of an electronic payment scheme for Afghan police officers, the bulk of funding going into a Trust Fund to cover salaries. Although a gender initiative was included in the design of the Trust Fund, this was never put into operation. In Algeria (PAMPA) the Commission funded training to enhance the professionalism of the police, acquisition of specialized equipment, and technical assistance for the Directorate of National Security[59].

▪ Only in a limited number of cases was the explicit focus of the project an improvement in interaction between the police and the communities.[60]

Involvement of beneficiary institutions in the design of Commission law enforcement interventions was in most cases extensive, though there was generally a limited focus at the design state on ensuring programme sustainability.

The assessment of the various interventions, many of which draw upon evaluation reports, underscore a *high level of beneficiary involvement,* both through policy dialogue and in the actual process of designing and implementing programmes. *Beneficiary involvement refers here to the state institutions targeted by these programmes and not to the final beneficiaries* which are in general the populations of these countries.

▪ Algeria (PAMPA) fits into the framework of a strong national strategy of strengthening the Algerian police; in Indonesia (both RoL-POLMAS and RoL-JCLEC) beneficiary involvement was significant[61]; in Honduras (PASS) beneficiary involvement was furthered by the decision to decentralize management of the project to the Ministry of Security; in the cases of both Jamaica (SSRP) and Georgia (SRCJS), *beneficiary involvement was furthered by the selection of a sector budget support instrument* and the decision to base the Commissions programme squarely on government-designed programmes.

Despite the generally high involvement of beneficiary institutions, *less attention was generally paid to ensuring an effective exit strategy* for the Commission *and the sustainability of the project.*

▪ In Algeria (PAMPA) this was attributed to the high level of European political support for the project which favoured the ongoing provision of funds for the foreseeable future; in Indonesia, while prospects for sustainability of the RoL-POLMAS community policing initiative were enhanced by the adoption of certain good practices such as the training of trainers, the question of follow-up support for these trainers remained unanswered *(see box 4 on community policing in Indonesia)*, this also being the case for the RoL-JCLEC intervention in which no provision was made for follow-up support for the Indonesian trainers funded by the Commission, generating real concern that the government would decide not to keep them at the institution.[62]

---

[59] This emphasis on training, equipment or infrastructure was also found in South Africa (SA Police), Honduras (PASS) and Indonesia (RoL – JCLEC).

[60] These were Jamaica (SSRP), South Africa (SA Police), Indonesia (RoL-POLMAS) and Cambodia (Cethcam).

[61] Although with respect to JCLEC ownership was weakened by the fact that the initiative has been largely dependent on donor funding and by the decision to base the training center in an autonomous institution.

[62] Another example was the Democratic Republic of Congo (UPI) where the Commission supported the establishment of an Integrated Police Unit, the financing agreement specifying that the government 'commits' itself to covering recurrent expenditures following the end of the 18-month assistance programme, although little or no assistance was provided to ensure that this would be possible.

Commission support has generally contributed to the strengthening of the machinery for law enforcement in the countries where it intervened, but there is limited evidence that this has resulted in improved security at community level.

In the 11 cases examined where interventions addressed law enforcement issues, Commission assistance has mostly contributed to the strengthening of either human capacities within state law enforcement institutions or the relevant infrastructure. ***In very few cases, however, is there clear indication that at community level*** – at the juncture where police and local populations interact – ***police have been enabled to meet the safety and security needs of the community more effectively***. In most cases, there was not an explicit service delivery improvement aim.[63]

JC 5.2 On enhancing the ability of governments to respond more effectively to crime

The Commission supported government attempts to respond more effectively to crime in quite different ways. In general, the focus has been on strengthening either strategic-level coordination of responses to crime, or policy implementation, or the capacities of law enforcement bodies.

- Among the five initiatives examined with a specific focus on addressing crime, the Indonesian project (RoL-JCLEC) was purely a training initiative addressing transnational crime issues which were also of concern to donor countries. The South Africa intervention (SA Police) had various dimensions including policy implementation, crime prevention, human resource strengthening, and the establishment of a DNA Lab to support criminal investigation efforts. The other three initiatives adopted a more strategic focus: Cambodia (Cethcam) sought to sensitise law enforcement bodies as part of a broader, coordinated government response to human trafficking; while in both Honduras (PASS) and Jamaica (SSRP) attempts were made to strengthen overall government responses to security (including crime) issues through cross-cutting political, legal and organisational reforms.

- The latter three initiatives also cut across the justice sector, reflecting the fact that a cross-sectoral approach is in most cases essential for addressing serious organised or violent crime effectively. None of the projects, however, was designed to engage with local government or leading politicians, and only one – Jamaica (SSRP) – sought to improve interaction between the police and the communities to which the police provide a public service.[64]

Commission contributions to the strengthening of the organizational capacity and institutional accountability (e.g. regarding human rights or corruption issues) of units tasked with addressing crime was variable.

---

[63] In some cases such as Indonesia (RoL-POLMAS) and Jamaica (SSRP) this was an explicit aim, though it is still too early to determine how effective the programme will be; in the case of South Africa (SA Police), an evaluation suggests the programme has fallen short of the goal improving service delivery.

[64] The DNA Lab established in South Africa (SA Police) had the potential to serve as a catalyst for a more systemic approach to criminal justice, although in the design there were weak linkages with both the prosecution and investigation sides.

- The Indonesia (RoL-JCLEC) initiative was training-based and while post-training evaluations have suggested some retention of ideas and concepts by students, there has been no way of measuring how this has influenced behaviour. In the case of South Africa (SA Police) no clear measurement of impact was undertaken, beyond recording of various project outputs. Furthermore the DNA laboratory contributed to clearing up some cases in South Africa but it was not used to its full potential since no activities sought to link it to the broader criminal investigation and justice chain.[65]

- Of the three interventions that had a cross-sectoral approach, evaluation reports indicate that progress has been made in Jamaica (SSRP) in terms of both organisational capacity and institutional accountability. In Cambodia (Cethcam), evaluation reports suggested slow progress towards meeting project objectives. The Honduras (PASS) project was suspended owing to the 2009 *coup d'état* and only resumed recently.

There is limited evidence that Commission support has resulted in reduced levels of crime as measured by timeliness and quality of investigations, partnerships between police and prosecutors, and so on.

- Jamaica (SSRP) was the only country where specific achievements were documented; they included efforts to address corruption in the police service. In Georgia, even though the focus of the SRCJS was on criminal justice, certain conditionalities for the release of variable tranches were directly linked to the reform of law enforcement bodies and some of their practices. These measures have contributed to a reduction in crime through improvements in investigation and prosecution (and not through a more repressive system).

Box 4 – Community policing in Indonesia

Community policing in Indonesia was one of the three components of the wider Commission programme on "Strengthening the Rule of Law and Security". It started in July 2009 and is due to end in July 2012. According to Commission staff members, given the success of the community policing programme in Aceh there was a desire to reproduce this at national level with the same implementing partner, IOM.

Efforts to develop a community policing programme at national level in a large country such as Indonesia should not be underestimated. While this initiative rightly built on the professed motivation among high-ranking officials in the Indonesia National Police to reform the police, the Commission faced a number of challenges:

- Despite the agreement between the Commission and the GoI to link the community policing project to the National Human Rights Plan (RAN HAM), the project design did not sufficiently reflect this link. For instance, while 5% of the budget was allocated to the Ministry of Law Human Rights, 95% was earmarked for the police.

- The core activities, which consisted mainly of training and technical assistance, did not adequately embody a community-centered approach. More thinking could also have been devoted to the choice of community policing model, notably by drawing lessons from previous experience.

- Finally, project sustainability was an issue. Even though certain good practices were applied (i.e. "training the trainers"), there are doubts as to whether the Government will continue to fund training after the Commission programme draws to an end.

---

[65] This issue of DNA laboratories being used to their full potential was raised in other countries where the Commission funded such equipment. In Colombia, for example, a DNA lab was provided to the Public Defender's Office but only approximately 40% of the police knew how to preserve a crime scene, the *defensores* did not have legal standing to provide forensic evidence in court, and it is not clear that the GoC had the means to sustain another lab.

JC 5.3 Contribution to improved border management and security

Commission support has contributed to improved border management and security in the two cases examined where it supported such initiatives. Neither intervention was in its design intended to be a JSSR project, however, and there were weaknesses in both cases which relate specifically to the lack of a clear governance dimension in the support provided by the Commission.

Support for improved border management was an important focus of Commission engagement in JSSR, particularly in Europe's neighbouring regions, *arising from concerns about political stability and transnational crime that may affect the countries of the European Union*.

- In that context the European Union initially became engaged in mediation on the frozen Transnistrian conflict, a source of tension between Moldova and Ukraine since 1990; and, subsequently, the Commission supported the EUBAM project to promote cross-border cooperation.

- In the case of the Armenia, Georgia and Azerbaijan (SCIBM), the aim was to promote increased cooperation and communication - in a context of political tensions and distrust which have favoured cross-border criminal activity – by introducing a common integrated border management system. Neither project was meant to reform security systems, although there has been limited integration of governance-related principles into training activities and the IBM approach.

- The degree of involvement of beneficiary institutions in the design of the two border management initiatives examined was variable.

- On the issue of sustainability, the EUBAM project description does not provide a clear assessment of how this can be achieved beyond highlighting the need for continuing assistance.[66] However, not all reforms require continued funding, but rather legal changes or management decisions and inter-service cooperation. With respect to the SCIBM project, sustainability is described in the Contribution Agreement as "*at the heart of designing each proposed activity and will be strongly emphasized over the entire duration of the implementation*".

As a result of Commission support, progress was made towards integrated border management, reinforcing cooperation and coordination between relevant core agencies at domestic, regional and international levels, with positive results for the management of cross-border crime, cross-border traffic and regional security. The progress achieved has however not been spread evenly across the participating countries.

- EUBAM has contributed greatly to building capacity in the Moldovan and Ukrainian border guard and customs services. This enhanced capacity has contributed to greater cooperation between both countries in tackling smuggling and other forms of cross-border crime. Important changes were achieved thanks to the systemic approach adopted by EUBAM.[67] The capacity created, however, has been achieved through

---

[66] As noted by one of the interviewees, "*if the money stops, the project will stop*".

[67] The intervention targeted the main ministries and agencies involved in border management. The main achievements were, for instance, increases in customs revenue due to more efficient customs and control procedures, increases in the number of joint border control operations by authorities from both sides. There has been simplification of border crossing procedures, more service oriented professional behaviour, and enhanced inter-service cooperation through joint operations.

training which will not in itself ensure the required changes in service mentality if border authorities are to carry out their tasks effectively.

▪ Commission support for SCIBM has contributed both to enhancing border management capacity within Georgia and Armenia as well as strengthening links, information exchange, and commitment by the two countries to cooperate further in managing their border crossing points. The achievements have been variable, however, Georgia having made the most progress of the three participating countries in the SCIBM, with an IBM system in place which much more closely approximates the EU's.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

Evaluation Question 6 on support to DDR

To what extent has the Commission's support to DDR enhanced the security and welfare of former combatants, their families and the wider communities where return or resettlement has occurred?

This Evaluation Question addresses Commission support for disarmament, demobilisation and reintegration (DDR) processes. DDR processes need to contribute to immediate security for affected groups and communities as well as helping to lay the foundation for longer-term stability and development in a country or region. Here it should be noted that the EU approach is based on a distinction between time-bound DDR processes ("R" referring to "reinsertion") and longer-term Reintegration processes that require support for broader social and economic development focused increasingly on the needs of communities in which resettlement occurs rather than on individual ex-combatants.[68] To that extent DDR is not purely a military or technical issue, but must be effectively linked to an overall peace process and political transitions in conflict-affected States and regions.

The ultimate aim of DDR processes is the full social and economic reintegration of ex-combatants and their families into civilian life by reducing their reliance on military means to ensure their security and livelihoods. But in practice most interventions focus on reinsertion, with the longer-term reintegration element addressed through separate programmes. Reintegration into civilian life is more likely to be sustained if viable alternative livelihoods can be found for ex-combatants and their families, provided that they are accepted into the communities where they resettle, and if state institutions are able to provide the security, justice and other services which they require.

Demobilizing combatants is a key factor in determining the success of peace operations and the EU wishes to strengthen its support to Disarmament, Demobilisation and Reintegration in the future.[69] In December 2006 the European Commission and the Council of the European Union approved a joint concept for support to DDR.

The EU has been active in this domain for a long time, especially through Community programmes and policies and Member States' bilateral support. Since the early 1990s the European Community has supported approximately 25 DDR processes in Africa, Latin America and Asia. For this evaluation four country-based interventions were examined, namely in Guinea-Bissau, Liberia, Colombia and Indonesia, along with one regional intervention in the greater Great Lakes region.

This question addresses the criteria of relevance and effectiveness. It also tackles sustainability insofar as the task of enhancing the security and welfare of former combatants, their families and the communities - wherever return or resettlement has occurred - is planned to be conducted in a sustainable manner. It also covers cross-cutting issues (gender and human rights).

---

[68] Council of the EU, *EU Concept for support to Disarmament, Demobilisation and Reintegration (DDR),* December 2006, p.7.
[69] *Op.cit.,* p. 24.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

<div style="border: 2px solid black;">

EQ 6 on DDR – *Answer Summary Box*

Overall, the evaluation findings indicate that the Commission has attempted to anchor its support for DDR within a wider peace process and in this way has improved the immediate security environment. However, the relevant activities undertaken in conjunction with DDR were not sufficiently linked in such a way as to ensure the welfare of former combatants, especially if the recipient communities had been left out of the process.

The Commission has sought to anchor its support for DDR processes within a wider peace process and political transition. To this end the Commission has relied on comprehensive analyses of the political context although these have usually lacked a specific assessment of DDR-related matters. It has also engaged in political dialogue but with mixed results.

The Commission has translated at operational level the necessity for joint action described in the EU Concept for support to DDR, by intervening in collaboration with partners such as the UNDP, the World Bank or the Council.

The Commission designed and implemented its support to DDR in conjunction with other relevant activities, but complementarity between them was not always established. As a result, even though the Commission's interventions have provided participants with some degree of reintegration opportunities, the sustainability of these opportunities was not systematically ensured especially if the recipient communities had not also been involved in the DDR processes.

</div>

JC 6.1 Extent to which the Commission's support to DDR was context-driven and framed within an overall peace process and political transition

The Commission has explicitly sought to anchor its support for DDR processes within a wider peace process and political transition.

This attempt on the part of the Commission may be appreciated by looking at two measures that it has taken: a) **reference to an analysis of the political context**, and b) the **conducting of a political dialogue.** The 2006 EU Concept for support to DDR emphasizes in this respect: "*DDR needs to take place within a comprehensive framework of peace building and long-term development conducive to democratic governance and be based on dialogue and a comprehensive analysis to assess the conditions for DDR.*"[70]

- The CSP review shows that where reference was made to the reintegration of ex-combatants (11 CSPs/RSPs), this was regularly accompanied by an analysis of the political context, although this analysis usually lacked a specific assessment of DDR-related matters such as figures of combatants to be demobilized, or level of commitment by stakeholders *vis-à-vis* the DDR process.

- The more in-depth examination of the five DDR interventions shows that in four cases DDR activities took place within a peace process and **the Commission relied on a more comprehensive analyses of the political context** conducted in most cases by

---

[70]   *Op.cit.,* p.17.

the implementing partners in close cooperation with the national authorities. In Indonesia the Commission conducted its own analysis of the political context as it was directly involved in the whole peace process and took part in a joint EU Council/Commission assessment mission to Indonesia (Aceh).[71] Colombia is the only case where the DDR intervention did not take place within a peace process. Even then a political analysis was undertaken as the Commission was skeptical of funding a DDR process that benefited only one of the various parties in conflict.

The Commission acknowledges in the EU Concept on support to DDR the political dimension of DDR and the necessity to base the process on dialogue with the parties involved in order to increase its chances of success. At implementation level the five interventions showed that the ***Commission made the effort to enter into a political dialogue, albeit with mixed results,*** sometimes due to factors beyond its control.

▪ In Guinea-Bissau the DDR intervention was designed to support the national SSR strategy and the Commission obtained the commitment of the Ministries of Defence and Finance. However, this commitment at policy level turned out to be insufficient to overcome resistance from the military at operational level. The Commission took a decision to suspend the programme following the Military Coup attempt in April 2010. This case may not be a good example of where a DDR process failed in the sense that political turmoil prevented implementation of the programme in the first place; but it does raise the question of whether this political crisis might have been better anticipated during the design stage of the programme, or whether there were specific aspects of how the DDR programme was designed that may have contributed to the crisis. This is a relevant question as it underlines that a DDR process is more likely to be successful where key stakeholders are fully committed to the process. Such commitment on the part of the GoI and of the former resistance movement (GAM) leaders was one of the main reasons for a successful transition in Indonesia (Aceh). In Indonesia (Aceh) the Commission played a leading role, in coordination with the Council, in supporting the mediation efforts and implementation of the peace agreement. This provided the Commission with a good understanding of the political context and allowed it to take bold measures in terms of DDR, notably the reinsertion of political prisoners. Shortly after the signing of the peace agreement in August 2005, an ESDP mission (the Aceh Monitoring Mission – AMM) was launched. In Colombia a political dialogue was conducted with the GoC with respect to a DDR process, and the Commission and the Council were coordinated in this dialogue.[72]

DDR processes funded by the Commission have been designed and implemented in collaboration with other EU and non-EU partners

▪ The Commission's engagement in DDR took different forms. In some cases the Commission contributed to multi-donor trust funds (in Liberia and the greater Great

---

[71] Council of the EU, *Council Joint Action 2005/643/CFSP*, 10 September 2005, p. 13.

[72] The EU had made its support for the Colombian Government's negotiations on demobilisation of the paramilitary conditional on the adoption of a legal framework consistent with international commitments and respect for victims' rights to truth, justice and reparation (EU Council Declaration of 13-14 December 2004). In July 2005, the GoC adopted the Justice and Peace Law that provided for the legal framework requested by the EU and the Commission proceeded to give its support to the DDR process in 2006.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

Lakes region), and in other cases it funded directly the interventions such as in Indonesia and Guinea-Bissau. But in all cases examined, it has intervened in collaboration with other partners: UNDP, World Bank or the Council. Both the UN and the Commission have a preference for these types of joint initiative in the area of DDR emphasizing that: "*No single actor has the financial, political and technical capacity to carry out DDR on its own.*"[73] Colombia is the exception but, as mentioned above, the DDR activities in Colombia did not take place within a peace process.[74]

Box 5 – The Commission's potential added value in the DDR domain

The analysis of the Commission's DDR interventions suggests that it can offer added-value in this domain. This observation stems from four main factors:

- Even though the activities supported by the Commission need to be ODA-eligible, it can coordinate with the Council of the European Union and hence **cover all the stages of the process** from disarmament to reintegration. This was successfully done in Indonesia (Aceh) where there was good coordination between the ESDP mission and the Commission at headquarters and field levels. The AMM (Aceh Monitoring Mission) assisted with the decommissioning and destruction of weapons while the Commission funded the reinsertion of ex-political prisoners.

- One of the challenges of DDR is to **link the first critical time-bound DDR reinsertion processes** and the longer-term reintegration process that requires support for broader social and economic development. The Commission is equipped with financing instruments that can appropriately address these different needs and challenges. The Rapid Reaction Mechanism (RRM) and later the Instrument for Stability (IfS) were used by the Commission to mobilize funds rapidly for DDR processes in Colombia, Guinea-Bissau and Indonesia. In the last two cases longer-term geographic programmes were designed to follow up on these actions.

- The presence of EU Delegations across regional areas allows the cross-border elements, often part of DDR processes, to be better addressed.

- Finally, the Commission is an EU institution. Because of its regional nature, the EU may be perceived **as a more neutral player** which is an advantage when overseeing a politically-sensitive process such as DDR. This perception of neutrality arises from the fact that it does not have a set foreign agenda, owing to its supranational nature, and at the same time it does not represent the international community in the same way as the UN. This last point was important in Aceh, as the Indonesian government negotiators were prepared to accept ASEAN and the EU as monitors of the initial stages of the DDR process, but not the UN as they considered Aceh to be an internal affair.

The Commission designed and implemented its support to DDR in conjunction with other relevant activities, but complementarity between these elements was not always assured.

---

[73] UNDP, *Practice Note: Disarmament, Demobilization and Reintegration of Ex-combatants*, p. 26.
http://www.undp.org/cpr/documents/ddr/DDR_Practice_Note_English_PDF.pdf
[74] Furthermore, in Colombia, the Commission did not focus on ex-combatants but rather geared its projects to the victims of demobilized paramilitaries and receiving communities.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

The Commission acknowledges in the EU Concept on DDR that the ultimate objective of the process is "*to contribute to sustainable peace, reconciliation of society, stability and long-term development.*" Furthermore, it states that where relevant and possible DDR "*is often more successful when part of a broader Security Sector Reform (SSR)*" [75] The more in-depth analysis of Commission interventions shows that the Commission has made an effort to adopt a comprehensive approach to DDR by designing and implementing activities in related sectors, but that the necessary synergies between these activities have not always been established.

▪ In Liberia the Commission did link the DDR process of ex-combatants with the necessity of demobilizing soldiers of the Armed Forces of Liberia (AFL); but the evaluation of the Commission's cooperation with Liberia indicates weak coordination with programmes parallel to the NCDDRR programme. With respect to the MDRP, despite the Commission's emphasizing that the intervention complemented other Commission-funded support in GLR countries, an end-of-programme evaluation stated that such linkages were not clear: "*Upstream (policy, SSR) and downstream (sustainable reintegration) links to DDR need to be systematically identified and as far as possible established.*"[76] In Indonesia, besides the DDR process the Commission designed and implemented a community policing programme. According to an IOM staff member, the Commission purposely funded these two interventions simultaneously to contribute to the democratisation process.[77]

Finally, while gender issues were not systematically addressed in DDR strategy and programming documents, human rights were better taken into account, especially the rights of children.

▪ The CSP review shows that where reference was made to the reintegration of ex-combatants (11 CSPs/RSPs), human rights or gender issues were mainstreamed in the activities of projects in less than 50% of cases.

▪ In Liberia, even though there was an awareness of gender issues, they were not adequately covered in the design of the programme. The country evaluation notes, for example, the higher drop-out rates of women among the beneficiaries of DDR measures.[78] However, positive results were obtained with respect to children as they were protected and looked after by UNICEF and its partners.[79] The Commission wanted to ensure that the Cape Town Principles[80] were adopted at the earliest stage of

---

[75] Council of the EU, *EU Concept for support to Disarmament, Demobilisation and Reintegration (DDR),* p. 4.

[76] European Commission, *Financing Agreement between the European Commission and the ACP States: Contribution to the Multi-Country Demobilisation and Reintegration Program (MDRP),* Annex DTAs, pp. 4-5; Scanteam, *MDRP End of Program Evaluation,* June 2010, pp.89-90.

[77] IOM, which was the implementing partner for both programmes, considered at some stage to incorporate the two models but then decided not to in order to avoid the scenario of a failed reinsertion process negatively impacting on the security sector reform.

[78] European Commission, *Country Strategy Paper Liberia 2008-2013*, Annex 13, p.47; ECO Consult – AGEG et al., *Evaluation of EC's Cooperation with Liberia 1999-2008,* Vol. II, p. 33.

[79] According to official figures, almost 11% of the total of 103.019 individuals who were disarmed were children. ECO Consult – AGEG et al., *Evaluation of EC's Cooperation with Liberia 1999-2008,* Vol. II, p. 33.

[80] As part of the effort to deal with the tragic and growing problem of children serving in armed forces, the NGO working group on the Convention of the Rights of the Child and UNICEF conducted a symposium in Cape Town from 27 to 30 April 1997. The Cape Town Principles and Best Practices are the result of that symposium.

---

disarmament and demobilisation planning.[81] With respect to the MDRP, the final report notes that the special projects implemented by UNICEF and NGOs proved reasonably effective in the sense that 53,880 children were removed from armed groups; but no significant results were obtained in favour of women and disabled ex-combatants. The World Bank final report states in this respect that future programmes should "consider a window that provides dedicated support for the needs of all special groups, not just children […]".[82] In Aceh, in conjunction with its DDR programme, the Commission was supporting a community policing programme with training in human rights. With respect to gender, it was taken into account in the longer-term reintegration process that focused on recipient communities. In Colombia the DDR intervention had a strong human rights component.[83] No special reference was made to gender.[84]

JC 6.2 Extent to which the Commission's support to DDR processes contributed to the immediate security and social and economic reintegration of ex-combatants and their families.

In the cases examined, where the Commission has supported DDR processes, this has contributed in different ways to political stability and immediate improvements in the security environment.

▪ This was the case in Liberia. In the greater Great Lakes region, the end-of-programme evaluation points to the "*enhanced stability that has taken place across the Greater Lakes region during the MDRP period.*"[85] Some countries rated better than others in terms of security, according to the evaluation.[86] In Indonesia it can be argued that Commission-supported DDR processes contributed not only to political stability and immediate improvements in the security environment but also to establishing the conditions for lasting peace. Although this outcome also owes much to factors that were beyond the control of the EU,[87] it was also facilitated by good coordination between the Council and the Commission and the fact that there was no gap between the signing of the peace agreement and the beginning of the ESDP mission. Colombia is a special case in the sense that only one group in conflict was demobilized but the Commission decided to participate in the DDR process by focusing on victims and the recipient communities, for the reasons described above.

---

[81] European Commission, *Country Strategy Paper Liberia 2008-2013*, Annex 5, p.16.

[82] World Bank, *MDRP Final Report: Overview of Programme Achievements,* July 2010, p. 4.

[83] European Commission, *Summary Fiche: Decision IfS 07/2007- an Exceptional Assistance Measure under the Instrument for Stability to contribute to: Victim oriented Assistance as a Contribution to Peace Building and Reconciliation in Colombia,* p.1.

[84] In Guinea-Bissau, the programming documents of the PARSS acknowledge that being demobilised has an impact on the whole family and has a better chance of succeeding if it is the object of a family consensus. But it cannot be concluded from this that the programme gave special attention to gender and human rights issues.

[85] Scanteam*, MDRP End of Program Evaluation,* June 2010, p.79.

[86] *Ibid.*

[87] According to the DDR programme manager, three factors explain the success of the peace process in Aceh: a) it was the 3rd attempt at a peace process, b) the tsunami in December 2004 had destroyed vast swathes of Aceh, c) the main stakeholders in Aceh and Jakarta wanted a new start and were ready for it.

The Commission's interventions have provided participants with some degree of reintegration opportunities. The sustainability of these opportunities appeared to be higher when attention was also given to recipient communities.

▪ In Liberia, two types of training were supported: one oriented to economic reintegration (vocational training, agricultural projects) and the other to social reintegration (formal education project). However, the CSP 2007-2013 emphasizes that training cannot *"provide by itself sustainable reintegration over the long-term, as linkages need to be made with a national recovery framework"*[88]. Furthermore, the Liberian case revealed the necessity of establishing some linkage between the DDR programme and the recipient communities: *"The negative perception is that the communities were not included in the process and felt marginalised, especially as they bear the weight of the reconciliation and reintegration of DDRRP participants."*[89] In the greater Great Lakes region the different country cases taught a similar lesson. Indeed, the programme achieved 64% of its target in terms of reintegration which was *"a major achievement given the GLR context."*[90] Nonetheless the results varied from one country to another. The end-of-programme evaluation mentions that in Angola and Rwanda, where national governments made considerable efforts not only to support ex-combatants but also to work with the recipient communities, better results were obtained. In Indonesia, IOM conducted a survey on how the reinsertion money received from the Commission had been used. This survey revealed that even though the money was distributed to ex-prisoners as reinsertion emergency money, it was used strategically by them for longer-term reintegration use and benefited their families and communities. According to an IOM staff member, this strategic use of money was not factored into the design of the project but turned out to be positive and needs to be taken into consideration especially when reinsertion money is distributed in regions where social and family ties are not as strong. In Colombia, according to a Commission staff member, one result of the reintegration programme is the positive change in community perceptions of demobilized individuals and the reintegration policy. Despite the difficult security environment, the reintegration process implemented by the ACR is internationally recognized as an integrated and versatile effort, notably due to the community-based reintegration strategy financed by the Commission.[91]

---

[88] European Commission, *Country Strategy Paper Liberia 2008-2013*, p.47.
[89] *Ibid.*
[90] Scanteam, *MDRP Evaluation,* p.38.
[91] Cartagena, *Cartagena Contribution to DDR*, 2009.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

Evaluation Question 7 on regional stability

To what extent has the Commission's support contributed to regional stability through interventions at local, national and regional levels, including support provided to regional organisations?

This Evaluation Question addresses the regional dimension of JSSR. As underlined in the Concept for European Community Support for Security Sector Reform, COM (2006)253, weak or failing justice and security systems may have a negative impact on stability at regional level and on the international community as a whole.

In order to make a positive contribution to regional stability, the Commission aimed to provide support to strengthening border management and to DDR and other JSSR activities. Additionally, it also aimed to support the capacities of regional and sub-regional organizations active in JSSR-related areas.

This EQ assesses the results and impacts of a) national or local JSSR interventions on neighbouring countries and b) regional interventions (including the support provided to regional organisations) on state and regional security.

The question addresses the criteria of effectiveness and impact. It assesses the Commission's support to regional activities and institutions but also examines whether this support had an impact on regional stability.

EQ 7 on regional stability – *Answer Summary Box*
It is mostly the Commission's cross-border or regional interventions which have contributed to regional stability. The Commission's country-level interventions were either focused on internal stabilization or included small regional components with limited impact. Overall however the effect of the Commission's interventions on regional security dynamics was not systematically analysed by the Commission, which has had adverse effects in some cases.

The regional dynamics of security have generally been referred to in country-level strategy documents and in project-specific documentation, albeit briefly and not in detail.

About half of the country-level interventions analysed were not explicitly intended to have positive effects on neighbouring countries as most of them were focused on stabilization at national level. The other half analysed did include elements designed to have positive effects on neighbouring countries. But evidence on the effects of the country-level interventions on regional security is scarce overall.

All regional or cross-border interventions analysed included an analysis of security dynamics at regional or national levels but in varying degrees of depth. In some cases this was problematic as the effects of the intervention on regional power balance structures had not been sufficiently considered.

In all geographical regions the Commission developed regional programmes aimed at improving security at both national and regional levels but also at furthering European interests in terms of border security and stabilization of

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

> **neighbouring countries**.
>
> **Results achieved, in terms of enhanced security at country and regional levels, were mixed. Among the interventions analysed, a number of achievements have been identified as well as difficulties, but the impact created on security at national and regional levels could not always be determined. Concerns about insufficient linkages between the capacity-building components of a JSSR intervention and other JSSR objectives such as improving oversight and accountability, were occasionally raised by external stakeholders.**

Amongst the 24 selected interventions, three interventions are at regional or cross-border level (1) Great Lakes Region – MDRP; (2) Southern Caucasus - SCIBM; (3) TACIS region - EUBAM. They are studied under JC7.2. The remaining 21 country-level interventions are examined under JC 7.1. Additional regional and country-level JSSR interventions were also examined during the course of the field missions.

JC 7.1 Extent to which the Commission's support to JSSR at country-level enhanced security in neighbouring countries

The regional dynamics of security have generally been referred to in country strategy documents and in project-specific documentation, albeit briefly and not in detail.

- Among the 19 countries selected, in 12 of them there was very limited reference to the regional dynamics of security.[92] More detailed consideration of such dynamics was made in the other seven. For example, in the DRC the creation of the Integrated Police Unit (IPU intervention) was intended to contribute to the implementation of the Sun City peace agreement; for Rwanda the CSPs make specific reference to the Lusaka agreement[93] and to regional integration as a peace factor; and there is a strong emphasis in the Georgia CSPs on security and conflict relations with neighbouring countries, interviewees also highlighted Georgian aspirations to move towards the European family and its justice and security standards.

- The review of CSPs/RSPs confirms that the ***regional dynamics of security have mainly been referred to briefly*** and that treatment at regional level was not systematic. Indeed, out of 40:
  - 15 CSPs had no regional analysis;
  - 21 (including 3 RSPs) included a brief analysis of regional dynamics;
  - only four (including 1 RSP and two countries of the border management SCIBM project) made reference to a principle similar to the OECD/DAC guideline on "adopting regional assistance to a national SSR process".

About half of the country-level interventions analysed were not explicitly intended to have positive effects on neighbouring countries as most were focused on

---

[92] These were Afghanistan, Algeria, CAR, Honduras, Indonesia, Jamaica, South Africa, Madagascar, Colombia, Guinea-Bissau, Armenia, Guatemala.
[93] They address the withdrawal of Rwandan forces from the DRC and the preparation of a DDRRR process.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

stabilization at national level. The other half analysed however did include elements designed to have positive effects on neighbouring countries:

- nine interventions purely focused on stabilization at national level: this was the case for example with LOFTA in Afghanistan, UPI in DRC and SSRP in Jamaica;

- seven interventions included elements designed to affect neighbouring countries: this was the case for example of Justice 1 in Algeria which was designed to foster peace and stability in the region, and the RoL-JCLEC project in Indonesia where training was organised to fight transnational crime after the Bali bombing in 2006 .

- The meta-analysis of evaluation reports shows additional evidence of complementarities between national and regional interventions, for example the national DDR activities in Angola which complemented the regional MDRP programme.

Evidence on the effects of the country-level interventions on regional security is scarce overall. Of the country-level interventions which included elements designed to affect neighbouring countries, in several cases no evidence was found and the existing evidence suggests that results in neighbouring states or at regional level have generally been difficult to achieve. The PASS in Honduras was suspended until recently but it was also reported that the regional component was hindered by the inability of Central American ministers to adopt common strategies. In Rwanda, however, national DDR projects within the MDRP were successfully designed to provide assistance to ex-combatants from the porous East of the DRC.

JC 7.2 Extent to which the Commission's support at regional level enhanced state and regional security

All regional or cross-border interventions analysed included an analysis of security dynamics at regional or national levels in varying degrees of depth. In some cases the failure to examine the situation in depth was problematic as the effects of the intervention on regional power balance structures had not been sufficiently considered at the design stage of the intervention.

- The lightness of the degree of consideration of regional security dynamics is corroborated by the RSP review which shows that, out of the four RSPs reviewed, only one included an extensive analysis of the country and regional dynamics of security while the remaining three included only a brief analysis. The Eastern Europe and Central Asia 2002-2008 RSP identified the regional dynamics of organised crime and the challenges posed by the existing key smuggling and trafficking routes for illicit SALWPs. In addition, the design of the EUBAM border management programme was also informed by the analysis of the Transnistrian conflict.

- For the Southern Caucasus SCIBM, references to the country and regional dynamics of security were included in both the RSP for Eastern Europe and Southern Caucasus 2008-2013 and in project documentation. However, questions have arisen on the sufficiency of the attention given by the Commission to the impact of regional border management programmes on the balance of power structures in the regions in which they are being implemented. In the case of the SCIBM, as participating countries adopted European standards and thus shifted away from other zones of influence, it

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

remains to be seen whether the various models will be in competition or complementary and to what extent participant countries can maintain the balancing act between adopting EU IBM procedures and norms while maintaining support from other regional powers.

In all geographical regions, the Commission developed regional programmes aimed at improving security at both national and regional levels. In some cases, particularly in regions in close proximity to the EU, the Commission's regional programmes have had an element of furthering European interests.

▪ In the European Neighbourhood the Commission's support to border management in the South Caucasus and EUBAM at the Moldova-Ukraine border was intended to contribute to the stabilization of zones of instability. It also approximated participating countries' standards of border and law enforcement authorities with the EU's. The adoption of EU standards by countries closer to the EU since the 2004 enlargement strongly motivated regional border management programmes. Conversely the prospect of freer trade and movement of peoples was crucial to the participating countries. In the Mediterranean region two major regional programmes, 'EuroMed-Justice' and 'EuroMed-Police', were put in place. The MEDA evaluation reported that in some cases regional activities were more suited than bilateral activities to addressing sensitive issues such as the right to a fair trial and access to justice.

▪ In ACP-Africa the Commission has supported the capacity-building of the African Union (AU) and of the African Peace and Security Architecture (APSA)[94] in JSSR issues (*see box 6*). The Commission has also supported the MDRP programme. Considering that the conflicts in the Great Lakes region are to a large extent trans-border in nature, a regional approach to addressing DDR was considered the most appropriate. Bridging local, national and regional activities had been identified as key to the success of the programme in its design.

▪ In regions where the Commission funded fewer JSSR interventions (based on the inventory), regional programmes were also formulated.[95]

▪ In terms of the complementarity of JSSR support at different levels, 70% of survey respondents considered that the range of JSSR activities supported at country and regional levels have generally been complementary, although there are few concrete linkages[96].

---

[94] The APSA was established in 2009 by the African Union in collaboration with the Regional Economic Communities (RECS) to deal with prevention, management and resolution of conflicts in Africa.

[95] For example, the EU-ASEAN Migration and Border Management Programme (€4.7m) was started in 2009 between four South-East Asian nations (Cambodia, Thailand, Vietnam and Malaysia) with the aim of strengthening the operational, institutional and professional capability of ASEAN immigration and border police services. For Central America the RSP for 2007-2013 describes a €47m border management and customs union programme and a €8m programme aimed at strengthening regional governance and security and improving the control of migration.

[96] Survey respondents who stated that this question was not relevant were disregarded.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

Box 6 – Building the African Union (AU) capacities in SSR

The Joint Africa-EU security partnership includes the operationalisation of the African Peace Security Architecture (APSA) whose role is to deal with prevention, management and resolution of conflicts in Africa. Following growing support within the EU for the development-security nexus, the EU made the case, in late 2009, for closer AU-EU-Regional Economic Communities (RECs) cooperation on so-called horizontal issues, such as SSR, DDR, or climate change. In November 2010, APSA was updated from five to 16 themes of cooperation, including SSR. Specifically, cooperation on SSR between the AU and the Commission has so far been as follows:

▪ The EUD to the AU has provided input in the **AU's policy on SSR reform**, planned for adoption in late 2011.
▪ The IfS-funded intervention "Building African Union capacities in Security Sector Reform: a joint UN-EU support action", adopted on 2 June 2011, aims to support the production, adoption and promulgation of the AU's SSR policy framework and related instruments.

Results achieved, in terms of enhanced security at country and regional levels, were mixed.

Among the interventions analysed, a number of achievements as well as difficulties have been identified, but the impact on security at national and regional levels could not always be identified by the evaluation. Concerns as **to lack of attention to linkages between the capacity-building components of an SSR intervention and other SSR objectives, notably strengthening oversight and accountability**, were raised occasionally.

▪ In the European Neighbourhood, the SCIBM delivered outputs at national and bilateral levels such as the development of National Integrated Border Management strategies in Georgia and Armenia, training courses, the review of legal acts, the development of Patrol Police Standard Operating Procedures (Georgia), and police and customs cooperation and information exchange between Georgians and Armenians at a pilot Border Crossing Point[97]. A comparison can be drawn between the SCIBM and the Southern Caucasus Anti-Drug programme (SCAD) which involved border control forces but also health services. It successfully developed anti-drug cooperation between the three South Caucasian countries. One explanatory factor for the better regional level performance of the SCAD is that some of the areas of cooperation (especially the health component) were less sensitive than under the SCIBM. Furthermore it was decided that, to ensure that such programmes would indeed contribute to improving security at national and regional levels, it had to be coupled with measures supporting oversight and accountability (for example, with due attention to potential dual-use of the equipment provided).

With respect to EUBAM, the programme had a range of achievements including enhanced cooperation between Moldova-Ukraine border control agencies; capacity-building on both sides, facilitating the legitimate movement of goods and persons; and maintained or improved security in border areas. In terms of impact, the 2010

---

[97] Regional activities became bilateral activities in view of Armenia's and Azerbaijan's lack of involvement due to the Nagorno-Karabakh conflict. Note: outputs in Azerbaijan were not looked at by the evaluation team, thus explaining the lack of any reference.

Monitoring Report and the Ukraine country-level evaluation reported *"an effective and efficient border management system relying on close cooperation between[…]the two countries"*[98] and *"less tension in the region and increased confidence of the population in the capacity of the border agencies"*[99]. The sustainability of EUBAM's **capacity-building outputs is however uncertain in the absence of broader legal and institutional changes** which can only be fostered by the governments of the two countries concerned.

▪ In Africa, the Commission supported the AU Commission in recruiting SSR experts and staff in order to develop an AU SSR strategy and to produce model legislative texts and guidelines in the field of JSSR. Regarding the MDRP, it has not been able to generate regional outputs: no agreement was reached on a regional database of former combatants; no shared or improved approach to addressing the needs of vulnerable groups was developed and implemented across the region; and difficulties remained with regard to the situation of combatants on foreign soil (COFS), who are a major unresolved political and security threat[100]. Nevertheless, it was considered that the different national-level DDR interventions contributed to stabilisation of the greater Great Lakes region.

---

[98] ADE (for the European Commission), *Evaluation of the European Commission's Cooperation with Ukraine*, December 2010, p. 74.

[99] Semeria, Bernard, Scobioala, Veaceslav, *Monitoring Report (MR-131946.01), European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) Phase 7*, 14 October 2010, p. 3.

[100] FDLR (*Force Démocratique de Libération du Rwanda* for example). According to the World Bank MDRP End of Program Evaluation of June 2010, "*MONUC was to take lead on the COFS issue, the MDRP contributed with facilitation services but played a limited role in actual trans-border demobilization exercises*".

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

Evaluation Question 8 on state security and human security

To what extent has the Commission's support for JSSR contributed to more secure and effective states that can meet the security and justice needs of their populations?

The overall objective of the Commission when intervening in support of JSSR is to enhance the security of states and their ability to meet the core security and justice needs of their citizens. The people-centred approach - and thus human security - is at the core of JSSR policies and objectives. state security and effectiveness is critical because states have the primary responsibility for protecting their populations, creating the enabling conditions for development, and delivering the core services they require. Both objectives are thus closely inter-linked and the question addresses:

▪ *State security - understood in the sense of states that are able to deliver the core public services (including security and justice) which their populations require and to govern their security and justice systems in a manner consistent with democratic norms, the rule of law and respect for human rights. This is necessary to ensure that state efforts to maintain a monopoly of control over violence, law and order and to manage their borders and relations with neighbouring countries effectively will be consistent with the needs and interests of their populations. This in turn will enhance the legitimacy, stability and ultimately the security of the state. This question examines the extent to which the Commission has addressed issues relating to both the governance of the security and justice systems and the delivery of justice and security services in the context of its assistance programmes.*

▪ *Human security - understood as freedom from want, freedom from fear and freedom to take action on one's own behalf. Here, the focus is at two levels:*

- *first, on the population and on the extent to which the Commission has contributed directly to improvements in people's security through interventions such as support for DDR processes;*

- *second, on whether the population is benefitting from better-administered and more effective justice and security systems and on the extent to which the Commission has contributed to that end.*

This is an impact question. It examines the overall objectives of Commission support in JSSR which are effective and secure states and human security and the impact of the Commission's interventions on these overall objectives.

EQ 8 on state security and human security – *Answer Summary Box*
The Commission's JSSR assistance has contributed to better administered and more effective justice and security systems. It is less clear to what extent it has contributed to improving citizens' welfare. This is related to the fact that the Commission has favoured a long-term state-centred, institutional capacity-building approach to its support to JSSR, rather than an approach directly aimed at improving citizens' welfare.
The Commission has mainly implemented its support to JSSR processes by engaging governments, following an institutional capacity-building approach. **It has supported governance by strengthening the capacity of state security and justice institutions (essentially through training, equipment, technical advice, and**

infrastructure development) and by persuading a range of state actors to improve their collaboration.

Favouring an institutional capacity-building approach has, however, certain limitations which have limited positive impact in terms of improvements in citizens' welfare and state security:
- focusing work through the state via capacity-building has generally not translated into improvements in the population's welfare, although such interventions have ultimately also been motivated by a desire for better service delivery to the population;
- institutional capacity-building has not systematically included civil oversight considerations;
- oversight bodies have benefited from a small share of financial support, and support was not sufficiently linked to the reform of other bodies (lack of a holistic and integrated approach);
- efforts to improve governance – unless matched with efforts to influence political agendas and priorities in favour of enhanced service delivery - are unlikely to have a long-term beneficial impact on citizens' security and access to justice.

The Commission has provided a small share of support which has had direct impact on local populations: notably via support to DDR and through the CSOs which have addressed some of the population's justice and security needs directly or interceded on behalf of them. In terms of impact, the Commission's support contributed to strengthening CSOs as an external pressure group on justice and security issues. This, in turn, contributed to adding a layer of governance to the system, and also to the articulation by end-beneficiaries of their justice and security needs. CSOs' inputs have provided a richer picture of the interventions' stakes and potential constraints, thus alleviating shortcomings found under the state-centred approaches. However this short-term impact was maximized only when it was complemented by more systemic changes within the JSSR reform process.

The Commission intervened in support of JSSR in a variety of contexts, including conflict-affected, fragile and more stable states. In most cases governments faced challenges in providing basic justice and security services to their citizens; in some cases, government security services were themselves threats to citizen security. Supporting JSSR in these contexts was often a challenging endeavour due to the lack of strong political constituencies in support of reform, the weak policy environments which prevail, and other institutional weaknesses and capacity limitations.

By way of illustration, Annex 10 shows that the 21 countries examined during this evaluation generally have low scores in terms of human rights, government effectiveness, governance and human security[101]. JSSR in these contexts needs to be understood as a long-term undertaking that is unlikely to proceed quicker than wider efforts to develop

---

[101] As measured by the *Failed States Index* (FSI).

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

political systems responsive to citizen needs. There are also important differences between these countries. For instance, Chad, Afghanistan, the CAR and the DRC have received among the lowest *Failed States Index* (FSI) scores for JSSR-relevant indicators[102] while South Africa, the Ukraine, Armenia or Jamaica have fared better in the global rankings (*see Annex 10*). Those differences underscore the context-specificity of JSSR and the need for different approaches to supporting government-led reform processes.

In keeping with its mandate to provide development assistance and restrictions on the ODA eligibility of its spending on JSSR activities, the primary focus of the Commission is on the governance and civilian dimensions of JSSR. The bulk of its assistance is targeted at partner governments with a view to improving their capacity for security and justice provision, although in some cases the Commission contributes more directly to meeting the security and justice needs of populations by working with civil society and oversight bodies or by supporting DDR processes, particularly the reintegration elements.

JC 8.1 Contribution of the Commission's support to the governance of security and justice systems and their ability to deliver core services to the population

Evidence shows that the Commission has supported efforts to enhance the governance of security and justice systems in most of the interventions analyzed. Furthermore, although enhanced service delivery was generally specified as the desired outcome, the focus of most interventions was, by design, on strengthening the capacity of state security and justice institutions (essentially through training, equipment, technical advice, and infrastructure development).

In most of the countries examined JSSR interventions targeted state actors and largely followed an institutional capacity-building approach (i.e. focus on relevant state ministries and agencies). *Improved delivery of justice and security services for the population was however considered as a long-term objective which would trickle down from institutional capacity-building. The objective of improved delivery of justice and security services for the population was not, however, addressed <u>directly</u> by most of the interventions.*

- The Commission's border management interventions introduced a common Integrated Border Management system in partner countries with emphasis on developing strategic leadership and the managerial and technical capacity of the executive and implementing agencies (border guards, customs, and others). These interventions were focused on capacity-building but ultimately sought to facilitate cross-border trade and traffic or stabilize regional tensions and thus improve the provision of a public service.

- Similarly the "RoL" Programme in Indonesia, which had an emphasis on training and did not attempt to engage directly with beneficiaries (i.e. population), had as ultimate objective the provision of a better service to the population.

---

[102] Legitimacy of state; Deterioration of public services; Violation of human rights and Rule of Law; Security apparatus.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

- The PASS in Honduras, although suspended, was designed along a state-centred approach.

This finding has been confirmed by the ROM qualitative analysis (*see Annex 8, section 4*) where most of the projects analysed were focused on institutional capacity-building.

Another element of Commission support to governance has been supporting improved collaboration between security and justice actors. The evaluation found either that this was the focus of several of the interventions examined or that a component promoting the coordination of state actors within and across JSSR sectors was included in larger interventions.

- In Georgia, the SPSP in support to the reform of the criminal justice system (SRCJS) covered the key actors and justice services of the criminal justice chain – the Ministry of Justice, Ministry of Internal Affairs, Penitentiary and Probation Reform, reform of the Legal Aid Service, Juvenile Justice Reform and support to the Georgian Public Defender. The comprehensiveness of the SPSP (SRCJS) has contributed to creating the potential for systemic changes, efficiency gains and sustainability of effects[103] ;

- In CAR, the ARSS project had a strategic, ministerial-level focus as it supported the development of a cross-sectoral SSR strategy integrating democratic governance and accountability dimensions. However it was found that the failure to provide support at the executive level of the state led to insufficient commitment or leverage to initiate change at ministerial level.

In terms of the implementation of this approach, strengthening of governance and capacity building[104] have been achieved in differing degrees, but this has resulted in limited justice and security service delivery to the population.

- Under the SA police programme in South Africa, although outputs were generated (equipment, infrastructure, training), little evidence of real impact in terms of improving service delivery of justice and security overall could be found (for instance, on the level of crime, justice cases backlogs, human rights issues);

- In Armenia, the Commission's support to the Human Rights Defender's Office has contributed to the growth of the institution and its role in bringing to the forefront issues which had been overlooked (such as the overloading of closed centres). However, neither the treatment of complaints nor the integration by state bodies of the HRDO's recommendations significantly improved (also due to other constraining factors at play).

- Supporting evidence was found in the country evaluations for the Ukraine[105] and MEDA II[106] where resistance to more systemic reforms of the judiciary limited the impact of the Commission's institutional capacity-building interventions (training and equipment, engagement of main institutions and professions).

---

[103] It is too early to determine impact in the cases of the SPSP in Georgia (SRCJS) which was launched in 2009.

[104] In different ways, such as strengthening of legal frameworks, enhancing human capacities, infrastructure, improve collaboration between actors etc.

[105] ADE (for the European Commission), *Evaluation of the European Commission's Cooperation with Ukraine*, December 2010.

[106] ADE (for the European Commission), *Evaluation of the Council Regulation - N° 2698/2000 (MEDA II) and its implementation*, June 2009.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

Commission efforts to improve governance are unlikely to have a long-term beneficial impact on citizens' security and access to justice if they have not been sufficiently linked to political commitment at the level of the beneficiary.

- In Guatemala, the 1996 Peace Accords, ending three decades of conflict, called for restructuring of the security apparatus and reform of the justice sector. Donor attempts to support the fulfilment of the terms of the peace agreements, especially in the security sector, followed a state-centred approach which was however systematically delayed or obstructed owing to resistance to change.

- In Chad, the Commission has been supporting, through the PAFSI[107] and PRAJUST, a long-term process of reform limited by the weakness of the policy environment and the political incentives for change. In the case of the PRAJUST, interviewees highlighted the necessity to take into account the nature of the regime in place, the extremely weak capacities of the Chadian state, and the strong tradition of local chiefs. While financial and institutional conditions for the release of PRAJUST funds had been set[108], securing Chadian contributions required negotiations between the Head of Delegation and the Chadian Ministry of Interior or President. Such high-level discussions however did not sufficiently take into account the institutional constraints or difficulties faced by the Ministry of Justice in raising funds.

- Supporting evidence for this finding was also found in the ROM analysis (*see Annex 8 section 4*), which identified some factors of impact, including the level of commitment from the executive and from beneficiary institutions, and the strength of coordination mechanisms to ensure consensus and commitment amongst all stakeholders involved[109].

This finding, on the importance of matching technical and political engagements, is linked to another finding, namely that **efforts to enhance the level of commitment of the executive and beneficiary agencies was facilitated by the use of sector budget support (SBS):**

- The implementation of the SPSP in support of the criminal justice reform process (SRCJS) in Georgia is a good example. This programme indicates how, under certain conditions (*see Box 3 under EQ4*), budget support can be a powerful tool for ensuring the meeting of conditionalities (for the release of variable tranches) and can contribute to national ownership of a reform process.

- Conversely, the PRAJUST (Chad), which was funded under the EDF, included a less elaborate conditionality and monitoring system. Also lacking was a coordination mechanism which might have facilitated identification of implementation constraints at the lower levels of the state apparatus and further structured the political dialogue with the EU Delegation.

---

[107] European Commission programme in support of the reform of Chad's security forces.

[108] Financial conditions, namely a €10m participation earmarked for the construction component of PRAJUST, broken down in a yearly €2.5m contribution, as well as commitments of a structural and institutional nature, necessary to ensure the sustainability of PRAJUST outputs.

[109] For example coordination from an international organization such as IOM or a UN agency, to work on identifying and preventing potential conflict of interests between stakeholders.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

Finally, an important finding is the insufficient focus given by the Commission, within its institutional capacity-building approaches, to civil oversight mechanisms in overseeing the justice and security sector and to holding state actors to account for violations. This in turn has had implications on the impact of the Commission's support to JSSR.

The Commission's support to civil oversight has been limited in financial terms over the evaluation period, and this has limited the degree of impact in terms of promoting and monitoring human rights, people's security and access to justice. Additionally, such interventions needed to be integrated within a wider, more systemic JSSR process, so as to have lasting impact on citizens' security and access to justice (*see EQ 3*).

Moreover, insufficient attention was given to inclusion of oversight considerations within the Commission's largely institutional capacity-building programmes.

- In some interventions, no attention at all was paid to oversight mechanisms: this was the case under the PASS and under the border management interventions analysed in this evaluation (EUBAM and SCIBM) where building the capacity of border control authorities ought to have been further linked to oversight and governance measures, for instance in view of data protection and dual-usage of equipment.

- In Rwanda the Commission's support to the justice reform process has contributed to the national reconciliation process and to the stabilization of the country. Although the strengthening of democratic oversight mechanisms was taken into account in the Commission's intervention, they were given less importance and fewer funds.

JC 8.2 Extent to which the Commission has contributed more directly, alongside other national and international initiatives, to meeting the security and justice needs of the population in partner countries

JSSR processes are long-term in nature, as illustrated above. Where there is a narrow, technical emphasis on reforming and enhancing the capacity of state security and justice institutions, JSSR tends not to result in immediate improvements in service delivery that benefit citizens. Where these reforms are expanded outwards to include a service delivery dimension – either by creating political incentives for governments to be more responsive to citizen needs or by empowering citizen groups themselves to influence justice and security provision – populations may benefit from reforms. These changes are unlikely to be sustained, however, unless there are significant improvements in state capacity across the public sector.

The Commission also provided other forms of assistance in the security and justice sectors which had a more direct, short-term impact on populations' security.

- The *first category* of such assistance was *its support to DDR processes*, particularly the reintegration elements which involve the provision of direct material support to individuals including ex-combatants, their dependents and members of the recipient communities in which ex-combatants were resettled. As shown in EQ 6, the DDR interventions analysed in this evaluation were not, strictly speaking, JSSR processes in that they were not linked to the reform of security and justice institutions. However,

they make a positive contribution to the stabilisation and welfare of ex-combatants, their families and wider communities, notably through the financing of the MDRP in the Greater Great Lakes region and in Liberia, where the DDR has had a positive impact on the socio-economic situation of participants. However, in Colombia and Guinea Bissau, DDR interventions have not been able to provide positive impact because of the limited scope in the first case and of the difficult country situation in the second (a *coup* d'etat brought the process to a halt).

▪ The ***second category*** of interventions which in certain cases did have a more direct impact on the security of citizens was ***support provided to civil society advocacy groups***. Although the Commission's support to these groups was small in financial terms, it led to:

   - ***strengthening CSOs as an external pressure group on justice and security issues, thus adding a layer of governance to the system***. For example, in Rwanda most of the Commission's JSSR contributions were aimed at supporting the GoR and not the population directly. Whilst the EIDHR budget line financed NGO projects, in order to provide direct support to lawyers for example, it did so insufficiently considering that the priority for governance of the security sector became democratic oversight.

   - ***supporting the articulation, by end-beneficiaries, of their justice and security needs which has provided a richer picture of the stakes and potential constraints of interventions, thus alleviating shortcomings found under the state-centred approaches***. For example, in Haiti the RJP project sought to involve grassroots organizations both in contributing to identification of the population's priority justice needs within the drafting of the priorities of the criminal justice reform and also to strengthening its role in ensuring external accountability. The project sought to create the widest possible participation so as to ensure representativity. Similarly, the JCLEC component within the "RoL" programme in Indonesia sought NSAs' contributions in the collection of information on corruption. It was found that it was not an easy process until GoI realised that they were a valuable source of information.

▪ ***Finally, direct support to the population was, in some cases, an integral, yet minor, component of an institutional capacity-building intervention.***

   - This was the case under PRAJUST in Chad[110] which also included a smaller component in support of civil society, notably for their assistance to prisoners and for their provision of legal aid.

   - It was also the case under the PASS in Honduras which included some direct support components, notably the strengthening of an Observatory of Citizens' Security and the conducting of awareness-raising campaigns on the functions of the different institutions in the sector and educational campaigns on reacting to offences and crimes so as to facilitate the investigation of cases.

---

[110] Aimed at the consolidation of the rule of law through human capacity building, the supply of equipment, infrastructure discussions on the upgrade of legislation.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

This short-term impact however was maximized only when it was complemented by more systemic changes within the JSSR reform. This was the case under the SPSP in Georgia (SRCJS) (*see Box 3 under EQ4*). This was taken into consideration in the CSC project in Guatemala which, in view of previous unsuccessful state-centred approaches, intentionally focused on strengthening CSOs (notably the Mayan population) by developing their monitoring and control capacities, as well as on civil oversight bodies within the government in order to leverage their collective influence and create broad public support for reform of the security apparatus and the justice sector.

JC 8.3 Benefits for citizens from better administered and more effective justice and security systems as a consequence of the Commission's support for JSSR.

There were a **number of factors which should be highlighted at the outset and which make it difficult to assess the extent to which citizens have benefitted from JSSR processes supported by the Commission**:

- In several countries, most **interventions examined were too recent** to draw sound findings at impact level. This was the case with interventions analysed for Chad, Armenia, Indonesia and Georgia, for example.

- In other cases, interventions were suspended. This was the case of the PASS in Honduras, of the PARSS in Guinea Bissau and of the « Oversight Chad » intervention;

- The **insufficient or inconsistent use of baseline data and precise indicators** to measure interventions' long-term impact, in terms of **change in the lives of people**. This was the case for interventions in Indonesia, Chad, Guatemala and Colombia for instance. In the case of the RoL intervention in Indonesia, baseline and indicators were used but inconsistently across the programme's three components. In other cases, PRAJUST in Chad for example, this was due to **weaknesses at wider, national level in statistical reporting**, which from the start of an intervention prevented the establishment of a baseline despite the intention to do so;

- **When they were used, baseline data and precise indicators at intervention level have been used to measure results *at output and outcome level* more than at *impact level*** (in terms of the level of change in the lives of people in a longer term perspective).

The survey to EUDs indicates that 84% of survey respondents stated that "the project (s) [they were] working on incorporated a way to measure impact"[111]. This gives a first indication that the trend within EUDs in using measurement tools is a positive one.

Generally the Commission has contributed to better administered and more improved justice and security systems. The extent of the Commission's contribution is difficult to determine precisely but the following can be said for the cases detailed below:

---

[111] Multiple answers were possible for this question: by order of importance, the following were declared to have been used to measure impact mid- and end-of-project evaluations (31 answers); indicators (30 answers); baseline studies (17); integration of an M&E component as part of project design (13); surveys of popular perceptions of security/justice (7).

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

▪ **At an aggregated level**, the **ROM qualitative analysis** (*see Annex 8, section 4*) shows that factors which have contributed to greater impact – amongst others - have been strong commitment from the executive and from beneficiary institutions, supported by strong coordination mechanisms for ensuring consensus and commitment across all levels; and that conversely the lack thereof has contributed to the poor marking against the impact criteria.

▪ The following two cases of the Commission's support in **Georgia** and **Rwanda** provide **evidence of its contribution to the improvement in the justice and security situation and to citizens' welfare, although shortcomings remain**. In **Georgia**, the Commission's SPSP (SRCJS) and accompanying measures have notably contributed to (i) the liberalisation of a particularly punitive criminal justice system; (ii) initiating a culture shift towards understanding that justice and security actors are service deliverers (reform of probation, of legal aid); (iii) a reduction in crime, also reflecting improvements in investigation and prosecution (and not of a more repressive system); and (iv) stronger handling of complaints by the PDO and in its role as an external check on the government. That said, some resistance or lack of commitment to the reform process (especially to Penitentiary reform) and insufficient or inappropriate resource allocation, are impediments to full realization of the national strategy which the Commission has been supporting. In **Rwanda** the Commission's support to the Gacaca process since 1994 has been considered as having positively impacted on stabilisation of the country; but a remaining priority for the governance of the security sector is strengthening of mechanisms for democratic oversight.

Moreover, some factors were identified in the course of this evaluation that contributed to positive impact on citizens' welfare[112]. They are summarized in the box below.

> **Box 7 – Factors identified in the evaluation which have contributed to positive impact on citizens' welfare[113]**
>
> ▪ The level of the Commission's monitoring of the programme and notably its engagement to work on political engagement at all levels involved;
> ▪ The integration of civil oversight considerations within larger governance/capacity building reforms, all the more so in view of the preference given in the Commission's support to state-centred, institutional capacity-building approaches;
> ▪ The linking of JSSR interventions with other forms of support in the field, so as to facilitate synergies. This applies also to linkages between JSSR interventions and interventions in other fields such as social policy.
> ▪ The importance of the Commission as a donor in the country of intervention
>   - In Rwanda and Georgia for instance, its long-standing presence in the JSSR field, and importance compared to other donors, has contributed to impact,
>   - Conversely, in South Africa for instance, ODA represents 0,2% of the national budget so that donors can only have limited impact on the evolution of the justice and security sector.
> ▪ At a more general level, when assessing impact expectations regarding the achievements and impact of Commission programmes must be realistic in view of the levels of need and of capacity of the beneficiaries. For instance, the human capacity-building, infrastructure and equipment needs in the Chadian justice system are so significant, in both the immediate and longer-term, that any intervention can only contribute partially to addressing those needs.

---

[112] They are not exhaustive and should be looked at as factors among others considered by the evaluation team as favouring positive impact.

[113] Same as above.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

Evaluation Question 9 on Cost-Effectiveness

To what extent has the mix and sequencing of the Commission's financing instruments, budget lines, aid delivery methods and policy dialogue as well as the regulatory framework been appropriate for achieving cost-effective and timely JSSR interventions?

The question addresses the mix and sequencing of different financing instruments and budget lines (Commission geographical programme and thematic budget lines, along with financing instruments such as the Instrument for Stability) and different aid delivery methods used by the Commission in support of JSSR (sector approach through the use of budget support, basket funding or co-financing with the UN, WB or other donors; or project approach with partner governments, NGOs, international or local technical assistance). It also addresses the policy dialogue carried out in parallel with or ex ante to JSSR interventions and the relevant regulatory framework.

The analysis is undertaken:

- *at the HQ/policy level: the appropriateness of the overall regulatory framework and institutional set-up with regards to the Commission involvement in JSSR is examined here;*

- *at the level of the partner country and corresponding region: the appropriateness of a mixture of financial and non-financial means, along with the sequencing and complementarity in relation to the country and regional context and the Commission's objective in that country and region, are the foci here; and*

- *at the level of the intervention: the appropriateness of the financing instrument/budget line and aid delivery method used to produce the intended output and attain the expected results in a cost-effective and timely manner is assessed here.*

This EQ will focus on the efficiency with which the Commission's interventions in JSSR have been implemented. The question spans mainly the three first columns of the intervention logic, looking at the links between the interventions, their outputs and their results and analyzing whether the most optimal financing instrument/budget line and aid delivery method were used to attain the intended results, given the specific policy, institutional, and human resource capacity context of the intervention.

EQ 9 on cost-effectiveness – *Answer Summary Box*
Overall, the Commission did not have the adequate regulatory framework, institutional set-up and - to some extent - instruments to ensure timely and cost-effective implementation of its JSSR interventions. Nevertheless, over the evaluation period, the use of new rapid instruments and procedures, such as sector budget support combined with adequate policy dialogue, allowed enhancement both of the timeliness of support and of ownership by partner countries.

The financial regulations of the Commission did not ensure smooth implementation of JSSR interventions in most of the cases reviewed. A key problem encountered was the heaviness of the procedures, making very lengthy the process of obtaining a decision following the identification and formulation phase and before the start of implementation. Inflexibility in adapting the

---

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

interventions during implementation where necessary was also a major concern in sensitive and fast-evolving situations.

Some of these issues were nevertheless overcome through the creation of the Instrument for Stability (in 2006) and the possibility of using more flexible procedures in fragile states. Although limitations were still encountered, the IfS made possible rapid mobilisation of expertise and funds to initiate JSSR processes.

Even though JSSR-related training and guidelines were provided to Commission staff in HQ and Delegations, there were still problems regarding availability of the human resources with qualified JSSR expertise needed to ensure cost-effective and timely implementation of JSSR interventions.

The complex institutional set-up and the fragmentation of the political and operational aspects of JSSR interventions between the Commission and the Council did not favour cost-effectiveness and timeliness. It even created, in some cases, overlap and competition between these two institutions. The new set-up of the EU's external action with the creation of the EEAS provides new prospects but is still at a transitional stage. The views of the main stakeholders on these changes were mixed.

A mix of financial instruments was often used for supporting JSSR in partner countries but synergies between them were not always exploited. Geographical programmes and thematic budget lines often operated separately.

Although the project approach was the main aid modality used for supporting JSSR, sector budget support (SBS) was increasingly used over the evaluation period. In the cases reviewed during the field missions, these SBS interventions combined with adequate policy dialogue were efficient and enhanced ownership and coordination of the support to JSSR. However, it was not considered the preferred modality in all cases. The weak capacity of governments in some partner countries, the lack of strategy, and the sensitivity of JSSR issues were reasons for continuing to employ the project approach which allows more control over implementation of activities.

The large majority of interventions reviewed experienced delays, which had negative effects on project implementation and ownership by the beneficiaries.

JC 9.1 Extent to which the Commission's regulatory and institutional set-up enhanced the timeliness and cost-effectiveness of its support to JSSR

The Commission's regulatory framework was not fully adequate to enhance timeliness and cost-effectiveness of JSSR interventions. Although some specific rapid reaction instruments or procedures were created over the evaluation period, enhancing timeliness of implementation, the decision procedures were still lengthy.

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

There was broad consensus among interviewees at Commission HQ level and in the field (EUD staff, implementing partners and national authorities) that in general the Commission's financial procedures were cumbersome and not flexible enough, and did not enhance the timeliness of JSSR interventions. This was also confirmed through the survey of EU Delegation staff working on JSSR. Indeed 55% of respondents felt that Commission funding mechanisms were not well adapted to attainment of project objectives in a cost-effective and timely manner[114].

▪ This was mainly the case for project approaches financed under **long-term geographical programmes** such as the EDF, ENPI, and DCI. Examples include the Rule of law and national reconciliation project (financed under the 8th and 9th EDFs) in Rwanda; the Justice reform FORJUS project (financed under the geographic programme DCI – Latin America) in Colombia; or the Rule of law and security project (financed under the geographic programme DCI – Asia) in Indonesia.

However, there were changes in the regulatory framework over the evaluation period (2001-2009) which, in some cases, enhanced the timeliness and cost-effectiveness of JSSR interventions.

▪ This was mainly the case with projects financed under the short-term **Instrument for Stability** instrument (and the RRM, its predecessor). This instrument was established in the 2007 Financial Regulation to allow the Commission to respond quickly to crisis situations through interventions lasting up to 18 months, with the possibility of a six-month extension. The RRM-IfS interventions reviewed show that **this instrument allowed rapid mobilisation of funds by Delegations to take advantage of JSSR opportunities which presented themselves**. For example the EUBAM project was initially financed through RRM funds in order to seize the opportunity which arose in 2005 to advance the resolution of the Transnistrian conflict. Since then, EUBAM has been supported through longer-term instruments (TACIS and now ENPI).[115]

▪ **More flexible financial procedures existed to enhance the timeliness of the Commission's support in situations of crisis or in fragile states**[116]. Although these procedures facilitated the implementation of activities (such as easier contracting procedures for work, training, etc.), approval procedures at HQ level were still lengthy.

Even though JSSR-related training and guidelines were provided to Commission staff in HQ and Delegation, there were still problems regarding availability of the human resources with qualified JSSR expertise needed to ensure cost-effective and timely implementation of JSSR interventions. JSSR specific expertise was found

---

[114] Respondents made additional comments such as: *"Procedures far too slow in an often fragile situation which requires rapid response capacity"; "Our financial tools do not allow us to take a long-term commitment, while a JSSR process would require almost a 20-year engagement"; "In some cases these mechanisms are a barrier, due to bureaucratic procedures. On the other hand, these mechanisms provide conditions of transparency and equality which helps to achieve better cost-effectiveness"...*

[115] Another example was the CAR where technical expertise was financed by the IfS in order to facilitate the development of a global SSR strategy. The intention then was to use funds from the 10th EDF to ensure continuity of the support, but no information has been collected on the actual use of these funds.

[116] In crisis situations or fragile states, the EU Financial Regulation allows the Commission to exceptionally use rapid and simplified contracting procedures (e.g. direct contracting instead of calls for tender/proposals, etc.). The Commission maintains a list of countries classified by the Commission as fragile states that can benefit from these flexible procedures (e.g. DRC, CAR, Liberia, Sierra Leone, Afghanistan etc.).

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

more in the EU MS and for Council missions but was not available to the Commission for the design and implementation of projects.

Although 73% of respondents to the EUD survey indicated that they had or were given **specialised training on JSSR** and 75% of them considered that they received adequate support from the Commission HQ for managing their projects, **the comments received highlighted a number of problems:**

- difficulty in identifying specific expertise on various aspects of JSSR relevant to fragile contexts;

- inadequate technical support from HQ - especially since the recent institutional changes – relating to the design and management of JSSR programmes; in particular, the Commission's JSSR expertise is no longer concentrated in one specific unit since the restructuring of DEVCO in June 2011;

- insufficient understanding of the country situation by specialised staff at HQ.

No comprehensive guidelines relating to Commission support for JSSR were provided to Delegation staff, except in the area of justice reform in ACP countries, which were issued in 2010. However, according to interviews with Delegation staff, those guidelines were helpful in terms of learning from other country experiences, but not for day-to-day programming work. Moreover, while an EU SSR handbook was developed in the framework of a JSSR training programme conducted by the European Security and Defence College – which provides EU Council guidelines and standards with regard to SSR programming (in the framework of ESDP missions), including monitoring and evaluation - the Commission was not involved in the development of this handbook.

The Commission not only has limited in-house expertise on JSSR, but has limited access to such expertise in Member States in which the bulk of it lies in defence, policing, intelligence, academic and non-governmental institutions. In 2010 the Council set up an EU pool of experts for ESDP missions. The idea of sharing this pool with the Commission was introduced but it has not yet been used.

At EU level, prior to the entry into force of the Lisbon Treaty, the complexity of the institutional set-up did not favour timely and cost-effective JSSR interventions.

Problems arose from **uncertainties over the roles of the Commission and the Council:**

- Over the period from 2001 to end-November 2009, **EU competences in JSSR were shared between the European Community (EU first Pillar) and the Common Foreign and Security Policy-CFSP (EU second Pillar)**. The first Pillar involvement in JSSR, represented by the Commission's interventions, was (and still is) generally limited to areas eligible for ODA (hence not military issues). Under the second Pillar crisis management operations (civilians or military) were launched in the framework of the ESDP missions falling within the competence of the Council. Moreover, Council-led ESDP missions tended to be shorter-term, while the Commission had (and still has) a mandate for longer-term programming.

- From the outset there arose the **question of competence-sharing in the area of external relations between the Commission and the Council**. Whereas

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

overlapping competences were identified by the Treaty on the European Union (TEU), with provisions to ensure a consistent and coherent approach, there were other areas of overlap, mainly related to JSSR (such as border management, civilian crisis management, actions in support of the rule of law, and control of SALW[117]), which did not allow for a clear division of labour.

▪ Even though the 2006 SSR *Policy framework*[118] recognises that both Pillars can make a valuable contribution to SSR and stresses that they can and should be complementary, there has not in practice been a clear division of labour between the Council and the Commission. Some Commission interviewees, as well as a review of the EU's set-up for SSR[119], highlighted ***competition between the Commission and the Council*** in the area of JSSR. Moreover 59% of survey respondents in countries with ESDP missions noted that the ***division of roles between the Commission and the Council was not well suited to providing effective support for JSSR.***

▪ Interviewees generally noted that ***differences in organisational cultures*** and in ways of working have not facilitated cooperation ***between the Commission and the Council***.

▪ The evaluation findings generally showed that the ***complexity of the EU set-up*** has created problems for cooperation between the various EU actors responsible for diplomacy, security and development issues (*see EQ 10*).

The entry into force of the Lisbon Treaty offers new opportunities for EU actors to support JSSR in a more integrated manner, but also challenges which are still being worked out during this transitional period.

The Lisbon Treaty entered into force on 1 December 2009. It ***has introduced institutional changes and modified working methods***. In particular it created the position of High Representative of the Union for Foreign Affairs and Security Policy to enhance the consistency and unity of the EU's external action. The High Representative is assisted by a joint service, the European External Action Service (EEAS), which is composed of officials from the Council, the Commission and the diplomatic services of the Member States. The EEAS is intended to lead and coordinate prevention activities, including the Common Security and Defence Policy (CSDP) structures.

But details on the organisation and functioning of the EEAS remain unclear. A preliminary organigram reveals the establishment of a Directorate for Conflict Prevention and Security Policy and of a Foreign Policy Instruments Service, which is a Commission

---

[117] See the Court case between the Commission and the Council on competence in SALW in 2008 (C-91/05 Commission v Council, judgment of 20 May 2008) in which the Court clarified the division of competencies between the First and Second EU Pillars in the area of external affairs. The Court was finally prompted to annul the Council decision: *"Having found that the contested decision pursued a number of objectives falling, respectively, within the CFSP and within development cooperation policy, without any one of those objectives being incidental to any other, the Court was therefore prompted to annul that decision inasmuch as it was based on a CFSP provision".*

[118] Three policy documents were elaborated by the Council and the Commission: *Policy Framework* on SSR: *EU Concept for ESDP Support to Security Sector Reform*, issued by the Council of the European Union (2005); *A Concept for European Community Support for Security Sector Reform*, which is a communication from the Commission to the Council and the European Parliament (2006); and Council Conclusions on a *Policy Framework for Security Sector Reform*, stemming from the 2736th General Affairs Council Meeting (2006).

[119] Clingendael Security and Conflict Programme *The European Union and Internal Challenges for Effectively Supporting Security Sector Reform*, 2009

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

Service reporting directly to the High Representative. But the mandates of the EEAS and DEVCO with respect to JSSR are not yet clear. AIDCO's E4 Unit, which previously contained significant thematic expertise on governance, justice and security has been split into various new units: D1 on governance, democracy, gender and human rights (including justice), A5 on fragility and crisis management, and D5 on the Instrument for Stability.

Box 8 – Commission staff views on changes brought about by the EEAS

From the EUD survey carried out as part of this evaluation (44 Delegations responded), 25% of respondents believed that the creation of the EEAS will have a positive impact on JSSR, 16% thought that the impact will be negative, and 59% were uncertain.

Perceived positive changes
- Strengthening of the political dimension of the Commission's action, in particular reinforcement of the political capacity and function of the Delegations, by bringing in MS diplomats;
- strengthening of coordination between the Commission and EU MS;
- expectation that the EEAS will be a driving force for more results-oriented projects;
- strengthening of coordination between development funds and stability tools (IfS);
- closer collaboration between the former two Pillars and easier-to-obtain support from CSDP for Commission JSSR projects;
- Increased visibility of EU action in partner countries.

Perceived risks
- Risk of conflict of competences between EEAS and DEVCO with weaker arbitrage between institutions which no longer fall under the same Commissioner;
- risk of not having JSSR thematic expertise within DEVCO in the future, given that it has been divided among different Units;
- challenges in internal coordination on the ground between EUD, Commission HQ, EEAS, Council and EU MS;
- possible introduction of EU MS-driven "political conditionality" (vs EU interests); challenges in aligning political dialogue and aid.

JC 9.2 Extent to which, at country and regional levels, mixture of financing instruments / budget lines, aid delivery methods and policy dialogue allowed for timely and cost-effective Commission JSSR support

At country level, while a mixture of financing instruments was used for supporting JSSR, synergies between them were often not adequately exploited.

- As shown by the inventory of JSSR interventions carried out in the inception phase of this evaluation *(see Annex 9)*, the Commission used a **wide range of financing instruments to support JSSR**. Overall, ten different financing instruments were used, including geographical programmes (such as EDF, ENPI, Asia, Latin America, etc.) and the thematic budget lines (such as the IfS, EIDHR, etc.).

- Of 44 EUD that responded to the survey, 26 used more than one financing instrument to support JSSR. For those EUD, 45% of respondents considered that **they were generally complementary, although there were few concrete linkages between**

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

them, 11% considered that they were ***driven by different objectives and not inter-linked***, and 36% thought they were ***closely inter-linked and mutually reinforcing***.

▪ Interviews during the desk and field phases[120] also indicated that ***in general, few concrete links were made between geographical programmes and thematic budget lines***, which are managed differently.[121]

However, some ***good examples of the complementarity of financing instruments and good sequencing*** were reported, *viz.*:

▪ In Georgia the combination of instruments is clearly mentioned in the CSPs for each main priority. Moreover, it was reported that *"the effectiveness and visibility of Commission assistance have increased in cases where the Commission has combined different aid instruments so as to implement a broader programme with a more strategic approach"[122]*. That was the case, for instance, with the combination of instruments (TACIS, RRM, ESDP and the EIDHR) used to support the criminal justice reform strategy as explained in the box below.

Box 9 – Successful combination of instruments for supporting criminal justice reform in Georgia

The EU started supporting the criminal justice sector with a Commission-funded **TACIS** programme (in 2001). It mainly worked on the reform of the penitentiary system in Georgia. After the "Rose Revolution" (November 2003), **Rapid Reaction Mechanism** (RRM) funds were made available to facilitate prompt intervention in this sector. This was then followed by an **ESDP mission** (EUJUST Themis from 2004 to 2005) to support the Georgian authorities in the establishment of the criminal justice reform strategy. Then the **EUSR** ensured transition during the six-month interval between the ESDP mission and the Commission's longer-term support. This support was provided through a TACIS programme, and then the **ENPI Sector Budget Support** (SBS), for the criminal justice reform, involving strong policy dialogue combined with technical assistance and EIDHR projects involving civil society. This SBS is still ongoing and is already considered to be very successful.

▪ In South Africa the government's access to justice programme was financed by the Commission through the specific South Africa budget line under sector budget support, while grants from the NSA budget line were made available for NGOs working on access to justice issues.

Although the project approach was the main aid modality used for supporting JSSR, sector budget support has increasingly been used over the evaluation period. It proved beneficial for the Commission and partner governments in most of the cases reviewed when combined with adequate policy dialogue.[123]

---

[120] This was the case in Armenia, South Africa, Rwanda, Chad, Guatemala, and Colombia.

[121] Geographical programmes are programmed in the CSP/NIPs on a multi-annual basis whereas the thematic budget lines have annual programming plans decided by HQ and are not integrated as such in the CSP/NIP.

[122] European Commission, *Country Strategy Paper Georgia 2007-2013,* p.17.

[123] Between project approaches and budget supports, there are sectoral approaches financed by multi-donors trust fund. This approach has not been considered since this is true in theory but in practice the Commission has long been unable to participate in these basket funds (not allowed by its financial rules, notably with respect to EDF funds).

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

The aid delivery method predominantly used by the Commission when supporting JSSR is a ***project approach***. Most of the interventions examined ***combined a mix of actors for the implementation of the activities***: long-term technical assistants with government authorities and NGOs (in GG Madagascar, RoL Rwanda); long-term technical assistants with government authorities and EU MS (PAMPA and Justice 1&2 in Algeria); international organisations and EU MS for border management interventions (SCIBM, EUBAM); or different EU MS for the twinning project in Armenia.

In terms of cost-effectiveness and timeliness of project approach interventions, most interviewees and documents reviewed pointed to lengthy and complicated procedures, delays, issues with implementing partners, and other problems *(see JC 9.3 below)*.

For some of these reasons **SBS was preferred to a classical project approach**.

▪ This was the case in South Africa with its SBS in the justice sector (e-justice programme and access to justice). According to interviewees it facilitated the timeliness and cost-effectiveness of the implementation of these programmes but was not combined with policy dialogue on the broader justice reform *(see EQ 4)*.

▪ In the two other countries visited where the Commission supported JSSR through SBS, namely Rwanda and Georgia, the reasons for doing so were carefully thought through and the approach was combined with policy dialogue. Thus:

  - in Georgia, criminal justice reform had been supported since 2001 through project approaches and financed by various instruments *(see box 9)*. The move to a SBS combined with TA in the framework of a Sector Policy Support Programme (SRCJ) was seen as necessary for enhancing ownership of the reform process and the chances for its success overall. In this case policy dialogue was at the heart of the Commission's intervention.

  - in Rwanda the move to SBS in 2010 was based on the development, by the government together with donors, of a Sector Wide Approach (SWAp) in the Justice, Reconciliation, Law and Order (JRLO) sector. The Commission had funded two previous projects in that sector (under the 8th and then the 9th EDF) and the conditions for using sector budget support were met. Although it is too early to show any results, some stakeholders view SBS as the most appropriate modality to use in support of the JRLO sector in terms of cost-effectiveness.

▪ In both these countries the basic conditions for using SBS such as sound public financial management, clear sector policy and country stability were met. This is not the case in other countries where SBS cannot be considered an option.

Survey respondents had mixed views on the most appropriate aid modality to use in JSSR.

▪ ***The project approach was clearly the main modality used***: 38 out of 44 EUD used it for the implementation of JSSR interventions. ***Most considered it the most appropriate considering the situation of the country*** in terms of public financial management, lack of capacity or government expertise, and the lack of clear strategy in this sector.

Moreover, the sectoral approach assumes that there is on the part of the government a clear strategy to be supported by the Commission. As witnessed by this evaluation few countries have at this stage developed a JSSR strategy (at best a strategy for justice reform or police reform).

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

▪ For those EUD using SBS (6 out of 44), they **felt that it enhanced the efficiency of support, coordination and ownership**. Nevertheless, they also believed (and this was confirmed by interviews in the field) that the **project approach through Non-State Actors still needed to be used, and even increased,** to counterbalance the SBS in which funds go directly to the government treasury account.

JC 9.3 Extent to which Commission JSSR interventions remained in line with planning and were cost-effective

Most of the interventions reviewed experienced delays and had negative effects on project implementation and the degree of ownership by the beneficiaries.

Indeed, of the 24 selected interventions **only five were implemented on schedule**: EUBAM, ARSS RCA (financed by the IfS), GG Madagascar, CSC Guatemala, and LOTFA in Afghanistan. Other interventions, 13 in total, suffered from delays at different stages.

The main causes of delays _before_ implementation were:

▪ Problems in mobilizing long-term TA and setting up the PMU; examples were RoL in Rwanda, PAMPA, Justice 1 & 2 in Algeria, SA Police;

▪ Problems relating to design of the interventions; examples were RoL in Rwanda, RoL in Indonesia for the community policing component;

▪ Problems faced by the implementing agency; examples were UNDP (RJP Haiti), NGO (Oversight Chad);

▪ Difficulties posed by the working environment in fragile states; examples were RJP in Haiti, Oversight in Chad ;

▪ Difficulties with the partner country government stemming from weak buy-in; examples were PRAJUST and Oversight in Chad, HR in Armenia, PASS in Honduras.

The main causes of delays _during_ implementation were:

▪ Difficulties of coordination and communication between stakeholders; examples were DDR in Liberia, Justice 2, PAMPA in Algeria, CETHCam in Cambodia, RJP in Haiti

▪ Difficult working environment of fragile states stemming from the weak capacities of states and NSA; examples were DDR in Liberia, PARSS in Guinea-Bissau

▪ Problems of compliance with disbursement conditions for sector budget support; an example was SSRP in Jamaica

▪ Problems of absorption capacity of the Government; examples were PAMPA, Justice 1 & 2 in Algeria, HR Armenia.

No information regarding delays was available for six of the interventions examined. This was either because it is still too early in implementation of the projects to make any assessment or because no monitoring or evaluation reports were available.

The ROM analysis (*see Annex 8)* of JSSR interventions (164 were monitored, representing 36% of total funding to JSSR over the evaluation period) showed that efficiency

Thematic Evaluation of the European Commission
Support to Justice and Security System Reform
ADE - EGEVAL II

considerations attracted the lowest scores compared to other evaluation criteria (relevance and effectiveness). Interventions supporting justice services, law enforcement and post-conflict stabilisation were the worst in terms of efficiency compared to the other JSSR sub-sectors (of which border management had the highest score). Difficulties in terms of efficiency arose mainly in projects financed through the Asia and Latin America geographical programmes and implemented by private companies and in those implemented through more than one channel.[124].

From the EUD survey only seven respondents out of 44 had not experienced delays in the JSSR project(s) they were managing. ***This had negative impact on the national ownership of the project (in 11% of the cases it had strong negative impact, and in 36% of cases limited negative impact).***

---

[124] For example different activities in a single project implemented by a private company, a state institution or Ministry, and a NGO.

Evaluation Question 10 on Coordination and Complementarity

To what extent have the Commission's strategies, programmes and activities in support of JSSR been designed and implemented in a coordinated and complementary manner within the EU (Council, EUSR and Member States) and with respect to other donors?

This question relates to coordination and complementarity issues in the field of security and justice. It focuses on three different levels of coordination and complementarity:

- *within the Commission itself, i.e. between different DGs active in the field of security and justice (DG RELEX, DG DEV, DG JLS, AIDCO)*

- *within the EU, i.e. between the Commission, the EU Council, EU Special Representatives (EUSR) and EU Member States, and - since the entry into force of the Lisbon Treaty - the EEAS*

- *with other donors (outside the EU) and international/regional organisations such as the UN, WB, African Union, etc.*

This distinction between these different levels of coordination and complementarity is important in the field of security and justice which requires an integrated approach involving a large number of actors active in the area of development and security. Relations between the Commission, the EU Council, the EUSR and EU MS (the "whole-of-EU approach") is particularly important as stated in official Commission Communications and Council conclusions on security and development issues.

This question concerns the key issues of coordination and complementarity at international level and within the EU. It is a central part of the COM(2006)253 but also of other international-level commitments endorsed by the EU such as the Paris Declaration, Accra Agenda for Action, Principles for Good International Engagement in Fragile States, etc.

EQ 10 on coordination and complementarity – *Answer Summary Box*
The Commission commitments on coordination for JSSR have not yet been translated to operational level. Specific mechanisms within the Commission, with the EU Council, and with the EU MS as well as with other donors have not been sufficiently developed to ensure coordination and complementarity. A strong beneficiary country role in coordination enhanced complementarity of donor support and provided good results. The Commission' supranational character and its ability to harness different EU MS JSSR expertise were considered a comparative advantage for enhancing complementarity.
The Commission concept of JSSR provides an overall framework for coordination within the Commission and within the EU when supporting JSSR in partner countries. The whole-of-EU approach is identified as necessary when supporting JSSR processes. But the complex institutional set-up of the EU and its mechanisms and instruments has not ensured effective coordination between all EU actors.

- ▪ **Within the Commission, the division of roles between AIDCO (responsible for implementation) and DGs RELEX and DEV (responsible for policy development) was considered to be not well-adapted for JSSR support. This separation of operational issues and the more political aspects of JSSR was not conducive to promoting an integrated approach to JSSR by Commission bodies.**

Within the EU, the Commission and Council support to JSSR was generally not implemented in a coordinated and complementary manner. In only a few cases among those analysed in this evaluation were their approaches coordinated. The new set-up of the EU's External Service, notably the creation of the High Representative of the Union for Foreign Affairs and Security Policy, provides new prospects in this respect but is still at a transitional stage.

At country level, coordination took place between the Commission and the EU MS mainly through regular exchanges of information which minimised overlap of JSSR interventions. But there was no shared strategy with clear objectives and strong leadership to ensure a whole-of-EU approach to JSSR.

The Commission adopted a multilateral approach to JSSR, basing its policies on the OECD/DAC work in that field and channelling a majority of its funding through international organisations (UN and WB). But overall the OECD/DAC concept has not trickled down to implementation level and efforts to work through IO have had mixed results in terms of enhancing coordination and complementary approaches to JSSR among EU and other donor actors.

When governments of partner countries took the lead in coordinating donors within a clear policy framework, this resulted in a clearer division of labour between donors and was beneficial for the implementation of JSSR. Among the countries reviewed, this occurred in Rwanda for the Justice, Reconciliation, Law and Order (JRLO) sector, and in Georgia for criminal justice reform.

The Commission's supranational nature was considered as a potential comparative advantage for enhancing complementarity and coherence within the EU on JSSR issues. It has sometimes been used to harness EU MS expertise for some JSSR interventions and has had positives effects.

JC 10.1 On the existence and implementation of mechanisms with a view to ensuring coordination and complementarity between and within the Commission DGs and Directions

The Commission concept of JSSR[125] provides an overall framework for coordination within the Commission when supporting JSSR in partner countries. But specific mechanisms or instruments have not been set up to operationalise this concept in terms of ensuring effective coordination within the Commission.

---

[125] European Commission, *COM(2006)253 on a Concept for European Community Support for Security Sector Reform*, 2006.

The Commission JSSR concept issued in 2006, COM(2006)253, highlights the need for a holistic approach to JSSR *"by engaging in coordinated support for the different sectors of the SSR process"*. To do so, **the Communication notes the need for a more coordinated and complementary approach between the different Commission Services and policy instruments**, *"recognising that SSR needs to be treated as a cross-cutting issue, spanning the various strands of EC external assistance"*.

But no specific guidelines or mechanisms were developed to operationalise this concept and facilitate coordination between the three main DGs working on JSSR, that is the former DG RELEX, DEV and AIDCO.

Indeed, Commission mechanisms such as the inter-Service Quality Support Group (iQSG) set up to ensure quality, harmonisation and coordination of DGs positions **do not include JSSR "as a cross-cutting issue that should span the various strands of EC external assistance".** Guidance notes for Commission staff on JSSR-related issues were nevertheless produced to inform the development of country strategies[126] and the design of JSSR-related projects[127]. But no information was collected on whether those were useful and of good quality.

There were nevertheless a number of joint initiatives between DG RELEX, DEV and AIDCO in the area of JSSR. For example, joint training activities on JSSR were organised at HQ level involving different Commission DGs, and the JSSR focal point in DG RELEX/A2 played an important role in raising awareness of JSSR among Commission DGs (and other EU bodies).

Overall however, the division of roles between AIDCO and DGs RELEX and DEV was considered by Commission staff as not sufficiently well adapted for JSSR support.

▪ The 2001 Inter-Service Agreement for the Commission's external relations provided the framework for ensuring coordination between DGs RELEX, DEV and AIDCO. It clarified the division of labour between definition of the strategy (responsibilities in DGs RELEX and DEV) and its implementation (responsibilities in AIDCO).

▪ According to several interviews held at HQ, differences in organisational cultures between AIDCO and RELEX/DEV hampered development of a common approach to JSSR programming: AIDCO handled operational and financial issues whereas RELEX/DEV worked on the more political aspects. According to stakeholders met, all aspects of JSSR programming, particularly when it took place in a fragile context,

---

[126] The successive Frameworks for Country Strategy Papers recommend that CSPs analyse security and stability measures in countries that have not yet reached structural stability. Sources: European Commission *Commission staff working paper: Community-cooperation: framework for Country Strategy Papers*, 2000 and European Commission, *Common Framework for Country Strategy Papers* (document based on the Common Framework adopted in April 2006).

[127] The programming guides for Strategy Papers in the field of conflict prevention and fragile states issued in 2008, and in the field of governance, democracy, human rights issued in 2008 and 2009, provide guidance on taking into account JSSR-related areas in an analysis of a country's situation in particular rule of law; anti-corruption; anti-money laundering and counter-terrorist financing (AML/CTF); Small Arms and Light Weapons, Anti-personnel Landmines, Explosive Remnants of War; transition approach/LRRD; fragility; democracy and human rights. Source : European Commission, *Programming Guide for Strategy Papers, Programming Fiche,* 2008 and 2009.

should ideally be under the responsibility of one DG to ensure rapid decision-making, flexibility and effective tailoring of interventions to the situation on the ground.

▪ 34% of the survey respondents considered that the division of roles between DGs RELEX, DEV and AIDCO in support of JSSR in partner countries was not appropriate. The main reasons put forward were: unclear leadership between Commission DGs, divergent views from RELEX and AIDCO on formulation or design of interventions, and difficulties in linking the more strategic level intentions formulated in CSP and their operationalisation (especially in fragile contexts).

Coordination between HQ and EUD on JSSR issues was generally seen as running smoothly and occurred mainly through informal exchanges of information.

▪ 68% of the survey respondents felt that the division of roles between HQ and EUD for supporting JSSR in partner countries was appropriate.

▪ In the eight countries visited by the evaluation team, coordination between the EUD and HQ was reported as regular and mainly informal on JSSR issues. It was mostly through the geo-coordinators based in HQ that information was exchanged. Most of the EUD visited did not specifically exchange regularly with former AIDCO unit E4, responsible for justice and security issues at HQ, but knew of its existence.

JC 10.2 On the existence and implementation of mechanisms with a view to ensuring coordination and complementarity with other EU bodies (the "whole-of-EU" approach concept)

With some exceptions, among the interventions examined the Commission's and Council's support to JSSR was not implemented in a coordinated and complementary manner.

In theory, the interventions carried out under the ***former EU first Pillar (the Commission) and second Pillar (the Council) were to be coordinated and complementary to each other with a view to achieving a coordinated and coherent approach to JSSR***. The second Pillar's main role (through ESDP missions) was intended to focus on providing short-to-medium-term advice, mentoring, monitoring and training to partner countries engaged in developing their JSSR strategies. The first Pillar's activities were to be more focused on longer-term assistance, accompanying the implementation of reform initiatives with funding and concrete projects[128].

In practice, ***no formalised mechanisms or guidelines were developed explaining how interventions conducted under the two Pillars should be coordinated***. As

---

[128] This was clearly written in the 2006 Commission and Council Concepts on support for Security Sector Reform: *"While the EU's medium to long-term engagement in SSR needs to be ensured through Community programmes and Member State bilateral support, more short to medium-term engagement can kick-start and complement long-term instruments. The Stability Instrument will boost the capacity of the Community to respond rapidly and engage more flexibly in the short term in different parts of the world. ESDP missions are often involved in supporting the early stages of SSR in crisis or post-crisis situations and in initiating new areas of EU support, especially in areas such as core military and intelligence reform. To consolidate EU support for SSR, the EU needs to ensure greater synergy between ongoing Community and Member State bilateral support, on the one hand, and more effective coordination between missions undertaken in the framework of ESDP and Community and Member State action, on the other."*

underscored by a recent review of the EU's set-up for SSR assistance[129] and confirmed by several interviews with Commission and Council staff, **no clear division of labour between the Council and the Commission was agreed**:

▪ The Council and the Commission did not in most cases have a shared country strategy in the countries where they both intervened.

▪ The respective roles of the Head of Delegation (First Pillar) and the Head of ESDP missions (Second Pillar) were not defined in many cases.

▪ There was often an overlap of activities between the Council and the Commission in the justice and police sectors, in which both bodies could engage.

▪ The two bodies had different time-frames for engagement which necessitated a careful sequencing of their respective interventions that did not often happen in practice: short-term Council missions often took place in situations where the Commission was already engaged in a long-term development assistance programme.

▪ 59% of respondents to the survey considered that the division of roles between the Commission and the Council was not well adapted to the contexts in which the two bodies were working[130].

The entry into force of the Lisbon Treaty has introduced major institutional changes that will directly impact on the working relations between the Commission and the Council. The creation of the position of High Representative of the Union for Foreign Affairs and Security Policy who is simultaneously the Council's representative for the CFSP, the President of the Foreign Affairs Council and a Vice-President of the Commission, should favour the integration of Council and Commission actions in the domains of foreign and security policy. That said, respondents to the survey highlighted "*challenges in internal coordination*"[131] as one of the perceived risks of the new institutional set-up (*See box 8 under EQ9*). As mentioned above, the organisation and the functioning of the EEAS, which is to assist the High Representative, still need to be defined and fully staffed so **it is too early to evaluate its impact on coordination within the EU and notably between the Commission and the Council.**

Nevertheless, there were cases over the evaluation period of **effective sequencing of interventions between the Commission and the Council which provided good results**. This was the case in Georgia with the EU support for criminal justice *(see box 9 under EQ 9)*. It was also the case in Indonesia for the Aceh Peace process; *see box below.*

---

[129] Clingendael Security and Conflict Programme, *The European Union and Internal Challenges for Effectively Supporting Security Sector Reform*, 2009.

[130] This percentage does not take into account those respondents having replied "not applicable" to this question.

[131] Here the reference was to internal coordination between EUD, Commission HQ, EEAS, Council and EU MS.

<div style="border:1px solid black;">

Box 10 – Successful coordination and complementarity between the Commission and Council JSSR interventions in Aceh, Indonesia

The support to the Aceh Peace Process and DDR programme was a good example of the ability of the Council and the Commission to reinforce and complement each other, based on good coordination at HQ and field levels from the fact-finding phase through to the planning and implementation of the operation and activities on the ground.

Indeed, it started with a *joint Council/Commission assessment mission* to Aceh in 2005, which led to the decision of establishing an *ESDP mission, the AMM* (Aceh Monitoring Mission). Just before the deployment of the mission, the *Commission RRM instrument* was used to mobilise resources rapidly so as to fund mediation efforts and pave the way to a DDR process. The AMM then assisted with the decommissioning and destruction of weapons while the Commission funded the reinsertion of ex-political prisoners. In addition, a *longer-term intervention* (financed by the geographical programme) *funded the reintegration of former combatants* focusing on the recipient communities. It is fair to add that while there was absolutely no gap between the end of mediation efforts and the beginning of the AMM, there was a vacuum following the DD elements of DDR when the Commission took up the longer-term role of reintegrating ex-combatants. Even then *there was overall a clear division of labour between the Commission and the Council which contributed not only to political stability and immediate improvements in the security environment but also in establishing the conditions for lasting peace.*

</div>

At country level, coordination took place between the Commission and the EU MS, mainly through regular exchanges of information which minimised overlaps between JSSR interventions. But there was no shared strategy with clear objectives and strong leadership to ensure a whole-of-EU approach to JSSR.

▪ In the eight countries visited, the *exchange of information between the Commission and EU MS took place on a regular basis* through formal and informal meetings. In most of these countries EU formal coordination groups existed at political and operational level to ensure coherence and avoid overlaps in their JSSR actions. For example:

▪ in Georgia and Rwanda the Commission and EU MS have their own coordination meetings for their support to the SPSP/SWAp in the justice sector; they meet regularly to ensure that they speak with one EU voice in the coordination meetings which take place with partner countries and other donors (e.g. in the Inter-Agency Coordination Council (IACC) in Georgia and in the Justice, Reconciliation, Law and Order (JRLO) Secretariat in Rwanda).

Responses from the EUD survey question *"What mechanisms are in place for coordination of activities with other donors to support JSSR?"*, suggest that the vast majority of EUD relied primarily on coordination meetings, working groups, committees and so forth to exchange information rather than more structured mechanisms for coordination such as joint interventions, shared strategy, incentives to coordinate, joint PMU, and others.

▪ In most partner countries **the Commission and EU MS had their own bilateral country strategy papers.** The exceptions were South Africa (and Sierra Leone although this was not a country analysed in this evaluation), for which a joint CSP between the Commission and eight EU MS exists.[132] Furthermore, **since the Lisbon Treaty leadership of the Commission in terms of political dialogue with partner countries has improved**[133]. In some cases (e.g. in Rwanda) this has allowed the EU to table some sensitive issues in discussions with partner governments**, but in most cases EU MS still held their own positions on justice and security issues** (e.g. France in Chad and in CAR; and the Netherlands in Indonesia).

▪ The meta-analysis of country level evaluations identifies various factors that have hampered coordination within the EU such as the **high number of different EU actors** creating a confusing situation for the partner country (e.g. in Georgia and DRC); and the **lack of guidelines and structured mechanisms** for enhancing EU coordination at country level (e.g. in CAR, Madagascar and Liberia).

JC 10.3 Extent to which the Commission's support was coordinated with and complementary to non-EU donors, international and regional organisations

The Commission adopted a multilateral approach to JSSR, basing its policies on the OECD/DAC work in that field and channelling a majority of its funds through international organisations (UN and WB). But overall, the internationally-agreed concepts have not trickled down to implementation level and the efforts of working through IO had mixed results in terms of favouring coordination and complementary approaches to JSSR.

The OECD/DAC has produced several overarching documents addressing coordination and complementarity issues in the field of JSSR.[134] **The Commission has been part of the discussions on these documents and has used them to develop its own concept on JSSR, as clearly mentioned in the COM(2006)253.**

However, rarely is reference made to these overarching documents in the Commission's CSPs and RSPs. Indeed, the CSP/RSP review carried out on 40 CSPs and

---

132 That said, project implementation remained separate and some EU MS still had their own bilateral strategy with the country.

133 Prior to the Lisbon Treaty, tensions existed with the former rotating Presidency which meant that every six months the chairing of EU coordination efforts in HQ and in the field changed. This has now changed with the entry into force of the Lisbon Treaty that gives the EU Delegations a legal personality, enabling them to represent the Union in the full range of Union competences. Hence, the EU Ambassador has taken over the former role of the EU's rotating Presidency at country level.

134 The main documents were: OECD DAC, *DAC guidelines on SSR and governance;* 2004; OECD DAC, *DAC Handbook on Security System Reform,* 2007

RSPs showed that only three referred to the OECD/DAC guidelines on SSR (in Indonesia, Guinea-Bissau and Colombia) and only one to the Commission/Council *Policy Framework for Security Sector Reform* (in Indonesia).

Over the period 2001-2009 the **Commission channelled 53% of its total funding to JSSR through International Organisations** (mainly the UN and the WB). This represented a large amount of funds (€553m) to support the implementation of JSSR-related interventions, mainly in Afghanistan (37% and most of that for LOTFA), in Eastern Europe for border management programmes (19%), and in ACP countries for DDR programmes (10%). The rest (34%) was used in 44 other countries for a large variety of JSSR-related interventions in justice, law enforcement, support to civil management bodies, and others.

Interviews and other evaluation reports on channelling[135] indicated that in the case of Afghanistan (but also in other fragile states) and in relation to DDR programmes, channelling of funds through **multi-donor trust funds administered by the UN and WB enhanced coordination of the international community support. However, this was not the case for border management programmes (IO) and other smaller interventions implemented by IO[136]**.

When governments of partner countries took the lead in coordinating donors within a defined policy framework, there was a clearer division of labour between donors that was beneficial for the implementation of JSSR.

Of the eight countries visited, such a leading role endorsed by government was manifested in two partner countries: Rwanda and Georgia. In Rwanda, the government together with the donor community involved in JSSR-related issues elaborated a SWAp in the Justice, Reconciliation, Law and Order sector (JRLO). It was based on a joint governance assessment done by the GoR, DFID and the Commission. [137] In Georgia this was also the case with the criminal justice reform implemented through a Sector Policy Support Programme (SRCJS) supported by the donors involved in the sector, mainly the Commission, the USA and Norway. The Ministry of Justice led all coordination meetings within the IACC and identified their needs for donor financing.

---

[135] ADE (for the European Commission) *Evaluation of Commission's aid delivery through development banks and EIB,* 2008; ADE (for the European Commission) *Evaluation of Commission's external cooperation with partner countries through the organisations of the UN family,* 2008; Scanteam (for Norad) *Review of post-crisis multi-donor trust funds,* 2007; European Court of Auditors, *The efficiency and effectiveness of EU contributions channelled through United Nations Organisations in conflict-affected countries,* 2011

[136] For border management programmes, IOs were mainly used for their expertise and neutrality, e.g. EUBAM and SCIBM. In the case of smaller interventions, IOs were also used for their specific expertise and experience, e.g. IOM in Indonesia, and UNODC in South Africa.

[137] Other donors joined the SWAp such as the Netherlands and Belgium. Clear objectives, needs and monitoring indicators were identified to implement the necessary reforms in a coordinated and more efficient manner.

JC 10.4 On the complementarity of Commission's interventions with other EU and non-EU actors' interventions

The Commission's supranational nature was considered a potential comparative advantage in enhancing complementarity and coherence within the EU on JSSR issues. It has sometimes been used to harness EU MS expertise in some JSSR interventions and had positive effects

As explained in EQ 1, the Commission has the potential to provide added value to internationally-supported JSSR processes in several ways. Overall, there was little evidence that this gave the Commission a leading role in ensuring complementarity in JSSR issues, with the notable exception of its supranational nature. Indeed, the cases analysed in this evaluation suggested that the Commission's supranational character made it possible to mobilise JSSR expertise from the 27 EU MS and deploy this expertise in support of a common European political agenda. This advantage has not yet been widely used for JSSR interventions but, when it has, there were some positive benefits.[138]

---

[138] This was the case for border management programmes such as EUBAM and SCIBM, or in Algeria for the support to the justice sector and the police.

5. Conclusions

This chapter presents the conclusions of the analysis presented in Chapter 4 "*Answers to the Evaluation Questions*". The conclusions are structured in four clusters in order to facilitate an overall synthesis, and summarised in the figure below. Each conclusion further refers to the EQs on which it is based and the recommendation(s) to which it gives rise. Before presenting the conclusions, an overall assessment is provided of Commission engagement in JSSR during the 2001-09 period covered by this evaluation.

Figure 7 – Conclusions

Policy Commitment and Framework	**C 1: Importance of JSSR within the Commission**
	C 2: Weakness of the Commission's JSSR strategy
Strategy and Implementation	**C 3: Insufficient local input into programme design**
	C 4: Limitations of the state capacity-building approach
	C 5: Mixed achievements in national ownership
Results and Impact	**C 6: Difficulties in measuring impact on people's security**
	C 7: Potential added value in JSSR processes
Institutional Capacity and Partnerships	**C 8: Gap between policy commitments and means**
	C 9: Evolving systems and procedures for supporting JSSR
	C 10: Lack of a common framework for collaborative working

5.1 Overall assessment

There has been growing awareness among international donors since the late 1990s of the need for more holistic and governance-oriented assistance programmes in the security and justice sector. In this context, the Commission has substantially increased its funding in this sector, developed a concept to support JSSR, and engaged in a wide range of assistance activities.

The focus of Commission support over the period of this evaluation (2001-09) was generally on the government of partner countries, with whose priorities the Commission aligned its assistance. This focus enabled the Commission to support the strengthening of state security and justice institutions, and to have a positive impact in certain cases on the governance of these sectors. That said, Commission support was generally not geared

toward enhancing the delivery of services in a manner that was responsive to people's needs, and the impact of its support was therefore lessened as a consequence.

The limitations of the Commission's approach to JSSR during the period under examination stemmed from a number of factors including the absence (until 2006) of either a Commission concept for SSR or a joint EU *Policy Framework*, the limited progress made since 2006 in clarifying the JSSR roles of the Commission and the Council and establishing mechanisms for strategic planning and coordination, the lack of adequate guidelines and tools to support JSSR programming within the Commission, and a failure to effectively leverage the expertise on JSSR matters which exists within Member States.

This assessment of the Commmission's JSSR record between 2001-09 needs to be seen in the broader context of evolving international engagement in this area during the same period. The OECD/DAC concept on JSSR, to which most donors now subscribe and which has been influential in the development of donor approaches to assistance, was not issued until 2005. The JSSR concept has been around since the late 1990's, though has only slowly trickled down to policy and operational levels. Even today, few donors have developed clear JSSR policy frameworks or procedures to support assistance activities. The JSSR policy agenda is therefore still very much "work-in-progress".

It should also be noted that since 2009 changes have taken place in how the Commission supports JSSR as a consequence of institutional changes set in motion by the Lisbon Treaty and the Commission's growing experience in this domain. The recent extablishment of the European External Action Service (EEAS) offers the prospect of a new or strengthened EU policy framework for JSSR that could provide further entry-points and impetus to address the constraints facing Commission JSSR action. The promise of increased coherence in EU external relations activities may, however, serve as justification for not updating the JSSR *Policy Framework* at the present time. In the current institutional flux there is therefore a risk that a "business-as-usual" approach prevails which would ensure that Commission support for JSSR continues to fall short in advancing the policy objectives mapped out in its 2006 Concept paper.

5.2   Policy Commitment and Framework

Conclusion 1:   Importance of JSSR within the Commission

> **Since 2001, the Commission has substantially increased its engagement in JSSR globally through increased funding, development of its concept, and utilisation of a wide range of financial and non-financial instruments.**

Based on Inventory, EQ 1, EQ 9, EQ 10

Basis for Recommendations 1

Since the 1990s, there has been growing recognition that lack of security and access to justice are important contributing factors to poverty. There has also been growing policy consensus on the need to strengthen justice and security provision as part of wider state responses to poverty, conflict and insecurity. The emergence of the JSSR policy agenda in

the late 1990s provided a framework through which international actors have increasingly channelled assistance in support of national reform efforts.

Within this global context, the Commission significantly increased its support for JSSR between 2001 and 2009. Although the security and justice domain were not new areas of engagement for the European Union, important changes in the way that both the Council and the Commission provided assistance began to take place in line with the emergence of the JSSR concept and new instruments. The EU followed major international developments through its membership of the OECD Development Assistance Committee (DAC).

The Commission's financial support to JSSR (contracted funds) increased from €14m in 2001 to €174m in 2009. Over the period 2001-09 total support amounted to €1bn, of which €0.8bn was disbursed (76%). This support for JSSR had a broad geographical distribution covering Asia, the ACP region, ENP-MEDA, ENP-TACIS and Latin America[139]. In all geographical regions the Commission developed regional programmes aimed at improving security at both national and regional levels, but also at furthering European interests in terms of border security and stabilization of neighbouring countries. In the countries where it was providing assistance, the Commission was often one of the major donors working in the JSSR sector.

Over the same period, the EU strengthened its policy framework in the field of JSSR. Diverse and successive concepts and strategies on security, development and JSSR-related matters were issued by the Commission, by the Council, or jointly. The key documents were: the 2005 "EU Concept for European Security and Defence Policy support for Security Sector Reform", the 2006 Communication from the Commission on "A Concept for the European Community Support for Security Sector Reform", and the overarching 2006 "Policy Framework for Security Sector Reform" (hereafter referred to as *Policy Framework)*. These documents stressed the importance of JSSR in the EU's external action contributing to international efforts to prevent and resolve violent conflict, reduce insecurity and eradicate poverty though the strengthening of good governance and the rule of law in partner countries.

The Commission had a wide range of financial and non-financial instruments at his disposal to provide support for JSSR processes in a range of countries, including conflict-affected, fragile and more stable states. These instruments were not explicitly designed for JSSR. While they increased the flexibility of the Commission to respond to the needs of partner countries engaged in JSSR processes, some instruments had limitations.

▪ The Commission used its long-term geographical assistance as the primary instrument to support JSSR processes. Its appropriateness for supporting JSSR processes was sometimes questioned due to its cumbersome approval process and its inability to disburse funds rapidly and flexibly.

---

[139] More detailed analysis of this geographical distribution can be found in ADE (Evaluation for the European Commission) *Thematic Evaluation of European Commission Support to Justice and Security System Reform,* Inception Report, September 2010.

▪ In 2001 the Commission designed a short-term instrument with simplified procedures (the Rapid Reaction Mechanism, subsequently replaced by the enlarged Instrument for Stability in 2007) which allowed for more flexibility in supporting JSSR processes in crisis or conflict-affected situations.

▪ The Commission also had a number of thematic funding instruments at its disposal that provided a mechanism to fund specific JSSR-related issues, such as the civil society involvement (EIDHR, Non-State Actors budget line, etc.)

▪ Finally, the Commission had a wide range of non-financial instruments for supporting JSSR processes which include political dialogue and high-level mediation through deployment of EU Special Representatives.

Conclusion 2: Weakness of the Commission's JSSR strategy

> **The Commission did not generally adopt a strategic, political approach to supporting JSSR in partner countries due to weaknesses in the EU *Policy Framework* and the limitations of its instruments.**

Based on EQ1, EQ3, EQ4, EQ5, EQ6, EQ9, EQ10

Basis for Recommendation 1, 2

The Commission JSSR concept recognises that JSSR should be a holistic process and that the Commission cannot do it all due to limitations stemming from its official mandate and restrictions in how ODA funds can be used. It accepts that for its assistance to be most effective, it must be part of an integrated, cross-Pillar EU approach that is coordinated with other international assistance and supports a national security or justice strategy developed by partner countries. However, the EU *Policy Framework* does not provide for a clear division of labour between the Council and the Commission or specify how coordination and coherence can be achieved in a systematic manner. As a result, there is an overlap in competencies in certain key areas (justice and policing) and no formal mechanisms exist to bring about a convergence in the different types of assistance which the Council and Commission provide.

The weaknesses of *the Policy Framework* hampered Commission JSSR programmes at both the design/planning and implementation stages, making it difficult to deliver assistance in a complementary and effective manner. There rarely existed an overall EU JSSR-support strategy for a partner country, with programmes generally developed separately by both Council and Commission. In particular, this made it difficult to effectively integrate Second and First Pillar activities into an overall EU support programme.

In practice, despite recognition of the need for a holistic approach to JSSR, Commission programmes often focused on individual parts of the security sector – mainly either justice, policing or border management. A focused intervention is not a problem *per se*, if it is informed by a holistic understanding of the sector and is supportive of a national plan or strategy to improve delivery of security and justice to populations. This was the case in certain countries where the Commission engaged. However, in others there was a tendency

to approach these 'sub-sectors' in a stove-pipe fashion, neglecting linkages between other parts of the security sector – for instance, justice and policing.

In the absence of national security or justice strategies with which the Commission could align JSSR assistance, attention to the governance dimensions of JSSR and key cross-cutting issues such as strategic policymaking, civil oversight or financial management were often neglected. This also resulted in a tendency for the Commission to concentrate on the technical aspects of assistance programmes to the detriment of its political dimensions, including dialogue with national authorities regarding development of the overarching policy and political frameworks that should govern delivery of security and justice services to citizens *(see Conclusion 4).*

The period of the evaluation was marked by growing awareness of the limitations of a narrow sectoral approach in the absence of an enabling policy environment, the onset of more formal political dialogues between the EU and partner countries, and the increasing use of the SBS instrument. The latter in particular opened the way for the Commission, in countries including Jamaica, Rwanda and Georgia, to discuss and agree directly with partner governments a long-term strategic plan for JSSR against which the Commission could make a multi-year funding commitment.

SBS programmes in the JSSR area remain the exception, however, with the vast majority of Commission JSSR assistance provided in a project format that is usually within a three year timeframe. The evidence from various countries including Indonesia and Guatemala suggests that these are often "one-off" engagements, with the Commission seeing its role as helping to launch a "dynamic of change" that it hopes will be sustained by either the government's own resources or contributions from other donors.

5.3   Strategy and Implementation

Conclusion 3:   Insufficient local input into programme design

> **The design of Commission JSSR assistance programmes was not adequately underpinned by local knowledge of security and justice practices and needs or by mechanisms to monitor progress and measure results and impact.**

Based on EQ 2, EQ 3, EQ4, EQ5, EQ 7

Basis for Recommendation 3, 6

The design of Commission JSSR assistance programmes was generally not conducted with reference to an overall EU JSSR-support strategy in partner countries. In most cases, programme design responded in the first instance to priorities spelled out in CSPs/RSPs and the NIPs. These were often broad priorities, providing only a general indication of the proposed areas of engagement, which served as guidance for Delegations and programme designers. This guidance emerged from background analysis and consultations carried out by country desks in Brussels, though was not sufficient in and of itself to inform design of a programme that would be responsive to a partner country or region's needs. Additionally,

both for country and regional-level interventions, the effects of the intervention on regional power balance structures was not sufficiently taken into account by the Commission.

The nature and level of analysis (both political and substantive) undertaken by programme designers was variable. Strategic governance and security/justice assessments that aimed to understand how the broader national and regional political and policy environment would impact upon reforms were not systematically conducted. Nor was this the case with organisational audits and needs assessments to determine the choice of assistance activities. Commission programmes relied heavily on the use of external consultants whose knowledge of partner countries and regions was not necessarily sufficient. In consequence, there was a tendency to rely on existing analysis, often produced by other donors, which was not tailored to the Commission's specific needs. This problem was somewhat mitigated by the growing use of SBS in certain countries over the evaluation period, though programmes remained closely aligned with government priorities.

Programmes were generally weak in terms of their use of baselines and clearly defined indicators to provide a basis for measuring progress and assessing impact. Over the period examined, there was a growing emphasis on monitoring and evaluation to support project implementation. Greater emphasis was, however, placed on the use of external monitoring and evaluation techniques such as Monitoring Reports and ROM reports rather than developing monitoring capacity within programmes at the outset.

Conclusion 4: Limitations of the state capacity-building approach

> **Commission assistance was heavily focused on building institutional capacity within state security and justice bodies rather than on addressing the constraints to service delivery from the perspective of the intended beneficiaries.**

Based on EQ1, EQ3, EQ4, EQ5, EQ9

Basis for Recommendation 3, 5, 6

During the 2001-09 period, Commission JSSR assistance programmes overwhelming focused on state security and justice institutions. This reflected the fact that Commission assistance was primarily anchored on supporting partner governments, but also the political reality that working on security was a sensitive issue, making engagement with non-state actors difficult. Programme designers generally saw states as the primary security and justice providers - hence the focus on bolstering state institutions. The notion of "service delivery" – in particular, the idea that there was a role for end-beneficiaries to play in influencing the delivery of security and justice services - did not move up the donor JSSR policy agenda until late in the evaluation period. The failure to update the Commission JSSR Concept and EU *Policy Framework* explains in part why the service delivery issue has not received the attention it merits.

The state capacity building approach was often very technical in nature and tended to focus on addressing the gaps and weaknesses in key ministries and security and justice services. Accordingly, the focus of assistance was on the provision of training, advice/mentoring, provision of capital equipment, and infrastructure development. While this assistance did

contribute in certain ways to the strengthening of legal and policy frameworks, organisational systems and procedures, and the human capacities of personnel tasked with delivering services, this did not necessarily result in better services being delivered.

Significantly less emphasis was placed in two areas: first, strengthening the role of civil oversight actors (including parliaments, civil society groups, etc.) in monitoring the security and justice sectors; second, engaging the intended end-beneficiaries of state security and justice services in addressing the constraints to service delivery. Such an approach, in the cases where it was undertaken - notably through the EIDHR - included efforts to strength relations between state and community actors, enable citizens to express their security and justice preferences, and support efforts by oversight bodies to monitor the conduct of security and justice sector actors and hold them to account through legal and political means. Nevertheless, less than 10% of JSSR fund over the evaluation period was channelled through the EIDHR and very few linkages were established between these interventions and the broader justice or security reforms financed under the geographical assistance.

In general, Commission JSSR programmes were silent on or placed little emphasis on the role of non-state security and justice providers, including traditional or customary justice. In some countries, particularly in Africa, non-state security and justice provision is *the* reality for a large portion if not the majority of the population. This omission reflects both a lacuna in the analysis and guidelines which inform programme design and an emphasis on a universal best practice approach to security and justice provision that is heavily influenced by European models.

Conclusion 5: Mixed achievements in national ownership

> **The Commission placed strong emphasis on national ownership at both policy and programming levels. But its ability to tailor JSSR assistance effectively to the differing needs and priorities of stakeholder groups was constrained by its focus on state institutions and its inflexible programming procedures.**

Based on EQ1, EQ2, EQ3, EQ4, EQ5, EQ9

Basis for Recommendation 3

Consistent with the principles contained in the OECD/DAC Guidelines on Security System Reform and Governance, the Commission recognized at both policy and programming levels that JSSR needs to be based on strong national ownership. This was reflected in the wording of both COM 2006 and the *Policy Framework,* the declared commitment to supporting government reform processes, the emphasis placed on policy dialogue in many cases, and the involvement of national actors in both the design and implementation of Commission assistance programmes.

In practice, it was more difficult for the Commission to develop JSSR assistance programmes that responded well to the needs and priorities of partner governments and which, as a consequence, they would "buy in" to. Many of the environments where the Commission has supported JSSR have been challenging, characterized by a lack of national consensus on JSSR priorities and governments with poor records of upholding citizen rights. The general emphasis on working with state institutions made it more difficult to

reflect the preferences of citizens and civil society groups in JSSR programmes. This difficulty was further compounded by the fact that justice - and security in particular - are highly sensitive sectors. Reform processes are susceptible to rapid changes, necessitating adjustments in programme design and implementation *(see Conclusion 10)* which the slow and inflexible Commission programming procedures could not easily cater for.

Since the development of the EU *Policy Framework,* there has been limited progress in developing JSSR-specific training or operational guidelines to facilitate efforts by programme staff to analyse and address the complex issue of ownership in Commission assistance programmes. As a consequence, there was a tendency in some cases to conflate national ownership with partner governments' own reform priorities even though these in some cases did not respond to broader citizen needs or were not consistent with holistic JSSR programmes.

5.4   Results and Impact

Conclusion 6:   Difficulties in measuring impact on people's security

> **Commission assistance helped in many cases to enhance institutional capacities within state security and justice bodies to deliver public services. But the overall impact on people's security and access to justice has been difficult to measure and was limited by its overall strategy for supporting JSSR processes.**

Based on EQ8

Basis for Recommendation 6

Over the period under evaluation, the Commission invested significant resources (€1b contracted over 2001-09) and used a range of financial and non-financial instruments to support reform processes in the security and justice sectors. This included extensive assistance in support of DDR processes that aimed to facilitate the reintegration of ex-combatants and their families and contribute to the consolidation of peace.

The evidence gathered throughout this evaluation shows that the Commission generally made a positive contribution to either getting JSSR on government reform agendas or, together with other donors, strengthening the legal/policy frameworks, organizational structures, and human capacities necessary for states to deliver security and justice services to citizens more effectively. This assistance reinforced the **governance** of security and justice sectors in many cases, though this did not in itself result in more secure citizens or more stable states.

The Commission's support for JSSR was focused on strengthening the institutional capacity of state security and justice institutions, which is a key step in the long-term transformation of organizational capacity necessary to enhance the delivery of improved services to citizens. But this strategy does not guarantee that service providers will either receive the resources or political direction necessary to respond more effectively to citizen

needs, or that the behaviour of front-line security and justice personnel – where this has been inimical to citizen interests - will necessarily change either.

Commission assistance was generally not geared to fostering changes in relationships between state security and justice institutions and the intended beneficiaries of their services. Such an approach would imply a more direct engagement with end-beneficiaries in order to enhance their capacity to influence state security and justice provision in ways that are more consistent with their interests.

Commission JSSR programmes did not, by design, generally privilege such an approach due to the difficult working environment which limited entry points to state actors or because of other institutional weaknesses and political constraints that dictated a short-term approach. The evidence suggests that there was generally inadequate attention paid to ensuring that gains made during Commission assistance programmes were sustained after programmes ended.

Conclusion 7:   Potential added value in JSSR processes

> **The Commission had the potential to provide added value to internationally-supported JSSR processes in several important ways that differentiated it from other actors. But its effectiveness at doing so was undermined by the weaknesses of the EU *Policy Framework* and its internal capacity limitations.**

Based on EQ1, EQ6, EQ9

Basis for Recommendation 8

The analysis of the Commission's support for JSSR suggests that its ability to provide value added in the countries where it was engaged varied from case to case and points to a number of concrete areas where improvements could be made. The six areas of value added that emerged from the evaluation are the following:

▪ the Commission's supranational nature (its ability to derive synergies from its constituent members), which granted it in some cases an important convening power to harness the support and expertise from its member states[140]. One specific way it can do this is by soliciting expertise on a range of legal systems (common law and civil law systems, and different policing systems) which is more difficult for a national donor to do. Not all member states have the same confidence, however, in the Commission's JSSR capacity. As a consequence, those Member States with extensive capacity in this area are more likely to work on their own.

▪ the Commission's perceived stronger neutrality (no tie to national interests) which in some cases enabled it to facilitate dialogue with all parties in a partner country and led

---

[140] This area of value added is in line with the 2005 Paris Declarations on Aid Effectiveness which makes it incumbent upon the Commission to ensure that MS interventions are harmonized to the extent possible. In practice, this is not always feasible either because it is resisted by MS or the Commission itself does not do enough to promote complementarity.

EU MS to confer on the Commission the mandate to represent them. The Commission was not seen as a political actor in every case, however. Nor was it always considered effective in matching its technical support with adequate political engagement to advance JSSR objectives.

▪ the Commission's critical mass in terms of financial support, which allowed it to have wide geographical coverage and sectoral coverage. In some cases the Commission spread itself too thinly, not enabling it to focus on a particular security or justice issue in a sufficiently focused or substantive manner.

▪ the Commission's ability to draw on a wide array of instruments, allowing both rapid interventions and longer-term engagements as well as interventions in different sectors. The flexibility provided by these instruments was often not matched either by the quality of delivery or responsiveness to needs on the ground.

▪ the Commission's long-term thematic experience in the fields and sectors that are pertinent to JSSR. Security and justice are not new areas of engagement for the EU, but JSSR as a cross-sectoral, holistic and integrated policy agenda is. The weakness of the EU *Policy Framework* hampered efforts by the Commission to work in the new ways required – both internally and with the Council – in order to deliver assistance effectively.

▪ the Commission's continued presence in partner countries and the capacity to establish long-term partnerships. This factor enhanced in certain ways the Commission's knowledge of partner countries and its legitimacy in the eyes of both partner governments and their populations. But Commission JSSR programmes tended to be too short-term in nature to enable the Commission to form strong partnerships with governments or have a real impact.

5.5   Institutional Capacity and Partnerships

Conclusion 8:   Gap between policy commitments and means

> **The Commission's institutional set up, human resource capacity, and programming tools and guidance were not commensurate with its policy commitment and its level of funding for JSSR.**

Based on EQ 1, EQ 2, EQ 9 and EQ 10

Basis for Recommendation 7, 8

Before the entry into force of the Lisbon Treaty, competencies within the EU to support JSSR were shared between the Commission (EU first Pillar) and the Council (EU second Pillar). In theory, their interventions were to be coordinated and complementary to each other. The Council (through ESDP missions) was intended to focus on providing short-to-medium-term advice, mentoring, monitoring and training to partner countries engaged in developing their JSSR strategies. The Commission's activities were to be more focused on

longer-term assistance, accompanying the implementation of reform initiatives with funding and concrete projects.

In practice, **this institutional set-up and separation of competences was cumbersome, unclear and there were often overlaps**. The division of roles between both institutions was blurred and not conducive to ensuring coherence, coordination and complementarity of EU JSSR support in partner countries, with no clear lead.

Development of the Commission's **technical expertise on JSSR matters** did not keep up with its growing engagement in JSSR activities over the evaluation period:

- The Commission did not have a human resources policy geared to developing adequate in-house JSSR expertise to manage projects or conduct policy dialogue on JSSR issues.
- Trainings were provided but were not compulsory for the staff working on JSSR issues. The quality of these trainings and whether they were targeted at the appropriate staff was not possible to assess within the framework of this evaluation.
- There were inadequate incentives to attract and retain skilled staff to work in fragile contexts, or specific career development opportunities for them in the JSSR field.

Significant EU JSSR expertise lies in MS. They have line ministries, specialised agencies and dedicated staff working on JSSR issues (justice, police, military, intelligence, border guards etc.). Although the Council has been able to utilise this expertise for ESDP missions, in part by drawing on the EU SSR Pool of Experts that was established in 2008, the Commission has to date had limited access to this Pool. In practice, the Commission decentralises management of many of its JSSR activities so that implementation takes place through international organisations, NGOs and/or private companies.

The Commission has developed **limited tools and guidance** for the implementation of its JSSR support. Exceptions are:

- The **guidance on justice reform in ACP countries** developed in 2010. For Commission staff who were aware of it, this guidance was considered useful for sharing experiences across countries but did not help with the day-to-day work conducted be JSSR project managers in EUD.
- **Guidance notes from the inter-service Quality Support Group** (iQSG) to give CSPs and programmes a conflict and security focus were produced: in particular (i) the successive Frameworks for Country Strategy Papers (2000, 2006) that recommend that CSPs analyse security and stability measures in countries that have not yet reached structural stability; and (ii) the various programming guides for Strategy Papers (2008, 2009) in the field of security, fragile states, governance, democracy and human rights. But these documents were not identified in this evaluation as particularly useful for developing JSSR strategies or programmes.
- The **specialised unit in AIDCO on governance, justice and security issues** provided specific advice to Delegations on JSSR issues that was much appreciated. But it was limited in staff numbers and could not make up for the paucity of concrete tools and guidelines to support JSSR programming.

Conclusion 9: Evolving systems and procedures for supporting JSSR

> **The Commission's programming cycle and procedures were not sufficiently efficient, flexible and long-term in orientation to respond adequately to the dynamic and political nature of JSSR.**

Based on EQ 2, EQ 3, EQ 4, EQ 5, EQ 6, EQ 9

Basis for Recommendation 1, 2, 4, 7

The evaluation findings generally show that Commission decision-making procedures for programmes, in particular those falling under long-term geographical assistance, were **lengthy and complex**: the time lapse between identification of the action and its approval could be up to one year, during which time the situation on the ground may have changed considerably. It was not possible to make major changes to the project without submitting it for re-approval in HQ, a difficult and time-consuming process which served as a disincentive to update projects. Moreover, once project documents were approved, there were **strong conditionalities on contracting procedures and rigid rules governing implementation, which restricted the flexibility and efficiency of the process**.

JSSR processes should be supported with a **long-term perspective** given the profound nature of institutional and political changes usually required. Short-term support can be important to kick-start the process but should ideally be followed with longer-term support. The use by the Commission of its short-term and more flexible instruments such as the IfS was, in some cases, successfully followed by further support through geographical programmes (example in Georgia for the criminal justice reform, or in Aceh for the DDR process). But in general, **interventions financed by short and long-term instruments were not sustainable once funding came to an end and were not taken over either by other donors or governments**.

The move from project approach types of interventions to sector budget support (SBS) has the potential to overcome some of these shortcomings. This is the case where a SBS programme is closely aligned with government priorities, performance indicators are appropriate, and it builds on the knowledge and gains of previous interventions. This was the case in Georgia and in Rwanda. The reasons for these successes are mainly due to the fact that both countries were able to comply with the relevant conditionalities (macro-economic and public financial management requirements as well as the establishment of a sector policy framework). In both cases, furthermore, the Commission had supported JSSR for a long period of time through various types of interventions. Both countries had also defined clear strategies and policies to assert their ownership of the reform process.

However, for many of the countries receiving JSSR assistance from the Commission SBS is not an option because of weaknesses in their financial management systems and their weak capacity for policy development. This weakness also relates to the difficulty many of these countries face in developing national security or justice strategies. As an instrument for supporting JSSR, SBS therefore has much promise, but only when carefully and selectively applied. The lessons from early experiences still need to be drawn and assessed.

Finally, the Commission channelled 53% of its overall funding for JSSR through international organisations. Experience suggests that use of multi-donor trust funds (MDTFs), for instance, can enhance international coordination, though at the same time it likely reduced the Commission's influence on policy and operational matters. A major incentive for this choice of funding strategy nevertheless was that it reduced the Commission's involvement in managing programmes *(see Conclusion 10)*.

Conclusion 10:   Lack of a common framework for collaborative working

> **The Commission did not have a set of shared strategies and operational tools with its partners, either within the EU or outside, that favoured a clear division of labour or enhanced coordination and complementarity in JSSR assistance programmes.**

Based on EQ 6, EQ 9, EQ 10

Basis for Recommendation 8

The **lack of a common framework** for engagement in JSSR processes *(see conclusion 2)* **hampered coordination and complementarity among the different EU institutions and MS**. The main reasons for this outcome were the **different organisational cultures** of these actors; the **separation between development work, diplomacy and military activities**; the **lack of joint funding mechanisms**; and the **lack of adequate incentives** to implement JSSR interventions jointly. Indeed, some EU MS had their own JSSR strategies and instruments which reflected their national priorities. In most cases, they did not see the Commission as a leader in JSSR.

There were exceptions mainly in the area of border management where the Commission used its supranational nature to harness EU MS expertise and provide coordinated and complementary support with success (EUBAM and SCIBM in Eastern Europe). The DDR process in Indonesia (Aceh) was also an example of successful support by the EU as a whole with support from the Council provided through an ESDP mission and the Commission's funding channelled first through the RRM, then IfS, and then longer-term instruments.
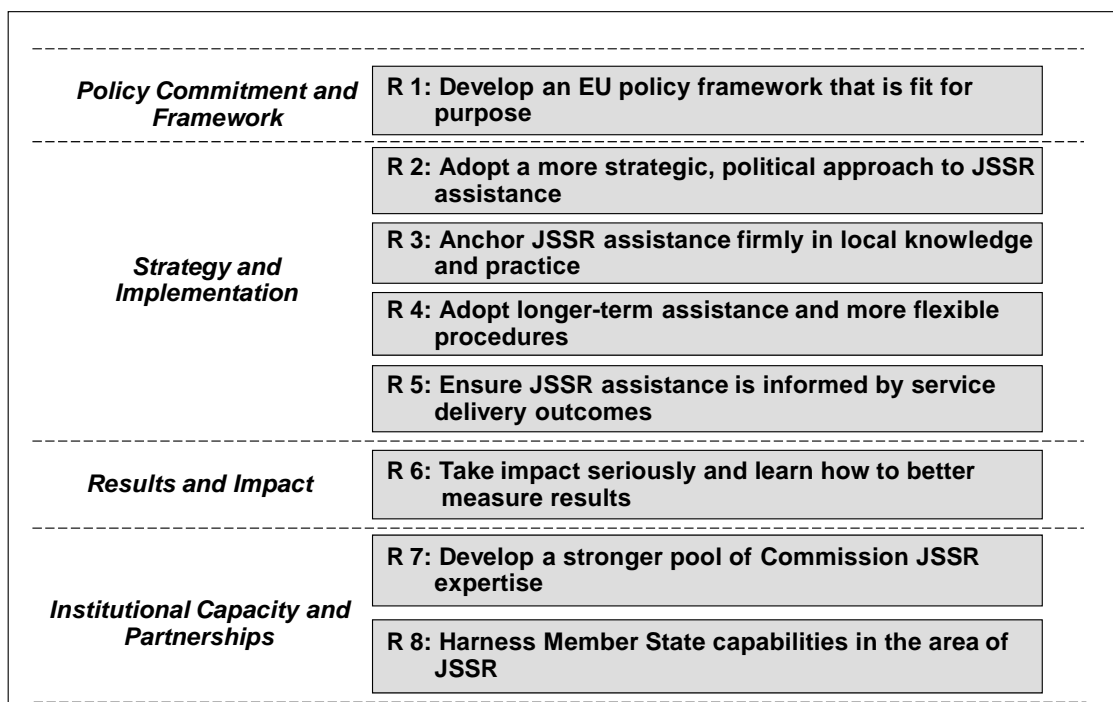
The Commission generally **shared information with international partners through coordination meetings at the operational and political level which helped to avoid duplication in activities,** but no concrete coordination mechanisms to reach common objectives with a shared vision and clear division of labour were established. Exceptions were Georgia and Rwanda where the existence of a clear national strategy favoured the development of coordination mechanisms.

The Commission channelled 53% of its total JSSR funds over the period 2001-2009 through international organisations (mainly the UN and the WB), usually in the context of fragile states or states emerging from a period of armed conflict (such as Afghanistan). This funding strategy permitted the Commission to benefit from UN expertise in managing border management projects in Eastern Europe and Central Asia. The extensive use of channelling, however, also made the Commission more vulnerable to typical drawbacks of the use of this aid modality such as the perception of a donor-driven approach and inefficient management of resources (e.g. when government capacities were weak). In addition, the Commission effectively lost control over funds channelled through other institutions making it more difficult to assess whether funds were used effectively or not.

6. Recommendations

This chapter presents the recommendations emerging from this evaluation. They **aim at pointing the Commission and (where relevant) the High Representative of the recently established European External Action Service (EEAS) to areas where** action can be taken to address the challenges highlighted in the conclusions (*presented in Chapter 5*). The recommendations are presented in the same clusters used to structure the conclusions (*see figure 8 below*).

Figure 8 – Recommendations

Policy Commitment and Framework	**R 1: Develop an EU policy framework that is fit for purpose**
Strategy and Implementation	**R 2: Adopt a more strategic, political approach to JSSR assistance**
	R 3: Anchor JSSR assistance firmly in local knowledge and practice
	R 4: Adopt longer-term assistance and more flexible procedures
	R 5: Ensure JSSR assistance is informed by service delivery outcomes
Results and Impact	**R 6: Take impact seriously and learn how to better measure results**
Institutional Capacity and Partnerships	**R 7: Develop a stronger pool of Commission JSSR expertise**
	R 8: Harness Member State capabilities in the area of JSSR

These recommendations should be seen in light of ongoing institutional changes set in motion by the Lisbon Treaty and the establishment of the **EEAS**. While this evaluation had as its mandate to focus specifically on Commission JSSR activities during the 2001-2009 period, it was not possible to examine what the Commission did in isolation from other European institutions (notably the Council - now superseded by the EEAS). These **institutions work under a joint JSSR *Policy Framework*** and, for this reason, their JSSR support activities are (or should be) complementary and effectively coordinated.

It is recognised that **both the Commission and the EEAS are already addressing some of the issues** covered in these recommendations. The changes underway are far from complete, however, and **these recommendations serve to highlight issues which have either not received adequate attention or which require a continuing focus** by the Commission and the High Representative.

6.1   Policy Commitment and Framework

Recommendation 1 : Develop an EU JSSR policy framework that is fit for purpose
Based on Conclusions 1, 2, and 9   *Responsibility: the Commission in coordination with the High Representative*
The Commission should work with the EEAS to develop a more robust EU JSSR *Policy Framework* and develop complementary operational guidelines that reflect the recent evolution of international thinking on JSSR.

This overarching recommendation stems from three of this evaluation's conclusions:

First, **Conclusion 1** shows that over the period 2001-2009 the Commission became a major JSSR player at the global level in terms of the financial support it provided and the geographical spread of its assistance programmes. During this period it also cooperated with the Council on the development of an EU JSSR *Policy Framework* and utilised a range of instruments to intervene in this policy arena.

Second, **Conclusion 2** makes clear that this steady increase in Commission spending was not accompanied by the adoption of a strategic, long-term political approach to supporting JSSR in partner countries. This reflected, on the one hand, the fact that the EU *Policy Framework* did not come about until 2006. As a result, for part of the period under examination by this evaluation, there did not exist a formal, high-level institutional framework to translate the nascent JSSR concept into integrated Commission and Council SSR programming. The EU *Policy Framework* did not provide for a clear division of labour between the Commission and the Council, overall EU JSSR-support strategies in partner countries, or effective mechanisms to enhance coordination and coherence. Commission JSSR assistance often focused narrowly on individual sectors, adopting a technical approach to the detriment of engaging with wider policy and political processes that shaped and constrain the delivery of security and justice services. The shift to SBS in a growing number of countries over the evaluation period nonetheless allowed for a more strategic, political approach.

Third, **Conclusion 9** shows that the Commission has developed limited tools and guidance to support JSSR programming, has a relatively small pool of JSSR experts, and remains heavily reliant on outside expertise to shape its thinking on JSSR and implement its assistance programmes.

Together, these Conclusions constitute a strong case for the Commission to work with the EEAS and other relevant European bodies (including Member States) to develop a more robust EU JSSR *Policy Framework* that is fit for purpose. A strengthened EU *Policy Framework* would set out clearly the aims of the EU's JSSR action, its overall strategy for achieving these aims, how it can add value to internationally-supported JSSR processes, the roles of the relevant European institutions, and the specific mechanisms and procedures that will enable these actors to collaborate (also with other international partners) and deliver assistance effectively.

While closer integration of assistance activities by European institutions is a pre-condition for supporting JSSR processes in a more holistic manner, this is not sufficient. European

assistance, including that of the Commission, should be delivered within a political framework that is based on principles of democratic governance and human rights. It should be anchored in national security and justice processes and underpinned by active policy dialogue with partner governments. Finally, the issue of how the Commission approaches JSSR needs to be addressed: the need for its programming to be more guided by service delivery outcomes should be highlighted in its *Policy Framework.*

Development of a more robust JSSR *Policy Framework* will provide a clearer signal within the EU and to partner countries about the EU's commitment to the JSSR policy agenda. It would also serve as a political impetus for, and provide direction on, development of the crucial operational machinery required to translate the *Policy Framework* into practice. Key elements of this institutional machinery would include:

▪ A comprehensive and detailed set of programming guidelines informed by recent international JSSR thinking and practice. [141] In particular, Commission JSSR programmes need to engage more directly with the reality of non-state security and justice provision, alongside the traditional focus on state actors[142].

▪ Joint Commission/EEAS fact-finding missions, a common analytical framework for JSSR assessments, and common reports by Delegation staff to Headquarters.

▪ A clear commitment and framework for developing common EU JSSR country strategies which provide general direction and objectives for all relevant European actors. This will facilitate efforts to develop an integrated EU approach to JSSR in partner countries that is built on development programmes (designed and implemented by DG DEVCO and EUDs) as well as political dialogue, diplomatic actions and - where necessary - ESDP missions (designed and implemented by the EEAS, EUDs, and possibly with EU MS support).

6.2 Strategy and Implementation

Recommendation 2 : Adopt a more strategic, political approach to JSSR assistance	
Based on Conclusions 2 and 9	*Responsibility: the Commission in coordination with the High Representative*
The Commission should adopt a more strategic, long-term political approach to JSSR assistance which is anchored in national security and justice strategies in partner countries and facilitates local problem-solving.	

Conclusions 2 and 9 underscore that the weakness of the EU JSSR *Policy Framework* and the limitations of the Commission's instruments hampered its efforts to adopt a strategic, political approach to JSSR. The general absence of an overall EU JSSR support strategy in partner countries and the reliance on project-approach types of interventions also made a

---

[141] The 2005 OECD/DAC Guidelines on Security System Reform and the accompanying 2007 Handbook continue to provide a valuable framework for thinking about SSR. But the generic principles and templates have limited operational utility and do not adequately capture the diverse policy environments in which the Commission works in partner countries today.

[142] In this regard the Commission may wish to closely monitor the ongoing work that the OECD/DAC International Network on Conflict and Fragility (INCAF) is carrying out on the effectiveness of security and justice assistance.

focus on narrow reform initiatives that were not integrated into broader security and justice processes more likely. As a consequence, less attention was paid to enabling the creation of a policy environment in partner countries that was conducive to achieving JSSR governance objectives and sustaining reform processes.

A strategic, political approach to JSSR implies that the Commission has thought through its own approach, and has a clear, long-term strategy to promote the outcomes it has selected, based on a deep understanding of the sector and local priorities, available entry-points to support these, and its own comparative advantages in providing assistance. Helping countries to design national security or justice strategies where these are weak or do not exist may provide an entry-point for a long-term, comprehensive engagement and also facilitate improved coordination of EU and wider donor assistance.

Because the Commission is limited in the support it can provide to certain sectors such as justice and policing for reasons of mandate and ODA eligibility, it is necessary to work closely with the EEAS (and other international bodies, including the UN) which can engage more easily with areas such as the military/defence, and support the necessary political dialogue with partner countries. This requires assessing which non-financial instruments are available to the Commission both to exploit the potential political leverage on partner governments that is offered either by its own financial resources or EEAS instruments including political dialogue and ESDP missions. Having a joint country strategy and common analytical frameworks would facilitate this.

Recommendation 3 : Anchor JSSR assistance firmly in local knowledge and practice	
Based on Conclusions 3, 5 and 7	*Responsibility: EEAS, Commission Headquarters and EUDs*
The Commission should place greater emphasis on securing the local knowledge and inputs it requires at the design stage of its JSSR programmes to ensure that they are well tailored to local conditions and priorities.	

Conclusions 3 and 5 show that the design of Commission JSSR programming was often not underpinned by adequate analysis about the policy environment for reform at both national and regional levels, existing security and justice practices, and political factors that were liable to impact upon assistance programmes. This was a consequence both of a heavy reliance on external consultants to design assistance programmes and insufficient involvement by non-state actors in programme design making it more difficult to take into account the needs and preferences of citizens.

When it comes to designing JSSR assistance programmes, the goal should not be mere alignment with partner government priorities as this may in certain cases be counter-productive in terms of overall JSSR aims. Commission staff, both at Headquarters and in Delegations, should examine on a case-by-case basis whether priorities, as defined by national authorities are appropriate, and, if not, reserve the right to advocate a different approach in dialogue with partner governments. This is consistent with the OECD Principles for Good International Engagement in Fragile States and Situations which calls for alignment with "local priorities" rather than explicitly with national

authorities/governments[143]. This implies the need to ground programme design and development on a firmer evidence base which reflects the views of a wide range of state and non-state stakeholders.

In addition, the Commission's guidance for policymakers and staff involved in JSSR programmes needs to confront the limitations of technical solutions based on 'best practice' or templates from other countries, and enable staff to support solutions to security and justice problems that are better anchored in existing institutional arrangements and local problem-solving, as appropriate, at the community level, within state institutions, or at the regional level. As a rule, building on what exists, - if it is a potential resource for reform - is better than importing new institutions that may be difficult to adapt to the local, national or regional context.

Recommendation 4 : Adopt longer-term assistance and more flexible procedures
Based on Conclusion 9 <td>*Responsibility: Commission Headquarters*</td>
The Commission should adopt a longer timeframe for its JSSR programming, combined with more flexible and rapid approval procedures, so as to be able to better respond to the dynamic and political nature of reform processes.

Conclusion 9 indicates that the Commission's programming procedures face a number of constraints which make it more difficult to respond to the dynamic and political nature of JSSR processes. These constraints relate to the lengthy and complex nature of decision-making processes, the difficulty of making changes to project objectives or approaches once approved, the relatively short-term nature of projects and the rigid rules and conditionalities associated with programmes which can restrict flexibility and efficiency.

JSSR processes, particularly those which occur in fragile contexts or confront serious structural governance problems, need to be long-term in nature. In recognition of this, a number of bilateral donors including the UK and Dutch governments have started to adopt longer timeframes (from 5-8 years in certain cases) for their projects. And, in recognition that political priorities often change faster than the programming cycle, to incorporate rolling 2-year plans that enable programme managers to respond flexibly to opportunities that arise or changes in the security and justice environment. Working in a more flexible manner would likely necessitate developing new planning tools that allow for an iterative, process-oriented approach (the use of traditional log frames, for instance, may make programme adjustments difficult).

JSSR processes are also, by nature, inherently political in nature and therefore susceptible to problems that may necessitate either delays or changes in direction. Changes in governments or senior level officials responsible for a security or justice portfolio can result

---

[143] This was confirmed by the 2011 Evaluation of the Commission's support to conflict prevention and peace building. See Recommendation 5*: "Relevance of Alignment" from the CPPB evaluation, namely: "The Commission should carefully assess the relevance of alignment with partner countries' government priorities when providing support in conflict (-prone) or post-conflict contexts and should reserve the right to distance itself from such priorities if this is deemed necessary from a CPPB perspective",* p.112 in ADE (for the European Commission), *Final report of the Evaluation of the Commission's support to conflict prevention and peace building,* 2011.

in new priorities. A 3-5 programming timeframe for JSSR makes it very difficult to accommodate project delays or to effectively carry out baseline studies, refine indicators and establish the monitoring systems necessary for a project to run smoothly (*see Recommendation 6*).

Recommendation 5 : Ensure JSSR assistance is informed by service delivery outcomes	
Based on Conclusion 4, 8	*Responsibility: Commission Headquarters and EUDs*
Service delivery outcomes should drive the Commission's overall approach to JSSR, enabling it to strike a better balance between strengthening state institutional capacities and fostering citizen engagement in reform processes.	

Conclusion 4 shows that Commission JSSR assistance programmes often focused disproportionately on building the capacity of state security and justice institutions. These efforts *did* in some cases – for example, that of the Public Defender's Office in Georgia and the 24-hour courts in Guatemala - concretely enhance states' abilities to manage their security and justice sectors in line with principles of democratic governance, a key objective of Commission JSSR programmes. And this in turn did result in improved delivery of security or justice services to citizens. This outcome was not achieved in most cases, however, due to the short-term nature of interventions and the absence of more fundamental transformations of organisational culture (including the behaviour of personnel) within the security and justice sectors.

In keeping with its policy commitment to place the security of people at the centre of its approach to JSSR, the Commission needs where possible to adapt a more 'hybrid' strategy for programming that is driven by service delivery outcomes. What this means in practice is recognising that it is often *not* in the interest of security and justice personnel (or their superiors) whose capacity has been enhanced to deliver improved services. The likelihood of tangible improvements in service delivery is low, therefore, unless those who *do* have a direct interest in improved service delivery (the end-beneficiaries – citizens or their representatives) are directly involved in the reform process.

A better balance is required between remedying institutional deficits in state security and justice institutions and fostering the ability of pro-reform constituencies to negotiate the improved services they desire. Simply building their institutional capacity to lobby or pressure the state is insufficient; rather these constituencies need to play an integral role in determining *how* their security and justice needs are addressed by states. This will often imply adopting a participatory 'problem-solving' approach which presupposes that the strategies required to influence security and justice provision will emerge from the particular context at hand rather than from a generic, imported concept of 'best practice'.

The entry-points for the Commission to engage in support or JSSR will vary from case to case and will sometimes be limited by the sensitivity of this policy agenda and political pressures to align assistance closely with government priorities. An engagement with state actors through a capacity building approach does not exclude working with the intended beneficiaries of state services – the two approaches are not mutually exclusive. Depending

on the entry-points adopted, programme designers should keep in mind the desirability of marrying the two approaches.

6.3   Results and Impact

Recommendation 6 : Take impact seriously and learn how to better measure results	
Based on Conclusions 3 and 6	*Responsibility: Commission Headquarters and EUDs*
The Commission should more systematically incorporate into its JSSR assistance programmes the mechanisms required to measure results and, in particular, the impact of its assistance on the lives of people.	

Conclusions 3 and 6 both show that Commission JSSR programming was not systematically underpinned by the use of baseline studies, indicators and other appropriate tools to allow for the monitoring and measurement of programme results. As a consequence, it was difficult to build up a clear picture of programme results in terms of how JSSR has affected the lives of people. Greater emphasis was placed on measuring short-term programme outputs, rather than outcomes or impact, a reflection of the heavy emphasis in many JSSR programmes on training, financing, provision of equipment and infrastructure development.

The measurement of outcomes and impact is nonetheless of critical importance in terms of being able to achieve a better balance in Commission JSSR programming between strengthening state institutional capacity and supporting processes that impact tangibly on the security and justice of citizens. Monitoring and evaluation tools can help to assess whether a programme is being implemented in the manner foreseen and, if not, what kinds of programme adjustments may be required. One outcome that should be measured, which is key to the success of programming, is the degree to which the Commission's assistance strategy enjoys substantial buy-in by a partner country, hence improving the prospects that the programme will be sustained.

There are a number of steps which the Commission can take to achieve this objective:

- Incorporate a greater emphasis in its JSSR preparation courses on programme rationale and methods of measuring impact
- Develop new, or strengthen existing, guidelines on the use of baselines, indicators and other monitoring and evaluation tools
- Ensure that a clear strategy for monitoring and measuring results is incorporated in all programmes at the design stage, and that adequate resources are ear-marked in project budgets to cover this.

6.4   Institutional Capacity and Partnerships

Recommendation 7: Develop a stronger pool of Commission JSSR expertise	
Based on Conclusions 4, 8, 9	*Responsibility: Commission Headquarters, in coordination with the EEAS*
The Commission - with the EEAS - should work to develop a stronger pool of EU JSSR experts by improving training and ensuring that staff working on JSSR both at HQ and in Delegations receive the appropriate guidance and support.	

Several conclusions point to the shortfalls in Commission JSSR expertise, whether in-house or when drawing upon external support. These shortfalls undermined Commission support for JSSR by contributing to inappropriate design of JSSR interventions, including an inadequate emphasis on local inputs. This in turn affected the Commission's credibility as a JSSR player in the eyes of partner governments, EU MS and other international partners. Finally, it made all the more difficult for the Commission to provide value added to JSSR processes in important ways which stem from its supranational nature, the critical mass of funding it provides, and its long-term presence in the field.

Therefore, the Commission should collaborate with the EEAS to develop a large and stronger pool of EU JSSR experts by:

▪ Improving JSSR trainings and making them compulsory for relevant staff at HQ and in Delegations. These trainings should be carried out jointly by the Commission and the EEAS so that there is mutual appreciation of each others' roles.

▪ Bringing together within one thematic unit cutting across DEVCO and the EEAS, adequate staff with expertise on justice, governance, human rights and security issues.

▪ Retaining experienced staff by providing adequate incentives and opportunities to work on JSSR (particularly in fragile contexts) including prospects for career progression in this area.

The Commission and the EEAS should also ensure ways to secure greater access to JSSR expertise from outside the EU including MS civil servants and other professionals:

▪ Expertise from EU MS civil servants should be available for the Commission's interventions in JSSR and vice versa.

▪ International JSSR experts from universities, NGOs and private companies should be clearly identified and included in an adequately resourced and managed roster at the disposal of Commission HQ, EUD and EEAS. This expertise should be used for advising, mentoring and providing training as well as to support implementation.

▪ There are various mechanisms in place which go some way to meeting this objective, but need to be strengthened. For example, the EU JSSR Pool of Experts established in 2008, and up and running since 2010, though there are concerns about how effectively it works in practice. In addition, both the IFS long-term and short-term instruments have expert support facilities which have been increasingly in use since 2009.

- Finally, the Commission is increasingly benefitting from expertise provided by the International Security Sector Assistance Team (ISSAT) in Geneva.

Each of these sources of expertise can supplement the Commission's (and EEAS's) internal expertise on JSSR in important ways; the risk is that the EU could remain overly reliant on external experts at the expense of developing a strong and competent cadre of internal JSSR experts who have an institutional memory of how the EU works and can effectively manage external experts.

Recommendation 8 : Harness Member State capabilities in the area of JSSR	
Based on Conclusions 7, 10	*Responsibility: Commission Headquarters, in coordination with the EEAS*
The Commission should exploit the comparative advantage offered by its supranational character and more effectively harness Member State capabilities in support of its JSSR programming.	

The evaluation distinguished six types of Commission value added for supporting JSSR that differentiate it from most other international actors. Most of these potential areas of value added were identified in COM(2006)253. The key ones stem from the supranational character of the Commission: its perceived neutrality, the large diversity of models and experiences available among EU MS and the Commission's capacity to mobilise expertise from all EU MS.

But what the evaluation found is that the provision of the Commission value added varied from case to case and not enough focus was placed on its real comparative advantage. The EU should therefore take steps to affirm its supranational character – and the convening power this offers - in order to more systematically harness the real potential that lies within the 27 EU MS for supporting JSSR processes in a coordinated and complementary manner, whether this is through the EEAS or the Commission. This should be done by:

- Strengthening the EU JSSR *Policy Framework* in order to develop an integrated EU strategy built on development programmes, political dialogue, diplomatic action, and - where necessary - ESDP missions (*see Recommendation 1*).
- Using more often the delegated cooperation aid modality with EU MS specialised bodies (police, justice services, border guards, etc.) to implement JSSR interventions when they are considered as the best option.
- Extending the use of modalities such as twinning projects and the EU Advisory Group (used in Armenia, for example) from the neighbourhood countries to other geographical regions.
- Staffing the EU Delegation with seconded staff from EU MS.
- Further promoting harmonized EU JSSR strategies and interventions (with EU MS and other EU institutions) in partner countries, in line with the 2005 Paris Declaration on Aid Effectiveness (*see Conclusion 7).*

Strengthening the EU JSSR *Policy Framework* in close consultation with MS would provide valuable political impetus and direction to advance these objectives.