

"FICHE CONTRADICTOIRE"

Evaluation of European Commission Support to Justice and Security System Reform

Recommendations	Responses of the Services	Follow-up (one year later)
POLICY COMMITMENT AND FRAMEWORK		
<p>1) 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</p>	<p>Agree on the need to develop complementary Guidelines at EU level. A joint Commission-EEAS Working Group is being set up to develop further the idea of "whole of EU" Operational Guidelines.</p>	<p>Agree on the need to develop Complementary Operational Guidelines to guide the services in their work on JSSR. To this end, a joint Commission- EEAS working group on developing Operational Guidance on EU Support to SSR was set up.</p>
<p>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.</p>	<p>Commission agrees to continue supporting the already existing EU policy framework on SSR as outlined inter alia in several Communications. The roles of European institutions and bodies, in particular the Commission and the EEAS have been clarified further in the Working Arrangements on External Action (approved after the JSSR Evaluation).</p> <p>The EU services, will continue to promote the whole-of-EU approach to SSR and to identify contributing roles from the various institutional actors. To this end, the EEAS had taken the initiative of setting up an Informal Interservice Group on SSR aimed at exchanging information on SSR-related policy and operational issues. Similarly, the Commission will continue to enhance the linkages between the security and development including internally (e. g. through the Thematic network on Security and Development) and externally (partnerships with International Organisations (e. g. UNDP BCPR).</p> <p>As regards justice, comprehensive policy framework is currently lacking. Further analysis and guidance is therefore needed on how to address justice and rule of law reform as well as to apply sector wide approach to justice, including criminal justice inherently linked to JSSR.</p> <p>The forthcoming Reference document on EU support to justice sector reform in development cooperation (June</p>	<p>A Workshop was organised in December 2012 to collect input from relevant staff, following which a draft concept was developed. The Working Group meets regularly, its work is underway.</p> <p><u>On the policy level</u>, Policy Framework continues to be guided by the 'EU Concept for ESDP Support to SSR', specific for CSDP missions and 'A Concept for European Community support to SSR'; specific for the EC external assistance instruments, complemented by the subsequent <i>Council Conclusions</i>. Apart from the aforementioned policy documents, the recently adopted 'Joint Communication on EU comprehensive approach to external conflict and crisis' facilitates the whole of the EU approach by drawing on the full range of its instruments and resources and thereby making external action more consistent, effective and strategic.</p> <p>As regards Justice, <i>the Reference Document on Support to Justice and Rule of Law</i> was issued in 2012. This Document provides the review of past experience as well as guidance for future EU development cooperation programmes in the area of</p>

	2012) provides possible approaches at both strategic and operational levels on how to engage in the justice area.	Justice and Rule of Law. By outlining both strategic and operational approaches in the justice sector, the Reference Document partly addresses the gap identified at the time of the evaluation. <u>On the practical level</u> , the EU (Informal) Interservice Group on SSR regularly convenes all the relevant services from the EC and EEAS and serves as platform for information exchange and cooperation on SSR-related policy and operational issues. The work of the Interservice Group on SSR has been welcomed by colleagues and reports a good level of participation across relevant services.
STRATEGY AND IMPLEMENTATION		
<p>2) 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.</p>	<p>Agree. The above mentioned Reference document already includes this analysis.</p> <p>Agree, with the caveat that a clear-long-term strategy is not necessarily available as from the start of an SSR engagement, but is likely to emerge over time.</p>	<p>Agree. The reference Document on Support to Justice and Rule of Law (2012) provides for this approach for justice sector interventions.</p> <p>Commission interventions in <u>fragile and conflict affected States</u> are framed within the New Deal framework (Busan 2011). This gives the Commission's JSSR related interventions a more strategic and longer term political approach, as it facilitates the alignment with local priorities. The adoption of the New Deal compact for Somalia in Brussels in September 2013 has provided a good example of such kind of positive dynamics for JSSR.</p>
<p>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.</p>		
<p>3) 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</p>	<p>Agree. Maximum effort should be put into taking advantage of and applying local knowledge so design is informed by the local context.</p>	<p>Agree. Local knowledge is not only key in developing the design state of the JSSR programmes, but also in their implementation, monitoring and evaluation. Maximum efforts are being taken towards achieving this.</p>
<p>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</p>	<p>Agree that the EU should take into account the priorities of not only the <i>Governments, but also those of the people, by applying human rights-based</i></p>	<p>Agree. National ownership, alignment of</p>

<p>reflecting the views of a wide range of stakeholders.</p>	<p><i>approach with emphasis on the service delivery.</i></p>	<p>programmes with country strategies and priorities are guiding principles of EU development cooperation, highlighted in the European Consensus on Development, Agenda for Change as well as the above mentioned Policy Documents which are guiding the EU engagement in this sector. Nevertheless, a balance between alignment with national priorities and the need to promote fundamental values such as democracy, human rights, gender equality and rule of law is being applied.</p> <p>The EU advocates an approach which includes a combination of support to institutional reform, empowerment of people and strengthened oversight bodies.</p>
<p>4) 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.</p>	<p>Partially agree, as this recommendation goes beyond the JSSR sector, touching upon the overall development cooperation programming and implementation procedures.</p>	<p>Partially agree, as this recommendation goes beyond the JSSR sector, touching upon the overall development cooperation programming and implementation procedures.</p>
<p>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.</p>	<p>Partially Agree, for the need to work more flexibly on SSR; this is consistent inter alia with the work of the OECD-INCAF on SSR to which the Commission and the EEAS are contributing. On the other hand, the above comment applies.</p>	<p>Partially agree, for the need to work more flexibly on SSR; this is consistent inter alia with the work of the OECD-INCAF on SSR to which the Commission and the EEAS are contributing. On the other hand, the above comment applies.</p> <p>Equally, it is worthwhile putting the JSSR programmes financed under external assistance programmes in their wider context. The EU has a wide array of external policies, instruments and tools, ranging from diplomacy (statements, demarches, mediation, facilitation of dialogue, participation in relevant international fora...) and EU external cooperation instruments (both thematic and geographical), to actions under the Common Foreign Security Policy (CFSP), including</p>

		<p>regular political dialogues with third countries and international organisations, restrictive measures (sanctions), EU Special Representatives, disarmament and non-proliferation activities, and civilian and military crisis management missions under the Common Security and Defence Policy (CSDP). EU effectiveness in achieving the objectives often depends on our flexibility and ability to define the right mix of policies, instruments and tools to achieve the goals. The JSSR cooperation programmes are rarely the sole EU instruments used in a given context.</p> <p>See equally the reference above to the New Deal.</p>
<p>5) 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</p> <p>The Commission needs to where possible adapt a more "hybrid" strategy for programming driven by service delivery outcomes, which means 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.</p>	<p>Agree, the Reference document: <i>Support to justice and the rule of law</i>, being finalized by the Commission, includes this recommendation.</p> <p>Agree, particularly in transition and post-conflict contexts this will be essential.</p>	<p>Agree, the Reference document: <i>Support to Justice and the Rule of Law (2012)</i> includes this recommendation. The service delivery approach, applied currently in the EU programmes, focuses on ensuring that people living in poverty are empowered to demand reform of those state and non-state institutions that are most relevant to them in obtaining security and justice, while at the same time stressing the importance of strengthening the capacity of relevant institutions to deliver justice and ensure basic safety and security.</p> <p>Agree, for fragile and post-conflict countries; see ref. to New Deal here above. The inclusiveness of the New Deal process, in particular with regard to consideration given to civil society inputs and benefits to the citizens as reflected in Peace and State building Goals- PSGs 2 (foster people's security) and 3 (facilitate citizens access to justice) helps, where applied, to strike a better balance between strengthening the capacities of state institutions and fostering</p>

		citizen engagement.
RESULTS AND IMPACT		
6) 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.	Agree , taking into account that specific indicators need to be elaborated in the international community at large (work is on-going in to this end, including in the OECD and International Dialogue on Peace and State building context).	Agree. The strong emphasis on results constitutes a clear expression of the commitment in the Agenda for Change to strengthen our capacity to monitor and report the EU contribution to development results.
Commission JSSR programmes should systematically make use of baseline studies, indicators and other tools to enable monitoring and measurement of programme results in order to build up a clear picture of how its JSSR assistance has impacted on peoples' lives.	Agree in principle. Baseline studies need first to be introduced systematically on the basis of accepted methodologies (not yet available).	Programming Instructions for 2014-2020 were complemented by the <i>Sector Indicator Guidance</i> for Programming, which incorporated a number of specific indicator sets covering, inter alia, Governance, Justice and Security areas. The <i>Sector Indicator Guidance</i> aims to assist the EU Delegations with the preparation of Multi-Annual Indicative Programming Documents (MIPs), particularly the process of specifying indicators linked to expected results. This in turn allows better monitoring and measuring results achieved by external cooperation programmes, including in the JSSR area.
INSTITUTIONAL CAPACITY AND PARTNERSHIPS		
7) 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	<p>Agree. By "stronger" Commission understands a pool of experts that is deployable in a flexible and rapid manner when circumstances so require.</p> <p>The EEAS will continue to organise an 'introductory course on SSR' targeted at staff from both HQs and Delegations and will also promote advanced courses offered via the ESDC and other relevant external organisations.</p> <p>The SSR Pool of Experts, established in 2010, featuring more than 100 SSR experts from EU Member States and the EEAS is the example of one of the initiatives undertaken since the JSSR evaluation. Further initiatives, both by the EEAS and the Commission are currently underway.</p>	<p>Agree.</p> <p>Regarding the <u>pool of experts</u>, by "stronger" Commission understands a pool of experts that is deployable in a flexible and rapid manner when circumstances so require</p> <p>Regarding the <u>training</u>, various options are currently offered to the relevant EU staff, both in EEAS and EC:</p> <p>- DEVCO organises an annual Course on Rule of Law, with dedicated sessions on Security and Justice. This course is specifically targeting the DEVCO staff both from HQ and Delegations staff. The course aims to provide both strategic and operational guidance on JSSR programmes</p>

		<p>financed under EU external assistance instruments.</p> <ul style="list-style-type: none"> - EEAS organises a yearly 'introductory course on SSR' open to EEAS and Commission staff from both HQs and Delegations. It also offers seats to the EU Member States, as a means to promote a common understanding. - Basic and Advanced SSR dedicated courses organised by the European Security and Defence College (with input from Commission interested services) are delivered jointly to EU and MS participants. In parallel e-learning courses are also promoted. - Apart from the above mentioned training opportunities, which specifically target JSSR, DEVCO organizes annual Course on Fragility, Security and Development, which places JSSR in a specific context of cooperation in fragile and post-conflict states.
<p>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.</p>	<p>Partially agree. Following reorganisation of DEVCO in June 2011 two units deal with JSSR. In addition, some aspects of security are covered by other thematic units. The current internal division of labour has been thoroughly discussed before the reorganisation and is not likely to be changed in the near future.</p>	<p>Partially agree. Following reorganisation of DEVCO in June 2011 two units deal with JSSR. In addition, some aspects of security are covered by other thematic units. The current internal division of labour in DEVCO is not likely to be changed in the near future.</p>
<p>8) 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.</p>	<p>The Commission agrees and supports strengthened alignment, donor coordination and aid effectiveness and will therefore continue to coordinate and cooperate with MS as well as other donors and multilateral organisations. In the post-Lisbon context, supra-nationality of the EU as value-added is an element to be taken into account when entering into JSSR support, in regard to MS as well as other national and international stakeholders.</p>	<p>Agree. The Commission agrees and supports strengthened alignment, donor coordination and aid effectiveness and will therefore continue to coordinate and cooperate with MS as well as other donors and multilateral organisations. Improved cooperation between the EU and the EU MS, but also between different EU instruments and policies which are in place in support of the JSSR. It has been</p>

<p>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.</p>	<p>Agree on the overall objective. However, there is no need to modify the SSR Policy Framework, while there is still room for improving its effectiveness, including better integrated and EU-wide approaches.</p>	<p>successfully applied as the organizing principle for EU action in many cases in recent years, for example, in the Horn of Africa, the Sahel and the Great Lakes. However, the ideas and principles governing the comprehensive approach have yet to become, systematically, the guiding principles for EU external action across all areas, including JSSR. The recently adopted Joint Communication on Comprehensive approach sets out a number of concrete steps that the EU is, collectively, taking towards an increasingly comprehensive approach in its external relations policies and action, including in the JSSR area.</p> <p>Equally, see ref. to New Deal here above.</p> <p>Agree on the overall objective. However, there is no need to modify the SSR Policy Framework, while there is still room for improving its effectiveness, including better integrated and EU-wide approaches..</p>
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