European Institute for
Crime Prevention and Control,
affiliated with the United Nations
(HEUNI)
P.O.Box 444
FIN-00531 Helsinki
Finland

Publication Series No. 49

# Maximizing the Effectiveness of the Technical Assistance Provided in the Fields of Crime Prevention and Criminal Justice

**Proceedings of the workshop held by the Programme Network of Institutes during the 15th Session of the United Nations Commission on Crime Prevention and Criminal Justice**

**Vienna, Austria, April 24, 2006**

**Edited by**
**Margaret Shaw and Yvon Dandurand**

Helsinki 2006

**Copies can be purchased from:**

Academic Bookstore
P.O.Box 128
FIN-00101 Helsinki
Finland
Website: http://www.akateeminen.com

Criminal Justice Press
P.O.Box 249
Monsey, NY 10952
USA
Website:
http://www.criminaljusticepress.com

ISBN 952-5333-27-2
ISSN 1237-4741

Printed by Hakapaino Oy, Helsinki, Finland

# Introduction

For a number of years, the Institutes comprising the United Nations Crime Prevention and Criminal Justice Programme Network (PNI) have organized a workshop during the sessions of the UN Commission on Crime Prevention and Criminal Justice with the purpose of providing in-depth information, and stimulating debate and exchange among member governments. During its fifteenth session in April 2006, the Commission focused on the question of how to maximize the effectiveness of the technical assistance provided to member states in the crime prevention and justice sector. The PNI was once again invited to organize a workshop on this theme at the beginning of the Session of the Commission.[1]

The workshop was, as usual, the result of the coordinated efforts of many of the Institutes of the Network, with the final organization and the preparation of the background paper being undertaken by the International Centre for the Prevention of Crime (ICPC, Montreal, Canada) and the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR&CJP, Vancouver, Canada). This book presents the proceedings of the workshop which are published by the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI, Helsinki, Finland) to ensure the wider dissemination of some of the very useful papers and analyses which provided a basis for discussion in Vienna.[2]

The workshop offered participants an opportunity to consider how to enhance the effectiveness of the technical assistance provided to Member States in the field of crime prevention and criminal justice. It was clear to all participants that technical assistance does not always deliver the results that it promises. Its impact is often quite modest. Throughout the workshop the emphasis was, therefore, placed on the importance of identifying best practices, evaluating current efforts, and learning from our collective experience. Participants were unanimous in noting that piecemeal and *ad hoc* technical assistance activities, although still the rule rather than the exception, should be avoided in the future. The need to identify priorities for action and to coordinate efforts across agencies was also recognized, and that led to some discussion of the role of the United Nations Office on Drugs and Crime (UNODC, Vienna, Austria) in the delivery of technical assistance and capacity building programmes.

[1] See Annex 1 for a list of all the Institutes.
[2] See Annex 2 for the workshop Agenda.

The need for technical assistance which aims to strengthen the crime prevention and justice sector as a whole, and to build a sustainable institutional capacity in receiving countries, was at the heart of the discussion. Many participants, particularly those from receiving countries, called for more integrated and cohesive strategies for strengthening their own institutional and operational capacities. Other participants referred to the growing need for international cooperation in fighting various transnational threats, and underlined that the ability of each Member State to cooperate at the international level ultimately depends on the capacity of its institutions.

Concern about the effectiveness of technical assistance is not just a fleeting preoccupation. The needs for assistance are great and growing, and the means to provide it are limited. The effectiveness of technical assistance is of crucial importance to receiving countries. For them the stakes are high. They recognize the interrelationship between sustainable development, security and justice and understand how criminal justice reform is essential to the establishment and maintenance of the rule of law.

The workshop was chaired by **His Excellency Ambassador Shahbaz** of Pakistan. The Moderator was **Jay Albanese,** (then) Chief of the International Centre at the National Institute of Justice (NIJ, Washington D.C., USA) and the Rapporteur was **Gioacchino Polimeni**, (then) Director of the United Nations Interregional Crime and Justice Research Institute (UNICRI, Turin, Italy). His report on the workshop captures the main ideas that emerged from the discussion. Some of these had been suggested in the general background paper prepared with the assistance of our colleagues from the PNI. Discussion focused on the importance of capacity building and ensuring ownership of technical assistance initiatives, and the need for greater coordination among the PNI, the UN Crime Commission and donor countries.

At the start of the workshop, **Ugljesa Zvekic**, Head of Strategic Planning, UNODC, presented the integrated strategy on security and justice which has been developed by UNODC. That presentation was followed by four interventions which looked at different aspects of technical assistance effectiveness and at initiatives to enhance it.

Summarizing the workshop Background Paper, **Margaret Shaw**, ICPC, presents some of the main challenges facing donor and recipient countries in the delivery of technical assistance, the merging consensus in the development aid field, amounting to a paradigm shift on how assistance can be more effective and sustainable, and discusses key components for effective and sustainable assistance. **Patrick Dölle**, Administrator, EuropeAid, at the European Commisssion, offers a paper which illustrates the shift in approach to development assistance which is now being

privileged by the European Union, with its focus on the principles of coherence, coordination and complementarity. **Yvon Dandurand,** ICCLR&CJP, takes a more careful look at some of the specific challenges involved for small states in seeking and obtaining effective assistance.

These introductory papers are followed by five papers looking at specific technical assistance initiatives and which illustrate some of the principles for effective assistance: they include a paper by **Masahiro Tauchi,** (then) Director of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI, Tokyo, Japan), on the revitalization of the volunteer probation aides system in the Philippines; a paper by **Tor Tanke Holm** of the Norwegian Police Directorate, on bilateral and multilateral policing assistance in Serbia and Montenegro which aims to promote local ownership and sustainability; a paper by **Ronald Woodbridge** of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD, San José, Costa Rica) on that Institute's assistance in Latin America and the Caribbean region especially in the area of prison overcrowding and prison reform; a short presentation by **Masamba Sita** and **Patrick Mwaita** of the United Nations African Institute for the Prevention of Crime and Treatment of Offenders (UNAFRI, Kampala, Uganda) on the development of a social work in prisons and prisoner reintegration programme in Uganda; and, a report by the **International Institute of Higher Studies in Criminal Sciences** (ISISC) and the **International Human Rights Law Institute** (IHRLI) of DePaul University College of Law which reviews a number of initiatives designed and implemented by these two institutes to contribute to national reconstruction, scholarship, training, and technical assistance in Afghanistan and Iraq. Each of these papers reveals a different dimension of technical assistance, and demonstrates the importance of the political, economic and institutional context in which technical assistance activities take place.

Finally, this collection is completed by two more general papers which, while not presented during the workshop, were given at the beginning of the deliberations of the Commission on this thematic issue. They are included here because of their relevance in emphasizing two crucial aspects of sustainable assistance: funding and the monitoring and evaluation of results. The first paper, by **Patrick Dölle**, addresses the all-important question of funding for technical assistance, outlining the flurry of recent changes to the European Union's financial framework which are designed to support the new approach to assistance and to maximize the impact of the EU's investment in that field. The second paper is a brief intervention by **Yvon Dandurand** who was invited to launch the discussion on evaluation and the measures which could maximize the learning that takes place through systematic

evaluation of the impact of capacity building and technical assistance activities.

We are very grateful to HEUNI, and in particular to Terhi Viljanen, for undertaking to publish these proceedings. We would also like to thank all the speakers as well as colleagues from the PNI who contributed to the success of the workshop. We hope that, with this publication, the dialogue and learning will go on and that technical assistance in crime prevention and criminal justice will be carried to another level, one which reflects this emerging consensus on how it can be made more effective and sustainable.

# Contents

**Introduction** ..... **iii**

**Report from the Rapporteur** ..... **9**
Gioacchino Polimeni

**Solutions for the Future?**
**Are There Key Components for Effective Assistance?** ..... **14**
Margaret Shaw

**Maximizing the Effectiveness of Technical Assistance Provided by**
**Member States in Crime Prevention and Criminal Justice** ..... **19**
Margaret Shaw and Yvon Dandurand

**The EU Approach to Aid Effectiveness** ..... **35**
Patrick Dölle

**Capacity Building and Technical Assistance Activities**
**in Small States** ..... **42**
Yvon Dandurand

**Technical Assistance Project for the Revitalization of the Volunteer**
**Probation Aides System in The Philippines** ..... **57**
Masahiro Tauchi

**Bilateral and Multilateral Police Assistance in Serbia:**
**Can Sustainability and Local Ownership be Ensured?** ..... **61**
Tor Tanke Holm

**Asistencia Técnica y Cooperación en América Latina en Materia**
**de Sobrepoblación y Hacinamiento Penitenciario** ..... **65**
Ronald Woodbridge

**UNAFRI's Technical Assistance to its Member States –**
**an Example** ..... **71**
N. Masamba Sita and Patrick Mwaita

**Human Rights and Technical Assistance Projects**
**in Afghanistan and Iraq** ..... **77**
ISISC and IHRLI

**The EU Framework for Financial Mobilisation in the Area of Crime**
**Prevention and Criminal Justice** ..... **92**
Patrick Dölle

**Evaluating the Effectiveness of Technical Assistance** ..... **104**
Yvon Dandurand

**Annex 1** ..... **110**
**Annex 2** ..... **111**

# Report from the Rapporteur

Gioacchino Polimeni
Director of UNICRI

A workshop on the theme “Maximizing the effectiveness of technical assistance provided by Member States in crime prevention and criminal justice – Solutions for the future: key components for effective technical assistance” was organized by the Institutes comprising the United Nations Crime Prevention and Criminal Justice Programme Network (PNI). The workshop was chaired by H.E. Ambassador Shahbaz (Pakistan), First Vice-Chairman of the Commission for its fifteenth session and Chairman of the Committee of the Whole. Six presentations were made at the workshop covering two main thematic fields related to ways of enhancing the effectiveness of technical assistance and recent technical assistance experiences respectively.

In his opening remarks, the Chairman noted that the objectives of the Workshop were to outline factors impeding the effectiveness of technical assistance and consider possible remedies, as well as to provide models and projects exemplifying successful approaches to technical assistance and stimulate discussion.

In his introductory statement, the Chief of the Strategic Planning Unit, Division for Policy Analysis and Public Affairs, UNODC, stressed the particular role of the Programme Network Institutes in promoting knowledge building, strengthening national and international policies, as well as assisting in the implementation of United Nations standards and norms, including the relevant normative instruments. He further illustrated that, within the framework of the overall UNODC strategy, the assistance provided to Member States should cover a whole range of issues related to prevention, rule of law, treatment and reintegration and analysis of thematic and cross-sectoral trends for effective policy formulation and operational responses. In that respect, it would be important to have in place a number of enabling conditions for rendering such assistance more effective and efficient, such as diversification of funding, alignment of resources with existing strategies and performance, and coordination among the key players in the field.

The observer for the International Centre for the Prevention of Crime (ICPC) made a presentation on the key components for effective technical assistance and possible future solutions towards revitalizing technical assistance activities in the area of crime prevention and criminal justice. Using as an example the incomplete effort to establish and maintain on an ongoing basis a database on international projects in crime prevention and criminal justice in Central and Eastern Europe, she put emphasis on the

need to utilize the lessons learned in order to achieve better results and address the new challenges in the field of technical assistance more effectively. Consideration was further given to certain impeding factors which rendered technical assistance inadequate and ineffective, such as the lack of sufficient resources; the uncoordinated, fragmented and scattered nature of the assistance provided; the partial failure of existing coordination mechanisms; the failure to take into account the receiving country's needs and interests and, thus, instil a sense of ownership; the lack of sensitivity to the specific context of the recipient country; the neglect of areas requiring interventions as a result of the failure to embrace a more comprehensive and integrated approach to technical assistance; the failure to take into account the capacity of the receiving countries to implement or benefit from technical assistance programmes; and corruption and abuse phenomena. In the speaker's view, recent initiatives at the national, regional and international levels have already shown that a consensus is emerging on a set of approaches and possible guidelines aimed at providing efficiency to technical assistance activities. In that context, she specified the following key elements: promotion of comprehensive and holistic approaches to strengthen the justice sector as a whole; country-led programming to stimulate country ownership and sustainability; building on existing strengths and favouring of long-term assistance; participation and active involvement of civil society; and research-based and results-oriented monitoring and evaluation.

The observer for the European Commission, EuropeAid, Unit "Security and Migration", provided an overview of the European Union strategy on aid effectiveness. He stressed that the European Union has fully endorsed the five partnership commitments of the Paris Declaration on Aid Effectiveness of March 2005 concerning ownership by the partner countries, alignment of donors with partner countries, harmonization of donors actions, managing for results and mutual accountability of both donors and partners. He also made reference to the four additional commitments taken by the European Union: increasing use of multi-donors arrangements in capacity building assistance; channelling 50 per cent of government-to-government assistance through country systems; avoiding the establishment of new project implementation units; and reducing the number of uncoordinated missions by 50 per cent. He put emphasis on the establishment of a joint multi-annual programming framework of the European Commission with partner countries and other donors, as well as on the need to develop operational principles for ensuring coordination and revise the European Union rules on co-financing with a view to facilitating joint financing arrangements. He further noted that, in the field of crime prevention and criminal justice, efforts of the European Union geared towards increasing the effectiveness of technical assistance and included the elaboration of a concept and guidelines on

security system reform; the elaboration of rules and tools to recruit the appropriate experts; and the elaboration of commonly agreed indicators on the results of technical assistance in the field of governance.

The observer for the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR&CJP) focused his attention on technical assistance in small States. He underlined that the effectiveness of technical assistance was dependent on the adaptation of methods to differing country situations, taking into consideration: the political and institutional context; geopolitical factors; psychological attitudes, including the level of public support for reforms; the economic circumstances; the normative framework; the government effectiveness; the commitment of and progress made in controlling corruption; and the civil society involvement. Further reference was made to the vulnerabilities of many small States arising from factors such as globalization and transnational crime, as well as to the difficulties they encountered due to the limited capacity and human resources and the inability to fully participate in global regimes and international policies and treaties. The speaker argued that the justice sector was particularly affected in most of these States by the limited capacity of existing institutions and the declining trends in development assistance. He took note of the need to establish priorities and promote regional approaches. Furthermore, he underscored that the coordination among multiple donors was important for exploring flexible programming options and reducing the transaction costs for the small States. Equally important for the donors and technical assistance providers would also be to tailor their tools and instruments to suit the institutional capacity of such States, as well as to adopt whole sector and integrated assistance approaches in consideration of the relatively small scale of the systems involved.

In the section devoted to the presentation of recent technical assistance experiences, the observer for the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) provided a brief description of a collaborative partnership with the Philippines on the revitalization of the Volunteer Probation Aides System. The key objective of that System was to promote the community involvement in the treatment of offenders in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules). The speaker noted that the technical assistance project was intended to foster a sense of ownership by the recipient country and was premised on the introduction of the corresponding Japanese model as good and long-standing practice in that area.

The observer for the Norwegian Police Directorate presented the lessons learned from a donor country perspective (Norway) on technical assistance programming and policing on the occasion of a specific project to promote bilateral and multilateral police assistance in Serbia. That project was launched in 2002 and focused initially on a small police district aiming at building capacity, through training to fight financial and narcotics crime, as well as improving infrastructure, management skills and crime forensics. The project was further expanded to cover all police stations in the targeted region and was conducive to the identification of general indicators for sustainability and local ownership.

The observer for the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) presented the experience of the Institute in the field of technical assistance on criminal justice and prison reform in Latin America. He listed examples of technical assistance programmes channelled through the Institute, which managed, despite the limited resources, to play a role of a catalytic agent in that field. The speaker also stressed the importance of adopting a cross-cutting diagnostic approach when assessing the needs to be addressed through technical assistance and further favoured the improvement of methodologies used for evaluating the impact of technical assistance.

In the discussion following the presentations, questions were raised about the limited value of piecemeal technical assistance activities that were not integrated into broader reform and capacity building initiatives and were not fully endorsed and supported at the national level. In that context, the importance of ensuring ownership over the quality of the assistance provided in each stage of the relevant process and over the results and timeliness of such assistance was emphasized. Furthermore, it was suggested that further action should be taken towards meeting the particular needs of the recipient countries and addressing problems related to the evaluation of the effectiveness of technical assistance activities. Moreover, the Institutes were encouraged to continue working closely with each other, United Nations offices and Member States with a view to defining a more systematic strategy and approach to ways and means of maximizing the effectiveness of technical assistance in future.

In concluding, the Rapporteur of the Workshop reiterated the importance of technical assistance as a main element of any effort to effectively address crime prevention and criminal justice issues in the context of sustainable development and human security. However, he recalled that technical assistance activities are often assumed to be ineffective or inadequate and to fail meeting the deeper needs of recipient countries. In that connection and building upon recent developments at the national, regional and

international levels, some of which were presented during the Workshop, he stressed that the consensus can be reached on the way forward and on the criteria that could be established and followed for enhancing the effectiveness of technical assistance. He further linked that issue to the general discussion on the revitalization of the Commission on Crime Prevention and Criminal Justice, and he pointed out that consideration should be given to the perspective of making technical assistance a long-standing item in the agenda of the Commission. He also noted that it might be appropriate to work towards the “formalization” of the above-mentioned criteria through the establishment of a set of guidelines for planning and implementing technical assistance, as well as for measuring its impact and effectiveness.

# Solutions for the Future?
# Are There Key Components for Effective Assistance?

Margaret Shaw
Director of Analysis & Exchange, ICPC

Major shifts in policy areas and academic disciplines do not occur very often, but when they do they have a tendency to spill over into other areas of work and study and bring about long-term changes in approaches and practice. Such a shift appears to have taken place in recent years in the field of development aid, and is evident internationally in the ways in which technical assistance is now being conceived and delivered. In part this has been prompted by the failure of aid to bring about desired changes, and in part because of the impacts of globalization. The clear paradigm shift in the past five or more years is away from bilateral and donor-led technical assistance, towards more multi-lateral, co-ordinated, country-led and participatory approaches.

It seems very appropriate to examine the implications of this shift for the criminal justice and crime prevention field. The topic of maximizing technical assistance is particularly appropriate for the Programme Network Institutes, given the long history of many of the Institutes of providing technical assistance (TA) and training in criminal justice, and increasingly in crime prevention. The kinds of activities under this heading have included:

- supporting strategy development and consensus-building on the need for reform;
- promoting civil society involvement in the preparation, implementation, and monitoring of projects;
- promoting citizen participation in crime prevention;
- promoting law reform;
- bringing national laws and criminal justice systems into compliance with international standards; and,
- institutional strengthening and capacity building to bring about organizational change.

## Why Has Technical Assistance Been Ineffective?

The experience of the PNI has been extensive, but not without its frustrations. Over ten years ago the need to develop greater coordination among donors and organizations delivering technical assistance was evident. HEUNI, based on its experience of working with countries in Eastern and Central Europe took the initiative in 1995 of developing a *Database on International Projects in Crime*

*Prevention & Criminal Justice in Central and Eastern Europe*. The following year in 1996 an expert group meeting made 14 recommendations to improve the effectiveness of international TA ranging from carrying out a needs assessment and finding out who else is working in the area, to monitoring project progress and evaluating impact. By 2001, however, the data base established by HEUNI was closed because of technological difficulties, low motivation to supply or share information, as well as lack of use by recipient and donor countries.

Overall, technical assistance has been neither effective nor sustainable for a range of reasons, including insufficient funding and resources, the lack of coordination among donors, and the fragmentation of initiatives which focus only on parts of the criminal justice system, and neglect other areas. Bilateral assistance to a country, for example, may have provided police training on dog handling or firearms, yet failed to consider the overall structure of policing or respond to its need to develop a community problem-solving capacity. Similarly, assistance in improving correctional systems is important, but may be counteracted by an increasing flow of prisoners into that system. Account needs to be taken of the system as a whole. What is also clear is that the majority of technical assistance in this field has traditionally been directed at specific elements of the justice system (law reform, policing, courts, judicial training, correctional systems), but rarely considered or included crime prevention as an equally essential component.

A second major concern, however, is that much past technical assistance has been insensitive to regional or local context. It has tended to be donor and 'expert driven'. This is something which has been characteristic of much of the work in crime prevention over the past ten or fifteen years, with assumptions that successful projects developed in the North can be transferred to those in the South. Regional factors can also have a major impact on shaping crime patterns and criminal justice and prevention needs. Technical assistance has often failed to take account of recipient country interests and needs, as well as their capacities. Corruption and abuse of assistance has also been a factor. Finally and more recently, considerable funding for crime prevention and criminal justice training and technical assistance has been diverted to the fight against terrorism and international organized crime, trafficking and corruption. Yet stable and effective governance, and well-functioning prevention strategies and criminal justice systems are some of the most important components for protecting against such problems.

## An Emerging Consensus on the Way Forward

In the development aid field, a flurry of recent reports and position papers bear witness to the evolution of views on the philosophy guiding aid provision, and how it should be delivered. They include the well articulated positions of the UK Department of International Development (DFID), the Canadian International Development Agency (CIDA), the Organization for Economic Cooperation and Development (OECD, 2004, 2006), the European Union (2005, 2006)[1], the 2005 Paris Declaration on Aid Effectiveness, and the Australian Overseas Aid Programme (2006).[2]

The Paris Declaration, designed to enable the achievement of the Millenium Development Goals set for 2010, sets out a number of commitments for donor and recipient countries on how aid should be delivered and managed, and sets target indicators for measuring those commitments. These include the notion of ownership, that partner countries exercise effective leadership over their development policies and strategies; the alignment of donor support with partner countries' national development strategies, institutions and procedures; the harmonization of action among donors so that they are more transparent and collectively effective; managing resources and decision-making for results; and, mutual accountability, with both donors and partner countries being accountable for development results.

## What does this mean for revitalizing technical assistance in crime prevention and criminal justice?

For crime prevention and criminal justice the need for greater coordination among donors and providers still remains a major priority. Only five years after the closure of the HEUNI database, the need to develop better information and data-sharing mechanisms, especially on a regional basis is not only evident, but perhaps more generally accepted. Sustainability also requires undertaking clear assessment of country and system capacities, encouraging national plans, and taking a broad view of justice and security systems, as well as recognizing the links between poverty and development. The recent *Round Table for Africa* in Abuja, Nigeria, organized by UNODC in 2005, has begun the task of identifying regional priorities on crime, drugs and security. It recognizes the significant links between poverty and justice and security reforms and institutional capacity building, and that they

[1] European Security Strategy 2003; European Consensus on Development 2005; Aid Effectiveness package, adopted March 2006. See paper by Patrick Dölle on the European Approach to Aid Effectiveness in this volume for more details.

[2] Australian Aid: Promoting Growth and Stability. A White Paper on the Australian Government's Overseas Aid Program. 2006. Canberra.

are closely linked with development, poverty alleviation, human rights protection and good governance.[3] The European Consensus on Development, adopted in December 2005, similarly recognizes the strong links between peace and security, and development and poverty eradication, as their new approach to aid effectiveness and financial framework to support that approach demonstrate.[4]

Monitoring and evaluating, often the mantra which receives least attention, must become a more integral and essential aspect of technical assistance. Evaluations which involve local partners can help to promote ownership in a technical assistance programme and its long-term life. This can be helped by the establishment of realistic objectives for projects, as well as the use of the growing range of tool kits, and assessment indicators and benchmarks. UNODC's *Criminal Justice Assessment Toolkit* 2006 provides a recent example of the expanding range of tools now becoming available. Local crime prevention toolkits developed by the Council for Scientific and Industrial Research CSIR in South Africa and UN-HABITAT's Safer Cities programme provide further examples. Providing incentives for change is another means of promoting sustainability and ownership.

## So what are the key elements for effective technical assistance?

In essence, therefore, future technical assistance in crime prevention and criminal justice should include the following key elements:

- Holistic approaches
- Country-led programming to stimulate ownership and sustainability
- Region-specific approaches
- Broad and integrated approaches
- Human rights based approaches
- Building on existing strengths
- Favouring long-term assistance
- The active participation of civil society
- Research-based, results focused, evaluated initiative

[3] UNODC, 2005. *Crime and Development in Africa*. Research Section. June. Vienna: UNODC.

[4] *European Consensus on Development* December 2005 (and see papers by Patrick Dölle and Tor Tanke Holm in this volume).

## The Way Forward

There appears to be an emerging consensus in a number of fields on principles and approaches for more appropriate, effective and lasting technical assistance. Recent assistance work on transnational organized crime and corruption has helped to focus attention on the importance of training and technical assistance in the justice and security sectors, and their links with poverty and development. The growth and application of Norms and Standards on crime prevention and criminal justice, as well as the exponential growth of the internet and other technological changes have resulted in *increased* demand for technical assistance, as well as making access to information and assistance and exchange much easier.

For the Programme Network Institutes this raises a number of important questions about the level of funding for technical assistance projects, whether the needs of regions and countries should be prioritized, and what should be the focus of projects. It challenges the PNI to learn to work together more collaboratively and effectively, and to form a new vision for the future.

# Maximizing the Effectiveness of Technical Assistance Provided by Member States in Crime Prevention and Criminal Justice

## Background Note

Margaret Shaw & Yvon Dandurand
On Behalf of the PNI

This workshop has been developed by the Institutes comprising the United Nations Crime Prevention and Criminal Justice Network (PNI) and addresses one of the main themes of the 15th Session of the Commission on Crime Prevention and Criminal Justice: how to maximize the effectiveness of technical assistance in the area of crime prevention and criminal justice.[1] The workshop addresses a range of questions identified globally about the role and effectiveness of technical assistance activities in the context of institutional development, capacity building, and treaty and international standards implementation in the field. In particular, questions are increasingly being raised about the limited value of piecemeal technical assistance activities that are not integrated into broader reform and capacity building initiatives, and are not fully endorsed and supported at the national level.

It is now widely recognized that providing more, or the same, kind of assistance will not be sufficient to bring about the wide range of changes and reforms required by most justice and security systems. There are some fundamental issues with the way that much of the technical assistance in the field of criminal justice and crime prevention is currently designed and delivered. Receiving countries often express concern about assistance that proves to be either futile or disruptive of other reforms or capacity building initiatives in which they are already engaged. Technical assistance (TA) is too often based on very naïve assumptions about how organizational change can be effected, and how institutions are transformed. Nevertheless, there is no denying that technical assistance will continue to be a major means of supporting capacity building, the implementation of international treaties, compliance with human rights and justice norms and standards, and international cooperation in facing various forms of international threats.

In recent years, technical assistance activities in the justice and security sectors have become a major focus of programming for many multilateral and bilateral agencies. TA has been incorporated in the text of recent conventions as a means to support

[1] The workshop and background note have been organized on behalf of the PNI by ICPC and ICCLR&CJP.

international cooperation in their ratification and implementation. Development agencies, recognizing the interrelationship between sustainable development, security and justice, have been increasingly involved in the area, as part of their efforts to promote good governance. The technical assistance activities of the UNODC and of the PNI have also increased significantly. Some best practices have been identified, but most agencies are still struggling to apply the lessons they have learned more systematically. In all instances, the organizations and agencies involved recognize the need to further coordinate and harmonize their activities, even if that is easier said than done.

This workshop encourages participants to contribute to the kind of reflections which Member States and multilateral agencies have been engaged in for some time, as part of their efforts to maximize the effectiveness of development assistance. While the focus of crime prevention and criminal justice is somewhat different, most of the factors that have impeded the effectiveness of the development assistance provided are essentially the same. The short presentations that will be made during the workshop to initiate further discussion will be based on the experience of jurisdictions receiving the assistance and the agencies responsible for delivering it. The purpose of the workshop is to help define the way forward for all those involved, and to ensure that the limited resources that can be devoted to international assistance have the most impact.

Programming activities in the justice and security sector typically include: (1) activities to support strategy formation and consensus-building around the need for reforms and the nature of the changes to be promoted; (2) activities to promote the involvement of citizens and civil society organizations in the preparation, implementation and monitoring of justice projects; (3) activities to promote citizen participation in crime prevention; (4) activities to promote law reform when required; (5) activities to bring national laws and systems in compliance with international standards (and conventions); and, (6) institutional strengthening and capacity building activities in the justice and public safety sector to bring about organizational change, including technical assistance, training and other programs to modernize existing structures and procedures and assist with the change process, to create mechanisms to create statistical databases, to install planning, budgeting, and case management systems, and to build the necessary infrastructure and information systems.

All of these activities are important and the sequence in which they are undertaken can often impact their effectiveness. A number of lessons have been learned in terms of effective programming

and assistance within the sector. These lessons must be identified and integrated into future programming.[2]

The PNI were among the pioneers in that field and have accumulated considerable experience. HEUNI, for example, has a long history of working to improve international cooperation in crime prevention and criminal justice, especially in relation to Central and Eastern Europe. It began to collect information in 1991 on the hundreds of international projects being undertaken in the region. This eventually led in 1995 to the establishment of the *HEUNI Database on International Projects in Crime Prevention and Criminal Justice in Central and Eastern Europe* (ECOSOC resolution 1995/12). This was intended as a pilot project that could eventually lead to the establishment of similar and connected databases in every region of the world.

The idea of a database and of compiling the lessons learned on an ongoing basis had to be abandoned. HEUNI concluded in 2001 that the database was not achieving its purpose. There were many problems, including low motivation to supply information, an apparent unwillingness of various agencies to share information about international projects, the limited quality of some of the data provided, and the lack of utilization by both recipient countries and donors.[3] Today, the idea of developing an interagency mechanism to share information about ongoing projects and lessons learned is once more being advanced, since the need for such information sharing not only remains but has become more apparent.

Ten years ago, based on that information and on the work of an expert group[4], HEUNI produced a checklist based on 14 recommendations to improve the effectiveness of international assistance[5]:

1. Carry out a needs assessment.
2. Find out who else is working in the same area.
3. Decide on the purpose of the project.
4. Consider different strategies for accomplishing the project.
5. Prepare a written project proposal.
6. Analyze the expected risks and benefits.
7. Know your partner.
8. Secure the support of all the relevant 'stakeholders'.
9. Allocate responsibility for costs.
10. Familiarize yourself with the legal system and culture in the recipient country.
11. Start small.
12. Work according to a realistic timetable and cost estimates.
13. Monitor progress in the project and evaluate its impact.
14. Be patient.

[2] For example, see: Biebesheimer, C. and J.M. Payne (2001). IDB Experience in Justice Reform. Also: CGCED (2000). Challenges of Capacity Development, Volume 11, Towards Sustainable Reforms of Caribbean Justice Systems.

[3] A memorandum submitted by HEUNI was included in secretariat document E/CN.15/2001/7.

[4] Expert group meeting on Managing international criminal justice projects: How to overcome problems in international assistance. May 3-6, 1996, Helsinki.

[5] Matti Joutsen 1996. Managing International Technical Assistance Projects in Criminal Justice. Experiences with assistance in the reform of crime prevention and criminal justice in Central and Eastern Europe. HEUNI Paper No. 8. Helsinki.

Other attempts have been made to list the prerequisites to success in various areas in which technical assistance is provided. In 2004, for instance, a group of expert which met at the Institute for Security Studies in Cape Town proposed ten guidelines to be considered by the UNODC in providing technical assistance to promote the implementation of the universal conventions and protocols related to terrorism and other forms of serious crime.[6]

The need to implement international norms and standards in crime prevention and criminal justice, globalization and rapid technological advances, the challenges of transnational organized crime, terrorism, and corruption, and the need to coordinate law enforcement responses and foster greater international cooperation have all increased the demand for assistance. Some of the assistance needed is technical, but a lot of it is simply financial. The needs for assistance are complex, varied and generally interrelated. They cannot be addressed by short-term, piecemeal, specialized initiatives that do not take into account the broader need for institutional reform, institution building and capacity building.

Globally, it is clear that technical assistance is too often ineffective or inadequate, and rarely meets the deeper needs of recipient countries. The benefits of good projects are often not sustained. It is easy, therefore, to become somewhat cynical or perhaps even disillusioned about the value of most technical assistance activities. As before, recipient and donor countries, as well as international organizations, have identified concerns that are easier to name than to resolve. They include:

- The **lack of sufficient resources** allocated for technical assistance and capacity building in the field of criminal justice and crime prevention.
- The **uncoordinated, fragmented** and scattered nature of the technical assistance provided, with many organizations and donor countries still working bilaterally and in relative isolation from each other.[7]
- The **partial failure of existing coordination mechanisms** for agencies delivering or funding capacity building and technical assistance activities.
- The failure to take into account, in a real participatory way, **recipient country's interests and needs**, as well as their own democratic decision making processes. A lot of the technical assistance offered is still determined by the priorities and goals

[6] Strengthening international cooperation and technical assistance in preventing and combating terrorism. Report of the Secretary General, Commission on Crime Prevention and Criminal Justice, Thirteenth session, 11-20 May 2004, Appendix 1. (E/CN.15/2004/8)

[7] Hebenton, B. & Spencer, J. (2001). *Assessing International Assistance in Law Enforcement. Themes, Findings and Recommendations from a Case-Study in the Republic of Estonia.* HEUNI. Publication No.37 Helsinki

of assistance providers, rather than those of the recipients. This does not help to instil a sense of ownership on the part of recipient countries which would help to ensure sustainability. There is often a perception that the donors' own security concerns or policy priorities assume priority over the identified needs of the recipient country. Internal security concerns in recipient countries are not weighed as heavily as international, hemispheric, or regional concerns, or even the security concerns of powerful neighbours. Further, the assistance is generally not offered in a timely manner, and is very rarely committed for periods of time sufficient to ensure the success of the fundamental reforms that are required.

- The lack of **sensitivity to context**. Models developed in one country may not be appropriate nor easily transferred to another country. The success of many of the models that are promoted through technical assistance is in fact predicated on the presence of strong and credible institutions, and a substantial capacity to effect and manage change. These models are rarely transferable directly. The changes that are proposed are not always designed to build on the existing strengths of recipient institutions.
- The **neglect of some areas**. Efforts by the international community to promote international cooperation in the fight against various forms of transnational crime, terrorism and corruption may have led many agencies to focus too much of their technical assistance programmes in those areas. As a result, other areas appear to have been neglected, and support for longer-term assistance to meet national needs has been more difficult to obtain. Current programmes often fail to embrace a more comprehensive, integrated approach to technical assistance. Such an approach is necessary to support national strategies to strengthen institutional and operational capacities of countries in need. Specialized forms of technical assistance are sometimes better funded than others, yet it must be recognized that a basic, functioning and credible justice system must be in place before specialized interventions are undertaken.
- In recent years, the efforts of development agencies have been increasingly directed toward the reform of the justice and security sectors. These initiatives have been designed to develop the capacity of "partner countries" to address security issues in the post 9/11 world and to meet the challenges of the globalization of crime and corruption. There are concerns, however, that **development assistance** is being diverted to the fight against terrorism and other transnational security threats, to the detriment of projects designed to reform systems of governance, and to build institutional and community capacity for civil society.

- Technical assistance has tended to focus on different **parts of the justice system** or on specific areas (e.g. police firearms training) without taking into account the sector as a whole or broader factors impinging on the justice system's overall effectiveness. For example, technical assistance in the justice sector has focused primarily on strengthening the different sectors of the criminal justice system (legislation, policing, courts, prisons) but more rarely considered their interdependence.[8] Even more rarely, has much attention been given to reducing the supply of offenders and victims by putting in place comprehensive strategies and programmes to prevent crime and victimization from taking place.[9]
- Technical assistance, whether directed to transnational organized crime and corruption or criminal justice and crime prevention, often **fails to take into account the capacity** of recipient countries, or systems, or the importance of good governance to implement or benefit from training or new technologies.[10] Adopting a new legislative structure or prison protocols will have little impact if countries do not have the necessary capacities to manage, train and maintain such innovative systems. In Africa, the New Partnership for Africa's Development (NEPAD) has identified a lack of capacity as a major constraint for sustainable development. Corruption and abuse among the police and/or government officials, ethnic and cultural factors, and social and economic disparities, the lack of infrastructure and basic resources, all make decisions on when and how to develop TA very important.

There are a number of strategies that may be utilized to increase the efficacy of locally-owned crime prevention and justice and security reforms. These include:

- **Establishing the legitimacy of the proposed reform**. If an initiative is identified as being solely the initiative of an outside agency or government, it is unlikely to be legitimized and will not be sustainable. Rather, the reform will be viewed as externally imposed and as a pre-requisite for receiving other types of assistance. It is important that the recipient country have "ownership" of the reform effort. The recipient country should

---

[8] Herman, T. 2001. *Aspects in International Technical Cooperation – Lessons Learned*. International Cooperation Group, Department of Justice Canada. Paper given at HEUNI International Seminar on Central Issues in Crime Prevention and Criminal Justice, Helsinki, December 14-15th.

[9] Shaw, M. 2005. *Why crime prevention is an essential component of international training and technical assistance: the experience of the International Centre for the Prevention of Crime.* Paper given at the Annual Meetings of the American Society of Criminology, Toronto November 16-19th.

[10] Dandurand, Y. Griffiths, C. T. & V. Chin 2004. *Justice and Security Sector Reform and Development.* Discussion Note - Americas Branch. Canadian International Development Agency (CIDA). Gatineau, Canada.

play the primary role in identifying and prioritizing the areas in need of reform. Furthermore, because changes in one part of the system will invariably affect other parts of the system, reforms that are seen as the initiative of only one agency within the system are not likely to receive the support they require in order to succeed. This presents unique challenges to both the donor and recipient countries.

- **Finding champions**. Countries providing assistance are well advised to consult with a wide range of informants in the recipient country in an effort to distinguish between those persons who are "figureheads" from those who are committed to reform and have the requisite influence and authority to enhance the reform process. Investing sufficient time and resources in identifying these people will increase the likelihood of success of the reform initiative.
- **Providing incentives for change**. Reform is a difficult task in all systems, due in large measure to the tendency of agency personnel to resist change, to be unwilling to put their position and status at risk or to challenge the status quo. There must be some incentives for senior personnel and individuals at the managerial and line levels to participate in the reform effort. It is not realistic to assume that there will be enthusiastic support for an initiative merely because it is labelled as "reform."
- **Establishing realistic benchmarks and reform objectives**. Even the best-designed assistance project will fall short of its objectives if it is not planned adequately. It is unrealistic to expect that all of the required reforms will occur simultaneously, or that a system's institutional and human resource capacity can be developed overnight. Specific, achievable objectives must be established that hold the best potential for success. Demonstration projects and carefully selected and developed case studies can provide early, visible successes that will increase the momentum of, and support for, organizational change and reform.
- **Conducting project evaluations**. All assistance projects in the field of justice and security should include an evaluation component. Independent researchers from the jurisdiction in question should conduct this evaluation, working where required, in collaboration with evaluators from the country providing the technical assistance. There are a number of key issues surrounding project evaluation, including the use of an evaluative framework that is not externally-imposed but rather reflects the realities of the recipient country. Further, if the measures of success are too rigid, then reform initiatives may be inappropriately determined to have failed.

Over the past decade, with the accumulated experience of participants, new approaches to the provision of TA are emerging. The different contexts and needs of countries in development,

transition, and post-conflict are now more explicitly recognized. There is much greater emphasis on the importance of the views and needs of recipient countries, on the importance of multilateral collaboration, on the need for system-wide approaches, on the benefits of balancing criminal justice and crime prevention strategies. There is a greater recognition of how justice and security reforms and institutional capacity building are interlinked with development, poverty alleviation, human rights protection and the promotion of good governance.[11] Models which incorporate these elements are being developed and hold some important promises for the future of criminal justice institutions.

For instance, the UK Department for International Development (DFID) has been among the leaders in recognizing the need for donor countries to approach the question differently and built on some of the most important lessons that have already been learned in this field. It has adopted a set of principles for aid effectiveness relating to country ownership over the reform initiatives, alignment with national poverty reduction strategies, delivery of assistance through effective institutions, results-based focus, allocation of assistance to the poorest, harmonization of initiatives amongst donors, and sector-wide approaches.[12]

DFID also emphasizes the strong links between security and development.[13] On the basis of lessons learned from security, justice and development projects in a range of countries in Africa, the Caribbean, and South East Asia, recommendations for future work in this area include the need to combine short-term work on community safety with longer-term organizational change; the importance of working to ensure full partnership between government and civil society, reducing the exclusive focus on the justice and security sector itself; the importance of linking such programmes to poverty reduction in recognition of exclusion and inequalities of treatment and security; and the need to ensure that gender is mainstreamed, and not restricted to individual projects.[14] For DFID, the principle of country-led approaches is crucial, but it makes clear that it does not equate country ownership with government ownership. Civil society is also included in the notion of country ownership. They should have a voice and stake in their development, including the poorest groups, while government should also be accountable to them.

---

[11] UNODC 2005b. *Crime and Development in Africa.* Research Section. June. Vienna: UNODC. Stone, C. & Miller, J. Thornton, M. & Trone, J. (2005). *Supporting Security, Justice and Development: Lessons for a New Era*. Report for UK DFID. New York: Vera Institute of Justice.

[12] www.dfid.gov.uk

[13] *Fighting poverty to build a safer world. A strategy for security and development.* Department for International Development. March 2005. London.

[14] Stone, C. & Miller, J. Thornton, M. & Trone, J. (2005). *Supporting Security, Justice and Development: Lessons for a New Era*. Report for UK DFID. New York: Vera Institute of Justice.

In Canada, the strategy of the Canadian International Development Agency (CIDA) stresses similar approaches, with a focus on governance, human rights, people-centred, civil society involvement, and locally owned activities, community-based approaches, multi-sectoral strategies, integrated sector-wide approaches, partnerships, regional and sub-regional approaches, and 'whole-of-government' approaches. [15]

The Organization for Economic Co-operation and Development (OECD) has also worked to revitalize development aid.[16] It sees capacity development as a broader concept than technical assistance, and more extensive than capacity building, which has been associated with the more limited area of technical cooperation and training. Capacity development has been defined as the ability of people and organizations to define and achieve their objectives, and an important distinction is made between developing the capacity of the *enabling environment* – the structures of power and influence and institutions, at the *organizational level* – in terms of the quality of those organizations, and at the *individual level* – in terms of the knowledge and skills of individuals who work in those organizations.[17]

The 2005 *Paris Declaration on Aid Effectiveness* [18] of the High Level Forum on Aid Effectiveness was concerned with the Millennium Development Goals (MDGs) and sets out the ways in which donor countries should deliver and manage aid to increase its impact in reducing poverty and inequality, increase growth, build capacity and accelerate the achievement of the MDGs. The Declaration outlines a series of five partnership commitments, based on the lessons of experience, concerning ownership, alignment, harmonization, results and mutual accountability. These are designed to increase the effectiveness of aid and adapt to different country situations. They include twelve specific indicators to spur progress, with a timetable and targets, and stress the importance of monitoring and evaluating implementation. Capacity development is seen as a major objective of national development and poverty-reduction.[19]

---

[15] CIDA 2004. *Sustainable Development Strategy: 2004-2006*. Canadian International Development Agency. Gatineau, Canada. Dandurand, Y., Griffiths, C. T. & Chin, V. 2004. *Towards a Programming Framework for Development Assistance in the Justice and Security Sector.* Discussion Note - Americas Branch. Gatineau, Canada: Canadian International Development Agency.

[16] OECD 2004. *Policy brief – Security Sector Reform and Governance: Policy and Good Practice.* Paris: Organization for Economic Co-operation and Development. www.oecd.org

[17] *The Challenge of Capacity development: Working Towards Good Practice*. Development Assistance Committee, OECD. February 2006. Paris: Organization for Economic Co-operation and Development.

[18] *Paris Declaration on Aid Effectiveness* High Level Forum, Paris 28th February – 2nd March 2005. www.oecd.org

[19] *The Challenge of Capacity Development: Working Towards Good Practice*. Development Assistance Committee, OECD. February 2006. OECD: Paris.

Paris Declaration on Aid Effectiveness 2005 - Partnership Commitments

| ***Partnership Commitments*** | ***Description*** | ***No. of Target Indicators for 2010*** |
|---|---|---|
| Ownership | Partner countries exercise effective leadership over their development policies, and strategies and co-ordinate development actions | 1 |
| Alignment | Donors base their overall support on partner countries' national development strategies, institutions and procedures | 2-8 |
| Harmonization | Donors' actions are more harmonized, transparent and collectively effective | 9-10 |
| Managing for results | Managing resources and improving decision-making for results | 11 |
| Mutual accountability | Donors and partners are accountable for development results | 12 |

The European Union has similarly developed a model which endorses the *Paris Declaration*. It emphasizes the three 'C's of coordination, complementarity and coherence. It is committed to a partnership approach with countries, capacity building through coordinated programmes, an increasing use of multi-donors, channelling assistance through country systems, avoiding the establishment of new 'implementation units', and reducing uncoordinated missions. [20] In terms of safety and security, there is an emphasis on conflict prevention, peace-building and long-term development.

Multilateral agencies often privilege regional approaches to security and justice reform, even when assistance is provided in support of a national reform program. The OECD suggests that the common security needs faced by a region should be identified. There are many reasons why such an approach is recommended including: (1) security challenges often involve cross border (transnational) issues, they are part of a "regional security complex"; (2) it can be helpful and more effective to have collective responses to security issues; (3) unaddressed security issues can lead to conflict within the region, and weak points that can be exploited by criminal elements and others; and, (4) the need for capacity development is often better addressed by initiatives at the regional and sub-regional levels, particularly when regional programming can produce economies of scale and a greater harmonization between security systems that will invariably be called upon to cooperate in defending the region against outside security threats.

There are also some potential disadvantages to regional approaches to assistance for security system reform (SSR). Some

[20] EuropeAid. *Institutional Assessment and Capacity Development: The Why, What and How? 2005.* Brussels: European Commission.

observers[21] have cautioned that a regional approach may: (1) encourage inappropriate regional generalizations; (2) be based on inadequate analysis of specific national challenges, strengths, needs and opportunities; (3) encounter some national resistance based on regional politics; and, (4) introduce a bias in the identification of priorities for action, and entail significant opportunity costs for specific national programs. Greene has also concluded "there may be real advantages to developing regional approaches and perspectives to SSR strategies and assistance, so long as this does not detract unduly from the need for specific national analysis and programming, and that opportunities are also pursued to develop thematic or sectoral strategies and programs".

It is evident that regional approaches, if they are to be more than a collection of disparate projects at the national level, require careful planning and meticulous design, as well as a strong executing agency. The pre-conditions for success, including the required political commitment to the objectives of the reform, are often hard to maintain over time and across the region.

A regional focus which responds to specific needs and context, and recognizes the links between development and crime, has been strongly supported by the *Round Table for Africa* which endorsed the programme for action on crime, drugs and security in September 2005.[22] The Round Table, hosted by the Government of Nigeria and organized by UNODC, has set out key priorities in the areas of rule of law and criminal justice reform, conventional crimes, illicit trafficking, organized crime, corruption, money-laundering and terrorism, drug abuse and HIV/AIDS, ratification and implementation of conventions, and data collection, analysis, dissemination and publication. Many of the proposed actions will entail enhanced technical cooperation and capacity-building, the development of indicators, and the construction of computerized databases, specific to the needs of the region. They recognize the impact of poverty, small arms, and HIV/AIDS and conflict on the region, the importance of taking account of existing capacities and resources. The plan of action sets out a five year framework for technical cooperation to reduce the impact of crime and drugs as impediments to security and development. One suggestion by NAUSS (Naif Arab University for Security Sciences) for the Arab region is the development of implementation assistance module programmes, and online computerized legal databases on national legislation and casework assistance systems, which could be beneficial for assisting Member States with the implementation of international instruments.

---

[21] Greene, O. (2003). "Security Sector Reform, Conflict Prevention and Regional Perspectives", p. 8.

[22] Crime and Drugs as Impediments to Security and Development in Africa. A Programme for Action 2006-2010. Abuja 5-6 September 2005. UNODC 2005 Crime and Development in Africa. Research Section. June. Vienna: UNODC.

## Revitalizing Technical Assistance and Maximizing its Effectiveness

What are the implications for 'revitalizing' technical assistance in crime prevention and criminal justice and maximizing its effectiveness? Is the time right for re-launching databases and information sharing? Can duplication give way to coordination? What are the components for effective capacity building or capacity development? Should there be greater emphasis on system capacity and organizational capacity as well as individual capacity? What does it mean to place technical assistance within the broader framework of a human rights-based approach?

Some of the following considerations seem to be evident:

- Greater **coordination** among donors and providers, including the PNI, and the need to facilitate 'consortia' among donors.. (This includes recognition that organizations operate on different agendas and principles. Some must remain independent of States' political and economic agendas).
- Undertaking a **clear assessment of the capacity** of a country and of its system components, before TA is developed, and possibly identifying some of the minimum capacities required. This is also crucial for helping to ensure sustainability so that projects and technical expertise gained are continued and utilized at the end of training and technical assistance interventions.
- Countries requesting assistance may be encouraged to develop national plans for justice and security reforms, based on local consultation and local consensus.
- There is need for some agreed principles and benchmarks for **monitoring and evaluating** the impact and effectiveness of technical assistance itself.
- Developing assistance based on a **broad view** of the components of justice and security systems, including their links to poverty and development and the role of good governance.
- The development and sharing of **better information and data** sources, the utilization of good practice. It is probable that there is now greater willingness to share information and develop databanks than was the case ten years ago.

## Key Elements of a TA Revitalization Strategy

The following elements should inspire the UN Crime Commission's strategy to revitalize technical assistance in crime prevention and criminal justice**:**

- **Holistic approaches**: The need to support comprehensive approaches to strengthen the justice sector as a whole, including increasing the overall capacity of justice institutions, increasing their public credibility, and curbing corruption.

Integrated approaches do not necessarily preclude the possibility that an intervention may be targeted at an individual security agency, at a single process within that agency (e.g. an information management system for the courts), or may address more general security issues across the system as a whole. It does not matter what strategy is used, as long as the assistance program is carefully planned, even sequentially, as part of a broader strategy to enhance the capacity of the system as a whole and its governance. Effective coordination horizontally, across the system, remains one of the essential preconditions to the success of any such initiative.

- **Country-led programming**: Interventions which will help to stimulate country ownership and sustainability. This includes not only government, but NGO's and civil society. There should also be coordination or harmonization between donors and organizations and partnership governments.
- **Region-specific**: The development of technical assistance approaches, data, techniques and aids which are tailored or adapted to the specific needs of regions or sub-regions. This has been stressed in particular in relation to the African Region (e.g. by UNAFRI and NAUSS).
- **Broad and integrated**: Comprehensive strategies which include all the components of crime prevention and the criminal justice system as an interrelated system, and related to national strategies and plans.
- **Human rights based**: The recognition of inequalities in safety and security, and the exclusion of minorities, women, youth and the most disadvantaged groups. Donors must reaffirm their commitment to support security reforms only in ways that are consistent with democratic principles and human rights standards. This must ensure that all technical and other assistance is provided in a manner that is consistent with applicable human rights standards. There exists a large body of human rights and criminal justice standards that are directly relevant to programming in the justice and security sectors. Programmes should be designed and reviewed by people who are thoroughly familiar with these standards and norms, and recognize their relevance to the proposed reforms.
- **Building on existing strengths**: The programming must also build, as much as possible, on the existing strengths of the local system. Support must be offered in a manner that makes it relevant to local agendas and timeframes. The planning cycle of donors may be either too slow, or not coincide sufficiently with the policy planning and implementation cycle of the requesting country, and opportunities for excellent programming and key strategic support interventions that would have an appreciable impact are often missed. The disruption or interruption of assistance during, or between, projects may also undermine the potential effectiveness of reform initiatives.

- **Favouring long-term assistance**: Most of the problems faced by developing countries in relation to their justice and security sectors are not amenable to short-term interventions, but require changes in culture and attitudes that can only occur over long periods of time. They require human resources and institutional capacity development that would take years, if not decades, to accomplish even in well-developed and prosperous countries. Improvements in capacity, quality, and effectiveness, when achieved, will tend to be slow in developing. Capacity development projects, as a rule, usually require a "longer-term commitment than traditional projects".[23] Security sector reform must therefore be viewed as a long-term process that requires persistence over time.[24] The nature and extent of a country's progress, many have observed, "is shaped and conditioned by the pace of social and political change, rather than abstract donor timetables".[25]
- **Participation of civil society**: This requires the active participation of civil society, not just consultation. Enabling civil society to organize, advocate, effect, and influence change in all aspects of governance is essential to sustainable development. In the field of security reform, the involvement of civil society is an absolute prerequisite to enhanced human security and ongoing respect for human rights and democratic principles. Programming in the justice and security sectors must support the efforts of civil society to create a "pro-reform environment for democratic governance of the security system".[26]
- **Research-based, results-focused, monitoring and evaluation**. This includes more varied data collection, adapted to local capacities, disaggregated data, the establishment of benchmarks and indicators, and target dates.

These principles need to be applied to all stages of technical assistance development and delivery, from assessing needs and capacities in collaboration with partner countries, to integrating and exchanging knowledge, and monitoring and evaluating outcomes. In terms of evaluation and assessment of technical assistance, experience has made it very clear that projects vary in terms of their expected outcomes. Some will have immediate outcomes, and short-term impacts, but these may not always persist over time. In other cases the impact of projects may take time to become evident. It would seem important to have follow-up resources to track the longer-term outcomes, and to build a better knowledge-

[23] CIDA (2001). Capacity Development Guide for Program Managers, p. 3
[24] See: Biebesheimer, C. and J.M. Payne (2001). IDB Experience in Justice Reform, p. 1.
[25] Ball, N. (2002). Enhancing Security Sector Governance: A Conceptual Framework for UNDP.
[26] OECD (2004). Security System Reform and Governance: Policy and Good Practice.

base about the real impacts of different types of technical assistance and in different contexts.

An important tool which will facilitate the targeting and effectiveness of technical assistance is the *Criminal Justice Assessment Toolkit* being developed by the Criminal Justice Reform Unit of UNODC.[27] Its purpose is to standardize the assessment of criminal justice needs and existing capacities across countries and regions, covering all aspects of justice systems, as well as ensuring 'that the UN Standards and Norms on crime prevention and criminal justice are integrated more fully into technical assistance interventions'. An important aspect of the project is that it is being developed in consultation with other UN agencies involved in the rule of law and governance issues.

## Recent Experience

Recent examples of technical assistance illustrate some of these key principles.

- UNAFEI's case study of a collaborative partnership with the Philippines on the revitalization of the Volunteer Probation Aides System.
- UNAFRI's experience in providing technical assistance to Member States in the African Region
- Lessons learned from a donor country perspective (Norway) on technical assistance on policing in Serbia and Montenegro.
- ILANUD's experience of technical assistance on criminal justice and prison reform in Latin America, in collaboration with RWI and UNAFEI.

## Conclusions

There seems to be an emerging consensus in a number of fields on the kinds of principles and approaches which can help make technical assistance more appropriate, effective and lasting. Concern with transnational organized crime and corruption, and terrorism have helped to focus attention on the importance of training and technical assistance in the justice and security sectors and their role in development.[28] Similarly, norms and standards, globalization, and technological change have **increased demand** for technical assistance and training, made **access easier**, and for

[27] This is being developed by the Criminal Justice Reform Unit, Rule of Law Section, Human Security Branch, UNODC.

[28] Dandurand, Y. Griffiths, C. T. & V. Chin (2004). *Justice and Security Sector Reform and Development.* Discussion Note - Americas Branch. Canadian International Development Agency (CIDA). Gatineau, Canada.

the future, they offer some very **innovative opportunities** for interacting in the delivery of TA and developing and building capacity.

Examples of recent models (country and regional), and specific examples of the work of some of the Institutes, as well as donor and recipient views, are presented in the workshop. The examples take an integrative and participatory approach, assess systems overall as well as basic capacities, illustrating and comparing how issues were tackled and solutions developed, and illustrate some of the key principles outlined above. The workshop is intended to stimulate a lively and interactive exchange.

There is **broad agreement** among the PNI on these key themes, and a commitment to work cooperatively to strengthen the effectiveness of the technical assistance offered by the Institutes in collaboration with the UN Crime Commission for the future. Yet a number of important questions remain. What should be the level of funding for technical assistance? What should be the focus of projects? Should there be priorities to particular countries and regions? There has been fragmentation in terms of technical assistance between UN bodies. There has been fragmentation between the Institutes themselves. What should be the vision for the future?

# The EU Approach to Aid Effectiveness[1]

Patrick Dölle
Administrator
European Commission, EuropeAid

The European Union (EU) as the world's biggest aid donor is very keen to improve aid effectiveness in general, and in particular the effectiveness of its own aid to recipient countries and organisations, as it has often been criticised in the past by beneficiaries and other donors for its alleged lack of coordination and effectiveness in this field.

The EU is, therefore, one of the driving forces behind the international reform process which was set in motion at the conference held in Monterrey from 18 to 22 March 2002[2] and which has culminated so far in the famous "Paris Declaration on Aid Effectiveness" adopted at the High Level Forum on 2 March 2005 by over one hundred countries and organisations.[3]

As this reform process eventually aims to achieve the Millennium Development Goals (MDGs), the EU approach to aid effectiveness covers all sectors of aid and not specifically the area of crime prevention and criminal justice. However, it goes without saying that all the elements of the EU approach are very relevant to this specific area. Furthermore, the issue of crime is receiving ever-growing attention in the external relations of the EU, including with regard to external aid.

## EU Principles and Commitments on Aid Effectiveness

The year 2005 was a cornerstone for EU development policy, as the Paris Declaration, which has become the international reference point for the work on aid effectiveness, paved the way for the so-called "European Consensus on Development",[4] jointly adopted on 20 December 2005 by the Council of the EU, its Member States, the European Commission and the European Parliament following a communication of the European

[1] This paper deals with aid effectiveness issues in the EU and should be read in conjunction with the paper on the EU financial framework by the same author. It should be noted that the paper reflects the views of the author and not necessarily the position of the European Commission.
[2] UN doc. No° A/CONF.198/11.
[3] The Paris Declaration of March 2005 is available on the OECD website: www.oecd.org
[4] Official Journal of the EU, C 46, 24.2.2006, p. 1.

Commission.[5] This “European Consensus” reflects the willingness of the EU to make a decisive contribution to the eradication of poverty and to help build a more peaceful and equitable world. Building on the achievements under the UN and the OECD, in particular the Paris Declaration on Aid Effectiveness, it sets the principles of a common vision and a common implementation policy.

The "European Consensus" therefore fully endorses the five Partnership Commitments laid down in the Paris Declaration:

- Ownership: donors commit to respect partner country leadership and help strengthen their capacity to exercise it.
- Alignment: donors base their overall support on partner countries' national development strategies, institutions and procedures.
- Harmonisation: donors commit to make their actions more harmonised, transparent and collectively effective, notably via complementarity, common arrangements and simplified procedures.
- Managing for results: donors commit to link country programming and resources to results, and to rely, as far as possible, on partner countries' results-oriented reporting and monitoring frameworks.
- Mutual accountability: donors commit to provide timely, transparent and comprehensive information on aid flows, and to jointly assess with partner countries the mutual progress in implementing agreed commitments on aid effectiveness.

Furthermore, at the time of the adoption of the Paris Declaration the EU imposed on itself more rigorous standards than other donors, by fixing concrete targets known as the “four additional commitments”:

- to provide all capacity-building assistance through coordinated programmes with an increasing use of multi-donor arrangements;
- to channel 50% of government-to-government assistance through country systems, including by increasing the percentage of EU assistance provided through budget support or sector wide approach (SWAP) arrangements;
- to avoid the establishment of any new "project implementation units";
- to reduce the number of un-coordinated missions by 50%.

[5] Communication of 13 July 2005 of the European Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of Regions: Proposal for a Joint Declaration by the Council, the European Parliament and the Commission on the EU Development Policy, "The European Consensus", COM(2005) 311 final.

In order to implement the ambitious commitments of the Paris Declaration and the European Consensus for Development, the European Commission adopted on 2 March 2006 the so-called "Aid effectiveness package". This package consists of three distinct but interlinked communications:

- "EU Aid: Delivering more, better and faster";[6]
- "Financing for Development and Aid effectiveness – The challenge of scaling up EU aid 2006-2010";[7]
- "Increasing the Impact of EU Aid: a common framework for drafting strategy papers and joint multi-annual programming".[8]

The "Aid effectiveness package" was discussed on 10/11 April 2006 by the Council, who agreed on some further concrete measures to be envisaged by the EU with a view to stepping up aid effectiveness.[9]

First and foremost, the Council noted the progress made by the EU with regard to the scaling up of Official Development Assistance (ODA), and set the new concrete targets of ODA increases, with the EU collectively providing 0.56% of its GNI by 2010, as an intermediate step to achieving the UN target of 0.7% by 2015. With its increase in aid volume, the EU currently contributes about 80% of the promised scaling up of ODA worldwide, providing collectively at least 50% of this increase to Africa. This scaling up of aid does of course require even more to improve aid effectiveness.

As suggested by the European Commission and approved by the Council, a milestone for greater effectiveness would be a joint programming framework aligned with partner countries' strategies, where the European Commission together with partner countries, interested EU Member States and all other interested donors, in particular from the UN, would carry out joint multi-annual programming. According to the Council, such joint programming should follow a two-step approach: first a common needs analysis, and second the establishment of a common response strategy. The Council conclusions propose in their appendix a format for a detailed Common Framework for Country Strategy Papers (CFCSP), on the basis of which the joint analysis for the country strategy should be carried out.

Furthermore, the Council invited the European Commission to come up, before the end of 2006 with proposals on concrete operational principles on how to organise the division of labour between the European Commission and EU Member States better,

---

[6] COM(2006) 87 final.
[7] COM(2006) 85 final.
[8] COM(2006) 88 final.
[9] The Council conclusions are available on the following website: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/89219.pdf

taking into account their respective competencies and comparative advantages based on presence, resources, experiences and roles developed in the field, as well as modalities such as lead donors or delegated cooperation. It goes without saying that the EU endeavours to enhance complementarity also with all other donors, and to strengthen the principle of a lead donor, which may of course mean that the EU may leave the lead to other donors and participate through so-called “silent contributions”.

To achieve these aims, the EU is currently revising its procedures and in particular its rules on co-financing, with a view to facilitating joint financing arrangements.[10]

Finally, the Council analysed some more specific measures envisaged, or already accomplished, by the European Commission, and which complement the above initiatives aiming for better coherence, coordination and complementarity. These include the revision of the EU Donor Atlas, the adoption of roadmaps, the establishment of a network of development research centres and the multiplication of joint training for development practitioners. As stated in the aforementioned Commission communication on "EU Aid: Delivering more, better and faster", the implementation of the commitments taken by the EU with regard to aid effectiveness will be closely monitored and evaluated before 2008.

## EU Aid Effectiveness and the Area of Crime Prevention and Criminal Justice

While EU external aid traditionally focused on issues which are often also root causes of crime such as poverty, hunger and social exclusion, the area of crime prevention and criminal justice was until recently not targeted as such by EU aid. This rather traditional approach started to evolve when, also due to a persistent lack of any sustainable impact of decades of aid delivery, the principles of good governance and rule of law became very prominent issues to be tackled in the partner countries. However, EU aid programmes and projects in this field mainly addressed the complexities of public financial management, economic governance or the whole legal and justice system, but did not specifically target the area of prevention and the fight against crime.

In this respect, the increasing political role of the EU on the international scene, its recognition that persistent conflicts throughout the world continuously hamper many of its efforts in the field of development, but also the ever-growing security concerns of its citizens, led to a major shift in paradigm in recent years, which

[10] The new EU external aid instruments to be adopted for the EC budget period 2007-2013 and the 10th European Development Fund (EDF) will foresee more flexible procedures with regard to co-financing with Member States and other donors (see also the paper on the article "The EU framework for financial mobilisation" by the same author).

has culminated so far in the European Security Strategy adopted by the European Council on 12 December 2003.[11] Under the motto of "a secure Europe in a better world", the European Security Strategy analyses the role of the EU with regard to global security. It explicitly recognises security as a precondition for development and identifies organised crime, terrorism and state failure among the key threats to the European and global security. The nexus between security and development was further elaborated by the abovementioned "European Consensus on Development", which states that "without peace and security development and poverty eradication are not possible, and without development and poverty eradication no sustainable peace will occur".

In this new context, the area of crime prevention and criminal justice has naturally attracted increasing attention of the EU when it comes to external relations and external aid, as exemplified by several recent initiatives where the European Commission has been the initiator or has at least been actively involved.

Following a Commission communication of 12 October 2005,[12] the Council of the EU adopted in December 2005 a "Strategy for the External Dimension of the EU's area on freedom, security and justice".[13] This Strategy calls the EU to use its role as a global player better by strengthening its partnerships with third countries to cover the full range of issues related to security and justice, and to mobilise its significant political, financial and operational resources to tackle problems in this field at source through actions to build capacity in partner countries. The necessary funding for priorities in the area of security and justice will in particular have to be provided under the new EU external aid instruments. For the sake of increased aid effectiveness, the EU Member States and the European Commission are requested to ensure full coherence, coordination and complementarity of their activities and assistance programmes in this field.

While these requirements are identical to those of EU external aid in general, the EU has also participated to the recent development of a more specific approach with regard to security and justice issues, which puts the emphasis in particular on greater effectiveness of aid. Under the aegis of the OECD and its Development Assistance Committee (DAC), the international donor community has elaborated a new concept called “Security Sector Reform” (SSR),[14] whose principles were laid down for the first time

[11] The European Security Strategy is available on the website of the Council: www.consilium.europa.eu

[12] COM(2005) 491 final.

[13] Council conclusions of 1 and 5 December 2005. The Council conclusions and the Strategy are available on the website of the Council: www.consilium. europa. eu

[14] This concept is often also referred to as "Security System Reform", which better reflects the multi-sector nature of the security system.

on 16 April 2004 at a DAC ministerial meeting.[15] Albeit not as such a new area of engagement of the EU and the wider donor community, SSR takes a more holistic approach to security in seeking to increase partner countries' capacity in all sectors related to security, in the sense of a reform of both the bodies which provide security to citizens, as well as the institutions responsible for management and oversight of those bodies. With regard to technical assistance in the field of crime prevention and criminal justice, this means that a needs analysis has of course to take into account the whole context of the security system, and to be embedded as much as possible in a comprehensive and coherent policy of the partner countries.

The EU continues to be active at OECD level, where practical SSR implementation guidelines are currently being developed for adoption in 2007, but in the meantime it has also adopted its own specific concepts in this field. First the Council approved in November 2005, in the framework of the European Security and Defence Policy (ESDP) under title V of the EU Treaty, the so-called "EU concept for ESDP support to Security Sector Reform",[16] and subsequently the European Commission adopted on 24 May 2006 its communication on "a concept for European Community Support for Security Sector Reform".[17] Together these documents form the overall EU approach in the field of SSR, by complementing the legal bases, powers and resources available under the relevant parts of the EU Treaty.[18] The coming years will be used by the EU to implement the SSR concept on the ground in the framework of its development assistance and its ever-growing ESDP missions in the field of military and civilian crisis management.

In this respect, the challenge of recruiting the right expertise for technical assistance in the very sensitive area of security, comprising crime prevention and criminal justice, will be crucial for increasing aid effectiveness. The EU has started to develop new rules and tools facilitating the provision and recruitment of experts in accordance with the principle of ownership. The European Commission has in particular developed with the EU Member States the so-called "twinning procedure", which was first applied to the countries which had applied for accession to the EU (PHARE

[15] See the OECD website : www.oecd.org/dac/conflict

[16] Council conclusions of 21-22 November 2005, which are available on the website of the Council: www.consilium.europa.eu

[17] COM(2006) 253 final.

[18] The Treaty establishing the European Community (EC), which nowadays corresponds to title II of the EU Treaty and is also referred to as the "first pillar", establishes EC competence in the field of development cooperation (art. 177 ff.), with wide powers and resources conferred to the European Commission. The ESDP belongs to the Common Foreign and Security Policy (CFSP) established under title V of the EU Treaty, which is also referred to as the "second pillar". Its mainly intergovernmental approach confers large powers to the Council and the EU Member States, with in parallel a reduced role of the European Commission and the other EC institutions.

programme), this has in the meantime been extended to the Western Balkans (CARDS programme), and to the countries now falling under the umbrella of the European Neighbourhood Policy (TACIS and MEDA programmes). This procedure foresees that the partner country identifies an area which is part of its development strategy, and where it would need specific technical assistance from the EU. The European Commission finances the technical expert who will be chosen by the partner country from among national experts proposed and seconded by the competent authorities of the EU Member States. The twinning procedure has already been used quite often in the area of crime prevention and criminal justice, and the European Commission envisages the extension of this mechanism to all geographical areas, as well as its further adaptation to the field of security and justice, where the relevant expertise is very often only available at the level of the administrations of the EU Member States. A more specific tool, which is already available in this area, is the so-called counter-terrorism experts' network, which was set up in 2005 by the Council together with the European Commission. This network foresees that the EU Member States put at the disposal their experts in all areas covered by the UN Security Council Resolution 1373 for technical assistance missions in partner countries.

In conclusion, the EU has adopted concrete steps with a view to pushing the Paris Declaration agenda forward and to achieving greater aid effectiveness in all areas including crime prevention and criminal justice. It remains to be seen in the coming years whether the ambitious goals set by the EU and the whole international community will be reached. While the Paris Declaration has set a series of targets for 2010 to be measured through indicators of progress for each of its commitments, the European Commission with other main donors has started to look at the complex issue of identifying suitable indicators for so-called "non-traditional" aid sectors such as security and justice, where so far it has often been difficult to measure the concrete impact of external aid in the area of security and justice in partner countries.

# Capacity Building and Technical Assistance Activities in Small States

Yvon Dandurand
Senior Associate, ICCLR&CJP
Dean of Research and Industry Liaison,
University College of the Fraser Valley

Previous presentations have articulated some of the main challenges encountered in receiving and providing effective technical assistance in the field of criminal justice and crime prevention. Getting access to effective assistance can be a particularly difficult endeavour for small developing states. As recipient countries, many small states encounter some distinct difficulties in obtaining the kind of technical assistance and support they need to build their own institutional capacity and proceed with the reforms they need to put into effect.

As was mentioned, there is a growing consensus around best practices for promoting criminal justice and security reforms and capacity building through technical assistance. We have heard that there is a growing consensus around some of the principles that should inform the design and delivery of technical assistance. Among them, five important ones come to mind immediately: (1) making sure that the assistance offered is adapted to the context and the circumstances of the countries in which it takes place; (2) ensuring that the proposed activities and reforms are locally owned and directed; (3) ensuring that the assistance addresses genuine local priorities; (4) remaining mindful of local capacity, including the capacity to absorb and benefit from the technical assistance; and, (5) staying away from ad hoc, piecemeal initiatives and adopting, wherever possible, a sector-wide approach to change and capacity building.

I would like to review with you here the whole question of "context" and its relevance to capacity building initiatives and technical assistance in the field of crime prevention and criminal justice. After that, I will try to draw your attention to a number of contextual elements that should be kept in mind in offering assistance to small developing states.

Enhancing the effectiveness of the technical assistance being provided to requesting States means finding ways to adapt our approaches and methods to differing country situations, whether it is in fragile states, in post-conflict situations, or small states. It also means ensuring that the principles of harmonization, alignment,

and result-based management are adapted to weak capacity of many institutions and the specific challenges that they face. Recent attempts to develop technical assistance assessment tools to better understand the needs and priorities of requesting states[1] have also recognized the importance of assessing the context in which the technical assistance is being requested or will be provided. But, what are we looking for specifically in that "context"?

## Assessing the Context of Technical Assistance Activities

It is relatively easy to identify a need for technical assistance or a new opportunity for programming and cooperation in the area of justice sector reforms. As experience has demonstrated, the success of technical assistance and capacity building initiatives in the justice sector cannot be taken for granted, no matter how critical the need for a particular reform.

Typically, many of the "needs assessments" conducted as part of program planning in the sector tend to focus on identifying gaps and weaknesses in the processes and systems, shortages in qualified human resources, and deficiencies in the legislative framework. The weakest studies will simply compare the situation in a developing country to that in more developed country. In short, they focus on the "needs" of the system, without an understanding of the reasons why these needs exist and why the deficiencies may not be easily correctable.

Very often, the pre-conditions of success do not exist or their absence has not been sufficiently taken into account in the design of technical assistance and capacity development initiatives. Justice reforms involve complex, and essentially political, processes. The political, ideological, financial, normative and institutional contexts in which justice and security reforms are undertaken must be taken into account in determining possible forms of assistance. The impact of most types of assistance is usually constrained by these broader elements of the context and other factors relating to the development and implementation of proposed reforms.

A number of conceptual frameworks already exist to analyze the relevance of contextual variables in designing technical assistance and capacity development programmes. Each framework attributes varying degrees of importance to various contextual factors. The UNODC has adopted guidelines for the preparation of country

[1] For example, the UNODC Criminal Justice Reform Unit (Rule of Law Section) project to develop a "criminal justice assessment toolkit" which recognizes the need to assess various elements of the context in which the technical assistance is being requested.

profiles.[2] The Clingendael Netherlands Institute of International Relations[3] has prepared an institutional assessment framework to assist governments on how best to strengthen democratic governance of the security sector.[4] The framework, produced for the Netherlands Ministry of Foreign Affairs, identifies five key entry points for a strategy to enhance the democratic governance of the security sector: (1) the rule of law and its application to the security sector; (2) the capacity for policy development, planning and implementation; (3) the professionalism of the sector; (4) internal and external oversight, and, (5) the capacity to manage security sector expenditures.

The relative utility of such frameworks resides in their ability to synthesize a large amount of information relevant to justice and crime prevention programming and to set out this information in a form that is accessible and clear. The caveat is that these tools should not lead to literal interpretations and hasty conclusions. They are likely to be much more useful as tools to support the analysis of other sources of information that are available on a country in which reforms are being contemplated. Furthermore, these instruments can only provide what is essentially a "snap-shot" picture taken at a given point in time and it should be remembered that most elements of this general context are in a state of constant flux.

## Country Readiness Profiles

Drawing on the work completed for the UNDP by Nicole Ball[5] and other sources, the following brief presentation sets out a general framework within which the main elements of the context within which cooperation initiatives are developed can be identified and the opportunities for successful programming can be considered.

Nine of the most relevant elements of the general context in which justice sector reform and capacity building programmes are being developed are listed below. These elements are then assembled into a grid that provides a "country readiness profile"

---

[2] For example: UNODC Research and Analysis Section (2004). *Format and Guidelines for the Preparation of UNODC Country Profiles*, Vienna, December 2004.

[3] Clingendael is a non-profit foundation established under Dutch law based in The Hague. It is partly funded by the the Dutch Ministries of Foreign Affairs and Defence, but it is an autonomous organisation.

[4] See: Ball, N., Bouta, T, and L. van de Goor (2003). *Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework, A report prepared by the Clingendael Institute for the Netherlands Ministry of Foreign Affairs*. The Hague: Ministry of Foreign Affairs.

[5] Ball, N. (2002). *Enhancing Security Sector Governance: A Conceptual Framework for UNDP.* New York: UNDP, October 9, 2002. http://www.undp.org/erd/jssr/docs/UNDP_SSR_Concept_Paper_Oct_9_2002.DOC

with respect to the potential orientations of justice sector assistance and capacity building initiatives and the likelihood of their success.[6]

1. **Political context**: generally, (a) in terms of political stability[7] and (b) in terms of the political rights and civil liberties of citizens[8]; and specifically, (c) in terms of the capacity of civil authorities to exercise oversight and control over the various elements of the security sector[9]; and, (d) in terms of the political commitment that exists to genuinely reform the justice sector.
2. **Geopolitical:** (a) at a general level, whether the country is under some significant external threats such as transnational crime, terrorism, or aggression or threats from other countries[10]; (b) at a more specific level, whether the country is involved and/or capable of participating in regional initiatives; and, (c) whether there exist effective regional cooperation mechanisms in the justice and security sectors in which the country participates.
3. **Psychological**: (a) at a general level, the level of insecurity and public fear of crime and violence; (b) the credibility and the legitimacy that the justice sector and its institutions have in the eyes of the public; and, (c) the level of public support for justice sector reforms[11].

---

[6] This grid is adapted from Dandurand, Y., Griffiths, C.T., and V. Chin (2004). *Towards a Programming Framework for Development Assistance in the Justice and Security Sector.* Gatineau: Americas Branch, CIDA.

[7] One can use an indicator developed by the World Bank as part of its governance research program. It includes the absence of politically related violence, intimidation, and terrorism.

[8] For convenience, the worldwide survey conducted annually by the US-based organization Freedom House to monitor the progress and decline of political rights and civil liberties is used here. The comprehensive annual assessment assigns countries political rights and civil liberties ratings and categorized them as Free, Partly Free, or Not Free. The survey rates each country on a seven-point scale for both political rights and civil liberties (1 representing the most free and 7 the least Partly Free" (countries whose ratings average 3.0-5.0); and "Not Free" (countries whose ratings average 5.5-7.0). The ratings are not only assessments of the conduct of governments, but are intended to reflect the reality of daily life. http://www.freedomhouse.org/research/freeworld/2004/table2004.pdf

[9] The scale is one from a point where the security sector is virtually in control of political life (1), to a point where there is a very limited capacity of the civil authorities to exercise control over most elements of the JSS (2), a point where democratic accountability of JSS bodies to civil authorities is inadequate or deteriorating (3), a point where the capacity of the civil authorities to exercise oversight and control over the security bodies is weak (4); and, to a point where civil authorities can generally exercise oversight and effective control over all the JSS bodies.

[10] See for example: Berry, L., Curtis, G. E., Hudson, R. A., and N. A. Kollars (2002). *A Global Overview of Narcotics-Funded Terrorist and Other Extremist Groups.* Washington, D.C.: Federal Research Division, Library of Congress, May 2002.

[11] Keeping in mind, of course, that the reforms supported by the public may be very punitive and not always in keeping with international human rights and other justice standards.

4. **Economic**: (a) the overall economic context; (b) the current financial capacity of the country to invest in justice sector reforms; (c) the availability of external financial support for the justice sector.
5. **Normative**: (a) the extent to which the legal basis for democratic accountability of security bodies to civil authorities is developed; (b) the extent to which the country actively subscribes to internal human rights and other relevant standards relevant to the justice sector; and, (c) the strength and quality of the rule of law. [12]
6. **Government effectiveness**: (a) generally, in terms of the quality of policy formulation, bureaucracy and public services[13]; (b) specifically, in terms of the effectiveness of government as it relates to the justice sector; and, (c) whether or not there exist clear, workable and well-accepted overall plans and strategies for justice sector reforms.
7. **Corruption**: (a) in general, the effective commitment of and progress made by government in controlling corruption; and, specifically[14], (b) the control of corruption in the justice sector and, in particular, in law enforcement.
8. **Institutional context**: (a) in general, the level of development of fundamental institutions, their human and institutional capacity, and their ability to respond positively to proposed reforms; specifically, (b) the country's legislative capacity, including not only the capacity to draft proposed laws, but also to successfully develop them through consultative processes and secure their democratic adoption; (c) capacity of the financial management systems to support justice sector reforms and financially plan for their success; (d) the law enforcement capacity; (e) the judicial capacity; (f) the correctional system capacity; and, (g) the strength and relative capacity of oversight agencies (where they exist).
9. **Civil society involvement**: (a) the extent to which civil society is developed and active; (b) the extent to which civil society is able to be actively involved in the planning and implementation of justice reforms (from being actively prevented from doing so, to being barely tolerated or just beginning, to being encouraged,

[12] The World Bank Governance Research Indicator Country Snapshot uses the "strength and quality of the rule of law" indicator, which it defines as including independence of the judiciary, predictability of justice, protection of human rights (including political and legal rights). See: Kaufman, D., Kraay, A. and M. Mastruzzi (2003). *Governance Matters III: Governance Indicators for 1996-2002.* Washington: World Bank.

[13] See: *World Bank Indicators – Governance Research Indicators* (Kaufman, D., Kraay, A. and M. Mastruzzi (2003), *op. cit.*)

[14] There are various measures of corruption. The World Bank Index, as it relates to the Control of Corruption, has developed an indicator relating to the frequency of irregular payments to judges and public officials. See: Kaufman, D., Kraay, A. and M. Mastruzzi (2003), *op.cit.*

but not well facilitated, to being strong, and to being the norm), (c) the involvement of civil society in monitoring the operation of the justice sector; and, (d) the government's and the justice sector's willingness to involve civil society.

**JUSTICE SECTOR REFORM READINESS COUNTRY PROFILE**
**The General Context of Technical Assistance Activities**

| DIMENSION | | - - | - | -/+ | + | ++ |
|---|---|---|---|---|---|---|
| **Political** | Political stability | | | | | |
| | Political rights | | | | | |
| | Control of civil authorities over justice sector | | | | | |
| | Commitment to reform of justice sector | | | | | |
| **Geopolitical** | External threats / vulnerability | | | | | |
| | Capacity for regional cooperation | | | | | |
| | Participation in regional mechanisms | | | | | |
| **Psychological** | Insecurity and fear of crime and violence | | | | | |
| | Public trust in and credibility of the system | | | | | |
| | Public support for justice sector reforms | | | | | |
| **Economic** | The overall economic context | | | | | |
| | Capacity to invest in justice sector reforms | | | | | |
| | Availability of external assistance | | | | | |
| **Normative** | Legal basis of justice sector's democratic accountability | | | | | |
| | Commitment to compliance with int. standards | | | | | |
| | Strength and quality of the rule of law | | | | | |
| **Government Effectiveness** | In general | | | | | |
| | In security sector | | | | | |
| | Planning in sector | | | | | |
| **Corruption** | Control of corruption | | | | | |
| | Control of corruption in the justice sector | | | | | |
| **Institutional Context** | Level of development of fundamental institutions | | | | | |
| | Financial management and oversight capacity | | | | | |
| | Legal framework | | | | | |
| | Law enforcement capacity | | | | | |
| | Judicial capacity | | | | | |
| | Correctional capacity | | | | | |
| | Strength and capacity of oversight agencies | | | | | |
| **Civil Society Involvement** | General strength of civil society | | | | | |
| | Civil society involvement in justice sector planning | | | | | |
| | Civil society monitoring of the justice sector activities | | | | | |
| | Justice sector's willingness to involve civil society | | | | | |

## The General Context of Small States

What is a small state? Fourteen so-called "small states" are on the United Nations list of least developed countries (LDC). There is of course no single definition of a "small country", because size is a relative concept. However, it is clear that, generally speaking, the size of a country's population tends to be highly correlated with the size of its territory and its GDP. "Small state" is a term that is applied to a diverse group of sovereign countries, some quite wealthy, some very poor, many with a population of less than 1.5 million. Using that standard, 45 countries have been categorized as small countries by the Joint Task Force of the World Bank and the

Commonwealth on Small States[15]. Three out four are islands and in some cases widely dispersed multi-island states. Some of them are quite far from major markets. The Task Force report concluded that many of the developing small states do share a number of characteristics that pose special development challenges. In particular, they are particularly vulnerable to external events and market fluctuations, and they suffer from a limited capacity in both the public and private sectors.

The vulnerability of small states, including their economic vulnerability, is something that must be well understood as part of the context in which crime prevention and criminal justice initiatives take place in these countries. Many small states are particularly vulnerable to external events and market fluctuations. Overcoming vulnerabilities arising from factors such as globalization, environmental degradation and global warming, and international crime is not only a constant challenge for these countries, but also one which they can rarely face on their own. They are particularly dependent on outside assistance.

Globalization and, more specifically, the emergence and expansion of transnational organized crime and the spectre of international terrorism, has presented many small states with new security challenges. In the Commonwealth Caribbean, for example, there are serious questions as to whether the justice and security sectors in these island nations have the capacity to respond to such threats. This, in turn, raises broader questions about the nature and extent of the international and regional assistance, coordination, and cooperation that may be available to confront these threats.[16]

Small countries which are unable to develop their own system capacities, particularly those that are infrequently required for cooperation, cannot afford to be omitted from the newly-formed regimes of international cooperation. They cannot let themselves become the region's weakest security point and a target for organized crime elements. On the other hand, bringing in the required reforms and developing the capacity required to join these emerging cooperation regimes is sometimes overwhelming for smaller countries. A number of strategies are currently being developed to assist these countries in implementing the necessary reforms in an integrated manner. These strategies usually require that a sectoral approach be taken in the implementation of these new international obligations.

---

[15] World Bank (2000). Report of the Commonwealth Secretariat / World Bank Joint Task Force on Small States. Washington: World Bank, April 2000.

[16] See: Griffiths, C.T., Dandurand, Y., and V. Chin (2005). "Development Assistance and Police Reform: Programming Opportunities and Lessons Learned", The Canadian Review of Policing Research , Issue Two, pp. 101-112.

The rationale behind many international cooperation initiatives is premised on the realization that crime is increasingly de-territorialized and that criminal organizations can operate internationally from any location. Organized crime experts have identified what they call the “weakest link” factor, which predicts that increasingly mobile criminal organizations are more likely to operate in countries with a weak law enforcement and criminal justice capacity. Furthermore, some of these threats represent a different kind of challenge for a small island state for which well-funded, dangerously armed and well connected criminal organizations constitute formidable opponents. Caribbean countries are not only vulnerable to these threats because of their small size and/or their relatively weak public security sector, but also because of their proximity to one of the largest markets for illegal services and commodities in the world.

For many small states, the burden of participation in the increasingly internationalized regime of crime control and crime prevention falls upon a small number of individuals and weaker, less developed institutions. Heavy demands are placed upon them in terms of their participation in various international initiatives to combat crime, to increase international cooperation, to harmonize criminal law and criminal justice processes. The emergence and expansion of transnational crime and the spectre of international terrorism can take on a particular significance for them. They are frequently at risk of becoming one of the “weakest links” in the global regime to prevent transnational organized crime, money laundering, corruption, and terrorism.

Among the specific difficulties that are typically encountered by small states and have implications for technical assistance and capacity building programming in the justice sector, one should keep a close eye on the following typical characteristics of small states and the difficulties they entail:

- their limited financial and institutional capacity;
- the limited capacity of their justice sector institutions;
- the problems they face with respect to the exodus of human capital (disaffected youth issues, “brain drain” issues);
- their limited ability to create and maintain their own institutional capacity (sustainability challenges);
- their frequent inability to participate directly in the negotiation of international policies and treaties;
- their inability to participate fully in various global regimes (e.g. the international anti-money laundering/counter-terrorism financing regime); and,
- the limited economic, political or diplomatic leverage at their disposal for obtaining the collaboration of powerful neighbours and other States.

It is clear that small states, because of many of these difficulties, have been particularly affected by declining trends in development assistance. The sheer volume of reforms they are expected to undertake in the name of greater international cooperation frequently overwhelms small states. Yet, accessing effective assistance remains particularly challenging for small developing states. They are usually not in the “driver’s seat” when it comes to defining priorities for technical assistance and having a say in determining what they need the most.

## Identifying Local Priorities

Establishing priorities is always a challenge. Evidently, the limited capacity of small states to undertake reform initiatives makes that prioritization even more important. Unfortunately, many have systematically identified their priorities through various studies and consultations only to see them ignored or contradicted by donors. All too often, the available assistance continues to be poorly planned, fragmented and offered in the same unbending format regardless of a country’s own planning process or capacity to absorb the assistance.

Many small states have been encouraged by donors to work together to identify regional priorities for technical assistance and capacity building in the justice sector. For example, countries of the Caribbean have received assistance and devoted a fair amount of resources to identifying current weaknesses and deficiencies in their justice and security sectors. Some of them have acquired a capacity, often with the assistance of outside consultants, for policy analysis and planning in these sectors. In fact, a frequently heard criticism is that countries have to move more decisively from the planning stage to the implementation stage of the proposed reforms. There is, in several countries of that region, a palpable public impatience with the slow pace at which reforms are being implemented, if not already a widespread disaffection with the reform process itself. There is, in many jurisdictions, a perception of “piétinement” and a general concern about an overall lack of progress.

Priorities for action are frequently identified and reiterated, but the human and financial resources to address these priorities are often absent. Blame for the lack of progress is sometimes attributed to local inertia, incompetence, corruption, or even to political tribalism. However, there is the widespread perception that there are also issues with the kind of external assistance that is made available to countries of the region and how it is delivered. There are frequent complaints that external assistance is too often offered in a piecemeal manner and for reform projects that are insufficiently integrated with the activities of other components of the system.

There is often the perception that the donors' own security concerns or policy priorities assume priority over the identified needs of the recipient country. Internal security concerns in recipient countries are not weighed as heavily as compared to international, hemispheric, or regional concerns, or even the security concerns of powerful neighbours. Further, the assistance is generally not offered in a timely manner and is very rarely committed for periods of time sufficient to ensure the success of the fundamental reforms that are required.

## The Promises of Regional Approaches

Small states are often pressured into adopting a regional approach to justice sector capacity development. From the point of view of donors, that can represent a potential economy of scale in delivering the required assistance. There is no denying that regional cooperation may sometime provide a potential avenue by which countries might reduce the high per capita costs of providing essential services or proceeding with reform initiatives. Moreover, the sharing of information and country experience can highlight options for successful strategies to reduce capacity constraints. However, such regional approaches tend to fit the donor's agenda more closely than the national agenda for reform: every country involved, for example, has to be ready for the same reforms at the same time.

One example of regional cooperation among small states is found in the work of the CARICOM Regional Task Force on Crime and Security (2002)[17] which proposed the establishment of a regional authority for Crime Prevention and Counter Drug Strategies (a Caribbean Drug Control and Crime Prevention Commission). It also called for the creation of national crime control commissions, where they do not already exist, which could develop national crime and security strategies and cooperate with similar bodies in other countries. The question of developing a regional capacity for rapid response to drug-related and serious crimes within CARICOM member countries was also given a high priority by the Task Force. The idea of creating a regional high security prison, initially proposed for an OECS (Organization of Eastern Caribbean States[18]) country, was also suggested as a CARICOM initiative. The Task Force offered a number of recommendations with respect to law reform, illegal drugs, illegal firearms, terrorism prevention, and criminal deportees. At the centre of the Task

[17] Caribbean Community (2002). *CARICOM Regional Task Force on Crime and Security Report*. (Chairman: Lancelot Selman). September 2002.

[18] Anguilla, Antigua and Barbuda, British Virgin Islands, Commonwealth of Dominica, Grenada, Montserrat, St. Christopher (Kitts) & Nevis, St. Lucia, St. Vincent & the Grenadines

Force's proposed priorities was the need to strengthen the capacity of the law enforcement agencies to control crime. Nearly three years later, it may be informative to look at how little donor support these initiatives have effectively received and how they were implemented regionally.

Another example of regional justice sector initiatives involving small states can be found in the work of the OECS. As small island states with small populations, OECS countries share many justice and human security concerns and challenges. Local officials are aware of the countries' potential vulnerability to a number of major security threats, including terrorism, drug trafficking, organized crime, and natural disasters. Drug trafficking continues to be a major security issue[19] and efforts to combat it are likely to continue to absorb much of the resources and capacity of these countries' security sector. Governments, NGOs, the business sector, and citizens are, understandably, very concerned with their countries' inability to respond to these challenges on their own. Regional and sub-regional responses to these challenges are seen as key to successfully addressing these issues. The latter are also linked to plans for greater economic association among these small states. With the freer movement of people, goods and capital that is being envisaged, new security challenges are being identified.

The economic association envisaged by OECS Member States is very similar to the European Union. To this end, Eastern Caribbean countries have undertaken a review of the Treaty of Basseterre (1981), which provided the legal basis of the OECS, and a report of a special Committee is currently being reviewed. The objective is for the more free movement of people, goods, and capital. Many of the treaty countries are also members of CARICOM and, as such, also have obligations to move forward with the plans for greater economic integration at that level. While these are parallel exercises, the OECS appears to be moving faster on some of these issues than is CARICOM. Countries of the region have become more aware that their future development may be at stake and that they must take the reform and development of these sectors very seriously. This can provide some real opportunities for meaningful interventions by outside actors, although it can present risks as well.

The success of reforms and capacity-building initiatives in the justice sectors depends, in large measure, on whether they reflect a local consensus, a commitment to action, and some level of effective national mobilization. Local ownership of proposed reforms is emphasized in all development assistance activities, but, in particular, in the justice and security sectors which understandably remain two of the last bastions of uncompromised

[19] U.S. Department of State (2004). *International Narcotics Control Strategy Report – 2003*, pp. 19-45.

national sovereignty. Similar to other governance issues, these are areas that call for considerable dialogue and consultation between local agents of change and external actors.

The OECD/DAC policy statement recommends that a regional perspective to security and justice reform be adopted, even when assistance is provided in support of a national reform program.[20] The OECD suggests that the common security needs faced by a region be identified. There are many reasons why the OECD and others recommend regional approaches, including the fact that: (1) as security challenges often involve cross border (transnational) issues, they are part of a "regional security complex"; (2) it can be helpful and more effective to have collective responses to security issues; (3) unaddressed security issues can lead to conflict within the region and weak points that can be exploited by criminal elements and others; and, (4) the need for capacity development is often better addressed by initiatives at the regional and sub-regional levels, particularly when regional programming can produce economies of scale and a greater harmonization between security systems that will invariably be called upon to cooperate in defending the region against outside security threats.

There are also some potential disadvantages to regional approaches to assistance for security system reform (SSR). Greene cautioned that a regional approach may: (1) encourage inappropriate regional generalisations; (2) be based on inadequate analysis of specific national challenges, strengths, needs and opportunities; (3) encounter some national resistance based on regional politics; and, (4) introduce a bias in the identification of priorities for action and entail significant opportunity costs for specific national programs.[21] Greene also concluded "there may be real advantages to developing regional approaches and perspectives to SSR strategies and assistance, so long as this does not detract unduly from the need for specific national analysis and programming, and that opportunities are also pursued to develop thematic or sectoral strategies and programs".[22]

It should be evident that regional approaches, if they are to be more than a collection of disparate projects at the national level, require careful planning and meticulous design, as well as a strong executing agency. The pre-conditions to success, including the required political commitment to the objectives of the reform, are often hard to maintain over time and across the region. Nevertheless, regional approaches to promote international

[20] OECD (2004). *Security System Reform and Governance: Policy and Good Practice*. DAC Guidelines and Reference Series. Paris: Organisation for Economic Co-operation and Development.
[21] Greene, O. (2003). "Security Sector Reform, Conflict Prevention and Regional Perspectives", *Journal of Security Sector Management.* Vol. 1 (1), p.8
[22] Idem, pp. 1-15.

cooperation are often the only effective approaches in dealing with external, transnational security issues/threats.

In the Caribbean, as was mentioned previously, a number of common themes have already emerged at the regional level that could facilitate the identification of some regional reform goals and initiatives. For example, the CARICOM Regional Task Force on Crime and Security is already proposing initiatives against activities that pose a direct security threat to the region and is proposing multilateral initiatives in areas in which countries of the region have already committed to collaborate.

In some cases, a regional or sub-regional project may offer a particularly promising and cost-effective way of promoting coordinated approaches to fight transnational security threats and preventing crime displacement from one country to another. For example, a Special Meeting of the OECS Authority on the Economy (October 2002) recommended that serious consideration be given to regionalizing some of the critical functions of government in order to make them cost effective. A regional police and a regional prison service are likely candidates and, as mentioned previously, consultants were hired by the organization's secretariat to develop some regionalization of services scenarios.

## Coordination of Donor Activities

Good coordination among donors is particularly important for small states. The multiplicity of donors and their overlapping or conflicting priorities and administrative requirements place a heavy and unnecessary burden on limited administrative capacity in small developing states. It is important, from the point of view of small states, to find ways to reduce transactions costs by actively promoting better donor coordination and exploring flexible programming options. Country-led framework for reform and capacity building are particularly important in that context.

Donors and providers of assistance should adapt their instruments to suit small states' institutional capacity and scale. Assistance is often fragmented and offered in the same format regardless of a country's institution and capacity to absorb the assistance. Donors ought to find ways of offering technical assistance in a more integrated manner. Building institutional capacity needs to be undertaken in close consultation with recipient agencies and tailored carefully to their particular needs and circumstances. Experience in the Pacific suggests the need for a long-term commitment and close coordination of activities by donors are needed to strengthen generally weak institutions and human resource capacity.

## Evaluation and Result-Based Methods

Result-based methodologies and the requirements for evaluations may place additional burdens on small states. In that regard, best practices have not been identified yet which would be suited to the situations of small states. In fact, very few technical assistance tools have been designed with the needs and circumstances of small states in mind. Donors and technical assistance providers should adapt their instruments to suit small states' limited institutional capacity and small scale.

## Facilitating Factors

I cannot conclude this presentation without highlighting the fact that some aspects of being a small developing state may indeed facilitate technical assistance and capacity building initiatives. For one thing, given the small size of the institutions involved, it is often easier to adopt a sector-wide approach to justice reform in small states.

Integrated approaches to reform are made possible by the relatively small scale of the systems involved. Integrated assistance initiatives dealing with several issues at the same time are more likely to succeed in that environment than in others. By the same token, it may be easier to experiment in some cases with completely new methods and approaches. Finally, once the political will exists, simple planning tools can be developed and used for national capacity development and monitoring, and entry points for complex capacity development exercises are likely to be easier to identify in small states with fewer actors and smaller organizations.

## Conclusion

I am sure that the coming discussion will bring out a number of other examples and perhaps also identify issues that I have not had a chance to touch upon in this presentation. I hope that these few comments will at least have been useful in starting the discussion. As I have mentioned earlier, one of the frustrations of leaders in the justice sectors from small states is that they rarely have an opportunity to contribute meaningfully to the discussion about justice reform priorities and the shaping of international assistance programmes. The special challenges they face in trying to build the capacity of their justice institution deserve more careful attention.

References


Atkins, J.M., Mazzi, S. and C. D. Easter (ed.) (2000). *A Commonwealth Vulnerability Index for Developing Countries: The Position of Small States*. London: Commonwealth Secretariat

Ball, N. (2002). *Enhancing Security Sector Governance: A Conceptual Framework for UNDP.* New York: UNDP, October 9, 2002. http://www.undp.org/erd/jssr/docs/UNDP_SSR_Concept_Paper_Oct_9_2002.DOC

Ball, N., Bouta, T, and L. van de Goor (2003). *Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework, A report prepared by the Clingendael Institute for the Netherlands Ministry of Foreign Affairs*. The Hague: Ministry of Foreign Affairs.

Berry, L., Curtis, G. E., Hudson, R. A., and N. A. Kollars (2002). *A Global Overview of Narcotics-Funded Terrorist and Other Extremist Groups.* Washington, D.C.: Federal Research Division, Library of Congress, May 2002.

Kaufman, D., Kraay, A. and M. Mastruzzi (2003). *Governance Matters III: Governance Indicators for 1996-2002.* Washington: World Bank.

Caribbean Community (2002). *CARICOM Regional Task Force on Crime and Security Report*. (Chairman: Lancelot Selman). September 2002.

Dandurand, Y., Griffiths, C.T., and V. Chin (2004). *Towards a Programming Framework for Development Assistance in the Justice and Security Sector.* Gatineau: Americas Branch, CIDA

Greene, O. (2003). "Security Sector Reform, Conflict Prevention and Regional Perspectives", *Journal of Security Sector Management.* Vol. 1 (1), pp.1-15.

Griffiths, C.T., Dandurand, Y., and V. Chin (2005). "Development Assistance and Police Reform: Programming Opportunities and Lessons Learned", *The Canadian Review of Policing Research* Issue, Two, pp. 101-112.

OECD (2004). *Security System Reform and Governance: Policy and Good Practice*. DAC Guidelines and Reference Series. Paris: Organisation for Economic Co-operation and Development.

UNODC Research and Analysis Section (2004). *Format and Guidelines for the Preparation of UNODC Country Profiles*, Vienna, December 2004.

U.S. Department of State (2004). *International Narcotics Control Strategy Report – 2003*, pp. 19-45.

World Bank (2000). *Report of the Commonwealth Secretariat / World Bank Joint Task Force on Small States*. Washington: World Bank, April 2000.

# Technical Assistance Project for the Revitalization of the Volunteer Probation Aides System in the Philippines

Masahiro Tauchi
Director of UNAFEI

## Introduction

The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, known as UNAFEI, has been carrying out the Technical Assistance Project for the Revitalization of the Volunteer Probation Aides System in the Philippines since 2003.

The project's purpose is the mobilization of volunteers for the community-based treatment of offenders in order to develop a sustainable Volunteer Probation Aides System through their empowered associations.

## What is the Volunteer Probation Aides System?

The Volunteer Probation Aides System is a way of fostering community involvement in the treatment of offenders, which is advocated by the UN Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules).

Why do we involve the community in the treatment of offenders? We do this because the community is the place where offenders will eventually return. If the community rejects these offenders, they will have nowhere to go. Therefore, we believe the cooperation of the community is essential for the reintegration of offenders into society.

Volunteer Probation Aides, who are called VPAs, participate in the supervision of parolees and probationers in cooperation with professional probation officers.

## Key Players

The key players in this project from Japan are as follows; UNAFEI, the Japan International Cooperation Agency (JICA) and Japanese volunteer probation officers (VPO). JICA is the incorporated administrative agency which provides official development assistance of the Japanese Government. Japanese VPOs are private citizens who assist professional probation officers, aid offenders of all ages to rehabilitate themselves at all levels in the community and enhance

crime prevention in the community. They play a very similar role to the VPAs in the Philippines.

The key players from the Philippines are as follows; the Parole and Probation Administration of the Department of Justice (PPA), and of course, the Philippine volunteer probation aides. The PPA is the government office which is in charge of parole and probation supervision in the Philippines. VPAs are the target group of the project, and it should be noted that they receive no payment or compensation for their time, as they are volunteers.

## Brief History of VPAs in The Philippines

The system of VPAs started in 1978 in the Philippines, modelled on the Japanese VPO system. During the 1980s, the number of VPAs exceeded 2,000. However, the VPA system gradually declined, and the number of VPAs decreased significantly, being 167 by 2002. Therefore, the Philippines Government, especially the PPA, wished to revitalize the VPAs activities and requested UNAFEI and JICA to support its revitalization. In 2003, the project for the Revitalization of the VPA system started in response to their request.

## Indicators and Tentative Desirable Outputs

In order to evaluate the effectiveness of the technical assistance project we believe it is important to set the indicators beforehand. The indicators should be as clear and measurable as possible, though it might sometimes be difficult to set them in a project relating to crime prevention and criminal justice.

In this technical assistance project, the indicators and tentative desirable outputs are as follows (the numbers shown on the right are the tentative desirable outputs):

Number of VPAs

- 167 →(2,000 as of Dec. 2005) → 5,000
- Number of VPAs Associations
- 0 →(10 as of Dec. 2005) → 90
- Number of Field Training Laboratories
- 0 → (2 as of Dec. 2005) → 9
- Number of Clients (probationers and parolees)
- 0 → (5,000 as of Dec. 2005) → 10,000

## Contents of the Technical Assistance

### Contents of the Technical Assistance

In this project, the Japanese side introduced the Japanese volunteer model, which has been in practice for more than 50 years, as one of the “Best Practices” of the community-based treatment of offenders.

Important features of the Japanese volunteer model include:

- Supervision and assistance of the probationers and parolees assigned to the VPO
- Organization of volunteers (e.g. establishment of volunteer associations)
- Recruitment of volunteers by volunteers
- Mechanism for motivating volunteers (e.g. award system)

In addition, in the Japanese volunteer model, each VPO association also organizes a training programme for their volunteers.

### Benefit of VPAs Associations

Here, I would like to briefly explain the benefit of organizing VPAs Associations. We believe the benefit of organizing VPAs Associations is sustainability. Volunteers face situations that may be difficult for them to cope with. Therefore, it is necessary for each VPA to have an opportunity to be supported and advised by their seniors and colleagues. The volunteers associations can provide such mutual support to volunteers and thus help prevent early dropout of the volunteers.

Such associations can also help the sustainability of the Volunteer Probation Aides System by recruiting new volunteers, providing training and helping to raise funds from their local government and relevant agencies.

## Sense of Ownership

### Fostering a Sense of Ownership in the Recipient Countries

We would like to emphasize that the strength of the sense of ownership by the Philippines shines through in this project, compared to other technical assistance projects.

Needless to say, ownership by the recipient country is indispensable for the success of this type of technical assistance project. Therefore, we tried to respect and foster the Philippines side’s efforts to develop their own Volunteer Probation Aides

model. A sense of ownership in this project was fostered by the following factors:

- The project was started based on the needs of the Philippines and in response to their request.
- The project directly responded to their needs and interests.
- The Philippines was actively involved in the planning of the project from the outset.
- The project purpose and goals were clearly shared by both the donors and the recipients.

Consequently, the strong commitment of the Philippines has been an important factor in the success of the project and for its self-sustainability.

#### Commitment of the Philippines

As an example of their strong commitment, the Philippines decided to adopt its own VPA model, based on the Japanese VPO model. They also conducted Pilot Projects, which successfully recruited 109 Volunteer Probation Aides within one year. They also established training institutions called “Field Training Laboratories (FTL)”.

In addition, the President of the Philippines issued an executive order on “Revitalizing the Volunteer Probation Aides (VPA) Program of the Parole and Probation Administration”, which expresses the country’s determination and commitment to the project.

## Challenges Ahead

We are proud that the project has been so successful. However, as the number of VPAs increases, we will inevitably have to face some challenges regarding the relationship between VPAs and the probation officers.

Establishing a cooperative relationship between them will be a key issue in the future. Some probation officers may be cautious about their jobs being taken over by the volunteers. However, the volunteers are motivated by their desire to contribute to the community. And the probation officers are the ones who guide the work of VPAs. Therefore, there should be no real conflict of interest between the two.

Moreover, in the future, further cooperation and collaboration with the local government and the community will be sought to further enhance the system.

# Bilateral and Multilateral Police Assistance in Serbia: Can Sustainability and Local Ownership be Ensured? [1]

Tor Tanke Holm
Head of Section Analysis and Prevention
Norwegian Police Directorate
Oslo, Norway

This paper outlines Norwegian experience with the development of technical assistance in the area of policing in Serbia, and the changes in approach over the period of four years. The presentation focuses on two missions in 2002-3 and 2005-6, using bilateral and multilateral approaches.

## JUNO I

The first mission JUNO I in 2002 took place in the Backa Palanka Police District (BPPD), in Vojvodina Serbia, and involved some 200 police officers working at the border with Croatia. The project objectives were:

- To improve the relations between the public and the BPPD
- To prevent and fight crime more effectively
- To improve the competence of the BPPD in modern, democratic police standards and methods
- To improve the infrastructure of the BPPD
- To improve the working conditions for the employees in BPPD
- Serve as a pilot in the overall police reform process in Serbia

The project used a very broad approach, and initial work was focused on improving relations between the public and the police with integrity building. This included a series of study visits to Norway as well as training in the BPPD, and an introduction to problem-oriented policing.

Integrity building, objectives and activities:

- To improve the relations between the public and BPPD
  A four days study visit to Norway in May
  - Senior management level – Strategic level
  A five days training course in BP in June
  - Middle management level – Tactical level
  Three 2-days training courses in BP in June
  - Operational level

[1] Due to other commitments the author was unfortunately unable to provide a written text, and this paper uses the power-point presentation given at the workshop (Editors).

The introduction of the methodology of problem oriented policing presented the systematic use of different sources of information, in order to be able to infer patterns of crime.

JUNO I also included a capacity building component, for both skills and infrastructure, with the following objectives and activities:

- Improvement of management skills
  Study visit to Norway in May
  Training course in BP in September
- Improvements to fight financial crime
  Training course in BP in September/October
  Study visit to Norway in October
- Improvements to fight narcotics crime
  Training course in BP in November
  Study visit to Norway in November
- Improvements of crime forensics
  Study visit to Norway in December
- Infrastructure improvement
  Patrol cars, radio and telecommunication equipment, IT equipment, crime forensic equipment, traffic safety equipment and office equipment

JUNO III

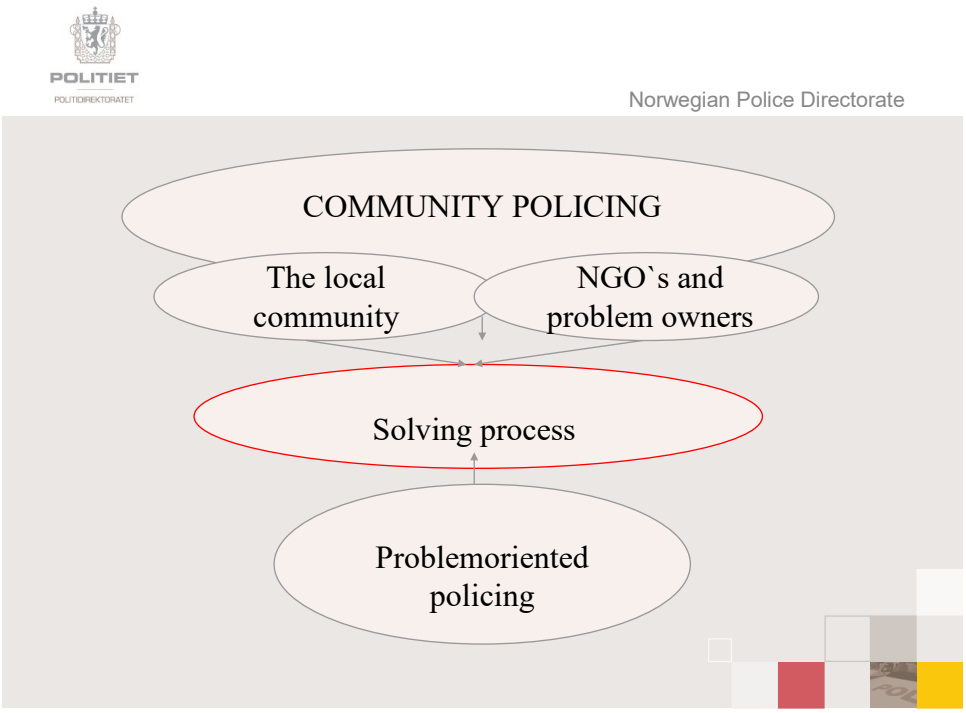
This mission took place in 2005-6 at the request of the Serbian government, and was designed to cover the whole region of Vojvodina, some seven districts. It included both integrity and capacity building activities, mainly targeting senior staff and key personnel:

- 3–days course for chiefs of police in strategic leadership, problem-oriented policing and strategic analysis
- 3–days course for station commanders and senior officers in problem-oriented police work and project work. Local projects at the police stations were planned and prepared during this course
- 14–days course for instructors (train-the-trainers) in problem-oriented policing, strategic analysis and practical POP work
- Three 5–days courses for analysts in strategic crime analysis
- Visit of Norwegian experts to all seven Secretariats in Vojvodina in order to evaluate the quality of the POP-projects which had been carried out as part of the training
- Close-up seminar in Belgrade (March 2006) with presentations of more than 30 projects.

The mission again emphasized problem oriented policing and the importance of the use of strategic analysis in the prevention of crime (see diagrams below).

Standard outline for the POP-projects

| | |
|---|---|
| Crime pattern<br>"Hot spot"<br>Identified problem | |
| Agencies involved | |
| Criminality preventive measures | |
| Situational crime prevention measures | |
| Community crime prevention measures | |
| Time for action | |
| Evaluation methods process and outcome | |




Indicators for Sustainability and Ownership

The activities of JUNO III were closely coordinated with the national police reform process taking place in Serbia. What is clear, therefore, is that there has been increasing involvement by the Serbian Police Service between 2001 and 2006 in the technical assistance activities undertaken by the Norwegian Police

Directorate. This illustrates the increasing importance given to a country-led approach. As the following factors summarize, this technical assistance project has striven to ensure mutual trust and respect, and achieve sustainability, with lasting capacity building and ownership and responsibility on the part of the Ministry of the Interior and the Serbian Police Service.

- Closely connected to the national police reform process
- Initial needs assessment and a thorough planning process
- OSCE assessment report, 2001
- Identification of critical success factors
- Clearly defined objectives, roles and responsibilities
- Logical development of the projects according to results and donor resources
- Close cooperation with the Ministry of Interior from day one
- Regular coordination with the OSCE and other donors
- Involvement of the different levels of the Serbian police organisation
- Focus on operational activities of day-to-day policing
- From brief training courses to long-lasting projects and operations
- Increasing responsibility of the Serbian Police Service in the projects from 2002-2006
- Mutual trust and respect.

# Asistencia Técnica y Cooperación en América Latina en Materia de Sobrepoblación y Hacinamiento Penitenciario

Ronald Woodbridge
Senior Adviser
ILANUD

*This paper offers an example of the technical assistance activities conducted by the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) in the areas of crime prevention, criminal justice and human rights. The Institute, as a catalyst for technical assistance projects, focuses on some of the challenges encountered by countries of the region and on developing solutions and strategies that are adapted to their circumstances. The paper discusses the Institute's general approach to technical assistance activities by focusing on its recent experience in the area of prison reforms, in particular strategies to address the problem of prison overcrowding. The problem in countries of the region is the result of general growth in the population as well as an increased reliance on incarceration both as a punishment and as a preventive measure. Technical assistance activities in that respect have focused on the reduction of the use of incarceration as a preventive measure, capacity building, legal and procedural reforms, prison construction, and the elaboration of alternatives to prisons. Recent technical assistance activities in several countries are described in more detail.*

En la brevedad de los diez minutos de que dispongo ejemplificaré de manera muy esquemática la experiencia adquirida por ILANUD en los niveles regional, sub-regional y nacional en la canalización de la asistencia técnica en su ámbito de acción: prevención del delito, justicia penal y desarrollo en un marco de irrestricto respeto por los derechos humanos. Para ello trabajamos dentro del marco de los temas prioritarios fijados periódicamente por la Comisión de las Naciones Unidas sobre la Prevención del Delito y la Justicia Penal y específicamente en respuesta a los requerimientos que los países de la región formulan al Instituto.

La experiencia adquirida por ILANUD a lo largo de su existencia y de su papel de catalizador de la cooperación internacional en áreas tan sensitivas no han seguido un proceso lineal y, en ese sentido, ha habido avances y retrocesos que han conducido a revisar su aproximación a los países y a la identificación de soluciones a los problemas que enfrenta el sector justicia.

Una de las primeras lecciones aprendidas ha sido la necesidad de enfrentar el problema específico detectado dentro de un contexto integral del sistema de justicia penal y éste a la vez dentro

del contexto político, social y económico en que éste se desenvuelve. Muchas veces un modelo de intervención para dar solución a un problema que incide en el buen desempeño de la impartición de justicia se origina en el sistema de la defensa pública, de la fiscalía o de la propia policía. Muchas veces el fortalecimiento de un solo actor del sistema ocasiona problemas en el normal desempeño de los otros actores involucrados en le proceso. Ello comporta partir de un diagnóstico transversal del sistema que permita detectar el origen de los nodos que están afectando la totalidad del sistema. Este análisis inicial pasa por valorar las capacidades instaladas, la sensibilidad y el compromiso para el cambio y la factibilidad de llevar a cabo los procesos de reformas que se requieren y partir de propuestas inclusivas construidas con una amplia participación de los actores responsables y que se den los supuestos para llevarlas a cabo, todas ellas nutridas por la información que nos suministran el Programa de Naciones Unidas para el Desarrollo (PNUD), La Comisión Económica para América Latina y el Caribe (CEPALC) el Banco Interamericano para el Desarrollo (BID) y el Banco Mundial (BM) y que dan mayor sustento ante las distintas agencia de cooperación y de financiamiento multilateral presentes en la región.

A partir de las lecciones aprendidas con el transcurso de los años ILANUD ha venido mejorando la metodología que utiliza para llevar adelante su tarea y la cual comprende investigación básica para la acción, procesos comprensivos de consulta, sensibilización y capacitación, asistencia técnica y divulgación, como acciones que se complementan entre sí de manera simultánea y permanente y que se lleven a cabo longitudinalmente para producir una incidencia importante en el corto, mediano y largo plazo a través de programas permanentes.

Los países comprendidos en el mandato del Instituto de medianos y bajos ingresos[1] (en este caso de América Latina y del Caribe) requieren de asistencia técnica y de capacitación en su propio país para el desarrollo de las capacidades de sus instituciones pero también requieren de actividades regionales que les provean reinformación comparada sobre la criminalidad y el funcionamiento de sus sistemas de justicia penal.

En ese sentido, el Instituto promueve actividades regionales con los operadores de los diversos subsistemas de la justicia penal y de las instituciones que intervienen en su prevención (jueces, defensores, fiscales, policías, penitenciariítas, defensores de los habitantes y organismos coadyuvantes) quienes, previamente a su participación, envían información básica sobre el marco legal y el funcionamiento de los sistemas de justicia penal administrando los

[1] Utilizamos la denominación de países de altos, medianos y bajos ingresos que viene siendo utilizada en los últimos años por el Banco Mundial

instrumentos facilitados por ILANUD y que se han venido elaborando y perfeccionando a los largo de los años, los cuales son analizados, procesados y comparados para su utilización como material de trabajo en las distintas actividades.

Tan importante como la información básica es el espacio para compartirla y discutirla lo que permite detectar de manera comprensiva e inclusiva los principales problemas que afectan cada parte del sistema y las formas de resolverlos en sus respectivos países y favorece una cooperación horizontal. En estas actividades participan también homólogos de países de altos ingresos que transmiten sus experiencias que han resultado útiles para una mejor definición y adecuación de las posibles respuestas a los problemas similares en sus respectivos países y sus realidades.

El problema de la sobrepoblación y hacinamiento de las prisiones posiblemente sea el más grave problema que confrontan los sistemas de justicia penal en América Latina. Hay dos grandes factores que confluyen a elevar las poblaciones penitenciarias generando este creciente fenómeno

1. El solo crecimiento demográfico de nuestros países, que son países de elevada tasa de crecimiento, aunque éste solamente significa entre el 25 y el 30 % del aumento (midiendo el aumento habido entre 1995 y el 2005);
2. El aumento en el uso de la prisión tanto de la prisión preventiva como de la prisión como pena que ha provocado que desde 1992 hasta el 2005 las tasas de los países, como característica general, crecieron aproximadamente un 80%.

Frente a esta situación los países han definido dos acciones indispensables y urgentes que deben llevar a cabo:

La primera de ellas es la formulación de políticas y realización de acciones que resuelvan en el mediano y largo plazo la situación en sus raíces: construcción carcelaria, reformas a la legislación y utilización de sanciones no privativas de libertad para delitos que ameritan este tipo de sanción;

La segunda de ellas es administrar la situación existente clasificando cuidadosamente a las reclusas y reclusos para reducir el número de conflictos y muertes en la prisión lo cual debe hacerse según la capacidad de convivencia no violenta. Se ha evidenciado que un gran número de hechos de violencia y muerte son ocasionados por criterios erróneos de clasificación que reúne en un mismo ámbito a personas y grupos antagónicos.

Algunos ejemplos de la cooperación internacional y asistencia técnica canalizada por ILANUD a los países de la región en esta esfera de acción ha sido el Programa sobre Sistemas

Penitenciarios desarrollado durante diez años con el concurso técnico de otros Institutos que conforman la Red de Institutos (PNI): primero del Centro Internacional para la Reforma Penal y la Política Criminal de Canadá (ICCLR), del Instituto de las Naciones Unidas para Asia y el Lejano Oriente para la Prevención del Delito y el Tratamiento del Delincuente (UNAFEI), del Instituto Raoul Wallenberg de Derechos Humanos y Derecho Humanitario de Suecia (RWI), así como del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (OACDH) y con el apoyo sostenido y continuado aliento de las agencias de cooperación de Canadá, Japón, Suecia y del Programa de naciones Unidas para el Desarrollo (PNUD), lo que ha permitido al Instituto brindar un acompañamiento técnico en el mediano y largo plazo a los países de la región e incidir de manera significativa en el mejoramiento de los distintos aspectos del sistema. Dicho de otra manera, el Instituto ha logrado articular las necesidades de los países de la región, los avances y las experiencias de otros Institutos especializados de la Red de países desarrollados con los recursos financieros de la cooperación de sus respectivos países en programas de corto, mediano y largo plazo. Este programa se ha visto fortalecido también mediante becas, giras de estudio y observación, así como cursos especializados en Japón y Suecia.

Acciones concretas en el terreno han contribuido a la reducción de la población penitenciaria en países como El Ecuador, donde se logró mediante un programa de defensores públicos liberar a más de mil reclusos cuya situación procesal permitía su encarcelamiento. Con resultados similares se llevó a cabo un programa en Honduras que permitió estructurar los servicios de la defensa pública con la asistencia técnica y financiera de la Unión Europea.

De manera similar, en el caso de Costa Rica, también con el valioso apoyo de la Unión Europea y del Fondo de Naciones Unidas para la Infancia (UNICEF), se contribuyó a una notable reducción del número de menores de edad privados de libertad cooperando en programas de capacitación de los operadores del sistema de justicia penal juvenil (jueces, fiscales y defensores) a la entrada en vigor de la nueva ley de justicia penal juvenil y todas las alternativas previstas. En este campo, ILANUD ha venido brindando capacitación y asistencia técnica a los países de la región participando activamente en la formulación, adecuación y aprobación de nuevas legislaciones penales juveniles de conformidad con la Convención de las Naciones Unidas sobre los Derechos del Niño en estrecho trabajo con las comisiones legislativas y representantes de la sociedad civil.

Con el apoyo técnico y financiero del Instituto Nacional de Justicia, del Departamento de Justicia de los Estados Unidos de América, se logró digitalizar y poner en línea en su portal las publicaciones especializadas del Instituto y su colección de publicaciones periódicas más importantes en materia criminológica favoreciendo así la divulgación de los resultados de las investigaciones y estudios de base desarrollados dentro de sus programas.

Más recientemente, también con el concurso de UNAFEI y con el generoso apoyo financiero de la cooperación del Gobierno de Japón, dada la transformación de un sistema inquisitivo hacia un sistema acusatorio que garantice una mayor protección de los derechos fundamentales en los últimos años en los países de América Latina, el Instituto ha continuado apoyando a los sistemas de justicia penal (fiscalías, tribunales y defensorías) en el desarrollo de sus capacidades y en el mejoramiento de los conocimientos de sus operadores para la adecuada implementación de las reformas.

Un primer resultado de este programa ha sido la identificación de los principales problemas que afectan actualmente a los países de región para la adecuada implementación de las reformas: i) aplicación excesiva de la prisión preventiva: ii) impunidad como consecuencia de la debilidad en los procesos de investigación de hechos de alto contenido violento y de actos ligados a sectores poderosos que causan grave impacto en la sociedad; iii) eficacia y utilización insuficiente de mecanismos simplificadores del proceso que faciliten respuestas oportunas y menos violentas a delitos de menor impacto social que favorezcan a los protagonistas del conflicto; iv) eficiencia y métodos de trabajo y recursos materiales y humanos inadecuados o insuficientes para la gestión de altos y crecientes volúmenes de casos y v) una cultura autoritaria que ha impedido un empoderamiento de los principios que sustentan el modelo de estado de Derecho como límite del poder arbitrario por parte de los operadores jurídicos y de los sectores sociales con incidencia en la opinión pública.

Estos ejemplos demuestran como el Instituto a pesar de su dimensión y de la vasta zona geográfica en que le corresponde operar ha contribuido como brazo ejecutor de ONUDD y miembro de la red de Institutos potenciar y maximizar la cooperación internacional, inter-agencial y horizontal entre países de la misma región estableciendo una coordinación técnica más estrecha de sus programas con aquellos desarrollados por los institutos hermanos de otras latitudes.

ILANUD, como instituto regional especializado de las Naciones Unidas para América Latina ha desempeñado un importante papel catalizador de la cooperación para lograr una mayor eficiencia en

la utilización de recursos provenientes de la cooperación internacional y que aún está presente en nuestra región.

En nombre de nuestro Director, don Elías Carranza, quien se encuentra participando en la V Reunión de Ministros de Justicia de las Américas, que se celebra en este momento en la ciudad de Santo Domingo, República Dominicana, analizando estos mismos temas, y que por ello ha delegado su representación en el suscrito, en el mío y en el del Instituto agradecemos la invitación que se nos hizo para compartir estas experiencias con ustedes y reiterarles nuestra disposición de continuar sirviéndoles en todo lo que esté a nuestro alcance.

# UNAFRI's Technical Assistance to its Member States – an Example

N. Masamba Sita, Director
and
Patrick Mwaita, Research Assistant
UNAFRI

## Introduction

The United Nations African Institute for the Prevention of Crime and Treatment of Offenders (UNAFRI) was established in 1989 by a Statute of the Conference of Ministers of the United Nations Economic Commission for Africa (UNECA).

In its Resolution 609 (XXII) of April 1987, UNECA reaffirmed the importance of the Institute and the role it is called upon to play in assisting Member States in: (1) assessing crime trends in the region and their impact on national development; (2) the formulation of policies and programmes for the prevention of crime and the treatment of offenders; (3) the promotion of criminal justice reforms in the context of development; and, (4) encouraging technical co-operation among African countries in the field of crime prevention and criminal justice.

The Institute is a member of the United Nations Programme Network of Institutes (PNI) for Crime Prevention and Criminal Justice. It serves countries of the region by providing, at their request, the needed practical assistance in the different areas mentioned above. Within the limits of its financial resources, the Institute organizes various consultative missions. These missions give UNAFRI an opportunity to provide or arrange for, based on consultations with national experts, the required technical assistance. In so doing, problems of concern are identified and locally available human, material or financial resources are identified and accessed, and a timeframe for the implementation of the agreed upon intervention is defined. The technical assistance is tailored to local needs and circumstances and it takes into consideration the particular socio-economic realities of the country and the region.

Assistance can be provided in the following areas: juvenile justice, prison administration, community services, community policing, law enforcement, and penal reform. The focus is on the dissemination of good practices based on African traditions and international standards and norms.

Due to time limitations, this paper will focus on one example of practical technical assistance offered by UNAFRI to its Member States in the area of prison administration. It describes the nature, scope and focus of the project, as well as its perceived impact. Prisons have been identified as an appropriate entry point for meaningful social interventions as part of an overall strategy to strengthen crime prevention through the effective social rehabilitation and reintegration of offenders.

In this instance, technical assistance with respect to prison administration was provided by UNAFRI to two countries, Uganda and Mozambique. We will only focus here on Uganda as the project has been implemented very successful in that country.

## The Project

Participants to workshops, seminars, and conferences organized by UNAFRI and other organizations used to say that prisoners are individuals who are rejected by their family and their community of origin. The pilot project, *From Prison Back Home,* intended to verify that assumption and discuss it with the families and communities concerned. Effective measures can indeed be taken to facilitate the return of prisoners to their family and community.

The project's goal was to provide effective social rehabilitation and reintegration of prisoners in their respective community of origin through, inter alia, the use of mediation and reconciliation techniques by social workers. The social worker's intervention was designed to improve the relationships between prisoners and the members of the community they came from or were going to. Inmates were prepared to return home and members of their communities were prepared to receive them. This involved facilitating a process of "internal reconciliation" as well as reconciliation with other members of the concerned local community.

It is important to note that generally when a prisoner is asked why he/she is in prison, the common response is: "they are saying that I …" instead of "I …". Assuming responsibility for their actions is an indication that a process of internal reconciliation has been achieved.[1]

[1] Sita, N.M. Aliobe, A.D., Okoth, R.O., Kyazze, S.N., Kayemba, G.A., and J. C. Okiror (2005). *From Prison Back Home: Social Rehabilitation and Reintegration as Phases of the Same Social Process (The case of Uganda)*. Kampala, Uganda: UNAFRI and Uganda Prisons Service (UPS), pp. 18-19.

The work of social workers consists mainly of preparing the prisoner to return home and preparing members of the community to receive them. In order to do so, the social worker must first help the prisoner achieve internal reconciliation. It is on that foundation that the external reconciliation (between the prisoner and members of his/her community) will be developed. Members of the concerned community include the victims and their relatives, the relatives of the inmates, neighbours, local authorities, etc. They have to be prepared at the same time to receive the prisoner back home upon his or her release. In this exercise, social workers are the go-betweens who must work to help improve the relationship among all those involved.

The project aimed, inter alia, at reducing recidivism (which was estimated in 1994 at 60% among people released from Uganda prisons) through: (1) training of social workers in order to develop their capacity to provide social work services in prisons; and, (2) promoting the effective involvement of local communities in the process.

## Training Workshops

Social workers were exposed, inter alia, to the following fields of knowledge and skills: (1) social work in prisons; (2) modalities of social reaction; (3) styles of social control[2]; and, (4) care taking logics, mainly the "Needle Logic" and "Knife Logic" as extracted from a proverb.[3] As needle mends fabrics, the "Needle Logic" mends the social fabric, while the knife cuts it. The needle logic guides the elders in the process of handling an issue. That is why, when it applies, they would say: "We bring the needle to mend the social fabric and not the knife to cut it".[4]

It is worth noting that there is a need for social workers to be exposed to techniques of conflict resolution. Generally, imprisonment does not eliminate the extant tension among the involved social actors. Some prisoners refuse to go back home because the problem that sent them to prison is not solved. As a go-between and a facilitator of effective reconciliation between the offender and the community, the social worker needs to be familiar with, among other things, basic techniques of conflict resolution such as negotiation and mediation. At the invitation of the Welfare/Rehabilitation Section of Uganda Prisons Service (UPS),

---

[2] See Horwitz, A.V. (1990). *The Logic of Social Control*, Plenum Press. New York and London, pp. 19-95

[3] See Sita, N.M., (2005), op. cit, p.13

[4] Sita, M.N. (1989). *Le "NTUMBU" ou le "KIBAKU": Vers une théorie formelle du contrôle social*; Thèse de doctorat, Département de Criminologie et de Droit Pénal, Ecole de Criminologie, Université Catholique de Louvain, pp. 119-131.

UNAFRI contributed to training sessions organized by UPS for the newly recruited social workers.

## Financial Support

The UPS, as an arm of the Uganda Government, made funds for the project available. This shows that some projects can be fully supported by Member States. Local experts and other local resources were mobilized and put to task. UNAFRI's own contribution consisted of providing expertise and human resources.

## Impact of the Project

The project has been integrated into the regular operations of the Welfare and Rehabilitation Section. The Uganda Prisons Service (UPS) has come to recognize the importance of social work in prisons and has been rebuilding that function within the system and recruiting new social workers. As shown in Table 1, below, the strength of the UPS social work capacity has been increasing steadily.

**Table 1:** Strength of Uganda Prisons Social Workers Since 1990 (Source: Prisons Headquarters)

| YEAR | TOTAL | POSITIONS | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | ACWR | PWRO | SWRO | WRO | AWRO | SWRA | WRA |
| ***1990*** | **33** | N/E | N/E | 01 | 06 | 04 | 01 | 21 |
| ***1994*** | **13** | N/E | 01 | 01 | 03 | 01 | 01 | 06 |
| ***1996*** | **19** | N/E | 01 | 01 | 10 | 01 | 01 | 05 |
| ***2006*** | **20** | 01 | 01 | 05 | 09 | N/E | 04 | - |

**Abbreviations in Full**

**ACWR:** Assistant Commissioner Welfare/Rehabilitation
**PWRO:** Principal Welfare/Rehabilitation Officer
**SWRO:** Senior Welfare/Rehabilitation Officer
**WRO:** Welfare/Rehabilitation Officer
**AWRO:** Assistant Welfare/Rehabilitation Officer
**SWRA:** Senior Welfare/Rehabilitation Assistant
**WRA:** Welfare/Rehabilitation Assistant
**N/E:** Non-Existent

Table 1 reveals, inter alia, that: (1) from 1990 to 1996 the Section did not have Assistant Commissioners Welfare/Rehabilitation (ACWR); (2) the position of Principal Welfare/Rehabilitation Officer (PWRO) was not filled; and, (3) the number of Senior Welfare/Rehabilitation Officers (SWRO) increased from 1 to 5 in 2006. It shows a major decrease in the number of social workers between 1990 and 1994, and an increase between 1994 and 2006 (see graph below).

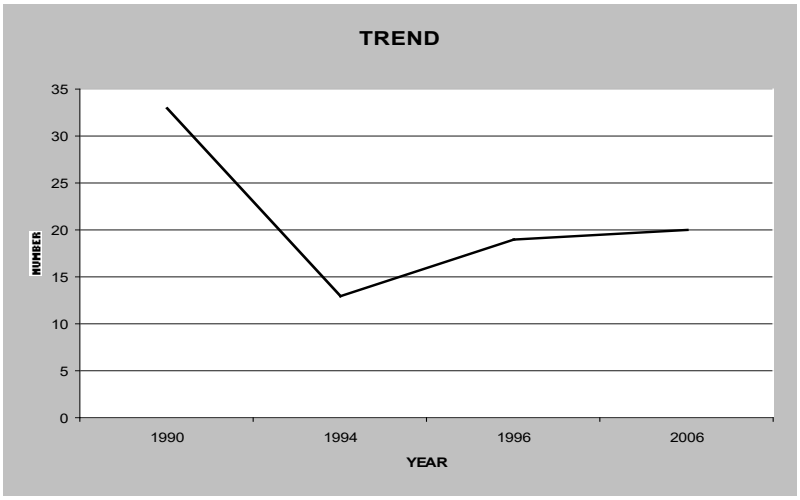



**Table 2:** Established Base Positions (Source: Prisons Headquarters)

| S/NO | POST | SCALE | NO. OF POSTS |
|---|---|---|---|
| 1 | Assistant Commissioner Welfare/Rehabilitation | U1 | 01 |
| 2 | Principal Welfare/Rehabilitation Officer | U2 | 01 |
| 3 | Senior Welfare/Rehabilitation Officer | U3 | 05 |
| 4 | Welfare/Rehabilitation Officer | U5b-4 | 15 |
| 5 | Senior Welfare/Rehabilitation Officer Grade I | U5b-a | 08 |
| 6 | Senior Welfare/Rehabilitation Officer Grade II | U5c | 06 |
| 7 | Assistant Welfare/Rehabilitation Officer | U6 | 12 |
| 8 | Welfare/Rehabilitation Assistant Grade I | U6 | 10 |
| 9 | Welfare/Rehabilitation Assistant Grade II | U7 | 10 |
| 10 | Chaplains | U5c | 04 |
| 11 | Teachers Grade V | U6 | 08 |
| 12 | Teachers Grade III | U7 | 14 |
| **TOTAL** | | | **94** |

The total number of positions has increased to 94. This confirms the observed trend revealed in the graph above: the Uganda Prisons Service has recognized the importance of social work in prisons. We consider that social workers are equipped to effectively implement some important aspects of the Standard Minimum Rules for the Treatment of Prisoners, particularly those relating to: contacts with the outside world; religion; notification of death, illness, and transfer; treatment; education and recreation; and, social relations and after-care.

## Summary

UNAFRI offers its technical assistance in different areas of Crime Prevention and Criminal Justice to all its Member States, in accordance with their needs. Member States are urged to utilize the programmes available at their Institute, to address crime as a major impediment to sustainable socio-economic development in the region. Support from other members of the PNI and from other organisations can help UNAFRI offer technical assistance that is tailored to the needs and circumstances of requesting African governments.

We consider that the project has had a very positive impact in Uganda as it was fully integrated of the regular operations of the Welfare/Rehabilitation Section of the Uganda Prisons Service (UPS). Other elements might have contributed to the improvements observed in the operations of the UPS, but improving the system's capacity to offer social work services was a vital component in that process. This is a fact that is being recognized by the authorities in the Uganda Prisons. Based on its relevance, social work has now assumed a higher profile in the management of prisons in Uganda.

Other African countries have expressed an interest in the project. Prisons officers from Mozambique, for example, came twice to Uganda to observe the implementation of the project and its impact. In line with its mandate, UNAFRI remains available to offer the practical assistance needed by its Member States in the areas referred to in the introductory paragraphs of this presentation.

## References


Horwitz, A.V. (1990). *The Logic of Social Control*, Plenum Press. New York and London.

Sita, N. M. (1989). *Le "NTUMBU" ou le "KIBAKU": Vers une théorie formelle du contrôle social*; Thèse de doctorat, Département de Criminologie et de Droit Pénal, Ecole de Criminologie, Université Catholique de Louvain.

Sita, N.M. Aliobe, A.D., Okoth, R.O., Kyazze, S.N., Kayemba, G.A., and J. C. Okiror (2005). *From Prison Back Home: Social Rehabilitation and Reintegration as Phases of the Same Social Process (The case of Uganda)*. Kampala, Uganda: UNAFRI and Uganda Prisons Service (UPS).

# Human Rights and Technical Assistance Projects in Afghanistan and Iraq

International Institute of Higher Studies in Criminal Sciences (ISISC)
International Human Rights Law Institute (IHRLI)

## Introduction

The International Institute of Higher Studies in Criminal Sciences (ISISC) and the International Human Rights Law Institute (IHRLI) of DePaul University College of Law are at the forefront of contemporary human rights research, training, publication and advocacy. ISISC and IHRLI work independently and together on a variety of human rights, rule of law, justice and capacity-building projects throughout the world with a special focus on Latin America and Arab and Muslim countries. Both ISISC and IHRLI were founded by Professor Cherif Bassiouni, the president of the two organizations.

This paper reviews a number of initiatives designed and implemented by ISISC and IHRLI to contribute to national reconstruction, scholarship, training, and technical assistance in Afghanistan and Iraq. Currently, ISISC and IHRLI are working in Iraq to reform legal education, document and analyze violations committed during Saddam Hussein's regime, provide innovative human rights education, support the process of writing a new constitution, and aid the country in devising a comprehensive policy of post-conflict justice. In Afghanistan, ISISC and IHRLI have been responsible hitherto for training more than 1,300 members of the new judiciary and law enforcement, engaging in related capacity-building projects and developing a series of new rule of law initiatives in the criminal justice and in the drug sector. In addition, in 2004 the UN Secretary General appointed Professor Bassiouni as United Nations Independent Expert on Human Rights in Afghanistan.

## Afghanistan

For more than two decades, Afghanistan has experienced continuous armed conflict. During this time, over one million civilians were killed and over four million were forced to flee the country as refugees. As a result of years of violence and authoritarian rule, government institutions, particularly legal institutions, suffer from limited legitimacy and an array of severe structural deficiencies. Following the fall of the Taliban, significant

coordinated international assistance has been directed to the country to assist in a broad process of national reconstruction.

Afghanistan is an ethnically diverse nation, characterized by significant regional differences and a population unaccustomed to a strong centralized state and lacking a tradition of democratic governance. It is one of the poorest countries in the world and, in 2002, it ranked 173 out of 178 countries on the United Nations Human Development Index. According to the National Human Development Report 2005, 70% of the population in 2002 lived with less than $2 US a day, one out of every two children under the age of five was underweight and overall life expectancy was below 45 years, nearly 20 years less than in neighbouring countries. In addition, Afghans currently face many serious human rights violations including systematic abuses of the administration of justice, severe threats posed by the illegal drug industry, and egregious violations of women and children's rights and the rights of disempowered members of society.

Afghanistan now has a unique opportunity for national reconstruction. Despite the encouraging implementation of democratic elections that led to the establishment of a new Parliament in 2006, the provision of new laws and some signs of economic reconstruction, the political transition still demands a variety of social, economic, and political programmes. Its long-term success also requires the development and implementation of a comprehensive domestic policy to strengthen justice and protect fundamental rights. ISISC and IHRLI are involved in several initiatives to contribute to this broad social and political process.

ISISC and IHRLI have been involved in several technical assistance and human rights programmes in Afghanistan that use the *train-the-trainer* methodology. These programmes include: the Interim Training for the Afghan Judiciary; the Training Course on the Afghan Interim Criminal Procedure Code; the Provincial Justice Initiative; and the Advanced Training for judges, prosecutors and police officers of the Afghan Counter Narcotics Judicial Task Force. In addition, in 2003, ISISC and IHRLI staff has assisted Professor Bassiouni in his capacity as the United Nations Independent Expert on Human Rights in Afghanistan.

Since 2003, ISISC has been training more than 1,300 operators of the Afghan Justice System and more initiatives are scheduled for the future.

### The Interim Training Programme for the Afghan Judiciary

ISISC and the International Development Law Organization (IDLO) were selected by the Italian government, which assumed responsibility for judicial sector reform at key donors meetings in

Bonn in 2001 and London in 2006. They were selected to provide integrated training for judges, prosecutors and officials working in the new Ministry of Justice. In response, ISISC and IDLO developed the Interim Training Programme for the Afghan Judiciary which ran from July 2003 through December 2004. IDLO provided training on civil and commercial legal training and ISISC covered issues of criminal justice and human rights.

The Interim Training Programme was developed in collaboration with the Judicial Reform Commission (JRC), the Afghan Ministry of Justice, the Supreme Court, and the Office of the Attorney General. The Programme also benefited from the assistance of IHRLI staff and the United Nations Mission for Afghanistan (UNAMA).

The Interim Training Programme provided training and capacity building to over 450 participants, more than 50 of whom were women. The participants were selected by the JRC and the Afghan Supreme Court and represent a diverse array of jurisdictions, regions, ethnicities, and educational backgrounds. The programme provided 300 hours of instruction in Kabul over 16 months. The *train-the-trainer* methodology was used to prepare a series of individuals who were later employed for new capacity building initiatives addressed to other Afghan legal professionals.

Programme trainers were distinguished Egyptian judges, prosecutors and academics with a strong background in Islamic law (Shari'a), international law, comparative criminal law, and human rights. These professionals were chosen because the Afghan legal system is based on Egyptian codes and, like many Muslim world systems, strongly rooted in Shari'a. Lectures were presented in Arabic and simultaneously translated into Dari. Trainings included lectures, discussions, moot courts, legal writing seminars, units on financial and organizational management, and exercises to improve communication with witnesses, practitioners, and administrative personnel.

The Programme also included two Study Tours to Egypt and Italy for selected participants.

### International Study Tours

Since 2003, ISISC organized a number of Study Tours to Italy, Egypt and the United Arab Emirates to provide selected Afghan participants with additional training and with hands-on experience of the structure and organization of other judicial systems.

The first study tour was conducted in November 2003, within the framework of the *Interim Training Programme for the Afghan Judiciary,* and involved 20 trainees, 5 of whom were women. Participants traveled to Egypt and Italy to receive training in criminal law and comparative legal systems. The trip included a

two-week course at the Egyptian National Judicial Studies Center, where participants learned about key elements of the Egyptian judiciary including legal procedure, appeals processes, systems for addressing corruption, and the general administration of criminal and civil actions. Participants also met with high-ranking members of the Egyptian Government and visited law schools, forensic laboratories, and courts. The study tour continued to Italy at ISISC, where participants received training in international law and the structure and function of the Italian legal system, including visits to government offices, prisons, law enforcement institutions, and courts.

The second study tour for the *Interim Training Programme for the Afghan Judiciary* was conducted in July 2004 when a selected group of legal high ranking Afghan officials spent a week at ISISC attending an intensive seminar on strategies to address current human rights violations in Afghanistan. Participants were provided with draft versions of documents outlining key human rights challenges; they worked together to outline mechanisms through which the government could cooperate with the international community to create meaningful and country-specific policy responses.

In August 2004, ISISC facilitated a study tour to the United Arab Emirates, which UNODC organized with the aim of introducing Afghan senior justice official to a different judicial system and to its educational background.

Within the framework of the UNODC Justice Programme for Afghanistan, ISISC contributed to organize a study tour to Egypt for six selected high ranking officials of the Afghan Authorities. During the visit, the participants met with Egyptian Government counterparts and attended a seminar on Comparative Criminal Justice System, Functions of the Egyptian Judiciary, and Execution of Penalties in order to foster a discussion on the experience by both countries.

As a result of the U/10 strategy to improve the fight against drug in Afghanistan, UNODC invited ISISC to organize a new visit to Cairo, Egypt in December 2005. During the one-week tour, the delegation representing the Afghan Counter-Narcotics Judicial Task Force, composed of the Chief Judge and two members of the Drug Prosecution Office, the Deputy Head and two investigators of the Investigation Department, covered the structure, functions and management of the Egyptian Counter-Narcotics legal system, the judicial system, the narcotics police department, in addition to meeting with the Egyptian counterparts.

### Training Course on the Interim Criminal Procedure Code

In order to improve judicial proceedings, the Afghan government approved a new Interim Criminal Procedure Code in April 2004. However, many judges and other legal professional remained unfamiliar with the new code. In response to this situation, ISISC worked in cooperation with the Italian Justice Office in Kabul, which was chaired by President Giuseppe Di Gennaro, to develop the Training Course on the Interim Criminal Procedure Code.

The course assisted 120 Afghan judges, prosecutors, police officers, law professors and Ministry of Justice officials in understanding how to use the new law in daily practice. The goal of the training was to create a diverse, qualified group of Afghan legal professionals who could subsequently provide training to colleagues throughout the country. The course was conducted in May 2004 at Kabul University, and was based on a signed memorandum between ISISC and the university. The Training Course combined lectures, discussions, and a general evaluation of the new code with participatory and practical exercises including mock trials and case studies. Some of the lectures were delivered by participants of the Interim Training for the Afghan Judiciary.

### Provincial Justice Initiative

The Provincial Justice Initiative was designed to address the concentration of State services in Kabul and the general lack of professional attention toward much of the country, especially isolated rural areas. This project prepared a core group of trainers who used ISISC methodology and material to run capacity building programmes for judges, prosecutors and others in the provinces. All of the trainers in the Provincial Justice Initiative participated to the Interim Training for the Afghan Judiciary and the Training Course on the Interim Criminal Procedure Code, and also received additional training.

The Provincial Justice Initiative began in December 2004 with a three-month pilot project in the provinces of Paktia, Kunduz, and Balkh, and continued throughout 2005 and early 2006 in the five Provinces of Herat, Nangarhar, Badakshan, Wardak and Baghlan. A further advanced training for some of the advanced from some of the provinces was also conducted in Kabul. The training followed a methodology very similar to other capacity-building programmes: linking lectures, discussions and various practical exercises.

To help implement this project, the Afghan Supreme Court has provided ISISC with an office at the court. This programme has been requiring a permanent coordination and support from the three major institutions of the Afghan Judiciary – the Supreme Court, the Ministry of Justice, and the Office of the Attorney

General – with whom it has been established a professional and conducive interaction.

To date, more than 400 justice operators have been trained in the provinces and negotiations are underway to extend the same capacity-building initiative to the entire country.

### Advanced Training for Afghan Officers in the Drug Sector

In December 2004, ISISC was invited to contribute to the fight against drug production and trafficking in Afghanistan, which is a major obstacle to the country development. The opium economy equals 38.2 percent of the country's official GDP, and Afghanistan is now the world's major producer of illegal narcotics, with 76 percent of the supply (*NHDR 2005*). This situation impacts negatively on the human, social and economic development as it fuels corruption, growth of organized crime, violation of human rights, exploitation, and poverty. For this reason, a comprehensive country-specific intervention is highly needed.

### Technical Assistance to Counter Narcotics Judicial Task Force (CJTF)

Through an intense cooperation with the United Nations Office on Drug and Crime (UNODC) and with the Embassy of the United Kingdom, which is the Leader Country in the fight against drugs according to the Bonn Agreement, a first capacity building intervention was designed to match the Afghan needs and ISISC expertise.

From December 2004 and throughout 2005, ISISC has conducted three tailor-made training sessions addressing 23 Judges, 56 Prosecutors and 63 officers from the Ministry of Counter Narcotics and the Ministry of Justice from Kabul as well as from the provinces.

Each 6-week training course consisted of three hours of daily training covering four key areas: i) the principles of the new Afghan Constitution as related to criminal procedure and drug enforcement; ii) the interim criminal procedure code and related case management issues; iii) the new Afghan Drug Law; iv) international legal instruments to combat organized crime and drug trafficking. The advanced training combined lectures, discussions and practical exercises to an effort to increase participants' understanding of how to combat drug trafficking while respecting due process and new elements of Afghan law. Training was provided by international experts with extensive experience in Shari'a and international criminal law as well as Afghans trained through other ISISC capacity building programmes.

### Training for Counter Narcotics Police of Afghanistan

The ongoing training project, which ISISC has been developing with the contribution of UK government, combines the models and methodology of other ISISC training projects in Afghanistan with the specific needs of the Operational Team of the Counter-Narcotics Judicial Task Force (Intelligence, Investigation and Mobile Detection) in charge of prosecuting drug related criminal offences. This training has been focusing on enhancing their knowledge of the Afghan Criminal Procedure Code, new Counter Narcotics Law, and the constitutional principals aiming at keeping the conduct of their operational duties within the required legal frame. The scheduled number of trainees is around 200, which has been broken down into 9 groups of 20 participants to each be subjected to a one month training course. The thematic areas of the training will be: (a) principles of the new Afghan Constitution with particular emphasis on their links to the Afghan criminal procedure code and drug law; (b) interim criminal procedure code; (c) Afghan drug law; and (d) international legal instruments against organized crime and drug control

### United Nations Independent Expert for Human Rights in Afghanistan

Professor M. Cherif Bassiouni was appointed as United Nations Independent Expert for Human Rights in Afghanistan by the Secretary-General in 2004. In this capacity, he traveled with ISISC and IHRLI staff to Afghanistan in August 2004 and presented an interim report to the General Assembly's Third Committee in October 2004. He returned to Afghanistan with ISISC and IHRLI staff in January 2005. The results of this research and consultations was presented to the Commission on Human Rights in Geneva in April 2005.

During his first year as Independent Expert, Professor Bassiouni worked with IHRLI staff to review key reports and publications on the history of the conflict, the general political situation in the country and the overall human rights situation. In preparation for his site visits, he held extensive consultations in Geneva and the United States with representatives of the Office of the High Commissioner on Human Rights, other UN agencies, and various experts on Afghanistan. While in the country, he met with President Hamid Karzai and senior governmental officials in the Afghan government, members and staff of the Afghan Independent Human Rights Commission, and representatives of foreign missions including the US and EU states. He also met with UNAMA staff, United Nations agencies, domestic and international NGOs, and individual experts. In addition, Professor Bassiouni and ISISC and IHRLI staff visited prisons in Kabul and the Logar province, met

with human rights, civil society and women's organizations, and interviewed Afghan victims.

As Independent Expert, Professor Bassiouni has drawn attention to an array of violations including: repressive actions by factional commanders, violations by state security forces, the unregulated activities of private security contractors, serious threats related to opium production and trafficking, violations of women's rights, problems related to the customary law practices, inadequate attention to the disabled, issues faced by returning refugees and IDPs, and abuses committed by the United States-led Coalition forces. In response to these issues, Professor Bassiouni has called on the Afghan government to work with the international community to design and implement a comprehensive strategic plan regarding the rule of law, justice, and human rights.

### Support to the United Nations Assistance Mission to Afghanistan

Due to its strong commitment for the restoration of the Rule of Law in the Country, ISISC has been invited to cooperate with UNAMA to develop new initiatives in the Justice Sector. This partnership resulted in a course in the provinces of Kandahar, Badakshan and Hilmand on the Transitional Criminal Procedure Code with a particular focus on the constitutional principles in respect of human rights for 50 legal workers; moreover, a seminar on Human Rights in Afghanistan was jointly organized in order to foster a debate on possible interventions among international experts.

## Iraq

Iraq is emerging from thirty-five years of brutal, authoritarian rule. From 1968 to 2003, Saddam Hussein and his Ba'th Party governed the country in an extraordinarily repressive manner, committing widespread and systematic violations of international human rights including: extrajudicial execution, torture, disappearances, rape and forced displacement.

Saddam Hussein's regime used intimidation, fear and terror as a central element of daily governance. The nation's security services were large, well-financed, and integrated into every aspect of daily life. The government engaged in a massive and systematic destruction of several minority and ethnic groups, especially the country's Kurdish population. Hussein's regime also provoked wars of aggression with Iran (1980–1988), in which an estimated one million people died and Kuwait (1990), which led to thousands of deaths and provoked a coordinated international military response. These conflicts destroyed the Iraqi economy, created massive foreign debt, and devastated almost every aspect of the nation's

infrastructure and human capital. The government brutally repressed various local uprisings, forcing millions to flee the country and waged a vicious campaign killing thousands and destroying countless villages.

With the fall of Saddam Hussein's government in 2003, the Iraqi people have an opportunity to reflect and respond to past atrocities, rebuild key rule of law institutions, and create a new system of government committed to the defence and protection of fundamental rights. ISISC and IHRLI are working in coordination with the new Iraqi government (especially the Ministry of Human Rights), Iraqi law schools, international donors and others to support training, capacity-building and other programmes to assist the country link human rights, rule of law, and post-conflict justice to the broad process of national reconstruction.

ISISC and IHRLI are currently involved with a number of human rights and rule of law projects in Iraq, including initiatives to: i) assist Iraqi law schools with educational reform; ii) gather and analyze narratives of human rights violations committed during the prior regime; iii) provide human rights training to key government sectors; iv) support the drafting and implementation of the new constitution; v) conduct research, training, and advocacy on post-conflict justice; vi) design and manage conferences on governance issues such as federalism and domestic security; vii) improve the defence and protection of women's rights; and viii) provide training and capacity building for members of the Iraqi Special Tribunal. These eight initiatives are jointly managed by ISISC and IHRLI staff working in offices in Siracusa, Chicago, and Sulaimaniya, Iraq.

### Raising the Bar – Legal Education Reform

From 2003 through 2005, IHRLI and ISISC were involved in a legal education reform project in Iraq, involving close cooperation between the institutions and the Universities of Baghdad, Basra, and Sulaimaniya, while also providing nationwide support for faculty training and general educational reform.

IHRLI and ISISC designed and managed a series of conferences in Iraq to encourage practical interaction between law faculty, government officials, members of the judiciary, and leaders within the legal community. These events addressed a variety of issues including ethics, property claims, the new Iraqi constitution, strengthening the national bar association, and post-conflict justice.

IHRLI and ISISC organized conferences in the summer of 2004 in Egypt and Italy for forty Iraqi law professors representing eleven universities. Iraqi faculty visited legal experts, government ministries, law schools, and representatives of the judiciary. They also participated in a two-week seminar at ISISC featuring

American, European, and Arab world scholars. In addition, a select group of professors travelled to the United States to visit law schools, courts, governmental offices, legal clinics, and professional organizations.

IHRLI and ISISC worked with law faculty to modify existing curricula and develop new courses focusing on human rights, international criminal law, and commercial law. This process involved integrating practical elements of legal practice into the educational process through moot courts and clinics. In March 2005, IHRLI assisted a team of Iraqi law students participate in an international law moot court competition in Washington, DC.

IHRLI and ISISC also helped the Universities of Baghdad, Basra, and Sulaimaniya restore and upgrade their law libraries and legal research services. IHRLI and ISISC have provided substantial technical assistance in library planning and management, support for internet access, as well as extensive physical renovations.

### Iraq History Project

This project collects and analyzes personal narratives of victims of human rights violations committed during the last three decades. The project uses testimonies of victims and others to document the severity and impact of the former regime's systematic repression and help establish an objective record of past atrocities.

This initiative will collect two to three thousand in-depth interviews from victims, victims' family members, and others. The project also includes case study research and thematic interviews designed to document particular patterns of violence and repression. Material gathered in the field is transferred to a central location in Sulaimaniya where the information is entered into a specially designed qualitative database that protects information from tampering, destruction, or accidental loss.

IHRLI and ISISC developed the methodology for this project which is based on work conducted by various truth commissions and similar research bodies. At full capacity, the project will involve an all Iraqi in-country staff composed of approximately forty-five interviewers, ten data-entry specialists, and about twenty others involved in analysis, writing, support, and management.

The project will end its first year with the completion of a series of detailed reports to be published in Arabic, Kurdish, and English. The project is designed to continue for around three years and IHRLI and ISISC staff will assist the Iraqi team in seeking continued financial support for the project's expansion and long-term development.

### Educating for Democracy

ISISC and IHRLI are involved in comprehensive human rights education in Iraq using a train-the-trainer model. In this initiative, IHRLI provides technical human rights training to government and civil society representatives working in areas of security, justice, and education.

To aid in this process, IHRLI and ISISC are creating training units in Arabic and Kurdish that cover a number of key human rights issues including: international instruments, international and regional protective systems, civil society organizations, case studies, and the integration of human rights principles into domestic law. The material also links human rights concepts to existing Iraqi law, *Shari'a*, and the special challenges of the country's social and political context.

The goal of this train-the-trainer programme is to ensure that project participants are prepared to design and implement their own training sessions using materials developed for the project. Following agreements with each of the participating ministries, the trainers are responsible for managing human rights workshops at various levels within each of the participating ministries using the materials and methodologies developed by IHRLI and ISISC.

IHRLI and ISISC are also planning a series of public activities related to thematic human rights education materials and developing strategies for both continued train-the-trainer programmes and the wide diffusion of human rights educational materials.

### Support for the Iraqi Constitutional Process

ISISC and IHRLI have been working with the American Bar Association (ABA) and the National Democratic Institute (NDI) on a series of programmes to support the process of creating, supporting and understanding the new Iraqi constitution. This initiative has established an advisory working group, provided various forms of legal assistance, and created a series of five books designed to assist the Iraqi people in addressing key issues linked to the drafting of the new constitution.

The book series was designed to benefit newly elected officials, their advisors and assistants, representatives of civil society, and local leaders. The books were used extensively by key members of the constitutional drafting committee.

The publications included:

1. *Iraqi Constitutional Studies – Basic Principles for the New Iraqi Constitution* – A collection of articles on key constitutional issues

by Iraqi legal professionals and academics who reflect the nation's cultural and ethnic diversity. The book is based on work presented at an IHRLI-sponsored symposium on the Iraqi Constitution held at Baghdad University in October 2004, which was part of the Raising the Bar: Legal Education Reform project.

2. *A Compilation of Iraqi Constitutions and Comparative Study of International Human Rights Standards* – An overview of the evolution of Iraqi constitutional thought from 1925 to the present. It presents the texts of the nation's basic laws and constitutions and provides a comparative analysis of these documents, including a review of all the Iraqi constitutions in relation to international human rights law standards.

3. *A Compilation of Arab Constitutions and Comparative Study of International Human Rights Standards* – A collection of all the Arab world constitutions. While many Arab governments do not provide adequate protections for fundamental rights, their constitutions are often excellent legal documents that provide many important guarantees for civil rights and public freedoms. This book includes a comparative study on due process protections and an analysis of Arab world constitutions in relation to international standards.

4. *A Compilation of Legislation and Regulations of Select Arab Legal Systems* – A compilation of selected Arab laws and regulations relating to legislative organization and procedure. During the second half of the 20th century, Arab states have sought to unify the general framework of their respective legislative processes, particularly through multilateral cooperation within the League of Arab States. This publication provides a useful guide of key examples from the region to aid the newly democratic Iraqi government.

5. *Public Freedoms and Democracy* – A collection of essays on the rights and freedoms necessary for a democratic system of government, including "Basic Principles of Democracy" by M. Cherif Bassiouni; "Human Rights and Public Freedoms in Arab Constitutions, Jurisprudence, Doctrine and the Islamic *Shari'a*" by Dr. Abd El-aziz Salman, Moataz Abo El-ezz, and Nefert Shihab, and a comparative study of Arab constitutional provisions and international standards.

The goal of these publications is to assist Iraqi leaders, officials, representatives of civil society, and others in gaining access to valuable information to support the country's democratic transition. IHRLI and ISISC have printed approximately 2,500 copies of each book. They have been widely distributed to key political actors, government ministries, United Nations staff, Iraqi law schools, judges, professionals, political parties, and others.

### Support for Post-Conflict Justice in Iraq

ISISC and IHRLI have long been involved with research, publication, and advocacy related to post-conflict and transitional justice.

In June 2005, ISISC and IHRLI hosted an intensive training seminar on prosecutions, reparations, truth-telling, education, and memorialization that was supported by the Italian Ministry of Foreign Affairs. The conference lasted ten days and involved over forty Iraqis, including representatives of the Ministry of Human Rights, victims' organizations, clerics, and representatives of civil society organizations. The conference presented key ideas regarding post-conflict justice as well as a comparative review of how other nations have faced past atrocities. The goal of the conference was to assist participants in developing plans and guidelines for post-conflict justice in Iraq.

In addition, ISISC and IHRLI are collaborating to produce two publications related to transitional and post-conflict justice:

1. *Chicago Principles on Post Conflict Justice,* an existing IHRLI publication to be translated into Arabic and Kurdish, which presents guiding ideas and strategies on how societies should address the social and political impact of gross violations of human rights and humanitarian law; and
2. *Critical Readings on Post-Conflict Justice*, which presents a collection of carefully selected materials regarding key strategies of post-conflict justice.

These projects have been developed in close consultation with key representatives of Iraqi government ministries and civil society.

### Seminars on Governance: Federalism and Domestic Security

IHRLI and ISISC have worked together with the Italian Ministry of Foreign Affairs to design and organize seminars on key questions of governance in Iraq with a special focus on federalism and domestic security.

In November 2005, IHRLI and ISISC held a conference in Italy on practical elements of federalism in Iraq. The event brought together forty Iraqi political leaders who represented a diverse array of parties, ethnicities, and ideologies. The Iraqis included members of the constitutional drafting committee, legal advisors, representatives of the national legislature, academics, judges, government ministers and others. The goal of the seminar was to provide an overview of federalist/decentralized constitutional systems with the assistance of a number of international experts. The experts discussed federalism in general and provided a review

of specific examples drawn from Canada, Germany, Italy, the US, Indonesia, Malaysia and other countries, with a special focus on how these systems address: power-sharing between national and regional bodies; legislation; taxation, management of natural resources; gender equality; and religious freedom. Participants established working groups to identify practical solutions to key federalism issues which will be presented in a final report.

In February 2006, IHRLI and ISISC hosted an event on domestic security in Iraq. The seminar brought together high ranking security officials from around the country. The seminar considered a number of interrelated security issues including transnational organized crime, the relative value of international conventions, the Italian experience of fighting the mafia and organized crime, international law enforcement cooperation, drug trafficking, money laundering and reducing corruption.

### Gender Justice Initiative

In November 2005, IHRLI and ISISC hosted a seminar in Amman, Jordan to promote gender justice in Iraq. The event was supported by the National Democratic Institute and included current and former ministers, parliamentarians, academics, and representatives of non-governmental organizations. Of the twenty-seven women leaders present, seventeen were from Iraq and ten were from other Arab states including: Algeria, Egypt, Jordan, Kuwait, Lebanon, Libya, Morocco, Palestine, and Syria.

The women's rights experts who attended the conference issued a clear set of recommendations on constitutional amendments, legislation, and policy reforms. The group called on all policy-makers in Iraq to take urgent steps towards reforming the Iraqi legal system to enhance and protect women's rights. The participants also formed a regional coalition called Women for Peace and Equality Network (WEPEN), developed a mission statement, and made plans for continued cooperation.

In addition, the group has drafted a series of essays that will be published as a book entitled*, Essays and Commentary on Women's Rights in the Muslim World and as Related to the Iraqi National Context*. The book will be published in January 2005 and widely distributed in Iraq and throughout the region.

### Technical Support for Iraqi Special Tribunal

ISISC and IHRLI have been involved in a series of efforts to support the Iraqi Special Tribunal (IST), which is charged with managing criminal cases against Saddam Hussein and high level members of the Ba'athist regime.

In February 2005, ISISC and IHRLI hosted a week-long training seminar for approximately 70 member of the IST, including all the Tribunal's judges, investigative judges, and prosecutors. The seminar focused on the use of forensic and scientific evidence for trials involving gross violations of international human rights, war crimes, and serious violations of international humanitarian law.

The seminar allowed IST judges and staff to learn from world experts about issues such as the exhumation of mass graves, evidence collection and control, DNA identification, and satellite imagery. IHRLI and ISISC also presented an Arabic language analysis of internal problems with the IST Statute along with a variety of useful training materials. The seminar was designed to help revitalize the IST and integrate its activities within a broad-based, comprehensive national strategy of post-conflict justice.

# The EU Framework for Financial Mobilisation in the Area of Crime Prevention and Criminal Justice[1]

Patrick Dölle, Administrator
European Commission, EuropeAid

Crime prevention and criminal justice have only recently become an area of competence for the European Union (EU). While the treaties establishing the European Communities, which were signed in the 50's, laid down the foundations for the creation of a common market, it was only the Treaty establishing the EU, signed in 1992 in Maastricht, which considered for the first time the field of "Justice and Home Affairs" (JHA) as a matter of common interest, and introduced provisions for areas and procedures for cooperation between the Member States of the EU.[2] The 1997 Treaty of Amsterdam considerably extended EU competence in the field of JHA by pushing for the achievement of a "common area of freedom, security and justice" in the EU, where all legal, organisational and practical obstacles hampering efficient cross-border cooperation in police and judicial matters, and the effective fight against trans-national crime, would gradually be removed. One important tool for this ambitious policy since the 90's has been the adoption of several EU programmes to finance activities promoting cooperation in JHA between the competent authorities of the EU Member States.

Due to this new and steadily growing internal competence of the EU, JHA has also become a much more prominent issue in the field of EU external relations. While on the one hand provisions on cooperation in JHA are nowadays systematically included by the EU in all bilateral agreements negotiated with partner countries or

[1] This paper deals with the financial framework for aid effectiveness in the EU, and should be read in conjunction with the paper on the EU approach to aid effectiveness by the same author. It should be noted that the paper reflects the views of the author and not necessarily the position of the European Commission.
[2] The first treaty was the Treaty establishing the European Community of Coal and Steel signed in 1952 in Paris, which expired in 2002. In 1957 were signed in Rome the Treaty establishing the European Community of Atomic Energy (also called "Euratom") and the Treaty establishing the European Economic Community. The latter, as it is by far the most important one, was renamed by the 1992 EU Treaty of Maastricht in "Treaty establishing the European Community" (EC). The EU Treaty created besides the existing Treaties of the European Communities (henceforth also referred to as the "Community pillar" or the "first pillar" of the EU) two new areas of intergovernmental cooperation: the Common Foreign and Security Policy (also referred to as the "second pillar" of the EU) and the area of "Justice and Home Affairs" (also referred to as the "third pillar" of the EU).

organisations, on the other hand the external aid provided by the EU increasingly focuses on technical assistance in this area. EU-financed programmes and projects in the field of good governance, rule of law or security system reform provide support to partner countries notably to ratify and implement relevant international conventions, as well as for capacity-building measures to strengthen the partner countries' ability to prevent and fight crime and to cooperate at international level.

As security has become in recent years one of the main concerns of its citizens, the EU has decided to step up its internal and external policy in the field of JHA further, including with regard to financial mobilisation. Since the current multi-annual financial framework for the EU budget is due to expire at the end of 2006, the European Parliament, the European Commission and the Council of the EU, which represents the 25 (and soon 27) Member States, entered into difficult negotiations on the next financial framework for the period 2007-2013, which eventually led to the adoption of an inter-institutional agreement in May 2006.[3] The three institutions agreed that the EU concentrate its action over the next seven year-period on three main priorities, two of which being directly relevant for the area of crime prevention and criminal justice: namely the completion of the internal area of freedom, security and justice, and the establishment of the EU as a global player in assuming its regional responsibilities, promoting sustainable development and contributing to civilian and strategic security. In parallel to the discussions on the new financial framework, negotiations took place between the three main EU institutions on new financial instruments to address these EU priorities for the period 2007-2013 appropriately. While a completely new and ambitious legislative framework of financial instruments will be put in place for both the EU internal area of freedom, security and justice as well as EU external aid, the methods and procedures of EU financial mobilisation will instead remain essentially the same.

## EU Financial Mobilisation for the Area of Freedom, Security and Justice

The creation of an EU area of freedom, security and justice does not rely only on the development of common policies and cooperation mechanisms or on the harmonisation of national laws, but also on financial instruments aiming in particular to enhance the capacities of the competent EU Member States' authorities to cooperate with one another.

[3] Inter-institutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management, Official Journal of the European Union, C 139/1 of 14 June 2006.

So far the main programme relevant for the area of crime prevention and criminal justice is the so-called “AGIS” framework programme on police and judicial cooperation in criminal matters,[4] managed by the European Commission with a reference amount of 65 M€ for the period 2003-2007. Its purpose is to help legal practitioners, law enforcement officials and representatives of victim assistance services from EU Member States and candidate countries to set up Europe-wide networks, and exchange information and best practices. It also aims at encouraging EU Member States to step-up co-operation among each other as well as with candidate and other partner countries. AGIS supports trans-national projects via grant contracts for a maximum duration of two years, which are concluded by the European Commission with the beneficiaries, following a call for proposals launched each year.

Under the new financial framework 2007-2013, the EU has decided to set up new programmes and to considerably increase its budgetary allocations for the creation of an area of freedom, security and justice. On the basis of three European Commission communications in 2005 proposing the creation of three general programmes on "Fundamental Rights and Justice",[5] "Security and Safeguarding Liberties"[6] and "Solidarity and Management of Migration Flows",[7] the EU has already reached an agreement in mid 2006, which paves the way for their formal adoption before the end of 2006.

Particularly relevant in the area of crime prevention and criminal justice are:

- the specific programme on "Criminal Justice", to be established under the general programme "Fundamental Rights and Justice", with a reference amount of 196 M€ for the period 2007-2013;
- the specific programme on "Prevention of and Fight against Crime", to be established under the general programme "Security and Safeguarding Liberties", with a reference amount of 645 M€ for the period 2007-2013.

While the first one focuses in particular on improving cooperation in criminal matters between the judicial authorities of EU Member States, based on mutual recognition of decisions and on mutual confidence, the second programme aims to contribute to a high level of security for citizens by strengthening in particular the cooperation between the competent law enforcement authorities, and the protection of victims and witnesses of crime.

[4] The "AGIS" programme was set up by Council decision 2002/630/JHA of 22 July 2002 (Official Journal of the EU, L 203, 1.8.2002, p. 5).
[5] COM(2005) 122 final of 6 April 2005.
[6] COM(2005) 124 final of 6 April 2005.
[7] COM(2005) 123 final/2 of 2 May 2005.

Both programmes will support trans-national projects involving at least two EU Member States or one EU Member State and a candidate country, or activities of non-governmental organisations pursuing the programmes' objectives on a European dimension, as well as specific projects initiated and managed by the European Commission. Access to these programmes will be open to the competent administrations of the EU Member States, as well as to public or private organisations, including professional organisations, universities, research institutes and non-governmental organisations from EU Member States. The European Commission will provide the funding mainly via grants following a call for proposals, and in the case of accompanying measures also via public procurement contracts following a call for tender. Trans-national projects may not be presented by non-EU countries or by international organisations, but they may participate as partners. This restriction applies because on the one hand these programmes are centred on the EU, and on the other to avoid the risk of overlapping with EU policies and instruments in its external relations.

## EU Financial Mobilisation for its Role as a Global Player

At the international level, the main external EU policies which also allow for the mobilisation of extensive financial resources are the Common Foreign and Security Policy (CFSP)[8] and the Development Cooperation Policy.[9]

The CFSP, which comprises also the European Security and Defence Policy (ESDP), aims in particular to preserve peace and international security, in accordance with the principles of the United Nations Charter. It is under the umbrella of the CFSP that the EU can decide joint actions which are in general focused on peacekeeping operations and short term crisis responses including military means, but which in their civilian crisis management aspects may also address issues like policing, security system reform and criminal justice, as well as the fight against organised crime and terrorism. While the funding for joint actions which does not have military or defence implications under the CFSP has been rather limited under the financial framework 2000-2006, the amount of the CFSP budget for the period 2007-2013 will be considerably increased up to 1.740 M€.

[8] Title V of the EU Treaty, also referred to as the "second pillar" of the EU (see footnote 1).
[9] Title XX (articles 177-181) of the EC Treaty.

As regards development policy and external aid, it is important to recall that the EU is not just one donor but actually 26 (and soon 28): each of the EU Member States and the European Commission. This stems from the fact that according to article 177 of the EC Treaty, development cooperation is a shared competence between the EC and the Member States. While the EU all together provides 55% of the Official Development Assistance (ODA) worldwide and is thus by far the largest donor, the European Commission taken alone is the third largest donor of ODA in the world after the USA and Japan. The presence of so many donors in the EU of course causes difficulties in terms of coordination, coherence and complementarity, which are addressed through the recent commitments and measures taken by the EU to increase aid effectiveness.

These commitments are complemented by the EU's effort to achieve in parallel a radical overhaul of the EC external aid instruments managed by the European Commission. So far, external aid has been managed on the basis of a very broad and disparate range of geographical and thematic instruments which have been adopted, often in an ad-hoc manner, over time. While the African, Caribbean and Pacific (ACP) countries have benefited since the 60's from external aid under the European Development Fund (EDF),[10] other regional instruments were adopted in the 90's following the profound political and economic changes at the end of the cold war. These are the PHARE programme for the candidate countries in Eastern Europe, the CARDS programme for the countries of the Western Balkans, the TACIS programme for the new countries emerging from the collapsed Soviet Union, the MEDA programme for the countries in Northern Africa and the Near East, and finally the ALA programme for the countries in Asia and Latin America. In addition, to these regional instruments, more than 20 other geographical and thematic programmes, often with very specific objectives, have been adopted.

This plethora of instruments and their inconsistency and complexity due to differences in legal bases, objectives, programming and procedures has resulted in increasing difficulty for the European Commission to manage these instruments in an efficient and coordinated way. Therefore, in view of the new financial framework for 2007-2013, the European Commission proposed in September 2004 a new, rationalised and simplified framework of instruments to replace the current set of external aid

[10] The EU signed with the ACP countries first the Lomé Conventions I-IV and in 2000 the Cotonou Agreement. Development assistance under these agreements has so far been implemented via a specific fund covering each time five years, the European Development Fund (EDF), which is not part of the EC budget unlike all other external aid programmes. The current 9th EDF covers the period 2003-2007.

programmes from 2007 onwards.[11] This will reduce them to six instruments, of which four are new ones,[12] and which will complement the existing Humanitarian Aid Instrument and Macro Financial Assistance Instrument. The latter have already proved their efficiency and, therefore, will both continue to exist as specific thematic instruments under the new framework.

After nearly two years of negotiations on this package of new instruments between the European Commission, the Council of the EU and the European Parliament, a tripartite meeting at political level held on 26 June 2006 identified the elements for a compromise, and a global political agreement was reached. While the structure of the initial Commission proposal has been somewhat altered in the sense that some of the proposed instruments have been split, notably because of the position of the European Parliament,[13] the final architecture still respects the overall objective of simplification and increased effectiveness. In parallel to these negotiations, the outcome of the discussions on the new financial framework 2007-2013 was very positive in terms of a considerable increase of financial allocations to external aid. Thus concretely, the new external aid instruments and the respective reference amounts under the new financial framework 2007-2013 will be:[14]

- the Instrument for Pre-Accession Assistance (IPA), which will provide assistance to candidate countries and potential candidate countries for accession to the EU, with a reference amount of 11.468 M€;[15]

[11] Communication of 29 September 2004 from the Commission to the Council and the European Parliament on the Instruments for External Assistance under the Future Financial Perspective 2007-2013, COM(2004) 626 final.

[12] The package proposed by the European Commission comprised three geographical instruments (an Instrument for Pre-Accession Assistance, a European Neighbourhood Policy Instrument and a Development and Economic Cooperation Instrument), as well as an Instrument for Stability as a specific thematic instrument.

[13] The European Parliament asked for a separate Democracy and Human Rights instrument, as well as a split between development and industrialised countries. Furthermore, the Council decided to split the issue of nuclear safety from the Instrument for Stability and did not follow the Commission proposal to incorporate the EDF in the EC budget, which also had as an effect that the ACP countries will not be covered by the Development Cooperation Instrument.

[14] While the formal adoption of most of the new instruments will still take place before the end of 2006, a few will probably be adopted only in the course of 2007 due to the delay in the negotiation process.

[15] Current candidate countries are Croatia, the Former Yugoslav Republic of Macedonia (FYROM) and Turkey, while the potential candidate countries are Albania, Bosnia and Herzegovina, Montenegro and Serbia (including Kosovo).

- the European Neighbourhood Policy Instrument (ENPI), which will contribute to greater political, economic, cultural and security cooperation between the EU and its neighbours, with a reference amount of 11.181 M€;[16]
- the Development Cooperation Instrument (DCI), which will be composed of geographic programmes for developing countries not covered by the IPA, the ENPI or the EDF,[17] as well as five thematic programmes supporting actions in all developing countries (including those covered by the ENPI and the EDF) and global actions, with a reference amount of 16.897 M€;[18]
- the Industrialised Countries Instrument (ICI) for specific cooperation activities with countries which are excluded from ODA-eligibility, with a reference amount of 172 M€;
- the European Instrument for Democracy and Human Rights (EIDHR), which will support the development of democracy, the rule of law and human rights, in particular in countries where these issues are not considered as priorities for their development, and with a reference amount of 1.104 M€;
- the Instrument for Stability (IfS), which on the one hand would contribute to stability in a situation of crisis, and on the other help build capacity in the context of stable conditions to address specific global and trans-regional threats having a destabilising effect, with a reference amount of 2.062 M€;
- the Nuclear Safety Instrument (NSI), which will finance measures to support a higher level of nuclear safety, with a reference amount of 524 M€.

In addition to these, the ACP countries will continue to be financed through the EDF. The 10th EDF, to which over 24 billion € will be allocated, will run from 2008 onwards and will be managed by the European Commission on the basis of a specific regulation to be adopted by the Council.

While the need for simplification and rationalisation explains why there is no specific external aid instrument or budget allocation for issues such as crime prevention and criminal justice, the new geographic instruments as well as the IfS and the EIDHR do of course explicitly cover these issues in the framework of support for good governance, rule of law and security, whose importance for development has been increasingly emphasised in recent years. As does the UN, the EU recognises that security is a prerequisite for

[16] The ENPI will cover the following countries: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestinian Authority, Russia, Syria, Tunisia and Ukraine.

[17] Geographic programmes under the DCI will exist for the following regions: Latin America, Asia, Central Asia, Middle East and South Africa.

[18] The five thematic programmes are: human and social development, environment, non-state actors in development, food security, migration and asylum.

development. For instance, the European Security Strategy adopted in December 2003 identifies terrorism, organised crime and state failure due to weak governance among the main threats to global security, and thus calls also for the EU development policy to tackle these threats together with partner countries.[19] Furthermore, the 2005 EU Strategy for the external dimension of Justice and Home Affairs requires adequate funding for JHA issues under the new external aid instruments.[20]

The growing importance of security aspects in external aid is particularly well illustrated by the new Instrument for Stability.[21] One major aim of the IfS is to provide technical and financial assistance in response to situations of crisis or emerging crisis, which according to article 3 of the IfS shall cover *inter alia* the areas of "an independent judiciary, good governance and law and order, including non-military technical cooperation to strengthen overall civilian control and oversight over the security system and measures to strengthen the capacity of law enforcement and judicial authorities involved in the fight against the trafficking of people, drugs, firearms and explosive materials". In the context of stable conditions for cooperation, but where there are threats to law and public order or to the security and safety of individuals, article 4 of the IfS foresees that "assistance shall cover strengthening the capacity of law enforcement and judicial and civil authorities involved in the fight against terrorism and organised crime, including trafficking of drugs, people, firearms and explosive materials and in the effective control of illegal trade and transit. (…) With regard to assistance to authorities involved in the fight against terrorism, priority shall be given to supporting measures concerning the development and strengthening of counter-terrorism legislation, financial law, implementation and practice, customs law, implementation and practice, immigration law, implementation and practice, and the development of international procedures for law enforcement."

[19] The European Security Strategy is available on the website of the Council: www.consilium.europa.eu.

[20] Council conclusions of 1 and 5 December 2005. The Council conclusions and the Strategy are available on the website of the Council: www.consilium. europa. eu.

[21] The draft Regulation establishing an Instrument for Stability has already been agreed at political level on 3 May 2006 at the Council (see Council document N° 7443/3/06 Rev 3 of 11 May 2006) and on 6 July 2006 at the European Parliament, so that it should formally be adopted and enter into force before the end of 2006.

While the EU legal framework of external aid instruments is undergoing a profound reform towards simplification and rationalisation, the EU principles of programming its external aid will basically remain unchanged, with just a few procedural changes aiming to improve aid effectiveness further:

- multi-annual EU strategies agreed by the European Commission and the EU Member States aligned with the policies of the partner countries and regions, so as to ensure in particular continuity and predictability of funding;
- the full respect of partnership and local ownership by aligning the EU support on strategies, institutions and procedures of the partners;
- coherence with other internal and external EU policies (e.g. the JHA policy);
- integration or mainstreaming of specific issues (e.g. the fight against terrorism) in broader sector policies (e.g. governance, security sector reform);
- donors coherence, coordination and complementarity, notably via the concentration by the European Commission on a few focal sectors where it has a comparative advantage with respect to EU Member States and other donors.

Concretely, the EU aid delivery in the framework of geographic instruments is first programmed on the basis of Country Strategy Papers (CSP) or Regional Strategy Papers (RSP), which also contain national or regional indicative programmes (NIP/RIP) identifying in general two focal and a few additional non-focal sectors of intervention of the European Commission together with specific objectives, expected results, as well as a timeframe and indicative financial allocations. As the CSP and RSP are agreed with the relevant partner country or region, and increasingly with other donors as well, the inclusion of issues like crime prevention and criminal justice in the CSP and RSP under a focal or non-focal sector of good governance or rule of law also depends very much on the partners' priorities and the activities of other donors. On the other hand, thematic instruments are programmed via multi-annual thematic strategy papers, where the agreement of the partner countries does not in all cases have to be sought or may even be impossible because of the very nature and objective of the instrument, as for instance in the case of the EIDHR.

As a result, in the case of the geographic instruments, the implementation phase generally starts with the conclusion of a financing agreement between the European Commission and the beneficiary state or region for each action identified in the CSP/RSP and NIP/RIP. The financing agreement defines *inter alia*

the objectives, the results, the activities and the implementation partners and modalities of the intervention. In the still rather new and often very sensitive area of security and JHA, the European Commission and the partner countries increasingly prefer EU Member States' competent administrations or specialised international organisations as implementing partners, due to their specific expertise, but also the institutional legitimacy which may be required. In the case of the thematic instruments, the implementation starts with the adoption of annual action programmes which specify in more detail the actions foreseen by the NIP/RIP and the implementation methods.

The aid delivery methods used by the EU can be divided into three categories: the project approach, the sector approach and the macro or general approach. While the project approach follows the classical EC contract and finance rules as laid down in the EC Financial Regulation,[22] the macro approach operates via general or sector budget support.[23] Finally, the sector approach allows for all types of implementation: sector budget support, EC contract and finance rules, or the participation in so-called "pool" or "basket" funds managed by the leading donor in the sector. The EU, using the traditional project approach in the public sector of partner countries, has experienced recurrent problems of sustainability. These have been due to the too frequent lack of ownership and coherence with partner policies, as well as the high transaction costs. Consequently, the new EU development policy prioritises budget support and sector approaches. However, the EU will apply a flexible and pragmatic approach and thus also continue to implement traditional projects where the conditions for the other aid delivery methods are not met, or where the project approach is justified, in particular with regard to technical assistance projects aimed at capacity-building in partner countries.

[22] Financial Regulation applicable to the general budget of the European Communities, Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 (OJ L 248, 16.9.2002). The EC Financial Regulation is currently under revision in view of the new financial framework, notably to introduce more flexibility with regard to external actions. The details of the rules are laid down in the Practical Guide to contracting procedures for EC external actions, which is available under the following website: http://ec.europa.eu/comm/europeaid/tender/gestion/ index_ en.htm.

[23] Budget support is the transfer of financial resources of an external financing agency to the National Treasury of a partner country, following the respect by the latter of agreed conditions for payment. The financial resources thus received are part of the global resources of the partner country, and consequently used in accordance with the public financial management system of the partner country. While general budget support represents a transfer to the National Treasury in support of a national development or reform policy and strategy, sector budget support represents a transfer to the national treasury in support of a sector programme policy and strategy

The new external aid instruments therefore continue to foresee the full range of measures for implementation, with first of all the traditional procurement contracts (service, supply and works contracts) which are in general concluded following a call for tender. Another essential modality is the grant contract which is in principle concluded following a call for proposals, but in certain circumstances may be concluded via a direct agreement, as in the case of joint management with an international organisation (in this case it is called a "contribution agreement") if the action is co-funded by another donor (which can but does not need to be the international organisation itself).[24] A specific category of the grant contract is the so-called “twinning contract”, which was initially developed for the candidate countries but will be extended by the new instruments to all partner countries of the EU. Twinning takes place between the partner country and an EU Member State administration seconding an expert to a corresponding administration of that country. Eligibility for funding depends on the type of measure used for the implementation, but potentially covers all public and private bodies of the EU Member States and the partner countries, including all types of non-state actors, as well as international organisations and European agencies.

## Conclusion

In conclusion, the EU has not only acted on its commitment to increase its financial mobilisation in the internal and external field of JHA and to increase external aid in general, but it has also effected a complete overhaul of its funding instruments under the new financial framework 2007-2013, with the aim of meeting its challenges of fully becoming a global player.

The ratification and entry into force of the new EU Constitutional Treaty would of course have facilitated the role of the EU in these areas, notably by merging the three “pillars” in one single and more coherent treaty and by creating a EU Minister for Foreign Affairs. The latter would be at the same time a member of the European Commission and the Council, and thus coordinate the CFSP with all the EC policies relevant for external relations. Such an approach by the EU Minister of Foreign Affairs would also have been supported by a new European External Action Service to be created with relevant personnel from the European Commission, the Secretariat General of the Council of the EU and the Ministries of Foreign Affairs of the EU Member States.

[24]Joint management is very common with the UN, with the consequence that the European Commission and the UN have signed on 29 April 2003 a Financial and Administrative Framework Agreement applicable to most UN organisations and bodies and defining the respective obligations and mechanisms in terms of coordination and financial aspects of their cooperation.

At present, these important reforms cannot yet take place due to the stalled ratification process of the Constitutional Treaty following the negative referenda in 2005 in France and the Netherlands. However, when implemented, the new financial and legislative framework should give the EU the necessary tools, and first and foremost the impetus, to enhance its role as a global player and to contribute more efficiently to development, security and justice throughout the world, including in the area of crime prevention and criminal justice.

# Evaluating the Effectiveness of Technical Assistance

Yvon Dandurand
Senior Associate , ICCLR&CJP
Dean of Research and Industry Liaison,
University College of the Fraser Valley

Any strategy to maximize the effectiveness of the technical assistance (TA) provided to Member States in the fields of crime prevention and criminal justice necessarily refers us to the need for systematic evaluations of current initiatives. Many insightful comments and suggestions have already been made on that question during the workshop on the same theme organized by the Programme Network of Institutes. For the sake of brevity, I will limit my comments to three main questions that may help us focus our thoughts during the remainder of this discussion: what kind of evaluation is needed? How should TA evaluation be conducted? What can be done to encourage States to develop their own capacity to monitor the performance of their own agencies?

## The Kind of Evaluations Needed

Clearly, we do not stand a chance to improve the effectiveness of the technical assistance we deliver and the capacity building initiatives we undertake unless we can measure and understand their impact. What is needed is an emphasis on measuring outcomes and impacts, rather than on monitoring activities and the delivery of outputs.

We all know of course that measuring outcomes is far more challenging than keeping track of outputs. There are outcomes that cannot be measured in the short term because their effects only become visible over longer periods of time. Furthermore, the impact of one particular intervention may not always be distinguishable from the impact of another. The objectives of an intervention may not always have been sufficiently articulated for an evaluation to determine whether they have successfully been achieved. Baseline data and basic criminal justice statistics are often unavailable or unreliable. Clearly, there are methodological issues involved in measuring the impact of justice reforms and technical assistance, but they are not insurmountable.

One can rarely evaluate the impact of the TA provided without evaluating the impact of the reforms that the assistance is purporting to support. Therein lie a number of issues about ownership over the evaluation process, the objectives, design and timing of the evaluation, as well as its scope and its costs.

One cannot evaluate results without reference to baseline data. The recent work of the UNODC Criminal Justice Reform Unit (Rule of Law Section) to develop a "criminal justice assessment toolkit" should help provide a basis, not only for the planning of technical assistance and justice reform activities, but also for measuring the impact of the technical assistance provided.

In the same manner, the development - and eventual adoption by the Commission on Crime Prevention and Criminal Justice - of a set of guidelines, based on best practices, for the provision of technical assistance in the fields of crime prevention and criminal justice would also be very relevant to the monitoring and evaluation of technical assistance activities and their impact.

Evaluations are often part of the accountability structure of TA programmes. Let us not forget, however, that the fundamental purpose of any evaluation is to learn. How can we make optimum use of evaluation findings? In my view, we should still be concerned about the limited extent to which evaluation findings and knowledge about best practices are currently shared among jurisdictions and agencies. We should be concerned about the limited extent to which they inspire new programming. We must therefore find ways to make evaluation findings and information about best practices more readily available to programme developers and policy makers.

The current state of knowledge about "lessons learned" in TA, capacity building and justice reform initiatives is a consequence of at least two interrelated factors. The first one is what Carothers refers to as a "disturbingly thin base of knowledge at every level", particularly with respect to how change actually occurs, how it can be supported, and what effects it tends to have on resistant systems.[1] The second is the failure of donor agencies and recipient jurisdictions to develop the capacity to evaluate and to develop a cumulative knowledge about "what works" and the specific factors that facilitate, or hinder, reform efforts.[2]

## How TA Evaluations Should Be Conducted

A disappointing attribute of many TA assistance projects in the justice sector is the absence of measurable performance indicators. Most often, intended outcomes are couched in very general, bureaucratic language. It is the rare project that contains specific,

[1] Carothers, T. (2003). *Promoting the Rule of Law Abroad – The Problem of Knowledge.* Working Paper No. 34. Washington (D.C.): Carnegie Endowment for International Peace, Democracy and Rule of Law Project, January 2003, p. 13.

[2] See also: Channell, W. (2005). *Lessons Not Learned: Problems with Western Aid for Law Reform in Postcommunist Countries.* Working Paper No. 57. Washington (D.C.): Carnegie Endowment for International Peace, Democracy and Rule of Law Project, January 2003.

measurable objectives. Future TA activities and capacity development initiatives should be designed to maximize learning.

The development of performance indicators to measure the impact of training initiatives, capacity-building programs and institutional reforms should become a priority. These indicators should be simple, appealing, and useful to national and local governments. In the area of policing, for example, these indicators should attempt to assess the extent to which the development assistance initiative has contributed to public safety and access to justice. Performance indicators should also be designed with reference to applicable international human rights and justice standards[3], including indicators for assessing the capacities of rights holders and duty bearers[4]. As well, donor agencies should build in an evaluative component, ideally providing for an independent assessment of outcomes, particularly in larger, longer-term initiatives. A key requirement is that there be strong linkage between the training offered and the reform goals that are contemplated.

Many of the guiding principles that are now being articulated by development agencies[5] for the provision of TA in the field of crime prevention and criminal justice are also directly relevant to the TA evaluation process. Several speakers during discussions today and yesterday have explained how TA should be recipient-driven, timely, sustainable, offered over the long term and in a coordinated manner among donors. The same holds true also of TA evaluations.

***Ownership:*** Just like ownership over the planning and prioritization of reforms and TA initiatives is being advocated, I must emphasize the importance of local ownership over the design and planning of the evaluation of the TA and the reforms it supports. Ownership over the findings of the evaluation and the lessons learned should also be facilitated by the evaluation process.

Recipient countries frequently look at evaluations as a necessary evil, something that must be done to satisfy the donor's requirements and increase the likelihood of future assistance. They are often frustrated when the evaluation process seems to delay decisions about future funding. Yet, recipient countries are rarely treated as the principal clients for an evaluation and the main

---

[3] Broome, J. and Inman, M. (2005). "Using International Standards as Tools for Judicial Reform", in EBRC, *Law in Transition 2005 – Courts and Judges.* London: European Bank for Reconstruction and Development, pp. 80-87.

[4] UNDP (2006). I*ndicators for Human Rights Based Approaches to Development in UNDP Programming – A Users' Guide*, New York: NDP, Bureau for Development Policy, Democratic Governance Group.

[5] See for example: OECD (2005). *Security System Reform and Governance.* DAC Guidelines and Reference Series. Paris: OECD Publishing.

eventual users of its findings. This is something that must be corrected.

***Timeliness:*** Just as the timeliness of technical assistance is crucial to its success, so is the timeliness of the evaluation and the timely availability of its findings in relation to future programming.

***Whole sector approaches:*** Evaluations are often planned and conducted in a piecemeal, *ad hoc,* uncoordinated manner. Whole sector, carefully planned, approaches to evaluation should be considered if we are serious about drawing the lessons that should be learned from current TA initiatives.

***Sustainability:*** Information systems and data gathering systems are often developed which are primarily dictated by the donor's requirements for accountability and the need for demonstrable results. These tend to be unsustainable. They also often tend to have been developed without a proper assessment of the information requirements of the recipient state. To be sustainable and efficient, impact and performance monitoring systems should be integrated into the management function of criminal justice institutions.

One of the main lessons learned over the years with respect to data gathering and various continuous monitoring mechanisms is that these systems must be integrated into the programme management process and produce information that is relevant to the managers themselves.

***Taking the long view - Capacity building issues:*** Evaluation requirements are too often developed without much regard for the capacity of local consultants and researchers to conduct those evaluations. As a result, the local programme evaluation capacity is hardly ever developed, and individuals who may not have first-hand knowledge of local circumstances, contingencies and strengths conduct the necessary evaluations. We should urgently look at measures that could be taken at the national and regional levels to develop, over time, a greater capacity to conduct research and evaluation.

Donors and assistance providers should make a greater effort to adapt their evaluation instruments, process and methodologies to the special needs and limited capacity of developing countries, particularly small developing states.

***Resources:*** There is no data on the proportion of resources devoted to evaluation as compared to the resources to technical assistance and capacity building. I would venture to say that even within the UNODC's own TA programmes, this ratio is quite small. Good evaluations are rarely inexpensive and the resources that they consume are often seen as resources that have been diverted away from other more important priorities. This false perception should be addressed.

***Donor coordination:*** Without donor coordination, one may see several assessments occurring simultaneously, often working at cross-purposes, and imposing an unnecessary burden on the recipient country. This should be avoided.

***Sharing lessons:*** Conducting the evaluations is only one part of the solution. Learning from them is the other part. Unfortunately, as was recently pointed out in an OECD working paper, "the learning and dissemination of lessons, both negative and positive, has been needlessly slow".[6] To maximize learning there must be a more effective dissemination of the results of these evaluations across agencies and countries.

## Suggestions

States must be encouraged to develop their own capacity to monitor the operation and performance of the own agencies and systems. Systems to track a manageable number of indicators for which data is cost-effectively available are required. Tools could be developed to assist States in the development of such indicators. For example, the UNODC Criminal Justice Reform Unit, in collaboration with UNICEF, has just produced a manual for the measurement of juvenile justice indicators.

We must endeavour to establish results-oriented reporting and assessment frameworks that monitor progress against key dimensions of criminal justice sector reform strategies. In so doing, we must take care to articulate the relevance of these frameworks to international standards, and where applicable, to the relevant international obligations of the States. The Commission should consider playing an active role in the development of a consensus around commonly agreed indicators of the impact and outcome of TA.

It is crucial to help recipient countries develop their own evaluation and monitoring capacity. To do so, one could consider developing an international programme for technical assistance evaluation training. The UNODC could take a lead role in developing such a programme, much like the Independent Evaluation Group of the World Bank did in the field of economic and social development in collaboration with Carleton University, Ottawa, Canada.[7]

One could also envisage developing a cooperation network among those involved in evaluating justice capacity development

---

[6] OECD/DAC (2005). *The Challenge of Capacity Development: Working Towards Good Practice.* Paris: OECD, Development Assistance Committee, February 2006.

[7] The International Program for Development Evaluation Training (IPDET). A joint collaboration of the World Bank and Carleton University (see: www.ipdet.org).

and reform initiatives. Certainly there is a need for practical mechanisms for information sharing around evaluation findings, lessons learned, and best practices. An international database on the findings of a broad range of TA evaluations conducted in the fields of criminal justice and crime prevention could certainly be a very valuable tool for promoting more effective criminal justice reform and capacity building initiatives.

Finally, the UNODC has set up an Independent Evaluation Unit to provide feedback to the organization and its stakeholders on the efficiency, effectiveness and relevance of the Office's programs and technical assistance activities. The Unit emphasizes the assessment of outcomes and looks for lessons learned. The Commission may wish to consider measures to enhance the capacity of the UNODC Independent Evaluation Unit and provide more specific directions for its future work.

I hope that you have found these comments useful for launching the coming discussion.

## References


Broome, J. and Inman, M. (2005). 'Using International Standards as Tools for Judicial Reform', in EBRC, *Law in Transition 2005 – Courts and Judges.* London: European Bank for Reconstruction and Development, pp. 80-87.

UNDP (2006). *Indicators for Human Rights Based Approaches to Development in UNDP Programming – A Users' Guide*, New York: NDP, Bureau for Development Policy, Democratic Governance Group.

Channell, W. (2005). *Lessons Not Learned: Problems with Western Aid for Law Reform in Postcommunist Countries.* Working Paper No. 57. Washington (D.C.): Carnegie Endowment for International Peace, Democracy and Rule of Law Project, January 2003.

Carothers, T. (2003). *Promoting the Rule of Law Abroad – The Problem of Knowledge.* Working Paper No. 34. Washington (D.C.): Carnegie Endowment for International Peace, Democracy and Rule of Law Project, January 2003, p. 13.

OECD/DAC (2005). *The Challenge of Capacity Development: Working Towards Good Practice.* Paris: OECD, Development Assistance Committee, February 2006.

Annex 1

# UNITED NATIONS PROGRAMME NETWORK OF INSTITUTES

| | |
|---|---|
| | UNICRI, Turin, Italy<br>United Nations Interregional Crime & Justice Research Institute |
| | ICCLR & CJP, Vancouver, Canada<br>International Centre for Criminal Law Reform and Criminal Justice Policy |
| | UNAFEI, Tokyo, Japan<br>United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders |
| | ILANUD, San Jose, Costa Rica<br>El Instituto Latinoamericano de las Naciones Unidas para la Prevención del Delito y el Tratamiento del Delincuente (ILANUD) |
| | HEUNI, Helsinki, Finland<br>The European Institute for Crime Prevention and Control |
| | UNAFRI Kampala, Uganda<br>United Nations African Institute for the Prevention of Crime and the Treatment of Offenders |
| | NAASS, Riyadh, Saudi Arabia<br>Naif Arab Academy for security Sciences |
| | AIC, Canberra, Australia<br>Australian Institute of Criminology |
| | ISISC, Siracusa, Italy<br>International Institute of Higher Studies in Criminal Sciences |
| | ISPAC, Milan, Italy<br>International Scientific and Professional Advisory Council of the united Nations Crime Prevention and Criminal Justice programme |
| | ICPC, Montreal, Canada<br>International Centre for the Prevention of Crime (ICPC) |
| | NIJ, Washington, USA<br>National Institute of Justice |
| | RWI, Lund, Sweden<br>The Raoul Wallenberg Institute of Human Rights and Humanitarian Law |
| | KICJP, Seoul, Republic of Korea<br>Korean Institute of Criminal Justice Policy |
| | ISS, Cape Town, South Africa<br>Institute for Security Studies |

**15th United Nations Commission on Crime Prevention and Criminal Justice**
**Vienna, April 24 – 28, 2006**
**Maximizing the effectiveness of technical assistance provided by Member States**
**in crime prevention and criminal justice**
**Key components for effective technical assistance**

**UN PNI Workshop Monday, April 24th, 2006 at 11:00 – 13:00 hrs**

# AGENDA

## I OPENING REMARKS, INTRODUCTION, AND WELCOME

**Chair:** H.E. Amb. Shahbaz, PAKISTAN
**Moderator**: Mr. Jay S. Albanese Ph.D., Chief International Center, National Institute of Justice (NIJ), Washington, USA
**Rapporteur**: Mr. Gioacchino Polimeni, Director, United Nations Interregional Crime and Justice Research Institute (UNICRI), Turin, ITALY
**UNODC Representative:** Dr. Ugljesa Zvekic, Chief Strategic Planning UNODC, Vienna, AUSTRIA

## II ENHANCING THE EFFECTIVENESS OF TECHNICAL ASSISTANCE

**Solutions for the Future? Are there key components for effective assistance?**
Ms. Margaret Shaw Ph.D., Director of Analysis & Exchange
International Centre for the Prevention of Crime (ICPC), Montreal, CANADA.

**The EU approach with regard to aid effectiveness.**
Mr. Patrick Doelle, Administrateur, Aidco, Commission européenne, Brussels, BELGIUM

**Capacity Building in Small States: Challenges / Regional links**
Mr. Yvon Dandurand, Sr. Associate, International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR&CJP), Vancouver, CANADA

## III RECENT TECHNICAL ASSISTANCE EXPERIENCES

**Revitalization of the Philippine Volunteer Probation Aide System**
Mr. Masahiro Tauchi, Director of United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) Tokyo, JAPAN

**Serbia & Montenegro – Sustainability and Local Ownership.**
Mr.Tor Tanke Holm, Head of Section Analysis and Prevention, Norwegian Police Directorate, Oslo, NORWAY

**Technical Assistance Cooperation in Latin America**
Mr. Ronald Woodbridge**,** Senior Advisor El Instituto Latinoamericano de las Naciones Unidas para la Prevención del Delito y el Tratamiento del Delincuente (ILANUD), San Jose, COSTA RICA

## IV DISCUSSION FROM THE FLOOR - **Moderator**: Mr. Jay S. Albanese

## V WORKSHOP CONCLUSIONS AND RECOMMENDATIONS:

**Report of the Rapporteur**: Mr. Gioacchino Polimeni
**Conclusion by the Chair:** H.E. Amb. Shahbaz