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Annexes to the

Communication from the Commission to the Council and the European Parliament

“A Concept for European Community Support for Security Sector Reform”

{COM(2006) 253 final}

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I. ANNEX 1 - EC POLICY FRAMEWORKS RELEVANT FOR SUPPORT IN THE AREA OF SSR

A number of policies and strategies are relevant for support in this area. Although principles guiding the support to SSR should be the same for all forms of Community support in this area, approaches and implementation modalities may vary depending on policy frameworks and country contexts.

a) *The EU Development Policy*

The promotion of human rights, democracy, the rule of law and good governance are seen as integral parts of EU's development cooperation and constitute an area where the Community will be particularly active, as stated in "the European Consensus" on development. It recognises that security and development are important and complementary aspects of EU relations with third countries. Furthermore, it states that the EU will improve its response to difficult partnerships and fragile states, and strengthen its efforts in conflict prevention and will support the prevention of state fragility through for example governance reform, rule of law, and the building of viable state institutions.

Community action under the new EU Africa Strategy: "*The EU and Africa: Towards a strategic partnership*" will in the area of governance, peace and security particularly focus on enhanced support to post conflict reconstruction, the new UN Peace building Commission; the strengthening of fragile states; DDR and SSR programmes in African States; promotion of human rights, good governance and support to African efforts to improve governance including support to the Africa Peer Review Mechanism and to African Parliaments. In taking this strategy forward the EC will not only engage at national and regional level¹ but also at Pan-African level.²

*The Commission Communication on Governance and Development*³ underlines the fact that security system reform is an integral component of good governance. "Effective management, transparency and accountability of the security system are necessary conditions for the creation of a security environment that upholds democratic principles and human rights. Reform of core security actors such as the military, paramilitary, police as well as its civilian oversight structures are of fundamental importance to create safe security environments and to keep the security sector permanently subject to the same governance norms as other parts of the public sector and military forces under the political control of a civilian authority".

b) *Human rights and democracy policy*

This is also a cross-cutting policy integrated into development cooperation, the ENP, Association agreements etc. While these objectives were already set under Article

¹ Through CSPs/National indicative programmes (NIPs) and RSPs/Regional Indicative Programmes (RIPs)

² The EU and Africa: Towards a Strategic Partnership, Council of the European Union, (doc. 15702/1/05 Rev 1) adopted by the European Council 15-16 December 2000

³ COM(2003)615 final

177 of the EC Treaty on development cooperation⁴, and subsequently included under Article 181 a, a further step in integrating human rights and democratic principles into the policies of the European Union was taken with the entry into force of the Treaty on European Union (TEU) on 1 November 1993. The treaty also includes as one of the objectives of the Common Foreign and Security Policy of the European Union the development and consolidation of "*democracy and the rule of law, and respect for human rights and fundamental freedoms*". Human rights clauses are now routinely included in EC bilateral agreements and democracy and human rights are mainstreamed in all development policy instruments (see (a) above). The European Initiative on Democracy and Human Rights is the main tool for EU support to civil society initiatives in this field and will be succeeded by a new thematic programme 2007-13.

c) *The Enlargement Policy and the Stabilisation and Association Process*

The enlargement process is an important tool for bringing about SSR in Central and Eastern Europe. It has also inspired significant reforms in Turkey, Croatia and Western Balkans, which are all candidates or potential candidates for EU membership. In the latter case, SSR support is an integral part of the Stabilisation and Association Process (SAP).

The reform of the security sector in candidate or potential candidate countries is partly covered under the political Copenhagen criteria (guaranteeing democracy, the rule of law, human rights, respect and protection of minorities) for EU membership. The prospect of EU membership also carries with it a series of very specific obligations in the areas of border controls, migration, asylum and visa, police co-operation, or judicial co-operation in criminal or civil matters, which falls under the *EU policy of freedom, security and justice*. Fulfilling membership requirements in these areas is not only about transposing in national legislation the related EU *acquis* under Chapter 24 of accession negotiations. The countries must also demonstrate their capacity to successfully implement this *acquis*, and more generally align the rest of the related legislation and practice of their services in line with commonly accepted EU standards and best practices.

At the Thessaloniki summit (June 2003), the SAP was enriched by including European partnerships, identifying short and medium-term priorities which the countries need to address, in order to help them with their reforms and preparations for future membership. As of 1 January 2007, candidate countries, as well as potential candidate countries, will be covered by the Instrument for Pre-accession Assistance IPA, which will help beneficiary countries to progressively align with the standards and policies of the European Union, including where appropriate the *acquis communautaire*.

d) *The European Neighbourhood Policy (ENP)*

Through the ENP launched in May 2004 through a Communication from the Commission⁵, the EU is notably seeking to promote good governance and economic

⁴ "Community policy in this area shall contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms".

⁵ European Neighbourhood Policy, Communication from the Commission (2004) 373

development in its own immediate vicinity. Security-sector reform and cooperation on common security threats as well as on justice and security matters are among the priorities identified in the action plans already adopted with seven partner countries (Israel, Jordan, Moldova, Morocco, the Palestinian Authority, Tunisia and Ukraine) or currently in preparation with Armenia, Azerbaijan, Egypt, Georgia and Lebanon. To support their implementation, the Commission has proposed a new European Neighbourhood and Partnership Instrument⁶ (ENPI) which will offer a new approach to cross-border cooperation and the capacity for the Community to support a wider range of activities than is possible under the existing financial instruments (MEDA and TACIS).

e) *Conflict Prevention and Crisis Management*

In the EC Communication on Conflict Prevention⁷ it was emphasized that more targeted action needs to be undertaken in the areas of:

- Democracy the rule of law and civil society, with emphasis on electoral processes, parliamentary activities and the administration of justice
- Reform of the security sector, underlying that the Commission intends to play an increasingly active role
- Specific post-conflict measures such as demobilisation, disarmament and reintegration, identifying DDR as one important dimension of SSR

In addition, The EC engaged in civilian crisis management activities in situations of crisis and immediate post-crisis. *The Rapid Reaction Mechanism*⁸ (RRM), set up in 2001 has proven to be an important mechanism for enhancing the European capacity to intervene quickly and effectively in crisis or potential crisis situations. Although short term in nature it has been proved useful in kick-starting support also in the area of SSR that is then followed up by more long term assistance through regional budget lines, ensuring that EC engagement is not short term but has a long term perspective, reflecting the fact that SSR is a long term process requiring long-term commitment both in pre- and post-conflict settings. The proposed Stability Instrument which should replace the RRM in 2007, would provide short-term funding and enable the Community to act rapidly and more flexibly with support to the early stages of the reform process, paving the way for more long-term EC support.

f) *External dimension of the area of freedom, security and justice.*

The external dimension of the area of freedom, security and justice concerns all third countries with whom the EU has relations, both those partners which aspire to EU membership and thereby have the obligation to align with the *acquis* or EU best practices as well as other countries which can benefit from EU experience and models. Freedom, security and justice policies increasingly form an important part of

⁶ Implementing and Promoting the European Neighbourhood Policy, Communication to the Commission SEC (2005) 1521

⁷ The European Community Communication on Conflict Prevention (COM 2001 211)

⁸ Council Regulation (EC) No 381/2001

relations with third countries through Stabilisation and Association Agreements; Partnership or Association Agreements. Sharing the values of freedom, security and justice with third countries contribute to advancing the EU's external relations objectives by promoting the rule of law, democratic values and sound institutions. Practical examples of cooperation with third countries in the JLS area cover areas such as border management; migration and asylum as well as readmission agreements; the fight against corruption and organised crime, including trafficking in human beings and drugs as well as money laundering; police and law enforcement, judicial cooperation as well as justice issues; counter-terrorism. Community assistance is offered under various external strategies and programmes in these areas, covering, for example, institutions and capacity building. In December, the Council adopted a strategy for the external dimension of justice and home affairs which highlights as key thematic priorities that the Union must respond to the security threats of terrorism and organised crime and to the challenge of managing migration flows for the mutual benefit of partner countries and EU.

II. ANNEX 2 - AREAS OF EUROPEAN COMMUNITY SUPPORT TO SSR

The Community is supporting SSR related activities in over seventy countries. In addition, many programmes are carried out within a regional framework to enhance regional cooperation. EC support can be divided into the following seven broad categories (with programmes often spanning over more than one category):

The EC has primarily been engaged in the following areas of SSR support:

1. *Civil Management Bodies* (including support to executive branches of government concerning planning and execution, security policy development and personnel management of SSR bodies)
2. *Civil Oversight Mechanisms* (including support to the legislature to exercise democratic and civilian control and to civil society capacity building and watchdog functions)
3. *Justice reform* (including support to justice ministries, prosecution, judiciary, prison system, human rights commissions, ombudsman functions etc)
4. *Law enforcement* (including support to police or other law enforcement agencies such as border guards, customs etc)
5. *Armed Forces* (limited support in the areas of training and aspects of army integration)
6. *Support to Disarmament, Demobilisation and Reintegration of former combatants and efforts to tackle Small Arms and Light Weapons*
7. *Regional Capacity Building*

A comprehensive reform process is most easily achieved in stable partnerships where the country is undergoing a process of transition towards good governance, rule of law, respect of democratic principles and human rights. South Africa and Ukraine are good examples of this where the EC has given substantial support to the SSR process in such a context. In post-conflict situations where national stakeholders show an interest in engaging in reform, there can also be ample opportunities for the Community to engage in SSR. Concretely, Peace agreements can offer the opportunity to begin restructuring the security sector, including demobilising, disarming and reintegrating former combatants (DDR) and integrating rebel forces into a new national army.

In difficult partnerships and fragile states, including many countries in ongoing violent conflict or early post-conflict it can be more difficult to carry out SSR activities. For this reason linking SSR activities with DDR and Peace Support Operations (PSO) such as, for example those conducted in the framework of the African Peace Facility (APF) can be important. EC is involved in support to SSR in fragile states and in countries in crisis, either in conjunction with ESDP missions or on its own, as part of the implementation of the EC country and/or regional strategy or through specific policy objectives of crosscutting issues such as human rights, governance and conflict prevention.

Africa, Caribbean and Pacific

In relation to the ACP region the EC is involved in SSR both in relation to countries in conflict, countries in post-conflict and countries in more stable environments.

At least the following countries receive SSR related support:

Angola, Benin, Burkina Faso, Burundi, Cameroon, Comoros, Dominican Republic, Democratic Republic of Congo, Eritrea, Fiji, Guinea Bissau, Equatorial Guinea, Guinea Conakry, Haiti, Ivory Coast, Jamaica, Kenya, Liberia, Madagascar, Malawi, Mauritius, Mozambique, Niger, Nigeria, Republic of Congo, Rwanda, Seychelles, Sierra Leone, Solomon Islands, South Africa, Sudan, Somalia, Chad, Togo, Vanuatu and Uganda.

The majority of support is in the area of **Justice Reform, Law Enforcement and Civil Management**, especially in the area of rule of law. This often includes capacity building of law enforcement agencies, key ministries, legal reforms and access to justice for the population, by strengthening and modernising legal institutions that are primarily responsible for the administration of justice. It often also includes human rights components. The support is often aimed at strengthening key ministries, law commissions, university law faculties, anti-corruption bureaus etc. The support has also been aimed at strengthening individual services including police, courts, and prison services, concerning capacity building and human rights.

Support to democratic governance programmes cover SSR related support to **Civil Oversight Mechanisms**, including national assemblies and commissions for the human rights etc. as in the case of Kenya. Chad is another example, having received support in the area of good governance, including the national assembly, ministry of justice and the Supreme Court, to enhance capacity and transparency in decision making in relation to the justice system. In Fiji transforming communities through good governance support, involves key stakeholders in capacity building on rule of law and good governance issues and is provided to institutions and civil society.

Public Financial Management Reforms, including capacity building in budget management, which can have an impact to SSR. Support in that area is the objective of many projects in ACP countries.

In the case of DRC the community instruments have also supported **Military Aspects** of SSR, through support to the Centres de Brassage for Army Integration, in this way also complementing Operation EUSEC assisting the government in defence reform.

Disarmament, Demobilisation and Reintegration is another area with relatively substantial EC support. Through the Multi-donor Demobilization and Reintegration Programme for the greater Great Lakes region, the EC is providing funding and participating actively in the coordination of the MDRP. In, addition complementary support is given to some of the seven countries covered by the MDRP, including DRC, Republic of Congo, Burundi and Angola.

In addition the EC has given DDR support to countries like Liberia, Sierra Leone, Eritrea, Somalia, and Guinea Bissau in the ACP region. Support is also provided to countries in the region in the area of addressing the destabilizing accumulation and spread of small arms and light weapons.

Regional initiatives, includes the MDRP for DDR in the greater Great Lakes region and Regional Palop (Pays Africains de langue Officielle Portugaise) in the area of justice reform.

Country example - South Africa

The EC has been engaged in SSR support to South Africa for many years, especially in relation to justice reform and police reform. This has included support to transforming the justice system working on capacity building with the Department for Justice, Safety and Security.

In the area of policing, the focus has been on reforming the police at the federal and provincial level. This includes working on capacity building and institutional development of the South African Police Service and the Department for Justice, Safety and Security. At the provincial level the support includes support to the police in the Eastern Cape Province, working with the Ministry of Safety and Security in the Eastern Cape.

Through the *Conflict and Governance Facility*, EC supports the promotion of informed decisions on issues related to governance and conflict involving the National Treasury, the Office of the President, a number of line departments and civil society.

The aim is to improve:

- policy analysis as a better informed policy making and implementation,
- capacity and joint-research in and between research institutions, in order to enhance transfer of knowledge and skills
- the policy debate, enhancing the involvement and quality of debate on security related issues in South Africa.

In addition, the Institute for Security Studies has received specific support for strengthening their capacity and research in relation to fighting crime, arms trafficking etc

Western Balkans

Beneficiary countries: Albania, Bosnia-Herzegovina, Croatia, Serbia and Montenegro including Kosovo (under UNSCR 1244) and the former Yugoslav Republic of Macedonia.

The European Community has given support in the areas of **Civilian Management** supporting capacity building for example in the Ministry of Security through the establishment of the National Security Authority.

In the area of **Justice Reform** and **Internal Security** substantial support has been granted to all CARDS beneficiary countries, including the creation of independent justice Commissions, as well as support to new criminal legislation, training of prosecutors, and capacity building of judicial and prosecutorial institutions, ministries of justice, and training centers etc. Further assistance has been granted to achieve more effective and modern operation of the court system, legal aid, and support to judicial and law faculties, to ensure transparent and integral

diffusion of court rulings to the legal community and the general public. Support has been provided to High Courts and inspectorates, the establishment of judicial system in juvenile matters as well as support to training of court administrators, renovation of courts, prison construction and training of prison officers etc. Support to Dayton-established human rights institutions has also been granted. At regional level, support has focused on enhancing judicial cooperation.

In the area of **Police Reform**, substantial support has been given to all the beneficiary countries, including capacity building in the areas of resource management, analysis, general logistics and technical support, support to a functional reviews for police reform, upgrading of police operational centres, police training and equipment etc. At regional level, support has focused on enhancing police cooperation. This has included not only general policing but also support to specialized police forces (e.g. organized crime, money laundering etc.), border police, border guards and migration authorities, other law enforcement agencies such as customs, financial intelligence units etc.

Particular attention was given to regional co-operation under the CARDS programme, including in the area of strengthening national capacities for the gathering and sharing international police and judicial information, including the enhancement of the Interpol network.

Support has also been given to improve **Border** as well as **Migration Management**.

Last but not least, as part of the comprehensive approach towards improving Financial Management and Control, **Financial Management of SSR related expenditure** has been supported throughout the region. This comprehensive reform includes capacity building of the Ministry of Finance and Treasury in introducing decentralized implementation systems, as well as in the areas of economic policy planning and research, public procurement and audit systems, human resource management etc. This has included support in the area of public internal financial control, public administration reform, including salary reform and training and reform in the area of public procurement. It has also included support to the Supreme Audit Institution and upgrading of Ministry of Finance district offices.

Country example – Albania

Through the CARDS programme, the EC has provided significant support to SSR-related activities in Albania. This has aimed primarily at strengthening the administrative capacities of the relevant institutions (Ministries of Justice and Interior, as well as customs, police, judicial and penitentiary administrations). Albania has benefited from both national and regional programmes, aiming respectively at consolidating the rule of law and enhancing regional cooperation.

Significant progress on SSR-related areas has been achieved through the Customs Assistance Mission in Albania (CAM-A), the Police Assistance Mission of the European Community to Albania (PAMECA), the European Assistance Mission to the Albanian Judicial System (EURALIUS), as well as other complementary actions.

The CAM-A programme has aimed initially at assisting the Albanian Customs Service to restore its ability to collect revenue and improve the customs revenue yield. Subsequently, it

has provided specialised advice and assistance based on the EU Customs Blueprints, to assist the Albanian effort to create an efficient and self-sustaining Customs service (incl. the computerisation of the customs service through the provision of the ASYCUDA system). The EC also supported the efforts of the Albanian customs and police services to fight organised trafficking through an ad hoc initiative (the Organised Crime Initiative, managed by CAM-A) which involved the deployment of an operational team consisting of both customs and police officers.

PAMECA has aimed to assist the Albanian authorities in establishing a more effective police force in Albania, able to professionally and accountably investigate and counter criminal activities and ensure public order, in cooperation with the judiciary.

EURALIUS has aimed at supporting the development of a more independent, impartial, efficient, professional, transparent and modern justice system, restoring people's confidence in their institutions, and the consolidation of democracy and rule of law.

Eastern Europe and Central Asia

EC support to the region includes activities in at least the following countries:

Armenia, Azerbaijan, Belarus, Moldova, Georgia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine and Uzbekistan.

EC support includes activities within the area of **Justice Reform** and **Law Enforcement** including institution building, equipment and training, customs administration, combating human trafficking as part of support to improve border as well as migration management. There are a number of activities supported in this area in relation to Belarus, Moldova, Ukraine and Central Asia, many times in the framework of a regional approach.

Justice reform includes support to institutional capacity building to enhance transparency and efficiency of key ministries and institutions, including capacity building of the ministry of interior and justice and advice to the ministries of justice on strategic and organizational issues.

This also includes support to courts, legal advice centres, prison services, training of judges, bailiffs and other legal professionals etc. In the area of police reform, support has been given to strengthen respect for human rights and rule of law in the case of Kyrgyzstan, as well as support to assess needs of broader police sector reform programme.

In the case of Azerbaijan support has also been provided in the area of broader administrative and legal reform, including support to the Ministry of Finance in relation to National Account Standards etc. This has also been the case in Russia, as part of the Public Sector Institutional Reform. In the case of Kazakhstan the focus has been on rationalizing and restructuring the public administration, to improve public governance and assist in implementing sound public expenditure management.

In the area of **Civilian Oversight** and **Civilian Management** it includes support to national Assemblies in relation to legislative capacity building and for strengthening the democratic control on government spending by developing an independent audit chamber.

Through the European Initiative for Democracy and Human Rights (EIDHR), activities have been supported in the areas of improving access to justice, human rights monitoring, improving rule of law and legal protection of human rights, defending minority rights and support campaigns against the use of torture.

Country example - SSR related assistance to Ukraine

Through the TACIS programme, the EC has provided significant support to many of the SSR-related areas in Ukraine. This support has mainly focused on institution- and capacity-building efforts to relevant services, including investment in infrastructure at border crossing points and specialised equipment for police, customs and other services.

In 2001 the EC started to cooperate closely with the State Border Guard Service in order to support their reform efforts with the long-term objective to approximate their standards towards the EU. This cooperation has resulted in several TACIS-funded capacity building projects including the provision of training and equipment, both under the national and regional TACIS programmes.

In the area of Customs, the State Customs Service of Ukraine has, among other things, received support in reviewing the Ukrainian Customs Code, in capacity building through training and in receiving special equipment for border controls.

In the area of asylum and migration management, the regional TACIS programme has supported the Söderköping Process, which promotes cross border cooperation between the Western NIS and the EU. The EC has also supported Ukraine in its reform efforts both in the area of illegal and legal migration, as well as asylum.

Under the regional TACIS programme, the Belarus-Ukraine-Moldova Anti-Drug-programme (BUMAD) has provided support to the three countries in fighting drug-trafficking in the context of a broader approach, addressing organised and cross-border crime in the region.

In the area of money laundering, the EC has equally provided support under the TACIS programme. This support has focused on the introduction of new legislation and its implementation as well as provision of specialised IT systems and related equipment.

In addition to the above, the European Commission has foreseen to carry out a comprehensive JLS assessment mission, in close cooperation with the Ukrainian authorities. The aim of the assessment mission is to evaluate the state of play in this area and to provide recommendations for short-, medium and long-term priorities to be addressed, possibly under the TACIS programme and the future ENPI instrument.

South and East Mediterranean and the Middle East

In relation to the MEDA region, the EC is providing support to at least the following countries: Algeria, Egypt, Jordan, Morocco, Tunisia, the Palestinian Authorities and Yemen.

Justice and Law Enforcement and **Civilian Management** are the areas where the EC has been especially active in the region. This includes support for the modernisation and reform of

the justice system, working with key ministries and institutions, in Morocco, Algeria, Tunisia, Yemen and the Palestinian Authorities. It includes institution building, equipment and training for interior and justice ministries, courts and other institutions, access to justice and public information. In the area of penal reform the EC has supported capacity building and reforms, including non-custodial measures. In the case of the Palestinian Authorities, EC support has addressed the urgent needs of reforming the judiciary following the enactment of key legislation.

Police Reform has been supported, modernising the police and providing training in the areas of rule of law and democratic principles as well as regarding confidence building between the forces and the public. Support has also included the creation of a national research institute for criminology.

Support has been given to promote regional cooperation among the Mediterranean countries in the area of police and judicial cooperation.

Support has also been given to improve **Border** as well as **Migration Management**.

In the areas of **Civilian Oversight** and **Civilian Capacity Building**, support has been provided to Algeria, Morocco, the Palestinian Authorities, Egypt and Jordan. This includes support to national centres and functions for human rights, civil society capacity building in the area of democracy and human rights and support to media work in the area of public dialogue on good governance and human rights. Regional support has been given in the area of human rights.

Example – SSR related support to the Palestinian Authorities

Activities of the EC in the Judiciary/Rule of Law sector⁹

1. Bilateral Programme “Empowering the Palestinian Judicial System”

This programme addresses the most urgent needs of the Judiciary following the enactment of key legislation (Basic Law and Judicial Authority Law). It also responds to several of the priorities for the reform process in the sector in line with the PA Reform Plan. It foresees three components following an integrated approach: institutional support, development of permanent professional training system and provision of equipment and refurbishment of judicial locations. The programme is raising high expectations from the PA, and currently constitutes the major programme in the sector. With this programme, in addition to the coordination of the Reform Support group, the EC is becoming a major player in the sector.

2. Regional Programme on Good Governance and the Rule of Law

This is a three-fold programme (Migration, Justice and Police). It aims at enabling regional co-operation between Europe and its Mediterranean Partners to be implemented in several areas of judicial reform; fight against drug trafficking, organised crime, and terrorism; and migration related issues. This programme is seen as good complement to the EC’s bilateral

⁹ This is only for EC institution-building activities in the sector, and does not include activities with human rights NGOs.

programme. Police component is the most advanced. Justice and Migration components are just starting.

3. Regional Programme on the Promotion of International Arbitration

The programme focuses on promoting the use of International Arbitration and ADR in the MEDA countries/partners.

4. Coordination of the Reform Support Group on Judiciary/Rule of Law

The EU (EC/NL) is the chair of the RSG. It reflects the European current lead role as major donor in the judicial sector. The group is composed of more than 20 different donors and international agencies. Besides monitoring the reforms, this group ensures donors coordination in the sector.

Asia

EC is supporting SSR reforms in at least the following countries in Asia:

Afghanistan, Indonesia, Laos, Nepal, the Philippines and Vietnam.

In the areas of **Civilian Oversight**, support has been provided in the area of strengthening the capacity of national assemblies to enhance democratic control and transparency. This includes training for parliamentarians and administrative staff, but also for line ministries and other state institutions. This includes procedures for legislation, relations with the electorates, budget issues as well as implications for implementation of laws. The EC is also supporting efforts to strengthen the role of the Office of the Ombudsman in preventing corruption and to enhance the cooperation with civil society and line ministries. In addition, support has been given in relation to enhancing the capacity of civil society, including media awareness campaigns and human rights training.

In the area of **Civilian Management** and **Justice and Law Enforcement**, EC provides support in the areas of judicial reform as in the case of the Philippines, Indonesia, Afghanistan and Vietnam. This includes capacity building and institutional development of line ministries, including payment of civil servant salaries. It also includes nation wide payments of police staff, non-lethal equipment and rehabilitation of facilities. Support has also been directed towards training of judges and courts staff and to increase the transparency of courts and the accountability of judges and public access to justice.

In the area of **Border Management**, as in the Border Management Programme in the Philippines, support has been provided to enhance border security and management in accordance with international norms and protocols.

Country example – SSR related support to Afghanistan

In Afghanistan, the EC contributed to the Law and Order Trust Fund (LOTFA) for 2003-2006 (€5.5 million). Financial support under this project goes to the restructuring of the law enforcement system in the country (salaries, equipment, premises and training), with reference to all law enforcement activities. The objective of LOTFA is to support the national police force to ensure security throughout Afghanistan. The main focus has been on supporting police salaries, which is vital since the Government has little in the way of central budget to support public sector salaries.

In future programmes, the EC will be focusing on rural development programmes in key provinces and work to strengthen the rule of law in the different provinces. For the latter, support to the Afghan police will continue through the multi-donor Law and Order Trust Fund. Moreover, the EC will aim to assist in the extension of the new Criminal Justice Task Force to the provinces, specifically targeting narcotics-related crimes. Related to this, the EC will also build on its earlier support in the justice sector, increasing local access to justice through provision of district level courts.

Country example - DDR in a cross-pillar approach – Aceh/Indonesia

In the Indonesian province of Aceh, the Commission-funded mediation was crucial to find a negotiated settlement between the Indonesian government and the former rebel movement GAM. It led to a Memorandum of Understanding (MoU) providing for the disarmament and the demobilisation of former combatants, and to the withdrawal of excessive army and police forces. The Commission addresses the reintegration of fighters in a longer perspective. Under an ESDP mandate, the Council deployed a monitoring mission (AMM), which monitors the implementation of the provisions of the MoU. The Commission is further supporting the peace process with a series of measures, including capacity building of police and justice bodies and with funding for the organisation of local elections.

Latin America

EC supports SSR reform activities at least in the following Latin American countries:

Colombia, El Salvador, Guatemala, Mexico, Nicaragua, Panama and Uruguay.

As in other regions the dominant areas of support are **Justice Reform, Law Enforcement** and **Civilian Management**. This includes support for judicial reform in the areas of capacity building, training and equipment. The beneficiaries are presidency offices, key government ministries, supreme courts, public prosecution functions, Attorney General's Offices etc. as in the case of Colombia, Guatemala, Panama, Nicaragua, Mexico and Uruguay. In the case of Colombia an important part of the reform concerns the need to address impunity. Support has also been given in the area of penal reform, concerning prison conditions, rehabilitation and family support, as well as in the areas of access to justice, new codes of criminal procedures capacity building of public institutions etc.

In the area of **Police Reform** the EC has been involved in capacity building, with a focus on creating a police force under democratic control and adhering to the human rights of the population.

Support has also been provided in the area of strengthening **Civilian Oversight** through support to national parliamentary assemblies in relation to strengthening legislation and budget control. The EC is also providing support to modernisation and decentralisation of the public administration. Substantive support has been given in the area of civil society capacity building enhancing the role of civil society in relation to peace and security issues.

Country example – Support to the Judiciary/Rule of Law sector in Colombia¹⁰

Bilateral Programme for the strengthening of the legal sector in order to reduce impunity

The objective of the programme is to contribute to the consolidation of the Rule of Law and a reduction of impunity, through the improvement of the response capacity of the judicial system. Activities entail:

1. Training and capacity building of judges, ombudsmen, prosecutors to the new penal system;
2. Modernisation of the legal documentation centre;
3. Creation of the virtual campus of the Law school;
4. Creation of an investigation unit for the public defence;
5. Start international cooperation and coordination strategies in the justice field and in the fight against impunity and serious human rights violations;
6. Preparation of the local judges to tackle minor penal conflicts;
7. Widening of the coordination between the National Legal System and the Indigenous authorities;
8. Development of alternative conflict resolution mechanisms.

Component of the bilateral programme “Peace Laboratory I”

The focus is on strengthening the institution of the ombudsman’s office in the Magdalena Medio region.

Support to the activities of the UN high Commissioner for Human Rights

3.1. Prison conditions in Colombia : institutional strengthening of the Prosecutor General’s office, the Ombudsman’s office and the Ministry of Justice

The aim of this projects is twofold : 1. to strengthen the Colombian penitentiary system at a national level; 2. to promote and defend the rights of detainees and prisoners.

¹⁰ This does not include EC support to human rights organisations in Colombia

3.2. Institutional strengthening of the State Public Prosecutor's office

The aim of this project is to strengthen the judicial system, its efficiency and to train the State Prosecutor's office on human rights issues

3.3. Support to the creation of municipal development plans including the human right dimension.

The objective is to strengthen and develop the work of municipal ombudsmen for the protection of human rights. In total, 900 of them will be trained through 45 sessions.

III. ANNEX 3 - THE EUROPEAN COMMISSION PROGRAMMING CYCLE

Programming cycle for national and Regional Programmes

The multi-annual programming documents are part of the strategic framework with a partner country or region. A Country or Regional Strategy Paper (CSP/RSP) is drafted on the basis of dialogue with the partner country/region and should be based on the partner countries' priorities. It covers a specified period of time, for example 2007-2013. The strategy as defined in the CSP/RSP is translated into National or Regional Indicative Programmes (NIP/RIP) in partnership with Partner Governments. The NIPs/RIPs are a management tool and covers a period of 3-5 years. It identifies and defines the appropriate measures and actions for attaining established strategy objectives and should be fully consistent with the analysis made in the CSP/RSP.

Identification

During the identification phase, project and programme areas for cooperation are identified and relevance and feasibility of these are assessed. These project/programme areas identified have to be based on partner country priorities, as described in the relevant CSP/RSP and NIP/RIP.

This stage includes the preparation of an Identification Fiche per priority area and the documents are evaluated by a Quality Support Group who gives recommendations for further work and improvements.

Formulation

During this stage, the relevance and feasibility of the project ideas as proposed in the Identification fiche are verified and a detailed project/programme proposal is prepared. This phase ends with the preparation of a Financing Proposal for funding the activities proposed. The whole set of documents are evaluated a second time in the Quality Support Group. After approval, the Financing Proposal is sent to Member States, discussed and adopted in the relevant Member State Committee and thereafter the Commission decides on financing the activities. When the Commission Decision is taken, a separate Financing Agreement is prepared with the country/region and a financial commitment taken to fund the activities decided upon.

Implementation

The purpose of this stage is to:

- Achieve the purpose and contribute effectively to the overall objective of the project/programme;
- Manage the available resources efficiently;
- Monitor and report on progress.

Within the framework of its standard procurement rules¹¹, in the area of SSR the EC primarily relies on the expertise of International Organisations, EU Member States institutions, government agencies and NGOs to a large extent.

Consortia with a combination of, for example, International Organisations and EU Member States institutions and government agencies, have also proved to have an added value in cases where the different actors are mandated with complimentary tasks.

As a way ahead, the use of Member states' expertise, combined with that of other actors, seems to be one of the most appropriate implementation models. The institutional nature of these implementing partners has been largely appreciated by the partner countries, who have considered the secondment of officials from corresponding national institutions (Experts who are civil servants in national institutions of EU member states), an important source of expertise.

Evaluation

The purpose of an evaluation is to make a systematic and objective assessment of an ongoing or completed project or programme, its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, efficiency, effectiveness, impact and sustainability. The evaluation should provide information enabling the incorporation of lessons learned into policy development and future programming.

Audit

The purpose of the audit is to assess an activity that is the responsibility of another party against identified criteria and to express a conclusion that provides the user with a level of assurance. This conclusion should include:

- The legality and regularity of project expenditure and income, compliance with laws and regulations and with applicable contractual rules and criteria;
- Whether project funds have been used efficiently and economically, i.e. in accordance with sound financial management;
- Whether project funds have been used effectively, i.e. for the purpose intended.

Programming cycle for thematic programmes

The programming cycle for thematic programmes based on the proposed simplified regulatory structure for 2007-13 will be similar to past practice. On the basis of the relevant Commission Communication for a thematic programme, the multi-annual programming will be defined in the Thematic Strategy Paper. This document sets out the EU's objectives in the thematic area over a period of 3-4 years, an analysis of the theme at global level, an overview of previously financed activities including lessons learned and the response strategy with possible links to national and regional programming identifying specific objectives, actions and performance indicators. In the case of the proposed thematic programme for Democracy and Human Rights as in the past for the European Initiative for Democracy and Human Rights (EIDHR) under which activities of relevance to security sector reform have been financed, no prior agreement

¹¹ See http://europa.eu.int/comm/europeaid/index_en.htm.

from the government in the country targeted is required. Activities are implemented mainly by organisations in civil society or by international organisations with a particular mandate in the area covered by the programmes. Following informal consultations on the priorities for the thematic programme with civil society, the Thematic Strategy Paper is drawn up and adopted by the Commission in accordance with comitology procedures.

The objectives defined in the Thematic Strategy Paper are translated into an Annual Action Programme, also adopted in accordance with comitology procedures. The Annual Action Programme is a management tool that includes a breakdown of the multi-annual strategy paper into annual activities. The action programme will include information about planned calls for proposals to select projects for grant support and cooperation with international organisations. Both documents are reviewed by a Quality Support Group. The Annual Action Programme also serves as a financing decision in all cases where a sufficient level of detail is known about the activities that will be financed.

Identification and formulation

During the identification and formulation phase, guidelines for calls for proposals, calls for tenders and selection criteria for contracts to be awarded without a call for proposals will be elaborated. All project proposals will be screened to assess the capacity of the applicant, the relevance and methodology of the project proposed in relation to the programme objectives in the area the project addresses as well as sustainability of the action and the cost effectiveness. Guidelines for calls for proposals are reviewed by a Quality Support Group.

Implementation

The purpose of this stage is to:

- Contribute effectively to the overall objective of the project/programme;
- Manage the available resources efficiently;
- Monitor and report on progress.

Thematic programmes often are implemented in partnership with organisations in civil society and emphasis is put on dialogue with the partner organisations both at headquarters level and in the countries as carried out by EC delegations. This is of particular importance to explore any possible synergies between civil society initiatives and bilateral cooperation programmes as well as to keep a flow of formal and informal information about trends and ongoing initiatives.

Evaluation

The purpose of an evaluation is to make a systematic and objective assessment of an ongoing or completed project or programme, its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, efficiency, effectiveness, impact and sustainability. The evaluation should provide information enabling the incorporation of lessons learned into policy development and future programming. Projects financed under thematic programmes are evaluated both at project and programme level and are also included in sector or country evaluations.

Audit

The purpose of the audit is to assess an activity that is the responsibility of another party against identified criteria and to express a conclusion that provides the user with a level of assurance. This assessment should include:

- The legality and regularity of project expenditure and income, compliance with laws and regulations and with applicable contractual rules and criteria;
- Whether project funds have been used efficiently and economically, i.e. in accordance with sound financial management.

The Rapid Reaction Mechanism (RRM)

The RRM programme is designed as a tool enabling the Commission to urgently provide short-term support in crisis situations (maximum 6 months duration). Thus, the RRM programmes and actions are identified on a case-by-case basis to respond to immediate needs either as self-standing interventions or as an enabling tool “kick-starting” urgent actions later followed-up under the geographical instruments or by other bilateral or multilateral donors. In this light it is obvious that the identification and development step demands a very close coordination with relevant EU institutions (in the Commission, EC Delegations, the Council Secretariat, etc.) as well as other donors and International Organisations both in Brussels and on the ground. The RRM projects are either implemented directly by DG RELEX or (increasingly) de-concentrated to the relevant Delegations when appropriate. Also this programme relies on expertise from International Organisations, the EUMS and NGOs.

The RRM programme comes to an end in December 2006 and it is the intention to replace this programme, from 2007, by funding under the Stability Instrument.

IV. ANNEX 4 - EXAMPLES OF INTERNATIONAL STANDARDS RELEVANT FOR SUPPORT IN THE AREA OF SSR

Democracy

Conclusions of the CSCE Copenhagen Meeting 1990

Inter-American Democratic Charter 2001

Council of Europe Parliamentary Assembly Resolution 800 (1983) on the principles of democracy

Code of Good Practice on Electoral Matters, Opinion 190/2002 of the Venice Commission

IPU 1997 Universal Declaration on Democracy

Human rights

Universal Declaration of Human Rights

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

International Convention on the Elimination of All Forms of Racial Discrimination

Convention on the Elimination of All Forms of Discrimination against Women

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convention on the Rights of the Child

Rule of law

UN Basic Principles on the Independence of the Judiciary

UN Guidelines on the Role of Prosecutors

UN Code of Conduct for Law Enforcement Officials

Basic Principles on the Role of Lawyers