

**THEMATIC EVALUATION
OF THE EC SUPPORT TO
GOOD GOVERNANCE**

FINAL REPORT

Volume 3

SYNTHESIS NOTE AND COUNTRY NOTES






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Service Contract for the Evaluation (sectoral and thematic) of
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Countries, relating to Social and Human Development issues.

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Evaluation for the European Commission



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<p>Service Contract for the Evaluation (sectoral and thematic) of European Commission Programmes and Policies in Third Countries, relating to Social and Human Development issues.</p>	
	<p>Thematic Evaluation of the EC support to Good Governance</p>
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	<p>With the Collaboration of ECDPM</p> 
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FINAL REPORT

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Synthesis Note

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I. INTRODUCTION

1. The purpose of this evaluation is to provide the relevant external co-operation services of the European Commission and wider public with an independent evaluation of the EC's support for good governance, in terms of *the relevance, the efficiency, and effectiveness of that support and the sustainability of the impacts on good governance processes and in encouraging and promoting good governance approaches and practices, in third countries*. The evaluation focuses on a set of fundamental issues (translated in evaluation questions) and should make possible **a general overall judgement** of the extent to which Commission strategies, programmes and projects have contributed to the progress towards good governance.
2. For this evaluation, a working definition was agreed upon and spelled out in the Terms of Reference: "**Governance** refers to the structure, functioning and performance of public authorities/institutions at all levels. Governance is about the way public functions are carried out (including public service delivery), public resources (human, natural, economic and financial) are managed and public regulatory powers are exercised (including enforcement) in the management of a country's affairs". The Terms of Reference also provide an indication on the meaning of '**good governance**', which is considered as "**a process and an aspiration**" towards governance systems adhering to a set of key values¹. It was furthermore agreed that in order to get a feasible scope, the evaluation shall focus on the support provided to four thematic governance clusters².
3. Since donor support for good governance processes and programs is relatively new, the evaluation is **forward looking**, providing lessons and recommendations for the continued support to governance in particular as regards:
 - the use of dialogue in supporting governance;
 - the efficiency and effectiveness of capacity building activities (including TA and twinning);
 - the potentials of supporting governance through budget support and sector policy support programmes (SPSPs);
 - the Commission as a change agent in the governance process;
 - the Commission's capacity to adapt its support and approaches to different types and country situations.
4. The evaluation is in an **advanced stage of execution**. The desk study has been finalized (including a detailed regional analysis of governance strategies and approaches) while the field phase (including 8 country studies)³ has been completed with the production of country notes. This '**Synthesis Note**' is an important step in the process of elaborating the final report. Hence, it is useful to properly understand its **nature and role**. According to

¹ Including : (i) efficient, open, transparent (non-corrupt) and accountable public institutions at all levels, including clear decision-making procedures; (ii) sound, efficient and effective management of human, natural, economic and financial resources for the purpose of equitable and sustainable development; (iii) a democratic society managed with respect for human rights and democratic principles; (iv) civil society participation in decision-making procedures; (v) the existence of, respect for and enforcement of the rule of law and the ability to enforce rights and obligations through legal mechanism (see Terms of Reference p. 6).

² The 4 thematic clusters are : support to public administration reform, including public finances; decentralisation and local government reform; the rule of law; and the empowerment of civil society related to good governance processes. The evaluation is not expected to focus specifically on two other governance clusters (i.e. human rights and democracy).

³ Angola, Burkina Faso and Dominican Republic (for the ACP) ; Ukraine (TACIS) ; Indonesia and Guatemala (ALA), Jordan and Algeria (MEDA).

the Terms of Reference, the Synthesis Note is to be prepared “when all the field missions have been conducted and before the start of the synthesis phase” with the purpose of “summarizing the data and information collected and presenting preliminary findings”, including information gathered during the Desk Phase. It should be “succinct and mainly constitute a basis for a Reference Group meeting to prepare the synthesis phase”. It is also foreseen that the document will not be published as a separate note.

5. The evaluation team welcomes the opportunity to check preliminary findings and emerging conclusions with the Reference Group *before* starting the work on the final report. In order to keep the note “succinct”, it was necessary to be selective in the data and information provided. The choice was also made to present an aggregated analysis (rather than a sliced approach per evaluation question). This seems more appropriate at this stage of the process for a synthesis document aimed at facilitating a focused discussion on key preliminary findings.

II. APPROACH AND METHODOLOGY

6. The Inception Report, approved by the EC, spells out in detail the approaches to be followed by the evaluation team during the different phases of the exercise (desk, field and synthesis phase).
7. From the outset, it was understood that the evaluation has to respond to both the need for accountability and for learning (including recommendations to improve the overall EC performance in this area). In order to properly assess the learning objective, the evaluation team has applied an *analytical approach* aimed at assessing the extent to which objectives have been reached as well as looking at the reasons and determining factors behind the observed successes and failures. As good governance should be seen as a process, the evaluation has *assessed achievements in the light of changes, developments and trends* rather than against fixed and standardised targets. This is needed considering the relative novelty of governance as a key area for EC support and the ongoing evolutions. Efforts were made to ensure comparison with other donor agencies and their experiences with delivering governance programmes and building their own capacity.
8. The evaluation team has been sensitive to *the context-specific nature of good governance*, and the different frameworks within which cooperation is conducted for the five regions. Given the lack of a clear, overall framework for (good) governance over the evaluation period, and given the regional differences, the evaluation will assess the European Commission’s cooperation activities supporting good governance, *relative to the general and specific objectives of the different regional cooperation and development programmes*. This approach will be balanced with the need to keep a level of coherence between the different regional perspectives and case studies so as to facilitate the synthesis of the findings, conclusions, lessons and recommendations in the final report.
9. The evaluative approach was further specified by defining *ten evaluation questions* as well as *different methods of data collection* (i.e. analysis of 23 questionnaires from EC delegations ; analysis of 35 CSP ; 8 field studies, literature reviews; interviews both structured and unstructured; PRA techniques ; SWOT analysis; focus groups; identification of the intervention logic; use of evaluative questions; instruments analysis; as well as a statistical analysis) that were used to cross-check the information obtained.

10. Several *limitations* were encountered in the process of executing the evaluation:

- The desk study struggled with the sheer scope of a rapidly (expanding) governance agenda and the manner in which it is understood in different parts of the EC and the Delegations. It therefore had to be selective, concentrating on the most essential information. The novelty of governance meant there was a deficit of clear policies, accumulated knowledge and institutional memory in certain areas. It also proved difficult to assemble reliable statistical data (for details see Desk Report).
- The huge number of documents tackling one or more good governance issue, thus making the “synthesis work” more difficult;
- In the field phase, it proved difficult to convince the Delegations that the purpose of the country studies was to provide information for a study of the EC’s support as a whole and not to carry out an outcome evaluation of the Delegations own support for specific governance activities).
- The planned country visit to Algeria (i.e. the second MEDA country to be studied) could not take place, as not agreement could be reached with the government
- The short period of visit did not always allow the use of all standard methods for data collection (e.g. focus group discussions).
- Availability of EC officials (especially RELEX staff) sometimes posed problems, both in Brussels (e.g. for the three focus group discussions that were organised⁴) and in the field. This was compounded by the recent organizational restructuring, which led to a major rotation of staff.
- A shortage of indicators of outcomes used by the EC for its activities, i.e. designed, collected and analysed in a systematic manner, over and beyond the useful project monitoring reports found in some locations.
- A large part of EC supported programmes in the field of governance have only recently been formulated or implemented⁵. It is generally too early for there to be significant outcomes on the ground (considering the nature of governance work). This imposes major limitations on the possibility of making judgments on impact.

III. CONTEXTUAL FACTORS

11. Before presenting the key preliminary findings, it seems appropriate to set the scene by highlighting a number of important contextual elements related to governance. **Four context factors** stand out as particularly relevant in the framework of this evaluation. Each of these factors presents both opportunities and risks.
12. First, the rapid progression of governance on the development agenda. In less than a decade, governance has moved to the centre stage, both at the level of the discourse of the international donor community and in third countries. “Governance is everywhere nowadays” was a recurrent observation noted during interviews. It captures well the ascent of governance as a political priority in EC relations with third countries and more generally the growing concern about the delivery environment which should underpin progress made in the late 1990s in terms of policy goals and coordination in international assistance. The CSP analysis confirm that governance related issues are often at the heart

⁴ Respectively on EC strategies and support to difficult partnerships; on the way governance issues were considered during performance-based mid-term review processes; and on the nexus between budget support and governance.

⁵ This holds particularly true for the ‘new generation’ of governance programmes that emerged in line with new EC policy orientations with regard to governance in the late 1990s.

of the strategies (in terms of objectives and political focus). The desk study shows how governance has been integrated as a key component of the partnership with different regions (EQ 1). The 2003 Communication on Governance and Development (615/2003) provides a comprehensive analysis of the different dimensions of the governance agenda while the EC Draft Handbook on Governance presents governance as an over-arching concept (including the promotion of human rights, democracy and civil society). The statistical analysis reveals that funding (from different sources) for governance is growing. The central position of governance is likely to be further reinforced by new policy developments (e.g. the European New Neighbourhood Policy with its enhanced focus on governance); the pressure to achieve the Millennium goals; the move towards budget/sector support; the creation of a thematic unit on governance in Europeaid, etc. As shall be seen below, this rapid evolution is also the source of confusion and ownership problems among actors (see chapter IV).

13. **Second**, governance is no longer an issue pushed forward by the international donor community alone. In recent years, the *governance agenda has been by formally embraced by many governments in third countries*, as evidenced in Poverty Reduction Strategy Papers or national development plans. New initiatives on governance have been launched at national, regional and continental level (e.g. by the African Union/NEPAD). In some cases (for example in the Dominican Republic, or in Burkina Faso) it coincides with a well-established agenda which it tends to supersede, such as the reform of public administration. Interestingly, there is also a growing *societal demand for good governance*. People and civil society organizations thus become actors in the governance debate, contributing ideas, claiming rights, demanding accountability. This, in turn, raises a number of critical questions that external agencies will need to be carefully address: how do these different local stakeholder perceive and define governance? Who sets the agenda? To what extent are governance priorities defined through inclusive, multi-actor dialogue processes? How should the design and implementation of (EC) governance-related be adapted to these dynamics in third countries?
14. **Third**, it is increasingly acknowledged that governance is not only an issue “over there, in third countries”. The *good governance obligation also applies to external actors*. This is reflected in the growing pressure on donors to practice principles of good governance in their dealings with partner countries. It invites them to respect the commitments made on alignment and harmonization. From an EU perspective, good governance also involves the need “to continue improving policy coherence in all relevant areas, such as for example environment, trade and agriculture”⁶ or to overcome the “global governance deficit”⁷. Yet experience suggests that effective progress on these reciprocal obligations has so far been rather slow to materialize.
15. **Fourth**, the *ongoing policy and institutional reforms* also form an important contextual factor. Several elements of the reform process are likely to have an impact (positive or negative) on the overall regulatory, financial and institutional framework to deal with governance programmes (e.g. de-concentration; the adoption and mainstreaming of new programming methods; the planned overhaul of the financial architecture for external actions, etc.).
16. All this suggests that there is strong political momentum and commitment in favor of putting governance at the centre of (EC) cooperation processes. Yet it also shows that governance is a both a complex and rapidly evolving field of action, confronting donor

⁶ Communication on Governance and Development, par. 6

⁷ Ibid., with the observation that the EC deals with global governance issues in international fora (e.g. the UN Commission on Global Governance) and in dialogue processes with important third partner countries such as China, Russia, India and Brazil.

agencies (including the EC) with major strategic and operational challenges. In this context, the evaluation exercise was generally perceived to come “at the right time” and as a potentially useful tool to assist the EC in its ongoing search to ensure a *proper match between the political priority given to governance agenda and its own overall response capacity*.

IV. PRELIMINARY FINDINGS

17. In order to facilitate a focused discussion with the Reference Group, the evaluation team proposes **three main (closely inter-related) preliminary findings** in this Synthesis Note (with supporting data and evidence from different sources):

- (1) There is much conceptual and operational confusion on governance.
- (2) The EC has made substantial progress in dealing with governance, particularly in terms of defining what are likely to be the most effective approaches to sustainable improvements to governance.
- (3) Major gaps exist between the policies laid out in Brussels and actual implementation practices in the field. These gaps, in turn, substantially reduce the potential contribution of EC interventions in governance-related processes.

(1) There is much conceptual and operational confusion on governance

18. This is a first key finding that clearly comes out of the different analyses undertaken during the desk and field phases (e.g. questionnaire, CSP-analysis, country notes, focus group discussions). As governance moves to the forefront and starts permeating all spheres of EC cooperation processes with third countries, there is no shortage of conceptual and operational confusion among key actors and stakeholders involved at different levels.

19. This confusion relates to a wide variety of issues, including:

- the definition of (good) governance;
- the scope of the governance agenda (e.g. the distinction between political, economic and corporate governance and their possible linkages);
- the issues that should be included under the banner of governance in a given country programme;
- the linkages between governance and key development objectives (such as poverty reduction);
- the linkages between governance and other policy areas (e.g. peace, development and security) and situations (relief, rehabilitation, development);
- approaches, tools and methods to be used to promote it in different contexts, particularly in ‘difficult partnerships’
- roles to be played by the different actors in setting the agenda, designing and implementing programmes;
- the meaning (and limits) of the EC acting as a ‘change agent’;
- indicators for monitoring and evaluating progress achieved;
- the reciprocal good governance obligations of the EC/EU

20. The prevailing state of confusion manifests itself in many ways:

- ***Within the EC as a whole***, a huge variety of interpretations tend to (co-) exist at different levels⁸, ranging from rather narrow-technocratic approaches (focusing on the managerial aspects of public affairs, including the fight against corruption) to broad-based holistic approaches (considering governance as a cross-cutting issue) with a strong political connotation (ramifying into issues such as human rights, democracy, etc.). During the field phase, it was interesting to note that Delegation staff often started the interview with a request towards the evaluation team to define governance. The ***CSP-analysis*** indicates that the issues covered by ‘governance’ vary substantially from country to country. It also reveals that a broad, multi-dimensional concept of governance is generally used in the analytical part of CSPs (encompassing the political dimensions of democracy, human rights, civil society participation). However, at programming level, this comprehensive governance agenda is often narrowed down considerably, with EC support being targeted primarily to public administration reform or improving the management of public finances (in the context of budget support provided by the EC)..
- ***In some regions*** (e.g. MEDA), EC officials prefer to use other conceptual frameworks (i.e. the UNDP definition), perceived to be more attuned to the governance thinking and needs in MEDA countries than EC policy frameworks and concepts.
- ***Within Delegations***, there is clearly confusion on “whose job it is to take care of governance”. A tendency can be observed to confine governance to the specialised unit or staff directly dealing with specific governance issues (e.g. human rights, public sector reform, justice). However, there is considerable evidence of a focus on governance in other sectors and programmes funded by the Commission in the country involved. Yet these possible indirect contributions to governance are often not recognised as such, nor integrated into the overall governance strategy of the EC.
- ***At country level***, there is often no reciprocally agreed definition between the EC and the government on what is the concrete meaning of governance (a situation which may also reflect a lack of societal agreement between local actors on the precise meaning of governance and the main challenges of the reform process).

21. Some of this confusion may be linked to the relative novelty of the governance debate and to the existence of region-specific needs and priorities. Yet there are ***important risks attached to this state of affairs***, including; (i) the use of governance as a ‘catch-all phrase’, a basket concept; (ii) lack of ownership by EC officials involved in other sectors than those directly concerned with governance; (iii) possible conflicts with third countries, particularly when the consensus on broad principles is brought forward into political dialogue processes on progress achieved, into concrete action (program design, implementation) and into performance-based review processes⁹; (iv) the difficulty for the EC to properly evaluate (including in quantitative terms) and account for its efforts in promoting governance in third countries.

⁸ Examples of differentiated approaches to governance can, amongst others, be found in the regional agreements; between EC headquarters and Delegations; between DG-DEV and RELEX; within different units of a Delegation; between the technical staff involved in governance programmes and the macro-management level of Delegations; between the EC and the European Parliament (e.g. in relation to the desirable focus of the European Initiative on Human Rights and Democracy), etc.

⁹ In this context, it is interesting to note that one of the apparent reasons for cancelling the Algeria mission was related to government sensitivities to include consultations with civil society actors in the evaluation process. Yet the use of this argument is in contradiction with a stream of jointly agreed policy documents emphasising the importance of civil society in development, governance and MEDA cooperation.

(2) The EC has made substantial progress in dealing with governance, particularly in terms of defining what are likely to be the most effective approaches to sustainable improvements to governance

22. This desk and field phase clearly indicate that the EC has made efforts to ‘catch up’ with an increasingly high-profile and broad governance agenda. This process started in the mid-1990s and is still moving forward, leading to a gradual refinement of the policy framework, the intervention strategies, tools and approaches and capacities.
23. The Synthesis Note is not the place to provide detailed data and information on evidence collected. At this stage, it is more useful to cluster the progress achieved by the EC so as to provide a panoramic overview to the Reference Group. In all, *six major ‘positive developments’* (related to different EQs) have been identified. They can be observed at the level of the EC as a whole (with important variations in the actual practice according to regions/countries).
24. Box 1 below defines the six main positive trends and provides a selection of evidence collected during the desk and field phase.

POSITIVE DEVELOPMENTS	ELEMENTS OF EVIDENCE
<i>A strong policy framework is gradually constructed (EQ 1, EQ 5, EQ 9)</i>	<ul style="list-style-type: none"> * impressive stream of policy documents on governance both of a general nature and region-specific * justification for investing in governance clearly spelled out * the EC has defined a set of guiding principles to work on governance¹⁰ * elaboration of a Draft Handbook on Governance bringing together the different strands of governance in six thematic clusters * growing recognition of the need to promote governance at different levels (local, national, regional and global) and through partnerships with a variety of actors¹¹ * development of support strategies and guidelines in some thematic clusters (e.g. support to civil society)¹² * efforts to devise adequate strategies¹³ for ‘difficult partnerships’

¹⁰ EC policy documents identify the following key guiding principles: (i) the evolution towards good governance should be considered as “a long-term and gradual process”; (ii) the need for country-specific approaches; (iii) the critical importance of ownership and partnership; (iv) the choice for a pragmatic approach to implementation (for more details see Desk Study, pp. 13-14).

¹¹ Alongside central governments, the EC Communication also recognises the role of other actors in promoting governance, including civil society, Parliaments, social and economic players, municipal and other decentralised authorities, regional and supranational bodies.

¹² The EC policy framework is comparatively much less developed towards the cluster of decentralisation and local governments (as indicated in a recent survey on local government participation, produced by the ACP Local Government Platform, January 2005).

¹³ The EC is involved in (donor) fora that seek to define relevant cooperation strategies with difficult partners. In the DAC framework, for instance, it was recently agreed to launch a pilot project to test out

<p><i>Governance is increasingly prioritised and mainstreamed (EQ 1, EQ 2)</i></p>	<ul style="list-style-type: none"> * clear political mandate to work on governance (Council) * all cooperation agreements integrate governance related elements * in a growing number of CSPs governance occupies central place as a political priority * governance related commitments represent 27% of total EC commitments (geographic and thematic instruments) * the largest absolute increase in the distribution of multi-annual resources after the mid-term reviews in all regions is in the category of government and civil society * governance strongly anchored in policies formulated by the EC for different sectors or themes (e.g. transport, food security, HIV/AIDS) * EC policy documents recognise linkages between key policy areas (e.g. EC overall approach to governance, peace, security and development) * initial efforts to mainstream governance in all EC aid interventions (through the use of a horizontal analysis) * initial efforts to mainstream governance by using wide array of instruments * initial efforts to ensure the mainstreaming of actors and levels of governance
<p><i>Strategic approaches to promoting governance are emerging (EQ 1, EQ 2, EQ 3, EQ 4, EQ 5, EQ 6, EQ 9)</i></p>	<ul style="list-style-type: none"> * Search for alignment to national governance agendas and policies, * Overall evolution towards multi-annual programming (facilitating an effective integration of governance objectives in an adequate 'policy mix') * Shift from self-standing governance projects to broader programmatic and sectoral approaches (particularly in the ACP countries) * Move towards a greater use of budget support (holding potential to contribute to governance) * Investing in both the supply and demand side of governance * New generation of governance programme providing strategic governance support to civil society and local governments are initiated * Examples of strategic use of different instruments to promote governance (e.g. geographic programme and EIDHR) * Alliances with other governance players (e.g. the African Union) * Preferred choice for a strategy of 'staying engaged' with difficult partnerships.
<p><i>Political and policy dialogue are used as tools to promote governance (EQ 3, EQ 4)</i></p>	<ul style="list-style-type: none"> * EC/EU have started to conduct dialogue on governance at different levels (national, regional and continental) * dialogue is increasingly used on a more permanent basis and not only in case of crisis) * dialogue with potentially strong impact on governance

the adequacy of some of the agreed guiding principles in seven difficult partnerships. The EC accepted to take the lead for the pilot project in Zimbabwe.

	<p>takes place in context of general and sector budget support</p> <ul style="list-style-type: none"> * new institutional arrangements for structured dialogue on governance-related matters are put in place¹⁴ * initial efforts to broaden the dialogue to non-state actors * further search for co-ordinated and coherent EU responses through the CFSP
<i>Experimentation with new tools and working practices, particularly budget and sector support (EQ 3)</i>	<ul style="list-style-type: none"> * EC sees budget support as a model for future development cooperation and has invested heavily in developing capacity to deliver this type of aid (with underlying governance objectives)¹⁵ * recognition that budget support is not a panacea, nor an instrument that can be applied everywhere * efforts to combine budget support with other instruments (e.g. targeted projects providing technical assistance)
<i>Capacity development takes place (EQ 10)</i>	<ul style="list-style-type: none"> * Increase in number of specialised staff (particularly at Delegations following de-concentration) * Creation of thematic unit on Governance, Human Rights, Democracy and Gender (E4) covering all regions * Growing exposure of variety of geographical and sectoral units to governance matters * Learning-by-doing takes place (particularly in relatively 'new' areas such as support to civil society or decentralisation/local governments) * Active EC participation in networks and fora dealing with governance (e.g. GOVNET), including indicators * Governance issues increasingly addressed in evaluations¹⁶

25. Evidently, this is not an exhaustive overview of positive developments on governance at the level of the EC. Yet the box makes it possible to focus in particular on those governance areas where the EC has managed to achieve **substantial progress** in terms of ensuring quality and capacity development. Indirectly, the box also provides an insight on '**missing elements**', i.e. areas where comparatively **less progress** has been achieved (again with variations in actual practices per region/country) This holds in particular true for the following issues:

- *Existence of a coherent institutional development strategy (EQ 2).* A large share of EC resources spent on governance is used for capacity-building initiatives. Yet it was difficult to find indications that these activities were underpinned, right from the start, by a coherent institutional development strategy.

¹⁴ In EC-Jordan cooperation, for instance, a subcommittee structure was recently established to dialogue on human rights (the first in its kind for the MEDA region)

¹⁵ EC policy documents recognise that budget support is linked to good governance by (i) incentives for improved financial management; (ii) giving the Commission a stake in the dialogue on budget systems; (iii) strengthening domestic accountability; (iv) reducing the pressure on national budgets; (v) providing accompanying capacity-building support.

¹⁶ In recent years the EC has actively promoted Country Strategy Evaluations (CSEs). They provide an interesting opportunity to draw lessons on different aspects of governance (e.g. human rights, democracy, the rule of law, the fight against corruption, support to civil society as well as the nexus budget support and governance). A comparative analysis of the main outcomes of the CSEs with regard to governance will be included in final report.

- *Adaptation of Commission assistance to different country contexts (EQ 5).* At a general policy level, the EC generally seeks to align its governance support to national agendas and related country context. Yet at a more downstream level of programming and implementation, the degree of adaptation becomes less evident (according to both the CSP-analysis and several country notes). The Angola study, for instance, suggests that programming was unrealistic as it did not factor in the lack of government commitment to reform nor the limited financial leverage of the Commission. The Ukraine study clearly shows that the EC was unable, mainly for procedural reasons, to quickly react to urgent demands for governance support after the Orange Revolution. In Indonesia, the EC has opted for a scattered, ‘go it alone’ approach in governance, rather than joining a multi-donor framework providing strategic support to a central pillar of Indonesia’s governance agenda (i.e. the decentralisation process)¹⁷. Evidence also suggests that (i) the distinction between three types of partnership¹⁸, brought forward in EC policy documents, is of limited practical relevance; (ii) EC legitimate concern to align itself to government agendas may lead to a weaker focus of governance (depending on government levels of commitment to change) and (iii) the link between governance and the LRRD process has not yet been consistently translated into practice.
- *Added-value of the various instruments as regard governance (EQ 2, 3, 4).* The EC has a panoply of instruments which it can use for the promotion of governance in different country/regional contexts. Yet there is limited evidence that the added-value of these different instruments is systematically analysed and put at use.
- *Application of the 3 Cs (coordination, complementarity and coherence (EQ 6).* The questionnaire, the CSP-analysis and the country notes reveal that the EC systematically participates in donor coordination fora. Yet many questions arise on the quality of these coordination processes. Their impact in terms of shared political analysis, , multi-donor approaches (based on common strategic priorities and a pooling of financial and technical assistance resources) as well as joint evaluations appears to be limited. There is in particular a weakness stemming from significant differences of approach at the design and programme formulation stage, leading to a form of information coordination “after the fact”. The presentation of donors intervention matrix in many CSPs (especially ACP countries) is an encouraging element underlining the attention being put on complementarity. But there is a lack of information on practical mechanisms and modalities. Conflicting positions can be adopted by the EC and EU Member States on desirable response strategies and on the role division between the different institutional actors concerned.
- *Incorporation of cross-cutting issues in the provision of governance support (EQ 7).* Both the questionnaire and the majority of country notes suggest a rather low integration of cross-cutting issues¹⁹. The CSP analysis underlines that cross cutting issues are to be considered but very few present a practical strategy to integrate them in the selected sectors.
- *Articulation of actors and levels of governance (EQ 8 and 9).* While the EC increasingly recognises the respective roles of public authorities (central and local)

¹⁷ A different story emerges from the Guatemala report. It notes that the EC found in the peace agreements a comprehensive set of social and political objectives which it could support through a well-developed governance strategy.

¹⁸ The EC Communication on Governance and Development makes a distinction between ‘effective partnerships’; ‘difficult partnerships’ and ‘post-conflict countries’.

¹⁹ With the notable exceptions of Guatemala and Burkina Faso (see country notes).

and the civil society in governance processes, there is still a limited articulation of support provided to the different set of actors. The same holds true for the levels of governance. The EC is increasingly active at different levels (local, national, regional and continental) yet actions undertaken at each of these levels are seldom linked to each other.

- *Institutionalisation of learning on governance (EQ 10)*. Limited evidence was found that institutional learning takes place in an organised manner, both in Brussels and in the field.

(3) Major gaps exist between policies laid out in Brussels and actual implementation practices in the field. These gaps, in turn, tend to substantially reduce the potential contribution of EC interventions in governance-related processes.

26. The message from the above analysis is clear: the EC has pushed governance to the top of its political priorities (as it conditions the effective implementation of the main objectives of the EU's external action in the different regions). It has increasingly translated this commitment in its political dialogue, programming processes and budget allocations towards third countries. It has elaborated relatively solid (regional) policy frameworks, calling for a mainstreaming of governance; identified possible implementation strategies, approaches and tools for supporting governance as well as initiated internal learning processes.
27. In addition to this, EC policy documents fully recognise that governance *touches upon the fundamental aspects of the organisation of a society* such as the exercise of power; the relation between state and its citizens; the transparent and equitable management of a country's resources; etc. Fostering *good governance involves "changes to long-standing practices, entrenched interests, cultural habits, even social and religious norms"*²⁰.
28. But have these efforts also led to the actual delivery of effective and efficient governance programmes in a huge variety of country contexts and partnerships? Are the proposed concepts, strategies policy guidelines as well as tools and approaches consistently used in the field? Is the EC properly equipped to act as 'change agent'?
29. The search for answers to these questions leads us to the third key finding of the evaluation: the existence of *major gaps between policies (as laid out in Brussels) and actual implementation practices in the field*.
30. From the different sources of information, *four (inter-related) gaps* have been identified between stated policy intentions and actual practice:
- *Limited use of existing policies, knowledge and experiences*. There are clear indications that key Commission documents, policies, guidelines and lessons learnt on governance-related matters are *not* known to many officials let alone properly internalized and consistently applied in the different stages of the cooperation process. As a result, the rich substance of the governance approach, promoted in centrally produced EC policy documents, is often diluted at the level of country programmes and narrowed down to technocratic, project-related approaches (particularly in non-ACP countries).

²⁰ EC Communication on Governance and Development (2003).

- *Ownership deficit.* The EC Communication on Governance and Development attaches a central importance to ownership of governance processes. To this end, the EC generally seeks to align its governance support to national agendas and programmes. Yet the CSP-analysis and several country reports suggest that this is a necessary but not sufficient step to ensure ownership. Several country reports observe an “ownership deficit” of EC-supported governance programmes, despite an apparent agreement among parties on reform priorities. This deficit can be attributed to many factors, including (i) a lack of a genuine dialogue on the precise content and priorities of the governance agenda; (ii) limited political, institutional and risk analysis (e.g. of the existence of sufficient commitment and incentives for change; of the possible ‘drivers of change’, etc.); (iii) linked to this, an unrealistic programming which neglects the broader reforms required to the success of EC-supported governance programmes; (iv) a too heavy reliance on external consultants for identifying programmes; (v) the choice for project-related implementation arrangements outside normal government structures; (vi) the lack of alliances with key governance institutions and actors that are properly informed about the programme and are willing to support it²¹; (vii) the need for EC-visibility. Failure to properly address the ownership question generally leads to delays in programme execution and slower disbursements (as illustrated by the Angola case).
- *Lack of integrated approaches to promoting governance.* This is another major gap, found in all country studies and in almost all CSPs. EC policy documents recommend a long-term, holistic approach to governance, as the purpose is to support processes of political and societal transformation from within. As mentioned before, a positive development in this context is the emergence of a more strategic approach in EC governance interventions (see box 1, par. 24). Yet much remains to be done to adopt a truly integrated strategy and implementation approach required for meaningful and sustainable support to governance processes. aimed at systemic changes. At this stage, an **overall strategy** on how the EC could best support, governance in a given country (by combining different instruments and levels of intervention while working with a variety of local actors and external partners) is generally missing²².
- *Unclear division of roles.* If governance is all about supporting locally-driven processes of societal change (touching upon norms, values, vested interests, as well as institutions and the way they operate), it is crucially important to agree upon a role division between the different players involved (“who should be responsible for what and what role is there for external agencies?”). Evidence collected through various means suggests that the EC is still struggling to define its place, role and added-value in supporting governance processes in different country contexts. In some cases, it seems reluctant to trust partner governments and/or shift towards aid modalities that may be more effective in helping to ensure local ownership of reform processes. In other instances, it tends to follow a too lenient approach with the partner country on governance matters. The case study Angola exemplifies this gap and its negative impact on the implementation of the agreed CSP and related governance programmes included in the NIP. An EC official symbolised the cooperation and dialogue with Tunisia on governance issues as “une culture de l’apparence”, an image that could

²¹ According to the Guatemala report, the Commission’s ability to build alliances with some of the key local actors such as the Sub-Secretariat for Decentralisation seems to have been a determining factor of performance.

²² It was observed, for instance, that CSPs tend to give a central importance to governance issues. Yet they generally do not define an overall strategy tackling the various clusters and linking them to the central objective of poverty reduction (in the case of ACP countries). It is also illustrated by the prevalence of self-standing projects as preferred channels for EC support to governance (despite their well-documented possible limitations in terms of ensuring local ownership, sustainability and impact).

undoubtedly be applied to other countries as well. In this context, it is interesting to note that many local stakeholders interviewed in the different countries visited, perceived the EC's primary role (and focus of interest) to be management and administration of programmes (rather than a 'political' role of supporting governance).

31. The next question is to ask *why these major gaps* --which profoundly affect the quality, performance and impact of EC work on governance-- exist. This diagnosis is crucial for reflecting on possible remedial action.

32. *Five explanatory factors* can be advanced :

- *Novelty of governance as a policy area.* A gap between policy intentions and practices is not uncommon when *new topics* quickly move to the forefront of the agenda. It generally takes time for the system and the actors involved to 'digest' the new ideas, policies and approaches.
- *Contextual limits.* There can be important *contextual limits* to what external agencies can achieve in the field of governance, irrespective of the soundness of their strategies and practices. This holds particularly true for 'difficult partnerships' (where openings for real change are often very small) and to some extent also, for very poor countries, whose institutions almost by definition suffer from weak legitimacy, credibility and capacity. The issue of leverage is also relevant here. In some countries, the EC has only limited political and financial leverage (e.g. Angola and Indonesia – which gets the money it needs from capital markets) to put pressure on the effective implementation of agreed reform plans.
- *Flaws in the process of designing and implementing governance programmes.* While the two previous factors are largely outside the control of the Commission, this explanatory factor relates directly to the way the EC formulates and implements governance strategies. It touches therefore on something the EC can change and improve for the better. A variety of sources, (and particularly the country notes) indicate that recurrent flaws tend to exist in the process of designing and implementing governance interventions, including: (i) inadequate dialogue modalities; (ii) a lack of solid country-level political and institutional analysis that is based on a clear and shared understanding of "the way things work" in a given country; (iii) limited attention to the structure of social and political incentives to change; (iv) top-down, supply-driven approaches not based in real processes; (v) the lack of a truly strategic, multi-actor process approach to supporting governance²³; (vi) limited analysis of the added-value of different instruments (vii) the absence of an overall institutional development strategy underpinning capacity building initiatives; etc.); (viii) limited progress towards multi-donor support programmes and pooling of resources based upon governance reform strategies to which partner countries are clearly committed. These flaws demonstrate that the policy guidelines and new approaches, laid out and promoted by Brussels, have often not be 'taken up' in an effective and efficient manner at field level.
- *Systemic problems at the level of the Commission.* Evidence collected during the desk and field phase clearly links the gap between policy intentions and actual practices to the prevailing organisational culture within the EC (and in the wider EU context). In

²³ The Guatemala Report clearly makes the point that existing windows of opportunities to support national governance agendas are not effectively used by the EC because (i) applies project approaches (rather than supporting processes); (ii) focuses the dialogue on project implementation issues; (iii) is constrained by inadequate procedures. Similar weaknesses were found in Burkina Faso and Jordan.

essence, this points to a *mismatch between key strategic objectives (i.e. the priority given by the EC to support governance as a long-term process of societal transformation) and the available instruments, procedures and institutional incentives* to effectively implement this commitment. This, in turn, suggests that the EC has not yet adapted its institutional framework to the specific requirements of governance programmes and approaches²⁴. Systemic constraints at the level of the Commission are probably the most important impediment to quality and performance in relation to governance. Thus, a majority of Delegations have singled out the *inadequacy of procedures as the main obstacle to an increased role of the EC* in governance (14 out of the 23 replies to the questionnaire). In a similar vein, 18 Delegations consider a change in procedures as the key priority for moving forward. All country visits have confirmed the limits imposed on effective governance work by the prevailing management and administrative culture. One example is the tendency for staff to spend a disproportionate amount of time to detailed demands of project management so that limited time is left for dealing with strategy and content²⁵. The *overall EC/EU institutional environment* is also perceived to be a bottleneck for efficiency and effectiveness in governance work. A broad range of disincentives exist to enter into the governance agenda and to deliver quality, including disbursement pressures (governance programmes are no 'big spenders') and the prevailing climate of 'risk-avoidance'. The institutional fragmentation of the Commission further limits the scope for truly strategic and integrated responses to governance as well as for learning.

- *Staffing*. At last factor is the still limited availability (both in quantity and quality) of specialised staff (with relevant training and years of experience), particularly at the level of EC Delegations.
33. The net result of these gaps, flaws and systemic constraints is that EC contributions to governance-related processes have not been as effective and efficient as could have been expected (considering the political priority attached to governance and the potential of supported reform programmes). On the positive side, available evidence suggests that EC-supported programmes are generally (i) considered to be relevant and to respond to genuine needs and priorities; (ii) in line with region-specific objectives; (iii) contributing in a general way to the encouragement and promotion of good governance approaches and priorities (at the level of project activities). By contrast, the evaluation team found *limited signs* that EC-supported programmes were also contributing to *systemic change at the level of the society and the governance institutions involved (i.e. the declared final objective of governance support)*.

²⁴ This also holds true for EC support to civil society. In policy documents (e.g. the Cotonou Agreement), the stated strategic objective is to provide institutional support to the emergence of a strong and viable civil society (as a key governance player). Yet prevailing procedures (e.g. call for proposals) and complex administrative requirements (not attuned to capacities of local actors) generally do not allow the EC to provide a truly strategic support to civil society (e.g. by supporting change agents, building civil society coalitions or investing in long-term institutional development). At worst, they can foster competition among civil society actors.

²⁵ These roles are often externalised to consultants, thus further diluting internal capacity building and learning

V. THE WAY FORWARD

34. According to the Terms of Reference, a synthesis note should focus on preliminary findings. It is not expected to come up with conclusions, let alone elaborated recommendations. Yet based on the preliminary findings, it is possible to indicate some of the key orientations with regard to the way forward for the EC in supporting governance in third countries.
35. Five overall orientations seem to emerge from the evaluation findings:
- ***Profound changes*** will be required in order (i) to reduce the gap between political/policy priorities and actual practices; (ii) to improve the overall effectiveness, efficiency and sustainability of EC-supported programmes by adopting long-term strategic approaches underpinned by a solid institutional development strategy (from the outset); (iii) to enhance the effects on systemic change of governance in a given country. This opens a huge transformation agenda for the EC, based on a recognition that working on governance is a ***qualitatively different sort of activity***.
 - Changes are needed both in relation to ***process elements*** (i.e. the ways in which governance strategies and programmes are formulated, designed, implemented, monitored and evaluated) and in relation to the ***overall administrative culture*** of the EC. In this context, it will be essential to ensure a proper match and coherence between EC strategies on governance, on the one hand, and the instruments and procedures that are available for implementation.
 - The whole question of ***how*** to build effective ownership and commitment to effective change should receive central attention. EC objectives with regard to governance should be focused on creating the conditions for democratically-controlled policy processes and domestic forms of political accountability. This, in turn, invites the EC to invest much more in country-level political analysis and multi-actor dialogue processes in defining realistic governance agendas and suitable implementation strategies.
 - In the same ownership logic, there is a considerable potential for systemic change to emerge from the ***use of budget support***. The EC has invested heavily in budget support (in terms of conceptual understanding, development of adequate tools, participation in donor fora, training). An example is the EC's (lead) involvement in the development of the Public Expenditure and Financial Accountability (PEFA) instrument, aimed at developing standard methodologies for assessing and monitoring public financial management in third countries. As budget support operates literally from within the State's agenda setting, there is considerable scope to achieve changes where in the past project assistance struggled for lack of support from above. The EC currently supports capacity building in public financial management in many countries, which may impinge positively on governance. Yet the full potential of budget support as a governance tool remains to be tapped. More could, for instance, be done to improve public/parliamentary scrutiny as well as budget tracking by watchdog agencies. In the process, it should be recognised that budget support (i) is not a panacea, nor an instrument that can be implemented everywhere (ii) is to be properly internalised by different actors (including civil society, local governments, Parliaments) and complemented with other instruments (e.g. technical assistance) if impact on governance is to be ensured.
 - The EC (like other donors) should recognise in a more concrete and consistent way the link between the good governance in third countries and the improvement of the ***EC/EU governance of its external action***, with a particular focus on the need for harmonisation and alignment to domestically negotiated priorities.

Service contract for the evaluation (sectoral and thematic) of European Commission programmes and policies in third countries, relating to social and human development issues

**THEMATIC EVALUATION OF THE
EUROPEAN COMMISSION ASSISTANCE
TO THIRD COUNTRIES SUPPORTING
GOOD GOVERNANCE**






Country Note for Angola

Marc De Tollenaere,

January 2006

Evaluation for the European Commission



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The opinions expressed in this document represent the authors' points of view, which are not necessarily shared by the European Commission or by the authorities of the countries concerned.

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1 INTRODUCTION

The purpose of the present Angola case study is to provide evidence for a worldwide analysis concerning to what extent, and how, the Commission has contributed to the progress towards good governance.

The present study is consequently not a country evaluation or a project evaluation but provides the basis for a view on the intended and actual role of the EC in good governance. The study is based on interviews, project evaluation reports, background documents and studies on governance issues in Angola.

The purpose of the note is to highlight the issues which stand out in regard to the ten evaluative questions mentioned in the Inception Report. The reasons for selecting this country for a case study are that Angola is both a post-conflict state with fundamental governance challenges and a 'difficult partnership'.

Within this framework it is important to acknowledge that structural development cooperation with Angola could only take off since the peace agreement of 2002. Before that, initiatives were determined by the emergencies and limitations generated by the prolonged civil war. Governance only appeared explicitly on the agenda of the international community after the signing of the peace agreement in April 2002 (with exception of a short period at the time of the first multi-party elections in 1992). It is thus only a relatively short period of time that can be considered.

Another significant contextual element is the low financial leverage that the donor community has in Angola to promote change, in particular in governance areas. The total annual international assistance represents currently around 5% of the Government's annual budget¹ or 2% of the GDP and this is likely to reduce in the short and medium term as oil revenues will increase through higher prices and more production. The low leverage also needs to be seen in the broader perspective of alternative sources of external funding that the Government manages to access. A case in point is China's 2 billion \$ credit for the rehabilitation of infrastructure.

2 DATA COLLECTION METHODS

The evaluation interviewed 25 persons, all in Luanda, and collected available literature on the subject of governance in Angola. Maximum attempts were made to keep a balance between EC, Government, donor and civil society interviewees.

No programme was specifically considered because there is no major active governance programme at this moment. Some have ended (e.g. support to the Parliament) and others are under formulation (e.g. support to public finance management reforms).

The short period of time allotted to the country visit and the late recruitment of a national consultant did not permit focus group discussions, or participatory consultations (for example of the beneficiary populations). The significant workload of key respondents would have required this to be prepared much in advance, with clearly defined questions.

The consultant would like to thank the EC Delegation in Luanda for its active support to the implementation of the field mission. Special appreciation is expressed for the availability of, and collaboration with, Pedro Oliveira.

¹ In a country like Mozambique international assistance represents close to 50% of the national budget.

3 SHORT COUNTRY PROFILE

Angola is at a crossroads. The single most important fact is that the war is over, and the challenge now is to let peace benefit maximally to all Angolans. The options are often considered to be between a spectacular recovery based on the country's vast and underutilised natural resources and further cycles of instability, crisis and severe poverty.

Despite substantial and varied natural resources, Angola remains one of the poorest countries in the world. Although growing revenues from oil and diamonds have boosted per capita income to over \$1000, human development indicators are poor, reflecting the heavy toll of nearly three decades of conflict:

- In 2003 only 38 percent of the population had improved access to water sources.
- Infant mortality is high and decreased only marginally, from 172 in 1995 to 154 per 1,000 in 2003.
- The prevalence of HIV/AIDS has increased from 2.1 percent in 1997 to 5.5 percent in 2001.
- Primary school enrolment is only increasing slowly, from 72 percent in 1995 to 74 percent in 2000.
- Female primary school enrolment was only 69 percent in 2000, while male primary school enrolment was 78 percent in the same year.

Not surprisingly, the performance of Angola's economy at the macroeconomic level has been mixed:

- GDP growth since 1995 averaged 6.6 percent but, on the strength of increased oil revenues, was estimated for 2004 to be over 11 percent.
- Annual inflation was 44 percent in 2004—still high, but down significantly from the late 1990s and early 2000s, when inflation was consistently well above 100 percent annually.

Underlying many of the country's problems are deeper institutional problems concerning the nature of governance in Angola. Although the constitutional revision in 1991-1992 opened the way to pluralistic politics, more diverse mass media, independence of the trade unions and the emergence of independent associations and national NGO's, there have been limits to the scope and impact of reforms. The National Assembly has remained quite weak in terms of its capacity to provide effective checks on the actions of the executive. Provincial and local government has not yet been democratized. And there are still some legal constraints on the mass media.

In addition, institutional capacity in the public administration has been eroded since the early 1990's, partly because of the steep decline in the real value of salaries in the early part of the decade, which undermined motivation and performance, and also encouraged many of the better qualified civil servants to leave Government employment.

Another major area of concern is the inadequate transparency in the management of public resources. The country's large public revenues, generated mainly by oil, should be used to meet the needs of the population and to promote long-term development. A prerequisite for this is to ensure the transparency of government finances, by bringing all revenue and expenditure within the framework of the approved national budget and requiring that expenditures follow strictly the procedures set by law. This means ending a situation where more than over \$1 billion a year in Government spending is not recorded and classified in the budget accounts. In addition, the public procurement needs to be brought up to international standards and rigorously enforced.

4 FINDINGS

EVALUATIVE QUESTIONS

4.1 Evaluative Question 1

To what extent has good governance been prioritised and incorporated in European Commission cooperation since 2000 and how has the approach to good governance evolved during this period?

The CSP identifies three main challenges to development in Angola: (1) peace, reconciliation and reconstruction; (2) democratization and the rule of law; (3) good governance (here mainly understood as macro-economic stability).

In response to those challenges, the CSP² treats good governance as a *focal cross-cutting issue* in the short, medium and long term. Actions to promote democracy and human rights, reform of public management, the development of civil society, political and economic integration at regional level and sensible use of natural resources are proposed to follow a phased LRRD approach³.

The CSP specifies that support for the promotion of human rights, democratisation, the consolidation of the rule of law and good governance are *short term priorities*⁴ that should be covered by all available financing instruments⁴. Activities that are considered to fit in to the short term agenda are the support to the National Assembly, support to the National Statistics Institute, support to hold free and fair elections, and support in the area of justice and promotion of human rights (in particular critical areas of the institutions and of the legislative framework in order to consolidate the development of an independent judiciary). In conformity with the EU Common Position⁵, a capacity building programme for civil society is to be developed to improve the dialogue with each other, the Government and the Parliament. Particular preference was to be given to activities that promote human rights and analysis and advocacy of gender issues. The EC further commits to consult civil society on the annual reviews of the CSP and to support the participation of civil society organizations in the implementation of various programmes. Still in the short term, the CSP highlights the need to strengthen areas with a horizontal impact on the functioning of the public sector in Angola, in particular public finance management and public sector reform. On the basis of Government plans to coordinate different donors, the WB is suggested to take the lead in public finance and the EC to play an important role in public sector reform.

Good governance is the short term priority because it is considered a pre-requisite for sustainable development interventions, and should also remain a focal area for cooperation

² CSP/NIP, p 24

³ The LRRD approach is described in Communication 153 of 30/04/1996 and aims to provide a framework for programming in cases of a transition between humanitarian assistance and development. The framework presents a phased approach from emergency relief (short term) to rehabilitation (medium term) and development (long term). The framework recognises though that this transition is not linear, that phases can overlap and that there is no model or blueprint for implementation. The basic philosophy is that interventions need to be considered in a broad economic, social and political context of disaster preparedness, conflict prevention and return to structural stability. The approach aims to link Community and Union interventions and to use different instruments in a complementary way.

⁴ CSP/NIP, p. 26

⁵ The General Affairs and External Relations Council of 13/10/2003 gave in its conclusions high priority to three governance areas: 1) strengthening of democratic institutions as to hold free and fair elections; 2) developing pluralistic democracy, foster participative civil society and reinforce public administration; and 3) the fight against corruption.

beyond the short term. This means that the interventions launched in the short term to promote good governance, democracy and human rights will be carried on⁶ in the medium term, with a gradual shift of focus from partnerships with local administration to provincial and national administration. In the applied LRRD logic, the medium to long term cooperation will broaden its focus to food security and support to social sectors. In this sense, the policy recognises a clear link between governance and broader development objectives.

The 2004 MTR recognizes that EC programmes in the governance field have been facing serious difficulties due to bureaucracy, weak capacity or lack of political will. The MTR proposes a more pro-active, coherent and global approach with the aim to overcome these obstacles through the establishment of a set of priorities, close coordination with other donors, a thorough analysis of key institutions' constraints and capacity needs and analysis and impact assessment of government policy responses. At this stage, the lack of progress in governance programming and implementation did not lead to a reorientation of the strategy.

In early 2003, and in response to the peace agreement, an EIDHR identification mission visited Angola to include it as focus country and to determine the priority areas for support. These are: 1) freedom of expression and independent media; 2) the legal system and strengthening institutions, in particular support for legal professional networks; 3) conflict prevention and resolution, in particular resolving land tenure disputes; and 4) civic and voter education.

In terms of *mainstreaming*, the CSP states that over and above specific governance interventions, the promotion of human rights, freedom of expression, civil society and the rule of law should, as far as possible, be incorporated in other EC-financed interventions. The EIDHR budget line should support the promotion of national reconciliation. The PAR programme has, since its revision in 2002, a component for capacity building of municipal administrations and of civil society to foster improved service delivery and more participatory development. The sector programmes in health and education are oriented towards increasing access to health and education through improving the planning, budgeting and quality of human resources at central level and at selected provinces and pilot municipalities. No evidence was detected that the intended mainstreaming of governance in all programmes is done through a common strategy. Delegation staff demonstrated difficulties in identifying governance components in sector programmes and generally felt that higher or more explicit focus on governance may increase the already high level of complexity to implement programmes in Angola.

There is no common understanding or definition of the concept of governance in the Delegation and the Delegation largely relies on external analysis to assess governance areas. There was a degree of uneasiness among Delegation staff as to the theme of this evaluation. No trace was found of a comprehensive analysis preceding the EC's policy intentions in governance. No evidence was found that the proposed governance interventions in the CSP were the result of an analysis of the sector and the EC's comparative advantage. There was no evidence of effective mechanisms for dialogue and exchange of experiences on governance issues and approaches within the Delegation.

⁶ CSP/NIP, p.29

4.2 Evaluative Question 2

To what extent and how have Commission-financed projects and programmes, and in particular capacity building activities including technical assistance and twinning programs, efficiently and effectively contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and policies

The total EDF amount available in the NIP for the current Country Programme is 210 million €⁷. In the absence of sector programmes and macro-economic support, all funds are to be spent through projects. Between 9,5% (20 million €) and 16,5% (35 million €) was targeted for governance programmes. The planning was to spend 5 to 10 million € on justice reform; 5 to 10 million € on public sector reform; 5 to 10 million € on public finance reform; 2 million € to support the National Institute for Statistics; and 3 million € to build capacity of civil society organisations.

In the planning there is no reference to possible support to elections although it is mentioned as a short term priority in the CSP. The support to the National Assembly is also not mentioned in the NIP (started under 7th EDF).

The financial status of EDF funded governance programmes was the following in June 2005⁸ (in Euro):

	PLANNED	COMMITTED	DISBURSED
Support to the Parliament	1,300,000	1,100,000	400,000
Support to Statistics Institute	1,900,000	1,000,000	900,000
Support to Public Finance Reforms	10,000,000	0	0
Support to Civil Society	3,000,000	0	0
Support to Justice Reform	5,000,000 – 10,000,000	0	0
Support to Public Administration Reform	5,000,000 - 10,000,000	0	0
TOTAL	26,200,000 – 36,200,000	2,100,000	1,300,000

This means that in the most conservative estimate around 5% of EDF funds planned for core governance programmes have been disbursed by June 2005. Two programmes (financial management reform and civil society support) are in an advanced phase of formulation which could at least increase the commitment of governance funding from 8% to 57%. The disbursement rate is not likely to increase strongly towards the end of the current CSP because the two programmes that had disbursements so far (national assembly and statistics) have ended⁹ and the two that are under formulation will only be in a start-up phase in 2006.

⁷ Made up of an “A envelope” of 117 million € a “B envelope” of 29 million € and the 7th and 8th EDF balance of 64 million € 32% (approx 20,5 million €) of that balance was allocated to governance, complemented with up to 15% (= 17,5 million €) of the 9th EDF “A envelope”.

⁸ The figures are based on the follow-up framework used during the monthly meeting between the EC Delegation and the NAO that took place on 3 June 2003 and data from the CRIS. The table does not take into account the promotion of good governance through other focal areas. Therefore percentages are calculated against the total funding planned for governance and not the total EDF funding.

⁹ The Delegation intends to extend support to the Statistics Institute to the end of the current year.

The programme to support the Parliament was initiated in 1993, one year after the first multi-party elections. The formulation process ended in 1995 but it took another 5 years before implementation took off. The programme provides technical assistance to parliamentary commissions and to the secretariat and was implemented in two phases of two years.

The programme to support the National Institute for Statistics (INE) started in April 2003 and aims to improve the availability of statistical information on poverty given the need of establishing a post-conflict data photograph of the situation in the country. Specifically, the project was intended to produce sector and provincial poverty profiles. These profiles have not been delivered as yet, but progress was made on the establishment of a Consumer Price Index, a basic welfare survey (QUIBB) and a company survey (REMPE). The programme provides no technical assistance, but institutional support and equipment to implement the Institution's work plan. The recent evaluation assessed the programme as having highly efficiency, but also suffering from a lack of ownership.

The EC provides its support to INE in parallel to a consortium of donors that funds the Institute's 5-Year Development Plan. The World Bank expressed regret that the EC, by doing so, puts a burden on the weak institutional capacity. The EC feels they respond to an explicit demand for support.

The other four EDF funded programmes are formally in a formulation phase, but only two actively. A programme identification to support the Government's Public Finance Modernisation Programme is ongoing and the actual programme is expected to start early 2006. It is intended to be a technical assistance programme that will aim to improve budget preparation and execution at national and provincial level. The programme will work with both the Ministry of Finance and the Ministry of Planning.

A mapping exercise on non-state actors in Angola has been completed and the ensuing programme proposal is currently under discussion. The perspective is that a programme can take off in the course of next year.

The programmes to support public administration reform and justice reform were meant to be the pillars of the EC's governance programme as indicated under EQ1. In both cases a formulation process was initiated in 2002, but an agreement could not be reached.

The first preparatory study to formulate a programme to support public administration reform was considered unsatisfactory. A new study was done that presented three options for intervention: 1) the modernisation of the civil service; 2) the reform of the administration; and 3) the modernisation of public services. These options were discussed at length between the Delegation and AidCo. In the meantime, the Government was said to have lost interest after the long delays suffered. There is no clear and univocal reason why the process stalled. The NAO indicates a lack of ownership and a too slow preparation process as main reasons for the failure. The partner ministry in this (MAPESS) indicated interest to work with the EC Delegation in the future (e.g. in the area of reforming the existing training institutes for civil servants).

In justice only one comprehensive study was done, but the Government was not happy with the scope and focus of the programme. The proposal was very comprehensive and included support to all relevant institutions (courts, ministry of justice, attorney general, etc), a revision of the legal framework of the sector, a revision of the remuneration and human resource structure, improving the registries, training, mediation & arbitration and increasing citizen's access to justice. The Government seemed to prefer a more investment oriented approach, e.g. the rehabilitation or construction of courts and houses for judges. During the formulation process, the President of the Republic established a special commission to determine the needs of the justice sector and a reform framework. Although the commission has now been

working for 18 months, no results have been released yet, but are anticipated to come out before the end of 2005. Based on the findings of the commission the proposal may be revived.

According to AidCo, the reason why these two major governance programmes did not advance is because they are the result of “top-down input-oriented approaches that are not based in real processes”.

An EC mission to identify possible areas of EC support to the elections¹⁰ took place earlier this year, but the EC received no indication as yet from the Government as to a possible request for support.

A regional PALOP budget line finances support to the Institute for Juridical Studies (INEJ). The programme is co-financed by the EDF and the Portuguese Government (5 million € and 1,1 million € respectively). It started in 2003 and will end in 2006. The programme provides capacity building and equipment to judicial training institutes in the PALOP countries. The programme also provides TA to establish a database on existing legislation in the PALOPs and the revision of outdated legal codes.

Outside the EDF, there are three EIDHR macro-projects for a total budget of 600,000€. The “Church and the Construction of Peace in Angola” project (2003-2005) aimed to make Churches and associated civic organisations more effective in their endeavours towards a just and sustainable peace in Angola through the establishment of training units of peace promoters and monitors, the establishment of a communication units at national and regional levels and the formulation of awareness campaigns. This programme ended recently.

A second macro-project supports the Angolan Lawyer’s Association (2003-1005). The programme focuses on providing training to the Association’s Human Rights Unit and to the provincial nuclei to monitor the activities of courts, police and prisons. The third component is the promotion of research on issues related to human rights. The current programme ends in December 2005.

The third EIDHR programme supports a network of 12 national and international NGOs that work on land issues (Rede Terra). The programme funds the dissemination of the land law that was approved in August 2004, the promotion of debate and advocacy activities. This programme also started in 2003 and ends in December 2005.

A first call for proposals for EIDHR micro-projects was launched in 2004. Six projects were selected for a total budget of 500,000€, but only one project was signed before the end of 2004. Five others got caught in administrative and technological problems. A particularly thorny issue was the use of the database that allocates a number to the programmes. After the deconcentration of the Delegation in April 2004, this had to be done at country level, but the system generated various problems. The contracts that could not be signed before the end of December 2004 had to be annulled but a solution is still being sought to overcome this administrative hurdle.

A new call for proposals for EIDHR micro-projects for a total budget of 645,000€ will still be launched in 2005. There will also be a call for proposals for funding through the Decentralised Cooperation budget line this year. The idea is to focus on 5 or 6 municipalities in 4 different

¹⁰ Legislative elections are anticipated to take place in 2006 and Presidential elections in 2007. The legislative package is not yet approved, because the President asked the Supreme Court to verify the presented legislation on its conformity with the Constitution. It is not known how much time this verification could take.

provinces. A particular condition for beneficiary selection is that they must already receive support from the PAR programme to foster synergy and complementarity.

Practically all governance programmes are fairly recent¹¹ and therefore it is too early to make a judgement on sustainable effects of capacity building activities. There was no evidence that EC governance interventions triggered broader organisational or institutional change processes.

4.3 Evaluative Question 3

To what extent and how have Commission-financed SPSP and budget support efficiently and effectively contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and practices, in particular through improved public finance management, through improved accountability and transparency and through improved public service delivery?

There has been no sector or budget support from the 9th EDF. The CSP states that minimal conditions required are not yet present. This refers to essential reforms in public financial management and the signature of an agreement to implement an IMF-financed programme.

The Ministry of Finance is certainly interested in this modality, mainly because it avoids lengthy programme formulation and preparation processes, but recognises that conditions are not yet in place to discuss this option with donors.

The implementation of the programme to support reforms in the budget preparation and execution will certainly contribute to improve conditions for other cooperation instruments than projects.

4.4 Evaluative Question 4

To what extent and how has the Commission efficiently and effectively used the political and policy dialogue (at sector and country levels) to encourage and promote good governance approaches and practices?

The political dialogue started in December 2003. Leadership of the Government delegation is with the Vice-Minister of Foreign Affairs. The EU considers this a lower level than could have been expected, yet the Vice-Minister is praised by the EU troika for creating a positive environment and bringing relevant members of Government and administration with him according to the subject discussed. The Technical and Administrative Unit of the NAO/Ministry of Planning participates systematically in the meetings. Five meetings took place between December 2003 and June 2005. The EU delegation is made up of the troika and headed by the presidency. There has been long consistency as the Dutch Ambassador held the EU presidency from 1 January 2004 to 30 June 2005.

The agenda that was agreed is heavily dominated by governance issues (economic, social, political governance and human rights). The tone of the meetings is described as friendly, but also frank and open. No documents were shared on the content of the five past meetings.

¹¹ Only the TA programme with the Parliament dates from before 2002.

The appreciation of the value of the political dialogue seems to depend from whether one participates or not. Delegation staff that does not attend the meetings sees little merit in the dialogue, while participants (both from the Angolan and EU side) confirm that the meetings are a good opportunity to clarify issues and points of view and that they are a useful channel to build confidence. It is also confirmed that the Vice-Minister of Foreign Affairs reports on political dialogue meetings in the Council of Ministers.

Yet, all agree that the impact of the political dialogue on the positions of the Government and on cooperation strategies and programmes is very low. The discussions are very open ended and the EC is exploring ways to turn the dialogue more effective. A compounding factor in relation to the potential effectiveness of the dialogue is that member states have varying degrees of political and economic interests in the country. These interests result in differences between member states that want to take stronger positions and member states that prefer a softer stand.

There is no organised policy dialogue on sectors, issues or themes, except for ad hoc meetings. The political dialogue remains therefore a rather isolated exercise that is not linked with other dialogue platforms. The dialogue is only done in this systematic way with the Government. Parliament, non-state, or other actors are not involved¹².

Although the Cotonou Agreement could justify so, there is no consideration at this moment to open article 96 consultations. It is “too early” and it would give a wrong message to the Government. Therefore, the political dialogue is considered as a form of constructive engagement.

4.5 Evaluative Question 5

To what extent has the Commission assistance been sensitive to specific partner country needs, and priorities, and to what extent and how has the Commission been flexible, in the programming process and in implementation, in adapting to different country contexts (e.g. post-conflict, difficult partnerships, effective partnerships)?

Discussions between the donor community and the government of Angola regarding Angola’s Estratégias de Combate à Pobreza (ECP, or Strategy to Combat Poverty) took place in 2004, and the ECP is in its final stages of revision before being presented to the Boards of the Bank and the IMF. The Bank is working closely with the Ministry of Finance and the National Statistics Department to enable successful monitoring and evaluation of the ECP, in particular, establishing a robust set of baseline indicators against which progress of the ECP can be assessed. Angola has no sector policies or specific policies on governance at this time.

Three out of four ECP objectives are governance related: 1) peace and reconciliation; 2) institutional capacity building and justice; and 3) free and fair elections. The priorities identified in the CSP are very much in line with the Government’s objectives as described in the ECP. There is no risk assessment or explicit recognition of the difficulties that the formulation of governance programmes poses in a post-conflict setting in the CSP and therefore no response to the current problems with stalled formulation processes. There has also been no analysis as to the causes of such problems, although the 2004 MTR explicitly recognizes that the formulation of governance programmes is very difficult (see higher). There is no clear or explicit demand framework from the Government’s side as to expected/desired support in governance areas. This obviously complicates the identification of adequate interventions and

¹² Yet, there are contacts with NSA’s in the context of the Joint Annual Review.

tends to turn donor initiatives, including the EC, supply and input driven. It is anticipated that the President's Justice Commission that was established in early 2004 could provide a framework for support in this governance area.

A particular concern and frustration was repeatedly noted on the process to design a project. The beneficiary side feels that the feasibility studies that often represent a first step in the programme formulation, is time-consuming and brings little added value. In the best case it reiterates priorities mentioned by officials, in the worst case the study presents an approach and programme that can not be agreed upon. This approach also tends to put the ownership of the formulation process with the consultant, rather than the direct stakeholders.

Striking is that there is currently little systematic dialogue between Delegation staff and key governance institutions. The dialogue seems to be highly project related and does not include the systematic follow up of processes that are broader. The EC approach to dialogue at project level is felt as very procedural.

The systematic use of external consultants for programme formulation and the lengthy identification periods have been detrimental for the sense of ownership by the beneficiary to the extent that some programmes could not get passed the formulation phase.

The EC has no ongoing EDF projects in the four governance clusters that are considered in this evaluation. The 4 EIDHR projects (total 700,000€)¹³ can be categorized in the civil society cluster.

4.6 Evaluative Question 6

To what extent and how has the Commission ensured coordination and complementarity with other donors, active in the governance area, and ensured coherence with EC policies and activities and with partner Governments' priorities and activities?

Donor coordination mechanisms are still at an incipient level in Angola. The EC participates in a donor group on elections led by UNDP, in the trimester meetings organized by the World Bank and in the informal decentralisation working group. Other meetings where coordination can take place are organized on an ad hoc basis. The EC participates systematically.

The degree of coordination does not transcend the level of exchange of information. There is no agenda to formulate common programmes¹⁴ or jointly follow up progress (except for elections and macro-economy) in governance areas. There is no shared long term vision on the promotion of governance. It can be anticipated that, once approved, the ECP provides a framework for more strategic coordination. Yet, the Government has no track record in coordinating donors.

At project level, the EC works in close coordination with the World Bank for the formulation of the programme to support reforms in budget preparation and execution. That is not the case for the programme to support the National Institute for Statistics where it is felt by the World Bank that the EC creates an unnecessary competition for limited capacity with the consortium of donors that supports INE's Institutional Development Plan.

¹³ Three ongoing macro-projects and one approved micro-project.

¹⁴ A large, UNDP led programme to support decentralisation was set up recently. The programme is co-financed by Norway and DFID. The EC at some stage considered co-financing, but is no longer pursuing this.

The need and potential for more structured coordination was mentioned often in interviews and is also explicitly expressed in the first UN Development Assistance Framework. The World Bank also mentioned that coordination or information sharing is highly unilateral (from the Bank to others, including the EC).

There is no specific mechanism to coordinate governance programmes with member states. Only two member states have significant governance programmes (UK and Germany) while the other prominent donors active in governance are not member states (WB, UNDP, Norway, Switzerland, USAID). There is also no coordination mechanism within the EC (Delegation-DGDev-AidCo) to discuss Angola governance issues and programmes. The quality of collaboration is said to be highly dependent on personal chemistry between the involved staff.

A case where specific complementarity between instruments is being sought is the use of the decentralized cooperation budget line to offer support to 5 municipalities that also benefit from the PAR programme. Yet, some say that this increases the risk for duplication and that therefore decentralised cooperation should better focus on the provincial level that is crucial for the functioning of local governments¹⁵. The focus of the EIDHR programmes can also be considered complementary to the planned areas of engagement in governance (in particular the intended programme to support justice reforms), but is in practice not obtained because of the halted formulation process of the latter.

Attempts to achieve a coherent donor approach on the payment of topping ups to civil servants involved in projects have failed thus far.

4.7 Evaluative Question 7

To what extent and how have cross cutting issues (social and environmental) been incorporated in the provision of governance support, and to what extent do the resulting good governance processes successfully take these issues in to account?

In the EDF programming no indications could be found of considerations for social and environmental issues.

In the EIDHR programming human rights can be considered as a recurrent theme (see EQ2).

¹⁵ The municipalities are not budgetary units; resources from the state budget for local administrations are held at provincial level.

4.8 Evaluative Question 8

To what extent and how have Commission strategies and programmes and projects, targeted at regional specific objectives as well as at the four clusters (rule of law and administration of justice, civil society, public administration reform, decentralisation) contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and practices?

The EC's contribution to the promotion of good governance has been limited thus far for two main reasons: 1) conditions to formulate governance programmes are only in place since peace returned in 2002, which leaves little time to implement projects, let alone assess impact; and 2) because of the failure to initiate programmes in public administration reform and justice reform¹⁶.

The governance objectives in the CSP are fully in line with the CPA, but have only partially been translated in programme inputs and measurable outcomes.

The most prominent governance cluster in EC governance cooperation is *the rule of law (cluster 3)*.

The programme to support the Parliament was first evaluated in 2002 and received a devastating report: no link between activities and results; objectives not coherent and realistic; no performance indicators; three different sets of activities were used for the same programme. The programme was considered to have little relevance (the Parliament did not have a global reform programme that could be supported), low efficiency, a low degree of ownership and low impact. Yet, because of the historic moment at the time of evaluation (2002 peace agreement), it was considered important to continue with a new phase of the programme, albeit under an adjusted form. The second phase ended early 2005 and was evaluated again in May of this year. The quality of the products produced by the TA had improved and the permanent presence of the head of project also helped to improve results. An ad-hoc group with all stakeholders discussed progress regularly and promoted a bit more ownership.

The second programme under this cluster is the PALOP programme to support INEJ. A recent mid-term evaluation refers to a lack of consultation during the formulation, sometimes visible in a lack of commitment during the implementation (yet efficiency is rated high). The current director of INEJ has a positive appreciation of the programme because it has facilitated the training of judicial staff and it has provided learning opportunities with countries with a similar judicial tradition.

A third programme that fits in here is the EIDHR macro-project to support the Lawyer's Association. There has been no evaluation on the performance of this programme and it was not possible to assess its performance during the field mission. The feed-back received during interviews was positive in that the programme allowed the Lawyer's Association affirming its influence in the promotion and protection of human rights.

There is no strategic link between the three programmes and they operate in a self-standing way. Therefore no synergies that can boost impact in this area could be identified.

Under *cluster 4 (civil society)* the EC has two EIDHR macro-projects described in EQ2: "The Church and Construction of Peace in Angola" and the "Rede Terra". In particular the first

¹⁶ Chances that a programme to support the forthcoming elections will be formulated are also slim as the Government does not seem likely at the moment to ask external support.

programme was said to suffer from operational, organizational and financial problems that will obviously limit its performance and impact.

Under *cluster 5 (public administration reform)*, there are no ongoing or past programmes, but a relatively large intervention is planned to support reforms in public financial management.

Under *cluster 6 (decentralisation and local governance)* there is no specific governance programme, but the mainstreaming of governance components in sector programmes since 2002 has resulted in support to local authorities, mainly in the PAR programme, but also in the education and health programmes. The PAR programme builds capacity for participatory development to 19 municipalities in the central highlands (an area that was heavily affected by the war). This is done with TA from national and international NGOs with relevant experience and presence. Progress, although varying on a case to case basis, has been booked in the capacity of municipal governments to make development processes more inclusive. Yet, some challenges remain: provincial governments do not want to be involved for the moment; traditional leaders need to be involved more systematically and the choice of infrastructure to reconstruct still lies exclusively with the local government.

4.9 Evaluative Question 9

To what extent and how has the Commission adopted a multi-actor and a multi-level approach to supporting good governance?

Although core governance interventions are still limited in size and quantity, the EC already works with different actors at different levels: municipal governments (PAR, Education), provincial governments (health), national government (INE, INEJ), Parliament and civil society (Churches Platform, Lawyer's Association, Rede Terra).

The strategy for the EDF programmes on the level of intervention is determined by the LRRD approach. Reconstruction and improvement of service delivery in a post-conflict situation should first be done at local level and then move up via provincial to national level.

4.10 Evaluative Question 10

To what extent and how has the Commission developed its overall institutional capacity to deal effectively and efficiently with the question of governance?

The Delegation in Luanda was deconcentrated in April 2004, and staffing has doubled since that time. There is no governance specialist in the office so far, but that could change as DFID offered to finance a senior governance advisor for the Delegation¹⁷.

None of the staff received any training on governance issues and key policy documents such as Communication 615 and the Handbook on Governance were not known by Delegation staff. In that sense, this case study had a modest capacity building side-effect in the Delegation.

The current approach of the Delegation to develop its institutional capacity on governance is through learning by doing. No specific headquarter initiatives could be identified to build governance capacities in the Delegation.

¹⁷ A recruitment process was not yet initiated at the time of the field mission.

5 CONCLUSIONS:

- ◆ Governance priorities and objectives are clearly spelled out in the CSP, but there is a clear gap between the level of priority given to governance (both in analysis and programming objectives) and the composition of the current programme. There is a grand canyon between planned and delivered support in the governance area. The level of priority given to governance in the current policies (CSP and the Conclusions of the General Affairs and External Relations Council; both of 2003) does not nearly match the response capacity. During the current CSP, the Delegation has not managed to get one major governance programme past the formulation phase. Two major initiatives are on hold (justice and public administration reform) and two others are still under negotiation (public finance management and support to NSAs).
- ◆ Practically all EDF governance programmes suffer from an ownership deficit for two reasons: 1) the Government did so far not actively seek external support to governance areas through specific initiatives or demands, although it recognises the importance of governance for development in the draft ECP – in practice the Government prefers donors to support the rehabilitation of public services and infrastructure (this is also evident in the problems that other donors face to formulate and implement governance activities); and 2) the procedural approach to the formulation of governance programmes does not yield the desired results. Engagement in governance areas requires the establishment of confidence and, besides technical insight, also a good knowledge of context and dynamics. This can only be achieved through a systematic, permanent dialogue with key players and key institutions that goes beyond the formulation and monitoring of a project.
- ◆ There is no strategic long term vision on the side of the Delegation on how to tackle governance challenges in this complex post-conflict setting. A difficult partnership has an ambiguous relation with governance. Governance problems such as public accountability and transparency or the rule of law are in the focus of the attention of development partners because of their blatant day-to-day presence, but all the talking about governance does rarely lead to opportunities for improving. Angola also suffers from this tension: the blatancy of the problem versus the incapacity to improve things quickly.
- ◆ More structured coordination between donors is required to share analysis, identify Government demands, prepare joint response strategies based on each donor's comparative advantage and preferably also to formulate joint programmes of assistance.
- ◆ Considering the broader relationship between the traditional donor community and the government, characterised by mutual distrust based on recent history and a very limited financial leverage, it is very likely that donors, including the EC, may have to bet more on advocacy than on financial support to promote governance. This means that it is urgent to invest in a comprehensive analysis of the governance environment, build knowledge within the Delegation and engage in a constructive dialogue with key players.

6 RECOMMENDATIONS

A. For the specific case of Angola:

- ◆ Take advantage of the DFID offer and recruit a senior governance advisor who can: keep the finger on the pulse in the main governance areas through permanent dialogue with government officials and other donors; provide technical back up to programme staff; cater for in-house training of staff (selected staff could be trained as focal point for a particular governance cluster); follow dynamics at policy level in the EC and disseminate information at the country level; assist with the identification of governance programmes; prepare a strategic approach to governance at the level of the Delegation.
- ◆ Use the final review of the current CSP and the preparation of a new CSP to narrow the gap between objectives and activities in the area of governance. In the current circumstances, considering the available resources and capacity and the context, it is not realistic to aim for significant progress in governance in the short term. Therefore it would be advisable to invert the current LRRD logic and bring it in line with reality. Food security and support to health, education, rural development and infrastructure seem to fit in better on the short term and constitute a more natural sequence to relief than core governance programmes. This implies though that there should be an explicit strategy on the EC's side on how to mainstream governance objectives in those programmes. An indirect way to promote good governance seems more appropriate on the short term, and time will be required to formulate proper governance programmes for the medium and long term.
- ◆ Base programme identification in governance areas in the first place on direct dialogue between the Delegation and potential beneficiary, rather than on an external consultancy.

B. Broad lessons that can be drawn from the Angola case study on governance cooperation in difficult partnerships:

- ◆ Difficult partnerships are usually characterised by complex political settings that are only partially dominated by formal rules. This requires more effort to read trends, analyse dynamics and anticipate future developments. Therefore, difficult partnerships require human resources capable of analysing the formal institutional and legal setting, but also the informal ways in which major governance stakeholders engage with each other. Currently, this kind of investment in governance competence does not seem to be made systematically.
- ◆ "Peace euphoria" should not lure the EC in unrealistic expectations about what can be done in the governance area. The Angola case study demonstrates that in difficult partnerships it may be more effective to address governance issues through social sectors or service delivery rather than through direct interventions to support governance institutions. Even if governance appears as the major challenge for further development of the country, it does not necessarily mean that governance needs to be "the priority" in the planning and country strategy. Allocation of financial resources need to take into account the feasibility of getting things done (usually low for governance in a difficult partnership). It is not only about doing the right things, but also about doing things the right way.

ANNEXES

ANNEX 1: LIST OF PEOPLE INTERVIEWED

1. Dr. Mendes de Carvalho, Member of Parliament and co-founder MPLA
2. Dr. Carlos Eloy, Director Technical and Administrative Unit, NAO, Ministry of Planning
3. Dr. José Fortes, Deputy Director Technical and Administrative Unit, NAO, Ministry of Planning
4. Maria Ondina Neto Peliganga, Director of the Research, Planning and Statistics Office of the Ministry of Public Administration, Employment and Social Security
5. Paula Furtado, Director General, National Institute for Judicial Studies, Ministry of Justice
6. Pedro Luís da Fonseca, Director Research and Planning Directorate, Ministry of Planning
7. Manuel da Costa, Director Office for Research and International Economic Relations, Ministry of Finance
8. Fernando Pacheco, President of ADRA (Action for Rural Development and Environment)
9. Isabel Emerson, Country Director, NDI
10. Robert G. Brinks, Ambassador of the Netherlands in Angola and current EU president
11. Martin Johnston, DFID Country Representative for Angola
12. Fátima Santos, Programme Specialist Governance, UNDP
13. Olivier J.L. Lambert, Senior Country Officer, World Bank
14. Dr Sabine Fandrych, Advisor Local Development and Reintegration Programme, GTZ
15. Glauco Calzuola, Ambassador and Head of Delegation, EC
16. Alexandre Borges Gomes, Economic Councillor, EC Delegation
17. Jorge Gallego, Councillor Infrastructure and Social Development, EC Delegation
18. Abel Piqueras, Programme Officer Education, EC Delegation
19. Tamar Bello, Economic Expert, EC Delegation
20. Paula Cristina Fernandes, ALAT NGOs, EC Delegation
21. Pedro António Oliveira, Junior Expert, EC Delegation
22. José Lambiza, Technical Advisor Technical and Administrative Unit, NAO, Ministry of Planning
23. Konstantin von Mentzingen, Desk Officer Angola, DG Dev
24. Lisabeth Foa, former desk officer Angola, AidCo
25. Pascal Vander Espt, Governance Specialist, AidCo

A collective meeting between the EC programme staff and the NAO was attended on 3 June.

A collective debriefing was held for the Delegation's programme staff on 9 June.

ANNEX 2: LIST OF DOCUMENTS CONSULTED

EC/Government of Angola, Country Strategy Paper and National Indicative Programme 2002-2007.

EC, Mid-Term Review 2004 Angola.

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ANNEX 3: ACRONYMS

CPA	Cotonou Partnership Agreement
CSP	Country Strategy Paper
DFID	Department for International Development
EC	European Commission
ECP	Strategy to Combat Poverty
EDF	European Development Fund
EIDHR	European Initiative for Democracy and Human Rights
EU	European Union
IMF	International Monetary Fund
INE	National Institute for Statistics
INEJ	National Institute for Juridical Studies
LRRD	Link Relief Rehabilitation and Development
MAPESS	Ministry for Public Administration, Employment and Social Security
MTR	Mid-Term Review
NAO	National Authorising Officer
NGO	Non-Governmental Organisation
NIP	National Indicative Programme
NSA	Non-State Actor
PALOP	African Countries with Portuguese as Official Language
PAR	Support to Reconstruction Programme
QUIBB	Questionnaire on Basic Welfare Indicators
REMPE	Company Survey
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
WB	World Bank

Service contract for the evaluation (sectoral and thematic) of European Commission programmes and policies in third countries, relating to social and human development issues

**THEMATIC EVALUATION OF THE
EUROPEAN COMMISSION
ASSISTANCE TO THIRD COUNTRIES
SUPPORTING GOOD GOVERNANCE**

Country Note for Burkina Faso






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January 2006

Evaluation for the European Commission



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The opinions expressed in this document represent the authors' points of view, which are not necessarily shared by the European Commission or by the authorities of the countries concerned.

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Annexes

Annexe 1: Acronymes et abréviations

Annexe 2: Liste des personnes rencontrées

Annexe 3: Liste des documents consultés

Les consultants voudraient exprimer leurs remerciements au personnel de la Délégation de la Commission européenne à Ouagadougou pour l'accueil fait à l'évaluation. Nous voudrions aussi transmettre notre reconnaissance aux autorités des structures nationales et aux autres acteurs du développement au Burkina Faso que nous avons eu le plaisir de rencontrer lors de notre visite. Nous souhaitons que le présent rapport soit utile à leurs efforts.

1 INTRODUCTION

Le document qui suit est une partie de l'analyse évaluative entreprise par la Commission européenne sur son positionnement dans le champ de la gouvernance dans ses programmes de développement.

Ce rapport est une note de visite de pays s'inscrivant dans la série des sept études de cas, concernant ici seulement les programmes de la CE au Burkina Faso. Les autres études de cas couvrent respectivement la République dominicaine, le Guatemala, l'Indonésie, l'Ukraine, l'Angola et la Jordanie.

La mission d'étude au Burkina Faso a eu lieu entre le 30 juin et le 9 juillet 2005. L'équipe était composée de Mme Adiza Lamien-Ouando, et de M. Emery Brusset. Pour leurs conclusions les évaluateurs se sont concentrés sur les résultats atteints dans deux domaines d'activité très différentes de la Commission dans la gouvernance, un projet d'appui à la justice (le Programme d'Appui à la Consolidation du Processus Démocratique, l'Etat de Droit et la Bonne Gouvernance, connu comme le PADEG) et le programme d'appui budgétaire pour la réduction de la pauvreté dans le cadre du VIIIème et du IXème FED. Le quatrième axe du Cadre Stratégique de Lutte Contre la Pauvreté est en effet la bonne gouvernance.

Ce rapport doit permettre de dégager quelques thèmes pour la note puis le rapport thématique de synthèse de la Commission, sur la gouvernance. Le rapport n'est en conséquence pas une évaluation à proprement parler des activités au Burkina Faso. Il doit seulement permettre d'étayer de façon claire les conclusions du rapport principal.

Le Burkina Faso a été choisi comme étude de cas par le groupe de référence de l'évaluation (composé de personnel du siège de la Commission) à cause du degré d'avancement qui y a été réalisé dans le domaine de l'appui budgétaire, ainsi que les progrès atteints dans les projets touchant à la gouvernance. Il ne s'agit pas tant de mettre en exergue la nature exemplaire du programme pays, que d'identifier les opportunités et les risques rencontrés dans un pays en pointe, lui-même souvent visité pour des études.

La définition de la gouvernance utilisée par les évaluateurs est celle appliquée par la Commission européenne¹, reprise dans les termes de référence : La gouvernance fait référence aux règles, aux processus, et au comportement par lesquels les intérêts sont articulés, les ressources sont dirigées, et le pouvoir est exercé dans la société. La manière dont les fonctions publiques sont effectuées, les ressources publiques sont dirigées, et les pouvoirs réglementaires publics sont exercés, est la principale question à aborder dans ce contexte.

Le Chef de l'Etat du Burkina Faso a, à l'occasion du Sommet Mondial pour le développement social de mars 1995, réaffirmé la pertinence du principe en ces termes : « la bonne gouvernance doit être comprise à la fois comme un moyen et un objectif de développement garantissant la participation populaire, la stabilité politique, le développement institutionnel et le respect des droits de l'homme ».

¹ COM 615/2003

2 MÉTHODOLOGIE

Le but de la mission est de fournir des informations propres au Burkina Faso pour éclairer les grands axes touchant à la CE en général. Il n'a pas été prévu de jouer le rôle d'une évaluation approfondie des activités sélectionnées.

La collecte de l'information est structurée à partir des 10 questions évaluatives fournies par les termes de référence de l'évaluation, sélectionnées lors de la phase de lancement, et reprises dans chacun des pays. Pour préserver l'unité et le degré de comparaison des rapports il a été décidé de suivre le plan des questions telles qu'elles sont formulées.

L'équipe est composée d'une consultante nationale et d'un consultant étranger qui ont passé un temps limité dans le pays (10 jours calendaires). La méthode choisie a été de réunir des analyses réalisées auparavant dans le cadre de missions de suivi, d'évaluation, ou d'autres études. Présentées sous forme de mémoires et de rapports, ainsi que verbalement, ces analyses ont permis d'identifier les thèmes récurrents. Le présent rapport est une analyse de ces thèmes. Elle s'appuie pour une « triangulation » rudimentaire sur l'observation d'un échantillon d'activités (le PADEG et les appuis budgétaires) qui touchent à la gouvernance dans la juridiction de Koudougou (fonctionnaires et citoyens rencontrés au tribunal de grande instance et à la Maison d'arrêt).

Durant son séjour, la mission a pu rencontrer une quarantaine de personnes, recueilli les documents auprès du gouvernement, du personnel de projet, de la Délégation. La liste des personnes rencontrées est présentée en annexe.

3 BREVE DESCRIPTION DU PROFIL PAYS

Pays enclavé de 274.000km² dont la population est de 12,3 millions d'habitants en 2004, le Burkina Faso est l'un des pays les plus pauvres de la planète. Selon l'indice de développement humain, portant sur l'année 2002, le Burkina Faso est classé 175^{ème} sur 177. Le pays a de faibles ressources naturelles et dépend en partie de l'aide extérieure et des revenus des travailleurs émigrés.

La problématique de l'économie burkinabé est qu'en dépit de la croissance relativement soutenue réalisée durant ces dernières années et des réformes initiées depuis 1991, près de la moitié de la population vit sous le seuil de pauvreté et l'évolution des indicateurs sociaux montre que les Objectifs de Développement du Millénaire risquent d'être hors d'atteinte.

En effet, les récentes estimations indiquent que 46,4% de la population vit en dessous du seuil de pauvreté monétaire, phénomène encore plus accentué chez les femmes et en milieu rural. Ces récentes analyses font ressortir aussi une aggravation de la pauvreté en milieu urbain.

C'est ce constat entre autres, qui a justifié l'élaboration du Cadre stratégique de la lutte contre la pauvreté (CSLP) à compter de 2000 en vue de réduire le seuil de pauvreté d'un tiers l'objectif étant de ramener l'incidence de pauvreté de 45,4% à 30% à l'horizon 2015. Ce dernier qui a fait l'objet d'une révision en 2003 a donné lieu à l'élaboration d'un programme d'actions prioritaires pour la période 2004-2006.

« Une plus grande stabilité au plan politique a été trouvée à la suite des réformes consensuelles introduites en 2000 qui ont abouti à l'adoption d'un nouveau code électoral (ce code consensuel a de nouveau été modifié de manière non consensuelle en 2004 par le parti au pouvoir cf. Décret N° 004-211/PRES promulguant la Loi N° 013-2004/AN du 27 avril 2004 portant modification de la Loi 014-2001/AN du 3 juillet portant Code Electoral et donc ne fait plus l'unanimité actuellement) à une Commission électorale nationale indépendante (CENI) disposant d'attributions plus larges et à un mode de scrutin assez proche de la représentation proportionnelle. Le bon déroulement des élections législatives de 2002, marquées par un fort taux de participation de la population (64%), a conduit à la mise en place d'une Assemblée nationale plus représentative que lors des élections précédentes, des différentes sensibilités du pays la majorité absolue y étant détenue par le Parti au pouvoir, le Congrès pour la démocratie et le progrès (CDP). » L'un des principaux défis auquel le Gouvernement fait face réside dans la nécessité de promouvoir la bonne gouvernance dans un contexte de pauvreté, de capacité institutionnelle limitée, de vulnérabilité de l'économie aux chocs et d'instabilité sous régionale. Il est clair que le gouvernement, la société civile, et tout acteur voulant le soutenir, devra agir dans la durée, avec un impact souvent localisé, jouant beaucoup plus de l'opportunité que d'une mécanique d'impact quantitatif.

Le Plan National de Bonne Gouvernance (PNBG) 1998-2003 adopté en 1998 s'articulait autour des trois principaux axes suivants : 1) la mise en place un Etat stratège capable de jouer son rôle d'orientation et d'impulsion du développement socio-économique du pays ; 2) l'amélioration de l'environnement des affaires ; et 3) la promotion d'une société civile capable d'influencer les différentes décisions politiques et économiques. Un nouveau projet de Politique Nationale de Bonne Gouvernance est en voie d'approbation, et reprend les mêmes orientations.

Le Gouvernement a approuvé en 2000 une Lettre de Politique de Développement Rural Décentralisé dans le cadre du processus de décentralisation. Cette lettre représente l'un des textes de référence visant à clarifier le cadre légal de développement des capacités de gestion à l'échelon local. Elle repose, entre autres, sur : a) La responsabilisation des communautés ; b) Le recentrage du rôle de l'état et une implication des opérateurs privés et de la société civile dans l'appui aux communautés rurales; c) La dynamisation des cadres de concertation à différents niveaux en vue de limiter les incohérences et rechercher les complémentarités. Cette concertation devra concerner tous les acteurs : communautés villageoises, communes rurales, services techniques, ONG, société civile, entre autres.

Ces orientations ont fortement inspiré des réformes importantes telles que la révision de la Constitution, l'élaboration d'un nouveau code électoral, les textes régissant les collectivités locales et la réforme de la gestion budgétaire. Pourtant le démarrage des activités inscrites dans le PNBG a marqué un retard en raison d'une part d'une situation socio-économique et politique difficile, et d'autre part des difficultés de financement. De manière générale, il ressort que les mécanismes de valorisation de la bonne gouvernance se sont développés, quelquefois plus au plan formel qu'au niveau des résultats concrets.

Comme il est le cas dans les autres pays en développement, la pertinence de la stratégie nationale de gouvernance est en effet à évaluer au regard des résultats concrets (par exemple au niveau des dotations budgétaires, ou de la rapidité des procédures administratives), et au regard donc de sa capacité à aider au changement des comportements et à prendre en compte les nouvelles rationalités et moyens, tels que la gestion basée sur des résultats vérifiables.

Les actions qui n'ont pu être conduites démontrent que la cohérence entre objectifs, moyens et capacités doivent encore retenir l'attention du gouvernement et des acteurs internationaux². De l'avis de tous des efforts sont toujours au plan du renforcement des capacités et de l'indépendance des institutions (Parlement, Cour des Comptes, et Haute autorité de coordination de lutte contre la corruption), l'approfondissement des réformes structurelles et la mobilisation des ressources nationales, la lutte contre la corruption et le renforcement de la société civile. Aussi, comme cela a été formulé dans une étude récente de la Banque Mondiale et du PNUD³, à la lumière du diagnostic et de l'examen de la pertinence de la stratégie, la bonne gouvernance au Burkina Faso est perfectible.

4 CONCLUSIONS SPECIFIQUES

Questions évaluatives

4.1 Question Evaluative 1

Dans quelle mesure la bonne gouvernance a-t-elle été privilégiée et incorporée dans la coopération de Commission Européenne avec les pays tiers depuis 2000, et comment l'approche de la bonne gouvernance a-t-elle évolué au cours de cette période ?

Sur le plan des politiques et des orientations de programmation la gouvernance occupe à la fois une place centrale pour la Délégation de la Commission et pour le gouvernement du Burkina Faso. La gouvernance est une partie importante dans le CSLP et des plans nationaux, tels que le PANRJ, PRGB, ainsi que les textes de décentralisation. En 1998 un Plan National de Bonne Gouvernance politique nationale de bonne gouvernance a été élaborée, et a donné lieu à un Rapport sur le Profil de la Gouvernance au Burkina Faso par une mission conjointe Banque Mondiale-PNUD. Une nouvelle version de cette Politique nationale est en voie d'élaboration, accompagnée de mesures précises et d'un cadre logique incluant la bonne gouvernance.

Par ailleurs l'Accord de Cotonou comprend aussi la gouvernance comme un élément fondamental. La Stratégie pays, le PIN, une série de projets, les conditions générales et spécifiques de l'appui budgétaire, l'incluent tous. La gouvernance est un thème que l'on retrouve au sein du travail de la section économique de la Délégation, tout autant qu'au sein de la section traitant de la société civile et de l'état de droit.

La notion de gouvernance reste générale - les définitions, très techniques, sont souvent séparées de la réalité des programmes politiques du pays - mais touche à des aspects importants de l'environnement des activités de développement, en particulier la gestion publique. En effet derrière un langage très technique et dépersonnalisé, on ressent la présence de dynamiques plus personnelles, plus politiques, qui freinent ou accélèrent certains processus pourtant peu mis en valeur dans les analyses de la gouvernance.

² Le rapport final « Analyse des modalités de mise en œuvre des appuis budgétaires en appui au CSLP de la CE au Burkina Faso », IDC Février 2005, indique par exemple : « Il semble que le gouvernement devrait éviter de vouloir suivre trop d'indicateurs alors qu'il s'est trouvé confronté à des problèmes organisationnels (pour le suivi basé sur un processus d'enquête) » (Résumé et conclusions page 9).

³ 'Rapport sur le profil de gouvernance du pays', mai 2005

L'état reste un acteur primordial au Burkina Faso, de par l'importance de son rôle d'arbitrage et son poids économique. La société civile est maintenant incluse dans les notions de gouvernance mais la conceptualisation de cette catégorie en est difficile⁴.

De fait la gouvernance, lorsqu'elle se traduit dans les secteurs d'activité de la CE (autres que ceux qui comportent un objectif gouvernance) reste abstraite. Elle ne semble pas être reflétée dans les activités sectorielles traditionnelles, comme par une composante spécifique des actions dans le domaine de l'éducation, le secteur privé, ou de l'infrastructure. La gouvernance dans ces secteurs peut pourtant être un facteur important de risque. Suivant les catégories de la CSLP (elles-mêmes reprises des cadres d'analyse du PNUD), le Rapport Annuel Conjoint sur la mise en œuvre des actions de coopération dans le cadre des conventions ACP-UE, par exemple, traite de la gouvernance comme les activités liées à l'administration publique (décentralisation, justice, gestion budgétaire), et non à l'intégration régionale.

La gouvernance est donc un élément général des activités de la CE, et cela d'autant plus que c'est un aspect important des cadres juridiques et politiques du développement du pays. Nous observons pourtant que « l'opérationnalisation » du concept le chasse dans un domaine presque trop vaste, aux contours peu précis. Le lien avec la gestion du développement, ainsi que l'intervention des acteurs non-étatiques dans les affaires publiques n'est pas spécifiquement mentionné. Nous n'utiliserions pas le terme de « non-mainstreamed », qui prête à confusion, mais plutôt de neutralisation par une élévation trop grande du secteur.

4.2 Question Evaluative 2

Dans quelle mesure et comment les projets et les programmes financés par la Commission, et notamment les activités de renforcement des capacités, y compris l'AT et les programmes de jumelage, ont-ils contribué efficacement aux progrès envers des politiques de bonne gouvernance ?

Les interventions de la CE dans le domaine de renforcement des capacités se sont effectuées essentiellement sous la forme de projets pour le cas du Burkina Faso. Le jumelage n'est pas couvert par ces interventions au Burkina Faso. La CE poursuit la gouvernance par le biais de 2 projets (appui institutionnel/PARI et justice/PADEG). Nous avons examiné plus particulièrement le PADEG. Nous nous concentrerons surtout sur ce dernier.

L'analyse de la méthodologie utilisée dans l'exécution du projet, des activités d'assistance technique, et des groupes cibles de ces projets, fait ressortir une contribution réelle au progrès envers la bonne gouvernance (cf. question 8). Le volet appui à la réforme de la justice comporte plusieurs axes: formation, information et sensibilisation, documentation, appui à l'élaboration de politiques. Tous sont fortement marqués par la dimension assistance technique.

⁴ Un projet du PNUD, le Centre pour la Gouvernance Démocratique, s'y est attaché depuis plusieurs années, mais celui-ci reflète les difficultés de cette collectivité sur le plan de la représentation de la population, et les difficultés à la circonscrire. La Délégation a fait un travail important pour mieux clarifier la société civile, entre autre par le lancement d'une étude d'identification du projet d'appui à la société civile qui en présente les forces et les faiblesses (PARTICIP GmbH 2003).

Le PADEG a, sur le plan de l'assistance technique, couvert le Ministère de la justice et la société civile. Certains services publics indépendants de l'exécutif, importants sur le plan de la gouvernance, n'ont pourtant pas pu bénéficier du volet contrat de subvention du FAED (Fond d'Appui à l'Etat de Droit) qui est lui-même une composante importante du PADEG. Ceci est dû au fait que l'approche des appels à proposition se prête mal aux programmes de travail de ces organismes. Les appels d'offres ne permettent pas d'étendre l'assistance technique en amont des propositions au risque de favoriser certains candidats, et certaines institutions ont du mal à savoir la meilleure façon de présenter leurs capacités et objectifs. Nous pourrions citer en particulier ici le cas la Commission électorale indépendante, le Conseil supérieur de l'information, la Cours des comptes, la Cours de cassation, le Comité éthique, le Médiateur. Il est à noter que ce même problème de compatibilité des procédures se retrouve aussi chez d'autres bailleurs, pour diverses raisons.

Les montants engagés et les activités réalisées sur les projets sont très significatifs, à 70% des montants prévus pour le projet, comparés à d'autres pays (cf. l'étude de cas de la République dominicaine où un projet tout à fait comparable a été lancé à la même date, mais dont seulement 30% des fonds sont engagés) et répondent à des besoins réels, selon le diagnostic fait lors des entrevues réalisées dans la juridiction de Koudougou auprès de la population. Il existe au Burkina Faso un tissu institutionnel extensif dans le domaine de la justice, souvent bien formé, mais qui a besoin de conseil et d'assistance technique continue. Certains observateurs notent que 80% de la population n'a pas recours à la justice, mais ce chiffre tend à renforcer la notion de pertinence du projet, car il n'y a pas d'alternative au droit formel aujourd'hui au Burkina Faso, et les besoins d'une plus grande couverture sont immenses.

L'appui de la Commission a permis, sur le plan de l'assistance technique, le recrutement et la formation de nouveaux personnels (magistrats formés avec le kit juridique), ainsi que la formation du nouveau personnel prenant en compte l'humanisation des conditions de détention. Cette action était tournée vers la formation de cadres burkinabés.

Au niveau des groupes cibles, les activités des projets sont menées en direction des institutions de veille d'une bonne gouvernance et des organisations de la société civile. Dans la première phase du projet, l'appui institutionnel au Ministère de la justice s'est fait par l'élaboration d'un plan d'action et de dialogue interne. Cela a permis à ce dernier de se repositionner comme garant de l'avènement d'une société équitable et aussi d'affirmer une certaine volonté de changement. Il en est de même pour l'objectif 3 : accentuer la promotion d'une société civile capable d'influer sur les différentes décisions politiques et économiques et de constituer un véritable contrepoids social. Les actions de renforcement des capacités du PADEG et le financement d'activités des OSC (organismes de la société civile) par le FAED s'inscrivent bien dans cette dynamique.

Nous notons pourtant une certaine méconnaissance des activités de la Commission dans le secteur justice auprès des partenaires (sans parler de la population qui reste très distante de la coopération internationale). Ces activités sont souvent identifiées et réduites à un seul projet. L'impact des appuis des institutions publiques d'impulsion et de veille de la bonne gouvernance aurait été plus important si une démarche de communication avait été développée. Ces institutions ne sont pas suffisamment informées et imprégnées de la démarche et du contenu des appuis. Nous nous référons ici aux institutions telles que Commission électorale indépendante, le Conseil supérieur de l'information, la Cours des comptes, la Cours de cassation, le Comité éthique, le Médiateur, déjà citées plus haut, peu habituées par exemple en ce qui touche les contrats de subvention : les dossiers présentés ne sont pas toujours complets, mais doivent être traités sur les mêmes critères que ceux de la société civile. Ainsi ont-ils pourtant fait l'objet de l'envoi d'une circulaire sur l'appel à proposition, de trois publications des appels à propositions à deux reprises dans

trois quotidiens de la presse écrite. Ceci ne remplace pas une démarche plus ouverte sur les chances et les contraintes de ce type de processus.

Par ailleurs les conditionnalités de contribution financière, ne sont pas très applicables aux structures étatiques en raison de la nécessité d'une inscription préalable au budget de l'institution. Entre aussi en considération le fait que les structures au Burkina Faso, en dehors de celles ayant dans leurs attributions et compétences la recherche de financement, n'ont pas d'expérience dans le montage de projets et la mobilisation des fonds pour leur mise en œuvre.

Le potentiel est pourtant établi dans la coopération européenne. L'appui apporté à la politique nationale de bonne gouvernance est une contribution pour aider le pays à mettre lui-même en œuvre la bonne gouvernance de manière transversale, même si le pilotage en revient à un ministère sectoriel (Ministère de la Fonction Publique et de Réforme de l'Etat).

Pour résumer, nous notons trois défis posés au PADEG :

- un verrouillage administratif est réalisé par le détail des indicateurs de moyens dans les contrats et par le biais de la recherche avant tout à la conformité aux procédures : le fait que les critères, pendant l'exécution, portent beaucoup sur les moyens financiers et la réalisation de produits précis se fait au détriment d'un véritable dialogue formatif sur les effets recherchés au-delà des résultats les plus immédiats du projet ; de même le nombre de transmissions des dossiers de candidatures entre les assistants techniques et l'unité contrats et finances de la Délégation pour des erreurs de présentation est important, au détriment du temps passé sur le suivi technique ;
- l'absence d'une grille d'indicateurs d'effet (malgré le développement d'outils de guidage par la CE Direction Europe-Aid à Bruxelles) et une notion limitée des bénéficiaires de ce que peut être la bonne définition de l'impact mène à un dialogue technique portant surtout sur la gestion contractuelle et financière;
- l'absence de stratégie de reprise des acquis est peut-être l'horizon le plus restrictif de l'assistance technique. La non-compréhension des activités dans un public élargi, la perspective « projet » qui prime sur un soutien au long terme, sont des facteurs qui limitent l'efficacité des activités d'assistance technique.

En ce sens le décalage de l'approche projet avec l'appui budgétaire, tous deux pratiqués par la Commission au Burkina Faso, est significatif.

4.3 Question Evaluative 3

Dans quelle mesure et comment les appuis budgétaires financés par la Commission (chacune des trois alternatives de financement conformément aux orientations des PAPS), et l'aide budgétaire ont contribué efficacement et effectivement aux progrès vers la bonne gouvernance et à l'encouragement et à la promotion des approches et pratiques de la bonne gouvernance, notamment par l'amélioration la gestion des finances publiques, et par une responsabilité et une transparence améliorée, ainsi qu'une amélioration de la fourniture des services publics ?

L'appui budgétaire à la réduction de la pauvreté (ABRP) est devenu l'instrument d'aide extérieure privilégié de la CE au Burkina Faso. Il combine de façon idéale l'appropriation des politiques par le Gouvernement, assure la prévisibilité des ressources, et réduit le coût de transaction de la gestion de l'aide internationale, jusqu'ici marquée à un très haut point par l'approche projet qui domine la gouvernance (comme le démontre amplement l'échantillon d'activités sur plusieurs pays dans la présente évaluation).

L'appui budgétaire se fait au Burkina Faso depuis plus d'une décennie mais a pris une grande ampleur sur la période 2002-2005 avec le premier CSLP. Sur cette période l'ABRP a été conçu dans un esprit de « test » de la nouvelle conditionnalité. Cette conditionnalité décrit (sans que cela soit explicitement formulé) les conditions à atteindre en gouvernance : mise en place d'un format de rapport de gestion publique basée sur les résultats, approbation par le FMI de la situation macro-économique, amélioration de la gestion des finances publiques. Le CSLP lui-même inclue sur l'un de ses quatre objectifs la promotion de la bonne gouvernance. Certains aspects en sont repris par la CE pour ses conditions dans la tranche variable de l'ABRP (qui inclut à 40% des fonds pour les aspects macro-économiques et gestion budgétaire), soumise à l'appréciation annuelle mise en place de façon formelle.

La conclusion principale qui s'impose à l'évaluation est que l'appui budgétaire n'a pas encore bien intégré la notion de gouvernance. Bien que l'ABRP vise essentiellement à créer le cadre national de la lutte contre la pauvreté, l'impact sur la gouvernance qui en résulte n'est identifié ni dans les documents officiels, ni dans les entrevues, tant pour la gouvernance comme gestion publique que pour la gouvernance de l'aide internationale (par exemple la gouvernance du FED). Paradoxalement la gouvernance s'est vue érigée en « secteur » spécifique de l'ABRP qui est doté, au niveau national, d'un montant de 35 millions d'Euros⁵, avec un taux d'exécution financière rapporté de 43.4%⁶. Il couvre l'élargissement de l'accès à la justice (7,16 millions d'Euros), ainsi qu'une politique nationale de communication électorale, appui aux capacités des services de sécurité, décentralisation.

Nous entendons par gouvernance de l'aide internationale les mécanismes par lesquels les décisions de la gestion des ressources sont prises, ainsi que l'implication des parties prenantes, les outils de suivis mis en place. Ainsi, de façon il est vrai un peu anecdotique, il a été possible à l'équipe d'observer les complications qui peuvent se présenter à des consultants venant pour le compte d'un bailleur de fonds pour observer un programme appuyé de façon multilatérale et dirigé par le gouvernement (c'est-à-dire l'appui budgétaire). Ce type de mission est maintenant régi par un Règlement intérieur du Cadre Général d'Organisation des Appuis Budgétaires, qui prévoit une notification trois semaines auparavant, et une restitution deux semaines après.

Il n'a pas été possible d'examiner en profondeur les activités de gouvernance qui résultent de l'appui budgétaire. On peut pourtant noter que les indicateurs de succès en sont très vagues (« les institutions qui concourent au bon fonctionnement de la justice sont renforcées »), et les indicateurs de réalisation recourent ceux des projets de la CE (par exemple construction des murs de clôture du palais de justice de Koudougou).

L'appui budgétaire s'est concentré pour ce qui est des conditionnalités sur les indicateurs financiers et macro-économiques, la santé et l'éducation (portant sur les conditions de décaissement de la tranche variable). Le choix des secteurs de l'éducation et de la santé n'est pas à remettre en question, en raison de leur importance au plan des objectifs de

⁵ « Programme d'Actions Prioritaires de la Mise en Œuvre du CSLP : Rapport de Mise en Œuvre 2004 », Ministère de l'économie et du développement juin 2005.

⁶ *ibid*

développement humain. La pondération de certains secteurs découle naturellement d'une approche graduelle et de l'établissement de priorité de politique publique. En revanche, du point de vue stratégique, cette vision passe à coté de la complexité de l'exécution, où la difficulté d'atteindre les objectifs s'explique par une gouvernance défailante dans le domaine de l'accès à ces ressources.

La priorité est donnée aux secteurs sociaux et à la gestion budgétaire. L'introduction de ces indicateurs de résultat dans le mécanisme de révision et d'adaptation de l'ABRP en fait une priorité du développement, et contribue à donner de la gouvernance dans son ensemble un caractère « divisible », c'est-à-dire que certains aspects comptent plus que d'autres : l'écart de prix de commandes publiques par rapport aux standards du marché, et le sondage auprès des opérateurs économiques sur les marchés de l'état (deux indicateurs de gestion) revêtent un aspect de priorité. Les autres dimensions de la gouvernance font figure de priorités moindres, et leur suivi est soumis à une appréciation générale relativement tolérante afin de ne pas enrayer la poursuite des objectifs généraux de l'ABRP.

Ce décalage de priorité se reproduit dans la participation des différents Ministères aux arbitrages financiers du gouvernement. Selon les informations recueillies lors des entrevues et selon les documents lus⁷, si certains Ministères sectoriels, notamment Education et Santé⁸ ont pu prendre en compte les avantages de l'appui budgétaires selon les priorités du CSLP (Finances, Santé par exemple), d'autres par contre éprouvent des difficultés à comprendre et internaliser l'appui budgétaire, par exemple en particulier le cas de la justice.

Les appuis budgétaires financés par la Commission ont contribué aux progrès vers la bonne gouvernance en ce sens qu'ils obligent les secteurs concernés à un exercice de planification et de programmation et à la mise en place d'un dispositif de suivi basé sur des indicateurs. L'élaboration des PAPs annuellement contribue à instaurer un dialogue au sein des différents secteurs ministériels et avec les ministères de l'Economie et du Développement ainsi que des Finances et du Budget. L'élaboration des PAPs elle-même constitue une opportunité de renforcement des capacités de planification et de budgétisation des ministères sectoriels par l'apprentissage dans l'action.

L'appui budgétaire d'une manière générale a donc contribué aux efforts du pays vers la bonne gouvernance à plusieurs niveaux ;

- En instaurant une contrainte d'amélioration de la gestion des finances publiques, par la poursuite des réformes des finances publiques en introduisant des éléments tels que : une meilleure programmation des activités, la mise en place d'un certain nombre d'institutions de contrôle de la gestion des finances publiques une dynamisation de la fiscalité ;
- L'élaboration d'un CMDT (Cadre des Dépenses à Moyen Terme) sectoriel pour le Ministère des finances par exemple augure de changements réels dans ce sens pour que ce Ministère améliore sa propre gestion et son programme pour accompagner les réformes des finances publiques ;
- L'appui budgétaire contribue également à une plus grande responsabilisation de l'Etat dans la mesure où la mobilisation à temps de la contrepartie nationale induit à une gestion plus rigoureuse et plus dynamique (fiscalité) ;

⁷ Par exemple le discours de Mme Sari Suomalainen, Chef de délégation, le 8 février 2005, sur la revue à mi-parcours de la stratégie de coopération et du PIN du 9^{ème} FED mentionne le fait que les ministères sectoriels doivent être davantage intéressés à la préparation et à l'exécution du budget national.

⁸ Cadre des Dépenses à Moyen Terme du Secteur de la Santé 2005-20010, DRAFT N° 0, Mai 2005

Cependant le concept d'appui budgétaire reste peu connu au sein de l'Administration publique et nous notons que la communication interne au niveau gouvernemental est encore peu développée. En dehors des Ministères des Finances et du Budget, de l'Economie et du développement, et de certains Ministères sectoriels peu de personnes ont une bonne connaissance du concept et des réformes pour garantir l'atteinte des objectifs. Les réformes sont basées sur un langage et des abréviations peu courantes en dehors d'un petit cercle de pratiquants.

4.4 Question Evaluative 4

Dans quelle mesure et comment la Commission a-t-elle efficacement et effectivement utilisé le dialogue politique (aux niveaux sectoriels et des pays) pour encourager et promouvoir des approches et pratiques de bonne gouvernance ?

Le dialogue politique classique entre les postes diplomatiques à Ouagadougou et le Gouvernement se fait surtout par le biais de réunions mensuelles des chefs de mission. Il est distinct des projets et des indicateurs du CSLP. Il reste attaché aux cadres démocratiques et macro-économiques généraux. Ainsi par exemple il arrive que des personnalités politiques fassent des présentations lors de ces réunions. Ce forum est complété du processus protocolaire habituel de démarches.

Le dialogue politique a été établi dans le cadre de la Convention de Cotonou selon les termes du partenariat CE-Gouvernement. Il est à noter qu'il ne s'inscrit pas dans un cadre Union européenne, qui est affecté par le fait que les principaux acteurs démarquent du forum de l'UE. Ainsi les Partenaires Techniques et Financiers du Cadre Général d'Organisation des Appuis Budgétaires (CGAB), qui constituent un noyau important de coordination politique, incluent la Banque mondiale, la Banque africaine de développement et la Suisse.

Le dialogue s'étend pourtant à plusieurs niveaux lors des activités de coopération, et la capacité financière de la CE devient ici un facteur important d'impact. Les secteurs hors concentration du 9ème FED sont au nombre de 7, indiquant l'amplitude de la Coopération européenne. Il porte par exemple sur les dotations budgétaires aux différents ministères⁹.

La Commission, de concert avec les autres bailleurs de fonds bilatéraux et multilatéraux, a utilisé le dialogue politique pour encourager et promouvoir les approches de bonne gouvernance à travers sa participation au groupe de suivi budgétaire conjoint du CSLP et depuis cette année au Cadre Général d'Organisation des Appuis budgétaires (CGAB). A titre d'exemples : accompagnement du gouvernement lors du processus de révision du CSLP en 2003 et conseil au gouvernement pour une implication des acteurs non étatiques notamment de la société civile dans le processus. Il n'a pas été possible à la mission d'évaluation de juger de l'efficacité de ce dialogue à cause de l'absence de documentation formelle. Il est à noter le fait que la Délégation n'utilise pas de communications chiffrées ni confidentielles.

Au niveau sectoriel dans le cadre du panier commun un dialogue permanent avec l'Etat existe dans le cadre du suivi de la mise en œuvre du PDDEB. Il en est de même pour l'appui au secteur de la santé. Les concertations entre les responsables des deux ministères et les acteurs non-étatiques (des rencontres plus régulières au niveau de l'éducation de base et de l'alphabétisation) sont à mettre à l'actif de ses consultations. Il

⁹ Entrevue avec M. Gielen

faut signaler le fait que l'existence de ces deux types de dialogues, sectoriels et général avec l'Etat est bénéfique dans la mesure où ils s'enrichissent mutuellement et augmentent ainsi l'impact et la qualité de la contribution de l'appui de la Commission.

Ce dialogue est jugé globalement satisfaisant par les partenaires étatiques impliqués rencontrés pendant la mission. Une disponibilité à la concertation pour trouver des solutions en cas de problème ou de différence de point de vue a été relevée par l'ensemble des acteurs nationaux rencontrés. L'élaboration d'une politique nationale de bonne gouvernance peut être considérée comme un produit de la qualité du dialogue avec l'Etat et les acteurs non-étatiques.

Cependant, le dialogue politique ne s'étend pas aux acteurs non étatiques impliqués dans la gouvernance. Il pourrait se faire par le biais de plateformes définies d'un commun accord avec le Gouvernement: organisations de la société civile, secteur privé, ou par le biais de programmes d'assistance technique. Nous avons noté plus haut que l'approche concurrentielle adoptée par la CE (au sens où les appels à proposition s'apparentent à des appels d'offres) ne se prête pas à ce type de dialogue. Il est pourtant important de remarquer qu'il est prévu par la CE de financer un programme de 15 M€ pour renforcer la capacité des organisations de la société civile.

Par ailleurs le dialogue politique ne semble pas être systématique avec les autres partenaires au développement travaillant sur la gouvernance et non-membre du CGAB-CSLP. Ce dialogue pourrait commencer par une large information sur la Commission car elle ne semble pas encore être bien connue dans la diversité de sa contribution à la bonne gouvernance par l'ensemble des demandeurs potentiels d'appui.

4.5 Question Evaluative 5

Dans quelle mesure l'assistance de la Commission a-t-elle été sensible aux besoins spécifiques et aux priorités des pays partenaires, et dans quelle mesure et comment la Commission a-t-elle été flexible, dans le processus de programmation et dans la mise en œuvre ? La Commission s'est-elle adaptée aux différents contextes des pays (par exemple les situations post-conflit, de partenariats difficiles, des partenariats effectifs)?

Le cadre de Coopération au Burkina Faso est considéré comme un partenariat efficace. Les outils de programmation s'insèrent bien dans les stratégies et plans du gouvernement. Le dialogue technique est continu et de haut niveau. Il a par exemple été possible pour la mission d'évaluation d'avoir accès à des interlocuteurs très qualifiés à un moment de travail intense de préparation budgétaire.

Il faut pourtant noter un décalage entre ce qui est des activités sectorielles couvertes par la présente évaluation, et l'appui budgétaire. La gestion 'projet' introduit les procédures et règlements financiers de la CE dans des activités du gouvernement, ce qui en diminue la lisibilité. Les procédures d'appel à proposition, gérées par un pilotage incluant le gouvernement, ne semble pas contribuer à une structuration efficace de la société civile. La diversité de celle-ci n'est pas mise en valeur dans la mesure où certains types d'organisations, ressemblant plus à la culture de l'administration gouvernementale (par des affinités naturelles qui se traduisent pas les critères de sélection) seront privilégiées. Au sein du Gouvernement l'appropriation des projets financés par la CE, même si officiellement il s'agit de projets du gouvernement, est faible. Il semble amener à l'attente

de nouveaux projets, plutôt qu'à une reprise dynamique des actifs laissés par la Commission.

Les indicateurs de performance de la CE dans le domaine de l'appui budgétaire n'incluent pas des indicateurs de progrès, par exemple. Ces indicateurs de progrès, sans créer une obligation de résultat qui alourdirait ou rendrait plus rigide l'appui budgétaire en augmentant la conditionnalité (la prolifération des indicateurs de résultat hante l'appui budgétaire) pourraient par exemple inclure la mise en application de la dotation budgétaire en lien avec les équipements fournis et avec les planifications sectorielles réalisées des domaines de gouvernance (par exemple dans les juridictions), tout au moins en ce qui touche les autorités locales.

Il existe un décalage entre d'un côté l'approche projet, qui dépend pour sa viabilité du rôle de relais du gouvernement, et l'appui budgétaire. L'approche projet donne la priorité à l'exécution. L'appui budgétaire lui donne plus de poids à l'appropriation par l'administration nationale. Or celui-ci est ignoré, dans le domaine de la gouvernance, des interlocuteurs gouvernementaux qui travaillent sur les projets. L'appui budgétaire devrait prendre le relais des projets, mais pour ce qui est de la gouvernance ne le fait pas.

4.6 Question Evaluative 6

Dans quelle mesure et comment la Commission a-t-elle assuré la coordination avec d'autres donneurs, actifs dans le secteur de la gouvernance, et assuré la cohérence et la complémentarité avec les politiques de la CE, avec les politiques et les activités d'autres donneurs, et avec les priorités et les activités des gouvernements partenaires ?

Le CSLP suscite un niveau intense de coordination par le gouvernement, de toutes les politiques de coopération. Tous les Etats membres et la CE y adhèrent et y participent activement. Le système de revues annuelles, d'aides mémoire conjoints, de protocoles de coordination¹⁰, est perçu comme positif.

Des commissions sectorielles en assurent la traduction, mais fonctionnent moins activement dans la justice. Le projet phare de la Commission dans ce domaine, le PADEG, fonctionne dans une relative autarcie, en partie du fait de sa taille, mais aussi de la charge de travail qu'il engendre pour le personnel qui y est impliqué. Il est clair que l'emploi du temps du personnel de projet est dominé par le travail administratif et les cadres d'activités du projet, et ne permet pas facilement de coordination au niveau des autres états membres.

La complémentarité est tout de même observable au niveau des projets dans le secteur justice, bien que peu de bailleurs y soient actifs (France, Danemark, Hollande). Celle-ci se fait par le biais de critères géographiques (coopération danoise) ou par l'assistance technique (coopération française, même si en ce moment le projet d'état de droit y est en cours de reformulation).

L'appui budgétaire représente une opportunité unique de continuer d'améliorer la cohérence et l'efficacité des actions. Curieusement ce mécanisme d'appui et son potentiel reste limité à un cercle d'initiés. Tant au sein de la Délégation que dans les

¹⁰ Par exemple « Règlement intérieur du Cadre Général d'Organisation des Appuis Budgétaires », mai 2005.

autres enceintes de coopération, un cloisonnement est effectif entre les sections traitant des projets et l'appui budgétaire, même si celui-ci se fait dans des secteurs d'action identiques. La raison en est tout d'abord le choix des partenaires (Ministères de Finances et du Budget plus que le Plan ou les Ministères techniques), le langage (très technique et assez hermétique pour l'appui budgétaire), mais aussi, pour ce qui est de la Commission, la révolution dans les procédures entre d'un côté l'approche projet (contrats de service et de subvention) et l'appui budgétaire de l'autre.

Pendant la phase d'identification du programme d'appui au renforcement des capacités de la société civile une consultation régulière avec les autres bailleurs de fonds, et en particulier avec les états membres de l'UE, a été faite. L'importance de la complémentarité entre les différents bailleurs et programmes existants a constitué une préoccupation constante dans la conception de ce projet.

Il est avéré que dans le cadre du développement local, le Burkina compte actuellement une quarantaine de Fonds en appui aux acteurs non étatiques. Dans ce contexte, il a été décidé que la mise en place d'un fonds de développement local supplémentaire, destiné à financer directement des interventions à la base et génératrices de revenus, n'aurait pas contribué à une sensible amélioration du développement du pays. Le programme ne voulant pas reproduire les actions des autres intervenants, voulait apporter une dimension nouvelle. Et étant donné qu'il existe donc un vide au niveau intermédiaire (départemental/communal - provincial et régional) et un manque de légitimité au niveau national, il a été décidé que le programme d'appui de la CE viserait surtout ces deux niveaux.

4.7 Question Evaluative 7

Dans quelle mesure et comment les questions transversales (sociales et environnementales) ont-elles été incorporées dans la fourniture de l'aide à la gouvernance, et dans quelle mesure les processus résultant de la bonne gouvernance prennent-ils en compte avec succès ces questions?

Les questions transversales font partie des secteurs de concentration du 9^{ème} FED dans le cadre de l'appui macro-économique et à la réduction de la pauvreté. Ces questions ont été incorporées dans le cadre de l'appui au CSLP et à l'intégration régionale.

Les questions environnementales ont été abordées à travers des projets du pays (sauvegarde du patrimoine Parc W/ECOPAS¹¹ ou à travers le financement d'activités de sensibilisation d'organisations de la société civile à travers le FAED (un projet sur les trente six financés au cours de l'année 2004)¹² .

Pour ce qui est des politiques du genre, les appuis sont diversifiés. En tant que membre du Cadre de Concertation et Coordination des Partenaires Techniques et Financiers en genre créé en 2003, la DCE a contribué au plaidoyer auprès du gouvernement pour une participation des organisations de défense des intérêts des femmes au sein du processus de révision du CSLP, et à une plus grande prise en compte du genre dans le CSLP Révisé. Par

¹¹ Programme "Conservation et utilisation rationnelle des aires protégées contiguës du Bénin, du Burkina Faso, du Niger et de leurs zones d'influences »

¹² Rapport Annuel d'Activités N°1 du Fonds d' Appui à l' Etat de Droit (FAED)

ailleurs, elle a contribué à l'élaboration d'une politique nationale de promotion de la femme, toujours à travers le cadre de concertation.

Par ailleurs au niveau du PADEG, un résultat sur les onze concerne la « participation accrue des femmes dans la gestion des affaires publiques et meilleure connaissance de leurs droits et de leurs devoirs dans le processus de démocratisation ». Pour le FAED, dans le Guide à l'intention des Demandeurs de Subvention (3ème appel à propositions), les aspects genre sont pris en compte à travers les thèmes et types d'actions financés: l'information des hommes et des femmes sur les droits des enfants, des jeunes filles et des femmes, ainsi que la promotion de ces droits, le renforcement de la capacité des femmes et des jeunes en vue de leur participation active et consciente aux affaires publiques.

En effet 9 projets sur 36 financés ont permis à diverses organisations de la société civile de mener des activités de sensibilisation, de plaidoyer et de formation en faveur des droits des femmes, des enfants et des jeunes, et l'importance de leur participation à la gestion des affaires locales dans le cadre de la décentralisation.

Cependant le suivi des effets et de l'impact des activités financées n'étant pas assuré par le PADEG, il est difficile d'évaluer leur impact sur la promotion du genre ou la protection de l'environnement. Les rapports d'activités des organisations bénéficiaires auraient permis de se faire une idée sur la manière dont les activités ont été menées.

Par ailleurs les rapports d'activités des programmes de la Commission ne prennent pas systématiquement en compte les questions transversales. Ces documents du FAED et du PADEG sont souvent descriptifs et ne font pas une analyse des activités financées en termes d'effets et d'impacts. En effet, l'accent est mis sur le processus de sélection des projets et les difficultés y affairant, les listes des activités et les organisations bénéficiaires, et non sur le contenu et les méthodes utilisées par les organisations bénéficiaires pour la mise en œuvre. Pour le moment l'activité de suivi s'est limitée à la participation aux différentes cérémonies de lancement des projets financés.

4.8 Question Evaluative 8

Dans quelle mesure et comment les stratégies, programmes et projets de la Commission ciblant les quatre thèmes clés (la réforme de l'administration publique, la règle de droit, la décentralisation et le renforcement des capacités de la société civile) ont-ils contribué aux progrès vers la bonne gouvernance et à l'encouragement et à la promotion des approches et pratiques de bonne gouvernance ?

Parmi ces quatre thématiques clés, la CE a poursuivi au Burkina Faso des activités dans le domaine de la justice et la société civile en lien avec la justice, par le biais du PADEG, administré par la société de droit belge SJ Berwin.

Les activités du PADEG contribuent sensiblement à l'atteinte de l'objectif général 2 du cadre logique de la politique nationale de bonne gouvernance d'une part (consolider les principes et pratiques de la démocratie et de la gouvernance politique) et les deux objectifs spécifiques d'autre part (améliorer l'efficacité, l'accessibilité et l'impartialité de la justice, ainsi que les conditions nécessaires à la préservation de son indépendance, promouvoir une culture de la paix et des droits humains)

Les résultats prévus dans « l'Axe 1 justice » montrent aussi un degré élevé d'efficacité. Les conditions de travail, ainsi que l'accès des citoyens et des citoyennes à la justice, ou

les conditions pénitentiaires, ont été améliorés de façon sensible en tous les points du territoire. Le FAED a aussi contribué à encourager et renforcer certaines institutions actives auprès des justiciables, en particulier grâce à l'informatisation des greffes.

La pérennisation des acquis n'est pas encore assurée. Elle dépend de la coordination et d'une approche de complémentarité avec d'autres bailleurs, et surtout de la reprise des réalisations par les Ministères compétents. Or il s'avère que de nombreuses lacunes se font jour, surtout au plan des dotations budgétaires très incertaines dans les juridictions. Le projet gagnerait beaucoup à une jonction entre le PADEG et les appuis budgétaires fournis par la CE. Ces liens ne sont pas encore faits, surtout, il semble, du fait de la structure d'activité 'en projet' qui place l'horizon de responsabilité des résultats à la clôture financière du projet.

Le PADEG n'a pas été étayé dans sa formulation par une analyse des risques et des acteurs qui pourraient contribuer à un impact plus approfondi. Il n'existe pas de suivi des indicateurs d'effet et d'impact. Les missions de suivi ('monitoring') organisées par un contrat cadre du siège sont utiles en ce sens que, même si le domaine qu'elles doivent couvrir dans un temps court est très vaste.

Les stratégies, programmes et projets de la Commission ont contribué aux progrès vers la bonne gouvernance à travers l'appui à la Réforme de l'Administration Publique, la promotion de la règle de droit, la décentralisation et au renforcement des capacités de la société civile.

En ce qui concerne la Réforme de l'Administration publique la Commission a aussi contribué à l'accompagnement du Plan national de bonne gouvernance et plus récemment à l'élaboration d'une Politique Nationale de Bonne Gouvernance.

En ce qui concerne la promotion de la règle de droit et le renforcement des capacités de la société civile, la logique d'intervention du PADEG à travers son objectif global : « La consolidation de l'Etat de droit, du processus démocratique et de la bonne gouvernance ». Ses deux objectifs spécifiques sont : l'amélioration de l'indépendance, l'efficacité et l'accessibilité du système judiciaire et la participation accrue des institutions démocratiques, de la société civile et des médias au processus démocratique.

Le PADEG a contribué de façon matérielle à rapprocher les justiciables de l'Administration judiciaire à travers les constructions de plusieurs sièges pour plusieurs juridictions. De plus, à travers l'appui au Ministère (construction et réhabilitation d'infrastructures et équipement, formation du personnel des juridictions et des institutions pénitentiaires), l'appui de la Commission a permis au Ministère de mieux fonctionner et de mieux jouer son rôle. Des entretiens avec le personnel d'une juridiction secondaire et de la visite d'un établissement pénitencier, il ressort que la DCE a joué et continue de jouer un rôle important dans l'amélioration du système judiciaire. Les conditions de détention se sont sensiblement améliorées grâce à l'appui du PADEG à travers le recrutement de personnel complémentaire et le financement via le FAED d'une ONG (Prisonniers Sans Frontières) dont les prestations sont reconnues par les prisonniers comme jouant un rôle primordial dans l'humanisation de leurs conditions de détention (construction de compartiment pour mineurs)

Pour ce qui est du renforcement des capacités, les résultats existent et sont positifs. La collaboration avec des structures nationales de formation telle que l'Ecole Nationale d'Administration et de Magistrature (ENAM) et l'Ecole Nationale des Régies Financières (ENAREF) est un facteur de pérennisation des acquis. Cependant les effets et l'impact auraient été plus importants si les actions étaient inscrites dans une mise en cohérence

interne des appuis (PADEG), c'est à dire des activités des deux volets du PADEG et si des collaborations étaient développées avec d'une part les institutions nationales de renforcement des capacités (Centre d'Analyse des Politiques Economiques et Sociales) et d'autres par avec les autres PTF (WBI, PNUD....).

Le groupe « société civile » s'accroît : ainsi sur 167 projets lors du dernier appel à proposition, la CE a jugé que 72 remplissaient les critères, alors que l'appel précédent n'avait recueilli que 105 propositions, et celui d'avant 69 propositions. Mais peu de travail de pénétration a été réalisé par la Commission, étant donné la charge de travail des assistants techniques qui en seraient normalement chargés.

L'évaluation n'a pas été en mesure de tirer un bilan des activités au plan de la société civile. Cette réalité complexe et mouvante au Burkina Faso a fait l'objet de nombreuses études (telles que celles en lien avec le Forum national de la société civile ou encore les études d'identification du programme d'appui à la société civile), mais la conclusion de tous les interlocuteurs rencontrés était que ce domaine méritait encore d'être mieux défini, tant sur le point de sa population (par exemple doit-on inclure les pouvoirs traditionnels ?), que de sa légitimité (quelle autorité donner à des groupements en concurrence avec les débats parlementaires par exemple), que de sa capacité. Un travail important a cependant été réalisé dans le cadre de la préparation du programme d'appui à la société civile.¹³

4.9 Question Evaluative 9

Dans quelle mesure et comment la Commission a-t-elle adopté une approche “multi-acteur” et à plusieurs niveaux en appui à la gouvernance?

Dans le cadre de Cotonou la CE travaille essentiellement avec l'Ordonnateur National (ON) et la société civile, ainsi qu'avec la fonction publique dans les Ministères techniques, et ce à des niveaux très variés. Elle entretient aussi une concertation active avec différents bailleurs de fonds, malgré des approches encore souvent différentes. Elle élargi sa coopération aux acteurs non-étatiques, et aux administrations locales.

Du côté du gouvernement la CE a réussi à développer un partenariat soutenu avec l'ON et avec une variété de services. Un lien approfondi avec les services intermédiaires situés entre la planification centrale et les autorités locales n'a pourtant pas été établi, en particulier là où se placent les mécanismes d'arbitrage du budget et son exécution au niveau des ministères sectoriels. Ainsi la DCE note « Il paraît primordial que le dialogue sectoriel et intersectoriel s'intensifie lors du cadrage budgétaire à moyen terme et de la préparation budgétaire pour que les Ministères soient mis en concurrence¹⁴ ». On reste encore beaucoup entre d'un côté une approche projet (sous-tendue par l'attente du projet qui suivra celui qui est en cours mais sur lequel on a peu d'influence), et de l'autre une approche finance publique orientée vers les modalités de gestion. Il n'y a pas une approche globale des acteurs publics, sous-tendue par une stratégie de gouvernance précise.

De façon globale la notion de coopération reste marquée par le transfert de ressources de la DCE vers le Gouvernement, et les différents acteurs tendent à agir de façon

¹³ Il n'a pas été possible d'obtenir les documents finaux du futur programme d'appui à la société civile ; il est cependant fort possible que ces documents présentent une analyse détaillée de la société civile.

¹⁴ Ibid Mme Suomalainen.

fragmentaire en fonction de l'activité dont il s'agit, ne facilitant pas l'exercice de la responsabilité financière finale. Le détail de l'exécution absorbe tous les intervenants, au détriment du cadrage général.

Du côté de la société civile nous n'observons pas la même capacité de la DCE à se concentrer sur les acteurs de changement pour pouvoir les renforcer au long terme, surtout du fait des procédures d'appel à proposition et des critères administratifs. Le renforcement des capacités des institutions, et la création de coalitions d'intérêt, ne sont pas facilitées par la structure contractuelle de la Coopération (appels à proposition, accent donné aux critères de gestion administrative). Il est opportun au niveau de la CE de procéder à un réexamen de l'effet de la mise en concurrence des organismes de solidarité sur l'efficacité de ces organismes dans la société.

L'évaluation note l'absence d'une analyse globale précise de la gouvernance, que ce soit une analyse des acteurs, ou des risques principaux qui se présentent dans l'avenir aux objectifs des Conventions de financement. Les partenariats stratégiques avec d'autres institutions intéressées (européennes ou autres) font défaut. La formulation du projet d'appui à la justice par la Direction Générale de la Coopération et du Développement française se fait par exemple séparément.

4.10 Question Evaluative 10

Dans quelle mesure et comment la Commission a-t-elle développé sa capacité institutionnelle pour gérer de façon efficace et efficiente les questions de gouvernance ?

La CE a su se doter d'une expertise technique nombreuse, de haut niveau, crédible auprès des partenaires et des bénéficiaires. Le nombre et la qualité du personnel travaillant en Délégation, dans les projets ou en assistance technique est remarquable.

La charge de travail administratif et financier de ce personnel est importante. Elle est liée directement à la fourniture des moyens à l'administration et aux partenaires, mais ne permet pas de faire le suivi des résultats (elle est en effet surtout axée sur les procédures administratives). L'organisation du travail et surtout le contrôle des réalisations ne se fait pas. Cela n'a pas permis que cette expertise déployée par la DCE soit pleinement utilisée, notamment pour le suivi des activités. Or l'importance des moyens, ainsi dans le cas du PADEG, permet l'ouverture de nombreuses portes qui permettraient par exemple de pousser au renforcement des fonctions d'inspection dans la justice, et des visites plus fréquentes et approfondies sur le terrain.

Malgré des volumes financiers importants, la CE et ses partenaires opérationnels utilisent peu les capacités à réaliser les études, pourtant disponibles au Burkina Faso. La mission a pu observer peu de rapports réalisés par des experts locaux.

Par ailleurs la Commission s'est dotée, par le biais des contrats cadre, en particulier le « Lot 7 : démocratie et droits de l'homme » d'un instrument rapide de recrutement d'expertise à court terme. L'évaluation a ainsi pu se baser sur une appréciation de l'appui budgétaire (étude IDC), ainsi que du projet précédant le PADEG, le Programme d'Appui à l'Administration Judiciaire (PARI)¹⁵.

¹⁵ « Evaluation Finale du PARI », rapport soumis par ECO dans le contrat cadre Lot 7.

Cet instrument a pourtant été peu utilisé pour des études contextuelles ou évaluatives, et beaucoup d'informateurs ont exprimé leur déception sur l'efficacité de ces missions. Cette déception est liée au fait que le système des appels d'offre donne la priorité à des critères formels de qualification sur CV, alors qu'il n'existe pas une demande correspondante auprès des bureaux d'étude de réaliser un contrôle de qualité des candidats présentés.

Ceci favorise les entreprises fonctionnant effectivement comme des courtiers de Curriculum Vitae, et détruit les réseaux d'expertise que la DCE peut avoir tissé au fil du temps (la présentation d'un candidat dépend de sa capacité à se mettre en lien à temps avec un des soumissionnaires, et des autres de ne pas tricher sur leurs références, ce qui n'a rien d'automatique). Le fait que les notifications d'attribution ne donnent pas de détail sur les raisons des décisions, et que le système ne favorise pas la fidélisation des consultants par rapport aux prestataires contractuels, augmente l'élément de hasard dans la réalisation des études.

Sur un autre plan, l'évaluation n'a pas permis d'observer si la déconcentration a pu favoriser le travail opérationnel dans la gouvernance. Force est de constater que les procédures restent toujours aussi contraignantes, menant à des lenteurs particulièrement visibles (ainsi la signature d'un contrat de subvention prend à peu près quatre mois). Les récompenses et les sanctions s'appliquent beaucoup plus à la conformité aux procédures qu'à la prise de risques pour atteindre des objectifs ambitieux.

5 CONCLUSIONS ET RECOMMANDATIONS GENERALES

De façon globale la gouvernance de la CE accompagne et soutient efficacement la politique nationale. La DCE elle-même est en transition entre d'une part une augmentation de l'importance donnée aux procédures administratives accompagnée de déconcentration, et d'autre part une ouverture plus grande à l'appui budgétaire et une forte pression pour l'engagement de crédits. Notre conclusion est que ces éléments permettent de loger la gouvernance dans la coopération avec plus d'efficacité et de viabilité, et représente une révolution dans la gouvernance même de la coopération, en particulier pour l'appui budgétaire.

Les projets restent des outils efficaces, mais dont les modalités contractuelles méritent d'être réexaminées afin de mieux s'orienter vers les acteurs privés, les acteurs coutumiers et de société civile. En particulier le degré de contextualisation de ces projets est à augmenter, par le biais d'un suivi plus poussé de la réalisation du travail, et par un meilleur ancrage dans le fonctionnement des Ministères de tutelle.

La gouvernance gagnerait à un développement au niveau de certains indicateurs de performance, non pas tant de résultat (qui risqueraient de l'alourdir) mais de processus et de progrès: c'est-à-dire des indicateurs permettant de faire mieux le lien entre la planification et les dotations en ressources dans les secteurs les plus pertinents (justice, sécurité, organes de contrôle). Ceci permettrait d'éviter la prolifération des indicateurs de résultat au niveau du CSLP pour ce qui est de la gouvernance. Il permettrait aussi d'éviter l'actuelle absence de lien concret entre les fonds engagés en Appui Budgétaire et les fonds engagés par le biais des projets.

Les projets ne bénéficient pas actuellement d'indicateurs d'impact de changements dans la population ou parmi les acteurs organisés (acteurs non-étatiques). Ceci permettrait de comprendre de façon plus équilibrée la valeur des activités réalisées, tant du point de vue

de l'exécution budgétaire que des résultats effectifs. Il ne s'agirait pas tant ici d'indicateurs pour des conditionnalités - mais plutôt des indicateurs d'appréciation et de pilotage.

Nous pourrions recommander plus spécifiquement dans le pays:

- Une intégration du suivi de l'impact des activités des organisations bénéficiaires, sur les jeunes filles et garçons, les hommes et les femmes, et les changements induits dans leur vie (pour s'assurer que des projets de formation, sensibilisation, peuvent être conduits à terme en vérifiant que la démarche adoptée permet d'induire un changement réel). Organiser ponctuellement sur base d'échantillon réduit avec les bénéficiaires des enquêtes pour avoir leurs points de vues et leurs propositions d'amélioration du système judiciaire.
- En ce qui concerne les formations, un suivi des apprenants dans leur situation professionnelle permettra d'identifier des nouveaux besoins de renforcement des capacités. L'inscription des activités dans un cadre global de renforcement des capacités national conduira à plus de cohérence dans les actions
- La mise en place des mécanismes d'information avec une démarche volontaire auprès d'acteurs identifiés comme efficaces dans leur rôle pour la gouvernance du pays. Développer des mécanismes de communication avec les institutions avec des variantes selon leurs spécificités liés à leur nature, par exemple celles concernées par l'offre de services de la Commission en dehors des canaux administratifs comme les lettres d'information ou les quelques diffusions des appels à propositions dans deux journaux de la place.
- L'encouragement du travail en réseau au niveau des organisations de la société civile appuyées pour avoir plus de cohérence dans les actions et au aussi augmenter les effets et les impacts.
- L'établissement d'une passerelle entre l'appui projet et l'aide budgétaire pour prendre en compte le renforcement des capacités de l'Administration Publique. Cela pourrait se faire par l'intermédiaire d'un appui aux institutions ayant une fonction de veille et de contrôle de la bonne gestion des finances publiques, où la création d'un projet pourrait donner lieu à des indicateurs de pérennisation des résultats dans le cadre des appuis budgétaires.
- La contribution à la création d'un cadre de concertation des PTF/Gouvernance comme c'est le cas pour le genre et le CSLP au Burkina et pour la Gouvernance au Mali et au Bénin

ANNEXES

Annexe 1: Acronymes et abréviations

AB	Appui Budgétaire
AT	Assistance Technique
CDMT	Cadre des Dépenses à Moyen Terme
CE	Commission Européenne
CGAB	Cadre Général d'Organisation des Appuis Budgétaires
CGAB-CSLP	Cadre Général d'Organisation des Appuis Budgétaires en Appui à la mise en Œuvre du Cadre Stratégique de Lutte contre la Pauvreté
CSLP	Cadre Stratégique de Lutte contre la Pauvreté
DCE	Délégation de la Commission Européenne
ENAM	Ecole Nationale d'Administration et de la Magistrature
ENAREF	Ecole Nationale des régies Financières
FAED	Fond d'Appui à l'Etat de Droit
FED	Fonds Européen de Développement
ON	Ordonnateur National
ONG	Organisation Non Gouvernementale
OSC	Organisation de la Société Civile
PADEG	Programme d'Appui à la Consolidation du Processus Démocratique de l'Etat de Droit et de la Bonne Gouvernance(PADEG)
PANRJ	Plan d'Action National pour la Réforme de la Justice
PAPS	Plan d'Appui à la Politique Sectorielle
PAPs	Programmes d'Actions Prioritaires
PARI	Programme d'Appui à la Réforme de la Justice
PDDEB	Plan Décennal de Développement l'Éducation de Base
PNUD	Programme des Nations Unies pour le Développement
PRGB	Plan d'Action de Renforcement de la Gestion Budgétaire
PTF	Partenaire technique et Financier
SP-PPF	Secrétaire Permanent des Politiques et Programmes Financiers
WBI	World Bank Institut (Institut de la Banque Mondiale)

Annexe 2: Liste des personnes rencontrées

NOM	PRENOM	FONCTION
Mateus	Helia	Chef de Section Economie et Secteurs Sociaux
Grell	Marie Noëlle	Assistante Technique Justice et Droit de l'Homme DCE
Sebgo	Léné	Directeur Général de la Coopération
Dabiré	Bonoudaba	Secrétaire Permanent STC-PDES
Caux	Olivier	Assistant Technique Ordonnateur National
Kam	Alain	Chargé de Programme Coopération avec l'Union Européenne DG COOP
Bambara	Daniel	Directeur Général de l'Economie et la Planification (MEDEV)
Bambara	François	Directeur de la Planification Sectorielle et du Suivi des Investissements(DDPSSI) (MEDEV)
Tioye	Antoine	Directeur des Prévisions et des Etudes macro- économiques MEDEV
Zaré	Ibrahima	DG COOP
Dabiré	Annick	Régisseur Maison de Koudougou
Voho	Médard	Directeur de l' Administration Pénitentiaire
Forogo	Célestin	Directeur de la Sécurité Pénitentiaire
Hugo	Pierrel	DCE
Ramdé	François	Prisonniers Sans Frontières Koudougou
Meda	Honorine	Régisseur du PADEG
Moyenga	Roger	Directeur des Affaires Administrative et Financière Ministère de la Justice
Massa	Georges	Directeur des Etudes Planification Ministère de la Justice
Tellier	Florence	Chargée de Programme FAED
Coulibaly	Siaka	Economiste Bureau Banque Mondiale
Ouandaogo	Delphine	Chargée de Programme, Point Focal Genre PNUD
Meyer	Meyer	Directeur du PADEG
Moyenga	Dieudonné	Directeur de l'Administration Pénitentiaire
Dayo	Tankien	Directeur des Programmes et des Réformes Financières (SP-PPF)
Romba	Lalé	Greffe TGIK
Loada	Augustin	Directeur du Centre pour la Gouvernance Démocratique (CGD)
Attiron	Hervé K. A	Juge d'instruction Tribunal de Grande Instance de Koudougou

Hauser	Hannes	Chef de Bureau Ambassade d 'Autriche au Burkina Faso
Diallo	Johanna Sabine	Coordonnatrice Programme Décentralisation /Développement Communal (PDDC) ,GTZ
Les détenus adultes et mineurs de la Maison d'Arrêt et de Correction de Koudougou		

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Service contract for the evaluation (sectoral and thematic) of European Commission programmes and policies in third countries, relating to social and human development issues

**THEMATIC EVALUATION OF THE
EUROPEAN COMMISSION ASSISTANCE
TO THIRD COUNTRIES SUPPORTING
GOOD GOVERNANCE**

Country Note for the Dominican Republic






Emery Brusset

Ramon Seiffe

January 2006

Evaluation for the European Commission



A consortium composed of PARTICIP, Cideal, Channel Research and South Research c/o lead company PARTICIP:	
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	<p>Thematic Evaluation of the EC support to Good Governance</p>
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The opinions expressed in this document represent the authors' points of view, which are not necessarily shared by the European Commission or by the authorities of the countries concerned.

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1 INTRODUCTION

The purpose of the present Dominican Republic case study is to provide evidence for a worldwide analysis concerning whether, and how, the Commission has contributed to the progress towards good governance.

The present study is consequently not a country evaluation or an impact evaluation but provides the basis for a review of the role of the EC in good governance, at present and in the future.

To reach its conclusions the team in Dominican Republic (Mr Emery Brusset and Mr Ramon Seiffe) focused above all on one project, the PARME (Programa de Apoyo a la Reforma y Modernización del Estado), valued at € 36.4 million which is now into its third year of implementation (it was launched on 15 July 2002). The evaluation also touched on the SABAMAR project (Programa de Saneamiento Ambiental de los Barrios Marginales de Santo Domingo), and the PAIRE (Proyecto de Apoyo Inmediato para la Reforma y Modernización del Estado) which was the predecessor to the PARME, ending in February 2002. There was only one project funded from the Community budget lines concerning governance, in particular from the European Initiative for Human Rights and Democracy, named PAIRJU (immediate reform on the justice sector).

The evaluation was not in a position, to base its findings on other sources of evidence than these two projects and interviews of stakeholders. It was also the position of the Delegation that governance activities were quite concentrated in the PARME.

The purpose of the note is to highlight the issues which stand out in light of the ten evaluative questions selected in the ToR. The reasons for selecting this country for a case study is that the Dominican Republic has benefited from large programmes in the reform of the State, reflecting a favourable policy environment, while at the same time it remains a country where the reform of the state is still in process.

We understand the term governance, as per our Terms of Reference, to refer to the structure, functioning and performance of the public authorities/institutions at all levels.¹ Governance is about the way public functions are carried out (including public service delivery), public resources (human, natural, economic and financial) are managed and public regulatory powers are exercised (including enforcement) in the management of a country's affairs.

The timeframe selected is that for the overall evaluation, 1994 to 2005, with a focus on the years 2000-2005, which is when the current funds have been programmed and committed.

¹ Public authorities/institutions are understood broadly, including all levels of governance: central-local (decentralisation); and general-sectoral specific (e.g. the finance ministry and sector specific ministries).

2 DATA COLLECTION METHODS

The evaluation used semi-structured interviews as the main information collection tool, and review of documents. The evaluation benefited from an evaluation of SABAMAR (2003), two evaluations of PAIRE and its successor project PARME (2003 and 2004), and a monitoring mission to PARME (2005). The existence of a framework of evaluation questions supported by a set of indicators considerably facilitated the field work.

The short period of time allotted to the country visits did not permit preparation for surveys and focus group discussions, or participatory consultations (for example of the beneficiary populations). The significant workload of key respondents would have required this to be prepared much in advance, with clearly defined questions.

The evaluation interviewed 32 persons (see list of persons met in annex), and collected a large literature on the subject of governance and reform of the state in Dominican Republic. Great importance was given to triangulation through interviews with people who have varied interests and perceptions of the governance activities, while on the other hand the pool of persons met was limited by the need to focus on those familiar with it. A wide use was made of the network of contacts of the local consultant.

The evaluation framework developed was based on a search for recurrent themes in the different project components, governance-related development cooperation, and EC cooperation. These were then grouped according to the evaluation questions.

3 SHORT DESCRIPTION OF COUNTRY AND PROJECT PROFILE

Democracy was solidly instated in the Dominican Republic from 1996 through a process of public participation (for example the implementation of Law 66-03 which allocates 10% of the Government budget to local authorities). In the nineties the country also enjoyed a GDP growth of 6% per year, while on the other hand poverty and social inequality did not diminish². From 2000 to 2003 a rapid economic transition led to a situation of financial crisis, including large scale banking fraud accompanied by the Government's decision to let tax payers pay for the losses incurred through revenue from taxes.

The payment of the public debt has led to reduced social investments, in particular continued high unemployment, reductions in spending in health and education services. There is a continued risk of disenfranchisement among the population towards the democratic process, where for example 48.3% of a nationwide poll declare being in favour of democracy³. This is in spite of free and fair elections since 1996 (with three presidential elections), a certain degree of independence of the Supreme Court (elected by the National Council of Magistrates), and the existence of independent public accountability bodies (Court of auditors, Internal Controller and the figure of ombudsman or "defender of the people" pending to be nominated for the last 2 years).

Centralisation of power remains high. The UNDP/EC Human Development Report on democracy in Latin America places Dominican Republic as medium to high on a scale of presidential power. This is reinforced by the findings of various studies⁴, and through interviews carried out for this evaluation.

The prison population is on average higher here than in the rest of Latin America (178 detainees per 100,000 inhabitants, whereas the average is 145 in Latin America), as is the case for prison occupancy rates (175% of the planned population in prison, versus 138% in Latin America). The Freedom House Index is quite positive as regards freedom of expression, giving the country 33 points out of a hundred (low scores meaning less freedom), although there has been a drop since 2002. Labour organisation, as well as personal safety, and access to public information, have improved since 1996.

² "Edición Especial: Desarrollo Humano, Perfil de la Democracia en República Dominicana", UNDP, 2005.

³ Ibid.

⁴ "La gestión Pública en Santo Domingo de Guzmán – La ficción de una autonomía", Faustino Collado, Universidad Atónoma de Santo Domingo, 2002.

4 EVALUATIVE QUESTIONS

4.1 Evaluative Question 1

To what extent has good governance been prioritised and incorporated in European Commission cooperation since 2000 and how has the approach to good governance evolved during this period?

Governance was present in 8th EDF as a priority sector leading to projects in justice (PAyJU) and then PAIRE (Programa de Apoyo Inmediato para la Reforma y Modernización del Estado). PARME, which followed directly from PAIRE, has a financial volume of €36.4 million which represents 34% of the 8th EDF. There are no Community budget line projects from EIDHR, but there is considerable evidence of a focus on governance in other programmes funded by the Commission, such as SABAMAR. These do not include governance in their stated objectives, but contribute to better citizen participation in public administration. For example the latter includes a component dedicated to strengthening community organisations and increasing awareness in public issues.

There is a direct coherence between the EC policy documents (such as the Manual for Governance, the EC Communications) and the project documents - as reflected in particular in PARME which combines decentralization, justice and rule of law, and public service reform.

There is no reciprocal definition within the Dominican Republic's Government on what is the concrete meaning of governance. It is possible instead to observe a widespread use of the term "reform and modernization of public administration" and decentralization, as well as supporting civil society. The national literature refers to "institucionalidad" as a means of countering the historical personalization of power. Similarly there is a general reliance in analysis of the situation in the country on the publications of other institutions (Inter-American Development Bank, UNDP), possibly indicating a lesser degree of ownership of country-specific governance.

4.2 Evaluative Question 2

To what extent and how have Commission-financed projects and programmes, and in particular capacity building activities including technical assistance and twinning programs, efficiently and effectively contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and policies

The main form of assistance in Dominican Republic is in the form of projects or in particular programmes. In the area of governance more than 70% of this aid is dedicated to Technical Assistance, advice and training. This allows for multi-annual processes in which it is possible to test the extent of the knowledge, interests of different parts of government, and to provide successive phases of assistance.

In PARME the prevalence of technical assistance has been raised by the Delegation as an issue relating to slow execution: the small amounts of money required by technical assistance, and the importance but labour intensiveness of training, mean that money is not spent fast. The evaluations which have been carried out conclude that the outcome of technical assistance varies considerably with the sector of activity. PARME here serves as the main

focus of our analysis. This is highly advanced in the area of justice⁵, while it is very limited in the area of Public Administration, which registered only 35% of expenditure of the EDF funds in February 2005⁶.

It would appear, on the basis of the interviews carried out, that this is mainly due to the limited existence of political will in public administration reform, to a certain extent to the adoption of a rhythm more tuned to administrative procedures than to a clear vision of the needs to be addressed.

It would also appear that the capacity and nature of the State's capacity have not been taken fully into account. The change-over of all personnel in public services at the time of elections leads to poor retention of skills which have been transferred, and the need to carry out the projects over electoral cycles. The low degree of ownership of the projects (most often referred to as "EU projects" means that there is less political influence, but also less assimilation.

4.3 Evaluative Question 3

To what extent and how have Commission-financed SPSP and budget support efficiently and effectively contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and practices, in particular through improved public finance management, through improved accountability and transparency and through improved public service delivery?

There has been no sector or budget support from the 9th EDF. Discussions are under way for the next NIP. The Delegation expressed to the evaluation team considerable concerns on the modalities and monitoring of such forms of assistance. It should however be noted that there is a very real possibility, in budget support, of increasing Government ownership of the objectives and the implementation of activities. The decision making process is more "national" than is possible in the projects, and may lead to a considerable shift in the dynamics of certain target Ministries, such as Justice – provided of course that budget support gives adequate priority to such "governance" departments, as opposed to the Millennium Development Goal-relevant ones such as education and health.

4.4 Evaluative Question 4

To what extent and how has the Commission efficiently and effectively used the political and policy dialogue (at sector and country levels) to encourage and promote good governance approaches and practices?

The political dialogue of the Commission, led by the previous Head of Delegation has been particularly intense in the area of elections in the period 2000-2005, also touching on issues of corruption. At a more technical level it also became highly developed in aspects touching the programming of EDF 9, in particular as regards the water sector. In this area the programme was shifted toward budget support and institutional development, away from the originally planned process of privatisation.

⁵ Referencia de Monitoreo, 27/05/05, Rafael Eguiguren

⁶ Resumen Ejecutivo, 10° Informe Trimestrial del PARME, Marzo 2005.

The interviews carried out converge to give a two track picture of the policy dialogue as regards the structural reform of the state: on the one hand the two successive Heads of Delegation show a continued active interest in the implementation of projects, while at the same time the declarations in that policy area are pitched at a general level, and do not address the specific constraints of the projects (for example they do not touch on relations of the Technical Management Unit with CONARE and with Consejo de Gobierno as regards PARME). On the other hand the Technical Management Unit is directly involved in the day to day resolution of difficulties, seeking to obtain support for initiatives which are lagging behind, in spite of written commitments from the Government.

The result of this is that the strategic definition of the objectives of the reform of the state are left to lie exclusively in the agreements signed. The risks to the achievement of these general objectives are not discussed in terms which would improve the efficiency of the projects. The PMU is specialised in Technical Assistance, and does not have a mandate to engage in the political negotiations around the project.

This medium level between general objectives and administrative decisions is precisely the source of most of the blockages, while the existence of a soft consensus at the top level of the country precludes direct discussions of Government priorities and support to the projects. There is not sufficient human resource capacity in the Delegation to follow up from the points of blockage of the project (for example the absence of a national registry of civil servants). This makes the projects dependent on the general level of political will for enhanced governance in the country.

4.5 Evaluative Question 5

To what extent has the Commission assistance been sensitive to specific partner country needs, and priorities, and to what extent and how has the Commission been flexible, in the programming process and in implementation, in adapting to different country contexts (e.g. post-conflict, difficult partnerships, effective partnerships)?

The evaluation has concentrated, at the behest of the Delegation, on PARME, and consequently the focus here is limited to this project.

The project feasibility study of 1999 had emphasised the need for flexibility in implementation. This has been well preserved in the project, whereby resources are allocated quarterly to support activities which are defined on the basis of circumstances. A good example of this can be seen in the funding given by PARME to electoral support in 2004, which had not been foreseen in the original logical framework, but proved to key to supporting the democratic process in the country.

The project specific objectives and activities of PARME have been adjusted periodically to ensure their relevance. For example PARME introduced in 2004 the contractual agreements called 'Compromisos específicos' which are signed by the National Authorising Officer and the Head of Delegation to shore up the commitment to certain areas of activity under the project.

The evaluation collected conflicting evidence concerning whether the EDF 9 and EDF 8 procedures were a hindrance to the speed of project execution. This has been mentioned as a constraint in the documents of the PARME (for example under "puntos sensibles" of the Executive Summary of the 4th Work Plan). On the other hand many respondents mentioned that the new EDF procedures were more adapted to the difficult implementation conditions in the Dominican Republic.

The responsiveness of the EC to the country situation is particularly well illustrated in the timeframes for project implementation. The evaluation of the PAIRE had mentioned the two year timeframe of this first project as one of the major weaknesses of the project⁷. PARME is behind the schedule foreseen for its implementation in two of its three areas of implementation, but the Delegation is envisaging a prolongation of the contract. This would avoid having to spend large amounts of money for activities which have not been carried out until then, with the corresponding risk of waste.

This leads to the question of the external steering of EC projects: specific needs are defined as part of a broad process of dialogue with other donors and with the state⁸ on the importance and nature of the reform of the state. Feasibility studies (in the case of PARME this was a feasibility study carried out by the Spanish consultancy B&S Europe in 1999) are based on these discussions, and shared with the national counterparts. The agreements are signed, and after a lengthy process (three years for PARME) the project is implemented. Declarations underlining the coherence of objectives are made by the Government. But the aims, and achievement of the results (as expressed in its visibility campaign), are those of the Technical Management Unit and not echoed in the Dominican State as a whole.

4.6 Evaluative Question 6

To what extent and how has the Commission ensured coordination and complementarity with other donors, active in the governance area, and ensured coherence with EC policies and activities and with partner Governments' priorities and activities?

There are monthly coordination meetings in Santo Domingo, chaired by the World Bank, on international cooperation. Under this have been organized 8 sectoral coordination groups, on health, education, food security, natural resources, justice and anti-corruption measures (which is chaired by USAID), and decentralization (which is chaired by the AECI-Spanish cooperation agency). These are reflected in the Government's sectoral reform commissions, coordinated with CONARE.

CONARE acts as the focal point for most projects, and hosts funding from German Cooperation, Spain and France (all of which deal with decentralization). Some projects, such as the creation of a registry of Civil Servants, are planned to be co-financed by the EC with other donors (PROREFORMA project, financed by the Inter-American Development Bank). Other significant projects, such as the 10 year project of USAID for the development of civil society (PID, or Proyecto para Apoyar Iniciativas Democráticas which funded 150 NGOs) were convergent with the objectives of the EC, but did not seek to relate directly with the activities it undertook. It has been followed by an annual US\$5 million programme focusing on political parties and anti-corruption measures.

The consensus of those interviewed for the evaluation is that there is a willingness to share knowledge, and to provide relevant actors with updates on project activities. However the analysis of strategic priorities is still done through separate processes, and there has not been an effort to carry out joint evaluations of governance. Nevertheless, the EC has jointly fielded TA missions along with MS involved in the decentralization sector (France, Spain and

⁷ Evaluación Final, PAIRE, ECO bajo el Contrato Marco Lote 10 IB/AMS/451, Conclusión 2.

⁸ Most specifically Ordenador Nacional para los Fondos Europeos de Desarrollo, and Consejo Nacional de Reforma del Estado, as well as Oficina Nacional de Planificación.

Germany). Project execution remains widely separated by the different procedures and public tender requirements.

The issue of visibility stands out in Dominican Republic in this context. PARME developed early on a unique logo, combining the EU flag and that of the Republic. The project itself projected an image of a cohesive and highly funded force, occupying a large part of the governance scene in the country. This led many observers to complain that it seemed as if it was the EU that was reforming the state, rather than assisting in its reform. The EC has since decided to downplay the singularity of the project, and emphasise the links to the State.

4.7 Evaluative Question 7

To what extent and how have cross cutting issues (social and environmental) been incorporated in the provision of governance support, and to what extent do the resulting good governance processes successfully take these issues in to account?

Gender is a declared cross-cutting issue of the PARME activities, and has been implemented with most effectiveness in decentralization and penal reform. This is mostly because of the importance of the conditions of women in both areas, in terms of participation in decisions taken in Municipalities (only 13 Mayors are women out of 140), and in terms of living conditions in the prisons (where considerable progress has been reported by the mid-term evaluation of PARME and by the recent monitoring mission) as well as rehabilitation of female prisoners. PARME has also been providing technical assistance to the Secretaría de Estado de la Mujer (known as SEM) which is in charge of the normative content of Government policy as regards gender parity.

It should be noted however that even though there is a senior expert in charge of cross-cutting themes in PARME, gender has not featured highly in the objectives of PARME. The subject of governance in natural resource management has not been retained as a key theme in the planning of PARME.

4.8 Evaluative Question 8

To what extent and how have Commission strategies and programmes and projects, targeted at regional specific objectives as well as at the four clusters (rule of law and administration of justice, civil society, public administration reform, decentralisation) contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and practices?

In the Dominican Republic, the European Commission seeks to attain primarily institutional strengthening and economic integration into the world economy, within a framework of poverty reduction. There is in fact a strong concentration on education and water, apart from funds allocated to the mining sector (Sysmin). In general these sectors are not considered to be part of the governance objectives.

In line with the recommendations of the Terms of Reference and the Inception Report, the evaluation did not try to define the impact of the activities of the one project dedicated to governance, PARME. We have focused instead on the results achieved (the terms used in certain circles would be of outputs and outcomes).

One of the main characteristics of the operations of PARME is that the budget was never fully used as planned. Spending is situated at an average of 45% of planned expenditure (with 76% for the Government's funds) distributed in the following manner:

Work Plans	EDF allocation (DR\$)	EDF implementation	% Execution	Dom Republic allocation (DR\$)	Dom Rep Execution	% Execution
1st. POS	32,630,000	25,063,184	77%	4,767,000	3,359,203	70%
2nd.POS	76,518,000	51,228,321	67%	5,316,000	6,678,198	126%
1st. POA	187,764,000	57,280,621	31%	12,204,000	6,886,729	56%
TOTAL	296,916,000	133,572,126	45%	22,287,000	16,924,130	76%

The first 'Semestrial' Operational Plan (POS in its Spanish acronym) was launched on 15 July 2002 an saw the installation of the TMU. The work was highly affected by the May 2002 parliamentary and municipal elections, which led to a new Government in August 2002.

The second Plan of Operations began in February 2003 up to November 2003 (over a 9 month period). It was followed by the first Annual Plan of Operations which ran from November 2003 up to 14th January 2005 (14 months). This coincided with the pre-electoral and electoral periods from February to August 2004, and was hindered by the formation of a new Cabinet and the replacement of civil servants. This last process is a crucial facet of governance in Latin American countries, leading to a change of the entire structure of civil service, down to the lower posts in Municipalities.

The Project documents highlight the separation which exists between the Project Management Unit and the political spheres of the Government. The need to write down in contractual terms⁹ the content of the agreements is a sign of a difficult relation, also reflected in the tensions between the Project Director and the National Director (whose post was not occupied in the months of the evaluation).

On the other hand the TMU is presented as a financial arm of the Government and of civil society, rather than as an instrument of the Government with a direct responsibility for reform of the State. Even though CONARE is the technical coordinator of these actions, it is located in another part of the city, and has a clearly differentiated public image.

A review of the dates of initiation of the different Operational Plans shows that the introduction of new resources coincides with electoral dates, or during governmental transitions. This constitutes a challenge to the continuity of actions. The Fourth Operational Plan places the greatest amount of resources on decentralisation, from 15 February 2005 to 14 January 2006, which is a very short lapse of time to tackle the deep problems of lack of capacity in the Provinces, and ensure sustainability. The beginning of June is the date given for proposals for projects from each Municipality for the PARME Support Fund (Fondo de Acompañamiento), with a ceiling of RD\$1,500,000.00, which leaves little time for actual implementation, if this date remains 14 January 2006. The Government and the Municipalities operate on a four year cycle which does not match easily the timeframe for PARME.

⁹ "Por vías de Compromisos específicos esta previsto comprometer, RD\$53,407,000. Uno de los compromisos de mayor envergadura será el llamado a firmar por CONARE y otro de importante presupuesto, el que se firmara con INCAT. También por vía de CE se hará la inversión en materia de informática, para el registro nacional de Servidores Públicos". Pagina 9 del POA.

The activities proposed by PARME are often dependent on deeper reforms of the State to have a good chance of success. This makes it dependent on the political will in relation to legal, administrative and political frameworks. The lack of political involvement from the government is certainly a key issue for the limited impact of PARME. For example in decentralisation the achievement of outcomes is dependent on the application of the Laws of Civil Service. This would allow for a minimum of continuity of lower and mid-level civil servants who are the beneficiaries of training. This personnel is effectively present only three years out of four (due to the pre-election and post-election uncertainties) and has changed completely three times over the period of the project.

Broader issues of political will are at stake, which touch on the political culture in the country, the perception of the role of the State within political parties, or the involvement of civil society in public governance. This can be seen in a much broader light than is currently the case through the lens of PARME, where only a small number of NGOs have access to funding, and the EC is limited to operating in a sectoral and technical manner with the State.

4.9 Evaluative Question 9

To what extent and how has the Commission adopted a multi-actor and a multi-level approach to supporting good governance?

By multi-actor we understand here the definition of the roles of each type of actor, and enlistment in a broad movement of change. We note that PARME entertains close relations with civil society through its calls for proposals and multiple training processes.

Of particular interest is the well developed public communication facility within PARME. Employing a dedicated team and sophisticated public relations material, it has given PARME a high degree of visibility in the country. However PARME has not developed its communication facility in relation to specific target groups identified on the basis of a particular action which would support a multi-actor approach. There are no activities aimed at cultivating a particular group to understand, adopt and promote some lines of action which would advance the governance agenda. Instead the messages remain aimed at a broad non specialized audience.

The feasibility study was developed on the basis of an institutional analysis. Noting the proliferation of State administrative entities (173 in 1999), the use of arbitrary power in the absence of a strong and independent judiciary, and the significance of relations of patronage within the administration, the study recommended work in the three key areas of (1) strengthening the impartiality and professionalism of the civil service, (2) increasing the power of communities through their Municipalities, and (3) improving the functioning of the justice system.

These are relevant objectives in that they lead to a structural shift within the governance of the country. This has been noted in the PAIRE evaluation and repeated in the mid-term evaluation of PARME, as well as in the subsequent monitoring reports. We also note however an inability to analyse, define and target the key dynamic constraints to good governance: these lie in the political culture and power structure of governance in DR. The project runs into significantly more sensitive issues, such as the need for Constitutional reform or for the passing a constitutional limiting the power of the Presidency. There also should be a clearer identification of the stakeholders with an interest in reform, who should be targeted for support, rather than following the formal mandates which may not reflect the real potential for change.

There can be found, for example, no documents providing a risks analysis for the implementation at mid-term, which would have contributed significantly to the evaluation which was also carried out. Similarly the emphasis given to training and capacity building of civil servants (which represents an overwhelming proportion of the budget, if one includes technical assistance) ignores the high turnover of all personnel over a three year period.

The manner in which the project is presented is also conducive to unnecessary tension. While the Cotonou Convention foresees that the project is an expertise placed at the disposal of the Government, the responsibility for implementation is clearly placed with the contractor: the international director is named as the person who administers the funds (the National Director is only a Deputy), with “technical and financial autonomy for the implementation of the project”¹⁰. Once the objectives are clearly defined, as they are in the terms of reference, the choice of the means lies with the unit, under the general guidance of the Steering Committee (made up of the National Authorising Officer staff rather than the CONARE), and the sectoral coordination committees. The PARME is clearly seen, and labeled, as a ‘European Union’ project, rather than a Government reform. This leads to a lesser degree of ownership on the part of the Government, and hence possibly less openness to its intended results.

On the other hand the breadth of the EC’s work in governance is not fully recognized. This concerns in particular the existence of important components of work in governance in other projects. We have mentioned earlier Sabamar. The re-orientation of the funds for the water sector in the 9th EDF, decided in 2003, also reflects the importance of governance issues: the National Authorising Officer, in the face of resistance from Congress to the planned privatization of the water sector, asked that an addendum be drafted which shifted resources (€53 million) from water to macro-economic support, in particular to institutional stability. The existence of impacts in governance for activities other than PARME requires a broader frame of reference than the sole objectives of a specialized project, no matter how large its budget.

4.10 Evaluative Question 10

To what extent and how has the Commission developed its overall institutional capacity to deal effectively and efficiently with the question of governance?

PARME and the contracting mechanisms allow the EC to recruit from a wide pool of expertise to work in governance. The fact that in terms of companies there is still not a large market (cf. for example the smaller number of companies bidding in the human rights and democracy sector as opposed to infrastructure or rural development for the ‘Lot’ Framework Contracts) is more a question of time and maturity than a question of procedure. In Dominican Republic the experts deployed were all of a high caliber, be they national or international.

The evaluation notes however that the EC suffers from a cleavage between the technical level of the staff (whose work is subordinated to both the Government and the Delegation), and the more macro-level management of the Delegation. While personnel from the latter are present at all the meetings, they are not in a position to provide the political steering which the project would need. This is mainly due to the lack of time to deal with broader issues and constraints, as there are only three individuals working in the Economic Cooperation Section. This personnel has not received training in governance, and receives little technical support from headquarters in Brussels since de-concentration. This leads to a frame of reference being applied to PARME where the financial targets remain preponderant, and delays are seen as one of the main indicators of difficulties – instead of being seen as prudence in the face of an incomplete problem formulation.

¹⁰ Anexo al Contrato : Términos de Referencia, SJ Berwin-Sema Group

5 CONCLUSIONS RECOMMENDATIONS:

The evaluation is not critical of the slow progress of implementation, but yes of the relative isolation of the project: from the political nexus, and from the other EC and EU (ie bilateral) projects. The inability to spend is due, in the opinion of this evaluation, to not having addressed in depth the issue of ownership (lack of involvement from government), and the linking of the EC's policy to the creation of an enabling policy environment for the project as well as the delays derived from applying EDF procedures to mostly small financial inputs (TA)..

PARME and related governance programmes could more clearly focus on cultivating more ownership by the Government, possibly by using the same office facilities, and adopting a more consortium-based structure (in other words linking the project to others in the sector). The use of 'visibility' material would gain to be reviewed in this light, possibly by using more prominently the CONARE logo.

The projects are not underpinned by a political risk analysis carried out externally to it, under the mandate of the European Commission Delegation. It is probable that this would conclude that broader factors, such as the application of decrees on civil service reform, or even more ambitious change such as Constitutional reform, ought to be placed on the agenda of the Country Strategy. This could be done not by placing constitutional reform (if that is indeed seen as a precondition of good governance) as an objective of EC projects, but as the end-point of a process.

Public communication has been well developed in PARME, but without focusing on target groups which are key to the evolution of political culture, such as political parties and the media. Governance would in this optic be recognised by the EC as the cross-cutting theme it is, and more linkages could be established between projects.

The EC is developing a capacity to deal with governance, including the creation of a professional community with expertise in its various aspects. Along with the process of de-concentration (which has obliged the Delegations to focus to a much greater extent on administrative issues), it has taken on a sensitive sector of activity. However it should be equipped to deal analytically and reflect at a policy dialogue level on those projects in which it puts significant resources.

More fundamentally the European Commission would gain in efficiency by recognising the qualitative difference of this sort of activity, where the context, local ownership and coalitions, and sensitivity to new opportunities and layers of agendas, are fundamental. The current financial indicators (spending rate and conformity to procedures) cannot be used as sole guide for the assessment of the performance of projects.

ANNEXES

Annexe 1: Objectives of PARME

The main objectives of the different components of PARME have been the following:

Note: Financial data corresponds to accumulated commitments from the start of the project until the date of the evaluation mission (01.04.2002 until 15.07.05)

JUSTICE COMPONENT : (€2,620,709.00 EDF and €219,316.00 Government Funding).

1. Debate and approval of the “Ley Contenciosa Administrativa” and of the law for Administrative Procedures.
2. Training plan for Parliament for both the above two laws.
3. Construction of penal infrastructure (2 Centres for Minors at a cost of RD\$55,000,000.00).
4. Creation of a legal asistanse office “Atención al Juicio”.
5. Creation of the “judicial observatories”
6. Training of judges, attorneys and lawyers on the new “Código Procesal Penal”
7. Evaluation of attorneys to assess their capacity to be incorporated into the fiscal career
8. Development of the new penitentiary model and its implementation in 2 jails.
9. Strengthening of the Public Service College.
10. Computerisation of the police filing system.
11. Establishment of internal rules and procedures for victim support.

PUBLIC ADMINISTRATION COMPONENT (€ 3,319,452.00 EDF and € 218,270.00 Government Funding).

1. Strengthening of the Nacional Institute for Public Administration.
2. Strengthening of the Nacional Office of Administration and Personnel (ONAP, Oficina Nacional de Administración y Personal) and revision and application of Law 14/91.
3. Elaboration of a National Plan for the Reform of the State.
4. Technical legal support to Parliament.
5. Information campaigns, through CONARE, on the reform of the State.
6. Information technology for CONARE to achieve a Nacional Registry of Public Servants.

DECENTRALIZATION COMPONENT COMPONENT (€2,557,016.00 EDF and €238,330.00 Government Funding).

1. Support to legal reform for new laws presented in Parliament.
2. Development of a strategic plan for decentralisation
3. Institutional adoption of the Municipal Training Scheme (Sistema de Capacitación Municipal SINACAM).
4. Ensuring that 50% of Municipalities have adopted the computerised Municipal financial system SIFMUN (Sistema de Finanzas Municipales).
5. Rehabilitation of Municipal infrastructure.
6. Develop a regional network of technical assistance for decentralisation
7. Creation of a technical assistance fund, including training in drafting of terms of reference and contracting.
8. Support to Municipalities in administrative management, gender sensitivity, urban planning, and human resource management.

9. Support to regional and national statistics offices for improved support to Municipalities.
10. Support the creation of a Strategic Plan for the city of Santo Domingo as well as the Metropolitan Plan for the centre and municipalities in the Province of Santo Domingo
11. Strengthening of the Dominican Federation of Municipalities (FEDOMU).
12. Support the documentation centre of FEDOMU to improve the historical records accessible to Municipalities.
13. Support to planning, financial management and social participation in Municipalities.

Annexe 2: The list of people interviewed

ENTREVISTAS REALIZADAS EN REPUBLICA DOMINICANA

Institucion	Nombre	Relevancia	Telefonos	Personas
Delegación de la Comisión Europea	Ben Nupnau	Primer Secretario, sector Economico		
Delegación de la Comisión Europea	Natalia Alonso	Experta, sector economía		
Ordenador Nacional	Onofre Rosas			
ONFED	Roberto Gonzalez	Director Proyectos Nacionales	221-8618/19	
PARME	Sonia Chirino	Directora PARME	482-7410 y Cel.707- 2300	
PARME	Rosa Ng Baez	Exerta participacion y género		
PARME	Alain Blondel	Experto monitoreo		
PARME	Maria Ibis Correa	Experta Comunicacion		
CONARE	Marcos Villaman	Director Ejecutivo		
CONARE	Fran Càceres Mendoza	Sub-Director Ejecutivo		
ONFED	Haffe Peguero	Seguimiento técnico		
ONFED	Francina Nunez	Seguimiento técnico		
Comisionado de Apoyo a la Reforma de la Justicia	Alejandro Moscoso Segarra			
PROREFORMA	Gustavo Montalvo	Programa BID	688-7000 ext 277 y Cel. 449-6673	
INTEC	Ana Selman	Programa BID Sociedad Civil y Consultas UE	567-9271	
Participacion Ciudadana		Transparencia UE- USAID		

FINJUS		Reformas Sector Justicia		
Centro Juan Montalvo	Ricardo González	Sociedad Civil. Descentralización		
Universidad Católica de Santo Domingo	Mukien San Ben, Ramonina Abreu y Radhames Mejia	Mesa del Dialogo, Participación Democrática-USAID- PID		
Oficina Nacional de Administración de Personal		Reforma Administrativa-Carrera Civil		
GTZ	Enrique de Leon	Asesor		
Cámara de Comercio de Santo Domingo	Milagros Puello	Directora Ejecutiva		
CONEP	Francisco Castillo	Vice-Presidente Ejecutivo		
PARTIDOS POLITICOS	Hatuey de Camps	Ex-Presidente PRD	567-1978 Casa y 470- 6886 celular	
PUCAMAIMA	Mukien San Ben,	Democracia y Gobernabilidad y Dialogo Politico	299-5026	
AECI	Carlos Babanillas	Mesa de Descentralización	543-8285	
USAID	Manuel Ortega	Equipo Democracia y Gobernabilidad		
SABAMAR / EPTISA	Javier Calzado	Director Desarrollo Comunitario		
Consultor independiente	Faustino Collado	Especialista en descentralización		

Service contract for the evaluation (sectoral and thematic) of European Commission programmes and policies in third countries, relating to social and human development issues

**THEMATIC EVALUATION OF THE
EUROPEAN COMMISSION ASSISTANCE
TO THIRD COUNTRIES SUPPORTING
GOOD GOVERNANCE**

Country Note for Guatemala






Emery Brusset

Herminio Castillo

January 2006

Evaluation for the European Commission



A consortium composed of PARTICIP, Cideal, Channel Research and South Research c/o lead company PARTICIP:	
	<p>PARTICIP GmbH, Consultants for Development & Environment</p> <p><u>Headquarters:</u> Hildastrasse 66, D 79102 Freiburg, Germany</p> <p>1.1.1.1.1 Brussels Branch: 1.1.1.1.2 Avenue des Arts 50 (5th floor), B 1000 Bruxelles, Belgium</p>
<p>Service Contract for the Evaluation (sectoral and thematic) of European Commission Programmes and Policies in Third Countries, relating to Social and Human Development issues.</p>	
<p>Thematic Evaluation of the EC support to Good Governance</p>	
	
<p>Centro de Investigación y Cooperación al desarrollo Madrid, Spain</p>	
	
<p>Channel Research Brussels, Belgium</p>	
	
<p>South Research Leuven, Belgium</p>	
<p>With the Collaboration of ECDPM</p> 	

Project Supervisor is project manager of EuropeAid Co-operation Office, Evaluation Unit H6	
Contract manager is Mr René Madrid from PARTICIP GmbH	
<p>International Experts</p> <p>Jean Bossuyt (Team leader) Emery Brusset (thematic expert) Marc de Tollenaere (thematic expert) Harry Garnett (thematic expert) René Madrid (Key expert) Marion Miketta (Junior expert) Serani Siegel (Junior expert) Helge Rieper (Junior expert)</p>	<p>National Experts</p> <p>Ramon Seiffe (Domenican republic) Mutaz Al-Taher (Jordan) Andrei Marusov (Ukraine) Lamien Ouando (Burkina Faso) Malika Ramoun (Algérie) Cassinda (Angola) Herminio Castillo (Guatemala) Maria Pakpahan (Indonesia)</p>
<p><i>The opinions expressed in this document represent the authors' points of view, which are not necessarily shared by the European Commission or by the authorities of the countries concerned.</i></p>	

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Apéndice

Apéndice 1: Lista de personas entrevistadas

Apéndice 2: Lista de Abreviaciones

Los consultores firmantes del documento, desean mostrar un sincero agradecimiento a todo el personal de la Delegación de la CE en Guatemala y a los técnicos y promotores del gobierno guatemalteco por el compromiso mostrado hacia este análisis, por el tiempo dedicado a los consultores, y en general por el esfuerzo puesto durante el proceso de elaboración del estudio.

Quisiéramos hacer extensivo el agradecimiento a todas y todos los que de una u otra forma participaron en esta evaluación, en particular a los expertos de la Delegación por sus aportes en el análisis, la recopilación de materiales para el estudio, las reflexiones efectuadas y por su dedicación.

1 INTRODUCCIÓN

El presente documento responde al análisis evaluativo general que la Comisión Europea solicitó en términos de *governabilidad* para el apoyo realizado a terceros países. En concreto este documento hace referencia a uno de los estudios de caso - Guatemala, único estudio de caso realizado en Centroamérica en el marco de esta evaluación.

La misión tuvo lugar entre el 31 de mayo y el 11 de junio, y fue compuesta por dos consultores (el Sr Herminio Castillo-Blanco, y el Sr Emery Brusset), especializados en evaluaciones, en el sector y con conocimientos del país. Para sus conclusiones el equipo se ha concentrado en tres proyectos:

- El programa de descentralización y fortalecimiento Municipal (PDFM), cuya ejecución recae en la Secretaría de Coordinación Ejecutiva de la Presidencia (proyecto ALA GUA/B7 310/0020). El monto del financiamiento es de 12 millones de euros.
- El fortalecimiento a las capacidades descentralizadas del Procurador de los Derechos Humanos, la única institución nacional que tiene mandato y capacidad a recoger denuncias y transmitir casos al Ministerio Público (B701/2003/3007). El monto del financiamiento cometido es de 600 000€
- El proyecto de apoyo a la Sociedad Civil, igualmente ejecutado por la Secretaría de Coordinación Ejecutiva de la Presidencia y muy ligado en cuanto a su metodología y ejecución al Programa de descentralización, con un monto de 20 millones de euros.

El informe debe contribuir al informe de síntesis de evaluación de todas las actividades de la Comisión en el campo de la gobernabilidad, del cual forma parte. Los otros estudios de país han cubierto a la Republica Dominicana, Burkina Faso, Ukraina, Jordania, Angola, e Indonesia.

Se ha seleccionado a Guatemala como estudio de caso por la excepcional importancia del tema de gobernabilidad en la cooperación, comparado a los otros países de América Latina. En el Memorándum de Entendimiento entre la CE y el Gobierno de Guatemala relativo al programa de ayuda financiera y técnica y de cooperación económica de la CE para el período 2000-2006, están identificados como prioritarios los sectores siguientes: consolidación del Estado democrático, cumplimiento de los Acuerdos de paz, derechos humanos, seguridad ciudadana, lucha contra la pobreza con énfasis en educación básica y salud, y recuperación económica. Asimismo, uno de los ejes de intervención de la cooperación comunitaria es la consolidación y modernización del Estado de Derecho.

2 ACERCAMIENTO METODOLÓGICO

La metodología de la misión fue guiada por el hecho que existe un referencial claro a base de 10 preguntas temáticas formuladas en los términos de referencia, y comunes a toda la evaluación de la gobernabilidad. Este marco permite tocar a temas propios a los proyectos seleccionados, y generalizar en un primer nivel a la cooperación europea, y en un segundo nivel al planteamiento del tema de gobernabilidad dentro de la Comisión europea.

El hecho que están en proceso de arranque los proyectos (y la poca duración de la misión) no ha permitido una evaluación de impacto. Los evaluadores se han apoyado en los informes de monitoreo externo, en los documentos de estrategia y de proyecto, y sobre todo en entrevistas con unas cuarenta personas implicadas en las actividades. Se han buscado las recurrencias de información sobre debilidades y fuerzas que permiten diagnosticar del éxito de esas actividades, y analizar el posicionamiento de la Comisión en el ámbito de la gobernabilidad.

El trabajo revisado es esencialmente el que se hizo desde la firma de los acuerdos de paz en 1996 hasta hoy, con énfasis al periodo de 2002-2005, que es el período del documento de estrategia país. Se entiende la palabra gobernabilidad en el sentido que lo toman los términos de referencia¹, es decir que se refiere a la estructura, el funcionamiento y los logros de instituciones públicas a todos los niveles e incluyendo estructuras informales. La gobernabilidad cubre el modo de funcionar de las funciones públicas, la gestión de los recursos utilizados, y el ejercicio de los poderes públicos y regulatorios. Este entendimiento muy estratégico lo encontramos bien reflejado en la programación de la CE, que se inspira de los Acuerdos de paz y de su largo ámbito político.

¹ Punto 2.2 Términos de Referencia.

3 PERFIL DE PAÍS

Luego de una larga historia de autoritarismo, los guatemaltecos iniciaron en 1986 un proceso democrático y la consecuente construcción de un marco jurídico e institucional que permitiera su desarrollo. Diez años después, la firma de los Acuerdos de Paz, fue otro hito en la convulsionada historia política del país. Es a partir de entonces que en el país se tienen por primera vez en la historia recientes perspectivas reales de una eventual consolidación de la democracia en Guatemala.

La democracia guatemalteca, con sus altibajos, ha logrado mantenerse durante 18 años, el período más largo de democracia en su historia. La Constitución Política que entró en vigencia en 1986 también ha sido la más duradera. Aunque aún manifiestan debilidades, instituciones políticas como la Corte de Constitucionalidad, el Procurador de Derechos Humanos y una serie de innovaciones allí establecidas -como el reconocimiento a la realidad multiétnica del país- se han mantenido y han permitido el ejercicio de libertades políticas a los ciudadanos a lo largo de estos años.

En estos 18 años se han realizado en Guatemala 12 procesos electorales, incluyendo dos consultas populares y cinco elecciones presidenciales. Todos han sido reconocidos como libres y transparentes por observadores nacionales e internacionales. Pese a la importancia de las elecciones libres en un país con una larga historia de fraudes electorales y elecciones manipuladas por los militares, hay que recordar que éstas constituyen sólo un elemento del proceso de consolidación democrática del país.

El desarrollo jurídico e institucional de la democracia representativa, si bien fundamental, no es suficiente para garantizar la estabilidad de la democracia en el largo plazo. En el aspecto meramente político un proceso de democratización debe fundamentarse en varios pilares, cuyo desarrollo debe darse en forma paralela. Entre esos pilares puede mencionarse la construcción de un Estado de Derecho que implique el acceso de todos los ciudadanos a la justicia y la seguridad de que nadie estará por encima de la ley. También puede mencionarse el aspecto participativo de la democracia, que va más allá de las elecciones cada cierto período de tiempo.

Así, el debate público de temas de interés nacional, la vinculación permanente de la llamada sociedad civil a los procesos de toma de decisión y la construcción de instancias y mecanismos de diálogo intersectorial, y entre el Estado y la sociedad, han sido reconocidos como elementos clave del desarrollo democrático. Estos aspectos se vinculan a lo que se ha llamado capital social y democracia deliberativa.

Guatemala todavía se caracteriza por la ocurrencia de graves violaciones a los derechos fundamentales, situación que se ve como expresión de una anomia institucional y social. Pasa por la omisión, la arbitrariedad, la impunidad, la persistencia de poderes paralelos, la violencia y un preocupante rearme de la población. El vorágine de inseguridad sobrepasa la capacidad y la voluntad de las autoridades para dar garantías a la ciudadanía. Se tratan de complejos fenómenos sociales y políticos cuya comprensión requiere relacionar tendencias y factores con medidas puntuales elegidas de manera estratégica.

3.1 El Contexto económico y social

Guatemala ha sido llamado un país de contrastes, y más allá del aspecto multicultural, éstos se evidencian en el aspecto socioeconómico: una sociedad donde existen dramáticos contrastes entre la modernidad y el desarrollo en ciertos grupos sociales y sectores de la economía, por un lado, y altos niveles de desigualdad, pobreza y exclusión social, por el otro.

A diferencia de muchos países latinoamericanos los indicadores macroeconómicos en Guatemala han sido relativamente estables en años recientes, pero ello ha sido en parte a costa de políticas de bajo endeudamiento, poca inversión social y el mantenimiento de un Estado reducido. De hecho, el tamaño del estado guatemalteco es el más pequeño de América Latina. Mientras que el promedio de ingresos del gobierno central en el mundo es de 20.1 por ciento del Producto Interno Bruto (PIB), en Guatemala éste sólo llega al 10.3 por ciento del PIB.

Guatemala continúa teniendo una carga tributaria de las más bajas del continente americano y no se ha logrado llegar a la meta del 12 por ciento del PIB establecida en los Acuerdos de Paz firmados a finales de 1996.

Guatemala continúa siendo un país fundamentalmente agrícola y rural. En el año 2003, el 23% del PIB y el 36% del empleo se originaron en el sector agropecuario. El 54% de la población habita en el área rural. La crisis del cultivo del café, debido a la drástica caída de su precio en los mercados internacionales, dio lugar a un mayor deterioro de las condiciones de vida de esta población.

La pobreza extrema en el área rural aumentó de 24% en el año 2000 a 31% en el año 2002. Las remesas de trabajadores en el exterior han pasado a ser la principal fuente de ingresos para muchos de estos hogares, habiéndose convertido también en una de las principales fuentes de ingresos del país. Según la Organización Internacional para las Migraciones, el 60% de los hogares que recibieron remesas en el año 2003 habita en el área rural.

El contexto social de Guatemala es altamente complejo. En el Informe "*La Democracia en América Latina*" presentado por Naciones Unidas en abril de 2004 se evidencia que en comparación con otros países de la región, Guatemala tiene algunos de los indicadores sociales más bajos y preocupantes. Asimismo, se encuentra entre uno de los países más desiguales del continente. Cabe recordar que académicos y organizaciones internacionales han hecho ver la urgente necesidad de que el desarrollo democrático en América Latina vaya acompañado de mejoras en la calidad de vida de los ciudadanos, lo cual en el caso latinoamericano implica la superación de las dramáticas desigualdades sociales y los altos niveles de pobreza existentes.

Algunos datos económicos y sociales se presentan en la siguiente Tabla y pueden ayudar a explicar el contexto en el cual se producen algunos de los resultados de cultura democrática.

Tabla de Indicadores Económicos y Sociales para Guatemala

Indicadores Económicos		Indicadores Sociales	
<i>Producto Interno Bruto per cápita en dólares PPP:</i>	\$4,400 (2001)	<i>Población bajo la línea de pobreza</i>	57% (2002)
<i>Producto Interno Bruto</i>	US\$24,700 millones (2003)	<i>Pobreza extrema</i>	22% (2002)
<i>Tasa de inflación</i>	5.9% (2003)	<i>Mortalidad en menores de 5 años</i>	59 x 1,000 nacidos vivos (2002)
<i>Crecimiento económico</i>	2.1% (2003)	<i>Desnutrición infantil (crónica)</i>	49 % (2002)
<i>Desempleo abierto</i>	3.4% de la PEA (2003)	<i>Analfabetismo</i>	28.5 % (2002)
<i>Desigualdad (coeficiente de Gini)</i>	0,558 (1998)	<i>Esperanza de vida al nacer</i>	66 años (2000-2005)
<i>Carga tributaria</i>	10.3% del PIB (2003)	<i>Tasa neta de escolarización:</i>	Primaria 88% (2002) Secundaria 23% (2002)
		<i>Gasto público social como % del PIB</i>	6.7% (2003)

Fuente: Instituto Nacional de Estadística, Banco Mundial y Programa de Naciones Unidas para el Desarrollo

En el contexto económico-social actual, finales del 2004; resaltan tres temas puntuales: el déficit fiscal y la discusión de un paquete tributario para superarlo, la firma de un tratado de libre comercio con los Estados Unidos (*CAFTA, Central American Free Trade Agreement*) y la agudización de problemas relacionados con la tenencia de la tierra.

La mayor restricción presupuestaria que enfrenta el nuevo gobierno, así como la mayor debilidad de las entidades públicas para cumplir adecuadamente sus funciones, principalmente a raíz de los múltiples casos de corrupción que tuvieron lugar durante el gobierno anterior, conforman un panorama marcado por la limitada capacidad de atención del aparato de Estado a las crecientes necesidades de la población.

3.2 El Contexto político

En el proceso democrático desarrollado en Guatemala de enero de 1986 a la fecha, puede hablarse de un punto clave, que fue sin duda, la firma de los Acuerdos de Paz en diciembre de 1996, doce años después de haberse iniciado la apertura democrática.

Aunque el proceso de democratización y el proceso de negociaciones de paz se desarrollaron e influenciaron mutuamente a lo largo de cinco años, la búsqueda de la

consolidación democrática no podía darse en un ambiente de confrontación armada y con opciones limitadas de participación de ciertos sectores y grupos.

Como Naciones Unidas lo hace ver en su Informe sobre la Democracia en América Latina, fue hasta las primeras elecciones de la posguerra, en 1999, en que se da un espectro verdaderamente amplio de opciones políticas a la población con la participación de la anterior izquierda armada como partido político legalmente inscrito.

El más reciente punto crítico del proceso de democratización en Guatemala se da con las elecciones de noviembre de 2003. Algunos observadores han llamado a esas elecciones “las mejores” desde la apertura democrática de 1986. Al hacer dicho calificativo no se hace referencia a la organización técnica del proceso electoral, ni a la transparencia del evento, ya que ambos aspectos se habían venido manifestando durante los diversos procesos electorales realizados en el país desde la apertura democrática. La trascendencia de las elecciones del 2003 se da más bien en dos aspectos: mayor participación ciudadana *vis-à-vis* previos procesos y el rechazo de los guatemaltecos a una opción autoritaria de gobierno por la vía electoral.

La derrota de la candidatura del General Efraín Ríos Montt en las urnas marca una ruptura histórica de la hasta entonces constante tentación autoritaria de recurrir a gobiernos de mano dura—en especial gobiernos militares—para resolver los problemas del país. Si bien el partido político del cual Ríos Montt es Secretario General obtuvo el segundo lugar en las elecciones legislativas y él mismo obtuvo un 17% de votación a nivel nacional, quedó en un lejano tercer lugar de los dos candidatos civiles que pasaron a la segunda vuelta electoral que se realizó el 28 de diciembre de 2003.

Sin embargo, el nuevo gobierno enfrentaba una difícil situación económica, derivada en buena parte de la corrupción del gobierno del FRG. Entre los temas más relevantes de los primeros meses de gobierno de Berger destacan el haber encarcelado a varios ex funcionarios de la anterior administración, haber iniciado una reducción drástica del ejército y haber relanzado los Acuerdos de Paz.

Berger tiene diversos retos por delante, en particular los relacionados con los problemas estructurales del país como la pobreza, la explosiva situación de la tierra, y la poca cobertura y mala calidad de los servicios sociales del Estado. Adicionalmente, enfrenta el problema que al final de cuentas puede convertirse en el Talón de Aquiles de éste o de cualquier gobierno: la creciente influencia de mafias organizadas en el país-- las cuales se fortalecieron a la sombra del gobierno del FRG--y el alarmante incremento de la delincuencia común, que se ha convertido en uno de los problemas más serios para los guatemaltecos.

Aunque los problemas de índole económica (desempleo, pobreza, precios altos, etc.) continúan siendo la principal preocupación para el 51% de los ciudadanos, la delincuencia y el crimen son considerados como el principal problema del país para un 37% de los guatemaltecos.

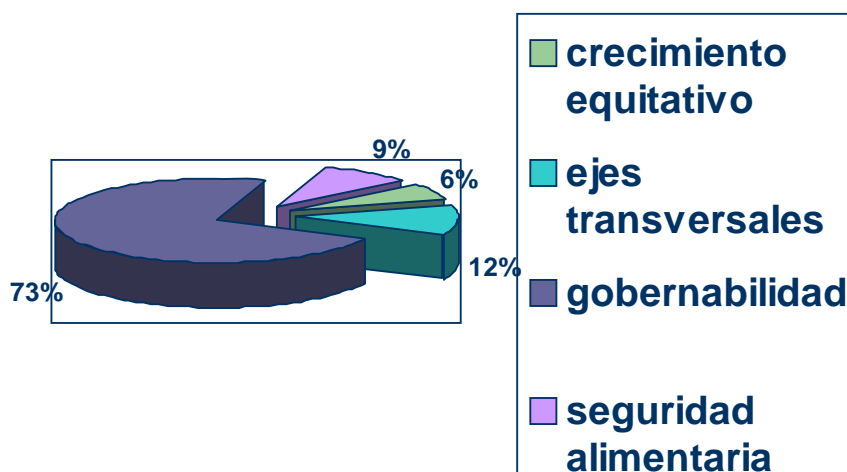
4 CUESTIONES EVALUATIVAS

4.1 Evaluative Question 1

To what extent has good governance been prioritised and incorporated in European Commission cooperation with third countries since 2000 and how has the approach to good governance evolved during this period?

En Guatemala la temática concerniente a gobernabilidad ha sido, sin duda, prioritaria para la Comisión Europea; no solo en términos de estrategia sino también en volumen de apoyo comparado con otros sectores de cooperación:

Fuente: Elaboración propia a partir de documentos de la Delegación



Alrededor de 3 de cada 4 euros invertidos por la Delegación de la CE en Guatemala - el 73%-, están dedicados al sector gobernabilidad. De este 73%, el 52% corresponde al *Segundo Eje* de la estrategia del CSP 2002-2006: Desarrollo local y Descentralización del Estado.

El otro 21% corresponde al *primer eje*: Consolidación y modernización del Estado, democratización y protección de los derechos humanos.

El 6% dedicado a “crecimiento equitativo”, podría ser considerado también dentro del sector gobernabilidad; ya que se trata en su totalidad del Programa de apoyo al Sistema Fiscal de Guatemala; por tanto prácticamente el 81% de los fondos, son dedicados a la temática de Gobernabilidad; sustentado en **tres documentos clave**:

El Documento de Estrategia de País (CSP) para Guatemala, 2002-2006. El Documento de Estrategia Regional (RSP) para Centroamérica, 2002-2006. Y el Memorando de entendimiento entre la Comunidad Europea y la República de Guatemala de 2001

1. El **Documento de Estrategia de País** (CSP) para Guatemala, que tiene una vigencia 2002-2006; establece tres áreas temáticas en sus objetivos:

- Apoyar el buen gobierno, la consolidación y modernización del Estado, y la protección de los derechos humanos a fin de que el proceso de pacificación del país resulte irreversible y participativo.
- Luchar contra las causas estructurales de la pobreza y la exclusión en las zonas más desfavorecidas del país mediante el apoyo al proceso de descentralización y una política de desarrollo local integral, sostenible y participativo.
- Contribuir a la creación de los recursos necesarios para el desarrollo del país a través de un crecimiento equitativo y sostenible de la economía y el empleo.

Los tres objetivos están dentro de la esfera de la gobernabilidad. Queda de manifiesto, en su documento estratégico, la importancia que le concede la Comisión a la temática propia de esta evaluación en Guatemala.

Mas en concreto, los tres ejes de cooperación propuestos para Guatemala en el documento de estrategia de la Comisión para el periodo 2002-2006 son:

- La consolidación y modernización del Estado, democratización y protección de los derechos humanos.
- El apoyo al desarrollo local integral y sostenible, y a la descentralización.
- El crecimiento equitativo y sostenible de la economía y del empleo.

Los dos primeros ejes corresponden con la noción de gobernabilidad y el tercero también puede ser considerado de forma tangencial.

En el primer eje, se menciona como prioritario el establecimiento de un *Programa de apoyo a la participación de la sociedad civil*, (que está implementándose actualmente y lo se analiza en el presente documento) y al mismo tiempo el establecimiento de un *Programa de Promoción de los derechos humanos y democratización (DDHH)* (también en fase de implementación)

En el segundo eje prioritario se establece para operativizarlo el establecimiento de un *Programa de apoyo a la descentralización- previsto para 2003-*. Actualmente dicho Programa está en marcha con un retraso sobre lo planificado, por causas que se analizan posteriormente.

2. El **Documento de Estrategia Regional** (RSP) para Centroamérica, 2002-2006.

En este contexto, la UE está pretendiendo orientar su cooperación regional hacia la ampliación y profundización de la integración centroamericana mediante programas que provean un valor agregado y un impacto real en el proceso de integración regional.

Los ejes de cooperación propuestos en el RSP son:

- Apoyo a la **integración regional** y a la **implementación de políticas comunes** y consolidación de la **institucionalidad**
- Fortalecimiento de la participación de la sociedad civil en el proceso de integración.
- Reducción de la vulnerabilidad y mejoras medioambientales

Dos de los tres ejes de la estrategia regional de la Comisión para Centroamérica son materia de gobernabilidad. Lo que incide en la importancia de esta temática para la Comisión en Centroamérica.

Las directrices para la cooperación con América Central están definidas en el marco de las reuniones de San José entre la UE y los países centroamericanos (Guatemala, Costa Rica, El Salvador, Honduras, Nicaragua y Panamá) y que, desde 1984, constituyen el mecanismo privilegiado del diálogo político entre ambas partes. El Proceso de San José renovado en Florencia en 1996, ha permitido establecer los siguientes objetivos generales para la cooperación futura con los países de la región:

- Reforzar el proceso de paz y la democratización de la región;
- Promover un desarrollo económico y social viable y equitativo;
- Reforzar la lucha contra la inseguridad y la delincuencia;
- Favorecer la consolidación y la modernización del Estado de Derecho;
- Reforzar las políticas sociales.

Del mismo modo, los cinco objetivos propuestos en Florencia, tienen que ver, en mayor o menos medida, con acciones e intervenciones en materia de gobernabilidad.

3. El *Memorando de entendimiento entre la Comunidad Europea y la República de Guatemala* de 2001

Dicho Memorando establece 93 millones de euros como cifra indicativa para cubrir las prioridades mencionadas y una vigencia con horizonte 2006.

En el Memorando se afirma que *“con el fin de aumentar la eficacia de la cooperación comunitaria, ésta se concentrará en un número, lo más reducido posible, de áreas de intervención. Estas áreas serán seleccionadas sobre la base de las experiencias desarrolladas por la Comisión en el marco de la cooperación con el país y deberán contar con políticas sectoriales adecuadas, aprobadas por las autoridades nacionales, así como con estructuras administrativas de ejecución y de control eficaces”*.

Los sectores de cooperación pretendidos en este Acuerdo con la república de Guatemala son Nueve:

- Apoyo a la reforma de Justicia,
- Apoyo a la Descentralización del Estado y al Fortalecimiento de la Sociedad Civil.
- Igualdad de oportunidades entre hombres y mujeres.
- Política fiscal.
- Sector Educación.
- Sector Salud.
- Desarrollo Sostenible en áreas costeras del Pacífico.
- Entorno empresarial y desarrollo económico
- Protección del Consumidor.

En cada uno de los nueve se planifican intervenciones con el apoyo de la Comisión; llama la atención que en el mismo memorando se acuerda trabajar *con el fin de aumentar la eficacia de la cooperación comunitaria, en un número, lo más reducido posible, de áreas de intervención*.

Al mismo tiempo llama la atención la precondition que establece el Memorando para la cooperación de la CE: *Políticas sectoriales adecuadas y estructuras administrativas de ejecución eficaces*.

Ambas preconditiones son, precisamente, carencias y limitantes que ejemplifican la debilidad de la institucionalidad en Guatemala y resultaría difícil que se cumplieran como paso previo para los Programas. De hecho los programa tienen como objetivo subsanar, en la medida de lo posible, dichas carencias.

En términos generales podemos afirmar que la Comisión ha definido claramente entre sus prioridades en Guatemala trabajar en términos de incidencia en gobernabilidad, siendo ésta el máximo exponente de la cooperación de la Comisión con Guatemala, por encima de otros sectores como reducción de pobreza, desarrollo local (seguridad alimentaria), vulnerabilidad, salud o educación.

Al mismo tiempo la Delegación de la Comisión en Guatemala tiene la capacidad para llevar a cabo sus propios análisis sobre gobernabilidad a través de estudios y análisis propios y con un equipo formado por nueve expertos europeos. Ciertos documentos diagnósticos vistos por los evaluadores demuestran un valor agregado en comparación con otras delegaciones visitadas. Se debe notar por lo tanto que no se basan en una metodología particular, sino en un conocimiento profundizado del país, presentado de manera franca y clara.

Por otro lado, esta estrategia tan vinculada a los propósitos de mejorar la gobernabilidad en sus seis ámbitos (Democracia y elecciones, DDHH, Sociedad Civil, Estado de Derecho, Descentralización, Reforma y modernización del Estado) teniendo intervenciones de la Comisión en todos ellos, está sustentada en la propia estrategia de los sucesivos gobiernos guatemaltecos (Acuerdos de Paz, 1996, Estrategia para la Reducción de la Pobreza, 2000 y Plan de Reactivación Económico y Social, 2004) que han priorizado, a su vez, la temática de gobernabilidad (sobre todo vista desde la necesidad de profundizar en el fortalecimiento de la institucionalidad del país) como sucesivas estrategias de Estado de los tres últimos gobiernos en Guatemala.

Por último señalar que actualmente la Delegación de la Comisión en Guatemala está en la fase de elaboración del nuevo CSP (2007-2012) y en sus trabajos preparativos *-concept note, mayo 2005-* se establece una continuidad en la estrategia comenzada en el CSP anterior de establecer una dedicación preferente al ámbito de la gobernabilidad.

Sin embargo se torna necesario para una mejor realización en términos de ejecución de los programas y en función de las lecciones aprendidas en el periodo del actual CSP:

- Una visión mas realista de las condiciones de ejecución que existen en las contrapartes institucionales (mas aún con la nueva dinámica que se desprende del nuevo Reglamento Financiero ya en curso, por el cual la ejecución pasa a ser responsabilidad de la contraparte desde el punto de vista administrativo, financiero y de gestión).
- La elaboración de un sistema de seguimiento y monitoreo previamente definido del nuevo CSP y de cada uno de sus programas. A través de la definición de indicadores de seguimiento y de impacto.

En las entrevistas realizadas para esta evaluación, podemos concluir que los expertos de la Delegación consultados, coincidían en la necesidad de tomar en cuenta estos dos puntos anteriores en su nueva planificación estratégica.

4.2 Evaluative Question 2

To what extent and how have Commission-financed projects and programmes, and in particular capacity building activities including technical assistance and twinning programs, efficiently and effectively contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and policies

En Guatemala no existen actividades de “twinning”, pero la asistencia técnica (AT) ocupa una parte importante de los proyectos de la temática referente a gobernabilidad. Las intervenciones tienen un enfoque en el cual el alcance esperado por los programas y proyectos está relacionado con la construcción de capacidades en el gobierno. Para profundizar en el Estado de Derecho, la reforma y la modernización de la administración pública, la democracia y la descentralización son necesarias capacidades previas en el Estado de Guatemala donde deben incidir las políticas de cooperación, y el enfoque en asistencia técnica (AT) es relevante.

Del mismo modo en lo referente a Derechos Humanos y Sociedad Civil, Guatemala debe seguir cumpliendo los Acuerdos de Paz del 96, instrumento que articula la estrategia de reconciliación y reconstrucción de las esferas sociales del país; para ello el apoyo de la CE se ha focalizado en dos proyectos que pretenden impulsar el fortalecimiento profesional y administrativo de la sociedad civil por un lado y de la Procuraduría de Derechos Humanos por otro.

Es necesario afirmar que no existe, desde la Delegación de la CE en Guatemala, una política común a todos los proyectos y programas de gobernabilidad sobre construcción de capacidades; sino que cada tipología de programas utiliza una estrategia diferente. Tampoco existe un debate en la Delegación sobre la manera de fortalecer las capacidades en temática de gobernabilidad del estado guatemalteco. Dicha carencia se nota en particular en la falta de tiempo que tienen los expertos que trabajan en contratos de subvención (líneas presupuestarias como la Iniciativa Europea para la Democracia y los Derechos Humanos) para fomentar organismos aptos en la sociedad civil.

En los programas derivados de **Convenios de Financiamiento**, el nuevo Reglamento Financiero para los países ALA, otorga a las Asistencias Técnicas Internacionales (ATI) un papel preponderante. El modelo es aún prematuro (en las visitas al terreno del equipo evaluador, las contrapartes gubernamentales admitieron que estaban empezando a aprender cual era el significado y el rol de las ATIs, muy diferente de la metodología anterior de codirección) y falta que la implementación avance para saber hasta que punto las ATIs logran fortalecer las capacidades locales. Sin embargo de momento, las ATIs no presentan una estrategia de fortalecimiento técnico de las capacidades de las contrapartes; sino que se han centrado en desarrollar los instrumentos propios (POGs POAs, expedientes previos, etc)

En los programas derivados de **Contratos de Subvención** no existe una ATI como tal; sino que los expertos de la Delegación apoyan en la gestión de los proyectos. En el caso estudiado en Guatemala, el Proyecto de apoyo a la Procuraduría de Derechos Humanos, notamos que dada la idiosincrasia de esta institución y sus características (está “sustituyendo” la macrointervención de MINUGUA, que ya terminó su mandato y está recibiendo fondos de 24 instituciones de cooperación externas) no se han estudiado la posibilidad de establecer algún tipo de asistencia técnica específica para

facilitar la planificación. Faltan por ejemplo una estrategia marco para definir los límites de alcance del organismo que opera en un país con numerosas necesidades en derechos humanos.

En los proyectos derivados de la **Llamada a ofertas** no existen asistencias técnicas propiamente dichas, sin embargo existe un esfuerzo para que en la llamada correspondiente al año 2005 (las llamadas de los años 2002, 2003, y 2004 se juntaron en una sola llamada) se establezca desde la Delegación, un seguimiento a los macro y microproyectos de ONGs internacionales y locales que pueda fortalecer las capacidades de ejecución de las contrapartes locales de la sociedad civil.

Podemos concluir que aunque los programas no han arrancado lo suficientemente como para poder medir la contribución de las “capacity building” a la formación de mayores niveles de gobernabilidad, se aprecia un fuerte interés en las contrapartes hacia la nueva modalidad de ATI; por lo que éstas tienen un gran potencial y podrían definir, en un futuro próximo, su estrategia para no sólo contribuir al entendimiento de las contrapartes de los procedimientos europeos, sino fortalecer también sus capacidades propias en la institucionalidad del Estado guatemalteco.

4.3 Evaluative Question 3

To what extent and how have Commission-financed SPSP and budget support efficiently and effectively contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and practices, in particular though improved public finance management, through improved accountability and transparency and through improved public service delivery?

El apoyo directo de la CE al presupuesto de la República de Guatemala no ha iniciado aún. Tampoco los SWAT (denominación del Banco Mundial) ni el apoyo sectorial (a los ministerios o sectores del Estado). Hay pequeñas experiencias que de forma piloto se están llevando a cabo en este sentido, por ejemplo, ASDI y la embajada sueca están apoyando directamente al ministerio de Salud en una nueva experiencia que sería interesante que la Delegación de la CE en Guatemala comenzara a monitorear.

Resulta evidente que la gobernabilidad es seguramente, el sector de cooperación externa donde la apropiación por parte de las autoridades del país que recibe el apoyo de las propuestas del donante, es determinante para el éxito de las operaciones.

En este sentido, las diferentes etapas por las que han ido pasando los grandes programas de la Delegación de la CE en Guatemala han sufrido cambios significativos:

En primer lugar se utilizó un procedimiento de **codirección** en el que la parte europea y la contraparte estatal compartían la gestión y la toma de decisiones del proyecto. Este procedimiento mermaba protagonismo a los gobiernos de los países receptores pues el diseño del proyecto venía decidido de antemano y la codirección en la toma de decisiones otorgaba más poder a la parte europea conocedora de los procedimientos administrativos y gestora de los recursos. Los proyectos PRRAC inauguraron en Centroamérica un modelo de gestión a través de **Unidades de Gestión del proyecto -UGPs-** que daban a una consultora europea todo el poder de decisión sobre el proyecto. Actualmente se está implementando en Guatemala un **modelo de transición** (marcado por la entrada en vigor del nuevo reglamento financiero) que establece una **Unidad Gestora** dentro de la contraparte elegida apoyada (pero no

dirigida) por una **Asistencia Técnica Internacional, ATI**. Es esencial el hecho que no tiene poder de decisión sino únicamente de asesoría. Sin embargo el recurso financiero no está aún totalmente en manos de la contraparte, y se está explorando los límites de responsabilidad. El diseño del proyecto marca excesivamente todo el transcurrir del mismo.

En las entrevistas a las contrapartes gubernamentales, éstas insistían en que les falta sentir los programas como suyos; los sienten excesivamente cerca de los procedimientos y metodologías de la CE y sienten que, la pequeña participación en el diseño inicial -a nivel de consulta- fue hecha por la administración anterior.

Por tanto, en aras de lograr esta apropiación señalada por parte del gobierno guatemalteco, tan necesaria en programas y proyectos que aborden las temáticas de gobernabilidad, se torna necesario involucrar al gobierno elegido en urnas para que consideren la propuesta como propia, independientemente de considerar la actual como una fase de transición - hasta la implementación definitiva del apoyo presupuestario o sectorial.

Para ello notamos todavía que faltan cuatro medidas:

- Otorgar a la contraparte la máxima responsabilidad en el diseño inicial de la propuesta a implementar.
- Definir claramente la misión de las ATIs y de los expertos de la Delegación en la gestión del proyecto; para que no se produzcan situaciones en las que las contrapartes se sientan presionadas.
- Establecer una sistema de indicadores de seguimiento de impacto para que la contraparte pueda medir sus avances y su resultados.
- Hacer coincidir la etapas de diseño de la propuesta con las etapas electorales del país; para que una propuesta diseñada y firmada durante una administración pública anterior, no condicione el proyecto de la siguiente

Podemos afirmar que la nueva metodología elegida para la implementación de los programas (Unidad Gestora dentro de una contraparte gubernamental) es un paso previo necesario en el proceso hacia la ayuda presupuestaria; un paso que contribuye a un mayor empoderamiento de los programas por parte estatal pero que puede ser mejorado a pesar de considerarlo en transición.

Otro aspecto importante a considerar, señalado por la Secretaria General de Planificación, SEGEPLAN; es el concepto de *adicionalidad* que tendrá que presidir las relaciones entre la CE y Guatemala cuando se comience a instaurar el apoyo presupuestario: Entendemos por adicionalidad la necesidad de que el aporte financiero de la CE sea adicional al presupuesto de la república aprobado por la Asamblea; es decir que los fondos nuevos supongan nuevos retos; de otra forma sería un apoyo para readaptar el presupuesto. Dicha adicionalidad tendrá que estar condicionada al cumplimiento de indicadores preestablecidos.

Por último señalar que en ese escenario cercano de apoyo presupuestario, las relaciones entre la Delegación de la CE y sus Estados Miembros y los mecanismos de coordinación entre ambos se fortalecerían bajo un hipotético apoyo sectorial.

4.4 Evaluative Question 4

To what extent and how has the Commission efficiently and effectively used the political and policy dialogue (at sector and country levels) to encourage and promote good governance approaches and practices?

El contexto general del apoyo de la CE a Guatemala está marcado por la propia historia reciente del país. La firma de los Acuerdos de Paz en el '96 marcan una nueva etapa no solo para el país sino para también para la comunidad donante.

En este sentido, todos los esfuerzos de las diferentes cooperaciones (tanto multilaterales como bilaterales) desde los Acuerdos, se articularon en torno a ellos. Es decir, los proyectos y programas respondieron a la lógica que marcaba la implementación de los Acuerdos de Paz. Pero las recientes elecciones legislativas (diciembre 2003) marcan el principio de una nueva etapa en lo político y también en la relación con los donantes y en las nuevas necesidades que van surgiendo en el país.

La aplicación de los Acuerdos de Paz sigue vigente pero se torna necesario incidir en las instituciones públicas guatemaltecas en aras de lograr niveles de gobernabilidad (profundización democrática, reforma y modernización del Estado, descentralización, empoderamiento de la sociedad civil) que doten a Guatemala de las bases para un posterior desarrollo equitativo de su población.

Por tanto podemos hablar que la CE en Guatemala se enmarca en una **dobles transición**: Por un lado la propia del país y su momento político que empieza a mirar mas allá de los Acuerdos de Paz (esto genera un nuevo enfoque en la cooperación externa hacia la gobernabilidad) y por otro lado el momento de cambio que se vive a lo interno de la CE en Guatemala derivado de la aplicación del nuevo reglamento financiero y los nuevos procedimientos.

Este marco contextual relatado, tiene implícita una **paradoja**: La gobernabilidad, es un hecho claro, es un proceso. Y como tal debería ser enfocado el apoyo para lograr mayores cuotas de gobernabilidad en las temáticas que la forman. Sin embargo el tratamiento -a través de proyectos- que le da la Delegación de la CE no está diseñado con un enfoque hacia procesos. Además el enfoque de gobernabilidad de la Delegación en Guatemala está fuertemente condicionado (a pesar de la desconcentración) por los procedimientos administrativos y de gestión que marca Bruselas. Este trabajo enfocado en proyectos y no en procesos unido a las metodologías impuestas por Bruselas (n+3², derogaciones de normas de origen, cadena de estudios y de preparación, POPs POGs, PAPIs) va en detrimento de un enfoque del apoyo suministrado hacia asuntos de impacto y de aprovechamiento de las oportunidades temporales ofertas por la gobernabilidad del país.

Por otro lado, a pesar de que la CE trabaja actualmente de manera estratégica en temas de gobernabilidad en Guatemala, esto no parece traducirse en negociaciones con el gobierno guatemalteco a nivel de programas y de sectores, por lo que el dialogo político y la incidencia de la CE es poca; quedando reducida a la implementación de proyectos mas o menos voluminosos. Por ejemplo ciertas pre-condiciones de los programas, como dotaciones de los presupuestos en las Municipalidades, o la

² N+3: Los proyectos de la delegación están obligados a lanzar el 100% de las contrataciones y licitaciones en los tres primeros años desde la firma de los acuerdos de financiamiento de cada proyecto.

adopción de reformas de importancia, como el Pacto fiscal y las leyes sobre el catastro, los derechos de los indígenas.

Por último señalar una limitante: Algunas pre-condiciones no se cumplen en los programas (por ejemplo la contrapartida económica que tiene que aportar la contraparte gubernamental; esta no está entrando en el mismo presupuesto y la misma cuenta bancaria que el resto de los fondos del proyecto, por lo que se puede afirmar que la contrapartida es puramente virtual), lo que fuerza a preguntarse hasta que punto el dialogo político a alto nivel, está sirviendo para que el gobierno se apropie de la idea de los proyectos y los considere como propios.

4.5 Evaluative Question 5

To what extent has the Commission assistance been sensitive to specific partner country needs, and priorities, and to what extent and how has the Commission been flexible, in the programming process and in implementation, in adapting to different country contexts (e.g. post-conflict, difficult partnerships, effective partnerships)?

Como se comentaba en la primera pregunta de este informe evaluativo, el Memorando de entendimiento firmado entre el anterior gobierno guatemalteco y la CE establecía que para aumentar la eficacia de la cooperación, ésta se concentraría en un número reducido de áreas de intervención. Esto se ha llevado a cabo focalizando los esfuerzos en temáticas relacionadas, en gran parte, en el área de gobernabilidad.

Por otro lado resulta positiva la flexibilidad de la CE en relación al nuevo contexto, en el que los Acuerdos de Paz empiezan a ceder protagonismo en función de nuevos enfoques de gobernabilidad que doten al país de bases sólidas para el desarrollo. Esta flexibilidad se traduce en la metodología para la implementación de los programas y proyectos y su nuevo instrumento de gestión: La creación de Entidades Gestoras, EGs, dentro de las contrapartes elegidas que superan las codirecciones y las Unidades de gestión dirigidas por consultoras europeas. La toma de decisión corresponde ahora a las contrapartes con una ATI que apoya en la gestión.

Sin embargo la misión aprecia como ineficiente la cadena de estudios y planificaciones ex ante; tanto por su volumen como por su diseño, que da protagonismo a la contraparte en la ejecución de los programas pero no tanto en el diseño de los mismos. El volumen de dicha cadena resulta, sin duda, excesivo y sin un claro valor agregado. La misión preparatoria y su documento inicial de diseño (que condiciona excesivamente todo el desarrollo posterior del programa) viene seguido por el Convenio de Financiamiento y sus correspondientes DTAs (Disposiciones Técnicas Administrativas). Después se establece un POP (Plan Operativo Preliminar) y un PAPI (Plan de Acciones Preliminares e Inmediatas), que dan paso al POG (Plan Operativo General) y éste a su vez es seguido por cada uno de los POAs (Planes Operativos Anuales) que son los que verdaderamente son usados como herramienta de planificación.

Otro aspecto mejorable en cuanto a la sensibilidad mostrada por la Delegación hacia las necesidades específicas del gobierno, es la excesiva importancia que se le otorga al seguimiento y control de los programas en función de los gastos desembolsados y no en función de los efectos deseados. La conformidad con los procedimientos y el porcentaje de gastos realizados parece ser la esencia del seguimiento que la Comisión

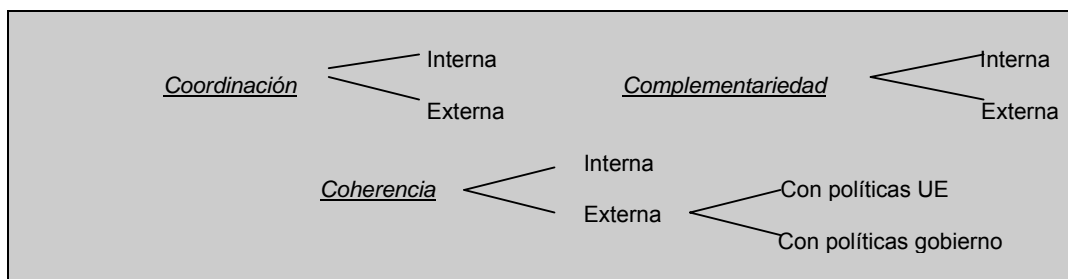
concede a los Programas; dejando de lado el verdadero control que debe ser sobre calidad: Efectos, resultados logrados y modo de lograrlos y sostenibilidad futura.

Por último destacar que la elección de las contrapartes gubernamentales tiene serios riesgos de excesiva politización de las acciones y recursos de los programas. Los dos Programas de Descentralización y Sociedad Civil serán gestionados por Unidades Gestoras creadas en el interior de la SCEP, Secretaría de Coordinación Ejecutiva de la Presidencia; organismo institucional que depende directamente de la presidencia de la República y que tiene un carácter eminentemente político y poco técnico.

4.6 Evaluative Question 6

To what extent and how has the Commission ensured coordination and complementarity with other donors, active in the governance area, and ensured coherence with EC policies and activities and with partner Governments' priorities and activities?

Analizamos en este punto la **coordinación** de la intervención de la Delegación en Guatemala durante el periodo de vigencia del actual CSP con otros donantes, la **complementariedad** con otros programas de la Comisión y con otros donantes y la **coherencia** de la intervención en relación a las políticas de la Comisión y a las políticas del gobierno guatemalteco.



4.6.1 Coordinación

Podemos afirmar que a pesar de existir una estrategia clara de trabajar desde la Delegación en los sectores de gobernabilidad; **a nivel de coordinación interna**, aún no se han llevado a cabo las acciones necesarias para dotar de mecanismos de coordinación a los diferentes programas y proyectos en la materia. Son intervenciones aisladas, sin nexo común entre ellas, aunque si exista una estrategia general ya definida para trabajar en gobernabilidad (CSP, Memorando de entendimiento). Los expertos no se conocen entre ellos, mientras los contactos con la Delegación están dominados por asuntos administrativos. Es decir, no se ha logrado articular esa estrategia de abajo arriba; utilizando las diferentes intervenciones a través de programas y proyectos para implementar esa estrategia.

Una excepción lo constituye el esfuerzo de coordinar los programas de *Apoyo a Sociedad civil* y *Apoyo a la descentralización y el fortalecimiento municipal*. Estos dos programas, en fase de inicio de actividades, están tratando de coordinar sus respectivas intervenciones, aprovechando que tienen sede en la misma ciudad (Quetzaltenango) y que la SCEP es la contraparte donde es instalaron ambas Entidades Ejecutoras.

En términos de coordinación externa; es decir con otros donantes; podemos afirmar que aún no se han establecido coordinaciones con los otros donantes multilaterales y que la coordinación con los estados Miembros es escasa y provoca quejas por parte de estos últimos. Todos los entrevistados han confirmado que la coordinación es buena a nivel de información sobre proyectos (gracias a una preparación intensa) pero esto se desvanece a nivel de resultados y objetivos; es decir a nivel político y de diseño de estrategias.

Actualmente, la Delegación está en conversaciones con el PNUD ante la posibilidad de que la CE apoye el PRODAL (Proyecto Democracia en América Latina) en la parte de análisis y estudio sobre Democracia en Guatemala.

4.6.2 Complementariedad

Analizamos la complementariedad de las acciones de la Delegación en términos de **complementariedad externa**, es decir con otros donantes y podemos afirmar que no existe una instancia de complementariedad de la CE con el resto de organismos multilaterales. Tampoco existe una instancia de complementariedad entre la CE y los Estados Miembros; a pesar de que, en las entrevistas de campo realizada con funcionarios de los estados Miembros, estos opinen que dicha instancia podría ser de gran utilidad dentro de la política de la UE. Todos los entrevistados han confirmado que la coordinación es buena a nivel de información sobre proyectos (gracias a una preparación intensa). Pero esto se desvanece a nivel de planificación y objetivos. La estrategia hacia la problemática y los actores no refleja complementariedad.

La Delegación tiene la capacidad de liderar ese tipo de instancia o “grupo de trabajo” que estudiara las posibles complementariedades de los objetivos e intervenciones de la propia CE y de los Estados Miembros.

Actualmente está con vigencia pluri-institucional un instrumento denominado MESODIALOGO que está perdiendo peso y reduciendo su perfil porque en palabras del Señor Sampaio de Mello, llegó a tener un *“excesivo rol que incidía en las estrategias y en la configuración de los objetivos de los proyectos y programas de la Delegación”*. Es decir que su enfoque se ha trasladado en la gestión a nivel “micro” de las actividades de la Delegación, y ha perdido su sentido estratégico de coordinación. Ya que se desarrolla a nivel técnico y no de formulación y de evaluación, no permite influir sobre orientaciones generales en gobernabilidad. Esto se podría alterar con un esfuerzo de la CE, que desgraciadamente no se hace.

El Mesodialogo constituye un mecanismo participativo de dialogo lanzado en Guatemala por la Comisión europea en el año 2001. Este proceso de dialogo asocia de manera permanente cinco sectores importantes de la cooperación con Guatemala: La CE, el Gobierno de Guatemala, los estados Miembros, representantes de la sociedad civil guatemalteca y las ONGs europeas.

A pesar de que continua vigente, ya no está siendo convocado como anteriormente, lo que provoca comentarios negativos por parte de las instituciones del gobierno guatemalteco. Esta pérdida de peso no es casual y corresponde a una nueva estrategia de la actual dirección de la Delegación en Guatemala. Sin embargo, una instancia como la Mesa de Género está siendo potenciada como se analiza en la siguiente cuestión evaluativa.

En términos de **complementariedad interna**, destacamos que el perfil de los expertos contratados por la Delegación, tiene un marcado carácter hacia temas de gobernabilidad y un buen potencial para complementar sus fortalezas.

También es destacable como positivo el potencial de complementariedad que tienen dos de los programas mas grandes en volumen financiero de la Delegación en Guatemala: Nos referimos al *Proyecto de apoyo a la Sociedad Civil y al Proyecto de Descentralización y Fortalecimiento Municipal*. Ambos proyectos están empezando a implementar las acciones planificadas y ambos comparten sede en la ciudad de Quetzaltenango y sus Entidades Gestoras han sido instaladas dentro de la misma contraparte gubernamental; La SCEP. Para la SCEP estos dos proyectos son considerados estratégicamente como un solo y tanto la Delegación como las ATIs deberán apoyar la complementariedad de las actividades de ambos.

4.6.3 Coherencia

Podemos afirmar que existe un lineamiento estratégico que dota de **coherencia interna** a la intervención de la Comisión en Gobernabilidad: Han tratado desde la Delegación de articular los seis programas que tratan sobre gobernabilidad, bajo dos líneas de objetivos y una misma estrategia:

Una línea de objetivos la formarían los programas que versan sobre Modernización, Reforma del Estado y Descentralización, que formarían una Línea de *intervención nacional* (Programa de apoyo al sistema judicial, Programa de apoyo a la sociedad civil, Promoción de los derechos humanos y Proyecto de Fiscalías indígenas)

La segunda línea de objetivos la formarían los programas y proyectos con una lógica de *intervención local* (Programa de apoyo a la descentralización, Programa de apoyo al desarrollo local, apoyo al Sector Educación y apoyo al Sector Salud)

En la primera línea de intervención se trata de lograr un impacto de lo nacional hacia lo local o municipal y en la segunda desde lo local a lo nacional. Ambos bajo la misma estrategia que se definió en el CSP y que se comentó en la primera cuestión evaluativa.

En términos de **coherencia externa**, analizamos la planificación y las intervenciones de la Delegación en relación a las políticas de la Comisión y a los compromisos internacionales adquiridos y en relación a las políticas de Guatemala.

El artículo 177 del **Tratado de la UE**, se establecen tres objetivos principales para la cooperación al desarrollo con los países terceros. Éstos son:

- El apoyo al desarrollo económico y social sostenibles,
- La integración de forma gradual de los países en vía de desarrollo en la economía mundial,
- La lucha contra la pobreza.

Los niveles macroeconómicos de Guatemala (bastante superiores a otros países receptores del apoyo comunitario) hacen que la prioridad en Guatemala sea la gobernabilidad y no la lucha contra la pobreza; en cualquier caso, en el marco de las acciones de seguimiento de la **cumbre de jefes de Estado y de Gobierno UE-América Latina y el Caribe** (Río de Janeiro, 1999), la Comisión ha confirmado que las prioridades actuales para la sub-región centroamericana son el *Estado de derecho y los derechos humanos, el apoyo a las políticas sociales y la integración en la economía internacional*; prioridades que corresponden a la temática de gobernabilidad.

Ninguno de los 8 objetivos de **Las metas del Milenio** tocan directamente la temática de gobernabilidad; sin embargo podemos considerar coherentes las prioridades de la Delegación en Guatemala con dichas metas universales; ya que la institucionalidad del país afecta directamente a cada uno de los ocho objetivos que se establecieron como metas o indicadores de cumplimiento.

Por último mencionar coherencia entre la estrategia de la Delegación y el actual “Plan de Reactivación Económico y Social”, 2004 del gobierno del Presidente Berger, Plan General de Gobierno, conocido popularmente como “Vamos Guatemala” y que establece tres bases para el desarrollo: La solidaridad e inclusión, la Descentralización y participación y la Reforma política y del estado.

4.7 Evaluative Question 7

To what extent and how have cross cutting issues (social and environmental) been incorporated in the provision of governance support, and to what extent do the resulting good governance processes successfully take these issues into account?

Los ejes transversales tienen, en la Delegación de Guatemala, diferente tratamiento en función de la importancia estratégica que se les ha otorgado: Género y pueblos Indígenas son dos temas de alto perfil para la Delegación (y para las políticas gubernamentales). Sin embargo medioambiente, juventud y vejez, no son tratados de forma estratégica aunque esto no interfiere en los objetivos de desarrollo marcados.

Por tanto, afirmamos que se nota una fuerte integración horizontal del tema de *género* y asimismo en *poblaciones indígenas*. En este último caso, el Proyecto “Lucha contra las exclusiones” de 6 millones de Euros, se ha ido transformado hasta quedar en un proyecto de apoyo a la Defensoría de la mujer indígena, siendo esta institución la contraparte elegida

En cuanto a género, resulta interesante que cinco proyectos de gobernabilidad, tienen un enfoque de género no solo como algo teórico sino que se les ha asignado un presupuesto específico para cuestiones de género y un personal, dentro del proyecto, dedicado exclusivamente a esta temática.

En el Proyecto de PYMES se apoyarán las iniciativas de cien mujeres microempresarias; en el proyecto de Sociedad Civil se fortalecerá el Foro de la Mujer, que nació de los Acuerdos de Paz del 96; en el Proyecto de descentralización se incluirá en los Consejos de Desarrollo la temática de género y la metodología de las escuelas itinerantes de mujeres para la alfabetización y por último en el proyecto de apoyo a la administración de Justicia, se apoyará la temática de las mujeres en prisión (derechos civiles y penales, reinserción, etc)

Mencionar que la misión encuentra altamente positivo el hecho de que, a diferencia de otros sectores o áreas de cooperación de la delegación en Guatemala, en género, el control que ejerce la CE sobre este componente en cada proyecto, es un control de cariz técnico, mas allá del mero control de procedimientos y del control financiero.

Es destacable la existencia en la delegación de la “**Política de Género**” que se aplica a todas las iniciativas que se ponen en marcha; es una política hacia temas de

planificación y programación en los programas y proyectos, pero no tanto hacia la gestión interna ni hacia el diálogo político.

Proyecto	Presupuesto General	Presupuesto en género	Personal contratado para género
Proyecto Pequeñas y medianas empresas -PYMES	6.000.000 Euros	700.000 Euros	1 persona
Proyecto Apoyo a la Sociedad Civil	12.000.000 Euros	1.000.000 Euros	5 personas
Proyecto Descentralización y fortalecimiento municipal	20.000.000 Euros	800.000 Euros	5 personas
Proyecto apoyo a la administración de Justicia	11.000.000 Euros	610.000 Euros	2 personas
Proyecto lucha contra exclusiones (mujeres indígenas)	6.000.000 Euros	Proyecto de Género	Todo el personal

En términos de diálogo político con el gobierno, podemos concluir que la actuación de la Delegación, no tiene en cuenta como eje prioritario el tema género, porque se ha priorizado temas como gobernabilidad, etnicidad y lucha contra la corrupción.

Otro factor importante es la puesta en escena de la “**Mesa de Género**” **mesa de complementariedad a lo interno** de la Delegación que sienta a trabajar a los 13 técnicos/as en la materia de todos los proyectos actuales, para coordinar acciones y desarrollar una política común de género de abajo hacia arriba.

Mencionamos como carencia, la inexistencia de un sistema de indicadores propios de género que puedan medir el impacto del trabajo desarrollado por la Delegación en esta materia.

También destacamos las coordinaciones existentes entre la Delegación y el PNUD y UNIFEM en materia de género, que han llevado a elaborar un borrador de acuerdo de cooperación entre las tres instituciones mencionadas para el empoderamiento de la mujer en temas económicos.

4.8 Evaluative Question 8

To what extent and how have Commission strategies and programmes and projects, targeted at regional specific objectives as well as at the four clusters (rule of law and administration of justice, civil society, public administration reform, decentralisation) contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and practices?

La misión decidió centrar el análisis de terreno en tres Programas de la Delegación en Guatemala:

Proyecto	Presupuesto CE	Plazo
<i>Apoyo a la Sociedad Civil</i>	20.000.000 Euros	2004-2007
<i>Descentralización y Fortalecimiento municipal</i>	12.000.000 Euros	2004-2008
<i>Apoyo a la Procuraduría de los DDHH</i>	1.600.000 Euros	2004-2007

Queda claro que el ámbito de la gobernabilidad para las actividades de la Comisión en Guatemala es mucho mayor que estos tres proyectos, pero para basar las conclusiones con alguna seguridad en información precisa (dentro de una visita de diez días) se ha elegido, en concertación con la Delegación, trabajar en tres proyectos solamente. Las conclusiones se basan, también por razones de metodología, en los informes de monitoreo y en las entrevistas, destacamos tres puntos de conclusiones generales para los dos programas y el Proyecto:

- Existen líneas de objetivos del nivel estatal hacia abajo, y del nivel local hacia arriba. Esto crea coherencia y probabilidad de éxito.
- La eficiencia de los proyectos no se miden por el nivel de gasto, por lo cual no podemos decir que a este punto la eficiencia es baja.
- La misión concluye que la CE da una importancia preponderante a criterios financieros y de conformidad a procedimientos. Los criterios de impacto padecen por ausencia de indicadores de efecto

También destacamos que las tres intervenciones están sufriendo retrasos en su implementación y probablemente no puedan terminar en la fecha planificada. Esta baja ejecución, impide hacer un análisis riguroso de su eficacia, impacto y sostenibilidad. Sin embargo podemos desarrollar una aproximación a su actual ejecución:

Proyecto de apoyo a la Descentralización y el Fortalecimiento Municipal

El proyecto inició en enero 2004, bajo la metodología derivada del nuevo Reglamento Financiero para los proyectos y programas con **Convenios de Financiamiento**. La eficacia del modelo es aún prematuro, lo que queda claro es el rol de las Asistencias Técnicas Internacionales (ATI), rol que está siendo asumido por la contraparte gubernamental, ya que supone un cambio importante en relación a la metodología

anterior de las codirecciones: La asistencia internacional debe lograr fortalecer las capacidades locales y no gestionar el proyecto como anteriormente. Falta que la implementación avance para saber hasta que punto la ATI es capaz de lograrlo.

Por el momento, las ATI del proyecto no presenta una estrategia de fortalecimiento técnico de las capacidades de las contrapartes; sino que se ha centrado en desarrollar una cadena de estudios y planificaciones ex ante; el volumen de dicha cadena puede ser considerado como poco eficiente y sin un valor agregado que lo justifique:

En este Proyecto, la **misión preparatoria** y su documento inicial de diseño (que condiciona excesivamente todo el desarrollo posterior del programa) vino seguido por del Convenio de Financiamiento y sus correspondientes DTAs (**Disposiciones Técnicas Administrativas**). Después se estableció un **POP** (Plan Operativo Preliminar) y un **PAPI** (Plan de Acciones Preliminares e Inmediatas), que ha dado paso al **POG** (Plan Operativo General) y éste a su vez es seguido por el **POA 1**, que es la herramienta que verdaderamente está usando el proyecto para su planificación.

La SCEP, contraparte gubernamental ejecutora del proyecto, considera que aun no han logrado sentir el proyecto como propio, a pesar de tener la responsabilidad de su manejo financiero y su gestión sobre el terreno; por estar excesivamente cerca de los procedimientos y metodologías de la CE y porque la participación en el diseño inicial de este proyecto (solo a nivel consultivo) fue hecha por la administración anterior.

Por tanto sería interesante hacer coincidir la etapas de diseño de la propuesta con las etapas electorales del país; para que una propuesta diseñada y firmada durante una administración pública anterior, no condicione el proyecto de la siguiente y al mismo tiempo, establecer una sistema de indicadores de seguimiento y de impacto para que la contraparte pueda medir sus avances y su resultados.

Proyecto de apoyo a la Sociedad Civil

El proyecto inició oficialmente al igual que el proyecto de apoyo a la descentralización en enero 2004 y tiene un año menos de duración y un importante retraso en su ejecución. Actualmente se está empezando a implementar el proyecto y el n+3 (100% de las contrataciones y licitaciones en los tres primeros años desde la firma de los acuerdos de financiamiento de cada proyecto) ha condicionado las contrataciones y licitaciones del proyecto, que se llevarán a cabo todas en un mismo paquete administrativo y de gestión.

Para la SCEP tanto este proyecto como el comentado anteriormente, son considerados estratégicamente como uno solo (aprovechando que tienen sede en la misma ciudad –Quetzaltenango- y que la SCEP es la contraparte donde es instalaron ambas Entidades Ejecutoras). Por tanto, la Delegación como ambas ATIs deberán apoyar la complementariedad de las actividades de ambos proyectos, para “ir de la mano” de la estrategia de la administración guatemalteca en la gestión de los mismos.

Esta elección de la SCEP (organismo institucional que depende directamente de la presidencia de la República y que tiene un carácter eminentemente político y poco técnico) tiene un riesgo claro de excesiva politización de las acciones y de los propios recursos de este proyecto. Unido a la importancia que desde la Delegación se le otorga al seguimiento y control del proyecto en función de los gastos desembolsados (rápida ejecución) y no en función de los efectos deseados.

La conformidad con los procedimientos y el porcentaje de gastos realizados parece ser la esencia del seguimiento que la Comisión está concediendo por el momento a este proyecto; dejando de lado el verdadero control que debe ser sobre calidad: Efectos, resultados logrados y modo de lograrlos y sostenibilidad futura. Por tanto se torna necesario, establecer en un futuro próximo desde la Delegación, un sistema de indicadores de impacto que aminore el riesgo de politización de los recursos manejados por la SCEP y balancee el seguimiento actualmente otorgado, a los procedimientos y a la cantidad de gastos desembolsados.

Parece que la metodología elegida para la implementación de este proyecto así como para el proyecto de descentralización, una Unidad Gestora dentro de una contraparte gubernamental, es un paso previo en el proceso hacia **la ayuda presupuestaria**; un paso que podría contribuir a un mayor empoderamiento de los programas por parte del gobierno guatemalteco, pero que necesita ser afinado para que su ejecución, tanto en el cumplimiento de los tiempos como en sus efectos, sea más eficaz.

Proyecto de apoyo a la procuraduría de los DDHH

La eficacia del proyecto se ve condicionada por la necesidad de mejorar los mecanismos de planificación, gestión, coordinación y seguimiento de las Auxiliaturas. La ausencia de un sistema de seguimiento impide una verificación objetiva de calidad.

Los grupos meta (31 Auxiliaturas) corresponden con los beneficiarios principales previstos en el proyecto y reciben los principales insumos del proyecto. Así, todas las Auxiliaturas (a las cuales la misión de monitoreo ha tenido acceso) cuentan con un asistente en procuración en políticas públicas que ha fortalecido las unidades descentralizadas. Este modo de definición estratégica no permite la formulación de objetivos en términos de cambios dentro de la población misma, quien es el beneficiario último del proyecto. Impide también la definición de indicadores de efecto dentro de la situación de los derechos humanos.

Hasta ahora, según la misión de monitoreo realizada por la CE, una primera valoración relativa a la eficacia sería positiva, dado que se ha incorporado el nuevo enfoque de procuración en políticas públicas y paulatinamente arroja resultados positivos si bien fragmentados, en las diversas Auxiliaturas monitoreadas. Esos resultados están vinculados a la realización del diagnóstico en las 31 Auxiliaturas, la priorización de riesgos y las distintas actuaciones de procuración (en algunos ayuntamientos y comunidades han dado lugar a aumentos en los presupuestos destinados a salud o educación) desarrolladas por cada Auxiliatura. Igualmente, debe subrayarse la importancia de que la eficacia del proyecto no se examine de forma aislada, sino que viene condicionada por la eficacia de la propuesta de procuración en políticas públicas promovida desde la IPDH.

A futuro, los principales riesgos tienen que ver con el aumento de la carga de trabajo y la ausencia de una adecuada planificación que permita una gestión más ágil de la IPDH. Además de la procuración jurídica, prevista en el estatuto de la Procuraduría, el nuevo enfoque de procuración supone en el corto y medio plazo un aumento de la carga de trabajo, sin que haya un correlativo y proporcional aumento de las capacidades de las Auxiliaturas. Es decir, las nuevas competencias materiales y la llegada del asistente en políticas públicas no cuentan con un aumento del presupuesto con el que puedan contar las Auxiliaturas.

4.9 Evaluative Question 9

To what extent and how has the Commission adopted a multi-actor and a multi-level approach to supporting good governance?

Las actividades de la CE están basadas en estudios preparatorios y una estrategia general de país derivada del CSP y del Memorando de entendimiento. Sin embargo no se observan un análisis de los riesgos de la gobernabilidad en forma de tendencias, eventos críticos, de los actores, y de una estrategia global para enfrentarlos. Este análisis se debería encontrar más que todo en los estudios ex ante, tal como los que se contratan a través del mecanismo de licitaciones de contrato marco llamado 'Lote 7' que abarca el tema de gobernabilidad.

El hecho de que ni el CSP ni las formulaciones de los proyectos en gobernabilidad hayan incluido el análisis del rol de los diferentes actores sociales, políticos e institucionales de Guatemala en los procesos de gobernabilidad, es una ausencia notable. Esta ausencia es especialmente importante (falta de estudios internos o caracterizaciones en los temas relacionados a la administración y estructura del Estado) en términos de caracterizaciones o estudios políticos; existe únicamente la documentación sobre partidos políticos y procesos electorales derivada de la misión de observación electoral que la CE desplegó en Guatemala en el segundo semestre del 2003.

Por otro lado, se valora de forma positiva el esfuerzo hecho por la Delegación de respetar los diferentes roles que juegan en gobernabilidad por un lado las instituciones públicas y por otro la sociedad civil; incluso diseñando dos programas separados para fortalecer los procesos de incidencia política de la sociedad civil y otro programa diferente para fortalecer el proceso de descentralización del Estado.

La elección, por parte de la Delegación, de las contrapartes oficiales en el gobierno guatemalteco ha estado condicionada por la propia "realidad" de las instituciones en el país; es decir, por el organigrama político generado por los dos últimos gobiernos. Esto puede tener consecuencias no deseables por el hecho de la cultura política existente en Guatemala. No se notan en la capacidad de gestión un mecanismo de monitoreo y estudios para evitar este importante punto.

En este sentido es importante destacar que todas las Secretarías Ejecutivas del gobierno, dependen del Ministerio de Presidencia y no de los otros ministerios (como consecuencia el control que esto supone de los fondos de la cooperación por parte de la presidencia) y los proyectos de gobernabilidad tiene a la SCEP a la SGEPLAN como únicas contrapartes.

El problema añadido a esta circunstancia relatada, es el hecho cierto de que los fondos de la CE administrados por estas secretarías son mucho mayores que sus propios presupuestos originales; creándose un desbalance que tiene implicaciones en el plano de la eficacia en la ejecución de los proyectos.

Es de destacar que los instrumentos y procedimientos administrativos de la Delegación, con el nuevo Reglamento Financiero y la estrategia del *apoyo presupuestario*, tiene que ser asumidos por la contraparte gubernamental. Esto no es fácil para funcionarios del estado guatemalteco que no están familiarizados con este tipo de procedimientos; esta carga administrativa añadida, tiene consecuencias en la falta de rapidez en el manejo administrativo de los proyectos y en la eficiencia de su gestión.

4.10 Evaluative Question 10

To what extent and how has the Commission developed its overall institutional capacity to deal effectively and efficiently with the question of governance?

La misión considera un acierto la articulación que la Delegación en Guatemala ha logrado sobre los diferentes sectores y niveles conceptuales de gobernabilidad que se traduce en los roles y las áreas de responsabilidad que tienen los expertos desplegados por la CE; separando sus responsabilidades dentro de la temática de gobernabilidad (experto en área de democracia y derechos humanos, experto en política y pueblos indígenas, experto en descentralización y reforma del estado...)

Del mismo modo, consideramos que la ATI puede ser un mecanismo eficaz en el seguimiento de los programas que están comenzando así como un mecanismo interesante para desplegar asistencia técnica en las contrapartes y crear capacidades en éstas. Sin embargo hay que destacar que en estos inicios del trabajo de las ATIs, éstas se encuentran en una posición difícil al recibir presiones desde la Delegación (para una mas rápida ejecución) y presiones desde las contrapartes (por considerar a las ATIs sus interlocutores con la Delegación). Al mismo tiempo las ATIs carecen de poder para tomar decisiones y esto les crea dificultades. Consideramos que dichas confrontaciones no son necesarias y no redundan en mejoras para la gestión de los programas.

Existe un esfuerzo en la delegación de la CE de ir paulatinamente hacia una oficina más analítica, que combine la capacidad de realizar estudios con la capacidad ejecutiva en cuanto a los proyectos. Dando como un axioma válido que la gobernabilidad se trabaja como apoyo a procesos y no tanto como un mero ejercicio de diferentes proyectos en áreas específicas, se aprecia en la Delegación un uso intensivo de expertos para trabajo analítico y de seguimiento. Esto es un cambio cualitativo importante que irá colocando a la Delegación en un mejor lugar para comprender la situación política y administrativa del Estado guatemalteco.

La parte negativa del punto anterior es que focalizar a los expertos hacia la parte administrativa añadiéndole la carga de estudios y análisis, impide a estos un mayor acercamiento con el terreno y el desarrollo de los programas y proyectos in situ. Esta circunstancia es especialmente importante en los macro y microproyectos de las *llamadas a ofertas*, para contratos de subvención, donde el contacto con los proyectos sobre el terreno se torna indispensable y sin embargo no se está llevando a cabo.

Por último destacar que el modo de selección de los consultores para los estudios de identificación no permite un control de calidad apto para un análisis más contextual. este es un punto clave ya que de la identificación inicial depende (de forma casi determinista) el diseño de todo el programa posterior. En su estado presente el sistema consiste en definir el perfil de los consultores en los términos de referencia de manera muy detallada, que se manda a una lista de empresas elegidas de manera anónima en una lista de licitación. Se reciben típicamente tres candidaturas para cada posición.

La selección se hace en base a la compatibilidad de los currículos con las especificaciones. No puede entrar en línea de cuenta la capacidad de la empresa que presenta el experto de hacer un trabajo de "due diligence" para determinar la veracidad de las afirmaciones en los currículos, o el carácter de la persona. Las personas que más conocen el sector muchas veces están des-ventajadas por ser

alejadas de las empresas que participan en licitaciones. Por lo tanto son las empresas que pueden alinear los CV a los términos de referencia que están privilegiadas, mientras las que conocen el sector de actividad y tienen expertos fiables son menos considerados (ya que la capacidad de control de calidad de la empresa no entra en consideración).

En resumen el sistema ideado por los contratos marcos para misiones de análisis desde la CE en Bruselas no permite a las Delegaciones poder controlar la calidad de los consultores que realizan estos estudios; reduciéndose su control a una mera revisión de los currículos de los candidatos. Los riesgos de mala ejecución son altos.

5 CONCLUSIONES Y RECOMENDACIONES

La CE en Guatemala se enmarca actualmente en el contexto de una **doble transición**: Por un lado la propia del país y su momento político que empieza a mirar mas allá de los Acuerdos de Paz (esto genera un nuevo enfoque en la cooperación externa, hacia la gobernabilidad) y por otro lado el momento de cambio que se vive a lo interno de la CE en Guatemala derivado de la aplicación del nuevo reglamento financiero y los nuevos procedimientos e instrumentos de gestión.

Este marco contextual relatado, tiene implícita una **paradoja**: La gobernabilidad tiene que ser entendida como un proceso. Y como tal debería ser enfocado el trabajo de apoyo de la CE. Sin embargo el tratamiento -a través de proyectos- que le da la Delegación de la CE no está diseñado con un enfoque hacia procesos. Además el enfoque de gobernabilidad de la Delegación en Guatemala está fuertemente condicionado (a pesar de la desconcentración) por los procedimientos administrativos y de gestión que marca Bruselas.

La **consecuencia de trabajar con el Estado** guatemalteco en gobernabilidad a través de contrapartes que no son técnicas sino políticas y que dependen directamente de la presidencia (Secretaría de Coordinación Ejecutiva de la Presidencia) es el control político de los programas; mas aún en la etapa preelectoral con la que coincidirá el mayor volumen -2006- de implementación de los proyectos.

La **consecuencia de trabajar en gobernabilidad con programas diseñados de antemano**: La misión preparatoria conlleva excesiva importancia y la Delegación no tiene el control de la elección de los consultores para tal efecto. Falta apropiación por parte del gobierno que no termina de ver los programas como propios. Excesiva lentitud en la ejecución y excesivos instrumentos de planificación (POPs, POGs, PAPIs, POAs) y de control ex-ante que no otorgan valores agregados.

La **consecuencia de trabajar enfocado a gastos y procedimientos y no a efectos**: Los cambios contextuales pierden importancia. El control de calidad es parcial, es esencialmente un control de conformidad a procedimientos y gastos; el *efecto dominó*: La CE presiona para el cumplimiento de plazos y de gasto financiero a la Delegación de Guatemala y estos presionan a las ATIs (que no tienen poder para tomar decisiones) y estos a su vez a las Entidades Gestoras de las contrapartes. En todo este proceso el control de calidad y de impacto queda supeditado al control administrativo.

Esta excesiva importancia que se le otorga al gasto de los fondos comprometidos, sacrifica una visión política mas completa de la Delegación, analizando factores de riesgo y analizando los actores políticos y sociales y por último dotando de un nexo de unión a los programas y proyectos de apoyo a la gobernabilidad.

De igual modo, la sociedad civil guatemalteca no está siendo incluida dentro de la estrategia de la Delegación de apoyo en la temática de gobernabilidad. La estrategia y las contrapartes elegidas son gubernamentales y fomentan sociedad civil desde su visión política.

A la pregunta, ¿está preparado el país para asumir (ya sea progresivamente o en un plazo determinado) el apoyo sectorial o presupuestario? La misión recomienda

elaborar un análisis sobre ello y sus implicaciones políticas, administrativas, sociales y de gestión.

A la pregunta ¿es la herramienta “proyectos” el instrumento mas adecuado para trabajar en el apoyo del proceso de gobernabilidad en Guatemala? La misión de igual modo recomienda analizar este punto, desde la fase de cooperación enfocada a la reconstrucción (propia de la implementación de los Acuerdos de Paz), pasando por la fase de cooperación dedicada al fortalecimiento institucional (años 2000, 2001 y 2002) y la actual fase de apoyo a la gobernabilidad, donde, en caso de que el país esté en condiciones de asumir el apoyo presupuestario y la Delegación de implementarlo, se podría empezar a pensar en ello, en un breve periodo de tiempo.

La misión recomienda evitar, en la gestión de programas y proyectos de gobernabilidad, el “efecto embudo”: Los diseños iniciales de los proyectos son estrechos y rígidos y esto condiciona toda la ejecución posterior, que si tiene mas flexibilidad en la gestión. Trabajar en Gobernabilidad no tiene que tener necesariamente la misma metodología de implementación que otros proyectos en sectores donde los diseños previos son necesariamente rígidos (infraestructuras, etc). Es conveniente utilizar en gobernabilidad diseños abiertos, que se concreten en función de las políticas publicas del gobierno de turno y que sean flexibles a los cambios contextuales y a las necesidades de las contrapartes, que en definitiva, han de ser los protagonistas de los programas y proyectos.

- **Preparación de los Programas y Proyectos:** hacerla mas ligera, más general, y mas orientada hacia un análisis de actores, eventos, tendencias, y riesgos. Eliminar ciertos instrumentos de planificación. Cambiar ciertos procedimientos de selección de expertos introduciendo en los criterios de selección ciertos mecanismos de control de calidad.
- **Monitoreo:** desarrollar el control de calidad de tipo evaluativo ex-post en materia no procedimental y financieras (¡el cual no se debe eliminar!). Desarrollar para ello un sistema de indicadores en el marco del próximo CSP que se encuentra en elaboración. Desarrollar el monitoreo de terreno, de impacto social.
- **Sociedad civil:** fortalecer el acercamiento horizontal de la sociedad civil a través de contratos de subvención para evitar que el Estado sea el único punto de entrada de la CE en este campo.
- **Coordinación:** crear un mecanismo de dialogo con los EM en materia de estrategia, aprovechando las nuevas modalidades (apoyo sectorial y desconcentración).
- **Asistencia Técnica:** Dar a las ATIs un mecanismo de concertación con la Delegación y entre ellas. Permitir al personal de la Delegación (expertos y funcionarios) pasar más tiempo en monitoreo en el terreno, y esforzarse de aliviar las tareas administrativas.

En el Proyecto de apoyo a la Procuraduría de Derechos Humanos, a pesar de ser un Contrato de Subvención, debería estudiarse la posibilidad de establecer una asistencia técnica internacional para el apoyo técnico a la implementación de este proyecto.

Hay experiencias que de forma piloto, están llevando a cabo apoyo sectorial. ASDI y la embajada sueca están apoyando directamente al ministerio de Salud en una nueva

experiencia que sería interesante que la Delegación de la CE en Guatemala comenzara a monitorear.

La Delegación podría poner en marcha una instancia o “grupo de trabajo” que estudiara las posibles complementariedades de los objetivos e intervenciones de la propia CE y de los EMs.

Mencionamos como carencia, la inexistencia de un sistema de indicadores propios de género que puedan medir el trabajo positivo y bien planificado y el impacto general del trabajo desarrollado por la Delegación en esta materia.

Apéndice

Apéndice 1: Lista de personas entrevistadas

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María Elena Ortiz, Directora, Asuntos Multilaterales, Presidencia de la Republica

Apéndice 2: Lista de Abreviaciones

CG	Consultative Group
COCODE	Comité de Comunitario de Desarrollo / Community Development Committee
COMUDE	Comité Municipal de Desarrollo / Municipal Development Committee
CONGCOOP	Coordinadora de ONG y Cooperativas / The Coordination of NGOs and Cooperatives
COPREDEH	Comisión Presidencial Coordinadora de la Política del Ejecutivo en material de Derechos Humanos/ The Presidential Commission Coordinator of the policy of the executive branch in the matters of Human Rights
CS	Comite de Seguimiento / The Follow Up Committee
CSO	Civil Society Organizations
CSP	Country Strategy paper
DG	Grupo de Dialogo/ Dialogue Group
EC	European Comisión
EIDHR	European Initiative for Democracy and Human Rights
EMP	Estado Mayor Presidencial / the presidential military guard.
EU	European Union
FMM	Fundación Myrna Mack/ Myrna Mack Foundation
FONAPAZ	Fondo Nacional para la Paz (National Peace Fund)
FRG	Frente Guatemalteca Republicano / The Guatemalan Republican Front (political party)
IADB	Inter American Development Bank
IDHUSAC	Instituto de Derechos Humanos de la Universidad de San Carlos/ Institute for Human Rights of the San Carlos University
IPC	International Penal Court
IPDH	La Institución del Produrador de Derechos Humanos/ Human Rights Ombudsmans Institution
MD	Mesodialogue
MIF	Mission for Identification and Formulation
MINUGUA	Mision de Verificación de las Naciones Unidas para Guatemala – The United Nations Verification Mission for Guatemala
NGO	Non Governmental Organization
PDP	Programa de Desarrollo Productivo (Productive Development Programme)
PNC	Policia Nacional Civil / The Nacional Civil Police
PRRAC	Programa de Reconstrucción Regional de América Central/ The Regional Reconstruction Programme for Central America
SCEP	Secretaría de Coordinación Ejecutiva de la Presidencia (The Executive Coordination Secretariat of the President)
SEGEPLAN	The National Secretariat for Planning
SEPREM	Secretaria Presidencial de la Mujer/ The Presidencial Secretariat for Women
UNDP	United Nations Development Programme
URNG	Unidad Revolucionario Nacional Guatemalteca – The Guatemalan Nacional Revolutionary Unity

Service contract for the evaluation (sectoral and thematic) of European Commission programmes and policies in third countries, relating to social and human development issues

**THEMATIC EVALUATION OF THE
EUROPEAN COMMISSION ASSISTANCE
TO THIRD COUNTRIES SUPPORTING
GOOD GOVERNANCE**






Country Note for Indonesia

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Evaluation for the European Commission



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<p>The opinions expressed in this document represent the authors' points of view, which are not necessarily shared by the European Commission or by the authorities of the countries concerned.</p>	

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1 INTRODUCTION

This evaluation is not a country evaluation or an impact evaluation but a prospective evaluation of EC role in good governance. The purpose of the note is to summarize the team's findings from review of the EC's support to good governance in Indonesia. The EC support for the Partnership program and the micro and macro project, and the prospective support together with other donors for public financial management reform were selected for deeper review.

2 DATA COLLECTION METHODS

Data were collected through literature review and interviews with staff of the EC, the Delegate, government officials, civil society groups, and other donors. The team of three conducted all interviews together.

3 SHORT DESCRIPTION OF COUNTRY PROFILE

Key background factors are as follows:

1. The current view is that prior to last elections there was little support from Government for governance reform, even though the 2004-2006 CSP says that "the country has made remarkable progress in the field of human rights." However even today the general view is that the Government tends to react to crises rather than plan long term.
2. The new President has stated that good governance is one of the top priorities. The EC has supported a civil society organization, Partnership, that helped the President to prepare this list of governance priorities.
3. Corruption levels are very high. Indonesia has one of the worst Transparency International Ratings (TI itself is a beneficiary from EC funding in Indonesia)
4. The civil service is not service oriented, especially at the center. This has been one reason why the Government with the strong support of donors, including the EC, has moved vigorously in the direction of decentralization. The Minister of State for Public Administration is setting out to introduce more performance oriented management at the center of government. However, many donors believe that the first priority is to reduce corruption at the center.
5. The Government's response to poor service delivery is the so-called "big bang" decentralization; a major reallocation of responsibilities and funding from the center to the regions and districts. There is major donor support for the implementation of the Decentralization Policy. Many donors favor targeting support to local not central government, especially under previous governments.
6. There is some concern on the part of civil society and government that decentralization not working as well as expected. There are data showing that malnutrition levels have risen. Data have also been published showing that the poorest are not benefiting from decentralization. Some in Government want to pull back and revert to control from center.

7. Since GOI is not dependent on donors for funding, donor leverage is weak. Many donors believe that pressure for reform is more effective in these circumstances if it comes from Indonesian organizations outside government rather than directly from donors.
8. Clearly, support for good governance is the top priority of the Delegation, as it is for most donors. Over the years the Commission's Euros 300 million worth of support has moved from supporting rural development, to supporting various sectors, to now focusing on governance. The Delegation recognized that failures in earlier support have been caused by weak governance. The CSP identifies two main themes: good governance and preservation of forest reserves, which is itself a governance issue. The Commission is stressing support for improving governance even more so now that a President favorable inclined to good governance has been elected.
9. To summarize, the EC has provided substantial support to the organization of the 2004 legislative and Presidential elections in Indonesia. through a € 7 million contribution to the KPU/UNDP Election Trust Fund and by the dispatch of an International Observation Team as well as support for voter education and information through co-operation with NGOs. The EC is also providing support of € 13.3 million for the "Partnership for Governance Reform" through UNDP. The EC continues to review the government's decentralisation programme as well as how best it can support improvements to the rule of law and the judicial sector. Indonesia is also one of the focus countries for the European Initiative for Democracy and Human Rights (EIDHR) and has also benefited from financing from the EU Rapid Reaction Mechanism for Conflict Prevention.

4 FINDINGS

Cluster A :

Good governance in Commission cooperation with third countries: Mainstreaming and priority area

4.1 Evaluative question 1

EQ 1: To what extent has good governance been prioritised and incorporated in European Commission cooperation with third countries since 2000 and how has the approach to good governance evolved during this period?

Good governance is a high priority and it has evolved over time. In 2003 the priority was governance of the elections; in 2004 strengthening democratization; and for 2005/2006 the priority is to support the new President's Program for Expediting Governance Reform.

EC concepts and approaches on good governance have evolved over time

See above.

Good governance has been prioritised and mainstreamed into CSP/NIP, RSPs, sector policies, and into programmes and projects

Good governance has been prioritized and mainstreamed in the CSP, NIP, sector policies and projects. For example, the Forestry Law and Government Initiative (FLAG), which is the responsibility of the Development desk at the Delegation, is in effect a governance project since it is support reforming the police.

Good governance has been adequately addressed in (performance-based) mid-term review processes

There have not been any EC evaluations of the governance projects. UNDP carried out the evaluation of the support given to the election process. In 2004 the Monitoring Report for the Support to the Partnership for Good Governance, one of the projects the team focused on, was prepared. The report indicates that there have been "some positive achievements" in areas such as anti-corruption, reform of public services, and electoral reform. The report goes on to say that this is a very high profile project because of the organizations links to high levels in the new Government. Because of those very linkages, and the EC's involvement, "there is significant potential political damage if the project is seen to fail." The report expresses concern that slow processing of requests for support "has sometimes resulted in NGO's loss of interest/momentum."

Cluster B

Tools and working practices, financial mechanisms and instruments

4.2 Evaluative question 2

EQ 2: To what extent and how have Commission-financed projects and programmes, and in particular capacity building activities including technical assistance and twinning programs, efficiently and effectively contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and policies

Both the “project approach” and the “program approach” are effectively and efficiently used to promote good governance

No, only projects have been used, not programs. However a more programmatic approach will be taken to the public financial management reforms.

The Commission-financed capacity building activities aimed at promoting good governance respond to a genuine and effective demand

The support is very demand driven. Support through Partnership and the macro and micro projects is based upon applications from NGOs who work closely with citizens, businesses, CSOs and government.

The Commission-financed capacity building activities aimed at promoting good governance are framed in a coherent institutional development strategy

There is no institutional development strategy. Beneficiary organization complained that they were not well trained even to prepare applications to the EC, although in the case of Partnership, the EC had outsourced the administration of its support to UNDP. The great weakness of Partnership, which has received Euros 13 million for the EC, in the view of all donors is its lack of capacity to apply for and manage the grants, despite their many international advisors.

4.3 Evaluative question 3

EQ 3: To what extent and how have Commission-financed SPSP and budget support efficiently and effectively contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and practices, in particular through improved public finance management, through improved accountability and transparency and through improved public service delivery?

Commission-financed SPSP and budget support have contributed to good governance approaches and practices by improving public finance management

There is no sector wide or budget support, although the Delegation admits that Brussels has advised the Delegation consider this approach. The only SWAp being planned is in education and the EC is not involved. Many donors believe that Indonesia is not ready for SWAPs or budget support, although the World Bank did provide \$300 million of budget support in 2004 through an adjustment operation. The Commission rejected the idea of a sector wide approach to Legal and Judicial Reform since there is not clear leader for those reforms, despite the Third Law Summit sponsored by Partnership, a major EC beneficiary, bringing together the key leaders in the sector around a reform program.

However EC will be supporting the public financial management reforms as part of a sector wide approach led by the World Bank.

4.4 Evaluative question 4

EQ 4: To what extent and how has the Commission efficiently and effectively used the political and policy dialogue (at sector and country levels) to encourage and promote good governance approaches and practices?

Significant progress has been achieved in using political and policy dialogue at different levels as a tool to promote good governance approaches and practices

There has been policy dialogue with leaders in the judiciary, the attorney general's office, and the anti-corruption commission. But perhaps the most significant support to policy dialogue has been through Partnership and its contacts with key political players. All donors thought that the main benefit of Partnership in the poor governance environment of past governments has been its ability to engage politically, and engage in ways not open to donors. Partnership played a key role in drafting the Presidents Program for Expediting Governance Reform, which has now become the focus of the EC governance program.

Participatory approaches are promoted in political and policy dialogue

See above.

Cluster C

Partner-country ownership, relevance of Commission governance support, and flexibility in adapting to different country contexts

4.5 Evaluative question 5

EQ 5: To what extent has the Commission assistance been sensitive to specific partner country needs, and priorities, and to what extent and how has the Commission been flexible, in the programming process and in implementation, in adapting to different country contexts (e.g. post-conflict, difficult partnerships, effective partnerships)?

Extent to which elements of national policy priorities are reflected in the EC strategy in the area of governance

National policies priorities are reflected in the EC's strategy. The focus at the moment is on supporting the new President's Program to Expedite Governance Reform.

Proportions and variations among clusters and components across beneficiary countries, reflecting country situations, compared in terms of funding volumes and relevance and strategic sensitivity

Ease of adjustment and timeliness of change of programme content in governance

The EC is not able to make major adjustments quickly. However, the Commission has done as much as it can to adjust within existing programs. Again, as an example, the organization for which the EC is the largest donor by far, Partnership, has responded well to the opportunities offered by the new more governance minded government, as stated above. In addition, the EC planned support for 2005-2006 includes reforming laws and regulations and recruitment systems, and support to the Anti-corruption Commission that would not have been possible in the past.

Cluster D

The three Cs : Coherence, Complementarity and Coordination

4.6 Evaluative question 6

EQ 6: To what extent and how has the Commission ensured coordination and complementarity with other donors, active in the governance area, and ensured coherence with EC policies and activities and with partner Governments' priorities and activities?

Donor coordination mechanisms are in place at different levels

Donor mechanisms are in place for decentralization, public financial management, and the Partnership support program. EC staff does attend these meetings but with, we were told by the other donors, a low profile, with the exception of the public financial management reforms. Most significantly the EC is not a member of the Decentralization Support Facility. This multi-donor facility is providing technical support (some 60 staff) for what is probably the most important governance reform in Indonesia and a model for the rest of the world.

There is complementarity between the interventions of the EC, the EU Member States and other donor agencies active in the governance area

The best example of complementarity involving the EC is public financial management. The EC is supporting one very important governance reform program in collaboration with other donors through a trust fund: the Government Financial Management and Revenue Administration Program (GFMRAP). The first phase of the eight-year program, led by the World Bank, which is providing a \$75 million loan, is focusing on improving public financial management, including the introduction of a single treasury account, and the design and implementation of an integrated financial management information system. The second phase, which will overlap with the first, will focus on customs reform and the third on taxation modernization. Various donors have accepted responsibility for funding different aspects of the program. The EC is providing Euros 3.5 million for technical assistance in customs reform; the IMF technical assistance for IT; the ADB funding to complete work begun on public auditing and regional financial management; Netherlands has set up a Euro 20 million trust fund with the World Bank to support economic reforms more generally. The Bank coordinates

the program, leading the preparation of the program through regular missions. The EC, which organizes its own parallel missions, plans to set up its own Euros 10 million trust fund to support GFMRAP. This trust fund will be open to other member states, and non-members too, possibly Australia, for example. The loan agreement has been signed although the conditions of effectiveness have not yet been achieved. No complete pooling of all the funds is planned, at least in the medium term, nor funding through budget support. In other words, the support to the government will be through the trust fund, managed by the Bank, with a clear identification of the separate funding interest of most of the partners.

The Commission has ensured the overall coherence of its governance interventions

The 2003-2006 is coherent. It began in 2003 with support for the electoral process and is working towards supporting the duly elected President's governance reform program. The support for the elections included the governance of the elections themselves, voter education and security during the elections. Subsequently the support focused on strengthening decentralization, democratization and government capacity. The current and future support will focus on anticorruption, governance reform in the regions, expediting legal and judicial reform and expediting civil service reform, all key parts of the President's program.

Degree of alignment between EC response strategies in the area of governance and the partner Governments' priorities and activities?

See above. EC responses are in support of the new President's Program in Expediting Governance Reform. These include supporting the Anti-corruption Special Team and Commission, scaling up best practices in regional governance reform, uprooting illegal logging, mobilizing public support for this, reforming civil service laws and regulations, and reforming recruitment systems.

Cluster E : Cross-cutting issues

4.7 Evaluative question 7

EQ 7 : To what extent and how have cross cutting issues (social and environmental) been incorporated in the provision of governance support, and to what extent do the resulting good governance processes successfully take these issues in to account?

Cross-cutting issues: gender equality, environment, democracy and human rights and conflict prevention, have been satisfactory mainstreamed into the governance projects and programmes

As part of the Commission's strengthening of government capacity, improvements are being made to the policy making process to make it more gender sensitive. Democracy and human rights are at the heart of the Commission's activities. Direct support is being given to the resolution of a key environmental issue, illegal logging. This is a larger governance issue too since illegal logging is said to be a major source of off-budget income for the military.

Cross-cutting issues are taken into account in good governance processes
See above.

Cluster F :

Achievement of objectives

4.8 Evaluative question 8

EQ 8: To what extent and how have Commission strategies and programmes and projects, targeted at regional specific objectives as well as at the four clusters (rule of law and administration of justice, civil society, public administration reform, decentralisation) contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and practices?

a) In relation to cluster 3 (rule of law)

Improved oversight, autonomy and administrative capacity of the Ministries dealing with legal, judicial, and law enforcement issues

The Commission is providing this support to the micro and macro projects, the Institutional support for the office of the Attorney general, the project Good governance in the Indonesian Judiciary, the Support to the consolidation of the peace process in Aceh and through its support to Partnership. Donors and government representative contacted by the team agreed that Partnership's engagement with the Government was instrumental in the establishment of the Anti-corruption Commission (KPK). Partnership's support to legal and judicial reform illustrates how it acts as an agent of change. Partnership sponsored a series of "law summits" bringing together the key players in the legal and judicial sector to discuss reform in the sector. At the third summit the Minister of Justice, Chief Justice, Attorney-General, Head of the Law Commission and Head of the Anti-Corruption Commission all signed the action plan agreed at the summit. Partnership has been instrumental in introducing transparent selection processes into the sector. For example, Partnership facilitated a selection committee for Anti-corruption Commission members. Similarly Partnership helped the Chief Justice to recruit special anti-corruption judges, and the Attorney-General to hire special prosecutors.

The citizens have increased access to legal and judicial services, in terms of affordable cost (including time), better mutual understanding, and non-discrimination.

It is too early for these kinds of outcomes to be measured, although funding to Partnership and its beneficiary organizations has helped, in the words of the Partnership manager, "opened up the office of the Attorney General." The EC has also been supporting training in forensic auditing in the Office of the Attorney General; some 150 prosecutors were trained. Expectations in terms of outcomes were not high during the previous governments since they were thought to have only weak commitment improving the legal and judicial aspects of governance.

Thus far the Commission's support for legal and judicial reform has not been large scale and sector wide, although Euro 10 million support for Good Governance in the Judiciary is in the program. The project will train judges and court staff, increase the transparency of the courts and the accountability of judges, and increase public awareness of the judicial system and improve public access to justice. This project is about to start. A Rule of Law and Security Project is in the NIP for 2005-2006; an identification mission has taken place.

The environment for reform would seem to be improving. A recent newspaper survey showed that 52 per cent of people now feel comfortable with law enforcement compared with 25 per cent under the previous government.

The rule of law is applied in a manner which is respectful of international law, equal, fair, and independent of undue influence.

See above. The situation is improving, but the general view of donors and NGOs is that much remains to be done. A number of donors, including the EC, are considering new legal and judicial reform programs and projects.

b) In relation to cluster 4 (empowerment of civil society related to governance processes)

Effective empowerment and improved operational capacity of Civil Society Organisations (CSOs) to participate in social and political debates and in decision-making

Much of the Commissions funding has been directed to CSOs. The most notable program is the support to CSOs through another CSO, Partnership, for which the EC is by far the largest donor, with over Euros 13 million, of which Euros 6 million is spent or committed. The Partnership was set up in 2002 to promote governance reform when there was little will on the part of Government to improve governance. Its board of governors includes NGOs and donors as well as current and former politicians and senior civil servants, and many ambassadors. One of its great successes was persuading the Government to set up the Anti-corruption Commission (KPK) and assisting in the selection of staff for the commission on a professional basis. Partnership was also very active in supporting the 2004 electoral process. Recently Partnership was asked by the newly elected President, who used to be a member of the Board of Governors, to assemble a team of experts to prepare a list of governance reform priorities.

The presence and interface of CSOs with the population and the government is ensured

CSOs become sustainable entities operating in all relevant policy areas and in complementarity with the State and the private sector

Partnership, which may lose funding from other donors next year, has recently become a legal entity, which will help the organization to raise funds.

(c) In relation to cluster 5 (public administration reform)

Improved management and administrative capacity of key government bodies involved in macro-economic and public policy formulation.

The Commission has not been active in public administration reform at the centre of government. The general view on the part of the donors is that it is too early to reform the public administration. The World Bank said that although reform is needed, it is currently focusing only on anti-corruption in the civil service.

The Commission has however provided support to reforming public administration in the regions. For example, Partnership, which is supported by the EC, is helping one of the sultanates to reduce its staffing from 13,000 to 5,000.

Greater ability of public service structures to respond to the needs of the citizens and to deliver appropriate public goods and services efficiently and impartially

The aim of the main governance reform in Indonesia, the decentralization of service delivery to regions and district, is to deliver appropriate goods and services efficiently and impartially to all citizens. One of the three pillars of the EC's 2004 program is to strengthen decentralization by improving the monitoring of performance of local government, and strengthening village government and community policing. However, although the EC attends donor coordination meetings on decentralization, it is not supporting the 60-person Decentralisation Support Facility.

Significant progress towards a culture of public transparency and accountability

The EC's support to Partnership and through the micro and macro projects, referred to above, has been important. The establishment of the Anti-corruption Commission (KPK) is a particularly important achievement. The support to the Office of the Attorney-General has also been referred to above.

(d) In relation to cluster 6 (decentralisation and local government reform/capacity building)

Democratically accountable local governments enjoy autonomy and have the necessary (human and financial) resources to contribute to sustainable local development and local governance

The most important governance reform in Indonesia has been the implementation of the decentralisation policy. Local governments do enjoy autonomy and a higher proportion of human and financial resources have been allocated to the regions and districts. Some concern has been expressed in newspapers and by civil society groups that some standards of services delivery are falling. Considerable attention has been given to evidence of rising malnutrition among the poor. This has resulted in some pressure to re-centralise service delivery, especially health services.

One of the Commission's 2003 to 2005-6 activities is to strengthen decentralization, but the EC is not a major player among donors. It is also not a member of the multi-donor Decentralization Support Fund.

Public services are more able to reach the intended beneficiaries, and local ownership is increased

This is true. See above.

There is a greater and consistent application of the principles of subsidiarity and inter-governmental cooperation

This is true, see above.

4.9 Evaluative question 9

EQ 9 : To what extent and how has the Commission adopted a multi-actor and a multi-level approach to supporting good governance?

In all of its project, the Commission is supporting a wide range of actors: voters, electoral officials, village leaders, womens' groups, independent public agencies such as the anti-corruption commission, governors, government officials, and citizens through CSOs. While the reform environment has been weak, the EC, along with other donors has tended to work with players outside rather than inside government.

The Commission has recognised the respective roles of public authorities (both central and local governments) and of civil society in development and governance processes

Commission staff responsible for governance, many of whom are Indonesians, are very sensitive to the respective roles of public authorities and civil society. This is reflected in their focus on supporting those outside government while the environment for reform was not favorable.

The Commission has recognised the importance of supporting governance processes at different levels (local, national, regional and global)

The Commission has programs covering local, national and regional issues and institutions.

4.10 Evaluative question 10

EQ 10: To what extent and how has the Commission developed its overall institutional capacity to deal effectively and efficiently with the question of governance?

The Commission has adequately adapted the staffing levels required to deal with governance

The staff dealing with governance reported that most of their time was spent dealing with administrative matters, even though in some cases UNDP was providing project management support. The EC staff complained that the support given by UNDP was inadequate. For example, in the case of Partnership, UNDP had not sufficiently developed the capacity of Partnership staff to make applications and manage the grants and allocated less than one person to manage the grant on the EC's behalf. Both Partnership and Micro and Macro project managers had to handle a very large number of sub-projects, leaving little time to develop new ideas and interact with the government, NGOs and donors.

The overall institutional environment at the level of the Commission is suitable for effective and efficient action in the field of governance

The focus of the Commission on governance provides a conducive environment, but unavoidable focus of the staff on administration does not. The staff, both international and locally hired, is very sensitive to governance issues and the best way to address them. They support SWAs in principle and believe strongly in local ownership of reform programs. But they also feel that much of their and other donors support is somewhat donor dominated, and may have to be as long as the Government's commitment to reform is not institutionally deep. The staff recognizes the guidance from Brussels on SWAs and budget support, and working

with other donors, but feels it is too early for the first two and they do not have enough time for the third.

The Commission seeks to become a “learning organisation” in relation to governance

The Delegation is a learning organization. They are very sensitive to the changing situation and the opportunities offered by the new reform-minded President, and they are adjusting the program accordingly, as stated above. The learning has taken place over a long period of time, as their projects have moved from rural development, to sectoral programs, to governance as the focus.. The Delegation has learned that earlier project were not as successful as they might be because governance issues were not being addressed.

5 CONCLUSIONS

1.1 The Partnership organization, which is supported by EU as well as other donors, provides an interesting model of how to improve governance indirectly through a civil society intermediary. It also demonstrates the contrast between the forms of the EC's and other donors' support.

The Partnership was set up in 2002 to promote governance reform when there was little will on the part of Government to improve governance. Its board of governors includes NGOs and donors as well as current and former politicians and senior civil servants, and many ambassadors. One of its great successes was persuading the Government to set up the Anti-corruption Commission (KPK) and assisting in the selection of staff for the commission on a professional basis. Partnership was also very active in supporting the 2004 electoral process. Recently Partnership was asked by the newly elected President, who used to be a member of the Board of Governors, to assemble a team of experts to prepare a list of governance reform priorities.

Donors contacted by the team reported that it is particularly important for donors to support institutional reform through intermediary organizations such as Partnership partly because donors have little direct leverage with Government and partly because the Government was not so clearly committed to reform when Partnership was established. The Government of Indonesia's budget is not as dependent on donor support as, for example, the budgets in many African countries, where most of the development budget tends to be funded by donors and even a significant portion of the recurrent budget.

Partnership's support to legal and judicial reform illustrates how it acts as an agent of change. It sponsored a series of "law summits" bringing together the key players in the legal and judicial sector to discuss reform in the sector. At the third summit the Minister of Justice, Chief Justice, Attorney-General, Head of the Law Commission and Head of the Anti-Corruption Commission all signed the action plan agreed at the summit. Partnership has been instrumental in introducing transparent selection processes into the sector. For example, Partnership facilitated a selection committee for Anti-corruption Commission members. Similarly Partnership helped the Chief Justice to recruit special anti-corruption judges, and the Attorney-General to hire special prosecutors.

The EC and the other donors support Partnership in different ways. Other donors are in effect providing budget support to Partnership, to pay and train its staff, equip the offices, run workshops, carry out studies, etc. They believe that the form their support takes makes possible for Partnership to seek out opportunities for reform and then quickly support them. Partnership has hired many national and international experts well qualified to identify and then act upon just such opportunities.

The EC sees Partnership as a device for channelling funds (Euros 13.3 million) for individual governance projects selected annually through a lengthy selection process. First the Partnership staff discusses reform opportunities with potential beneficiaries inside and outside government; then Partnership selects projects suitable for funding by the EC; then the EC goes through its own review process. A small proportion of the initial proposals is finally accepted for funding by the EC. Both Partnership staff and other donors said that EC procedures and practices are too inflexible effectively to support an agent of change such as Partnership whose strength is to respond quickly

to opportunities as they emerge, and to create some of those opportunities through analysis and advocacy.

The multi-donor Decentralization Support Facility (DSF) provides another interesting contrast to the EC's project approach. Decentralization is a major policy thrust of the Government of Indonesia supported by all donors including the EC; in fact, worldwide, Indonesia's decentralization is something of a model. The overall objective of the DSF is to make donor support more effective through better analysis, planning and coordination before the major funding to address an issue become available. Netherlands, DFID, UNDP, ADB and the World Bank have provided \$60 million to the unit, which has 30 permanent staff and space for 30 temporary positions. It is organized into three clusters, each with a working group: local government support; national strategy and policy support; and civil society and community driven development. As an example of the support given by DFS, \$1.5 million has been provided over a one year period to harmonize four World Bank/UNDP local government support programs.

The EC, which is not a member of the DFS, is supporting decentralization in a more diffuse manner through the Micro, Macro and Partnership projects. For example, under Micro Project, which is funded under the European Initiative for Democracy and Human Rights, and covers more than decentralization, ninety applications were made for funding under this project in 2005; all had to be screened. Forty or fifty typically drop out at the first level screening, which covers both administrative capacity and technical merit. Very little training is given to potential applicants in how to prepare proposals. A team of internal and external assessors eventually chose eight of these for funding (a total of Euros 690,000). These eight plus similar numbers still running from previous years are monitored by the EC project officer based in Jakarta. Topics covered by the project include: advocacy education in central Java, peace-building and reconciliation for Kesiu's IDPs and communities, developing a monitoring system of regional government finance management in a number of locations and promoting ethics in journalism.

The EC argued that its project approach, participation in the selection process, rejection of many projects, and careful monitoring are necessary because Partnership's capacity is so weak. Other donors admit Partnership's weak capacity, partly caused by disruptive changes in the leadership and staffing since it was founded. The agreed procedures are often not followed, projects are proposed that are outside the agreement signed with the EC, and proposals are forwarded to the EC very late in the year. The EC claims that UNDP, which is managing the EC's support to the Partnership, does not devote enough attention to the EC supported projects and has not acted adequately to build Partnership's capacity.

1.2 Support for governance reform requires programs of much longer duration than is typical of EC's projects.

This was very well articulated by the FNG representative. Reforms on governance involve changing institutions, incentives and behavior, none of which can be achieved in three years. Further, even once the reforms have been implemented it takes still more years for the impacts to become apparent. Even then, if the impacts are not as intended, the program itself may need to be adjusted. FNG has had a twenty year relationship with the institution it supports. Take an example of capacity building, a theme of many governance support programs. First training is carried out to build capacity in the executive and legislative branches of government. Then those with the new skills have to work on those senior to them to persuade them to make changes in systems, incentives and behavior in line with what they have learned. Perhaps after a

long period of persuasion, some changes are made on a pilot basis. Then, eventually, changes are made across the board in line with what has been learned in the pilot. The same is true with legislative changes. First the law is drafted with donor support; then those leading the changes, in the executive and legislative branches, have to win support for the new law, a process that will itself result in compromises on the law (exactly as happened with the new and, apparently, inconsistent, local government law), then the law is passed, regulation are drawn up to implement the law, it is implemented, its impact assessed and, perhaps, a revision process set in motion. Such processes cannot take place over a one or even three year period.

The EC's support to Transparency International (TI) through the SPF Project illustrates the problems of short-term support for improvements in governance, in this case support lasting only one year. In 2004 the Indonesian Chamber of Commerce signed a memorandum of understanding with TI to mobilize the business community to act to stop corruption. Following its attendance at the general meeting to discuss the SPF source of funding, 70 per cent of which is provided by the EU, at the invitation of the EU, TI submitted a proposal in November 2003. The application was approved in January 2004 and the contract signed in February 2004. The first funding was received after 40 days. The support which was for one year has now ended. TI reports that the program has succeeded in persuading a number of businesses to adopt principles against bribery. Information about these businesses has been distributed widely. TI believes that the program has to continue to have a significant impact of the wider business community. TI's application for additional funding has been rejected on the grounds that TI did not demonstrate that the activity would promote Indonesian-EU collaboration (as the first proposal had). The other major funding partner, USAID, has also rejected further funding. The third partner, Denmark, has agreed to continue its funding but at a low level. TI could not apply to another possible source of EU funding, the Partnership program, because it had already benefited from that source for another activity.

The support the EC is giving to the public financial management reform, which is described below, demonstrates that it is possible for the Commission to collaborate with other donors in giving support over a long period of time to achieve outcomes that can only be achieved after many years of reform.

1.3 Impact and sustainability would be improved if the EC were more routinely willing and able to commit its funds to multi-donor pooling over a longer period of time on the basis of results to be achieved agreed between the donors and Government.

The EC is supporting one very important governance reform program in collaboration with other donors through a trust fund: the Government Financial Management and Revenue Administration Program (GFMRAP). The first phase of the eight-year program, led by the World Bank, which is providing a \$75 million loan, is focusing on improving public financial management, including the introduction of a single treasury account, and the design and implementation of an integrated financial management information system. The second phase, which will overlap with the first, will focus on customs reform and the third on taxation modernization. Various donors have accepted responsibility for funding different aspects of the program. The EC is providing Euros 3.5 million for technical assistance in customs reform; the IMF technical assistance for IT; the ADB funding to complete work begun on public auditing and regional financial management; Netherlands has set up a Euro 20 million trust fund with the World Bank to support economic reforms more generally. The Bank coordinates the program, leading the preparation of the program through regular

missions. The EC, which organizes its own parallel missions, plans to set up its own Euros 10 million trust fund to support GFMRAP. This trust fund will be open to other member states, and non-members too, possibly Australia, for example. The loan agreement has been signed although the conditions of effectiveness have not yet been achieved. No complete pooling of all the funds is planned, at least in the medium term, nor funding through budget support. In other words, the support to the government will be through the trust fund, managed by the Bank, with a clear identification of the separate funding interest of most of the partners.

It is worth noting that the EC's support is based upon the impact improved public financial management will have on the investment climate, thus benefiting not only Indonesian business but also potential European partners. This is the main reason why the EC wants to focus its support not so much on improving the internal public financial management operations of government but on improving the efficiency of the customs and tax administration, which happen to report to the Ministry of Finance.

The staff responsible for the EC support to the GFMRAP program made a very important point about the need for collaboration that could be applied to other governance support programs. For the EC to have an impact it was thought to be necessary for it to establish partnerships with as many donors as possible. The EC's main interests, the reform of customs and tax administration, are such an integral part of public financial management that the achieving of the desired results in one area require collaboration with another. Customs and taxation represent the revenue side of public financial management. It makes sense for donors to collaborate in their support for the integration of public financial management systems.

The very same arguments could be applied to donor support for what is probably the most important reform in governance in Indonesia: decentralization. But although the EC does attend some meetings with donors to discuss decentralization, it is the only major donor that is not a member of the Decentralization Support Facility described above. It is worth noting that the EC support for reconstruction in Aceh is through a multi-donor trust fund, although the EC's support is earmarked for certain activities.

One reason for collaboration evident from this review is that collaboration increases flexibility. Multi-lateral donors such as the World Bank, UNDP and the EC cannot easily react quickly to emerging opportunities. All have lengthy project preparation and approval cycles and often have problems moving funds from approved uses to new ones. It is therefore important to team up with bi-lateral donors such as DFID and Netherlands that can release funds to support emerging opportunities very quickly. This is the very basis for the DSF: flexible DFID and Netherlands funds for analysis to complement larger longer term World Bank funds for longer term capacity building, systems improvement and equipment.

Longer term, sector-wide and multi-donor programs make the achievement of true governance outcomes, themselves intermediate to the achievement of the MDGs, more meaningful. Significant improvements in governance take longer periods of time than the typical EC project. The EC's support for public financial management reforms demonstrates this point. The design of the integrated financial management system and its full implementation to the district level will take many years. Then it will take some years of use before significant reductions in levels of corruption will be evident. This is because the new system alone will not reduce corruption but its proper use by civil servants, auditors, and parliamentarians for oversight will take many years and require behavioral changes. Even Partnerships interventions, many supported by the EC, are focused more on creating opportunities for change (an important first step – in one donor's eyes a sufficient achievement) than the changes in practice and behavior

itself. The law summits organized by Partnership set in motion a potential reform process by winning the commitment of the leaders in the legal and judicial sector. Partnership has helped the President to define his reform priorities; their implementation will take many years. Partnership played an important role in setting up the Anti-corruption Commission (KPK); its work and impact lie ahead. In the future evaluators will be looking for true governance outcomes achievable with longer term, larger, and more comprehensive programs rather than what are at best outputs at present.

1.4 The sector-wide approach to governance (and other) reforms, favored in many developing countries, may not be appropriate in some circumstances.

The team was told by many donors as well as EC staff that the sector-wide approach (SWAP) is of limited applicability in countries such as Indonesia where who in government is providing leadership in the sector is unclear. The issue arose in discussing about donor support for legal and judicial reform and civil service reform. It was thought that in neither case was there someone clearly in charge of the reforms on the government side. Observers referred to the separation of powers between the executive and judicial branches of government making it difficult for either the Minister of Justice or the Attorney-General on one side or the Chief Justice on the other to take the lead. However, Partnership responded by pointing out that as a result of the three Law Summits it had organized, all the leaders in the legal and judicial sector had publicly committed themselves to reform the sector. There is a however a reform strategy for the judicial sector, prepared by the Chief Justice with support from academics and NGOs.

The same problem was seen to exist in the civil service: no clear commitment to reform by the leaders of the civil service, perhaps exacerbated by the substantial devolution of responsibilities for service delivery to local government, leaving the center with fewer powers to lead reform.

The consequence in Indonesia is that there is no donor-supported civil service reform program, except to reduce corruption, and donors have separate legal and judicial reform projects focused on different institutions. For example, recently the World Bank and the EC sent separate legal and judicial reform missions to Indonesia. Only in education is a SWAP being prepared, based upon a clear institutional leader, the Minister of Education.

Annexes

Annex 1 : People Interviewed

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23. Partnership for Good Governance: Annual Reports for 2003, 2004; Brochure.

Annex 3: Project Specifically Considered

The team interviewed staff, donors and beneficiaries on the following projects:

1. Support for the Partnership for Good Governance, Euros 13.3 million
2. Microprojects, Euros 800,000
3. Macroprojects, Euros 600,000
4. Good Governance in the Indonesian Judiciary, new project, Euros, 10 million
5. The Delegation's future support to the multi-donor Public Financial Management Program
6. EU Support to the 2004 Elections, Euros 7 million.

Annex 4: Acronyms

CPA	Cotonou Partnership Agreement
CSP	Country Strategy Paper
DSF	Decentralization Support Facility
DFID	Department for International Development
EC	European Commission
ECP	Strategy to Combat Poverty
EDF	European Development Fund
EIDHR	European Initiative for Democracy and Human Rights
EU	European Union
GFMRAP	Government Financial Management and Revenue Administration Project
IDP	Internally Displaced Person
IMF	International Monetary Fund
INE	National Institute for Statistics
INEJ	National Institute for Juridical Studies
KPK	Anti-corruption Commission
LRRD	Link Relief Rehabilitation and Development
MAPESS	Ministry for Public Administration, Employment and Social Security
MTR	Mid-Term Review
NAO	National Authorising Officer
NGO	Non-Governmental Organisation
NIP	National Indicative Programme
NSA	Non-State Actor
PALOP	African Countries with Portuguese as Official Language
PAR	Support to Reconstruction Programme
QUIBB	Questionnaire on Basic Welfare Indicators
REMPE	Company Survey

SWAp	Sector Wide Approach
TI	Transparency International
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
WB	World Bank

Service contract for the evaluation (sectoral and thematic) of European Commission programmes and policies in third countries, relating to social and human development issues

**THEMATIC EVALUATION OF THE
EUROPEAN COMMISSION ASSISTANCE
TO THIRD COUNTRIES SUPPORTING
GOOD GOVERNANCE**

Country Note for Jordan

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February 2005

Evaluation for the European Commission



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**Service Contract for the Evaluation
(sectoral and thematic) of
European Commission
Programmes and Policies in Third
Countries, relating to Social and
Human Development issues.**

**Thematic Evaluation of the EC
support to Good Governance**

With the Collaboration of ECDPM



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The opinions expressed in this document represent the authors' points of view, which are not necessarily shared by the European Commission or by the authorities of the countries concerned.

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“... All these efforts will be fruitless if political reform is not carried forward with determination. It is impossible to achieve a prosperous society without the full participation of women and youth in the economic and political life of the country. This requires respect for the fundamental freedoms and human rights and the rule of law in the social and economic life. Economic development cannot flourish without good governance practices that allow a level playing field for all economic actors and protects the individual economic and political rights of each human being”. (Extract from the NIP 2005-2006 for Jordan, p. 8).

1 INTRODUCTION

The purpose of the present Jordan case study is to provide evidence for an overall thematic evaluation aimed at assessing how the Commission has contributed to the progress towards good governance in the different regions of the world¹.

The present study is consequently not a full-fledged country evaluation or a thorough impact evaluation. The purpose of this note is to highlight the issues which stand out in regard to the ten evaluative questions mentioned in the Inception Report. This should help to acquire a ‘helicopter view’ on the intended and actual role of the EC in promoting good governance.

Several factors explain why Jordan was selected for a case study. It allows a focus on MEDA cooperation processes from the perspective of a Middle East country and longstanding partner in the Barcelona process. This regional framework differs from the more traditional development-oriented partnership to be found under the Cotonou Agreement with ACP countries². For the EC, Jordan is considered as both a relative beacon of stability in a highly volatile region of great geopolitical importance and an ‘effective partnership’³. In addition to this, the recently launched European Neighbourhood Policy (ENP) is likely to further deepen the EU-Jordan partnership around key issues of concern (e.g. economic cooperation and trade; security threats, migration; the rule of law, democracy and human rights). In the process, the governance agenda is likely to expand and become a centrepiece of the relationship.

For this evaluation, a working definition was agreed upon and spelled out in the Terms of Reference: “**Governance** refers to the structure, functioning and performance of public authorities/institutions at all levels. Governance is about the way public functions are carried out (including public service delivery), public resources (human, natural, economic and financial) are managed and public regulatory powers are exercised (including enforcement) in the management of a country’s affairs”. The Terms of Reference also provide an indication on the meaning of ‘**good governance**’, which is considered as “**a process and an aspiration**” towards governance systems adhering to a set of key values. However, the evaluation also took into account other interpretations of ‘governance’, used by local stakeholders (e.g. the definition elaborated in the framework of successive UNDP reports).

¹ Seven similar case studies form part of the overall evaluation process : Algeria, Angola, Burkina Faso, Dominican Republic, Indonesia, Ukraine

² For instance, Europe clearly has much broader geo-political and strategic interests to defend in this part of the world. The EC Delegation coordinates an ‘international cooperation agenda’, reaching out to a wide variety of sectors and directly involving several technical, substance-related Commission DGs (e.g. environment, transport, energy).

³ The 2003 EC Communication makes a distinction between ‘effective partnerships’, ‘difficult partnerships’ and post-conflict situations.

2 DATA COLLECTION METHODS

The evaluation used semi-structured interviews based on the evaluation questions as the main information collection tool, and review of background documents, sector analysis and documents related to relevant projects. A focus group discussion was organised with civil society representatives.

The short period of time allotted to the mission did not allow for consultations with stakeholders outside the capital (e.g. decentralised authorities, beneficiary populations). The evaluation interviewed 41 persons and strived in the process to keep a balance between EC, Government, donor and civil society actors. Some additional interviews were planned after the departure of the mission so as to catch up with some interesting actors that were unavailable during our short stay. Unfortunately, this could not be realised as the local expert involved in the mission was no longer in a position to contribute to the finalisation of the interview process or in the drafting of this report.

According to the overall methodology of the evaluation, the case study should select a particular 'governance programme' for more in-depth analysis. A possible choice would have been to focus on typical 'governance' interventions (e.g. the EC-supported human rights and democratisation projects). Following consultations with EC officials dealing with Jordan, it was decided to rather focus on the EC Support for the Regulatory Reform and Privatisation Programme (SRRP), a 20 Million € facility to develop effective regulation and capacity building in key areas (communications, energy, etc.). While the programme is not officially labelled as a 'governance programme', its links with improving governance are obvious. The programme can be seen as an example of 'mainstreaming' governance, because, as several local stakeholders argued, regulatory reform is all about changing roles for the state; efficient and equitable management of resources; public-private partnerships; and effective service delivery.

The team of consultants would like to thank the EC Delegation in Amman for its support to the implementation of the field mission.

3 SHORT COUNTRY PROFILE

The Hashemite Kingdom of Jordan, with a (growing and young) population of 5.5 million, is considered by the World Bank as a 'lower middle income country'. It faces continuing structural economic difficulties, linked to its limited natural resource and its vulnerability/dependency on external sources (aid, remittances, as well as energy requirements).

The Government made substantial progress in implementing market-based reforms in a mixed economy. Since 1998 Jordan has been a member of the Greater Arab Free Trade Area (GAFTA). In 2000, it became member of the WTO and it signed trade agreements with the EU and the USA in 2002. The Agadir Agreement, concluded in Amman in 2003, provides for free trade between Jordan, Morocco, Tunisia and Egypt by 2006 and constitutes an important step towards the creation of a Euro-Mediterranean free trade area. In 2004, the economy grew by more than 7% in real gross domestic product terms. In comparison with other Arab countries, Jordan has achieved relatively high levels of human development.

However, in spite of these encouraging evolutions, social development is lagging, as poverty and unemployment still remain high at levels of 11,6% and 15% respectively.

Furthermore, the quality and efficiency of basic government services stayed below the desired levels, particularly in rural and remote areas. In 2002, private investments witnessed negligible growth, due to the slow implementation of large development projects and privatisation schemes. Political uncertainty in the region and limited water and energy resources negatively affect the economy. The Jordan Human Development Report 2004 'Building Sustainable Livelihoods' summarises well the main development priorities to be addressed in the coming years.

In response to these challenges, Jordan has expressed a clear commitment (particularly from the top) to undertake important political, economic and social reforms. The 'Jordan First', the 'Social and Economic Transformation Plan', the 'National and Social Economic Plan' as well as the 'National Agenda' are set to provide an impulse to the modernisation, democratisation and liberalisation process in Jordan.

Political reform is key to the success of these reform efforts. While Jordan is seen as a trusted ally and an 'effective partner' by the EU, it does face a huge governance agenda. Executive and legislative power is highly concentrated. Frequent shifts in government as well as the predominance of 'wasta' (i.e. the use of connections) seriously hamper the performance of public institutions. There is often a major gap between the formulation of major reforms agendas and their effective implementation. The Parliament is generally perceived to be a conservative institution, functioning according tribal power configurations and 'pork-and belly politics (rather than being driven by issues and mandates, such as ensuring democratic accountability). The Constitution provides for an independent judiciary. However, in practice, it remains susceptible to political pressure and interference by the executive. While there is a discourse on civil society participation, there are equally attempts to put in place restrictive laws preventing NGOs and CBOs to operate freely. Although the Government respected human rights in some areas, its overall record continues to reflect many problems⁴, including violence against women, restrictions on women's rights and societal discrimination. Democracy remains fragile, as evidenced in recent public opinion poll conducted by the Centre for Strategic Studies in October 2004. According to the survey, the percentage of Jordanians who believe they can express their opinion without risk remains very low. A similar analysis emerges from recent political research focusing on Jordan's transition process (for an example see Joffé 2002). While recognising that things are moving in Jordan, the research also points to the resistance offered by the system of 'embedded authoritarianism' that characterises Jordan.

It is important to acknowledge the regional dynamics in relation to democratisation and governance processes. Demand for reform and democracy has been growing in the Arab world over the last decade. The Arab Human Development Report 2002 clearly captured the need for political liberalisation. It linked the state of 'arrested development' in several Arab countries to a shortage of three essentials: lack of freedom, knowledge and women's rights. The report sparked major debates across much of the region and beyond it. The war in Iraq, the fall of Saddam Hussein and the subsequent attempt to introduce (a US-brokered) democracy in the country, are also having a profound impact on the region, its stability and political evolution. Compounding the situation is the Arab-Israel conflict, with some Arab countries arguing that no real reforms can take place in the region without first having a comprehensive peace settlement. The political evolution in Jordan is strongly influenced by these regional dynamics, considering its geographic location, the composition of its population (with a very important Palestinian community) and its own efforts to modernise the country's political system and economy.

⁴ As evidenced in reports of Freedom House, the International Federation of Human Rights, Human Rights Watch, and other independent sources.

4 FINDINGS

EVALUATIVE QUESTIONS

4.1 Evaluative Question 1

To what extent has good governance been prioritised and incorporated in European Commission cooperation since 2000 and how has the approach to good governance evolved during this period?

In order to understand current EC approaches to promoting governance, it is useful to keep in mind the historic evolution of the partnership between Europe and countries of the Mediterranean region:

- A first phase started in the 1970s as the European Economic Community (EEC) established diplomatic relations with several countries in the region and agreed upon a first generation of cooperation agreements
- A second phase was initiated with the launching of the ***Euro-Mediterranean Partnership*** at the 1995 Barcelona Conference. This meant a major leap forward as the partnership received a solid political foundation, an ambitious agenda based on mutual interests, as well as long-term objectives. It reflected the transition from a traditional donor/recipient relationship to a 'partnership of equals', to be translated in '***Association Agreements***' with the respective countries. The ***MEDA programme*** was created as the main financial instrument of the EU for the implementation of the Euro-Mediterranean Partnership. Going far beyond traditional development aid, MEDA is comparable to the PHARE and TACIS programmes in that it makes economic transition and free trade the central issue of EU financial cooperation with the Mediterranean region. The partnership also included political objectives (e.g. peace and stability; democracy and human rights) which progressively acquired a stronger profile with the deepening of the 'Barcelona process' and the growing importance attached by the EC to democracy, human rights, the rule of law as well as good governance⁵.
- A third phase started recently, following the ***Enlargement*** of the European Union. The accession of ten new Member States prompted the EU to rethink its policies towards its eastern and southern neighbours. The resulting 'Wider Europe Policy' (2003) and the related new '***European Neighbourhood Policy***' (ENP) are intended to upgrade and broaden the Barcelona *acquis* by creating "a ring of friends" in an enlarged area of peace, stability and prosperity. It is addressed to partners neighbouring the Union which are not involved in pre-accession processes. The partner countries involved would be offered a stake in the EU internal market and the possibility to participate in the EU programmes and policies on the basis of the fulfilment of jointly agreed priorities. Through this deeper engagement, the EU seeks to "promote partner's commitment to common values such as the rule of law, good governance, respect for human rights and the promotion of good neighbourly relations"⁶. Co-operation will be concretized in a new generation of '***Action Plans***' reflecting the Wider Europe objectives as well as the specific realities and needs of each partner country.

This new configuration has given a further boost to the political/governance dimensions of the partnership. Thus, the 7th Euro-Mediterranean Conference of Minister of Foreign Affairs

⁵ As reflected in the EC Communication on 'Reinvigorating EU Actions on Human Rights and Democratisation with Mediterranean Partners', COM (2003) 294 final

⁶ Communication from the Commission to the Council on the Commission proposals for Action Plans under the European Neighbourhood Policy (ENP), COM (2004) 795 final, (December 2004

(Luxemburg, 30-31 May 2005) discussed ways and means to make progress on key governance challenges, including “developing policies to promote gender equality, pluralism, institution building and how to better associate and engage social partners and civil society”⁷. The first ever Euro-Med ECOFIN meeting (Rabat-Skhirat, 19-20 June) stressed the importance of “sound institutions and governance systems to support the investment climate and improve public service delivery, particularly in education, and to raise transparency and accountability”. The Extraordinary High Level meeting celebrating the 10th anniversary of the Partnership (Barcelona, 27-28 November 2005) confirmed the critical importance of the political dimensions of the partnership.

European co-operation with Jordan evolved along similar lines. The first cooperation agreement came into force in 1977. In the Barcelona process, Jordan manifested itself as an active and constructive partner. After a long ratification process, the Association Agreement between the EU and Jordan entered into force (May 2002). Its aim is to gradually create a free trade area between the EU and Jordan (over a period of 12 years) and to act as a catalyst for the adoption of the necessary institutional and regulatory reforms. The Agreement is based on respect for democratic principles and fundamental human rights. The partnership is underpinned by an institutional framework facilitating dialogue, including an EU-Jordan Association Council.

Complementing this architecture, a national Action Plan under the ENP was agreed upon with Jordan and approved by the European Council in December 2004. It entered into force in June 2005. It covers a timeframe of three to five years. Its implementation is expected to help fulfil the provisions in the Association Agreement, including a significant degree of economic integration, a deepening of political co-operation as well as major advances in the approximation of Jordan’s legislation, norms and standards to those of the European Union. Nine thematic subcommittees are in charge of facilitating and monitoring the implementation of the Action Plan. Among them, there is a Subcommittee on Human Rights and Democracy. It constitutes the first regular forum between the EU and a partner country in the region on this type of issues.

Five out of the twelve key priorities identified in the Action Plan relate directly to governance. They include a joint commitment to: (i) take forward a national dialogue on democracy and political life within the framework of the national political development plan⁸; (ii) continue to develop an independent and impartial judiciary; (iii) take steps to develop further the freedom of media and freedom of expression; (iv) further promote equal treatment of women; and (v) strengthen political dialogue and cooperation on issues of international and regional interest including the Middle East Process and the fight against terrorism. The Action Plan therefore seems to provide a solid basis for an effective EC support to Jordan’s National Agenda for political and economic development. However, some interviewees expressed concern that this first Action Plan was too much a “shopping list”, lacking prioritisation and realistic implementation strategies. This point was also addressed during the last EU-Jordan Association Council (June 2005), where both parties agreed to increase the quality of EC support by better targeting resources on the key policy priorities of the government’s reform agenda.

A closer look at the priorities for EC **financial co-operation** with Jordan also reflects the growing importance attached to governance. The Country Strategy Paper 2002-2006, adopted by the Commission in 2001, included “strengthening of pluralism, civil society and the rule of law” as one of the five priorities. The National Indicative Programme (NIP) 2002-2004 put aside €2 million (out of a global amount of € 142 million) for this objective, to be used for

⁷ Conclusions of the VIIth Euro-Mediterranean Conference of Ministers of Foreign Affairs, par. 21

⁸ This commitment is further detailed into activities such as establishing a dialogue between the European Parliament and the Jordanian Parliament.

supporting “an active, but fragile civil society” (particularly in relation to strengthening the rights of women and enhancing their political, social and economic role). This initiative –the first ever launched between the EC and a partner country in the Mediterranean region under a bilateral funding mechanism- was seen as a “pilot experience” that may form the basis for a broader support programme under the next programming period. The resulting programme for the promotion of Human Rights and Democratisation in Jordan, commonly known as “Sharaka” (Partnership), supports local NGOs and community-based organisations in the implementation of home grown initiatives. It includes two calls for proposals, a capacity building component, promotion, evaluation and monitoring. Under the first call for proposal (2003), seven projects were selected, including some at decentralised level⁹. The Programme’s Task Force includes the Planning Ministry, the EC Delegation, the Foreign Ministry, Prime Ministry and the National Centre for Human Rights.

Considering that the timing for the Mid-Term Review of the CSP corresponded with that of the programming for 2005-2006, it was decided to express the adjustments of the CSP directly through the NIP 2005-2006. In the case of Jordan, only minor revisions were deemed necessary. The CSP 2002-2006 remains valid as the overall strategic framework but is to be complemented with recent political developments. In this context, the NIP specifically mentions the need to take into account the UNDP Report on Human Development in the Arab world, the report of the World Bank on better governance in the Middle East and North Africa, as well as the earlier mentioned EC Communication on human rights and democracy in MEDA countries. The NIP makes an explicit linkage between poverty alleviation (as key objective of EC-Jordan Cooperation) and good governance practices (including the full participation of women and youth in the economic and political life of the country).

Four priorities are defined in the NIP 2005-2006 (based on a global allocation of € 110 million): (i) the preparation of the Neighbourhood Policy and implementation of the Association Agreement ; (ii) the social sector; and (iii) development of the knowledge society; (iv) democracy, human rights and good governance.

The latter priority has been further elaborated into a € 5 million project in support to Human Rights and Good Governance. It moves beyond the rather narrow focus of its predecessor under the NIP 2003-2004, which mainly focused on providing technical and financial support to NGOs. The new project starts from the premise that “support to government bodies and strengthening the consultation between authorities and civil society is essential”. The overall objective of the programme is to assist Jordanian efforts in the enhancement of political reforms towards the establishment of a more democratic society. Two major components target the development and implementation of national policies, strategies and legislation in line with the relevant Human Rights international instruments and standards. They will respectively seek to support the Judicial Institute of Jordan, Ministry of Justice and the National Centre for Human Rights (NCHR). A third component concerns the development of independent journalism and media while the fourth component aims to strengthen the voice of civil society in public policy (including by strengthening the capacity of the GoJ, in particular the Ministry of Political Development, to develop and implement its plans for civil society). In 2004, an additional grant of € 30 million was allocated for a highly innovative programme on “Poverty Reduction through Local Development”, which is closely linked to the governance clusters of public sector reform and decentralisation (see further EQ 8).

Jordan has been allocated support under the European Initiative for Democracy and Human Rights (EIDHR) in the context of the regional projects 2002-2004. In February 2005, the EC Delegation launched the first call for proposals in Jordan for human rights micro-projects, to be

⁹ They range from supporting gender networks, school parliaments, social empowerment, legal aid to vulnerable groups, a television programme for Jordanian and Arab youths and an interactive radio programme on human, political and civil rights.

designed and implemented by Jordanian NGOs to meet their specific needs. The overall indicative amount is € 680,000 while the grants to be awarded to successful applicants will be between € 30,000 and € 100,000 each. A new Call for Proposals aimed at supporting Micro-projects in Jordan has been opened in July 2005 for an overall amount of € 451,000. Jordan also participates in a range of Euro-Med programmes promoting people-to-people contacts and co-operation between actors of civil society, associations and NGOs.

Good governance objectives have also been supported through regional instruments. Reference should be made in this context to the Justice and Home Affairs Programme (JHA I, 2004-2007), which constitutes a pioneer experience on judicial, police and migratory cooperation at regional level. In order to consolidate the results and to further support the effective implementation of the New Neighbourhood Policy, a phase II of the JHA programme is envisaged in the RSP/RIP 2005-2006.

All this suggests that good governance has been **increasingly prioritised** in EC-Jordan cooperation since 2000. The concepts and approaches have evolved as well, with the EC gradually adopting a **more integrated and strategic approach** to supporting governance processes. This is reflected, amongst others in (i) the choice for a multi-actor approach (targeting civil society as well as government); (ii) the integration of local governance concerns (through the above mentioned sector support programme on poverty reduction through local development); (iii) the combination of instruments (bilateral funding, thematic lines such as EIDHR, regional initiatives); (iv) the support provided to the development of national policies and adequate legislation for promoting governance.

With regard to **mainstreaming of governance**, the NIP 2005-2006 adequately describes the challenge at hand: “for a whole range of sectors, the issues of mainstreaming of the principles of good governance, democratisation and the strategic dialogue with civil society are essential. These principles require that they should be analysed during the process of identification, appraisal and implementation of the various projects and programmes”. The findings of our mission suggest that much remains to be done in order to effectively implement this level of mainstreaming. At this stage, governance seems to be primarily the business of the EC Delegate (e.g. in the framework of the political dialogue with the authorities) and of the specialised unit in charge of human rights/democracy promotion. The process of mainstreaming governance seems much less advanced in other sectors and programmes, despite the fact that governance is often at the heart of the support being provided. A typical case in point is the EC support to the Neighbourhood Policy through the Association Agreement. This programme aims to assist Jordan in making the required legislative and regulatory alignments as well as in upgrading Jordanian institutions to carry out reforms. In essence, the programme is all about improving governance. Yet it is not explicitly conceived and managed as such in the framework of an integrated governance strategy at the level of the EC Delegation. Also in the sector support provided, it is not easy to see clear linkages with the wider governance agenda that the EC seeks to promote.

4.2 Evaluative Question 2

To what extent and how have Commission-financed projects and programmes, and in particular capacity building activities including technical assistance and twinning programs, efficiently and effectively contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and policies

Initially, specific governance support took the form of projects. This seemed the most appropriate modality as the EC ventured into this new and politically sensitive area of work. The first generation of support initiatives towards civil society clearly reflect the choice for a project approach. It allowed the EC to carefully engage with a selected group of civil society organisations (mainly NGOs), providing technical and financial support for carrying out a well-defined set of activities. To our knowledge, no in-depth evaluation has been carried out of these projects and of the underlying EC strategy. With the NIP 2005-2006, a more strategic approach is followed, whereby the EC seeks to embed the project support into a wider governance agenda of dialogue and collaboration between government and civil society.

Capacity building activities constitute a very important component of EC-Jordan cooperation, both in the context of specific governance programmes (e.g. the EC support to justice reforms) as well as for other key sectors of intervention that have a strong 'indirect' governance focus (e.g. the Support for Regulatory Reform and Privatisation programme). The NIP 2005-2006 sets aside an envelope of € 10 million for support to the Neighbourhood Policy through the Association Agreement, targeted at modernising the legislative and regulatory framework of Jordan's internal market. Implementation mainly involves the provision of short- and medium term technical assistance, the exchange of know-how with counterparts of in the EU and more traditional forms of training. Twinning has recently been launched as an innovative modality of technical cooperation in MEDA, including in the area of governance (through a support programme with the Jordanian Audit Bureau)¹⁰.

On the whole, consulted beneficiaries were of the opinion that the capacity support provided to different Jordanian institutions/actors did effectively respond to a genuine demand. However, the identification of the most suitable type of capacity support for a particular partner organisation seems to be done through a general dialogue on programme objectives and capacity needs, rather than through a systematic use of tools such as 'institutional analysis' or 'needs assessments'. In a similar vein, it would appear that the capacity support is primarily targeted at short-term operational project/programme needs. The mission found limited evidence that Commission-financed activities are framed in a coherent, long-term institutional development strategy. A wide range of capacity-building activities are funded, yet they are generally not underpinned by a broader strategic view, properly internalized by the different EC units involved, on how to promote 'systemic' institutional change; on how best to integrate the 'political dimensions' of capacity development (e.g. related to power, vested interests, patronage) or on how to cope with the issue of 'incentives for change'. As in other third countries, there are obvious risks attached to a primarily 'technical' approach to capacity development. For instance, the limited advances made in Jordan with regard to public sector reform, despite a wave of successive donor-supported reform packages, clearly point to the need for a more governance-focused approach to capacity development.

¹⁰ Other twinning projects have been launched under the umbrella of the Programme of Support for the Implementation of the Association Agreement (following the model applied in accession countries of Central and Eastern Europe as well as in the Balkans)

Two other bottlenecks clearly came out of the interviews. First, the majority of consulted local beneficiaries felt the EC procedures for tendering technical assistance services were complex, often time-consuming and on the whole too inflexible to allow for properly planned and customised responses. In addition, the EC is seen to display 'micro-management' tendencies. In the view of local stakeholders, this is inconsistent with the stated ambition to decentralise management responsibility to Jordanian institutions. All this often results in major implementation delays and in a corresponding reduction of overall effectiveness/efficiency.

Second, interviewees noted that the implementation of programmes may in some cases suffer from a lack of 'political guidance' from the side of the EC Delegation. While the cooperation between local partner and TA is generally seen to proceed smoothly, there are moments when a direct involvement of the 'political masters' is required to overcome major bottlenecks; to back-up proposals from technical assistants; or to decide on possible re-orientations of the programme. The point was made that the EC Delegation is not always in a position to play this 'steering and back-up role', as the focus of its involvement tends to be very much oriented towards ensuring administrative/financial control. This can be compounded by a lack of capacity to provide political guidance *at implementation level* within the EC Delegation¹¹.

4.3 Evaluative Question 3

To what extent and how have Commission-financed SPSP and budget support efficiently and effectively contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and practices, in particular through improved public finance management, through improved accountability and transparency and through improved public service delivery?

The EC provides has provided direct budget support in the form of several Structural Adjustment Facilities as well as through an Emergency Budget Support Programme of € 35 million under MEDA II (in the context of a large effort by the international community to help alleviate the negative consequences of the conflict in Iraq). These programmes basically seek to promote a viable macro-economic framework within a framework of greater openness and a substantial reduction in the budget deficit. As such there is a direct link with key components on the governance agenda (i.e. improved fiscal discipline/public finance management).

In addition to this, the modality of sector support is increasingly used in EU-Jordan cooperation. In the framework of the Neighbourhood Policy, the NIP 2005-2006 includes a € 40 million "sector reform facility" in support of Jordan's industrial and services sector. It provides a rather open-ended and flexible instrument to address priority needs as the process moves on. Funds will be released in tranches according to objectives, indicators and results to be agreed with the Jordanian authorities. From a governance perspective, it is interesting to note that part of the budget could be earmarked to provide assistance in the *development of a national strategy* for private sector development, trade and investment promotion. Another example of untargeted sector support is the new "EU Support Programme for Poverty Reduction through Local Development in Jordan". Disbursement will be done through a first fixed instalment and two variable instalments. If properly implemented and monitored, the programme may impact positively on several governance clusters such public sector reform (and sound public financial management, including at decentralised level), decentralisation

¹¹ This gap in political response capacity should not be surprising, considering the fairly broad cooperation programme between the EU/EC and Jordan. In addition to this, the political dialogue does not provide a suitable forum to discuss political bottlenecks related to the day-to-day implementation.

and civil society participation. The sector support modality also applies in the “Support for regulatory reform and privatisation (SPRP)” and in the support provided to the justice sector.

During consultations, both sides highlighted the potential benefits of budget support. It allows the EC to support (the development of) national policy agendas and implementation strategies; to increase ownership; to empower government institutions to play their role in the development process; to have a structured political/policy dialogue on key governance issues (e.g. public financial management) and broader reforms (e.g. privatisation, decentralisation); to ensure faster disbursement and reduce transaction costs; to reduce the pressure on national budgets, thus reducing the risk for social unrest or conflicts, etc. The provision of technical assistance is generally seen as a relevant instrument to facilitate an effective use of the instrument of budget support.

While most of the perceived benefits of the budget support modality clearly demonstrate a strong link with governance challenges, it is difficult to assess the extent to which Commission-financed SPSPs and budget support have effectively and efficiently contributed to good governance processes. Four factors help to explain this. First, the link between budget support and improving governance seems to be often formulated in a very general, indirect or implicit way. Programme documents seldom include an elaborated vision, strategy and approach on how to operationalise and monitor the link between budget support and expected governance outcomes. Second, the staff in charge of budget and sector support does not necessarily adopt a clear governance perspective in managing the programmes (as proved to be the case with the regulatory reform and privatisation programme, which the mission analysed in more detail). This, in turn, may be linked to the fact that governance issues are not yet fully mainstreamed and internalised across sectors and units. Third, the governance focus in relation to budget and sector support is very much on public financial management. Rightly so, yet there are other governance dimensions which could be usefully addressed through budget support. For instance, the whole issue of *public accountability* seems to be a relatively neglected area so far. Experiences from other countries show that it can be highly productive to complement the provision of budget aid to creative forms of support to ‘controlling bodies’ and civil society watchdogs. Fourth, there has not yet been a systematic effort at the level of the EC to monitor and evaluate the potential impact of budget support on improving governance. Considering the volumes of budget support provided and the central place governance occupies in the Association Agreement and related NIPs, it might be useful for the EC Delegation to develop a stronger in-house capacity to ensure such a monitoring and evaluation role.

4.4 Evaluative Question 4

To what extent and how has the Commission efficiently and effectively used the political and policy dialogue (at sector and country levels) to encourage and promote good governance approaches and practices?

Political dialogue is a key feature of the Euro-Med Partnership. Its importance is likely to increase with the deepening of the association process and related Neighbourhood Policy. Typical for the MEDA region, is the multi-dimensional nature of the dialogue. The focus goes much beyond traditional development issues (as this tends to be predominantly the case in the context of the Cotonou Agreement) and embraces a wide variety of topics (e.g. economic cooperation, home affairs and security, approximation of legislation). This reflects the broader political agenda of the Neighbourhood Policy as well as the different type of partnership that is being pursued, i.e. a partnership primarily concerned with managing mutual interests and

inter-dependencies. In the case of Jordan, the political dialogue is furthermore strongly conditioned by the Middle East conflict and more particularly by the positive 'broker role' Jordan is seen to play in regional peace processes. The country is perceived to be a factor of stability and a trusted partner for the EU (and for other key international players such as the US).

All this fundamentally affects the nature of political dialogue and the ways and means by which the EC seeks to promote specific governance concerns in Jordan. Our main finding is that structures and processes for political dialogue do exist in Jordan and are increasingly used by the EC to promote governance reforms. Yet there are also several limitations to the effective use of the tool of political (and policy) dialogue in an 'effective partnership' like Jordan.

It seems useful to further elaborate this central finding, as it sheds light on some thorny dilemmas that the EC (much alike other donor agencies) faces when engaging in dialogue. On the one hand, the mission found ample evidence of the growing importance of political dialogue in the cooperation process with Jordan. Political dialogue is fairly institutionalised at different levels through a variety of structures, linked to the Barcelona process and the association agreements. Thematic sub-committees, covering a broad range of issues, form a major building block of this institutional architecture. These mechanisms allow for a regular, albeit quite formal, political dialogue between the official parties. It also provides a clear institutional anchor point for organising the overall EU response (EC and EU Member States). The effectiveness of these structures and processes depends largely on the trust that exists between the partners. In this context, it is worth noting that Jordan recently accepted the creation a Sub-Committee on Human Rights to engage in a structured dialogue with the EU on progress achieved with human rights. This is the first mechanism of this kind in the MEDA region, reflecting both the openness of the government and the excellent relations that have been built up with the EC/EU. From a strategic perspective, it can be considered as a positive outcome of the process-oriented, soft and gradual approach followed by the EC in 'pushing' the democracy and human rights agenda in Jordan. The establishment of the Sub-Committee brings along new opportunities to influence political change *in dialogue with the government*.

On the other hand, several dilemmas/limitations to the effective use of political dialogue could be noted. First, the status of Jordan as an 'effective partner' may render the EC "too soft" in promoting governance reforms. It may lead to situations where major governance bottlenecks in Jordan (e.g. related to women's rights, effective parliamentary control, the freedom of association, the NGO-bill) are not addressed with the required 'clout and pressure' in political dialogue processes. It is, admittedly, a difficult balancing act for an EC Delegation, particularly in a country formally committed to reform and where the EU has geopolitical and economic interests to defend. Yet it calls upon the EC to determine how far it wants to go in being a "change agent" in governance-related matters.

A second limitation is linked to the government-oriented nature of the dialogue. So far, relatively few opportunities have been created for non-state actors to participate in (political and policy) dialogue processes, either at national or regional level. The EC has provided support to civil society (women organisations) with a view to promoting participation in political life, yet there is still a need to also 'open-up' the structures and processes for dialogue for a more participatory, multi-actor approach. There is clearly a demand from the side of the civil society organisations interviewed. Their effective involvement can help to enrich the debate on the required governance reforms in Jordan and to create societal forces that have can control the effective implementation of the many reform agendas that have been formulated in recent years.

A third limitation concerns the overall capacity of the EC Delegation to engage in political and policy dialogue processes. Over the last years, EC Delegations in different parts of the world have been confronted with this challenge of turning themselves into “a political animal” so as to cope effectively with an increasingly politicised cooperation agenda. Also the EC Delegation in Jordan has moved along this line. Yet from the interviews, it would appear that there is still a need to strengthen overall dialogue capacities. This holds particularly true for policy dialogue on sector reforms and for dialogue on blockages in implementation processes. One of the main difficulties to overcome here is the limited time generally available to staff to properly engage in this type of processes (as a result of the high burden imposed by management and administrative tasks).

4.5 Evaluative Question 5

To what extent has the Commission assistance been sensitive to specific partner country needs, and priorities, and to what extent and how has the Commission been flexible, in the programming process and in implementation, in adapting to different country contexts (e.g. post-conflict, difficult partnerships, effective partnerships)?

At the general policy level, the EC is fully committed to align its support to national agendas and related country contexts. This holds true for all areas of cooperation, including governance-related support programmes. This approach is part and parcel of the EC's overall shift away from 'project support' (i.e. the dominant aid modality till the mid-1990s) to a much more strategic, multi-annual 'programming approach'. It is consistent with the prevailing discourse on donor alignment and harmonisation, as well as with the move towards the use of budget support. This evolution has also taken place in the MEDA region (at different speeds and levels of intensity according to the country involved).

In Jordan, this transition process has been relatively smoothly. Alignment was facilitated by the trust relations that exist between both parties as well as by the formulation of several comprehensive political, social and economic reform agendas by the government. Reference can be made in this context to the Jordanian 'Social and Economic Transformation Programme (SETP) in 2002 and recently the 'National Social and Economic Plan' (NSEP) as well as to a host of reform programmes in specific sectors. Also the specific governance-support provided by the EC is aligned to national agendas related to a variety of issues (e.g. women's rights; free media; civil society participation; decentralisation, etc.).

In programming processes, the EC has generally shown the required flexibility to articulate the support to country-specific needs and evolving reform agendas. The extensive use of *untargeted* budget support has helped to ensure such flexibility. Some of the support instruments developed under the Association Agreement (e.g. the above mentioned sector reform facility) seem particularly well-suited to a demand-driven and process-oriented implementation of domestic reform agendas, where the EC can use political/policy dialogue to support effective change. An interesting feature of the EC-supported cooperation programmes, including those specifically dealing with governance, is that they explicitly foresee capacity support to develop national strategies and implementation plans. From a governance perspective, this can be considered as a good practice, as the EC helps to create the conditions for genuine country ownership to emerge.

Like in the analysis pertaining to EQ 4 (on political dialogue), the mission noted some ambiguities/dilemmas in the alignment strategy deployed by the EC.

First, overall experience clearly suggests that the existence of a formal national governance agenda should not be equated with effective government commitment to reform. It could be argued that this also applies to Jordan. The proliferation of domestic reform agendas contrasts rather sharply with the limited progress achieved on some of the most thorny governance challenges (which have been on the agenda for many years, such as a 'merit-based' civil service). EC officials interviewed recognise this gap. In their view, there are genuine moves to change at the top of the political system, yet the modernisation agenda is not shared by the tribal power structures and values that underpin the Jordanian political system and society. Promoting governance in such a context is seen by the EC Delegation as "though, long-term job". Yet this should not refrain the EU/EC to be "open-minded and more ambitious" with regard to promoting governance in MEDA countries, including through the instrument of performance-based aid allocations.

A second ambiguity that seems to emerge from the Jordanian case -also to be found in other third countries- is the question: whose governance agenda to support? Admittedly, the government can claim that its national reform agendas are increasingly formulated in a participatory manner, with inputs from civil society, private sector and other interests groups. Yet several local stakeholders, particularly from civil society, firmly made the point that these participatory processes are carefully managed (if not 'manipulated') by the government. The example was given of the process often used to select participating civil society actors. It is generally perceived to be focusing on 'loyal' NGOs rather than following a truly inclusive approach, also creating opportunities for the more critical voices in Jordanian society to be heard. The EC, like other donors, is clearly still struggling with the question how best to cope with this diversity of 'local views' on governance priorities and adequate support modalities. Interviewed civil society organisations expressed the expectation that the EC would extend its engagement with change forces in the society beyond the provision of project support. The task at hand for the EC, in their view, is also to contribute to opening-up more space for a truly multi-actor debate on governance in Jordan (thus complementing similar efforts done by other initiatives such as the UNDP Human Development Reports).

A third ambiguity is the notion of 'effective partnership', used in the 2003 EC Communication on Governance and Development. From an EC perspective, Jordan is seen to belong to this category of countries. Admittedly, the country is a beacon of stability in the region and cooperation tends to run smoothly, as reflected in the constructive political dialogue and high disbursement levels. Yet a more in-depth analysis clearly reveals the existence of both a vast governance agenda and major systemic constraints to change. This raises questions about the practical relevance of the concept and the possible risks attached to it¹². To further compound the problem, the Jordanian perspective on what constitutes an 'effective partnership' needs to be brought into the equation. During interviews with high-level government officials, the expectation was recurrently raised to see the 'high performance' of Jordan rewarded by increased levels of support. It illustrates the gap in perceptions that may exist on the notion of performance in governance.

¹² For instance, it may reduce the scope for openly discussing critical governance issues. In this context, it is interesting to note that several interlocutors were of the opinion that the EC tends to be "too complacent" in its political dialogue with the Jordanian authorities.

4.6 Evaluative Question 6

To what extent and how has the Commission ensured coordination and complementarity with other donors, active in the governance area, and ensured coherence with EC policies and activities and with partner Governments' priorities and activities?

The coordination issue on governance-related processes has to be examined at different levels.

In-country, donor-related coordination efforts take place around the policies and priorities, formulated by the Jordanian government. The Ministry of Planning ensures overall aid coordination. Despite the importance formally attached to governance in the different national reform agendas, the mission found no strong evidence of Jordan taking an effective lead in coordinating governance support or in ensuring a result-oriented implementation approach. This mirrors the above mentioned gap between the formulation of national governance agendas and their effective implementation.

Donor concern with harmonisation and alignment is reflected in the existence of an informal donor/lender consultation group (DLGC), comprising the different bilateral and UN agencies. It meets regularly with the participation of the government. Sub-groups exist on (i) Water; (ii) Governance and Public Sector Reform; (iii) Social Development; (iv) Environment; and (v) Education. Harmonisation activities include joint analytical processes focusing on major issues as well as the drafting of position papers by technical committees of the sub-groups.

In the specific area of Human Rights, Good Governance and Democratisation, different coordination groups exist. In the framework of the DLGC, a subgroup on Justice Reform is active while the subgroup on Social Development hosts a technical committee on civil society. There is an Informal Human Rights and Good Governance Group, involving the major donors, whose main added value is the exchange of information on projects and actions. There is also a specific EU Human Rights thematic group, gathering EU member states and providing a forum for more in-depth analyses of human rights and democratisation issues in Jordan and for follow-up on the implementation of the Neighbourhood Policy. Coordination is generally perceived to run smoothly in Jordan. However, in the specific area of governance, the different consultation mechanisms have so far not led to a shared long term vision among donor agencies on how to promote governance in Jordan, nor a true political donor alliance pushing for reform. There is also limited evidence of donor agencies pro-actively exploring the scope for complementarities and for joint actions/evaluations in governance-related areas.

For a MEDA country, Jordan has a relatively high dependency on aid. USAID is by far the main donor. While the EC participates in different donor fora, it is generally not perceived to play a pro-active lead role in promoting coordination, complementarity and coherence. This rather low-profile attitude also seems to prevail in the area of governance. The CSP, for instance, does not include a 'complementarity matrix' (as this is increasingly the case in the CSPs from the ACP region). Successive Annual Reports do not provide general or governance-specific information on how the EC seeks to apply the '3 Cs' in EU-Jordan cooperation. This tends to change at the level of concrete programme documents, where it is more usual to find an elaborated analysis of opportunities for coordination and complementarity (as this is the case, for instance, in the "Poverty Reduction through Local Development" programme).

At the *global level*, the dialogue processes foreseen under the Euro-Med partnership create opportunities for intra-European coordination, including common positions and linkages between EU political and development responses (an example is the emergency budget support provided to Jordan in the framework of the war in Iraq). Yet it is generally not easy to see how these high-level partnership processes contribute to a more coordinated, complementary and coherent action at country level (particularly in the governance area).

At internal EC level, there is no coordination mechanism within the EC (Delegation-DGDev-AidCo) to discuss, in a structured manner, an overall approach to promoting governance in Jordan. Yet the setting-up of an informal group on civil society for MEDA countries at the level of headquarters, has proven of much use for the EC Delegation in Jordan. It has facilitated the exchange about policy developments in Brussels, experiences and lessons learnt in other MEDA countries, regional initiatives, etc.

4.7 Evaluative Question 7

To what extent and how have cross cutting issues (social and environmental) been incorporated in the provision of governance support, and to what extent do the resulting good governance processes successfully take these issues in to account?

In assessing this question it is important to take into account that several cross-cutting issues (e.g. human rights) already form part of the broader definition of governance that is currently being used in key EC policy documents. Hence, the focus here will be on gender equality, environment and conflict prevention.

Gender issues occupy a fairly central place in EU-Jordan cooperation, both in specific governance programmes as well as in other sectors or projects. The Sharaka programme in support of civil society, for instance, focuses strongly on women's organisations and their political empowerment. Also in the social sector, there are valuable attempts to deal with gender as a cross-cutting issue. A case in point is EU-support provided to the Women's Health Counselling Centre at the Institute for Family Health in Sweileh. Promoted by the Noor Al Husein Foundation and the Italian NGO AIDOS, the project is targeted at underprivileged suburbs in Amman. It seeks to provide an integrated package of specialised medical services such as gynaecology, obstetrics and family planning, in addition to counselling on the legal, social and psychological aspects of a huge array of issues --from domestic violence and abuse to divorce and inheritance questions. This type of small-scale initiatives holds great potential to promote change from the bottom-up.

The European Neighbourhood Policy includes regional and bilateral cooperation in the environment sector. Since 2000, LIFE (the EC's financial instrument for the Environment) has supported several initiatives in Jordan, including projects dealing with the management of hazardous material and environment law enforcement. It will also contribute to the efforts deployed by the Ministry of Environment aimed at the integration of economic instruments and voluntary agreements in environmental policy. At regional level, support will be provided for the approximation of environmental legislation in five MEDA countries, including Jordan. As can be noticed, these programmes are directly or indirectly related to the good governance agenda.

Both the CSP and NIP-supported programmes show an interest for conflict-prevention related issues. This is reflected, for instance, in the strong general focus on economic growth and job creation so as to off-set the potential risks of major social tensions arising from the relative huge unemployment and poverty levels. The € 35 million Emergency Budget Support to help

Jordan coping with the negative impact of the Iraq war is another illustration of conflict-sensitive approaches by the EC.

To what extent to the “resulting good governance processes successfully take these issues into account” (as requested by this EQ) is more difficult to assess. Like in other areas of EC support to Jordan, the mission found limited evidence that these valuable efforts to mainstream cross-cutting issues are *explicitly* integrated into an *overall strategy* for promoting governance in Jordan. They generally exist as self-standing project activities, rather than as building blocks of a comprehensive and strategically managed governance agenda (e.g. linking project outcomes to political dialogue on gender). Another missing element is the capacity to ensure a proper monitoring of results achieved. The latter provides opportunities for learning as well, for instance in terms of developing the necessary tools and capacities to ‘measure’ how resulting good governance processes successfully take these issues into account.

4.8 Evaluative Question 8

To what extent and how have Commission strategies and programmes and projects, targeted at regional specific objectives as well as at the four clusters (rule of law and administration of justice, civil society, public administration reform, decentralisation) contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and practices?

The governance objectives in the CSP and successive NIPs are fully in line with the regional objectives, as spelled out in the framework of the MEDA partnership and the evolving European Neighbourhood Policy. The EC is promoting governance through a variety of programmes (specific governance programmes and others) and instruments (projects and budget support; MEDA funding and EIDHR).

However, it is difficult to make an overall assessment of the extent to which these programmes have effectively contributed to progress towards good governance. First, because the EC has so far not developed a clearly articulated, comprehensive and coherent “governance strategy” for Jordan against which to measure progress and impact. The different forms of governance support are relatively self-standing while other programmes are not labelled and managed as governance interventions -despite their huge potential to promote good governance practices (e.g. the Support to the Regulatory Reform and Privatisation Programme). Second, the concept of governance is not yet properly internalised by the different units of the EC Delegation. Governance features in key strategy documents and in programme agreements, yet its practical meaning and implications are not always clearly spelled out. The task of promoting governance seems largely confined to the specialised Human Rights and Democratisation unit. Third, there has not been a systematic attempt to specifically monitor and evaluate the governance outcomes of the different programmes. Fourth, many of the programmes are too young for measurable outcomes to be achieved.

The EC is active in each of the four governance clusters covered by this evaluation.

In the cluster *rule of law and administration of justice*, it has recently started to provide support to the implementation of the “Judicial Upgrading Strategy” (JUST), a comprehensive reform plan developed by the Ministry of Justice. The JUST strategic vision is “to improve the overall performance of the judicial system in Jordan, enhance its role as an enabler for civil society and national competitiveness while maintaining its independence”. The EC support targets the Judicial Institute of Jordan of the Ministry of Justice and particularly the professional training of

judges in the area of Human Rights. It is evidently much too early to assess the impact of this support.

The EC has been involved in supporting civil society through both its bilateral programme and specific budget lines. The new programme in the NIP 2005-2006 builds on lessons learnt and seeks to promote complementary action between civil society and government departments involved in human rights and good governance -an evolution that is to be applauded.

The support provided by the EC responds to genuine needs and has generally been received with enthusiasm by (smaller) NGOs/CBOs (the main target group of the bilateral programme). The projects have undoubtedly contributed (i) to create more “space” for civil society to participate in human rights and good governance processes; (ii) to inject directly much needed resources into fragile civil society structures (especially outside Amman); (iii) to enhance the organisational capacity of the beneficiaries; (iv) to foster dialogue with government. Yet the EC Delegation recognises that further work is needed¹³ in terms of improving the relationship between the NGOs/CBOs; ensuring a proper ‘needs assessment’ as well as a steady and accessible flow of information (in Arabic); and providing capacity support in project formulation and in managing funds. The role of the Delegation in this kind of programmes clearly goes beyond purely monitoring. Its management team (composed of 4 resource persons) has an input at both the substantive level (e.g. discussing ideas with NGOs/CBOs) and implementation level (with the training component integrated in the programme, albeit carried out by an external agent).

Pushing this analysis a step further, it would appear that there is a need for a more programmatic ‘systems’ approach to supporting civil society. In the current EC approach, there is some mismatch between stated objectives (i.e. the development of a viable that can impact upon good governance processes) and the means (i.e. small-scale projects, of limited duration, to be tendered through calls for proposals). Several interviewees from civil society argued that the instrument of a call for proposals is not conducive to promoting a truly strategic approach to supporting civil society. It is too complex a tool for small organisations and involves huge transaction costs. It tends to create competition rather than synergies between civil society organisations. It does little to facilitate a proper structuring of civil society in representative bodies that have sufficient levels of legitimacy, capacity and funding to engage in governance processes and achieve impact (over a longer period of time).

Similar recommendations emerged from a focus group discussion with civil society, organised during the mission’s stay. Participants welcomed the EC support and recognised that many positive developments had taken place. Yet there are still major ‘structural’ governance challenges that need to be addressed in Jordan, including (i) the harmonisation of laws in line with international treaties that have been signed and ratified; (ii) the building of strong parliament acting as a countervailing power to the dominance of the Executive; (iii) the reduction of political oppression on dissenting voices; (iv) the development of a truly pluralist society, with a well-informed citizenship, free media and a truly inclusive public debate on development strategies and programmes; (v) the strengthening of the civil service, including in relation to ethical values and delivery capacity. In order to effectively contribute to this broad governance agenda, the EC is invited to adopt a more ambitious, strategic, long-term approach. This means moving beyond project support to civil society organisations. The task at hand is to build social capital; to support the emergence and consolidation of civil society networks and coalitions; to engage in strategic partnerships with ‘drivers of change’ in Jordan; to promote in all programmes and projects a “system of governance that facilitates interaction between the public sector and all relevant actors from civil society”; to pressure the government to adopt democratic laws that create an enabling environment for an open society

¹³ See Internal Memo on ‘Lessons Learned [with the] Programme of Promotion of Human Rights and Democratisation in Jordan, Nov. 2003.

and an informed public opinion. There is also a strong expectation that the EC would help to create broader opportunities for civil society to participate in the Barcelona-dialogue processes at all levels.

Under the cluster on *public administration reform*, the EC is not directly involved in the overall public sector reform process (primarily supported by the World Bank and Dfid) and in the financial management reform programme (facilitated by GTZ). Yet it provides capacity support to improved public sector performance through a variety of (sectoral) programmes and instruments (see EQ 1, 2 and 3). It is difficult to assess the contribution of these support programmes to improved governance, as both the baseline conditions and the performance indicators are generally ill-defined. In addition to this, these capacity building initiatives are not integrated into a full-fledged institutional development strategy. All this does not facilitate a governance-oriented process of monitoring and evaluation. In the future, the EC may be well-advised to enhance its support to public financial management reform. Several donor representatives stressed the existence of systemic weaknesses in the current PFM-system (e.g. related to fiscal discipline; the lack of a solid Medium Term Expenditure Framework; the limited degree of public accountability). Considering the volume of EC budget support provided to Jordan, a more pro-active approach may be desirable.

Under *cluster 6 (decentralisation and local governance)*, it is obviously too early to assess the contribution of the recently launched "Poverty Reduction through Local Development" programme. Yet it represents a most valuable attempt by the EC to engage itself in a key area of the governance agenda in Jordan. The programme document spells out a solid strategy that links an innovative vision on local development (based on the active empowerment of local actors) to poverty reduction as well as to broader political and institutional objectives (including support to the incipient decentralisation process and capacity development of the different institutional actors involved in the process). On paper, it provides a good illustration of how the EC can support governance that reaches out to different actors (central agencies, provincial and local authorities, civil society and private sector) as well as levels of governance (national and local).

The mission found no evidence of strong strategic link between different programmes, which seem to operate in a rather self-standing way. Therefore no synergies that can boost impact in this area could be identified. This reinforces the perception that the EC is increasingly engaged in governance matters in Jordan through a variety of entry points but so far with no clearly defined, over-arching country strategy (linking the different programmes, clusters of interventions, instruments, funding lines).

4.9 Evaluative Question 9

To what extent and how has the Commission adopted a multi-actor and a multi-level approach to supporting good governance?

Core governance interventions are targeted at different actors (state and non-state actors). A learning curve can be discerned in the second generation of civil society support programmes (NIP 2005-2006), where a sound strategic choice was made to include a capacity building component for government agencies involved in the promotion of human rights as well as a focus on promoting dialogue between the two sets of players. The "Poverty Reduction through Local Development" provides the first structural opportunity for empowering provincial and local authorities to participate in EU-Jordan cooperation and to play a positive role as 'producers' of better governance at both local and central level (through an improved advocacy capacity). In this programme as well as in others (e.g. the SRRP), the EC

contributes to fostering new public-private partnerships, which clarify the respective role division between the various players. This constitutes a most valuable approach to promoting 'multi-actor' governance systems.

In Jordan, the EC also recognises the importance of supporting governance processes at different levels (local, national, regional and at the level of the global Euro-med partnership).

The challenge at hand is to consolidate these promising dynamics, amongst others by ensuring a proper articulation of support provided to different actors and levels of governance and by enhancing the capacity of EC staff to deal with this type of cooperation approach not only in specific governance programmes but in all sectors of intervention.

4.10 Evaluative Question 10

To what extent and how has the Commission developed its overall institutional capacity to deal effectively and efficiently with the question of governance?

The Commission's deconcentration programme was carried out in 2003. By the end of the year, the staff of the Delegation had increased to 60, a nearly doubling over the previous eighteen months. A human rights and democratisation unit is in place, yet its focus and influence seems largely confined to the specific EU-supported governance programmes and projects it manages. In discussions with Delegation staff, it was argued that the EC could be more ambitious in pursuing a governance agenda in Jordan. Yet this would require an adaptation of the organigram, now perceived to be ill-suited and too inflexible for the needs of a truly political approach to cooperation.

The EC Delegation also made the point that putting governance at the centre of the partnership would require "a change of culture as well as a new toolbox" (so as to ensure that the right processes and instruments are available to support governance). As an example, the process of formulating action plans was given. In the view of the EC Delegation, this needs to be fundamentally reviewed, as the current system leads to a situation whereby an Action Plan is a "shopping list of 300 action points", without clear prioritisation or sequencing. With such a tool, it is particularly difficult to promote a comprehensive governance strategy.

Other disincentives to an effective involvement in governance processes were identified during consultations. Thus, the rather lengthy and complicated procedures may reduce the scope for timely interventions (when opportunities arise). The role of the EC as a "change agent" in relation to governance does not seem to have been sufficiently clarified and internalised by the different staff and units. Officials have to devote the largest share of their work to management and administrative tasks and are left with little time to "go out", connect with partners and implementing agencies, participate in dialogue, communicate about the programme, etc. This also tends to reduce the capacity of staff to provide 'political guidance' when needed (see EQ 2) in the course of implementation.

The current approach of the Delegation to develop its institutional capacity on governance is through learning by doing. No specific headquarter initiatives could be identified to build governance capacities in the Delegation.

5 CONCLUSIONS

- ◆ Both the MEDA regulation and the European Neighbourhood Policy stress the central importance of the political dimensions of the partnership between Europe and the MEDA countries. While the focus was initially on human rights and democratisation, the broader concept of governance is rapidly gaining momentum. This also holds true for the EU-Jordan cooperation. Governance objectives are increasingly prioritised and mainstreamed. So far this evolution takes place in a rather ad hoc manner. Many interesting initiatives relate directly or indirectly to governance issues, yet these do not add-up to a well-defined and coherently managed country strategy for promoting governance. In a similar vein, the potential of some key instruments (such as budget support and the new, flexible tools of the ENP) in terms of promoting good governance processes, remains under-utilised.
- ◆ While Jordan is considered as an ‘effective partnership’, it is clear that a huge governance agenda remains to be addressed. The democratisation process is still fragile. There is a major gap between the discourse on good governance and prevailing practices. As a local stakeholder summarised it well: “at first sight, all the structures, processes and mechanisms are in place in Jordan for participatory democracy, yet the system does not produce a truly effective and accountable government”.
- ◆ All this brings along the challenge for the EC to further upgrade the overall status and quality of its existing governance programme. The EC Delegation recognises that governance is at the heart of the modernisation process in Jordan and hence the need “to be more ambitious” in this area. It acknowledges that promoting governance is a complex, long-term job, as it touches upon the basic norms and (tribal) values regulating the polity and society. Furthermore, the EC is keen to pursue governance in a partnership mode, through dialogue and support for domestic reform agendas.
- ◆ These are sound principles of cooperation, which are fully in line with key EC policy documents on governance. The task at hand now is to further develop the EC internal capacity (i) to use political dialogue as a key instrument for promoting governance (beyond formal policy declarations); (ii) to integrate the different governance components (across sectors and programmes) into a coherent country strategy; (iii) to adopt a more result-oriented approach to implementation; (iv) to act as a “change agent” (concerned with rights and entitlements)¹⁴ rather than as a traditional donor administration (focusing primarily on compliance with rules and procedures).
- ◆ The EC has provided valuable project support to civil society organisations. It has demonstrated a capacity to learn lessons, to gradually expand the scope and modalities of cooperation. Yet it would appear that a further jump forward is required in terms of developing a more comprehensive vision and approach on how best to *empower* civil society as a ‘governance actor’ in the ongoing modernisation process.

¹⁴ The notion of ‘change agent’ is linked to the EC Communication on Governance and Development (2003) which recognises that governance is all about supporting societal transformation processes at the political, institutional, social and even cultural level. Donor agencies that intervene in this arena are, by definition, not neutral players, but ‘actors’ themselves and therefore potential ‘change agents’. One donor interlocutor described this role as “subtly pushing for reform within the boundaries of what is acceptable in the context of a given society”. Jordanian government officials did not elaborate on the notion of ‘change agent, but rather emphasised the financial support role that the EC plays. Local civil society organisations, by contrast, expect the EC to be more outspoken as a political actor that uses its leverage to promote genuine reforms.

- ◆ The EC is also active in the other clusters of governance (human rights; democracy; the rule of law; public administration and decentralisation). Innovative approaches are being promoted in the area of decentralisation and local governance. In other fields, the profile of the EC is less clearly spelled out (e.g. public sector reform and public financial management), despite their critical importance for improved governance and effective use of budget support.
- ◆ The EC has experienced a learning curve through its support programmes on human rights and democracy. In several sectors and programmes, capacity is mainly developed through 'learning-by-doing' on governance-related issues take place. Considering the complexity and sensitivity of governance in a region like MEDA, this is a realistic way to proceed (blueprints exported from abroad are not likely to be very effective). Over time, it will be useful to evolve towards a more structured approach to learning, aimed at internalising a cross-cutting focus on governance all along the project cycle. This could enhance the overall impact of EC support to the modernisation programme of the government.
- ◆ Although the EC is considered to be a trustworthy institution, the prevailing management/administrative culture of the EC largely prevents it to be an effective 'change agent'.

6 RECOMMENDATIONS

A country note, produced in the framework of a thematic evaluation, is not the adequate tool to produce detailed recommendations. In this final section, some possible directions of change are indicated, which may enhance the relevance, effectiveness and efficiency of EC support programmes, while contributing to greater sustainability and impact.

- ◆ Bring together the different existing strands of the programmes dealing directly or indirectly with governance into an overall, coherent country strategy. This could help to further sharpen the focus, improve the linkages and mainstream governance across programmes, sectors and units. In the process, the EC should also clarify what it means to be a “change agent”, pro-actively engaged in governance reforms at different levels (global, regional, national, local) while respecting the partnership principles.
- ◆ Complete the transition process from the EC being primarily a development agency/donor administration to becoming a ‘political player’. The evolving nature of the MEDA partnership provides a major push factor for such an evolution, as the ENP is all about common values, mutual interests (in a wide variety of sectors) and interdependencies. The EC has made several steps towards such a full-fledged ‘political’ partnership, based on dialogue, performance and mutual accountability. Yet it is caught somewhere ‘halfway’ in this transition. It is not (yet) in a position to make the best use of its political weight and its possible added value to act as a ‘broker’ in getting better governance.
- ◆ Promote a multi-actor dialogue on governance. The EC makes a clear and fully legitimate choice to align its governance support to domestic reform agendas. Yet governments do not longer enjoy the monopoly of determining how best to foster governance. Civil society (in all its diversity), the private sector and local governments are also potential ‘producers’ of good governance. Their voice and inputs should be better mobilised in all EC-related cooperation processes and programmes. This, in turn, requires the development of a more ambitious strategy to support civil society as ‘governance actor’ over a longer period of time.
- ◆ Clarify and reinforce the linkages between the provision of budget support and the promotion of governance. In order to underpin the effectiveness of budget support, it might be worthwhile to line up with other donor agencies in strengthening the overall public financial management system in Jordan.
- ◆ More structured coordination between donors is required to share analysis, to identify Government demands, to prepare joint response strategies based on each donor’s comparative advantage and preferably also to formulate joint programmes of assistance.
- ◆ Improve the overall capacity to monitor and evaluate the governance outcomes of the cooperation strategy, the different programmes and instruments.
- ◆ Create a conducive environment for the EC to be an effective player in the governance arena. This is clearly a task that goes beyond the remit of the EC Delegation. Yet the empowerment of EC Delegations (in terms of a clear governance mandate; appropriate staff; institutional incentives; time to engage in dialogue; capacity, etc.) is crucial for moving towards a culture of delivery and outcomes in the field of governance.

ANNEXES

ANNEX 1: LIST OF PEOPLE INTERVIEWED

- Robert van der Meulen, Ambassador, Head of Delegation of the EC
- Sophie BOREL-GHOSN, Programme Manager Human Rights and Democratisation, EC Delegation
- Patrick McClay, Trade Economist, EC Delegation
- Jussi Narvi, Counsellor, EC Delegation
- Hervé Busschaert, Development Economist, EC Delegation
- Claus Heiberg, First Secretary, EC Delegation
- Peter Balacs, EC Delegation
- Eng. Khaled Tarawneh, Director of Local Development Department, Ministry of Planning
- Naser Al-Zou'bi, Researcher, EU Partnership Section, International Cooperation Department, Ministry of Planning
- Nasser Shraideh, Director International Cooperation Department, Ministry of Planning
- Khalaf Al Hadid, Ph.D, Advisor for Public Sector Reform, Ministry of Planning
- Tayseer Al-Smadi, Ph.D. Minister of State for Public Sector Reform
- Rashad Aburas, Director General, Electricity Sector Regulatory Commission
- Hala Batayneh, Acting Project Manager, Electricity Sector Regulation Commission
- Laura Brien, Principal International Programs, consultant, Electricity Sector Regulation Commission
- Muwaffaq Abu Aqola, Commissioner, Telecommunications Regulatory Commission
- Mamoun Balqar, Vice Chairman / Commission, Telecommunications Regulatory Commission
- Salem O. Ghawi, Consultant, Executive Privatisation Commission
- Clifford Dean, Programme Coordinator "Support to Regulatory Reform & Privatization
- Arinaldo Tomasseti, Deputy Project Coordinator, Executive Privatisation Commission
- Fares Braizat, Ph.D. Politics and Government, Coordinator Public Opinion Polling Unit, Centre for Strategic Studies
- Jean Mulot, Financial Management Reform, GTZ - Team Leader, Chair of the "UN-Donor Lender Group On Governance and Public Sector Reform"
- Oroub el Abed, Social Development Specialist, Middle East and North Africa Region, World Bank
- David Wightman, Team Leader, Support to Public Sector Reform in Jordan funded by Dfid, Ministry of Administrative Development
- Mohamed Al- Naser, Head of Training Unit, Arab Organisation for Human Rights
- Hani M. Dahleh, Arab Organisation for Human Rights
- Mohamed Ali Karyouti, Secretary, Arab Organisation for Human Rights
- Saleh Al Zu'bi, Executive Director, National Centre for Human Rights

- Dalia El-Farouki, Head of research and Documentation Unit, National Centre for Human Rights
- Abdullah El-Khatib, President, General Union of Voluntary Societies (GUSV)
- Leila Naffa Hamarneh, Mosawat Centre, Arab Women Organisation
- Eman Nimri, Deputy Executive Director, the Jordanian Hashemite Fund for Human Development (and programme assistant)
- Mohammed Atiyeh, Chairman, Abu-Mahjood Creative Productions
- Faisal Zou'bi, Al Ma'refah Centre for Drama and Arts
- Hardy Ostry, Regional Representative Amman Office, Konrad Adenauer Foundation
- Martha Sara, Konrad Adenauer Foundation
- Annemie de Winter, Resident Representative in Jordan and for Lebanon, Syria and Iraq, Friedrich Naumann Foundation
- Ubab Murad, Senior Programme Officer, Friedrich Naumann Foundation
- Mohammed A. Khalil, Friedrich Ebert Foundation
- Eng. Raja'a Dabbas, CHF International Jordan

ANNEX 2: LIST OF DOCUMENTS CONSULTED

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ANNEX 3: ACRONYMS

CBO	Community-based organisation
CSP	Country Strategy Paper
DFID	Department for International Development
EC	European Commission
EIDHR	European Initiative for Democracy and Human Rights
ENP	European Neighbourhood Policy
EU	European Union
GAFTA	Greater Arab Free Trade Area
JUST	Judicial Upgrading Strategy
MTR	Mid-Term Review
NSEP	National Social and Economic Plan
NGO	Non-Governmental Organisation
NHCR	National Centre for Human Rights
NIP	National Indicative Programme
NSA	Non-State Actor
SAAP	Support Programme for the Implementation of the Association Agreement
SAF	Structural Adjustment Facility
SETP	Social and Economic Transformation Plan
SRRP	Support for Regulatory Reform and Privatisation Programme
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
WB	World Bank
WTO	World Trade Organisation

Service contract for the evaluation (sectoral and thematic) of European Commission programmes and policies in third countries, relating to social and human development issues

**THEMATIC EVALUATION OF THE
EUROPEAN COMMISSION ASSISTANCE
TO THIRD COUNTRIES SUPPORTING
GOOD GOVERNANCE**

Country Note for Ukraine

Harry Garnett
Serani Siegel
Andrei Marusov

January 2006

Evaluation for the European Commission



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**Service Contract for the Evaluation
(sectoral and thematic) of
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Thematic Evaluation of the EC support to Good Governance

With the Collaboration of ECDPM



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The opinions expressed in this document represent the authors' points of view, which are not necessarily shared by the European Commission or by the authorities of the countries concerned.

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1 INTRODUCTION

This evaluation took place during a transformation from a command and control state to one that is open, market oriented, democratic and western oriented. The evaluation focused on learning lessons from how the EC should and might respond, and is responding, to the opportunities created by the new open-ness and will to reform. Discussions of the pre-Orange Revolution period focused on the support the EC was able to give in a very adverse governance environment.

2 DATA COLLECTION

Data were collected through literature search, including web browsing, and interviews with EC staff, government officials, think-tanks, donors and representatives of civil society. A small workshop was held with EC governance staff. All meetings were held in Kyiv.

3 DESCRIPTION OF THE SECTOR

The Orange Revolution opened up the unique window of opportunity for sweeping and long awaited reforms to improve state governance in Ukraine.

For the first time in the history of independent Ukraine, the President and the Government declared unambiguous and energetic support of the Ukrainian integration with EU, joining NATO and WTO. The state governance modernization and democratization agenda has become the core of the proclaimed governmental policies. Two Vice-Prime-Ministers have been appointed to push forward civil service and administrative reform and European integration. There is an ongoing debate to introduce central governmental body to drive integration with EU.

The Government showed real commitment to anti-corruption fight by eliminating administrative burden on the private business and launching a series of criminal investigations into presumably corruptive behavior of the former high level governmental officials.

In some key governance areas, rapid and decisive policy reform has been already launched. Key legislative pieces on the administrative, civil service and local self-governance reforms (laws of the Cabinet of Ministries, Central Executive Bodies, amendments to the law on self-governance, etc) have been actively discussed by the government, with some of them ready to be submitted into the parliament. The Code of Administrative Justice has been already approved by the Verkhovna Rada. The public debate on the administrative-territorial reform has been already opened.

At the same time governmental performance in some areas of good governance remain sometimes hectic and even disturbing. The President issued over 30 so-called closed decrees, even the titles of which have not been disclosed to the public. The Government demonstrates the absence of the clear-cut strategy and action plan in some key policy areas whereas its work is apparently damaged by ongoing redistribution of power between presidential Secretariat, National Security and Defence Council and the Cabinet itself.

Some of the urgently needed reforms are delayed until March 2006 parliamentary elections because the Government does not have necessary majority in the parliament as recent adoption of WTO related legislation clearly demonstrated. Therefore, approaching elections are regarded by reform minded political forces as of no less importance than presidential elections of 2004.

Additional tension is supplied by unclear destiny of the amendments to the Constitution adopted during Orange revolution as a compromise between pro-Yuschenko and old regime camps. The amendments introduce drastic redistribution of power between the parliament, the President and the Cabinet. If they will not be overturned, after January 1, 2006 the President may be stripped of the majority of his powers, and this may undermine the reform process in Ukraine, as some of his proponents warn.

Facing enormous problems on its reform path, the Government needs effective and timely budgetary and technical assistance of international and foreign donors. Though governmental policy signals are sometimes controversial, the donor community is in general ready to support reforms. The Board of Directors of the World Bank has already approved the \$251 million Development Policy Loan aimed at improving public governance in Ukraine. Other donors also declared their readiness to deliver necessary assistance.

The European Commission is regarded by Ukrainian politicians, policy makers and citizens as an actor to take the lead in assisting transformation of the Ukrainian state and society. Quickly growing demand for pro-active, timely and effective assistance puts EC before the unprecedented challenge which could be hardly found in any other country of EC operations. The EC is facing a unique chance to make significant, if not crucial, contribution into the transformation of the corruptive, undemocratic and ineffective Ukrainian state governance into the modern European democracy.

4 FINDINGS

4.1 Evaluative question 1

EQ 1: To what extent has good governance been prioritised and incorporated in European Commission cooperation with third countries since 2000 and how has the approach to good governance evolved during this period?

Good governance has been prioritised and mainstreamed into CSP/NIP, RSPs, sector policies, and into programmes and projects

The Government and the EC share a broad definition of governance. Improving governance was an underlying theme of the Orange Revolution, and the Delegation is keen to support the new Government in bringing about rapid improvements in governance. Recent events, resulting in the President firing his Prime Minister and her Cabinet, and other very senior officials, and the difficulty he is having in gaining the Assembly's approval of the new Prime Minister, demonstrate how important is quickly to improve the governance environment in Ukraine. Staff from the Delegation certainly believe that this is a unique time in the post-soviet history of Ukraine for the EC to support the Government, but feel frustrated that the organization moves too slowly for timely support to be provided.

The CSP of Ukraine from 2002 to 2006 is setting the "support for institutional, legal and administrative reform" as one of the priority areas for Tacis financed TA and is analysing the general governance situation, the other main priority is the priority of the PCS, which is Legislative Approximation to EU law.

Also the European Union Common Strategy on Ukraine, adopted in 1999 as a new instrument under the Common Foreign and Security Policy, is referring to democratic structures. The co-operation between the EU and Ukraine on justice and home affairs is based on the related EU Action Plan on Ukraine of December 2001 which is also covering questions around the judiciary and good governance.

In the 2002-2003 NIP, the overarching priority was to support Ukrainian legislation and institutions to comply with the requirements of a market economy, on the basis of PCA and WTO provisions, as well as Ukraine's programme for approximation to the EU. In parallel, the strengthening of democratic structures and civil society was a top priority for Tacis, including support to the reform of the judiciary and of the public administration. Due to the absent political will for an in-depth reform of the state, no sector policy in governance was developed.

The NIP for 2004-2006 is emphasising the TA to concentrate on:

- Strengthening of legal and administrative capacity of central and regional government authorities;
- Support to legislative approximation and adaptation to WTO requirements;
- Creation of a business friendly legal and administrative environment with special focus on SMEs;
- Support to judicial reform and strengthening of an independent and competent judicial system;
- Support to improving control of use of public funds.

On the other hand, the specific objectives relating to these overall objectives are not very governance focused and mention mainly the ongoing Legal Approximation in the trade area, environment and transport and the improvement of regional development planning mechanisms.

The volumes in the CSP priority area to support legal and administrative reform was increasing constantly and has taken up in nearly all annual action plans most of the budget. In the NIP for 2004-2006 it has more than doubled annually:

	1998	1999	2000	2001	2002	2003	2004 -2006
Governance sector	8.0	12.0	18.5	15.5	33.0	26.0	110
Legal, judicial and administrative reform					10.0	11.0	15
Border management					15.0	7.0	-
Justice and Home Affairs Action Plan and related issues (including border management)							60
Civil society, training and education					8.0	8.0	-
Civil society, media and democracy							10
Training and education (TEMPUS 15Mio; VET 10Mio)							15
EIDHR	?						

Analysis of key features and trends in Commission supported activities in each of the regions

The EC activities in good governance in Ukraine are mirroring the development of the Tacis (Technical Assistance to the Commonwealth of Independent States) instrument. Launched by the EC in 1991, the Tacis Programme provided grant-financed technical assistance to Ukraine and technical assistance was a stand-alone activity. Tacis became a more strategic instrument in the co-operation process between EU and Ukraine with the Council Regulation (No 99/2000) adopted in January 2000, allowed to focus more on key areas of good governance. Due to the limited will for governance reforms of the government, the governance strategy for Ukraine was threefold:

Under the EU/Ukraine PCA no technical subcommittee on good governance or legal/administrative or institutional reform was established. Currently, there is no specialised good governance technical consultation body for TA in place, but the subcommittees under the PCA concentrating on legal approximation and the implementation of the JHA Action Plan. It can be assumed that this is the legacy of the former government, as the political will for legal and administrative reform was low.

But since 2002, legal and administrative reforms are priority areas identified by the CSP and more elaborated by the NIPs. The low political will has limited the possibilities of governance projects and programmes and as a logical result Tacis in Ukraine has

focussed on small-scale priority programmes/projects with some prospect of sustainable results. All projects currently running (in judicial and legal reform, public finance, and strengthening of civil society) are examples for this approach. It also has to be mentioned, that several programmes/projects, which are allocated under legal and administrative reform have been dealing with standard setting (medical, environmental, economical, banking sector) and are not too close to the “core” issues of governance.

From 2002-2004, Ukraine was one of 30 focus countries under the European Initiative for Democracy and Human Rights (EIDHR), where approximately €5.3 million additional assistance was allocated to Ukraine, particularly in support of activities to improve access to justice and human rights monitoring. The EC implemented co-funded programmes with the CoE and the UNDP in the judicial sector, mainly concentrated on legal advice and training. There were several Joint Programmes of the CoE and the EU and the 5th one is still ongoing. The JPs consist of a series of activities designed to address issues of mutual concern; developing and supporting democratic practice, developing the rule of law and institutions which support it and developing human rights practice in line with the European Convention of Human Rights and related instruments. Meeting the signed conventions of the CoE is considered to be a central feature of the rationale of the Joint Programmes.

Good governance has been adequately addressed in (performance-based) mid-term review processes.

The CSP evaluation in 2003 has worked with indicators, but overall this judgement criterion is not applicable for Ukraine, as all interventions were limited by the political will for reform.

4.2 Evaluative question 2

EQ2: To what extent and how have Commission-financed projects and programmes, and in particular capacity building activities including technical assistance and twinning programs, efficiently and effectively contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and policies?

Both the “project approach” and the “program approach” are effectively and efficiently used to promote good governance

The TA in Ukraine was targeted into three main lines: capacity building support for Ministries, which was not directly connected to the core structures of the state (Education, Transport, Agriculture) before 2000. After 2000 Legal Training and Legal reform activities were added, plus TA in the area of Public Finance management. Throughout the last 10 years, the Bistro and Small Project Programme was offered, within those Programmes, several projects to strengthen civil society, as well as supporting the interaction between public services and communities were funded. Taking into account the limited possibilities, the governance activities in Ukraine were targeted small-scale projects and programmes. One larger and more long-term Programme was UEPLAC, a Legal Advise Centre, concentrating on Legal Approximation, running from 1997-2004. Another focus was the TA financed under the Justice and Home Affairs Action Plan, where the main focus is the improvement of the border management.

The AP 2004 takes the lessons of the CSP Evaluation into account:

To substantially enhance the quality of the dialogue with the Ukrainian authorities. This is the first Action Programme to be fully drafted by the deconcentrated EC Delegation in Kyiv, in close collaboration with the National Co-ordinating Unit.

To work more with civil society and an important initiative is proposed in the field of human rights.

A new feature in the support to Ukraine and closely connected to the governance sector is the EU / Ukraine ENP Action Plan support, which has been programmed recently. The support under the Justice and Home Affairs Action Plan will be continued.

Priority areas of intervention	Action Programme 2001	Action Programme 2002	Action Programme 2003	Action Programme 2004	Action Programme 2005
Border management	Border Management Programme	Border Management Improvement	Border Management Migration Management Border Management Infrastructure	Justice and Home Affairs Action Plan and related issues (including border management)	planned: sector wide Programme
Public administration reform	IBPP Regional Development	Effective State Budget Management IBPP: Key Public Institutions	UEPLAC Taxation Reform IBPP: Key Public Institutions	Support to NCU Support to PCA implementation	
Judicial reform			Strengthening the Capacity of Justice System	Support good governance through fight against, and prevention of, corruption	Planned: sector wide Programme
Civil society	IBPP	Civic Education IBPP: Civil Society and Other Local Initiatives	Development of Media Skills Strengthening Civil Society IBPP: Civil Society and Other Local Initiatives	Civil society: Capacity building for consumers NGOs and developing NGOs networks IBPP: Civil Society and Other Local Initiatives	Sector programme to improve voter registration, strengthen the electoral commission, civil society, and independent media
ENP Action plan				EU / Ukraine ENP Action Plan support	
Sustainable Local development					SWAP

The planning for 2005 is only a draft Action Plan, but is showing that the EC wants to go forward to several SWAPS and sector programmes in the governance sector in Ukraine.

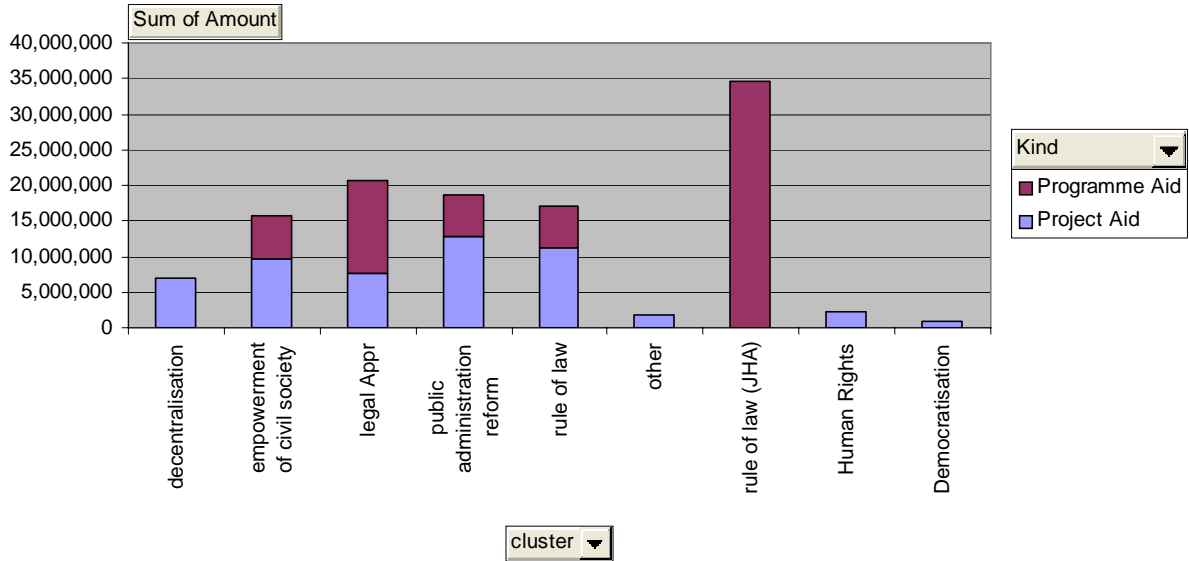
Volume of “project aid” and “program aid” in the 4 clusters covered by the evaluation (particularly in countries visited as an illustration).

In the case of Ukraine, it seems necessary to differentiate within the clusters between “legal approximation” and support to the rule of law sector under the JHA, as both topics are not necessarily included in the definitions of the clusters. Legal approximation to EU legislation is one of the long-term objectives of the PCA and includes TA in legal analysis and advises; it can be seen as a crosscutting issue in all 4 clusters. The JHA is covering vital security interests of the EU and Ukraine and is close to the rule of law cluster, but as the political will was much higher to implement it, it has a different “history” than the other governance clusters.

Despite the special border management programme, all cluster show a majority of project aid used; only the crosscutting issue of legal approximation has a significant programme aid volume.

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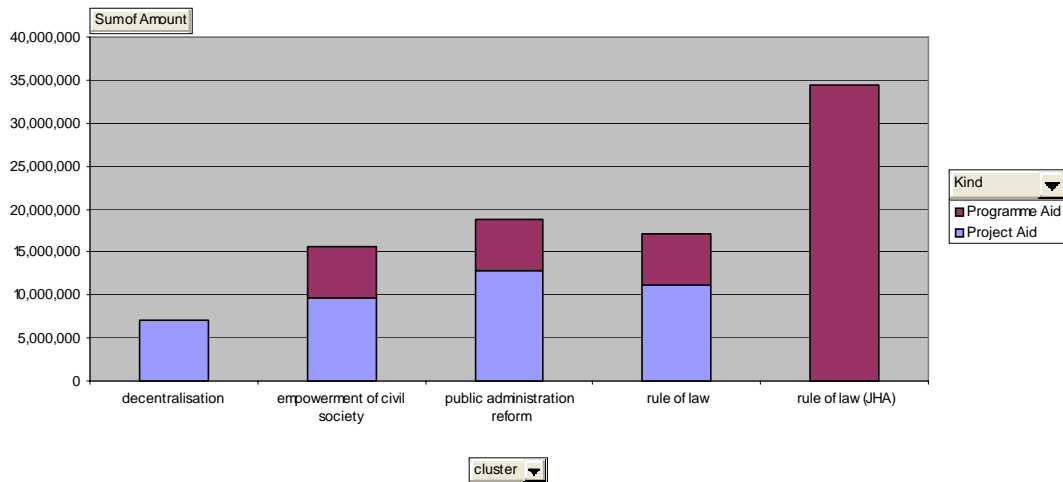
Project and Programme Aid by cluster



The picture changes

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Project and Programme Aid by cluster



The Commission provides a strategic justification for the use of either “project aid” or “program aid”

The Evaluation of 1998 and 2002 both stressed that programmes in legal and administrative reforms have had a low and slow impact. Thus, as also expressed by the Delegation officials, Projects have been the first choice, but of course some of the projects could develop to something like programmes, as each project in an area was a logic and strategic follow-up of the things done before.

Extent to which the source of financing (i.e. thematic or geographic budget line) has an influence on the effectiveness and efficiency of the support

It is very difficult to say, if the thematic or geographic budget line financed activities have been more effective, but the CSE evaluation has recommended to use it more, what was also implemented and Ukraine become one of the 30 focus countries for EIDHR.

The Commission-financed capacity building activities aimed at promoting good governance respond to a genuine and effective demand

Under the old government, the demand for capacity building was mostly connected to the attached hardware, and the capacity building component was taken as a "necessary" evil aside. One of the problems here is that governance reform generally, and public sector reform in particular, is "intermediate." You are not going to improve service delivery too much until you reorganize, reengineer and restructure government, and that take many years. The new government has changed a lot of civil servants at the top, but the old style middle remains. Even the changing of staff at the top will begin to change attitudes, but it will also mean that the new people will not know how to run their organizations -- so you cannot go too fast with personnel changes.

The current need is to build the capacity of the reformers to reform at first.

Existence and quality of a needs analysis for TA and other capacity building services

The EC staff and their clients expressed considerable interest in twinning as a form of technical support. They had heard that twinning had been very successful in accession countries such as Poland. Staff and clients seemed to prefer bringing in officials from other countries' governments and judicial sector to hiring consulting firms to provide technical assistance. Twinning, they thought, is both more effective in building capacity, and cheaper.

All governance activities are firstly assessed by external consultants with an institutional analysis

4.3 Evaluative question 3

EQ3: To what extent and how have Commission-financed SPSP and budget support efficiently and effectively contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and practices, in particular through improved public finance management, through improved accountability and transparency and through improved public service delivery?

There was and is no SPSP or budget support specifically for the governance sector.. We will cover the projected support to public financial management and public administration reform in this section.

The EC's support for public financial management reform has focused on the supreme audit body, the Accounting Chamber, and the Treasury. The team heard mixed reviews of the support to the Accounting Chamber. The project started slowly, its first project manager was changed towards the end of the TACIS support, and few reforms were actually implemented. The proposal that the Chamber work with Parliament's Public Accounts Committee was rejected in favour of the Chamber working with all committees. Legislative changes have not been made to permit the Chamber to audit the revenue as well as expenditure side of public accounts. The main source of these problems has been a Chairman of the Accounting Chamber who is hostile to reform. On the positive side, the project helped the Chamber to contact and learn from like bodies elsewhere in Europe (UK, Poland, Sweden, Lithuania and Germany). Modern standards of auditing were introduced into the Chamber. The Chamber established regional offices for the first time and a new law on the Accounting Chamber was drafted. The EC support certainly paved the way for further reforms.

Support to the Treasury for improvements in public financial management is being led by the World Bank, with support from the EC and Japan. One of the most significant achievements has been the implementation of a \$15 million project put in place an integrated financial management system. This system will be further improved through an additional \$35 million from the Bank to install a "packaged" information management system (in the first phase, the team designed its own system rather than adapt an off-the-shelf package). The EC has provided \$3 million to fund technical assistance to the Ministry of Finance to improve capacity to prepare, execute and account for public expenditure.

Many more years of support will be required to improve the whole public financial management system, including districts and regions as well as ministries, and reform the public finance responsibilities of the legislative as well as executive branches of government. As with other reforms, changes in behaviour will be required since so many key participants retain the attitudes of the command and control economy.

The EC is not at this stage supporting reforms of the centre of the public administration, although proposals have been made by the 20-person Government team in the Centre for the Support of Civil Service Institutional Development with support from a number of think-tanks, DFID, the World Bank, CIDA, Ireland, and OECD-SIGMA to bring about a

quite radical realignment of the centre of government and the balance of responsibility between offices of the President and Prime Minister. The EC is not part of the proposed multi-donor trust fund for civil service reform. A new civil service law aiming to establish a more professional and corruption-free civil service has been drafted but not implemented. Donors such as the Bank and USAID are supporting improvements in public services through local government. USAID has a major local government technical assistance program that is being implemented through the Association of Cities.

The EC's support for improvements in transparency and accountability has also focused on the judicial sector, where \$ 3 million of support is being given for the development of a database of cases decisions on commercial law that would be accessible to judges and lawyers, technical assistance, training judges, as well as providing computers for the commercial courts, which were established three years ago.

Capacity building consists of technical assistance, on the job training, study tours, and formal training. There is no national capacity building program, although this would be part of the forthcoming civil service reforms. A ten-year relationship between the Ukrainian and French Treasuries proved very productive. Procedural delays are reported to have hindered the effectiveness of technical assistance and capacity building. The Accounting Chamber complained that it took about a year for the experts hired under TACIS funding to develop a sufficient understanding of the Ukrainian legislative framework to be effective. The Deputy Chairman told the team that technical assistance had to be redirected "to where it was really needed." The team supporting capacity building in the Commercial Court complained that the project was too short to get on board all the required technical assistance. The project is obligated to complete 37 technical assistance and training activities this year, an impossible task, we were told, given the time it takes to organize and obtain approval for each activity.

The suitability of budget support and SWApS was discussed with the EC staff, Government and other donors. The EC governance staff are supportive of the approach. The World Bank is planning to mobilize Government and donors around a SWAp for public financial management, but feels that substantial preparatory work would be required. Both the CPAR and CFAA need updating. A Public Expenditure Review and Public Financial Management study are planned. The Government too is on board with SWApS. The National Coordination Unit in the Ministry of Economy recently ran a seminar on SWApS.

All governance staff met by the team favour the programmatic approach characteristic of SWApS. They defined "program" a series of separate activities undertaken by different institutions leading to the achievement of sectoral goals over a relatively long period of time and gave examples of cases where projects have become programs. For example, through the annual planning process at the Commission, support for public financial management reform began with capacity building in the Accounting Chamber, moved on to the management of public finance in the Treasury and Ministry of Finance, then turned to tax reform (thus completing the revenue to expenditure cycle), then moved on to internal audit. A similar progression has taken place in the judicial sector. The staff responsible did say, however, that it would have been better to start with a longer term more comprehensive program from the start.

4.4 Evaluative question 4

EQ 4: To what extent and how has the Commission efficiently and effectively used the political and policy dialogue (at sector and country levels) to encourage and promote good governance approaches and practices?

The dialogue has taken place at two levels: at the project level and at the level of the Commission as a whole. Project level dialogue has been carried out by the managers of the judicial, legal and public finance projects. Staff at this level are encouraged to discuss sectoral policy issues and develop ideas for future support with their counterparts. However, all said that their administrative burdens were so great that they did not have enough time to devote to this dialogue, which they believe to be very important. Most discussions with counterparts are in fact about administrative matters. Staff also felt that they were not as well trained as they might be to enter into substantive discussions with counterparts.

High level political dialogue has undergone a sea change since the Orange Revolution. Previously, the attitude of the Government was, in the words of one observer, "passive antagonism." The Government would, as he said, "pretend commitment." Every opportunity would be taken to criticize the Delegation. The Delegation and Commission could not use policy dialogue to promote significant improvements in governance. Today relationships are characterized by open-ness, high volumes of e mail traffic, many meetings and phone calls, seeking advice and support, and a willingness to overlook minor problems.

This is not to say that no reform was possible or carried out under the previous government. Many of the initiatives now being implemented or considered for implementation began under the previous government, with support from donors such as the EC. The problem was that under the previous Government the reforms were for the most part not implemented. Civil service reform is such an example. The concept paper on reform was prepared in 1998, but it was never published. There were cases of reforms enacted through Presidential decrees that were subsequently cancelled. The Law on the Cabinet of Ministers was approved by Parliament, but vetoed eight times by the President. Likewise, Parliament twice approved the territorial and local self-government reforms, only for them to be vetoed by the President.

The frustration facing the Delegation and Commission following the Orange Revolution is that it cannot follow up on its policy agreements with Government with immediate technical support. The Delegation and the Government could agree, for example, that the whole process by which policy is formulated, decided upon, and monitoring should be reformed (and this very topic is at the heart of the reforms of government), but the Delegation is unable to support this agreement with technical assistance or twinning arrangements except after an unacceptable period of time. The consequence is that others donors are taking the lead in critical civil service reforms. The Delegation feels that it has not been able adequately to support the new government in its critical early months when support for reform from the electorate has been strong.

As stated above, some effective policy dialogue was possible under the less reform-minded Government. For example, the EC and the Government established a joint working group to prepare a Justice and Home Affairs action plan. The working group consisting of six EC staff and ten from the Government, working in Brussels, prepared a

“scoreboard” that identified actions and responsibilities. The scoreboard covered migration, border management, organized crime, and police and judicial cooperation and scores the action in terms of the achievement of the stages between preparing legislation to the completion of implementation. The EC manager responsible emphasised that the action plan and scoreboard were not prepared by the EC and then presented for comment to the Government, as, he said, is normally the case, but truly prepared jointly, thus generating ownership on both sides. The EC and the Government meet to review progress with the scoreboard at least once a year. Such a scoreboard also underpins the UEPLAC project supported by the EC, the objective of which is to support the development of PCA compatible legislation and WTO accession. The difference is that this scoreboard was prepared by a group working outside government. Many of the legislative gaps identified in this scoreboard by outside experts have been resisted by the Ministry of Justice, which, we were told by the former head of the UEPLAC team, would have preferred to use its own staff to identify the gaps and redraft the legislation.

4.5 Evaluative question 5

EQ 5: To what extent has the Commission assistance been sensitive to specific partner country needs, and priorities, and to what extent and how has the Commission been flexible, in the programming process and in implementation, in adapting to different country contexts (e.g. post-conflict, difficult partnerships, effective partnerships)?

The issue of adjusting support quickly to meet changing circumstance has been discussed above. The Commission, which is well aware of the country’s needs and the Government’s priorities, is not able to respond quickly to support the new government as it sets out to transform the state. Staff in the delegation are very sensitive to changing needs, they do interact with counterparts and other donors (although they have little time for this since the burden of administrating their projects is so great), and do adjust current projects. All are considering now programs of support to the executive and judicial branches of government, but this adjustment will bear fruit in years rather than months.

4.6 Evaluative question 6

EQ 6: To what extent and how has the Commission ensured coordination and complementarity with other donors, active in the governance area, and ensured coherence with EC policies and activities and with partner Governments’ priorities and activities?

Many of the questions in this section have been covered by earlier sections. The EC does coordinate with other donors on all its projects. The coordination between the EC and the World Bank in the reforms in the Treasury is a case in point. The problem is that there has not been an opportunity for coordination on major reforms with strong political content because until six months ago the Government was not actively committed to such reforms.

Donors and EC staff thought that the EC's comparative advantage lies in providing technical assistance and access to twinning arrangements with member countries. The EC-World Bank collaboration in public financial management reforms provides just such an example. The Bank has provided \$15 million for IT equipment and software needed for the integrated financial management information management system, and will provide a further \$35 million, while the EC has funded \$3 million worth of TA and training for public financial management staff. The Government is reluctant to borrow for technical assistance.

The case for collaboration among donors around SWAs and budget support to encourage, underpin and finance major reforms becomes stronger in the new political context. Unfortunately the EC does not seem to be a central player in some of the key governance initiatives. The Bank, CIDA, SIDA and DFID are planning to set up a multi-donor trust fund to support civil service reforms. The EC is not as yet part of this arrangement, although it might be expected that the EC would have a central role in supporting the very reforms that would prepare Ukraine for EU membership. To give an example of the EC's non-involvement in key support activities, EC staff told the team that they knew nothing about the \$251 million Development Policy Loan approved by the World Bank while the team was in Kiev. Yet this budget support "seeks to integrate government and donor programs under three broad themes to improve public governance: investment climate, public administration and public financial management, and social inclusion," issues at the very heart of the EC plans. (World Bank website, July 7, 2005)

4.7 Evaluative question 7

EQ 7: To what extent and how have cross cutting issues (social and environmental) been incorporated in the provision of governance support, and to what extent do the resulting good governance processes successfully take these issues in to account?

Cross-cutting issues: gender equality, environment, democracy and human rights and conflict prevention, have been satisfactory mainstreamed into the governance projects and programmes

Up to now, cross-cutting issues as gender, environment and conflict prevention have not been of great interest in the programming of governance support, but one can assume that human rights and democracy have been always hidden behind the design of each project.

4.8 Evaluative question 8

EQ8: To what extent and how have Commission strategies and programmes and projects, targeted at regional specific objectives as well as at the four clusters (rule of law and administration of justice, civil society, public administration reform, and decentralisation) contributed to the progress towards good governance and to the encouragement and promotion of good governance approaches and practices?

a) In relation to region-specific objectives

The Commission has provided relevant, effective and efficient support in accordance with region-specific objectives and priorities

b) In relation to cluster 3 (rule of law)

Improved oversight, autonomy and administrative capacity of the Ministries dealing with legal, judicial, and law enforcement issues

As described in the sector overview, major reforms have been initiated, but not yet implemented; therefore, no judgment can be made in the current transition phase.

The citizens have increased access to legal and judicial services, in terms of affordable cost (including time), better mutual understanding, and non-discrimination.

As described in the sector overview, major reforms have been initiated, but not yet implemented; therefore, no judgment can be made in the current transition phase.

The rule of law is applied in a manner which is respectful of international law, equal, fair, and independent of undue influence.

As described in the sector overview, major reforms have been initiated, but not yet implemented; therefore, no judgment can be made in the current transition phase.

c) In relation to cluster 4 (empowerment of civil society related to governance processes)

Effective empowerment and improved operational capacity of Civil Society Organisations (CSOs) to participate in social and political debates and in decision-making

In general, the assessment of the CSO sector is that the CSOs and NGOs are concentrated in the big cities and the rural areas are lacking them in number and capacity. The think tanks met, made the impression, that they are well able and empowered to take part in the political debate and are in fact even supporting the government in drafting necessary laws for reform (territorial and administrative reform).

The presence and interface of CSOs with the population and the government is ensured

The Ukrainian structure and tradition of government is lacking any institutionalized or non institutional ways for dialogue between civil society and government. One of the current biggest challenges is to build and establish these structures.

CSOs become sustainable entities operating in all relevant policy areas and in complementarity with the State and the private sector

4.9 Evaluative question 9

EQ 9: To what extent and how has the Commission adopted a multi-actor and a multi-level approach to supporting good governance?

The Commission has recognised the respective roles of public authorities (both central and local governments) and of civil society in development and governance processes.

The Commission does recognize the respective roles of the public authorities and civil society. The EC is not however a major player in reforming central or local government.

Commission strategy papers and programmes include a political and institutional analysis of the role of different actors in development and governance processes.

The political and institutional context is referred to in all strategy papers and programmes. The EC is well aware of the changing political environment and the opportunities offered by the Orange Revolution.

Extent to which the Commission has respected the legitimate role division between public authorities and civil society in the different development and governance processes it has supported.

The respective roles are respected. However, the EC has little contact with the various think tanks that are supporting the new government. Unlike other donors, the EC does not have a single contract with any of the think tanks. These think tanks are important because in effect the Government has contracted out policy analysis to them.

Extent to which the Commission has chosen the “right mix” of actors to work with in order to achieve established governance objectives.

The EC has been supporting some of the right kinds of actor given the previous government's lack of interest in fundamental governance reform. The staff of the Accounting Chamber is such as example; very technical and politically neutral technical assistance and training. However some have questioned the support to training judges since many are thought to be corrupt and the general view is that the whole judicial system needs a radical overhaul.

Extent to which the Commission has provided adequate support to enable the different actors to play their role effectively and efficiently in governance processes.

This was impossible to do under the previous government. EC support was focused rather than comprehensive. However, the EC support to the electoral process was very important in helping the various participants play their roles. The EC led a monitoring activity which helped to provide evidence of a flawed election.

Extent to which the EC instruments and procedures are adapted to the realities and requirements of the actors involved in governance programmes.

They are adapted to realities, or were for a government not too interested in reform. The Commission would now like to respond to the new, more hopeful situation, but feel that it cannot adequately, or quickly enough.

The Commission has recognised the importance of supporting governance processes at different levels (local, national, regional and global).

Governance objectives are pursued consistently and coherently at different levels

The EC supports regional (border management) and national (public financial management) governance processes. There is no particular link between them. They are internally consistent but not linked.

Governance programmes and processes are supported at different levels.

See above.

Extent to which the Commission has sought to articulate the different levels of governance in its strategies and programmes.

It has not.

4.10 Evaluative question 10

EQ 10: To what extent and how has the Commission developed its overall institutional capacity to deal effectively and efficiently with the question of governance?

The Commission's governance staff are more appropriately skilled to administer projects with low policy and political content than to prepare and implement projects and programs with major policy and political content. Staff have in general developed their substantive rather skills on the job rather than through their previous training and work experience. Some have appropriate academic qualifications but few have major work experience of key governance issues. Such staffing may well be appropriate when the political environment does not favour major governance reform and therefore when the

role of the Commission is to prepare the ground for reform through capacity building and system development, as was the case until the beginning of this year.

Project managers' jobs are in essence administration. And the burden can be overwhelming. For example, one governance project manager is currently responsible for administering sixty activities. Her manager estimated that each takes about one day's work per month. Accordingly, and she admits this, she has little time to meet her counterparts, meet other donors, and even meet with colleagues in the office dealing with related matters, let alone prepare for the future. She has neither the time nor budget to visit her projects in the field. Much of her time is spent dealing with bottlenecks on the financial side, another part of the office that is very stretched. We were told that the Commission had applied for permission to hire eight more staff to deal with the growing workload in anticipation of deconcentration, but was only granted one new position, and a very junior one at that. Some project officers contacted by the team complained that they received little training in the substance of their projects. Despite this some staff have occasionally provided leadership in the donor community. In one such case the EC took the lead in setting up a donor group to discuss anti-corruption. However staff feel that higher level policy discussions should be carried out by the Delegate and the political section not TACIS project managers.

Questions about the ability of the Commission to respond with flexibility to changing circumstances have been addressed above. Staff complained that procedures are making it difficult to provide immediate support to the new, reform-minded government. The Commission is in a much better position to organize long term support. Staff reported that there is little space for risk-taking [one we talked to was appalled at the thought of taking risks; to her that meant breaking the rules, a cardinal sin]. This is partly because the structural relationships between the various parts of the EC, in Brussels and between delegations and Brussels, and partly because of the very high accountability standards set by the Commission.

5 CONCLUSIONS AND RECOMMENDATIONS

With our focus on lessons for the future, we are able to draw upon two distinctive governance situations in Ukraine: the period when the government had only weak commitment to reform before the Orange Revolution and when the new government expressed strong commitment to reform after the Orange Revolution. Commission staff are convinced that the situation has changed, that the new Government is sincere. They cited as evidence the nature of communications between the Government and the EC. The previous Government looked for and exaggerated problems in the relationship; the current one overlooks them. The previous Government was secretive and late in responding to communications; there is a torrent of e mail traffic between the EC and the new Government. The current Government is asking for help; the previous Government fended off offers of support.

In the first, less hopeful, governance situation it is possible to put in place new systems and build capacity in preparation for a more reform minded government. The new capacity and systems will also improve some aspects of government even under an adverse regime. Under the previous government, the EC and other donors supported the establishment of the first Treasury in Ukraine's history. Auditing capacity has been improved. The first ever commercial court has been set up, and judges trained accordingly. What these activities have in common is that they are in general not politically threatening.

It is the second situation that offers the greatest challenge. It would take the EC up to two years to put together a major new program of support for the new Government. In the meantime it is unable to provide urgently needed technical support to the new regime, which needs to demonstrate results perhaps even to survive. As one project manager pointed out, the new Government knows what to do but not how to do it. The new Prime Minister says that the Government has replaced no less than 18,000 staff, including almost every head of department. The new ones may have better attitudes, but they lack experience. The EC should be able to step in here, but it cannot. Other donors will have to, and will. The EC should in fact be in the lead given that the prospect of accession is so important. The need to provide urgently support in this situation is unique to the governance sector. Procedures that are satisfactory for support in other sectors, such as transport and water and sanitation are not satisfactory for the governance sector.

Related to this is administrative rather than developmental focus of staff. It is not that they do not want to develop new ideas with their counterparts in government, civil society and the donor community, even with their own colleagues; it is just that they do not have the time. They also lack the training in the substance of the projects and programs they manage or might develop.

The EC governance strategy of focusing capacity building where political sensitivities are not substantial was probably exactly the right strategy for the pre-Orange Revolution period. The Government had little interest in fundamentally reforming government. The delegation established good relations with many mid-level and some senior technical staff, many of them young, who would be expected to move into more influential

positions under the new regime (especially as the new government has fired so many senior staff). Our interviews with staff in government indicated that relations with EU staff are very good. Outside the staff handling the governance programs, senior Delegation staff have developed good relations with opposition leaders now in power.

The problem lies in scaling up the EC's support. Again and again we heard that the EC cannot move quickly enough. The EC should lead, given the drive for accession, but it might have to cede leadership to other donors such as the World Bank, which is preparing major civil service reform and legal and judicial reform programs. In accordance with policy from Brussels, the EC in Ukraine should at the very least join in with these programs.

The EC also needs to scale up staffing. First of all staff are overwhelmed with administrative duties, many of which involve report back to Brussels. Secondly, if deconcentration is to be taken seriously, more staff will be required. Further, if the EC is to become a partner in larger scale, longer term support, it may be that more experienced staff will also be required, or at the very least, intensive training be provided to existing, mainly locally hired, staff.

Annexes

Annex 1 : List of Projects

Program year	Program- ming instrument	Contract	cluster	Title	Kind	Amount
2000	AP 2000	TACIS/2002/026-981	empowerment of civil society	Support to independent Media in Ukraine	Project Aid	156,249
2000	AP 2000	TACIS/2002/026-982	empowerment of civil society	Independent public radio News service NGO development	Project Aid	95,535
2000	AP 2000	TACIS/2002/031-304	empowerment of civil society	- Ukraine, Kiev and selected regions Support for professional independent news	Project Aid	900,793
2000	AP 2000	TACIS/2003/075-671	empowerment of civil society	coverage in Ukraine Media in Building Voters' Awareness	Project Aid	95,162
2000	AP 2000	TACIS/2003/075-800	empowerment of civil society	on Key Election Issues 2004 The Influence of Youth Pedagogical Initiatives on the	Project Aid	73,165
2000	AP 2000	TACIS/2003/076-820	empowerment of civil society	Development of Civic Society	Project Aid	19,061
2000	AP 2000	TACIS/2003/076-822	empowerment of civil society	Regional Centre of Social Processes Social Initiatives -	Project Aid	16,313
2000	AP 2000	TACIS/2003/076-823	empowerment of civil society	Partnership and Development Non-governmental role enhancing in providing social	Project Aid	24,200
2000	AP 2000	TACIS/2003/076-824	empowerment of civil society	services on the local level Enhancement of NGO Development and implementation of a participatory mechanism to solve communities' social problems in the	Project Aid	45,924
2000	AP 2000	TACIS/2003/076-826	empowerment of civil society	southern part of the Sumy region UEPLAC- Ukrainien/Eurpean Policial&Legal	Project Aid	29,550
2000	AP 2000	TACIS/2001/026-914	legal Appr	Advice Centre Environmental Management Standards for	Programme Aid	1,000,000
2000	AP 2000	TACIS/2002/030-266	legal Appr	Enterprises	Project Aid	1,475,740
2000	AP 2000	TACIS/2002/030-518	legal Appr	Application of a	Project Aid	1,413,377

				Foreign Regime Standards, Technical Regulations and Conformity Assessment	Trade -		
2000	AP 2000	TACIS/2002/027-147	public administration reform	Audit Public finance at Kiev	Project Aid	1,999,490	
2000	AP 2000	TACIS/2002/052-223	public administration reform	Audit public finance - 2nd tranche	Project Aid	0	
2000	AP 2000	TACIS/2003/069-455	public administration reform	Informational Advisory Centre on promotion of the public sector development in Kremechug City	Project Aid	32,415	
2000	AP 2000	TACIS/2003/076-833	public administration reform	Increasing the efficiency of social services concerned with supporting women at prenatal and postnatal stage and during labour	Project Aid	25,044	
2000	AP 2000	TACIS/2002/026-987	Rule of law	Legal training Kiev&selected regions Ukr	Project Aid	2,330,540	
2000	AP 2000	TACIS/2002/027-466	Rule of law	Ukrainian- European Policy and legal Advice Centre	Programme Aid	4,793,825	
2000	AP 2000	TACIS/2002/030-511	Rule of law	Support to independent media Reform of Arbitration Courts and Support to Court Administration	Programme Aid	1,149,020	
2000	AP 2000	TACIS/2003/077-091	rule of law	Reform Assistance to regional development	Project Aid	2,476,000	
2001	AP 2001	TACIS/2004/030-600	Decentralisation	TOP - Triangle of Partnership - Foundation in Support of Local Democracy - Krakow	Project Aid	3,766,300	
2001	SPP 2001 Civil Society	TACIS/2003/062-208	Decentralisation		Project Aid	133,882	
2001	2001 Civil Society	TACIS/2004/080-993	Democratisation	Each Vote Matters Pre-Election Empowerment	Project Aid	52,150	
2001	2001	TACIS/2004/081-050	Democratisation	Training Initiative	Project Aid	50,000	

2001	Civil Society 2001	TACIS/2004/081-223	Democratisation	for First-Time Voters Strengthening Media Freedom, Transparency and Rule of Law during the 2004 Ukraine Elections Transparency of Election Campaign and President Election 2004 in the Armed Forces of Ukraine	Project Aid	144,784
2001	Civil Society 2001	TACIS/2004/081-235	Democratisation	Youth mobilization and education in the Ukrainian Presidential Elections 2004	Project Aid	49,300
2001	Civil Society 2001	TACIS/2004/081-245	Democratisation	Voters education and mobilisation project: Toward achievement of an equal playing field for all Candidates in Ukrainian Presidential Elections 2004	Project Aid	86,000
2001	Civil Society 2001	TACIS/2004/081-251	Democratisation	Support to the Election Process	Project Aid	79,088
2001	Civil Society 2001	TACIS/2004/083-344	Democratisation	Co-operation of public bodies with civil organizations in the process of agrarian policy	Project Aid	534,060
2001	AP 2001	TACIS/2004/085-610	empowerment of civil society	Strong trade union - toward a democratic society	Project Aid	492,525
2001	SPP 2001	TACIS/2002/047-354	empowerment of civil society	- IBPP01-0203	Project Aid	200,000
2001	EIDHR	DDH/2001/ (EC)	002-841 Human Rights	Ensuring the Implementation of Territorial Community Rights Guaranteed by the Law "On Local Self-government in Ukraine" Legal and institutional basis for protection of completion (Antimonopoly Committee)	Project Aid	497,808
2001	AP 2001	TACIS/2004/097-066	legal Appr	Legal and institutional basis	Project Aid	121,410
2001	AP 2001	TACIS/2004/097-463	legal Appr	institutional basis	Project Aid	4,924

2001	AP 2001	TACIS/2005/088-448	legal Appr	for protection of competition (Antimonopoly Committee) Supply Contracts for "Establishment of an agricultural standards certification & control mechanism in line with WTO-SPS requirements	Project Aid	17,169
2001	AP 2001	TACIS/2005/096-766	legal Appr	Establishment of an agricultural standards certification and control mechanism in line with WTO-SPS requirements	Project Aid	499,353
2001	Bistro 2001	TACIS/2004/084-910	legal Appr	Commercialisation of Ukrainian Space Technologies and Regulatory Recommendations on Intellectual Property Rights	Project Aid	199,675
2001	AP 2001	TACIS/2004/030-605	Other	Support to the development of the accident insurance system in Ukraine	Project Aid	1,599,950
2001	Bistro 2001	TACIS/2005/096-242	Other	Bistro project European and worldwide experience in the creation of formulary system. lessons for Ukraine	Project Aid	119,780
2001	SPP 2001	TACIS/2003/069-295	public administration reform	Reform of the agriculture management system - Key institutions, Ukraine, KI 02-02	Project Aid	375,000
2001	Bistro 2001	TACIS/2004/080-666	public administration reform	Strengthening capacities of the educational system	Project Aid	79,985
2001	Bistro 2001	TACIS/2004/085-042	public administration reform	Support to the Development of the State Registration System of Legal Person and Natural Persons	Project Aid	193,482
2001	EIDHR	DDH/2001/002-845 (EC)	Rule of law	Entrepreneurs Promoting & strengthening	Project Aid	913,423

2001	AP 2001	TACIS/2002/030-599	rule of law (JHA)	democratic Stability and preventing conflict in Ukraine (Joint Programme with CoE Border Management Extension and Rehabilitation of Border Crossing Facilities at Jagodyn, Ukraine	Programme Aid	4,910,841
2001	AP 2001	TACIS/2005/096-624	rule of law (JHA)	OJSC "Brovary RBD N 50" Border Management Improvement: Equipment Supply to the State Border Guard Service of Ukraine - Detachments in Lughansk, Donetsk, Kharkiv and Chernighiv oblasts (regions). JOINT STOCK COMPANY "Bankomzvjazok"	Programme Aid	2,749,999
2001	AP 2001	TACIS/2004/096-583	rule of law (JHA)	Border Management Improvement: Equipment Supply to the State Border Guard Service of Ukraine - Detachments in Lughansk, Donetsk, Kharkiv and Chernighiv oblasts (regions). Joint Stock Company "Ukrainian Trade Industrial Corporation"	Programme Aid	2,068,605
2001	AP 2001	TACIS/2004/096-587	rule of law (JHA)	Industrial Corporation"	Programme Aid	1,770,555
2002	SPP 2002	TACIS/2003/062-369	decentralisation	development	Project Aid	124,130
2002	AP 2002	TACIS/2005/065-419	empowerment of civil society	Civic education	Project Aid	1,445,275
2002	AP 2002	TACIS/2005/101-556	empowerment of civil society	Civic Education - equipment	Project Aid	0.00
2002	AP 2002	TACIS/2005/101-558	empowerment of civil society	Continuing	Project Aid	0.00

				of civil society	Education - Equipment Development and multiplication of the model of public monitoring scheme of mental health services in Ukraine with user's NGO involvement	Project Aid	199,606
2002	SPP 2002	TACIS/2003/062-265		empowerment of civil society	Urban Rangers - Building Civil Society through Creating Community Self Help Groups	Project Aid	151,157
2002	SPP 2002	TACIS/2003/062-451		empowerment of civil society	Capacity building of Ukrainian NGO in providing training for statutory social service providers	Project Aid	199,375
2002	SPP 2002	TACIS/2003/062-478		empowerment of civil society	Human rights and democracy Microprojects 2002 Ukraine	Project Aid	600,000
2002	EIDHR	DDH/2002/ (EG)	002-702	Human Rights	Support to the development on a system of medical standards	Project Aid	1,999,620
2002	AP 2002	TACIS/2004/065-429		legal Appr public administration reform	Effective state budget management	Project Aid	2,740,700
2002	AP 2002	TACIS/2004/065-418		public administration reform	Municipal services support	Project Aid	1,996,950
2002	AP 2002	TACIS/2004/065-421		public administration reform	Energy Monitoring in Ukrainian Local Administrations and their Equipment EMULATE	Project Aid	200,000
2002	SPP 2002	TACIS/2003/062-051		public administration reform	Development of a network of innovating social services in Ukraine for women victims of trafficking	Project Aid	156,417
2002	SPP 2002	TACIS/2003/062-313		public administration reform	Supply of equipment for the Customs services of Ukraine - Modernisation of the customs service of Ukraine	Project Aid	543,594
2002	SPP 2002	TACIS/2004/073-759		public administration reform	Reform and Modernisation of the State Customs	Project Aid	1,000,000
2002	SPP 2002	TACIS/2005/099-694		public administration reform		Project Aid	1,000,000

2002	SPP 2002	TACIS/2005/101-853	public administration reform	Service of Ukraine - Technical assistance part of the programme. Reform of the Official Statistics in Ukraine - Statistics 8	Programme Aid	1,000,000
2002	AP 2002	TACIS/2004/087-047	rule of law	The Assistance to the Legal and Administrative Reforms in Ukraine in the Sphere of Migration and Refugees' Protection According to the Norms and Standards of the European Union Border	Project Aid	499,931
2002	AP 2002	TACIS/2003/065-417	rule of law (JHA)	Management improvement BORDER MANAGEMENT IMPROVEMENT: IMPLEMENTATION OF THE BORDER CROSSING PROJECTS,	Programme Aid	3,066,161
2002	AP 2002	TACIS/2003/073-449	rule of law (JHA)	UKRAINE LOUIS BERGER Border Management Improvement: Rava Ruska Border Crossing Reconstruction.	Programme Aid	
2002	AP 2002	TACIS/2005/099-386	rule of law (JHA)	Block reserve for equipment Border Management Improvement: Rava Russka Border Crossing Reconstruction.	Programme Aid	1,500,000
2002	AP 2002	TACIS/2005/099-387	rule of law (JHA)	Crossing Reconstruction. Border management improvement: Uzhgorod border	Programme Aid	8,433,841
2002	AP 2002	TACIS/2005/099-393	rule of law (JHA)	empowerment crossing project - detailed design	Programme Aid	
2003	AP 2003	TACIS/2005/065-419	empowerment of civil society	Civic education Development of	Project Aid	554,406
2003	AP 2003	TACIS/2005/101-480	empowerment of civil society	Media Skills	Project Aid	2,000,000

2003	AP 2003	TACIS/2005/101-486	empowerment of civil society	Further Strengthening of Civil Society (grants programme) IBPP B7-701 EIDHR	Programme Aid	3,000,000
2003	EIDHR	DDH/2003/ (EC) 005-964	Human Rights	Microprojects 2003, Ukraine Ukrainian-European Policy and Legal Advice Centre (UEPLAC)	Project Aid	600,000
2003	AP 2003	TACIS/2005/101-510	legal Appr	Phase IV Capacity Building of Migration Management: Ukraine	Programme Aid	5,000,000
2003	AP 2003	TACIS/2004/096-462	public administration reform	Support to Taxation Reform	Project Aid	1,575,200
2003	AP 2003	TACIS/2005/099-903	public administration reform	Strengthening Capacity of Justice System of Ukraine	Project Aid	2,000,000
2003	AP 2003	TACIS/2005/101-532	rule of law	Border Management Improvement, Uzhgorod Broder Crossing Rehabilitation.	Project Aid	2,000,000
2003	AP 2003	TACIS/2005/099-389.00	rule of law (JHA)	Block reserve for works	Programme Aid	
2004	AP 2004		decentralisation	Sustainable local development Capacity building for consumers NGOs and developing NGOs networks	Project Aid	3,000,000
2004	AP 2004	TACIS/2004/ 016-777/3	empowerment of civil society	empowerment of civil society	Project Aid	3,000,000
2004	AP 2004	(EC)	empowerment of civil society	IBPP programme 19 04 03 EIDHR	Programme Aid	3,000,000
2004	EIDHR	DDH/2004/ (EC) 016-724	Human Rights	Microprojects 2004, Ukraine	Project Aid	600,000
2004	AP 2004		legal Appr	Support to PCA implementation ENP Support facility (Support for Institutional, Legal and Administrative Reform) for public and semi-public bodies	Programme Aid	2,000,000
2004	AP 2004		legal Appr	Accession of and implementation by Ukraine of international agreements and	Project Aid	2,000,000

			conventions on transport		
2004	AP 2004	public administration reform	Support to NCU	Project Aid	2,000,000
2004	AP 2004	public administration reform	Statistics programme Support good governance through fight against, and prevention of, corruption	Programme Aid	1,000,000
2004	AP 2004	rule of law	International cooperation in Criminal Matters	Project Aid	3,000,000
2004	AP 2004	rule of (JHA)	Support to Border Management along the Trans-dnestrain	Programme Aid	2,500,000
2004	AP 2004	rule of (JHA)	lawsector of the Border with Moldova Jagodyn/Dorohusk - Reconstruction	Programme Aid	3,000,000
2004	AP 2004	rule of (JHA)	lawPhase II Border Management	Programme Aid	4,500,000

Annex 2 : List of Interviewees

PARTICIP Good Governance Evaluation Team in Ukraine, June 27 – July 8, 2005, Kyiv

Members of Parliament (Verkhovna Rada of Ukraine)

1. Deputy Head of the **Committee on State Building and Local Self-Government** of Verkhovna Rada of Ukraine – Yuri Kluchkovski
2. **Representative of the President of Ukraine** in Verkhovna Rada \ Head of the **Sub-Committee on Administrative Reform of the Committee on Legal Policy** of the Verkhovna Rada of Ukraine – Serhiy Sobolev

Central Governmental and Judiciary Bodies
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Accounting Chamber of Ukraine

3. Deputy Chairman - Oleksandr Yaremenko
4. Secretary – Anatolij Yukhymchuk
5. Former Deputy Chairman – Volodymyr Melnichuk (left the Chamber in March 2005)

Ministry of Economy and European Integration of Ukraine, Directorate for Coordination of International Technical Assistance

6. Head of the Directorate – Oleksandr Brodskij
7. Deputy Head, Department of Cooperation with EU in the framework of Tacis program – Larisa Pekarska

Main Department of the Civil Service of Ukraine, the Centre for strengthening institutional development of civil service

8. Deputy Head of the Centre – Tetjana Kovtun

State Treasury

9. Deputy Head – Sergei Kopytov

High Commercial Court

10. Head of the External Relations Department – Kiril Esin

Think tanks

11. Head of the **Centre on Political and Legal Reforms** – Ihor Koliushko, author of the several draft laws in the sphere of administrative reform which laid the foundation for current governmental policy in this sphere
12. Head of the **Institute of Civil Society** – Anatolij Tkachuk, the author of the amendments to the Law of Ukraine about local self-government
13. Head and Deputy Head of the **International Centre for Perspective Studies** – Vira Nanivska and Volodymyr Nikitin
14. Director of legal and political programs of the **Ukrainian Centre for Economic & Political Studies named after Razumkov** – Yuri Yakymenko (former head of the Centre has been appointed current minister of defence)

Public organizations

15. Executive Director of the **Association of Ukrainian Cities** – Miroslav Pitsyk

NGO

16. Director of the **Europe XXI Foundation** – Inna Pidluska

International organizations \ projects

International Renaissance Foundation

17. Executive Director - Yevhen Bystrytsky

18. Project Manager (Governance program) - Roman Kobets

UNDP in Ukraine

19. Senior Counsel \ Advisor to the Vice-Prime-Minister Daniel Bilak

20. Governance Cluster Coordinator Petro Pavlychenko

Program of Reform of Arbitration Courts and Support to Court Administration of Ukraine

21. Team Leader - Claudio Turco

22. Senior International Management Expert – Pasquale Ferraro

World Bank

23. Project Officer, Institutional Development in the Public Sector – Svetlana Budagovskaya

24. Senior Counsel, Legal and Judicial Reform Group – Luba Zimanova

25. Senior Public Sector Specialist, Europe and Central Asia Region – Craig Neal

26. Lead Public Sector Management Specialist, Public Sector Group, Latin America & Caribbean Region – Waleed Malik

DFID

27. Deputy Head of the Program - Olga Sandakova

28. Governance Advisor – Alexandra Zayarna

EC Delegation representatives

29. First Counsellor, Head of Political, Press and Information Section – Steffen Skovmand

30. Counsellor, Operations Section – Stefanos Gouvas

31. Operations Section (Terrorism, Organized Crime, Border Management, Asylum and Migration) – Bernhard Bogensperger

32. Project manager (Civil Society) – Tetiana Shulha

33. Project manager (Financial Institutions, Public Administration Reform) – Eleomora Nikolaichuk

34. Project manager (Justice, Security and Freedom) – Andriy Spivak

Council of Europe

35. Director of the Information Office of the Council of Europe in Ukraine –
Oleksandr Pavlichenko

Management of former EC Delegation projects in Ukraine

36. Deputy Head of UEPLAC – Victor Muravjev, chair of Comparative and European
Law, Kyiv National University

Annex 3: The list of documents consulted

The Past

Tacis:

National Indicative Programme 2002-2003

National Indicative Programme 2004-2006

Country Strategy Paper 2002-2006

PCA from 1994

Joint Guide to Tacis small project programmes
and other support structures, 2000

Evaluations:

Evaluation of the Commission's Country Strategy for Ukraine, 2003:
<http://www.eu.int/comm/europeaid/evaluation/reports/tacis/951643.pdf>

Evaluation of the Joint Programmes between the European Commission and the Council of Europe for strengthening federal structures and local government, introducing human rights protection mechanisms, and supporting reforms of the law and legal system in the Russian Federation and Ukraine:
http://europa.eu.int/comm/europeaid/evaluation/reports/tacis/951557_rep.pdf

The Future

ENP:

Communication from the Commission to the Council on the ENP:
http://www.eu.int/comm/world/enp/pdf/country/communication_0503_en.pdf

COM(2004) 628 final, Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down general provisions establishing a European Neighbourhood and Partnership Instrument:
http://www.eu.int/comm/world/enp/pdf/getdoc_en.pdf

Proposed EU/Ukraine Action Plan, ENP :
http://www.eu.int/comm/world/enp/pdf/action_plans/Proposed_Action_Plan_EU-Ukraine.pdf

European Neighbourhood Policy Country Report Ukraine:
http://www.eu.int/comm/world/enp/pdf/country/Ukraine_11_May_EN.pdf

EU-UKRAINE COOPERATION COUNCIL EIGHTH MEETING, BRUSSELS, 21 FEBRUARY 2005, 6428/05 (Presse 37):
http://ue.eu.int/uedocs/cms_Data/docs/pressdata/en/er/83804.pdf

European Commission simplifies funding of external assistance:
http://europa.eu.int/comm/external_relations/reform/intro/index.htm

Annex 4: Acronyms

CFAA	Country Financial Accountability Analysis
CPA	Cotonou Partnership Agreement
CPAR	Country Procurement Review
CSP	Country Strategy Paper
DFID	Department for International Development
EC	European Commission
ECP	Strategy to Combat Poverty
EDF	European Development Fund
EIDHR	European Initiative for Democracy and Human Rights
EU	European Union
IMF	International Monetary Fund
INE	National Institute for Statistics
INEJ	National Institute for Juridical Studies
LRRD	Link Relief Rehabilitation and Development
MAPESS	Ministry for Public Administration, Employment and Social Security
MTR	Mid-Term Review
NAO	National Authorising Officer
NGO	Non-Governmental Organisation
NIP	National Indicative Programme
NSA	Non-State Actor
PALOP	African Countries with Portuguese as Official Language
PAR	Support to Reconstruction Programme
QUIBB	Questionnaire on Basic Welfare Indicators
REMPE	Company Survey

SWAp	Sector Wide Approach
TA	Technical Assistance
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
WB	World Bank
WTO	World Trade Organization