

Nederlandse inbreng voor de publieke consultatie over de thematische evaluatie van EU-steun voor rechtsstaat in buurlanden en (potentieel) kandidaat-lidstaten van de Unie in 2010-2017

27. Are you aware of any Rule of Law support to your country and/ or in beneficiaries of ENI and IPA assistance supported by the European Union (EU)?

YES

28. Please indicate any projects or activities below:

Projects include PRAVO (Ukraine), EURALIUS V and the International Monitoring Operation (Albania), EUROL 2 (Montenegro), Seyada II and PEGASE (Palestinian Territories), EU4JUSTICE (Georgia) and many other EU Rule of Law projects, such as Twinings and TAIEX and support for justice reforms in different beneficiary countries.

29. Do you consider that EU support to Rule of Law in your country and / or in ENI countries and IPA beneficiaries has responded well to past and current needs and priorities of the country context?

YES

30. Please explain here why you think this is the case:

EU support is relevant and has added value, as it provides much needed support to implement reforms aimed at bringing the justice system in line with international standards. Well-functioning institutions are, among other things, essential for the functioning of the internal market. Flexibility should be increased both during planning and execution, to accommodate developments on the ground. There is still much room for improvement on RoL in the IPA/ENI countries.

31. Do you consider that EU support to Rule of Law has responded well to past and current needs and priorities in the regional context?

YES

32. Please explain here why you think this is the case:

EU support has responded well to past and current needs that are related to accession requirements. RoL in the IPA/ENI countries requires improvement, but steps are being made. Increased appreciation of the regional context would be welcomed, specifically also for the Balkans and in regard to support for the Palestinian Territories.

33. Do you consider that the way in which Rule of Law was supported has been appropriate and likely to achieve its intended objectives?

NO

34. Please explain here why you think this is the case:

Only to some extent: achieving objectives is also dependent on political will in the partner country. Also, achieved standards are not irreversible; backsliding is possible even with well-executed support. In relation to the actual projects, attention should be paid to the quality of the experts, and their knowledge of the local and regional context. Very often the support was successful at the level of goals and results, but less so at the level of attending the overall, overarching objectives.

35. Do you consider that this support has provided added value?

YES

36. Please explain here why you think this is the case:

It has added value because of consistency, and contributes to genuine peer to peer exchanges and a better understanding of the standards one needs to adhere as part of the accession process. In order to make it more effective it is important to improve further the sharing of information and coordination with other donors.

37. Are you aware of other examples of the EU working together with your country and / or in ENI partner countries and IPA beneficiaries, and with other international agencies, to provide support to Rule of Law?

YES

38. If so, please specify the nature and quality (both strategic and operational) of these initiatives below:

Dutch judges are subcontracted (PRAVO in Ukraine), and contracted in Twinning projects. Embassies aim to align decentralized Matra projects with larger ongoing EU-funded projects. In some cases, co-funding was provided for ongoing larger EU-projects. Cooperating minimizes the chance for overlap. Still, more coordination is needed. In Ramallah, the Netherlands leads the coordination amongst bilateral and multilateral partners.

39. In your opinion, has EU support to Rule of Law contributed to legal reform and other changes in your country and / or in ENI partner countries and IPA beneficiaries?

YES

40. If so, in what way?

This depends on the partner- or beneficiary country. EU support to RoL contributed for instance by making it obligatory to make some legal amendments (Jordan), by contributing to the drafting of approximately 40 new laws through EURALIUS IV (Albania), and through TAIEX missions (Western Balkans), and the Association Agreement (Georgia). Lack of coordination and experts advising according to their own national system hamper these contributions sometimes.

41. Do you consider that these changes have brought these beneficiaries more in line with internationally accepted Rule of Law principles and standards?

YES

42. If so, in what way?

Examples include the EU support for vetting of judges in Albania, which brings the justice system closer to international standards, institutional building to promoting further transparency and accountability in Kosovo and EU4JUSTICE in Georgia. It should be kept in mind that results are not irreversible and linear – it depends largely on political will and capacity in the beneficiary country.

43. In your opinion, has EU support contributed to improving the quality and/ or efficiency of justice systems in your country and/ or in ENI partner countries and IPA beneficiaries?

YES

44. If so, in what way?

Main elements are the training and (re-)evaluation of judges and prosecutors and the building of courts. Support through capacity building should go hand in hand with support in terms of efficiency and infrastructure. Again, it must be stressed that these improvements are not

irreversible: in Turkey, EU support has contributed positively in the past, but due to political developments, backsliding in RoL has occurred and achieved results are mostly made undone.

45. In your opinion, has EU support strengthened the independence, impartiality or accountability of the judiciary in your country and / or in ENI partner countries and IPA beneficiaries?

YES

46. If so, in what way?

Through its considerable support in reforming the judiciary, such as through supporting the establishment of the new governing organs of the justice system (an ongoing process), through supporting the vetting of judges and prosecutors (aimed specifically at increasing accountability of the judiciary), etc. EU also strengthens this by keeping the discussion on topics such as independence, integrity and accountability ongoing. Durable impact depends on political will in beneficiary countries.

47. In your opinion, has EU support strengthened other Rule of Law institutions in your country and/ or in ENI partner countries and IPA beneficiaries?

NO

48. If so, in what way?

Only to a limited extent. For RoL institutions to function and for reforms to have results, much depends on the functioning of the public administration in general, and the functioning of (semi-)independent watchdog institutions and regulatory bodies. In Albania, the EU has strongly supported the Ministry of Justice in most RoL projects. In Georgia, the EU4JUSTICE program implied strengthening of courts, Prosecutor's Office and Ministry for Corrections, which merged with the Ministry of Justice.

***49. In your opinion, has EU support to Rule of Law contributed to sustainable improvements in the Rule of Law, human rights and/or democracy in your country and / or in ENI partner countries and IPA beneficiaries?**

YES

50. If so, in what way?

Yes, though more can be done. EU support to justice reform, vetting of judges and prosecutors, amendment of laws and introduction of new legislation all contribute to fostering rule of law, respect for human rights and democracy. This is done through increasing the independence, impartiality and accountability of judges and prosecutors, through changing laws to improve better and more affordable access to justice. Authorities in these countries realize that they are being watched by the EU.

51. If you have other views on EU support to Rule of Law in ENI partner countries and IPA beneficiaries, please provide them here:

In general, EU RoL support is relevant and has added value, as it provides countries with much needed support to implement reforms that are related to accession requirements and to bring their justice system in line with international standards.

Effectiveness is hampered by: 1 slowness of approval procedures and inflexibility of design, planning and implementation; 2 issues of sustainability and ownership (using a lot of member states' experts/consultants who often copy paste their own national models which are not suited to the country context). A clear link between IPA and the political dialogue is necessary; 3 issues of monitoring of implementation and quality of implementing agents; 4 fragmented project approach instead of integrated programming approach to the sector; 5 Communication and coordination

with Member States and other donors varies per EU Del, but is overall insufficient and usually one sided. Delegations need to be more transparent and take initiative to share.