

EXECUTIVE SUMMARY

Sectoral Interim Evaluation Report R/HR/JHA/0806

Scope and Objectives

This sectoral interim evaluation report covers European Union Phare pre-accession assistance to the *Justice and Home Affairs* sector in Croatia, comprising Judicial Reform, Home Affairs and Border Management and Land Administration subsectors. The assistance allocation is M€ 18.930 with co-financing of M€ 1.538.

Key Evaluation Findings

Good design quality matches well with strategically important sector interventions. Relevance in Judicial Reform has improved since the last interim evaluation.

Significant programming emphasis is put on harmonisation of national legislation with the *acquis*, human resources development and procedures aimed at the development of the land market. As from their design most interventions are based on achievements of previously commenced or completed activities financed under other European Union or alternatively financed programmes, for which the need to be resumed or supplemented was identified. In particular Phare interventions within the *Judicial Reform* subsector are placed in a highly important strategic and political context. In terms of sectoral relevance and in comparison to the previous sectoral interim evaluation, the political commitment in the *Judicial Reform* subsector has strengthened and greatly overcome the past legislative shortcomings of the subsector. Individual design quality is largely appropriate for the given individual intervention purpose.

2005 assistance is for the most part being efficiently realised. Some efficiency problems are possible due to the late start of the overall Phare 2006 programme.

Overall, despite late contracting of the Phare interventions, most adjusted and reorganised the implementation well to ensure achievement of the desired objectives. Constructive cooperation with twinning partners and service providers is indispensable for efficient delivery throughout the sector and in most cases its existence is clearly evident. There is however room for improvement of cooperation and performance, in particular in two interventions in the *Judicial Reform* and *Home Affairs* subsectors. In spite of the capabilities and hard work of the Project Implementation Units, these problems are mostly a result of the fact that not many decisions are under their direct authorisation, which slows down decision-making regarding implementation. Furthermore delays in submitting reports and sometimes disagreements regarding the envisaged activities on the side of service contractors or twinning partners contribute to a few cases to inefficient implementation. There are instances where efficiency is reduced by the lack of authorisation of Croatian project leaders to directly resolve issues or to accept necessary changes proposed by twinning and technical assistance contractors. Due to the suspension of the Phare 2006 programme, no 2006 project has been formally contracted yet. Many tenders are waiting for contracting which is protracted compared to original schedules.

Good quality outputs are being effectively realised, with only two exceptions in Judicial Reform and Home Affairs. Overall, assistance for Land Administration is currently expected to be the most effective.

The majority of the interventions in the sector can be expected to deliver their planned outputs and first outputs achieved have been largely promising both in time and quality. Political commitment has improved in comparison to the previous reporting period and a number of legislative changes particularly in the *Judicial Reform* subsector have been adopted or are in process of being adopted, thus fostering effectiveness of the subsectoral support. Due to some efficiency problems full delivery of desired outputs is at the moment potentially compromised in a few projects, however. There is special concern as regards to the effectiveness of a mediation intervention in the *Judicial Reform* subsector, where physical implementation is lagging seriously behind and desired outputs are still far from being completely delivered. In the *Home Affairs and Border Management* subsector, successful establishment of the police human resources management system is threatened by the continuing absence of an overall strategy and, therefore, prospects for effectiveness have declined since the last interim evaluation. At the time of this sectoral interim evaluation, despite some efficiency flaws in one component, the *Land Administration* subsector demonstrates currently the best progressing intervention and is at the moment expected to become the most effective intervention in the sector.

Most assistance is on its way to producing immediate as well as intermediate impacts. Global impacts will substantially appear only when sectoral reforms are successfully completed.

Considering the present state of realisation, prospects for impact are largely good throughout the sector. The envisaged immediate and intermediate impacts are becoming evident particularly in terms of increased competencies of staffs and in improved administrative and legislative structures and systems. This is less the case in the *Home Affairs and Border Management* subsector, where slow progress in structural and administrative change means that prospects for good impacts overall have declined since the last interim evaluation.

Moreover, for interventions that promote wider reforms throughout society, such as in the judiciary, or depend on effective international relations, such as border issues, the achievement of full impact can be limited or delayed due to the size and complexity of such fundamental changes.

Due to acceleration in adopting or preparing underlying legislation, sustainability is improving.

The expected sector sustainability is good, also stimulated by accelerated adoption or preparation of underlying legislation and commitment of the benefiting institutions to achieve progress. All of the interventions are contributing to building-up or improving conditions in terms of accession requirements. However, there are a number of factors influencing long term sustainability. In order to facilitate long term sustainability of the *Judicial Reform* subsector, further institutional strengthening of the *Judicial Academy* as well as introduction of mediation to the wider public is required. The strategy for completing the court management process, upon which the long term sustainability of the subsectoral 2006 interventions is dependent, needs to be implemented quickly. Within the *Home Affairs and Border Management* subsector, urgent decisions on police education and training are needed to ensure long term sustainability of the Phare assistance and political and administrative solutions to border problems need to be in place in order to comply in time with the requirements of the Schengen

acquis. The longer these remain undone, the poorer prospects for sustainability become, a situation reflected in the reduction in the rating since the last interim evaluation.

Sectoral Conclusions

Conclusion 1. Long term sustainability in police education, training and management is not fully addressed yet. Prospects for effectiveness have since the time of the last interim evaluation somewhat declined in terms of interventions on police education and police human resources development under the auspices of the Ministry of Interior. Long term sustainability can only be ensured through the development of a clear strategy on the kind of police education wanted and what needs to be done and provided for in order to foster the long term viability of this particular intervention.

Conclusion 2. Preconditions for long term sustainability and global impacts in Schengen preparation require quick beneficiary decisions. Important strategic decisions of the Ministry of Interior on fundamental border matters need to be taken in order to comply in time with the requirements of the Schengen *acquis*. In terms of global impacts, there are still some essential preconditions the Ministry of Interior needs to ensure as the basis for effective control of the EU's external borders: agreement with neighbouring countries on the number and nature of border crossings, adequate number of Border Police staff dedicated only to Border Police matters; development of laws, sub laws and guidelines related to Border Police matters as well as asylum matters. Continuation of adequate financing for upgrading of institutional capacity and effective reforms is also essential for effective Schengen preparation.

Performance Ratings

Subsector	Criterion	Relevance	Efficiency	Effectiveness	Impact	Sustainability	Overall Rating
Judicial Reform		HS	MS	MS	MS	MS	MS
Home Affairs and Border Management		S	S	MS	MS	MS	MS
Land Administration		S	MS	S	S	S	S
Total for the Sector		S	MS	MS	MS	MS	MS

HS = Highly Satisfactory, S = Satisfactory, MS = Moderately satisfactory, MU = Moderately unsatisfactory, U = Unsatisfactory, HU = Highly unsatisfactory

The sector overall is rated '**moderately satisfactory**'. The subsectors Judicial Reform and Home Affairs and Border Management are both rated as 'moderately satisfactory'; whilst the Land Administration subsector has been rated as 'satisfactory'.

Key strategic recommendations

In order to respond to these challenges, there are two key areas in which strategic recommendations are made for action:

Accelerate the completion of sectoral reforms in police education, training and management.

- The Ministry of Interior should together with Police Academy create a new and permanent Police Academy department specialising not only in academic but also practical training as a necessary part of police officers' education;
- The Ministry of Interior should develop within the Border Police an institutionalised education and training system which incorporates and builds on the results achieved by the 2005 *Human Resources Management in Ministry of Interior and Police Academy* intervention.

Intensify strategic decision making on fundamental Schengen *acquis* preparation issues.

- The Ministry of Interior should propose that the Croatian Government approach the neighbouring countries in order to initiate final solutions on the number and classification of border crossing points as well as on the future status of local border crossings like Metković;
- The Ministry of Interior should ensure that an adequate number of Border Police staff is being employed in line with needs analyses already conducted by twinning experts;
- The Ministry of Interior should dedicate more resources to the development of laws, sub laws and guidelines related to Border Police matters. One option would be the establishment of a section or department to deal with such matters.