Evaluation of European Union’s Cooperation with Montenegro 2012-2019

Learning brief #4: EU Rule of Law projects – innovative approaches for capacity development

Montenegro is one of seven countries on the path to European Union membership. The EU is providing assistance in the form of policy dialogue, technical expertise, and financial support, to enable Montenegro to meet the conditions for membership. In 2020, the European Commission engaged a team of experts to assess the effectiveness and performance of its assistance to Montenegro from 2012 to 2019. In this period, the EU allocated EUR 384 million of national level assistance, plus additional financial assistance through regional Western Balkans programmes. The evaluation drew on in-depth studies of interventions in Public Administration Reform, Rule of Law, and Environment sectors, the Economic Reform Programme dialogue, and overall funds management process.

This learning brief highlights key lessons learned from the EU Rule of Law projects, which tested new approaches to supporting capacity development in the police and judiciary.

Background

Reform of the police and judiciary are crucial aspects of the EU membership process and are governed by the requirements of the EU Acquis Chapters 23 (Judiciary and Fundamental Rights), and 24 (Justice Freedom and Security). The EU has been supporting institutional reform in these areas with two phases of a flagship project ‘EU Rule of Law’ – EUROL I and EUROL II – since 2014.

The project modality was a combination of the traditional twinning project offering peer-to-peer support and elements of procurement and project management. Timeframes were longer than twinning projects, and budgets rather larger, but project management (under EUROL II) and technical support was provided by serving public officials from the Italian police and judiciary.

EUROL projects

- EUROL II: 2017-2020, managed by Italian Central Police Directorate EUR 2.8 million

Example interventions

<table>
<thead>
<tr>
<th>Example interventions</th>
<th>Expected outcomes</th>
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<tr>
<td>Upgrading Judicial IT system</td>
<td>Efficiency and impartiality of courts e.g., through random case allocations to judges</td>
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<td>Judicial Training Centre investment</td>
<td>Long term capability to train judges and judicial system professionals</td>
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<td>Strategic capacity of police</td>
<td>Longer term planning, improved police efficiency and effectiveness</td>
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<td>Special police investigative measures</td>
<td>Improved quality of evidence for serious crime cases</td>
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<td>Joint investigative teams</td>
<td>Improved coordination between police and other state institutions fighting organised crime</td>
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<td>Asset Recovery Office</td>
<td>Capability to identify and seize proceeds of criminal activity, deterring crime</td>
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### Key successes

Overall, the projects were considered successful by both the national authorities involved and the EU. The key factors that were attributed to the project’s success were as follows.

1. **Peer-to-peer relationship (EUROL II)** achieved high mutual trust and respect; enabled access to specialist expertise in EU member states facing similar issues to professionals in Montenegro.

2. **Flexible design**, that was able to accommodate requests for additional activities and changes in activities.

3. **Careful and regular steering** by steering committee meeting every six months.

4. **Not prescribing solutions**, but helping to identify options and facilitate consideration of best solutions for Montenegro.

5. **Mix of equipment purchase, training, and project management** – facilitated a more holistic approach to building capacities, especially for the police.

Factors external to the project were also crucial for achieving results. The high political attention given to reform of judiciary and policing kept reforms in the public eye, providing an incentive to deliver to expectations. Montenegro’s increasing capacity to define institutional reform needs and develop appropriate strategies led to more appropriate and effective project design for EUROL II.

### Lessons learned

The EUROL experience learned some critical lessons that can be applied to capacity development in other contexts. The modality of the EUROL projects can be described as ‘Twining Max’, an approach that successfully combines the advantages of peer-to-peer Twinning with the added value of change management and procurement that a services or TA contract can bring. The approach is similar to that taken by Sweden’s institution building work, an evaluation of which can be found [here](#).

Peer support is a positive capacity development strategy because of the trust that builds quickly between peers. However, peer police officers or judicial professionals do not always have the experience with managing projects in international settings, so need time and support to build relevant competence.

Peer support can be too responsive to requests for assistance, with insufficient justification or prioritisation, because of the need to maintain good personal relations. Stronger strategic oversight, detached from project management arrangements and supported by theories of change and regular evaluation, is needed.

Design of capacity development projects needs to be rooted in strong organisational analysis and understanding of the dynamics. EUROL II benefitted from the experience of EUROL I. ‘New’ capacity development projects need to invest in solid and shared institutional analysis for project design.