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# Maximizing the effectiveness of technical assistance provided by Member States in crime prevention and criminal justice.

15<sup>th</sup> UN Commission on Crime Prevention & Criminal Justice  
Background Note for PNI Workshop  
Vienna, Monday 24<sup>th</sup> April 2006

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1. This workshop has been developed by the Programme Network Institutes (PNI) affiliated with the Crime Prevention and Criminal Justice Programme and addresses one of the main themes of the 15<sup>th</sup> Session of the Commission: how to maximize the effectiveness of technical assistance in the area of crime prevention and criminal justice.<sup>1</sup> The workshop addresses a range of questions identified globally about the role and effectiveness of technical assistance activities in the context of institutional development, capacity building, and treaty and international standards implementation in our field. In particular, questions are increasingly being raised about the limited value of piecemeal technical assistance activities that are not integrated into broader reform and capacity building initiatives, and are not fully endorsed and supported at the national level.

2. It is now widely recognized that providing more, or the same, kind of assistance will not be sufficient to bring about the wide range of changes and reforms required by most justice and security systems. There are some fundamental issues with the way that much of the technical assistance in the field of criminal justice and crime prevention is currently designed and delivered. Receiving countries often express concern about assistance that proves to be either futile or disruptive of other reforms or capacity building initiatives in which they are already engaged. Technical assistance (TA) is too often based on very naïve assumptions about how organizational change can be effected, and how institutions are transformed. Nevertheless, there is no denying that technical assistance will continue to be a major means of supporting capacity building, the implementation of international treaties, compliance with human rights and justice norms and standards, and international cooperation in facing various forms of international threats.

3. In recent years, technical assistance activities in the justice and security sectors have become a major focus of programming for many multilateral and bilateral agencies. TA has been incorporated in the text of recent conventions as a means to support international cooperation in their ratification and implementation. Development agencies, recognizing the interrelationship between sustainable development, security and justice, have been increasingly involved in the area, as part of their efforts to promote good governance. The technical assistance activities of the UNODC and of the PNI have also increased significantly. Some best practices have been identified, but most agencies are still struggling to apply the lessons they have learned more systematically. In all instances, the organizations and agencies involved recognize the need to further coordinate and harmonize their activities, even if that is easier said than done.

4. This workshop encourages participants to contribute to the kind of reflections which Member States and multilateral agencies have been engaged in for some time, as part of their efforts to maximize the effectiveness of development assistance. While the focus of crime prevention and criminal justice is somewhat different, most of the factors that have impeded the effectiveness of the development assistance provided are essentially the same. The short presentations that will be made during the workshop to initiate further

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<sup>1</sup> The workshop and background note have been organized on behalf of the PNI by ICPC and ICCLR.

discussion will be based on the experience of jurisdictions receiving the assistance and the agencies responsible for delivering it. The purpose of the workshop is to help define the way forward for all those involved, and to ensure that the limited resources that can be devoted to international assistance have the most impact.

5. Programming activities in the justice and security sector typically include: (1) activities to support strategy formation and consensus-building around the need for reforms and the nature of the changes to be promoted; (2) activities to promote the involvement of citizens and civil society organizations in the preparation, implementation and monitoring of justice projects; (3) activities to promote citizen participation in crime prevention; (4) activities to promote law reform when required; (5) activities to bring national laws and systems in compliance with international standards (and conventions); and, (6) institutional strengthening and capacity building activities in the justice and public safety sector to bring about organizational change, including technical assistance, training and other programs to modernize existing structures and procedures and assist with the change process, to create mechanisms to create statistical databases, to install planning, budgeting, and case management systems, and to build the necessary infrastructure and information systems.

6. All of these activities are important and the sequence in which they are undertaken can often impact their effectiveness. A number of lessons have been learned in terms of effective programming and assistance within the sector. These lessons must be identified and integrated into future programming.<sup>2</sup>

7. The PNI were among the pioneers in that field and have accumulated considerable experience. HEUNI, for example, has a long history of working to improve international cooperation in crime prevention and criminal justice, especially in relation to Central and Eastern Europe. It began to collect information in 1991 on the hundreds of international projects being undertaken in the region. This eventually led in 1995 to the establishment of the *HEUNI Database on International Projects in Crime Prevention and Criminal Justice in Central and Eastern Europe* (ECOSOC resolution 1995/12). This was intended as a pilot project that could eventually lead to the establishment of similar and connected databases in every region of the world.

8. The idea of a database and of compiling the lessons learned on an ongoing basis had to be abandoned. HEUNI concluded in 2001 that the database was not achieving its purpose. There were many problems, including low motivation to supply information, an apparent unwillingness of various agencies to share information about international projects, the limited quality of some of the data provided, and the lack of utilization by both recipient countries and donors.<sup>3</sup> Today, the idea of developing an interagency mechanism to share information about ongoing projects and lessons learned is once more

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<sup>2</sup> For example, see: Biebesheimer, C. and J.M. Payne (2001). *IDB Experience in Justice Reform*. Also: CGCED (2000). *Challenges of Capacity Development, Volume 11, Towards Sustainable Reforms of Caribbean Justice Systems*.

<sup>3</sup> A memorandum submitted by HEUNI was included in secretariat document E/CN.15/2001/7.

being advanced, since the need for such information sharing not only remains but has become more apparent.

9. Ten years ago, based on that information and on and the work of an expert group<sup>4</sup>, HEUNI produce a checklist based on 14 recommendations to improve the effectiveness of international assistance<sup>5</sup>:

<ol style="list-style-type: none"> <li>1. Carry out a needs assessment</li> <li>2. Find out who else is working in the same area</li> <li>3. Decide on the purpose of the project</li> <li>4. Consider different strategies for accomplishing the project</li> <li>5. Prepare a written project proposal</li> <li>6. Analyze the expected risks and benefits</li> <li>7. Know your partner</li> <li>8. Secure the support of all the relevant 'stakeholders'</li> </ol>	<ol style="list-style-type: none"> <li>9. Allocate responsibility for costs</li> <li>10. Familiarize yourself with the legal system and culture in the recipient country</li> <li>11. Start small</li> <li>12. Work according to a realistic timetable and cost estimates</li> <li>13. Monitor progress in the project and evaluate its impact</li> <li>14. Be patient</li> </ol>
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10. Other attempts have been made to list the prerequisites to success in various areas in which technical assistance is provided. In 2004, for instance, a group of expert which met at the Institute for Security Studies in Cape Town proposed ten guidelines to be considered by the UNODC in providing technical assistance to promote the implementation of the universal conventions and protocols related to terrorism and other forms of serious crime.<sup>6</sup>

11. The need to implement international norms and standards in crime prevention and criminal justice, globalization and rapid technological advances, the challenges of transnational organized crime, terrorism, and corruption, and the need to coordinate law enforcement responses and foster greater international cooperation have all increased the demand for assistance. Some of the assistance needed is technical, but a lot of it is simply financial. The needs for assistance are complex, varied and generally interrelated. They cannot be addressed by short-term, piecemeal, specialized initiatives that do not take into account the broader need for institutional reform, institution building and capacity building.

12. Globally, it is clear that technical assistance is too often ineffective or inadequate, and rarely meets the deeper needs of recipient countries. The benefits of good projects are often not sustained. It is easy, therefore, to become somewhat cynical or perhaps even

<sup>4</sup> Expert group meeting on *Managing international criminal justice projects: How to overcome problems in international assistance*. May 3-6, 1996, Helsinki.

<sup>5</sup> Matti Joutsen 1996. *Managing International Technical Assistance Projects in Criminal Justice. Experiences with assistance in the reform of crime prevention and criminal justice in Central and Eastern Europe*. HEUNI Paper No. 8. Helsinki.

<sup>6</sup> Strengthening international cooperation and technical assistance in preventing and combating terrorism. Report of the Secretary General, Commission on Crime Prevention and Criminal Justice, Thirteenth session, 11-20 May 2004, Appendix 1. (E/CN.15/2004/8)

disillusioned about the value of most technical assistance activities. As before, recipient and donor countries, as well as international organizations, have identified concerns which are easier to name than to resolve. They include:

- The **lack of sufficient resources** allocated for technical assistance and capacity building in the field of criminal justice and crime prevention.
- The **uncoordinated, fragmented** and scattered nature of the technical assistance provided, with many organizations and donor countries still working bilaterally and in relative isolation from each other.<sup>7</sup>
- The **partial failure of existing coordination mechanisms** for agencies delivering or funding capacity building and technical assistance activities.
- The failure to take into account, in a real participatory way, **recipient country's interests and needs**, as well as their own democratic decision making processes. A lot of the technical assistance offered is still determined by the priorities and goals of assistance providers, rather than those of the recipients. This does not help to instil a sense of ownership on the part of recipient countries which would help to ensure sustainability. There is often a perception that the donors' own security concerns or policy priorities assume priority over the identified needs of the recipient country. Internal security concerns in recipient countries are not weighed as heavily as international, hemispheric, or regional concerns, or even the security concerns of powerful neighbours. Further, the assistance is generally not offered in a timely manner, and is very rarely committed for periods of time sufficient to ensure the success of the fundamental reforms that are required.
- The lack of **sensitivity to context**. Models developed in one country may not be appropriate nor easily transferred to another country. The success of many of the models that are promoted through technical assistance is in fact predicated on the presence of strong and credible institutions, and a substantial capacity to effect and manage change. These models are rarely transferable directly. The changes that are proposed are not always designed to build on the existing strengths of recipient institutions.
- The **neglect of some areas**. Efforts by the international community to promote international cooperation in the fight against various forms of transnational crime, terrorism and corruption may have led many agencies to focus too much of their technical assistance programmes in those areas. As a result, other areas appear to have been neglected, and support for longer-term assistance to meet national needs has been more difficult to obtain. Current programmes often fail to embrace a more comprehensive, integrated approach to technical assistance. Such an approach is necessary to support national strategies to strengthen institutional and operational capacities of countries in need. Specialized forms of technical assistance are sometimes better funded than others, yet it must be recognized that

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<sup>7</sup> Hebenton, B. & Spencer, J. (2001). *Assessing International Assistance in Law Enforcement. Themes, Findings and Recommendations from a Case-Study in the Republic of Estonia*. Helsinki: HEUNI.

a basic, functioning and credible justice system must be in place before specialized interventions are undertaken.

- In recent years, the efforts of development agencies have been increasingly directed toward the reform of the justice and security sectors. These initiatives have been designed to develop the capacity of "partner countries" to address security issues in the post 9/11 world and to meet the challenges of the globalization of crime and corruption. There are concerns, however, that **development assistance is being diverted** to the fight against terrorism and other transnational security threats, to the detriment of projects designed to reform systems of governance, and to build institutional and community capacity for civil society.
- Technical assistance has tended to focus on different **parts of the justice system** or on specific areas (e.g. police firearms training) without taking into account the sector as a whole or broader factors impinging on the justice system's overall effectiveness. For example, technical assistance in the justice sector has focused primarily on strengthening the different sectors of the criminal justice system (legislation, policing, courts, prisons) but more rarely considered their interdependence.<sup>8</sup> Even more rarely, has much attention been given to reducing the supply of offenders and victims by putting in place comprehensive strategies and programmes to prevent crime and victimization from taking place.<sup>9</sup>
- Technical assistance, whether directed to transnational organized crime and corruption or criminal justice and crime prevention, often **fails to take into account the capacity** of recipient countries, or systems, or the importance of good governance to implement or benefit from training or new technologies.<sup>10</sup> Adopting a new legislative structure or prison protocols will have little impact if countries do not have the necessary capacities to manage, train and maintain such innovative systems. In Africa, the New Partnership for Africa's Development (NEPAD) has identified a lack of capacity as a major constraint for sustainable development. **Corruption and abuse** among the police and/or government officials, ethnic and cultural factors, and social and economic disparities, the lack of infrastructure and basic resources, all make decisions on when and how to develop TA very important.

13. There are a number of strategies that may be utilized to increase the efficacy of locally-owned crime prevention and justice and security reforms. These include:

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<sup>8</sup> Herman, T. 2001. *Aspects in International Technical Cooperation – Lessons Learned*. International Cooperation Group, Department of Justice Canada. Paper given at HEUNI International Seminar on Central Issues in Crime Prevention and Criminal Justice, Helsinki, December 14-15<sup>th</sup>.

<sup>9</sup> Shaw, M. 2005. *Why crime prevention is an essential component of international training and technical assistance: the experience of the International Centre for the Prevention of Crime*. Paper given at the Annual Meetings of the American Society of Criminology, Toronto November 16-19<sup>th</sup>.

<sup>10</sup> Dandurand, Y. Griffiths, C. T. & Chin, V. 2004. *Justice and Security Sector Reform and Development*. Discussion Note - Americas Branch. Canadian International Development Agency (CIDA). Gatineau, Canada.

- **Establishing the legitimacy of the proposed reform.** If an initiative is identified as being solely the initiative of an outside agency or government, it is unlikely to be legitimized and will not be sustainable. Rather, the reform will be viewed as externally imposed and as a pre-requisite for receiving other types of assistance. It is important that the recipient country have “ownership” of the reform effort. The recipient country should play the primary role in identifying and prioritizing the areas in need of reform. Furthermore, because changes in one part of the system will invariably affect other parts of the system, reforms that are seen as the initiative of only one agency within the system are not likely to receive the support they require in order to succeed. This presents unique challenges to both the donor and recipient countries.
- **Finding champions.** Countries providing assistance are well advised to consult with a wide range of informants in the recipient country in an effort to distinguish between those persons who are “figureheads” from those who are committed to reform and have the requisite influence and authority to enhance the reform process. Investing sufficient time and resources in identifying these people will increase the likelihood of success of the reform initiative.
- **Providing incentives for change.** Reform is a difficult task in all systems, due in large measure to the tendency of agency personnel to resist change, to be unwilling to put their position and status at risk or to challenge the status quo. There must be some incentives for senior personnel and individuals at the managerial and line levels to participate in the reform effort. It is not realistic to assume that there will be enthusiastic support for an initiative merely because it is labeled as “reform.”
- **Establishing realistic benchmarks and reform objectives.** Even the best-designed assistance project will fall short of its objectives if it is not planned adequately. It is unrealistic to expect that all of the required reforms will occur simultaneously, or that a system’s institutional and human resource capacity can be developed overnight. Specific, achievable objectives must be established that hold the best potential for success. Demonstration projects and carefully selected and developed case studies can provide early, visible successes that will increase the momentum of, and support for, organizational change and reform.
- **Conducting project evaluations.** All assistance projects in the field of justice and security should include an evaluation component. Independent researchers from the jurisdiction in question should conduct this evaluation, working where required, in collaboration with evaluators from the country providing the technical assistance. There are number of key issues surrounding project evaluation, including the use of an evaluative framework that is not externally-imposed but rather reflects the realities of the recipient country. Further, if the measures of success are too rigid, then reform initiatives may be inappropriately determined to have failed.

14. Over the past decade, with the accumulated experience of participants, new approaches to the provision of TA are emerging. The different contexts and needs of

countries in development, transition, and post-conflict are now more explicitly recognized. There is much greater emphasis on the importance of the views and needs of recipient countries, on the importance of multilateral collaboration, on the need for system-wide approaches, on the benefits of balancing criminal justice and crime prevention strategies. There is a greater recognition of how justice and security reforms and institutional capacity building are interlinked with development, poverty alleviation, human rights protection and the promotion of good governance.<sup>11</sup> Models which incorporate these elements are being developed which hold some important promises for the future of criminal justice institutions.

15. For instance, the UK Department for International Development (DFID) has been among the leaders in recognizing the need for donor countries to approach the question differently and built on some of the most important lessons that have already been learned in this field. It has adopted a set of principles for aid effectiveness relating to country ownership over the reform initiatives, alignment with national poverty reduction strategies, delivery of assistance through effective institutions, results-based focus, allocation of assistance to the poorest, harmonization of initiatives amongst donors, and sector-wide approaches.<sup>12</sup>

16. DFID also emphasizes the strong links between security and development.<sup>13</sup> On the basis of lessons learned from security, justice and development projects in a range of countries in Africa, the Caribbean, and South East Asia, recommendations for future work in this area include the need to combine short-term work on community safety with longer-term organizational change; the importance of working to ensure full partnership between government and civil society, reducing the exclusive focus on the justice and security sector itself; the importance of linking such programmes to poverty reduction in recognition of exclusion and inequalities of treatment and security; and the need to ensure that gender is mainstreamed, and not restricted to individual projects.<sup>14</sup> For DFID, the principle of country-led approaches is crucial, but it makes clear that it does not equate country ownership with government ownership. Civil society is also included in the notion of country ownership. They should have a voice and stake in their development, including the poorest groups, while government should also be accountable to them.

17. In Canada, the strategy of the Canadian International Development Agency (CIDA) stresses similar approaches, with a focus on governance, human rights, people-centred, civil society involvement, and locally owned activities, community-based approaches,

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<sup>11</sup> UNODC 2005b. *Crime and Development in Africa*. Research Section. June. Vienna: UNODC. Stone, C. & Miller, J. Thornton, M. & Trone, J. (2005). *Supporting Security, Justice and Development: Lessons for a New Era*. Report for UK DFID. New York: Vera Institute of Justice.

<sup>12</sup> [www.dfid.gov.uk](http://www.dfid.gov.uk)

<sup>13</sup> *Fighting poverty to build a safer world. A strategy for security and development*. Department for International Development. March 2005. London.

<sup>14</sup> Stone, C. & Miller, J. Thornton, M. & Trone, J. (2005). *Supporting Security, Justice and Development: Lessons for a New Era*. Report for UK DFID. New York: Vera Institute of Justice.

multi-sectoral strategies, integrated sector-wide approaches, partnerships, regional and sub-regional approaches, and ‘whole-of-government’ approaches.<sup>15</sup>

18. The OECD has also worked to revitalize development aid.<sup>16</sup> It sees capacity development as a broader concept than technical assistance, and more extensive than capacity building, which has been associated with the more limited area of technical cooperation and training. Capacity development has been defined as the ability of people and organizations to define and achieve their objectives, and an important distinction is made between developing the capacity of the *enabling environment* – the structures of power and influence and institutions, at the *organizational level* – in terms of the quality of those organizations, and at the *individual level* – in terms of the knowledge and skills of individuals who work in those organizations.<sup>17</sup>

19. The 2005 *Paris Declaration on Aid Effectiveness*<sup>18</sup> of the High Level Forum on Aid Effectiveness was concerned with the Millennium Development Goals (MDGs) and sets out the ways in which donor countries should deliver and manage aid to increase its impact in reducing poverty and inequality, increase growth, build capacity and accelerate the achievement of the MDGs. The Declaration outlines a series of five partnership commitments, based on the lessons of experience, concerning ownership, alignment, harmonization, results and mutual accountability. These are designed to increase the effectiveness of aid, and adapt to different country situations, and include twelve specific indicators to spur progress, with a timetable and targets, and stress the importance of monitoring and evaluating implementation. Capacity development is seen as a major objective of national development and poverty-reduction.<sup>19</sup>

*Paris Declaration on Aid Effectiveness 2005 - Partnership Commitments*

<i>Partnership Commitments</i>		<i>No. of Target Indicators for 2010</i>
Ownership	Partner countries exercise effective leadership over their development policies, and strategies and co-ordinate development actions	1
Alignment	Donors base their overall support on partner countries’ national development strategies, institutions and procedures	2-8
Harmonization	Donors’ actions are more harmonized, transparent	9-10

<sup>15</sup> CIDA 2004. *Sustainable Development Strategy: 2004-2006*. Canadian International Development Agency. Gatineau, Canada. Dandurand, Y., Griffiths, C. T. & Chin, V. 2004. *Towards a Programming framework for Development Assistance in the Justice and Security Sector*. Discussion Note - Americas Branch. Gatineau, Canada: Canadian International Development Agency.

<sup>16</sup> OECD 2004. *Policy brief – Security Sector Reform and Governance: Policy and Good Practice*. Paris: Organization for Economic Co-operation and Development. [www.oecd.org](http://www.oecd.org)

<sup>17</sup> *The Challenge of Capacity development: Working Towards Good Practice*. Development Assistance Committee, OECD. February 2006. Paris: Organization for Economic Co-operation and Development.

<sup>18</sup> *Paris Declaration on Aid Effectiveness* High Level Forum, Paris 28<sup>th</sup> February – 2<sup>nd</sup> March 2005. [www.oecd.org](http://www.oecd.org)

<sup>19</sup> *The Challenge of Capacity development: Working Towards Good Practice*. Development Assistance Committee, OECD. February 2006. OECD: Paris.

	and collectively effective	
Managing for results	Managing resources and improving decision-making for results	11
Mutual accountability	Donors and partners are accountable for development results	12

20. The European Union has similarly developed a model which endorses the *Paris Declaration*. It emphasizes the three ‘C’s of coordination, complementarity and coherence. It is committed to a partnership approach with countries, capacity building through coordinated programmes, an increasing use of multi-donors, channelling assistance through country systems, avoiding the establishment of new ‘implementation units’, and reducing uncoordinated missions.<sup>20</sup> In terms of safety and security, there is an emphasis on conflict prevention, peace-building and long-term development.

21. Multilateral agencies often privilege regional approaches to security and justice reform, even when assistance is provided in support of a national reform program. The OECD suggests that the common security needs faced by a region should to be identified. There are many reasons why such an approach is recommended including: (1) security challenges often involve cross border (transnational) issues, they are part of a “regional security complex”; (2) it can be helpful and more effective to have collective responses to security issues; (3) unaddressed security issues can lead to conflict within the region, and weak points that can be exploited by criminal elements and others; and, (4) the need for capacity development is often better addressed by initiatives at the regional and sub-regional levels, particularly when regional programming can produce economies of scale and a greater harmonization between security systems that will invariably be called upon to cooperate in defending the region against outside security threats.

22. There are also some potential disadvantages to regional approaches to assistance for security system reform (SSR). Some observers<sup>21</sup> have cautioned that a regional approach may: (1) encourage inappropriate regional generalizations; (2) be based on inadequate analysis of specific national challenges, strengths, needs and opportunities; (3) encounter some national resistance based on regional politics; and, (4) introduce a bias in the identification of priorities for action, and entail significant opportunity costs for specific national programs. Greene has also concluded “there may be real advantages to developing regional approaches and perspectives to SSR strategies and assistance, so long as this does not detract unduly from the need for specific national analysis and programming, and that opportunities are also pursued to develop thematic or sectoral strategies and programs”.

23. It is evident that regional approaches, if they are to be more than a collection of disparate projects at the national level, require careful planning and meticulous design, as well as a strong executing agency. The pre-conditions for success, including the required

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<sup>20</sup> EuropeAid. *Institutional Assessment and Capacity Development: The Why, What and How?* 2005. Brussels: European Commission.

<sup>21</sup> Greene, O. (2003). “*Security Sector Reform, Conflict Prevention and Regional Perspectives*”, p. 8.

political commitment to the objectives of the reform, are often hard to maintain over time and across the region.

24. A regional focus which responds to specific needs and context, and recognizes the links between development and crime, has been strongly supported by the *Round Table for Africa* which endorsed the programme for action on crime, drugs and security in September 2005.<sup>22</sup> The Round Table, hosted by the Government of Nigeria and organized by UNODC, has set out key priorities in the areas of rule of law and criminal justice reform, conventional crimes, illicit trafficking, organized crime, corruption, money-laundering and terrorism, drug abuse and HIV/AIDS, ratification and implementation of conventions, and data collection, analysis, dissemination and publication. Many of the proposed actions will entail enhanced technical cooperation and capacity-building, the development of indicators, and the construction of computerized databases, specific to the needs of the region. They recognize the impact of poverty, small arms, and HIV/AIDS and conflict on the region, the importance of taking account of existing capacities and resources. The plan of action sets out a five year framework for technical cooperation to reduce the impact of crime and drugs as impediments to security and development. One suggestion by NAIF for the Arab region is the development of implementation assistance module programmes, and online computerized legal databases on national legislation and casework assistance systems, which could be beneficial for assisting Member States with the implementation of international instruments.

### ***Revitalizing technical assistance and maximizing its effectiveness***

25. What are the implications for ‘revitalizing’ technical assistance in crime prevention and criminal justice and maximizing its effectiveness? Is the time right for re-launching databases and information sharing? Can duplication give way to coordination? What are the components for effective capacity building or capacity development? Should there be greater emphasis be on system capacity and organizational capacity as well as individual capacity? What does it mean to place technical assistance within the broader framework of a human rights-based approach?

26. Some of the following considerations seem to be evident:

- Greater **coordination** among donors and providers, including the Institutes, and the need to facilitate ‘consortia’ among donors.. (This includes recognition that organizations operate on different agendas and principles. Some must remain independent of States’ political and economic agendas).
- Undertaking a **clear assessment of the capacity** of a country and of its system components, before TA is developed, and possibly identifying some of the

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<sup>22</sup> *Crime and Drugs as Impediments to Security and Development in Africa. A Programme for Action 2006-2010*. Ajuba 5-6 September 2005. UNODC 2005 *Crime and Development in Africa*. Research Section. June. Vienna: UNODC.

minimum capacities required. This is also crucial for helping to ensure **sustainability** so that projects and technical expertise gained are continued and utilized at the end of training and technical assistance interventions.

- Countries requesting assistance may be encouraged to develop national plans for justice and security reforms, based on local consultation and local consensus.
- There is need for some agreed principles and benchmarks for **monitoring and evaluating** the impact and effectiveness of technical assistance itself.
- Developing assistance based on a **broad view** of the components of justice and security systems, including their links to poverty and development and the role of good governance.
- The development and sharing of **better information and data** sources, the utilization of good practice. It is probable that there is now greater willingness to share information and develop databanks than was the case ten years ago.

### ***Key elements of a TA revitalization strategy***

27. The following elements should inspire the Commission's strategy to revitalize technical assistance in crime prevention and criminal justice:

- **Holistic approaches:** The need to support comprehensive approaches to strengthen the justice sector as a whole, including increasing the overall capacity of justice institutions, increasing their public credibility, and curbing corruption. Integrated approaches do not necessarily preclude the possibility that an intervention may be targeted at an individual security agency, at a single process within that agency (e.g. an information management system for the courts), or may address more general security issues across the system as a whole. It does not matter what strategy is used, as long as the assistance program is carefully planned, even sequentially, as part of a broader strategy to enhance the capacity of the system as a whole and its governance. Effective coordination horizontally, across the system, remains one of the essential preconditions to the success of any such initiative.
- **Country-led programming:** Interventions which will help to stimulate country **ownership** and **sustainability**. This includes not only government, but NGO's and civil society. There should also be coordination or harmonization between donors and organizations and partnership governments.
- **Region-specific:** The development of technical assistance approaches, data, techniques and aids which are tailored or adapted to the specific needs of regions or sub-regions. This has been stressed in particular in relation to the African Region (e.g. by UNAFRI and NAIF).
- **Broad and integrated:** Comprehensive strategies which include all the components of crime prevention and the criminal justice system as an interrelated system, and related to national strategies and plans.

- **Human rights based:** The recognition of inequalities in safety and security, and the exclusion of minorities, women, youth and the most disadvantaged groups. Donors must reaffirm their commitment to support security reforms only in ways that are consistent with democratic principles and human rights standards. This must ensure that all technical and other assistance is provided in a manner that is consistent with applicable human rights standards. There exists a large body of human rights and criminal justice standards that are directly relevant to programming in the justice and security sectors. Programmes should be designed and reviewed by people who are thoroughly familiar with these standards and norms, and recognize their relevance to the proposed reforms.
- **Building on existing strengths:** The programming must also build, as much as possible, on the existing strengths of the local system. Support must be offered in a manner that makes it relevant to local agendas and timeframes. The planning cycle of donors may be either too slow, or not coincide sufficiently with the policy planning and implementation cycle of the requesting country, and opportunities for excellent programming and key strategic support interventions that would have an appreciable impact are often missed. The disruption or interruption of assistance during, or between, projects may also undermine the potential effectiveness of reform initiatives.
- **Favouring long-term assistance:** Most of the problems faced by developing countries in relation to their justice and security sectors are not amenable to short-term interventions, but require changes in culture and attitudes that can only occur over long periods of time. They require human resources and institutional capacity development that would take years, if not decades, to accomplish even in well-developed and prosperous countries. Improvements in capacity, quality, and effectiveness, when achieved, will tend to be slow in developing. Capacity development projects, as a rule, usually require a “longer-term commitment than traditional projects”.<sup>23</sup> Security sector reform must therefore be viewed as a long-term process that requires persistence over time.<sup>24</sup> The nature and extent of a country’s progress, many have observed, “is shaped and conditioned by the pace of social and political change, rather than abstract donor timetables”.<sup>25</sup>
- **Participation of civil society:** This requires the active participation of civil society, not just consultation. Enabling civil society to organize, advocate, effect, and influence change in all aspects of governance is essential to sustainable development. In the field of security reform, the involvement of civil society is an absolute prerequisite to enhanced human security and ongoing respect for human rights and democratic principles. Programming in the justice and security sectors

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<sup>23</sup> CIDA (2001). *Capacity Development Guide for Program Managers*, p. 3

<sup>24</sup> See: Biebseheimer, C. and J.M. Payne (2001). *IDB Experience in Justice Reform*, p. 1.

<sup>25</sup> Ball, N. (2002). *Enhancing Security Sector Governance: A Conceptual Framework for UNDP*.

must support the efforts of civil society to create a “pro-reform environment for democratic governance of the security system”.<sup>26</sup>

- **Research-based, results-focused, monitoring and evaluation.** This includes more varied data collection, adapted to local capacities, disaggregated data, the establishment of benchmarks and indicators, and target dates.

28. These principles need to be applied to all stages of technical assistance development and delivery, from assessing needs and capacities in collaboration with partner countries, to integrating and exchanging knowledge, and monitoring and evaluating outcomes. In terms of evaluation and assessment of technical assistance, experience has made it very clear that projects vary in terms of their expected outcomes. Some will have immediate outcomes, and short-term impacts, but these may not always persist over time. In other cases the impact of projects may take time to become evident. It would seem important to have follow-up resources to track the longer-term outcomes, and to build a better knowledge-base about the real impacts of different types of technical assistance and in different contexts.

29. An important tool which will facilitate the targeting and effectiveness of technical assistance is the *Criminal Justice Assessment Toolkit* being developed by the Criminal Justice Reform Unit of UNODC.<sup>27</sup> Its purpose is to standardize the assessment of criminal justice needs and existing capacities across countries and regions, covering all aspects of justice systems, as well as ensuring ‘that the UN Standards and Norms on crime prevention and criminal justice are integrated more fully into technical assistance interventions’. An important aspect of the project is that it is being developed in consultation with other UN agencies involved in the rule of law and governance issues.

### ***Recent Experience***

30. Recent examples of technical assistance illustrate some of these key principles.

- UNAFEI’s case study of a collaborative partnership with the Philippines on the revitalization of the Volunteer Probation Aides System.
- UNAFRI’s experience in providing technical assistance to Member States in the African Region
- Lessons learned from a donor country perspective (Norway) on technical assistance on policing in Serbia and Montenegro.
- ILANUD’s experience of technical assistance on criminal justice and prison reform in Latin America, in collaboration with RWI, UNAFEI.

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<sup>26</sup> OECD (2004). *Security System Reform and Governance: Policy and Good Practice*.

<sup>27</sup> This is being developed by the Criminal Justice Reform Unit, Rule of Law Section, Human Security Branch UNODC.

## **Conclusions**

31. There seems to be an emerging consensus in a number of fields on the kinds of principles and approaches which can help make technical assistance more appropriate, effective and lasting. Concern with transnational organized crime and corruption, and terrorism have helped to focus attention on the importance of training and technical assistance in the justice and security sectors and their role in development.<sup>28</sup> Similarly, norms and standards, globalization, and technological change have **increased demand** for technical assistance and training, made **access easier**, and for the future, they offer some very **innovative opportunities** for interacting in the delivery of TA and developing and building capacity.
32. Examples of recent models (country and regional), and specific examples of the work of some of the Institutes, as well as donor and recipient views, are presented in the workshop. The examples take an integrative and participatory approach, assess systems overall as well as basic capacities, illustrating and comparing how issues were tackled and solutions developed, and illustrate some of the key principles outlined above. The workshop is intended to stimulate a lively and interactive exchange.
33. There is **broad agreement** among the PNI on these key themes, and a commitment to work cooperatively to strengthen the effectiveness of the technical assistance offered by the Institutes in collaboration with the Commission for the future. Yet a number of important questions remain. What should be the level of funding for technical assistance? What should be the focus of projects? Should there be priorities to particular countries and regions? There has been fragmentation in terms of technical assistance between UN bodies. There has been fragmentation between the Institutes themselves. What should be the vision for the future?

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April 2006

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<sup>28</sup> Dandurand, Y. Griffiths, C. T. & Chin, V. 2004. *Justice and Security Sector Reform and Development*. Discussion Note - Americas Branch. Canadian International Development Agency (CIDA). Gatineau, Canada.