



Monitoring System of the Implementation of Projects and Programmes
of External Co-operation financed by the EU – ENPI

Result-Oriented Monitoring (ROM) for European Neighbourhood Countries

Multi-project ROM Report

November 2010



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INTEGRATION led Consortium
INTEGRATION - ICCS-NTUA (EPU) - ECORYS

Project synopsis

Project Title:	Service Contract for a “Results-oriented Monitoring system of the Implementation of Projects and Programmes of External Co-operation”, Lot 1 – European Neighbourhood Countries.
Project Number:	EVA/2007/146-595
Country:	European Neighbourhood countries

Overall objective	European Commission external assistance is increasingly effective and accountable.
Specific objective	Results-Oriented Monitoring (ROM) acts as an independent early warning system supporting EC project management with useful recommendations.
Planned outputs	Independent, well-targeted, timely and results-oriented information on project implementation.
Expected results	<ul style="list-style-type: none">R.1 Ongoing projects and regional programmes (Budget > 1M€) are monitored at least once a yearR.2 A representative sample of projects of less than €1M (mainly of thematic budget lines) are monitoredR.3 A selected number of ex-post ROM and SPSP ROM are conducted consolidating the test phaseR.4 Special reports on individual programmes, thematic or sectoral issues are elaborated upon request of the ECR.5 The work, findings and conclusions are presented to stakeholdersR.6 A regional monitoring capacity is developed and the Monitoring Programme is exemplarily well managed
Project starting date	01 December 2007 ENPI East - 22 January 2008 ENPI South Extended to 30 November 2010
Project duration	Max 36 months.

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MULTI-PROJECT ROM UKRAINE – RULE OF LAW PROJECTS

I. PROGRAMME DATA

SPSP Number: None	Responsible HQ Brussels: Marzia Pietrelli
Date Financing Agreement signed:	Responsible EC Delegation: Andrei Spivak
Start date – planned: 05.06	Monitor: Philippe Bories and Irina Sholeva
Start date - actual: 05.06	Sector Programme Authority:
End date – planned: 08.10	Sector/Subsector: Justice, Freedom and Security
End date - likely:	Planned Field Phase date: none

II. FINANCIAL DATA*

Total Budget of SP (including all other funding – Gov + Donors):	28,054,290
SPSP Budget (using Projects or Pool Funding or Sector Budget Support)	12,000,000
Total EC Funds Disbursed:	N/A

III. INDICATIVE GRADES

1. Relevance and Quality of SPSP Design	b
2. Efficiency of Implementation to date	a
3. Effectiveness to date	b
4. Impact Prospects	c
5. Potential Sustainability	b

Note: a = very good; b = good; c = problems; d = serious deficiencies

IV. EXPLANATORY COMMENTS

1. Relevance and Quality of SPSP Design:

The Ukraine and the European Union have developed a common strategy and have been working for several years in order to support the approximation of the Ukrainian Judicial system with EU standards. In addition, Ukraine as a member of the Council of Europe is committed to the principles of independent and effective justice. Thirdly, the country signed a number of international agreements and is therefore engaged in the process of enhancing the quality of the justice sector.

The projects were designed in order to assist Ukraine in fulfilling the tasks set in the 2005 ENP-Ukraine Action Plan and EU-Ukraine Action Plan on Justice, Freedom and Security (JFS) revised in June 2007 and offer direct support to the implementation of measures defined in the JFS Scoreboard. So far only a small part of the said measures have been covered by EC-funded projects.

However some preconditions for a successful sector approach are still missing, including the government commitment on a medium-term strategy. While the coherence and relevance of the individual projects have been more and more evident, the lack of political stability in the country and the poor cooperation among the many stakeholders still prevent the projects to tackle in a realistic way the many challenges of the reform.

2. Efficiency of Implementation to date:

Although the last two projects hardly started, it can be noted that the use of resources was generally adequate. The high quality of the expertise provided and the good level of commitment of the beneficiary institutions allowed a high level of efficiency so far. In particular, the role of the Council of Europe has been instrumental in transmitting and consolidating skills and best practice in various fields.

However it has been noted that the most efficient projects are those addressing specific institutions, where sufficient staff and management stability is found and whose commitment to improving their performance has been genuine. In contrast, structural reforms at national level involving various partners have not achieved the expected results so far.

Although certain links and exchange of views with other donors has been maintained, there is no proper government-led donor coordination based on a medium-term view in terms of institutional development. Therefore the transaction costs are still high, and are expected to remain so for the next years.

3. Effectiveness to date:

The training of judges is the most critical single component of the reform and must be given priority, using the best possible instruments in order to reach this very large potential audience in an effective manner.

The regular updating of the Scoreboard in most cases consists of acknowledging the delays and postponing the expected results, in particular regarding the capacity building and institutional aspects. The legislative work is also slow and disappointing.

Although the projects at the level of individual institutions have been reaching their objectives in most cases and can be considered as generally successful, it remains to be demonstrated that the current projects will be able to introduce substantial changes in the currently inadequate justice system in Ukraine.

4. Impact Prospects:

Establish trust and confidence in the judicial system will require considerable time and energy.

The current political instability and the likelihood that such conditions may prevail during the next years, makes it difficult to forecast when the pre-conditions for a full sector approach will be present.

Monitoring of progress must continue and involve the national authorities in order to measure the actual impact of the cooperation.

5. Potential Sustainability:

Considering the number of judges, bailiffs and other justice sector personnel, including at national level, important financial resources will be required, not only to introduce, but also to maintain an effective justice system in Ukraine.

Although the results achieved so far at the level of individual institutions are globally sustainable, it remains to be seen whether a medium term expenditure framework can be defined and followed, mobilising sufficient financial resources in a multi-annual programme.

The existence of parallel structures still prevents the Ministry of Justice from playing the central role it should have in the reform.

V. KEY OBSERVATIONS - RECOMMENDATIONS

The justice sector is certainly one of the priority areas for EC-Ukraine cooperation and the process of enhancing the quality of Ukrainian justice system should be further developed, as an independent and efficient judicial system is an essential condition for the further development of EU-Ukraine relations, including establishment of the Free-Trade Agreement.

The modalities of aid have to be defined in agreement with the Ukrainian authorities as part of a medium-term strategy. However, in the absence of a stable political framework and considering the low level of cooperation among the various institutions involved, some essential preconditions for a full sector approach are still missing.

The on-going projects involving the Ministry of Justice, the Supreme Court and the High Council of Justice are likely to help design a clear and agreed strategy at national level and at the same time test and validate procedures and methods for dissemination of know-how and skills required for a better qualification of judges.

The legal framework still needs to be updated in order to allow a sustainable improvement of the justice system in Ukraine. In line with the Paris Declaration, the government priorities and management systems have to be more clearly defined, including the donor coordination and multi-annual planning.

Monitoring the progress of the reform in the judicial sector should be based on the indicators of progress used in the Sector Support approach. The Scoreboard used so far to follow the achievements only reflects the results, not the conditions for a sustainable change.

VI. ANNEXES

Annexe 1: ROM reports with scores

Annexe 2: Lessons learnt

Annexe 3: Background Conclusion Sheets Multi-Project ROM Justice Ukraine

Annexe 1: ROM Reports with scores

Annex 1 ROM reports with scores

<i>CRIS Ref.</i>	<i>Project Number</i>	<i>Contract Number</i>	<i>Budget</i>	<i>Distr. Date</i>	<i>Project Title</i>	<i>PM</i>	<i>Pr. start date</i>	<i>Pr. end date</i>	<i>Moni tor</i>	<i>R/ D</i>	<i>E/I</i>	<i>E</i>	<i>I</i>	<i>S</i>
MR-40539.01	110195	110195	1,680,000	22/06 /2006	International co-operation in criminal matters with judicial bodies and law enforcement agencies	ASP	30/11 /2005	01/12 /2008	VK	B	B	B	B	B
MR-40539.02	110195	110195	1,680,000	12/01 /2007	International co-operation in criminal matters with judicial bodies and law enforcement agencies	ASP	30/11 /2005	01/12 /2008	VK	B	B	B	B	B
MR-40539.03	110195	110195	1,680,000	03/09 /2007	International co-operation in criminal matters with judicial bodies and law enforcement agencies	ASP	30/11 /2005	01/12 /2008	VK	B	B	B	B	B
MR-40539.04	110195	110195	1,500,000	17/03 /2008	International co-operation in criminal matters with judicial bodies and law enforcement agencies	ASP	30/11 /2005	01/12 /2008	VK	B	C	B	B	B
MR-40539.05	110195	110195	1,500,000	07/10 /2008	International co-operation in criminal matters with judicial bodies and law enforcement agencies	ASP	30/11 /2005	01/12 /2008	VK	B	B	B	B	B

MR-40600.01	120437	120437	5,000,000	30/10 /2006	Follow-up Project against Money Laundering and Terrorist Financing in Ukraine - MOLI-UA-2	ASP	01/05 /2006	30/04 /2009	NV	B	B	A	B	B
MR-40600.02	120437	120437	5,000,000	03/12 /2007	Follow-up Project against Money Laundering and Terrorist Financing in Ukraine - MOLI-UA-2	ASP	01/05 /2006	30/04 /2009	NV	B	B	B	B	B
MR-40600.03	120437	120437	5,000,000	31/10 /2008	Follow-up Project against Money Laundering and Terrorist Financing in Ukraine - MOLI-UA-2	ASP	01/05 /2006	30/04 /2009	NV	B	B	B	B	B

EU Results-Oriented Monitoring Programme for European Neighbourhood and Partnership Countries
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<i>CRIS Ref.</i>	<i>Project Number</i>	<i>Contract Number</i>	<i>Budget</i>	<i>Distr. Date</i>	<i>Project Title</i>	<i>PM</i>	<i>Pr. start date</i>	<i>Pr. end date</i>	<i>Moni tor</i>	<i>R/ D</i>	<i>E/I</i>	<i>E</i>	<i>I</i>	<i>S</i>
MR-40540.01	120157	120157	1,500,000	11/01/2007	Support to Good Governance: Project Against Corruption in Ukraine	ASP	08/06/2006	09/06/2009	VK	B	B	B	B	B
MR-40540.02	120157	120157	1,500,000	24/09/2007	Support to Good Governance: Project Against Corruption in Ukraine	ASP	08/06/2006	09/06/2009	VK	C	D	C	C	C
MR-40540.03	120157	120157	1,500,000	21/05/2008	Support to Good Governance: Project Against Corruption in Ukraine	ASP	08/06/2006	09/06/2009	VK	B	B	B	B	B

MR-40521.01	121712	121712	2,000,000	09/01/2007	Ukraine - Judicial Selection and Appointment Procedure, Training, Disciplinary Liability, Case Management and Alternative Dispute Resolution	ASP	30/05/2006	31/12/2007	ISH	B	C	B	B	B
MR-40521.02	121712	121712	2,000,000	08/11/2007	Ukraine - Judicial Selection and Appointment Procedure, Training, Disciplinary Liability, Case Management and Alternative Dispute Resolution	ASP	30/05/2006	31/12/2007	ISH	B	A	B	B	B

MR-40520.01	EuropeAid/122038/C/SV/UA	101510	4,410,000	06/02/2007	Ukrainian-European Policy and Legal Advice Centre (UEPLAC) Phase IV	SPE	17/07/2006	17/07/2009	ISH	C	B	B	B	B
MR-40520.02	EuropeAid/122038/C/SV/UA	101510	4,410,000	06/02/2008	Ukrainian-European Policy and Legal Advice Centre (UEPLAC) Phase IV	SPE	17/07/2006	17/07/2009	ISH	B	B	C	B	B

EU Results-Oriented Monitoring Programme for European Neighbourhood and Partnership Countries
Multi-Project ROM Report

CRIS Ref.	Project Number	Contract Number	Budget	Distr. Date	Project Title	PM	Pr. start date	Pr. end date	Moni tor	R/ D	E/I	E	I	S
MR-41476.01		124175	989,788	10/07/2007	Interpol-assisted International Cooperation in Criminal Matters by Ukrainian Law-enforcement	ASP	15/01/2007	15/11/2008	VK	B	B	B	B	B
MR-41476.02		124175	989,788	07/02/2008	Interpol-assisted International Cooperation in Criminal Matters by Ukrainian Law-enforcement	ASP	15/01/2007	15/11/2008	VK	B	C	B	B	B
MR-41476.03		124175	989,788	26/09/2008	Interpol-assisted International Cooperation in Criminal Matters by Ukrainian Law-enforcement	ASP	15/01/2007	15/11/2008	VK	B	B	B	B	B

MR-40743.01	DGAJ/24/2003	49627	974,502	26/09/2003	Project Against Money Laundering in Ukraine	PCL	01/02/2003	01/02/2005	NV	B	B	B	B	B
MR-40743.02	DGAJ/24/2003	49627	974,502	29/06/2004	Project Against Money Laundering in Ukraine	FL	01/02/2003	01/02/2005	LKA	B	B	A	A	A
MR-40743.03	DGAJ/24/2003	49627	974,502	22/12/2004	Project Against Money Laundering in Ukraine	EN	01/02/2003	30/06/2005	NV	A	B	B	B	B
MR-40743.04	DGAJ/24/2003	49627	974,502	01/07/2005	Project Against Money Laundering in Ukraine	BB	01/02/2003	30/06/2005	NV	A	A	B	B	B
MR-40743.05	DGAJ/24/2003	49627	974,502	28/11/2007	Project Against Money Laundering in Ukraine	BB	01/02/2003	30/06/2005	NV/ASH	A	A	B	B	A

Annexe 2: Lessons learnt

Annex 2 Lessons learnt

Key Assessment Areas

As these were not in use when most of these projects were designed, it has been noted that the projects reached their objectives more effectively each time their design was based on a specific problem linked to an international commitment of the country. The seven KAA used in the Sector Wide Approach are particularly relevant in the case of the Justice sector.

1 The stability of the macroeconomic environment has to be considered as an important condition for a sustainable support from the government to the judicial sector. The volume of resources required, in particular for a full training of the judges and other court personnel, as well as Ministry and other institutions bodies, has to be taken into account.

2 The sector policy is being designed with the involvement of most interested bodies, though the newly started project on "Transparency". This interactive and complex process will likely require several years, except if the highest authorities of the country make it clear that it has become their absolute priority.

3 In the absence of a medium term strategic budgeting perspective, the credibility, comprehensiveness and transparency of the annual sector budgets is far from satisfactory.

4 Therefore, a credible and relevant programme is needed to improve Public Finance Management in the sector to guarantee the stability of the system once improved.

5 The role and level of involvement of the EU member states is of particular interest to the EC and should be agreed. However, it is of utmost importance to support and encourage a real government-led Donors coordination, in order to set priorities and elicit synergies.

6 The performance monitoring system cannot be limited to the current JFS Scoreboard that has been often only reflecting the accumulated delays, without necessarily identifying the causes for insufficient progress. It is recommended to make full use of the attached list of indicators of progress, which allow a clear view on the conditions of progress, not on the consequences of difficulties met.

7 The most important expected result of the sector programme is the lasting and stable institutional development, which requires particular attention at all stages of the programme.

Beneficiaries of technical assistance

In case the future sector programme includes technical assistance projects, it would be advisable to focus on those institutions that have sufficient stability and autonomy in their management. It has been noted that actions directed at the high political levels (Ministries) seldom can count with a permanent counterpart and suffer from frequent staff changes.

It is important to assess before and during the programme the level of absorption capacity of the beneficiaries. In several instances, the personnel are already overloaded with their daily chores and can hardly participate to the events proposed. It may be necessary to make available, during the duration of the major change process, additional human resources, be it through a central resource and development centre or by formally reducing the tasks of the main actors.

Sector-wide approach

The recent study on “Priority Identification and needs assessment for sector-wide programme on assistance to Judicial Reforms in Ukraine lists a long series of obstacles in all aspects of the support needed. The conclusion that “sector budget support can be seen as an appropriate and promising aid mechanism for the judiciary in Ukraine” does not fully match the monitors’ observations. It seems most likely that until sector budget support can be established, a number of preconditions have to be met.

In any case, the identified needs are many and the two new projects currently starting will help identify priorities, design a general strategy and hopefully elicit sufficient consensus in the sector for further developments of the EU-Ukraine cooperation in the judicial sector.

Main recommendations found in Monitoring Reports

1 Closer cooperation with other projects/donors

- Closer coordination with other projects/donors
- Closer commitment from project partners
- Use experience of similar projects
- Intensify interactions and cooperation
- Clear mechanisms for cooperation with other projects/donors

2 Stronger commitment and ownership from project partners

- Increase ownership and commitment from project partners
- Increase commitment from project partners
- Restore trustful relationship with beneficiary (SDLA)
- Consider resources for translation for circulation of documents among project partners

3 Adjust to delays in legal approximation

- Establish clear planning for delivery of results
- Adjust activities as the Criminal Code was not adopted
- Regular review of project activities status
- Include indicators in the updated LFM

4 Avoid gaps between projects and use lessons learnt

- Analyze lessons learnt and avoid lengthy gap for further support to the Ukrainian Judiciary
- Avoid interruption between projects
- Secure logical consistency between successive projects
- Unique opportunity for all stakeholders

SWOT Analysis

Strengths

- Generally positive scores of the past Tacis projects
- Scores improving with time
- Most project objectives achieved eventually

Weaknesses

- Low level of commitment from project partners
- Gaps between projects
- Not all lessons learnt used
- No clear mechanisms for coordination with other projects/donors

Opportunities

- Unique opportunities for multiple stakeholders to a joint approach
- Participatory planning and follow up needed
- New structure SDLA to be strengthened

Threats

- Uncertainty of the political context
- Frequent staff changes in project partner institutions
- Need for regular review according to changing context

Indicators of progress (to be used for monitoring the sector support)

The following indicators should be used at all stages of the programme in order to guarantee the presence of the most important factors of success.

<i>Is the SPSP supporting the partner government in developing a sector development strategy with clear strategic priorities linked to a medium term expenditure framework and reflected in annual budgets?</i>
<i>Is the SPSP contributing to strengthening the country's public finance management and procurement systems?</i>
<i>Is the SPSP aid flow reported on the national budget?</i>
<i>Is the SPSP part of a co-ordinated programme consistent with partner's sector development strategy?</i>
<i>Is the financial support from the SPSP managed by the PFM system of the partner country?</i>
<i>Is the financial support from the SPSP entirely spent and disbursed on the basis of the procurement system of the partner country?</i>
<i>Does the SPSP abstain from setting up parallel implementation structures?</i>
<i>Is the SPSP support disbursed according to an agreed schedule in annual or multi year frameworks?</i>
<i>Is the SPSP support untied?</i>
<i>Can the SPSP support be qualified as aid provided on the basis of a programme-based approach?</i>
<i>Are field missions, analytical work and diagnostic reviews being carried out jointly?</i>
<i>Are the SP results being monitored on the basis of a transparent and 'monitorable' performance assessment framework?</i>

Annexe 3: Background Conclusion Sheets Multi-Project ROM Justice Ukraine

1. PROGRAMME RELEVANCE AND QUALITY OF DESIGN

BACKGROUND CONCLUSION SHEET for SP and SPSP

Program Number	Multi-Project ROM	Monitor	Philippe Bories and Irina Sholeva	Date	30.11.2008
Program Title	Analysis of the "Rule of Law" projects in Ukraine				

Relevance of the SP: The extent to which the programme objectives and strategies are consistent with beneficiary needs, the partners' and donors policies, the

Prime Issues	N/A	PERFORMANCE CONCLUSION				Remarks
		a=4	b=3	c=2	d=1	

1.2. Relevance and quality of design of the SPSP (to be graded a, b, c or d)	○	○	◎	○	○	Weighting 100%
a) To what extent have the seven Key Assessment Areas (KAA) been assessed properly at the formulation stage of the SPSP and are the conclusions of those assessments still relevant and up to date? The topics of the KAA are: • The stability of the macroeconomic environment; • The coherence and consistency of the sector policy; • The credibility, comprehensiveness and transparency of the annual sector budgets, including a medium term strategic budgeting perspective; • The credibility and relevance of a programme to improve Public Finance Management; • The existence and effectiveness of a government-led system of sector and donor coordination; • The existence and effectiveness of a performance monitoring system; • The existence and effectiveness of a programme to strengthen institutional capacities. (See chapter 6 of the draft SPSP guidelines. December 2006)						This series of projects were designed and implemented over a period of several years as an answer to identified needs of the country. However, the full Sector-Wide Approach was not in use from the beginning and therefore, the seven key assessment areas were not considered as such before the start of the project.
b) To what extent has the added value of the SPSP for the sector programme been defined clearly and to what extent is that added value still relevant for the success of the SP?						At the moment, there is still no consistent sector policy. Assistance to be provided in developing a document on strategic vision for the Ukrainian judiciary for the period 2008-2012 included in the list of tasks for the new project 'Transparency and efficiency of the judicial system' appears to be a task of high importance.
c) In what sense and how well have the content and approach of the SPSP been modified during implementation, in order to take into account the opportunities and problems during implementation, changing risk levels and the results achieved so far?						Donor co-ordination mechanisms are functioning but their effectiveness still have to be increased, in particular regarding the leading role of the government, which is not yet fully effective.
d) Have performance and process indicators been established clearly for the SPSP (milestones), and to what extent are the conditions for tranche releases still consistent with the commonly agreed performance indicators of the SP?						No information is available about any integrated programme of strengthening institutional capacities. However, the relevance of the projects to the actual needs of the country is high. In particular, the two new projects that are currently starting reflect well the dual approach required, both at structural/institutional and at operational/functional levels.
e) To what extent is the chosen financing modality (sector budget support, pooled funding, funding on the basis of EC procedures, or a mix of these) still adequate, appropriate and relevant?						Both the completed, and ongoing projects, including the two recently launched projects were designed to assist Ukraine in fulfilling tasks fixed set in the 2005 ENP-Ukraine Action Plan and EU-Ukraine Action Plan on Justice Freedom and Security revised in June 2007. These projects offer direct support to the implementation of measures fixed in the JFS Scoreboard. So far only a small part of measures have been covered by the EC-funded projects.
f) To what extent are (or remain) the operating modalities for the SPSP appropriate vis-à-vis the sector programme?						The projects implemented so far have been flexible in adjusting to the arising additional needs.
g) How well are cross cutting issues (e.g. gender, environment and good governance) been addressed in the SPSP?						Still more attention is to be paid to the establishment of milestones and SMART indicators, in particular at the level of objectives.
h) Does the SPSP incorporate a risk management strategy for detecting and adapting to potential threats and what is the effectiveness of that strategy?						The project approach applied so far to support the Ukrainian judiciary has worked in general well and so far has remained the feasible modality.
i) How adequately is the disbursement calendar of the SPSP support aligned with the annual budget cycle and the medium term expenditure projections of the sector programme?						ToRs did not contain any requirements as to gender strategy but this did not cause any gender discrimination.
j) To what extent is the design of the SPSP in line with the objectives of the Paris Declaration and to what extent does the SPSP contribute to achieving those objectives? (see separate annexed module regarding the Paris Declaration objectives).						ToRs contain risk analysis. The most critical assumptions refer to political will and follow-up of the proposed measures in the medium-term, which are still questionable in the absence of a coherent global strategy.
k) To what extent can the SPSP be characterised as a programme-based approach? (see box 2.2 of the draft SPSP guidelines. December 2006).						

Note: a = very good; b = good; c = problems; d = serious deficiencies.

Overall conclusion:	3.00	b
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Key action(s) recommended and by whom in order of priority.

The justice sector is certainly one of the priority areas for EC-Ukraine cooperation and the process of enhancing the quality of Ukrainian justice system should be further developed, as an independent and efficient judicial system is an essential condition for the further development of EU-Ukraine relations, including establishment of the Free-Trade Agreement.

2. EFFICIENCY OF IMPLEMENTATION

BACKGROUND CONCLUSION SHEET for SP and SPSP

Program Number	Multi-Project ROM	Monitor	Philippe Bories and Irina Sholeva	Date	30.11.2008	
Program Title	Analysis of the "Rule of Law" projects in Ukraine					

Efficiency: A measure of how economically resources and inputs (funds, expertise, time, etc) are converted into results

Prime Issues	PERFORMANCE CONCLUSION					Remarks	
	N/A	a=4	b=3	c=2	d=1		
2.2. Efficiency at the level of the SPSP (to be graded a, b, c or d)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Weighting	100%
a) To what extent is the SPSP contributing to increasing the efficiency of the SP?	Even though there is no sector programme, the results achieved and to be achieved in terms of legal improvements, professional skills, knowledge of the EC and CoE practices may be expected to increase the efficiency of the SP once developed.						
b) To what extent is the SPSP contributing to an efficient sector policy dialogue of the partner government and the donors concerned?	To some extent, the projects contributed to the sector policy dialogue. However, the current project on Transparency and Efficiency of the Judicial System in Ukraine is only starting and did not deliver yet the expected results.						
c) What is the SPSP's contribution to strengthening the use of a medium term expenditure planning system, improving public finance management at sector level and establishing a efficient monitoring and evaluation system?	Closer involvement of the beneficiaries in the development of indicators is still needed. No problems with resource utilisation have been revealed so far. The projects implemented by CoE started with a delay causing reduction in the project lifetime but eventually were implemented in accordance with the agreed funding.						
d) To what extent is the support of the SPSP (funds, expertise, etc.) being made available in accordance with the agreements as regards volume and timing?	Good to excellent level of expertise was secured, in particular by the Council of Europe, and it is expected that the new project will also be providing high level human resources, combining hands-on experience and institutional development skills gained in various similar contexts.						
e) To what extent is the support of the SPSP to domestic capacity development (including technical assistance) being sufficiently focused and well coordinated?	Support has been focused on the relevant target groups for individual projects, although attention to structural matters started only recently. It is therefore premature to						
f) How well does the SPSP strengthen donor coordination and harmonisation as regards providing support to the SP and/or the sector at large?	Donor co-ordination has not been a problem in terms of duplication but no harmonisation has yet been achieved, as the government did not actually take the leading role that would allow developing synergies.						
g) To what extent is the SPSP moving towards further alignment with the policies and operational procedures of the partner government?							
h) To what extent does the SPSP contribute to reducing the transaction costs of aid delivery for both partner countries and donors?							
i) To what extent are observations and recommendations from previous EC-ROM reports, EC tranche release assessments, annual reviews and evaluations being taken into account for improving the efficiency of the SP and the SPSP?							

Note: a = very good; b = good; c = problems; d = serious deficiencies.

Overall Conclusion: 4.00 a

Key action(s) recommended and by whom in order of priority.

The modalities of aid have to be defined in agreement with the Ukrainian authorities as part of a medium-term strategy. However, in the absence of a stable political framework and considering the low level of cooperation among the various institutions involved, some essential preconditions for a full sector approach are still missing.

3. EFFECTIVENESS
BACKGROUND CONCLUSION SHEET for SP and SPSP

Program Number	Multi-Project ROM	Monitor	Philippe Bories and Irina Sholeva		Date	30.11.2008
Program Title	Analysis of the "Rule of Law" projects in Ukraine					

Effectiveness: The extent to which the programme objectives have been achieved or are most likely to be achieved

Prime Issues	N/A	PERFORMANCE CONCLUSION					Remarks
		a=4	b=3	c=2	d=1	Always to be added	
3.2. Effectiveness of the SPSP (to be graded a, b, c or d)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Weighting	100%
a) To what extent have the objectives and targets of the SPSP been achieved or are most likely to be achieved?							The projects objectives with regard to improvements at an operational level and capacity building have been achieved to a satisfactory extent. Achievement of the objectives related to improvement of legislation is more difficult to achieve within the project lifetime.
b) To what extent are SPSP conditions (see glossary) and the EC's input in the policy dialogue conducive for improving the sector policy and strategy and strengthening the (potential) effectiveness of those policies and strategies?							Capacity development activities have been among the key activities. The usefulness of trainings and study visits has been confirmed by the beneficiaries. However, the results of these activities are intangible and their immediate effect is difficult to estimate. It may be only expected that well trained staff will be able to provide better services.
c) What is the SPSP's contribution to improving the expenditure planning processes (including the annual budget), the monitoring and evaluation system and the sector and donor coordination mechanisms, in order to increase the effectiveness of the SP?							
d) To what extent are capacity development activities, specifically supported by the SPSP, having clear effects on the quantity and quality of services provided and on the effectiveness of the sector institutions?							
e) To what extent is the SPSP providing a specific contribution to monitoring risks as regards the effectiveness of the SP and developing remedies to mitigate those risks?							
f) To what extent are observations and recommendations from previous EC-ROM reports, EC tranche release assessments, annual reviews and evaluations being taken into account for improving the effectiveness of the SP and the SPSP?							

Note: a = very good; b = good; c = problems; d = serious deficiencies.

Overall conclusion: 3.00 b

Key action(s) recommended and by whom in order of priority.
The on-going projects involving the Ministry of Justice, the Supreme Court and the High Council of Justice are likely to help design a clear and agreed strategy at national level and at the same time test and validate procedures and methods for dissemination of know-how and skills required for a better qualification of judges.

4. IMPACT PROSPECTS
BACKGROUND CONCLUSION SHEET for SP and SPSP

Program Number	Multi-Project ROM	Monitor	Philippe Bories and Irina Sholeva			Date	30.11.2008
Program Title	Analysis of the "Rule of Law" projects in Ukraine						

Impact refers to the positive and negative medium and long term effects of the SP (intended or unintended), both as regards the medium to long term

Prime issues	N/A	PERFORMANCE CONCLUSION				Remarks	
		a=4	b=3	c=2	d=1	Always to be added	
4.2. Impact of the SPSP (to be graded a, b, c or d)		○	○	○	●	○	Weighting 100%
a) How well does the SPSP support the SP in achieving the overall medium to long-term sector development objectives?							The projects supporting judiciary are eventually aimed at the 'establishment of independent, impartial, efficient and professional judiciary' the projects. Contribution to these exceptionally ambitious objective has so far been very limited. So far assistance has been very limited in terms of time and funding. Two new projects have essential budget and longer duration allowing to increase the impact.
b) To what extent does the SPSP contribute to the possible wider medium to long term benefits (or unintended disadvantages) of the SP for the society at large?							The projects aimed at improving transparency and accountability of judiciary are definitely aimed at bringing benefits for the society at large. Monitoring mechanisms applied in the projects, such as use of LFM approach and development of indicators are not well understood by the Ukrainian stakeholders in the project.
c) To what extent does the SPSP support the SP in contributing to the attainment of the sector relevant Millennium Development Goals?							In addition to strengthening donor co-ordination, efforts should be directed at strengthening coordination between the Ukrainian stakeholders, which are many.
d) To what extent does the SPSP support the SP in strengthening its capacity to monitor the medium and long term effects (intended and unintended) and to take appropriate measures in order to improve the positive or decrease the negative effects?							
e) To what extent does the SPSP contribute to extending the experiences as regards donor and sector coordination, capacity development and establishing monitoring and evaluation systems to other sectors?							
f) To what extent are observations and recommendations from previous EC-ROM reports, EC tranche release assessments, annual reviews and evaluations as regards (possible) impacts being taken into account for further improving the content of the SP and the SPSP?							

Note: a = very good; b = good; c = problems; d = serious deficiencies.

Overall conclusion:	2.00	c
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Key action(s) recommended and by whom in order of priority.	
The legal framework still needs to be updated in order to allow a sustainable improvement of the justice system in Ukraine. In line with the Paris Declaration, the government priorities and management systems have to be more clearly defined, including the donor coordination and multi-annual planning.	

5. SUSTAINABILITY
BACKGROUND CONCLUSION SHEET for SP and SPSP

Program Number	Multi-Project ROM	Monitor	Philippe Bories and Irina Sholeva		Date	30.11.2008
Program Title	Analysis of the "Rule of Law" projects in Ukraine					

Sustainability: The (prospects as regards) continuation of the benefits from a development intervention in the medium to long term, also after the development assistance has been phased out.

Prime Issues	N/A	PERFORMANCE CONCLUSION				Remarks		
		a=4	b=3	c=2	d=1	Always to be added		
5.2. SPSP's contribution to the sustainability of the benefits of the SP (to be graded a, b, c or d)		<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	Weighting	100%
a) To what extent is the SPSP contributing to the sustainability of the benefits of the SP?						So far, no sufficient attention has been paid to the development of exit strategy. Involvement of the beneficiaries in the development of strategies remains a task of major importance.		
						The projects are well oriented at management and capacity building.		
b) Is the SPSP providing specific support as regards reducing the influence of factors threatening the sustainability and what is the effectiveness of that support?						Further attention should be paid to strengthening national ownership. The projects supporting judiciary are highly participatory and involve many stakeholders. In this context, the issue of national ownership requires especial attention. Coordination and concerted efforts by different players need to be encouraged.		
c) Is there a realistic (macro-economic, fiscal and political) exit strategy for reducing the share of donor funding in the sector programme over the medium to long-term, in particular in relations to the financial contribution of the SPSP, and how effective is that (exit) strategy?								
d) To what extent is the SPSP contributing to the partner government's capacity to maintain and expand the level of services in the sector concerned?								
e) To what extent is the SPSP helpful in strengthening national ownership of the SP in terms of the government taking full responsibility for the SP, the parliament actively involved in policy approval and control, civil society groups being involved in design and monitoring, etc.?								

Note: a = very good; b = good; c = problems; d = serious deficiencies.

Overall conclusion:	3.00	b
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Key action(s) recommended and by whom in order of priority.	
Monitoring the progress of the reform in the judicial sector should be based on the indicators of progress used in the Sector Support approach. The Scoreboard used so far to follow the achievements only reflects the results, not the conditions for a sustainable change.	