Thematic global evaluation of the European Union's support to Integrated Border Management and fight against Organised Crime

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Cover page illustration "Legal Crossing Point"; source: Phil Johnson.

Thematic Global Evaluation of the European Union's Support to Integrated Border Management and the Fight Against Organised Crime

Final Report

The report consists of 3 volumes:
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3Cs	Co-ordination, Complementarity and Coherence
ACP	Africa, Caribbean and Pacific countries
ANPR	Automatic Number Plate Recognition System
BCP	Border Crossing Point
BG	Border Guards
BM	Border Management
BOMBEL	Enhancing Border Management in the Republic of Belarus Programme
BOMCA	Border Management Programme in Central Asia
BOMNAF	Border Management in Northern Afghanistan
BOMUK	Border management improvement Ukraine &and Moldova
BUMAD	Drug control Multi-sectoral assistance and Institution Building in Ukraine, Moldova & Belarus
CAFAO	Customs and Fiscal Assistance Office
CARDS	Community Assistance for Reconstruction, Development, and Stabilisation
CARICC	Central Asian Regional Coordination Centre
CBM	Co-ordinated Border Management
CBP	Bureau of Customs & Border protection
CCTV	Closed-circuit television
CEN	Customs Enforcement Network
CID	Criminal investigation division
CRIS	Common RELEX Information System
CSP	Country Strategy Paper
DAC	Development Assistance Committee
DCI	Financing Instrument for Development Co-operation
DG DEVCO	Directorate on Development Co-operation
DG ELARG	Directorate General for Enlargement
DG HOME	Directorate General for Home Affairs
DG RELEX	Directorate General for External Relations
DG TAXUD	Directorate General for Taxation and Customs Union
DHS	Department of Homeland Security
DP	Development Partner
DRC	Democratic Republic of the Congo
EAMR	External Assistance Management Report
EC	European Commission
ECOWAS	Economic Community Of West African States
EDPS	European Data Protection Supervisor
EEAS	European External Action Service
EIDHR	European Instrument for Democracy & Human Rights

ELARG	Enlargement
ENP	European Neighbourhood Policy
EQ	Evaluation Question
EU	European Union
EUBAM	European Union Border Assistance Mission to Moldova & Ukraine
EUD	EU Delegation
EUR	Euro (currency)
FA	Financial Agreement
FJS	Freedom, Justice and Security
FRONTEX	European Agency for the Management of Operational Co-operation at the External Borders of the European Union
FYRoM	The former Yugoslav Republic of Macedonia
GATT	General Agreement on Tariffs and Trade
HQ	Headquarter
HR	Human Resources
HUREMAS	Follow-up to the Reinforcing the State Border Guard Service of Ukraine Human Resources Management
IBM	Integrated Border Management
ICMPD	International Centre for Migration Policy Development
Ifs	Instrument for Stability
IL	Intervention Logic
IMCO	Committee on Internal Market and Consumer Protection
IMF	International Monetary Fund
IOM	International Organisation for Migration
IPA	Instrument for Pre-Accession Assistance
IPR	Intellectual Property Rights
IT	Information Technology
JC	Judgement Criteria
JHA	Justice & Home Affairs
LA	Latin America
LIBE	Committee on Civil Liberties, Justice and Home Affairs
M&E	Monitoring and Evaluation
MoU	Memorandum of Understanding
MS	Member State
NA-IBM	North-eastern Afghanistan – Integrated Border Management Support Program
NGO	Non-governmental organisation
OC	Organised Crime
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation & Development
OLAF	European Anti-Fraud Office (Office de lutte antifraud)
OSCE	Organisation for Security & Co-operation in Europe
PAIES	Pre-Arrival Information Exchange System
PAMECA	Police Assistance Mission of the European Community to Albania
PRAG	Practical Guide to contract procedures for EU external action
RG	Reference Group
RILO	Regional Intelligence Liaison Office
ROM	Results Oriented Monitoring
RRM	Rapid Response Mechanism
SADC	Southern African Development Community
SECI	South-east Europe Co-operation Initiative
SEED	System for Exchange of Excise Data
SEFRO	Seguridad Fronteriza en América Central
SELEC	Southeast European Law Enforcement Center
SEMS	Southeast European Messaging System
SICA	Central American Integration System
SOP	Standard Operational Procedures
SPS	Sanitary and Phytosanitary Measures

SSR	Security Sector Reform
TACIS	Technical Assistance to the Commonwealth of Independent States – (EU support programme to Eastern European and Central Asian group of nations/region)
TACTA	Technical Assistance to Customs and Tax Administration
TAIEX	Technical Assistance and Information Exchange
THB	Trafficking in Human Beings
ToR	Terms of Reference
UK	United Kingdom
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
US	United States
WCO	World Customs Organization
WTO	World Trade Organization

Executive Summary

The evaluation's purpose, scope and background

This Final Report presents the outcome of the *Thematic global evaluation of European Union support to Integrated Border Management and fight against Organised Crime*. The evaluation was commissioned by the DG DEVCO Evaluation Unit[1] and implemented between 2011 and early 2013. The **purpose of the evaluation** is to assess to what extent **EU development assistance** in the area of Integrated Border Management and fight against Organised Crime (IBM and OC) was relevant, effective, efficient and sustainable in providing expected impacts, along with EU added value. It also aims to analyse co-ordination and complementarity with other donors and actors, the coherence with relevant EU policies and partner governments' priorities and activities as well as with international commitments in IBM and OC. The evaluation covers **EU aid delivery over the period 2002-2010**.

The **geographical scope** of the evaluation covers all regions where EU co-operation was implemented, including the Enlargement countries, as these interventions are expected to provide interesting lessons for other regions.[2]

During the evaluation period, the EU gradually developed and established the **concept of IBM** for safeguarding internal security, for preventing irregular immigration and other cross-border crime and for ensuring smooth border crossings for legitimate travellers. This was achieved through the development of a number of specific policy documents and guidelines. In particular, in the development assistance arena, the *Guidelines for IBM in EC External Co-operation* and its predecessors were used as key reference documents in the EU interventions.[3]

Methodology

The evaluation is based on the **methodological guidelines** developed by the DG DEVCO Evaluation Unit. It was conducted in **four main phases** - inception, desk, field, and synthesis. The

evaluation was managed by the Evaluation Unit, incorporating all relevant EU services in a Reference Group (RG) responsible to oversee the process. The design chosen for the evaluation was a **multiple case study** with literal replication, based on use of a **mixed-methods approach**. Eight **Evaluation Questions** (EQs) were formulated following a structured process based on analysis of EU policy framework and reconstruction of EU intervention logic related to border management support. An inventory of EU financial support for IBM &OC was prepared and for the EQ, Judgement Criteria and Indicators were defined to guide data collection and analysis.

To achieve a reasonable balance between accumulating a rich evidence base and keeping the study to feasible proportions it was decided (in consultation with the RG) to focus on a sample of **24 country cases during the desk phase**, of which **six countries** and **five regional programmes** were selected for in-depth research during the desk phase, followed by case study visits to eight countries.

The evaluation used a combination of tools and techniques for primary and secondary data collection, such as, online-survey to EU Delegations, analysis of Regional and Country Strategy Papers, literature review, meta-analysis of evaluations/audits, interviews with stakeholders at the Commission Headquarters and field visits.

Overall assessment of EU support to border management

The *Guidelines for IBM in EC External Co-operation* and its predecessors were highly influential in the comprehension and implementation of IBM principles in partner countries, although the levels of 'take up' became less noticeable the further geographically from the EU the intervention was.

EU support was particularly effective in security areas of IBM, where there was often strong political will from beneficiaries, several of which had only recently become independent and to whom secure borders were a national and governmental priority. EU support was less effective in the trade and traffic facilitation area where full potential to national economies of client-friendly border procedures and speeding up of clearance was not always appreciated and taken note of.

Inter-agency and international co-operation improved significantly but the intra-service element received less support and in many cases remained much less effective, still full of top-down and one-way practices.

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[1] Evaluation Unit of the DG DEVCO – EuropeAid.
[2] However, interventions in candidate countries that became EU Member States are not included.
[3] The evaluation team acknowledges that the Guidelines do not reflect the concept of IBM used by the EU at its borders. However, given the focus of the evaluation on development assistance, the Guidelines appeared as the most relevant reference documents to use for the present analysis.

Significant Border Crossing Points (BCP) construction/renovation took place, enhancing the clearance process for travellers/trade and encouraging compliance with law. Infrastructure improvements led to better working conditions for border agency staff enhancing motivation and effectiveness. A similar observation can be made concerning EU support in supply of equipment. In terms of training and human resource (HR) development, EU support was less effective, often hampered by beneficiary inertia, weak HR practices, poor employment terms, corruption and political interference.

The EU 'shared the field' with other donors and interest groups - national governments, funding institutions and private investors. One positive element of added value was the impartiality that the EU brings. Assistance being delivered on behalf of EU institutions and all MS brought a message of the absence of national political/economic agendas and focus on objectives for common good. EU support brought added value of experience, solutions, best practices and lessons learned from all MS, even when not all MS were represented in a particular intervention. EU support acted as a link between partner countries and much of the resources of the combined MS, allowing beneficiaries to access a vast pool of experience, 'know how' and information. Having by now operated the Customs Union and Schengen successfully for nearly two decades, the EU could demonstrate benefits to mobility and trade of improved cross border facilitation and at the same time show how law enforcement and protection of society can be ensured in less strict regimes. In this context, the experience of the EU is unique and was acknowledged with respect by beneficiaries.

Analysis and main findings for each evaluation question

EU policy framework and strategies related to IBM and the fight against OC were generally conducive for the programming and implementation of EU support.

The EU managed to establish a conducive environment for programming and implementing EU support to IBM and OC in most countries, mainly via the *Guidelines for IBM in EU External Co-operation* and predecessors. EU support gained further proficiency via some complementary reference documents and practical tools - the *Schengen Handbook, EU Customs Blueprints* and, to some extent, the 2006 Justice & Home Affairs Council Conclusions on IBM and the *Schengen Catalogue.* Relatively consistent feedback on the usefulness and adoption of the IBM concept was obtained from field study countries in the *ELARG* and *ENP* regions, whilst in other regions a somewhat different picture emerged, notably in *Central Asia*

and *ACP*. In *Central Asia*, institutions, considered IBM as an 'ideal, theoretical model', as useful with regard to 'certain components' or even showed reluctance, seeing IBM as unnecessary.

The situation in regions such as *West Africa* was different with the EU approach confined to a narrow sector of migration-related security not taking into consideration other beneficiary interests. In *Latin America* and other parts of the world support had clear focus on border security.

The EU has, in its support to IBM and OC, achieved a high level of co-ordination and complementarity with EU MS and other donors, and improved coherence with other EU policies and activities.

Information sharing and policy analysis among EU and MS and between other donors regularly took place at partner country level and increased considerably during the evaluation period. However, comprehensive operational information exchange between EU and third country agencies remained an issue. Regional programmes created favourable environments for donor co-ordination; to a certain extent this is explained by the size of interventions, long term perspective and HR capacities. The term IBM implies regional perspective under the cross border and international pillar.

Positive results were observed in terms of coherence with other EU policies/activities but greater synergies could have been achieved. Support to IBM found reference points within external co-operation policies related to migration, trade and security. At country/regional level, coherence with other EU policy fields was particularly strong in *ELARG* and *ENP East* regions. Coherence between external co-operation activities and the situation at the EU border was good. However, differences between the external and internal IBM concepts prevailed during the evaluation period. EU support to IBM and OC increasingly integrated human rights and other cross-cutting issues such as anti-corruption into its approach. In regions in close proximity to MS, EU support achieved notable results. However, many EU funded activities focussing on human rights were implemented in disconnection to IBM interventions and vice-versa.

The various aid delivery methods, funding channels and instruments, and their combinations as employed by the EU, were in-the-main appropriate in view of promoting responsive, cost-effective and timely interventions in the areas of IBM and OC.

EU support developed building on experience of previous and on-going interventions. The EU relied extensively on implementing organisations and whilst there were considerable benefits, it seems that in some cases the focus of EU support stemmed from the expertise of the implementing

organisation as opposed to a comprehensive approach as laid out in the *Guidelines.*

The involvement of border agencies as beneficiaries did not necessarily ensure effective ownership despite clear efforts having been made by the EU to involve national partners in all project phases. The EU faced serious challenges in ensuring sustainability of support as the tendency was to focus on short term solutions neglecting long term or broader aspects.

The choice of regional interventions to tackle border management issues seems obvious when looking at the nature of international borders. However, the justification for regional intervention was often determined by elements not necessarily linked to detailed analysis of regional against national approach. EU support achieved a relatively high level of cost-effectiveness. The vast majority of planned activities took place; high levels of disbursement rates were observed. Efficiency was on occasions hampered by delays in recruitment and deployment, contractual management issues (construction work/equipment supply) and adverse environments. However, on most occasions, these delays appeared not to have had serious effect.

The evaluation shows that directing assistance via EU MS, UN agencies or other international organisations represented a positive factor in terms of efficiency and effectiveness. However, the use of these means also faced challenges - the complexities of the organisation's internal procedures, EU visibility and difficulties to adequately monitor the support.

EU support contributed only partially to upgrading the legislative and institutional frameworks in IBM and OC matters in partner countries and aligning them with international standards, mainly in the ELARG and ENP East areas.

During the evaluation period, there was overall pronounced progress in upgrading of legal, regulatory and institutional frameworks related to IBM and OC due to EU support. Impact was strongest in areas where beneficiary countries had applied for EU membership or are situated along the external EU border and may expect certain advantages in aligning their framework to the EU.

However, certain features of the framework appeared less attractive than others and were not always addressed by EU support. These included granting law enforcement functions to border agencies, introduction of effective anti-corruption mechanisms and respect of human rights.

With respect to IBM co-operation aspirations, inter-agency and international mechanisms were found to be generally in place, not least due to substantial EU support. However, at intra-agency level, co-operation suffered in most countries due to traditional top-down and opaque command structures.

EU support was particularly effective in upgrading legal and regulatory framework in cases where it was used to establish national IBM strategies (*ELARG* and partially *ENP East*). Reform processes advanced slowly where the political will for change was missing (*Central Asia*). In certain regions (*Western Africa, Latin America*), EU support addressed these issues only to a limited extent.

EU support to IBM and OC contributed significantly to improving, inter-agency and international co-operation related to border management but was less effective at the intra-agency level.

EU support was crucial to developing strategic approaches to intra-agency, inter-agency and international co-operation. This is not to say that co-operation at all levels did not take place before or that it would not have developed without the IBM concept. However, via initial activities conducted in *Western Balkan* countries a solid, agreed and easy to follow 'roadmap' was established for the IBM co-operation. Border agencies had a clear guide to follow. The pattern was adapted and transferred to other regions, also to good effect but with less 'take up' in some locations.

There was a tendency to confine IBM co-operation concepts as applying at inter-agency and international level only. Although the *Guidelines* are clear on the importance of intra-agency co-operation, this area was often neglected or minimised, suffering from a certain assumption that the ideal situation already existed, or from beneficiary reluctance to admit internal structures were less than sound. Often, EUD and project staff adapted support to take into account the messages and attitudes of beneficiaries. Border agencies are often powerful political bodies and genuine reform is often unwelcome. Internal co-operation and communication is in place but is slow and bureaucratic with a high degree of top-down and local structure. EU support rarely focused on top management level reform. As it was from here that reluctance or inability to improve often came, this may be regarded as a lost opportunity.

EU support generally contributed to enhancing the capacity of border agencies for detection of OC at borders especially in the areas of equipment, technical skills and investigation/intelligence. In other areas, it was less effective.

In many locations, the need to delegate criminal investigation powers to border agencies was underpinned by EU support. EU support was vital in allowing border agencies to become members of or to establish international OC-related co-operation organisations.

In some cases, especially *ELARG* and *ENP East*, the EU made notable contributions to enhancing

technical skills of border agencies. Assistance was generally well received but was not always fully embraced by beneficiary management, remaining something useful to know rather than vital to daily work. In particular, EU support for specialisation in work subjects was less effective and the practice rarely adopted as a tool for combating OC, although EU support to fledging intelligence and investigation capacities within border agencies was more effective with longer lasting results.

The EU significantly supported BCP (re)construction, but this focused firstly on establishing a decent working environment and then improving passenger and cargo facilitation. Where sophisticated equipment was supplied, it was generally appropriate and its use trained, although correct usage was inconsistent due to staff rotation and maintenance/running cost issues.

The EU also acted in bridging gaps that existed between border agencies, criminal investigation and intelligence bodies, prosecution authorities and on the international law enforcement stage. The realisation that full co-operation in law enforcement is vital was slowly accepted in many areas over the evaluation period; via impartial interventions the EU was able to foster this spirit. Many of these initiatives are able to 'stand on their own feet', at least in terms of function, even if self-financing remains an issue for some.

EU support to the prosecution element of combatting OC was very limited; in many areas judges and prosecutors are regarded as institutionally and privately corrupt. The procedures for bringing prosecutions are long-winded and bureaucratic. EU support in detection and investigation of OC were weakened when the prosecution side of the equation was inconsistent or compromised.

EU support to IBM and OC generally contributed to improving the flow of persons and management of migration at borders, although there was a pronounced emphasis on security rather than facilitation.

EU support achieved positive results in terms of helping improve the flow of persons at borders (especially in *ELARG*; to a lesser extent in *ENP East)*. In particular, there were improvements in client-friendly facilities, reduced waiting times and simplified procedures. Significant challenges remain due to disparities between BCP, bureaucratic culture and availability of skilled HR. In *ELARG* and *ENP East*, driving factors included provision of comprehensive support that combined BCP (re)building and modernisation with development of procedures and wide-ranging capacity building, implementation of a national IBM strategy and incentives for alignment to EU standards.

Some positive contributions of EU support were identified in other regions, although the situation varied greatly; achievements mainly concerned improved physical layout and upgrade of equipment. In these regions, infrastructure and equipment improvements (including automation) often took place at BCP where clearly defined procedures had not been the 'norm'. Long term benefits are evident, but improvements were associated with creation of new BCP processes and have not necessarily led to markedly reduced waiting times or simplified procedures.

EU support emphasised securing borders rather than facilitation and mobility. Effective detection of suspicious movements of persons was a relatively important component of EU support which ranged from capacity building measures, to supply of specialised equipment and support of certain procedures.

During the evaluation period, there was growing awareness of human rights and the need to develop open borders for travellers needing protection. EU support contributed to this although respect of human rights at borders has remained inconsistent in many countries.

EU support to IBM and OC significantly contributed to improving the flow of legitimate goods and revenue collection at borders.

EU support was significant and in many cases effective in the area of (re)construction of BCP facilities. The contribution was often necessary due to the fact that, until recently, borders and formalised crossing places had not existed. Many beneficiary countries now have secure, user-friendly and appropriately located border crossing facilities. These obliged or encouraged traders to use them, clearing goods in more compliant fashion. However, the immediate and pressing need for provision of BCP combined with time and cost implications meant that, in many cases final facilities were not fully compliant with EU standards. BCP construction projects often ran in tandem with EU support to IT infrastructure, especially in the areas of computer supply and cable installation. This, in turn, allowed EU support aimed at effective use of electronic data, with overall objectives of speeding clearance of goods and maximising revenue takes

Training was delivered in the areas of risk management, intelligence and investigation. More accurate and targeted use of data allowed customs administrations to identify risks, revenue gaps and potential serious offenders. This significantly increased revenue collected whilst identifying low risk traders and consignments allowed them to proceed with minimal border intervention.

Corruption remains a serious issue in customs administrations in many parts of the world. In the cases studied, EU support in anti-corruption terms was limited and as a subject rarely tackled in a

proactive or concrete manner. In many cases, corruption had significant negative impact on the effectiveness of EU support not just in the obvious revenue collection area but to the attitude of individual staff and overall organisational reform.

In the customs arena, EU support did not engage significantly with prosecution authorities or judiciary, despite efforts to support revision of laws and delegation of criminal powers to customs administrations. These areas of limited support represent major deficiencies in the overall capacity to combat OC at borders.

Main conclusions

Cluster 1: Policy framework & strategic focus

Although the EU has no laid-down, unique and comprehensive IBM-policy related to external co-operation, the EU concept of IBM (including related EU standards) proved to be a powerful tool to initiate and guide co-operation in this area. However, the shaping of IBM and OC-related assistance was subject to one-sided influences, either from the development co-operation (poverty reduction, economic growth) or security (e.g. migration control). During the evaluation period, IBM as a concept continued to develop, taking into account changes in technology, differing political and geographical dimensions, evolving roles of beneficiaries and lessons learned from IBM assistance.

Some apparent differences between the concept of IBM within the EU and that used in external co-operation reduced the consistency between existing elements of the EU policy framework. This led on occasions to 'mixed messages' being received for beneficiaries, which in turn caused confusion in terms of delivery and development and made the EU itself appear inconsistent.

EU support to border management was subject to significant imbalance, with more attention paid to border security to the detriment of trade and traffic facilitation. The vast majority of interventions were in countries where independence was relatively recently obtained. Therefore, the identification and securing of borders was usually a beneficiary priority, rather than their 'opening up'.

Cluster 2: Results and impacts

One of the major successes of EU support to IBM and OC was the contribution to fostering international border management policy exchange and co-operation. IBM was a major tool for encouraging co-operation between countries that until recently had been involved in conflict or dispute.

The effects of EU support were hindered by focus on 'bottom-up' and large-scale 'hard' assistance projects. Too little attention was paid

to supporting and enhancing comprehensive reforms and to promoting changes in behaviour, attitude and management techniques at all levels.

EU support paid too little attention to strengthening border agency mandates and powers related to OC, which hampered the effects of support. Assistance to border agencies tended to be as part of national anti-OC programmes rather than specific or dedicated assistance their border management contexts.

The EU did not pay sufficient attention to the long term dimension of support. This led to the sustainability of assistance being generally weak and inconsistent. A significant amount of funding support went towards equipment and infrastructure, which beneficiaries were often not able to maintain, use and update sufficiently. Similarly, the sustainability of benefits of assistance received through training was limited by insufficient and ineffective HR capacities.

The active use of specific **IBM tools and EU standards** significantly enhanced action supported. **Although some knowledge existed amongst some managers in partner countries, operational staff had generally low awareness of such tools and standards.** Operational staff had often not received information and regarded IBM as just another 'procedure change' rather than a tool to improve work and results.

Cluster 3: Implementation

Despite the difficulties of implementing regional interventions, EU support of that type achieved significant positive results. IBM includes key components regarding international co-operation, data exchange, harmonisation of practices, etc.; common delivery through regional interventions proved an efficient and cost-effective means to coordinate and standardise delivery of assistance.

Active EUD engagement and support in co-ordination, monitoring and broader issues such as policy dialogue proved a critical factor. Wherever such engagement materialised, the action being supported was enhanced, usually yielding more tangible results than when the EUD stepped back and left major responsibilities solely to implementing organisations.

However, the significant synergies that EU support would potentially have when adequately combined with support in related areas such as transport and trade was too often under-exploited. Significant funding went on infrastructure, with limited reference to transport and trade issues. Similarly, much training and HR assistance was delivered in migration areas with often limited human rights reference.

A similar under-exploitation was identified in relation to good practices. An impressive range of good practices were collected in delivery of border management assistance, many

of them developed and used in isolation, not offering possibility for replication nationally or in similar developmental areas.

Main recommendations

Cluster 1: Policy framework

Strengthen EU policy framework related to IBM and OC by clarifying the link with EU internal policies and reaffirming the cross-cutting position of IBM and OC in relevant EU policy areas. It is recommended that differences between IBM within the EU and externally be clearly explained and defined avoiding current confusion sometimes existing and especially re-assuring potential EU members that perceived 'double standards' do not exist. The *Guidelines for IBM in EU External Co-operation* are widely accepted by beneficiaries as *de facto* EU IBM policy. It is recommended that they be uprated, gaining a greater level of EU authority in external co-operation.

While continuing to adopt a tailored approach to external co-operation in IBM and OC, the EU should ensure better balance between security and facilitation in its support. The trade and traffic facilitation messages of the IBM concept must be forcefully promoted whilst security measures that can act to improve facilitation must be more widely implemented.

Cluster 2: EU institutional environment

Strengthen EU capability for delivery of common and high quality standards, making greater use of possibilities to promote EU values in border management. This is especially important in the customs area where EU external assistance does not always offer a clear and harmonised message. EU values of client-focus, accountability and professionalism in public service should be expressly promoted.

EUD engagement at local and international levels should be increased and, at the same time, EU expertise in IBM should be strengthened. EUD staff should be more active in their support of IBM projects, if need be by using MS or external expertise to better inform decision making. A central record of good practices should be set up to enhance the exchange of tools and experience.

Clarify the range of issues, legal constraints, data protection aspects and political positions that currently impede EU–third country information exchange and limit what the EU can share with non-EU countries. In this way, more genuine information exchange can take place and the perception by beneficiaries that information exchange with the EU is a one way process can be eliminated.

Cluster 3: Implementation approach

Include more top management-related activity in border management interventions, aimed at fundamental management processes reform. The majority of interventions were directed towards operational levels in an attempt to ensure and improve day-to-day performance. Future interventions should have more emphasis on assistance to top management and reform of management practices in order to fully implement the support being given at the operational level.

Increase support targeted at capacity building reforms to act as a foundation for the more comprehensive and deep-rooted embedding of all elements of border management assistance. In particular, training specialisation in OC matters should not be neglected in academy programmes. Increased capacities of border management agencies, incl. strengthened ability of the beneficiary to develop and train its staff, will contribute to ensuring the sustainability of the benefits of EU support.

Pay greater attention to sustainability during all project cycle phases. Technical advice and support must be given to ensure beneficiaries are better able to run, maintain and upgrade equipment and infrastructure and train staff in use of the same. This should not just be considered at the conclusion of a project but should be part of the planning process from its very initial stages.

Expand and strengthen support provided through regional interventions, in particular to harmonise and coordinate assistance to the international 'pillar' of IBM in such areas as training, IT, data exchange and joint activities.

Consolidate EU support to all three pillars of border management co-operation (intra-service, inter-agency and international). In many locations, IBM co-operation still represents a 'work in progress' at all three levels, where significant development has taken place but where truly joint and integrated strategies and activities are not fully embedded. Support is still needed to achieve the optimal situation whereby all border management activity whether operational or planning is undertaken by giving due consideration to the three IBM pillars.

Further develop the response given to combating OC as a dedicated element of EU support to border management. In the border management context, specific assistance should be provided to allow relevant border agencies to develop their own expertise and complement what is in place in terms of national anti-OC capability.

Strengthen monitoring and evaluation of EU support to IBM and OC. In particular, EUD staff should have more opportunities to monitor projects as they are delivered, especially in high cost construction or equipment supply. Increased *in situ* monitoring will allow for anticipation of difficulties and development of solutions before situations become critical and major errors occur.

1 Introduction

1.1 Objectives, scope and coverage of the evaluation

This Final Report presents the outcome of the *Evaluation of the EU support to Integrated Border Management and the fight against organised crime*. The evaluation was commissioned by the DG DEVCO Evaluation Unit[4] and was implemented between April 2011 and March 2013.

The mandate and scope of the evaluation are given in the Terms of Reference (ToR)[5] in which it is stated that the evaluation should assess if the **EU development assistance** has been **relevant**, **efficient**, **effective** and **sustainable** in providing the expected **impacts** in supporting Integrated Border Management and the fight against organised crime (IBM and OC). Additionally, the evaluation should assess the **EU added value** in supporting IBM and OC and the **coherence** of the EU support in these areas. Besides these evaluation criteria, the evaluation addresses the key issue of the '**3Cs'** (co-ordination and complementarity with other development partners and coherence with relevant EU policies) as well as a number of relevant **cross-cutting issues**.

In terms of **temporal scope**, the evaluation covers aid implementation over the period 2002-2010. The **geographical scope** includes all partner countries where it has been identified that EU funded activities were undertaken. For this evaluation, the geographical scope also covers Enlargement countries, as the IBM and OC interventions in the Western Balkans were expected to provide a number of interesting results and lessons for EU interventions in other regions. However, interventions in candidate countries that became EU Member States are not included.

The geographical scope **excludes interventions related to EU internal and external borders**. The activities evaluated are essentially those under the responsibility of Directorate General for Development and Co-operation - EuropeAid (**DG DEVCO**).[6]

The scope of this evaluation has been adapted to the IBM concept on external co-operation, in order to include all co-operation activities that support the basis for an IBM strategy. This means giving **broader attention to** the strengthening of all institutions, processes and tasks involved in **the management of borders**. The evaluation thus focuses on two broad sets of interventions following the specific definitional framework adopted in this evaluation and described in the next section: '**integrated border management interventions**' and '**direct support to border management**'. The area on the '**fight against organised crime'** is covered in the evaluation only to the extent where relevant activities in this field have been undertaken in the same regions or countries which have benefitted from, and are in the strategic framework of EU border management co-operation.

The present volume I corresponds to the main volume of the final evaluation report and consists of the following elements:

1. Section 1 - Introduction: presents a brief overview of the evaluation purpose and scope.
2. Section 2 - Methodology: details the methodological approach, the tools and the sources of information used during the evaluation.
3. Section 3 - Background and context: provides information on the background and context of the EU support to IBM and OC.
4. Section 4 - Answers to the Evaluation Questions: for each of the eight Evaluation Questions, the detailed answer is provided as well as a summary box.
5. Section 5 - Conclusions and recommendations, clustered in groups.

Volume II of the final evaluation report presents the detailed information matrix with the main evidence that underpins the findings and conclusions of the evaluation. Complementary information is provided in various annexes which are compiled in Volume III.

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[4] Former Joint Evaluation Unit common to Directorate Generals of External Relations (RELEX), of Development (DEV) and the EuropeAid Co-operation Office.
[5] See annex 2 – Volume 2b.
[6] Certain EU-funded interventions under the mandate of DG DEVCO (especially in countries covered by the European Neighbourhood Policy - ENP) may be related to the partner countries' border management activities at its borders with EU MS. These interventions fall in the scope of the evaluation if they focus on the broader national border management strategies and capacities of the partner country. They are not considered in the scope of the evaluation if they are essentially focusing on the EU external borders.

1.2 Definitional framework

The concept of 'Integrated Border Management' in EU external co-operation only emerged gradually during the evaluation period and really clearly took shape with the production of specific EU operational guidelines in 2004 and updated versions a few years later.

It should be noted that, during the evaluation period, the EU also gradually developed a specific IBM concept applying to its external borders. The evaluation team acknowledges that the *Guidelines for IBM in EC External Co-operation* do not reflect the concept of IBM used by the EU at its own borders.

Although the conceptual elements provided by the Guidelines were not existing during the first part of the evaluation period and despite the differences between the EU concept of IBM used in the development assistance arena and the one applied at the EU borders, the evaluation team agreed with the Reference Group (RG) to still rely on these Guidelines for the development of the definitional and analytical frameworks that were used in the evaluation.

This section synthesises the main features of the EU concept of IBM as outlined in the Guidelines and then presents the specific definitional framework that was used in the evaluation. Further details on the emergence of the IBM concept in the last decade as well as on the evolution of the policy environment related to the EU support to IBM and OC are provided in section 3.

1.2.1 Brief overview of the concept of IBM

The intensive use and testing of IBM tools in numerous assistance programmes (especially in the *Western Balkans* and *Central Asia*) have led to the emergence of an established set of rules and criteria which were compiled in **EU Guidelines for IBM**. The EU operational guidelines were first elaborated by EuropeAid, supported by the International Centre for Migration Policy Development (ICMPD), for the *Western Balkans* in 2004[7]. Based on the hands-on experience made in that region and enriched by fact-finding missions in other regions (*Asia*, *Latin America and ACP region*), the EU published the 'Guidelines for IBM in EU External Co-operation' in 2009[8]. The Guidelines identify the following features of IBM (which are also synthesised in Figure 1 below):

- **Three Basic Pillars** (Intra-service, Inter-agency and International co-operation): see box below.
- **Four Functions** each corresponding to a specific agency (Border surveillance/checks – border guards; Goods control – customs; Animal inspection – veterinary service; Plant inspection – phytosanitary service), whereby each function is provided with 6 action items.
- **Six Action Items** (Legal & Regulatory Framework; Institutional Framework; Procedures; Human Resources & Training; Communication & Information Exchange; Infrastructure & Equipment).

Box 1: The three pillars of IBM as described in the 2009 Guidelines for IBM in EU external co-operation

The three pillars of IBM refer to intra-service co-operation, inter-agency co-operation and international co-operation.

Intra-service co-operation refers to procedures, exchange of information and resources within one ministry or agency. This includes (a) vertical co-operation: between central, regional and local levels; and (b) horizontal co-operation: between different units of the same levels.

Inter-agency co-operation refers to co-operation / co-ordination between different ministries or border agencies, as well as between the operational officers of the different agencies active at the border.

International co-operation refers to co-operation:

- At the *local level* between officials on both sides of the border.
- Between *neighbouring states* covering various issues, such as the organisation of joint patrols or co-ordination of border surveillance, joint border crossing points, information exchange, common contact offices and focal points.
- At the *multilateral level* to better approach common fields of work such as trans-border crime, irregular migration, trafficking in human beings, terrorism and smuggling of goods, through co-operation with international stakeholders, participation in international fora and signing international agreements.

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[7] A new version of these guidelines was produced in 2007.
[8] These Guidelines were updated in 2010, with the second chapter presenting the EU's approach to IBM.

Figure 1:   *The features of IBM as defined in the 2009 Guidelines for Integrated Border Management in EC external action*
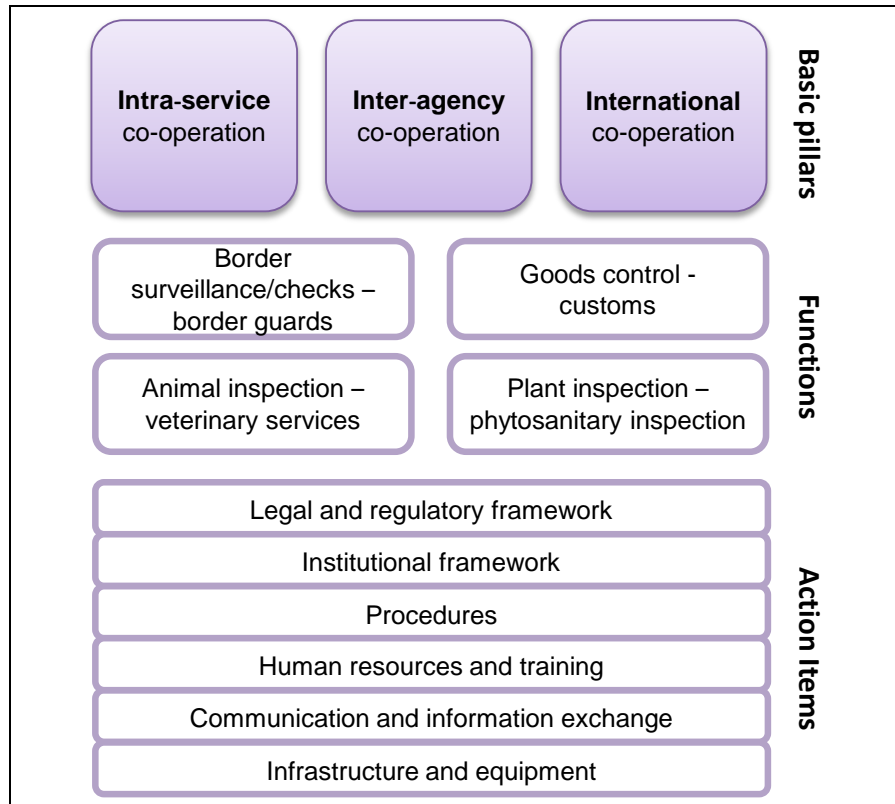
The IBM definition used in the EU Guidelines for IBM aims to establish an **open and comprehensive concept**: "*National and international co-ordination and co-operation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and integrated border management systems, in order to reach the **objective of open, but well controlled and secure borders**"*.

1.2.2   IBM vs. BM

As mentioned above, the evaluation does not only focus on 'IBM' but also gives broader attention to the strengthening of all institutions, processes and tasks involved in the **management of borders**. In order to take into account the broad scope of the evaluation, the evaluation team agreed with the RG to distinguish between two major categories: '*integrated border management'* and '*direct support to border management'*. It was further agreed to use the definitions of the two categories detailed below[9].

- **Integrated Border Management (IBM):** The category 'IBM' identifies all EU-funded interventions providing works, supplies and services/technical assistance as those known through title/objectives or through knowledge of experts as specifically related to 'Integrated Border Management', i.e. to foster the coherence of interventions at the border in terms of reconciling travel/trade and security/facilitation concerns, as well as enhancing the co-operation between the agencies involved at the national and international level.

- **Direct support to Border Management (BM):** The category 'direct support to BM' identifies all EU-funded interventions providing works, supplies and services/technical assistance in the Action Items and Functions related to IBM (border crossing point and surveillance, customs, migration and asylum, crime prevention, sanitary and SPS or similar), and related to specific matters of *border management*. These interventions are not considered (through title/objectives or knowledge of expert) to relate to *Integrated* Border Management in the sense of enhancing the above coherence element of IBM (e.g. a customs or police only border control-related training course, Border Crossing Point construction).

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[9] These definitions draws largely on the conceptual elements described in the EU Guidelines for IBM. The definition for IBM provided in the 2009 "Guidelines for Integrated Border Management in EU External Co-operation" is: "*National and international co-ordination and co-operation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and integrated border management systems, in order to reach the objective of open, but well controlled and secure borders.*"

1.2.3 Organised crime

It is noteworthy that the phenomenon of organised crime has been subject to many definitions under sociological, criminological and law enforcement aspects. However, there is now an international consensus about its basic legal elements as laid down in particular by the 2004 UN Convention Transnational Organised Crime ("Palermo Convention", UNTOC)[10] and the 2008 EU Framework Decision 2008/841/JHA on the fight against organised crime[11]. This comprises notably the following features: (1) _Serious criminal offences_ committed by (2) a _structured group of persons_ acting over (3) a _prolonged period of time_ to obtain (4) _financial or other material benefits_. Its main forms of appearance include drug trafficking, money laundering, traffic in human beings, illegal trade in arms and other commodities, counterfeiting, tax evasion and corruption.

2 Methodology

2.1 Overall approach and key elements of the methodology

The methodology applied for this evaluation is based on the **methodological guidelines** developed by the DG DEVCO Evaluation Unit.[12]

The evaluation has been conducted in **four main phases**, as summarised in Figure 2. It was managed and supervised by the DEVCO Evaluation Unit. Evaluation progress was closely followed by a Reference Group (RG) chaired by the Evaluation Unit, and consisting of members of various EU institutions. The figure also lists the main tasks in each phase[13], the RG meetings held and the deliverables for each phase. In line with the ToR, each phase has started after formal approval of the deliverables of the previous phase by the Evaluation Unit.

Figure 2:   Key steps of the evaluation process
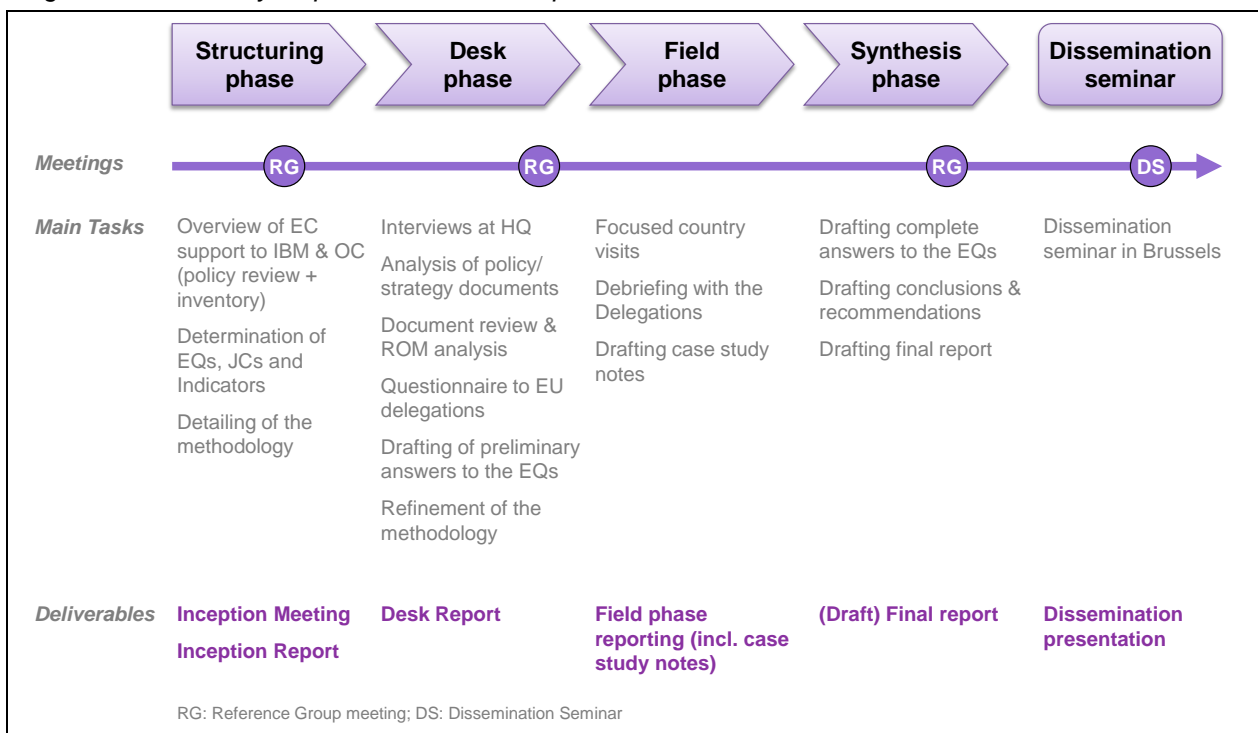
The evaluation process adopts a systematic approach that uses different building blocks to gradually construct an answer to the EQs and to formulate conclusions and recommendations. The various phases and subsequent 'stages' coincide with the different methodological steps undertaken within the framework of the evaluation:

- First, it was essential to have a clear understanding and overview of the object of the evaluation, by producing an inventory of EU support to IBM & OC falling within the scope of the evaluation

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[10] http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf.

[11] Framework Decision of 24 October 2008, OJ L 300 of 11.11.2008, p. 42.

[12] General information on these guidelines can be found online at:
http://ec.europa.eu/europeaid/how/evaluation/methodology/index_en.htm

[13] The lists include some major tasks carried out in each phase, but they are not meant to be exhaustive.

(for more details on the inventory, see Annex 3 – Volume III). Once this overview was available, the team built the methodological framework for the entire exercise during the **inception stage**.

- On the basis of the established methodological framework, data collection could take place in two steps:
    - ο From the desk, during the **desk study**;
    - ο Through country visits in the **field phase**.
- The **synthesis phase** was then devoted to constructing answers to the evaluation questions and formulating conclusions and recommendations on the basis of the data collected throughout the process.
- The final step consisted of a **dissemination seminar**.

In this evaluation, the evaluation **design** and its corresponding **methodological framework** are about understanding what works for whom under which conditions, so that patterns are identified and relationships understood, and applied to future support efforts, i.e. replicated in other contexts. In other words, the evaluation was designed to improve rather than prove, and it focused on contribution rather than attribution.

Given the purpose and conditions of the evaluation, the most appropriate design for the evaluation was a **multiple case study with literal replication**[14]. Cases, i.e. countries or regional interventions, have been selected on the basis of a set of **selection criteria** (see next section on the approach adopted for the sampling). Due to the high variety of contexts, the evaluation does not pretend to have selected a set of case studies *representing all contexts*. Countries/interventions have been selected where the contribution of EU support can be explained and assessed using contribution analysis and their success or failure understood relative to the specific country/regional contexts. The design allows for in-country analysis and assessment as well as for comparisons between countries.

Consistent with case study design, **analytical generalisation** was used rather than statistical generalisation[15], i.e. the evaluation seeks to generalise sets of country results in context, to the broader theoretical frame of reference.

The evaluation used a **mixed-methods approach** to data and information collection. Sources of information were documentary, verbal and direct observation.

Each **evaluation question** was 'unpacked' consistent with the methodological guidelines of the DEVCO Evaluation Unit, to allow for the gathering of information that can be reliably, validly and meaningfully analysed, compared and assessed.

Data collection methods have been chosen according to sources and used to gather sufficient and appropriate evidence to allow for analysis and evaluation, lessons learned and conclusions. Main data collection methods consisted of document review, web based questionnaire, semi-structured interviews and direct observation (see details provided in the next section). **Reliability of information** was checked through triangulation.

2.2 Data collection and analysis

The evaluation team carried out a variety of activities in the different phases of the evaluation. These included:

1. Interviews in Brussels with EU staff from different units (e.g. staff from EEAS, DG DEVCO geographic and thematic unit, DG HOME);
2. Interviews with key informants from international organisations on regional/ country specificities;
3. Selection of a sample of 24 countries as a basis for further analyses;
4. Documentary analysis (based on the analytical framework defined by the evaluation questions):
    - ο EU policies and guiding documents;
    - ο Country and Regional Strategy Papers;
    - ο Studies and International literature on IBM;
    - ο Documentation related to EU interventions in the country sample:

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[14] In this evaluation, this means that case studies have been designed around the same analytical structure and, in certain regions (esp. ELARG), cases have been selected to corroborate each other.
[15] Analytic generalisation is not generalisation to some defined population that has been sampled, but to a theory of the phenomenon being studied, a theory that may have much wider applicability than the particular cases studied (statistical generalisation is where an inference is made about a population on the basis of empirical data collected about a sample).

- *ROM reports (and other M&E information available at CRIS database) related to the specific EU-funded interventions,*
- *Other documents related to the specific EU-funded interventions (programming/ identification/ formulation documents),*
- *Overall reports related to the EU co-operation strategy (External Assistance Management Report (EAMR), etc.),*
- *Country Level Evaluations (where available);*

  ο Statistics on the national context (by the World Bank Group or other international institutions);

  ο Other relevant documentation;

5. Case studies on:

  ο EU support at country level;

  ο EU support at regional level.

6. Online survey to the EUDs in the sample countries.

During the whole evaluation, the evaluation team has followed a structured data collection process as outlined in Figure 3.

Figure 3:   Data collection process in this evaluation
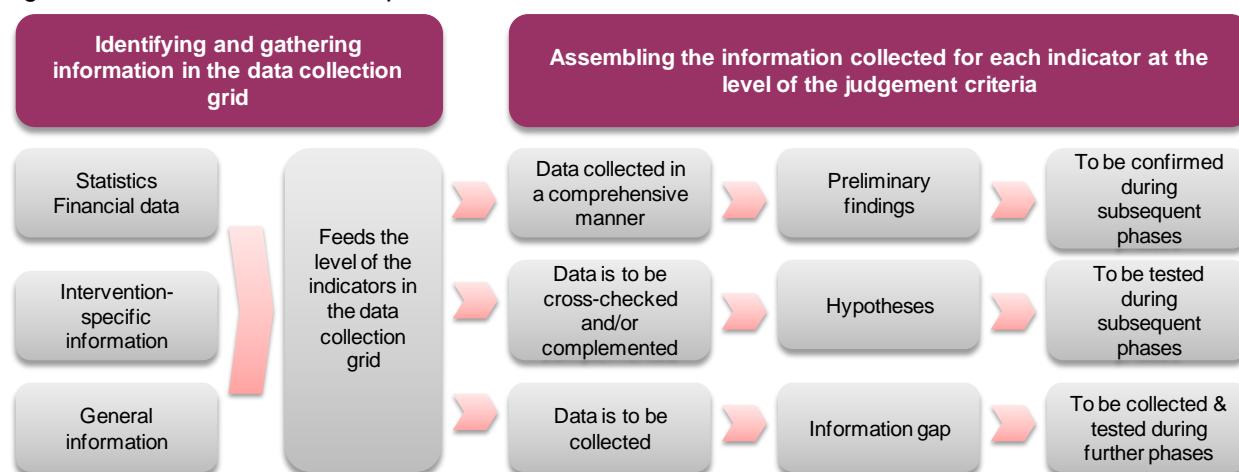
2.3 Sampling of cases

As mentioned above, 24 countries have been selected for a number of desk phase activities (e.g. online survey to the EUDs, Country Strategy Paper analysis).

The selection of the country sample was based on the criteria and rule outlined below:

1. **Geographical** (i.e. Africa/Caribbean/Pacific, Asia, Latin America, ENP countries) and **sub-geographical representation**[16]: this criterion was used to ensure that the analysis covers a variety of country contexts and the corresponding programming/implementation opportunities and challenges.

2. **Amount of aid:** this criterion was applied to the data on commitments from the inventory. It helped taking into account the variety of the sizes and the types of the interventions funded by the EU and also ensured that the analysis covered a significant part of EU funded interventions in the area of IBM and OC.

3. **Aid delivery methods and channels used:** this criterion was used to ensure the inclusion of a variety of approaches used by the EU to support IBM and OC.

4. **Thematic areas**: this criterion helped taking into account the variety of objectives pursued by the EU support to IBM and OC (in particular: improved security, improved flow of goods and improved flow of people).

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[16] The detailed list of sub-regions is provided in Annex 3 (Volume III).

In addition to these criteria and in order to select a balanced sample of countries, the following rules have been used:

1. **Overall representation**: financial amounts going to the countries selected had to correspond to at least 75% of the overall financial amount of the EU support to IBM and OC.

2. **Sample size**: it was limited to a maximum of 25 countries; this rule allowed the evaluation to keep the desk work and related analyses realistic and achievable.

3. **Geographical and sub-geographical representation**: at least one country in each region, but no more than five countries by sub-region.

4. **Minimum threshold**: amount committed in the country should be higher than 2 million EUR. This allowed focusing the efforts on cases where enough information was likely to be retrieved to draw relevant findings and where the EU had an explicit strategy to support IBM and OC.

The countries selected are presented in Table 1. The table lists all partner and candidate countries which have received some support from the EU in the areas of IBM and OC during the period under evaluation. The countries, which have not been selected in the sample, are presented in grey.

Table 1:   Sample of countries for the desk phase (24 countries)

Region	ENP		ELARG	Asia	
Sub-region	*ENP East and Russia*	*ENP South*	*ELARG*	*Central Asia*	*South Asia & South-East Asia*
Countries	Ukraine	Morocco	Albania	Uzbekistan *	Afghanistan
	Russian Federation	Libya*	Bosnia and Herzegovina	Kazakhstan*	Philippines
	Belarus	West Bank and Gaza strip	Serbia	Tajikistan*	Indonesia
	Georgia	Egypt	Croatia	Kyrgyzstan *	
	Moldova	Lebanon	Kosovo	Turkmenistan*	
	Azerbaijan	Jordan	Macedonia (FYROM)		
	Armenia*	Algeria	Montenegro		
Total commitments for selected countries (mEUR)	318	95	220	63	81
% of total EU portfolio in the region in the area of IBM & OC	99%	97%	91%	97%	99%
Region	ACP			Latin America	
Sub-region	*Eastern, Central and Western Africa*	*Southern Africa*	*Caribbean & Pacific*	*Central America& South America*	
Countries	Mauritania	South Africa	n/a	Nicaragua**	
	Cameroon	Botswana**		Bolivia	
	Senegal*	SADC member states[17]		Colombia	
	Liberia			SICA member states[18]	
	Mali				
	Congo, DRC				
	Uganda				
	Central African Republic				
	Nigeria				
	Niger*				
Total commitments for selected countries (mEUR)	3.3	16.7	n/a	1.2	
% of total EU portfolio in the region in the area of IBM & OC	48%	100%	n/a	39%	

* Country where the support is mainly provided via regional or multi-regional interventions.

** These countries have been selected only for the purpose of the EUD survey. Although there is no country level intervention of significant size in Nicaragua and Botswana, the EUDs in these countries manage interesting regional interventions in the area of BM and OC (in Nicaragua, the SEFRO programme, and, in Botswana, SADC Customs modernisation).

Overall, the sample of **24 countries** covers around **90%** of the whole EU portfolio in IBM and OC.

In order to analyse the EU support more in depth, the evaluation team selected 12 cases for in-depth case studies: **five regional interventions** and **seven countries**. The cases were selected using the same criteria as above.

Table 2 summarises the characteristics of the regional case studies.

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[17] Countries covered under the regional programme "*Support to SADC member states on Customs modernization*" (CRIS decision number FED/2006/017-951): Angola, Botswana, Congo (DRC), Lesotho, Madagascar, Malawi, Mauritius Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe.
[18] Countries covered under the regional programme SEFRO (CRIS decision number DCI-ALA/2009/021-386): Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Belize and Dominican Republic.

Table 2:   Regional case studies selected

Region	Title of the selected intervention (sub-region)	Committed amount	% of overall regional interventions in the region	Main characteristics of the EU support
ELARG	**CAFAO**[19] (ELARG)	43 million EUR	58%	First launched in BiH to assist in the implementation of customs related provisions. Then missions were subsequently established in Albania, Kosovo, Serbia (& Montenegro), FYRoM. *Main objectives:* Alignment of customs legislation and procedures (incl. fighting corruption and cross-border crime), strengthening of administrative capacity. **Countries covered:** Bosnia and Herzegovina, Albania, Kosovo, FYRoM, Montenegro,Serbia
ENP	**EUBAM**[20] (ENP East)	68 million EUR	60%	Implementation by UNDP. *Objectives and activities:* Enhance effective-ness of border guards and customs control (cus-toms revenue), capacity building, prevention of border related crime, assessment of anti-corruption measures and IBM. **Countries covered:** Ukraine, Moldova
Asia	**BOMCA**[21] (Central Asia)	32 million EUR	55%	Implementation by UNDP. *Main objectives:* Reinforcement of BM capabilities, strengthening training and counter drug capacities, strengthening of regional co-operation, donor co-ordination and infrastructure, institutional reform. **Countries covered:** Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan
Latin America	**SEFRO**[22] (Central America)	1.2 million EUR	100%	*Main objectives:* Improvement of harmonisation and co-ordination of policies, regulations and procedures for the MS of SICA related to border security and an incorporation of the concept of IBM. **Countries covered:** Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Belize and Dominican Republic
Multi-region (incl. ACP)	**Seahorse** (Western Africa + ENP South)	5.8 million EUR	n/a	*Main objectives:* Promote regional collaboration and dialogue on the management of migratory flows and establish in the partner countries concerned an effective policy to prevent illegal migration including efforts to stop trafficking in human beings and smuggling of migrants. **Countries covered:** Morocco, Mauritania, Senegal, Cape Verde (Seahorse co-operation centre c152794 also includes Gambia and Guinea Bissau)

Table 3 summarises the characteristics of the seven country case studies.

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[19] Customs & Fiscal Assistance Office Programme.
[20] European Assistance Mission to Moldova and Ukraine.
[21] Border Management Programme for Central Asia.
[22] The programme "Programa Regional de Seguridad Fronteriza en América Central" has been initiated in 2009. It was decided to include this case even though the contracted amount before 2011 is below the 2 million EUR threshold because it was deemed that the case could highlight some interesting elements related to the support to IBM in the context of Central America. The approach for this regional case study is thus forward-looking.

Table 3:   Country case studies selected

Region/ Sub-region	Selected country	Committed amount	% of amount committed to the region	Main characteristics of the EU support
ELARG	Albania[23]	55 million EUR	24%	A variety of interventions from supply of equipment and construction of BCP to wider programmes such as: • *PAMECA Police Assistance Mission of the European Community to Albania (23 million EUR - Action Grant)*: law enforcement, enhancing institutional and operational capacity, fight against OC, improved management of finance/materials, improved information exchange, Integrated Border Management.
	Serbia	37 million EUR	15%	A variety of interventions from supply of equipment and construction of BCP to wider activities (technical assistance, development of information systems), including interventions implemented by the European Agency for Reconstruction.
ENP/ENP East	Ukraine	97 million EUR	30%	Interesting interventions include: • *BOMUK Enhancing Border Management in Ukraine (36 million EUR),* which includes support of BM through upgrading of infrastructure and equipment supply. • *HUREMAS Reinforcing the State Border Guard Service of Ukraine's Human Resources Management System (5 million EUR).*
	Belarus[24]	37 million EUR	11%	Interesting interventions include: • *BOMBEL Enhancing Border Management in the Republic of Belarus (13.2 million EUR):* Combat drug-trafficking, enhance BM, fight against OC, legislative support.
ENP/ENP South	Morocco	73 million EUR	76%	Interesting sector budget support intervention: • *Gestion Des Contrôles Frontaliers: Appui budgétaire relatif au Programme d'urgence d'appui au développement institutionnel et à la mise à niveau de la stratégie migratoire (67 million EUR).*
Asia/South Asia	Afghanistan	63 million EUR	86%	Important interventions such as: • *BOMNAF Border Management in Northern Afghanistan (8 million EUR Budget Support).* • *NA-IBM North-eastern Afghanistan – Integrated Border Management Support Program (23 million EUR):* Strengthening of Border Police, Border Police Headquarter and Customs Department through provision of training, infrastructure and construction of facilities.
ACP	Mauritania	1.8 million EUR	26%	Migration related interventions such as: • *Gestion de la Migration en République Islamique de Mauritanie (1.0 million EUR)* and • *Renforcement des Capacités Institutionnelles de Surveillance et Assistance en Matière de Migrations en Mauritanie (0.8 million EUR).*
Latin America	n/a			

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[23] Albania and Serbia are selected instead of Bosnia and Herzegovina because they present a wider range of interesting interventions.
[24] Selected instead of Russia (2nd biggest recipient) because of the numerous interesting programmes in Belarus: BOMBEL, BUMAD, etc.

It is important to highlight the following:

- No in-depth country case study was planned for *Latin America*. This is largely due to the fact that the only interventions of significant size and falling within the scope of the evaluation are *regional interventions*. It was thus not considered relevant to carry out a case study at country level for this region.

- For the reasons mentioned above (clear emphasis of the EU strategies on these sub-regions), it was also deemed important to carry out more than one case study in the *ENP East* and the *ELARG* regions.

- Some selected country case studies were partly covered by regional interventions. Therefore, and in order to minimise overlaps, country case studies have only to a limited extent addressed issues related to the regional programmes covered by the regional case studies (e.g., EUBAM was not extensively studied in the *Ukraine* case study); cross-references are made in the case studies where relevant and possible.[25]

The **purpose of the country and regional case studies** was to carry out an in-depth analysis of the EU support in a specific context with a view to allowing for comparison across countries and regions. As a first step, the relevant documentation related to the EU interventions presented in the case study was identified and collected from the CRIS database or gathered from the Geographical desks and EUDs to the relevant partner and candidate countries. In addition, country level evaluations, studies and international literature on IBM and other reports were collected from internet portals and databases.

A number of cases were selected for additional field phase activities. **Eight field study countries** were selected based on **selection criteria** including:

- geographical representation,
- thematic areas covered by the EU support in the country,
- amount & type of financing,
- specific country context to ensure an appropriate representativeness of the sample.

In addition to these criteria, consideration was given to the extent to which the country case studies were supposed to highlight **interesting lessons to be learned**. Table 4 presents the final selection of field study countries which was agreed upon with the RG.

Table 4:   Field study countries

ELARG	ENP East	Asia	Africa /ACP
Albania	Ukraine	Kyrgyzstan	Mauritania
Serbia	Moldova	Kazakhstan	
	Belarus		

2.4   Challenges and limitations

2.4.1   Overall methodological challenges

A **strategy-level evaluation** of this kind is a challenge *per se*. It goes beyond a mere summation of evaluations of multiple operations and tackles many high-level issues. It also covers different dimensions and areas of support, periods and country contexts and simultaneously focuses on individual interventions. This challenge has been tackled mainly through the **specific structured methodology**, based primarily on the definition of Evaluation Questions, Judgement Criteria and Indicators and the choice of countries and interventions for the data collection phase.

Due to the large **geographical scope** of the evaluation, there is a huge heterogeneity with respect to the contexts in which the evaluated IBM interventions took place and, in particular, the concept of border management is at very different stages of development in the selected case study countries. This required careful consideration at all stages of the analysis. The evaluation team has paid special attention to these differences when generalising the findings related to the EU support to IBM and OC.

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[25] Moreover, it was initially planned to carry out a country case study on the EU support to IBM and OC in Morocco. However, the evaluation team was informed by the EUD that the information related to this programme was considered highly confidential and this information would not be made available for this evaluation by the Moroccan authorities. After discussion with the RG, it was decided to eventually drop this case study.

2.4.2 Building an inventory of EU support to IBM and OC

Challenges and limits relating to the inventory are presented in detail in Volume III - Annex 3. One of the key challenges that had to be tackled in constructing the inventory and typology for this evaluation is common to all mapping exercises for thematic evaluations and relates to the information source on which they are based. It is recognised and explicitly stated in the ToR and Launch Note for this evaluation that CRIS is deficient in a number of regards, in particular the non-systematic classification of interventions. In order to retrieve the interventions belonging to a specific sector a **more subjective and more innovative approach**[26], including tedious line-by-line review of interventions, was required to elaborate a comprehensive inventory of EU support to IBM and OC.

2.4.3 Availability and processing of information

Information available in EU databases was not always easily retrievable. This made the inventory exercises but also other analyses relatively time-consuming. Furthermore, the **availability of documents** on relevant interventions in individual countries differed considerably. For some countries and interventions, CRIS information is sketchy, while others are well documented. In particular, the EU funded interventions provided significant amount of funds to construction work and supplies. For these interventions, the project documentation available was rather limited. These gaps could only partly be compensated by documents that are stored within the ROM system. Nevertheless, the information collected during the structuring phase was sufficient to allow the construction of an overview and typology of the magnitude of EU funds for support to IBM and OC. Field visits have helped in complementing the information for the subsequent analyses.

Due to the sometimes sensitive nature of issues connected with border management and combating organised crime, it was not always possible to obtain information from beneficiaries, especially in the matter of **statistics and records** concerning detections, offences, seizures, intelligence, etc. Corruption, also a sensitive area, was a subject that was difficult to obtain concrete and meaningful information about. The evaluation team could however rely to some extent on secondary data such as reports and studies related to the specific contexts under analysis as well as on interviews with stakeholders not directly related to the beneficiary agencies.

Finally, the evaluation covers a rather long period (2002-2010). The evaluation team was confronted by a lack of "**institutional memory**" at EU HQ and EUDs. Indeed, owing to the rotation of staff and the incomplete incorporation of documents in EU databases, the people interviewed stated in several cases that they had only partial knowledge of a requested issue − for instance, a specific intervention and its historical roots. The same phenomenon applies to beneficiaries and other stakeholders, especially project implementation staff. With beneficiary border management agencies, the incidence of rotation and resignation is very high (this is discussed later in the report as major sustainability issue) and this meant that during field visits, it was very often difficult to gain interviews with those who had first-hand experience and knowledge of the EU interventions under evaluation. There was also a tendency for beneficiaries to only focus on up-coming projects and to disregard those that had been implemented earlier. However, as the evaluation team used different information sources (including documents and information provided by other interviewees), this could to a certain extent be compensated for by cross-checking and combining the information retrieved from the different sources. For most cases covered by the analysis, the evaluation team could also rely on a strong internal knowledge of the country context, including knowledge of the key actors and the historical evolutions in the area of IBM and OC.

2.4.4 Assessment of EU support's contribution

The evaluation looked at specific achievements at country and/or regional level, progress made and constraints encountered, through specific case studies. At the country and/or regional level however, it was difficult to **isolate the effects of EU support** in a multi-stakeholder and complex environment. Thus, none of the identifiable dynamics and effects at country/regional level were solely dependent on EU's contributions, but were the results of an interplay of various stakeholders and contextual factors. In order to better assess possible EU's contribution[27] to progress related to a substantial number of indicators, a specific focus has been placed on completing quantitative data with qualitative assessments on the role played by the EU and cross-checking the information being gathered through different tools and from different actors. Wherever possible, the evaluation team tried to identify underlying factors not directly related to the EU interventions and explicitly highlight them in the analysis. This was, for instance, the case for the partner and candidate countries where the EU accession process played a significant role in influencing the reform processes in these countries.

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[26] In particular through searches using key words via SQL Queries.
[27] Keeping in mind the limitations of such an exercise concerning thematic evaluations and especially assessing effects and impact due to variety of donors, regional and national situations and availability of information.

3 Background and context of EU support to IBM and OC

3.1 The concept of IBM

3.1.1 Emergence of new concepts of integrated border management

Although the most economic and target-oriented use of limited resources has traditionally been a major concern to border authorities world-wide, its recognition/upgrading as a specific management concept occurred only around the turn of the millennium. The term of **integrated border management** made the headlines for the first time just after the events of 9/11 when concerted security efforts against international terrorism became the number one preoccupation not only for the United States but also many other states. The first tangible result of the new concept can be seen in the administrative merger of the various US border authorities (border police, customs, immigration, agriculture) into one single body, the Bureau of Customs & Border protection (CBP) under the Department of Homeland Security (DHS), finally accomplished in early 2003.

Although references to border control in relation to migration management were made already in the Tampere European Council meeting in 1999, IBM *per se* appeared on the **European scene** at the **Laeken European Council** of December 2001, when Heads of State and Government concluded that "*Better management of the Union's external border controls*[28] *will help in the fight against terrorism, illegal immigration networks and the traffic in human beings*"[29]. The EU in its follow-up communication **Towards Integrated Management of the External Borders of the Member States of the EU** (May 2002)[30] widened the scope of the Laeken formula to include (a) *goods-related border movements, and to* (b) put *facilitation of travel and trade* as a second pillar of integration side by side with that of security.[31]

In the meantime, the comprehensive IBM concept has been recognised by international organisations such as the **United Nations** (UN) and the **World Customs Organization** (WCO) and is applied more or less world-wide by countries which wish to enhance to a maximum their security against terrorism, crime and other threats whilst facilitating, at an equal level, legitimate travel and trade.

In the following years, however, the EU started to develop its own version of IBM, quite distinct from the international 'mainstream concept' (see Box 2). The EU IBM concept consists of the following dimensions:[32]

- Border control (checks and surveillance) as defined in the Schengen Borders Code, including relevant risk analysis and crime intelligence;
- Detection and investigation of cross-border crime in co-ordination with all competent law enforcement authorities;
- Co-ordination and coherence of the activities of Member States and Institutions and other bodies of the EU;
- Inter-agency co-operation for border management (border guards, customs, police, national security and other relevant authorities) and international co-operation; and
- The four-tier access control model (measures in third countries, co-operation with neighbouring countries, border control, control measures within the area of free movement, including return).

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[28] Border control: an activity carried out at a border in response exclusively to an intention to cross that border or the act of crossing that border, regardless of any other consideration. It covers: (a) checks carried out at authorised border crossing points to ensure that persons, their means of transport and the objects in their possession may be authorised to enter the territory of the country or authorised to leave it; and (b) surveillance of borders between authorised border crossing points and the surveillance of border crossing points outside the fixed opening hours to prevent persons from circumventing border checks. Definition obtained from the 2009 "Guidelines for Integrated Border Management in EU External Co-operation".

[29] European Council (2001), Presidency Conclusions of the European Council in Laeken 14 and 15 December 2001, SN 300/1/01 Rev 1, No. 42.
(http://ec.europa.eu/governance/impact/background/docs/laeken_concl_en.pdf).

[30] European Commission (2002), Communication "Towards Integrated Management of the External Borders of the Member States of the European Union", COM (2002) 233 final, Brussels, 7 May.

[31] The customs aspects of IBM were also separately addressed by Commission communication on the "Role of Customs in the Integrated Management of External Borders" of April 2003 (European Commission, COM(2003) 452 final, Brussels, 24 April).

[32] Justice and Home Affairs Council Conclusions 2006.

3.1.2 The different concepts of border management: full mergers vs. less formal network approaches

When the US started to advertise their system of a unique border authority (the Bureau of Customs & Border protection merger) in international fora such as WCO as the IBM solution, the majority of other countries disassociated themselves from this more comprehensive merger approach by adopting less formal network approaches. The new notion refers to a system in which the various border authorities stayed separate and conducted the joint border management process between them by means of co-ordinating bodies and structures. This network approach is also referred to as the co-ordinated border management (CBM) approach, particularly by WCO. A completely different approach has been espoused by the World Bank since 2011 and is known as 'Collaborative Border Management". The foundations are relationship management with the trading community and regulatory authorities and collaborative engagement with transport and supply chain partners. In particular, through *customer segmentation* and *intelligence driven risk management,* the clearance of goods and passengers can be carried out electronically in advance of physical arrival at the border.[33]

Beyond the issue of mergers and networks, the box below provides a brief explanation on how the unique and specific nature of the EU may have encouraged the development of a narrower IBM approach with a specific focus on security aspects.

Box 2:   *EU and its external borders*[34]*: unique situation – unique solution*

With regard to its external borders, the EU finds itself in a situation quite apart from the rest of the world.

Contrary to established state structures such as the United States with a single external border and the CBP as its monolithic guardian, the EU presents itself in form of a 'colourful mosaic'. Legally speaking, there is not one EU border but rather 27 stretches of 'external borders of the Member States of the European Union[35]'. The latter are managed by national staff on the basis of legislation, equipment and training, only partially subject to EU-wide alignment. Since hardly any Member State (with the exception of the UK) operates with less than 2 border services (border guards and customs as a minimum), there are currently more than 55 individual services ensuring control and surveillance of the external borders.

In addition, the EU consists of two distinct territories (Schengen, customs), each with a different set of member countries[36] and diverging border lines.

Moreover, the EU is subject to permanent change. Where other countries such as the US can build upon an accomplished geography of more than 150 years, the EU external border remains a 'moving target'. During the past 16 years, the set of 'gatekeepers' has changed 4 times, and will change once more when Croatia joins the EU in 2013.

These organisational and geographic challenges may provide one explanation of why the IBM mainstream approach (comprehensive approach) was gradually abandoned in favour of a narrower focus on security and travel-related aspects – thus excluding trade-control matters under the responsibility of the customs authorities. Another explanation may lie in a further long-term EU-specificity, the 3-Pillar structure which accompanied European integration from 1992 to 2009. Matters of trade constituted the core part of the first pillar of the EU, where decisions were taken following the "Community method", i.e. with the full involvement of the European Parliament and under the jurisdiction of the European Court of Justice. In contrast, issues related to crime and security formed part of the third pillar, where the Member States remained the sole sovereigns and decisions could only be taken at intergovernmental level, by unanimity. Therefore the comprehensive approach of IBM ranged over two pillars and two different decision-making processes, thus rendering difficult any combined trade-security initiative.

3.2 EU key reference documents and policy framework

In the structuring stage of the evaluation, the evaluation team carried out an extensive review of key reference documents related to the EU policy framework to support IBM and OC. Three major categories of documents were considered:

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[33] Border Management Modernization (2011) published the World Bank (ISBN: 978-0-8213-8596-8).

[34] External borders: specifically refers to the EU Member states' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders(of the EU). Definition obtained from the 2009 *Guidelines for Integrated Border Management in EU External Co-operation.*

[35] cf. Regulation (EC) No 2007/2004 (FRONTEX-Regulation).

[36] The Schengen territory comprising 25 countries, i.e. all EU Member States except UK, Ireland, Bulgaria, Romania, Malta plus the non-EU-members Norway, Iceland, Switzerland, while the customs territory includes all 27 EU members. For comparative border/territory maps see Hobbing (2011), p. 29.

- **Policy documents,** including: EU treaties, European Council political directions and priorities[37], European Commission's communications, EU regulations, international agreement between EU and ACP[38] countries;
- **Strategy documents** (especially regional strategy papers);
- **Operational guidelines** related to IBM, including: Guidelines for IBM in the Western Balkans (2004 and 2007 versions), Guidelines for IBM in the EC external co-operation (2009 and 2010 versions), the *Schengen Handbook* and *EU Customs Blueprints*, and, to some extent, the Schengen Catalogue.

Figure 4 presents the documents analysed and their evolution over the evaluation period (documents not specific to development co-operation are highlighted by a light background; documents specific to Enlargement countries are marked with a dashed outline).

Figure 4: Overview of EU policy, strategy and operational documents reviewed
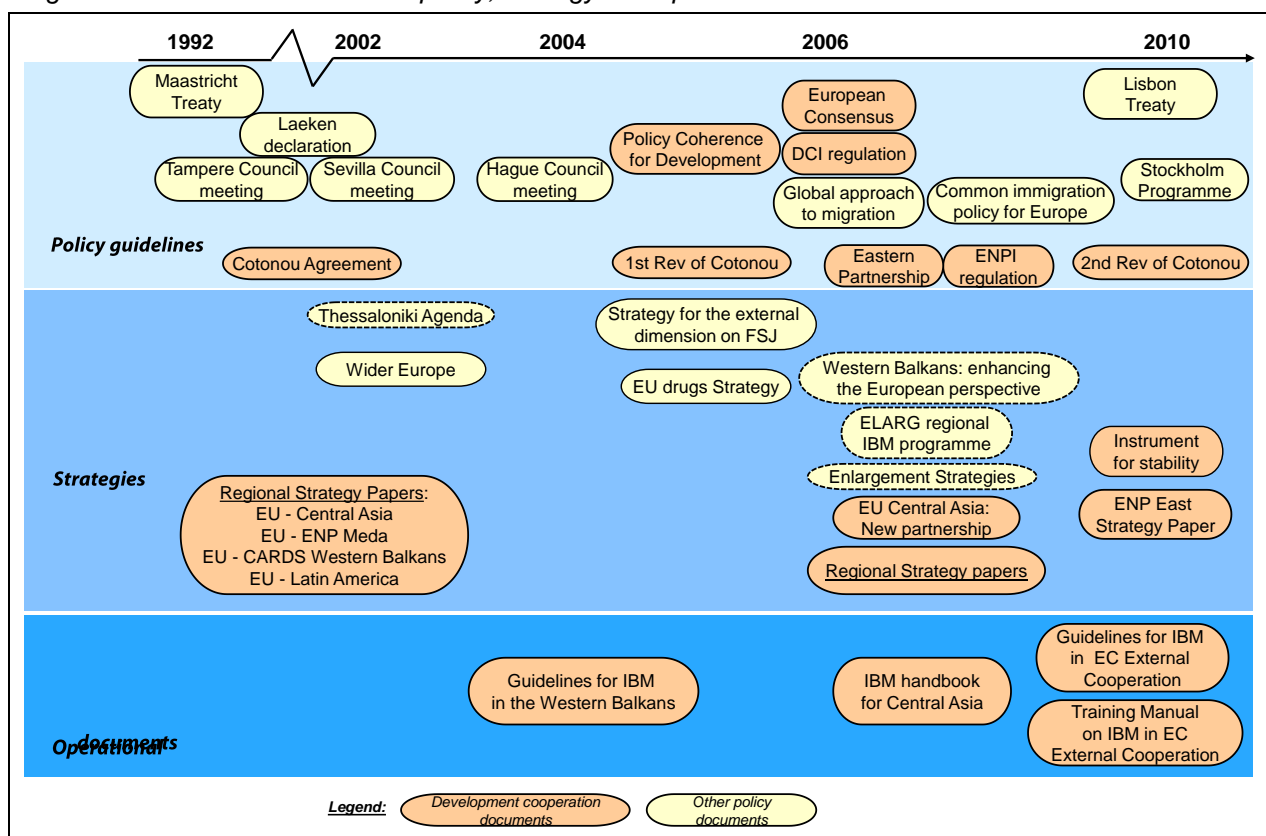
It is noteworthy that the analytical framework adopted in this evaluation distinguishes between **development co-operation** and **non-development co-operation**. Although this distinction is clear when it comes to financial contributions (categorised by development partners in either ODA or non-ODA funds), the limit between development co-operation and non-development co-operation is blurred when it comes to the EU policy areas. Certain EU policies correspond to different legal bases in the EU Treaties and can pursue a variety of objectives not necessarily directly related to poverty reduction. The evaluation team acknowledges this situation and the approach adopted in this evaluation takes into account a broad perspective of the EU **external co-operation** in the areas of IBM and OC but with a major emphasis on the development context and the overall objective of EU development assistance in terms of poverty reduction in partner countries.

The evaluation team also looked at a number of **international agreements and guidelines**, e.g.:

- 1998 UN Convention against illicit Traffic in Narcotic Drugs;
- 2004 UN Convention against transnational OC ;
- 2004 UN Convention against corruption;
- 2005 OECD SSR and Governance Guidelines;

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[37] Such as Council Conclusions on IBM (2006) - 15801/06, Seville European Council Action Plan (2002) - 13463/02
[38] Africa, Caribbean and Pacific countries.

- 2007 OECD DAC Handbook on SSR.

The review carried out shows that there is no unique and precise EU policy framework related to the support of IBM and OC provided by "development specific" EU policies.

The **EU concepts of IBM and OC** have been gradually developed over the last decade. A number of "internal" EU policies - emanating in the main from the area of Freedom, Justice and Security (FJS), Directorate General for Home Affairs (DG HOME) and Directorate General for Enlargement (DG ELARG), have been instrumental in developing the concept of IBM that the EU applies at its external borders. It appears that this concept of IBM has only indirectly influenced the concept of IBM the EU has tried to promote in its development co-operation actions in partner countries. However, there is obviously a direct influence on its relations with the enlargement countries.

Moreover, most of **the "internal" EU policies[39]** include an "external dimension" with periodic reference to co-operation with partner countries. These policy documents are not directly guiding the strategies to be followed by the EU in the development co-operation context and there is almost never a precise reference to the development co-operation strategies/instruments that were under the mandate of the DG RELEX family[40] during the evaluation period. However, the analysis shows that:

1. These policy documents have **influenced EU development co-operation strategies** related to the support to IBM and OC.

2. Most of the policy documents set high in the EU policy agenda the importance to ensure **coherence between EU external strategies and actions** carried out under the policy area of FSJ and the ones carried out in the development co-operation context.

The diagram below synthesises the results of the analysis carried out in the policy review.

Figure 5:   Influence of EU Policy areas on development strategies and actions supporting IBM and OC in partner countries
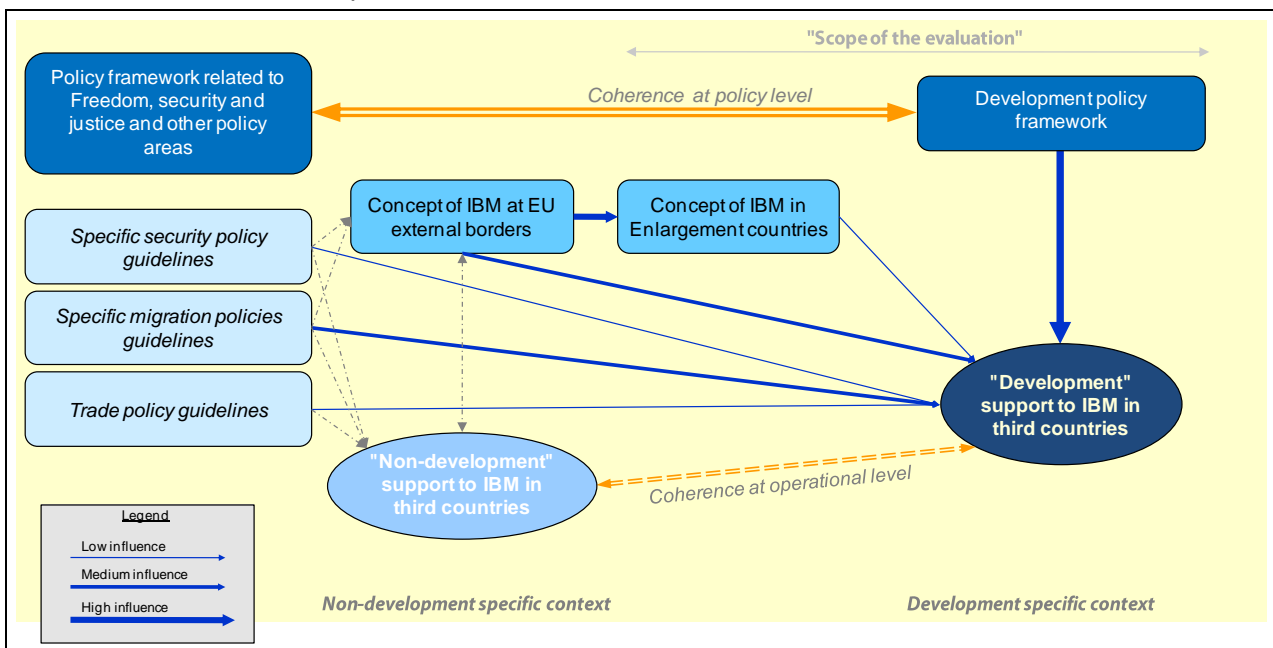
The extent to which the elements of EU policy framework and strategies related to IBM and OC have been conducive for the programming and implementation of EU support in this area has been further analysed in the evaluation questions presented in section 4 below (in particular, see EQ 1).

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[39] E.g. The Strategy on the External Dimension of the Area of Freedom, Security and Justice COM (2005)491 or the 2003 European Security Strategy.
[40] Directorate General for External Relations, DG Development and DG EuropeAid.

3.3 Inventory of EU support to IBM and OC

In line with the ToR, the inventory of the EU's support to IBM and OC provides an overview of the interventions financed by the EU in the countries covered by the evaluation during the period 2002-2010. The analysis of the captured interventions gives a detailed overview in terms of temporal evolution, geographical breakdown and regional versus country level interventions. The definitional framework used is in the one described in section 1.2.

The inventory is based on data from the EU's CRIS[41] database. The data extraction was performed in February 2011 and was followed by a comprehensive and systematic screening of the information contained in the CRIS database. Following an initial screening to verify the relevance of the information available, the database was enriched by a systematic search of references to IBM and OC and the analysis of other, geographically and thematically related evaluations[42], and by information obtained from key informants. This approach and the detailed related analysis are presented in Volume III, Annex 3.

The box below presents the main results of the analysis of EU financial information regarding the support to IBM and OC.

Box 3:   Overview of EU financial information regarding the support to IBM and OC

Overall commitments: Around 873 million EUR have been committed[43] to support IBM and OC during the period 2002 to 2010, in no less than 44 countries.

Evolution: EU financial commitments tend to increase over the period 2002-2010, even though the year 2009 marks particularly low levels.

Aid delivery methods: Support is almost exclusively provided by means of the project modality. There is no strong evidence that EU support to IBM and OC include support in the form of General Budget Support.

Geographical distribution: The ENP and ELARG regions are the two biggest recipient regions of funds supporting IBM and OC (respectively 48% of the commitments – 419 million EUR, and 28% of the commitments - 242 million EUR). ACP and Latin America regions are the two regions that received the lowest level of commitments in the area of IBM and OC (respectively 2.8% of the commitments – 25 million EUR, and 0.4% of the commitments – 3 million EUR).

Financing instruments: 89% (773 million EUR) of EU support to IBM and OC is financed by means of geographic budget lines.

Support at regional level: 32% (279 million EUR) of the commitments are going to regional interventions.

IBM vs. BM interventions: 29% (257 million EUR) of the commitments are considered pure '*IBM',* whereas 71% (616 million EUR) are classified as '*direct support to BM'*. Major differences between the two main categories of the inventory, '*IBM'* and '*direct support to BM'*, are evident in terms of regional occurrence and aid channelling.

- *Regional occurrence*: 'IBM' interventions feature only in the ENP, ELARG and Asia regions and to a very small extent in Central America.
- *Channel*: More than 54% (141 million EUR) of commitments related to interventions categorised as IBM are channelled via Non-EU development agencies and other international organisation, whilst, with nearly 50% (305 million EUR), the private sector is the main aid channel in interventions considered as direct support to BM.

As depicted in Figure 6, there is a global upward trend in EU funding commitments in the period 2002-2008. Whilst the shift from the CARDS[44] to the IPA[45] instrument may have had an effect on the periodic decline in commitments after 2006, the significant decline in commitments in 2009 can be explained by the specificities of the EU programming cycle (funds related to strategic cycles starting in 2007/2008 were mainly contracted after 2009).

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[41] Common RELEX Information System
[42] Including JSSR evaluation, Trade evaluation, UN channels evaluation, European Agency for Reconstruction evaluation and the ROM system Western Balkans
[43] Commitments are measured with the information on "contracted amounts" available in the CRIS database. See also section 4.2 and 4.3 for additional definitions on the concepts used in the inventory.
[44] Community Assistance for Reconstruction, Development, and Stabilisation
[45] Instrument for Pre-Accession Assistance

Figure 6:   *Evolution of EU commitments between 2002 and 2010 (in million EUR) for IBM and OC*
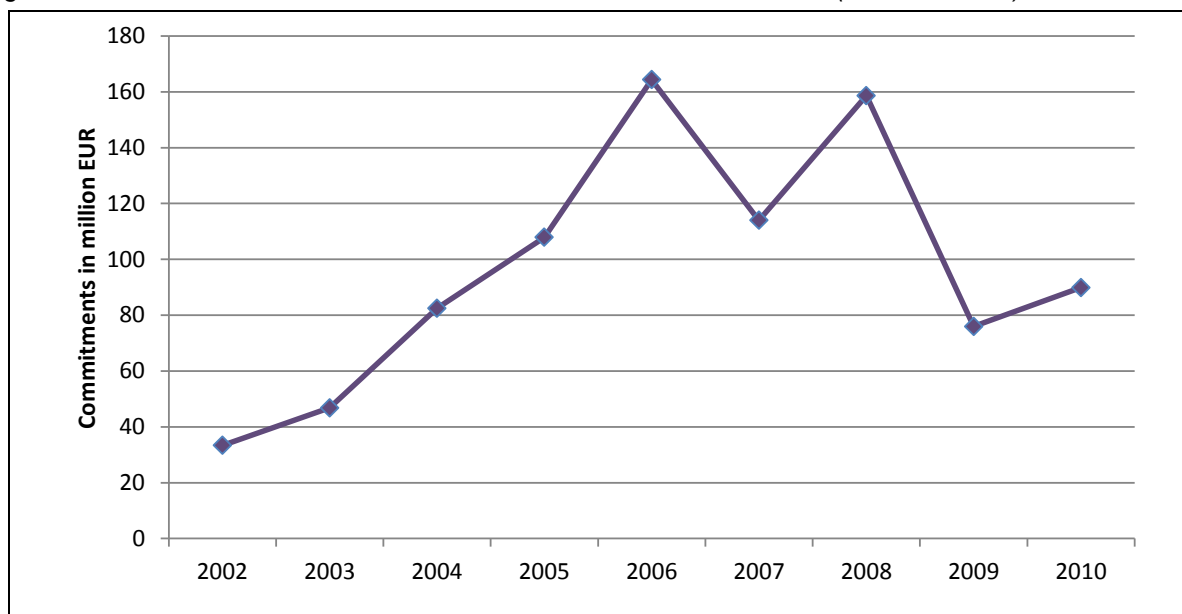
Source: CRIS and Particip analysis (2011)

Figure 7 shows the geographical breakdown of the EU commitments per region.

Figure 7:   *Overview of aggregated EU commitments by region (2002-2010)*
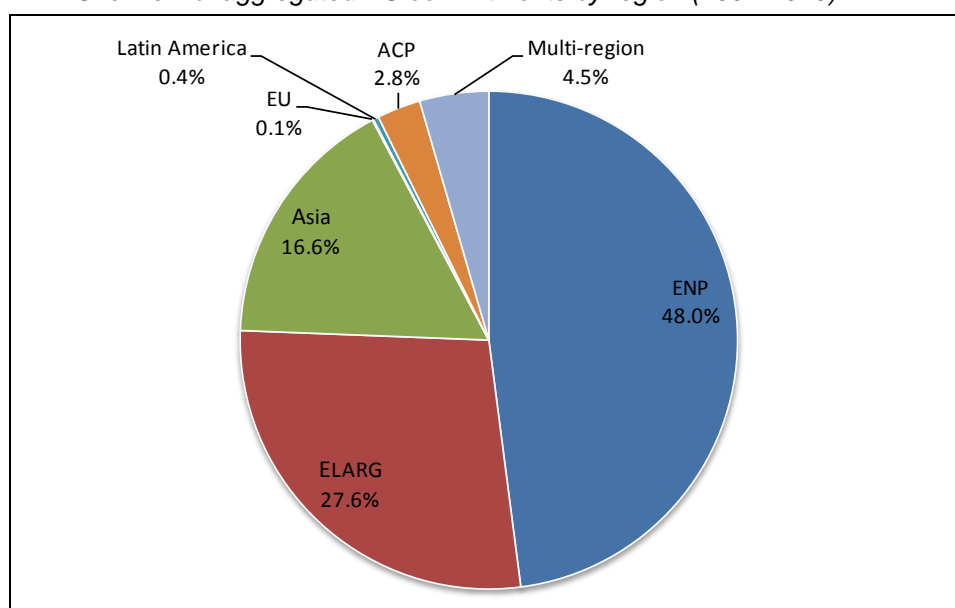
Source: CRIS and Particip analysis (2011)

Following observations can be made:

- 48% (419 million EUR) of the funds supporting IBM and OC went to ENP countries.
- The ELARG area received 27.6% (242 million EUR) of the overall funds.
- Asia received 16.6% (145 million EUR) of the funds.
- Only 3.2% (28 million EUR) of the funds went to ACP and Latin American countries.
- 4.5% (39 million EUR) of EU support to IBM and OC went to multi-regional interventions.

As illustrated in Figure 8, around two thirds of the EU support has been committed through country-level interventions, whilst around one third has been committed through regional programmes.

Figure 8:   *EU commitments - regional versus country-level interventions (2002-2010)*
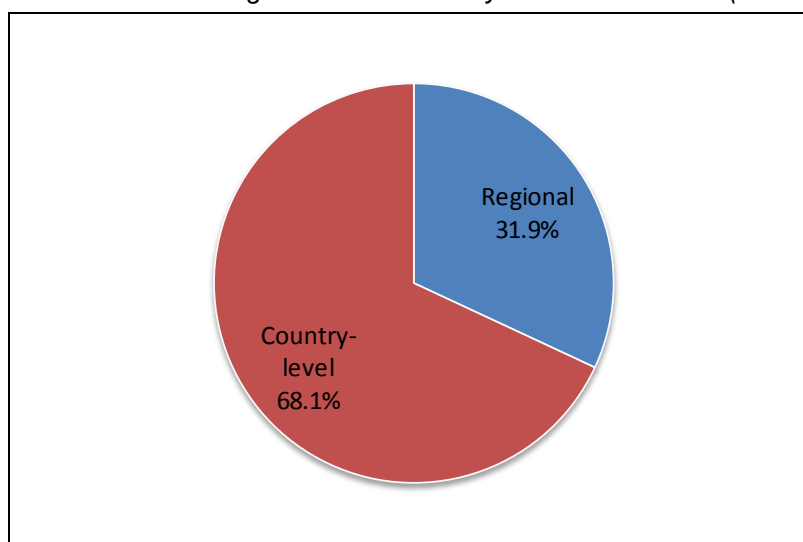
Source: CRIS and Particip analysis (2011)

Nearly 68 million EUR (46%) of funds in Asia have been committed through regional interventions, due to big interventions such as the *Border Management Programme for Central Asia (BOMCA)* whereas around 83% (201 million EUR) funds in *ELARG* are committed for country-level interventions[46].

In ENP East, the biggest regional interventions are represented by the interventions *European Union Border Assistance Mission to Moldova and Ukraine (EUBAM phase 3-8)* which have received nearly 68 million EUR (21%), compared to the overall committed amount of 321 million EUR in the *ENP East* & Russia region during the evaluation period.

The commitments for regional interventions for *ENP South* (1.5 million EUR or 2%) remain at a rather low level, compared to the overall commitments of 98 million EUR (98%) in the region. However, it is important to note that some multi-region interventions also cover ENP South countries[47].

In *ACP* countries the share of regional interventions is considerably larger compared to the share of country-level interventions, due to the *Support to SADC member states on customs and modernisation and trade facilitation towards the SADC customs union* interventions *(13 million EUR).* In addition to these regional interventions, it is noteworthy that the EU funded a number of multi-region interventions such as *Project Seahorse (6 million EUR)* which has been implemented in *Morocco*, *Mauritania*, *Senegal* and *Cape Verde*[48]. In *Latin America,* the biggest intervention in terms of financial amounts was the regional intervention *Asistencia Técnica Internacional de Apoyo a la Gestión del Programa Regional de Seguridad Fronteriza (SEFRO) (1.2 million EUR).*

3.4 The intervention logic

3.4.1 Approach to the reconstruction of the intervention logic

In line with the EU evaluation guidelines[49] and the Terms of Reference, the evaluation team aimed at reconstructing the intervention logic (IL) of the EU development assistance in the areas of IBM and OC. The objectives of producing such an Intervention Logic are:

- To help clarifying the objectives of the EU support and translating them into a hierarchy of expected effects so that they can be evaluated;

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[46] To the biggest multi-region interventions in terms of contracted amounts in ELARG belong for instance the *CAFAO interventions in the Western Balkans (c-147596; c-141748).*

[47] These include for instance AENEAS interventions such as *Project Seahorse (Morocco)* or *Across Sahara – Pilot project for regional co-operation and capacity building on border and illegal migration management (Libya and Algeria).*

[48] Remark: The project "Seahorse co-operation centre" (EC contract 152-794) also covers Gambia and Guinea Bissau.

[49] European Commission (2006): Evaluation Methodology for European Commission's External Assistance; or http://ec.europa.eu/europeaid/how/evaluation/methodology/index_en.htm .

- To suggest evaluation questions about these effects;
- To help assessing the internal coherence of the EU support.

The process to reconstruct the IL has followed two main steps:

- **Step 1**: design of an *impact diagram* which represents *faithfully* the expected effects as outlined in the key policy documents underpinning the EU development co-operation strategy in the areas of IBM and OC (the expected effects are inferred from the stated objectives in the documents).
- **Step 2**: on the basis of the "*faithful impact diagram*", design of a *diagram* which represents the *fully reconstructed* intervention logic of the EU development co-operation strategy in the areas of IBM and OC (by including implicitly expected effects that were not mentioned in the key documents). The diagram representing the "*fully reconstructed IL*" is depicted in Figure 9 and subsequently explained in detail.

As noted above (see section 3.2), a number of **EU "internal" policies** have influenced the EU development co-operation strategies related to the support to IBM and OC. These documents are interesting to understand the evolution of the approach followed by the EU support to IBM in partner countries. However, the evaluation team has not developed a "faithful diagram" based on these documents for two main reasons:

1. A comprehensive and precise set of intermediate objectives related to the EU support to IBM in partner countries is not available in these policy documents.
2. It is questionable to use policy documents, which are not development specific, to outline the "faithful" logic of the EU *development* assistance.

Rather than considering these policies as directly underpinning the logic of the EU development assistance, the evaluation team preferred to consider them as "*policies that have influenced*" EU development assistance in the areas relevant to this evaluation. Moreover, there is an important aspect of "*coherence between policies*" mentioned in the major policies reviewed which suggests to look more at these policies from a 'Policy Coherence for Development' perspective. This aspect has been further analysed in the evaluation questions presented in section 4 below (in particular, see evaluation question 2).

To identify relevant intermediate and specific impacts as well as global impacts in the faithful impact diagram (step 1), the evaluation team has considered the following documents:

- European Community's Development Policy – COM (2000)212;
- The European Consensus on Development – 2006/C 46/01;
- Policy Coherence for Development – COM (2005) 134 final;
- Lisbon Treaty (2007/C 306/01).

For the lower levels of the intervention logic (intervention areas and short-term results), the evaluation team has used:

- the Guidelines for IBM in the Western Balkans (2004/07); and
- the Guidelines for IBM on EU External Co-operation (2009/10).

The simplified diagram in Figure 9 outlines the "*reconstructed intervention logic*" of the EU development co-operation strategy in the areas of IBM and OC.

3.4.2   The different levels of the reconstructed intervention logic

The intervention logic presents the **four global impacts**, most of them well-known from traditional development aid approaches, to which the EU seeks to contribute, through its support to IBM and OC.

- **Poverty reduction:** The objective of poverty reduction has remained a central objective of all EU policies development co-operation policy documents. In particular, it features prominently in the *European Consensus* (2006)[50] and the Lisbon Treaty (2009): "*Union development co-operation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty*"[51]. As highlighted in the DCI Regulation 1905/2006[52], poverty reduction is seen in the close context of sustainable development, smooth and gradual integration of developing countries into the world economy as well as stability, rule of law and good governance.

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[50] Joint Statement by EP, Council, Member States, Commission on EU development policy, 2006
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:046:0001:0019:EN:PDF.
[51] Article 208 (2) TFEU (former Article 177 TEC).
[52] cf. Recitals 2, 6 and Article 2 Regulation (EC) No 1905/2006 establishing a financing instrument for development co-operation.

Figure 9: *Reconstructed EU intervention logic for development assistance in the areas of IBM and OC in partner countries*

Intervention areas

Legislative framework
• Legislation and regulatory reform
• Harmonised legislation in country and cross-border
• Alignment with EU/ international standards

Institutional framework
• Institutional reform
• Formal cooperation mechanisms
• Conditions of services, career development

Human Resources (capacity building & training)
• (Joint) training programmes & in-house trainers
• HR management
• Ethics & integrity of civil service

Procedures
• Harmonization of procedures
• Risk analysis
• Joint controls & joint operations
• Exchange of information (horizontal and vertical)

Infrastructure & Equipment
• Construction & refurbishment of customised Border Control Points
• IT & Communication tools
• Basic equipment (search equipment)
• Specialised equipment (cargo scanning, documentation verification, detector dogs and transportation)

Results

EQ 1 EQ 2 EQ 3

Transparent and conducive legal and regulatory framework in place (*State of the art law enforcement and criminal justice system*

Strengthened legal authority and responsibility of border agencies

Fully professional civilian border agencies

Enhanced policy dialogue in country and cross-border

Improved coordination mechanisms (in-country and cross-border)

Transparent and Client-friendly services (enhanced information on rights)

Reduced number of interventions

Enhanced exchange of data

Enhanced flow of information operational

Better use of shared resources

Risk based controls

Reduced clearance time

Appropriate and secure physical environment (for staff & public)

Enhanced and fully-equipped examination facilities

EQ 4

Specific Impact

Improved practices and governance of border agencies

Improved cooperation at borders / cross-border

Efficient border

Open borders (to legitimate travellers incl. refugees and asylum seekers)

Well controlled borders (improved border check and border surveillance)

Enhanced detection of crime & illegal activities

Deterrent effect

EQ 5

EQ 6

Intermediate Impact

Improved recognition of the rights of persons crossing borders

Improved control and management of passengers

Improved management and control of migration

Improved flow of legitimate goods

Improved revenue collection

Reduced threat of crime and terrorism

Improved law enforcement

EQ 7

EQ 8

Trade facilitation

Improved competitiveness of private sector

Increased revenue

Improved public safety

Global Impact

Improved respect of human rights

Enhanced mobility of people (migration and travel management)

Improved security

Poverty reduction, Sustainable socio-economic development, State and regional stability Good Governance and Human rights

INTERVENTION CONTEXT: EU *Development policies*; EU policies pertaining to area of *Freedom, Justice and Security*; EU policies pertaining to areas of *Migration* and *Customs*; *International Commitments*; *UN Conventions*.

- **Sustainable socio-economic development:** As mentioned above, sustainable development is an objective closely linked to poverty reduction. Well-structured IBM measures certainly have a positive impact on both objectives as they foster economic growth not only by helping to generate customs revenues but also by means of stimulating licit trade and labour mobility.

- **State and regional stability:** Besides economic growth, IBM is also vital for national and regional stability as stipulated by the above EU documents[53]. In its double function of facilitating trade and other licit movements while discouraging/stopping illegal cross-border activities[54], IBM exercises a very positive influence on regional peace and security. At state level, this equally applies to one of the major IBM features in terms of democratic institution building, i.e. the gradual handover of border functions from military to civilian staff[55].

- **Good governance:** Good governance, featuring amongst the central goals of EU development assistance[56] may also be considered as a specific impact area of IBM. Not only is this due to the active combating of corruption, which IBM commits itself to tackle vigorously[57], but also the general enhancement of a positive and co-operative working climate linking the relevant government agencies at the intra-service, inter-agency and international levels[58].

The **intermediate impacts** clearly emanate from the above-mentioned dual character of IBM in terms of objectives, i.e. on the one side to turn borders into a place of a more vibrant and fluid exchange while on the other render them impermeable to all threats and other negative influences. In short, a framework which is accurately described as *"…national and international co-ordination and co-operation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and co-ordinated border management, in order to reach the objective of open, but well controlled and secure borders".*[59] Such vision of a 'selective openness' of borders translates into the impact items of:

1. Improved respect for human rights, esp. for persons in need of protection;
2. Enhanced mobility of people (migration and travel management);
3. Trade facilitation;
4. Improved competiveness of the public sector;
5. Increased revenue;
6. Improved Public Safety;
7. Improved Security.

The **specific impacts** which have been identified are the following (a paucity of guidance in policy documents at this level has been observed and therefore these specific impacts are a direct result of reconstructing the IL):

1. Improved practices and governance of border agencies;
2. Improved co-operation at borders and cross border;
3. Open borders (to legitimate travellers incl. refugees and asylum seekers);
4. Well controlled borders (improved border checks and border surveillance);
5. Enhanced detection of crime and illegal activities;
6. Deterrent effect.

'*Efficient borders*' are function of successfully balancing the concept of open borders (to legitimate travellers' incl. refugees and asylum seekers) with secure, well controlled borders. It also includes the enhanced detection of crime and illegal activities and the creation of a deterrent effect at borders, all of which are significantly facilitated by improved co-operation. Conceptually, the attributes of an efficient border contribute to improved control and management of passengers, as well as of migration. Similarly, an efficient border allows for enhanced flow of legitimate goods and hence improved revenue collection, whilst providing improved security by means of enhanced law enforcement and reducing the threat of crime and terrorism.

The specific impacts are directly related to a number of **interdependent results,** as should be expected from an *integrated* approach:

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[53] Joint Statement (2006), para 39; Recital 6 of Regulation (EC) No 1905/2006.
[54] EC IBM Guidelines (2009), p. 14.
[55] ibid., p. 25, 36.
[56] Joint Statement (2006), para 7; Recital 6 and Article 2(1) Regulation (EC) No 1905/2006.
[57] EC IBM Guidelines (2009), chapter 9, p. 85ff.
[58] ibid. chapters 4 – 6, p.31ff, 47ff, 61ff.
[59] ibid. p. 19.

- **A transparent and conducive legal and regulatory framework**, including aspects dealing with asylum, data protection, detailed customs codes, veterinary regulations, cases of emergency and others, forms the basis of an IBM concept involving multiple agencies in-country and cross border. Equally, transparency in the legal and regulatory framework provides the foundation for strengthened legal authority and responsibility of border agencies, clarifying rights and responsibilities, empowering both officials and border clients and reducing the potential for corruption.

- **Enhanced policy dialogue** in-country and cross border provides the foundation for collaboration and co-operation, and concomitantly with the practical co-ordination mechanisms (in-country and cross border). These mechanism, which include *inter alia* joint operation centres among agencies in-country, clear cross border procedures to contact the counterparts cross border (e.g. hot-lines or focal points) form the basis for efficient borders as described in the section above.

- **Fully professional civilian border agencies**, which in partner countries often include the transfer from a military border service to a civilian border agency, in practice often poses a particular challenge and requires sufficient time of transition and needs due consideration in the aforementioned reform processes. As such transparent and client-oriented services, including full recognition of rights of border clientele, affects community and/or the private individual's confidence in the relevant border agencies, countering corruption and unprofessional treatment.

- **Harmonisation of procedures**, as well as ensuring compatibility in infrastructure of equipment, significantly reduces the number of interventions per person/unit of goods crossing a border and greatly enhances efficiency of border operations. Similarly the enhanced exchange of data and flow of information improves risk analysis and risk-based controls[60], developing the capacity for operational reaction and reducing clearance times.

- **The better use of (shared) resources** provides opportunity for the rationalisation of costs, improved co-operation, improved efficiency, and can include the use of basic or sophisticated equipment, as well as infrastructure. Investment in infrastructure and equipment provide modern and well equipped facilities with the dual benefit of facilitating the work of border agencies and enhancing the comfort and confidence of the public.

Five major **intervention areas** of EU support have been identified by the evaluation team, based on the review of operational documents, including guidelines, interventions' Financial Agreements (FA), Logical Frameworks and similar. The intervention areas have been classified according to the *Guidelines for IBM in EU External Co-operation*. Whilst specificities in interventions are of course observed, the Guidelines for IBM in EU external co-operation (2009 and 2010), as well as intervention documents, point to the interdependency of the various inputs.

- **Area 1 - Legislative framework**. This includes: legislation and regulatory reform, harmonised legislation in country and cross border, alignment with EU and/or international standards.

- **Area 2 - Institutional framework**. This includes: Institutional reform, Formal co-operation mechanism, Conditions of service, career development.

- **Area 3 - Human Resources (capacity building and training)**. This includes: (Joint) Training programs and in-house trainers; HR management; Ethics and integrity of public service.

- **Area 4 - Procedures**. This includes: Harmonisation of procedures; Risk analysis; Joint controls and joint operations; Exchange of information (horizontal and vertical).

- **Area 5 - Infrastructure and Equipment**. This includes: Construction and refurbishment of customised BCP; IT and communication tools; Basic equipment (search equipment, tools, protective wear, etc.); Specialised equipment (cargo scanning, documentation verification, detector dogs, transportation, etc.).

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[60] Risk analysis in practice is an ongoing process which starts with identifying a risk (risk identification), formulating tasks, proceeding with collection and processing of data and information as well as analysing a risk (risk assessment or risk evaluation) and developing options for solutions and decisions (risk management).

4 Answers to the Evaluation Questions

Following the ToRs, and as agreed in the structuring stage, the evaluation exercise is based on a reconstructed intervention logic and a structured process of defining Evaluation Questions (EQs).

In the end, **eight EQs** were formulated. These questions have been selected with a view to covering, as far as reasonably possible, the various aspects of the intervention logic, but with a sharper focus on some specific aspects. The focus has been directed at aspects that will permit provision of information and analytical material contributing to an analysis of a number of issues that become apparent from desk work done during the production of the inception report and from the inventory. For each EQ, a number of Judgement Criteria (JC) and Indicators were defined. The EQs were discussed and agreed upon with the Evaluation Unit and the Reference Group.

Table 5: The evaluation questions

No.	Evaluation Question	Type
EQ 1	To what extent have the EU policy framework and strategies related to IBM and OC been conducive for the programming and implementation of EU support in this area?	**Policy Framework and 3Cs**
EQ 2	To what extent has the EU, in its support to IBM and OC, ensured co-ordination and complementarity with EU Member States and other donors, and also coherence with other EU policies and activities?	
EQ 3	To what extent have the various aid delivery methods, funding channels and instruments, and their combinations as employed by the EU, been appropriate in view of promoting responsive, cost-effective and timely interventions in the areas of IBM and OC?	**Aid delivery methods**
EQ 4	To what extent has the EU support contributed to upgrading the legislative and institutional frameworks in IBM and OC matters in partner countries and aligning them with international standards?	**National legislative/ institutional framework**
EQ 5	To what extent has EU support to IBM and OC contributed to improving intra-agency, inter-agency and international co-operation related to border management?	**Sector results and impacts**
EQ 6	To what extent and how has EU support to IBM and OC contributed to enhancing the capacity of border agencies for detection of organised crime at borders?	
EQ 7	To what extent and how has EU support to IBM and OC contributed to improving the flow of persons and management of migration at borders?	
EQ 8	To what extent has EU support to IBM and OC contributed to improving the flow of legitimate goods and revenue collection at borders?	

The EQs can also be linked to one or several of the five DAC evaluation criteria (relevance, effectiveness, efficiency, impact and sustainability), the coherence and EU added-value criteria and other key issues (3Cs or cross-cutting issues) identified in the ToR of this evaluation. These linkages are illustrated in the following table, and further detailed in the individual EQs.

Table 6:   Coverage of the evaluation criteria by the evaluation questions

Question	Evaluation criteria							Other key issues	
	Relevance	Effectiveness	Efficiency	Impact	Sustainability	Coherence	Added value	3Cs	Cross-cutting issues[61]
EQ1- Policy Framework	✓✓✓					✓✓✓	✓✓	✓✓	
EQ2- 3Cs	✓✓✓					✓✓	✓✓✓	✓✓✓	✓✓
EQ3- Aid delivery methods	✓✓	✓✓	✓✓✓	✓✓	✓✓✓	✓✓	✓✓		
EQ4- Legal and regulatory framework	✓✓	✓✓✓	✓✓	✓✓	✓✓✓		✓✓		✓✓
EQ5- Border co-operation	✓✓	✓✓✓	✓✓	✓✓	✓✓✓		✓✓		✓✓
EQ6- Security and threat of crime	✓✓	✓✓✓	✓✓	✓✓	✓✓✓		✓✓		✓✓✓
EQ7- Flow of persons and management of migration	✓✓	✓✓✓	✓✓	✓✓✓	✓✓✓		✓✓		✓✓✓
EQ8- Flow of legitimate goods and revenue collection	✓✓	✓✓✓	✓✓	✓✓✓	✓✓✓		✓✓		✓✓

✓✓✓	The criterion is largely covered by the EQ
✓✓	The criterion is partially covered in the EQ

4.1 EQ 1 on EU policy framework

Evaluation Question 1: To what extent have the **EU policy framework and strategies** related to Integrated Border Management (IBM) and the fight against organised crime (OC) been conducive for the programming and implementation of EU support in this area?

The analysis carried out in this evaluation has pointed to the absence of a single, well defined EU policy framework for IBM & OC (see section 3). However, it has also highlighted the fact that, during the evaluation period, the EU has developed various 'elements of policy framework' and detailed operational guidelines that lay out the central concepts and approaches related to EU support in the area of IBM & OC. This EQ focuses on how the elements of policy framework that existed during the evaluation period were conducive for the planning, design and implementation of EU support in IBM & OC.

The first aspect of this EQ looks at the incorporation of IBM and OC in the EU policies and strategies and the extent to which the elements of policy framework referring to IBM and OC are comprehensive. The question also examines the place given to IBM and OC in the overall EU policy framework related to partner countries and assesses how related concepts and approaches have been consistent and evolved over time.

The second aspect of this EQ analyses the guidance provided by the existing elements of the policy framework and examines whether these elements provide clear and unambiguous signals to the stakeholders involved in the EU support to IBM & OC (especially EU Delegation (EUD) staff, country partners and international donors) with a view to effectively planning and managing support.

EQ1 on Policy framework – Summary Answer Box
Although obstacles in terms of providing a sound policy/strategy basis for EU support to IBM and OC existed at the beginning of the period under evaluation, the **EU eventually managed to establish a conducive environment for programming and implementing EU support to IBM and OC** in most countries. This was mainly achieved by means of the 2010 Guidelines for IBM in EU External Co-operation and its predecessors. During the intermediate phase covering an important part of the evaluation period, the parties concerned managed to resolve the situation adopting pragmatic

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[61] The European Consensus for development identifies four "cross-cutting issues" of major importance for development: democracy and human rights; environmental sustainability; gender equality; HIV/AIDS. The issues of "human rights" and "democracy" were considered as of direct relevance to the scope of the evaluation.

EQ1 on Policy framework – Summary Answer Box

solutions. In recent years, the EU support gained further proficiency by means of practical tools complementing the guidelines: such as the Schengen Catalogue and the EU Customs Blueprints. Relatively consistent positive feedback on the **usefulness and use of the IBM concept** as defined in EU key reference documents was obtained from field study countries in the *ELARG* and *ENP* regions. However, observations made in other beneficiary regions provide a somewhat different picture, notably in *Central Asia* and *ACP*. In the case of *Central Asia*, institutions in partner countries differ in their attitude towards the IBM concept which is detailed in the BOMCA guidelines, considering it either as an 'ideal model', as useful with regard to 'certain components' or showing, on the contrary, full 'reluctance', where IBM is seen as un-necessary by beneficiaries.

The situation for other regions such as *West Africa* (e.g. *Mauritania*) is still different. Although the situation has evolved in recent years, the EU approach there was confined during the evaluation period to the very narrow sector of migration-related security, without taking into consideration possible further interests of the beneficiary such as mobility, goods-related security, trade and revenues, etc. Similarly, beneficiaries in *Latin America* and other parts of the world were supported with a clear focus on the security function of borders, e.g. under the aspect of strengthening regional governance and security matters (e.g. *Central America*). These observations are linked to the fact that the concept of IBM was only recently introduced in these regions and progressively raising awareness among all stakeholders was necessary before introducing the full idea of IBM. In this wider context, the choice of a co-operation strategy focusing on security aspects as an entry point to support BM appeared as the most evident one for both the EU and the partner country.

The assessment of the existing elements of policy framework and the operational guidelines in terms of **providing appropriate guidance to EUD, project staff and partner institutions** is generally very positive, based on the combined desk and field phase evidence. While the written consultation of EUDs showed a more differentiated picture with a good rating for design but some deficiencies for implementation, the interviews with the various stakeholders including beneficiaries evidenced that also implementation-wise the guidance provided can be considered well appreciated.

4.1.1 JC 11 - EU policies, strategies and reference documents related to the support to IBM & OC have been comprehensive and consistent

Although at the beginning of the report period IBM neither as acronym nor in its full description represented a familiar concept to a wider public, and not even in the administrative context, it rather rapidly succeeded to establish itself as a handy tool for **optimising the use of scarce resources for the management of borders**. *(Indicator 1.1.1)*

With the terrorist events of 9/11, not only in the US but world-wide awareness arose that resources from police, customs and other border-related authorities needed to be pooled in order to achieve a higher degree of synergy in managing the international borders. For the European Union, the process of shaping a common system of integrated border management began with the Laeken European Council of December 2001 before reaching agreement on an EU definition at the JHA Council at the end of 2006. This definition, in its basic features, is still valid today. Almost in parallel, elements of IBM made their appearance also in the area of development co-operation whereby the motives of this trend as well as its focal points differed considerably. **In the internal EU context, security concerns dominated already at a rather early stage**. This was less the case in development assistance. Only **towards the end of the evaluation period, a certain convergence could be observed** in the sense that security aspects became more important in development co-operation, notably under the angle of the external dimension of JHA. *(Indicator 1.1.1)*

With all these interests at stake, it must be considered a very natural situation that, from the outset, the factual scenarios to be coordinated in terms of border management were not all subject to a single policy framework and could also not be amalgamated into such a setting according to any reasonable expectations. However, it turned out that such difficulty could be overcome with the help of informal guidelines without the legal quality of laws or international agreements. Based on experience gained in various border missions, not only alone in the EU context but also in close co-operation with international organisations such as IOM, UNDP and ICMPD as well as other donors (e.g. United States), **a collection of best practices was successfully established** by the EU in close co-operation with ICMPD. *(Indicator 1.1.2* and *Indicator 1.1.3)*

By means of continuous adaptation of its contents, these **guidelines**, from their 2004 version for the *Western Balkans* to the current 2010 edition (EU external co-operation in general), have been a **reliable tool for external co-operation in the border management field**. As a primary feature, the guidelines provide for a comprehensive coverage, i.e. in line with the international mainstream approach followed by international organisations such as UN, WCO as well as major players in global trade/security such as the US. They cover (a) all cross-border movements (persons and goods), involve all border-related

administrative branches (police, customs, etc.), and take into account security (protection against terrorism, crime and other threats) as well as facilitation concerns (promotion of legitimate travel and trade). At the same time, they dedicate attention to other aspects such as the issues of organised crime, corruption and asylum/fundamental rights. In view of the coherent structure in terms of terminology, legal and policy references as well as detailed description of procedural steps, the guidelines equally fulfil the requirement of consistency.

Nevertheless, it must be taken into account that, for at least part of the evaluation period, such coherent guidance was not yet available, and that the relevant interventions had to be based on a much more fragmentary guidance. This impression is confirmed by the analysis of the relevant documentation, notably CSPs, which do not provide for a coherent use of terminology ("IBM" vs. "border management" as well as isolated forms of border measures e.g. under the header of migration control). While paying attention to not being too narrowly constricted by nowadays refined terminology (which was not available to the various stakeholders during most of the evaluation period), one can definitely see a solid red line from the early "border management" concepts, e.g. EU-Ukraine Action Plan on Justice and Home Affairs of 2001, via the mid-term programme HUREMAS 1-2 to the National IBM Strategy/Action Plan adopted later *(Indicator 1.1.2)*.

4.1.2   JC 12 - Appropriate guidance for the design and implementation of the EU support is available

As mentioned previously, the guidance nowadays available in form of the 2010 Guidelines for Integrated Border Management in European Commission External Co-operation (or its predecessors) was not to hand for staff responsible for the design and implementation of EU support during the evaluation period. Much rather, as the analysis in this evaluation indicates, **the shaping of IBM and OC-related assistance was still subject to various more one-sided influences**, either from the development co-operation (poverty reduction, economic growth) or security side (e.g. migration control). It is indeed remarkable to what extent intervention measures already in their terminology (in particular the rather rare use of the term "IBM"), but also the format of the support granted, vary from one geographical and chronological context to the other. *(Indicator 1.2.1)*

Nevertheless, there is nowadays an overall perception among EUD staff that the EU strategies and reference documents provide **clear guidance for the design of EU support and to a lesser extent for the implementation of the support**. However, during the field phase, direct contacts established with the beneficiary authorities furthermore confirmed, that the guidelines proved very helpful, also during the implementation phase of the support. Reactions from *Albania, Belarus, Serbia* and most of all *Ukraine* qualified the guidance as "clear", "very clear", "valuable" and "highly efficient due to the practical advice provided by EUBAM". It should be added that these statements stemmed from countries where the use of the guidelines in crucial phases of the drafting of National IBM Strategies and related border legislation occurred in the presence of a special adviser to facilitate the legislative/regulatory process.[62] *(Indicator 1.2.2)*

The **degree of guidance provided is closely linked to the scope/kind of support the EU intends to provide** to different partner and candidate countries/regions around the world. The intensity of guidance varies according to the geographical/political vicinity of the region concerned, i.e. in the following order (1) Accession candidates, (2) European Neighbourhood *ENP east/south*, (3) *Asia* and (4) *Latin America* and *ACP*. This is mirrored by the type of advice offered to the respective region:

- EU accession candidates being expected to adopt the entire range of EU legislation (EU acquis) are specifically "catered for" by the IBM Guidelines for External Co-operation (formerly the IBM Guidelines for the *Western Balkans*), while practically the same applies to *ENP East* (IBM Guidelines for External Co-operation).

- For political reasons, the geographically further remote region of *Central Asia* has obtained a similarly preferential treatment under the BOMCA Programme and, in particular, the BOMCA IBM Handbook of 2006. However, the reception of this extensive support offer appears rather mixed. Whereas some countries (*Tajikistan, Kyrgyzstan*) have already taken concrete steps in view of adopting a national IBM strategy, others accept certain components but do not wish BOMCA to interfere with their institutional border reform (*Turkmenistan, Uzbekistan*). Moreover, *Kazakhstan* for some time showed general "reluctance" to adopt an EU-based border approach but now seems to reconsider its position.

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[62] E.g. Ukraine and Moldova where EUBAM provided such assistance on a regular basis for the drafting of texts such as the UA National IBM Strategy adopted in 2010, the UA Law on Border Control (2011) and the UA New Customs Code (2012). In the preceding phase, an external advisor for similar purposes had been deployed under HUREMAS I and II.

- All other regions (*ACP, Latin America* and *ENP South*) obtained considerably less in terms of support, i.e. there was no comprehensive specific guidance document, and assistance was confined to a reduced scope, normally focussing on security issues in the regional context. Two such examples concern *Mauritania* and *Central America*. In *Mauritania*, the focus of the support was on the security-side of migration during most of the evaluation period, i.e. contributing to slow down migration flows in the direction of Europe (this situation has evolved in more recent years)[63]. Similarly, in *Central America,* the focus of border support is on "Strengthening regional governance and security matters" by means of SEFRO (Border Security Efforts in Central America) as part of SICA (Central American Integration System), which includes *Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama*. In this context, border management is seen as a means "*to mitigate the impact of the free movement of goods, capital and persons due to increasing regional integration*"[64]. *(Indicator 1.2.1 and Indicator 1.2.2).*

4.2 EQ 2 on 3Cs

Evaluation Question 2: To what extent has the EU, in its support to IBM and OC, ensured **co-ordination and complementarity** with EU Member States and other donors, and also **coherence** with other EU policies and activities?

This question focuses on how efforts to support IBM and OC were co-ordinated intra-EU, between the EU and the EU MS, and with other donors and funding agencies, and whether this led to complementary emphasis and approaches (the 3 Cs). As dialogue and co-ordination should not be confined to programme preparation, the EQ also provides information regarding on-going dialogue and the co-ordination efforts necessary for monitoring implementation progress and for taking necessary corrective action.

The answer to this EQ also helps to identify the EU's added value in the areas of IBM & OC in relation to the benefits that would have resulted from EU MS interventions only.

Moreover, EU policy documents[65] suggest that the EU is well placed to take a leading role by way of its unique position with regard to its MS. The EQ thus also seeks answers on EU's leading role (with regard to EU MS) in supporting IBM and OC.

Finally, the question examines the coherence of the EU support to IBM & OC with other EU policies, programmes and activities. In this respect, a special attention is given to the area of external co-operation in migration, regional integration, trade and security and to the area of border management at EU borders.

EQ2 on 3Cs – Summary Answer Box
The EU has, in its support to IBM and OC, achieved a remarkably good level of co-ordination and **complementarity with EU Member States and other donors, and also improved coherence with other EU policies and activities.**
With growing engagement regarding border management activities, the EU has taken an increasingly active role in donor and EU MS co-ordination in several countries.
Sharing of information and policy analysis on IBM and OC among EU and EU MS and between other donors regularly took place at the level of partner and candidate countries and has considerably increased during the evaluation period. However, due to minor involvement of EU MS in some regions, the need for exchange was limited. Moreover, comprehensive operational information exchange between the EU and third country agencies has remained an issue and has hampered enforcement and facilitation efforts.
Wide **regional programmes clearly created a more favourable environment for establishing donor co-ordination**. To a great extent, this is explained by 1) the size of the interventions, 2) the long term perspective (various consecutive phases building upon each other) and 3) the human resource capacities. It has to be highlighted that the use of the term IBM implies a strong regional perspective under the cross border and international pillar.
The increase in number of co-ordination mechanisms has been in line with **an increase in task division and joint financing agreements during the evaluation period**, thus allowing for a good

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[63] See CSP Mauritania 2007-2013

[64] cf. RSP Latin America 2007-13, p. 26

[65] See e.g. *The European Economic and Social Committee and the Committee of the Regions: "Keeping Europe's promise on Financing for Development"* (Com 2007/164 final). See also: *Treaty of Amsterdam, Article 180*; and, for instance: Evaluation Services of the European Union (2004): The Treaty of Maastricht and Europe's Development Co-operation. Triple C Evaluations Nr.1.

EQ2 on 3Cs – Summary Answer Box
level of complementarity and synergy between the interventions of the EU, the EU MS and other donors active in the IBM and OC arena.
Overall, **positive results were also observed in terms of coherence with other EU policies/activities** although greater synergies could have been achieved. Coherence between the external co-operation activities and the situation at EU's own borders was good. However, differences between the external and internal IBM concepts prevailed during the evaluation period. This is mainly due to the EU special status as a body without a uniform external border and thus currently unable to implement a comprehensive IBM approach at its own borders. The Schengen passages recently introduced in the 2010 version of the *Guidelines for IBM in EU External Co-operation* have partially mitigated the potential confusion created by the existence of two distinct approaches.
The support to IBM finds ample points of reference within the external co-operation policies related to migration, trade and security. At country/regional level, **coherence with other EU policy fields has been particularly strong in *ELARG* and *ENP East* regions** whereby the adoption/implementation of a comprehensive IBM concept in effect guaranteed the fulfilment of this criterion, *per se*.
EU support to IBM and OC has increasingly integrated human rights and other cross-cutting issues such as anti-corruption into its approach. Particularly, in regions in close proximity to EU MS (notably Ukraine and EUBAM) as well as Central Asia (BOMCA), EU support achieved notable results in enshrining corruption as an offence within criminal law and focused on increased capacities of border management staff.
However, although greater attention has been paid to human rights issues in the support to IBM and OC (reinforcing coherence in this area) many EU funded activities focussing on human rights have been implemented in disconnection to wider IBM interventions.

4.2.1 JC 21 - The EU has contributed to establishing or effectively implementing co-ordination mechanisms with EU Member States and other donors

Overall, the **EU has been actively working to establish and implement co-ordination mechanisms for support to IBM and OC** in partner and candidate countries. While the co-ordination with EU MS often took place in an *ad hoc* manner and in some cases has been rather limited (not least due to only minor involvement of EU MS in that area), the EU efforts to establish co-ordination mechanisms with other donors has substantially increased during the evaluation period.

Sharing of information and policy analysis on IBM and OC among EU and EU MS and, in particular, with other donors regularly took place at the level of partner and candidate countries and considerably increased between 2002 and 2010. In several countries analysed, a formalised process of sharing of information, for example through steering committees or regional fora between EU and other donors, was implemented, thus ensuring regular information exchange. Particularly in *ELARG* countries, co-ordination activities between the EU and EU MS were conducted on an *ad hoc* basis, while in other regions (*ENP East,* some countries in *Asia)* limited involvement of EU MS in that area decreased the need for continuous exchange.

In general, **exchange took place on a more technical level, focusing on sharing of information with respect to operational issues**. In most of the countries analysed, the EUDs have been involved in one or even several formal working groups or initiatives. However, comprehensive operational information exchange between the EU and third country agencies has remained an issue and has hampered enforcement and facilitation efforts. Moreover, regarding higher-level policy dialogue, there was less evidence to show that substantial exchange had taken place. Even though high level exchange on border management issues took place in some regions (in *Central Asia* even at regional level), the **results often remained limited due to an overly ambitious agenda and the sensitivity of the topic**. *(Indicator 2.1.1)*

During the evaluation period, the EU played an increasingly active role in co-ordinating development partner positions on border management. Judging from various sources (EUD survey, case studies, field phase), the strongest EU role during the first and second strategic cycle was evident for countries in the *ELARG* region*,* where border management already featured strongly in the first CSP strategic cycle*.* Moreover, with the growing engagement of the EU with respect to border management, an increasingly active role in donor and EU MS co-ordination in the *ENP East region, Asia* and, to some extent, *ACP & LA* was taken.

It is noteworthy that **regional interventions have been more supportive in creating a conducive environment for establishing exchange and co-ordination mechanism** between the different actors in the area of border management. More precisely, co-ordination mechanisms were particularly well established, allowing for continuous sharing of information and policy analysis, in countries where regional interventions were implemented *(*e.g. CAFAO, EUBAM, BOMCA, SEFRO*)*. To a great extent, this can be explained by:

- The sheer size of the intervention, which makes the EU one of the major donors in some of the countries where regional interventions have been implemented.
- The long term perspective of the intervention, accordingly increasing the potential for building relations of trust.
- The human resource capacities attached to regional interventions.

In *Central Asia*, BOMCA is seen as major co-ordination body in the region and as an *'organisation'* to counterpart governments. While it remained difficult to engage in discussions with governments on a broader policy framework, the co-ordinating role of the management of the intervention in general was observed as being crucial. In some cases, even after the phasing-out of a regional intervention, the co-ordination aspect is still continued. For instance, in *ELARG,* the successive programmes of the regional intervention CAFAO (TACTA, UNODC, EUCTA) successfully paid attention to co-ordination aspects, keeping stakeholders well informed about the general and specific progress. *(Indicator 2.1.1 and Indicator 2.1.2)*

The survey to the EUDs shows that EUD staff has perceived a significant increase in quality of dialogue on border management between EU and partner governments over the evaluation period. The EUD survey and the field visits agreed that relatively high quality dialogue between the EU and partner governments took place in many partner countries. In some occasions (*Belarus, Central Asia),* the dialogue taking place was limited in terms of engaging in discussions on broader policy framework in border management or did not take place at all. Nonetheless, the relationships with representatives from border agencies were reported to be good during the field phase. *(Indicator 2.1.3)*

4.2.2   JC 22 - Complementarity between the interventions of the EU, the EU Member States and other donors active in the IBM and OC arena

In its **programming documents the EU has regularly established a link to the action of EU MS and other donors**. This was particularly the case in countries in which the EU strongly supported border management already taking place in the first strategic cycle.

In most of the cases analysed, the evaluation found a **clear division of tasks** with EU MS and other donors. On occasion, close co-operation took place in the implementation of specific border management activities (such as with *the UK* at the Tajik-Afghan border).

The increasing level of co-ordination mechanisms (often through regional interventions) highlighted in JC21 is to a great extent intertwined with an increasing level of complementarity during the evaluation period (*e.g. ELARG countries, Central Asia)*. Due to the increasing exchange of information taking place during the programming phase, in several instances project documentation made reference to EU MS and other donors' interventions, thus emphasising complementarity.

In addition, in countries with a weaker institutional environment, the EU increasingly established close relationships between its actions and one or more of the other donors. In *Mauritania,* the EU built upon previous activities carried out by Spain, an EU MS directly affected by the regional migration phenomenon. The close co-operation with EU MS has contributed to a high level of complementarity with their action in this area and in weaker institutional environments. *(Indicator 2.2.1)*

Joint financing and task division frequently took place during the evaluation period, leading to increased synergy between the support of the EU and EU MS/other donors. In some instances, such joint activities took the form of wide jointly financed programmes (e.g., such as in the case of *Ukraine,* EUBAM). These kinds of agreements have been established with EU MS, other bilateral donors and international organisations such as IOM or ICMPD.

The volume of EU **development assistance implemented through international organisations has increased significantly** during the evaluation period. The increase is in line with commitments to engage with international partners made by EU before or at the beginning of the evaluation period (such as the Commission's communication of 2001 on *Building an Effective Partnership with the UN*, reinforced in 2003 by the Communication entitled *EU-UN relations: The Choice of Multilateralism*). As also mentioned in EQ3, the justification to channel the aid through international organisations relates to the partners' operational capacities in place in the relevant regions as well as the well-established contacts of these organisations with the respective partner countries' governments.

Interestingly, for interventions in ACP countries (e.g. *Mauritania*), joint financing or clear task division with EU MS played a particularly prominent role. The fact that certain EU MS are directly concerned by migration issues occurring at their borders may explain this situation. The EUD survey also highlights an overall increase in the quality and extent of joint activities during the evaluation period. Finally, it appears that the EU has shown some flexibility to adjust to other donor approaches (e.g. *Ukraine, Afghanistan)*, by amending project objectives and acting in a joint capacity. *(Indicator 2.2.2 and Indicator 2.2.3)*

4.2.3 JC 23 - EU support to IBM and OC, in both the development and Enlargement context, has been coherent with other EU policies, programmes and activities (e.g. in the area of external co-operation in migration, regional integration, trade and security or in the area of border management at EU borders)

There is a sharp contrast between the two components of this judgment criterion. In regard to coherence with the situation at the EU's own borders, **EU support needs to take into account the discrepancy of the external vs. the internal IBM concept** (due to the EU special status as a body without a uniform external border and thus currently unable to implement a comprehensive IBM approach at its own borders) *(Indicator 2.3.1).* However, it can be clearly seen that the external IBM approach finds ample points of reference within the external co-operation policy, IBM and OC issues at EU borders, migration, trade, security or other aspects. *(Indicators 2.3.2 and 2.3.3)*

In the context of the border policy element *(Indicator 2.3.1),* the geographical neighbourhood again seems to play a major role. Having been third countries and now accession candidates the *ELARG* countries have become familiar with both IBM systems and are fully aware of the contrasts, even if they often regard the operation of two systems as confusing and an example of 'double standards'. *ENP East* countries (via their co-operation agreements with FRONTEX) have equally been acquainted with the Schengen approach, whereas all remaining regions have obtained support exclusively in the format of the external concept. This statement also needs clarification; in periphery regions such as west Africa or central America certain beneficiaries (*Mauritania*, SICA) seek a purely migration-related security approach (so that the split EU-approaches are simply of theoretical importance). Of significance is the fact that the most recent version of the *IBM Guidelines in EU External Co-operation* contains a chapter on the Schengen system which allows beneficiaries to become familiar with both approaches.

With regard to the matter of **coherence with other EU external co-operation policies** (e.g. migration, regional integration, trade and security), no **inconsistencies were detected**; as a general rule, the implementation of the comprehensive IBM concept with its multidisciplinary components automatically ensures a high degree of compliance with such criterion. The evidence available generally confirms increased coherence of the EU support to IBM and OC with other EU external co-operation policies, in particular those related to migration, the *European Security Strategy*, democratic governance (conversion of border authorities into civil agencies in the context of SSR) and to a lesser extent, those related to trade policies and regional integration. Notably for migration issues, the interaction is most visible within the *ELARG* context with its specific references to the connection of adequate asylum and migration structures to interventions in relation to IBM. *(Indicator 2.3.2)*

Although a highly important issue in the border management context, **human rights received relatively little EU support during the period under evaluation**. Yet, some positive developments in terms of increasing the level of integration or mainstreaming of cross-cutting issues of human rights and democratic governance were observed. In *ELARG* and to a smaller extent in *ENP East*, human rights have increasingly been integrated into EU support to border management (e.g. through development of specific procedures and the alignment to international standards in relation to migrant rights). The most visible component is that of refugee protection according to the Geneva Convention, whereby such protection is generally laid down in border-related legislation and also forms an element of the of border guard training curricula. However, according to refugee organisations (incl. UNHCR), there is in reality still only limited effect at borders. In particular for *Ukraine*, individual cases of violation are still being reported in 2012. It is noteworthy that although greater attention has been paid to human rights issues in the support to IBM, many EU funded activities in this area have been implemented in disconnection to wider IBM interventions, i.e. human rights assistance is granted as a horizontal measure without specific reference to borders or targeting specifically border staff.

It is noteworthy that for some cases (e.g. *Ukraine, Afghanistan)* the issue of security still seems to prevail over human rights and democratic governance concerns. **Corruption is still a major obstacle**. While the EU has increasingly integrated anti-corruption components in border management interventions and EU support has been instrumental in enshrining the concept of corruption as an offence in criminal law (*Albania, Serbia, Belarus and Moldova*), corruption and bribery remain a widespread social phenomenon in many countries (cf. JC 42 for further details). *(Indicator 2.3.3)*

4.3 EQ 3 on aid delivery methods

Evaluation Question 3: To what extent have the various **aid delivery methods, funding channels and instruments**, and their combinations as employed by the EU, been appropriate in view of promoting responsive, cost-effective and timely interventions in the areas of IBM and OC?

In this evaluation, the expression *aid delivery methods* should be understood as applying broadly. The term refers here to the various general characteristics of the support to IBM and OC provided by the EU in the partner and candidate countries which include the intervention level (regional vs. national) as well as the focus of the support in terms of scope of activities (infrastructure, training, etc.) or/and type of

actors covered (central government bodies, staff working at borders, etc.). Except in one case (*Morocco*) where aid was provided through budget support, the EU support was provided in the form of a project approach using the usual EU procedures available for this form of intervention.

Moreover, the EU is using a variety of *funding channels*[66] to implement its support and different *instruments* (geographic and thematic budget lines) to finance it.

The evaluation question analyses whether the choices made by EU to deliver its aid in one form or another, incl. using a specific funding channel, were appropriate to respond to the national/regional context requirements in partner countries and adequate to achieve the overall objectives of the EU support related to IBM and OC. The question also looks at the appropriateness of the choices made by the EU to ensure that the support was provided in a timely and cost-effective manner.

EQ3 on aid delivery methods – Summary Answer Box
EU support has gradually developed over the evaluation period building on the experience of previous and on-going interventions. This appears to have been an **incremental approach rather than one based on comprehensive strategies**. During the evaluation period, the EU relied extensively on the experience of implementing organisations. Whilst the EU benefited considerably in this respect, in some circumstances this resulted in the focus of some EU support stemming from the expertise of the implementing organisation. This is opposed to a comprehensive approach to support to the most strategic border management issues and as laid out in the *Guidelines for IBM in EU External Co-operation*.
The involvement of border agencies as beneficiaries did not necessarily ensure effective ownership of interventions despite clear efforts having been made by the EU to actively involve national partners in all phases of the interventions. Although some positive achievements were made especially in the *Western Balkans*, **ownership remained an important concern** during the evaluation period. Moreover, the EU has faced serious challenges in ensuring sustainability of support. EU support often had the tendency to focus on short terms solutions (e.g. BCP construction), neglecting long term or broader aspects; detailed **analysis identifying the risks in terms of sustainability was often lacking** in project planning and implementation.
The choice of regional interventions to tackle issues related to border management seems obvious when looking at the very nature of borders, where invariably two or more countries are involved. However, the **justification for regional intervention was, in-the-main, determined by elements not necessarily linked to detailed analysis of the regional against national approach**. As in national interventions, regional ones only succeed if there is high level (government) support from all beneficiary countries. This has often been difficult to achieve as local politics came into play and competition outweighed the value that EU impartiality could bring. Clear **central management has proved crucial** to allow for harmonised assistance and avoid fragmentation to national concerns.
The evaluation has shown that EU support achieved a **relatively high level of efficiency**. The vast majority of planned activities took place and high levels of disbursement rates have been observed. Efficiency, however, was on occasions hampered by delays during preparation and implementation phases. These delays mainly concerned difficulties in recruitment and deployment of project staff, contractual management issues in cases of construction work and equipment supply and adverse environmental conditions (geographical and political). However, on most occasions these delays appeared not to have had serious effect.
Overall, it appears that the **implementing organisations' capacity and experience were sufficient to achieve the objectives** of the support. The directing of assistance via EU MS, UN agencies or other international organisations represented a positive factor in terms of efficiency and effectiveness through the employment of their geographical, political or thematic expertise and experience. However, the use of these means also created a number of challenges including the complexities of their internal procedures, EU visibility and accountability to the EU. Indeed, on this latter point it would seem that monitoring of interventions by the EU remained relatively weak, and some of the delays could have been possibly avoided with more active EU supervision. The complexity of border management interventions often required close follow up and reliable monitoring.
The bulk of EU support to IBM and OC (almost 90%) was been financed through geographic budget lines but the **lack of flexibility and responsiveness of geographic instruments could be regarded as a major weakness**. On certain occasions, the EU was able to rely on instruments such as the Rapid Reaction Mechanism and the Instrument for Stability to quickly release some funds in anticipation of a longer term and broader involvement in border management in a specific

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[66] In this evaluation, the term 'funding channels' refers to one of the following categories: Government (partner and candidate country); Civil Society; Private Sector; EU MS and EU MS institutions; Non-EU Development Agencies (e.g. UN agencies); Other international organisations.

EQ3 on aid delivery methods – Summary Answer Box
region/country underlining a certain level of complementarity between these instruments and geographic ones.

4.3.1 JC 31 - Responsiveness of the aid delivery methods and funding channels to the national/regional context in partner countries

The evidence gathered shows a **relatively high level of responsiveness of the aid delivery methods and funding channels to the national/regional context** in partner countries.

In general, the specific elements of national contexts and the major needs of partner countries have been taken into account in the design of EU support to IBM and OC. Interventions have been widely in line with government priorities and accurately addressed important needs in partner countries, including in difficult context (e.g. *Afghanistan, Balkan countries post break-up of Yugoslavia*).

This is in-the-main explained by the fact that the EU support in partner countries has gradually developed and expanded over the years building on the experience of previous interventions. However, it also highlights a more incremental approach adopted by the EU rather than on a comprehensive strategic approach; there has been a significant number of interventions just reacting to circumstances and not following a comprehensive long term strategy developed by the partner country. In particular, relatively few comprehensive needs assessments for border agencies or comprehensive analyses of border management issues were made to inform the choice of the most appropriate aid delivery methods.

Moreover, during the evaluation period, the **EU has extensively relied on the experience of some implementing organisations**, including for the design of the funded interventions, especially on UNDP, IOM or EU Member States. While the EU has certainly benefited from their experience, in some instances, this has led to focus the support on what the implementing organisations could do best instead of developing a more comprehensive approach to support the most strategic border management issues in partner countries (e.g. IOM and ICMPD are in-the-main migration organisations and do not have large-scale cargo/customs expertise; UNDP support in this area has predominantly focused on supply and not so much on capacity building). At the same time, many of these organisations have been 'in tune' with the beneficiary requirements, demonstrating high levels of commitment to them. (*Indicator 3.1.1*)

The **EU support has been flexible in adjusting to the needs of the beneficiary and to evolving environments** in partner countries: the changing needs of the beneficiaries have often been taken into account as projects have been delivered. The wide range of activities covered by the regional support in the *Western Balkans* (esp. through the CAFAO and TACTA missions) is a positive demonstration of this flexibility, whilst the BOMCA case study and field visits revealed that, in the case of complex and ambitious interventions, increased flexibility has also sometimes been accompanied by a certain loss of clear direction as a significant number of beneficiaries over a wide and differing geographical area often have varying needs that projects have sought to accommodate. (*Indicator 3.1.3*)

In addition, the EU support to IBM and OC was essentially focussing on the development of border agencies' capacities or, sometimes, on the development of the policy and legislative environments that guide their action. These aspects naturally aim at developing national systems and procedures in the partner country. This has not, however, allowed for influencing the systems in place through the comprehensive and convincing implementation of the EU 'ethos' for IBM which includes elements such as client focus, transparency, facilitation and travellers rights.

Regarding the involvement of national stakeholders, it is noteworthy that national authorities as the first direct beneficiaries of any support to border management have naturally been involved in the implementation of EU support. That said, **the involvement of border agencies as beneficiary did not necessarily ensure the ownership** of IBM and OC related interventions and more generally by the partner government. In many interventions analysed during this evaluation, clear efforts were made by the EU to actively involve national border agencies in all phases, so as to ensure ownership of the action by partner institutions. However, despite some positive results achieved (esp. in the *Western Balkans* where EU membership acts as a huge incentive in all EU support and reform), **ownership has remained a significant weakness**. In particular, in countries with a weak institutional environment (e.g. *Afghanistan*), there is substantial evidence of a low ownership of the supported action by national border agencies during the evaluation period. In particular, this low ownership materialises in the absence of long term strategies and relatively low level of sustainability. (*Indicator 3.1.4*)

More generally, and clearly emerging from the project documentation but also the interviews carried out at EU HQ and in the field, the EU has faced **serious challenges in terms of ensuring the sustainability** of its support. This is partly due to the tendency of EU support to, sometimes, focus on short terms solutions, e.g. provision of equipment and basic training, appearing rather as a large and unlimited 'shopping list', without paying enough attention to more long term or broader aspects, such as

maintenance issues, training and development and dispersion of capacities due to a high turnover of staff in border agencies. It also hints towards the fact that a detailed analysis identifying the risks in terms of sustainability was not sufficiently undertaken during the design of the interventions. (*Indicator 3.1.1*)

Large-scale, so-called 'hard' assistance projects (e.g. infrastructure and equipment) represent a very significant part of the EU support. The fact that significant infrastructure and equipment assistance was urgently needed and was delivered explained to a large extent this situation. Certain stakeholders and EU staff also recognised that these projects clearly represented a certain advantage for development partners since they usually lead to disbursement of important financial amounts and often provide tangible and easy-to-see results. However, for these projects, especially those related to infrastructure (re)construction, the sheer extent of the timescale required to complete the whole process from design, through building to hand-over associated to these projects has often **limited the imagination and ambition of the projects supported** from both the beneficiary and project design sides. As a result of the pressing need to progress the project and often to put something in place where nothing existed before, the majority of 'hard' assistance focussed on 'bricks and mortar' elements such as roads, buildings, offices, without looking forward to the introduction of smart technologies in areas such as passport readers, automatic passport gates, electronic submission of documents, electronic single windows, Automatic Number Plate Recognition System (ANPR), Closed-circuit television (CCTV), etc. (*Indicator 3.1.1*)

Finally, around one third of the EU support to IBM and OC has been implemented through **regional interventions**. The choice of the regional level to address issues related to border management seems obvious when one looks at the very nature of borders. From the analysis of the EU support over the evaluation period, it appears that the justification of adopting a regional approach has actually been determined by:

- A stabilisation purpose of the intervention which is often linked to a regional threat and a specific historical event, e.g. EUBAM has aimed at contributing to a peaceful resolution of the Transnistrian conflict (among other objectives), CAFAO for stabilisation in the former *Yugoslavia*;
- The nature of the planned activities, e.g. the regional IT system to exchange data on migration developed under the Seahorse network project would have been more difficult to implement via national interventions.

The choice was thus **not necessarily linked to a detailed analysis of the challenges and the potentials associated to the regional versus the national approach**.

While regional interventions appear to be the most adequate to address certain border management issues such as international co-operation or the approximation of partner countries procedures to a common set of standards, they work well only when they are backed by a strong commitment of all parties involved and a clear regional body exempt of major internal tensions. Moreover, a distinction should be made between small regional interventions (in terms of geographical scope and number of partner countries involved, e.g. EUBAM) and wider regional interventions covering a variety of country contexts (e.g. BOMCA), the latter being clearly more difficult to implement.

Regional interventions require careful design of the management system that is used to co-ordinate the action in the different countries. Most EU funded regional programmes were centrally managed. Despite a strong initial impulse towards clear common objectives (e.g. for CAFAO centrally managed by EuroCustoms, which provided all manner of assistance, guidance and initiative in the development of customs administrations within the EU, especially to those who eventually joined in 2004) it proved difficult to keep a coherent regional approach over time, and the programmes had a tendency to evolve towards a set of national interventions implemented in parallel and following their own pace and direction. (*Indicator 3.1.2*)

4.3.2   JC 32 - Increased cost-effectiveness and timeliness of EU aid delivery

Overall, the EU support to IBM and OC has achieved a **relatively high level of efficiency despite the delays** faced during the implementation of many of the interventions.

The **duration of the support provided by the EU turned out to be a critical success factor** for achieving the intended changes in terms of border management in partner countries. This is illustrated by several EU interventions consisting of successive phases extending over a rather long period of time, where institutional memory was built up, where experience with politically sensitive issues was gained, where trust was achieved with beneficiaries and where experts were able to serve both in the long term capacity and as returning staff after periods in other locations or with home administrations (e.g. CAFAO/TACTA programmes that cover a period of more than 15 years). During the evaluation period, most of these programmes underwent several adjustments building on the experience of previous interventions. In general, the EU has proved able to adequately adjust its support to the main political and institutional evolutions in partner countries.

Planned activities have usually taken place and the **overall efficiency of the interventions has remained relatively high** (except for notable cases such as BOMCA 4 in *Central Asia* - see BOMCA case study note in Volume III). This is confirmed by the ROM analysis carried out during the desk phase. Moreover, high levels of disbursement rates have been observed, a situation that can be explained by three main reasons. First, in many instances, the EU has channelled its aid via large international organisations using modalities such as contribution agreements in which case all funds are usually transferred to the partner organisation which then manages the funds autonomously. Second, a high number of contracts correspond to the provision of technical assistance (e.g. CAFAO programme in the *Western Balkans*). For this type of contract, once the service is provided, the full planned amount is very likely to be disbursed. Third, in most cases, the EU has allowed flexibility in terms of budget management. The reallocation of the budget from one item to another (within the limits permitted by the EU procedure rules) allowed the granted funds to be fully consumed. *(Indicator 3.2.1)*

However, **efficiency was often hampered by delays** faced both during the preparation and the implementation phases. Delays have mainly occurred because of the difficulty to deploy relevant support staff in a timely fashion (e.g. CAFAO), due to difficulties faced in the contractual management of construction work/ equipment supply (problems faced in all regions) or, on several occasions, due to the adverse environment (incl. the difficult political environment) in which implementation had to take place (e.g. *Central Asia, Afghanistan* or *Mauritania*). Evidence gathered clearly indicates that in-the-main the delays did not have a serious impact on the final completion of the activities and thus had only limited impact on the effectiveness of the action. In general, these delays were indeed overcome by flexible management of the interventions on the part of the EUD and the implementing bodies. *(Indicator 3.2.2)*

Overall, the **capacity and experience of implementing organisations were adequate to achieve the objectives** of the support. The findings also suggest that channelling the aid through EU MS, UN agencies or other international organisations (e.g. IOM) represented a positive factor for enhancing efficiency and effectiveness of the support. Working with these organisations has allowed for reliance on their geographical experience and specific technical expertise. Moreover, on several occasions, partner organisations have drawn on their own resources to overcome obstacles that arose during the implementation of the interventions or to complement the activities carried out. In the case of *Belarus*, as an example, interviews with key stakeholders including the EUD showed that the UN has a much better standing and reputation than the EU.

However, the use of these channels to deliver the support to IBM and OC posed a **number of challenges**. One of the major ones related to the **complexity of the implementing organisation's internal procedures** (including the EUs limited expertise in this sector outside of the internal competencies). When added to those already in place for the EU (and regarded as complicated in many cases), in some cases, overall efficiency of some interventions has been hampered. Another major challenge relates to the fact that there is a tendency to fully delegate the **oversight of the activities** to the partner organisation. Amongst other things, this working practice has posed problems of accountability (the partner organisation following its own internal reporting system which is not necessarily in line with or connected to EU standards) and did not allow for the identification of difficulties early enough to make potential necessary adjustments. In some cases, it has also limited the visibility of the EU in the support provided. *(Indicator 3.2.3)*

In many cases, oversight of the implementation of interventions by the EU remained relatively weak. Some of the delays observed and problems of reporting faced while working with specific partner organisations could certainly have been avoided with a more active supervision by the EU. More generally, the analysis clearly indicates that the complexity of border management interventions requires a very close follow up and sound monitoring, and reporting systems need to be in place both at the level of the implementing organisations and the level of the EU. *(Indicator 3.2.2* and *Indicator 3.2.3)*

Finally, the bulk of EU support to IBM and OC (almost 90%) has been financed through geographic budget lines with, for instance, wide interventions carried out under the TACIS and CARDS programmes aiming at developing state capacities in the areas of border management. However, the **lack of flexibility and responsiveness of geographic instruments represented a major weakness**. In certain occasions (e.g. EUBAM, BOMCA), the EU was able to rely on instruments such as the Rapid Reaction Mechanism (RRM) and the Instrument for Stability (IfS) to quickly release some funds in the anticipation of a longer term and broader involvement in border management in a specific region/country. This underlines a certain level of complementarity between these instruments and the geographic instruments but also a risk of overlap (e.g. *Mauritania*). That said, in most cases, the IfS turned out to have been used for very specific actions which did not fall directly under traditional broad interventions aiming at developing state capacities in the area of border management (e.g. installation of specific detection equipment at borders to fight cross-border threats such as the proliferation of weapons of mass destruction). As a consequence, a high level of synergy was also reached at this level.

When looking at possible synergies between the wide interventions funded under the geographic instruments and thematic programmes such as the Migration or EIDHR programmes, the analysis shows that very few links have been made between them during the evaluation period. Border management clearly presents sensitive dimensions (security, state sovereignty, etc.) that naturally limit the range of areas that can be considered in co-operation activities. However, a **greater synergy could have been reached with these thematic instruments** to promote the involvement of civil society in national public debates or to enhance the respect of human rights within border agencies in partner countries. (*Indicator 3.2.4*)

4.4   EQ 4 on legal, regulatory and institutional framework

Evaluation Question 4: To what extent has EU support contributed to upgrading the **legislative and institutional frameworks** in IBM and OC matters in partner countries and aligning them with international standards?

Border management agencies need to operate within a **legal framework** appropriate to their operational needs and clearly defining their responsibilities and competencies. Regulations should also determine accepted standards and good practices of border management and trade facilitation, such as the 'one-stop-shop' concept, transparency and accountability. There is equally the need to regulate **procedural and organisational matters,** including operational procedures, gathering and exchange of information, and reporting, and other documentation.

It is essential that legislation is applied and enforced coherently and reviewed regularly to ensure that it remains relevant and effective. Such a **legal review** should aim at identifying overlaps with or gaps in relation to other national legislation. It is also essential that the legal framework serves as a helpful tool to render IBM and OC effective while not introducing any unnecessary obstacles.

The legal framework should also regulate **international co-operation** related to the management of borders. This includes joint activities at BCPs, the border line and in the immediate border zone, information and data exchange and mutual assistance agreements as well as participating in international organisations and signing international conventions.

For IBM and the fight against organised crime to be effective, it is both advisable, and, in many cases, mandatory that national legislation is in line with **international standards**, conventions and commitments. These can include those set by the EU, WCO, UN, WTO, OECD, Council of Europe and can be used to harmonise, standardise and stream line procedures and also strengthening areas such as co-operation, information exchange and law enforcement.

The evaluation question analyses whether the EU support has contributed to the legal/regulatory framework in IBM and law enforcement and criminal justice matters. Moreover, the question also looks at to what extent the EU has contributed to strengthening the institutional framework of border management agencies.

EQ4 on legal, regulatory and institutional framework – Summary Answer Box

Over the last decade, there has been some **pronounced progress in the upgrading of legal, regulatory and institutional frameworks related to IBM and OC in partner and candidate countries thanks to EU support**. *ELARG* and *ENP East* have been the most successful regions in this regard. More precisely, the impact has been much **stronger in those areas where the beneficiary countries have applied for EU membership or are situated along the external EU borders** and thus may expect certain advantages in aligning/approximating their legislative and institutional framework to that of the EU in the sense of European Neighbourhood or Eastern Partnership, while the geographical periphery is trailing behind in various respects. Besides national IBM concepts, the relevant secondary legislation is now in place in practically all *ELARG* and *ENP East* countries. Progress – where it was achieved – has often been linked to the use of regional initiatives (CAFAO, EUBAM), even in less favourable regional contexts (BOMCA).

This general assessment, however, requires some differentiation: **certain features of the framework appear less attractive than others** and have therefore not been addressed by EU support or in cases where the EU has supported it not sufficiently been implemented, even in *ELARG* and *ENP East*. This concerns:

- The provision of appropriate law enforcement functions to border guards/police and customs, in particular as regards powers of criminal investigation and prosecution;
- The introduction of effective anti-corruption strategies/mechanisms;
- The due respect of human rights as a general feature of administrative action.

On a more technical level, it is striking that in certain cases the basic demarcation of state borders has not been completed (*Ukraine*, *Moldova*). Moreover, with respect to the IBM co-operation scheme, while **inter-agency and international co-operation mechanisms being generally well in place**, not

EQ4 on legal, regulatory and institutional framework – Summary Answer Box
at least due to substantial EU support in that area, another crucial co-operation feature, namely that at **intra-agency level, is suffering in most countries**, often due to traditional top-down command structures (see also EQ5).
The concept of regional mobility agreements has practically found no followers among the beneficiaries, despite some EU promotion to this effect, whereas other than *ELARG* and *ENP East regions* too much mobility seems to be conceived as a possible security threat (*West Africa, Central America*).
The EU support considerably contributed to the strengthening of institutional frameworks within the relevant agencies within *ELARG* and *ENP East* with the important **exception of effective anti-corruption mechanisms missing in most countries**.
As a general lesson, it has been confirmed that EU support has been particularly effective in upgrading the legal and regulatory framework in cases where it was in the first place intended to set up a national IBM strategy (*ELARG* and partially *ENP East*). Reform processes advanced slowly, if at all, where the political will for change was missing (e.g. *Central Asia*). In certain regions (e.g. *Western Africa, Central America*), the EU support addressed these issues only to a limited extent.

4.4.1 JC 41 - EU support has contributed to enhancing the legal/regulatory framework in IBM matters in partner countries

The evidence collected during the evaluation process confirms a **relatively high level of contribution of EU support to enhancing the legal and regulatory framework** in the partner and candidate countries. *ELARG* region and, at almost equal level, *ENP East* were most successful in aligning/approximating their legislation to that of the EU as they may expect certain advantages. Based on the analyses, partners situated further away in the periphery did not tend to seek a full adaptation of their legislation but limited themselves to certain aspects (e.g. *Mauritania* which envisages a system of migration management rather than IBM, Central America focussing on the security function of borders). (*Indicator 4.1.1*)

While this is true for the introduction of directly IBM-related legislation empowering the BM agencies concerned, **less enthusiasm was observed as regards the extension of conventional IBM co-operation schemes** (*Indicator 4.1.2*) also to the intra-agency level. It was mainly through field phase interviews that the important role of traditional top-down command structures which block local decision-making and impede transparent information sharing[67] could be revealed by the evaluation team.

A lack of practical interest exists also regarding mobility partnerships, where the evaluation found that the main interest originates from *ENP East* countries such as *Ukraine* with the aim of facilitating travel contacts with neighboring EU and Schengen members (three local border traffic agreements were concluded with *Poland, Slovakia* and *Hungary*). *ELARG* countries have not expressed such intentions, probably in view of the temporary situation which will soon change into a Schengen-based opening of the borders anyway. A certain degree of regional mobility was found for *West Africa* (ECOWAS - Economic Community of West African States) and *Central America* (SICA) which, in view of increasing migration flows in the direction of Europe or the United States respectively, is more ambiguous. New border concepts envisaged might tend to introduce certain restrictions to tackle irregular migration (*Indicator 4.1.3*)

Specific attention has also been given to the question whether national IBM strategies have been adopted and, if so, to what extent they have been/are being implemented by IBM action plans. Under both aspects, **divergences from the mainstream approach of a coherent and timely practical implementation of the IBM system have been observed**, e.g. by means of a "slow-down" of procedures before the state of full operability of the IBM system is reached. Further evidence for the progress in the framework of national IBM concepts was collected during the field phase, not only with regard to the concepts but also their transposition into concrete legislative action (e.g. new Borders Code and New Customs Code in Ukraine), while in Belarus which only in recent years started to enjoy EU assistance in the framework of EaP has at least advanced to the drafting stage of the IBM concept. (*Indicator 4.1.4*)

4.4.2 JC 42 - EU support has contributed to enhancing the legal/regulatory framework in law enforcement and criminal justice matters

In the ***ELARG and ENP East regions***, through the support to the development of a national IBM strategy, national Action Plan and Customs Blueprints, the **EU has significantly contributed to setting**

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[67] For further details see text under JC 52 below.

the ground for enhancing the legal/regulatory framework in law enforcement and criminal justice matters. In addition, through direct legal advice and technical assistance in rewriting and updating legal/regulatory texts and providing training, the EU has satisfactorily contributed to increased emphasis on law enforcement matters at the borders. This has directly led to the drafting of customs service and criminal law, giving police style legal powers to customs officers for the first time in order to be better able to tackle serious fraud and organised crime. However, political interference and inexistent or slowly moving judicial reform have limited the success of the EU support in this area.

In conformity with international standards, EU support has explicitly **intended to cover aspects of law enforcement and criminal justice matters in the context of border management interventions**, notably in view of conferring powers of criminal investigation and prosecution to border guards/police and customs. However, **only in a few cases, such attempts have been successful**. In particular, former communist/socialist countries find it difficult to transfer such competences to bodies outside the Ministry of the Interior. The only positive example is *Moldova* where border guards are now vested with some powers of criminal investigation/prosecution. *Albania,* thanks to efforts by CAFAO, equally achieved a similar option to provide police-style powers to customs; however, due to legislative delays such provision has still not been formally adopted. On the negative side, it is furthermore observed that in the case of *Ukraine*, the legal status of general border infringements such as smuggling was downgraded from a criminal offence to a mere contravention, except for serious forms of infringements such as traffic in human beings, drugs smuggling, etc. which continue to be a crime. In the other regions, the EU support has not explicitly aimed at contributing to enhancing the legal/regulatory framework in law enforcement and criminal justice matters. *(Indicator 4.2.1)*

Drug trafficking and OC appear to be criminalized in all their forms which, however, does not change anything for border authorities as regards their lack of competence under criminal justice aspects. Overall, during the evaluation period, only very limited EU support was provided in this area. There is very little evidence of the existence of specific elements of the national legal framework, allowing prosecution-standard co-operation, information sharing and operations between border management agencies and national investigation/prosecution bodies. Again, in most cases the EU support did not explicitly address this issue. (*Indicator 4.2.2 and indicator 4.2.3*)

Evidence that the concept of **corruption is enshrined in criminal law and that it is translated into strategies and action plans could only be identified in *Albania, Belarus, Moldova, Serbia* and *Ukraine***. The evidence suggests that the EU support was instrumental for these achievements. On the practical level, EUBAM has initiated an anti-corruption awareness campaign including regular training courses and the insertion of anti-corruption provisions into the Code of Ethics of the Ukrainian border guards. However, basically in all these countries corruption seems to represent a socially almost accepted phenomenon to the effect that **existing criminal justice provisions are just not applied**. EUBAM confirmed that in numerous cases when their staff observed corruptive behaviour in day-to-day border business, these observations accompanied by evidence were communicated to the border guards (BG) management, but without any legal consequences: proceedings were routinely stopped for "lack of sufficient evidence". (*Indicator 4.2.4*)

Incorporating human rights principles, as defined in a variety of international agreements to which the EU has adhered to and reaffirmed in the Lisbon Treaty and the Charter of Fundamental Rights of the European Union (EU, 2007)[68], into the law enforcement legal and regulatory framework, represents an important issue. However, except of *Albania,* where the main human rights principles being enshrined in its law enforcement legal framework there is **no general human rights reference incorporated in the law enforcement legal/regulatory framework of the partner and candidate countries**. Such efforts have been undertaken by the EU at least in certain countries (e.g. *Ukraine*), but a positive result was achieved only with regard to refugee rights in the sense of the Geneva Convention (for details see JC72 below). (*Indicator 4.2.5*)

4.4.3 JC 43 - EU support has contributed to strengthening the institutional framework of border management agencies (including improved accountability and management capacities)

Strengthening the institutional framework of border management agencies has been a relatively important component of EU support to IBM and OC. In particular, substantial support through capacity building measures, including adequate training of management level staff, was evident in countries with an already relatively developed institutional context (i.e. *ELARG* and some countries in *ENP East).* It should also be noted that a **major organisational achievement continuously promoted by the EU**,

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[68] Examples: Universal Declaration of Human Rights (UN, 1948); European Convention on Human Rights – ECHR (CoE, 1950); European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and additional protocols (CoE, 1989); etc.

together with other international organisations, lies in the **conversion of border authorities from formerly military organisations ("border army") into civil agencies** e.g. in *Ukraine* and *Moldova* (context of security sector reform, SSR)[69]. This measure has in particular increased the democratic accountability of these authorities.

The **EU has contributed to the increased implementation of policies and strategies of BM agencies**. However, in some countries, the EU support was provided in a rather indirect manner in the *ELARG* region, while there was more evidence on direct EU support in *ENP East* countries. Besides fostering the drafting process through legal advice, also the daily implementation process has been accompanied by regional EU initiatives such as EUBAM. In the *ELARG* region, the EU contribution initially related to establishing the national IBM strategies, and it is fair to assume that the implementation of these strategies had impact on policies and strategies of BM agencies, all the more as these developments were further encouraged in the framework of the accession process. (*Indicator 4.3.1*)

Substantial support to the agencies' organisational set up and capacities of key staff has been particularly provided in the institutionally more developed contexts, such as *ELARG* and *ENP East* and to a lesser extent also in *Central Asia* and *ACP.* It appears that in countries with a weaker context (e.g. *Afghanistan)* the EU support to IBM and OC prioritised rather basic areas, even though the institutional set up actually poses some challenges in the performance of BM activities (e.g. in *Afghanistan).* Moreover, a lack of commitment to engage in reforms has been noted for *Central Asia* countries. (*Indicator 4.3.2*)

Similarly, EU support has contributed to some extent to establishing anti-corruption measures in particular in the *ELARG* and *ENP East* countries. Although corruption was identified as a significant and pervasive issue in *ENP East* and *Central Asia*, only the interventions in more developed institutional contexts (i.e. EUBAM) have managed to tackle this issue adequately through training activities and the implementation of an anti-corruption plan. Moreover, the lack of institutional reform created a favourable environment for the high levels of corruption in *Central Asia* countries. (*Indicator 4.3.3*)

4.5 EQ 5 on border co-operation

Evaluation Question 5: To what extent has EU support to IBM and OC contributed to improving **intra-agency, inter-agency and international co-operation** related to border management?

At the basis of the concept of IBM lies the realisation, that – irrespective of the national system and its level of development – the results of the individual border agencies generally improve when their level of co-operation is enhanced. Border management becomes smoother and more efficient, which can lead to shorter waiting periods at BCPs and, consequently, higher customer satisfaction. At the same time, co-operation can contribute to increased detection rates of illicit cross border activities.

IBM works towards achieving the goal of having open, but controlled and secure borders, by enhancing the co-ordination and co-operation among all the relevant border authorities at national and international levels. However, these levels of co-operation do not always come easily for a variety of reasons and, therefore, a solid and sustainable structure needs to be put in place to facilitate the process.

This EQ focuses therefore on the extent to which the EU support has contributed to enhance the development of **a conducive environment for co-operation** in border management.

Moreover, it examines the contribution of the EU support to improving the exchange of data and information, the sharing of infrastructure and equipment at borders, and the development of a common understanding and application of IBM concepts and skills at **intra-service**, **inter-agency** and **international level**.

EQ5 on border co-operation – Summary Answer Box
Without the original IBM initiatives taken in the *Western Balkans* from 2003 onwards, the whole IBM co-operation "package" would not have come into existence. EU support has **been crucial to develop a strategic approach to the support of intra-agency, inter-agency and international co-operation in partner and candidate countries**. This is not to say that co-operation at all three levels did not take place beforehand, nor that it would not have developed without the initial IBM concept. However, in the activities conducted in the *Western Balkan* countries (e.g. seminars, joint training, drafting of the *Guidelines for IBM in the Western Balkans*, the creation of national Strategies and Action Plans), a solid, agreed and easy to follow "roadmap" was established. The *Western Balkans* border agencies, especially the border police and customs administrations had a clear guide to follow and did so with generally willing and active commitment, significantly supported by the EU through programmes such as CAFAO and PAMECA or institutions such as ICPMD. The pattern set in the *Western Balkans* was

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[69] For further details see JC 23 above.

EQ5 on border co-operation – Summary Answer Box
then **adapted and transferred to other regions** (e.g. *ENP* or *Central Asia*), also to good effect although with markedly less "take up" in some locations.
There has been a tendency for the co-operation that IBM promotes to be considered as applying at only the inter-agency and international level, forgetting or ignoring the very important intra-agency aspect. This is an area where it has been surprisingly difficult to gather evidence of development and of effective co-operation systems and mechanisms. Although the Guidelines in both their forms ("*Western Balkans*" or *"European Commission External Co-operation"*) are very clear on the importance of **intra-agency co-operation, it has often been an area that has been neglected or down-graded in EU support,** suffering from a certain expectation promoted mainly by the institutions in the partner and candidate country that the ideal situation already exists, or from the reluctance of these institutions to admit that their internal structures are less than sound. Often of necessity, EUD and project staff have adapted their support in this area to take into account the messages and attitude of the partner and candidate country's institutions or because to attempt any kind of meaningful intra-agency management reform is too difficult. Border police and customs services are often powerful political tolls, nationally and economically, where genuine reform is often not welcomed. As a result, internal co-operation and communication is in place but is often still slow and bureaucratic with very much a top-down and local structure. At local level, border police and customs administrations are rather powerful and there has been a marked reluctance to relinquish these powers, which would be the result if the intra-agency element of IBM were correctly adopted.
Another important point is that **EU support has rarely focused on reforms at top management level**. As it is from here that the reluctance or inability to improve internal communication often comes, this could be regarded as having been a wasted opportunity in many EU supported interventions.
At the **inter-agency and international level, the situation is more positive**. Increasingly during the evaluation period and as IBM as a working concept took root, EU support was directed at more than one border agency in the partner and candidate countries. This took place in an informal (through the initiative of technical experts involved in the EU support and/or project staff) and formal (project design and objectives) way. As a result, experts worked across the spectrum of border agencies, not favouring or focussing on one. The additional impartiality that representing the EU brought (as opposed, for instance, to a bilateral donor) **further helped to significantly break down the barriers that existed between agencies**, before any form of co-operation and co-ordination could take place. Through its interventions and its experts, the EU support bridged gaps in a way that even most EUD failed to do, as in so many cases, there was one task manager for policing issues and another for customs.
A **similar effect can be seen at the international level,** especially in the enlargement area. In the *Western Balkans*, regional interventions such as CAFAO played a major role in appearing non-partisan, thereby bridging the divide of national politics and, in some cases, recent and bitter conflict and rivalry. Moreover, good connections between the staff as a result of the continuity of having served in various CAFAO missions made the whole process easier, when familiarity and trust could be relied upon. Similar levels of success in terms of international co-operation can be observed in other countries where the EU has provided support through regional interventions such as BOMCA, BUMAD[70] or EUBAM. The EU support through the drafting of the *Guidelines* also brought the need for laid down MoU, SoP and other formalised means to international forums and their agreement brought structure and stability to co-operation, especially at the inter-agency and international levels.
The **application of the various means of co-operation remains limited and inconsistent**, whether operationally or in terms of information exchange. In general, all forms of co-operation are still seen as an "event" rather than something that is embedded or routine. However, it can be said that EU support has significantly improved co-operation at all levels, with *Guidelines* and other standards such as the *EU Customs Blueprints* being actively used by development partners and beneficiaries to develop and adopt strategies, action plans, MoU, joint training, joint operations, information exchange, etc.

4.5.1 JC 51 - EU support has contributed to enhance the development of a conducive environment for co-operation in border management at national and international level

The most active and **successful support was evident in contexts where the institutional framework was already rather well developed** and a comprehensive IBM strategy could be clearly and effectively established and implemented, for example in *ELARG (e.g. Albania, Serbia, CAFAO)* and *ENP East* countries (*i.e. Ukraine, EUBAM).* However, even in weaker contexts, the EU contributed to some extent to a more favourable environment for co-operation, e.g. through active involvement as key and vocal

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[70] Drug control Multi-sectoral assistance and Institution Building in Ukraine, Moldova & Belarus

member of the international donor community (e.g. *Afghanistan)*. It should be noted that, in some circumstances, IBM was used as a term in the intervention title but that the assistance did not then apply to all 3 "pillars" of IBM.

The **EU has contributed to the creation and existence of national government structures** to co-ordinate, manage and direct IBM and OC, in-country and cross borders, in several cases across regions. Inter-ministerial committees and workings groups have been established in *ELARG* (e.g. *Albania, Serbia, CAFAO)*, *ENP East (*e.g. *Ukraine)* and *ACP & LA* countries (e.g. *Mauritania)*. , In *ELARG* countries, with the active support of implementing partners, later joined by EUD, working groups have been largely established as a means to co-ordinate the implementation of the IBM strategy, to draft and agree action plans and to guide the co-ordination in border management at the national level. Likewise, in *Ukraine,* the establishment of the Interagency Working Group was linked to the development of a National Concept of IBM. In *Central Asia,* the establishment of a national IBM concept for the countries in the region is still at an early stage; as a consequence, the pieces of evidence signalling positive development remain rather scarce and often limited to discussion rounds involving government authorities (e.g. *Kyrgyzstan)*. (*Indicator 5.1.1*)

Legislative reviews related to co-operation in border management have been mainly conducted in *ELARG* countries and in *ENP East*. The support has been essentially provided through legal and technical assistance resulting in legislative reviews and supporting agreements regarding co-ordination principles. (*Indicator 5.1.2*)

Evidence shows that the **EU support has encouraged border agency collaboration at national and international level** through formal agreements and operational measures in several countries across regions. Formal agreements and MoUs between border agencies and on an international level have been signed for example to establish joint border patrols (e.g. *Albania)* or other joint activities (e.g. *CAFAO)*. In the *ENP East region,* several agreements at national and international level have been facilitated by EU funded interventions in this area (e.g. *Ukraine, EUBAM),* also resulting in increased co-operation with international organisations (e.g. FRONTEX, Europol, Interpol). Finally, formal agreements between the partner countries and EU MS have been increasingly concluded (e.g. between *Mauritania, Spain* and Seahorse partner countries*)*, although the contribution of EU funded interventions to these positive developments have often remained of a more indirect nature. (*Indicator 5.1.3*)

4.5.2   JC 52 - EU support has contributed to improve intra-agency co-operation in border management

The results of the survey to the EUDs indicate that, in most cases, the EU has made significant contributions to improved intra-agency co-operation. However, the information gathered from other sources (esp. from the case studies) shows a more contrasted picture.

In many instances, **EU support to intra-agency co-operation has faced various obstacles** ranging from the poor overall capacities in place in partner and candidate countries (e.g. *Mauritania)* to the strong bureaucratic culture prevailing in the border agencies (e.g. *Albania)* and issues related to divides along ethnic lines within the agencies (e.g. in *BiH* or *Kosovo)*. In many cases, the EU has integrated these aspects in its support choosing to work with the *status quo* rather than attempting any major reforms in management practices and outlook (e.g. *Ukraine, Central Asia, Afghanistan and Western Balkans)*; there was a limit to the extent to which these somewhat negative forces could be overcome. Another major obstacle faced in some countries related to the fact that agencies were often reluctant to have their internal structure, processes and dynamics exposed to external actors. Information sharing has also often remained a sensitive issue for many of the beneficiaries. Moreover, border guard and customs administrations are based at and work at border areas predominantly, away from the monitoring and control of the centre. At local level, both organisations are rather powerful and there has been a marked reluctance to relinquish these powers,,which would be the result if the intra-agency element of IBM were correctly adopted.

In this context, the EU support has had to focus on specific aspects of intra-agency co-operation resulting, according to the evidence gathered in the case studies, in relatively modest evolutions in terms of intra-agency co-operation (that is, within the border agencies of the beneficiary countries).

Some **positive evolutions are observed in the *ELARG* region and, to a lesser extent, in the *ENP* region**, where systematic and formalised information sharing processes have been developed during the evaluation period. The EU has contributed to it through its provision of long term technical assistance (e.g. CAFAO) or indirectly through the provision of telecommunication equipment (in most countries analysed) and the establishment of specific units (e.g. CAFAO or new risk analysis unit as evidenced in *Ukraine)*. However, in these countries, the effectiveness of the information sharing processes developed remains limited and inconsistent. *(Indicator 5.2.1)*

Some positive developments have also been observed with regard to the establishment of databases. The EU has contributed in several countries (e.g. *Albania, Serbia, Ukraine, Mauritania)* to the

development of automated information systems such as systems related to early warning, document processing or automated passport control systems. The major achievements can be found in the *Western Balkans* and the *ENP East* region. It appears clearly that, given the very early stage of development of border agencies in countries such as *Afghanistan* or *Mauritania,* any support in this area is limited by the constraints posed by the lack of basic infrastructure, equipment and power supply. Generally, only very limited evidence could be gathered on the correct use of the databases and shared information sources. *(Indicator 5.2.2)*

Regarding the compatibility of infrastructure and equipment within the agencies, EU support has contributed to strengthen this aspect in many occasions. In the *ELARG* region, this was achieved through providing technical assistance by dedicated equipment specialists who often worked regionally (e.g. CAFAO). EU procurement rules were also a positive factor, in that they are very clear as to where goods can be purchased from. This has acted as a restriction on the regular procurement practice of supplying the most up-to-date items irrespective of whether they are compatible either with the working environment or with equipment already in place. In *Afghanistan,* there is positive evidence, where EU support (both in terms of goods and services) provided on the various sites covered by the EU funded interventions was supplied by the same companies, leading to increased compatibility of infrastructure and equipment between the sites. However, globally, the **impact of the EU support on the overall level of compatibility between equipment and infrastructure within the whole border management structure has remained rather modest**. *(Indicator 5.2.3)*

Finally, there **is little evidence of the EU support having made a significant contribution to the development of measures for sharing of (good) working practices**, including staff exchanges (between central and regional level as well as between regions). Day-to-day work is generally not viewed as a developmental process, something whereby staff can share information and ideas with the express purpose of improving performance. EU support has attempted on occasions to encourage this kind of practice. However, it is regarded in-the-main as a process, and, with motivation levels amongst the majority of operational staff being rather low (due to working conditions, low salaries, non-transparent management practices) there is very little incentive or enthusiasm for analysis of the tasks that have to be performed in order to establish ways for improvement and development. A notable exception to this situation is in *Moldova* and *Ukraine* where EUBAM efforts have led to daily briefings being held at each BCP for operational staff. (*Indicator 5.2.4)*

4.5.3 JC 53 - EU support has contributed to improve inter-agency co-operation in border management

From the evidence gathered, there is a strong case to be made for EU support having **significantly contributed to improvements and positive developments in inter-agency co-operation** in border management. In the *ELARG* and in the *ENP* region, the EU has directly contributed to inter-agency sharing of data and information through technical assistance (e.g. CAFAO), and indirectly through the provision of equipment (e.g. *Belarus*). Nevertheless, the sharing of information between different agencies remains not fully exploited, owing to factors such as poor equipment being in place, secretive and competitive attitudes and the often limited appreciation of information exchange especially in passenger and goods facilitation. (*Indicator 5.3.1)*

Regarding the **compatibility of infrastructure and equipment at inter-agency level**, EU support has significantly helped improving these aspects in many occasions. This was achieved through the construction and modernisation of BCPs, which were designed in an integrated manner, allowing different border agencies to use the same facilities and equipment (e.g. *Afghanistan* and *Serbia*). However, there is a danger of over-stating the improvements and genuine 'joint' facilities and practices are still in-the-main absent. In regard to the delivery of equipment, evidence indicates that EU support has, in many cases, adopted a collaborative approach with beneficiaries in order to ensure the harmonisation, connectivity and compatibility of equipment, hence contributing to increasing inter-agency co-operation (e.g. *Afghanistan, Belarus* and *Central America*). However, despite improvements in this area, overall, the **varying levels of equipment observed in all regions and mistrust between different agencies still remain limiting factors** to increasing inter-agency co-operation. (*Indicator 5.3.2)*

Some positive developments have also been observed with regard to the conducting of joint training, especially in the *ELARG, ENP East region* and (to a lesser extent) *Asia* region. The EU has supported inter-agency training activities, in particular between border police and customs in many countries (e.g. *Albania, Serbia* and *Belarus*). However, in many cases, the effects of the training provided were limited due to high rotation of staff. Additionally, although training was delivered 'jointly', implementing partners and beneficiaries often failed to fully exploit the unifying messages that such events brought. Overall, evidence clearly indicates that much more needs to be undertaken in terms of joint training but that it must be done through comprehensive strategies, with full commitment from top level management and must be as part of a fundamental reform and modernisation of training practices. (*Indicator 5.3.3)*

From the information collected, it appears that EU support **has significantly contributed to the sharing of (good) working practices between border management agencies**, especially in the *ELARG, ENP East region*. This was achieved for instance through organising seminars, conferences and study tours (e.g. BUMAD) and the producing of joint training material (e.g. CAFAO). Moreover, the EU supported the establishment of inter-agency working groups at central level (e.g. in *Belarus* BOMBEL) and at the level of BCPs, in terms of daily/shift briefings and meetings (e.g. in *Albania, Belarus* and *Serbia),* all contributing to the sharing of (good) working practices at borders. (*Indicator 5.3.3*)

Finally, only little evidence is available on EU support to increasing integration of inspection services (plants, plant products, live animals, foodstuffs and human health check) and other services not based at borders with customs and border police. EU support in dedicated IBM interventions has usually included the inspection services as joint beneficiaries, ensuring that they are part of the strategy and action plan, although specific technical assistance to these bodies has been limited and they appear in their working practices to be far behind the border police and customs in their development (*Indicator 5.3.4*)

4.5.4   JC 54 - EU support has contributed to improve international co-operation in border management

The evaluation has identified **relatively few examples of structured and formalised high level international co-operation** beyond the signing of MoU or membership of international bodies. IBM working groups at intergovernmental and policy levels, for example, are rare. Furthermore, the EUD survey answers suggest a rather limited contribution of the EU to formal agreements or measures encouraging this level of international co-operation, although it is an area in which the EUD probably has more room to work than project staff. This may be related to the fact that these working groups have a political dimension which is sometimes seen as going beyond the scope of IBM interventions. That said, the EU has contributed to fostering international policy exchange with some regional interventions such as EUBAM (via, for instance, the support to working groups involving Ministries of *Moldova* and *Ukraine*) or SEFRO (via the organisation of regional workshops regrouping high-level political participants of Central America). Moreover, in the enlargement area, regional interventions such as CAFAO or Strengthening the Integrated Border Management of the Western Balkans & Turkey played a major role in demonstrating transparency and EU best practices, and appearing non-partisan, thereby bridging the divide of national politics and, in some cases, recent and bitter conflict and rivalry. It is to the credit of many long term experts that they used their acquired knowledge of local politics and recent history to avoid obvious political obstacles and instead emphasised the united approach of the EU. The multi-national and interconnected nature of CAFAO in particular proved advantageous when beneficiaries and experts from one country needed to cooperate with another. Good connections between the staff as a result of the continuity of having served in various CAFAO missions made the whole process easier, when familiarity and trust could be relied upon. Similar levels of success in terms of international co-operation can be observed in other countries where the EU has provided support through regional interventions such as BOMCA, BUMAD or EUBAM. *(Indicator 5.4.1)*

With regard to **data and information exchange at the international level, the evidence is quite mixed**. While in some countries EU interventions have contributed to an increase in the use of and contribution to international databases, such as Interpol or Europol or FRONTEX (e.g. in *Albania, Ukraine, Moldova, Mauritania*), there is also evidence showing still rather limited information sharing between border agencies of neighbouring countries on an operational/evidential basis (e.g. *Serbia* and *Albania*) or a general reluctance to use international databases (e.g. *Belarus*). There are, however, some interesting achievements such as the development and adoption of effective tools for data sharing implemented under the CAFAO and EU SEED/SEMS projects in the Western Balkans and PAIES in Moldova and Ukraine which demonstrate the potential for development in these areas, even if both projects have taken significant resource in terms of time and technical advice to reach their current stages. Furthermore, through regional interventions, such as *CAFAO, EUBAM* and *Seahorse,* an improved exchange of data between neighbouring countries and/or the joint creation of regional database has taken place. *(Indicator 5.4.2)*

From the project documentation, it is evident that increased compatibility of equipment and infrastructure has been sought in many EU funded interventions at the planning stage. This is manifested by preliminary information exchange that should avoid incompatible equipment or the acquisition of the same equipment (*Afghanistan-Tajikistan* border*, Mauritania-Mali* border). Some joint infrastructure, such as Joint Border Crossing Points (e.g. in *Albania* and *Montenegro)*, have also been developed with EU support but, in these cases, the real use of those joint and shared physical resources is still under discussion in partner countries. The field phase, however, has shown that **in the vast majority of cases, compatibility of BCPs on two sides of a border has not been taken into consideration** and that many examples exist where state-of-the-art facilities are in place on one side and nothing on the other. (*Indicator 5.4.3*)

The EU has financed a considerable amount of exchange programmes, joint training, exchange workshops with neighbouring counties, international study tours and even a two-year college course for border management practitioners in *Moldova* (financed under EUBAM). According to project documentation, a great range of border management issues, such as trafficking, migration management, customs and law enforcement have been addressed. The EU interventions have had a positive contribution to the enhancement of joint activities, although lasting benefits are somewhat limited due to staff rotation and a lack of embedding of either the joint activities or their results within normal border agency working practices. In some beneficiary countries, such as *Afghanistan,* the objectives of enhanced joint international co-operation through the provision of joint training activities could not be reached, due to difficult working relations between Afghan and Tajik authorities. (*Indicator 5.4.4*)

Finally, evidence that joint patrols are operating could mainly be found in the *ELARG* and *ENP* regions. Such patrols are used in the green and blue border spheres; documentary evidence suggests that they have been effective. EU interventions related to such joint actions have contributed to training on joint patrolling via the *EaP flagship initiative* (*Armenia, Azerbaijan, Belarus, Georgia, Moldova & Ukraine)* the HUREMAS project and the 'Five Borders' joint-pilot project' in *Ukraine*. Formalised SoPs were found to be limited although they have been put in place on the common border between Moldova and Ukraine with the support of EUBAM. (*Indicator 5.4.5*)

4.6   EQ 6 on security and the threat of organised crime

Evaluation Question 6: To what extent and how has EU support to IBM and OC contributed to enhancing the capacity of border agencies for **detection of organised crime at borders**?

Organised crime is not confined to national territories but represents a highly trans-national phenomenon since it often takes advantage of fixed border lines and diverging jurisdictions under various aspects (e.g. escape route in case of pursuit, attractive market opportunities for illegal commodities, differences in prices, taxes, laws, etc.). Border formalities, controls and procedures present an opportunity to channel, observe and monitor traffic and to collect information. This is an advantage for the border and law enforcement agencies but it is one that needs to be effectively exploited. IBM with its fundamental principle of co-operation for the common good has the potential to be an adequate vehicle for combating OC.

This question therefore focuses on the contribution the EU has made to both technical skills and technical infrastructure, as well as the improvement of procedures at and cross borders, in an effort to enhance the capacity of border agencies for detection of organised crime. A criterion also looks at the EU contribution at enhancing international co-operation in this regard.

EQ6 on security and threat of organised crime – Summary Answer Box
The EU has provided **significant support in the recognition of border agencies as having an important role to play in the combating of organised crime**. In many locations, the whole process of delegation, to border agencies, of the powers of criminal investigation has been under-pinned by EU support. This has been in key areas such as management strategy, drafting of law and procedures, training of staff in techniques and the provision of sophisticated equipment. EU support has also been vital in allowing border agencies to become members of or to establish international co-operation organisations for more effective tackling of OC. Where the **EU support has not made significant contributions is in the areas of operations** (although this aspect has often been covered by EU MS law enforcement and intelligence services) **and of prosecutions**.
In some places, especially the *ELARG* and *ENP East* regions, EU has made some notable contributions to **enhancing the technical skills of border management agencies** particularly through the provision of technical assistance and training. However, in some cases, the support was limited in scope and time, thus not allowing for sustainability or comprehensive enhancing of the technical skills of border management agencies. Whilst all the assistance was generally well received, it was not often fully embraced by beneficiary management and remained as something useful to know rather than vital to daily work. Additionally, EU support for specialisation in work subjects, that is the **creating of a body of experience, skills and knowledge of certain major OC areas has been less effective** and the practice rarely adopted as a tool for combating OC, although EU support to fledgling intelligence and investigation capacities within border agencies has been more effective and the results longer lasting.
The EU has also supported the **(re)construction of BCPs and other agencies facilities**. The prime reason has been to enhance the border crossing process, both for travellers and practitioners. However, there has also been an aim, as laid down in the *Guidelines on IBM,* to make borders more secure and that specifically applies to the risk from OC. What has in fact happened is that significant support has gone into this area but it has indeed focused firstly on establishing a decent working environment and secondly improving passenger and cargo facilitation. This was especially true in the BOMCA interventions where security aspects were regarded as paramount and facilitation matters

EQ6 on security and threat of organised crime – Summary Answer Box
were in-the-main, neglected. OC-specific elements have, also generally been ignored globally. Where other sophisticated equipment has been supplied by the EU, it has generally been appropriate and its use comprehensively trained, although correct usage has been inconsistent due to staff rotation, maintenance and running costs issues, and the ever-pressing need for swifter clearance of traffic. In IT terms, the EU has made some major contributions to the installation of networks and computers, thus allowing data to be stored, manipulated and exchanged more easily. EU support has also provided important assistance in the proactive use of such data and of the formal means of exchange.
The EU has also been of great support in **bridging the gap that has often existed between agencies, criminal investigation and intelligence bodies, and prosecution authorities** and on the international law enforcement stage. The realisation that maximum co-operation in law enforcement is vital has slowly been accepted in many areas over the evaluation period and the EU, through its impartial interventions, has been able to foster this spirit, break down barriers, provide know-how and act as go-between in establishing contacts. The fact that many of these initiatives are able to 'stand on their own feet' at least in terms of function, even if self-financing remains an issue for some, is clear evidence of the value of the EU contribution.
EU support to the prosecution element of the combating of OC has been very limited and in many areas judges and prosecutors are regarded as institutionally and privately corrupt, whilst the procedures for bringing prosecutions are often long-winded and bureaucratic. EU support in the areas of detection and investigation of OC were weakened where the prosecution side of the equation was at best inconsistent and at worse completely compromised.
The most serious challenge remains in implementation. EU support to combating OC was generally well received, especially at the operational level, but that **a number of underlying and fundamental obstacles to the full integration and empowerment of border agencies remain.** These include high-level issues such as reluctance by certain powerful groups such as national investigation and intelligence groups to allow the delegation of a criminal role to border agencies and reluctance of border agencies to take on what is seen as 'new work' thus diverting them from their core tasks. Also challenging are the issues of sustainability whereby equipment is often not well maintained and staff rotation dilutes the value of training support. It is also important to mention again corruption and political influence on and within border agencies, which often very easily direct staff away from particular targets or areas of risk because of the involvement of protected and privileged groups.

4.6.1   JC 61 - EU support to IBM and OC has contributed to enhancing the technical skills of border management agencies related to the detection of organised crime

The EU has supported the introduction and use of risk analysis in several countries through strategy development, dedicated training and technical assistance, especially in the *ELARG* and *ENP* region. Areas of specific support have included risk analysis, law enforcement, drugs trafficking, intelligence, money laundering, THB and the use of sophisticated equipment (x-ray scanners, non-intrusive search equipment, surveillance equipment. In particular, EU support has contributed to the establishment of risk management units in beneficiary border police and customs administrations in these regions. Risk analysis material is produced in order to be able to target highly suspect movements of people and goods across borders and, in doing so (with the focus on large scale trafficking of people, drugs, goods, etc.), risk analysis is aimed at combating OC and is a highly important tool.

Although risk analysis as a work specialisation and discipline has received significant EU support, it is clear that there is still a general lack of awareness as to its real, practical application. The evaluation found a general lack of flexibility in risk analysis, with its dynamic qualities being absent in many places. Despite strong EU support, effective implementation remains a target in all regions of the world. *(Indicator 6.1.1)*

EU support to IBM and OC included the provision of training related to the detection of organised crime in most beneficiary countries analysed. Evidence indicates excellent EU support in the *ELARG* region through the CAFAO initiative and contribution to the establishment of law enforcement units (Intelligence, anti-smuggling, investigation) in all beneficiary customs administrations. In addition, the programme provided the initiative and significant support in the establishment of specialist maritime units of the customs administration in *Serbia* and *Albania,* and significant support was provided to *Serbia* in the development of a specialist Intellectual Property Rights unit which developed to such an extent that it serves as a model for the other customs administrations in the *Western Balkans*. Beside these achievements observed mainly in the *ELARG* region, there have been few examples of specialisation (drugs, stolen vehicles, intelligence, THB, anti-corruption, etc.) within the border agencies of other beneficiary countries. *(Indicator 6.1.2)*

The EU has provided training aiming at contributing to border management staff effectively operating modern equipment in all regions. **However, the results are rather mixed**. The effects of

the training seem limited and the equipment is not being used to its full potential. In some cases, as illustrated by the difficulties faced under the BOMCA programme, the equipment turned out to be too sophisticated to be effectively used by border management staff. Sustainability in terms of running costs, maintenance and staff rotation have all acted as obstacles to the full exploitation of training delivered in the fight against OC in all areas of the world. *(Indicator 6.1.3)*

Evidence for the *ELARG* region indicates that the **EU support may have led to a cumulative increase in criminal detection levels in this region.** In the *ENP* region, there has been a significant decrease in the number of drugs seizure and on the seizure of forged documents on the common *Moldovan* and *Ukrainian* border. *(Indicator 6.1.4)*

It has to be pointed also that in many beneficiary countries there has been resistance to the development of border agencies to combat OC, especially in the area of devolving of criminal powers. Great rivalries and protectionism exist, where MoI, prosecutors and police do not want to hand over the role to their border agency colleagues. This is even the case in many ELARG countries where customs, particularly have had issues in achieving this optimum situation despite the standards laid out in the *EU Customs Blueprints* which clearly state the requirement. EU funded interventions have provided significant support in redrafting criminal laws and in providing assistance, training and guidance documents to assist the smooth transition to a criminal prosecution role for border agencies but, in many cases, this assistance has been of limited effect because of the non-adoption of the role.

It can be seen that EU has given considerable support in the enhancing of technical skills of border agency staff dealing with OC matters. At an operational level, the capacity of many individual staff was improved. However, obstacles remain to the full and lasting employment of these skills due to staff rotation, limited *in house* training capacity, internal politics and pressures of routine work with limited resources

4.6.2 JC 62 - EU support to IBM and OC has contributed to improving the physical state and correct usage of technical infrastructure of border management agencies related to enhanced detection of organised crime

Improving the physical state and correct usage of technical infrastructure of border management agencies related to the enhanced detection of OC has also been an important component of the EU support to IBM. To achieve this objective, the **EU has supported beneficiary countries mainly through construction/rehabilitation of border infrastructures** but also through specific equipment supply as well as technical assistance and training activities. In many cases, this has taken place in tandem with support to general border management activities.

Evidence indicates that, in the area of support to combating OC, **EU support has made a significant contribution to the development of modernised examination capacities** in the *ELARG, ENP* and *Asia* region through, in particular, the supply of scanners and x-ray. However, evidence also shows some limitations in the operation of this equipment. These limitations relate mainly to overall maintenance issues, the sustainable provision of consumables by the border agencies themselves and, to a certain extent, to limited technical capacities. Equipment use has tended to be more for compliance purposes rather than proactive law enforcement. *(Indicator 6.2.1)* Additionally, in many locations, there is a common lack of secure and covert examination facilities for use once sophisticated equipment has indicated that vehicles and cargo might be concealing illegal and undeclared goods and smuggled persons. These facilities are need to conduct secure examinations and also for the preparation of controlled delivery situations. Similarly, whilst millions of Euro has been spent on CCTV to monitor staff activity, there has been very little similar support for surveillance equipment to covertly monitor the activities of OC targets.

Evidence collected also indicates that the **EU has contributed considerably to improvements of overall technical infrastructure in all regions**, although to a much lesser extent in *ACP* and *Latin America* as compared to *ELARG*, *ENP* and *Asia*. The EU has frequently supported beneficiary countries with IT/network and telecommunication equipment but also more basic equipment such as cameras, microscopes, document verification devices and vehicles. *(Indicator 6.2.2)*

EU support to IBM and OC has had some contribution to improving the physical state and correct usage of technical infrastructure of border management agencies related to enhanced detection of organised crime in all regions but, once again, the **sustainability of the support has remained limited**. In several cases (with some notable exceptions like *Belarus*), the capacities of the beneficiaries to maintain the provided equipment and infrastructure have remained limited, an issue that seems to have been tackled insufficiently by the EU support.

Evidence, especially from field visits has shown that, in many cases, limited technical input from border management experts was provided in the design stages of BCP of (re)construction interventions. This applies in locations where development levels are higher (*Belarus, Serbia*) and those where they are still somewhat basic (*Afghanistan*).

4.6.3 JC 63 - EU support to IBM and OC has contributed to improving the procedures of border agencies related to enhanced detection and prosecution of organised crime

Document analysis and field visits have shown that the level of **EU support to border agencies has generally been more directed towards the detection of OC rather than their prosecution capability**. This is confirmed by the survey to the EUDs.

Evidence of an **EU contribution to development and implementation of SoPs can be identified predominantly in the *ELARG* and *ENP* regions** where interventions such as *CAFAO* and *EUBAM* drafted comprehensive documents to this end. Towards the end of the evaluation period, it became more common practice for interventions to contribute to the drafting of SoPs, with these documents often specified as project outputs. Additionally, throughout the evaluation period various training components provided to border management agencies contributed to some extent to enhancing the procedures of these agencies related to the detection of organised crime, with the SoPs being used to underline the training input. However, much of this support was provided as components of wider border management assistance rather than interventions specifically related to combating OC. Additionally, despite EU support in terms of training and document drafting, implementation of OC-specific techniques and practices was inconsistent. *(Indicator 6.3.1)*

In the *ELARG* region, EU support has made a significant contribution in relation to modern law enforcement methods, through training, policy formulation and production of guidelines. Although considerable achievements have been reached, the application of these methods is still limited, for instance in the case of customs law enforcement. *CAFAO*, in particular, along with *TACTA* and EU-funded *UNODC* interventions, provided comprehensive assistance in terms of training, strategy guidance, drafting of instructions for customs administrations in the *Western Balkans*. This assistance was very well received by the beneficiaries over a number of years, but obstacles due to slow (or non) adoption of criminal powers, police resistance and customs management reluctance to move into to law enforcement arena have all limited the effect.

Although the important issue of human rights has rarely been included as a specific topic of EU support in this area, many interventions have included human rights awareness and training as part of overall assistance to border agencies. As examples, CAFAO delivered human rights training elements as part of its law enforcement training programmes in *BiH, Kosovo*, *Montenegro* and *Serbia* (1999-2006), whilst *EUBAM* delivered human rights training in the same context to border agency staff in *Moldova* and *Ukraine.* In the case of *Afghanistan,* evidence indicates that issues of human rights have been included in the training activities of border management personnel. The effects of the training provided were, however, limited due to the high rotation of trained personnel – a situation that limits the effects of assistance globally to a lesser or greater degree. Overall, it clearly emerges be seen that aspects of human rights have not been a priority in the EU support to combating OC at borders. *(Indicator 6.3.2)*

The EU has made considerable contribution to the application of modern risk analysis techniques through training, technical assistance and equipment in many countries (e.g. *Serbia* and *Ukraine*) and in the majority of locations, the focus of risk analysis support and development has been towards combatting serious cross border crime. However, despite many significant improvements and achievements in this area, observed in particular in the *ELARG* and *ENP* region, **limitations remain especially in terms of sharing of information and the conducting of joint risk analysis**. In addition, the overall capacity of applying modern risk analysis seems rather limited in weak contexts such as *Afghanistan. (Indicator 6.3.3)*

EU support to IBM and OC has made a notable contribution to **increasing interaction with non-border organised crime agencies, particularly in the *ELARG* region**. More precisely, the EU has significantly contributed to increased interaction of border management agencies with Interpol and Europol and national authorities, including criminal police, financial intelligence units and the public prosecutors, through both its impartial approach to all services and through the use of the experience of EU best practices of the various experts. This was especially the case in the *ELARG* region. However, whilst progress can be observed, traditional suspicions and divisions often remain, held in place by historical precedent, political considerations or unwillingness to give up influence. *(Indicator 6.3.4)*

4.6.4 JC 64 - EU support to IBM and OC has contributed to enhancing international co-operation of border management agencies related to the detection of organised crime

The EU supported the exchange of information and experience at international level for criminal intelligence and investigation in all regions, for instance through the delivery of equipment related to automated systems (e.g. *Western Balkans, Belarus, Central Asia*), support to the establishment of international working groups (e.g. EUBAM) and assistance to networking platforms such as SECI/SELEC in the *ELARG* region and the Central Asian Regional Coordination Centre (CARICC) (EU MS funding, Europol support) in *Central Asia*. In addition, the EU support contributed significantly to increasing

interaction of border management agencies with international law enforcement agencies, especially Interpol, Europol and FRONTEX (e.g. *Ukraine* and in *Central America*), (*Indicator 6.4.1* and *Indicator 6.4.*3). The impartiality brought by many EU supported interventions allowed for the breaking down of barriers between different beneficiaries and the bridging of communications gaps.

Similarly, the EU support has contributed to data sharing through facilitating access to international data sources, in particular in the *ELARG* and *ENP* regions. Assistance was provided in relation to accessing the EU SEMS/SEED and PAIES electronic data sharing systems and also data sources of Interpol and FRONTEX, such as the risk analysis network, thus allowing for the exchange of statistics and analysis on illegal migration and the movement of goods. EU support has also been used to promote other sources of international co-operation and law enforcement data exchange such as the WCO RILO network, the Customs Enforcement Network (CEN) database and the German customs BalkanInfo and MarInfo systems. The delivery of equipment related to automated systems has also enabled border agencies to refer to databases and obtain on-line information, often at a more localised level and with speedier results. **However, information sharing at international level has still remained a challenge in most countries analysed**. There are various reasons explaining the low level of information sharing, among which relate to the poor levels of equipment in places, the low willingness of partner countries to share sensitive information and restrictions for the access to international databases. (*Indicator 6.4.1*)

There is limited evidence of direct EU support to joint control operations at international level (e.g. joint teams, controlled deliveries) although general EU support in the field of law enforcement has often helped create an operational platform and capacity within a border agencies to allow it to fully play its part in such events.

4.7 EQ 7 on flow of persons and management of migration

Evaluation Question 7: To what extent and how has EU support to IBM and OC contributed to improving the **flow of persons and management of migration at borders**?

Traditionally, border management has been controlling, procedural, bureaucratic, delaying, even authoritarian in nature, especially in countries that have been governed by regimes of limited democratic principles. In order to assist travellers and to encourage compliance with migration requirements, border management must be as open and client-oriented as possible and fully respect human rights. The *Guidelines for IBM in EU External Co-operation* make repeated reference to "…*open but controlled and well secured borders*…" as the overarching objective of IBM and it is important that this concept of 'open' applies to all legitimate users of BCPs. The vast majority of travellers are totally legitimate, meaning that interventions from the border agencies should be kept to a minimum or even removed completely.

However, there is a minority of travellers who will seek to commit cross border crime, who are involved in enterprises that represent a danger to society or who intend to defraud national revenues. IBM must have the capacity to respond to this challenge, to be able to identify such risks and to take intervention action accordingly.

Similarly, there is a significant group of travellers, who attempt to use a BCP in order to obtain some form of protection. These include refugees, asylum seekers and victims of THB. Procedures for swift and humane action with regard to these are also necessary, over and above the human rights and normal decent behaviour that must be afforded to all travellers. These aspects are specifically addressed under the first and second judgement criteria of this EQ. In particular, the second judgement criterion covers the assessment of border staff skills and knowledge related to the treatment of the cases of vulnerable migrants, including their knowledge of legal frameworks and referral systems.

EQ7 on flow of persons and management of migration - Summary Answer Box
EU support has achieved significant positive results in terms of helping partner and candidate countries to improve the flow of persons at borders especially in the *ELARG* region and to some (lesser) extent in *ENP East*. In particular, the evaluation shows overall improvements in terms of client-friendly facilities, waiting times, traffic queues and simplified procedures. Yet, significant challenges have remained especially in terms of disparities between BCPs, prevailing bureaucratic culture and, in several cases, the availability of skilled human resources. In *ELARG* and *ENP East*, driving factors have mainly been the provision of comprehensive support which ideally combines BCPs (re)-building/modernisation with development of procedures and wide-ranging capacity building measures, the implementation of a national IBM strategy and incentives for alignment to EU standards. In other regions the support have been less comprehensive, more localised and more reactive.
Some positive contributions of the EU support to improved flow of persons have also been identified for the other regions, although the situation varies greatly from one country to another and achievements mainly concern the improvement of the physical layout and the modernisation of equipment at BCPs, areas where the EU has provided substantial support. In these regions,

EQ7 on flow of persons and management of migration - Summary Answer Box
improvement in terms of infrastructure and equipment (incl. the computerisation of processes) often took place in BCPs where clearly defined procedures were not the rule. While benefits for the long term are evident, these improvements were naturally associated with the creation of new processes at the border and thus have not necessarily led to reduced waiting times and simplified procedures.

Sustainability has turned out to be weak in all regions with the turnover of staff remaining a major problem and, in many instances, very little provision being made for the maintenance of infrastructure and equipment.

Overall, the evaluation shows that, in most regions and despite the positive developments highlighted above, there has been an **emphasis in the EU support on the securing of borders rather than on facilitation and mobility.** Effective detection of suspicious movements of persons has been a relatively important component of the EU support which ranged from capacity building measures, to supply of specialised equipment and to the support of certain procedures in line with an increasing flow of illegal migrants towards the EU. However, **the support has very much focussed on land borders** only (with some notable exceptions such as in *Mauritania*). Moreover, while there has been significant progress in *ELARG* and to some extent in *ENP East*, evidence collected in certain countries clearly indicates that the cultural and political context may act as a hindering factor in view of the implementation of procedures (e.g. joint border patrols) and application of modern techniques (e.g. risk based management).

During the evaluation period, there was a **growing general awareness about human rights and the need to develop more open borders for travellers in need of protection** among beneficiary agencies. The EU support has clearly contributed to this as illustrated by the repeated references to these themes in the documentation reviewed. However, **respect of human rights at borders has remained an inconsistent** in many countries; unfortunately, the EU support has too often only consisted of single training events and awareness raising activities with relatively limited effects on working practices.

Moreover, **referral systems have only improved marginally**. Only in specific cases (esp. *ELARG* and to a lesser extent in *ENP East*) did the EU support aim at and contribute to strengthening procedures of border agencies in this area and to fundamentally changing practices through wide-ranging capacity building measures. The EU has supported numerous activities aiming at improving the management of mixed flows in partner and candidate countries and a number of EU interventions have specifically focussed on travellers in need of protection. However, too often, these interventions have either been implemented in parallel to IBM interventions or have not been directly targeted at or tailored to border staff limiting the contribution to the development of border agencies capacities in this area.

4.7.1 JC 71 - EU support to IBM and OC has contributed to enhancing client-oriented services (including application of human rights) and procedures being provided by border management agencies

Enhanced client oriented services is the result of an interaction of different components; in particular functional and functioning infrastructure and equipment *(Indicator 7.1.1.; Indicator 7.1.3)* and adequate and applied clearance procedures *(Indicator 7.1.2; Indicator 7.1.3; Indicator 7.1.4)*. While EU support in this area has been considerably focused on support to infrastructure and equipment in most countries, there was less evidence on improved procedures.

Focusing on the improvement of **infrastructure of border crossings** has often served as an **entry point of EU interventions related to border management**. Since in a number of partner countries basic infrastructure did not exist or the border crossing physically did not exist due to the establishment of new borders, the EU provided substantial funds for the improvement of the physical layout of border crossings in all case study countries. This resulted in decreased waiting time and traffic queues at borders and better collaboration of different border agencies. However, problems observed were related to considerable delays arising during the construction of border post infrastructure (e.g. related to confusion in the role of responsibilities of the different partners, lack of knowledge of EU standards and procurement rules by local counterparts and the overall complexity of the approach). Additionally, there have been major design weaknesses, with, in several cases, BCPs constructed with **EU support during the evaluation period being focused more around the notion of control than on enhancing free flow of traffic and minimising official intervention**. The second problem made evident in the case studies is related to the costs of maintenance of infrastructure and equipment, which was under-estimated in several cases. With government structures typically being ill equipped with the necessary funding to maintain often sophisticated structures, sustainability of the investment if often threatened. *(Indicator 7.1.1)*

Minimised levels of interventions at the border crossing points and thus reduced waiting times and fewer traffic queues were also consequences of EU support to clear and simplified traveller clearance procedures (particularly in the *ELARG and ENP East regions)* and **the enhanced use of risk management to better target controls and examinations.** Generally positive developments are most visible at airports (*ELARG* and *Central Asia).* In the *ENP region,* EU support, particularly related to the introduction of automation (e.g. automated control systems, introduction of machine-read travel documents, x-ray, scanners) translated into reduced waiting times and fewer traffic queues; however, the need for further improvements remains and clearance procedures were still reported to be slow. Likewise, in *ELARG,* efforts to simplify clearance procedures were an important feature of EU support, 'Clearway' read/green channel systems were introduced through CAFAO; however, this has not yet fully translated into simplified clearance procedures for passengers. *(Indicator 7.1.3)*

Evidence on increased visibility and clarity of information for travellers and their rights have been scarce in the project documentation. Only in *Albania, Serbia* and *Ukraine* project components could be identified targeting better information for travellers. However, the few examples found and the inventory analysis carried out suggest that EU provided only marginal support to increase traveller information. The field visits confirmed that public information at borders and in general, regarding rights and procedures is still limited in quantity, detail and client-friendly presentation. *(Indicator 7.1.2)*

Likewise, **evidence available on the respect of human rights by border management staff in the documents scrutinised is scarce and project components dealing with the human rights issue mostly relate to the treatment of (irregular) migrants.** For instance, EUBAM addressed human rights in the framework of specific border management issues such as THB, asylum and corruption, mainly through raising of awareness campaigns, within the beneficiary agencies and also with civil society. However, these issues all remain as low priorities for the beneficiaries with little concrete activity in terms of genuine development and implementation having taken place. Information for travellers regarding their rights and how to report corruption is in place at Ukraine and Moldovan BCPs, but it is in a far from user-friendly and eye-catching state and although a welcome development, is still very weak as a tool to assist the public.*(Indicator 7.1.4)*

In sum, improvements in the physical layout of border crossing were observed in all case study countries. In addition the use of risk management for better targeting of controls and examinations, allowing traffic to proceed with limited intervention, and therefore at greater speed has increased. However, evidence of EU support to directly enhancing client-oriented services and procedures was almost exclusively found in countries of the *ELARG* and *ENP region.* The rather weak evidence base emerging from the desk case studies and confirmed during the field phase is explained by the fact that personal mobility is not of first priority in countries with a weaker institutional environment (i.e. *Afghanistan, Central Asia* countries), where security concerns still appear to prevail over mobility thus hindering the implementation of interventions focusing on client-oriented services and procedures. Moreover, the institutional setup of border agencies (partly in *Caucasus* and *ENP East*), restrictive in certain areas of travellers rights has hampered the introduction of fully visible client oriented mechanisms.

4.7.2 JC 72 - EU support to IBM and OC has contributed to effective open borders for travellers in need of protection (asylum seekers, refugees, victims of trafficking, vulnerable migrants etc.)

Effective open border for travellers in need of protection has been identified as a relatively important component of the EU support to countries which are already quite advanced in the development and implementation of their national IBM strategy. The concept of open but secure borders represents a main principle of efficient border management in the context of EU standards and an essential factor of the *Stabilisation & Association Agreements* of the EU concluded with the western Balkans countries. As a consequence, it is embraced as one of the main principles in the development of IBM strategies and EU support related to this JC features relatively high in *ELARG*, where a comprehensive IBM strategies have been adopted and to some extent also in *ENP East* and *Central Asia* countries. However, this could also be greatly explained by the vicinity of *ELARG* countries to Europe, consequently increasing the importance to align with European standards. While open borders for legitimate traffic were an important component in several phases of BOMCA, the achievements remain relatively limited.

In *ELARG* and, to a lesser extent, in *ENP East*, the EU provided support to clear regulatory frameworks and procedures through various activities. For instance, alignment to international standards (e.g. through providing assistance in drafting a legal framework in *Albania, Bosnia and Herzegovina)*, support to certain procedures (i.e. pre-screening in *Albania*), support to infrastructure (e.g. pre-reception facilities in *Albania)* and capacity building measures for asylum procedures (e.g. in *Serbia*) appeared to be in the focus of EU support in this region. The situation with respect to clear regulatory frameworks and procedures in place for treatment of those under threat has improved due to EU support to IBM and OC in particular in the *ELARG* region and in *Belarus.* For instance in *Serbia,* border service

law and instructions have been aligned in the main with EU and international standards. To a lesser extent, EU support to IBM and OC addressed alignment to international standards and provided infrastructure in the *ENP East* region.

Moreover, criticism, in particular being expressed by international organisations (i.e. UNHCR) in the *ENP East* region and referring to disregarding human rights for asylum seeker and refugees, still remains valid (e.g. *Ukraine)*. The need remains to assure that border authorities properly elicit information on asylum seekers and refer them to asylum authorities to examine their application in line with their international obligations and national asylum law. Moreover, a general lack of clear procedures was observed in the institutionally less developed countries (e.g. *Central Asia, Mauritania).* (*Indicator 7.2.1*)

Very little evidence of EU support to establish co-operation mechanisms between border management staff and decision making bodies for travellers in need of protection was found. In *Belarus,* UNHCR established co-operation mechanisms which are laid down in a formal agreement adopted by the government. The EU support focused very much on building capacity through training in this regard, e.g. to enable border guards to work with a database of refugees and asylum seekers. As a result both border guards and the MoI have an access to the database. (*Indicator 7.2.2*)

Although highly important issues in the border management context, **the respect of human rights and the capacities to identify and handle persons in need of protection at borders have, overall, received relatively little EU support.**

Main achievements of EU support have been observed in the *ELARG* region and to a smaller extent in *ENP East*. In these two regions, the support was provided through a combination of actions related to the development of specific procedures and the alignment to international standards in relation to migrant rights (e.g. publication of guidelines in *Ukraine*) as well as capacity building measures to enhance the skills of border management staff in this area (e.g. training in *Bosnia and Herzegovina, Belarus* and *Ukraine*). In other regions, the EU support focussed on *ad hoc* training and awareness raising activities with limited results illustrating the importance of adopting a more comprehensive capacity building approach in this area.

In the partner and candidate countries analysed in this evaluation, the EU has supported numerous activities aimed at improving the management of mixed migration flows under a variety of budget lines. A number of EU interventions have specifically focussed on the travellers in need of protection. However, many of these interventions have either been implemented in parallel to IBM interventions or have not been directly targeted at or tailored to border staff limiting any effect of the support on the development of the capacities of border agencies to deal with this type of migration flow. (*Indicator 7.2.3*)

4.7.3 JC 73 - EU support to IBM and OC has contributed to effective detection of suspicious movement of persons at border crossing points, green or blue borders

Effective detection of the suspicious movement of persons in particular at border crossing points, green or blue borders has been a relatively important component of the EU support. Significant support was provided to relevant border agencies through training, equipment supply and provision of infrastructure in line with an increasing flow of illegal migrants moving towards the EU. The commitment to improving the capacities of border crossing security and control is often embraced as one of the main principles in the development of IBM strategies. EU support related to this JC features relatively high in *ELARG*, where comprehensive IBM strategies have been adopted and to some extent also in *ENP East* countries and *Mauritania*. Capacities of border crossing security and control was less in the focus of EU support in other countries in the other regions. The change towards increased application of risk based controls still represents a challenge, particularly in countries where security concerns prevail (*e.g. Central Asia)*.

Even though, all surveyed EUDs located in *ELARG* and *ENP East* countries confirmed that EU support to IBM and OC has contributed to effectively detecting suspicious movement of persons, this could not be confirmed by further evidence since only very limited information could be found from other relevant sources on actual detection rates at the borders.

The EU support to IBM and OC integrated components which addressed effective identification of suspicious movement of persons. The components ranged from capacity building measures (e.g. training events for risk analysis / profiling, vehicle search techniques and forged documents detection) to supply of specialised equipment. In some cases, the equipment turned out to be too sophisticated to be effectively used by border management staff (*BOMCA).* The strongest link between EU support to IBM and OC and number of detection rates is evident for the *ENP East* region. Accordingly, there has been a significant decrease in the number of seizures of forged documents on the common *Moldovan* and *Ukrainian* border. *(Indicator 7.3.1)*

While evidence from desk and field phase suggests that the EU support to IBM and OC contributed to increased standardisation/automation of migration related processes at borders to some extent, EU

support is still at a rather early phase with more pronounced results yet to come, in particular in institutionally less developed contexts. EU support provided equipment (e.g. passport readers, risk management systems and number plate recognition systems) in *Serbia, Albania, Belarus* as examples and for a number of border crossings in *Central Asia* and *Mauritania.* However, the field visits revealed that in some cases connection to other national or inter-agency databases had either not been foreseen or not been established. In addition, it was noted that some systems were not fully operational due to maintenance and up-grade issues, again highlighting the importance of ensuring sustainability planning in all phases of the support. (*Indicator 7.3.2*)

The access to integrated databases and tools is governed by a number of preconditions, such as the existence of databases and a relatively highly developed infrastructure. Certainly, due to budget limitations and the lack of necessary preconditions, the access to integrated databases represents a major challenge to less developed partner countries. **Consequently, the evidence gathered captures positive developments in the regions where infrastructure is likely to be more developed** (*ELARG, ENP East*). However, even in countries with such an infrastructure (e.g. *Serbia, Belarus)*, problems with respect to access to integrated databases remain. Activities taking place after the evaluation period indicate that first steps towards increasing computerisation have been undertaken in countries with a weaker institutional framework (e.g. *Mauritania). (Indicator 7.3.3)*

For several countries in the *ELARG* region and, to some extent, in *ENP East,* **joint border controls have been established. Moreover, the EU supported the improvement of the application of modern risk analysis in the partner and candidate countries through capacity building and equipment supply** (i.e. in the *ELARG* and *ENP* regions), consequently enhancing border surveillance and targeting security (e.g. EUBAM). However, the political situation in the institutionally less developed countries still limits the potential for joint interventions in that area. *(Indicator 7.3.4)*

4.8   EQ 8 on flow of legitimate goods and improved revenue collection

Evaluation Question 8: To what extent has EU support to IBM and OC contributed to improving the **flow of legitimate goods and revenue collection at borders**?

In many partner and candidate countries, revenues collected at borders represent a significant and vital contribution to national budgets, often constituting the majority of the budget provided nationally. At the same time, many rely on exports or the transit of goods to attract customers and investment. Therefore, a balance between revenue collection and trade facilitation must be achieved.

However, the import, export and transit of goods at borders represent an opportunity for the fraudster and OC either in terms of declaration or in the concealment of taxable, restricted or prohibited goods. IBM is a means to respond effectively to this challenge, with its strong emphasis on co-operation. Automation is a valuable tool for efficient processing of documents, the payment and collection of duties and as an anti-corruption measure. Its installation often represents a major investment on the part of an agency, a government or an external donor. Maximum value must, therefore, be extracted through comprehensive use of all its possibilities, when appropriate not just by customs staff but other BM agencies.

Goods controls are generally seen as the mandate of the customs service. However, the SPS bodies also have important task to perform and, as they are not always based at the border, effective co-operation through the mechanics of IBM are very important.

In particular, this EQ seeks to analyse the extent to which the EU has contributed to efforts aimed at client-oriented services and procedures, the reduction of fraud and trade related criminal action at borders and the use of automation therein, in an effort to enhance the collection of revenues and stemming fraudulent trade practices at borders.

EQ8 on flow of legitimate goods and improved revenue collection – Summary Answer Box
EU support has been **significant and in many cases effective in the area of construction, reconstruction and redesign of border crossing facilities**. In many cases, this contribution has been absolutely necessary due to the fact that, until recently, borders and formalised crossing places were not in existence. As a **result of the support provided, many beneficiary countries now have secure, user-friendly, appropriately located and in some cases integrated border crossing facilities**. These have compelled and / or encouraged traders to use them and to clear goods in a more compliant fashion. However, the immediate and pressing need for the provision of BCPs combined with the time and cost implications has meant that, **in many cases, the final facility is not fully compliant with the laid down standards** (*EU Customs Blueprints, Guidelines for IBM*, etc.). In addition, there have been major design faults, with virtually every BCP constructed with EU support during the evaluation period being too much focused around the notion of control and not designed in such a way that free flow of traffic and minimum official intervention is encouraged.
Relatively limited EU support has been provided for the funding of equipment for use in BCPs,

EQ8 on flow of legitimate goods and improved revenue collection – Summary Answer Box

although the provision of x-ray scanning equipment constitutes costly and significant levels of intervention. However, significant support has been provided for the **training in the effective use of equipment already *in situ*** or donated by other DPs. BCP construction projects has often come in tandem with EU support to IT infrastructure, especially in the areas of computer supply and data cable installation. This has, in turn, allowed the EU to support interventions aimed at making effective use of a number of forms of data, with the overall objectives of speeding the clearance of goods and maximising revenue takes. In the *Western Balkans* and *Turkey*, the establishment and full implementation of the EU SEMS/SEED project for the exchange of pre-arrival information in real time represents another example of legitimate trade facilitation and revenue maximisation. A similar 'success-story' can be noted on the common border between *Moldova* and *Ukraine* in the PAIES supported by EUBAM.

Training has been delivered in the areas of risk management, intelligence and investigation, whilst technical assistance has been provided for the establishment of dedicated communication centres at the heart of customs administrations, most notably in the *Western Balkans*. These centres have allowed for the **effective and secure dissemination of information** produced by those trained in risk management and intelligence. The more accurate and targeted use of data in this fashion has allowed customs administrations to identify risks, revenue gaps and potential serious offenders. Dealing with each of these has, in many cases, significantly increased revenue collected whilst, at the same time, identifying low risk traders and/consignments has allowed them to proceed with the minimum of intervention from Customs at the border or in-land.

The EU has also provided significant support in the area of **raising of awareness**, whether it be to customs staff to increase their knowledge of current risks in smuggling, organised crime and the use of modern customs and trade facilitation procedures, or to the trade in the areas of simplified and privileged procedures. Unfortunately, whether from the customs or the trade side, the **effect has been limited in some cases** due to unwillingness to change and a lack of engagement between customs and the trade.

Sustainability has been a major factor in limiting the effectiveness of EU support; low wages, lack of job security, non-transparent conditions of service, corruption, political interference, outdated equipment and infrastructure, resistance to change and general inertia have all to some degree or another adversely affected the support provided by the EU. The EU has, in turn, attempted to **mitigate some of these elements through organisational and human-resourcing reforms**. Increasingly, during the period of the evaluation, 'training of trainer' programmes and the provision of training materials featured in EU support interventions in an effort to sustain the training delivered and the experience gained. However, these efforts, too, met with only limited success and ownership from customs administrations. Also when talking about sustainability, EU support in the equipment, IT and BCP areas has been limited in some countries by the lack of forward planning, capacity and funding necessary for upkeep, upgrade and maintenance. *Belarus* is a notable exception to this.

Corruption remains a serious issue in customs administrations in many parts of the world. In the cases studied, EU support in the form of anti-corruption measures such as training, technical assistance and databases was limited and as a subject it was rarely tackled in a proactive or concrete fashion. Corruption has, in many places, had a significant negative impact on the effectiveness of the EU support to the improved flow of goods, not just to the more obvious area of revenue collection.

Similarly, in the customs arena, EU support has not engaged significantly with prosecution authorities or judiciary, despite much effort to support the revision of laws and the delegation of criminal powers to customs administrations. These two areas of limited support represent major deficiencies in the overall systems available to combat serious and organised crime at borders, in particular major smuggling, undervaluation, mis-description and other revenue-related matters.

4.8.1 JC 81 - EU support to IBM and OC has contributed to enhancing client-oriented services and procedures being provided by border management agencies related to the flow of goods

At the heart of IBM is the concept of trade facilitation, making the process of import and export at the border as easy as possible. The EU support in this area for the period of the evaluation has been considerable but has been focused to a large degree (at least in terms of finance) on the construction, reconstruction and/or equipping of border crossing facilities. This has proved a costly process and significant funds have been used. However, the first step towards creating an environment of client-oriented services is to put in place a functional and user-friendly BCP facility and this in itself encourages trade to use it and to comply with all the necessary regulations. The fact that EU support has focused on this area is no real surprise, since many of the countries that have most benefited are those such as *Afghanistan*, *Belarus, former Yugoslavia* and *Ukraine* where until recently no border existed, or *Albania* where no border crossing was allowed.

By focusing support in the area of BCP construction/reconstruction, the EU has contributed substantially towards the stabilisation, normalisation and formalisation of national borders, an important step towards full IBM, where it is first necessary to know clearly where a border and its official crossing points are. The locating of BCPs on major trade and travel routes encourages trade to comply with revenue payment and other customs requirements. EU support through technical advice at the design stage has contributed towards many BCPs being more user-friendly and placing lesser burdens on the trade, with an emphasis on a physical layout that should encourage the natural free-flow of traffic (*Belarus, FYRoM* and *Serbia*). However, due often to expediency and the need to get something working in place, the vast majority of BCPs constructed with EU support have only gone part way to creating an environment that is truly client-friendly, effective for law enforcement work and future protected. Many (re)constructed BCPs awaited 'phase 2' development where the specific technical details would be addressed; truly secure and covert examination facilities, CCTV for covert observation of suspects, traffic lanes that encourage through traffic and not 100% controls, jointly operated control buildings, etc. Physical layout to encourage free-flow of traffic, clear signage as to travellers rights and obligations and secure treatment of cargo and persons are generally in place but limited, inconsistent and in some cases clearly erroneous.

In many countries border demarcation negotiations are on-going, with a 'knock on' effect that BCP locations have not been officially agreed and thus comprehensive construction would be premature. In some ELARG countries, there has also been a reluctance to redevelop BCPs due to the expectation of imminent membership of the EU, when BCPs would no longer have the current significance. **A major failing in the EU support was the lack of coherence in the design of BCP construction interventions on either side of a border**, where at one, new and often state-of-the-art facilities have been put in place whilst on the other there has been very limited or no assistance (*BiH & Serbia*).

EU support has also contributed considerably to the procurement, installation and training in use of a number of automated systems (especially for processing customs declarations), further improving both the efficiency of revenue collection and minimising clearance times at borders (*Kosovo, Montenegro*). The majority of customs administrations studied at desk and field visit stage now have automated declaration systems in place and whilst the majority of the IT capacity itself was not supplied through EU support, the long-term training, technical assistance and in some cases even systems development was.

The use of simple and of sophisticated equipment at BCPs is another key element of efficient working processes. EU support has been only limited in the actual supply of equipment and has instead focused in the area of training in the use of equipment that has been supplied by other donors or purchased *in house*. This has often been in conjunction with other donors who did not have sufficient capacity *in situ* to deliver the training necessary to accompany donations of equipment. This is particularly noticeable in the CAFAO programmes where the unfortunately-too-often-repeated practice of equipment supply without training was effectively countered. However, EU support in the delivery of equipment training has sometimes had limited effect due to issues such as staff rotation, low staff morale (low salaries, poor terms of service), corruption and resistance to change (e.g. *Belarus, Montenegro, Serbia, Ukraine*). Additionally, there is the issue of sustainability whereby equipment supplied by the EU has not always been properly maintained, updated or cared for by the beneficiaries (*e.g. Ukraine, Afghanistan)*. EU support quite justifiably rarely extended to providing funding or expertise in this area. (*Indicator 8.1.1*)

A further element of the user-friendly BCP is the **use of simplified clearance procedures in tandem with highly visible and easy to understand information. The EU has provided significant support in both areas, attempting to encourage customs administrations to offer the use of various schemes to traders in order to lessen business costs and waiting times.** Whilst there has been some take-up of these schemes, in general, customs administrations have not given priority to this area and have not sufficiently engaged with the trade. EU support has contributed in a limited way to the provision of information and guidance to the trade (design & production) but, in many cases, it is far from being genuinely helpful or instructive, being of an official nature rather than eye-catching and genuinely instructive. (*Indicator 8.1.2*)

In general, during the period of evaluation, evidence gathered during the field visits shows that clearance times and waiting queues have decreased, especially where BCPs were already at a quite advance state of development (e.g. *Western Balkans*). In many cases, EU support has contributed to the use of risk management for better targeting of controls and examinations, allowing low risk traffic to proceed with limited intervention, and therefore at greater speed. However, in many cases, the number of interventions is still too high and the ratio of detections against interventions is too low. (*Indicator 8.1.3*)

The WTO defines trade facilitation as *"…the simplification and harmonisation of international trade procedures…",* where trade procedures are the *"…activities, practices and formalities involved in collecting, presenting, communicating and processing data required for the movement of goods in*

international trade". Taking this definition as a benchmark, a significant majority of IBM interventions have been of an imbalanced makeup, not fully taking into account the stated objective of IBM as laid down in the Guidelines of *"…open, but well controlled and secure borders…"*. In some cases, this has proved detrimental to the revenue collection capacities of countries and, in particular, to the development of customs-to-business relationships and co-operation mechanisms.

The EU has attempted to provide support in the area of awareness raising amongst the traders, but this too has suffered through the general lack of engagement between customs and importers/exporters. There have been very few IBM related EU interventions that have focused on trade facilitation in preference to border control agencies and issues. *(Indicator 8.1.4)*

4.8.2 JC 82 - EU support to IBM and OC has contributed to increased levels of detection of fraud and trade-related crime at borders

In the 21st century, the use of information/data is at the heart of effective IBM and combating of OC. The EU has provided significant support in the provision of state-of-the-art infrastructure to allow for swift and secure transmission, storage and manipulation of large quantities of electronic data. IT networks, computers (desktop and laptop) and training have all been provided in significant quantity but the comprehensive use of information for combating OC remains limited. Information exchange at all 3 IBM levels is far from effective, with suspicion at all levels being a major stumbling block to progress. It is ironic that border police and customs beneficiaries, will often be more willing to give information to development partners and to EU MS organisation rather than their immediate colleagues and neighbours who could make much more use of it.

It must be acknowledged, however, that **EU support has drastically improved the ability of customs administrations to use official, trade, criminal and internet data, bearing in mind the very low base point at the beginning of the evaluation period.** In the Western Balkans, through the CAFAO programmes, EU support proved crucial and instrumental in the establishment of dedicated communication centres within each beneficiary customs administration, a national intelligence capability and local intelligence officers at all major BCPs. Over the period of the evaluation, as these structures received EU support in terms of training and skills transfer, experience and confidence in gathering and processing information for combating OC and serious fraud increased and intelligence material played an increasingly important role in the conducting of operations (*Indicator 8.2.1).*The communication centres (supported by the EU through equipment supply, delivery of training, study visits and technical know-how) have equipped all *Western Balkan* customs administrations to be able to increase levels of the detection of serious fraud and cross-border trade related crime. This is an extremely positive development. **EU support in providing technical and drafting advice for revision of customs law, allowing for the delegation of criminal powers to customs administrations, has strengthened those administrations' abilities to effectively fight organized crime.** EU support in the supply of and training in the use of high-tech equipment, such as cargo scanners and portal monitors, has allowed customs administrations to detect sophisticated and difficult-to-locate concealments of smuggled goods (a favoured method of OC), something that is not possible with standard equipment. **However, EU support in this area has also had limitations, especially in the inter-agency and international arenas**. Data protection legislation, incompatibility of systems and general cautiousness or even distrust have all impaired the quantity, quality and speed of the exchange of information most noticeably at the inter-agency level. (*Indicator 8.2.2 and Indicator 8.2.3).*

Away from the ELARG region, where there is the valuable conditionality tool of EU membership that helps drive and focus EU support and the responses of the beneficiaries, the picture is less promising. Although with its own aspirations to join the EU, *Moldova* remains an exception and in customs law enforcement terms can be seen as closely aligned to the standards of the ELARG countries. Away from the ELARG region, customs administrations remain very much as revenue collection services, where the duties collected and contributing to the national budget are considerable and where border law enforcement is still regarded as primarily a matter for police and national security services. Given the **relatively limited customs law enforcement intervention outside of the ELARG region, it would seem that EU support has followed a similar course.**

Some serious words of caution must be sounded. Staff rotation, low morale, inertia and corruption have all limited to some degree the effects of EU support. In addition, detection of serious fraud and cross-border crime is of course only a part of the picture. The successful prosecution of such cases is also necessary for all the efforts to be truly worthwhile. EU support to the introduction of criminal powers for customs administrations has already been discussed and, in locations where this has had time to take effect, improvements have been noted in the quality of criminal cases presented. However, in the area of border management assistance the **EU has rarely engaged with either prosecuting authorities or the judiciary, two significant groups whose effective performance is equally important to the successful combating of organised crime and major fraud**. (*Indicator 8.2.4*)

4.8.3 JC 83 - EU support has enhanced revenue collection systems at borders

In general, customs administrations, revenue authorities and ministries of finance use electronic systems to collect duty and other payments at borders. The installation, maintenance and operation of these systems represent massive investment. As a rule, the EU has provided little support in the *purchase* of such systems. This has been very much the remit of bodies such as the World Bank, the IMF and UNCTAD, who have often provided loans to beneficiary customs services to allow them to purchase the necessary equipment; in some cases, (*Montenegro, Serbia*) the systems have been purchased and even developed *in house*. However, in many customs administrations significant support has been supplied by the EU in the *usage* of such systems (whatever the source of funding), particularly in the delivery of training and technical assistance in the areas of risk analysis and intelligence where correct use of the data available has allowed customs administrations to identify areas of non-compliance and non-payment and therefore put in place improved systems, both in terms of security and user-friendliness for the trade. However, the effect of this EU support has not always been acceptable with sustainability, lack of management reforms and low priorities being causes for the less than comprehensive use of all the information collected and the processing capacity that such automated systems can provided.

Automation is an accepted anti-corruption tool and this fact too coupled with the resultant unwillingness by some customs administrations and especially individual staff to lose 'personal control' has proved a further limiting factor.

Unfortunately, sustainability is an important issue, especially in the area of data processing systems upgrades and replacements. In a number of customs administrations, the systems in place are no longer able to function to full capacity and have little room for development. At the same time, many customs administrations do not have in place sufficient funding to rectify the situation. This form of support has been rarely considered by the EU, rightly being unwilling to fund what would appear to be an 'open-ended' commitment.

Two noteworthy cases where the EU has provided excellent and effective support in terms of IT infrastructure are the EU SEMS/SEED project focused on the *Western Balkans* and *Turkey* **and the PAIES project** in *Moldova* and *Ukraine,* supported by EUBAM. **EU support included the supply of computers, the design of the systems and training in their use.** Both systems are now fully operational and which means that each cargo BCP in the Western Balkans and *Turkey* and on the common border between *Moldova* and *Ukraine* is connected to its opposite neighbour. Pre-arrival and comparison data passed between the customs administrations is being used to establish accurate import values and therefore to ensure collection of correct duty and tax amounts. As the projects are not finished in 2012, it remains to be seen how the beneficiary customs administrations tackle the issue of sustainability, but in the majority of cases, clear commitment and ownership are being displayed. (*Indicator 8.3.1).*

In another praiseworthy example, EU support financed computers, training and a study tour to allow the Serbian custom administrations to receive online, pre-arrival data from a major airline at the main airport, thus allowing for the removal of 100% controls and the introduction of more client-friendly processes. However, a negative note can be sounded in respect to the initially successful DREWS pre-arrival information exchange project, (supported by the EU in terms of computers, training, drafting of SoP and MoU and skills transfer) that operated between *Croatia, Hungary* and *Serbia*. Towards the end of the evaluation period, the practice was discontinued due to regulations regarding the exchange of data outside of the EU.

, It is apparent the **EU support has had only limited input to the establishment of a variety of payment modalities** (*EU Customs Blueprint* Standard; for use by the trade to give options of ways to pay duties and tax obligations in a manner that best suits the trader). (*Indicator 8.3.3)*

The EU-produced *Customs Blueprints* have acted as excellent tools for guidance and support of customs administrations in many countries and across a wide number of areas. They have been particularly useful in the *Western Balkans* and *Turkey* where they have supported the alignment of beneficiary customs administration standards with those at international level (WTO, GATT, WCO, etc.). EU support has not been especially active with regard to the alignment process itself as this is better undertaken by the bodies setting the standards themselves. However, the *EU Customs Blueprints*, with their clear and unambiguous requirements and indicators, have provided a clear and easy to follow roadmap. As a result, in the *Western Balkans* and *Turkey* the majority of customs administrations have reached standards that are extremely close to those required. Although the *EU Customs Blueprints* have less authority and relevance outside of the ELARG region, because of their effective style and content, they can be and have been used in order to provide similar guidance in other parts of the world (*Indicator 8.3.2).* The *EU Customs Blueprints* have also been effectively used in *Moldova* and to a lesser extent *Ukraine*, where through EUBAM and bi-lateral projects there have been steps taken to align process and practices closer to those of the EU.

4.9 Overall assessment of the EU support

The Guidelines for IBM in EC External Co-operation have as a clearly stated aim the achievement of "…*open but secure and well-controlled borders*…". Using this statement as a benchmark, the EU support has been particularly **relevant** with regard to the notion of secure and well-controlled borders but less so when considering the theme of open borders. During the evaluation period, border security (threats of illegal migration, drugs trafficking, terrorism, etc.) was a pressing issue for many beneficiary governments, further demonstrating the relevance of the support. However, although the expression 'open borders' implies facilitation in terms of goods and individual mobility (an equal element in IBM), the overall assessment is less positive. The facilitation aspects of IBM were, to a great degree left unaddressed or received limited attention and therefore, relevance in this context was limited. When looking at the relevance of assistance in terms of wider issues such as migration, transport, human rights and poverty reduction, some degree of relevance was achieved but not enough use was made of the fact that all these areas can be and should be linked to and coherent with border management development.

EU support to border management was delivered to a wide range of areas. Funds for infrastructure were **efficiently** used and through the significant sums involved, workable environments were created. The equipment was sometimes found to be too hi-tech or requiring too high maintenance for the environment into which it was placed. In both the infrastructure and equipment cases, there was only limited attention given to the long term view, leading to replacements and upgrades at early stages. Regarding use of expertise, there has been, in particular, a good use of long term experts. These experts were able to establish trust with often suspicious beneficiaries, acquire detailed knowledge of the contexts and transfer their knowledge to other projects. Short term experts and secondments of serving EU MS staff proved to be efficient due to a high degree of flexibility and updated knowledge. However, there were negative observations regarding their commitment and ability to successfully and knowledgably transfer skills to beneficiaries in the local context.

A high proportion of the EU support to border management concerned infrastructure in terms of border and other constructions and the supply of equipment from a basic, everyday nature to that of high cost and sophistication. EU support was particularly **effective** in security areas of IBM, where there was often strong political will from beneficiaries, several of which had only recently become independent and to whom secure borders were a national, popular and governmental priority. EU support was less effective in the trade and traffic facilitation area where full potential to national economies of client-friendly border procedures and speeding up of clearance was not always appreciated and taken note of. EU support was less effective in the area of capacity building, where the objectives of training of new approaches, skills, techniques and attitudes were only partially achieved. Basic skills in the use of equipment and simple controls were successfully trained and in the main implemented, but the more sophisticated approaches for tackling OC and genuine trade facilitation were only partially trained with sustainable and effective implementation being severely limited in many cases.

In many locations and contexts, the **impact** of EU support can clearly be seen in physical terms, for example regarding improvements of border crossing infrastructure for traffic flows, the establishment of designated and relatively client-friendly crossing points. Whilst, globally, traffic queues and clearance times are still too long, a positive trend has been visible. Where this improvement is observed, it is mainly explained by both improved physical conditions and simplification in documentation formalities. Additionally, *and this is highlighted with extreme caution*, EU support has helped reducing the worst excesses of corruption at border crossings, yet, it remains deep rooted and widespread, especially at higher levels. The impact has not simply been seen in the official border crossing (BCP) arena. Clearly demarcated border lines led to indirect and direct impacts amongst others related to the creation of a legal basis for more effective border surveillance and controls and the confident prosecution of cross border crime and stimulation of cross-border co-operation between communities. Moreover, EU support led to improved rates of the detection of cross border crime, trafficking in illegal goods, irregular migration and the movement of suspect individuals. However, detection rates have also improved over the period without any connection with EU support or wider border management reforms and relate more to the *modus operandi* of OC, market forces and supply/source reduction.

EU support was often compromised and weakened by **sustainability** issues. Regular and *ad hoc* rotation of staff took place with the expertise and knowledge of staff being lost. Beneficiary HR and training capacity was in many cases simply not sufficient to cope with this loss. Similarly, provision for running, up-keep, maintenance and up-grading of infrastructure and equipment often proved to be beyond the capacities of many beneficiaries. Looking forward, the sustainability issue will become more important as new BCPs are built, recent and sophisticated equipment brought into use begins to wear out and staff changes. Connected to this, are the issues of continuity and institutional memory. In areas where assistance was delivered over a long period of time by one singular organisation, there was noticeable building upon past achievements and learning of lessons, whereas there was a lack of sustainability for projects which were simply replaced by another. There was also a marked tendency

amongst beneficiaries to quickly ignore what EU support was put in place, in the pursuit of more assistance, irrespective of the fitness for purpose. In many cases, continuity from one EU project to another was not effective, with limited hand-over and often outright competition between the out-going and in-coming implementing partner. Continuity was often only achieved by the employment of individual experts on successor projects and their personal commitment to building upon what had already taken place.

Border management assistance has been delivered by a wide range of providers and partnerships and in many different locations. Overall, the EU acted as vital and invaluable means to support **co-ordination and complementarity**, often in very challenging physical, institutional and geopolitical circumstances. However, efforts at genuine co-ordination have been inconsistent and, where successful, have invariably been through the dedicated efforts of implementing partner staff rather than formalised mechanisms managed or promoted by EU institutions. These individual efforts led to very effective co-ordination and complementarity.

Coherence of the assistance has suffered often through isolated and weakly thought out projects, designed mainly to fulfil a localised, immediate need. A cross border and regional approach would have been a means to improve coherence. However, the very clear and logical guidance and standards laid out in key documents made a significant contribution to establishing standardised and harmonised delivery of assistance.

Overall, positive results were observed in terms of **coherence with other EU policies/activities** although greater synergies could have been achieved. Coherence between the external co-operation activities and the situation at EU's own borders was good. However, differences between the external and internal IBM concepts prevailed during the evaluation period.

The EU 'shared the field' with other donors and interest groups: national governments, funding institutions and private investors. One positive element of **added value** was the impartiality that the EU brings. Assistance delivered on behalf of EU institutions and the collective MS brought a message of the absence of national political/economic agendas and focused on objectives for common good. EU support brought added value of experience, solutions, best practices and lessons learned from all MS, even when not all MS were represented in a particular intervention. EU support acted as a link between partner countries and much of the resources of the combined MS, allowing beneficiaries to access a vast pool of experience, 'know how' and information. Having by now operated the Customs Union and Schengen successfully for nearly two decades, the EU could demonstrate benefits to mobility and trade of improved cross border facilitation and at the same time show how law enforcement and protection of society can be ensured in less strict regimes. In this context, the experience of the EU is unique and was acknowledged with respect by beneficiaries.

EU support to IBM and OC has made a contribution in the 'normalisation' and stabilisation of regions of the world where political and ethnic tensions were predominant. The neutral stance of EU development projects combined with the technical nature of the concept of IBM allowed genuine, constructive and lasting progress to be made, especially in areas related to improved border infrastructure, demarcation and security. Although the achievements in the facilitation of trade and migration areas were less noticeable, EU support has had a beneficial effect in terms of improved use of IT, advanced information, selective controls and relations with business. Capacity building is one of the main challenges ahead, where EU support in the modernising and reform of outdated, inefficient and on occasions, corrupt practices will be vital.

5 Conclusions and recommendations

5.1 Conclusions

For analytical clarity, we have grouped the conclusions into three clusters:

- Policy framework and strategic focus: conclusion 1 & 2;
- Results and impacts: conclusion 3 to 7;
- Implementation approach: conclusion 8 to 11.

5.1.1 Policy framework and strategic focus

5.1.1.1 Conclusion 1: EU policy framework for IBM and OC

Although the EU has not laid down a unique and comprehensive IBM-policy related to external co-operation, the EU concept of IBM (incl. related EU standards) has proved to be a powerful tool to initiate and guide co-operation in this area. However, the shaping of IBM and OC-related assistance has still been subject to various one-sided influences, either from the development co-operation (poverty reduction, economic growth) or security side (e.g. migration control). Some apparent differences between the concept of IBM within the EU and that used in external co-operation reduce the consistency between the existing elements of the EU policy framework.

This conclusion is based mainly on EQ1, EQ2 and EQ4.

There is an absence of a single, well defined EU policy framework for IBM & OC in relation to EC external co-operation. During the evaluation period, the EU developed detailed operational guidelines and elements of policy framework that lay out the central concepts and approaches related to EU support in the area of IBM & OC. Overall, the EU concept of IBM as defined in the key reference documents related to external co-operation received a positive response from stakeholders (see EQ1). The concept proved to be a powerful tool to engage in co-operation with partner and candidate countries on a wide variety of areas ranging from democratic governance to security. It has also provided clear signals to main stakeholders (EU staff, national stakeholders in partner and candidate countries, implementing organisations and other international donors) and served as appropriate guidance for the design and implementation of support. It also represented a useful vehicle to promote EU values and a number of EU border management standards and best practices.

The IBM concept remains a relatively new concept and, during its development, divergences appeared between the definitions used within the EU, in the context of EC external co-operation and from non-EU sources such as WCO and the model adopted by the US government. In 2006, the EU Council adopted a formula called the *EU IBM concept* that only directly addresses the border agencies within the Schengen area which manage the flow of persons such as border guards and border police. Also, this concept does not address the management of the movement of goods and it is only applicable within the Schengen states, with its specific organisation of the external border. This, in turn, has sometimes resulted in a lack of clear guidance and standards for those planning IBM interventions in partner and candidate countries. The obvious differences between the concepts of IBM has, on occasions, caused confusion for beneficiaries, who have been inclined to interpret this as a case of 'double standards', where the EU (and others) is advising and in the case of enlargement countries, *insisting* on standards that are perceived as not existing within the EU.

5.1.1.2 Conclusion 2: Focus of the support

The EU support to border management has been subject to significant imbalance, with more attention paid to border security to the detriment of trade and traffic facilitation.

This conclusion is based mainly on EQ1, EQ6, EQ7 and EQ8.

The vast majority of border management assistance focused more on border security than trade and traffic (passenger) facilitation.

Foreign policy and security considerations undoubtedly gained importance during the evaluation period. Similarly, the EU has paid increasing attention to migration issues. These major evolutions in external co-operation, the attractiveness of IBM as a tool to promote ties within regions subject to regional security threats and, more generally, the attractiveness of IBM as an entry point to engage in security issues, contributed to the successful promotion of the IBM concept in external co-operation. But this has in turn contributed to the imbalance observed in the EU support between *security* and *facilitation*.

In some cases, this proved detrimental to the revenue collection capacities and, to the development of customs-to-business relationships and co-operation mechanisms. There was very limited use of

trade/traffic facilitation and economic development assistance to apply pressure on border agencies to reform.

Assistance has been delivered in areas such as risk analysis, intelligence, training, IT, infrastructure and equipment, but, in-the-main, these have been viewed and used by implementing partners and beneficiaries as border security tools only. Many BCP (re)construction designs have substantial traffic flow and facilitation elements missing.

The imbalance can be also illustrated by the character of the responsible EU institutional environment and of the choice of implementing partners. Within DG DEVCO, a migration-related unit has been assigned the role of providing quality and thematic support in the area of border management. A similar situation has often also been observed at EUD level. Moreover, major implementing partners (such as IOM and ICMPD) are predominantly organisations specialized in migration issues; very few IBM interventions have been managed or had lead partners from the customs/trade sectors.

5.1.2   Results and impacts

5.1.2.1   Conclusion 3: Border co-operation

> One of the major successes of the EU support to IBM and OC has been the contribution to fostering international policy exchange and co-operation in the area of border management. However, in beneficiary border agencies, border co-operation (esp. at inter-service and intra-agency level) is still not comprehensive and is often seen as an 'event' and not routine.

This conclusion is based mainly on EQ2, EQ3 and EQ5.

EU support to IBM and OC has played a major role in improving international co-operation in border management. The use of IBM as a concept, its basis being in clearly effective examples from the EU, the impartiality of the EU and the commitment of project implementation staff have contributed to cross border dialogue in situations that might have been otherwise considered unlikely. In particular, through the use of the *Guidelines* and specific BM interventions, the EU has been seen as a non-partisan partner. Improvements in efficiency, transparency and accountability at the international level have been made, with national politics often laid aside for the objective of secure borders. In some cases, there is exchange of operational data, joint training, co-ordinated border patrolling and occasionally, co-location of border facilities.

However, EU support faced limitations on specific aspects of international co-operation. Few examples of structured and formalised high level international dialogue and co-operation were identified. At operational level, there was a very low level of coherence and compatibility between neighbouring BCPs; a typical situation would be a modem and fully equipped BCP on one side of the border (often financed by the EU) and an out-dated, outmoded, under-equipped one on the other, often with equally limited access roads and utilities such as electricity and water. There was also often limited harmonisation of international co-operation elements of IBM action plans, especially in national interventions. Operational cross border communication and information exchange remain a challenge: local staff are unwilling or not trusted to be involved in the process. Comprehensive operational information exchange between the EU and partner country agencies remains an issue and the lack of comprehensive information exchange has hampered enforcement and facilitation efforts and, in several cases, the greater area of the development of co-operation and trust.

Moreover, interagency co-operation has too often remained inconsistent in terms of concrete, routine and truly joint activity especially at an operational level. Despite the positive work that the EU has done in terms of the drafting of the IBM Guidelines and the assistance given in implementing IBM strategies and action plans, there has been very little formalising and embedding of genuine and lasting co-operation between agencies. Indeed, the key notion of 'collaboration' underpinning the concept of IBM has not often been evident or has been explicitly resisted in certain areas.

Finally, EU support has not paid sufficient attention to issues of intra-agency co-operation with the result that internal co-operation and communication is in place but is often still slow and bureaucratic with very much a top-down and local structure. At local level, border police and customs administrations are rather powerful and there has been a marked reluctance to relinquish these powers, which would be the result if the intra-agency element of IBM were correctly adopted (see also conclusion 4).

5.1.2.2   Conclusion 4: Reform processes

The effects of EU support have been hindered by the focus on bottom-up interventions and large scale 'hard' assistance projects. Too little attention was paid to supporting and enhancing more comprehensive reforms and to the importance of promoting changes in behaviour, attitude and management techniques at all levels of border agencies in partner and candidate countries.

This conclusion is based mainly on EQ3, EQ4, EQ6, EQ7 and EQ8.

The EU provided limited support to top-level reforms, whether as part of an overall intervention or as a stand-alone project. EU support contributed in a limited way to changes in working culture and management techniques at the highest levels of border agencies in partner and candidate countries.

This lack of focus on high level management can be explained in a number of ways including political appointment and often connected corruption involved in senior positions, where those *in situ* answer to government or OC pressures, influences and agendas. At the same time, there was also reluctance amongst top level management in beneficiary border agencies to accept that change was needed. It was often easier for implementing partners to concentrate on the operational level where more immediate results could be achieved.

There was a tendency for the EU to be viewed as a 'shopping list' by beneficiaries, a situation which remains in many regions and countries and which has even been reinforced over the years. The fact that significant infrastructure and equipment assistance was urgently needed and was delivered explains this in many places. These large-scale projects are attractive to the EU and other development partners as they can provide tangible and easy-to-see results and usually lead to full disbursement of funds. However, this approach sees capacity building and technical assistance interventions suffer as they are not so attractive to beneficiaries and more difficult to measure by EUD and project management staff.

A significant amount of training and related activity took place. However, in the vast majority of cases, the training assistance delivered was diluted and even compromised by the lack of embedding of external training within the national system and the very limited progress made in genuine and fundamental reform within national training structures.

5.1.2.3   Conclusion 5: Contribution to OC

The EU support to the strengthening of border agencies' mandate and powers for OC has remained limited, which has hampered the overall effects of the support in the area of OC.

This conclusion is based mainly on EQ4 and EQ6.

With the intensification of risks at borders during the evaluation period, border agencies were naturally seen as having a role to play. However they were often seen as prevention and detection forces not as key and leading elements in the process of criminal prosecutions. This was especially applicable to customs and border guard services, whose traditional role was seen as more one of processing, rather than law enforcement.

However, it was still increasingly recognised that border agencies had a vital role to play in the detection and investigation of criminal offences and were obvious agencies to take such action.[71] EU assistance was generally enthusiastically received at the operational level but often experienced obstacles at the higher level from MoI/criminal police/security services who regarded the development as a loss of influence or from border agency management who had other priorities and did not want to be involved in areas that might involve increased physical risk; the issue of corruption also had negative influence.

It was observed that many customs agencies are still not performing a full role and making use of their skills and knowledge in terms of the fight against organised crime, nor have they been fully accepted as equal partners in law enforcement terms in their countries. Many customs and border guard services are hampered by a lack of criminal investigation powers that would allow them to fully and coherently pursue serious and organised crime.

Specialisation[72] within border police/guard and customs services has been effective in tackling OC. The concept has allowed services to be relieved from the tradition and pressure within border agencies for all staff to have knowledge of all subjects covered by the operational role of the service. Specialisation also

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[71] This meant the advocating of the adopting of modern law enforcement techniques within the remit of border agencies, aspects such as working away from border zones and BCPs, the adoption of powers to bring criminal prosecutions (such as arrest and search), the use of electronic eves-dropping, the recruitment and management of covert informants, the application of surveillance techniques, etc.
[72] Typical specialisms include intelligence, investigation, risk analysis, drugs, THB, IPR, stolen vehicles, financial crimes, cigarettes, alcohol, etc.

assisted in the development of contacts and working relationships between staff with similar remits. However, the importance of specialisation has been insufficiently taken into account in the EU support.

An area of OC-related specialisation where there has been less development is that of anti-corruption. Border agencies have developed tools such as ethics policies, codes of conducts, pre-appointment vetting procedures and public awareness campaigns to supplement the more tried and tested but also harmful methods of staff rotation and vertical management practices. However, very little specific EU support was given to anti-corruption matters specifically for border agencies and in their contexts. Specialist anti-corruption teams have been set up in places, but the EU has played only a very limited role in their development.

5.1.2.4 Conclusion 6: Sustainability

The EU has not paid sufficient attention to the long term dimension of its support. This has led to the sustainability of the benefits of the assistance provided being generally weak and at best inconsistent.

This conclusion is based mainly on EQ3, EQ6, EQ7 and EQ8.

EU support has often been severely compromised by sustainability issues.

Many beneficiaries have little or no strategy to ensure sustainability of the benefits of assistance, through lack of capacity and foresight or in the belief that donors will make the necessary provision. In geographical areas of initially intensive EU support the subsequent scaling down and/or phasing out of assistance left short-falls in national budgets and human resourcing. Sustainability issues will become even more important as new BCPs are built, fresh equipment brought into use, that in use begins to wear out and staff are recruited, rotated, promoted or leave. Ensuring sustainability is not just about providing funding and know-how at the end of a project; it should begin at the outset and at the project design stage. Many recently prepared projects have taken sustainability into account more in their documentation and this is to be welcomed and promoted as a lesson learned.

Continuity and institutional memory has also been an issue. There has been creditable and noticeable building upon past achievements and learning of lessons, where assistance has been delivered over a long period of time by one singular organisation. In areas where one project has simply replaced another, usually delivered by a different implementing partner, there has been a tendency to disregard what has gone before and to design a new often exactly the same or similar aspects of development. There was also a marked tendency amongst beneficiaries to quickly ignore what EU support has put in place, in the pursuit of more assistance, especially in 'hard' items and in the desire to always have the latest in 'state-of-the-art' facilities and equipment. In many cases of continuity from one EU project to another, limited hand-over was ensured, often, outright competition took place between the out-going and in-coming implementing partner. The tool of co-funding of projects has increasingly been used as a means to attempt to ensure the necessary local ownership but often, the amount of local input was limited.

There is a need to have high level, political dialogue at all stages of support, not just to ensure governmental and ministerial level support for the reforms and development but also the sustainability of what takes place once the intervention is over. When active EUD and EU HQ support has been given place in this context this has invariably been reflected in greater local ownership.

5.1.2.5 Conclusion 7: EU standards awareness

Although some knowledge of EU standards and main tools exists amongst some managers in partner countries, operational staff had in-the-main, limited awareness.

This conclusion is based mainly on EQ1 and EQ4.

Knowledge and working use of the EU border management guidance and standards documents was inconsistent amongst many beneficiaries but effectively used by implementing partners and EUD. In *ELARG* region*,* they have been of major assistance in giving guidance to the beneficiaries and implementing partners for the development of solid, robust and efficient working practices as well as acting as targets to be achieved as part of the general EU accession process. The further away from the *ELARG* area the assistance, the less important the documents became, especially the *EU Customs Blueprints* and those related to *Schengen*. The exception is *Moldova* which has aspirations of joining the EU and where the documents have all been actively used. There was some knowledge amongst certain managers in beneficiary agencies but operational staff displayed more limited awareness.

Although clearly written and based on wide-ranging consultations, some of the elements are out-dated, lacking in detail and even contradictory. This created some mixed messages for the beneficiaries, especially those who considered that the EU laid down too many standards, some of which were not even apparent as existing within the EU. Much of the guidance and information relates to *standards* and not to *implementation*, which globally remains disappointing despite the obvious progress made. However, active use of the guidelines (which increased during the evaluation period) resulted in more

focused and assessable assistance, with experts being able to demonstrate a clear goal rather than simply offering suggestions that one practice or another was beneficial. The 'official EU' nature of all the publications gave them weight amongst the beneficiaries, especially in *ELARG* and *Moldova*.

5.1.3   Implementation approach

5.1.3.1   Conclusion 8: Regional interventions

> Despite the difficulties of implementing regional interventions, this type of EU support has, overall, achieved significant positive results.

This conclusion is based mainly on EQ2, EQ3, EQ5, EQ6, EQ7 and EQ8.

Regional projects (BOMCA, EUBAM, CAFAO, TACTA, BUMAD, etc.) have been seen to bring many benefits in the IBM field where more than one border/country is always involved; by its very name, IBM implies a cross-border, regional and international role. Parallel and joint delivery of assistance and development can be a natural result. When a beneficiary has been undergoing separate and individual border management development and reform, those who are neighbouring or within a distinct geographical region are often going through similar processes. Delivery of assistance across a region has contributed to a consistent approach. This situation can be juxtaposed with that of national and 'one off' interventions where isolated and separate solutions and development are, in fact, at complete odds with the principles of comprehensive IBM. Benefits to EU of regional delivery have included better use of limited resources, considerable saving of time, consistent delivery of assistance and objective reporting, in terms of progress. Regional delivery has also allowed for identifying regional trends, as well as collective priorities and problems, be resolved through common activities.

Regional delivery of assistance has allowed for scale and scope synergies and generally, in comparison with national projects, has significantly improved international co-operation and communication, stimulating useful exchange of practices and experience on a peer-to-peer basis.

In terms of the fight against OC, criminals and crime have no borders; fraudsters and transnational criminal organisations move easily from one country with strong border controls to another with a weaker system, preying on those areas which are ineffectual and unprotected. Illegal activities are also facilitated by the non-operation and non-application of uniform systems. Regional delivery of assistance has been able to bring a harmonised approach to tackle these common problems and to aid development towards uniform application of the EU standards and implementation of best practices. Additionally, regional assistance has often allowed for the development of regional co-operation forums and platforms amongst the beneficiaries.

5.1.3.2   Conclusion 9: EUD engagement

> Active EUD engagement (in co-ordination, monitoring, policy dialogue, etc.) has proved to be a critical factor in the implementation of EU support. Wherever such engagement has materialised, the action being supported has been significantly enhanced, usually yielding more tangible results than when the EUD stepped back and left the major responsibilities to the implementing organisations.

This conclusion is based on all EQs.

EUD staff have proved important in coordinating assistance delivered from sometimes geographically distant locations and by differing partners, ensuring the correct EU messages always promoted, EU standards are maintained, projects remain on track and duplications and/or omissions are minimised. EUDs have provided links and contact with, for instance, DG DEVCO, DG TAXUD, DG Home, IOM, ICMPD, UN, FRONTEX, EU MS, consulting organisations, NGOs, non-EU actors, etc. in attempting to ensure the 3Cs. As EUD expertise and knowledge increased over time, many were able to take a more active role in this process and clear benefits were seen. However, this was not a universal picture. Lack of engagement and interest proved detrimental to some projects, especially where higher, EU policy-level support was needed. In some instances, the monitoring and evaluating of projects was weak with a lack of visits to project sites and limited or late mid-term, independent evaluations as two examples. Whilst the commitment and standard of service delivered by EUD is not in question, in many cases, individual staff members did not possess the necessary in-depth sector knowledge (border management, customs, migration, organised crime, trade, asylum, etc.) needed to achieve credibility with beneficiaries and implementing partners, to contribute actively to project design or to perform meaningful monitoring of implementation.

In the case of high cost and fundamental reform projects, this lack of expertise proved a somewhat negative factor. Instances where the EUD has been proactively visible in supporting assistance, have had positive effects on the impact of support, with beneficiaries recognising the importance placed on implementation through official EU representation. However, the reverse has also been true and has led to some implementing partners limiting or neglecting visibility responsibilities due to limited or no

engagement with the EUD. Whilst, generally, EU visibility has been to the required standard, its use as a tool for change, to promote the EU 'ethos' in border management has often been neglected.

5.1.3.3 Conclusion 10: Tools & good practice

> The evaluation has identified many good practices that have taken place in the delivery of border management assistance. However, many of them have been developed and used in isolation, not offering the possibility for replication nationally or in similar developmental areas.

This conclusion is based mainly on EQ1, EQ3 and all sector results and impacts EQs.

The *Guidelines for IBM in the Western Balkans/EC External Co-operation,* the *EU Customs Blueprints*, the *Schengen Catalogue* and the Schengen acquis have all acted as excellent tools for the provision of guidance and identification of targets, the measurement of standards, the identification of gaps and the recognition of needs. In the enlargement area, they have acted as 'roadmaps' for development towards the levels of performance needed for EU accession. In non-enlargement countries, they have also been effective in raising standards and assisting in design and delivery of assistance.

There have been many cases of projects and experts newly designing solutions that have already been successfully implemented in other countries or that have failed but then the lessons learned have not been passed on and used by those coming afterwards. The EU has no effective mechanism (e.g. pool of expertise) whereby good practices, workable solutions and regionally or thematically qualified experts are recorded centrally so as to allow all those involved in the development to access a pool of high quality expertise for more speedy, cost-effective and confident delivery of assistance. Where experts and consultants have moved from project to project or have remained in a country/region for a long period of time, it has been seen that their experience, and knowledge of good practices available and tested, has been replicated to great effect. Conversely, many beneficiaries are reluctant to identify and use such good practices as they fear, mistakenly, that this will result in less assistance being provided by the EU.

5.1.3.4 Conclusion 11: Link to other areas of support

> The EU support has too often been provided in disconnection from other related areas of co-operation.

This conclusion is based mainly on EQ2, EQ4 and EQ7.

Although an important issue in the border management context, the subject of human rights has received little specific EU support through border management assistance. The delivered assistance has been part of a general package of measures to a range of actors, rather than anything specific and tailored to the border agencies. It is not a topic on which there appears to be a great body of knowledge or expertise amongst beneficiary staff beyond the basic fact that human rights as a subject does exist.

The human rights sphere also seems to be one where there has been very little monitoring by the EU to determine the current levels and the effectiveness of any support related to border management that has been given. The majority of BCPs rarely display clear and properly user-friendly information regarding human and travellers' rights beyond advertisements regarding corruption and how to report it. The concept of a 'traveller's charter' does not appear to have been introduced. A notable exception is via the EUBAM project in *Moldova* and *Ukraine* where there has been active engagement with civil society, especially in border regions with a view to influencing a new generation regarding their rights and the responsibilities of the border agencies. However, it is probably too early to make any meaningful conclusion from this activity.

Another similar sector is that of trade. One pillar of IBM concerns facilitation of trade and persons and yet the vast majority of border management interventions have mainly related to security issues. The employment of trade reform expertise has been limited, leaving many useful areas such as e-commerce, official-to-business partnerships, the use of commercial data and simplified clearance procedures unexplored. In the transport sector, traffic corridors have received EU assistance in terms of infrastructure upgrades, especially on major routes, but there has been little combination with BCP (re)construction projects. Many high quality BCPs have been built where traffic does not warrant them or where transport infrastructure is not of sufficient quality to allow the BCP to function to the capacity for which it was designed.

5.2 Recommendations

The following key recommendations emerge from the conclusions. Like the conclusions in the preceding section, the recommendations are also presented in three clusters, namely:

- EU policy framework: recommendations 1 & 2;
- EU institutional environment: recommendations 3 to 5;
- Implementation approach: recommendations 6 to 12.

The linkages between EQs (findings), conclusions and recommendation are illustrated in the following figure.

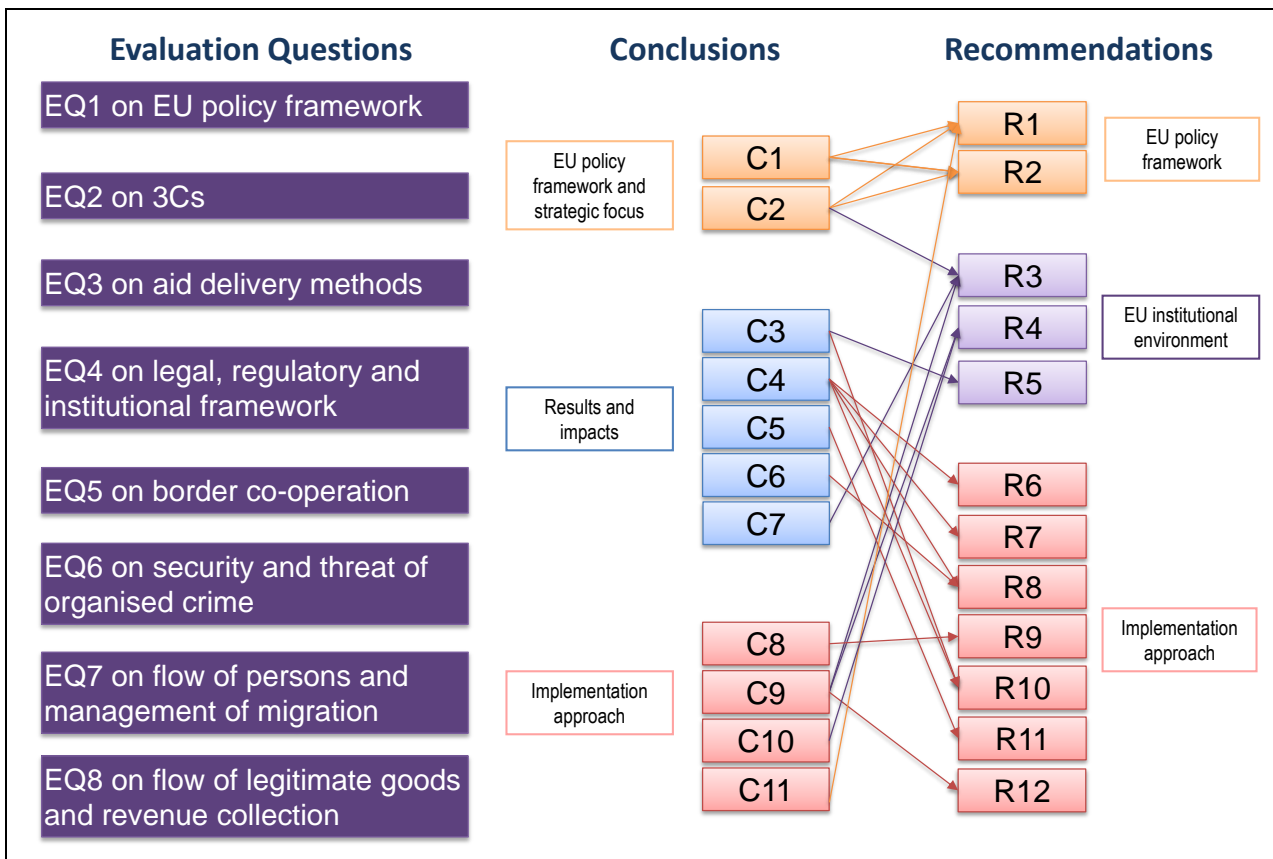*Figure 10:   Major links between EQs, conclusions and recommendations*

Table 7 provides an overview of the level of priority in terms of importance of the recommendations and the urgency (agenda) of their realisation. This information is also provided schematically in the following figure.

Table 7:   Prioritisation of recommendations

No.	Issue	Importance*	Urgency*
1.	Strengthen the EU policy framework related to IBM and OC	4	4
2.	Ensure a better balance between security and facilitation in EU support	3	3
3.	Strengthen the EU capability for the delivery of common and high quality standards	3	2
4.	Increase EUD engagement at local and international levels	3	3
5.	Clarify the issues that currently limit EU–third country information exchange	3	3
6.	Include more top management-related activity aimed at fundamental reform	3	2
7.	Increase capacity building assistance incl. human resource / training reforms	3	3
8.	Pay greater attention to sustainability during all phases of the project cycle	4	4
9.	Expand and strengthen the support provided through regional interventions	2	2
10.	Consolidate the EU support to all three pillar of border management	3	3
11.	Further develop the response given to combating OC as dedicated element	2	2
12.	Strengthen the monitoring and evaluation of the EU support to IBM and OC	4	3

* 1 = low, 4 = high

The following figure depicts this assessment graphically.

Figure 11:   Prioritisation of recommendations, schematic overview
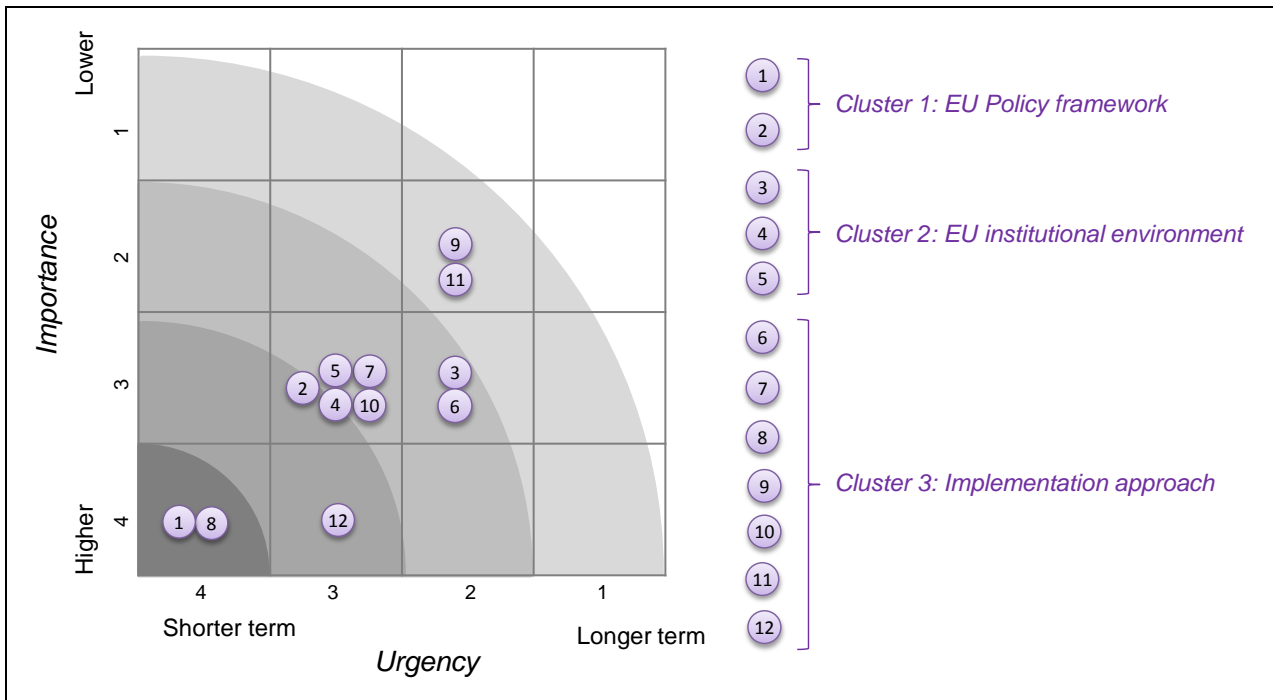
Addressing these priorities requires actions by different actors. Therefore, each recommendation includes suggestions for operational steps for putting it into practice, and proposes implementation responsibilities.

5.2.1   Policy framework

5.2.1.1   Recommendation 1: EU policy framework

Strengthen the EU policy framework related to IBM and OC by clarifying the link with EU internal policies and reaffirming the cross-cutting position of IBM and OC in the relevant EU policy areas.	
This recommendation is linked to: **Conclusion 1** illustrates that some apparent differences between the concept of IBM within the EU and that used in external co-operation reduce the consistency between the existing elements of the EU policy framework. **Conclusion 2** shows that EU support to border management has been subject to significant imbalance, with more attention paid to border security to the detriment of trade and traffic facilitation. **Conclusion 11** highlights that EU support to border management has too often been provided in disconnection from other areas of co-operation.	Main implementation responsibility: • DG DEVCO, DG HOME.

IBM can be a suitable tool for effective EU engagement in many diverse policy areas from poverty reduction to migration management through its promotion of good governance, trade facilitation, improvements in infrastructure and travellers rights. DG DEVCO should **further promote the potential of IBM as a genuine development tool among policy-makers and external co-operation staff**, and, in particular, **clarify and strengthen the reference to IBM in future policies and strategies related to security, SSR, migration, trade, etc**.

Moreover, the EU currently spouses two rather divergent IBM concepts, (i) the EU IBM concept applied at the EU's own borders and confined to the management of the flow of persons (Schengen concept), and (ii) the wider international concept, applied in EU external co-operation and covering cross-border flows of both persons and goods. **This difference should be clearly explained and defined by the EU to avoid the current confusion that sometimes exists and especially to re-assure potential EU members that the perceived 'double standards' do not exist**. In particular, DG DEVCO should engage in discussion with all relevant EU bodies to clarify the link between external co-operation in the area of IBM and OC and EU internal policies and provide support to existing trends to align the EU IBM approach to international standards where such change would be of value to the EU itself and beneficiaries.

Finally, the document *Guidelines for IBM in EC External Co-operation* has been widely accepted by beneficiaries as the EU's *de facto* policy for IBM. In fact, they are not. Due to their immense value and the positive spirit in which they have been accepted, **the status of the Guidelines should be given a**

greater level of authority by the EU. A specific strategy related to the support of IBM in partner countries could be formulated drawing on the main elements contained in the Guidelines as well as on the vast and positive experience that the EU has gained over the past decade.

5.2.1.2 Recommendation 2: Facilitation vs. Security

While continuing to adopt a tailored approach to external co-operation in the area of IBM and OC, the EU should ensure a better balance between security and facilitation of traffic and trade in its support.

This recommendation is linked to: **Conclusion 1** illustrates that the shaping of IBM and OC-related assistance has been subject to various one-sided influences, either from the development co-operation (poverty reduction, economic growth) or security side (e.g. migration control). **Conclusion 2** shows that EU support to border management has been subject to significant imbalance, with more attention paid to border security to the detriment of trade and traffic facilitation. **Conclusion 11** highlights that EU support to border management has too often been provided in disconnection from other areas of co-operation (incl. human rights and trade).	Main implementation responsibility: • DG DEVCO, EEAS, DG HOME and DG TAXUD.

With a view to maintain and increase effectiveness, ownership and sustainability, the **EU should continue the tailored approach to IBM co-operation, clearly taking into consideration the specific contexts of the various regions and countries**.

However, in view of the undeniable priority that security considerations have gained in most of the IBM interventions during the evaluation period, **a review of the current situation should be undertaken and greater weight be attributed to traffic and trade facilitation aspects in future interventions**, making better use of security-related assistance, reforms and development that also have facilitation applications. In particular, issues related to the respect of human rights should be addressed more proactively and in close connection with other aspects of border management. Overall, security and traffic and trade facilitation represent an in-dissociable whole not only in the IBM concepts promoted by UN, WCO and other international organisations but also in development co-operation. Only where facilitation concerns are appropriately strengthened, can there be a meaningful policy in favour of poverty reduction. Security-based approaches may still be a useful entry point for border management in partner countries suffering from short term security threats but under a mid-term focus the balance of the support should be restored in the sense of the IBM objective of *"…open but secure and well-controlled borders…"* and the long term goal of poverty reduction.

Implementing this recommendation would include the following elements:

• DG DEVCO should initiate a dialogue within the EU and with international development/donor community in order to design and implement a strategy to restore the balance between security and facilitation in IBM and OC support. In particular,

  o The relevant EU bodies in this matter, including at Commission level, the DG HOME and DG TAXUD, should be brought together to reduce/eliminate the existing internal divisions and lack of harmonised approach in IBM;

  o Co-ordination mechanisms with EU MS and other development partners should also be strengthened to ensure a common and harmonised vision at a strategic level.

• EU bodies involved in programming (esp. DG DEVCO and EEAS) should ensure that

  o Long term goals as well as intermediate steps associated to the objective of *"…open but secure and well-controlled borders…"* are more explicitly promoted and elucidated during project design and in co-operation strategies at country/regional level;

  o Human rights assistance is not only directed to vulnerable migrants travellers but also actively include border management staff, and is not provided in disconnection with other elements of the support to border management;

  o Project design and implementation inter-react better with trade bodies and the private sector in beneficiary countries and with groups with trade expertise internationally.

• During project design and delivery, greater use should be made of security-related assistance that has traffic and trade facilitation applications such as risk analysis, use of intelligence, public awareness, trade liaison, audit, etc.

5.2.2 EU institutional environment

5.2.2.1 Recommendation 3: EU values and standards

Strengthen the EU capability for the delivery of common and high quality standards and make greater use of the possibilities to promote EU values in border management.	
This recommendation is linked to: **Conclusion 2** shows the EU support to border management has been subject to significant imbalance, with more attention paid to border security to the detriment of trade and traffic facilitation. **Conclusions 7** describes that although some knowledge of EU standards and main tools exists amongst some managers in partner countries, operational staff had in-the-main, limited awareness. **Conclusion 9** highlights that active EUD engagement has proved to be a critical factor in the implementation of EU support to border management.	Main implementation responsibility: • DG DEVCO, EEAS and DG TAXUD.

While the EU visibility rules and guidelines are generally adhered to, **future project visibility opportunities should be actively used to promote EU values in border management, making a clear statement not just that the EU is providing assistance but giving the reasons why in terms of the beneficiary countries, agencies, specific locations, etc.** In practical terms, it is all too easy to follow EU guidelines; what is more difficult, but ultimately of greater benefit is to demonstrate the purpose behind interventions and reforms. This is especially important when attempting to engage with civil society and promote the true role of the public servant. With regard to the visibility of the EU ethos-related features (which includes elements such as client focus, transparency, facilitation and travellers rights) within IBM projects, such a role should be assumed by the services responsible for IBM project programming and implementation within DG DEVCO along with the 'on the ground' input of the relevant EUDs.

In addition, the experience of FRONTEX has shown the value in having common standards for border guard activities, including a core curriculum for border guard training. Such tools do not exist in the customs sector except for the *EU Customs Blueprints* with their somewhat limited, enlargement-related focus. **The EU should develop a more detailed capability for the delivery of common and high quality standards in the customs sector**.

The *EU Customs Blueprints* could be taken as a model and basis, providing greater and more specific detail of standards in areas such as BCP construction and lay out, minimum equipment standards, IT possibilities, training delivery, intelligence, investigation and operational co-operation. In connection with this, the DG TAXUD Guidelines on BCPs (2001) would need to be updated, in particular to include lessons learned in BCP construction and to shift the focus towards designs where traffic flow and limited intervention are the guiding principles. An update of these guidelines to adjust the content to the specific context of external co-operation could be considered.

Until 2007, a standard-setting, harmonisation and assistance role was taken on by *EuroCustoms,* which provided all manner of assistance, guidance and initiative in the development of customs administrations within the EU, especially those who eventually joined in 2004/7 and in external co-operation.[73] This recommendation focusses on establishing a similar capability that would provide assistance to a level beyond the *EU Customs Blueprints* and that would especially assist the *Western Balkan* countries, *Moldova* and *Turkey* who have aspirations of EU Accession.

The enhancement of the customs role and its toolset in guidance and training matters should involve the relevant Commission services (DG DEVCO, DG TAXUD, etc.) whilst the more significant institutional changes would require the input of other institutions such as the European Parliament with its IMCO and LIBE Committees.

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[73] Another successful model for the delivery of border management assistance has actually been that of the mid/long-term in-country missions (e.g. CAFAO and EUBAM) which have been afforded the time to inspire trust and co-operation in the beneficiary countries/regions and where in terms of border security and public service reforms much suspicion existed. It is in particular via their 24/7 availability for help and advice, their ever growing knowledge of the local context and the use of EU impartiality that they have helped to enhance development in IBM implementation.

5.2.2.2 Recommendation 4: EU engagement and expertise

Increase EUD engagement at local and international levels whilst strengthening EU expertise in IBM.	
This recommendation is linked to: **Conclusion 9** highlights that active EUD engagement has proved to be a critical factor in the implementation of EU support. Wherever such engagement has materialised, the action being supported has been significantly enhanced. **Conclusion 10** illustrates that the evaluation has identified many good practices that have taken place in the delivery of border management assistance. However, many of them have been developed and used in isolation, not offering the possibility for replication.	Main implementation responsibility: • DG DEVCO, EEAS, DG TAXUD, DG HOME and EUDs.

Main relevant Commission services (DG DEVCO and EEAS), and especially the EUDs, should increase their role in the co-ordinating and monitoring of assistance in the area of IBM and OC. They should maintain strong, regular and programmed links and contact with bodies such as DG TAXUD, DG HOME, IOM, ICMPD, UNDP, FRONTEX. Moreover, EUD high level and concerted support is recommended to back up reform messages being promoted by development partners.

In pursuance of high quality assistance, both at design and delivery stage*,* it is also recommended that **expert support to EUD staff involved in border management and customs issues be provided** to allow more knowledgeable assistance to beneficiaries, to advise EUD staff in the appropriateness of beneficiary requests, to ensure that the operational intentions of IBM are followed and to monitor implementation. This could be achieved by a number of cost effective solutions which could include the secondment of an EU MS or external expert to a given EUD for a period of time, or giving a greater role of liaison with EUD to an expert of the implementing partner. In practical terms, the EUD must identify and acknowledge where insufficient sector knowledge and expertise exists.

In addition, many examples of good practices have been noted during the evaluation. As a means to exploiting these, it is recommended to **set up a database/record of good practices.** The database would be managed at EU central level but researchable at a central, EUD, project management and beneficiary level. This would allow identifying, at an early stage, existing good practices, sets of materials already produced and imaginative solutions (including IT solutions) to project needs that could be replicated to allow for more speedy, cost effective and standardized development. It would as well prevent repetition of errors met by others in similar circumstances.

5.2.2.3 Recommendation 5: Information exchange with EU

Clarify the range of issues and legal constraints and political positions that currently limit and impede EU–third country information exchange.	
This recommendation is linked to: **Conclusion 3** points out that one of the major successes of the EU support to IBM and OC has been the contribution to fostering international exchange in the area of border management, but the conclusion also highlights limitations on specific aspects of international co-operation.	Main implementation responsibility: • DG DEVCO and EEAS in contact with DG HOME and EDPS.

Information exchange is vital in contemporary border management and law enforcement. Many assistance projects have focused on this area with documents such as the *IBM Guidelines for EC external co-operation* and *EU Customs Blueprints* giving specific advice and setting common-sense standards. However, information exchange between EU and third country agencies remains a problematic issue and may hamper enforcement efforts and co-operation in the wider sense.

In view of the high priority that data protection issues occupy within the body of EU legalisation (allowing no exemptions even at the international level), *it is recommended that increased and concentrated efforts are made to ensure that third country partners provide equivalent level of protection to EU data thus removing a major obstacle to cross-border information exchange between EU MS and third country border agencies.* Implementing this recommendation would include the following elements:

• EEAS and DG DEVCO, in contact with DG HOME and the European Data Protection Supervisor (EDPS), should clarify the range of issues and legal positions that currently limit and impede EU-third country information exchange in view of finding appropriate solutions.
• At the policy level, the EU should develop a clear statement and guidance regarding data exchange with third countries to dispel concerns that the EU is only interested in a one-way flow of information. Subsequently, it should be ensured that EU-funded interventions follow this guidance.

5.2.3 Implementation approach

5.2.3.1 Recommendation 6: Top-down interventions

Include more top management-related activity within border management interventions aimed at fundamental reform in beneficiary agencies.	
This recommendation is linked to: **Conclusion 4** illustrates that the effects of EU support have been hindered by the focus on bottom-up interventions and large scale 'hard' assistance projects. Too little attention was paid to supporting and enhancing more comprehensive reforms including beneficiary agencies' top-management.	Main implementation responsibility: • DEVCO services, EUDs.

The vast majority of interventions have been directed towards the operational level with very little aimed at top-level reforms. Whilst in most cases it has been important to attempt to ensure and improve day-to-day performance, with its emphasis on border security and facilitation, many of the beneficiary organisations have remained with out-dated management practices, where communication is one way and full use is not being made of the skills and experience of human resources. **It is recommended that, in future assistance, more emphasis be placed on providing assistance towards top management of border agencies and reforms of their management practices.**

In particular, the EU guidance documents such as the *EU Customs Blueprints*, the *Schengen acquis* and the Guidelines for IBM could be more actively used to set standards, with practical efforts such as training, study tours and strategy re-drafting being used to demonstrate current management practices as being operated within EU border agencies.

5.2.3.2 Recommendation 7: Capacity building

Increase support targeted at capacity building reforms to act as a foundation for the more comprehensive and deep rooted embedding of all elements of border management assistance.	
This recommendation is linked to: **Conclusion 4** describes that too little attention was paid to supporting and enhancing more comprehensive reforms and to the importance of promoting changes in behaviour, attitude and management techniques at all levels of border agencies in partner and candidate countries.	Main implementation responsibility: • DEVCO services, EUDs.

In order to fully integrate and embed the assistance being delivered by outside providers and, therefore, to allow for increased sustainability of assistance, it is recommended that the human resource capacities of border agencies are further and more comprehensively developed.

This will require an **independent and comprehensive capacity building needs assessment for any relevant beneficiary** to take place before support is fully granted. Awareness of capacity building should be raised firstly among the human resource departments of the border agencies. Comprehensive gap analyses should be carried out, in the main at EUD level, for any relevant beneficiary training structure, using EU guidelines such as the EU Customs Blueprints and FRONTEX *Common Core Curricula* to provide bench marks. Needs analyses would follow from this process.

Following on from this review, a number of **training modernisation related activities** should be launched to encourage and support the fundamental reform of training taking place alongside the establishment of professional academies. Moreover, concrete activities to be conducted could include:

• The organisation of study tours to appropriate EU MS training units for beneficiary management and staff to witness first-hand EU training units in practice.
• The creation of in-house customs and border control-related training-of-trainers for staff delivering training at all levels to be followed by joint training delivery (with other students and with international experts) and mentoring.
• The development of specialist, cascade and training programmes, supported by the production of comprehensive libraries of training materials (modules, hand-outs, exercises, photographs, etc.) available 'off-the-shelf' for the use of all training staff and the introduction and development of modern training methods (interactive, role-play, multimedia, e-learning, etc.) to give training delivery greater impact and the development and introduction of comprehensive training monitoring and evaluation methods.

In addition to training the basic and higher-level subjects of border management, it is recommended that a greater degree of **training specialisation in OC matters** such as intelligence, investigation, drugs, stolen vehicles, financial crime, etc. should be embedded within academy programmes to strengthen the role and effectiveness of border agency staff in combatting OC.

Whenever possible, EU support should consider that **joint training academies** for border guards and customs, mainly at the national level be established and developed. In this context, the support should

aim at generating a joint intervention, involving border guard and customs at national or even international level.

5.2.3.3 Recommendation 8: Sustainability

Pay greater attention to sustainability during all phases of the project cycle.	
This recommendation is linked to: **Conclusion 4** illustrates too little attention was paid to supporting and enhancing more comprehensive reforms and to the importance of promoting changes in behaviour, attitude and management techniques at all levels of border agencies in partner and candidate countries. **Conclusion 6** summarises that the EU has not paid sufficient attention to the long term dimension of its support. This has led to the sustainability of the benefits of the assistance provided being generally weak and at best inconsistent.	Main implementation responsibility: • DEVCO services, EEAS, EUDs.

EUD, HQ staff and implementing partners such as IOM, ICMPD, UNDP, etc. should pay more attention to the key sustainability messages, try to identify good practices and agree on more concrete steps to ensure sustainability in the future.

In particular, **it is recommended that, for future support, more emphasis is placed on clear, concrete and comprehensive formalising of sustainability plans and contingencies in planning documents from the earliest stage.** Thus, a greater requirement for clear and well-thought out risk assessment and sustainability planning should be included as part of the project proposal/ implementation process. Moreover, EUD staff should actively supervise and encourage this part of the project preparation offering support to all actors involved in the process through means such as workshops, training, guidance material and indicating the importance addressing sustainability at an early stage.

It is also recommended that EUD and especially implementing partners **obtain high level beneficiary management involvement and agreement at all stages of project design and implementation, with a special focus on ensuring the sustainability of project achievements** in terms of practical, funding and human resource matters.

Moreover, **technical advice on methods of ensuring sustainability should be included as part of any support (EU, EUD, external experts, trade sources, etc.) and co-funding used as a tool to improve local ownership (especially for high level beneficiary support).** Implementing this activity could include the development of a sustainability handbook (similar to that for International co-operation projects in the field of higher education and vocational training) to cover IBM assistance for use by EUD staff, beneficiaries and implementing partners as a reference at all stages of the project design and implementation. Such a handbook should include examples of good practices and lessons learned in other project delivery.

The conditionality of EU accession has acted as a positive tool for ownership and implementation in the *ELARG region*, contributing to a positive environment for development in the border management arena. **To ensure comprehensive and committed up-take of project aims, greater use should be made by the EU of the whole array of tools available for political dialogue and elements of conditionality in design and management of the support,** employing key government, ministerial and public aspirations such as free trade agreements and visa liberalisation.

This recommendation is closely related to the recommendation 7 on capacity building and the recommendation 6 on top-down interventions.

5.2.3.4 Recommendation 9: Regional approach

Expand and strengthen the support provided through regional interventions.	
This recommendation is linked to: **Conclusion 8** shows that despite the difficulties of implementing regional interventions, this type of EU support has, overall, achieved significant positive results.	Main implementation responsibility: • DEVCO services, EEAS, EUDs.

Regional projects have been seen to bring many benefits in the IBM field where more than one border/country is always involved. Parallel and joint delivery of assistance and development is a natural result.

It is recommended that for future IBM projects, regional delivery means be considered wherever funds and situations allow, bearing in mind the possible connection between the third (international) pillar of IBM (where more than one country is always involved) and regional assistance as described in the *Guidelines for IBM in EC External Co-operation*.

Implementing this recommendation would require **raising awareness** amongst EUD, implementing partners and beneficiaries of the possible benefits of regional delivery of IBM assistance.

DG DEVCO and EEAS services should **identify clear geographical regions** (Western Balkans, Central Asia, Caucuses, ENP east and south, Latin America, etc.) where IBM assistance delivery would benefit from the standardised and harmonised regional approach. At the same time, **key IBM related areas that best relate to a regional delivery method should be identified**. Identification of specific IBM topics that would benefit from regional assistance (training, equipment, SoP, information exchange, intelligence, etc.) to allow for the development of interventions and the preparation of assistance 'packages' (training material, example documents, IT solutions, etc.) would thus be necessary.

However, regional projects have often been criticised for being resource intensive. **It is recommended that future regional projects be established with minimal resident core expert and support staff, making use of local and subject knowledge** to the maximum and employing short term assistance to act in tandem with resident experts to reduce costs. Moreover, where activities consist of providing technical assistance nationally but are aligned to regional standards and issues, **a single, consistent, common approach and/or designated pool of experts should be used as means of delivery**.

Support to IBM provided at regional level should be **synchronised and phased in over an agreed period, giving each beneficiary time to absorb and to progress stage-by-stage their respective processes of reform and modernisation.** Thus, there must be regular reviews, development and funding should be in clearly defined tranches and there should be an exit strategy.

Regarding the management structure and the type of funding channels to be used, there is no one-size-fits-all solution. The choice depends on the region and the type of intervention. While MS organisations might not want to take on the management of such wide interventions on their own, the establishment of a consortium with other organisations (e.g. UN bodies, specialised agencies or private companies) might prove judicious, as has happened in the past. UN organisations sometimes have a better public image than EU (see EQ3/JC3.2), whilst other bodies are able to mobilise expertise better. Overall, the key point of the make-up of any consortium should depend on the intervention context to allow for best use of each member's capacity in the areas of project management, migration, customs, logistics, IT, etc. In addition, there must be an important focus on making sure that any implementing arrangement does not grow to a point where it exists for its own sake and not delivery of assistance.

5.2.3.5   Recommendation 10: Three pillars

Consolidate the EU support to all three pillars of border management described in the Guidelines for IBM in EC External Co-operation (intra-service, inter-agency and international co-operation).	
This recommendation is linked to: **Conclusion 3** points out that one of the major successes of the EU support has been the contribution to fostering international exchange in the area of border management, but the conclusion also highlights limitations on specific aspects of international co-operation and the fact that border co-operation (esp. at inter-service and intra-agency level) is still not comprehensive and is often seen as an 'event' and not routine. **Conclusion 4** illustrates too little attention was paid to supporting and enhancing more comprehensive reforms and to the importance of promoting changes in behaviour, attitude and management techniques at all levels of border agencies in partner and candidate countries.	Main implementation responsibility: • DEVCO services, EEAS, EUDs.

More could be done by the EU in terms of structuring and formalising high level international co-operation in the area of IBM and OC. At an operational and country specific level, co-operation between border guards and customs is also still lagging behind. There is often little evidence of concrete, routine and truly joint activity (patrols, joint offices, joint operations, training, etc.).

It is therefore recommended that national IBM action plans be developed jointly, with partners at the inter-agency and international level. In order to achieve this, high level support (government, ministry, border agencies director general) and 'buy in' for projects should be secured (see also recommendations 6 and 8).

It is also recommended that joint activities (inter-agency and international) be introduced and fully embedded into standard work patterns, with the associated standard operating procedures being devised, formalised and put in place to guide and regulate such co-operation. In particular, at inter-agency level, the establishment of joint training academies should be more actively pursued (see also recommendation 7).

Moreover, **in future BCP construction and refurbishment interventions, planning should include as much use of joint facilities and equipment as possible**. This should allow bringing together operational staff from different border agencies with a view to reduce costs, enhance sharing of

information and reduce clearance times for travellers and goods. It is crucial that, as far as possible, all closer and joint working be backed up and formalised by MoU, working agreements, working groups and SoP. The evaluation has also shown a very low level or coherence and compatibility between *neighbouring BCPs* with a typical situation of a modem and fully equipped BCP on one side of the border, often financed by the EU and yet an out-dated, outmoded, under-equipped one on the other, often with correspondingly limited transport links and utilities. In future projects, joint BCPs between two neighbouring countries should always be considered as the optimum solution. If this is not possible, standardised and mirrored BCPs should be constructed on each side of a common border, allowing for a better flow of traffic, the saving of resources and the minimisation of traffic 'bottle necks'. It is thus important that greater cognisance of the 'opposite' BCP and related support structure (roads, power, water, parking, public transport, etc.) is taken when (re)constructing a BCP on one side of a border.

Further, **it is recommended that, when more than one BCP is to be built within one country, attempts are made to standardise as much as possible** to save on capital and maintenance costs and to present a recognisable view of a country to those who are visiting, but with an emphasis on efficient traffic flows and not aesthetics.

Finally, the often problematic issue of intra-agency co-operation should not be overlooked, given the crucial role of a sound internal working environment for staff expected to act rapidly and reliably in day-to-day as well as emergency situations. **It is recommended to provide emphasised and dedicated assistance to enable top management to be actively concerned with developing effective internal communication to enable and encourage top-down, bottom-up and horizontal, inter-functional communication**.

Implementing this recommendation would also include the following elements:

- EU should support the establishment of national IBM co-ordination centres should take place, based at HQ level and inclusive of all border management agencies. Under-one-roof, risk analysis, information exchange, planning and cross border communication could take place.
- Development of a model for and establishment of neutrally managed national IBM co-ordination centres based on good practice currently being used.
- Neutral or rotating management should be used to ensure impartiality amongst all agencies. Central communication from agency to agency or country to country would remove the suspicion that often exists when operational staff of different agencies or countries are allowed to communicate directly.

5.2.3.6 Recommendation 11: Fight against organised crime

Further develop the response given to combating OC as a dedicated element of EU support to border management.	
This recommendation is linked to: **Conclusion 5** highlights that the EU support to the strengthening of border agencies' mandate and powers for OC has remained limited, which has hampered the overall effects of the support in the area of OC.	Main implementation responsibility: • DEVCO services, EEAS, EUDs.

In terms of the fight against organised crime, many border agencies (in particular customs and border guard services) are still not performing a full role and making use of their skills and knowledge. A particular issue is their field of operations, whereby many are still confined to work only at BCPs. This lack of flexibility and coverage is disadvantageous when trying to combat organised crime that does not respect borders or territories.

Many customs and border guard services are hampered by a lack of criminal powers that would allow them to fully and coherently pursue serious and organised crime. **It is thus recommended that EU assistance encourages the adoption, by national governments, of criminal powers for customs and border guard services**, allowing them to work more immediately following the detection of an offence (when crucial evidence can often be lost) and to bring all their skills, knowledge and expertise to bear in criminal cases (see EU Customs Blueprint). In particular, it is recommended that customs reforms and modernisation assistance encourage the widening of customs' areas of responsibility to include working inland (mobile), and at green and blue borders. Implementing this recommendation would include the following elements:

- Obtaining high level support for and promotion of customs services as equal law enforcement partners at national level. In tandem, government and ministry channels should be used to make clear and public this aspect.
- Clarification, expansion and active EU support (where appropriate) of the customs role in terms of combating OC, in line with the Investigation & Enforcement chapter of the EU Customs Blueprint (Criminal investigation powers, mobile working).

It is recommended that comprehensive capacity building measures be designed and delivered to

allow for the swift and effective implementation of criminal powers into what would be a new working environment. Accordingly, experienced staff from criminal police (or similar) organisations should be recruited or seconded to border guard and customs services to further embed the skills and knowledge needed to operate criminal powers.

Finally, **it is recommended that specialist border guard and/or customs capacities be developed and, when possible, special units established to respond on a permanent basis.** Examples include intelligence, mobile units, drugs teams, THB teams, stolen vehicle units, money trafficking units, etc. DG DEVCO should update the *Guidelines for IBM in EC External Co-operation* to include more advice and standard setting regarding anti-OC specialisms within border police and customs agencies. It is further recommended that, wherever possible and appropriate, these units and teams be of a joint nature and be used a means of bringing staff with similar interests together at intra-agency, inter-agency and international level, thus enhancing and further embedding the IBM objectives of co-operation.

5.2.3.7 Recommendation 12: Monitoring and evaluation of the EU support

Strengthen the monitoring and evaluation of the EU support to IBM and OC.	
This recommendation is linked to: **Conclusion 9** shows that active EUD engagement (in co-ordination, monitoring, policy dialogue, etc.) has proved to be a critical factor in the implementation of EU support.	Main implementation responsibility: • DEVCO services, EEAS, EUDs.

The evaluation has demonstrated that in many long-term and high cost interventions, project monitoring and evaluation has been inconsistent and at times weak. Regular and formal monitoring and evaluation has not been to an acceptable level of frequency and depth**. It is recommended that more proactive and on-going monitoring of IBM projects by EUD in particular takes place**, with the frequency and means being made clear as part of the project proposal and design stages, making use of a pre-defined set of key indicators (based on the Guidelines, Blueprints and the project objectives). This would particularly assist the monitoring role of EUD staff who often do not have in depth border management expertise. Implementing this recommendation would include the following elements:

- The review of all existing forms of monitoring and evaluation to arrive at a more comprehensive, inclusive yet streamlined system for proactive use at all stages of the project cycle.
- Raising of awareness of the necessity and benefits of pro-active monitoring amongst EUD, beneficiaries and implementing partners.
- Improved resourcing/increased time for the monitoring of projects by and/or on behalf of EUD.
- Formalised mid-term evaluations to cover a range of border management assistance interventions should also be undertaken with greater frequency than is at present (recommended five years maximum).
- This enhanced monitoring and evaluation requirement should be embedded fully within the whole project cycle and should involve EUD, implementing partners, external sources and the beneficiaries.

It is recommended to use active public consultation as an input to the formulation, review and amendment stages of policy, strategy and operational implementation. This would demonstrate genuine transparency and inclusivity as well as contribute to more realistic assessment of situations and needs of all relevant parties, and could be done via an active involvement of civil society through surveys, consultations, interviews, etc.