

ACCOUNTABILITY AND EFFECTIVENESS OF CSDP MISSIONS: THE ROLE OF CIVIL SOCIETY

THE CASES OF EULEX (KOSOVO) AND
EUPOL COPPS (PALESTINIAN TERRITORIES)

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Disclaimer

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Executive Summary

Background

The EU has repeatedly acknowledged the role of civil society organisations (CSOs) in its activities in the field of conflict prevention, including the Common (formerly European) Security and Defence Policy (CSDP). Various action plans and sets of recommendations which have been developed over the past decade have highlighted the importance of establishing mechanisms for engaging with CSOs and, although there is clear evidence that the EU has taken a number of important steps in this direction since the first EU mission was deployed in 2003, this research suggests that there is considerable room for improvement in terms of establishing meaningful co-operation at the Mission level.

The overall goal of this study is to contribute to increasing both the effectiveness and accountability of the EU's Common Security and Defence Policy (CSDP) missions by identifying concrete measures for enhancing co-operation with civil society organisations (CSOs). The study consists of an examination of the mechanisms for co-operation with CSOs which exist in two ongoing CSDP missions: the European Union Rule of Law Mission in Kosovo (EULEX) and the EU Coordination Office for Palestinian Police Support (EUPOL COPPS) in the Palestinian Territories; and a set of recommendations for their improvement.

The research for this study is based on an analysis of CSDP documents and interviews with EU officials, representatives of EPLO member organisations, mission staff members from EULEX and EUPOL COPPS and representatives of CSOs which are working in Kosovo and /or the Palestinian Territories.

Main Findings

EULEX

EULEX is the largest civilian CSDP mission ever launched with approximately 2800 staff members and an extensive mandate to monitor, mentor and advise the Kosovar authorities in the fields of policing, justice and customs. It also retains a number of executive powers, mainly to investigate and prosecute serious crimes, including war crimes, organised crime and corruption.

The fact that EULEX benefited from a relatively long preparatory period may go some way to explain a number of its novel elements for increasing its accountability and which could be replicated for future CSDP missions.

In terms of promoting participation, CSOs were involved in the process of planning EULEX, the Mission includes a Human Rights and Gender Office which is responsible for managing relations with CSOs, the EULEX Programme Office has produced a CSO directory and Mission staff members have informal/ad hoc meetings with representatives of CSOs. However, despite its positive start, it appears that EULEX's co-operation with CSOs has remained largely informal and unstructured. In this context, it is important that EULEX develops mechanisms to ensure systematic co-operation with CSOs.

Regarding evaluation, CSOs are invited to participate in Mission performance evaluations. Unfortunately, for a variety of reasons, very few CSOs have participated in evaluation processes. In this context, EULEX should explore mechanisms to redress this.

In terms of its responsiveness to complaints, EULEX has an internal investigations unit to investigate charges of misconduct against its staff members. It is also establishing an insurance system to compensate damages caused to third parties by Mission staff members in the performance of their duties and it has recently established the Human Rights Review Panel (HRRP) to investigate complaints of human rights violations. The establishment of the

HRRP has the potential to increase EULEX's responsiveness to complaints but only if it operates in a fully transparent manner.

Regarding transparency, EULEX has a Press and Public Information Office (PPIO), and a mission website which includes a function via which members of the public can put questions to the head of the mission. However, despite these innovations it appears that a perceived lack of transparency of the Mission remains a major concern for CSOs. This has the potential to undermine EULEX's credibility.

EUPOL COPPS

EUPOL COPPS is a relatively minor CSDP mission with approximately 80 staff members. The aim of the Mission is to contribute to the establishment of sustainable and effective policing arrangements in the Palestinian Territories and to advise the Palestinian Civil Police and other institutions on criminal justice and rule of law related aspects under Palestinian ownership.

Overall, it would appear that co-operation between EUPOL COPPS and CSOs which are working in the Palestinian Territories is even less established than that between EULEX and CSOs in Kosovo.

Regarding participation, EUPOL COPPS has undertaken a mapping exercise of CSOs. However, it appears that co-operation between the Mission and CSOs takes place on a largely ad hoc basis. This may be in part due to the fact that the Mission does not include an official civil society liaison officer.

Regarding evaluation, excluding its biannual progress and activity report to the Council of the EU, EUPOL COPPS does not engage in any other performance evaluation. CSOs do not, therefore, have an opportunity to participate in any evaluation process.

Regarding transparency, EUPOL COPPS has a Press and Public Information Officer (PPIO). However, it seems that there is very limited awareness of the Mission. EUPOL COPPS. As a first step, EUPOL COPPS should begin to address its visibility problem by investing in a mission website.

Acronyms

CPCC	Civilian Planning and Conduct Capability
CONOPS	Concept of operations
CSDP	Common Security and Defence Policy
CSO	Civil society organisation
DfID	United Kingdom Department for International Development
EPLO	European Peacebuilding Liaison Office
ESDP	European Security and Defence Policy
EU	European Union
EUBAM Rafah	European Union Border Assistance Mission in Rafah
EULEX	European Union Rule of Law Mission in Kosovo
EUPOL COPPS	European Union Police Coordinating Office for Palestinian Police Support
EUSR	European Union Special Representative
EUPT	European Union Planning Team
FIQ	<i>Forum për Iniciativa Qytetare</i> (Forum for Civic Initiatives)
HoM	Head of Mission
HRGO	Human Rights and Gender Office
HRRP	Human Rights Review Panel
HRE	Human rights expert
IIU	Internal Investigation Unit
IOF	Israeli occupation forces
KP	Kosovo Police
KWN	Kosovo Women's Network
MMA	Mentoring, monitoring and advising
NGO	Non-governmental organisation
OPLAN	Operation plan
PCP	Palestinian Civil Police
PCPDP	Palestinian Civil Police Development Plan
PSC	Political and Security Committee
PPIO	Press and Public Information Office
SOP	Standard operating procedure
SSR	Security sector reform
UNMIK	United Nations Interim Administration Mission in Kosovo
UNSCR	United Nations Security Council Resolution

Introduction

The EU has repeatedly acknowledged the role of civil society in its activities in the field of conflict prevention, including the Common (formerly European) Security and Defence Policy (CSDP). In its 2001 *Programme for the Prevention of Violent Conflicts*, the EU commits to making use of civil society as valuable source of information while in the 2004 *Action Plan for Civilian Aspects of the European Security and Defence Policy*, the European Council recommends regular exchanges of information with representatives from NGOs and civil society. Frameworks for co-operation with civil society are further developed in the 2006 *Recommendations for enhancing cooperation with NGOs and CSOs in the framework of EU Civilian Crisis Management and Conflict Prevention* which includes recommendations for the establishment of NGO/CSO liaison functions and measures for routine information exchange and feedback from local populations as a part of evaluation processes.

The importance of women's participation at all levels of peace building was established in *UNSCR 1325 on Women, Peace and Security*. The *Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP* seeks to ensure gender mainstreaming from the early planning stages to the implementation of Common Security and Defence Policy (CSDP) operations, and also provides a checklist for follow-up analysis for all phases of CSDP missions. The document recommends regular meetings to be held with local and international women's groups from civil society in the area of operation in order to identify issues of concern. Finally, tools for mainstreaming human rights in CSDP missions are presented in *Mainstreaming of Human Rights into ESDP*.

The overall goal of this study is to contribute to increasing both the effectiveness and accountability of the EU's Common Security and Defence Policy (CSDP) missions by identifying concrete measures for enhancing co-operation with civil society organisations (CSOs).

The study consists of an examination of the mechanisms for co-operation with CSOs which exist in two CSDP missions: European Union Rule of Law Mission in Kosovo (EULEX) and the European Union Police Coordinating Office for Palestinian Police Support (EUPOL COPPS) in the Palestinian Territories; and a series of recommendations for their improvement. It is not intended to provide an overview of the situation of civil society in Kosovo and the Palestinian Territories nor a detailed assessment of all aspects of EULEX and EUPOL COPPS. However, the findings indicate that broader research on these and other issues may be required.

Similarly, it is beyond the scope of this study to assess the accountability of the local institutions in Kosovo and the Palestinian Territories. Nonetheless, the study departs from the point of view that institution building includes building the accountability of those institutions to local populations (see below).

Methodology and Definitions

EULEX is the largest civilian mission ever launched under the CSDP, with over 2500 staff members and an extensive mandate for mentoring, monitoring and advising (MMA), as well as the ability to exercise certain executive powers; whereas EUPOL COPPS is a relatively minor mission with just 57 staff members and a mandate which is limited to advisory roles and coordination tasks. The huge difference in the size and mandates of the two missions is reflected in length of coverage which is devoted to them in this study.

The findings included in this study are based on the results of research which was conducted in August and September 2009. The first stage of the research was based on an analysis of CSDP documents and interviews with officials from the General Secretariat of the Council of the EU and representatives of EPLO member organisations. The second stage consisted of interviews with staff members from EULEX and EUPOL COPPS, and representatives of a small number of the numerous CSOs which are working in Kosovo and the Palestinian Territories. A number of organisations which are working on human rights, including women's rights, were interviewed as part of the research and this is reflected in the findings. While the views expressed by CSO interviewees may well be representative of wider public opinion, it is important to note that the findings which are presented in this study are based on a limited survey only.

There is no single definition of what constitutes "civil society". In this study, the term "civil society organisations" (CSOs) is mainly used to denote those local and international non-governmental organisations (NGOs) which are working in Kosovo and/or the Palestinian Territories.

Effectiveness

The effectiveness of CSDP missions should be judged on the extent to which they achieve their objectives. Civil society can contribute to increasing the effectiveness of CSDP missions in various ways, including by providing local analysis.

Public trust in institutions is crucial to the effectiveness of work in the field of rule of law. Civil society can often serve as a bridge between the justice system and the public, especially in countries with low levels of trust in national authorities. Co-operation with civil society can provide an important mechanism for the various institutions which collectively make up criminal justice systems to increase public trust and, therefore, to increase their effectiveness. Given that both EULEX and EUPOL COPPS have as their objectives to support local institutions, co-operation with civil society in Kosovo and the Palestinian Territories has the potential to increase the effectiveness of the two missions.

Accountability

Accountability is the process through which an organisation commits to respond to and balance the needs of stakeholders in its decision-making processes and activities, and delivers against this commitment. It involves the acknowledgement and assumption of responsibility for actions and being answerable for resulting consequences. In practical terms, accountability involves:

- Participation
- Evaluation
- Ability to respond to complaints
- Transparency about activities and decisions.

How can an organisation be held accountable?

In this study, accountability is broken down into four components; participation, evaluation, transparency and ability to respond to complaints.¹ These four components, which are based on the One World Trust Global Accountability Framework, can be defined as follows:

- Participation is the process through which an organisation enables stakeholders to play an active role in the decisions and activities which affect them.
- Evaluation is the process through which an organisation monitors and reviews its progress against goals and objectives.
- Ability to respond to complaints implies the existence of a policy on and mechanisms for addressing complaints levelled against the organisation
- Transparency implies the provision of accessible and timely information to stakeholders and the opening up of organisational processes for assessment.

CSOs can play a role in promoting the accountability of institutions by participating in decision-making and evaluation processes, by continuously monitoring their activities and by demanding high levels of transparency. In this context, co-operation with CSOs can serve to increase the accountability of a particular organisation and in turn to increase its effectiveness.

To whom are CSDP missions accountable?

CSDP missions are politically accountable through a direct chain of command to the Council of the EU's Political and Security Committee (PSC), and financially accountable through the EU's Financial Regulation. However, it is important to note that CSDP missions should also be accountable to citizens both in the EU and other contributing states, and in the states or territories in which they operate.

The link between the accountability of CSDP missions and local institutions

The EU's activities in the field of institution building should include promoting the accountability of those institutions to local populations. In this context, the EU should take a broad view of institution building which encompasses both training and mentoring officials within institutions but also includes mechanisms to ensure that they are accountable to the people whom they serve. This approach will help the EU to avoid the pitfall of supporting the development of institutions which are corrupt, undemocratic and unaccountable.

The accountability of CSDP missions is closely linked to their effectiveness. Given that the primary objective of CSDP missions such as EULEX and EUPOL COPPS should be to support the development of institutions which are accountable to local populations, their ability to achieve this objective would be severely hindered if they lacked credibility through themselves being unaccountable. By ensuring that their own accountability cannot be brought into question, CSDP missions can avoid accusations that they are applying double standards in their engagement with local institutions.

CSOs play a key role in monitoring state institutions. By enabling CSOs to play a role in ensuring the accountability of CSDP missions, the EU could contribute to strengthening the capacity of CSOs to hold local institutions accountable following the withdrawal of those missions.

¹ In January 2010, EULEX published a document on accountability in which it set out its concept of accountability including operational, internal and external components. These will be addressed in the next section.

EULEX

Overview

Kosovo has been under UN administration since June 1999 and it declared independence in February 2008. However, less than 70 of the 192 UN Member States have recognised Kosovo's independence. Significantly for EULEX, five EU Member States (Cyprus, Greece, Romania, Slovakia and Spain) are among the majority of UN Member States which do not recognise Kosovo's independence. The absence of universal recognition of Kosovo's independence has significant implications for rule of law issues in the country, not least in the North where parallel structures exist.

EULEX became operational in December 2008. It is a technical mission with a mandate to monitor, mentor and advise the Kosovar authorities in the fields of policing, justice and customs. It also retains a number of executive powers, mainly to investigate and prosecute serious crimes, including war crimes, organised crime and corruption. According to the EULEX mission statement:

'The ESDP mission will assist the Kosovo authorities, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability. It will further develop and strengthen an independent and multi-ethnic justice system and a multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhering to internationally recognised standards and European best practices.'

Kosovo had been under international administration for almost a decade by the time EULEX came into operation. A legal framework had been established, police and judicial reforms had begun and progress had already been made in some of the identified areas. Nonetheless, it is important to note that the legislative framework and justice systems in Kosovo are incredibly complex involving Yugoslav laws, UNMIK regulations, pre- and post-Ahtisaari regulations from the national assembly plus international courts, local official courts and Serbian courts.

Examples of good practice

Unlike a number of earlier CSDP missions such as the Aceh Monitoring Mission which were organised in a very short time period, EULEX benefited from a relatively long preparatory phase which included a pre-mission known as the "EU Planning Team" (EUPT).

In EULEX, the EU has been able to develop a number of new elements such as its so-called "Programmatic Approach", the Human Rights and Gender Office (HRGO) the Internal Investigations Unit and the recently established Human Rights Review Panel (HRRP) all of which could be replicated for future CSDP missions.

In January 2010, EULEX published a document entitled *EULEX Accountability* in which it recognised that accountability as an essential element for achieving the Mission's overall objectives. The document divides accountability into the following components: operational, internal and external. Regarding operational accountability, it highlights EULEX's Programmatic Approach – a mechanism to measure statistically EULEX's achievements by measuring the progress of the local rule of law institutions; and HRGO. Regarding internal accountability, it provides that "legal accountability" is ensured through the judicial mechanisms of the participating states and that "disciplinary accountability" is provided via the internal investigations unit, disciplinary boards and boards of enquiry. Regarding external accountability, the document sets out political accountability to the EU Member States, accountability vis-à-vis the political authorities in Kosovo, social accountability to the people of Kosovo, financial accountability and external human rights accountability.

Areas of concern

EULEX is the topic of lively debate among CSOs in Kosovo. At the heart of that debate are issues relating to the Mission's executive mandate and the liability of its staff members.

Mandate

This research indicates that EULEX's mandate, particularly the fact that it has certain executive powers, remains a cause for concern amongst CSOs. Given that Kosovo has only been recognised by 65 countries, some CSOs are highly sensitive to actions which might be perceived as challenging Kosovo's fledgling independence. On the other hand, other CSOs have expressed concern that EULEX is not making full use of its executive mandate in certain areas such as the fight against organised crime and corruption. The mandate question is also further complicated by the fact that it is shared between the Government of Kosovo, EULEX, ICO and UNMIK.

Debate about EULEX is also focused on the fact that the Mission is status neutral. Established under the framework of UNSCR 1244, EULEX – unlike the International Civilian Office, does not recognise the independence of Kosovo. This complicates the Mission's relations with the Government and people of Kosovo, as well as with other countries in the region.

Certain CSOs, including *Lëvizja Vetëvendosje* (Self-Determination) are fundamentally opposed to EULEX's presence in Kosovo in its current form. According to its publication on the accountability and responsibility of the ICO and EULEX, *Lëvizja Vetëvendosje* sets out that it 'opposes the presence of any international presence in Kosovo which has executive authority to govern.' In August 2009, *Lëvizja Vetëvendosje* organised a demonstration in Pristina in which approximately 30 EULEX vehicles were overturned or otherwise damaged. Although evidence from CSO interviewees indicates that the position of organisations such as *Lëvizja Vetëvendosje* is not shared by the public at large, it seems that many people who were originally optimistic about EULEX and who held high expectations for the Mission have become extremely disillusioned by it. On the basis of this research, it seems that EULEX faces a very delicate situation in which people expect to see concrete results in terms of improvements in the Kosovar rule of law institutions whilst at the same time being very sensitive to perceived infringements on Kosovo's national sovereignty.

Immunity of Mission staff members

The immunity of EULEX staff is another sensitive issue, not least due to an incident in February 2007 when UNMIK officers shot and killed two demonstrators during a protest in Pristina. There has been widespread criticism of the immunity from prosecution which staff members in international missions deployed in Kosovo enjoy. If not addressed, this could also impact negatively on EULEX's legitimacy. In addition, the variation between EU Member States in their approaches to disciplinary actions for their nationals also has the potential to undermine EULEX's credibility.

EULEX should follow examples of good practice from other international missions. As a minimum, EULEX should try to develop a set of common standards and encourage EU Member States to apply them in their approaches to disciplinary matters.

Participation

Existing mechanisms:

- **CSOs included in pre-mission planning**
- **Human Rights and Gender Office**
- **CSO Directory**
- **Informal/ad hoc meetings with CSOs**

Prior to the launch of EULEX, a pre-mission called the 'European Union Planning Team' (EUPT) was established in Kosovo to prepare for the coming mission. This research indicates

that during this early period there was a certain degree of confusion among the general public about the overall plans for the Mission, and particularly on the status issue. Evidence from interviews indicates that there was limited CSO involvement in the planning at this phase. However, when EULEX was officially invited by the Kosovar Prime Minister following the Kosovo Assembly's declaration of independence on 17 February 2008, CSOs became part of the planning process to a large extent. Numerous organisations were invited to conferences on lessons learned and for situation analysis and others wrote reports and recommendations which seem to have been taken into consideration. Evidence from interviews with CSOs indicates that a number of them actively engaged in these early activities in order to express their high expectations of the Mission and to share some of their negative experiences of and lessons learned from UNMIK.

Initially, the main part of EULEX's efforts targeting civil society focused on providing information about the Mission's mandate. Although evidence from interviews suggests that EULEX was very active in this area, doubts about the Mission's mandate seem to have remained and further discussions may be required (see above.)² The main source of uncertainty seems to relate to the conditions under which executive power can be used, and the de facto definition of monitoring, mentoring and advisory (MMA) activities. Misunderstandings over the precise nature of EULEX's mandate could impact negatively on public trust in the Mission. It is, therefore, of the utmost importance that EULEX both continues its discussions with CSOs on its mandate and provides easily accessible information about the legal basis for its actions and how they impact on the situation of rule of law in Kosovo. In this context, it is important to note that a partnership between EULEX and civil society on MMA was formally approved by the Joint Rule of Law Coordination Board in November 2009.

CSOs can provide a valuable link for EULEX to reach the grassroots level, particularly in remote or difficult regions. Several workshops on EULEX's mandate have already been held in co-operation with NGOs such as FIQ (Forum for Civic Initiatives). Co-operation with organisations working in so-called "hot spots" in northern Mitrovica such as the multiethnic Community Building Mitrovica could be an effective way for EULEX to reach the grassroots level and to build trust through communicating on the Mission's mandate.

EULEX does not include a dedicated civil society liaison officer but relations with CSOs are managed by both the Programme Office and the Human Rights and Gender Office (HRGO). The Programme Office has produced a CSO directory which can be accessed by all Mission staff members via the EULEX intranet. The directory is intended as a resource for Mission staff members to facilitate their relations with CSOs. In addition, EULEX team leaders are encouraged by the Programme Office to meet representatives of those organisations which are listed in the directory.

Although it is clear that information exchange meetings between EULEX and CSOs do take place, evidence from interviewees indicates that they have not yet been formalised. Instead, meetings seem to take place on an ad hoc basis depending on the officer in charge. There are plans to include a Kosovar women's organisation in regular joint briefings between the HRGO and mission managers. At an operational level, some meetings take place with CSOs, although their frequency appears to depend on individual officers' personal interests and engagement. Interviews with staff members at operational level indicate that, unlike team leaders, in some cases, working time is not specifically designated for meetings with CSOs and that they are not necessarily actively encouraged to meet with CSOs. Since co-operation with CSOs is not a recognised component of most Mission staff members' job descriptions, they may not always see the relevance of allocating time for such meetings. If civil society is to be included in CSDP missions as outlined in the *Recommendations for Enhancing Co-operation with NGOs and CSOs in the Framework of EU Civilian Crisis Management and*

² According to EPLO member organisation Saferworld's 2009 Tracker Survey, almost 54% of the 1200 people interviewed felt that there was insufficient information about EULEX's mandate and responsibilities. Only 22% felt that there was sufficient information and a similar proportion did not know.

Conflict Prevention, a portion of mission staff members' work time must be set aside specifically for it.

EULEX may also benefit from including their counterparts in regular meetings with CSOs. EULEX is planning to have monthly information meetings with the Kosovo Police (KP) and may be possible to invite relevant CSOs to attend. In this context, considering the low representation of women both in EULEX and Kosovar rule of law institutions, it would also be important to ensure that women's organisations such as the Kosova Women's Network (KWN) are well represented in those meetings.

At a policy level, EULEX considers the findings of relevant reports on rule of law in Kosovo and has regular meetings with several CSOs. Evidence from interviewees indicates that those organisations are largely satisfied with the meetings and feel that their recommendations and expertise are taken into account by the Mission.

Interviews with Mission staff members indicate that EULEX would like to see CSOs taking a more proactive role and that is a certain degree of frustration that CSOs do not always respond adequately to the Mission's initiatives. Interviews with CSOs, on the other hand, suggest that their limited engagement in EULEX-led initiatives may be due to the perception that "co-operation" is, to some extent, limited to information rather than genuine dialogue in which they are able to share their expertise and experience.

Another reason for CSOs' apparent reluctance to engage actively with EULEX may be due to uncertainties about the role of the HRGO. Several organisations have stated that they do not know when it is appropriate to approach the HRGO, and when it would be of interest for them to co-operate. They have also expressed doubts about whether the HRGO exerts any influence in EULEX and hence express doubt about the value of co-operating with it at all. The HRGO would benefit from finalising the ongoing drafting of a strategic plan with priority areas, and use this in their contact with CSOs. Furthermore, by highlighting the HRGO as the main civil society contact point, EULEX could benefit from sending out a clear message that human rights and gender issues are being taken into account in the work of the Mission. Increasing the influence of the HRGO for these specific issues within EULEX could be a crucial step in increasing the Mission's credibility among sceptical CSOs.

It is important that there is an official policy on co-operation with civil society so that all Mission staff members are aware of the need to undertake this type of activity rather than relying on an NGO liaison officer or the communications department.

Evaluation

Existing mechanisms:

- **Inclusion of CSOs in performance evaluation**

In addition to the monthly and six monthly reports to CPCC, EULEX also evaluates the progress of the Kosovo's rule of law institutions through the so-called "programmatic approach". The EULEX Programme Office, which is responsible for performance evaluation, circulates a monthly questionnaire for each component. The Programme Officer in charge filters the answers, and the result becomes the Programme Report. It includes analysis of the strengths and weaknesses of Kosovo's rule of law institutions, and provides recommendations for future objectives for both those institutions and for EULEX. The first Programme Report was published in July 2009. It is publicly available via the EULEX website and has been translated into Albanian and Serbian.

For the first programme report, although more than 20 CSOs working on rule of law issues were invited to fill in the questionnaires, very few responded. Based on interviews with Mission staff members, one possible explanation for the lack of CSO responses may have been the number and complexity of the questions included. Evidence from CSO interviewees, on the

other hand, suggests that there was also a high degree of scepticism among CSOs on how the results of the questionnaires would be used and the extent to which their input would be taken into account.

Another reason for the limited CSO response to the first performance evaluation questionnaire may also be related to the accessibility of EULEX documents. EULEX operations for each field of work are based on three kinds of documents: joint decisions, concepts of operations (CONOPS) and operation plans (OPLANS). While joint decisions are publicly accessible through the EULEX website, the CONOPS and OPLANS are restricted. Since EULEX's detailed planning is set out in CONOPS and OPLANS, the fact that they are not public inevitably limits the Mission's transparency. Although there may be good reason (i.e. security concerns) for certain EULEX documents to be confidential, this inevitably limits the ability of CSOs to take part in evaluations of EULEX's work.

Since the publication of the Programme Report, approximately 70 CSOs have been invited to provide their comments. The recommendations included in the report will be translated into an action plan for the coming six-month period. Despite the initial difficulties, the process of involving CSOs in the evaluation of the Mission's work and inviting them to comment on the Programme Report and to contribute to the identification of future activities and performance indicators has the potential to broaden participation and thus to increase EULEX's accountability.

Box 1: Structured consultation

EULEX has demonstrated considerable efforts in terms of trying to engage with CSOs. There are various mechanisms through which it can increase the effectiveness of CSO consultations, including:

- Facilitate CSOs to identify other organisations to participate in meetings
- Support for coordination bodies
- Set out clear expectations for CSO contributions
- Timely announcement of meetings
- Timely circulation of consultation documents
- Allow for oral and written contributions
- Set out clear follow-up procedures, including providing justification in cases where it is unable to address particular points which are raised during meetings

Responsiveness to complaints

Existing mechanisms:

- **Internal Investigation Unit**
- **System for disciplinary measure**

As stated above, the issues of liability and the immunity of Mission staff members are the main cause for complaint among CSOs which are working in Kosovo. EULEX has been repeatedly accused of applying double standards in the sense that it is seen to be insisting on respect for the rule of law by the Kosovar institutions and people whilst at the same time ignoring the rule of law in its own activities. Despite these accusations, it is important to note that EULEX has a complex system of liability measures, which are taken in accordance to the art and grade of violation:

In case of misconduct, a complaint can be filed and will be investigated by the Internal Investigation Unit (IIU). A panel rules if the complaint is a case of misconduct and provides recommendations to the Head of Mission (HoM), who decides on follow-up measures to be taken. These measures consist of either changes in standard operation procedures (SOPs) or disciplinary measures against the Mission staff member. Examples of disciplinary measures include transfers or suspension from certain duties such as driving. In cases of serious

misconduct, the possibilities of disciplinary measures depend on whether the Mission staff member is seconded or contracted. For contracted staff members, the HoM can decide to terminate their contract. In the case of staff who are seconded to the Mission by one of the contributing states, the HoM's capacity to act is limited to sending recommendations to the sending state which can then decide to withdraw their staff member.

The handling of criminal offences follows that of misconduct. The IIU investigates and the disciplinary panel gives recommendations to the HoM who takes a final decision. The most common measure is to refer the case to national courts in the state in which the staff member is employed.

EULEX staff members have functional immunity, which means that they are immune from prosecution for charges of crimes committed on duty or of relevance for the performance of their duty.

In practice, functional immunity means that EULEX staff members are immune from prosecution for minor offences such as speeding and other motoring offences while performing their duties but not when they are off duty. The KP is obliged to report traffic offences to the HoM and the latter decides if functional immunity applies. In cases where the HoM decides that immunity does not apply, the staff member is obliged to pay the regular fine applicable in Kosovo. However, evidence from interviews indicates that the KP does not regularly report driving offences committed by Mission staff members to the HoM. Although they are not in themselves a major issue, evidence from CSO interviewees suggests that the growing perception that Mission staff members are using their immunity to avoid prosecution for motoring offences has the potential to pose a significant threat to public trust in EULEX. In order to increase accountability and public trust, EULEX could benefit from using its MMA mandate to encourage the KP to report traffic staff members' motoring offences to the HoM.

EULEX is establishing an insurance system to compensate damages on third party caused by EULEX staff members in the performance of their duties. The compensation will be in the form of *ex gratia payment*, i.e. compensation without admitting guilt.

When EULEX was launched in December 2008, no mechanisms existed for holding Mission staff members accountable for human rights violations. However, in November 2009, the EU decided to establish a 'Human Rights Review Panel' (HRRP) to 'review complaints from any person claiming to be the victim of human rights violations by EULEX Kosovo in the conduct of its executive mandate.' The members of the HRRP were appointed on 4 May 2010 and it is due to start work in early June. Since the EULEX HRRP is not yet fully operational, it is not possible to foresee precisely how it will function. However, it is clear that it will not serve as a judicial or disciplinary body. According to the HRRP mandate, '[t]he mechanism will solely determine whether a violation of human rights occurred or not and formulate recommendations for remedial action.' Evidence from CSO interviewees indicates that the establishment of the HRRP was undertaken without adequate consultation of its intended beneficiaries.

The establishment of the HRRP could make a major contribution to meeting the demands of the Kosovar people on justice and accountability. However, EULEX needs to ensure that adequate measures are taken to prevent further similar human rights violations and that the measures taken are transparently communicated back to both concerned parties and the general public. A human rights panel which encourages the population to report human rights violations but which does not operate in a highly transparent manner might actually undermine rather than strengthen public trust in EULEX.

This logic could also be applied to the issue of criminal offences and misconduct. EULEX has no obligation or policy to inform the general public about internal disciplinary measures but it does inform victims and/or their families on court rulings in the defendant's home country. Interviews with EULEX staff members indicate that this policy is based on the idea that

information about internal disciplinary measures could damage public trust in EULEX and thereby jeopardise its legitimacy and effectiveness. Evidence from CSO interviewees suggests that people in Kosovo are aware of cases of misconduct and crimes involving EULEX staff members but they believe that no disciplinary or legal measures are taken against them. This reinforces the perception that EULEX applies double standards and is used to both discredit the Mission and to question its very existence. EULEX could, therefore, benefit from changing its policy, clearly communicating its liability mechanisms and being as transparent as possible in cases of misconduct, crimes, investigations, decisions on disciplinary measures and court rulings. This could be done either on individual cases with proper protection of individuals, or by regular (e.g. quarterly) publications of statistics on cases.

Transparency

Mechanisms in place:

- **Disclosure policy**
- **Website**
- **Communication strategy**
- **Press and Public Information Office**

EULEX's transparency and accountability to the Kosovar political authorities is assured through regular contact with the Joint Rule of Law Coordination Board.

EULEX has a Press and Public Information Office (PPIO), with a spokesperson available 24 hours a day, 365 days a year. The information policy is based on a pro-active approach with aims to respond to enquiries on the Mission, its objective and its work. The PPIO responds to enquiries from media as well as from the general public. There are spokespeople specialised in each of the three component parts of EULEX (the police, judiciary and customs), with presentation of all three of them on the EULEX webpage and easily accessible contact information for all of them.

In addition to the presentation of each CSDP mission on the Council of the EU website, EULEX also has its own extensive website. The EULEX website is available in English, Albanian and Serbian and is updated regularly. It is used to present EULEX, to publish key documents such as the joint decision and performance evaluations, contact information, and news on the work of EULEX and the Kosovar rule of law institutions, and appears to be a useful source of information for the general public. Furthermore, the website also enables members of the public to send enquiries to the Mission via the "Ask Yves" function.

Even though the PPIO and webpage seem to function well, evidence from CSO interviewees indicates that concerns remain about the lack of transparency regarding several key issues.

As stated above, based on this research, it would appear that there is still considerable confusion about the precise nature of EULEX's mandate and considerable interest in the Mission's executive powers. Transparency around the Mission's executive powers should be as far-reaching as possible without jeopardising its work. Examples of information requested from CSOs include the number of cases transferred from UNMIK to EULEX, the number of cases currently under investigation, the numbers of court judgements and the numbers and details of prosecutions. EULEX should also continue to provide information about its executive powers, including their scope and the circumstances in which they can be used. This has clear implications for EULEX's accountability. The people of Kosovo need clear, transparent information on when and why the EULEX executive mandate is implemented in order to hold the correct institution accountable.

Based on this research, it appears that many CSOs view EULEX as a necessary mechanism in the transition from the 2008 declaration of independence to international recognition. In this context, CSOs expect information on issues such as objectives to be met and impact on the

Kosovar institutions, as well as on EULEX exit indicators, measures to be taken, the timeframe for EULEX's withdrawal and regular updates on the withdrawal process.

Finally, EULEX's capacity to support the development of transparent and accountable rule of law institutions in Kosovo will be significantly affected by its own transparency. Evidence from CSO interviewees highlights serious concerns that a lack of transparency in EULEX enables the Government of Kosovo to use the Mission as a shield to deflect criticism from itself. In this regard, there are concerns that unless EULEX is able to overcome these issues then it will be faced with the same credibility deficit which blighted the work of UNMIK.

Attention to gender issues

Mechanisms in place:

- **Human Rights and Gender Office**
- **Human rights and gender included in induction training**

Gender issues are not included as a separate component in the accountability framework upon which the analysis in this study is based. This section focuses on EULEX's attention to gender issues as EPLO believes that the equal participation of men and women is central to ensuring genuine accountability of CSDP missions.

The main responsibility of the HRGO, which is based in the HoM's private office, is to ensure the mainstreaming of human rights and gender both internally and externally. At present, there is no strategic plan or defined priority areas for the HRGO. However, a draft plan is currently being prepared. In theory, the HRGO should have a preventive, advisory and coordinating function and should do sensitising through training.

Externally, the HRGO co-operates with the Agency for Gender Equality in the office of the Prime Minister and with various local women's organisations. Interviews with Mission staff members suggest that the HRGO would like to see women's organisations taking a more proactive role towards the Mission. Evidence from some of the women's organisations interviewed suggests that the lack of participation might be due in part to a lack of knowledge about the role of the HRGO or doubts about its influence within the Mission. If this is the case, this problem may be at least partly resolved when the strategic plan is adopted and communicated to CSOs. (NB/ Ideally, the development of plans of this type should involve consultation of CSOs.)

Interviews with EULEX staff members indicate that there is a lack of knowledge of gender and mechanisms for gender mainstreaming. This could be overcome by the HRGO taking a more active role in advising and scrutinising the work of the mission departments. However, if this is to be effective, EULEX also needs to make sure that the HRGO is sufficiently empowered.

New EULEX staff members undertake a three-day induction course upon their arrival, followed by in-service training for their specific field. During the induction training, three lectures are given by representatives of Kosovar CSOs on the cultural context focusing on the Albanian community, the Serb community and the youth). Of the three lectures on Kosovo's cultural context, none deals specifically with the situation of women. However, the HRGO does give a lecture on human rights, gender, and a general introduction to the HRGO. Regarding in-service training, an assessment conducted by the HRGO suggests that gender issues are not targeted at all. It could be of benefit for EULEX to include methods for gender mainstreaming in specific work areas during the in-service training, as well as a presentation of relevant NGOs and experiences from co-operating with them.

The Programme Report includes gender-aggregated data and a section for multi-ethnicity/human rights/gender issues. Based on this research, however, it seems that, overall, gender has not been considered to any larger extent in EULEX's policy or operational work. According to evidence from representatives of a number of major women's organisations, they

had been contacted by the HRGO but that they were only very rarely approached by any other unit within EULEX. In order for EULEX to fulfil its obligations to mainstream gender in all areas of its work, it is important that it takes into account the expertise of women's organisations in evaluations, policy work etc.

In addition, evidence from interviews with mission staff members indicates that no gender-based situation analysis been made within the various Mission departments. This may be due to a lack of expertise on gender, particularly gender mainstreaming, or possibly a lack of awareness that gender equality should to be addressed at all Mission levels. Another reason could be that what gender expertise exists in the Mission is concentrated at the policy level, thus resulting in a gap between policy and operational levels. One potential solution could be the deployment of gender advisors at field level in the different components as well as in the senior management team.

A lack of understanding of gender issues and of the situation of women in Kosovo, as well as shortage gender mainstreaming skills among policy officers and operational personnel could impact negatively on the effectiveness of the Mission.

EUPOL COPPS

Overview

The EU Police Coordinating Office for Palestinian Police Support (EUPOL COPPS) emanates from a small team, known as EU COPPS, which began in January 2005 within the office of the EU Special Representative for the Middle East Peace Process. EUPOL COPPS became the official CSDP civilian mission for Palestinian police reform and criminal justice on January 1, 2006, with the objective of contributing to the establishment of a sustainable and effective police force and of providing direction and training in criminal investigation. The mandate of the Mission is limited to mentoring and advising, and their complementary role is to coordinate and facilitate financial assistance to the Palestinian Civil Police (PCP) from EU Member States and other international donors. The Mission has focused on equipping and training the PCP.

EUPOL COPPS is not the only CSDP civilian mission in the Palestinian territories. In the aftermath of the Israeli disengagement from the Gaza Strip in August-September 2005, the EU decided to send a monitoring mission to the Rafah border crossing on the Palestinian side of the Gaza-Egypt border. Due to its rapid deployment in December 2005, this civilian mission was immediately hailed a success. The European Council had also agreed in the same month of November 2005 to launch EUPOL COPPS in early January 2006. EUPOL COPPS did have an operational office in Gaza City and had helped send vehicles and anti-riot material (shields, and helmets) to the Palestinian Authority police in situ. Both CSDP missions would have to make immediate readjustments when the Islamic Resistance Movement (Hamas) won the Palestinian Legislative Council elections at the end of January 2006.

When EUPOL COPPS opened its headquarters in Ramallah, West Bank, the mission did not include a Rule of Law branch and the Palestinian prisons and courts were in disarray as a consequence of the second *Intifada* (popular uprising) which began in 2000. The PCP lacked basic equipment for policing, such as vehicles, radios, shields, helmets or uniforms. Moreover, it did not have an agreed-upon legal framework, such as a police law to regulate its work. The Palestinian Ministry of Interior had been working on a White Paper for the structure and role of each element in the security system, but it was the Palestinian Civil Police Development Plan (PCPDP) that really institutionalized the reform of a professional police force to provide law and order. EUPOL COPPS was instrumental in providing necessary equipment and training to render the Palestinian police more effective.

Just as the other CSDP mission in the Palestinian territories, EUBAM Rafah, found access to the crossing increasingly hard, thus rendering monitoring and the number of Palestinians passing through more and more sporadic, so EUPOL COPPS found its activities in Gaza curtailed and reduced to delivering pens and paper to the Jericho Training Centre. EUBAM Rafah would officially suspend all monitoring activity at the Rafah crossing when Hamas took over Gaza violently in June 2007 and ever since has been parked at the Dan Gardens beach resort in Ashkelon, Israel.

With Gaza off-limits, EUPOL COPPS focused on Jericho and began to see the usefulness of establishing a more over-arching Rule of Law section to bridge the gap between detention and prosecution. This bridge between civil police capacity and the judicial system was essential to advancing a more comprehensive security sector reform (SSR) strategy. The “Berlin Conference” in June 2008 made European support to the expansion of the EUPOL COPPS mission official. In October 2008, the Rule of Law section of EUPOL COPPS was inaugurated and compared to other CSDP missions with strong Rule of Law elements in the Balkans.

EUPOL COPPS consists of an Adviser Section to provide assistance to the functioning of the PCP and now a Rule of Law Section which addresses the development of a civil police law and criminal justice, including the prison sector, court and prosecutors, domestic violence and honour crimes. Due to the much smaller size and the lack of either an executive or monitoring mandate, EUPOL COPPS’ influence over Palestinian rule of law institutions is considerably

less than that of EULEX Kosovo – also the largest CSDP mission. In this context, it is potentially more difficult and less relevant for CSOs in the Palestinian Territories to hold EUPOL COPPS accountable than it is for their counterparts in Kosovo. However, given EUPOL COPPS' mandate and its subsequent limited ability to influence Palestinian institutions, there is an even greater need for CSOs to play a role in supporting its objectives.

Lacking official state sovereignty and subjected to Israeli military occupation, Palestinian civil society ironically has been the most developed and active in the Arab world. Long-standing grassroots activism and experience from the first *Intifada* resulted in a tradition of civil protest and political criticism. Following the 1993 Oslo Accord, CSOs and human rights groups began to monitor the activities of both the nascent Palestinian National Authority (PA) and the Israeli Occupation Forces (IOF). However, after the second *Intifada* waned and Hamas' electoral victory, which the international community endorsed then condemned, CSOs developed into service providers and transformed from grassroots movements to professional organisations. This resulted in a division of competences between the PA and NGOs. As the rift between Hamas and Fatah deepened between the West Bank and Gaza, CSOs and Palestinian society in general criticised both PA governments for their respective human rights abuses towards their factional enemies.

Participation

Existing mechanisms:

- **Mapping of relevant CSOs**
- **Human rights Expert**
- **Informal/ad hoc meetings with CSOs**

EUPOL COPPS originates from a police development project funded by the UK Department for International Development (DfID). The fact that the EU took over an existing project may explain why none of the Mission staff members who were interviewed were aware of any pre-mission study. However, prior to the extension of the Mission to include a rule of law section in early 2008, an extensive assessment report was undertaken and a number of NGOs were included as stakeholders. The assessment report also included a mapping of relevant civil society actors. It identified two Palestinian NGOs whose work was relevant to EUPOL COPPS' work on rule of law, and four additional NGOs working on legal aid.

EUPOL COPPS does not include an official civil society liaison officer but one staff member is informally appointed for such tasks. The staff member who is responsible for liaising with civil society has contact information for the CSOs which were identified in the above-mentioned mapping. The unofficial civil society focal point is connected to the EUPOL COPPS' Rule of Law Section, which is where the majority of meetings with CSOs seem to take place. On the other hand, within the Adviser Section, there seems to be only very limited contact with civil society. Interviews with Mission staff members suggest that this was due to a lack of relevant civil society partners. It was also explained on the grounds that while the PCP continues to lack even the physical or legal preconditions for operating, it would be too early in the process to consider co-operation with civil society. Based on this research, it is not possible to judge whether or not there are CSOs in the Palestinian Territories whose work includes a specific focus on police reform. However, evidence from CSO interviewees, indicates that there are several organisations whose work could be relevant to the Mission, including women's shelters, victims associations, associations for former prisoners, and organisations fighting against honour crimes. In addition, given the low number of women in the PCP, the involvement of women's organisations could also be used to counterbalance the gender imbalance until more women have been recruited. EUPOL COPPS did originally include a women's training programme which was promptly discontinued after Hamas was elected and the mission down-sized.

Based on this research, it appears that co-operation between EUPOL COPPS and civil society currently takes place on a largely ad hoc basis. The fact that it is not formalised implies that

this co-operation depends to a certain extent on the personal engagement of individual staff members. This could have a negative impact on the long-term sustainability of the Mission's co-operation with CSOs.

Given its mandate, EUPOL COPPS should focus on engaging civil society actors in their advisory work with the PCP and to use their advisory mandate to encourage further co-operation between the PCP and CSOs. This could be achieved by including relevant CSOs in police training, legal reforms and advising on organisational change. This has already been done in the construction of the family Protection Unit at PCP and it may be beneficial to continue to expand similar forms of co-operation.

Fact sheets on EUPOL COPPS identify domestic violence and honour crimes as specific areas of interest for the Mission. Although the analysis in the fact sheets constitutes a good first step, there is evidence to suggest that the Mission is unable to engage effectively on these issues. Combined with EUPOL COPPS' limited mandate of mentoring, advising and technical assistance, the question of cultural sensitivity poses a serious obstacle to Mission staff members' ability to influence issues such as organisational change, democratic policing and human rights. The view that Mission staff members' influence was, to a large extent, limited to highlighting problem areas was repeated in several interviews. The inclusion of CSOs specialised in gender-based violence could facilitate and contribute to a more diversified and constructive discussion on sensitive issues such as domestic violence and honour crimes.

EUPOL COPPS includes a Human Rights Expert (HRE). Although the HRE is deployed in the Rule of Law Section, they work on both police and rule of law matters. Among other things, the HRE advises on human rights mainstreaming during all training of the PCP. Based on this research, it seems that there may be weaknesses in the Mission in terms of staff members' awareness of methods for mainstreaming human rights and gender issues in their work. In order to address this perceived shortcoming, it may be beneficial for the HRE to be facilitated to work in close collaboration with every unit of the Mission. Considering the local context, the HRE may also benefit from working closely with local CSOs on the challenges of human rights policing, especially in connection with culturally sensitive issues such as domestic violence and honour crimes.

The HRE could also benefit from co-operating with human rights organisations in order to undertake a situation analysis. This would enable EUPOL COPPS to gain a more comprehensive view of the human rights situation in the Palestinian Territories, and to identify the human rights abuses which are most relevant in the local context.

Evaluations and Complaints

EUPOL COPPS reports on its activities and progress to the Civilian Planning and Conduct Capability (CPCC) within the Council of the EU biannually. Interviews with Mission staff members indicate a lack of consultation of CSOs, although one CSO report was annexed in 2008. Unlike EULEX, EUPOL COPPS does not undertake any other performance evaluation. The fact that the six month report is confidential along with the lack of other public evaluation reports makes it hard for CSOs to scrutinise EUPOL COPPS or the development of the Palestinian rule of law institutions

EUPOL COPPS is currently writing a so-called "business plan" to define its priority areas of work. Interviews with Mission staff members indicate that CSOs have not been consulted in the drafting process. Moreover, there are no plans to consult CSOs for feedback on the business plan once it has been drafted. The lack of involvement of CSOs in the drafting process has been justified on the grounds that there is not sufficient time for such exercises.

Transparency

Existing mechanisms:

- **Press and Public Information Officer**
- **Communication strategy**

EUPOL COPPS has a Press and Public Information Officer (PPIO) who is responsible for contacts with media and public. The PPIO's duties are set in accordance with their established communication plan. The PPIO either responds to requests directly or refers them to a relevant Mission staff member.

Interviews with EUPOL COPPS staff members show that there is a clear awareness of the need for the Mission to be transparent. In their view, those CSOs which are engaged in co-operation with the Mission are able to access the information which they request. However, based on this research there seems to be limited awareness of the Mission. Many CSOs seem to have limited knowledge of EUPOL COPPS and of those that do know about its existence, few seem to have an understanding of its work. In this context, one of the major problems for EUPOL COPPS appears to be a lack of visibility rather than of transparency. Unlike EULEX, EUPOL COPPS does not have its own website. A page of the Council of the EU website which is dedicated to the EUPOL COPPS includes information about the Mission's legal basis as well as fact sheets and newsletters. However, it does not include general contact information making it hard for CSOs to contact Mission staff members with enquiries and thereby reducing the Mission's transparency for the seemingly few organisations who are aware of its presence.

EUPOL COPPS could begin to address its visibility problem by publishing presentations of and contact information for the PPIO and other relevant staff members on its webpage. It could also look into the possibility of replicating EULEX's "Ask Yves" function in order to enable members of the public to direct their questions or complaints in order to increase accountability. As it stands now, EUPOL COPPS is accountable officially to all Palestinians and should therefore address the disparity of attention given in favour of the West Bank over Gaza, not to mention the complete absence of any Palestinian civil police in Jerusalem.

Recommendations

Overall Recommendations on co-operation between CSDP missions and CSOs

The following recommendations are focused on the topics covered in this study (i.e. co-operation between CSDP missions and CSOs during deployment.) EPLO has other recommendations on the broader theme of the overall involvement of CSOs in CSDP missions, including planning, training, evaluation etc.

Recommendation 1: The EU should raise awareness among all CSDP mission staff on the importance of co-operation with CSOs as an opportunity for increasing the effectiveness and accountability of CSDP missions.

Recommendation 2: The EU should actively encourage CSDP mission staff members to facilitate CSOs to hold CSDP missions to account as part of their overall exit strategy.

Recommendation 3: The EU should produce a thematic study on lessons learned and examples of best practices on co-operation between CSDP missions and CSOs.

Specific Recommendations to EULEX

Recommendation 1: Establish consistent and systematic co-operation with CSOs

- Develop and implement a policy for Mission personnel co-operation with CSOs in order to complement the existing policy on transparency and accountability
- Organise quarterly meetings between mission staff members at all levels and from all components, and representatives of CSOs, including women's organisations and CSOs representing minority communities, in order to receive information about the situation in all regions of Kosovo, to disseminate information about EULEX's activities and to plan joint EULEX-CSO activities.
- Ensure that CSOs are involved in planning the structure and content of meetings and in deciding joint objectives.
- Ensure that all meetings have a clear focus on specific themes and that they are carefully structured.
(Example: Meetings could be used as an opportunity to examine possibilities for involving CSOs in joint situation analysis, scenario planning and regulatory impact assessments.)
- Ensure that time is allocated for mission staff members at all levels to participate in meetings with CSOs and to engage in follow up activities.

Recommendation 2: Explore mechanisms for increasing the participation of CSOs in performance evaluations

- Analyse the reasons behind the low levels of CSO participation in mission performance evaluations.
- Explore methods of simplifying the questionnaires which are used to gather input from CSOs.
(Example: Hold face-to-face interviews with a sample of CSOs from different regions and representing different communities or organise a broader workshop on the content of questionnaires)
- Organise a consultation meeting on action fiches with CSOs involving a neutral external moderator.
- Provide clear information about EULEX's choice of performance indicators.
(Example: Publish a fact sheet on the EULEX website on performance indicators.)

Recommendation 3: Increase the transparency of internal liability mechanisms and disciplinary measures

- Disseminate information about EULEX's internal liability mechanisms.

(Example: Publish a fact sheet on the EULEX website on internal liability mechanisms and organise a presentation to all relevant actors, including CSOs, legal aid institutions etc., followed by an open discussion.)

- Disseminate information about disciplinary measures which have been taken against mission staff members without revealing details of specific cases.
(Example: Publish monthly or quarterly statistical reports on the EULEX website of disciplinary measures which have been taken against mission staff members without naming the individuals concerned.)
- Disseminate information about criminal offences committed by mission staff members in Kosovo which have been heard by courts in EU Member States or other countries without naming the individuals concerned.
(Example: Following the completion of legal proceedings in cases involving mission staff members in EU Member States or other countries, publish details and summaries of judgements on the EULEX website without naming the individuals concerned.)
- Ensure that the planned human rights panel is as transparent as possible, including through the adoption of a clear access to information policy.
(Example: Publish monthly or quarterly statistical reports on the EULEX website of complaints received, investigations launched and decisions made (including details).)
- Ensure that civil society is given a clear role in overseeing the work of the planned human rights panel.
(Example 1: Establish a committee including representatives of local CSOs to review the work of the planned human rights panel)
(Example 2: Publish an annual report on the work of the human rights panel and organise a presentation to CSOs followed by an open discussion.)
- Develop a set of common standards and encourage EU Member States to apply them in their approaches to disciplinary matters

Recommendation 4: Increase transparency in the areas in which EULEX has an executive mandate

- Use the quarterly meetings with CSOs to disseminate information about how the executive is being used and to receive feedback on EULEX's activities, paying special attention to those activities which may be construed as impinging on Kosovo's national sovereignty.
- Publish monthly or quarterly statistical reports on the EULEX website on activities undertaken in the areas in which EULEX has an executive mandate.
(Example: Reports should include the numbers of ongoing police and customs investigations and court cases, numbers of court judgements and numbers and details of successful prosecutions.)

Recommendation 5: Restructure and strengthen the work of the Human Rights and Gender Office

- Finalise the long-term strategy and priorities of the Human Rights and Gender Office (HRGO) and communicate to CSOs.
- Involve the HRGO in all project development from an early stage.
(Example: Enable the HRGO to review all EULEX documents to ensure that they are human rights and gender sensitive.)
(Example: Publish all strategy documents on the EULEX website and organise a presentation to CSOs followed by an open discussion.)
- Ensure that there is gender expertise at the operational level in all components.
(Example: Appoint gender experts in each component or facilitate the gender expert in the HRGO to co-operate fully with operational level mission staff members in all components.)
- Provide assistance to mission staff members in all components on gender mainstreaming and the implementation of UNSCR 1325.
- Invite representatives of women's organisations and other gender experts to contribute to the induction of new mission staff members and in-service training in order to ensure

that all training sessions include a clear gender perspective and concrete measures on gender mainstreaming and the implementation of UNSCR 1325.

Specific Recommendations to EUPOL COPPS

Recommendation 1: Establish a civil society liaison office within the Mission

- Appoint a civil society liaison officer or formalise the current ad hoc civil society liaison function.
(Example: Expand the role of the Human Rights Expert and ensure that liaison with civil society is clearly specified in the job description)

Recommendation 2: Develop a database of relevant CSOs

- Continue mapping of CSOs to identify those organisations which are working in areas of common concern such as legal aid organisations, human rights organisations with knowledge of human rights sensitive policing, women's shelters, court monitoring organisations, prison monitoring organisations, victim associations, organisations specialised in domestic violence and honour-related crime etc.

Recommendation 3: Formalise co-operation with CSOs

- Organise a presentation to those CSOs which have been identified via the mapping on the EUPOL COPPS' mandate and its relation with the reform of Palestinian rule of law institutions and identifying ways in which CSOs can support its objectives.
- Organise quarterly meetings between mission staff members at all levels and from both section, and representatives of CSOs in order to receive information about the situation in the Palestinian Territories and to disseminate information about EUPOL COPPS' activities.
- Include civil society in performance evaluations through questionnaires about the effectiveness of the Palestinian civil police and court system.
- Invite CSOs to participate in a consultation meeting on the draft EUPOL COPPS business plan in order to provide feedback from the Palestinian people.

Recommendation 4: Increase and formalise the inclusion of civil society actors as trainers

- Increase and formalise the involvement of civil society actors in the training of the Palestinian Civil Police.
- Invite representatives of CSOs, including women's organisations, to contribute to the induction of new mission staff members and in-service training in order to ensure that they receive training on the cultural context, gender issues, human rights and working with civil society.
- Reinstate the Palestinian women's training courses to join the civil police force.

Recommendation 5: Increase transparency through increasing visibility

- Include a presentation and contact information for the Press and Public Information Officer and other relevant mission staff members on the EUPOL COPPS page of the Council of the EU website or on a specific EUPOL COPPS website.
- Publish relevant documents such as assessment reports and performance evaluations on the EUPOL COPPS page of the Council of the EU website or on a specific EUPOL COPPS website.

Recommendation 6: Establish an EU Special Representative to the Palestinian Territories

- Appoint an impartial international figure as EU Special Representative to Palestine. This would provide greater security coordination between Israel and the Palestinians in police reform and border management. This would also provide greater visibility to the EU's conflict management efforts in the Palestinian Territories, via press conferences

and press releases, which could raise awareness with international and local CSOs of what both CSDP missions are trying to do.

- A new EU SR could coordinate synergies between both CSDP missions to provide more comprehensive security sector reform in the Palestinian Territories. EUPOL COPPS for example has the potential to provide vehicles to EUBAM Rafah. The Rule of Law section could also act as an umbrella mechanism to oversee the proper process of detention and prosecution of criminals by the Palestinian civil police and judicial system in the most professional and transparent manner.

Bibliography

Council of the European Union, (2004), Action Plan for Civilian Aspects of European Security and Defence Policy (ESDP)

Blagescu, M., de las Casas, L. and Lloyd, R., (2005), Pathways to Accountability: The GAP Framework, (London: One World Trust)

Council of the European Union, (2001), EU Programme for the Prevention of Violent Conflicts

Council of the European Union, (2005), Generic Standards of Behaviour for ESDP Operations

Council of the European Union, (2006), Mainstreaming of Human Rights into ESDP

Council of the European Union, (2006), Recommendations for Enhancing Cooperation with Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) in the Framework of EU Civilian Crisis Management and Conflict Prevention

Council of the European Union, (2006), Transitional Justice and ESDP

Council of the European Union, (2008), Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security

Council of the European Union, (2008), Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP

Council of the European Union, (2010), Factsheet on the European Union's Police Mission in the Palestinian Territories (EUPOL COPPS)

Council of the European Union, (2010), Factsheet on the EU Rule of Law Mission in Kosovo (EULEX)

EULEX, (2009), EULEX Programme Report 2009

EULEX, (2010) EULEX Programme Report 2010

EULEX, (2010) EULEX Accountability

Gourlay, C., (2006), Partners Apart: Enhancing Cooperation between Civil Society and EU Civilian Crisis Management in the Framework of ESDP, (Brussels: EPLO)

Lëvizja Vetëvendosje, Accountability and Responsibility: ICO and EULEX, available at <http://208.116.30.225/repository/docs/accountability.pdf>

Saferworld, (2010), Tracker Survey 2009, (Pristina: Saferworld)

Weitsch, M., (2008), People are Party to Building Peace: What role can non-governmental organisations (NGOs) play in relation to the EU in the context of conflict prevention?, (Brussels: Quaker Council for European Affairs)

Websites

EU Common Security and Defence Policy:
<http://www.consilium.europa.eu/showPage.aspx?id=261&lang=en>

EULEX: <http://www.eulex-kosovo.eu/en/front/>