

# Independent Reporting Mechanism (IRM): Tunisia Transitional Results Report 2018–2020

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This report was prepared in collaboration with Stephan Anguelov, independent researcher.

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## I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their progress and determine if efforts have impacted people's lives.

The IRM has partnered with Stephan Anguelov, an independent researcher, to carry out this evaluation. The IRM aims to inform ongoing dialogue around the development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

This report covers the implementation of Tunisia's third action plan, covering 2018–2020. In 2021, the IRM will implement a new approach to its research process and the scope of its reporting on action plans, approved by the IRM Refresh.<sup>1</sup> The IRM adjusted its implementation reports for 2018–2020 action plans to fit the transition process to the new IRM products and enable the IRM to adjust its workflow in light of the COVID-19 pandemic's effects on OGP country processes.

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<sup>1</sup> For more information, see: <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>.

## II. Action Plan Implementation

The IRM transitional results report assesses the status of the action plan's commitments and the results from their implementation at the end of the action plan cycle. This report does not revisit assessments for "verifiability," "relevance," or "potential impact." The IRM assesses those three indicators in IRM design reports. For more details on each indicator, please see Annex I in this report.

### 2.1. General highlights and results

Tunisia strengthened access to information and open data (such as transport and water management data) through implementation of its third action plan. Tunisia also made progress in the extractive industries and strengthened youth participation in government. Finally, the cocreation of eight municipal action plans sets in motion manifold open government gains across the country in the near future.

Seven out of the thirteen commitments saw substantial completion. Of these, two commitments were completed in 2021 after the implementation period. This included Commitment 4 on opening land transport data and Commitment 11 on implementing OGP standards at local levels. The remaining six commitments were implemented to a limited extent. During the 2018–2020 implementation period, Tunisia achieved a similar level of completion and early results from the country's 2016–2018 action plan.

Most commitments with substantial progress focused on creating and publishing open data or establishing legal frameworks. Two important exceptions are Commitments 6 and 11. Commitment 6 (enhancing transparency in the extractive industries) saw significant government-civil society engagement. Tunisia only needs to submit its application to join the Extractive Industries Transparency Initiative for this commitment to be considered complete. Commitment 11 facilitated a more cooperative relationship between civil society and the government through dialogue and the cocreation of municipal OGP action plans. As a result, local activists and officials in eight municipalities have cocreated and adopted open government action plans by 2021.

Commitments that saw more modest progress generally entailed a strong public accountability element and close cooperation between civil society and government. Similar to the previous action plan, stakeholders reported that political instability and government reshuffling hindered the OGP process. COVID-19 also presented an obstacle. Some civil society actors also noted that the multistakeholder forum was not sufficiently inclusive during emails with implementation and did not actively invite new participants on specific OGP topics to raise OGP's profile.<sup>1</sup> The government stressed that great attention has been taken to involve various components of civil society at national and local levels. The multistakeholder forum meetings were open to anyone who wished to attend and participate, and all information related to forum meetings was published on Tunisia's OGP website ([www.ogptunisie.gov.tn](http://www.ogptunisie.gov.tn)) and on the Facebook page.<sup>2</sup>

### 2.2. COVID-19 pandemic impact on implementation

COVID-19 adversely affected civil society operations and many commitments' implementation, especially those requiring traveling between regions and in-person consultations. These include Commitment 11 on implementing OGP standards at the local level and Commitment 6 on enhancing transparency in the extractives industry. Restrictions on movement between regions in the country were put in place from January 2020 until June 2020, and again in October 2020. The multistakeholder forum assembled only three times in 2020, much less than in 2019 or 2018. Its meetings remained in-person, which caused absences of some participants from civil society and government.

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<sup>1</sup> Asma Cherifi (founding president of TACID Network), e-mails with IRM researcher, 16 Apr. 2021; Samia Zayani (president of Dynamique Tunisienne autour de l'eau 2017–2021), interview by IRM researcher, 24 Apr. 2021.

<sup>2</sup> Government of the Republic of Tunisia to the IRM during the prepublication comment period of this report. June 2021.

## 2.3. Early results

The IRM acknowledges that results may not be visible within the two-year timeframe of the action plan and that at least a substantial level of completion is required to assess early results. For transitional results reports, the IRM uses the “Did it Open Government?” (DIOG) indicator to highlight early changes to government practice in areas relevant to OGP values. Moving forward, new IRM results report will not continue using DIOG as an indicator.

Section 2.3 focuses on outcomes of commitments that had an ambitious or strong design, per the IRM design report’s assessment, or that may have lacked clarity or ambition but had successful implementation with “major” or “outstanding” changes to government practice.<sup>1</sup> Commitments considered for analysis in this section had at least “substantial” implementation, as assessed by the IRM in Section 2.4. While this section analyzes the IRM’s findings for commitments that meet the criteria described above, Section 2.4 includes an overview of the level of completion for all the commitments in the action plan.

<b>Commitment 2: Completion of the legal and regulatory framework to enhance the public data opening up</b>	
<b>Aim of the commitment</b>	This commitment is a continuation of similar reforms in Tunisia's previous two action plans. Tunisia adopted a 2011 law (n° 41-2011) on right to access administrative documents and a 2016 law (n° 2016-22) on the right of access to information. However, Tunisia needed to establish a regulatory framework for the implementation and enforcement of open data. <sup>2</sup> Therefore, this commitment aimed to establish legal procedures for government open data resources and to further develop the public data inventory. <sup>3</sup> Milestones aim to issue regulations for public data, continue the public data inventory project, offer training programs for public servants, and promote the reuse of the open public data. <sup>4</sup>
<b>Did it open government?</b>	Implementation of the commitment is substantial. Most milestones were completed after the end of the action plan cycle (in early 2021).
<b>Marginal</b>	<p>The first milestone is to adopt an open data government decree as a bylaw. The draft government decree on open data was completed in the end of 2018.<sup>5</sup> An online public consultation and was organized for 20 days in March 2019 and a revised decree was discussed with other public institutions in October 2019.<sup>6</sup> The government adopted Decree No. 2021-3 on 6 January 2021 and promulgated it the same month.<sup>7</sup> The decree provides some enforcement mechanisms such as the mandatory adoption of an annual national action plan on open data by the Electronic Administration Unit (“e-government unit”) of the Presidency of Tunisia, as well as the mandatory adoption of annual action plans by individual public structures with assistance and coordination by the e-government unit (Article 4). The Decree also establishes a consultative committee of civil society and private sector members to oversee and consult on implementation of the open data action plans (Article 5). All public bodies must appoint a responsible person for the open data activities, including the establishment and maintenance of a data inventory (Article 6). Hence, all public bodies should establish a data inventory for the data that they produce or collect.<sup>8</sup></p> <p>In 2018, the government inventoried data for six ministries and funds (Agriculture, Local Affairs and Environment, Industry, Culture, Transport, and Social Security).<sup>9</sup> Two more ministries (Defense and Equipment, Housing and</p>

	<p>Infrastructure) partially inventoried data in 2019 and 2020, applying a new online-based inventory system that all government bodies will follow in the future. Under Tunisia's upcoming fourth action plan, the government will inventory data in the sectors of health, education and justice.<sup>10</sup> The data inventories are not public and are internal to the respective bodies, however some part of these inventories could be published online in the future.<sup>11</sup> Ahmed Ben Taârit, Access to Information Program Director with the CSO I-Watch,<sup>12</sup> considers these data inventory efforts a good first step and useful for public bodies in organizing their archives. The effort is ambitious; delivering the set outcomes could be a challenge.<sup>13</sup></p> <p>The government held six training sessions on open data for more than 150<sup>14</sup> public officials and civil servants in June 2019.<sup>15</sup> In early 2020, the E-government unit, the Ministry of Public Service, Modernization of Administration and Public Policies, and the World Bank held a national hackathon promoting the reuse of open public data.<sup>16</sup> This hackathon brought together 38 teams and more than 150 participants of different ages from different regions.<sup>17</sup> Seven of the projects from the hackathon have been continued and will be fully developed in 2021.<sup>18</sup> Other communication activities also have been launched to facilitate the Open Data Decree, such as an event on Open Data Day on 5 March 2021 to promote the decree and open data projects under development.<sup>19</sup></p> <p>Commitment implementation increased access to information and civic participation by establishing legal guarantees for government provision of open data. It also facilitated civil society and private sector oversight and participation through the consultative committee. Additionally, the hackathon and trainings raised awareness and provided tools both for civil servants and citizens to publish and reuse public datasets. Despite this, the impact of the decree and committee on opening data remains unclear. Hence, as of the writing of this report, the efforts towards opening government in the field of open data are positive, but marginal.</p>
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**Commitment 8: Establish mechanisms contributing to applying integrity in the public sector and combating corruption**

<p><b>Aim of the commitment</b></p>	<p>This commitment combats corruption in the public sector<sup>20</sup> and builds on several anticorruption reforms implemented in the last decade. In 2011, the government established the Authority for Good Governance and the Fight against Corruption (INLUCC) as a temporary body, which was reaffirmed in the 2014 constitution. However, the agency lacks resources and staff.<sup>21</sup> In 2016 and 2017, Tunisia adopted a national anticorruption strategy, which empowered the National Anti-Corruption Authority's mandate, and passed the Whistleblower Protection Law.<sup>22</sup> In 2018, the Tunisian parliament passed a law that requires politicians, the media, and NGOs to declare their assets to INLUCC.<sup>23</sup></p> <p>This commitment's first milestone aimed to pass three government decrees: whistleblower protection, asset declaration, and conflict of interest declaration. The second milestone aimed at replacing the anticorruption authority by establishing a new constitutionally mandated anticorruption authority.<sup>24</sup></p>
<p><b>Did it open government?</b></p>	<p>Commitment implementation is limited. The government adopted two decrees envisioned in the first milestone in 2019.<sup>25</sup> The Presidency introduced a draft</p>

<p><b>Marginal</b></p>	<p>decree on the asset declaration form, but it has not adopted the decree. The government and parliament did not implement the second milestone and have not established a new constitutional anticorruption authority.</p> <p>The government passed decrees to incentivize whistleblowers<sup>26</sup> and corruption reporting.<sup>27</sup> According to a Transparency International study, Tunisians believe that citizen denunciation of corruption could have an impact. Achref Aouadi from I-Watch believes this is in part due to government measures to protect whistleblowers.<sup>28</sup> However, there are limitations in the government's application of whistleblower protections. Ahmed Ben Taârit, also from I-Watch,<sup>29</sup> states that reporting potential corruption anonymously online to the current anticorruption authority is impossible. Another impediment is the practice of the authority to summon the whistleblowers to the authority's headquarters for questioning. This can discourage filing reports, since the whistleblower's anonymity is jeopardized.<sup>30</sup> The Corruption Perception Index for Tunisia stagnated in 2018 and 2019, notwithstanding the efforts in denouncing corruption. I-Watch attributes this stagnation mainly to a lack of political will and a passive judiciary, including with cases involving politicians.<sup>31</sup> Thus, the second milestone is merely a marginal change to anticorruption in Tunisia.</p> <p>Since the adoption of the asset declaration law, civil society indicated that the anticorruption authority's independence is at risk as it falls under the executive branch. In 2020, the outgoing Prime Minister fired the president of the anticorruption authority,<sup>32</sup> a move that the press called "problematic in terms of ethics."<sup>33</sup> According to Ahmed Ben Taârit, this demonstrates the importance of a constitutionally established anticorruption authority independent from the executive.<sup>34</sup> Thus, while the passage of the decrees established important regulatory scaffolding, challenges to implementation of the decrees and contextual obstacles mean that this commitment has only resulted in marginal changes to government practice.</p>
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<p><b>Commitment I I: Implement initiatives to apply the OGP at the local level</b></p>	
<p><b>Aim of the commitment</b></p>	<p>This commitment aimed to apply OGP at the local level. It complemented Tunisia's ongoing decentralization process and the country's first local elections which took place in May 2018.<sup>35</sup> It also builds on Commitment 4 in Tunisia's previous action plan, which resulted in a guide on open government principles and best practices for the local level.<sup>36</sup> In the current iteration, the first milestone asks representatives of 12 municipalities, along with residents, to develop open government plans. The second milestone creates a communication plan to disseminate information about the local plans' initiatives.</p>
<p><b>Did it open government?</b></p> <p><b>Major</b></p>	<p>The commitment was substantially implemented as eight municipal councils each adopted a local OGP action plan. However, this occurred in early 2021, after this action plan's cycle. According to government,<sup>37</sup> the delay was due to the COVID-19 crisis.</p> <p>Implementation of the commitment brought a major opening of government, specifically at the local level. Tunisia's OGP multistakeholder forum appointed a municipal committee from its members, comprised of an equal number<sup>38</sup> of CSOs<sup>39</sup> and government representatives. This committee devised the 10 criteria<sup>40</sup> to select municipalities to develop plans. Among these criteria were:</p>

access to information and online transparency infrastructure, active publication of financial and public procurement documents, maintaining a complaint register and processing system, organizing open government trainings, and municipal councilmembers' filing of asset declarations with the Anticorruption Authority. This committee assessed 72 applications and initially chose 12 municipalities, which later came down to 10.<sup>41</sup> The chosen local administrations satisfied all the criteria and received trainings on open government by the government and other organizations.<sup>42</sup> As the criteria required, all participating local administrations had already made some steps in opening government, but the future OGP action plans were to be their first comprehensive strategic documents in this policy field, which prompted the need for specific trainings on open government.<sup>43</sup> In each municipality, five CSOs were also engaged in the process.<sup>44</sup> In the end, eight municipalities submitted OGP local action plans drafted with local civil society and the support of the national government.<sup>45</sup> Civil society and the municipalities organized a series of both online and in-person public consultations on the plans and citizens' opinions were taken into account.<sup>46</sup> The action plans were adopted by the municipal council after a consultation with the central government in January 2021, thus completing the first milestone after the end of the 2018–2020 OGP cycle.

During the selection of the 12 municipalities and then while creating the action plans, CSOs, the government, and the World Bank's Multi-Donor Trust Fund enacted a communication plan to further disseminate information.<sup>47</sup> This communication plan involved a social media campaign, three round tables, information days in five universities, meeting with decisionmakers from both national and local levels, OGP week events, and an online consultation.<sup>48</sup> These activities were carried out before the end of the action plan cycle, hence the second milestone was completed on schedule. The government added that there were a number of communication events and activities organized for the benefit of these municipalities by the e-Government Unit and with the cooperation of a number of technical and financial partners, namely the GIZ, AFD, and OECD. These events supported municipalities throughout the drafting of their action plans, by promoting open government values and sharing methodology and tools.<sup>49</sup>

Aicha Karafi Hosni, president of Association Tunisienne de Gouvernance Locale, and participant in the criteria design and selection of the municipalities, explained that merely designing the action plans were an improvement in itself.<sup>50</sup> It brought local government and civil society to the same table, working together as partners instead of as adversaries like in the past.<sup>51</sup> However, Hatem Chakroun from the independent think-tank, Observatoire Tunisien de la Transition Démocratique, criticized the low levels of ambition and precision in the local plans.<sup>52</sup> The eight action plans published on the OGP Tunisia government portal share mostly the same content: improving access to information; developing open data; digitalizing services for citizens; developing a communication plan; and organizing trainings on open government for civil servants.<sup>53</sup>

Chakroun noted that the Gabès and Zriba action plans both have a commitment on gathering and publishing geographical and natural resource data at local levels, which he considers ambitious and having a high potential to open government.<sup>54</sup> Asma Cherifi, president and founder of TACID Network,<sup>55</sup> who helped design and implement these commitments, commented that Tunisians are very interested in transparency and public participation, as covered in these commitments. However, Chakroun notes the lead government agency is the E-



	<p>Government Unit and not the Ministry of Local Affairs and the Environment, which would be a more suitable institution for the commitments' goals. Implementation challenges include a lack of specific financing,<sup>56</sup> weak local leadership, and the need for national and local government to promote OGP initiatives instead of relying on CSOs.<sup>57</sup></p> <p>Tunisia's adoption and cocreation of eight local OGP action plans are a major step to open government in terms of transparency and public participation. Tunisia's Constitution<sup>58</sup> and the Local Government Code<sup>59</sup> provide for all municipalities to enact development programs based on open government principles. Both the central government<sup>60</sup> and civil society actors<sup>61</sup> see the OGP local action plans as an implementation of some of these legal obligations by the respective municipalities.</p> <p>Looking ahead, challenges include the need for strong ownership and leadership by local and central government, and implementing ambitious reforms that extend beyond the legal obligations already in place.</p>
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<sup>1</sup> IRM design reports identify strong commitments as “noteworthy commitments” if they are verifiable, relevant, and have transformative potential impact. If no commitments meets the potential impact threshold, the IRM selects noteworthy commitments from commitments with “moderate” potential impact. For a list of Tunisia's noteworthy commitments, see the Executive Summary of the 2018–2020 design report: <https://www.opengovpartnership.org/documents/tunisia-design-report-2018-2020-for-public-comment/>.

<sup>2</sup> Emir Sfaxi, *Independent Reporting Mechanism (IRM): Tunisia Design Report 2018–2020* (OGP, 27 Apr. 2021), <https://www.opengovpartnership.org/documents/tunisia-design-report-2018-2020-for-public-comment/>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Government of the Republic of Tunisia, “Commitment 2: Establish the legal and organizational framework to facilitate public data release” (OGP Tunisia, accessed 2 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?p=1359>.

<sup>6</sup> *Id.*

<sup>7</sup> Republic of Tunisia, “Décrets et arrêtés : Décret gouvernemental n° 2021-3 du 6 janvier 2021, relatif aux données publiques ouvertes” (Decrees and Orders: Government decree n° 2021-3 of January 6, 2021, relating to open public data), in *Journal Officiel de la République Tunisienne* (12 Jan. 2021), <http://www.ogptunisie.gov.tn/en/wp-content/uploads/2021/03/Government-Decree-Number-3-of-2021.pdf>.

<sup>8</sup> Rim Garnaoui (director of the e-Government Unit in the Presidency of the Government of Tunisia), interview by IRM researcher, 16 Apr. 2021.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Rim Garnaoui and Sonia Gharbi (e-Government Unit in the Presidency of the Government of Tunisia), interview by IRM researcher, 22 Apr. 2021.

<sup>12</sup> Ahmed Ben Taârit (program director of “Access to information” in I-Watch), interview by IRM researcher, 16 Apr. 2021.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Government of the Republic of Tunisia, “Commitment 2: Establish the legal and organizational framework to facilitate public data release.”

<sup>16</sup> *Id.*

<sup>17</sup> Government of the Republic of Tunisia, “Organization of the National Hack[a]thon on the open public data reuse #OpenGovDataHack2020” (OGP Tunisia, accessed 2 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?p=1906>.

<sup>18</sup> Garnaoui, interview, 22 Apr. 2021.

<sup>19</sup> Information provided by the Government of Tunisia to the IRM during the prepublication comment period of this report. June 2021.

<sup>20</sup> Government of the Republic of Tunisia, “Commitment 8: Consolidate integrity in public sector and corruption fight, Follow up Plan Implementation” (OGP Tunisia, accessed 2 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?p=1338>.

<sup>21</sup> Sfaxi, *Independent Reporting Mechanism (IRM): Tunisia Design Report 2018–2020* at 37.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Government of the Republic of Tunisia, “Commitment 8: Consolidate integrity in public sector and corruption fight, Follow up Plan Implementation.”

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- <sup>26</sup> “Government Decree No. 2019-1123, setting the conditions and procedures for granting incentives in the prevention of corruption”, *Official Gazette of the Republic of Tunisia*, (OGP Tunisia, 10 Dec. 2019), [www.ogptunisie.gov.tn/wp-content/uploads/2020/06/Decret2019\\_1124Arabe.pdf](http://www.ogptunisie.gov.tn/wp-content/uploads/2020/06/Decret2019_1124Arabe.pdf).
- <sup>27</sup> Government Decree No. 2019-1124, on the mechanisms, formulas and criteria for granting rewards to whistleblowers, *Official Gazette of the Republic of Tunisia*, (OGP Tunisia, 10 Dec. 2019), [http://www.ogptunisie.gov.tn/wp-content/uploads/2020/06/Decret2019\\_1124Arabe.pdf](http://www.ogptunisie.gov.tn/wp-content/uploads/2020/06/Decret2019_1124Arabe.pdf).
- <sup>28</sup> Emna Bhira, “18 %, taux de corruption en Tunisie, selon Transparency International” (18%, corruption rate in Tunisia, according to Transparency International) (Marsad 1, 12 Dec. 2019), <https://www.observatoire-securite.tn/fr/2019/12/12/18-taux-de-corruption-en-tunisie-selon-transparency-international/>.
- <sup>29</sup> Taârit, interview.
- <sup>30</sup> *Id.*
- <sup>31</sup> Réalités editor, “Tunisie: I watch dénonce un indicateur de corruption alarmant” (Tunisia: I Watch denounces an alarming corruption indicator) (Réalités online, 23 Jan. 2020), <https://www.realites.com.tn/2020/01/tunisie-i-watch-denonce-un-indicateur-de-corruption-alarmant-2/>.
- <sup>32</sup> Seif Soudani, “Le président de l’instance anti-corruption démis de ses fonctions” (president of the anti-corruption body removed from office) (Le courrier de l’Atlas, 24 Aug. 2020), <https://www.lecourrierdelatlas.com/le-president-de-linstance-anti-corruption-demis-de-ses-fonctions/>.
- <sup>33</sup> *Id.*
- <sup>34</sup> Taârit, interview.
- <sup>35</sup> Sfaxi, *Independent Reporting Mechanism (IRM): Tunisia Design Report 2018–2020*, at 45.
- <sup>36</sup> Government of the Republic of Tunisia, “Commitment 4: Improve transparency and Openness of Local Governments” (OGP Tunisia, accessed 8 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?p=750>; see also *Mettre en place les principes du gouvernement ouvert* (Establishment of open government principles) (Presidency of the Government and Ministry of Local Affairs and the Environment, Oct. 2018), <http://www.ogptunisie.gov.tn/en/?p=1451>.
- <sup>37</sup> Garnaoui, interview, 16 Apr. 2021.
- <sup>38</sup> Aicha Karafi Hosni (president of the Association Tunisienne de Gouvernance Locale), interview by IRM researcher, 28 Apr. 2021.
- <sup>39</sup> CSOs included TACID network, Association Tunisienne de Gouvernance Locale, and OpenGov.tn. Khaled Sellami (Dir. Gen. of the e-Government Unit), interview by IRM researcher, 7 Apr. 2021.
- <sup>40</sup> Asma Cherifi (president and founder of TACID Network), emails with IRM researcher, 16 Apr. 2021.
- <sup>41</sup> Asma Cherifi (president and founder of TACID Network), interview by IRM researcher 12 Apr. 2021.
- <sup>42</sup> *Id.*
- <sup>43</sup> Cherifi, interview; Asma Cherifi (president and founder of TACID Network), emails with IRM researcher, 25 May 2021.
- <sup>44</sup> See nn. 41 and 43.
- <sup>45</sup> Garnaoui, interview, 16 Apr. 2021.
- <sup>46</sup> Cherifi, email, 16 Apr. 2021; n. 40.
- <sup>47</sup> Cherifi, interview; n. 41.
- <sup>48</sup> Cherifi, email, 16 Apr. 2021; n.40.
- <sup>49</sup> Information provided by the Government of Tunisia to the IRM during the prepublication comment period of this report. June 2021.
- <sup>50</sup> Karafi Hosni, interview.
- <sup>51</sup> *Id.*
- <sup>52</sup> Hatem Chakroun (Observatoire Tunisien de la Transition Démocratique), interview by IRM researcher, 28 Apr. 2021.
- <sup>53</sup> Government of the Republic of Tunisia, “Final versions of the Open Government action plans at the Local Level” (OGP Tunisia, accessed 8 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?p=2212>.
- <sup>54</sup> n. 52; Hatem Chakroun (Observatoire Tunisien de la Transition Démocratique), email to IRM researcher, 28 May 2021.
- <sup>55</sup> Cherifi, interview.
- <sup>56</sup> Karafi Hosni, interview.
- <sup>57</sup> *Id.*
- <sup>58</sup> Government of the Republic of Tunisia, *Tunisia's Constitution of 2014* (constituteproject.org, 2014), art. 139, [https://www.constituteproject.org/constitution/Tunisia\\_2014.pdf](https://www.constituteproject.org/constitution/Tunisia_2014.pdf).
- <sup>59</sup> Ministry of local and environmental affairs of the Republic of Tunisia, *Code des collectivités locales* (Local Authorities Code) (9 May 2018), chap. I, §5, <http://www.collectiviteslocales.gov.tn/fr/code-des-collectivites-locales-2/>.
- <sup>60</sup> Sellami.
- <sup>61</sup> Cherifi, interview.

## 2.4. Commitment implementation

The table below includes an assessment of the level of completion for each commitment in the action plan.

<b>Commitment</b>	<b>Completion:</b> <i>(no evidence available, not started, limited, substantial or complete)</i>
<b>1. Strengthen the right of access to information</b>	<p><b>Substantial:</b></p> <p>The Access to Information Authority (INAI) prepared and published a guide for public officials,<sup>1</sup> as well as a short guide for citizens,<sup>2</sup> which was drafted along with the CSO, Article 19. The INAI did not establish a coordination working group with civil society. However, Ahmed Ben Taârit, program director of access to information at I-Watch,<sup>3</sup> believes that the INAI is making significant efforts in collaborating with CSOs like I-Watch<sup>4</sup> on common projects, memoranda of understanding, and other tasks.</p> <p>Implementation of the third milestone is limited. The government organized two workshops for public institutions and CSOs on 27 March 2019 to present the survey that will be used to collect data for drafting the assessment on implementing SDG goal 16.10.2 (promoting access to information in Tunisia).<sup>5</sup> In early 2021, the government<sup>6</sup> and the French public agency, Expertise France, launched a call for applications for a consultant to organize and draft the SDG assessment.<sup>7</sup> INAI, in collaboration with the General Directorate of Reform, the World Bank, and Article 19, held seven training sessions on access to information from different institutions between September 2018 and May 2019<sup>8</sup> for around 200 officials.<sup>9</sup> The National Agency for Computer Security substantially completed the fifth milestone by drafting and proposing a national common reference for classifying administrative data. The draft decree adopting the classification was introduced in the Presidency of the government, but the Presidency has not yet adopted it.<sup>10</sup></p>
<b>2. Completion of the legal and regulatory framework to enhance the public data opening up</b>	<p><b>Substantial:</b></p> <p>For details regarding the implementation and early results of this commitment, see Section 2.3.</p>
<b>3. Strengthen access to geographic information</b>	<p><b>Substantial:</b></p> <p>The National Mapping and Remote Sensing Centre developed some infrastructure of the portal for access to geographic information and databases, however the portal is unfinished and is not online.<sup>11</sup> According to the government, compilation of the databases of topographic data and flat photos started in 2019<sup>12</sup> and was conducted to a significant extent until the end of 2020;<sup>13</sup> thus implementation is substantial. However, implementation of the fourth milestone on establishing the initial part of the address database is limited.<sup>14</sup></p>
<b>4. Standardize identifiers and nomenclatures of the</b>	<p><b>Substantial:</b></p>

<p><b>land transport stations and disseminate the relevant public data in an open format</b></p>	<p>According to a government official,<sup>15</sup> an inventory of regular and irregular transport stations was created, identifiers and nomenclatures of land transport stations were unified in a common nomenclature, and a database of land transport stations was established. The database was published on the Ministry of Transport open data portal in April 2021, after the end of the 2018–2020 action plan cycle.<sup>16</sup></p>
<p><b>5. Improve water resource governance</b></p>	<p><b>Limited:</b></p> <p>The Ministry of Agriculture, Water Resources, and Fisheries completed the first milestone by holding a meeting at the Ministry of Agriculture organized by a CSO<sup>17</sup> with relevant civil society actors on 17 April 2019 to discuss the future publication of datasets related to water.<sup>18</sup> According to the organizer Samia Zayani, president of Dynamique Tunisienne autour de l'eau, the meeting was productive but stakeholders' voices were not sufficiently represented and the process was not fully participatory.<sup>19</sup></p> <p>The ministry published multiple datasets in three categories on water on its open data portal (<a href="http://www.agridata.tn/">http://www.agridata.tn/</a>).<sup>20</sup> Zayani explained that the published datasets provide information useful for the administration, since different departments have not internally shared certain data in the past.<sup>21</sup> Two datasets are useful for civil society, one on local groups of water distributors<sup>22</sup> and the one on water quality. This dataset was published but is not currently available on the portal. The IRM researcher could not verify the existence of an electronic platform to report violations regarding water management, including via the mobile application, "SOS eau" ("Water is gold"). Nor did the ministry publish monthly reports on drilling incidents or illegal water connections. Samia Zayani<sup>23</sup> explained that the e-platform, which reported to a service center that coordinated the response to violations between civil society and administrations, was launched as a pilot project for the region of Gafsa and functioned for a while, but was discontinued. According to government<sup>24</sup> and civil society,<sup>25</sup> "SOS eau"<sup>26</sup> has a functioning beta version but lacks interconnectivity with the e-platform and the fully functional mobile application is unavailable publicly.</p> <p>The ministry did not publish monthly reports on drilling incidents or illegal connections but according to Zayani, publishes most of that information in its annual reports.<sup>27</sup> Hence, the implementation of the second milestone is limited. Rim Garnaoui of the Government of Tunisia<sup>28</sup> stated that the government is finalizing a policy to rationalize distribution and consumption of water, but nothing has been published.</p>
<p><b>6. Enhancing transparency in the extractive industries sector</b></p>	<p><b>Substantial:</b></p> <p>The Ministry of Industry and Small and Medium-Sized Enterprises organized a national dialogue on energy and mines on 30 May 2019, followed by a Ministerial Council on 7 June 2019 on its outcomes.<sup>29</sup> The National Anti-Corruption Authority and parliament members were responsible for organizing elections of five representatives from 25 CSOs, including from producing regions of Tunisia, to the extractive industries transparency initiative (EITI) multistakeholder group.<sup>30</sup> The group also includes</p>

	<p>seven representatives from government institutions, one of which represents the Ministry of Finance. According to Wissem Heni, Tunisia Country Manager for the Natural Resource Governance Institute,<sup>31</sup> this participation implements Milestone 5 as it guarantees improved communication between the Ministry of Finance and the Ministry of Industry. The multistakeholder group created internal rules and drafted a workplan, which it discussed publicly with more than 150 CSOs and private companies on multiple events throughout Tunisia's oil producing regions in 2020.<sup>32</sup></p> <p>The Ministry of Industry and civil society actors completed the sixth milestone by holding a training session for the EITI-multistakeholder representatives in September 2019.<sup>33</sup> The ministry and the multistakeholder group also implemented substantially the crucial fourth milestone by drafting the request to join the EITI initiative. However, the ministry has not yet completed and submitted this request.<sup>34</sup> While progress was made, changes in ministry leadership and private sector lobbying have since inhibited further EITI advancement in Tunisia.</p>
<p><b>7. Applying the Principles of Open Contracting in the hydrocarbons field</b></p>	<p><b>Limited:</b></p> <p>Implementation of the crucial and ambitious reform of the Hydrocarbon Code to include open contracting principles was limited and thus defines the level of completion for this commitment. In June 2019, after a national dialogue on energy and mines, the government prioritized revising the Hydrocarbon Code.<sup>35</sup> The Natural Resource Governance Institute drafted and published an analysis of the governance of hydrocarbon and mining sectors in August 2020.<sup>36</sup> However, after the government changed in early 2020, the new government has not picked up the effort to reform the law.<sup>37</sup></p> <p>The Ministry of Industry and two CSOs<sup>38</sup> launched the e-platform Resources.tn. According to Wissem Heni, Tunisia Country Manager for the Natural Resource Governance Institute and one of the two partnering organizations,<sup>39</sup> the e-platform remains underdeveloped: it lacks information on extraction companies; it does not publish all the information on the contracting progress; nor does it publish selection criteria for extracting companies. Hence, implementation of the second milestone is not full, but substantial. The third milestone was completed by an August 2020 publication of a study drafted by civil society.<sup>40</sup></p>
<p><b>8. Establish mechanisms contributing to applying integrity in the public sector and combating corruption</b></p>	<p><b>Limited:</b></p> <p>For details regarding the implementation and early results of this commitment, see Section 2.3.</p>
<p><b>9. Applying a participatory approach in the State Budget drafting process</b></p>	<p><b>Limited:</b></p> <p>The IRM researcher could not establish whether the joint committee for financial transparency, created at the Ministry of Finance, has been reactivated. The ministry's website contains minutes of meetings of the joint committee up to 2016.<sup>41</sup> Hence, there is no evidence available for the implementation of the first</p>

	<p>milestone. In turn, even though the other two milestones saw significant progress, the overall level of completion is limited. The Court of Auditors published an audit of the 2017 state budget in June 2019<sup>42</sup> and an audit of the 2018 state budget.<sup>43</sup> The Parliament and President of the Republic adopted and published in early 2019 Organic Law No. 2019-15, related to the Organic Law of the State Budget.<sup>44</sup></p>
<p><b>10. Developing new mechanism to promote interaction with the youth and enable them to pursue dialogue about public policies</b></p>	<p><b>Substantial:</b></p> <p>The Ministry of Youth and Sports Affairs developed terms of reference for development of a youth e-platform,<sup>45</sup> and launched a call for tenders to choose the consultant that will draft the project, stages, and schedule for implementing the e-platform. The government also organized elections and established five pilot youth councils in the municipalities of Ibn Khaldoun, Testour, Ben Guerdane, Kasserine, and the Kef.<sup>46</sup> According to Fedia Gasmi of the Tunisian Institute for Democracy and Development, the councils were chosen to represent five different regions with different problems.<sup>47</sup> Young people showed enthusiasm and interest for the youth councils and many voted in their elections; 800 votes were cast in Ben Guerdane alone.<sup>48</sup> The elected youth councils had the same number of members as the local municipal councils.<sup>49</sup> They independently developed their internal rules. The Youth Council of Kef organized itself as a shadow council of the Kef municipality;<sup>50</sup> the others are independent consultative bodies.<sup>51</sup> All the councils had high ambitions and started working with the municipalities on common policies. However, after the end of the action plan cycle, the Ministry of Youth and Sports Affairs stopped actively supporting the youth councils, some of which also interrupted their activities.<sup>52</sup> Only the youth councils of Kef and Testour are still functioning.</p>
<p><b>11. Implement initiatives to apply the OGP at the local level</b></p>	<p><b>Substantial:</b></p> <p>For details regarding the implementation and early results of this commitment, see Section 2.3.</p>
<p><b>12. Approximate administrative services through putting them online</b></p>	<p><b>Limited:</b></p> <p>According to the OGP Tunisia repository,<sup>53</sup> the Ministry of Agriculture, Water Resources and Fisheries selected a developer for the mobile application “m-Agri” that enables citizens to remotely obtain agricultural services.<sup>54</sup> The developer identified the model and design for the application's development. The IRM researcher could not verify the existence of the beta version of the application since the published link does not lead to it.<sup>55</sup></p> <p>The Ministry of State Property and Land Affairs (Land Property Register) developed several online services via the Land Property Register website, such as viewing the titles and land operations online, and getting copies of titles, certificates of ownership and non-ownership, certificates of inquiry, and certificates of act references.<sup>56</sup></p> <p>The Ministry of the National Defense developed an e-service to follow up on postponement and exemption from military duty. According to the Tunisia OGP repository, the ministry launched the e-service and it is available at</p>

	<p><a href="http://www.services.defense.tn/TAJNID/">http://www.services.defense.tn/TAJNID/</a>. The text in the Tunisia repository was published in May 2021 and IRM researcher could not establish the launch date and functionalities of the e-service.</p> <p>The Ministry of Cultural Affairs started working on the development of an e-platform to monitor the support costs granted in the cultural field.<sup>57</sup> However, the results of their work have not been published. The winning team of a hackathon is currently developing a parallel project on opening data on subsidies to civil society in the cultural sector. The product could be integrated with the future platform.<sup>58</sup></p>
<p><b>I3. Facilitate access to services provided by the civil service</b></p>	<p><b>Limited:</b></p> <p>This commitment aimed to increase transparency in government hiring and develop civil service employees' capacity to provide services.<sup>59</sup> According to the government, the General Authority for Civil Service at the Presidency of the Government drafted and adopted the template for job descriptions and selected the pilot ministries that will adopt the job description sheets for six professional categories.<sup>60</sup> The General Authority for Civil Service implemented the second milestone to a limited extent. It organized two workshops on 14 and 15 January 2019 with training managers at the ministries to identify training-related data and to define the possible uses of this data periodically.<sup>61</sup> The General Authority also established the electronic platform for annual training plans of ministries at the end of August 2019.<sup>62</sup> The e-platform<sup>63</sup> is open to all ministries to create, develop, schedule, and conduct trainings. The platform is not public and only the ministries and their trainees have access to it. The government also reports that a platform was created for this purpose in local level government.<sup>64</sup> The IRM researcher could not find statistics on the training of public officials.</p>

<sup>1</sup> INAI, (Guide for public officials), (OGP Tunisia 28 Mar. 2019), <http://www.ogptunisie.gov.tn/wp-content/uploads/2020/06/guide-acces-information-structures-publiques.pdf>.

<sup>2</sup> INAI and OECD, (Guide dedicated to citizens) (OGP Tunisia, accessed 8 Jul. 2021), art. 19, [http://www.ogptunisie.gov.tn/wp-content/uploads/2019/29/ATI\\_CS0\\_Guide\\_FINAL\\_Web\\_Arabic\\_GR.pdf](http://www.ogptunisie.gov.tn/wp-content/uploads/2019/29/ATI_CS0_Guide_FINAL_Web_Arabic_GR.pdf).

<sup>3</sup> Ahmed Ben Taârit (program director of "Access to information" in I-Watch), interview by IRM researcher, 16 Apr. 2021.

<sup>4</sup> I WATCH, <https://www.iwatch.tn/>.

<sup>5</sup> Government of the Republic of Tunisia, "Commitment 1: Strengthen the right of access to information" (OGP Tunisia, accessed 8 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?p=1362>.

<sup>6</sup> Rim Garnaoui (director of the e-Government Unit), interview by IRM researcher, 16 Apr. 2021.

<sup>7</sup> Expertise France and Cfi, "Termes de Reference Activité : B1 – 1.5 Mission d'expertise technique et Atelier de travail à destination de l'INAI (Instance national d'accès à l'information en Tunisie) sur l'évaluation de l'accès à l'information en lien avec la mise en œuvre des Objectifs de Développements Durables (ODDs)" (Terms of reference Activity: B1 - 1.5 Technical expertise mission and workshop work for the INAI (National Authority for Access to information in Tunisia) on the evaluation of access to information related to the implementation of the Objectives of Sustainable Developments (SDGs)) (accessed 8 Jul. 2021), [https://www.pagof.fr/wp-content/uploads/2021/01/tdr-activite-b1-1.5-appui-a-linai\\_vfinale.pdf](https://www.pagof.fr/wp-content/uploads/2021/01/tdr-activite-b1-1.5-appui-a-linai_vfinale.pdf).

<sup>8</sup> Government of the Republic of Tunisia, "Commitment 1: Strengthen the right of access to information".

<sup>9</sup> Garnaoui.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Government of the Republic of Tunisia, "Commitment 3: Enhance access to geographic information" (OGP Tunisia, accessed 8 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?p=1356>.

<sup>13</sup> Garnaoui.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

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- 16 Ministry of Transport, "Référentiel National d'arrêt" (National reference stop) (accessed 8 Jul. 2021), <http://data.transport.tn/dataset/referentiel-national-d-arret>.
- 17 Samia Zayani (president of Dynamique Tunisienne autour de l'eau 2017–2021), interview by IRM researcher, 24 Apr. 2021.
- 18 Government of the Republic of Tunisia, "Commitment 5: Improving water resources governance" (OGP Tunisia, accessed 8 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?p=1350>.
- 19 Zayani.
- 20 <http://www.agridata.tn/> seems to be restricted to certain locations such as Bulgaria; the IRM researcher had to use a virtual private network with a North African IP address to access the Portal.
- 21 Zayani.
- 22 Ministry of Agriculture, Water Resources and Fisheries, "Liste des GDA eau potable" (List of GDA Drinking Water), (Presidency of the Tunisian Government, 2 Jul. 2019), <http://www.agridata.tn/dataset/liste-des-gda-eau-potable>.
- 23 Zayani.
- 24 Garnaoui.
- 25 Zayani.
- 26 A link to "Water is gold" is published at agridata.tn, but it was not operational on 13 May 2021 when checked by the IRM researcher; the link is <https://play.google.com/store/apps/details?id=com.giz.goutte>.
- 27 Zayani.
- 28 Garnaoui.
- 29 Government of the Republic of Tunisia, "Commitment 6: Enhancing transparency in the extractive industries sector by joining the EITI initiative" (OGP Tunisia, accessed 8 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?p=1347>.
- 30 Wissem Heni (Tunisia country manager for Natural Resource Governance Institute), interview by IRM researcher, 14 Apr. 2021.
- 31 *Id.*
- 32 *Id.*
- 33 Government of the Republic of Tunisia, "Commitment 6: Enhancing transparency in the extractive industries sector by joining the EITI initiative."
- 34 Heni.
- 35 S. Mourad, "Tunisie: Mesures et dispositions adoptées par le Conseil ministériel consacré à l'énergie et aux mines" (Tunisia: Measures and provisions adopted by the Ministerial Council on Energy and Mines) (Tunisie Numérique, 8 Jun. 2019), <https://www.tunisienumerique.com/tunisie-mesures-et-dispositions-adoptees-par-le-conseil-ministeriel-consacre-a-lenergie-et-aux-mines>.
- 36 Wissem Heni and Amir Shafaie, "Code des hydrocarbures Tunisien: Adaptation du processus d'octroi des permis aux bonnes pratiques internationales" (Tunisian Hydrocarbons Code: Adaptation of the granting process permits for good practices international) *Analyse* (Natural Resource Governance Institute, Aug. 2020), [https://resourcegovernance.org/sites/default/files/documents/tunisia\\_contracting\\_final.pdf](https://resourcegovernance.org/sites/default/files/documents/tunisia_contracting_final.pdf).
- 37 *Id.*
- 38 I Watch (<https://www.iwatch.tn/>) and the Natural Resources Governance Institute (<https://resourcegovernance.org/our-work/country/tunisia>)
- 39 Heni, interview.
- 40 Heni and Shafaie.
- 41 Ministry of Finance, "Commission mixte pour la transparence financière" (Joint Committee on Financial Transparency) (accessed 8 Jul. 2021), <http://www.finances.gov.tn/fr/commission-mixte-pour-la-transparence-financiere>.
- 42 Court of Auditors, (2017 audit report) (Jun. 2019), <http://www.courdescomptes.nat.tn/upload/loi%20reglement/reglement2017/reglement2017.pdf>.
- 43 Court of Auditors, (2018 audit report) [http://www.courdescomptes.nat.tn/Ar/%D8%A5%D8%B5%D8%AF%D8%A7%D8%B1%D8%A7%D8%AA\\_59\\_3\\_0\\_0\\_0\\_000\\_0\\_0000\\_eeee-eee-eeeeeee-eeeeee-eeee-2018\\_59](http://www.courdescomptes.nat.tn/Ar/%D8%A5%D8%B5%D8%AF%D8%A7%D8%B1%D8%A7%D8%AA_59_3_0_0_0_000_0_0000_eeee-eee-eeeeeee-eeeeee-eeee-2018_59).
- 44 (Organic Law No. 2019-15 of 13 February 2019, related to the Organic Law of the State Budget) (2019), [http://www.ogptunisie.gov.tn/wp-content/uploads/2020/06/Loi2019\\_15Arabe.pdf](http://www.ogptunisie.gov.tn/wp-content/uploads/2020/06/Loi2019_15Arabe.pdf).
- 45 Fedia Gasmi (Tunisian Institute for Democracy and Development) email to IRM researcher, 19 Apr. 2021.
- 46 Government of the Republic of Tunisia, "Commitment 10: Enhance youth participation in public life" (OGP Tunisia, accessed 8 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?p=1332>.
- 47 Fedia Gasmi (Tunisian Institute for Democracy and Development), interview by IRM researcher, 13 Apr. 2021.
- 48 *Id.*
- 49 *Id.*
- 50 *Id.*
- 51 *Id.*
- 52 *Id.*
- 53 Government of the Republic of Tunisia, "Commitment 12: Approximate administrative services through putting them online" (OGP Tunisia, accessed 8 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?p=1326>.
- 54 Emir Sfaxi, *Independent Reporting Mechanism (IRM): Tunisia Design Report 2018–2020*, 49.
- 55 Government of the Republic of Tunisia, "Commitment 12: Approximate administrative services through putting them online."
- 56 Land Property Register website (in Arabic): <http://www.cpf.gov.tn/cpfsite/Arabe/index.php>.
- 57 Government of the Republic of Tunisia, "Commitment 12: Approximate administrative services through putting them online."
- 58 Rim Garnaoui and Sonia Gharbi (e-Government Unit), interview by IRM researcher, 22 Apr. 2021.



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<sup>59</sup> Emir Sfaxi, *Independent Reporting Mechanism (IRM): Tunisia Design Report 2018–2020*, 52.

<sup>60</sup> Garnaoui and Gharbi.

<sup>61</sup> Government of the Republic of Tunisia, “Commitment 13: Facilitate access to services provided by the civil service” (OGP Tunisia, accessed 8 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?p=1319>.

<sup>62</sup> *Id.*; see also Government of the Republic of Tunisia, “Development of an e-platform for training in public administration” (OGP Tunisia, 8 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?p=2208>.

<sup>63</sup> The e-platform for training in public administration (in Arabic) is available at: <http://www.plans-formation.gov.tn/formation.php>.

<sup>64</sup> Information provided by the Government of Tunisia to the IRM during the report's pre-publication comment period. June 2021. The website is currently only accessible in Tunisia and therefore could not be verified by the IRM: <https://bourse.collectivites.tn/menu/edit/20/item/PAGE/1>.

### III. Multistakeholder Process

#### 3.1 Multistakeholder process throughout action plan implementation

In 2017, OGP adopted the OGP Participation and Co-Creation Standards to support participation and cocreation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP’s Articles of Governance also establish participation and cocreation requirements a country or entity must meet in their action plan development and implementation to act according to the OGP process. Tunisia **did not act** contrary to OGP process.<sup>1</sup>

Please see Annex I for an overview of Tunisia’s performance implementing the Co-Creation and Participation Standards throughout the action plan implementation.

Table 3.2: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply it to OGP.<sup>2</sup> In the spirit of OGP, most countries should aspire to “collaborate.”

Level of public influence		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.	✓	✓
Consult	The public could give inputs.		
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

Overall, Tunisia’s implementation process achieved an “involve” level of public participation. Steering Committee meeting minutes indicate that the government and civil society met during the implementation period to share updates on commitment progress.<sup>3</sup> However, the COVID-19 crisis presented an added challenge and resulted in fewer Steering Committee meetings and lower attendance by civil society.

However, particular commitments saw a highly collaborative implementation approach that could be replicated across all OGP processes in the future. Civil society members took the initiative to organize meetings and activities regarding their respective commitments, such as Commitment 5 on improving water governance, Commitment 6 on extractive industries transparency, and Commitment 10 on establishing youth councils (for details regarding implementing these commitments, see Section 2.4).

Collaborative efforts were also seen in implementing Commitment 11 on OGP at the local level. The government handed decision-making power to an ad hoc joint committee of CSO and government representatives to devise the rules of implementation and to carry out the assessment and designation of municipalities to develop OGP local action plans (for details regarding the implementation and early results of this commitment, see Section 2.3). The collaborative approach applied in Commitments 5, 6, 10, and 11 represent positive developments in Tunisia's OGP processes. The IRM recommends that the Steering Committee seek to replicate this high level of CSO engagement across the entirety of OGP processes. To achieve “collaborate” in future action plans, the Steering Committee should pay particular attention to ensuring that government responses to CSO feedback on implementation is documented.

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<sup>1</sup> Acting Contrary to Process: Country did not meet (1) “involve” during the development or “inform” during implementation of the action plan, or (2) the government fails to collect, publish, and document a repository on the national OGP website in line with IRM guidance.

<sup>2</sup> IAP2, “IAP2’s Public Participation Spectrum” (2018),

[https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum\\_8.5x11\\_Print.pdf](https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf).

<sup>3</sup> Government of the Republic of Tunisia, “Meeting Minutes” (OGP Tunisia, accessed 8 Jul 2021), <http://www.ogptunisie.gov.tn/en/?cat=51>.

## 3.2 Overview of Tunisia’s performance throughout action plan implementation

Key:

Green= Meets standard

Yellow= In progress (steps have been taken, but standard is not met)

Red= No evidence of action

<b>Multistakeholder Forum</b>	During Development	During Implementation
<b>1a. Forum established: There is a forum to oversee the OGP process and the government publishes its minutes.<sup>1</sup></b>	Green	Green
1b. Regularity: The forum met in person at least every quarter and more often every month until the end of 2019. In 2020, the forum had three meetings: January, June, and September. <sup>2</sup>	Green	Green
1c. Collaborative mandate development: Members of the forum jointly developed its remit, membership, and governance structure, <sup>3</sup> which did not change during implementation. <sup>4</sup>	Green	Green
1d. Mandate public: Information on the forum’s remit, membership, and governance structure is available at <a href="http://www.ogptunisie.gov.tn">http://www.ogptunisie.gov.tn</a> .	Green	Green
<b>2a. Multistakeholder: The forum includes both government and nongovernment representatives.<sup>5</sup></b>	Green	Green
2b. Parity: The forum initially included equal government and nongovernment representation. <sup>6</sup> During implementation, the meetings usually included more government representatives due to the diverse responsible bodies for implementation. Not all CSO representatives attended regularly. <sup>7</sup>	Green	Yellow
<b>2c. Transparent selection: The selection process remained the same from the cocreation period.</b>	Yellow	Yellow
2d. High-level government representation: The forum includes high-level officials, but these officials have limited decision-making authority.	Yellow	Yellow
<b>3a. Openness: The forum accepts input and representation on the action plan process from any civil society or other stakeholder outside the forum.</b>	Green	Green
3b. Remote participation: There were opportunities for remote participation in at least some meetings and events.	Green	Green
3c. Minutes: The OGP forum proactively communicates and reports on its decisions, activities, and results to wider government and civil society stakeholders by publishing meeting minutes.	Green	Green

Key:

Green= Meets standard

Yellow= In progress (steps have been taken, but standard is not met)

Red= No evidence of action

<b>Action Plan Implementation</b>	
4a. Process transparency: There is a national OGP website with regular updates (i.e., at least every six months) on commitment and milestone progress: <a href="http://www.ogptunisie.gov.tn">http://www.ogptunisie.gov.tn</a> .	Green
4b. Communication channels: The website allows the public to comment on action plan progress updates under each commitment. <sup>8</sup>	Green
4c. Engagement with civil society: All the meetings that the government holds include civil society representatives, and occur more than once a year.	Green
4d. Cooperation with the IRM: The government shares the link to the IRM report with other government institutions and stakeholders to encourage input during the public comment phase.	Green
4e. MSF engagement: The multistakeholder forum monitors implementation of the NAP and deliberates on how to improve it without modifying commitments.	Green
4f. MSF engagement with self-assessment report: The self-assessment is currently being prepared by the government and has yet to be communicated to the national MSF.	Yellow
<b>4g. Repository: The government documented, collected, and published a repository on the domestic OGP website:</b> <a href="http://www.ogptunisie.gov.tn">http://www.ogptunisie.gov.tn</a> .	Green

<sup>1</sup> Government of the Republic of Tunisia, "Meeting Minutes" (OGP Tunisia, accessed 8 Jul. 2021), <http://www.ogptunisie.gov.tn/en/?cat=51>.

<sup>2</sup> *Id.*

<sup>3</sup> Emir Sfaxi, *Independent Reporting Mechanism (IRM): Tunisia Design Report 2018–2020* (OGP), 59.

<sup>4</sup> Khaled Sellami (Dir. Gen. of the e-Government Unit), interview by IRM researcher, 7 Apr. 2021..

<sup>5</sup> Government of the Republic of Tunisia, "Meeting Minutes."

<sup>6</sup> Sfaxi, 59

<sup>7</sup> Government of the Republic of Tunisia, "Meeting Minutes."

<sup>8</sup> See Government of the Republic of Tunisia, "Engagement I: Renforcer le droit d'accès à l'information" (Commitment I: Strengthen the right of access to information) OGP Tunisia, accessed 8 Jul. 2021), <http://www.ogptunisie.gov.tn/fr/index.php/2019/03/13/engagement-i-renforcer-le-droit-dacces-a-linformation/>.

## IV. Methodology and Sources

Research for the IRM reports is carried out by national researchers. All IRM reports undergo a process of quality control led by IRM staff to ensure that the highest standards of research and due diligence have been applied.

The International Experts Panel (IEP) of the IRM oversees the quality control of each report. The IEP is composed of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual<sup>1</sup> and in Tunisia's 2018–2020 design report.

### About the IRM

**The Open Government Partnership (OGP)** aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



**Stephan Anguelov** is an attorney and researcher in the Access to Information Programme, a nongovernmental organization in Bulgaria. Stephan's line of work includes providing legal aid and representation in access to information and related personal data protection cases, as well as research and monitoring transparency and accountability. Stephan is preparing a PhD in constitutional law on the impact of information technologies on the freedom of expression and privacy at Sofia University, St. Kliment Ohridski.

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<sup>1</sup> IRM, *IRM Procedures Manual* (OGP, 16 Sept. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

## Annex I. IRM Indicators

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.<sup>1</sup> A summary of key indicators the IRM assesses is below:

- **Verifiability:**
  - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
  - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text, the guiding questions to determine the relevance are:
  - Access to information: Will the government disclose more information or improve the quality of the information disclosed to the public?
  - Civic participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
  - Public accountability: Will the government create or improve public facing opportunities to hold officials answerable for their actions?
- **Potential impact:** This variable assesses the potential impact of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and
  - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the IRM implementation report.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the IRM implementation report.

### Results-oriented commitments?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment design is one that clearly describes the:

1. **Problem:** Describe the economic, social, political, or environmental problem rather than just the administrative issue or tool (e.g., "misallocation of welfare funds" is more helpful than "lacking a website").
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26% of judicial corruption complaints are not processed currently.")?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation? E.g., "doubling response rates to information requests" is a stronger goal than "publishing a protocol for response."

### Starred commitments

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One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating entities. To receive a star, a commitment must meet several criteria:

- The commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact as assessed in the design report.
- The commitment’s implementation must be assessed by the IRM implementation report as **substantial** or **complete**.

This variable is assessed at the end of the action plan cycle, in the IRM implementation report.

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<sup>1</sup> IRM, *IRM Procedures Manual* (OGP, 16 Sept. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.