

Independent Reporting Mechanism

Action Plan Review:
Senegal 2021-2023

Open
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Partnership



Independent
Reporting
Mechanism

Introduction

Starting in January 2021 the IRM began rolling out the new products that resulted from the IRM Refresh process.¹ The new approach builds on the lessons after more than 350 independent, evidence-based and robust assessments conducted by the IRM and the inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

The new IRM products are:

1. **Co-Creation Brief** - brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design. This product is scheduled to roll out in late 2021, beginning with countries co-creating 2022-2024 action plans.
2. **Action Plan Review** - an independent, quick, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This product is scheduled to roll out in early 2021 beginning with 2020-2022 action plans. Action Plan Reviews are delivered 3-4 months after the action plan is submitted.
3. **Results Report** - an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product is scheduled to roll out in a transition phase in early 2022, beginning with 2019-2021 Action Plans ending implementation on August 31, 2021. Results Report are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of the Senegal 2021-2023 action plan. The action plan is made up of 12 commitments. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see section III. Methodology and IRM Indicators.

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¹ For more details regarding the IRM Refresh, visit <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>

Section I: Overview of the 2021-2023 Action Plan

Most of the 12 commitments in Senegal's first action plan focus on enhancing access to information and civic participation in budgets and public policies. As civil society and private sector organizations seek to consolidate their role in the formulation and implementation of public policies and assessment of government action, the OGP action plan offers a purposeful, and sustainable consultation framework. It also connects Senegalese reformers with best practices worldwide. Looking ahead, Senegal can continue to strengthen their modestly ambitious plan by defining clear objectives, baseline and progress indicators, and specifying the role of civil society in implementation.

Senegal's first action plan is structured around transparency in public management; public service delivery; and citizen participation. It provides an open government lens to on-going reforms aligned with the country's economic and social development priorities, with the African Peer Review Mechanism and programmes supported by international development partners. Specifically, the plan seeks to enhance access to information regulation and transparency in sectors such as fisheries, to open budgets, to strengthen the anti-corruption legal and institutional framework, to improve electronic administration and access to public services, to ensure diverse participation, especially by women, youth, and persons with disabilities, in environmental issues and in other public policies.

Civil society organizations considered the action plan's co-creation process as participatory and inclusive. After Senegal joined the OGP, the government focal point held by the Directorate for the Promotion of Good Governance (DPBG) convened the OGP National Technical Committee.² The joint committee has 18 members, nine from public institutions and nine from civil society organizations (CSOs). To select the representatives from civil society, the DPBG shared information about the OGP process with organizations experienced in the fields of good governance, access to information and participation, and showing a track record of involvement with the government. CSOs designated their own representatives at the committee and ensured that they would reflect society's diversity.³ CSO members selected Article 19 to co-chair the committee with the DPBG.⁴

AT A GLANCE

Participating since: 2018

Action plan under review: 2021-2023

IRM product: Action Plan Review

Number of commitments: 12

Overview of commitments:

- Commitments with an open government lens: 10 (83%)
- Commitments with substantial potential for results: 3 (25%)
- Promising commitments: 4

Policy areas:

- Access to information
- Transparency and participation in public budgets
- Anti-corruption framework
- Transparency in the fisheries
- Electronic administration
- Public service delivery
- Political participation of women and youth
- Citizen participation in environmental and other public policies

Compliance with OGP minimum requirements for Co-creation:

- Acted according to OGP process: Yes

The co-creation process of the first action plan began in October 2019 and concluded in July 2021.⁵ Consultations took place in December 2020, in 13 out of 14 regions of the country⁶. As reported by all government and civil society representatives interviewed, these consultations were held in a constructive, collaborative spirit.⁷ Throughout the process, the government was “open and responsive”⁸ and the final set of commitments included in the action plan reflect the priorities that emerged from regional consultations, according to civil society organizations.⁹ However, Article 19 noted the absence of online consultations as the main shortcoming.¹⁰ By the time of writing this report, the dedicated website for the OGP process in Senegal¹¹ contained a description of the OGP governance structure and the action plan, but lacked more specific documents, such as reports from regional consultations or Technical Committee meetings.

The IRM identified four commitments (1, 3, 4 and 9) as the most promising for open government results, given their level of ambition and relevance to national priorities. Commitments 1 and 4 promise to increase citizens’ access to information through a national access to information law and targeted transparency in the fisheries sector. Commitments 3 and 9 promise to institutionalize civic participation in policy making. Specifically, commitment 3 engages civil society in updating the anti-corruption legal framework; commitment 9 aims to institutionalize participatory budgeting across local governments.

The remaining commitments are not evaluated as promising, due to either their limited ambition, specificity, or connection to open government values. For instance, commitments 2 and 12 are relevant to open government values and may result in significant gains, as they seek to strengthen participation in the state’s budget process and in public policies. However, the commitment texts lack the specificity of intended activities and the expected results needed to evaluate their full potential. Commitment 11 seeks to involve citizens into the environmental policymaking process through a consultative framework, but the extent of the civic participation component is not sufficiently clear. Other commitments address important policy aims, such as access to public service delivery, but lack clear connections to open government (commitments 5, 7 and 8). Finally, commitment 10 promises to train and work towards the participation of women and youth in politics, but the listed activities do not directly create opportunities for civic participation in government decision-making.

In future action plans, the Technical Committee should review the draft action plan to ensure that commitments have a clear open government lens. Commitment texts should clarify how implementation will make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public. Drafters are also encouraged to design ambitious commitments that introduce change or create new practices, policies, or institutions that govern a policy area, public sector and/or relationship between citizens and state.

² See Senegal OGP National Action Plan 2021-23, p.43 of the English version.

³ Interview with Cheikh Fall Mbaye (DPBG), OGP focal point, 6 October 2021. Interview with Falilou Mbacke Cissé (Institut Africain de Gouvernance, IAG), 26 November 2021.

⁴ Interview with Cheikh Fall Mbaye (DPBG), OGP focal point, 6 October 2021. Interview with Falilou Mbacke Cissé (Institut Africain de Gouvernance, IAG), 26 November 2021.

⁵ Interview with Cheikh Fall Mbaye (DPBG), OGP focal point, 6 October 2021. Article 19 written response to IRM researcher, 18 November 2021. The focal point provided the IRM researcher with the report of the convergence and writing workshops (April 2021) and the list of participants to the validation workshop (July 2021).

⁶ See “Rapport consolidé des consultations citoyennes du PGO”, Direction de la Promotion de la Bonne Gouvernance and Expertise France (PAGOF programme), 26 January 2021.

⁷ Video interviews were conducted in October and November 2021 with: Cheikh Fall Mbaye, Directorate for the Promotion of Good Governance and OGP focal point (6 October); Ndèye Fatou Sarr, RADDHO (12 November); Diafara Sèye, Ministry of Finance and Budget (12 November); Malick Diop, Plateforme des acteurs non étatiques (19 November); Rokhiatou Gassama, Conseil Sénégalais des Femmes (22 November); Alaya Ouarme, Ministry of Economy, Planning and Cooperation (23 November); Fallilou Mbacke Cissé, Institut Africain de Gouvernance (26 November). Written responses to questions addressed by the IRM researcher were received from: Action Solidaire International (9 November); FiTI and the Ministry of the Fisheries (16 November); Ministry of Territorial Collectivities, Development and Land Use Planning (17 November); Article 19 (18 November); OFNAC (18 November); Organization and Methods Office (19 November); Ministry of Economy, Planning and Cooperation (20 November).

⁸ OFNAC, written response to IRM researcher, 18 November 2021.

⁹ Interview with Malick Diop (Plateforme des acteurs non étatiques, PFANE), 19 November 2021.

¹⁰ Article 19, written response to IRM researcher, 18 November 2021.

¹¹ <https://pgo.sn/>

Section II: Promising Commitments in Senegal's 2021-2023 Action Plan

The following review looks at four commitments that the IRM identified as having the potential for the most promising results. This review will inform the IRM's research approach to assess implementation in the Results Report. The IRM Results Report will build on the early identification of potential results from this review to contrast with the outcomes at the end of the action plan's implementation period. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

If fully implemented, commitments related to access to information (1), anti-corruption and asset declarations (3), openness of the fisheries sector (4) and participatory budgeting at the local level (9), as indicated in table 1 below, could deliver substantial open government results. These commitments seek to institutionalize changes across government and maximize the potential of ongoing reforms by adding the value of an open government lens. These reforms promise to better inform the citizens and improve participation in shaping public policies on issues such as anti-corruption, fisheries capture, or budget processes.

The remaining commitments seem, as written in the action plan, less connected to open government values, or less likely to change current government practice and are thus not reviewed in detail. However, during implementation there is opportunity to increase the specificity of these commitments to clarify expected results and bring long-lasting changes to government practices. For instance, commitment 2, on budget transparency, is relevant to civic participation and lists several civil society organizations monitoring budget matters. It is also aligned with the objectives of the Fiscal Openness Accelerator. This international project was launched in March 2020 by the International Budget Partnership and the Global Initiative for Fiscal Transparency, of which Senegal is a part of; it will pilot specific public participation mechanisms through the budget cycle.¹² However, the commitment text is vague in regard to how the existing multistakeholder framework for budget monitoring in place since 2016, will be revitalized, and thus how the dialogue around the budget might improve, or how citizens might gain new opportunities to follow-up on the budget process. Future action plans could commit to applying open and participatory budgeting to specific sectors, such as education and healthcare.

Commitment 11 seeks to strengthen citizen participation in environmental policy. With a starting point of low citizen involvement and high international pressure on environmental protection and climate changes issues, the commitment has the potential to set the path for sustainable and better owned policies, by creating long-term participation mechanisms. The proposed consultation framework, including civil society, could be significant and innovative. However, the IRM researcher was unable to access sufficient information on the scope, format, or intended civic participation components to determine the commitment's potential for results. The remaining milestones are not directly related to open government, as they involve training and promotion of environmental issues more generally.

Similarly, commitment 12 ambitiously seeks to systematize citizen participation across public policies and represents an important issue linked to the decentralization process. However, the commitment text and interviews indicated that the details of intended activities and outcomes

were still to be confirmed. In particular, how to document and address citizen input and grievances, and to whom, remains unclear. The commitment aims to expand the Civil Society Commission's role in evaluating the implementation of public policies to include annual independent alternative reports on implementation of Senegal's economic development plans and sustainable development goals. A roadmap and five thematic commissions (social protection; economic growth; education & professional training; employment and decent work; gender; local governance & public policies) will be developed to institutionalize public participation in development policies.¹³ While this commitment may prove noteworthy, the IRM evaluated this commitment's potential for results to be modest, based on the information available at the time of writing.

Commitments 5 and 6 are assessed to have a modest potential impact to open up government. Improving relations between public administration agents and citizens is important, as is digitalizing administrative procedures, but these commitments would be more relevant and bring direct gains with the disclosure of new information, if mechanisms were created to hold public agents accountable or if the commitments devised new opportunities for participation, which is not clear at this stage.

Commitments 7 and 8 address relevant issues for civil society and are important for public service delivery, but the participatory aspects are unclear at the stage of this review. Commitment 7 will be relevant to civic participation, if organizations of persons with disabilities are involved in the formulation and implementation of the reform, specifically the call center and the High Authority for Equal Opportunities or the Presidential Council. However, these aspects are not clear in the commitment text. Commitment 8 foresees partnership with community relays, to facilitate access to formal justice for marginalized persons, but involvement of civil society organizations does not appear clearly in the commitment text and interviews conducted by the IRM researcher.¹⁴ For both commitments, a sound diagnosis of the problems to access formal justice and basic services for persons with disabilities is a prerequisite to better understand how government openness could facilitate the needed reforms.

In the context of the January 2022 local elections, commitment 10 aims at intensifying youth and women's participation in government through leadership and management training.¹⁵ The proposed activities are relevant and significant in scope, as a large capacity-building programme might represent an incremental step towards implementing the 2010 gender parity law.¹⁶ To raise the level of ambition of this commitment, the IRM recommends that stakeholders consider avenues to increase enforcement of the parity law and to introduce measures for youth participation in governance. Moreover, commitments 9 and 10 could be mutually supportive, by including training for women and youth in participatory budgeting processes.

Table 1. Promising commitments

Promising Commitments
<p>Commitment 1: Adopting the Access to Information Act and subsequent legislation: Identified as a national priority in regional citizen consultations, a sound access to information law and responsible public authority promises to crystalize current efforts to ensure the right to access public information.</p>

Commitment 3: Strengthening the powers of the National Office against Fraud and Corruption (OFNAC): In line with the recently adopted national anti-corruption strategy, the commitment foresees to update the legal framework in collaboration with civil society, to strengthen powers of the OFNAC and enforce asset declaration legislation.

Commitment 4: Commitment to the Fisheries Transparency Initiative (FiTI): Following a similar engagement in the extractive industries, the commitment aims for greater transparency, accountability, and participation in the fisheries sector by achieving Senegal's accession to the FiTI and preparing a first action plan.

Commitment 9: Promoting the participatory budget approach at the local level: Reviewing the regulation of consultation frameworks and building capacities of local governments and civil society organizations promise to expand participatory budgeting at the local level.

Commitment 1: Adopting the Access to Information Act and Subsequent Legislation

(Ministry of Justice / Direction for the Promotion of Good Governance (DPBG); Article 19, Forum Civil, ONG 3D, Union des Radios Communautaires du Sénégal (URCS), Syndicat des Professionnels de l'Information et de la Communication du Sénégal (SYNPICS), Convention des Jeunes Reporters du Sénégal (CJRS), Association des Editeurs et Professionnels de la Presse en Ligne (APPEL))

For a complete description of commitment 1, see the action plan:

https://www.opengovpartnership.org/wp-content/uploads/2021/08/Senegal_Action-Plan_2021-2023_EN.pdf

Context and objectives

Although enshrined in the Senegalese constitution, the right to access information is not the subject of a specific law. It is divided between different sectorial laws relating to archives, public procurement, public officials' asset declarations, among others.¹⁷ Therefore, without a comprehensive and binding legal and institutional framework, this right is not systematically guaranteed.

Commitment 1 pursues the adoption of access to information legislation and the creation of the administrative authority to ensure enforcement. While the country was admitted to OGP in 2018, it scored low in the 'access to information' eligibility criteria. Through this commitment, Senegal will fulfill a key requirement for OGP membership.¹⁸

Citizen consultations held during the co-creation process revealed that adopting the access to information law was a top priority across regions and among civil society organizations. As with all commitments in the plan, the commitment was then endorsed by consensus by the OGP National Technical Committee.¹⁹

The commitment contains clear milestones to pass the national law and subsequent legislation and create an independent administrative authority with sufficient powers and resources to

guarantee its implementation. This involves establishing the scope and the conditions to exercise the right to access public information, establishing enforcement mechanisms and eventual sanctions. The commitment also foresees the important aspect of dissemination the law among the general population to ensure that the right to access public information is altogether known, understood, and put into practice.

Potential for results: Substantial

Setting up the legal and institutional framework for the right to access public information is an essential step to increase transparency and, indirectly, to inform citizen participation and public accountability.

Currently, the Code of Budgetary Transparency allows citizens in Senegal to ask for financial information related to the state budget. At subnational level, the Local Authorities Code²⁰ allows requests to mayors and presidents of departmental councils to obtain information on local affairs. Specialized organizations have used sectorial laws to raise awareness among the general population about the importance of access to information and targeted specific sectors, such as health or the extractive industries.²¹ Despite these possibilities, CSOs and the media face difficulties in accessing strategic information on public finances and public policies and programmes, which complicates their monitoring role. For this reason, ensuring systematic legal access information is important for civil society organizations working on governance issues.²²

This commitment promises substantial improvement to citizens' access to information through the adoption of the first national access to information law and the creation of a responsible public authority. As a national priority supported by international development partners²³, commitment 1 feeds into a process already underway in Senegal. In December 2020, the Ministry of Justice shared a draft access to information bill with civil society actors.²⁴ According to Article 19, the draft bill provided for the establishment of an administrative authority, the National Commission for Access to Information (CONAI), with a dedicated state budget.

Civil society participated in and contributed to the development of the draft bill. For instance, Article 19 submitted several observations on the draft regarding the composition of CONAI, restrictions on access to information and litigation procedures.²⁵ At the time of preparing this evaluation, the draft bill had entered the administrative circuit and Article 19 was not informed of the latest modifications and adjustments on the text.²⁶

The IRM researcher was unable to consult the draft bill, so it is difficult to assess the quality of the future law and compare it with international best practice. However, Article 19 stated that committing to adopt access to information legislation as part of the OGP action plan could trigger the consolidation of the political will to implement access to information in Senegal.²⁷ Provided that the resulting law includes civil society input and institutionalizes the right to information across sectors and government agencies, the commitment has substantial potential to improve access to information and to lay fundamental groundwork for the pursuit of other open government reforms.

Opportunities, challenges, and recommendations during implementation

There is significant national political support for adopting access to information legislation. Institutionally, the reform is led by the Directorate for the Promotion of Good Governance, which is the OGP focal point, and supported by the main civil society organizations involved in public transparency and accountability that participated in the regional consultations, as well as development partners.

In terms of challenges, the January 2022 local elections were a challenge for momentum and general support to the law. A more important issue is securing the resources for its dissemination and implementation. While the National Commission for Access to Information (CONAI) is expected to have a dedicated budget, the government has not specified the amount of funding, particularly for awareness-raising and training activities. Concerning implementation, the COVID-19 pandemic presents a hurdle for resource availability and management and has proved, in many countries, to be a test for the timely response of access to information requests.²⁸

Reformers can refer to successful OGP commitments to strengthen access to information in law and in practice, as this is one of the most popular policy areas in OGP action plans with proven strong results.²⁹ For instance, in 2016, Tunisia, Kenya and Sri Lanka enacted their Access to Information Acts. Tunisia created the Authority of Access to Information, which provides a grievance mechanism for citizens whose requests for information are denied or not granted properly.³⁰ Kenya called for a number of initiatives to facilitate access to information, such as developing comprehensive records management policies, carrying out access to information education for citizens and public officials, and establishing a central digital repository for government records and data, among others.³¹ Sri Lanka's commitment established concrete milestones, which ensure that right to information requests could be processed within 6 months of the adoption of the law, while appointing and training Information Commissioners and Information Officers.³² Nigeria also improved right to information procedures in their 2019 action plan. Specifically, the aim was to proactively disclose information, establish an electronic portal for information requests and mandate annual reports on request and response rates. Additionally, they called for more freedom of information officers within public agencies.³³

When enacting its first national access to information law, Senegal should refer to countries that comply with the highest standards, as recognized by the Global Right to Information Rating.³⁴ To fully benefit from implementation of Commitment 1, the IRM specifically recommends the following measures:

- **Create opportunities for civil society, expert, and public input** throughout the drafting process of the access to information law and subsequent regulations.
- **Ensure sufficient budget** for the implementation of the law, and to guarantee the independence and operation of the National Commission for Access to Information (CONAI).
- **Proactively disclose key information in governmental websites**, in accessible formats. Consult with the public to identify priorities for increased transparency over government-held information and reduce the burden of responding to requests.
- **Strengthen capacity of information officials to respond to requests** by improving digitalization, data collection, and adequate training. In the context of the COVID-19 pandemic, ensure sufficient resources to process requests for information.

- **Raise public awareness with targeted trainings for journalists and civil society organizations** on how to exercise the right to access information through requests. **Use diverse dissemination channels** (such as print, radio, and workshops) to reach rural and marginalized communities.

Commitment 3: Strengthening the powers of the National Office against Fraud and Corruption (OFNAC) (National Office against Fraud and Corruption (OFNAC); Forum Civil)

For a complete description of commitment 3, see the action plan:

https://www.opengovpartnership.org/wp-content/uploads/2021/08/Senegal_Action-Plan_2021-2023_EN.pdf

Context and objectives

This commitment aims to facilitate government and civil society collaboration to strengthen Senegal's legal and institutional anti-corruption framework. Specifically, milestones promise to advance reforms called for under Senegal's 2020-2024 national anti-corruption strategy (Stratégie Nationale de Lutte Contre la Corruption, SNLCC)³⁵ and to strengthen the enforcement powers of the National Office against Fraud and Corruption (OFNAC). As called for under Axis 1 of the national anti-corruption strategy,³⁶ this commitment seeks to strengthen the anti-corruption legal framework “with all concerned stakeholders, including civil society and the private sector, in a process of broad consultation based on studies and exchanges.”³⁷

This commitment undertakes to reinforce the powers of the National Office against Fraud and Corruption (OFNAC) by reviewing and upgrading its foundational legislation and decrees. OFNAC, established in 2012, investigates corruption cases and receives public officials' asset declarations as part of its mandate. However, OFNAC currently lacks the ability to follow-up on corruption cases after their referral to judicial authorities. Additionally, public official's compliance with asset declaration remains low, and non-compliant officials are unsanctioned. Milestones 1 and 3 of this commitment aim to address these obstacles to OFNAC's anti-corruption efforts.

This commitment will be carried out by OFNAC and civil society association Forum Civil, and is supported by the National Assembly, the Presidency, the Ministries of Finance, Justice and Economy, control bodies, and local authorities.

Potential for results: Substantial

Corruption continues to impede Senegal's political and economic progress. In 2021, Senegal scored 43 out of 100 points in Transparency International's Corruption Perceptions Index, ranking the country 73rd out of 180 countries evaluated.³⁸ This commitment addresses the vital national issue of fighting corruption, as acknowledged by CSO African Governance Institute³⁹, and is supported by international agencies and development partners.⁴⁰

The 2020 national anti-corruption strategy aims to strengthen Senegal's legal and institutional anti-corruption tools. The strategy has three major axes: reform of the legal and institutional anti-corruption framework, improvement of anti-corruption actions and governance, improvement of

communication and capacity building for actors involved in corruption prevention. The strategy is aligned with the government's development framework of "Plan Sénégal Émergent" and receives support and funding from international partners.⁴¹ Within these broader efforts, this commitment specifically aims to adapt or introduce legislation around OFNAC's operations and mandate (milestone 1), whistleblower, witness, and victim protection (milestone 2), and public officials' asset declarations (milestone 3).

Ibrahima Fall, Permanent Secretary for OFNAC, stated that anti-corruption legislation would be reviewed and adopted under this commitment through a participatory approach. He clarified that a multidisciplinary committee, including civil society members, will draft the texts before their transmission to the ministerial and legislative circuit. However, Permanent Secretary Fall also noted that an internal government committee is already established to propose a draft bill to amend law 2012-30, establishing OFNAC. Moreover, a draft bill reforming the declaration of assets law (2014-17) was internally validated on October 27, 2021. Both texts will undergo a final internal reading before entering the administrative circuit.⁴² Therefore, this commitment's potential to contribute to substantial open government results partly depends on whether the drafting process for such legislation is meaningfully opened to civil society and public input.

The commitment proposes sanctions for non-compliance of asset declaration obligations, thus increasing accountability of public officials. The Permanent Secretary Fall anticipates that access to information on asset declarations also would improve as a result of the commitment.⁴³ Every year, OFNAC reports on the number of entry and exit declarations received, which remain low compared to the number of declarations that should be submitted.⁴⁴ If sanctions are established, "they will be a deterrent to anyone who attempts to commit the same offense while also contributing to the control of assets."⁴⁵ Overall, "if follow-up is given to the investigation files sent to the competent judicial authorities and the declaration of assets is made effective for all subject persons, this will have an impact on good governance. Indeed, corruption will be repressed regularly through judicial decisions."⁴⁶

In parallel to the above-mentioned legal reforms, OFNAC has also started to disseminate the national anti-corruption strategy in all regions of the country. This dissemination process will include the entire anti-corruption legal framework, when established.⁴⁷

While the milestones in the commitment text lack specificity, IRM research clarified that implementation of this commitment promises to strengthen civic participation in anti-corruption policymaking, through the creation of a multi-stakeholder committee to review and draft legislation. Moreover, the subsequent legislation can potentially strengthen government transparency and public accountability through greater protection for whistleblowers and asset declaration enforcement and disclosure. Provided that the resulting legislation is relevant and comprehensive, and if sanctions for non-compliance are adopted, the commitment could substantially enhance participation in anti-corruption policymaking and public accountability.

Opportunities, challenges, and recommendations during implementation

This commitment represents an opportunity for civil society to collaborate with the government to improve the anti-corruption legal framework. The African Governance Institute, an organization involved in the action plan, believes that the government is committed to the open government

approach.⁴⁸ Including this pre-existing reform in the OGP action plan ensures support at the state's highest level, and implementation can be informed by international best practices.⁴⁹

As for other commitments, stakeholders might face challenges in terms of securing political will, as the draft laws must be negotiated in parliament. Local elections in January 2022 offer the opportunity to seek anti-corruption allies among newly elected municipal leaders. Also, involvement of civil society organizations in the reform process must be clarified, as only Forum Civil is listed as stakeholder in the commitment text while a "framework of broad consultation"⁵⁰ is expected. Finally, it will be crucial to guarantee funding to implement and disseminate the updated anti-corruption framework.

Senegal can look at several successful consultative approaches to strengthen institutional anti-corruption frameworks, such as the open and participatory drafting of the Croatian Anti-Corruption Strategy (2014).⁵¹ Senegal can also look at Albania's implementation of the law "On Protection of Whistleblowers" in its 2016 action plan.⁵² For significant outcomes, the IRM recommends that the following criteria are met when implementing this commitment:

- **Establish opportunities for experts, civil society, and citizens to provide input** on draft legislation and decrees that begin early and continue throughout the drafting process. Widely advertise opportunities to provide public input in advance and reach out with targeted invitations to facilitate broad consultation.
- **Provide procedural transparency** by publishing draft legislation, multi-stakeholder meeting and consultation minutes, and information on how public input was incorporated into the final texts.
- **Build a coalition of anti-corruption champions** in the administration, parliament, faith-based and community leaders, and among newly elected local representatives early on to facilitate passage and implementation of new and revised laws down the road.
- **Collaborate with civil society to ensure that sanctions are established** in asset declaration legislation.
- **Undertake communication and awareness-raising activities** through print, radio, and workshops across the country to build popular awareness and support for anti-corruption efforts.

Commitment 4: Joining the Fisheries Transparency Initiative (FiTI) (Ministry for Fisheries and the Maritime Economy/ Maritime Fisheries Direction; Forum Civil)

For a complete description of commitment 4, see the action plan:

https://www.opengovpartnership.org/wp-content/uploads/2021/08/Senegal_Action-Plan_2021-2023_EN.pdf

Context and objectives

Marine fisheries, a strategic sector in Senegal's economic weight and food security, face a number of challenges. Overfishing, pollution, and climate change are increasing pressure on the

country's marine fisheries, which account for 80 percent of the total capture, 60 percent of supply for exports and over 108,000 jobs and livelihoods.⁵³

The lack of available data and weak governance of the sector result in economic losses for the state, threaten stability and jobs, in particular for the smaller operators, and put the sustainability of the industry at risk.⁵⁴ In this context, the President of Senegal committed to joining the global Fisheries Transparency Initiative (FiTI) in 2016, but the process is still unachieved. The FiTI is a voluntary, global initiative that supports coastal countries in responsible and sustainable fishing through enhanced transparency and multi-stakeholder collaboration.⁵⁵ Engaging with the FiTI is a process to progressively improve transparency in the fisheries sector.

While Senegal is already part of a similar international initiative for extractive industries (EITI), this commitment aims to sustain political will, private sector and civil society involvement to submit Senegal's official application to the FiTI.⁵⁶ The commitment has clear and specific milestones, with the main objectives of setting up a multi-stakeholder group to lead the process, applying to FiTI membership and preparing a first action plan.

Potential for results: Modest

A lack of transparency and a weak governance framework makes sustainable fisheries management difficult and opens the door to unethical business practices. Therefore, it is essential to level the playing field, by making information available to the public and by forming a broad coalition to improve sectoral governance. If Senegal complies with FiTI transparency and multi-stakeholder co-ordination standards over time, the commitment could have substantial results on opening government in the longer term. For the time being, joining the FiTI is a modest first step towards this goal.

Transparency around Senegal's fisheries is currently characterized by unavailability or inaccuracy of essential data. Several ministries lack free access websites that should provide relevant, comprehensive, and up-to-date information. This is a serious issue for the timely publication of data, as reported by the Ministry of the Fisheries and FiTI regional co-ordinator.⁵⁷ For example, the most recent statistical report for one directorate was published in 2017 and then, only one page of the report is published.⁵⁸ Important statistics are missing, such as state of fish stocks and catches, number of national and foreign fishing vessels, payments made to the State by fishing companies, number of jobs in the sector, number of fishermen and women involved in the industry, amount and beneficiaries of subsidies, etc. Besides, two co-existing official statistical systems publish results that are sometimes contradictory. A complete online register of fishing laws and regulations is missing. This lack of credible and accessible data affects the quality of the public debate on marine fishing.⁵⁹

In terms of fisheries management, new modes of co-management were established in the last years, including consultation frameworks between public authorities and other stakeholders at central and local levels. However, professionals consider these frameworks as not fully functional and call for a multi-stakeholder consultation process where the public sector, the private sector companies and civil society would be represented.⁶⁰

Promisingly, some meetings have already taken place as part of the OGP process. In September 2021, FiTI hosted a workshop, organized with the association Forum Civil and the Ministry of

Justice, to raise awareness and share experiences of transparency in fisheries management in Senegal.⁶¹ However, there is a lack of responsiveness from the Ministry in relation to the FiTI file. There was also resistance from fisheries authorities and lobbies involved in granting fishing licenses. Respondents stated that “the appointment of a FiTI Focal Point within the Directorate of Maritime Fisheries has not been able to establish communication with the Authorities as expected.”⁶²

Committing to join FiTI demonstrates that the Senegalese government, fishing industry and civil society organizations recognize how greater transparency and inclusiveness will benefit their interests. In the longer term, the government might gain public trust by demonstrating a clear commitment to responsible fisheries, which can in turn improve contracting, trade, and investment. Commercial fishing companies can profit from enhanced reputations and a level playing field, where all companies provide similar information. Small-scale fishers might gain recognition for their contribution to the country’s food security and development, and secure a fair environment to operate. Finally, civil society might improve its understanding of this sector and increase its ability to hold government and companies accountable.⁶³

The main milestone of this OGP commitment is that Senegal achieves FiTI membership and, although not explicitly said in the text, but acknowledged by the FiTI regional co-ordinator and the Fisheries Ministry, the commitment sets the path for complying with FiTI standards.⁶⁴ Both government and FiTI representatives interviewed consider that joining FiTI is a necessary step to “improve governance and transparency in the fisheries sector, facilitate surveillance and monitoring by governmental and non-governmental stakeholders, contribute to the sustainable management of fisheries, popularize the government’s notable efforts in terms of sustainable fisheries management and support for fishing professionals, reduce social conflicts in the sector and strengthen confidence and cooperation between the various stakeholders in the concerted management of fishery resources, enhance the attractiveness of the sector for donors and investors, support the efforts of the State in the fight against unreported and unregulated fishing and corruption.”⁶⁵

The establishment of a FiTI national multi-stakeholder group (NMSG) promises to increase civic participation in fisheries policymaking. The NMSG would bring together an equal number of representatives from government, companies, and civil society to conduct stakeholder consultations, and draft organizational and operational acts. Therefore, full implementation of this commitment initiates an ongoing process to improve transparency and participation in the marine fisheries sector. In the longer term, Senegal’s accession to FiTI and subsequent compliance with transparency standards promises to significantly increase public access to information in the fishing industry, civic participation, and accountability in a vital economic area.

Opportunities, challenges, and recommendations during implementation

The Ministry of the Fisheries is widely supported by civil society and the private sector in its efforts to apply for FiTI membership. Specifically, the ministry has a strong support from operators “in artisanal and industrial fishing who disagree with the granting of fishing licenses to foreign vessels and the uncontrolled establishment of fishmeal factories”, as well as from civil society organizations, as expressed jointly by the Fisheries Ministry and FiTI representatives.⁶⁶

Fishing professionals have come together in two national coalitions to advocate for more transparency as well as the fulfillment of the Head of State's public commitment to join the FiTI. One coalition brings together most artisanal fishing organizations in Senegal, and the other opposes the granting of new fishing licenses.⁶⁷ Forum Civil has been one of the main civil society supporters of transparency in the fisheries sector. At the international level, the Regional Partnership for Coastal and Marine Conservation (PRCM) and the United States Aid Agency (USAID) have shown their commitment to support the FiTI process, technically and financially.

To successfully use the OGP platform in its ongoing efforts to implement FiTI standards, Senegal can look at the Seychelles' commitment on fisheries transparency in its 2019 action plan. The national multi-stakeholder group and the Seychelles' Fishing Authority maintained ongoing communication during the research process for the first FiTI Report. This real-time feedback enabled the government to improve publicly available fisheries information before the report was even finalized. Additionally, members of the NMSG met with members of parliament to discuss the report findings, specifically regarding confidential fishing agreements and availability of data on fish stocks and overfishing. Resultantly, Seychelles' efforts have contributed to decreased use of confidential fishing agreements, greater publicly available fisheries information and improved dialogue among industry stakeholders.⁶⁸

This commitment's inclusion in the action plan is an opportunity to give impulse and secure political and institutional engagement at the highest level for FiTI adherence. In particular, it presents the opportunity to develop communication channels and trust between the FiTI Focal Point in the Ministry of Fisheries, and potential allies within civil society and the private sector. Aware of the opportunities and challenges, and in line with FiTI and the Ministry of the Fisheries representatives, the IRM specifically recommends the following actions for sound commitment implementation:

- **Sustain political will and engagement with the two national coalitions of fishing operators to secure Senegal's application to FiTI**, and the establishment of the FiTI National Secretariat and multi-stakeholder group.
- **Set up a system for collecting, processing, and publishing data** concerning the fisheries sector.
- **Establish a permanent channel for government, civil society, and private sector dialogue**, and ensure opportunity for groups currently outside of the process to join at relevant moments.
- **Conduct consultations to ensure an FiTI budget in the Consolidated Investment Budget.**

Commitment 9: Promoting the participatory budget approach at local level (Ministry of Territorial Collectivities, Development and Land Use Planning/ Local Government Direction; RCTB, CONASUB, COSEF, Local Authorities Network on Participatory Budget, Enda-Ecopop, ONG3D)

For a complete description of commitment 9, see the action plan:

https://www.opengovpartnership.org/wp-content/uploads/2021/08/Senegal_Action-Plan_2021-2023_EN.pdf

Context and objectives

While Senegal made significant progress in budget transparency over the past decade, according to the Open Budget Survey, there is need to strengthen budgetary control and citizen participation, which was evaluated as very low in 2019.⁶⁹ This commitment seeks to enhance citizen participation in local public finances.

The OGP action plan states that the lack of consultation frameworks is an obstacle to participatory budgeting. The commitment seeks to expand the participatory budget approach countrywide by improving the regulation of consultation frameworks, setting up monitoring groups and building capacities of local governments and civil society actors. It also includes the creation of a dedicated internet portal and a guide.

Increasing participation in budget processes is a government priority in line with the national development plan and the ongoing decentralization process, according to the Director for Local Authorities at the Ministry of Territorial Collectivities, Development and Land Use Planning.⁷⁰ The Technical Committee endorsed this commitment under the leadership of the Citizen Network for Budget Transparency (RCTB)⁷¹ and “absolutely reflects the priorities of civil society organizations” as well.⁷²

Potential for results: Substantial

This commitment holds a substantial potential to strengthen civic participation in local budget processes by strengthening the national legal framework and participatory budgeting tools.

Senegal lacks national level legislation on participatory budgeting. At the local level, the General Code of Local Authorities provides, to a certain extent, for citizens’ access to information and participation in the management of local affairs.⁷³ The Code requires local authorities to hold a budgetary orientation debate, open to the public, and to vote and publish their actual accounts (*comptes administratifs*).⁷⁴ However, the Code does not currently require mayors to provide opportunities for citizen participation in developing, implementing and monitoring of local budgets.

So far, a limited but increasing number of local governments across the country have employed participatory budgeting. In a context of development partners’ ever-growing interest, civil society organizations are co-ordinating and nurturing a favorable environment for citizen control over the management of public finances. In 2016, several organizations such as CICODEV, ALPHADEV, Action Solidaire International and Enda ECOPOP launched the Citizen Network for Budget Transparency (RCTB). Since then, according to the Director of Local Authorities, at least 40 projects have been documented following the approach proposed by the National Program for Local Development and Enda ECOPOP. Other reports indicate over 100 participatory budgeting experiences at local level, out of 558 “communes” (municipalities) and 46 departments in Senegal.⁷⁵

The initial participatory budgeting experiences in Senegal have helped local governments collect higher revenues from municipal taxes and increase their budget, by improving confidence between citizens and authorities. Citizens have seen an impact on the way resources were used

in services and investments, according to their interests, and have tended to reelect mayors who introduced participatory budgeting.⁷⁶ Some of the general challenges associated with participatory budgeting are the inclusion of disadvantaged or traditionally more excluded groups, such as women, youth, elderly, less educated, persons with disabilities, etc. who might face greater barriers to participating and to having their priorities reflected. However, according to UN Habitat's analysis, participatory budgeting has proven to be an overall positive process for the building of inclusive localities, "where those who are traditionally marginalized are breaking out of the cycle of exclusion".⁷⁷

Therefore, the main challenge addressed by the commitment is how to expand the practice of participatory budgeting for impactful and sustainable results throughout the country. In line with the action plan's initial assessment, the President of COSEF (Senegalese Council of Women) stated that participatory budgeting is not extended because "there is no legal requirement for the mayors to set up consultation frameworks. These remain optional."⁷⁸ She explained that "this has been a commitment of the state for a long time linked to the decentralization process, but more ambition is needed to change Article 7 of the Local Authorities Code. Where it states that the mayor "can" appoint the members of the consultation framework, it should be changed by "must". We have to formalize these consultation frameworks."⁷⁹

Consultation frameworks are public participation forums that include political representatives and civil society members across all sectors. These frameworks define priorities for community budgets, through interaction with elected officials and the local government. Consultation frameworks need to be officially recognized and established so that they don't depend on political will.⁸⁰ The commitment establishes quantitative targets, such as 20 new consultation frameworks, and 10 Local Budget Monitoring Groups. More significantly, it seeks to institutionalize participatory budgeting by adopting an implementing decree that would regularize the systematic set up of these frameworks in the communes.

More broadly, another obstacle to participatory budgeting is due to the lack of public understanding of the budget process, and of civil society monitoring capacities. The commitment seeks to increase access to relevant information.⁸¹ The internet portal for local authorities to be established "will contain data on the decentralization's legal framework, share information on capitalization of experiences and statistics on local finances".⁸² Implementation also includes awareness-raising and training programmes on the participatory budgeting approach for a number of local governments and civil society actors, delivered together with civic organizations. Capacity-building activities will cover topics such as "participatory development of the various planning tools (town and land-use planning) and budget processes," and "dissemination activities will be undertaken through workshops" for 200 persons and the popularization of the guide.⁸³

Taken together, these objectives make the commitment relevant to the values of access to information and civic participation, and with substantial potential to open government. Most significantly, the aim to establish a national legal framework promises to address the central obstacle to the expansion of participatory budgeting across Senegal, which is currently dependent on the political will of local leaders. Furthermore, the creation of an information portal and training programme begins to address the lack of citizen budget literacy and officials' understanding of participatory budgeting. Therefore, with a strong coalition of government and civil society reformers, the commitment has substantial potential to increase citizens' ability to participate in shaping and to influence local investments and public services.

Opportunities, challenges, and recommendations during implementation

From a civil society perspective, commitment 9 could strengthen past achievements and engage more municipalities in participatory budgeting. They perceive political will and expect that the commitment will effectively translate into a regulatory change and contribute to a collaborative environment for participatory budgeting at the local level. The President of COSEF anticipates that regulating consultation frameworks may integrate civic participation in the budget process at the local level, as long as these frameworks become mandatory.⁸⁴ Both Action Solidaire International and COSEF stressed that CSOs will oversee the implementation of the commitment.⁸⁵ The involvement of experienced organizations forming the RCTB through awareness-raising and trainings is as well an opportunity to achieve concrete results.

Adopting the necessary regulatory change will likely present the greatest challenge. The Director of Local Authorities expressed that “with elections to be held at the beginning of 2022 and expected changes in local teams, forecasts may be upset.”⁸⁶ Another challenge mentioned by COSEF President is the need to train not only elected officials, but also the population in budget literacy, so citizens can interact with elected officials and get involved in the management of local affairs.⁸⁷

In OGP action plans, participatory budgeting and, more broadly, fiscal openness is a popular area which has delivered good results. Among them, commitments at the local level are particularly effective: over a quarter of local fiscal openness commitments show strong early results, and over 80% of local participatory budgeting commitments are highly ambitious.⁸⁸ Therefore, Senegal can look to some of these commitments. For instance, in 2016, the Madrid city council enabled the public to allocate 100 million euros and propose potential expenditures. The population voted on the final proposals.⁸⁹ Côte d’Ivoire introduced local participatory budgeting in its first action plan (2016), piloting this approach in 10 municipalities. The government established local committees to monitor community projects and budgets, and offered training opportunities to 350 leaders in civil society organizations and women’s groups on social accountability, budgeting, and facilitation. Its third plan for 2020-22 foresees to create a participatory budgeting decree and a guide to standardize civic participation in budget formation across Ivorian communes.⁹⁰ Likewise, the government’s inclusion of civil society in validation sessions for budget guidelines begins to increase civic participation in fiscal processes. At the national level. Recently, Nigeria (2019)⁹¹, Tunisia (2018)⁹², Tbilisi (2018)⁹³ and Scotland (2018)⁹⁴ have made commitments related to enhanced participation in local budgets.

With these opportunities, challenges, and examples in mind, the IRM specifically recommends to:

- **Ensure that consultation frameworks are made mandatory**, by modifying the Local Authorities Code.
- **Actively seek out and invite civil society representatives to take part in consultation frameworks** as well as monitoring groups, and ensure that representatives from traditionally excluded and marginalized communities are present throughout the budget cycle including planning, execution, and oversight.

- **Ensure that capacity-building activities also target organizations representing the groups that face more barriers** in accessing and influencing participatory spaces, including women and youth (in connection and co-ordination with commitment 10).
- **Publish documentation of the discussion and decisions made during the budget cycle**, specifically highlighting how civil society input was considered and incorporated.
- **Conduct a joint assessment by government and civil society** on the participatory budget experiences in Senegal.
- **Use offline dissemination and awareness-raising activities** when disseminating the participatory budgeting guide to reach rural and marginalized community members.

¹² The Fiscal Openness Accelerator is a project developed by the International Budget Partnership (IBP) and the Global Initiative for Fiscal Transparency (GIFT). It seeks to improve transparency and enhance public participation in fiscal policies. The FOA is supported by the US Department of State and the OGP Multi-Donor Trust Fund, managed by the World Bank. See <https://www.fiscaltransparency.net/foaproject/>

¹³ Directorate for Planning and Economic Policies/ Ministry of Economy, Planning and Cooperation, written response to the IRM researcher, 20 November 2021.

¹⁴ Interview with Ndèye Fatou Sarr (RADDHO), 12 November 2021.

¹⁵ Interview with Rokhiatou Gassama, Conseil Sénégalais des Femmes (COSEF), 22 November 2021.

¹⁶ In June 2021, out of 558 municipalities, only 15 women were mayors and two were presidents out of 46 departmental councils. See “Sénégal: Les femmes à l’assaut des collectivités territoriales - Le temps de l’affirmation”, Aliou Diouf, le Soleil, 8 June 2021: <https://fr.allafrica.com/stories/202106090382.html>. On gender parity in political elections, see also “Gender parity in Senegal – A continuing struggle”, Marianne Tøraasen, Chr. Michelsen Institute (CMI Insight no. 2), 2017: <https://www.cmi.no/publications/6230-gender-parity-in-senegal-a-continuing-struggle>

¹⁷ “Sénégal — Rendre effectif le droit d’accès à l’information en l’absence d’une loi spécifique”, Sylla Sow (Article 19), in *Guide des bonnes pratiques*, PAGOF, 2019: https://dataactivist.coop/guide_pagof/documentation/

¹⁸ Regarding OGP eligibility criteria, Senegal scored 3 out of 4 points in access to information, 4/4 in Budget transparency, 3/4 in Declaration of assets and 3/4 in Citizen engagement. See “2010-2020 OGP Eligibility Database (Published June 7, 2021)” https://docs.google.com/spreadsheets/d/1PK_bRjYzrYCLITGWW0R9Z3qpfqUgT7WZNYlpId9Y/edit#gid=1406221191

¹⁹ Interview with Cheikh Fall Mbaye (DPBG), OGP focal point, 6 October 2021. Article 19 written response to IRM researcher, 18 November 2021.

²⁰ Law No. 2013-10 of December 28, 2013 on the General Code of Local Authorities: <http://www.jo.gouv.sn/spip.php?article10120>

²¹ For instance, Article 19 has advocated for the disclosure of information in the health sector, on the specific topic of prevention and free management of obstetric fistula. It has supported target populations to better access information and learn about the laws that govern certain practices that promote fistula. The association has also addressed the lack of information on the environmental impacts of extractive industries. Based on the EITI mechanism and on the mining code which states that “data relating to environmental degradation cannot be considered confidential”, Article 19 has pushed the authorities to make public environmental impact and feasibility studies. See “Sénégal — Rendre effectif le droit d’accès à l’information en l’absence d’une loi spécifique”, Sylla Sow (Article 19), in *Guide des bonnes pratiques*, PAGOF, 2019.

²² Article 19 written response to IRM researcher, 18 November 2021.

²³ In June 2021, UNESCO launched a call for proposals to conduct a study on access to information in Senegal, to contribute to “help public authorities in the future operationalization of the law on access to information but also to provide the data for the reporting of the implementation of the SDGs”. See <https://fr.unesco.org/news/appele-propositions-conduite-dune-etude-lacces-information-au-senegal>

²⁴ “Loi sur l’accès à l’information : Les termes de référence partagés”, Le quotidien, 1 December 2020: <https://lequotidien.sn/loi-sur-lacces-a-linformation-les-termes-de-reference-partages/>.

²⁵ Article 19 written response to IRM researcher, 5 January 2022.

²⁶ “Loi sur l’accès à l’information: le processus est très en avance”, Agence de Presse Sénégalaise, 26 August 2021: <https://fr.allafrica.com/stories/202108270326.html>

²⁷ Article 19 written response to IRM researcher, 18 November 2021.

²⁸ Nearly one in five OGP countries limited the right to information in response to the Covid-19 pandemic. See OGP Right to Information Fact Sheet: <https://www.opengovpartnership.org/wp-content/uploads/2021/11/Right-to-Information-fact-sheet.pdf>

²⁹ OGP Right to Information Fact Sheet (November 2021).

³⁰ OGP Right to Information Fact Sheet (November 2021).

³¹ See <https://www.opengovpartnership.org/members/kenya/commitments/KE0017/>

³² See <https://www.opengovpartnership.org/members/sri-lanka/commitments/LK0022/>

³³ OGP Right to Information Fact Sheet (November 2021).

³⁴ See <https://www.rti-rating.org/country-data/scoring/>

³⁵ See https://www.ofnac.sn/resources/pdf/SNLCC_2020-2024_web.pdf

³⁶ Axis 1 will be operationalized through “adoption of a special anti-corruption law taking into account all the mandatory provisions of the UNCAC, in particular strengthening of prevention mechanisms and repression (...)”. Updating the legal framework will include “generalizing codes of ethics, broadening the scope of asset declarations, taking into account conflicts of interest, integrating provisions to make prosecution compulsory in the event of referral to the judicial authorities of acts of corruption, extending OFNAC’s powers (...), protecting whistleblowers and witnesses” (SNLCC, p.53-54).

³⁷ SNLCC, p.53.

³⁸ Transparency International. Corruption Perceptions Index. 2021. Senegal.

<https://www.transparency.org/en/countries/senegal>

³⁹ Interview with Falilou Mbacke Cissé (Director General), Institut Africain de Gouvernance, 26 November 2021.

⁴⁰ “In July 2021, the United Nations Office on Drugs and Crime (UNODC) supported the drafting of an asset declaration law in Senegal and held a follow-up workshop that raised awareness of the law among Parliamentarians”, Status of implementation of Conference resolutions 8/7, 8/8, 8/11, 8/12 and 8/14, on the prevention of corruption, Report of the Secretariat, Conference of the States Parties to the United Nations Convention against Corruption, 4 October 2021:

https://www.unodc.org/documents/treaties/UNCAC/COSP/session9/CAC-COSP-2021-12/V2107379_E.pdf.

⁴¹ See https://www.ofnac.sn/resources/pdf/SNLCC_2020-2024_web.pdf

⁴² OFNAC written response to IRM researcher, 18 November 2021.

⁴³ OFNAC written response to IRM researcher, 18 November 2021.

⁴⁴ OFNAC’s activity report from 2018 (last one published on its website) mentions the following data: 865 people were considered active taxable persons in 2018. Among these, 41 entry declarations were registered and 30 exit declarations. As of December 31, 2018, 45 taxable persons had still not made their entry declaration and 96 exit declarations were expected. See https://www.ofnac.sn/resources/pdf/RAPPORT_D%E2%80%99ACTIVITES_2018.pdf.

⁴⁵ OFNAC written response to IRM researcher, 18 November 2021.

⁴⁶ OFNAC written response to IRM researcher, 18 November 2021.

⁴⁷ OFNAC written response to IRM researcher, 18 November 2021.

⁴⁸ Interview with Falilou Mbacke Cissé (Director General), Institut Africain de Gouvernance, 26 November 2021.

⁴⁹ Interview with Falilou Mbacke Cissé (Director General), Institut Africain de Gouvernance, 26 November 2021.

⁵⁰ SNLCC, p.54.

⁵¹ See Croatia 2014 commitment on <https://www.opengovpartnership.org/members/croatia/commitments/HR0022/>

⁵² Albania OGP National Action Plan 2016-18, Implementation of the Law "On Protection of Whistleblowers"

Commitment: <https://www.opengovpartnership.org/members/albania/commitments/AL0052/>

⁵³ <https://www.fiti.global/senegal>

⁵⁴ Senegal OGP action plan 2021-23, commitment 4, p.22 and FITI Senegal webpage: <https://www.fiti.global/senegal>.

⁵⁵ “Open Government Partnership joins International Board of FITI”, FITI website, 4 October 2021:

<https://www.fiti.global/open-government-partnership-joins-international-board-of-fiti>

⁵⁶ Senegal publicly committed to joining FITI in February 2016 in Nouakchott, according to Mansour Ndour (FITI) and Chérif Sambou (Ministry of the Fisheries), written response to IRM researcher, 16 November 2021.

⁵⁷ Fisheries Transparency Initiative and Ministry for Fisheries and the Maritime Economy, joint written response to IRM researcher, 16 November 2021.

⁵⁸ See <http://www.dpm.gouv.sn/category/rapport-statistique>.

⁵⁹ Fisheries Transparency Initiative and Ministry for Fisheries and the Maritime Economy, joint written response to IRM researcher, 16 November 2021.

⁶⁰ Fisheries Transparency Initiative and Ministry for Fisheries and the Maritime Economy, joint written response to IRM researcher, 16 November 2021.

⁶¹ See <https://www.fiti.global/fiti-hosts-workshop-on-ogp-implementation-in-senegal>

⁶² Fisheries Transparency Initiative and Ministry for Fisheries and the Maritime Economy, joint written response to IRM researcher, 16 November 2021.

⁶³ See <https://www.fiti.global/benefits>

⁶⁴ Fisheries Transparency Initiative and Ministry for Fisheries and the Maritime Economy, joint written response to IRM researcher, 16 November 2021.

⁶⁵ Fisheries Transparency Initiative and Ministry for Fisheries and the Maritime Economy, joint written response to IRM researcher, 16 November 2021.

⁶⁶ Fisheries Transparency Initiative and Ministry for Fisheries and the Maritime Economy, joint written response to IRM researcher, 16 November 2021.

⁶⁷ Fisheries Transparency Initiative and Ministry for Fisheries and the Maritime Economy, joint written response to IRM researcher, 16 November 2021. They also noted that, despite an important support for transparency from professionals, some organizations such CAPS (Collectif des Acteurs de la pêche), which is close to the Minister of Fisheries, have not shown interest in FiTI.

⁶⁸ “Transparency in Fisheries: A Clear Way Ahead for Seychelles”, Bertrand Belle and Sven Biermann, Open Government Partnership blog, 20 April 2020: <https://www.opengovpartnership.org/stories/transparency-in-fisheries-a-clear-way-ahead-for-seychelles/>; Independent Reporting Mechanism. Seychelles 2019-2021 Transitional Results Report. Publication Forthcoming.

⁶⁹ In terms of transparency, Senegal progressed from 10 points (out of 100) in 2011 to 46 points in 2019 in the Open Budget Index, just above the global average. However, these results highlight as well the importance of strengthening budgetary control and especially citizen participation, in which the country scored 0 out of 100 points.

⁷⁰ Fatou Bintou, Director of Local Authorities (Directrice des Collectivités Territoriales), written response to IRM researcher, 17 November 2021.

⁷¹ The Citizen Network for Budget Transparency (RCTB) is a collective initiative of four civil society organizations “with the mission to contribute to the improvement of transparency and citizen participation in the elaboration, implementation and monitoring of public budgets in Senegal, so that they meet the basic needs of citizens, with a particular focus on the most vulnerable”. See “Senegal and SDG 16: What are the results after 5 years?”, Enda ECOPOP, June 2021, p.27: https://oidp-afrique.org/oidpdisque/2021/11/SENEGAL-and-SDG16-JUNE-2021-en-us_Vu.pdf

⁷² Action Solidaire International (ASI), written response to IRM researcher, 9 November 2021.

⁷³ Interview with Rokhiatou Gassama, Conseil Sénégalais des Femmes (COSEF), 22 November 2021.

⁷⁴ Senegal OGP National Action Plan 2021-23

⁷⁵ A recent report by Enda ECOPOP stated that the participatory budget approach had reached more than 105 local governments throughout the country, while the Participatory Budgeting World Atlas, supported by the World Bank, refers 123 participatory budgeting processes, all at local level. On participatory budgeting experiences, see “Senegal and SDG 16: What are the results after 5 years?”, enda ECOPOP, June 2021 and the World Participatory Budget Atlas (<https://www.pbatlas.net/senegal.html>).

⁷⁶ “Participatory Budgeting in Senegal: Interview with Mamadou Bachir Kanouté”, Africa Research Institute, 5 February 2015: <https://www.africaresearchinstitute.org/newsite/blog/participatory-budgeting-senegal/>

⁷⁷ *Participatory Budgeting in Africa: A Training Companion with cases from eastern and southern Africa*, Volume I, United Nations Human Settlements Programme (UN-Habitat) and Municipal Development Partnership for Eastern and Southern Africa, 2008, p.11-12.

⁷⁸ Interview with Rokhiatou Gassama, Conseil Sénégalais des Femmes (COSEF), 22 November 2021.

⁷⁹ Interview with Rokhiatou Gassama, Conseil Sénégalais des Femmes (COSEF), 22 November 2021. “In order to guarantee a good participation of the populations in the management of public affairs, the local executive body can institute, within the local community, a consultation framework (...)”, Law No. 2013-10 of December 28, 2013 on the General Code of Local Authorities, Book I, Section 2. – Citizen participation, Art. 7.: <http://www.jo.gouv.sn/spip.php?article10120>

⁸⁰ Interview with Rokhiatou Gassama, Conseil Sénégalais des Femmes (COSEF), 22 November 2021.

⁸¹ Fatou Bintou, Director of Local Authorities, written response to IRM researcher, 17 November 2021.

⁸² Fatou Bintou, Director of Local Authorities, written response to IRM researcher, 17 November 2021.

⁸³ Fatou Bintou, Director of Local Authorities, written response to IRM researcher, 17 November 2021.

⁸⁴ Interview with Rokhiatou Gassama, Conseil Sénégalais des Femmes (COSEF), 22 November 2021.

⁸⁵ Action Solidaire International (ASI), written response to IRM researcher, 9 November 2021. Interview with Rokhiatou Gassama, Conseil Sénégalais des Femmes (COSEF), 22 November 2021.

⁸⁶ Fatou Bintou, Director of Local Authorities, written response to IRM researcher, 17 November 2021.

⁸⁷ Interview with Rokhiatou Gassama, Conseil Sénégalais des Femmes (COSEF), 22 November 2021.

⁸⁸ OGP Fiscal Openness Factsheet, May 2019: <https://www.opengovpartnership.org/wp-content/uploads/2019/05/Fiscal-Openness-Fact-Sheet-May-2019.pdf>

⁸⁹ OGP Fiscal Openness Factsheet, May 2019.,

⁹⁰ Côte d’Ivoire OGP action plan 2020-22: <https://www.opengovpartnership.org/documents/cote-divoire-action-plan-2020-2022/>.

⁹¹ Nigeria OGP action plan 2019-22, participatory budgeting commitment: <https://www.opengovpartnership.org/members/nigeria/commitments/NG0015/>.

⁹² Tunisia OGP action plan 2018-20, participatory budgeting commitment:

<https://www.opengovpartnership.org/members/tunisia/commitments/TN0044/> .

⁹³ Tbilisi OGP action plan 2018-20, participatory budgeting commitment:

<https://www.opengovpartnership.org/members/tbilisi-georgia/commitments/TBI0007/> .

⁹⁴ Scotland OGP action plan 2018-20: https://www.opengovpartnership.org/wp-content/uploads/2019/01/Scotland_Action-Plan_2018-2020.pdf. “In 2017 Scottish Local Authorities and the Scottish Government worked together to develop and agree a framework whereby at least 1% of local government budgets will be subject to participatory budgeting by the end of 2021”, see: <https://www.gov.scot/policies/community-empowerment/participatory-budgeting/> .

Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation as former IRM reports. It is intended as an independent quick technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This approach allows the IRM to highlight the strongest and most promising commitments in the action plan based on an assessment of the commitment per the key IRM indicators, particularly commitments with the highest potential for results, the priority of the commitment for country stakeholders and the priorities in the national open government context.

To determine which reforms or commitments the IRM identifies as promising the IRM follows a filtering and clustering process:

Step 1: determine what is reviewable and what is not based on the verifiability of the commitment as written in the action plan.

Step 2: determine if the commitment has an open government lens. Is it relevant to OGP values?

Step 3: Commitments that are verifiable and have an open government lens are reviewed to identify if certain commitment needs to be clustered. Commitments that have a common policy objective or commitments that contribute to the same reform or policy issue should be clustered and its “potential for results” should be reviewed as a whole. The clustering process is conducted by IRM staff, following the steps below:

- a. Determine overarching themes. They may be as stated in the action plan or if the action plan is not already grouped by themes, IRM staff may use as reference the thematic tagging done by OGP.
- b. Review objectives of commitments to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments by clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms or may be standalone and therefore not clustered.

Step 4: assess the potential for results of the cluster or standalone commitment.

The filtering process is an internal process and data for individual commitments is available in Annex I below. In addition, during the internal review process of this product the IRM verifies the accuracy of findings and collects further input through peer review, the OGP Support Unit feedback as needed, interviews and validation with country-stakeholders, and sign-off by the IRM’s International Experts Panel (IEP).

As described in the filtering process above, the IRM relies on **three key indicators** for this review:

I. Verifiability

- “Yes” Specific enough to review. As written in the action plan the objectives stated and actions proposed are sufficiently clear and includes objectively verifiable activities to assess implementation.

- “No”: Not specific enough to review. As written in the action plan the objectives stated and proposed actions lack clarity and do not include explicit verifiable activities to assess implementation.

*Commitments that are not verifiable will be considered “not reviewable”, and further assessment will not be carried out.

II. Does it have an open government lens? (Relevant)

This indicator determines if the commitment relates to open government values of transparency, civic participation or public accountability as defined by the Open Government Declaration, the OGP Articles of Governance and by responding to the guiding questions below.

Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institutions or decision-making process more transparent, participatory or accountable to the public?

The IRM uses the OGP Values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will government create or improve opportunities, processes or mechanisms for the public to inform or influence decisions? Will the government create, enable or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable a legal, policy or institutional frameworks to foster accountability of public officials?

III. Potential for results

Formerly known as the “potential impact” indicator, it was adjusted taking into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, this indicator was modified so that in this first review it laid out the expected results and potential that would later be verified in the IRM Results Report, after implementation. Given the purpose of this Action Plan Review, the assessment of “potential for results” is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** the commitment is aimed at continuing ongoing practices in line with existing legislation, requirements or policies without indication of the added value or enhanced open government approach in contrast with existing practice.

- **Modest:** a positive but standalone initiative or changes to process, practice or policies. Commitments that do not generate binding or institutionalized changes across government or institutions that govern a policy area. For example, tools like websites, or data release, training, pilot projects
- **Substantial:** a possible game changer to the rules of the game (or the creation of new ones), practices, policies or institutions that govern a policy area, public sector and/or relationship between citizens and state. The commitment generates binding and institutionalized changes across government

This review was prepared by the IRM in collaboration with Ana Revuelta and overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:

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

For more information about the IRM refer to the **“About IRM” section of the OGP website** available [here](#).

Annex I. Commitment by Commitment Data¹

Commitment 1: Adopting the Access to Information Act and Subsequent Legislation <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Substantial
Commitment 2: Strengthening Budget Transparency Mechanisms <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
Commitment 3: Strengthening the powers of the National Office against Fraud and Corruption (OFNAC) <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Substantial
Commitment 4: Commitment to the Fisheries Transparency Initiative (FITI) <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
Commitment 5: Improving the Reception of Public Service Users <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? No • Potential for results: Unclear
Commitment 6: Dematerializing Ten Administrative Procedures <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest
Commitment 7: Increasing Access to Basic Social Services for People with Disabilities <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? No • Potential for results: Unclear

¹ Editorial notes:

1. For commitments that are clustered: the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Côte d'Ivoire's 2020-2022 national action plan: https://www.opengovpartnership.org/wp-content/uploads/2021/01/Cote-dIvoire_Action-Plan_2020-2022_FR.pdf

Commitment 8: Strengthening Local Access to Justice Mechanisms

- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Unclear

Commitment 9: Promoting the Participatory Budget Approach at the Local Level

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 10: Strengthening the Participation of Women and Youth in Decision-Making Bodies

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 11: Strengthening Participation the Development, Implementation and Monitoring of Environmental Policy

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 12: Strengthening Citizen Participation in the Formulation, Implementation, Monitoring and Evaluation of Public Policies

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Annex 2: Minimum Requirements for Acting According to OGP Process

According to OGP's Procedural Review Policy, during development of an action plan, OGP participating countries must meet the "Involve" level of public influence, per the IRM's assessment of the co-creation process.

To determine if a country falls within the "involve" category on the spectrum, the IRM assesses different elements from OGP's Participation & Co-creation Standards. The IRM will assess whether the country complied with the following aspects of the standards during the development of the action plan, which constitute the minimum threshold:

1. **A forum exists:** there is a forum to oversee the OGP process.
2. **The forum is multi-stakeholder:** Both government and civil society participate.
3. **Reasoned response:** The government or multi-stakeholder forum documents or is able to demonstrate how they provided feedback during the co-creation process. This may include a summary of major categories and/or themes proposed for inclusion, amendment, or rejection.

The table below summarizes the IRM assessment of the three standards that apply for purposes of the procedural review. The purpose of this summary is to verify compliance with minimum requirements of procedural review and is not a full assessment of performance under OGP's Co-creation and Participation Standards. A full assessment of co-creation and participation throughout the OGP cycle will be provided in the Results Report.

Table 2. Summary of minimum requirements to act according to OGP Process

<i>OGP Standard</i>	<i>Was the standard met?</i>
A forum exists. The National Technical Committee acts as steering committee and includes 18 members, with an equal number of government and non-governmental representatives. A larger multi-stakeholder forum is also in the process of being established. ⁹⁵	Green
The forum is multi-stakeholder. The Technical Committee is composed of 9 representatives from government and 9 from civil society organizations. ⁹⁶	Green
The government provided a reasoned response on how public feedback was used to shape the action plan. The Technical Committee held regular meetings. The corresponding reports (not	Green

publicly available) reflect that the action plan was drafted in a collaborative approach. Commitments included in the action plan correspond to the priorities that emerged from the regional consultations, held with equal representation from government and civil society. Pre-identified challenges that were not included in the action plan received a reasoned response.⁹⁷

⁹⁵ The governance structure is described in the OGP National Action Plan, p. 43 of the English version. The IRM researcher was provided with the list of organizations in the National Technical Committee, including contact details. Cheikh Fall Mbaye (DPBG), OGP focal point, explained in interviews held with the IRM researcher on 6 October 2021 that a larger multi-stakeholder forum is being formed. It will include all ministries, private sector, and civil society representatives. The Technical Committee must define the number of members, the role, and the operational functioning of the forum.

⁹⁶ Interview with Cheikh Fall Mbaye (DPBG), OGP focal point, 6 October 2021.

⁹⁷ The IRM researcher was provided with reports of the regional consultations consolidation workshop (January 2021), the convergence and writing workshop (April 2021) and the list of participants in the validation workshop (July 2021), as well as a report from the citizen consultation in the region of Diourbel. Additionally, the IRM researcher consulted the reports of working meetings held by the Technical Committee from February 4, 2021 and June 4, 2021.