

Independent Reporting Mechanism

Tunisia
Co-Creation Brief 2023

Open
Government
Partnership



Independent
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Mechanism

Introduction

This brief from the Open Government Partnership’s (OGP) Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of Tunisia’s fifth action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in the country’s context and presents recommendations. These recommendations are suggestions, and this brief does not constitute an evaluation of a particular action plan. Its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings. This brief is intended to be used as a resource as government and civil society to determine the next action plan’s trajectory and content. National OGP stakeholders will determine the extent of incorporation of this brief’s recommendations.

The co-creation brief draws recommendations from the data and conclusions of prior [IRM reports for Tunisia](#). The brief also draws on other sources such as [OGP National Handbook](#), [OGP Participation and Co-creation Standards](#), and IRM guidance on [the assessment of OGP’s minimum requirements](#) and [the minimum threshold for “involve”](#). This is to ensure that recommendations provided are up-to-date in light of developments since those IRM reports were written, and to enrich the recommendations by drawing on comparative international experience in the design and implementation of OGP action plan commitments as well as other context-relevant practice in open government. The co-creation brief has been reviewed by IRM senior staff for consistency, accuracy, and with a view to maximising the context relevance and actionability of the recommendations. Where appropriate, the briefs are reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

The IRM drafted this co-creation brief in January 2023.

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Section I: Action Plan Co-Creation Process

The Tunisian Open Government Partnership (OGP) team has built a mature and collaborative OGP process that sets an example for the region. Civil society [has reported](#) a productive relationship with the government OGP team grounded in strong participatory and transparency practices. However, the dedication of core open government reformers faces an increasingly challenging political and economic context. Consequently, open government reforms are largely limited to the technical level within pockets of ministries and civil society organisations that remain intact.

Political and economic crises have been the dominant obstacles to Tunisia's open government commitments to date. In July 2021, the president of Tunisia [dismissed](#) the prime minister, dissolved the current government, and suspended parliament for 30 days. The president then [suspended operations](#) of Tunisia's National Anti-Corruption Body (Instance Nationale de Lutte Contre la Corruption (INLUCC)), dissolved the High Judicial Council, removed 57 judges, and instituted a new constitution that strengthened executive powers. In March 2022, the president of Tunisia dissolved the parliament. Simultaneously, Tunisia has faced growing public debt and rising inflation, drawing resources and attention away from transparency obligations, such as publication of audit reports.

Within this context, the two priorities for Tunisia's OGP community are i) to continue strengthening and insulating the safe space for government-civil society dialogue that the OGP process provides and ii) to strategically seek opportunities to advance feasible but ambitious open government reforms that address public priorities.

The first four technical recommendations focus on how the Tunisia OGP team can strengthen their co-creation processes even further. The following five recommendations offer policy suggestions for the next action plan that would defend, and where possible expand, fundamental democratic conditions to open government and maintain a robust OGP process.

RECOMMENDATIONS

Recommendation 1: The OGP Steering Committee can take the co-creation process to the next level by providing advanced notice of the co-creation timeline and methodology.

Tunisia's co-creation process for the 2021–2023 action plan was highly participatory and resulted in an action plan that reflected civil society input. Consequently, Tunisia's co-creation process were already largely aligned with the [OGP Participation and Co-Creation Standards](#) when the standards were updated in 2021.

One way the OGP Tunisia team can further strengthen the co-creation process is to publish advanced notice of the co-creation timeline, information on opportunities to participate, and details on the decision-making process. At a minimum, the updated standards require that countries publish a timeline and information on opportunities to participate at least two weeks in advance. The OGP Tunisia team is well placed to go further and to provide information on the methodology and decision-making process for potential participants. [Morocco](#) and [Jordan](#) offer examples of a co-creation timeline. Jordan also published a document outlining the [methodology](#) they would use to co-create their action plan.

Recommendation 2: The OGP Steering Committee could publish a report on input gathered throughout the co-creation process and how that input is reflected in the action plan.

Commendably, [Tunisia's 2021–2023 action plan](#) contained detailed information on civil society and public input on the draft action plan and the criteria the Steering Committee used to determine commitments. It is important to note that under the [updated OGP standards](#), this information should be published before the final action plan is submitted to OGP. Therefore, the Steering Committee could publish a report on feedback gathered at each consultation stage and whether the feedback was incorporated into the action plan and why. The report could also contain information on the number and type of participants. Examples include [Canada](#) and [Morocco's](#) reports, which outline the input received as well as the reasons that input was or was not included in the action plan. [Jordan](#) has published reports on input received through consultations and their online survey.

Recommendation 3: The OGP Steering Committee could further institutionalise OGP processes and advocate for the appointment a high-level minister focal point for OGP.

Tunisia's OGP Steering Committee provides a productive space for government-civil society dialogue, whose meeting minutes are [published online](#). Moving forward, the Steering Committee should be sure to meet at least every six months to comply with the updated OGP standards. To continue strengthening fair and transparent OGP processes, the Steering Committee could consider developing a handbook that outlines its mandate, selection process, and decision-making processes. [Morocco](#) offers an example of a Steering Committee Handbook.

Recommendation 4: The Steering Committee can strategically design commitments to account for previous obstacles and political opportunities.

Tunisian open government reformers face an increasingly difficult context. Over the years, political and financial instability have prevented commitments from achieving their full potential. Frequently, these commitments—such as those related to anti-corruption efforts or natural resource governance—are continued across action plans. For such reforms, the IRM recommends that commitment drafters take the obstacles to implementation into account and strategically design commitments that balance feasibility and ambition. Reformers should especially look for windows of opportunity to institutionalise open government by changing the “rules of the game.” Tunisia's previous action plans have heavily featured commitments to advance government transparency. The Steering Committee is encouraged to particularly look for opportunities to respond to public priorities through strengthened civic participation and public accountability mechanisms.

As one example, Liberia's OGP team held one-on-one meetings with various agencies early in their co-creation process. The meetings aimed to identify where open government reforms could align with existing government programmes and budget allocations. In this way, reformers could consider available resources and ministerial engagement when identifying commitments to include in the action plan.

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

The five policy areas highlighted below hold particular importance in maintaining the conditions to advance open government reforms. Ensuring the publication of government audits and collection of public officials' assets would fulfil obligations under Tunisian law and address Tunisia's [eligibility review](#). A robust civic space is a necessary precondition to strong OGP processes and open government reforms. Advancing open government at the municipal level is a promising area in which Tunisia has made notable progress in recent years. Finally, opening up the extractives industry represents a civil society priority that has been pursued across all of Tunisia's previous action plans.

AREA 1. Audit Transparency

Tunisia is currently [under eligibility review](#) for failing to meet the required aggregate score of 75% across policy areas to join the partnership. Tunisia falls short regarding timely publication of the executive budget audit report and publication of public officials' asset declarations. The Tunisian Court of Accounts has not published the executive budget audit report within the legal timeline for [three consecutive years](#), in part due to a lack of adequate resources. Timely publication of audit reports is a specific aim of Tunisia's Draft Open Government Strategy.

The 2021 action plan included a commitment to advance audit transparency. The commitment aimed to facilitate agencies' compliance with [Government Order No. 2020-375](#) on timely publication of audit reports. Implementers intended to amend the commitment to include publication of the executive budget audit report to strengthen Tunisia's eligibility score. In the next action plan, the IRM recommends that the Tunisian Court of Accounts specifically commit to timely publication of the executive budget audit report. To support this aim:

- The Government of Tunisia should allocate sufficient resources for the Court of Accounts to carry out its mandate.
- The Ministry of Finance should establish procedures to ensure consistent and comprehensive information transfer essential to the Court's auditing work.
- Stakeholders can seek opportunities for civil society to supplement the Court of Accounts' auditing work where resources fall short. This includes continuing efforts to advance public monitoring of audit recommendations' implementation.

AREA 2. Public Officials' Asset Transparency

Tunisian law [mandates](#) that public officials declare their assets. These disclosures are [not made public](#), which would raise Tunisia's OGP eligibility score. In the previous action plan, the Government of Tunisia [committed](#) to establishing regulations and a platform to publish the content of asset declarations. Tunisia's Draft Open Government Strategy highlights strengthening the asset declaration regime as a core aim. However, Tunisia's National Anti-Corruption Body's (Instance Nationale de Lutte Contre la Corruption (INLUCC)) operations—responsible for collecting declarations—[remain suspended](#). Consequently, Tunisia does not currently have a body to oversee anti-corruption efforts.

The Government of Tunisia should enable INLUCC to resume operations, or establish another institution with sufficient independence and resources to carry out its mandate. In the interim, the government could allocate another body to collect asset disclosures. This would ensure

ongoing adherence to Tunisian law and the collection of asset data that can eventually be published when circumstances permit. Importantly, the government should identify a system to preserve records and databases that were held by INLUCC.

AREA 3. Civic Space Protections

Tunisia's civic space flourished following the 2011 revolution, yet freedoms of assembly, association, and speech [remain fragile](#). The president of Tunisia's continuous renewal of Tunisia's state of emergency [imposes](#) undue restrictions on freedoms of speech, assembly, and right to information. A strong civil society is a prerequisite for both open government and anti-corruption reforms. The Organization for Economic Cooperation and Development's 2021 [Civic Space Scan](#) for Tunisia highlights several avenues the government can take to strengthen civic space:

- Collaborate with civil society to address civil society organisations' (CSOs) onerous and redundant reporting requirements ([Jordan](#)), such as the requirement to register with the National Register of Companies.
- Strengthen the General Director of Associations' capacity to process CSO applications ([Mongolia](#)), particularly by establishing online and/or decentralised channels.
- Continue dialogue between CSOs, the Central Bank, relevant agencies, and private banks to address CSOs' obstacles to banking and finance.
- Strengthen access to information on the provision of public funding to CSOs ([Morocco](#)), set up an advantageous tax system to CSOs, and provide a guide to clarify tax obligations.
- Ensure there is a government body responsible for upholding whistle-blower protections as provided in law, strengthen supporting regulatory texts, and build a culture of understanding ([Latvia](#)).

See OGP's [Civic Space Fact Sheet](#), [list of actions](#), and [this blog](#) for further inspiration on how to protect civic space through an OGP action plan.

AREA 4. Open Government at the Municipal Level

Tunisia is a leader in opening government at the municipal level. Commitments across the last three action plans have [culminated](#) in the co-creation of eight municipal open government plans. The fourth action plan included a commitment for the development of 12 municipal youth action plans. In 2022, Carthage [joined](#) the municipalities of El Kef and Regueb in the OGP Local Programme. In the face of political turmoil at the national level, the municipal level presents an opportunity to advance open government nearer to citizens. Opening government at the local level is a core pillar in Tunisia's Draft Open Government Strategy and aligns with the government's decentralisation aim.

National- and municipal-level commitments have thus far largely focused on transparency, particularly regarding open data and budgets. The national OGP team is encouraged to support municipalities to institutionalise transparency through legal, regulatory, and institutional reforms that entrench open government practices.

- For example, the Philippines' [2019 commitment](#) aimed to increase the number of local ordinances, build technical capacity for local governments to respond to requests submitted through the national portal, and train local officials in the value and process around the right to information.

- Morocco's [2021 commitment](#) aimed to facilitate communes' compliance with the national access to information law by integrating communes' data into the [national portal](#) and providing a template website for communes to adopt.

Reformers should specifically consider how medium-term efforts to strengthen transparency will support more ambitious long-term reforms that advance civic participation in government decision-making and public accountability.

AREA 5. Open Extractive and Renewable Energy

Opening the extractives sector remains a high priority for Tunisian civil society and a central pillar in the Draft Open Government Strategy. Tunisia has yet to join the Extractive Industries Transparency Initiative despite [efforts](#) to do so across previous action plans. Changes in ministerial leadership, limited government collaboration with civil society, and private sector lobbying has inhibited progress. Energy and environmental governance are highly centralised at the national level and divided between the Ministry of the Environment and the Ministry of Industry, Energy, and Mines. Meanwhile, social tensions over energy projects mostly arise at the local level. The IRM recommends that stakeholders explore opportunities to strengthen collaboration across agencies, levels of government, and with citizens in the next action plan. Specifically:

Government and civil society could develop a framework for citizen participation in renewable energy project planning at the national and community levels.

- Chile [created](#) a guide for participatory monitoring of energy projects' local impact and early multistakeholder dialogue. This framework supported the development of Local Energy Strategies and action plans.
- Senegal [committed](#) to establish a consultation framework for environmental policies and to promote green jobs. Similarly, [Morocco](#) committed to training environmental associations to participate in environmental consultations.

Reformers could implement citizen participatory audits of energy projects or participation in environmental and social impact assessments.

- While not specific to climate projects, Jordan's [2021 commitment](#) on citizen participation in planning and oversight of capital investment projects also provides a useful example.
- The Philippines' [development](#) of citizen participatory audits over several action plans demonstrates their potential to tangibly improve public services.

Finally, commitment drafters could consider opportunities to align this policy area with commitments to open government at the municipal level, perhaps by supporting municipalities to address local environmental and energy concerns through their action plans. For more ideas, see the [OGP Environment and Climate Fact Sheet](#).