

Independent Reporting Mechanism

Senegal Co-Creation Brief
2023

Open
Government
Partnership



Independent
Reporting
Mechanism

Introduction

This brief from the OGP’s Independent Reporting Mechanism (IRM) aims to support the co-creation process and the design of the upcoming action plan, and to reinforce the quality, ambition, and feasibility of the commitments. It provides an overview of the opportunities and challenges for open government in the country’s context and offers recommendations. This brief is not an assessment of any particular action plan, and its purpose is to inform the co-creation planning process based on the collective and specific outcomes of the OGP country. This brief is intended to be used as a resource as government and civil society determine the direction and content of the next action plan. National OGP stakeholders will determine the extent to which the recommendations in this document will be integrated.

The co-creation recommendations are based on the data, conclusions, and findings of the previous reports from the [IRM for Senegal](#). They also draw on other sources such as the [OGP National Handbook](#), the [OGP Participation and Co-Creation Standards](#), and the IRM guidelines on the [assessment of minimum requirements](#) and [minimum threshold for involve](#), to ensure the provided recommendations are up to date. They consider developments since the drafting of these IRM reports, and enrich the recommendations by drawing on comparative international experience in the design and implementation of OGP action plan commitments as well as other practices relevant to the open government context. Recommendations for co-creation have been reviewed by IRM staff for consistency, accuracy, and with a view to maximizing the recommendations’ contextual relevance and actionability. Where appropriate, recommendations are reviewed by external evaluators or members of IRM’s International Expert Panel (IEP).

The IRM drafted this document in August 2023.

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Section I: Action Plan Co-Creation Process

Senegal has submitted one action plan since joining the Open Government Partnership (OGP) in July 2018. The co-creation process for the first action plan was [delayed](#). Started in October 2019, it was completed in July 2021 with twelve (12) [commitments](#). The action plan development process, deemed [participatory](#) by the IRM, was led by a joint National Technical Committee (NTC) made up of nine (9) members from government and nine (9) from civil society. The committee reports to the Minister responsible for the promotion of good governance and is co-chaired by the civil society focal point, Article-19.

The main obstacles to co-creation, past and future, are the non-formalization of the NTC, which prevents sufficient financial and human resources to carry out activities, and the lack of online consultation noted by civil society during the action plan review. Although parity is achieved, the composition of the NTC, according to civil society, is not representative of the main civil society organizations. There is also still a considerable challenge in raising awareness of open government among stakeholders, including commitment holders. Drafting the next action plan offers an opportunity to take into account the various obstacles and challenges to lead to more ambitious commitments and a stronger, more participative co-creation process.

RECOMMENDATIONS

Recommendation 1: Fast-track the formalization of Senegal's OGP National Technical Committee to give it official status and facilitate its operation.

Senegal's OGP National Technical Committee (OGP-NTC) has parity and is made up of eighteen (18) members from government and civil society. The members of the committee, both from government and civil society, were appointed mainly by the Directorate for the Promotion of Good Governance of the Ministry of Justice, with the help of the civil society representatives who contributed to Senegal's membership bid for the OGP. But this committee is not formal. There is a representation issue, with civil society believing that their members on the committee do not reflect the current reality of Senegalese civil society. This makes it difficult to mobilize the required resources (both human and financial) to ensure the smooth running of the committee.

The IRM recommends that Senegal consider formalizing the OGP-NTC. Ministerial decrees can set the committee's mandate, operating rules, transparent selection criteria, and composition, as [Côte d'Ivoire has done](#). This formalization would, on the one hand, clarify the roles and responsibilities of stakeholders in the co-creation process, decision-making, and implementation. At this point, the government component of the OGP-NTC could be revised to take into account certain commitment holders whose absence has been highlighted by civil society as a handicap to the implementation of commitments (including representatives of other agencies, institutions or even political powers such as the judiciary or the legislature; some countries, such as [Ghana](#), include members of parliament in their OGP steering committees). It would also give value to the participation and commitment of actors (governmental and non-governmental), in terms of time and resources, in the action plan. Moreover, it would foster the creation of a formal space for ongoing dialogue and collaboration for those involved in the development and implementation of action plans, taking into account the OGP's [updated standards of participation and co-creation](#). The standards require that a multi-stakeholder forum should meet at least every six months, and that its ground rules (on composition, control, and decision-making) should be made public. In addition, the IRM encourages civil society

organizations to continue and accelerate the process of drafting their charter of participation in the OGP, which should guarantee proper representation and transparency in the choice of committee members.

Recommendation 2: Create and make accessible an up-to-date website to strengthen public access to information on Senegal's open government process and progress.

Senegalese stakeholders are keen to raise awareness of the OGP process in the country but encounter administrative and financial difficulties in setting up a publicly accessible document repository. Senegal's OGP website is currently non-operational. OGP-NTC uses a [Google Drive](#) to store some documents in the meantime.

The IRM recommends that the Ministry of Justice's Directorate for the Promotion of Good Governance identify the procedures and resources needed to create and maintain the Senegal OGP website and repository. This includes identifying which organization (whether from government, civil society, or partners) can finance or host the OGP website. Online documentation is essential to sharing Senegal's progress and lessons learned, enabling inclusive and informed participation, and demonstrating Senegal's compliance with the updated OGP Participation and Co-Creation Standards. Specifically, the IRM recommends the following for the creation of an OGP website and repository:

- Ensure that the website and repository contain at least the latest action plan and evidence of co-creation and implementation of the last six months;
- Ensure that all relevant information on OGP processes and participation opportunities, including meeting agendas and minutes, information on participating government agencies, and secretariat contact details, is included;
- Ensure that the OGP website includes the co-creation timeline, with information on opportunities for stakeholder participation, which is published at the time of the OGP conference;
- Continue to service the Google Drive platform until a website is available; consider creating and maintaining an OGP Senegal Facebook page through which all information can be published regularly.

The [Moroccan](#) and [Tunisian](#) OGP websites, and [Côte d'Ivoire Facebook page](#) serve as examples.

Recommendation 3: Meet with stakeholders before co-creation begins to determine a roadmap and timetable, and policy objectives to be addressed in the action plan.

Given the delay in the co-creation process, the timeframe to develop the next action plan is short. This calls for effective, relevant approaches to make the co-creation process a success. The IRM recommends that the Directorate for the Promotion of Good Governance bring together key stakeholders, namely the OGP-NTC, civil society, and commitment holders, to draw up a timetable for the co-creation of the second action plan before the process begins. This timetable could clearly define the process milestones, roles, and expectations, and above all priorities, given the late start to the process. It could also be published on the Facebook page that Senegal could create, as [Tunisia](#) and [Côte d'Ivoire](#) have done, in accordance with Standard 3 of the [Participation and Co-Creation Standards](#), which suggests publishing the timetable and information on opportunities to participate in the co-creation process two weeks in advance.

In view of the time constraints and difficulties encountered in implementing the first action plan, the IRM recommends that stakeholders agree upfront on the objectives they wish to achieve with the second action plan, building on previous commitments deemed promising or those with an open government objective, as well as national priorities in terms of open government.

Recommendation 4: Ensure that stakeholders have a clear understanding of OGP values and principles, and above all the objectives of each step in the co-creation process.

Senegalese civil society, as an OGP stakeholder, [has noted](#) that the government's commitment implementers are unfamiliar with the OGP mechanism. Moreover, a [review of Senegal's action plan](#) revealed that many of the commitments lacked an open government perspective, and therefore lacked relevant promising results. Similarly, according to civil society, the various changes within government have made it more difficult for stakeholders to take ownership of the process. Strengthening the understanding and participation of civil society and government would be a great opportunity to consolidate government openness in Senegal. The ministry responsible for the OGP could use awareness-raising as an opportunity to highlight that OGP processes are means and tools to further their national objectives.

For the second action plan, the Directorate for Good Governance could involve all ministerial departments (and consider other representatives outside the executive or different levels of government) from the outset and throughout the co-creation process. Informing and involving ministries in the co-creation process can reduce the likelihood of draft commitments being modified or removed during the ministerial approval process, and facilitate implementation once adopted. Specifically, they need to be invited to take part in OGP-NTC meetings and working sessions on the development of the co-creation roadmap, so that they can understand the principles and fully participate in drawing up the action plan. Finally, the OGP-NTC could produce and distribute short presentation documents and set up teams (made up of members of government and civil society) who could take advantage of meetings in ministries to make presentations about the OGP.

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

In a [press release](#), civil society organizations members of the National OGP Committee took stock of progress made under the current national action plan and Senegal's eligibility, drawing attention to the delayed implementation and undocumented progress. As Senegal is currently under [eligibility review](#), the second action plan offers the country the opportunity to improve its [eligibility score](#). Senegal could use its second action plan to pursue and reinforce reforms through ambitious commitments in areas such as access to public information, fiscal transparency, the fight against corruption, and freedom of expression and the protection of civic space.

AREA 1. Access to Information

Senegal's [first action plan](#) put at the top of the agenda the adoption of a law on access to information and its subsequent regulations. This stems from the observation that, despite citizens' right of access to information enshrined in the country's basic law, there is no legal framework specifying the scope of this right, the conditions under which it may be exercised, or an operational mechanism for its implementation. Given the importance of access to

information in the process of open government, the IRM encourages the Directorate for Good Governance of the Ministry of Justice and the OGP-NTC to renew this commitment by working to:

- Make public the current version of the bill and its status in the approval process. Provide public updates on the bill's next steps and opportunities for public and civil society participation. Work with civil society and experts to finalize the bill for approval by the Senegalese National Assembly;
- Engage key parliamentary allies early in the co-creation process to facilitate the parliamentary process of lawmaking across the board. In [Sierra Leone](#), the creation of an OGP parliamentary working group made headway with the legislation backing priority commitments. Similarly, a plan for an open parliament could clarify and allocate the necessary parliamentary actions to pursue open government reforms;
- Consider establishing a supervisory authority to monitor the right of access to information, taking the example of the [access to information law of Burkina Faso](#), which provides for the creation of the National Authority for Access to Public Information;
- Train relevant public officials on the right to information set out in Senegalese law, and on how to respond to requests for information. Such activities can aim to build a culture of transparency within government. This can form the foundation on which to build channels for the public to request information, as demonstrated by [Morocco's transparency platform](#).

Key resources: Several OGP member countries in Africa are currently implementing access to information commitments, including [Ghana](#), [Morocco](#), [Tunisia](#), and the [Seychelles](#). This presents learning opportunities for Senegal.

AREA 2. Budget Transparency

[Senegal's first action plan](#) aimed to strengthen public participation in the budget process at national and local levels. The evaluation of the implementation of [UEMOA directives](#) points to opportunities for strengthening public debate in the budget process, in line with the code of transparency in public finance management. The IRM recommends that the Ministry of Finance and civil society partners work together to continue strengthening budget transparency and participation in Senegal. Possible approaches for future commitments include:

- Strengthening the publication of [key budget documents](#) to facilitate informed public participation, including the mid-year review and year-end report. In particular, timely publication of the executive audit report is a step Senegal can take to improve its eligibility score;
- Expressly inviting civil society to the pre-validation and validation stages of budget orientations, as is done in [Côte d'Ivoire](#), and providing training to ensure they fully understand and participate in the budget validation process;
- Providing budget information through a public online platform, e.g., a website such as that provided by the [Nigerian Treasury's open portal](#) and civil society's complementary [GovSpend portal](#);
- Relying on the widespread use of participatory budgeting in communes to instill the reflexes of citizen participation in budget preparation and implementation. For example, Côte d'Ivoire has experimented with participatory budgeting in a dozen communes, which was [positively received](#) by stakeholders.

AREA 3. Freedom of Expression and Protection of Civic Space

Recent social unrest and the government's response [have raised concerns](#) about the protection of freedom of expression, assembly, and association in Senegal. The government imposed restrictions on cyberspace by [temporarily suspending Internet access](#) (via mobile data), [arresting protesters](#), and banning demonstrations. The IRM recommends that the government and civil society consider designing a commitment to strengthen freedom of expression and protect civic space ahead of the 2024 presidential elections. Senegal could promote meaningful dialogue between media representatives, civil society organizations, and law enforcement to discuss relevant issues related to freedom of expression and civic space. Here are some examples of countries using the OGP process to address problems of great concern to their citizens:

- Nigeria [committed](#) to improving police transparency and accountability in its second and third action plans. The country organized a dialogue between the police and citizens, during which citizens' concerns were documented and communicated to the relevant authorities. Nigeria's National Human Rights Commission has also committed to producing a guide to peaceful demonstrations and gatherings.
- In response to citizens' concerns, Côte d'Ivoire [recently committed](#) to strengthening civil society participation in the development and implementation of a strategy to combat the high cost of living.
- With elections on the horizon, Sierra Leone [committed in 2021](#) to boost the transparency of the National Electoral Commission's work through the publication of registered voters, election results, and voter education efforts.

Key resources: For more information, see the [OGP guides](#) on protecting [civic space](#) and [freedom of expression](#) in the context of the COVID-19 pandemic.

AREA 4. Anticorruption

Senegal's previous action plan [aimed to strengthen](#) the mandate and powers of the Office Against Fraud and Corruption (OFNAC). OFNAC and its civil society partners could form an anti-corruption working group. This group could reflect on the lessons of the previous action plan and reformulate Commitment 3 to balance ambition and feasibility. They could meet periodically to enable implementation and overcome obstacles as they arise. Given the red tape involved in legislating the strengthening of the OFNAC, the IRM recommends that the OGP-NTC include the renewal of Commitment 3 in the second action plan as a priority:

- Revision of Law #2012-30 of December 28, 2012, creating and organizing the OFNAC and the corresponding regulations;
- Adoption of an anti-corruption law that includes protection for whistle-blowers, informers, victims, and witnesses of corruption. OFNAC could refer to the [United Nations Convention against Corruption](#) to reinforce existing draft texts and draw on the recommendations of the [regional anti-corruption platform](#);
- Revision of Law #2014-17 of April 2, 2014, on the declaration of assets by examining the measures to be taken to broaden the scope and mechanisms for asset disclosure, starting with those of members of the legislative, executive, and judicial branches of government and major state institutions.

Key resources: For more recommendations, see Transparency International's [guidance document](#) on assets and interests in OGP action plans.