



OECD Public Governance Reviews

Open Government in Tunisia



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Foreword

The Organisation for Economic Cooperation and Development (OECD) has been committed to support the democratic transition of Tunisia from its start, assisting its leadership and people as they strive to build a prosperous and inclusive society. This report is part of this endeavour and draws upon the experience of OECD member countries and on more than 20 years of work of the OECD Secretariat and its Public Governance Committee in the area of Open Government policies.

On 14 January 2011 the Tunisian people defeated a regime that was characterised by corruption, secrecy and authoritarian rule, demanding to participate in political affairs, freedom, transparency and accountability. Since the approval of the new Constitution Tunisia has embarked on an important transition process that is leading to a paradigm shift in its governance framework that is now embracing the principles and practices of Open Government. In line with this transition, and underlying its strive towards more democratic and transparent institutions, the government of Tunisia voiced its intention to join the Open Government Partnership (OGP) and became a member in January 2014.

Yet, the success of the Tunisian transition depends on the ability of the government to build trust, stimulate growth, and make concrete progress towards achieving the socio-economic development its people demand. Open Government policies, which Tunisia is committed to implement, provide an important tool to include citizens and business in the policy-making process, create a transparent public administration, tailor public services to actual needs, and to create economic value.

This Open Government Review of Tunisia provides a comprehensive, evidence-based assessment of how the country can make Open Government reforms a reality. It was prepared within the framework of the MENA-OECD Open Government Project that, in addition to Tunisia, includes Jordan, Libya and Morocco. The Project aims to support countries in designing and implementing Open Government reforms in consultation with their citizens and in view of joining the OGP. Its recommendations have been incorporated in Tunisia's first OGP Action Plan.

The Review gives Tunisian authorities and citizens an overview of the current national institutions, legal framework and policies that support the implementation of Open Government principles, with a focus on policy coordination, civic engagement, budget transparency, integrity and anti-corruption, and the use of ICTs and social media in the public sector. It hence provides a comprehensive analysis of the state of the art of Open Government reforms in Tunisia and of the opportunities to move forward in their implementation.

Building a transparent and participative government requires a continuous effort. The report argues that a systematic and whole-of-government approach is needed to ensure impacts across the whole public administration. A committed leadership and qualified public officials are essential to embrace this new paradigm. Tunisian citizens and civil society should be seen as capable strategic partners in these reform efforts, while new technologies offer innovative opportunities to engage with them.

The reforms that Tunisia is implementing are promising. However, in order to maximise their impacts, these efforts need to be coherently sustained over time. The recommendations contained in this report provide a solid basis for Tunisia to move forward in its Open Government agenda, in line with OECD principles and by taking advantage of the good practices of its member countries.

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This Review was prepared by the Public Governance and Territorial Development (GOV) Directorate of the OECD, headed by Rolf Alter. It is part of the series of Open Government Reviews developed by the Governance Reviews and Partnerships Division, under the responsibility of Martin Forst. The Open Government Review of Tunisia was elaborated under the strategic direction of Carlos Conde, head of the MENA-OECD Governance Programme. The process of review and drafting was led by Alessandro Bellantoni, coordinator of the MENA-OECD Open Government Project, who provided extensive comments to all chapters and harmonised the narrative. Katharina Zügel provided support throughout the review process, the background research and data collection missions, and contributed to the drafting, together with Moritz Ader and Othmane Mechatte, Rym Ghouma and Amira Tlili. Ghazi Gherairi and Syrine Ayadi provided background research for this review. Jennifer Bremer edited the report and ensured the overall coherence of its recommendations. The Review was written by a team comprising of: Adam Ostry (Chapter 1 on Center of Government), Alessandro Bellantoni (Chapter 2 on Civic Engagement), Amal Larhlid and Silvia Losada (Chapter 3 on Budget

Transparency), Alessandra Fontana (Chapter 4 on Integrity), Arthur Mickoleit and Barbara Ubaldi (Chapter 5 on ICTs and Open Government) and Raffaele Trapasso (Annex A on Open Government at the Local Level). Administrative Support was provided by Delphine Mergier, and Anaisa Goncalves. Ciara Muller provided editorial support and prepared the manuscript for publication.

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Acronyms and abbreviations

AC	Anti-Corruption
ADEB	Budget Allocations and Disbursements
AFTURD	Association of Tunisian Women for Research and Development
ALTT	Association against Torture in Tunisia
ATI	Access to information
BOOST	Internal platform for an open budget
BRA	Budget Review Act
CAWTAR	Center of Arab Women for Training and Research
CGDAF	Control-General of State Property and Land Affairs
CGF	Control-General of Finances
CGSP	Controllers-General for Public Departments
CIMF	Computer Center relating to the Ministry of Finance
CNLT	National Council for Liberties in Tunisia
CoG	Centre of government
CONCORD	European network of NGOs
CSO	Civil Society Organizations
DFA	Draft Finance Act
DGRPA	General Directorate for Public Sector Reforms

DGRE	Direction générale des ressources et des équilibres
FA	Finance Act
FDPIC	Federal Data Protection and Information Commissioner
GBO	Management By Objectives
GFSM	Government Finance Statistics Manual
HAICA	Haute autorité pour l'indépendance de la communication audiovisuelle
HCCAF	High Committee of Administrative and Financial Control
IBP	International Budget Partnership
ICT	Information and Communication Technologies
INSAF	State administrative and financial personnel system for payroll management
INTOSAI	International Organisation of Supreme Audit Institutions
IP	Integrity Pacts
ISSAI	The guidelines on financial control (Norm of INTOSAI)
ITCEQ	Institut tunisien de la compétitivité et des études quantitatives
LTDH	Tunisian League for Human Rights
MBO	Management by Objectives
MINT	Mathematics, Informatics, Natural Sciences and Technology
NCA	National Constitutional Assembly
OG	Open Government
OGP	Open Government Partnership
OGP-AP	OGP Action Plan

OGR	Open Government Review
OGSC	Open Government Steering Committee
OLB	Organic Budget law
PGT	Domestic payment management
PPP	Public-Private Partnerships
PRA	People’s Representatives Assembly
RAFIC	Revenue management
SADEC	System used by the Tax Control Services
SCJLG	Steering Committee on Access to Information made up of officials in the State Council
SDDS	Special Data Dissemination Standard
SIADÉ	Managing public debt
SINDA	Automated customs information
SLA	Budget preparation and budget documentation
SYGER	System for managing citizen queries
TANF	Tunisian Association of Democratic Women
TGT	Cash management
tnOGP	Collective Group of 13 CSOs
TUNEPS	Tunisia’s Electronic Procurement System
UGTT	Tunisian General Labour Union
UNCAC	United Nations Convention against Corruption
WG	Working Groups

Executive summary

Open Government – Towards a new political culture

Tunisia has embarked on a journey from dictatorship to democracy entailing a profound cultural transformation, as exemplified by its new Constitution. Open Government reforms have a central role in this transition. They can help build trust between citizens and the Tunisian government and effectively promote inclusive and sustainable social and economic development. Effective citizens' participation in policy-making, integrity, and transparency have all indeed proven to favour more effective policy making to respond to the needs of citizens and business.

The approval of the new Constitution by the Constituent Assembly (NCA) in 2014, the wide-ranging governance reforms that are on-going and, more recently, Tunisia's membership in the Open Government Partnership, and the OGP Action Plan submission show the commitment of the people and of the government to adopt a new paradigm on which to base their interactions. The transition is however creating expectations that are not easy to meet in the current set of economic and political circumstances. Tunisia can rely on the development of an active and multifaceted civil society, a private sector seeking further dynamism, and a stable public administration to respond to the expectations. Yet, the reforms' success depend on the ability of the government to coordinate many parallel initiatives and the public sector institutional capacity to implement system-wide changes, truly engage with citizens to make Open Government the normal way government functions.

Institutional set-up for Open Government

The implementation of such complex reforms depend on the capacity of the core institutions that make up the centre of government (CoG) to define a national vision and coordinate its implementation across government and in cooperation with stakeholders. The Vision for the Fight against Corruption and the Action Plan for Access to Information are potential building blocks for developing an interdepartmental Open Government

strategy. The ongoing public consultation has defined the priorities of Tunisia's first Action Plan for the Open Government Partnership -that has been submitted in September 2014- is another building block, especially if this consultation would be extended to the implementation and follow-up of the Action Plan.

This building block should become a whole-of-government national Open Government Strategy. The Head of Government and a set of core institutions should take on the role of the CoG to manage the changes these reforms will bring about. The still insufficient connection between commitments made by government and impact on the ground testifies to the need for high-level leadership coupled with an effective and properly trained working-level structure for implementation. The Open Government Joint Consultative Committee (which replaced the Steering Committee), consisting of government and civil society representatives, is an important starting point. At the same time, the CoG needs to mobilise the human, financial, and top-level management resources necessary to make Open Government a reality at the central and local level.

Engaging citizens

Effective citizens' involvement in shaping government decision-making is a pillar of Open Government. Since the revolution, Tunisia has made progress in this context. The new Constitution of 2014 sets out the pillars of a democratic society based on people's active participation. Tunisian citizens and civil society organisations have unprecedented opportunities to take part in the policy-making process and in the delivery of public services. The online consultation portal www.consultations-publiques.tn is just one example of this political and cultural shift. Yet, active participation still faces two main challenges. On the one hand, the general awareness about the opportunities to participate among citizens could be improved. The formation of civil society networks, such as opengov.tn or tnOGP, could be a lever to foster broader engagement. On the other hand, existing participation mechanisms would benefit from a more structured and institutionalised approach, which requires improved capacities to follow-up on citizen's inputs and give credible evidence of their actual use. The new legal framework for access to information that Tunisia adopted is a key step in the right direction, the validity of which is currently being tested by its implementation, which is still limited to few noteworthy institutions. In particular, Tunisia will have to carefully assess the human and financial resources needed to properly implement the provisions of the law. Failing to do so will engender negative reactions that might undermine the good work done so far to gain citizens' trust.

A transparent state budget

Transparency in public financial management is a key aspect of Open Government and can effectively contribute to restoring public trust. Tunisia has made progress towards the establishment of a legal system and institutions capable of ensuring an open management of public funds. The Convention signed between the Ministry of Finance and various civil society organisations to establish a Joint Commission is consistent with the principles of open budget. This was complemented by Tunisia's decision to publish, for the first time, a Citizens' Budget, which ensures the provision of timely and reliable budget information to the population and by the publication of the draft Executive Budget, a requirement to become member of the OGP. Publishing online all the reports that are already produced can additionally improve the transparency of the whole system quickly and at virtually no cost. With respect to control of the state budget, Tunisia should reform its supervisory body structure to reduce duplication and increase impact; equally the capacities of the Parliament should be strengthened to improve its role in the supervision of the budget process and to ensure a large public debate on its provisions.

Fighting Corruption

Tunisia has improved its legal and institutional environment in the area of integrity and corruption prevention, systematically implementing its UNCAC commitments. The establishment of the Ministry of Governance and Fight against Corruption (replaced by a Secretary of State Office under the current interim government) and the National Commission for Investigating Cases of Corruption and Embezzlement (today the Authority for Good Governance and Fight against Corruption) shows the full extent of its commitment in this domain. Though, in order to move forward effectively, it is essential that the next government ensures the continuity of such initiatives. An additional example of this is the recent development of the Code of Conduct for public officials in a fully consultative manner. It will be important to now focus on its dissemination in order to ensure maximum diffusion of the ethical values and guidelines contained in it across the public sector. A reform of the asset declaration system, which currently is inaccessible to public scrutiny, is also under discussion. If Asset Declaration of senior and elected public officials were eventually made public, it would represent an example for the whole MENA region. To further strengthen Tunisian national integrity system, the full implementation of the many ongoing initiatives is needed, with specific reference to the most relevant among them such as the e-procurement portal

Tuneps, the use of the online complaint portal www.anticorruption-idara.gov.tn and the whistle-blower protection mechanisms.

New Technologies at the service of Open Government

ICT's can be a lever for citizens' participation and transparency. Since 2011, Tunisia accelerated the use of new technologies in the public sector, by also building on its strong private IT sector. The government and civil society organisations constantly use ICTs solutions to provide for more openness. Cases include the public consultation organised by the Ministry of Justice on the reform of the national judicial system or the online platform Marsad to monitor the work of the National Constituent Assembly (NCA) and the People's Representatives Assembly (PRA) operated by the NGO AlBawsala. Moreover, social media are highly used to share information and provide comments. This is especially true for young Tunisians and NGOs, particularly in the capital, while government officials and institutions should take advantage of them in a more systematic manner. Issues related to the digital divide and gender inequality in access and use of ICT remain however important challenges to the widespread use of ICTs by the people and the Government should take this into consideration by designing a multichannel strategy, with a great emphasis on mobile technologies. Furthermore, the public sector should improve its overall capacities and coordination mechanisms to take full advantage of ICTs for Open Government. The open data efforts, both from government with its portal <http://data.gov.tn/fr>, and from civil society www.opendata.tn/, reflect the interest in this area that would benefit from a more comprehensive approach based on the actual needs for open data and their strategic use.

Recommendations

Organising for Open Government reform at the centre of government

- Provide high-level leadership and co-ordination.
- Establish ongoing working-level structures for implementation.
- Develop a strategy for each area, including resources required for implementation and performance measures to assess progress.
- Extend Open Government to the local level.
- Assess progress on Open Government regularly, with stakeholder participation.

Recommendations *(cont.)*

Citizen Engagement

- Establish a formal steering group to implement access to information and an institution to ensure the application of the norms.
- Fully implement press and media freedoms.
- Develop and institutionalise a Tunisian approach to citizens' engagement.
- Promote the formation of civil society networks to organise and broaden engagement.
- Expand the capacity of the government to follow up on citizens' engagement initiatives.

Budget transparency

- Improve availability of budget information by publishing all of the reports called by the OECD guidelines on this issue in a timely manner.
- Prepare and provide a broader set of background and analytic materials to accompany the budget and guide the budget debate.
- Strengthen capacity in the Assembly to review the budget, to participate fully in budget discussions, and to analyse budget performance.
- Reinforce the government's audit capacity.
- Establish a detailed fiscal transparency action plan incorporating these measures.

Integrity and the fight against corruption

- Fully implement the code of ethical conduct for government employees.
- Reform the asset declaration system to reinforce its efficiency.
- Fully implement the TUNEPS e-procurement system.
- Fully implement a whistle-blowers protection system.
- Provide adequate resources for the audit and performance evaluation functions.

Recommendations *(cont.)*

Information and communication technologies

- Strengthen human and financial resources available to the government in ICTs.
- Develop an integrated national plan for ICTs support to Open Government.
- Examine opportunities to consolidate and streamline existing websites.
- Develop alternative Open Government mechanisms and communication strategies to reach citizens lacking access to online services.
- Expand the use of social media to communicate with citizens, including development of smartphone applications.

Assessment and recommendations

This OECD Open Government Review of Tunisia is the result of Tunisia's request for OECD support in assessing its current Open Government policies and practices, and identifying opportunities for reform that would allow it to qualify to become a member¹ of the Open Government Partnership (OGP), develop the required OGP Action Plan, and hence ensure its implementation and follow-up.² This report addresses five issues: the role of the centre of government³ in steering and co-ordinating Open Government reforms, citizens' engagement, budget transparency, integrity and fight against corruption, and use of ICTs to support Open Government. It is complemented by a case study on Open Government reforms at a local level.

Tunisia is the country where the Arab Spring began and, in the Middle East and North Africa (MENA) Region, the one where the process of transition to democracy has been most profound and broadest. Its ability to overcome many difficulties encountered during the transition and achieve such noteworthy successes as the approval of the 2014 Constitution have been made possible by the stability of the public administration, the development of a diverse and active civil society, the existence of a private sector seeking a more dynamic environment, and the leadership of a political class with an overall commitment to reform. These concordant elements create a sound basis for pursuing ambitious governance reforms inspired by the principles of openness, transparency, integrity, and citizens' participation.

Over the past three years, as Tunisia begun its journey from dictatorship to democracy, the country has also begun a profound cultural transformation – political, social and institutional – of which Open Government reforms are one of the most important expressions. This transformation calls for a complete paradigm shift in how the role of the state is defined and how it relates to and interacts with each of its partners. To reach the desired outcome, Tunisia will need to establish democratic, credible, and transparent mechanisms that can support ongoing collaboration with a diverse and multifaceted set of actors (political parties, civil society, business, etc.), effectively manage an open and inclusive policy making process, and

integrate the resulting ideas and resources to support sustainable and inclusive national development. This is a high bar, but reaching it is an aim that has united the Tunisian government and citizens in a new and constructive alliance to forge the future of their country. After decades of dictatorship, this difficult transition cannot be rushed if it is to meet citizen expectations to see the Revolution's ideals transformed into effective policies and practical services to citizens and businesses. However, it must also not be delayed either. Two main barriers are holding back implementation of Open Government reforms in Tunisia.

First, Open Government by its nature requires extensive collaboration within government and with outside stakeholders, particularly the citizens, which can only be achieved by abandoning the longstanding culture of secrecy for one of openness, and building new ways of working based on transparency and integrity. The resulting need to co-ordinate many parallel initiatives involving multiple public sector institutions and non-government actors seems to exceed the capacity of the staff currently devoted to this task, however dedicated they may be, to define a coherent whole-of-government approach to Open Government reforms, linked to monitoring and implementation mechanisms and supported by adequate human and financial resources.

Second, the drafting and implementation of Open Government measures are hampered by limited experience and established systems within government for citizens' consultation and engagement. Although through the use of information and communication technologies (ICTs) some successful attempts have been made, and more must be done, especially in terms of greater support to both senior-level and operational staff in order to enable them to carry out the new tasks being asked of them. It is to be stressed that Open Government is at the same time a goal but also a practice. While most of Tunisian public officials met while preparing this review, have an increasingly clear understanding of the importance of implementing Open Government reforms, the methods used to draft and implement them is still mostly top-down and government-led. The process of producing the OGP Action Plan (OGP-AP) is an excellent opportunity to start changing these old habits by involving citizens and Civil Society Organizations (CSOs) from the start on an equal basis. At the time of writing, the latest step achieved is the submission of the OGP Action Plan in September 2014 and promising signs exist and show that this is in fact happening.

The overall conclusion of this review is that Tunisia has made truly impressive strides in each of the areas assessed by this report,⁴ substantially accelerating its progress in Open Government systems and structures since the Revolution, but that progress is in danger of stalling at the difficult but crucial step of fully implementing Open Government and taking it to scale.

In all five areas, bold legislative actions have been taken, not least through the protections included in the new Constitution, and a number of promising initiatives have been launched, often with donor assistance. Civil society has been an active supporter of many of these measures, has contributed initiatives of its own and shares the government's commitment to keep moving toward Open Government.

Tunisia has therefore reached the point where isolated small-scale initiatives can no longer substitute for true, system-wide change that makes Open Government the normal and expected way of functioning on a daily basis in the new Tunisia. To overcome this situation, the legal framework must be backed up by financial and human resources, regulatory and procedural reforms, and whole of government processes needed to implement Open Government as a fundamental organising principle of government operations. The human and financial resources currently allocated to implement Open Government must be supplemented if Tunisia is to achieve the necessary whole-of-government reform.

During the decades before the Revolution, it was common for governments in the MENA region, including Tunisia's, to rely on token "demonstration" or "pilot" projects, often donor-funded and contract-implemented, to give the impression of change when in fact very little real reform was taking place. None of the current stakeholders want to continue this old way of doing business, from the Head of Government to the ministries, the members of the Assembly and auditors to the local administrations and CSOs to the private sector.

Thus, it is not a question of will, but of means. Open government is not as costly as many other reforms, but it demands sustained attention and leadership from the highest levels down to the lowest operational unit. It also requires a strategy for change management that recognises and responds to the need for new skills and culture change on the part of line administrators whose participation is essential in making Open Government real. Finally, it takes concerted effort on the part of both bureaucracy and civil society; putting in the time and effort to learn how to really work together, how to trust each other and make commitments for implementation and how to find the resources to keep those commitments.

This summary highlights the findings of this review and five of the most important recommendations in each area.

Organising for Open Government reform at the centre of government

The driving force behind Tunisia's decision to join the OGP appears to be the government's sincere will to meet public demand for transparency, accountability and a greater overall openness. This conclusion is supported by interviews with CSOs, Tunisian activists, and the business sector, as well as the government leaders themselves. The aim has not yet been translated into a coherent strategy for interdepartmental implementation of reforms however; nor into the development of the machinery needed within the centre of government to lead and manage a change of this magnitude and complexity.

In this area, two major government-wide reform strategies are currently being developed within the Head of Government's office, each limited to a single technical area. These include the Vision for the Fight against Corruption and the Action Plan for Access to Information. This pair of whole-of-government strategies represents potential building blocks for a government-wide Open Government strategy, as well as an opportunity to test and strengthen implementation tools at the centre of government and related tactics for working across the whole of government and at all levels of government. As these strategies are already moving forward, their harmonisation, or at least their co-ordination, present an opportunity to formulate a coherent interdepartmental approach to make Open Government a reality. By explicitly using these strategies as test cases, the leadership institutions at the centre of government can progress quickly to develop an implementation plan for Open Government in partnership with civil society, civil service, and private sector stakeholders, and then move forward to carry it out.

Since the Revolution, the government of Tunisia has adopted a strategy of strong and broad civil society engagement. However, the general perception is that the current initiatives too often become stalled at the level of policy articulation rather than proceed to implementation, and therefore do not produce concrete results. The OECD review team heard repeatedly from civil society and the private sector that government is not responsive to their proposals, comments and suggestions on reforms to accelerate Open Government. The business representatives also emphasised the weak connection between commitments made by government and the reality on the ground.

Effective strategy definition and successful implementation require strong institutional mechanisms within the central government, capable of co-ordinating initiatives and actions horizontally across government and vertically across levels of governments. These mechanisms are essential in order to achieve concrete results, measure performance and track progress;

they require real support at the highest political level, translated through a clear definition of aims and well-thought-out implementation strategies that guide inter-governmental action, make mid-course corrections as needed, and maintain momentum to reach the stated goals.

To achieve these objectives, existing institutional configurations at the centre of government need to be clearly specified and adequately resourced. The following five proposals provide a point of departure for arriving at an approach suited to Tunisia's needs:

1. **Provide high-level leadership and co-ordination.** Establish clear responsibility for inter-ministerial co-ordination efforts, beginning with leadership for formulating and then implementing a national plan for Open Government. Such leadership should include clearly expressed support and direction from the highest level, as well as clearly assigned responsibility for co-ordination with an existing institution (or institutions) within the Head of Government's office. For example, the co-ordination mandate could be assigned to the Secretary of State for Governance and the Public Service or to a similar position in the next government.
2. **Establish ongoing working-level structures for implementation.** It may be desirable to form a standing committee of the council of ministers to guide the implementation of the national Open Government strategy across the whole of government, given that this will require the active engagement of many different ministries, particularly the Ministry of Economy and Finance. It should also oversee a working-level committee established to manage the co-ordination of the implementation of the various aspects of Open Government. This two-tier structure should build on the work currently being done by the existing OGP Joint Consultative Committee that has been charged to draft Tunisia's first OGP Action Plan. Both these committees should have explicit mechanisms for including citizens and CSOs in their work.
3. **Develop a strategy for each area, including resources required for implementation and performance measures to assess progress.** It would be desirable to integrate the selection of performance measures with those being developed under the performance-based budgeting and management by objectives (*gestion budgétaire par objectifs* – GBO) initiatives. Given the challenges of leading this major, long-term initiative, a strategy component should address building up the administrative capacity of the co-ordinating department and other key units in the central administration.

4. **Extend Open Government to the local level.** Engagement of governorates and municipalities is crucial for the implementation of local Open Government and would provide valuable avenues for consultation and experimentation to shape implementation at all levels of government. Developing appropriate performance measures for service delivery and conducting stakeholder consultations are two examples where such local experimentation can strengthen national efforts.
5. **Assess progress on Open Government regularly, with stakeholder participation.** The two-tier Committee structure proposed above would provide a vehicle for such two-way communication. Good communication is particularly essential to maintain and consolidate reform momentum and trust. Communication on both progress and difficulties encountered can reassure the public of the government's continuing commitment to the Revolution's ideals of openness, transparency and citizens' participation and would allow citizens and CSO's to contribute in the identification of eventual solutions or reorientation of the implementation towards more approachable or relevant outcomes.

Citizen engagement

Since the Revolution, Tunisia has undertaken a number of initiatives to meet the demand for citizens' participation. Notable among these are the adoption of a comprehensive legal framework regulating public access to information (ATI), through the adoption of Decree-law No. 2011-41, Decree-law No. 54 of 11 June 2011 (as amended), and Circular No. 25 of 5 May 2012. This framework is now being further amended to expand access to information. These initiatives give Tunisian citizens' rights and unprecedented opportunities to interact with their government and have been key to Tunisia's admission to the OGP. Action to fully implement the framework is now considered by many NGOs and public officials as the main challenge.

1. **Establish a formal steering group to implement access to information and an institution to ensure the application of the norms.** A mechanism is needed to ensure ongoing co-ordination and exchange of experiences among government departments implicated in the implementation of the law. One approach would be to create a Steering Committee on Access to Information made up of officials in the State Council (SCJLG), the e-Government Unit, and to head up access to information programming in each of these institutions and to guide implementation government-wide. The Ministry (now

under the interim government, Secretariat) of Governance and Fight Against Corruption has already established a network of contact points within each ministry and governorate (the Good Governance Cells), which are responsible for promoting the integrity/anti-corruption agenda in the public administration, which could serve both as a model and as key partners for ministry access-to-information leads. Many representatives of CSOs also stress the need of an independent institution to be created to ensure that the provisions of the law are respected and for citizens to appeal in case of malpractices.

2. **Fully implement press and media freedoms.** During its years of existence, the High Authority for the achievement of the Revolution Objectives, Political Reform, and Democratic Transition has also adopted several decree-laws to open the field for civil society action. Particularly significant are those on Freedom of the Press (No. 2011-115 of November 2, 2011), on Associations (No. 2011-88 of September 24, 2011) and on political parties (No. 2011-87 of 24 September 2011), recently given further support by the inclusion of freedom of opinion, expression and information in Article 31 of the 2014 Constitution. To consolidate these gains, Tunisia could consider further revising some of these provisions to address, for example, treatment of online media in the Press Law and accelerate the establishment of the Independent High Authority for the Protection of the right of Access to information, both actions consistent with OECD best practices, international standards, and OGP principles, as well as being called for by civil society.
3. **Develop and institutionalise a Tunisian approach to citizens' engagement.** Tunisia's strong tradition of formal tripartite consultations (among public institutions, employers' associations and trade unions) was also reinforced by the adoption of new laws and regulations even before the Revolution and was further strengthened by Circular No. 14 of 27 May 2011 on legislative quality. There are many examples of current efforts in Tunisia to integrate public consultation into development of national policies. Both traditional face-to-face and online methodologies should be used to ensure wide access to participation. Good examples of both communication methods include CSOs representation in the Tunisian Open Government Partnership Steering Committee then in the Consultative Joint Committee and the national portal www.consultations-publiques.tn.
4. **Promote the formation of civil society networks to organise and broaden engagement.** OECD experience and CSOs comments

during the review identify the need to include a wider spectrum of relevant partners (public and private) in the consultative process. Existing self-regulated CSO networks in many OECD countries and successful experiences such as OpenGov.tn and the collective tnOGP suggest ways to move forward in that direction. A network structure would allow Tunisian CSOs to reflect a greater range of positions and interests, enlarge the geographic reach of their actions and hence strengthen the representativeness and credibility of their message.

5. **Expand the capacity of the government to follow up on citizens' engagement initiatives.** Because of human and financial resources dedicated to citizens' engagement initiatives, citizens and CSOs have complained that often the government does not give visibility to the consultation process and its outcomes. This is eroding the confidence of the participants and will eventually impact number of Tunisians who are willing to collaborate in these exercises. The government should therefore try to close the communication loop through explicit reporting back on how citizens' input was used and go beyond communication and consultation in order to go towards real engagement with CSOs on Open Government initiatives.

Budget transparency

Tunisia has embarked on a reform of the budgetary process with the support of the EU within the framework of a twinning agreement with the French Ministry of Finance. The project began in August 2011 and will last up to 2015. It is part of the broader fiscal policy reform process already begun in Tunisia, which includes revision of the Organic Budget Law of 2004. Additional support is being provided by international organisations such as the World Bank, which has assisted the development of the "management by objectives" (*gestion budgétaire par objectifs* – GBO) process.

Citizens' participation in the budget process is a major goal for Tunisia in the context of its overall Open Government commitment. The Ministry of Economy and Finance and a group of representatives of civil society signed a Convention in March 2013 establishing a Joint Commission on Fiscal Transparency, which prepared and published a citizens' budget for 2014 and is now working to develop proposals to improve budget transparency. CSOs have also worked at the local level to make municipal budgets available for many of Tunisia's towns and cities. Various budget initiatives have been launched since the Revolution, including two campaigns by OpenGov.tn, including a media campaign around the slogan "HEL" ("Open" in Tunisian)

and meetings with government and NCA officials to raise awareness on public finance issues. The movement has also organised conferences on transparency and budgetary reform in Tunisia (to which ministries were invited as well as civil society) and held annual awards ceremonies celebrating contributors to Open Government in 2013 and 2014.

Tunisia received a low ranking in the most recent report of the International Budget Partnership (IBP), issued in 2012, falling to place 85 out of 100 due to its weak performance in publishing its budget reports (with only four of the eight tracked by the IBP as available to the public). In 2012, the pre-budget statement, the citizen's budget, and the mid-year budget were not published, while the draft executive budget was produced for internal use only. In the context of its efforts to join the OGP, since November 2013 the draft executive budget is published on line before being shared with the NCA and a first citizens budget for 2014 was produced.

The IBP considers that the timely publication of key budget documents is a foundation of fiscal responsibility and Open Government. As the continued reform efforts in this area prove, Tunisia shows a strong desire to improve budget transparency and such measures as publishing online reports already produced can improve transparency quickly and at virtually no cost, while having a real impact. Priority measures include the inclusion of the monthly debt position in the monthly publication of budget data, the development and publication of a pre-budget statement, a mid-year budget, and a more complete year-end report, as well as the evaluation report, all of which should be published promptly.

Audit of public sector accounts is another area that has been the object of attention, given the need to streamline executive regulatory bodies. Civil society, including the Tunisian Association of Public Controllers, has played an active role in this area. Tunisian audit bodies and professional associations are now involved in discussions to finalise reform plans. The debate has concentrated on financial and especially institutional barriers created by the presence of three separate public audit bodies with largely the same functions (the Offices of the Controllers General for Public Departments, Finances, and State Property and Land Affairs). Streamlining of supervisory bodies is necessary to make better use of financial and human resources, reduce duplication and monitor the implementation of the recommendations of audit reports more efficiently. In addressing these questions, Tunisia could also advance on one of the grand challenges of OGP –namely "enhancing public integrity"- as effective audits help identify corrupt practices and other wrongdoings in the public sector. A second grand challenge is "more effectively manage public resources", as reform of the budget process enables public institutions to do a better job of deciding

how to spend public funds and manage them more efficiently for the provision of services to citizens.

To align with OECD good practices in budget transparency, it is important to note that a number of budget processes in Tunisia deserve re-examination, including: tax expenditures, financial assets and liabilities, non-financial assets, pension obligations for public employees, contingent (potential) liabilities, and the comparison of proposed revenues and expenditures with those for the current and previous years, as well as the budgets of certain authorities and state-owned enterprises, which normally should be included in the consolidated accounts of the state. Extending the scope of the budget is a fundamental dimension of both fiscal discipline and consolidation of public accounts and will enhance transparency and accountability, enabling a better review by citizens and the Assembly.

The following proposals have been selected as priorities for fiscal transparency from among the large number of suggestions made in this report and in the recently-completed “Strengthening Fiscal Transparency for Better Public Governance in Tunisia”:

1. **Improve availability of budget information** by publishing all of the reports called by the OECD guidelines on this issue and/or by the Open Budget Partnership in a timely manner and ensuring that these reports are available in formats that facilitate further analysis as well as citizens’ understanding of their contents and implications for government programming.
2. **Prepare and provide a broader set of background and analytic materials** to accompany the budget and guide the budget debate, including medium-term budget projections, information on economic assumptions, discussion of risks, and performance information.
3. **Strengthen capacity in the Assembly** to review the budget, to participate fully in budget discussions, and to analyse budget performance by expanding staff capacity, programming sufficient financial resources, and improving the collaboration between the Assembly and the audit agencies, particularly the Audit Court.
4. **Reinforce the government’s audit capacity** by adopting a single audit standard for the government, promoting professionalism among government audit personnel, providing adequate resources for audit and streamlining the organisation of government audit agencies.

5. **Establish a detailed fiscal transparency action plan** incorporating these and other measures in co-ordination with the integrity, Open Government, and other governance-related reform action plans.

Integrity and the fight against corruption

Since the Revolution, Tunisia has improved its legal and institutional environment in the area of integrity and corruption prevention, and expanded use of the internet to involve citizens in these national efforts. The country first established a Ministry of Governance and the Fight against Corruption (currently a Secretariat of State) to co-ordinate national policies in this area. Additionally, the National Authority for the Fight Against Corruption has been founded according to Article 130 of the Constitution and strengthened by being assigned investigative powers.

Tunisia has given priority to the drafting and implementation of a code of conduct for all public officials, and undertaken to extend this initiative to specific positions at higher risk. Tunisia conducted a consultation process to discuss the code with national partners such as ministries, governorates, unions and CSOs. An open information day was organised April 30, 2013, in government offices across the country to acquaint civil servants and others with the code and provide an opportunity for further dialogue. Tunisia will need to identify appropriate institutions that can take responsibility for managing the code and addressing questions raised by officials and others. This should be accompanied by an effective communication strategy to promote the new code and by ethics training for public officials.

The development of a code of conduct for public officials and a strategy to promote ethics in the public sector helped Tunisia to comply with the United Nations Convention against Corruption (UNCAC), which Tunisia ratified in 2008. While the code of conduct is just one of the commitments Tunisia took on by signing the UNCAC, the development and implementation of the code is a signal of progress and of Tunisia's serious treatment of its responsibilities under the Convention.

Tunisia is also working to reform its system mandating asset declaration by high-level officials, which was created in 1987. The dissemination of best practices in this area began in 2012 with a series of roundtables and seminars organised by the UNDP and the OECD. These discussions highlighted the need to ensure that all high-level officials dealing with high-risk functions are covered by the reporting regime (which would include elected officials and the President, currently excluded), and a system of formal verification to be put in place to ensure that the information provided is correct. The lack of sanctions for non-compliance beyond dismissal does not provide sufficient guarantee that all public officials will submit their

statements. Finally, asset declarations are not yet available to the courts if not in the event of a formal investigation. Tunisia should consider making them public, allowing public scrutiny and therefore contribute greatly to the cultural shift that the government is trying to promote in the country. In the meantime, even without changing the current rule and laws, the Tunisian authorities could immediately publish a list of particularly relevant positions required to submit statements and, each year, post a list of those who have actually submitted their statements, even though disseminating personal information is withheld. This would allow citizens and the media to put pressure on public officials who should have submitted a statement but did not and would be a strong signal to the Tunisia people of the resolve of the government to advance in the fight against corruption in the public sector.

To better support integrity in the specific area of public procurement, which is one of the most typically affected by corruption in both MENA and OECD countries, Tunisia is developing an e-procurement system (TUNEPS) with the support of the government of South Korea. A pilot phase involving four ministries and six other agencies is underway. The priority now is to train government procurement officers, and more generally, to progressively professionalise the public procurement function before expanding the new system to all government institutions.

As in other areas of Open Government reforms, all these efforts can be threatened by what appears to be a lack of adequate financial and human resources dedicated to the fight against corruption both in new and already established institutions, such as the supreme audit institution (the Audit Court) and the various internal control units in ministries and public agencies. Two websites have been created to inform citizens on these initiatives and engage them directly: www.anticor.tn publishes relevant documents and other information in the field of integrity and the fight against corruption, while www.anticorruption-idara.gov.tn allows citizens to report cases of corruption. This commendable initiative could be strengthened by integrating these websites and setting up a support office with staff trained to handle complaints and monitor open files, so that citizens and whistle-blowers can be heard and receive the required protection. In relation to the latter, an urgent priority is to provide effective protection for whistle-blowers, whether in government or in the private sector, a major gap in the current legal structure for the fight against corruption in Tunisia.

The following five proposals constitute priorities for action to strengthen government integrity:

1. **Fully implement the code of ethical conduct for government employees**, including providing training for public servants, designating points of contact to address questions, and conducting a communications outreach campaign to public servants and citizens to build a culture of values-based compliance on integrity.
2. **Reform the asset declaration system** to establish an online mechanism for reporting and following up on declarations, to focus efforts on officials at higher risk, and to make selected information available to the public.
3. **Fully implement the TUNEPS e- procurement system**, to be complemented with an up-to-date online provision of information on major projects awarded and their progress, identification of suppliers and contractors who have been disciplined or debarred, and summary information on government procurement actions at central and local levels.
4. **Fully implement a whistle-blowers protection system** to encourage individuals with knowledge of corrupt dealings to come forward, protect them and, by so doing, effectively disseminate a culture of integrity and fight against corruption in the public sector.
5. **Provide adequate resources for the audit and performance evaluation functions**, both at the central and local levels, in collaboration with all relevant stakeholders in charge of co-ordination, monitoring and implementing public sector reforms, with a special focus on those related to Tunisia’s Open Government agenda.

Information and communication technologies

Tunisia has the benefit of strong public and private ICTs sectors that are capable of supporting the use of technology for greater government openness and increased citizens’ engagement. Strong points include the high levels of ICTs connection, particularly for mobiles, high use of social media even outside of metropolitan areas, a young population that embraces the use of technology as a lever to further social objectives, a vibrant ICTs industry (representing approximately 10% of Tunisia's GDP), and a competent national ICTs workforce. The Tunisian government has accelerated the use of ICTs since 2011 to adapt to the changing environment and increasing demands for openness, transparency and participation. Government websites and online services certainly existed before 2011, but the revolution has sparked new experiments tapping into the ideas and enthusiasm for reform of the citizens. Examples include the public

consultation of the Ministry of Justice⁵ on the reform of the national judicial system, part of which took place online, and the Ministry of Education's Facebook page, which brings together more than 120 000 participants.

However, a comprehensive evaluation of the use of new technologies (such as social media and mobile government services) in Tunisia requires taking into account the specific challenges of the local context. Although the digital divide – reduced access to ICTs services and information among the poor and other disadvantaged groups – is less pronounced in Tunisia than in other countries in the region, it still exists. Rates of poverty and illiteracy are high outside urban centres and in economically weak regions. These issues can reduce the impact of some programmes that depend on online participation to reach citizens, making it necessary to include alternative channels that bridge the divide.

Moreover, the issue of gender equality remains a priority topic in Tunisia in the context of inclusion and openness in government. Tunisia has long demonstrated a strong political commitment to providing equal opportunities for women. Nevertheless, structural differences still affect the social and economic inclusion of women. These comprise a higher illiteracy rate and lower participation in the labour force. These factors have an undeniable impact on the use of new technologies by women and should be taken into account if digital government efforts are to lead to more open and inclusive governance. This becomes even more important when it comes to informing, educating and encouraging the participation of women living outside urban centres, those with limited education, and the elderly.

Although there are high ambitions for the use of ICTs as a lever for Open Government, greater capacities of the civil service and more co-ordination among ministries and institutions are needed to fully realise the benefits of ICTs for Open Government and public sector reform in general. There is a wide scope for actions to streamline the government's presence on the internet in order to provide a clearer and more effective path for citizens to express their views and demands and to extract full value from social media tools as a low-cost mechanism for citizen's consultation and two-way communication. For example, the offices established as channels for citizen input do not as of yet make sufficient use of technology and social media to fulfil their mandate. These include the offices of citizen relations (created by Decree-Law 41), the citizen supervisor teams (created in 1993), and the inter-ministerial/civil society working group on public service performance (created by Circular 12).

The Ministry of Communications and IT⁶ and the e-Government Unit of the Presidency of the Government are the main drivers in the mobilisation of ICTs within the public administration. Both have launched major projects to

digitise public administrative processes; however, better co-ordination is needed. Working jointly, they could improve the overall governance of ICTs projects, the quality of public services and the provision of information to citizens. With regard to open data, the Ministry of Communications and IT should consider moving beyond its current technical role to catalyse efforts to strengthen transparency and citizens' engagement. For example, the publication of selected datasets from the government data systems that it manages could provide substantial benefit at comparatively low cost. These include the system to budgetary management decision (ADEB), the state administrative and financial personnel system (INSAF) and the system for managing citizen queries (SYGER) used by the office of citizen relations mentioned above. More strategic use of these resources would serve the objectives of Open Government.

There is a strong desire to implement data access projects in the framework of the general effort to Open Government. A dedicated portal was launched as a beta version (<http://data.gov.tn/fr>) and an initiative of the civil society complements government efforts (www.opendata.tn). In addition, the National Institute of Statistics develops and makes public a wide range of statistical information in various policy areas. Recently published data on poverty and inequality between 2000 and 2010 ("Measuring poverty and inequality in Tunisia from 2000 to 2010") sparked a sustained and lively public debate. It appears, however, that these open data initiatives would also greatly benefit from greater co-ordination and a long term strategy. Moreover, it is unclear whether an organised process engages partners in discussion of the content and format of the data.

Like many OECD countries, the Tunisian public sector is struggling to develop, attract and retain government officials qualified in digital technologies. This expertise is essential to manage and implement a national digital agenda responsive to the objectives of Open Government. To implement an ambitious e-government programme, increase data access, and engage citizens in the design and delivery of public services, public officials need to shift their culture to one that welcomes both citizen interaction and use of technology. Tunisia should consider designating one or more champions in each agency to promote open data. These functions should be co-ordinated with the staff already assigned to promote access to information and other functions related to moving from an operational to a strategic use of new technologies across government. To address the perennial challenge of recruiting and retaining ICTs staff in government, many OECD countries have created accelerated programmes to attract a steady flow of young professional entrants who bring both management skills and technical knowledge to meet the growing demands of Open Government. Tunisia might consider this option along with other approaches

that make better use of Tunisia’s vibrant ICTs business sector, including start-ups and established firms, and that attract women with ICT skills to meet the government’s need for ICTs expertise.

The following five actions constitute particularly promising opportunities to further reinforce ICTs’ contribution to Open Government:

1. **Strengthen human and financial resources available to the government in ICTs** by developing a medium-term plan in this area addressing both internal capacity-building within the government and greater collaboration with the Tunisian private sector to support the Open Government needs and build Tunisia’s promising ICTs sector.
2. **Develop an integrated national plan for ICTs support to Open Government** based on a mapping of current sites and assessment of unmet needs, in full collaboration with and building on existing e-government strategies and initiatives.
3. **Examine opportunities to consolidate and streamline existing websites**, including exploring the feasibility of a national portal to unify access to services and data.
4. **Develop alternative Open Government mechanisms and communication strategies** to reach citizens lacking access to online services due to such barriers as gender inequality, illiteracy, poverty, and residence in rural areas.
5. **Expand the use of social media** to communicate with citizens on Open Government and other issues, including development of smartphone applications for information, services, and citizens’ consultation.

Notes

1. Tunisia's acceptance as a member of the OGP in January 2014 is another landmark in its democratic transition and an immediate output of the process that led to this report.
2. The ongoing intensive reform process in Tunisia has led to the formulation of a number of action plans. To distinguish clearly between these plans and the OGP Action Plan, the latter will always be referred to as such or by the acronym OGP-AP. Similarly, the acronym OGP will be used for the Open Government Partnership and its programmes, while OG will be used as an abbreviation for Open Government more generally.
3. The term “centre of government” generally refers to the organisations and staff that directly support the head of government. Depending on the issue addressed, it is often extended to include as well the offices that directly support the cabinet or council of ministers and the policy functions of the ministry of finance or planning, where existing.
4. Namely the role of the centre of government to steer and co-ordinate Open Government reforms, citizens’ engagement, budget transparency, integrity and fight against corruption, and use of ICTs to support Open Government.
5. Ministry of Justice, Human Rights and Transitional Justice.
6. Ministry of Higher Education, Scientific Research, Information Technologies and Communication.

Introduction

The *Arab Spring*, which started in Tunisia in 2010, was propelled by widespread discontent with the current socio-economic conditions and the lack, or at times absence of basic rights and freedoms. The self-immolation of Mohamed Bouazizi in the Tunisian city of Sidi Bouzid, which sparked the Tunisian Revolution, powerfully testified to the reasons behind this discontent: poverty, widespread corruption among the economic elite and politicians, and lack of respect for human dignity and democratic rights. The velocity with which the Tunisian revolution spread across the entire MENA region revealed the presence of these problems throughout the whole Arab world.

The Arab Spring took place during the period of global economic turmoil growing out of the 2008 crisis in financial markets. This crisis and the resulting rise in unemployment, particularly among youth, sparked protest movements also across OECD member countries and demands for more open, inclusive, and responsive government decision-making. Underlying discontent in both OECD countries and the Arab Spring countries is a generalised decline in the citizens' trust in government and in the commitment of leaders to inclusive growth.

Despite the differing circumstances of the countries of the Arab Spring and OECD members, their different governments face the common challenges of regaining the peoples' trust and incorporating their inputs and active involvement into policy-making processes. Increased participation of citizens in government decision-making offers a promising path toward meeting citizens' expectations, rebuilding trust between citizens and government, and, not least important, securing a more effective policy making process that leads to a higher quality of services and reinforces inclusive and sustainable development.

Tunisia is the country in which the Arab Spring began, and it is also the country that has undertaken the most comprehensive and wide-ranging transition process towards democracy in the entire MENA region. This process relies on, the existence of a private sector seeking further dynamism, and a stable public administration, on the one hand, and the development of an active and multifaceted civil society and an overall political class dedicated to democracy, on the other hand. This concordant commitment of

these actors has to date shown considerable effectiveness in initiating numerous public sector reforms inspired by the principles of openness, transparency, integrity, and citizens' participation.

With the ratification of the new constitution by the National Constituent Assembly (NCA) at the end of January 2014 and the naming of an interim prime minister, the country could organise free, transparent and democratic legislative elections on 26 October 2014, and presidential elections on 23 November (the first round) and on 21 December 2014 (the second round), which has firmly established Tunisia on its new democratic path.

Tunisia has formally applied to join the Open Government Partnership (OGP) and has been declared eligible by the OGP in January 2014. It submitted its first OGP Action plan in September 2014. This step can be considered as a first outcome of the collaboration with the OECD on enhancing Open Government policies in the country and as an important sign of its commitment to advance the on-going democratic transition and to create functioning institutions that can deliver on the revolution's demands for transparency, participation, integrity, and accountability.

This review is intended to provide Tunisian government and citizens with an overview of the opportunities and challenges of implementing Open Government reforms and to assist the government and its partners, both domestic and international, in completing the next step of the OGP process and following-up the OGP Action Plan implementation. The methodology used reflects the OECD work in the various areas of Open Government policies and also continues the collaboration between the OECD and the OGP, of which the OECD is an Official Multilateral Partner since October 2013 and under which the OECD is supporting countries to join the OGP and member countries that develop OGP Action Plans, and carry them forward into implementation. In addition to Tunisia, this co-operation is currently proceeding in other countries in the Middle East, Latin America, and Southeast Asia.

OECD approach to Open Government

The OECD has been at the forefront of international efforts to promote and disseminate Open Government policies and practices for more than 10 years. Since 2001, the OECD has collected and analysed information demonstrating the importance of citizens' participation in the design and implementation of better public policies and the delivery of public services resulting in greater efficiency and in citizens' satisfaction. In collaboration with senior public officials from member countries committed to improve government-citizens relations, a set of principles was developed to guide the

implementation of Open Government policies and ensure their success (OECD, 2001; 2009).

Box 1. Guiding principles for open and inclusive policy making

1. **Commitment:** Leadership and strong commitment to open and inclusive policy making is needed at all levels – politicians, senior managers and public officials.
2. **Rights:** Citizens’ rights to information, consultation and public participation in policy making and service delivery must be firmly grounded in law or policy. Government obligations to respond to citizens must be clearly stated. Independent oversight arrangements are essential to enforcing these rights.
3. **Clarity:** Objectives for, and limits to, information, consultation and public participation should be well defined from the outset. The roles and responsibilities of all parties must be clear. Government information should be complete, objective, reliable, relevant, and easy to find and understand.
4. **Time:** Public engagement should be undertaken as early in the policy process as possible to allow a greater range of solutions and to raise the chances of successful implementation. Adequate time must be available for consultation and participation to be effective.
5. **Inclusion:** All citizens should have equal opportunities and multiple channels to access information, be consulted and participate. Every reasonable effort should be made to engage with as wide a variety of people as possible.
6. **Resources:** Adequate financial, human and technical resources are needed for effective public information, consultation and participation. Government officials must have access to appropriate skills, guidance and training as well as an organisational culture that supports both traditional and online tools.
7. **Co-ordination:** Initiatives to inform, consult and engage civil society should be co-ordinated within and across levels of government to ensure policy coherence, avoid duplication and reduce the risk of “consultation fatigue”. Co-ordination efforts should not stifle initiative and innovation but should leverage the power of knowledge networks and communities of practice within and beyond government.
8. **Accountability:** Governments have an obligation to inform participants how they use inputs received through public consultation and participation. Measures to ensure that the policy making process is open, transparent and amenable to external scrutiny can help increase accountability of, and trust in, government.

Box 1. Guiding principles for open and inclusive policy making (cont.)

9. **Evaluation:** Governments need to evaluate their own performance. To do so effectively will require efforts to build the demand, capacity, culture and tools for evaluating public participation.
10. **Active citizenship:** Societies benefit from dynamic civil society, and governments can facilitate access to information, encourage participation, raise awareness, strengthen citizens' civic education and skills, as well as to support capacity-building among civil society organisations. Governments need to explore new roles to effectively support autonomous problem-solving by citizens, CSOs and businesses

Sources: OECD (2001), *Citizens as Partners: Information, Consultation and Public Participation in Policy Making*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264195561-en>; updated in OECD (2009), *Focus on Citizens: Public Engagement for Better Policy and Services*, OECD Studies on Public Engagement, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264048874-en>.

Overview of the Open Government Partnership

The OGP was launched in 2011 “to provide an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens.”¹ This initiative has grown quickly from 8 member countries to 65 as of early 2014, in addition to civil society partners. The OGP’s approach has attracted the participation of many of the world’s leading advocacy organisations for democracy, transparency, and good governance.

The four core principles contained in the OGP declaration, to which member countries must commit, include:

- access to information (government transparency)
- civic participation (including civic engagement)
- integrity (including anti-corruption)
- access to technology to support openness and accountability (including ICTs).

The OGP sets eligibility criteria for membership and, once countries join, requires them to develop biennial action plans to strengthen Open Government.

Box 2. The Open Government Partnership

Open Government Declaration (excerpt)

As members of the Open Government Partnership, committed to the principles enshrined in the Universal Declaration of Human Rights, the UN Convention against Corruption, and other applicable international instruments related to human rights and good governance:

- We acknowledge that people all around the world are demanding more openness in government. They are calling for greater civic participation in public affairs, and seeking ways to make their governments more transparent, responsive, accountable, and effective.
- We recognise that countries are at different stages in their efforts to promote openness in government, and that each of us pursues an approach consistent with our national priorities and circumstances and the aspirations of our citizens.
- We accept responsibility for seizing this moment to strengthen our commitments to promote transparency, fight corruption, empower citizens, and harness the power of new technologies to make government more effective and accountable.
- We uphold the value of openness in our engagement with citizens to improve services, manage public resources, promote innovation, and create safer communities. We embrace principles of transparency and Open Government with a view toward achieving greater prosperity, well-being, and human dignity in our own countries and in an increasingly interconnected world.

Together, we declare our commitment¹ to:

- Increase the availability of information about governmental activities.
- Support civic participation.
- Implement the highest standards of professional integrity throughout our administrations.
- Increase access to new technologies for openness and accountability.

Note: The four commitments as shown here are abridged. For the full text, please refer to www.opengovpartnership.org/about/open-government-declaration.

Source: Open Government Partnership (2011), “Open Government Declaration”, www.opengovpartnership.org/about/open-government-declaration.

Tunisia’s membership in the OGP, approved in January 2014, is expected to catalyse more ambitious implementation of Open Government reforms through the OGP Action Plan and the consultative processes at the heart of its development. Tunisia’s success in meeting the OGP Eligibility

Criteria demonstrates its commitment to the gains to be achieved through more open, transparent, accountable and participatory government.

Box 3. OGP Minimum Eligibility Criteria

Fiscal transparency

The timely publication of essential budget documents forms the basic building blocks of budget accountability and an open budget system.

Access to information

An access to information law that guarantees the public’s right to information and access to government data is essential to the spirit and practice of Open Government.

Disclosures related to elected or senior public officials

Rules that require public disclosure of income and assets for elected and senior public officials are essential to anti-corruption and open, accountable government.

Citizen engagement

Open Government requires openness to citizen participation and engagement in policy making and governance, including basic protections for civil liberties.

Source: Open Government Partnership (2011), “Eligibility Criteria”, www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria.

The OGP Action¹ Plan includes usually a number of specific action commitments that the government makes to strengthen Open Government. The OGP requires that these commitments advance at least one of the OGP’s Grand Challenges, which include: *i*) improving public services, *ii*) increasing public integrity, *iii*) more effectively managing public resources, *iv*) creating safer communities, and *v*) increasing corporate accountability.

Tunisia’s participation in the OGP and Open Government challenges in the current context

Since the Revolution, Tunisia has sought to establish a more transparent, open, and participatory system of government. Thus, its request to join the Open Government Partnership (OGP) is a significant example of its determination to join the international club of open and participatory governments. In the 2012 letter of interest sent by the Minister to the Head

of Government responsible for governance and fight against corruption, Tunisia emphasised its desire to establish an Open Government committed to transparency and participatory democracy.

The Government of Tunisia has joined the OGP to support its shift to modern democratic institutions after decades of dictatorship. Tunisia's government and civil society leaders recognise the challenges that this shift will require to transform the ideals that inspired the revolution into effective policies and concrete services to citizens and business.

Despite the interim nature of the current government, Tunisia remains strongly committed to establishing a new, more transparent, and more participatory governance system. Continued progress on Open Government is expected during the interim period leading to elections with the support of the interim government and the stewardship of the Open Government Steering Committee.

The challenges facing the government as it works to strengthen OG during this transitional period may be traced to three factors:

- First, implementation of significant reform is inherently difficult, especially under the complex set of economic and political circumstances now facing Tunisia. Reform is even more difficult for an interim government with a limited mandate, lacking the authority that only an election can confer.
- Second, the broad menu of reforms needed for Open Government require whole-of-government co-ordination of numerous parallel initiatives, many of which must be carried out across a range of public sector institutions, each with somewhat different OG responsibilities. This is a challenge for any government.
- Third, successful implementation in Tunisia must be built on broad reinforcement of the public sector institutional capacity. Priority areas in this regard include public service reforms to enable public officials to cope with new and more complex tasks, such as ongoing consultations with the public on programme delivery, support to parliamentary deliberations on the budget, and broader information sharing using both online and offline means. Government capacity development in these areas should go hand-in-hand with the development of government's civil society partners, many of which have only recently come into being and are still building capacity to participate effectively in external dialogue and partnering.

Given these needs, the OGP Action Plan process provides a very timely opportunity to advance the aims of the Revolution by building experience

with public consultation, strengthening consensus on Open Government reforms, and developing a preliminary action agenda for the new government expected to take office following elections later in 2014.

After becoming an OGP member in early 2014, the primary task before Tunisia's governing body for the OGP process, the Open Government Joint Advisory Committee, -which was founded in July 2014 by the Secretary of State of Governance and Civil Service, and replaced the Open Government Steering Committee-, was the formulation of Tunisia's OGP Action Plan over the coming months, including the organisation of active stakeholder consultations, and the follow-up of its implementation. The Joint Advisory Committee is an advisory organism that gathers 5 members of the civil society and 5 members of the government. The members of the civil society are: one representative of the private sector, one representative of Education and Scientific Research, one representative of the association "Touensa", one representative of the association "Elbawsla", one representative of the movement "Open Gov tn". The members of the government are the followings: Three representatives of the Presidency of the Government (the E-Government Unit, the legal advisory department, the General Directorate for administrative reforms), one representative of the Ministry of Finance, and one representative of the Ministry of Interior.

Tunisian officials have succeeded to complete consultations and to develop their first OGP Action Plan on 23rd of September 2014.

This review underscores that real and sustainable progress in Open Government will require leadership at the highest levels of the Tunisian government, beginning with the Head of Government and the centre of government entities that support his office. Full realisation of Open Government in Tunisia will entail a fundamental paradigm shift in the very role of the state and in the way it interacts with all relevant stakeholders. Its success will largely depend on Tunisia's capacity to set up credible, transparent, and democratic mechanisms to manage a multiplicity of new and long-established actors, both inside and outside government. These include, within government, the prime minister's office and its various departments and units, the Ministry of Economy and Finance, the Assembly, and the Audit Court. Outside of government, the key institutions include political parties, civil society organisations, the labour movement, academia, professional associations, and the business community.

Open government will provide a renovated governance platform on which to generate, implement, and oversee policies through open and inclusive processes. To succeed, it must take full advantage of both governmental and non-governmental institutions' capabilities to contribute to sustainable national socio-economic development. Continuing to build

these new institutions and relationships is a responsibility of the Tunisian government and citizens alike, united in a new and constructive alliance to shape the future of their country.

Organisation of the Open Government Review

This review begins with a discussion of the support to Open Government reforms in the centre of government; it then focuses on expanding dialogue through civic engagement, increasing availability of information about government financial and administrative management, and strengthening mechanisms for government integrity; it then concludes by assessing the horizontal use of ICTs as a tool for Open Government. The final chapter brings together the main proposals put forward for consideration the follow-up and implementation of the OGP action plan.

Each of these five chapters begins with a summary of how that specific policy area contributes to fostering Open Government, focusing on the relevant instruments and good practices developed by the OECD and its members and presenting a brief review of Tunisia’s performance against them. It then turns to the agenda for the coming period, taking up a number of subtopics of particular relevance for Open Government reforms and assessing Tunisia’s strengths and gaps in that specific area. It then discusses implementation considerations, including how institutions and stakeholders could make greater use of OECD experience and accumulated knowledge, and then concludes with a list of recommendations that point to opportunities for improvements as identified by OECD Secretariat and peers.

A final section brings together the proposals made in each of the five chapters, presenting them in the form of proposals for consideration as implementation and follow-up of the OGP Action Plan items by the Open Government Joint Advisory Committee and its partners or, recognising that the OGP Action Plan implementation should focus on a limited number of ambitious and particularly high-impact measures, as possible components of a wider Open Government National Strategy and Implementation Plan.

1. For more information on the OGP Action Plan, its challenge, etc., see www.opengovpartnership.org/how-it-works/action-plans.

Chapter 1

Tunisia's centre of government

The centre of government (CoG) plays a key role in coordinating the implementation of Open Government. It is responsible for setting a vision, developing a strategy and implementing Open Government policies across levels of government. This chapter analyses Tunisia's CoG and its ability to achieve Tunisia's Open Government objectives. It suggests to reinforce the CoG for Open Government and to better exercise its leadership in this very timely period marked by the historic approval of the 2014 Constitution. The chapter identifies a set of recommendations to strengthen open government in Tunisia, which include the identification of Open Government advocates, the development of a detailed open government national strategy and implementation plan and the promotion of Open Government initiatives at the local level, which should be accompanied by an integrated communication strategy.

Introduction

Leadership from the highest levels of the Tunisian government, the “centre of government” or CoG will be critical in achieving the objective of Open Government of the country. The core institutions making up the CoG are responsible for defining the national vision, setting the governmental strategy to make this vision a reality, and co-ordinating the work of the government to carry these out. The CoG is made up of the head of government and the core set of institutions that support the oversight and stewardship roles of the government head. In most parliamentary systems, including Tunisia, the Prime Minister (PM) is considered the head of government (chief executive) and the president is the head of state.

There is no precise definition of which institutions comprise the CoG beyond the head of government’s office, but it is common to include the office and staff supporting the work of the Council of Ministers (the cabinet office) and units attached to the head of government that have whole of government functions. The definition may also extend to one or more of the core ministries. In particular, the Ministry of Finance is often included in the CoG concept in recognition of the central role played by the budget in guiding and shaping government action. Some authors include other ministries with a government-wide function, such as the ministries of planning, defence, foreign affairs, and interior, and may include the parliament as well (Alessandro et al., 2013).

For some purposes, specialised oversight bodies with functions cutting across government are also included in the CoG concept, such as the central audit organisation or the civil service commission. In this discussion, the narrower interpretation will be used, encompassing the prime minister, the PM’s office, the cabinet office, and the ministry of finance.

After the recent legislative and presidential elections of 2014, while waiting for the new government to form, Tunisia is currently managed by an interim government, which was elected by the National Constituent Assembly following adoption of the 2014 Constitution. It led the efforts of developing and submitting the first OGP Action plan. It will also take the lead in the start of implementing and following-up the OGP Action Plan.

OECD principles regarding the centre of government and its role in leading major reforms

The OECD Governance Review for Poland provides a good summary of the CoG's role in reform (OECD, 2013b).

The key function of the centre of government is to act as a central leadership and stewardship hub: its role is to lead and steer the implementation of the national vision-based strategy and its policy and programming initiatives effectively, efficiently and coherently across the central administration and with sub-national authorities, and mobilise non-governmental actors from across society in support of the government's vision. CoG institutions act as champions of reform, and promote reform to generate and manage interdependencies across the administration. Collaboration thus becomes the default option, not the exception. CoG leadership can encourage widespread "buy-in" from key actors both within and outside government, so that the strategic vision for the country is implemented effectively and efficiently because it is seen as legitimate and in the country's best long-term interests.

Box 1.1. Brief Summary of the functions of the German Federal Chancellery

The Federal Chancellery is the co-ordinating centre for government policy as a whole. It is led by the Head of the Chancellery who as Federal Minister for Special Affairs is a full Cabinet member. The Chancellery's organisational structure reflects the government's ministerial portfolio structure as there is at least one section responsible for every ministry in the Chancellery. These so-called mirror units fulfil an important liaison function between the CoG and their respective line-ministries by maintaining contact with them and overseeing their activities. Together they constitute a mini projection of the whole government which is decisive for the competency and efficiency of the Chancellery.

Under the German Constitution the Chancellor determines and is responsible for general public-policy guidelines. These policy guidelines bind the ministers who, in accordance with the Basic Law, conduct their affairs autonomously under their own responsibility. So, while the Chancellor cannot issue formal orders that fall within a minister's specific jurisdiction, the Chancellery plays a whole-of-government leadership function in supporting the Chancellor in exercising his/her policy stewardship role, and is thus not limited to playing only a co-ordinating and mediating role.

The Chancellery provides all secretariat functions to Cabinet, in particular the preparation of the Cabinet agenda. Within the Chancellery, the responsible unit is the section for Cabinet and Parliament Affairs which is closely linked to similar

Box 1.1. Brief Summary of the functions of the German Federal Chancellery (*cont.*)

units in the ministries. Together with the Chancellery's staff this unit considers all formal and technical requirements of all proposals submitted for Cabinet decision. In particular, it checks whether disputes or conflicts between ministries remain unsolved and whether resistance can be expected from Parliament and/or civil-society groups. It directs legislative initiatives approved by Cabinet to the appropriate legislative bodies.

Source: (2013a), *Colombia: Implementing Good Governance*, OECD Public Governance Reviews, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264202177-en>.

The effectiveness of the CoG in leading major reforms can be considered to require three distinct capabilities:

- **the ability to provide leadership** for the overall reform effort, including communicating the need to act, articulating a strategy to guide this action, mobilising political support to move forward, and orchestrating the resources needed for action
- the availability of **structures within the CoG** that have the capacity and the mandate to support these leadership functions
- the capacity to **co-ordinate** efforts, both inside and outside the CoG and the government as a whole, including the capacity for **change management**.

This discussion addresses how the capability of CoG institutions in each of these three areas of capability is deployed to support implementation of Open Government.

The leadership of the CoG is vital to the reform process because most governments, both in OECD and MENA countries, in fact operate more as networks of related institutions, rather than as the unitary structure shown on the organigram. Each ministry or other entity pursues its own mandate, has its own organisation, and, often, its own bases of political power. While this networked structure facilitates getting the government's highly diverse work done, it poses challenges when the need arises to tackle a major crisis or to introduce broad reforms that cut across institutional boundaries.

The centre of government in Tunisia and its role in Open Government reform

Tunisia confronts both of the following challenges: the Revolution has brought long-latent demands for system-wide reform to the forefront, and at the same time plunged the country into a prolonged crisis that has threatened Tunisia's political stability, economic progress, and basic security.

Despite the many challenges that Tunisia has faced since the fall of the Ben Ali regime, it has made comparatively steady progress through the democratic transition, marked by the adoption of the new 2014 constitution, widely praised for its commitment to reform. Nonetheless, real stability can be secured only by meeting the Revolution's demands for fundamental reforms that put citizens' needs at the top of the government's priorities and provide for greater openness, transparency, and citizens' participation.

The role of the centre of government is fundamental in confronting the challenges posed by major reforms such as those called for by the new Constitution. While the current interim Tunisian Government has a strong mandate to address the country's challenges, its ability to do so is sharply restricted by the limited time and resources that it has at its disposal and the magnitude of the tasks that it must undertake to implement the new Constitution, notably the organisation of the legislative and presidential elections that occurred by the end of 2014.

The concepts and proposals put forward in this chapter recognise that Tunisia is at a unique point in its transition since the fall of the previous regime, and is well positioned, after the successful elections held end of 2014 to establish a new government as per the new Constitution, one of the signal achievements of the transition period. This juncture imposes certain limitations on the new government, especially in terms of prioritization of the reforms' development and implementation, and of the continuity of the ongoing ones; namely the smooth continuity and follow-up of the major governance reforms. Recognising this, the OECD has prepared the proposals and suggestions included in this review to serve three different purposes:

1. Offer suggestions on what might be done and followed-through or, at minimum, set in a process during the coming months to achieve near-term gains in Open Government and to pave the way for more thorough Open Government reforms.
2. To support the incoming Government's action as it continues to implement and follow-through on the OGP Action Plan within the delays of the OGP.

3. To assist Tunisian officials, civil society, and others to structure the upcoming debate on how to implement Open Government during this interim period and as the new government takes office, based on a shared understanding of the issues and options for advancing OG in Tunisia.

The first half of 2015 that will start with forming-up the newly-elected government, offers an excellent opportunity to set a course for reforms to consolidate the gains of the Revolution. The current interim and upcoming governments can both maintain Tunisia’s strong momentum for reform by setting in motion participatory planning for the next phase in the reform, actively consulting with citizens, building the capacity of government units as well as CSOs and the Assembly, and launching pilots to test innovative and more open approaches to government. Each of these steps will enable the incoming government to build Open Government programmes on a stronger foundation and to advance more rapidly than would otherwise be the case. They will also help to rebuild trust in the support government by keeping faith with the Tunisian people on the commitment to institute real change.

The leadership function of CoG institutions, change management, and the “strategic state”

Building on the three capability areas outlined above, the remainder of this chapter will discuss how the CoG mobilises leadership, structures, and co-ordination/change management to promote Open Government now and in the future. The key function of the CoG is to serve as the leadership hub for the government as a whole. Its role is to lead the articulation of a national strategy and to implement it through projects and plans in an effective, efficient, and coherent manner, not only through the central government administration, but also in partnership with regional and local authorities and key non-governmental actors across society, informing and advancing a shared vision of Tunisia’s future.

The centre of government’s leadership role

The key function of CoG institutions is to exercise leadership both inside and outside the government. Through the leadership function, the head of government and his/her staff facilitate co-ordination, co-operation, and collaboration to secure a robust consensus on the coherent strategic vision for the country and how the country is to implement this vision. This leadership is necessary for promoting and fostering the reforms to achieve the vision, as well as for creating and managing interdependencies among government actors. Such leadership is required to change how the

government perceives its own role so that the commitment to collaboration in pursuit of this vision of the country's future becomes the general norm among the CoG's key partners both inside and outside government, not the exception, and that they act out of a mutually-perceived necessity for collaboration to reach their goals. An effective centre of government is crucial for:

- **The articulation of a strategic vision:** The CoG must be able to put together a shared and all-encompassing vision of the long-term future of the country's economy and society and articulate it in a way that ensures that others share this vision. Elements of such a vision could include, for example, poverty reduction, higher employment, sustainable development or economic diversification to stimulate growth. Open Government is both a strategic objective in itself and a cluster of essential values that help the CoG advance its vision and achieve results together with citizens and civil society. One of the most challenging tasks for the CoG is to ensure that this whole of government vision is taken on board and accepted by a large share of public sector officials and employees.
- **Accountability:** The CoG is the “helmsman” of the strategic vision. It is responsible for explaining the general results of its actions and for the general oversight of the actors whom it has mandated to implement it. An open, transparent approach established by the CoG and adopted by all government actors greatly facilitates the performance of this responsibility. The role of the CoG is not to micromanage, but to implement a system wherein the CoG supervises clearly defined and effective hierarchies of responsibility. For their part, the sector ministries must also show leadership in fulfilling the mandates and policies entrusted to them within the overall framework of the whole of government commitment.
- **Strategic planning, policy coherence and collective engagement:** The CoG must be able to give specific form to this strategic vision, make it coherent and render it operational. The starting point is generally a government programme or national development plan that frames the political manifesto of the party or parties in power. Rendering this strategic vision operational requires reaching beyond the government, however, to mobilise civil society and the business sector. Within government and in its relations with outside parties, the doctrine of collective responsibility¹ is essential to maintain discipline and focus on the strategic vision. Thus, collective engagement is a *sine qua non* condition for successfully carrying out

this strategy, extending to all public and private actors engaged in carrying it out.

- **Communication:** The CoG must be able to communicate the strategic vision and the means used for implementing it. Openness and transparency help foster the feeling of shared goals among the parties involved in both government and civil society. The clarity with which government communicates its objectives and goals and the strategies it uses to implement them is of primary importance to ensure that each actor in the public sector, including for example local authorities, understand beyond the strategic vision, their role in its construction and pursuit, and their responsibilities in demonstrating them to the citizenry and civil society.

As understanding has improved on how a complex reform agenda can be advanced successfully, the concept of the “strategic state” has emerged.² For this chapter’s purposes, strategic-state capability evokes the central government’s capacity to lead the articulation and implementation of a strategic vision for the country’s future, to properly identify and effectively respond to the internal and external challenges affecting the implementation of this strategy by using decision-making processes based on evidence and the results of strategic foresight, to reinforce the effectiveness of how policies and the provision of public services that seek to meet these challenges are defined, and to mobilise internal and external actors and resources to obtain integrated results that effectively and efficiently meet these challenges.

The concept of a Strategic State emphasises leadership from the centre of government, integrity and transparency, the importance of networks and institutions both within and outside government, the need to draw inspiration for strategy and policies from the experience of local government administrations and citizens, and the importance of effective implementation-monitoring frameworks to assess integrated results and report on progress to the country.

Structures and mandates of the centre of government

One rarely finds a single entity in OECD member countries that performs all these functions. It is more common to find a small group of institutions that collectively take on the performance of these tasks. The CoG’s structure across OECD countries varies significantly depending on the historic, constitutional, political, and cultural context in which it has evolved. Nevertheless, in most countries, the CoG institution(s) provide for the following functions:

- **Direct support to the Head of Government.** In most countries, such support does not extend to all the functions described above and is limited to protecting and promoting the Head of Government's position as a leader who is above political battles, whose role is to arbitrate debates and to guarantee that everyone's interests are taken into consideration. Generally, support to the head of government includes the function of strategic communication of government policies and management of the schedule and agenda of the Council of Ministers, chaired by the Head of Government. These functions give the CoG units the necessary authority to establish and enforce the Head of Government's strategic priorities. Sometimes such support has partisan overtones; on certain occasions it combines the partisan aspect with the technocratic and strategic aspects in order to further the Head of Government's exercise of his/her whole-of-government responsibilities.
- **Preparation and oversight of the Budget.** Although the budget is formally the domain of the Ministry of Finance, its essential function as the main tool for concretising the government's strategy and directing resources to carry it out makes it essential for the Head of Government and the CoG to manage the budget-setting process. Its role in CoG management goes beyond defining the framework for State revenues and financial operations. It is the principal tool for allocating government expenditures, which determine how a significant portion of the country's GDP is used – more than half in some OECD countries. It is, thus, an important policy tool used by governments which prioritise strategic policies through allocation of revenues from all sources. It is also an important management tool in that the budget allocates monies to operate State ministries and agencies. The budget provides the basic framework that allows the government to function on a daily basis and to carry out its strategy.
- **Across-the-board co-ordination of whole-of-government multi-sector policies.** These policies include government reforms seeking to introduce more open and transparent government, reforms of the strategic management of human resources, the co-ordination for writing draft laws and regulations, and establishing online government. These functions are usually performed by a Ministry of Governance or Administrative Reform, a Ministry of the Interior, and/or a Ministry of Justice. Although this review limits its concern to Open Government reforms, these do not go forward in a vacuum but are part of the government's broader reform agenda and they interact with many of the other reforms at key points. The centre of

government co-ordinates the inputs of the various ministries and other units involved in complex or strategic reforms.

Co-ordination of parliament, line ministries, authorities, and regions by the CoG

The first effective line of engagement for a CoG is to collaborate with the key sector ministries to plan and develop sector policies and across-the-board priorities for pursuing a strategic vision for the country, working to ensure that these ministries work in a coherent manner. Admittedly, having a State fully involved across the board – i.e. which demonstrates sustained coherence in formulating and implementing highly complex, multi-sector policies in the pursuit of a well-articulated overall vision – remains an aspirational goal in many OECD countries. The OECD, recognising how difficult this objective is to achieve and drawing on the hard lessons of member States' experience in setting, implementing and monitoring national strategy, has developed a capacity to synthesise evolving practices in this area with the aim of assisting states to improve policy coherence and achieve intended outcomes.

One key to coherence is for the CoG's own units to co-ordinate amongst themselves effectively, which poses challenges, even when they are located within the same governmental institution. For example, when a draft law is submitted to the Council of Ministers for consideration and decision, an analysis of the regulatory impacts must be available for their consideration. Likewise, the strategic management of the government's human resources and its fiscal management are closely intertwined, as performance-based budget management requires directors and upper-level managers to be able to use rewards and sanctions to mobilise their staff to pursue the desired outcomes while also respecting the fiscal goals set for their agencies in the National Budget.

The CoG's continuity demands that its institutions be sustainable across electoral cycles. These institutions must be able to resist the vagaries of political cycles so that they can rise to the challenge of implementing long-term strategies and advise incoming governments accordingly. This stability of central functions and the structures that house them will increase the public's trust that the State will take seriously the strategic vision articulated, even as it is modified between governments, and that the country will be able over time to successfully advance the citizens' shared vision. Furthermore, all CoG institutions and other key actors in government must share a common position on whole-of-government strategic goals in order to achieve strategic results without wasting resources. The public interest has not been served if a governmental institution fails in its efforts to implement

a policy set by the CoG or if one government entity is able to undermine others in pursuing the State's strategic objectives.

It is in this spirit that the State's internal and external oversight entities should be able to interact with CoG institutions in order to show the government, lawmakers, and citizens that the strategic vision is being implemented according to plan. They must be able to confirm that CoG institutions and the other key public sector actors involved are taking responsibility for the vision and regularly show citizens the implementation progress achieved. In several European countries, the highest control and verification authority regularly and publicly provides its independent opinion not only on the effectiveness of specific policies, but also on their impact on progress toward the country's strategic vision as the government has articulated it.

The transformation of Tunisia from a dictatorial regime into one that places the interests of the citizens first brings with it the need to change the way that the centre of government operates as well as the strategic aims that it pursues. The application of new, more open and participatory approaches to government operation, beginning with the centre of government and extending down to the level of citizen services, is not intrinsically linked to the development of a new strategy, but in the present situation the two are in fact closely tied together. After a long and difficult transition, stretching over more than three years, citizens are justifiably impatient to see the outlines of a new Tunisia take shape.

The tight resource constraints, within which the interim government must operate, however, make thorough reform of citizen services even more difficult than they would otherwise be. Tunisia's citizens must therefore participate in making the difficult choices ahead to ensure that they understand and accept the very real limitations facing government and, at the same time, feel that the country is making real progress toward a new way of doing business. Open government reforms have the potential to deliver on both these requirements.

An important test of the new government's commitment to change will be whether it devotes the strategic human, financial, and top-level management resources needed to make Open Government a reality.

Box 1.2. Summary of Germany's Federal Cabinet structure and functions

The Cabinet is made up of the Chancellor and – currently – fifteen Federal Ministers. In principle, Cabinet meetings take place weekly, usually on Wednesday morning. The Cabinet is the final decision-making authority. According to the rules of procedure of the Federal Government all matters of general domestic and international political, economic, social, financial or cultural importance have to be presented to it for consideration and decision making. This includes:

- all draft bills
- all draft ordinances of the Federal Government as well as other draft ordinances of outstanding political importance
- all matters of relevance for the relationship to the legislative bodies (*Bundestag*, *Bundesrat*)
- initiatives, programmes of action, reports
- important personnel and promotions of civil servants.

The Cabinet usually decides consensually as a collegial body. The approval of the Cabinet is explicitly or implicitly asserted when no objection is entered. Any former disagreements between line ministries have to be settled before a draft proposal is submitted for Cabinet consideration. Formal voting in the Cabinet is thus very rare.

An important instrument for the preparation of Cabinet meetings is the regular meetings of the State Secretaries of all line ministries, chaired by the Head of the Chancellery, which take place about two days before Cabinet meeting. Here, all items of the agenda for Cabinet are discussed to iron out remaining conflicts.

In contrast to many other countries, standing committees of the Cabinet in Germany do not play a major role in Cabinet decision making. There were a few for special subjects in the past but they met only occasionally. In practice, primarily only the Federal Security Council (*Bundessicherheitsrat*) is of political relevance. It deals particularly with arms exports. Its membership consists of the Chancellor, the Head of the Chancellery and a number of ministers and it meets for specific reasons. The standing committee on Economics meets to prepare the Federal Government's Annual Economic Report.

Below Cabinet level there are a few permanent groups of State Secretaries, chaired by the Head of the Chancellery. These focus on specific issues like sustainable development (the so-called "Green Cabinet"), EU matters or bureaucracy reduction.

Source: (2013a), *Colombia: Implementing Good Governance*, OECD Public Governance Reviews, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264202177-en>.

Beyond co-ordination: change management and the concept of the “Strategic State”

The governance measures needed to increase government openness and transparency involve altering the way that such core government functions as budget management and regulatory change are carried out. These functions engage all of government from the Prime Minister to the lowest officials. They involve the Parliament and the Judiciary as well as the executive. Implementing real change that goes beyond slogans will require effective change management.

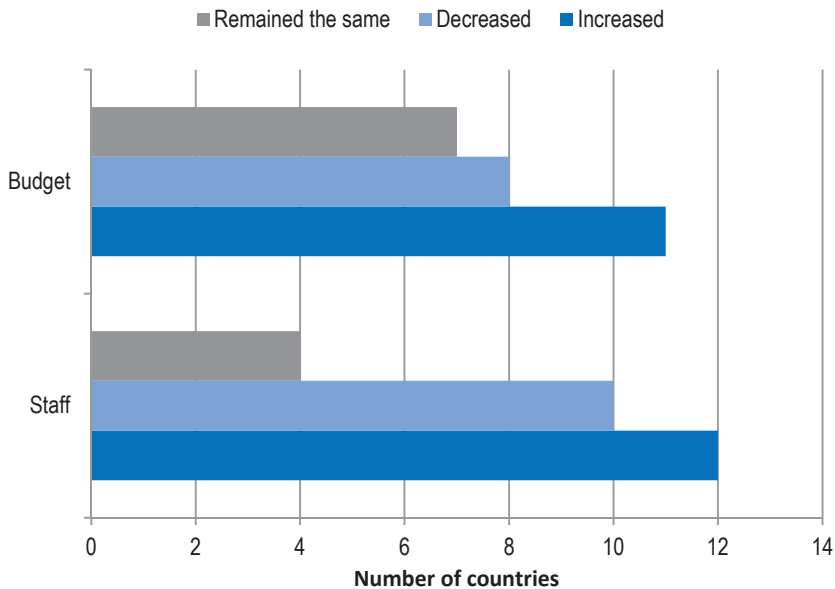
More important than new schedules or revised procedures will be a change in the governance culture. A culture of decision making behind closed doors and negotiation within the elite must be replaced by a culture of openness and active engagement with all of Tunisia's citizens. The secrecy that facilitated corruption and favouritism must give way to a realisation that the work of government is the people's business. Not just the professional technocrats but every citizen brings valuable knowledge and expertise to the process of building the new Tunisia. Tapping into this expertise requires that new mechanisms of consultation be designed and implemented, based on the sharing of information previously available only to government.

This chapter addresses integrated change management methods aimed at shaping and implementing a multi-sector, whole-of-government strategy for Open Government. This strategy cannot be fully implemented by Tunisia's interim government, but real and important progress can be and should be quickly made in the coming months under the new government responsibility.

The approach outlined below is based on OECD country experience in implementing such complex reforms. This experience suggests that adopting a coherent inter-ministerial strategy, putting in place mechanisms to build and sustain co-ordination, and taking a whole-of-government approach will be vital to success in making more open and transparent government a reality in Tunisia. Lessons drawn from past OECD Public Governance Reviews, as discussed in the OECD report “Making Reform Happen” suggest that effective change management can act as the main catalyst for opening up government (OECD, 2010). This experience further suggests that success in change management depends on strong institutions and leadership, the prioritisation and sequencing in implementation of reforms, and on how effectively reform agents are able to interact with interest groups that may oppose changes to public policies.

Successful reform requires building consensus among the key actors, both inside the government and outside it, which in turn depends on effective two-way communication and co-ordination. Strong leadership at the CoG level is necessary to change the way the public administration sees its own role and to encourage strong involvement by key public and private actors as well as citizens themselves. Reformers inside and outside the government, representing all of these diverse interests, must be brought to the table under the CoG's leadership to collaborate on ensuring that the country's strategic Open Government vision is well understood and that a broad societal consensus is in place on OG ends and the means chosen to achieve these ends. Understanding the crucial role of CoG in mediating among different institutions and steering the whole government is widespread and has steadily increased among OECD countries, which has meant that more human and financial resources have been allocated to it recently, especially in the past 5 years as shown by Figure 1.1.

Figure 1.1. **Change in size and resources of the centre of government (2007-2012)**



Source: OECD (2013c), Session notes of the 32nd Meeting of Senior Officials from Centres of Government, Santiago, 23-25 October 2013, www.oecd.org/gov/cog-2013-session-notes-eng.pdf.

Co-ordination across government constitutes the key factor for effectively and coherently managing change toward more open and transparent government – as it is in any other public-policy area. Such

co-ordination must be based on strong consensus of the shared vision, the strategies to implement it, the tools to be used, and the roles and responsibilities of each party. A robust OG performance-assessment framework, with clear targets and indicators to measure progress, and a solid system of communicating with citizens will be essential.

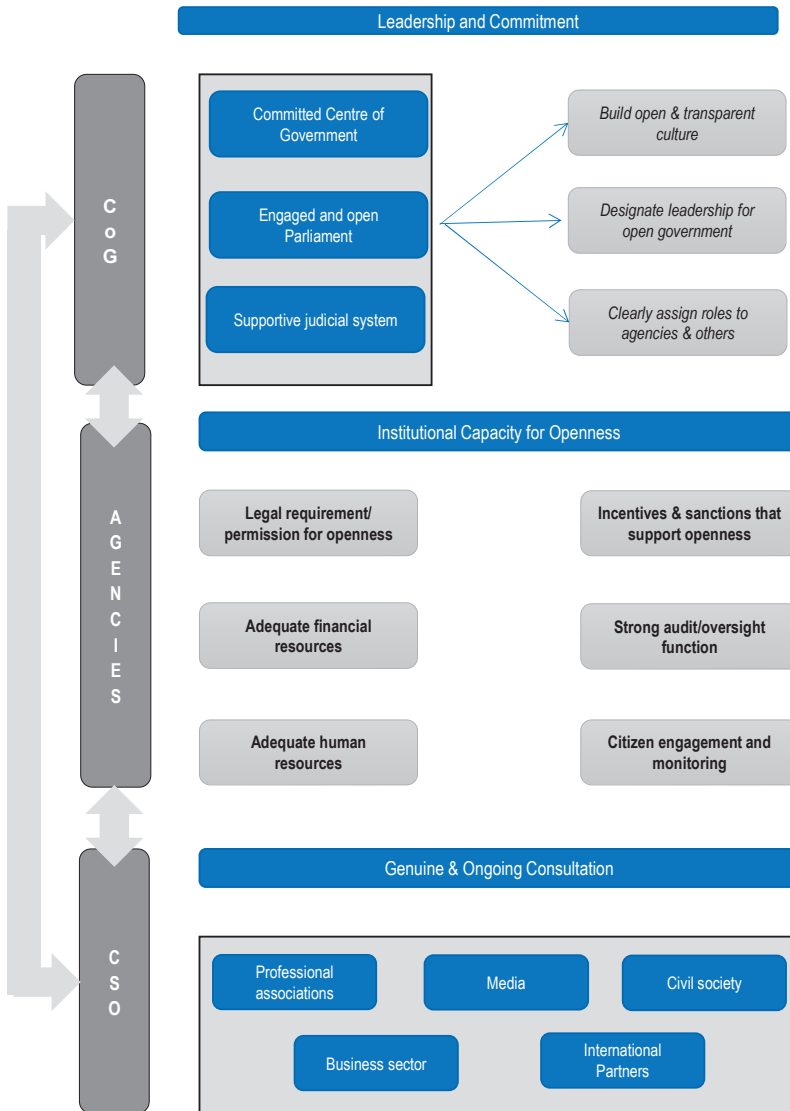
These co-ordination functions are generally provided and managed by institutions within the centre of government, led by one unit but engaging with others across the CoG:

1. The centre of government functions as the focal point leading the definition and piloting of a national strategy. Its role is to mobilise and catalyse the changes demanded by the strategy through an efficient alignment of public agencies. To this end, the CoG must bring together the main actors and their respective capabilities as well as introducing new processes that reinforce responsibility, strategic planning and foresight, collective engagement, and communication within government and with interests outside of government, including civil society.
2. The CoG demonstrates commitment to Open Government through testing and adapting innovative practices itself, which contributes directly in achieving the culture change needed and promoting government-wide openness. Innovation placed at the service of Open Government entails mobilising citizens, companies, and actors from the public sector and civil society in a way that acknowledges the importance of each of their contributions. To this end, the CoG must ensure that the needed IT resources, especially the Internet, are available. These technologies lead to an increased mobilisation of citizens in all aspects of governance, including the provision of public services (improved transactions and electronic information), an inclusive approach for developing policies, and the empowerment of society through a deeper understanding of governmental functions and engagement in assessing them.

Proposals for the consideration of the Government of Tunisia to reinforce the CoG for Open Government

Based on the above considerations, the following sections consider possible actions that the Government of Tunisia could take to build its capabilities in leadership, CoG organisational structures and mandates, and co-ordination/change management to take on the whole-of-government challenge of Open Government.

Figure 1.2. Summary of the requirements for the implementation of Open Government in Tunisia



Tunisia could enhance the coherence of its whole-of-government strategy by strengthening the mandate of its centre of government to mobilise the resources needed to build working partnerships with key public, private and civil-society actors, as shown in Figure 1.2. These partnerships must recognise that citizens (including businesses, media, etc.)

and the members of the public service, as well as their respective organisations, must all have a place in the strategy.

The change management strategy must also recognise that much has been accomplished since the Revolution to move toward greater governmental openness in Tunisia, including first and foremost the adoption of the 2014 Constitution but also clarifying the roles and responsibilities for existing and newly-created actors in the OG area. The establishment of the *Open Government Steering Committee* followed by the *Open Government Joint Advisory Committee*, chaired by the Secretary of State responsible for this file within the Presidency of the Government and including representatives of the core ministries and civil society organisations for Open Government, puts in place an efficient institution for co-ordinating the whole-of-government strategy for Open Government.

Proposals for exercising leadership for Open Government within the CoG

To further strengthen the machinery of governance for Open Government, particularly with regard to ensuring effective government-wide co-ordination and tracking performance over time, the following measures are proposed for the consideration of the Government of Tunisia:

- **Continue engagement and leadership for OG at the highest level.** In addition to providing the resources needed to mount and sustain a solid institutional configuration within the CoG for Open Government, engagement of the Head of Government at key points in the process will be essential to demonstrate leadership and commitment. The Secretary of State has more limited power than the Head of Government to compel performance by other CoG entities, notably the Parliament (the National Constituent Assembly at present), the Ministry of Finance, and other strong line ministries (Justice, Interior, etc.). Without real and visible support at the highest political levels, this unit will not be able to mobilise deliberate, concerted, and sustained inter-ministerial governmental action to implement the plan.
- **Explicitly mandate the Joint Advisory Committee to formulate an integrated whole-of-government strategy for Open Government** and submit it to the Government for approval. This strategy should build on and incorporate ongoing strategies in this area, including the Vision for the Fight against Corruption, the Strategy to Fight against Corruption and the Action Plan for Access to Information, all likewise led by the Presidency of the

Government. The formulation of an OG strategy offers an opportunity to strengthen the linkages among these strategies.

- **Provide sufficient resources to carry out the OG mandate.** Effective co-ordination by the unit within the Presidency of the Government responsible for supporting the *Joint Advisory Committee* will require more resources than appear to be available at present to co-ordinate effectively with the above strategies and to carry out whole-of-government co-ordination. Strengthening policy, human resources and financial capacity within the Presidency for OG would send a strong message of Government commitment to open and transparent government.
- **Take stock of where prior initiatives are and recommit to achieving measurable outcomes.** Actors from civil society and the private sector consulted by the OECD during the peer review mission repeatedly stressed that current initiatives have not yet delivered on their stated objectives. They also cited the limited degree to which the Government acts on their proposals, comments, and suggestions concerning OG reforms. Based on the perception that the relationship between government commitments and reality on the ground could be effectively improved, a need exists to draw a line under past commitments and to develop a revised and more realistic set of commitments, incorporated into the OGP action plan (and other documents as needed). A clear signal must be sent that recognises what parts of past commitments were not met, lays out a new set of commitments, and enlists civil society and business as partners in bringing these commitments to fruition. Without such a stocktaking and revision of existing plans, the credibility of the OG initiative may be seriously damaged at this critical point in its trajectory.

The role of CoG in implementing Open Government: Maintaining momentum in the near term

Major governance reforms such as Open Government pose particular challenges for the centre of government because they are both whole-of-government reforms (requiring the *active* involvement of a large share of government agencies) and involve many of the government's core functions, from budgeting and public finance to human resource management and communications. They are likely to require changes in legislation and regulations governing the way the government interacts with citizens (what information is provided and how, for example) as well as changes in

numerous processes and procedures to incorporate consultation and to engage citizens as active co-creators of the work of government.

Bringing together the diverse capabilities within the CoG, so that it can function as a “fit-for-purpose” structure to manage the Open Government initiatives, is therefore essential to cut across the siloed responsibilities that normally organise and facilitate the work of government. It would therefore greatly assist the government to establish an ambitious but realistic Open Government Strategy and Implementation Plan, which would incorporate, but not be necessarily limited to, the commitments included in the OGP Action Plan.³ The implementation of this whole of government strategic plan should be supported, monitored, and reported on to stakeholders both within government and in the broader community. It should be implemented through consultation with a broad range of stakeholders, both internally and externally. Such CoG-led co-ordination usually involves as much activity among CoG units themselves as between the CoG and relevant ministries and agencies, local authorities, private sector actors, and citizens, and must be sustained over time. OECD experience suggests that this co-ordination capacity is vital to reform success and constitutes one of the defining elements of a Strategic State.

The implementation responsibility for Tunisia’s participation in the OGP was initially placed with the Ministry for Governance and the Fight Against Corruption. However, this unit was restructured in early 2014 and replaced with the Secretariat of State for Governance and the Public Service. The impact of this shift on the effectiveness of OG strategy development and implementation will greatly depend on the level of support and engagement maintained by the Head of Government and his chief aides within the CoG; nonetheless, the structure adopted to manage these activities will also have a considerable effect on the ability to maintain forward momentum through the active engagement of the senior-most levels of government, civil society, and other partners.

This section examines a range of alternatives for structuring CoG oversight and strategic direction of governance reforms for Open Government in Tunisia, based on the assumption that the current structure, which assigns the lead responsibility to the Secretariat of State and designates the Open Government Steering or Joint Advisory Committee as the main co-ordination mechanism, will remain in place.

The discussion recognises that the new government will need to take action very rapidly following its creation to maintain the established momentum and strengthen Open Government in the near term. Though, the current interim government must be responsive to the prospective needs of the incoming elected government and lay the groundwork for continued

progress. This duality establishes a need to set up mechanisms and to undertake preparatory work in ways that will preserve flexibility for the new government to revise the programme, consistent with the policy and programming priorities that it adopts. There is, however, an urgent need to maintain momentum on OG implementation so as to avoid loss of time, to take advantage of opportunities for experimentation and learning through pilots, and to demonstrate to the public that Open Government is becoming a reality. A proactive approach to Open Government implementation will contribute to refine the next steps in the Open Government strategy and go beyond pilot programming to implement Open Government at scale and across the whole of government.

In this context, the OGP Action Plan implementation offers an opportunity for broad-based consultation and dialogue over the coming months. This consultation should engage both those parties that may become part of the new government and other interests – including the civil service as well as civil society, the business sector, and donors – that are indisputably essential for the next stage of implementation.

At this writing, it appears highly likely that Tunisia has already initiated the OGP Action Plan implementation after its official submission to the OGP in September 2014. This will require a determined approach to ensure that the plan's implementation is based on substantial citizens' consultations, which are expected to be subject to verification at the one-year point as part of the OGP's revised monitoring process.

Despite the uncertainties of the current transitional period in Tunisia, it is of vital importance for reform that concrete actions be taken during the first half of 2015. A lapse of activity would only contribute to the concerns expressed by civil society and other observers regarding the lack of reform follow-through. While major initiatives cannot be realised in this short timeframe under the responsibility of the interim government, there are a number of important measures that can be rapidly taken to advance the implementation and prepare the way for greater successes once the new government is formed. These include:

- **Stocktaking of progress on major reforms.** An assessment of reform initiatives begun over the past several years would provide a sound basis for identifying action plan items. This could include the action plans for access to information and anti-corruption as well as progress on reforms such as the introduction of performance-based budgeting. Civil society could also use the opportunity offered by the anticipated end-of-year elections to raise awareness on these issues and press candidates to make Open Government commitments.

- **Development of the 2015 budget.** Several of the major Tunisian budget reports are currently not available, creating an opening pressing to put these online in the coming months. In addition, a new round of budget discussions should begin as soon as possible if it is to be carried out with greater transparency and consultation than the previous rubber-stamp process. An additional action item for the 2015 budget is the incorporation of adequate funding to carry the Open Government reforms forward.
- **Mobilising and co-ordinating resources from donors.** Given the lag time between submitting proposals for funding to donors (public and private) and the receipt of funds, it would be highly desirable to prepare a number of proposals in the near term so that funds may be available for Open Government programming by the new government. Areas for which donor support to OG would be appropriate might include training for parliamentarians and their staff, developing strategies to reach citizens who are not online, training civil servants on the new code of conduct, networking the citizen's surveillance committees in secondary cities, and incorporating more performance measures into the next round of the citizens' budget, among other possibilities.

The organisation of Tunisia's core CoG institution, the Presidency, reflects the broad agenda of reforms that must be undertaken to modernise the Tunisian state and meet the raised expectations of its citizens for responsive governance. This has led to a proliferation of units within the Presidency of the interim Government, as a unit is established to carry forward the work of each reform. The Government Presidency's website shows 39 organisational units and subunits, from the office of the Prime Minister to the directorate general for privatisation. Of these, 21 would appear to have some role to play in instituting Open Government, from promoting transparency and procurement integrity to communicating with citizens and expanding e-government.

While it goes well beyond the scope of this review to suggest changes in these structures, it is appropriate to underscore the co-ordination challenge that OG will pose within the Presidency of Government as well as between it and the other CoG units. Open government programming will need to proceed in parallel to other complex reforms, moreover, including those mandated by the new Constitution, such as decentralisation. This situation argues for the necessity of making strategic choices to identify OG measures that can have a visible effect on citizen's lives and their perceptions of whether government is listening to them, but that do not place onerous

implementation requirements on the limited staff and resources of the Presidency of Government.

Box 1.3. Structures of the Presidency of Government

- the Head of Government
- the Minister to the Head of Government in charge of Co-ordination and Monitoring of Economic Affairs
- the Secretary of State to the Head of Government in charge of Governance and Civil Service
- the Secretary General of the Government
- the Adviser to the Head of Government for Supervision of the Higher Commission of Markets and the Monitoring and Investigation Committee
- the Chief of Staff of the Head of Government.

The following structures report to the Chief of Staff

- the Diplomatic cell
- the Protocol cell
- the Information and Press cell
- the Central cell for Guidance and Investors
- the Central Registry
- the Branch of Common Services
- the Services of the Adviser of Legal Affairs and Legislation
- the general committee of the Civil Service
 - the Branch of the administration and the Civil Service
 - the Branch of Training and Development
 - the office of the organisation of public services.
- the committee for the General Supervision of Public Services
- the Branch for Administrative Reforms and Prospective
 - the e-government Unit
 - the Administrative Prospective and Monitoring unit
 - the Quality and Administrative Services unit

Box 1.3. Structures of the Presidency of Government (*cont.*)

- the Programming and monitoring of government action cell
- the Branch of public expenditure control
- the Higher commission for markets
 - specialised commission for Buildings and Civil Engineering Markets
 - specialised commission for Communication, Computer, Electricity and Electronics Technology Markets
 - specialised commission for Raw Materials and Products Sold in the State Markets
 - specialised commission for various Orders Markets
 - National Observatory of Public Procurement.
- the Monitoring and Investigation committee
- the Committee for Amicable Settlement of Disputes
- the Branch of Economic, Financial and Social Studies
- the Committee for State Auditors
- the Unit for Monitoring the Organisation of Institutions and Public Enterprises; Monitoring Productivity Systems in Public Institutions and Enterprises unit
- the Privatisation branch.

Source: Presidency of the Government Portal (2014), “Presidency of the Government: Organization”, www.pm.gov.tn.

Proposals for the reform co-ordination for the Open Government under the next government following the elections of 2014: A perspective on change management

The discussion above has examined options for near-term actions to strengthen the Open Government support function within the centre of government and has suggested a number of short-term actions that might be included or undertaken for the action plan implementation and monitoring itself, based on the agreed timing. This section offers a more comprehensive model of how an ongoing Open Government support function might be structured to address the whole-of-government co-ordination requirements for Open Government. In doing so, it takes a change management perspective and considers both structures and mandates as well as how the

co-ordination function could be advanced strategically and operationally. While the foregoing discussion is based on OECD experience with reform management, the following section draws more heavily on this knowledge base, particularly the extensive research carried out through the OECD's country Public Governance Reviews.

Establishment of Open Government principles and practices as the norm in Tunisia's government over the coming years will require a culture change as well as the development of a considerable number of new procedures, standards, and review mechanisms. A fundamental element of this change process will be the introduction of new and deeper engagement with actors outside the executive, including not only civil society but also the Assembly. While this process has been launched and is continuing throughout the administration of the interim government, it will truly begin only when the first government is elected under the 2014 Constitution and takes on the challenging tasks required to fully implement this historic document. This section discusses proposals for strengthening co-ordination and change management once the new government has taken office.

The Tunisian government, through the structures making up the centre of government, seems at once well prepared to lead the articulation and implementation of an Open Government strategy, and lacking in sufficient resources and channels for co-ordination, to fulfil this strategy successfully. In addition, such co-ordination is vital for articulating and applying an across-the-board, multi-sector strategy that takes sub-national and citizen factors into account. It will thus be one of the most necessary factors for developing and applying an effective framework to evaluate the performance of this strategy and to demonstrate accountability for this undertaking to citizens.

Across-the-board thinking, which overcomes the inevitable silos mentality within any individual institution, represents a *sine qua non* condition for any government that wants to succeed at reform, whether it aims to implement a multi-sector strategy or to introduce targeted reforms. Increased co-ordination in articulating and implementing these strategies raises the question of whether a governance environment yet exists that favours innovation in policy, is supported by institutional leadership that encourages this innovation, and provides a systematic co-ordination among key actors.

- **Open Government Champions.** To ensure the articulation and implementation of an Open Government strategy soundly rooted in an effective framework for analysing performance and accountability, the head of the Tunisian government should instigate to consider identifying and reinforcing institutional leaders within

the institutions most involved in instituting Open Government and working with these leaders to form a cross-institutional team to guide Open Government implementation. These leaders, whom one could call “champions” for Open Government, would extend the reach of existing actors in this domain and explicitly support them in their interactions with the central government, sub-national authorities, CSO’s, and citizens. It is not a matter of creating new institutions or further bureaucratising the governmental apparatus in this area; rather, the aim would be to confirm loudly and clearly the leadership role of the actors already mandated in this domain and then to equip them to complete their mandate by providing explicit support at the highest political level, backed up by central government expertise and resources.

By identifying OG champions in the priority agencies, the Head of Government could send a strong message of support for OG to both CoG actors and other governmental entities involved, demonstrating that Open Government is seen as an across-the-board strategy at the heart of the modernisation of Tunisia’s administration making it more responsive to citizens. This signal should also be backed up in the short term with concrete support for the designated OG champions, beginning with the Secretariat of State, in the form of increased human and financial resources.

At the same time, it will be important for the Tunisian government to reinforce the implementation structures for Open Government to sustain a multi-year effort. These actions should build on the important steps taken to date, as noted above, to engage the key partners inside and outside the centre of government, including the ministries of finance, interior, and justice as well as the state audit bodies. A possible approach could include the following:

- **Development of a Detailed Open Government National Strategy and Implementation Plan.** The Open Government *Joint Advisory Committee* should be mandated to guide the development of an Open Government *National Strategy and Implementation Plan*. This plan would complement the OGP Action Plan with broader and long term objectives and would build on the sector plans that already exist within the government, especially existing action plans for access to information and fighting corruption and the framework for evaluating performance and accountability. Experiences of other OGP member countries showed that it is important to keep the OGP Action Plan short and limit the number of formal items to around a half dozen. These should be the most ambitious and symbolic items in the national Open Government agenda, which would benefit from the international exposure,

knowledge sharing opportunities, and media pressure offered by the OGP. The National Open Government Strategy and Implementation Plan instead should be broader, long term, more detailed and include actions specific to all relevant institutions, at all levels of government, including basic administrative reform elements such as human resources, training components, etc. The production of a National Open Government Strategy and Implementation Plan could itself be an OGP Action Plan item. As part of developing this plan, the government could:

- Mandate the Open Government *Joint Advisory Committee* and the Open Government Champions to establish and manage the mechanisms for monitoring the inter-ministerial performance of the Strategy and the Implementation Plan, as well as their associated projects and reforms and measure impacts and results.
- Allocate sufficient financial and human resources to achieve the mandate in the medium and long term (as well as meeting short-term needs included in the OGP Action Plan).
- Mandate the Committee to work with other government departments, for example the Tunisian National Statistics Institute, to process and distribute national and regional administrative data on the basis of a results-based performance (some of these data have already been analysed by the Ministry of Finance as part of its performance-based budgeting initiatives) assessment.
- Establish a set of indicators for monitoring the implementation and results of Open Government initiatives, as an aid to prioritising and evaluating policies and interventions to meet citizens' diverse needs and to strengthen co-ordination within Tunisian society and with the international community.
- Create a Permanent Committee of the Council of Ministers on Open Government. The government could create a standing committee within the Council to promote ongoing high-level discussions on implementation, facilitate follow-up, and to oversee the Strategy, Action Plan, and Evaluation Framework, beginning with management of the first OGP action plan.
- Permanently link the Permanent Committee and Champions with CSOs counterparts for collaboration on specific challenges. If the civil society members of the *Joint Advisory*

Committee follow the suggestion made above to form a broader group of CSOs and to organise it along the lines of the main OG action areas, there would be substantial room for co-operation between these CSO groups and the *Permanent Committee* and Champions. This would facilitate implementing the OGP Strategy and Action Plan, monitoring performance over time, and carrying out consultations. In any case, the consultation experience of the OGP *Joint Advisory Committee* should provide valuable lessons to guide future consultations as Open Government moves from the pilot level to whole-of-government implementation.

Open government at local level. The way in which the government interacts with subnational authorities at the local level in developing and applying the Strategy, the Action Plan, and the Evaluation Framework is critical, as it will reinforce the responsiveness of the Open Government Strategy to citizens' needs and its suitability for implementation at all levels of government. Engagement at the local level will also support performance monitoring. To this end, it would be helpful for the National Statistics Institute to work with the Ministry of Finance and the relevant ministries to develop national performance indicators – for example, concerning the provision of healthcare and education services – that can be implemented at the local level and at the same time give a reliable measure of performance at the national as well as at the regional level.

Once the new Constitution is fully implemented, subnational authorities which will be legitimate after municipal elections in 2015 will have a much greater role than in the past. Once local officials are elected and endowed with the new prerogatives provided in the 2014 Constitution (in terms of both financial and decision-making capacities) and start taking the lead in developing policies, selected regional and local authorities could be recruited to follow-up in experimenting with OG approaches at the local level. Over time, these could be incorporated into the National Strategy and Action Plans, potentially leading to development of *Local OG Plans* in, at minimum, selected pilot locations.

Such Local OG Action Plans would reinforce the results of the overall consultations with local residents and economic groups. They would also feed into the higher level plans and facilitate monitoring the performance of the regional and national strategies so as to better achieve the goals for an Open Government at all levels of government.

Multi-level governance strategy. As the Open Government initiative progresses, the government could work with the subnational governments to formulate and implement a multi-level governance strategy⁴ tied into and

co-ordinated with the National Strategy and Action Plan. Although such an approach would in all likelihood be too ambitious for this early stage in the development of the subnational governance structure, it would be highly desirable to launch these new entities on the path of openness as early as possible. In the first year, this might take the form of applying transparent budgeting principles at the local level, possibly beginning with selected pilot locations but expanding to cover the entire territory as rapidly as possible. It could also engage the citizen supervisory committees in reporting on local service quality, ideally joining with other localities to post comparative statistics online and exchange best practices. At a later stage, peer reviews could be organised to encourage innovation and dissemination of good practice at the local level.

Communication strategy for Open Government. In keeping with Open Government principles, the OG initiative itself should serve as a model for communication with the public. Such communication should provide citizens with a regular account of the Strategy's delivery performance and the progress recorded. This requires that the government establishes and fully implements an effective *communication strategy*. Such a strategy would be fundamental in maintaining and consolidating the dynamics in favour of reforms for Open Government and to inform citizens of the progress made with regard to the Revolution's ideals and commitments to increased openness, transparency, and participation. Efforts to improve communications have been made by various ministries of the interim government, including the Secretary of State of Governance and Civil Service- previously the Ministry of Governance and Fight Against Corruption and the Authority for Fighting Corruption, concerning the current initiatives on integrity, but much more could be done in this area.

As further discussed in later sections, there is substantial room for harmonising and standardising government websites, as well as improving the level and quality of information they provide. Some governments have created a single government portal to facilitate the harmonisation process by providing links to government units and services in a single, readily accessible site. Both Chile and Brazil offer excellent models of how governments have adopted common standards for government websites, increasing the ease of use for citizens and facilitating continuous improvement in website quality and content.

At the same time, online communications are not sufficient to reach all Tunisian citizens. New methods are being applied to make well-established technologies such as radio more effective in communicating with hard-to-reach segments of the population, including women, the elderly, rural residents, and the poor. Integration of radio programmes and cellular phone SMS communications can bridge the digital divide to include these citizens

in the conversation. The upcoming Action Plan consultations offer opportunities to experiment with different ways of reaching and engaging citizens, which is fundamental in making government inclusive as well as open.

Recommendations

The main conclusion of this overview of openness at the centre of government is that the Tunisian government has established the critical base of institutions and experience needed to develop and implement a broad-based, multi-sector Open Government initiative, but that a great deal remains to be done in both the near term and the longer term to build a truly Open Government on this base.

This chapter presents a number of proposals for the consideration of the government and its OG partners. Among the most important of these are the following:

- The government would be well-advised to reiterate the political support expressed from its highest level of authority for the concept of Open Government, and to designate institutional Champions in the priority agencies for Open Government to lead the effort and strengthen collaboration.
- The work of these Champions requires the support of a Ministerial *Standing Committee* for overall co-ordination, backed up by the already existing Open Government Steering Committee for day-to-day co-operation and equipped with the human and financial resources needed to implement Open Government throughout the government.
- The interregnum between the historic approval of the 2014 Constitution and the formation of a new government following the elections presents a number of important opportunities to build Open Government in Tunisia, despite the limitations inherent to this period, and these opportunities should be capitalised upon to lay a sound base for further action.
- While the priority of the current interim government has been the development of Tunisia's OGP Action Plan, it would be advisable to include among the new government's commitments the development of a detailed Open Government National Strategy and Implementation Plan. By including it in the OGP Action Plan, the new government will demonstrate a long-term approach and its

serious engagement to implement full-fledged Open Government reforms in the country.

- Open Government initiatives at the local level can be initiated even before the new structure is put in place and have a tremendous potential to improve services for citizens as well as for making Open Government a living experience for the ordinary citizen.
- The development and management of an integrated communications strategy that can reach all segments of Tunisian society would strengthen the implementation of Open Government and help ensure a fuller engagement between the citizens and their government.

Notes

1. The doctrine of collective responsibility is considered a key principle of parliamentary democracy. Its core principle is that a governmental decision, once taken, is considered to be a decision of the whole government. A minister must not vote against the decision, nor may a minister or senior official speak against the decision; moreover, it is assumed that the party and coalition members in the Parliament support the decision unless and until there is a vote of no confidence. See Gay and Powell (2004).
2. The OECD defines a Strategic State one in which the government: sets and steers a national long-term vision-based strategy and identifies internal and external challenges through evidence-based decision making and strategic foresight. A strategic state applies the following tools and practices: *i*) leadership by Centre-of-Government institutions; *ii*) co-ordination and alignment of administrative institutions; *iii*) integrity and transparency government-wide, *iv*) institutional networks inside and outside government, *v*) learning from sub-national initiatives and from citizens, *vi*) effective implementation strategies, and *vii*) monitoring of performance to make reform happen.
3. For a more detailed discussion on OGP Action Plan, see paragraph “Development of a Detailed Open Government National Strategy and Implementation Plan”.
4. More information on OECD work on Multi-level Governance is available on www.oecd.org/gov/regional-policy/multi-levelgovernance.htm.

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Chapter 2

Civic engagement in Tunisia

Civic engagement is a crucial aspect of Open Government. The chapter firstly outlines the OECD approach to citizens' participation, as it was developed in more than 10 years of work in this field. It then provides an overview of the current Tunisian policies and practices to involve citizens and business in policymaking and service delivery, along with a review of the provisions contained in the new constitution. As key aspects to citizen's engagement, the chapter analyses the legal and implementation frameworks of Tunisia's access to information law and the existing public consultation practices in light of the available human and financial resources. Finally, the opportunities offered by a more consistent and strategic use of ICTs to promote participation are highlighted, especially considering the clear request that comes from citizens and civil society organisations to better exploit the potentiality offered by internet and social media. A set of recommendations to implement a comprehensive reform establishing truly inclusive policy-making are provided.

Introduction

Greater involvement of citizens in shaping government decision making is fundamental to Open Government. The lack of opportunities for citizens to affect policy making and achieve government outcomes meeting their needs undoubtedly contributed to the Arab Spring. It is therefore a positive development that Tunisia's newly approved constitution¹ sets the basis for Tunisian citizens and civil society to actively participate in the cultural, social and political life of their country.

Given the importance of this achievement for the future of citizens' engagement, this chapter will begin with a discussion of the constitutional provisions in this area, before turning to review OECD principles on citizens' engagement, Tunisia's recent experience in citizens' engagement, and, finally, it gives consideration to areas where citizens' engagement could be strengthened.

On 3 March 2011, President Mebazaa announced the elections for a National Constituent Assembly (NCA) tasked to write a new Constitution for the country, as requested by the population. The elections were held in October 2011 and the NCA met for the first time on 22 November 2011. A few months later, in February 2012, the NCA started the process of drafting.² Since then, four versions have been presented to the Assembly and to the public for comments and eventual ratification, the latest of which was presented by NCA President Mustafa Ben Jaafar on 1 June 2013.

The process has taken longer than expected but did reach its goal of approving a new Constitution at the historical date of 26 January 2014. One of the reasons for the delay was the difficulty of the members of the various parties in power to find an agreement on the more politically delicate questions. However several international observers (e.g. Article 19, The Carter Center, the European Commission for Democracy through Law – Venice Commission – of the Council of Europe, etc.) do give credit to the NCA for having also extended the debate to civil society and the international community, allowing their inputs to find place in the Assembly debates.

Several key articles in the 2014 Constitution directly reinforce the rights of citizens to participate in government decision making, including in particular:

- Art. 34 on the right to be elected (“*droits d’élection*”)
- Art. 35 on the creation of political parties, trade unions and associations, which specifically stresses the importance of commitment to the principle of financial transparency
- Art. 36 on the right to join a trade union and strike
- Art. 37 on the right to meet and hold peaceful demonstrations
- Art. 46 on the rights of women, their equality in front of the law and the commitment of the State to eradicate violence against them
- Art. 139: Local authorities adopt instruments of a participative democracy and principles of open governance in order to ensure the broadest citizens’ and civil society’s participation in preparing and implementing territorial development projects as stipulated by the law.

These are pillars of a democratic society based on people’s active participation and are fully aligned with the principles contained in the OGP Declaration and the OGP Grand Challenges. Art. 49 on implementation modalities provides the basis for implementation of citizens’ rights and also protects these rights, stating that laws adopted in these areas must not violate the substance and spirit of these constitutionally guaranteed freedoms (“*sans que celles-ci ne portent atteinte à la substance de cette liberté*”), while also recognising that the implementing laws may impose limits to protect the rights of third parties.

Art. 31 on freedom of opinion, expression, thought, information, and publication states that they are guaranteed and cannot be submitted to *ex ante* controls (*contrôle préalable*). Coupled with the provisions of Art. 49 noted above, very closely resemble the content of Art. 19 of the International Convention on Civil and Political Rights (ICCPR), when it states in the third point that: “The exercise of [these] rights... carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: *i*) For respect of the rights or reputations of others; *ii*) For the protection of national security or of public order, or of public health or morals” (OHCHR, n.d.). Box 2.1 presents other key provisions of the ICCPR.

Box 2.1. The International Covenant on Civil and Political Rights

The following articles have been mentioned by experts of the Venice Committee of the European Council as being in contradiction with the above-mentioned provision of the latest draft of the Tunisian Constitution:

Article 18

- Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
- No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:

- To take part in the conduct of public affairs, directly or through freely chosen representatives.
- To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.
- To have access, on general terms of equality, to public service in his country.

Article 26

- All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Source: OHCHR (n.d.), “International Covenant on Civil and Political Rights”, www.ohchr.org/FR/ProfessionalInterest/Pages/CCPR.aspx.

It is worth stressing that the second point in the same ICCPR article adds: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” The listing of the

means through which information can be searched and shared substantially increases the effectiveness of the provision, and responds to the request of numerous Tunisian and international NGOs to pay particular attention to the inclusion of ICTs (radio, TV, cinema, social media, etc.) and artistic expressions among the categories protected by the Constitution. The need to ensure these protections had been at the centre of media attention due to the reportedly unilateral decision of the government to nominate new heads for the five Tunisian public radio stations (Article 19, 2013) (National Radio, Radio Cultural, Youth Radio, Radio Gafsa, and Radio Tataouine) and to jail the well-known rapper Weld El 15 (Mandraud, 2013).

More specifically on access to information, which is a pillar of citizens' participation, Art. 32 of the new Constitution fully guarantees this right. Whereas previous drafts of the Constitution have been more restrictive³ – with reservation of Art. 49, which regulates the terms and conditions of exercising the rights without jeopardising their essence. This right was initially reinforced by the indication of Art. 124 of the draft Constitution of June 2013 to create an Information Committee (“*Instance de l’Information*”) tasked with the regulation and development of the information sector, and to guarantee freedom of expression and of information, access to information, and the creation of pluralist media that can claim integrity. Although the creation of an *ad hoc* national institution to oversee some of these areas is a common practice in OECD countries, the scope of competences of the Tunisia Information Committee was seen as at least partially overlapping the prerogatives of the Higher Independent Authority on Audio-visual Communications (“*Haute autorité pour l’indépendance de la communication audiovisuelle*” – HAICA), already in place.

However, the replacement of the Information Committee in the final version of the constitution with a new Committee for Audio-visual Communication (“*instance de la communication audiovisuelle*”), while it may simplify the new institutional landscape, more strictly limits the mandate for protecting access to information to the field of audio-visual communication. This modification therefore in the final version of the constitution leaves uncovered many key aspects of the right to information, freedom of expression and the use of new technologies that were included in earlier versions of the Constitution.

OECD experience clearly shows that the existence of a public body or an institution specifically charged with protecting access to information is fundamental in making related rights and freedoms effective. Developing a Tunisian approach meeting this requirement, whether through legislation or other actions, can therefore be identified as an Open Government priority for the coming period and a strong candidate for inclusion in the OGP Action

Plan as a key measure ensuring the validity of the constitutional mandate on freedom of information.

In this instance, it is noteworthy that a Tunisian national commission dedicated to the protection of the right of access to information is proposed by an organic law that will be submitted to the newly elected Peoples' Representatives Assembly (PRA). Nonetheless this commission will not have the constitutional status hence the legal scope that the HAICA has.

Box 2.2 shows the range of activities performed by such an agency, using the Swiss federal commission as an example.

Box 2.2. The Swiss Federal Data Protection and Information Commissioner

Data protection

The Federal Data Protection and Information Commissioner has in particular the following tasks:

- supervises federal bodies
- supervises private bodies
- advises private bodies
- assists federal and cantonal authorities in the field of data protection
- gives his opinion on draft Confederation legislation
- co-operates with data protection authorities in Switzerland and abroad
- informs the public about his findings and recommendations
- maintains and publishes the Register for Data Files.

For the accomplishment of these tasks, the Commissioner can investigate facts on his/her own initiative or at request of a third party. Based upon these investigations, he can issue recommendations. In the private sector, the Commissioner has mainly a consultative function. In particular, s/he explains and comments on the legal provisions governing Data Protection, offers advice for the registration of data files and transborder data flows and requests about data access rights. The Commissioner also gives advice in questions concerning legal problems or technical aspects of data security and contributes to solving conflictual situations between private bodies or between private persons and federal bodies.

Principle of transparency (freedom of information)

The principle of transparency in the federal administration is enshrined in a federal law. Accordingly, the Federal Data Protection and Information Commissioner (FDPIC) has been assigned a number of functions:

- informs and advises private citizens on how to gain access to official documents

Box 2.2. The Swiss Federal Data Protection and Information Commissioner (*cont.*)

- advises the various administrative authorities and federal departments on the implementation of the Transparency Act
- acts as mediator in the event of a disagreement
- sends written recommendations to the persons concerned
- gives an opinion on draft legal texts prepared by the federal authorities that have an impact on the principle of transparency.

The principle of transparency establishes an enforceable right of access to the official documents of the federal administration and the parliamentary services. The law applies to all official documents that have been produced since 1 July 2006. Any individual may ask to see the documents in question without having to provide any reason for doing so. Right of access may be limited if the document may compromise an overriding public or private interest. If access is refused, the authority must justify its decision.

If an authority restricts, postpones or refuses access to a document, the FDPIC may at the request of the petitioner initiate an arbitration procedure. The purpose of such a procedure is to permit a rapid agreement between the parties. Should this fail, the FDPIC may set out his conclusions in a recommendation. Furthermore, the FDPIC verifies the implementation, effectiveness and cost of the Transparency Act, and submits a report to the Federal Council on a regular basis.

Source: Federal Data Protection and Information Commissioner (FDPIC) (2014), www.edoeb.admin.ch/org/00126/index.html?lang=en.

Along the same line, continuous dialogue and broad-based collaboration will have to be promoted between the new Authority for Audio-visual Communication and the equally new Authority on Good Governance and Fight against Corruption, foreseen by Art. 127 and Art. 130. In fact, in addition to its fundamental task of promoting good governance and combatting corruption, the latter body will also promote and disseminate the principles of transparency, integrity and accountability, which form the core of citizen's participation and of the Open Government Partnership.

OECD approach to citizens' engagement

The OECD Guiding Principles for Open and Inclusive Policy Making (OECD, 2009a) presented in the introduction to this review, work under the assumption that, in order for governments to fully reap the benefits of an active interaction with their population, they should inform them, consult

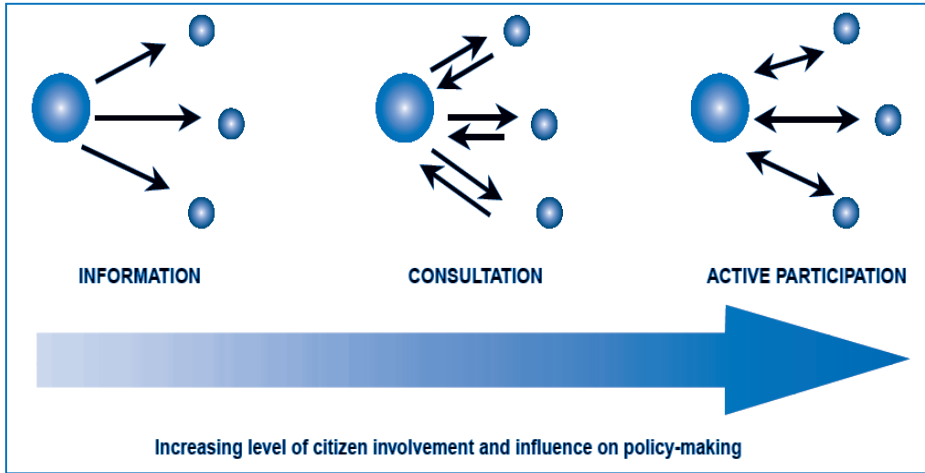
them, and engage with them not merely as passive recipients of information but as active partners in defining needs to be met, developing options, and making decisions on how to proceed. The OGP principles also support this interpretation of the requirements for Open Government. The distinction between active and passive engagement with citizens leads to the following hierarchy of government interaction modes with citizens and other stakeholders (OECD, 2001a):

- **Informing citizens is a one-way relationship** in which government produces and delivers information for use by citizens. It covers both “passive” provision of information upon demand by citizens and “active” measures by government to disseminate information to citizens. Examples include: access to public records, official gazettes, and government websites.
- **Consulting citizens on their needs or opinions is a two-way relationship** in which citizens provide feedback to government. It is based on the prior definition by government of the issue on which citizens’ views are being sought and requires the provision of information to citizens. Governments define the issues for consultation, set the questions and manage the process, while citizens are invited to contribute their views and opinions. Governments may or may not use citizens’ input in formulating policies and may or may not communicate back to citizens regarding what was done based on their input. Examples include: public opinion surveys, comments on draft legislation.
- **Actively participating with and engaging citizens is a relationship based on partnership** with government, in which citizens actively engage in defining the process and content of policy making. It acknowledges the right of citizens to take part in setting the government’s agenda, proposing policy options and shaping the policy dialogue. Although the responsibility for the final decision or policy formulation generally rests with government, citizens hold the government responsible through the political process. Examples include: consensus conferences, citizens’ juries.

From more than a decade of policy analysis, data collection and elaboration, OECD member countries have shown that Open Government policies can be used to successfully improve the efficiency and effectiveness of the public administration, increase the transparency and accountability of the public sector as a whole (government and public administration alike) with direct positive effects on citizens’ trust and hence on good governance and democracy, promote economic development and ultimately generate

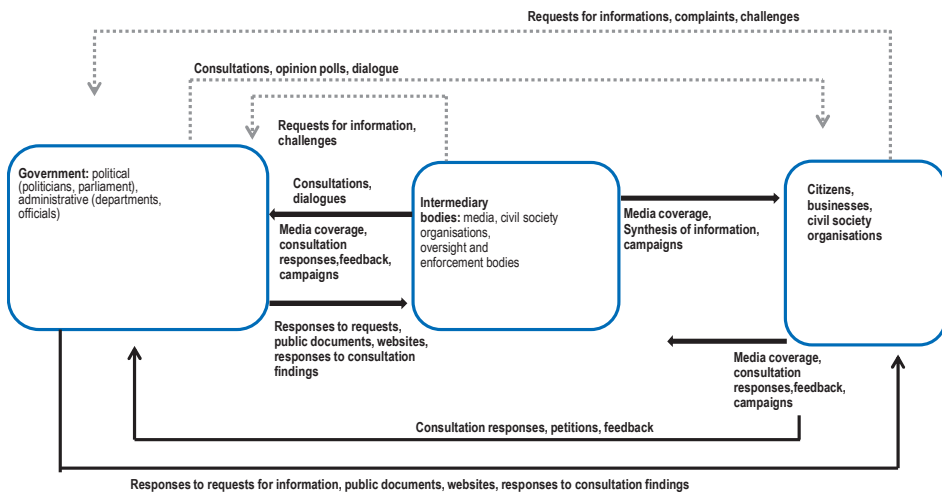
growth by allowing free access to Public Sector Information (PSI) through open data initiatives.

Figure 2.1. Defining information, consultation, and active participation



Source: OECD (2001a), *Citizens as Partners: Information, Consultation and Public Participation in Policy-Making*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264195561-en>.

Figure 2.2. Information flows in an Open Government system



Source: Bremer, J. (2014), "Information flows in an ideal Open Government system", author's work.

As highlighted by the OECD Guiding Principles for Open and Inclusive Policymaking, OECD experience shows that citizens' active participation in the elaboration of public policies, laws, regulations and reform initiatives leads to numerous benefits.

Systems to engage with the public have proven effective in raising people's trust in governments and, in turn, in the level of perceived legitimacy of the executive by its voters. However, governments increased awareness of the benefits of public consultation is the result of a combination of factors. As mentioned before, citizens are indeed demanding for more opportunities to have their voices heard. New technologies allow for them in a multiplicity of ways that can accommodate different degrees of IT literacy. At the same time, governments find themselves in need of regulating and ruling on a variety of issues that have been increasing exponentially due to globalisation and regional interconnectedness. Because of this, policy makers need to rely on a broader set of data, information and expertise to be able to deliberate and deliver according to real needs and properly established priorities.

Box 2.3. Benefits of consultation

- **Transparency and access to information.** Public consultation can increase transparency of the rule-making process because stakeholders have access to the process itself, as well as to timely and relevant information about the proposed legislation. Consultation therefore contributes to equal access to information.
- **Added value.** The public is a rich source of instant and updated information. It is the driver of innovation, and public consultation enables policy makers to make use of the public's precious experience and knowledge.
- **Alienation and connectivity.** Public engagement in rule making can raise support for regulations, as citizens feel connected to the policy-making process. Disenchantment with politics bears the risk of declining support for reform, and for undermining public confidence and trust in national political institutions.
- **Increased compliance.** Engaging the public and striving for consensus can help increase the social acceptance of regulations. It can contribute to greater compliance and, therefore, reduce enforcement costs.
- **Regulatory literacy.** Stakeholders will learn about the complexities of setting regulations, finding compromises and trade-offs. Open Government illustrates to the public the constraints and limitations faced by authorities. Public consultation therefore promotes public education on rule making, and provides stakeholders with a chance to increase their regulatory literacy.

Box 2.3. Benefits of consultation (cont.)

- **Anticipating the impact.** Public consultation is necessary to anticipate the likely impact of the regulation on stakeholders, contemplate unintended consequences and consider alternatives to the proposed regulatory option.
- **Managing conflict.** Public consultation provides a mechanism to manage conflicts at an early stage. Engaging the public in rule making is one tool for mediating among various interests in society and increasing awareness of compromises.
- **Pursued public interest.** Quality regulations are based on public interest. Yet, public interest is not static – but a dynamic concept that needs to be continuously defined. Naturally, the definition and pursuit of public interest can only take place through a dialogue with the public.

Source: OECD (2012), Regulatory Consultation: A MENA-OECD Practitioners' Guide for Engaging Stakeholders in the Rule-making Process, <http://www.oecd.org/mena/governance/Guide-Praticien-MENA-OCDE.pdf>.

Box 2.4. Understanding key factors in citizen participation

Citizen participation can take a wide variety of forms depending on the presence and extent of many key features.

- **Size.** Size of process can range from a few participants to hundreds or thousands, and online processes potentially involve millions.
- **Purpose.** Processes are used for many reasons: to explore an issue and generate understanding, to resolve disagreements, to foster collaborative action, or to help make decisions, among others (NCDD 2008).
- **Goals.** Objectives can include informing participants, generating ideas, collecting data, gathering feedback, identifying problems, or making decisions, among others.
- **Participants.** Some processes involve only expert administrators, professional or lay stakeholders, while others involve selected or diffuse members of the public.
- **Participant recruitment.** Processes may use self-selection, random selection, targeted recruitment, and incentives to bring people to the table.
- **Communication mode.** Processes may use one-way, two-way, and/or deliberative communication.
- **Participation mechanisms.** Processes may occur face-to-face, online, and/or remotely.

Box 2.4. Understanding key factors in citizen participation (*cont.*)

- **Named methodology.** Some processes have official names and may even be trademarked; others do not employ named methodologies.
- **Locus of action.** Some processes are conducted with intended actions or outcomes at the organisational or network level, whereas others seek actions and outcomes at the neighbourhood or community level, the municipal level, the state level, the national level, or even the international level.
- **Connection to policy process.** Some processes are designed with explicit connections to policy and decision makers (at any of the loci listed above), while others have little or no connection to policy and decision makers, instead seeking to invoke individual or group action or change.

Source: Nabatchi, T. (2012), “A Manager’s Guide to Evaluating Citizen Participation” IBM Center for Business of Government, <http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan048340.pdf>.

Consulting with citizens, professional associations, and business representatives is an optimal way to reach out to those who have the information and can propose the solutions governments are looking for. But all this comes with a price. Policy making is now more complicated and public consultation initiatives have to be managed properly, otherwise from an opportunity they can quickly turn into an impediment for the efficiency and effectiveness of public sector operations. Namely, in addition to creating extra and unnecessary burdens in the policy cycle, if citizens are not fully informed about the impact of their feedbacks, the result on their trust in the process and, eventually, in public institutions’ commitment to inclusiveness and transparency might be negative, hence reversing the intention of consulting in the first place.

An overview of citizens’ engagement in Tunisia: Next steps and new directions

Despite the limitations imposed by the Ben Ali regime, Tunisia has a more peculiar tradition than many of its neighbours of direct engagement between civil society and the government to formulate policy on a range of issues. In this regard, the active role played by the Tunisian General Labour Union (UGTT) in brokering the transition to the current interim government is one of the recent examples of civil society effectiveness in Tunisia.

This section provides an overview of civil society in Tunisia and describes a number of governmental and civil society initiatives to promote citizens’ engagement. Its aim is to suggest the very wide scope of activities underway as the basis for focusing more in detail on four areas where

sustained engagement is likely to be critical to institutionalising Open Government in Tunisia: deepening public understanding of the Constitution and its protections, ensuring access to information, conducting public consultations, and clarifying a number of remaining constitutional issues. In each of these areas, much of the formal machinery is in place, although some of it is too recent to have been tested in implementation. The challenge facing Tunisia will be to build on its successes to create the institutional capacity needed to make these organisations effective, including developing the human and financial resources necessary in government and among its civil society partners.

Status of civil society in Tunisia

Prior to the Revolution, CSOs, working in politically sensitive areas such as human rights and integrity, operated under very severe constraints. Nonetheless, a number of such organisations were active. Relevant examples included: in the field of economic reform, the Tunisian Institute of Competitiveness and Qualitative Studies, the Arab Institute of Business Leaders, and the Young Entrepreneurs Centre regularly produced studies and reports calling for a more open business climate and criticising the cronyism of the Ben Ali regime; the Center of Arab Women for Training and Research (CAWTAR) has worked since 1993 to improve the status of women in Tunisia and the region and is recognised as a leading think tank on gender issues, earning the top rank among Tunisian think tanks in the 2013 Go To Global Think Tank Index.⁴

In the political arena, the Foundation for the Future (2013) cites a nucleus of ten CSOs that continued to push for Open Government and political rights, including the Tunisian League for Human Rights (LTDH), the Association against Torture in Tunisia (ALTT), the local chapter of Amnesty International, the National Council for Liberties in Tunisia (CNLT), feminist organisations such as the Tunisian Association of Democratic Women (TANF) and the Association of Tunisian Women for Research and Development (AFTURD), trade unions and professional unions such as the General Union of Tunisian Workers (UGTT), and the Tunisian Bar Association. These organisations constituted a very small share of Tunisia's 10 000 CSOs, nearly all of which were dedicated to local social services and cultural or sports activities.

Between January 2011 and January 2013, the total number of CSOs mushroomed by 50% to reach nearly 15.000. This growth was spurred by the issuance of Decree-Law No. 88 of September 24, 2011, on the organisation of associations, which substantially liberalised the regime for CSOs formation and oversight, transferring responsibility from the Ministry of the Interior to the Secretariat General of the Government. Even after this

tremendous growth, however, CSOs focused on Open Government-related issues remain a small share of the total, according to government data cited in the Foundation for the Future report. For example, 190 of the 208 CSOs focusing on human rights and 310 of the 321 focused on citizenship were created after the Revolution, but these two categories account for only 10% of the CSOs established between 2011 and 2013 and only 3.5% of all CSOs.

CSOs remain concentrated in Tunis and the major cities of Sfax and Nabeul, which together account for a third of all CSOs in Tunisia, but growth has been most rapid outside these areas in the post-Revolution period. Another shift of importance is the emergence of new types of CSOs, particularly professional associations and other organisations heavily involved in the democratisation process, such as associations of judges and journalists and organisations such as the Tunisian League for Citizenship and Touensa, and the beginnings of formal CSO networks. In the latter category, the Sfax Forum for Civil Society, bringing together 50 associations, and the National Anti-Corruption Network are noteworthy.

Although the status of CSOs in Tunisia shows very substantial improvement since the Revolution, CSOs face a number of internal and external barriers. The Foundation for the Future survey of CSOs found that they are particularly weak in operational performance and financial resources and strongest in governance. The study also confirmed the lack of formal mechanisms for CSO-government consultation, despite strong support from both sides.

Examples of government and civil society initiatives for citizens' engagement

As anticipated in the previous paragraph, despite the severe limitations imposed on civil society under the previous regime, citizens' engagement is by no means a new concept in Tunisia. For example, since 1993, each ministry and governorate has been required to have a Central Bureau of Relations with the Citizen (mandated by Decree No. 93-1549 of 26 July 1993), which is charged with helping citizens overcome difficulties they may encounter in dealing with the public administration or gaining access to public services.

However, citizens' participation in Tunisia has seen major evolution since the Arab Spring and the Jasmine Revolution. New organisations have been formed by young activists, such as IWatch, al-Bawsala and their project Marsad, and Touensa (discussed later in this report) to promote the ideals of democracy, citizens' participation, and Open Government. Many of these organisations have come together in self-governing informal networks such as opengov.tn or the new collective group tnOGP (described below),

which are facilitating civil society's participation in the Open Government initiative.

For the government's part, more openness to dialogue with citizens after the Revolution is evident in such steps as the issuance of Circular No. 12 of 21 May 2011 followed by the Circular No. 13 of 23 May 2011. The latter sets up a formal basis for broader participatory governance, increased social responsibility, and outreach to citizens by public service providers. Circular 12 also established a participatory process for systematic monitoring of public service performance by civil society, citizens and service providers, introducing the type of systematic public oversight and dialogue on services that is standard practice in many countries. The Circular covers health, education, social affairs, transport, and public works, mandating the creation of working groups with civil society for participatory monitoring at the local level. The medium to long-term effectiveness of participatory monitoring will depend on how well resourced and trained civil society organisations are, however.

Moreover, protection for the role of civil society has been reinforced with the ratification of the 2014 Constitution, which provides for "freedom to form political parties, trade unions and associations" (Article 35) and guarantees "the right of assembly and peaceful demonstration" (Article 37).

Tunisia is also currently undertaking several projects that focus on the use of ICTs to enhance citizens' participation and establish a forum for participation. Among these projects is a website for citizens' consultation (www.consultations-publiques.tn), which includes surveys and reports back the results, as well as provides information on face-to-face consultations. The site was used for the consultation on the Code of Conduct for civil servants which was adopted by the Council of Ministers. The E-government unit in the Presidency of Government has also established a Facebook site for administrative reforms as a means of informing and communicating with the public on this topic (www.facebook.com/Reforme.Administrative?ref=ts&fref=ts). In addition, a Facebook page www.facebook.com/ogptunisie and a website www.ogptunisie.gov.tn both dedicated to the Tunisia OGP programme, provide information on events and news related to the OGP programme.

A joint project with the government of South Korea will promote governance and e-participation of citizens through programming that will include, *inter alia*, the creation of a platform for online participation, the promotion of legal and regulatory co-ordination to ensure transparency and citizens' participation in decision making online, and the organisation of workshops and joint meetings on governance and the fight against corruption (Tunisian Government, 2012). The co-operation with the

government of South Korea includes the development of a platform for online participation, the electronic management of requests, and complaints about cases of corruption.

The government has also received a grant of \$1 million from the African Development Bank to support development of an e-government and Open Government strategy, strengthening of the open data and e-participation websites, training for government officials, and outreach⁵.

Public understanding of the provisions of the new Constitution regarding civic engagement

Tunisian civil society very actively lobbied for change to happen and some of its most prominent representatives carefully followed the evolution of the Revolution's demands into a more formalised institutional transition process. For its part, the NCA held several public sessions and organised public consultations in Tunis as well as in all of Tunisia's 24 governorates. Some members of the NCA also participated in a study trip to selected OECD countries in order to exchange views on the most relevant aspects of their constitutions (The Carter Center, 2013). These praiseworthy efforts demonstrate the NCA's recognition of the importance of transparent and inclusive procedures to ensure a final constitutional text that reflects the needs and aspirations of Tunisian society as a whole.

Despite these efforts, now that the 2014 Constitution has been finalised, consideration should be given to actively continue the flow of information between the PRA (People's Representatives Assembly)-, which was elected in October 2014 and replaced since then the NCA- and the larger Tunisian public to build a generalised awareness of the Constitution, especially for what concerns the new opportunities for participation that Tunisian citizens have gained. This need is reinforced by findings, from a focus group organised by the National Democratic Institute (NDI) during the constitution-drafting process (in April 2013), that: "*Public outreach is nevertheless seen as insufficient, further diminishing confidence in elected officials*" (NDI, 2013). A survey conducted by the UNDP between December 2012 and January 2013, in which more than 1 000 Tunisian between 15 and 29 years of age were interviewed, found that half (56.3%) of the people interviewed did not have any idea of the content of the draft constitution, while a somewhat lower percentage (44.9%) indicated they did not feel involved in the process (UNDP, 2013).

Such outreach activities could usefully build on the notable attempts by civil society to bridge the gap between the new PRA and the rest of the Tunisia population. In particular, the NGO Al Bawsala regularly organised

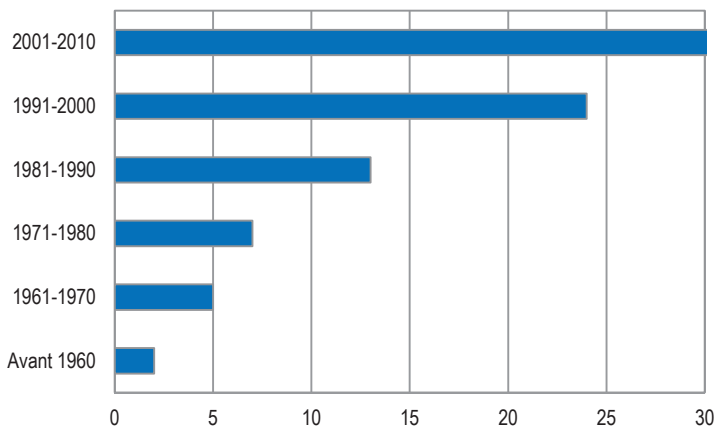
debates between the NCA members, Tunisian people and international actors (Al Bawsala, 2013) and also created the Observatory Marsad (Al Bawsala, 2014b) to monitor the activities of each member of the Assembly and publish updated information on their votes, attendance rates, etc.

Now that a final version of the Constitution is in place, there is an opportunity to recover from the perceived shortfall in citizens' engagement during the Constitution drafting process through a campaign to inform Tunisian citizens of the gains in rights and freedoms secured by the 2014 Constitution. Such an outreach would be a natural area for government-civil society collaboration and also lends itself to evidence-based verification of impact through surveys to measure citizen knowledge of constitutional reforms and new provisions.

Access to information

The right to have access to information is now accepted as fundamental to Open Government and is currently guaranteed by law in most OECD countries. Figure 2.3 shows the evolution of this protection in OECD countries over the past five decades in reaching this point. Adoption of such a law is appropriately included among the OGP eligibility criteria.

Figure 2.3. **Number of OECD countries with laws on access to information (1960-2008)**



Source: OECD (2011), *Government at a Glance 2011*, OECD Publishing, Paris, http://dx.doi.org/10.1787/gov_glance-2011-en.

Tunisia was the second country in the MENA region (after Jordan) to pass such a law (Decree-Law No. 2011-41 on “*Access to Administrative*

Documents of Public Organisations,” adopted in May 2011. The law provides Tunisian citizens with unprecedented rights and opportunities to interact with their public administration and it was key in enabling the country to meet the OGP eligibility criteria.

Decree-Law No. 2011-41 was then complemented by Decree-Law No. 54 of 11 June 2011. The original version of this decree gave Tunisians the right to access administrative documents only two years after the documents’ date of issuance. Two weeks later, the text was modified to make this right readily available to all, although an initial delay of two years was left in place to give all public bodies enough time to harmonise their procedures to the new law from both a financial and a logistic point of view.

This legal framework was further buttressed by a *Circulaire* (No. 25 of 5 May 2012) that clarifies some of its most important aspects and an Action Plan that regulates its implementation. Despite this progress, several NGOs and public officials have stressed that implementation remains the most important challenge. In line with these considerations, the May 2013 launch, by the General Directorate for Public Sector Reforms (DGRPA) of the Presidency, of an on-line questionnaire (<http://touensa.org/2013/05/22/touensa-questionnaire-sur-leffectivite-du-decret-loi-41/>) to collect Tunisian citizens’ opinions on these challenges represents good practice fully aligned with OECD practices in the area of citizens’ engagement in public service delivery.

In late 2013, the Presidency of the Government wrote and posted online, for comments, the new Draft Law on the Right of Access to Information (“*Projet de loi organique relative au droit d’accès à l’information*”⁶). As said, Tunisia already met OGP Eligibility Criteria No. 2 on Access to Information with the provisions contained in the current decree-law (Decree-law 41, 2011) on access to administrative documents, which is considered to be generally aligned with international best practices, with some notable exceptions. The proposed law on ATI does address most of these exceptions and, if approved, would clearly be an ulterior step forward in an area where Tunisia is already a model for the entire MENA region.

The first important improvement lies in the fact that the new law concerns the right of access to information and not simply the access to administrative documents. This is not only in line with all OECD countries but was also one of the most important requests of national and international CSOs (Article 19, 2011). The new definitions of an administrative document, information and personal data are now much broader and include traditional as well as new media. For the first time, the law protects public authorities in exercising their function of providing access to information and thus satisfies a necessary condition for an effective implementation.

Another important improvement is the applicability of the law to central and local governments, the three branches of power (executive, legislative and judiciary) and other relevant bodies (i.e. public enterprises and regulatory authorities). If approved, this article (art. 3 of the new law) would place Tunisia among the most advanced OECD countries.

As shown in Table 2.1, OECD governments differ in the coverage of the various levels of government by freedom of information laws. While nearly all governments ensure access to information generated by the central government and the executive, only about five out of seven ensure access to information generated by subnational units, such as provinces, and only half provide assured access to information on the legislative, judicial, and other bodies.

Table 2.1. **Breadth of central government freedom of information laws (2010)**

Levels of government / number of OECD countries	
Central Government	31
Subnational	25
Executive power	31
Legislative executive	16
Judiciary executive	16
Other bodies	18

Source: OECD (2011), *Government at a Glance 2011*, OECD Publishing, Paris, http://dx.doi.org/10.1787/gov_glance-2011-en.

Tunisia’s draft law proposes the creation of a Commission on Access to Information (“*Commission d’accès à l’information*”). As said before, this is in line with OECD’s good practice and could compensate for the elimination of the creation of an Information Committee from the final version of the constitution. Once the commission is created, it would be advisable to harmonise its functions with those of the Committee for Audio-visual Communication, which seem currently to partially overlap.

However, certain relevant issues still remained untouched also in the new law. In particular, the most important, and that has constantly been at the centre of the attention of Tunisian CSOs as well as of the international community, is the regime of exceptions that was particularly broad and vague in the Decree-law 41 and has now been clarified and standardised, in line with OECD countries, but still remains quite broad. Limitations on access to information are typically divided into two groups: those that

exclude entire classes of data (the class tests) and those that exclude access to data that might cause harm to specific interests (the harm test). As shown in Figure 2.4, of the seven categories within the class test and the five within the harm test, it is common for OECD countries to apply most of these tests, but no country includes all and none of them apply all twelve, as seems to be the intention in the case of Tunisia.

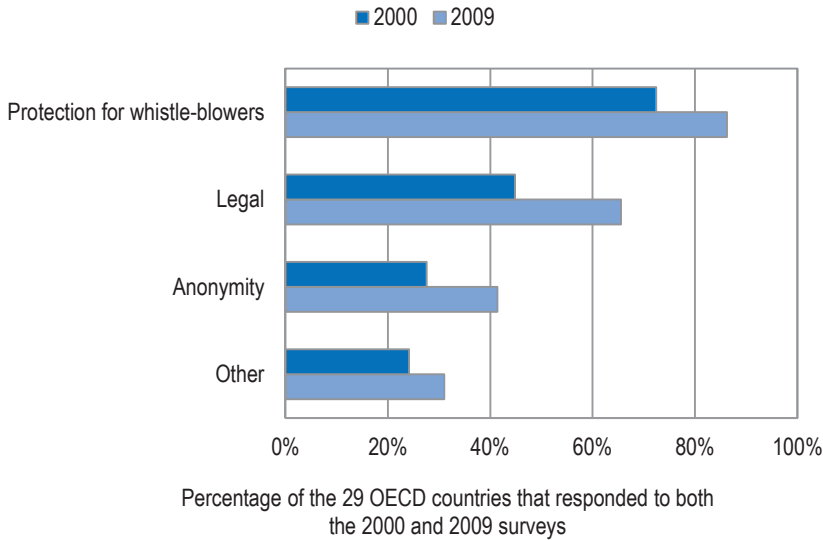
Finally, the lack of any protection for whistle-blowers and the necessity that all requests have to be always associated with the name of a moral or physical person, remain currently important gaps in the law that should be addressed as soon as possible – through passing a bill, for instance – to allow citizens to fully play their role at the same time as seekers but also as providers of information. This would be of mutual benefit for the Tunisian government as well as for its population, as it now happens in most OECD countries.

Figure 2.4. **Depth of central government freedom of information law**

Categories of the Class Test / (number of OECD countries)	Categories of the Harm Test/ (number of OECD countries)
<ul style="list-style-type: none"> • Information that can harm: • National Security (30) • International relations (28) • Personal data (27) • Commercial confidentiality (28) • Public order (26) • Internal discussions (23) • Health and safety (21) 	<ul style="list-style-type: none"> • Information that can harm: • People (29) • International relations and <i>défense</i> (29) • Commercial competitiveness (28) • Economic interest of the state (25) • Law-enforcement agencies (24)

Source: OECD (2011), *Government at a Glance 2011*, OECD Publishing, Paris, http://dx.doi.org/10.1787/gov_glance-2011-en.

Figure 2.5. OECD countries that offer protection for whistle-blowers (2000 and 2009)



Sources: OECD (2009b), *Government at a Glance 2009*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264075061-en>; OECD (2011), *Government at a Glance 2011*, OECD Publishing, Paris, http://dx.doi.org/10.1787/gov_glance-2011-en.

Public consultation in Tunisia

In the case of Tunisia, it is important to stress that a tradition of official tripartite consultations between concerned public institutions, business associations and trade unions for new laws and regulations was already in place before the revolution and contributed to Tunisia's governance reform process. Reliance on this process was reiterated after the Revolution by Circular No. 14 of 27 May 2011 on Legislative Quality, followed by Circular No. 31 of 30 October 2014 on adopting the participative approach when preparing laws⁷. It is crucial though to implement and monitor this Circular in practice. Several examples of Tunisia's current efforts to include citizens' consultation in the national policy cycle can be cited, many of which take advantage of both traditional "in person" methodologies as well as more innovative "online" tools (as discussed later in the chapter). The inclusion of representatives of civil society organisations in the Open Government *Steering Committee* then the *Joint Advisory Committee* is a case in point and was a welcome sign of how seriously Tunisia's national institutions took the inclusive and participative spirit of the OGP.

Nonetheless, in interviews with the review team, Tunisia CSOs and activists, as well as representatives of the private sector, stressed that there is a generalised lack of clarity on the ongoing consultation processes, the methodology to be used in their implementation and, most of all, their outcomes in terms of changes in draft laws or regulations, for example. If not addressed, this situation will eventually undermine people's trust in these consultative processes and their willingness to get engaged. In this regard, the widespread use within the government of the official website www.consultations-publiques.tn to promote online citizens' participation in law making is to be praised and is aligned with similar trends in both OECD and MENA countries.⁸

However, the fact that very few comments were received on the abovementioned new draft law on access to information during more than 30 days of posting, highlights the importance of considering whether e-consultations are the most efficient ways to reach out to the Tunisian people and if there are additional measures to be implemented to enlarge the reach and diversify the methods of consultation. It also indicates the need to complement posting for comment with other outreach mechanisms to encourage the use of the online site.

The numerous attempts from the Government to set up credible and broad consultation processes are important and have also been met by positive feedbacks from civil society and international observers. However, in order to move quickly towards a more structured and institutionalised approach to citizens' inclusion, Tunisia might consider following the step-by-step indications contained in the OECD "Handbook on Information, Consultation and Public Participation in Policy-Making" and the OECD "Regulatory Consultation – A MENA-OECD Practitioners' Guide for Engaging Stakeholders in the Rule-making Process".

At the same time, parallel actions are also needed within the CSOs community to facilitate and promote the use of citizens' consultation by the government and to ensure greater uptake of these opportunities on the part of citizens and organisations, both of which are needed in order for citizens' voices to be heard. One important mechanism in this regard would be for CSOs to adopt the network structure that is common to most OECD countries. By creating thematic or geography networks of associations and concerned activists, Tunisian civil society will be more effective in disseminating the information about consultation opportunities. Furthermore, a network would allow them to better inform all relevant stakeholders about the issues being discussed and to more efficiently lobby public institutions to take into consideration the inputs received.

An example of this strategy is the European network of NGOs called CONCORD (www.concordeurope.org). Created in 2003 to become the main interlocutor for EU institutions on development policies, Concord is now made up of “27 national associations, 17 international networks and 2 associate members that represent over 1 800 NGOs, supported by millions of citizens across Europe” (Concord, 2014a).

The Collective Group tnOGP, that was established in March 2014 in the framework of the public consultation process for the OGP Action Plan is an initiative to create such a NGO network. The Collective Group includes 13 CSOs (Article 19, ATCP, ATUGE, CLIBRE Labo democratique, IWatch, OGIC, opengov.tn, Open Tunisia, Reform, Sawty, Touensa and Tansa) active in the area of transparency and good governance (tnOGP, 2014a). The values and objectives of this informal and inclusive group are laid down in a membership charter. The main objective is to provide a vision for the public consultation process (tnOGP, 2014b).

Box 2.5. CONCORD

Thanks to its network structure, divided per country and per thematic areas, Concord successfully manages to gather and aggregate the inputs from all its members⁹ and to use them to influence policy decisions taken in all EU institutions that deal with development co-operation and Aid.

The work of the Confederation is carried out by the members, split into specific working groups depending on their experience. These groups feed the political debate and contribute towards improving the formulation of European policies affecting development co-operation and humanitarian aid.

Source: Concord (2014b), “Concord, The European NGO confederation for relief and development”, www.concordeurope.org/.

Remaining constitutional issues related to citizens’ engagement

Although it is generally agreed that the new Constitution has successfully addressed some of the most pressing concerns highlighted during the various consultation processes and that its ratification constitutes a tremendous step forward of which Tunisians are justly proud, some representatives of Tunisian civil society and international rights advocates believe that more work remains to be done. They have identified a number of specific areas where, in their view, the Constitution does not fully align with international principles.

Some of their concerns focus on the relationship between religious principles and individual rights, as recognised by Tunisian and international law. Because this is not an area of OECD expertise and because it falls

outside the scope of this document, we will mention them briefly as they were presented to the OECD team by a number of civil society and international rights advocates. While the Preamble mentions the teachings of Islam as a source of inspiration in terms of openness and moderation of the constitutional text, Art. 1, directly derived from the same article of the Constitution of 1959, refers to Islam as the religion of Tunisia. Several commentators, among which Human Rights Watch and the Council of Europe, have noted that while stating in the constitution the predominant religion of a country does not violate international norms, the role of the State as guarantor of the religion and protector of the sacred (*“l’État est le gardien de la religion... et... protecteur du sacré”*) as stated in Art. 6, appear to be in contradiction with its parallel role of guarantor of religious freedom and of the neutrality of the public space (Art. 15, see below). Human rights organisations and secular Tunisian non-governmental organisations maintain that these articles can lead to different interpretations on the nature and role of the State, potentially undermining its capacity to guarantee equal treatment, freedom of conscience and expression to non-Muslim Tunisians.

Moreover, if Art. 6 does explicitly guarantee freedom of conscience, belief and religion (*“la liberté de conscience et de croyance et le libre exercice du culte”*), the requirement for the President of the Republic to be a Muslim, as per Art. 74, seems to go in the opposite direction, discriminating against non-Muslim believers or atheists by denying them the possibility of being candidates and again contradicting Art. 15 that states that Public Administration is regulated by the principles of neutrality and equality (*“soumis aux principes de neutralité et d’égalité”*).

Concerns were also expressed regarding the reinforcement of Tunisia’s international commitments. The final Constitutional text does not make explicit the government’s commitment to abide by the international treaties already ratified by Tunisia. To the contrary, Art. 20 states that treaties signed and ratified by the National Assembly will have a lower hierarchical status than the Constitution (Amnesty International, 2013). This means that, in the event of a contradiction between the Constitution and international treaties to which Tunisia has adhered, the new Constitution will prevail.

Because the interface between the Tunisian Constitution and such vitally important international treaties as the ICCPR and the Universal Declaration of Human Rights is of fundamental relevance for open engagement between the government and the citizens – including civic engagement as discussed in this chapter – any uncertainty surrounding the continued applicability of treaties already in force may need to be reaffirmed within Tunisia’s action agenda for access to information, as pointed out by the Venice Commission (Venice Commission, 2013). A clarification of the meaning of the language

in the Preamble and in the above-mentioned articles would be welcomed by the international community and civil society, although it is understood that this issue will be clarified over time if and when instances of conflict between the Constitution and international law arise.

Box 2.6. Examples of constitutions of MENA countries that mention international commitments

The Preamble of the **Lebanese Constitution** lists the international commitments of the country and the organisation of which it is member:

“Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights”.

The **Moroccan Constitution** equally stresses its international commitments and the universal value of human rights:

“Considering the imperative to reinforce the role which belongs to it on the international scene, the Kingdom of Morocco, active member within the international organizations, is committed to subscribe to the principles, rights and obligations enounced in their respective charters and conventions; it affirms its attachment to the Rights of Man such as they are universally recognized”.

Source: Reporters sans Frontières (2013), “Analyse du Projet de Constitution Tunisienne”, http://fr.rsf.org/IMG/pdf/130701_projet_de_constitution_tunisie_-_analyse_rsf.pdf.

In this regard, it may be noted that the UNDP survey mentioned above found that more than 70% of the respondents declared that they would like to see the whole corpus of universal human rights mentioned in the constitution (UNDP, 2013). Moreover, this would be aligned with the constitutions of several other MENA countries, as illustrated in Box 2.6. As a matter of fact, the preamble of the 2014 Constitution – which is part of the Constitution as per its Art. 145 – mentions the “attachment of the Tunisian population to the high principles of Human rights”. The concept of “attachment” is not legally binding though. It is also to note that nowhere in the Constitution, the notion of “universality” of Human rights is referred to.

ICTs for participation and citizens’ engagement

Tunisia has a tight tissue of associations and interest groups that already existed before the revolution, such as trade unions, employer associations, and associations to advocate women’s rights. After the revolution, a myriad

of new movements and associations emerged, many of which very actively used the Internet and social media to make their voices heard. In response to these changes, individual units of the Tunisian public administration also accelerated the use of ICTs to meet demands for openness, transparency and participation. Government websites for information and public services existed before 2011, but the revolution sparked new levels of experimentation on websites like www.Tunisia.gov.tn and www.pm.gov.tn.

Individual ministries use the Internet and social media to engage a wider public in discussions about quality of services, efficiency and public policy. The Ministry of Interior’s Facebook page has an online community of over 460 000 users (Ministry of Interior, 2014); the Ministry of Education has 120 000 (Ministry of Education, 2014). Considering the novelty of social media in Tunisia and the many challenges to access, it is noteworthy that these ministries already reach 4% and 1% respectively of the country’s population via social media (although the level of use by these users is not known). These total interaction levels are high, however, which suggests that the ministries use a good combination of relevant content and open dialogue via the channel.

Box 2.7. E-consultation procedures

In the USA, the Administrative Procedure Act of 1946 requires that agencies put proposed regulations through a notice-and-comment process open to all members of the affected public. Before agencies can issue a final regulation, they must respond to the public comments, make sure that the final regulation is a logical out-growth of the proposal and the public record, and is not arbitrary or capricious. The public record is used by the courts in settling any challenge to the regulations brought by the affected public. Online regulatory information is currently difficult to access and navigate, in part because several websites publish portions of that information at different stages in the rulemaking process. To promote transparency and to help aggregate information, OIRA (Office of Information and Regulatory Affairs) issued a memorandum directing agencies to use the Regulation Identifier Number (RIN) on all relevant documents throughout the entire “life cycle” of a rule. The US expects that this requirement will help members of the public to find regulatory information at each stage of the process and will promote informed participation. The goal is to provide more convenient, public-centered ways of obtaining input on regulatory proposals.

The Office of Management and Budget is considering the use of Web 2.0 technologies (the eRulemaking Programme and Regulations.gov) to facilitate the public comment process. Greece has developed a website for electronic deliberation (www.opengov.gr). All draft laws are posted in a blog-like format, and the public can submit comments article-by-article. Several MENA countries are also publishing draft laws via the internet. Also, the Kuwaiti national

Box 2.7. E-consultation procedures (*cont.*)

assembly website publishes all draft laws (www.kna.kw/clt/tenders_suggestion.asp). The public can follow the work of different commissions online. In Bahrain consultation over the Internet enables citizens to access all bylaws. The website answers frequently asked questions, and publishes parliamentary reports and activities (www.nuwab.gov.bh/). Also, this portal allows members of the public to give their opinions on the services provided by the website. Morocco publishes systematically all draft laws on the website www.sgg.gov.ma/L%C3%A9gislation/ListeAvantprojets.aspx for comments.

In France, consultation over the Internet occurs on the initiative of individual ministries, which are responsible for content, the practicalities of transmission and, where applicable, the publication of a summary of results. Internet discussion forums have addressed wide-ranging reform proposals, rather than specific texts. They generally supplement consultation with established boards or commissions. In 2008 a dedicated portal for assessing ongoing and archived forums (including a summary of all contributions) was set up to make it easier to access these forums. Furthermore, all ongoing or planned public debates can be followed on the *Vie-publique.fr* website, which includes provisions for mapping activities throughout France in its entirety. This is a recent facility which has yet to prove its worth.

Sources: Hunt, A. (2008), “ERulemaking: Promoting Transparency and Participation in the U.S.”, paper presented at the OECD, October; OECD (2010), *Better Regulation in Europe: France*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264086968-en>.

Social media platforms also provide an opportunity for local public administrations because of the lower resource requirements to publish content and obtain feedback. Human and other resources are certainly needed to maintain these sites and respond to citizen communications, a resource requirement that should not be underestimated. Nevertheless, social media allow administrations to focus primarily on the content of the messages and to set aside all sorts of technical considerations.

Social media, in combination with mobile technology hold the potential to bridge some of the access gaps in Tunisia. But what is more, their use can bridge the significant gaps that exist in terms of trust and accountability of the public administration vis-à-vis its citizens. ICTs and social networks are just one component of the underlying cultural change, but they can lend effective support if properly channelled and harmonised.

However, the success cases mentioned so far stand alongside some major challenges in using ICTs for effective citizens’ engagement. Since the revolution there has been a proliferation of government websites and social

media presences. This is confusing and it also leads to inconsistencies in the information provided, e.g. between outdated information on websites and newer official information posted via social media channels. The result can lead to frustration for citizens who wish to use government information. There is also a tendency by government organisations in Tunisia to make access to public information and services more complicated by using legalistic language and jargon. This makes much of the information very difficult to understand for larger parts of the population.

Other countries have gone through similar challenges. Their experiences can guide Tunisia's government on how to create a more consistent and accessible set of online sources:

- Many governments provide templates that ensure coherent information display, visual identity and access conditions across the administration. Germany's "Government Site Builder" is a system used by over 160 websites of the public administration (Bundesverwaltungsamt, 2014). To promote public engagement, Tunisian government websites could similarly set standards for the information required on web and social media presences. Decree-law No. 41 (2011) already orders government institutions to publish information about their function and organisational set-up as well as data and statistics. Further information provided by default could include instructions for citizens on how to request access to information or how to report corruption.
- Most OECD governments have clear accessibility guidelines for official websites. The W3C Web Accessibility Initiative provides guides and international examples on how governments facilitate access to digital information and services to users with specific needs (W3C, 2014). To incentivise quicker implementation, the Danish government has in the past used the web to make public which of the government institutions comply with its guidelines, and which of those that do not (OECD, 2010).
- Some governments have replaced individual ministries' websites with a unified government portal, e.g. www.gov.uk in the United Kingdom and www.government.se/ in Sweden. The development of Gov.UK benefited from extensive feedback from user groups, online and offline user group meetings and several iterations of prototypes. The portal is setting new standards in ease of access to government services and information.

- Governments are starting to simplify the language used on official websites, social media presences and in other sources of information. The aim is to replace jargon and legalism with “plain language”, a principle pioneered by Gov.UK. The governments of Finland and Norway developed guidelines that require testing of written government information against comprehension by citizens¹⁰.
- Governments need to provide some central guidance on the opportunities and risks of using different digital channels. One thing that is showing impacts is peer learning, i.e. diffusing positive experiences widely. It is also important to give some guidance about the balance between open and careless distribution of information so that social media use remains a beneficial experience for all actors involved.

The government should try to leverage existing structures and actors when engaging citizens through new channels. Enterprises and non-profit associations that are already intense users of the Internet are ideal partners. And they could potentially help leverage a specific group that has not yet received sufficient attention in the context of Open Government initiatives, but that can support Open Government, economic growth and domestic innovation: overseas citizens and migrants.

Box 2.8. ICTs to engage overseas citizens through voting and financial co-operation

Around 1 million Tunisian citizens live abroad, which corresponds to about 10% of the country’s resident population (ITCEQ, 2011). The Internet could be an effective tool to increase their political engagement as well as to engage them in stimulating economic growth and societal development.

Overseas Tunisians vote by letter or in embassies. Electronic voting could simplify the processes and stimulate greater voter turnouts. To cite the example of France, its partial legislative elections in 2013 introduced the possibility of voting via the Internet for citizens residing abroad. The opportunity was well met: over 65% of French citizens who voted overseas did so over the Internet (Ministry of Foreign Affairs and International Development, 2014).

Overseas Tunisians send financial remittances home that account for 4% of Tunisia’s GDP (2011 data from World Bank Migration & Remittances Data, April 2013). Most of this money is used to buy consumption goods, but there might be scope to offer Tunisians abroad the possibility to invest in innovative business projects or to contribute to civil society organisations. Since the revolution, Tunisian firms have encountered great difficulties in getting access to

Box 2.8. ICTs to engage overseas citizens through voting and financial co-operation (*cont.*)

credit (World Bank, 2013). A national variant of investment platforms such as Kickstarter (US), KissKissBankBank (FR), Seedmatch (DE) or Kiva.org (international) could provide domestic entrepreneurs with an alternative opportunity to mobilise funds and it could give overseas Tunisians the opportunity to invest directly in promising Tunisian business ventures. If successful, it would help divert national spending away from consumption goods towards investments, which is urgently needed, according to the Governor of the Central Bank (Beaugé, 2013).

Similarly, there might be opportunities to fund charitable projects through assistance from overseas Tunisians. Existing platforms such as Betterplace.org (DE) openly share good practices and provide assistance in establishing trusted links between donors and projects. The fund-raising platforms should not be operated by the public sector, both because the commercial risks attached should not be borne by the public and because it remains questionable whether Tunisians have as yet developed sufficient trust in the government's commitment to manage and channel such financial resources in an appropriate and transparent manner. To cite one example, in 2012, the government asked Tunisians to donate a voluntary contribution in addition to the tax payment legally owed, but this request received a minimal response. Although mobilisation of such voluntary contributions should not be managed by the government, the government could nonetheless play a supportive role as initiator of a dialogue with non-governmental actors to promote such a platform, possibly through the already established Overseas Tunisians Office (*Office des Tunisiens à l'étranger*).

Recommendations

- In this historical moment, Tunisia has a lot to be proud of when it comes to the way its new Constitution promotes and protects civil liberties. From gender equality to freedom of information, Tunisia has managed to reflect the spirit of the revolution in numerous constitutional provisions. However, as noted by civil society activists and international observers, some elements of concern remain in the approved version. The laws that will now be drafted to implement the provisions of the Constitution are the occasion to clarify them and fully align Tunisia to the best international standards. In particular, the following issues will benefit from further clarification:
 - The lack of explicit reference to the Universal Declaration of Human Rights or to other relevant treaties already ratified by Tunisia.

- The legitimate clause on the supremacy of the constitution over international treaties should be explicitly linked to an equally strong indication that it will not be used to infringe on already ratified treaties or ignore international laws and principles on human rights and freedom of expression and access to information.
- In relation to the draft law to expand on Access to Information, it will be important to address the still too vague regime of exceptions in order to simplify it in line with international good practices, hence ensuring its applicability in line with the principles of the Constitution.
- The removal from the list of constitutional committees (“*instances*”) of the one in charge of access to information might be compensated by its inclusion in the new draft law on access to information, if the latter were approved. However, it is crucial to keep this provision in the final draft of the law and quickly move towards its creation, guaranteeing its independence and the provision of adequate human and financial resources.
- While the various attempts to include citizens and CSOs in policy making are to be praised, the experience of OECD members as well as several remarks made by representatives of CSOs, show that there is space for improvements. In particular, Tunisia should focus on:
 - Increasing the capacity of the public sector to develop actionable consultation initiatives and implement them consistently, horizontally and across levels of governments.
 - Ensuring the proper follow up on citizens’ inputs with a transparent and documented process that also collects and analyses them to develop policy indicators and, eventually, revised official processes (laws, services, initiatives, etc.).
 - Facilitating the creation of the civil society’s self-regulating network structure present in many OECD countries to improve the capacity of Tunisian third sector to collectively liaise with the Government and ensure broad dissemination of consultation opportunities and relevant participation in them by all concerned stakeholders.

- Moving toward the deployment of a multi-channel approach in national consultative processes that, by using traditional and online platforms, increases the possibility of reaching out to all relevant stakeholders (public and private).
- To address all these issues in a structured manner, Tunisia could start with implementing the recommendations already present in the Action Plan of 2011 and integrate these with the concrete recommendations included in the OECD Consultation Handbook and Practitioners' Guide to promote successful implementation.
- The creation of a national portal or other website that provides links to all Government websites in a clearly presented and standardised format would greatly assist citizens' engagement with the government and would help the Government itself in ensuring that its websites are complete, up-to-date, and consistent in both message and content. In this sense Tunisia could consider improving its portal tunisie.gov.tn and ensure consistency with other governmental portals.
- The Government could also make greater efforts to use ICTs in demanding, monitoring and following up on citizen requests. Legal provisions and institutions exist for citizens to provide feedback on public services and to request information from the administration but implementation suffers from lack of central guidance and lack of resources. What is more, existing technological opportunities remain under-exploited, e.g. the government-wide citizen request management system SYGER.

Notes

1. This chapter relies on the unofficial translation of the Constitution provided by the Tunisian NGO Al Bawsala and available here: www.marsad.tn/fr/constitution/5/article/0.
2. To draft the constitution six ad hoc commissions were established, each requested to write a section of the final text, namely: 1) Preamble, fundamental principles, constitutional review; 2) Rights and freedoms; 3) Legislative and executive powers and the relationships between the powers; 4) Judicial, administrative, financial and constitutional justice; 5) Constitutional bodies; and 6) Regional and local public authorities. These permanent commissions are co-ordinated by a Constitutional Drafting and Co-ordination committee, with the final responsibilities of collating the various contributions and prepare the final text to be submitted to the NCA (The Carter Centre, 2013).
3. Earlier drafts included the sentence “provided that it does not undermine national security or the rights protected by the Constitution – *“à condition de ne pas compromettre la sécurité nationale ou des droits garantis par la Constitution”*”.
4. More information on the Go to Global Think Tank Index can be found here: <http://gotothinktank.com/>.
5. www.data.gov.tn/Tunisie-Projet-%20EOI.pdf.
6. Full text on the open data website of the Ministry of Interior: <http://opendata.interieur.gov.tn/fr/catalog/projet-de-loi-organique-sur-le-droit-d-acces-a-l-information>.
7. www.legislation-securite.tn/.
8. A detailed description of these trends and concrete recommendations on how to successfully implement public consultation can be found in the MENA-OECD Practitioners’ Guide for Engaging Stakeholders in the Rule Making Process, OECD (2012).
9. For members see: www.concordeurope.org/members.
10. Finland includes a commitment to plain language in its OGP commitments: <http://www.opengovpartnership.org/country/commitment/standardizing-and-clarifying-terms-and-concepts-used-public-administration-and> ; Norway initiated the government-wide “Plain Language Project”: www.sprakradet.no/Klarsprak/Diverse/Toppmeny5/In-English/.

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Chapter 3

Budget transparency in Tunisia

This chapter focuses on why transparent public financial management, especially on budget related issues, is a crucial parameter for Open Government and how it can support the development of a climate of trust for citizens and businesses. Tunisia's financial transparency is assessed in comparison with OECD principles and good practices. An analysis of Tunisia budget reports and budget preparation cycle shows elements in which Tunisia conforms to international standards, where recent progress in implementing policies on financial transparency was made, and which challenges still remain. The role that ICTs can play for fiscal transparency is then illustrated. The chapter ends with a set of recommendations in the areas of budget reporting, disclosure and accounting standards, control and accountability as well as reforms management.

Introduction

Budget transparency is a key aspect of the proper functioning of a public finance management system and can contribute to restore public trust of citizens and business, because citizens can assess how their government is able to act strategically, how Open Government data can be used to anticipate possible economic crisis. The objective of budget transparency is to provide relevant and useful information to the debate on fiscal policy options, improving the quality of decision making, and therefore the performance of the public sector. The provision of timely, reliable, and relevant information to decision makers is considered to contribute to improving the quality of decisions and to achieving objectives of the public financial management system, such as the overall budgetary control, better policy choices or the best allocation of resources to meet the government's economic and social objectives, while enhancing operational efficiency of the administration and the value for money. Additionally budget transparency can be a useful tool in order to render an account to the citizens, Parliament and taxpayer. Therefore, the consequences of a low budget transparency include insufficient overall budgetary control, ineffective or inappropriate use of public funds, including corruption and other procedural abuses. Unsatisfactory budget transparency may also reduce the willingness of international donors to provide financial support to developing countries.

Over the past several decades, Tunisia has made ongoing efforts to develop an effective system of good fiscal governance. The country now faces the task of bringing about improved budget transparency within a context characterised by highly constraining macroeconomic circumstances and rapid institutional change. Tunisia has progressed towards the establishment of institutions and a legal system capable of ensuring democracy and the proper management of its public finances.

With the exception of the Constitution itself, the national budget law is a key document for reinforcing Open Government. Its importance stems from its position at the centre of government's three main functions: *i*) the budget defines how government resources will be used to pursue the government's objectives, from national defence and protection of human rights to social services and economic development, including its decisive roles as the

nation's largest employer and leading customer for goods and services; *ii*) the budget describes how the resources needed for these activities will be generated, whether from taxes, fees, or other sources, and thereby shapes in fundamental ways how the economy of the nation and of the individual Tunisian household will perform; and *iii*) the oversight of the budget is the citizens' main line of defence for verifying the budget execution in accordance with the budget law. The debate on this law in the Assembly provides citizens with their best opportunity to press government to respond to their needs.

Misuse of the funds provided by the budget, not only wastes public resources but breaks the relationship of trust between the citizen and the state, the essential social contract on which government's legitimacy rests. Corruption, fraud, and abuse can best be detected through the proper performance of government's control and audit functions, rendering budget management, including *ex post* audit, the first and most important protection against abuse of the public trust. For all of these reasons, transparency of the national budget –and of the government revenues and expenditure that it governs – lies at the very centre of Open Government and is an essential pillar for its implementation.

Open Government budget preparation requires broad consultation and extended debate on both the sources and uses of funds that enables the public and the Assembly to consider the critical budget issues and choices before the nation. For example, creating a budget debate prior to the government's drafting of the DFA enables parties concerned to examine the main features of policy action. Additionally, budget data should be presented in such a manner as to facilitate analysis and to promote government accountability. Budget documentation should specify the objectives of fiscal policy, the underlying macroeconomic assumptions and the main identifiable risks. Moreover, the terms of revenue collection and monitoring of approved expenditures should be clearly established. The new Constitutional Law might provide opportunities to advance Open Government in the formulation of the budget, its consideration by the National Constituent Assembly (and the new People's representatives Assembly (PRA), newly elected), and its implementation and reporting processes that begin with its enactment. Throughout the budget cycle, the citizens of Tunisia and their government should seize the chance to test new procedures, to introduce new and more open processes, and to generate more complete data and analysis on which an informed budget debate rests.

The preparation of the action plan on open access to information offers an ideal mechanism to engage the public and the Assembly in open budget programming and at the same time to explore new mechanisms for civic

engagement, whether using ICT for diffusion of budget information or public consultation for consideration of budget alternatives.

The preparation of the first budget under the new Constitution presents a valuable opportunity to advance more open and consultative processes for budget management in post-Revolution Tunisia. The introduction of new procedures and methods will inevitably involve a good deal of experimentation and cannot be expected to go entirely smoothly. The alternative of proceeding with the old, closed style of budget making would entail a much greater loss, however, in the form of lost momentum, the waste of a valuable opportunity for all of the stakeholders, both inside government and out, to develop new ways of working together.

Postponing open budget actions would also send an undesirable signal to these same stakeholders regarding the government's commitment to Open Government and an end to "business as usual". Mistakes and missteps will occur, but they will pave the way for better implementation of transparent budget operations in the future.

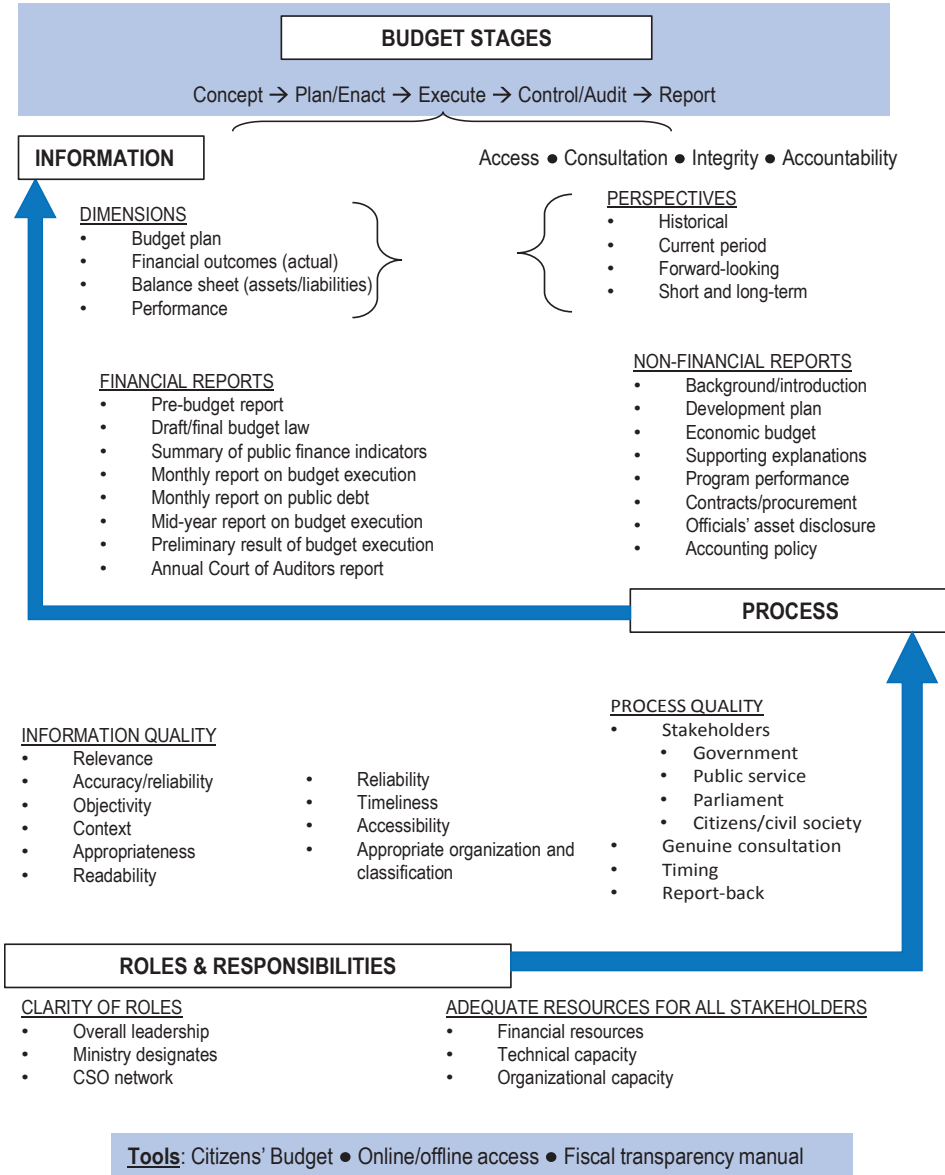
OECD principles for transparent budgeting

The management of the budget cycle from formulation through execution to control has been among the primary areas of work for the OECD since its inception more than 50 years ago. This work has resulted in extensive analysis of different national budgeting systems and experience to extract best practices and more fundamental principles of how essential budget management functions should be performed. This section briefly summarises the main points, drawing on the OECD *Best Practices for Budget Transparency* (OECD, 2002). These are grouped into four categories to facilitate discussion: *i)* preparation of the national budget, *ii)* preparation of other budget reports, *iii)* disclosure and accounting practices for the budget, and *iv)* practices to promote integrity, control, and accountability in budgeting. The key points in each area are summarised in a box within this section and then briefly discussed.

To aid in integrating the overall process of open budget development, a schematic diagram of the key features of the budget process is provided in Figure 3.1. The schematic diagram begins with the five main steps in the budget cycle and proceeds through to the final audit, highlighting the importance of ensuring that access to information, citizen participation through consultation, and integrity at each stage in the process, as well as overall accountability to stakeholders for both process and results. The diagram highlights best practices in the three main aspects of the budget process, beginning at the bottom with the foundational requirement for clearly defined roles and responsibilities, adequate resourcing of the various actors, and use of tools that support openness, such as the citizen's budget.

Clearly defined roles enable an open process to be carried out that produces high-quality information for decision making and meets the quality standards for the process itself.

Figure 3.1. OECD Open Budget Principles



Establishment of this strong foundation permits the government to mount a budget process that meets a high quality standard, both in terms of the quality of the information generated and in terms of how it is produced, particularly the level and quality of stakeholder involvement. A high-quality budget process serves as the basis for the production of the various documents required for budget openness across the budget cycle. These documents are of two main types: documents presenting the government's current, planned, and projected financial operations, such as the end-year report, and non-financial documents, such as information on programme outcomes, the economic context, and officials' assets.

Boxes 3.1 and 3.2 elaborate on this overall process. Box 3.1 focuses on the national budget preparation process. Two main points deserve to be emphasised. First, The Assembly should be provided with sufficient background and explanatory information to be able to consider the budget in a fully informed manner. Both financial and non-financial information must be provided, including not only explanations that make the meaning of the budget numbers clear but also complementary information, such as the linkages to the government's economic development plan and the macroeconomic assumptions underlying the budget, which give meaning to the numbers and support informed decision making. Second, best practices for the national budget increasingly recognise the need for information on programme outcomes and performance, generally provided through a performance-based budget (referred in Tunisia as *Gestion du Budget par Objectifs*, GBO). Although standard budget practice still calls for presenting the means-based budget, improvements have been noticed in a number of ministries following the initiation of the twinning project in August 2011 between the European Union and Tunisia on supporting the latter setting up the GBO. The project will end by 2015 and currently, 9 ministries (called ministries of first and second waves) are implementing the GBO since 2013.

In the future, the Assembly should thus be able to see the link between these expenditures and the outcomes that they are producing, which is what the citizens are eventually interested in. This emphasis on programme outcomes (reduction of illiteracy, families moved to decent housing, etc.) moves forward throughout the budget cycle, as further discussed below, culminating in performance audits as a necessary complement to financial audits to measure and verify the outcomes reported, as well as the expenditures and procurement actions.

Box 3.1. Best practices for preparing the national budget

Government’s obligation: Recognising that the budget is the government’s key policy document, the government should prepare a budget that is comprehensive and encompasses all government revenue and expenditure, so that trade-offs among different policy options can be assessed, and submit the draft budget to Parliament far enough in advance to allow Parliament proper review, and in no case less than three months prior to the fiscal year’s start.

Parliament’s obligation: Parliament should review and approve the budget prior to the fiscal year start and reinforce the scope of the Parliament’s role during the budget cycle.

The parliamentary review of the draft budget may cover details of the revenues and expenditures proposed, or provide an overview of macroeconomic forecasts and fiscal aggregates – an approach that is often referred to as “top-down budgeting”.

There are factors for the effective exercise of Parliament’s role:

- First, relevant and timely nature of the information brought together in the budget documentation submitted to Parliament.
- Second, Parliament must have sufficient time to consider the draft budget.
- Third, Parliament must possess the right framework to enable it to effectively carry out the functions assigned to it. Such a framework includes:
 - A system of commissions or committees that ensures a detailed review of the budget. A budget committee must consider the macroeconomic forecasts and the overall fiscal policies, while specialised sectoral committees examine expenditures in the areas of competence of the different ministries. A separate commission or committee may also consider the anticipated resources.
 - The ability to examine the general fiscal policies as well as the details of revenues and expenditures.
 - The ability of Parliament to publicly question ministers and officials.
 - A competent staff assisting in the analysis of the draft budget or of the budget execution reports.
 - The debates in Parliament and the reports of parliamentary committees should be distributed or made available to the public.

Box 3.1. Best practices for preparing the national budget (*cont.*)

More generally, the studies conducted by the OECD and the World Bank Institute suggest that the efficiency of the parliamentary committees in fulfilling their roles of review and control depends on a combination of factors relative to the institutional organisation, on the one hand, and to the skills and behaviour of the members of the committee, on the other. These committees also appear to be more effective when working in a non-partisan environment.

Budget content: The budget, or related documents, should include:

- A detailed commentary on each revenue and expenditure programme.
- Non-financial performance data, including performance targets, for expenditure programmes where practicable.
- A medium-term perspective illustrating how revenue and expenditure will develop during two years at least beyond the next fiscal year. The medium-term perspective are a key element available to central budget authorities to help manage expenditures and ensure fiscal discipline: expenditure estimates capture information on the cost of existing policies and programmes and form the baselines for the following years budgets, while expenditure ceilings provide a top-down constraint on spending in future years.
- A reconciliation with forecasts in earlier fiscal reports explaining all significant deviations.
- A comparison of actual revenue and expenditure during the past year and an updated forecast for the current year for each programme, as well as comparative information for any non-financial performance data.
- The amounts of revenue and expenditures authorised in permanent legislation, along with other revenue and expenditure.
- Expenditures in gross terms (not net of related income).
- A clear separate accounting of ear-marked revenue and user charges, regardless of whether particular incentive and control systems allow the collecting agency to retain some or all such receipts.

Budget format and supplementary information: Classify expenditures by administrative unit (e.g. ministry, agency); include supplementary information classifying expenditure by economic and functional categories; state the economic assumptions underlying the report and discuss tax expenditures; and include a comprehensive discussion of the government's financial assets and liabilities, non-financial assets, employee pension obligations and contingent liabilities.

Source: OECD (2002), "OECD Best Practices for Budget Transparency", *OECD Journal on Budgeting*, Vol. 1/3, OECD, Paris, <http://dx.doi.org/10.1787/budget-v1-art14-en>.

Box 3.2 elaborates on the information needed in each of the main budget reports, which, like the national budget submitted to the Parliament, must provide the background information and explanations essential to understand and interpret the budget as it evolves through the year.

Box 3.2. Best practices for other budgetary reports

Pre-budget report: Such as preliminary reports to the Finance Act or other background reports provide context and stimulate debate on the budget strategies and priorities as well as a concise and readable overview of the main issues and budget priorities to interested citizens (encourages debate on the budget aggregates and how they affect the economy; creates appropriate expectations for the budget): Release this report no later than one month prior to submitting the budget proposal; explicitly state government’s long-term economic and fiscal policy objectives and intentions for the forthcoming budget and, at least, the next two fiscal years; highlight total revenue, expenditure, deficit or surplus, and debt; include the underlying economic assumptions.

Monthly reports (show progress in budget implementation): Release reports within four weeks of the end of each month; include revenue and expenditure for each month and year-to-date; compare forecasts of monthly revenue and expenditure for the same period and show any in-year adjustments to original forecasts separately; provide brief commentary and explain any significant divergence between actual and forecast amounts; classify expenditures by major administrative units (e.g., ministry, agency) and present supplementary information classifying expenditure by economic and functional categories; include information on government’s borrowing activity.

Mid-year report: Provide a comprehensive update on budget implementation, including an updated forecast of the budget outcome for the current fiscal year and, at least, the next two fiscal years; release the report within six weeks of the end of the mid-year period; review economic assumptions underlying the budget and the impact of any changes on the budget; include a comprehensive discussion of the government’s financial assets and liabilities, non-financial assets, employee pension obligations and contingent liabilities; and disclose the impact of any other government decisions, or other circumstances, that may have a material effect on the budget.

Year-end financial report (the government’s key accountability document): The execution of the budget is subject to an annual audited financial statement. This statement allows Parliament and citizens to see how the budget was actually implemented. It is often made late due to the delay in its preparation and verification. Release the report within six months of the end of the fiscal year; have the Supreme Audit Institution audit the report; show compliance with revenue and expenditure levels authorised by Parliament and show any in-year adjustments to the original budget separately; mirror the presentation format of

Box 3.2. Best practices for other budgetary reports (*cont.*)

the budget; include non-financial performance information, including a comparison of performance targets and actual results achieved where practicable; provide comparative information on revenue and expenditure levels during the preceding year as well as for any non-financial performance data; present expenditure in gross terms, accounting for ear-marked revenue and user charges separately; classify expenditure by administrative unit (e.g. ministry, agency); present supplementary information classifying expenditure by economic and functional categories; include a comprehensive discussion of the government's financial assets and financial liabilities, non-financial assets, employee pension obligations and contingent liabilities.

Pre-election budget updates (serves to illuminate the general state of government finances immediately before an election to foster a more informed electorate and stimulate public debate; the feasibility of producing this report may depend on constitutional provisions and electoral practices): Optimally, release the report no later than two weeks prior to elections; include the same information as the mid-year report; and take special care to assure the report's integrity. This report may be required by the laws on fiscal responsibility or similar legislation. Their goal is usually to improve the quality of the electoral debate by providing an objective statement on the government's financial situation and an overview before the elections. They generally are the task of the Ministry of Finance, without formal involvement of other ministers.

Long-term report (assesses the long-term sustainability of the debt and of the government's fiscal policies): Release the report at least every five years, or when major, substantive changes are made in revenue or expenditure programmes; assess the budgetary implications of demographic change, such as population ageing and other potential developments over the long-term (10-40 years); make explicit all key assumptions underlying the projections contained in the report; and present a range of plausible scenarios. The analysis of the sustainability of the debt carried by international financial institutions like the IMF and the World Bank, constitute examples of these reports. The intergenerational equity or the weight of the debt burden on future generations are key issues of these reports.

Source: OECD (2002), "OECD Best Practices for Budget Transparency", *OECD Journal on Budgeting*, Vol. 1/3, OECD, Paris, <http://dx.doi.org/10.1787/budget-v1-art14-en>.

Boxes 3.3 and 3.4 shift the focus from what is provided to how it is generated and presented. Box 3.3 summarises the specific disclosures and accounting policies that underlie sound and open budgeting, while Box 3.4 focuses on the requirements for integrity and accountability in a transparent budget process.

It is to be expected that most parliamentarians will lack the in-depth accounting expertise needed to understand complex but vitally important financial issues such as employee pension obligations. It is therefore of fundamental importance to an open process that the relevant information be presented professionally, consistently, and clearly so that the parliamentarians can make difficult decisions with confidence.

Box 3.3. Best practices regarding specific disclosures and accounting policies that underlie sound and open budgeting

Economic assumptions: Disclose explicitly all deviations from the forecast of key economic assumptions underlying the budget, including GDP growth, growth composition, the rate of employment and unemployment, the current account, inflation, and interest rates; provide a sensitivity analysis of the impact changes in economic assumptions have on the budget.

Tax expenditures: disclose the estimated cost of key tax expenditures and, to the extent practicable, discuss tax expenditures for specific functional areas together with the discussion of expenditures in those areas.

Financial liabilities and financial assets: Disclose all liabilities and assets in the budget, the mid-year report, and the year-end report; disclose monthly borrowing in monthly reports; classify borrowings by currency, maturity profile, whether interest is fixed or variable, and whether callable; classify financial assets by type (cash, marketable securities, investments in enterprises and loans); list investments in enterprises individually; list loans advanced to other entities by major category reflecting their nature; disclose historical information on defaults for each category; value financial assets should be valued at market value; disclose debt management instruments, such as forward contracts and swaps; include a sensitivity analysis showing what impact interest and exchange rate changes would have on financing costs.

Non-financial assets: Disclose non-financial assets, including real property and equipment; recognise non-financial assets, if using full accrual-based accounting and budgeting, which will require valuation of such assets and appropriate depreciation, which be fully disclosed; if full accrual basis is not adopted, maintain a register of assets and provide summary information from it in the budget and mid-year/year-end reports.

Employee pension obligations: Disclose employee pension obligations in the budget and mid-year/ year-end reports, showing the difference between accrued benefits from past service and the contributions government has made towards those benefits; disclose actuarial assumptions underlying this calculation and value assets belonging to employee pension plans at market value.

Contingent liabilities (whose budgetary impact is dependent on uncertain future events, such as government loan guarantees, insurance programmes, and legal claims against the government): Disclose all significant contingent liabilities in the budget and mid-year/year-end reports; where feasible, disclose total

Box 3.3. Best practices regarding specific disclosures and accounting policies that underlie sound and open budgeting (*cont.*)

contingent liabilities and classify them by major category; disclose historical information on defaults by category; list and describe any contingent liabilities that cannot be quantified. Additionally establishing a contingency reserve may be appropriate to maintain spending within pre-established levels even in the presence of unexpected events or changes in priorities in the course of the fiscal year. It is not only a prudent mechanism to manage fiscal risks, but also an essential component of top-down budgeting.

Source: OECD (2002), “OECD Best Practices for Budget Transparency”, *OECD Journal on Budgeting*, Vol. 1/3, pp.7–14, OECD, <http://dx.doi.org/10.1787/budget-v1-art14-en>.

Box 3.4 tackles similar issues from the perspective of integrity and accountability, emphasising such considerations as whether Parliament has the staff and other resources to track the budget throughout the budget cycle. It is imperative in this regard that the supreme audit institution (the Audit Court in Tunisia) play the role of an active partner for Parliament in providing the information necessary for the members to assess control and integrity. Proposals to strengthen this relationship in Tunisia are taken up in the section on possible action items below, based on these best practices, on an in-depth analysis of budget transparency recently completed by the OECD (OECD, 2013a), and on the following discussion and assessment of Tunisia’s budget institutions.

Box 3.4. Best practices regarding integrity, control and accountability

Accounting policies: Provide a summary of relevant accounting policies with all reports, describing the basis of accounting applied (e.g. cash, accrual) and disclosing any deviations from generally accepted accounting practices (GAAP); use the same accounting policies in all reports; if a change in accounting policies is made, disclose the nature of the change and the reasons for it; adjust information from previous periods, as practicable, to aid comparison.

Systems and responsibility: Put in place a dynamic system of internal financial controls, including internal audit; include in each report a statement of responsibility by the finance minister and the senior official responsible, in which the minister certifies that all government decisions with a fiscal impact are included and where the senior official certifies that the Ministry has used best professional judgment in producing the report.

Audit: The Supreme Audit Institution should audit the year-end report and submit its report to Parliament.

Box 3.4. Best practices regarding integrity, control and accountability (cont.)

Public and parliamentary scrutiny: Parliament should have the opportunity and resources to examine any fiscal report that it deems necessary; make all fiscal reports publicly available, including on the internet free of charge; the Finance Ministry should actively promote public understanding of the budget process.

Source: OECD (2002), “OECD Best Practices for Budget Transparency”, *OECD Journal on Budgeting*, Vol. 1/3, pp.7–14, OECD, Paris, <http://dx.doi.org/10.1787/budget-v1-art14-en>.

In the same line, but more recently, the OECD has published for consultation its draft principles for budgetary governance (2013) that includes a principle stating that Budget documents and data should be open, transparent and accessible. In this respect:

- Clear budget reports should be available to inform all stages of policy formulation, consideration and debate, as well as implementation and review. The annual budget document itself, which shows the allocations for each public service area and revenue policy measures under each tax heading, is of central importance. Budgetary information should also be presented in comparable format in advance of the final budget providing enough time for effective discussion and debate on policy choices (e.g. a draft budget or a pre-budget report), during the implementation phase (e.g. a mid-year budget report) and after the end of the budget year (an end-year report) to promote effective decision making, accountability and oversight.
- All budget reports should be published fully, immediately and routinely, and in a way that is accessible to citizens. In the modern context, “accessibility” requires that budget documents be available on-line, and that all budget data be presented in open data formats which can be readily downloaded, analysed, used and re-presented by citizens, civil society organisations and other stakeholders.
- The budgeting process brings together all financial inflows and outflows of government; the use of open, standardised data sets should therefore allow for the budgeting process to facilitate and support other important government objectives such as Open Government, integrity and programme evaluation.

Finally, Budget practices and procedures in OECD countries (OECD, 2014), shows the recent trends on budget transparency, based on the results of a survey.

Before turning to the examination of Tunisia's budget institutions and how they might be strengthened, it is appropriate to note that there is a range of good practice in budget transparency, rather than a single mandated standard. States and international organisations differ in the stress they place on different aspects of budget transparency, for example, or the specific measures to which they assign priority.

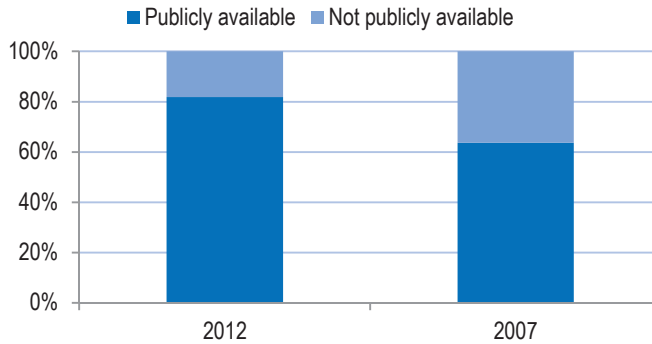
Box 3.5 presents the four broad principles articulated by the International Monetary Fund as the basis for public finance practice, based on their code and manual of public finance transparency (IMF 2007a; 2007b).

Box 3.5. The IMF's Transparency Code of public finances is based on four broad principles

- **The clear definition of roles and responsibilities.** There must be a clear distinction between the activities of the public sector and commercial activities. Public finances must be managed within a clearly defined legal and institutional framework. Within the public sector, the division of the functions of decision making and management must also be clearly defined and made public.
- **Transparency of budgeting procedures.** Budget figures must be presented so as to facilitate analysis and enable the public authorities to be held responsible for budget performance. Budget documentation must specify the budget policy's goals, the macroeconomic hypotheses underlying them and the main identifiable risks. The approved procedures for collecting revenues and monitoring expenses must be clearly established.
- **Public access to information.** The public must be fully informed of the past, present, and forecasted activities of government administrations in terms of budget. The country must commit to distribute information on public finances within an appropriate timeframe.
- **Guarantee of integrity.** The budget information must satisfy the agreed-to quality norms and be subject to independent examination.

Sources: International Monetary Fund (2007a), *Code of Good practices on fiscal transparency*, Washington, D.C., www.imf.org/external/np/pp/2007/eng/051507c.pdf; International Monetary fund (2007b), *Manual on Fiscal Transparency*, Washington, D.C., www.imf.org/external/np/pp/2007/eng/051507m.pdf.

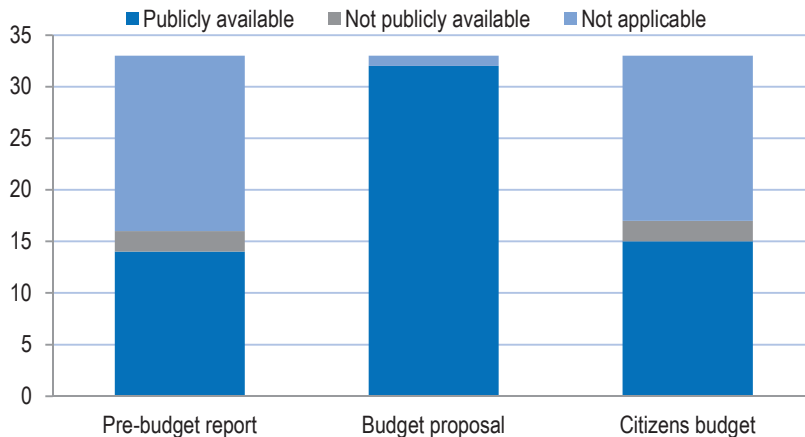
Figure 3.2. Are the economic assumptions underlying the budget and the methodology used to establish them published/publicly available?



Note: Percentage of participating OECD countries (33 in 2012 and 33 in 2007).

Source: OECD (2014), *Budgeting Practices and Procedures in OECD Countries*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264059696-en>.

Figure 3.3. Publicly available budget documents



Source: OECD (2014), *Budgeting Practices and Procedures in OECD Countries*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264059696-en>.

Institutions for budget management in Tunisia

The Constitution of 1959 laid the foundations of budgetary law and prescribed the classic mechanisms of budgetary management in a democracy. It made the Assembly responsible for examining and approving

budget laws and overseeing their performance. Within the same conceptual framework, the country adopted significant budgetary and financial legislation, such as the Public Accounting Code, promulgated by Law No. 73-81 of 1973, and the Organic Budget law (OLB), established by Law No. 67-53 of 1967 (since amended various times, especially by Organic Laws No. 96-103 of 1996 and No. 2004-42 of 2004), and the organisation of the Audit Court by Law No. 68-8 of 1968. This legislation was founded on strong principles, such as the separation of authorising officials and accountants. Building on this foundation, Tunisia has developed a well-organised budget management apparatus, particularly for financial administration, staffed by dedicated and competent employees who are, moreover, subject to multiple controls at all stages and carried out by high quality, specialised entities. Tunisia has recently gone from using the concept of “budget” to that of “Finance Act” (FA), which encompasses the various legal provisions related to State revenues and expenditures, the modalities of their enforcement and control, as well as the State budget. The incorporation of the budget into the broader economic framework is accomplished by linking together the Economic and Social Development Plan and the economic budget. Tunisian budget law is governed by the principles of annuality, unity, universality, specification, and balanced budgets. Adhering to these principles, the legislative branch controls the executive’s compliance with the authorisations granted to it to collect and spend.

Article 1 of the OBL states that “each year, as part of setting the objectives of the development plans, the Finance Act forecasts and authorizes ... all State expenditures and resources, taking into consideration the financial economic balance defined by the economic budget”. The Economic and Social Development Plan is a forward-looking document drafted by the government. It defines the programmes to implement and the general guidelines, being approved by law, but not binding. Currently, there is no clear link between the Economic and Social Development Plan and the Annual Budget. The incorporation of the budget into the broader economic framework, by linking together the Economic and Social Development Plan and the economic budget, has to be strengthened with the Medium Term Expenditure Framework, to be defined as a key tool in this process.

Budget preparation, in Tunisia, is the sole responsibility of the government through its administration, with no information or contribution made by the Assembly in the process. In addition, the DFA does not present a complete picture of the economic situation and public expenditures, and the excessively narrow definition of expenditure authorisations limits the government’s capacity to adapt to changes in the socioeconomic context.

To achieve this objective, it might be necessary to reinforce the scope of the Assembly's role during the budget cycle, regarding the time allotted to the Assembly for reviewing the Draft Budget, reinforcing the effectiveness of the DFA filing date by requiring, in case of a late filing in Assembly, a parliamentary debate which could lead to a vote of no-confidence for the government and set the same filing deadline for both the DFA and all its supporting documents. Additionally it may be envisaged to enhance the role of parliamentary committees by giving them the material and human resources to enable them to fully accomplish their mission and by strongly encouraging the active participation of the parliamentarians sitting on them by imposing significant pay reductions in the event of non-attendance.

Additionally, it might be appropriate to organise a budget debate before the government finishes preparing the DFA. This debate would examine the main lines of action that the government intends to incorporate into the DFA, providing a multi-annual perspective of the budget and a complete picture of the country's actual economic situation, including the balance of the social security fund, the level of debt, overdraft, and deficit, as well as the financial situation of local governments and State-owned enterprises.

In the last 20 years, the Tunisian State and administration have taken an important step in modernising the country's finances. In 1996, in order to overcome the rigidities of the public finance system, a decree authorised ministers to establish objective-oriented management units for the purpose of delivering certain projects. A decree dated 23 November 2003 established a department responsible for preparing the budget on a management-by-objectives basis for a period of five years. The Organic Law of 13 May 2004 introduced the notion of management in terms of goals based on the assignment of funds by programmes and the related government missions that they support, so as to achieve a better overall allocation of available resources, applying concepts familiar to those concerned with the economic feasibility of government action.

More recently, the government has committed itself to pushing this logic further by preparing a true, across-the-board budget management by objectives system (MBO, known in Tunisia as *Gestion du Budget par Objectifs* or GBO). A pilot programme to implement this reform began in 2007. Pilot ministries were appointed and in a short period of time some of them did a remarkable job of objective mapping (breaking down the budget in terms of programmes) and defining various goals for performance indicators (the Computer Center relating to the Ministry of Finance CIMF, 2011a). The establishment of a true GBO would surely increase the efficiency of public policy and support the pace of projected development within the context of economic and financial balances, as well as promote a better allocation of resources with respect to agreed upon guidelines and

priorities; improving the performance of public expenditures and the clarity of budget targets, and the return on public expenditures, and providing greater transparency to the aims being pursued by the government. The implementation of performance-based budgeting is only starting now to make real progress with the work of a second unit established by a Decree of 2008 and which was given the responsibility of implementing this reform over a five-year period.

As part of the work of this unit, several pilot ministries have been designated to experiment with PBB. In 2010 and 2012, the experimentation stage had reached other ministries. The experience includes four key areas related to the development of a medium-term expenditure framework, the development of a budget classification scheme by objectives, the introduction of the concept of “programmes” and development of performance criteria, and, finally, the establishment of evaluation mechanisms. To this end, five working groups are preparing the instruments for the implementation of PBB by 2016, at the latest.

However, the current scope of the reform remains limited. For instance, non-financial performance data are only included in the documents pertaining to nine pilot ministries for the implementation of PBB.

Tunisia has now entered a new era where further progress in instituting transparent and accountable budgeting processes has become even more imperative. At the same time, the drafters of the 2014 Constitution recognised the need for continuity by preserving most of the country’s legislation and thus guaranteed the legal continuity of the Tunisian State. In particular, aside from the elimination of budget-related provisions that were included in the Constitution of 1959, now abrogated, the great majority of texts governing the drafting of the budget and the performance of public collections and expenditures, notably the OBL, remain those that were in effect before the Revolution. The preparation of the budget for consideration by the Tunisian Assembly remains the responsibility of the Head of government’s office and the Ministry of Finance. It remains to be determined how the decentralisation called for by the new Constitution will affect the budgeting process, a topic that is therefore not addressed in this review.

The situation with regard to expenditure oversight is considerably more complex. The primary institution responsible for this function is Tunisia’s supreme audit institution, the Audit Court (Cour des Comptes), an organisation combining investigatory and prosecutory powers. As described officially on the website of the Prime Minister’s office, the Audit Court was established by Law No. 68-8 of 1968 as amended and supplemented by Law No. 70-17 of 1970, the organic Law No. 90-82 of 1990, the Organic Law

No. 2001-75 of 2001 and the Organic Law No. 2008-3 of 2008. It takes the form of an independent higher Institution independently charged with ensuring compliance with the law, protecting and ensuring the proper use of public funds (Présidence du Gouvernement, 2014a).

The new Constitution confirms the role of the Audit Court, specifying in article 114 that “The Financial Judiciary is composed of the Court of Audit with its different bodies. The Court of Audit shall have jurisdiction to supervise the sound spending of public funds in accordance with the principles of legality, efficiency and transparency. The Financial Judiciary shall decide on the accounts of public auditors. The Financial Judiciary evaluates the expenditure of public funds and punishes any mismanagement in that regard. The Financial Judiciary shall assist the legislature and the executive in supervising the enforcement and sealing of financial laws. The Court of Audit shall prepare a general annual report to be submitted to the President of the Republic, the President of the Chamber of Deputies, the Prime Minister, and the President of the Supreme Judicial Council. The report shall be published. The Court of Audit shall, when necessary, prepare special reports that may be published. A law shall regulate the organisation, mandate and procedures of the Court of Audit as well as the statute of its judges” (Al Bawsala, 2014).

The Control-general of public expenditures (CGDP) performs a control on the engagements, which means an a priori control. In fact, the authorization of the public expenditures’ controller is mandatory to engage any expenditure.

In addition to the Audit Court, the *Control-general* of public expenditures (CGDP), several political, administrative, and judicial institutions each play a significant role in managing Tunisia’s financial and administrative controls. These include:

- The High Committee of Administrative and Financial Control (HCCAF) is responsible for guaranteeing the co-ordination of intervention programmes for different control entities (the Audit Court, the Control-General for Public Departments (CGSP), Control-General of Finances (CGF), Control-General of State Property and Land Affairs (CGDAF) and Inspection Department), in order to avoid duplications and redundancy of controls. Additionally, its mandate includes following up on the observations and recommendations made in the reports by the various control bodies and the Court of Auditors, to ensure compliance to the recommendations in the audited structures.

- The three control-general bodies for government administration: the Control-General for Public Departments (CGSP)¹, Finances (CGF)², and State Property and Land Affairs (CGDEAF). The three bodies have horizontal competences that enable them to control the services of the State, local governments, public institutions, State-owned enterprises, and all organisations receiving direct or indirect participation or contributions from the governments. Auditors perform audits and procedures necessary to ensure compliance with laws and regulations, the rules of good management, and the optimal use of funds and public property. Any fraudulent or malicious act gives rise to administrative and criminal proceedings. In order to fulfil their mandates, members of the three control-general bodies have extended powers and are protected by their statute. They had nonetheless been prevented from fully completing their missions by the prior regime.
- Given the need for a powerful entity to ensure an effective control of public management, it would be appropriate to consider merging these three entities into a single institution endowed with a strong statute granting it autonomy and the broadest administrative powers. It is understood that such a move is currently under consideration.
- The CGSP is provided with a horizontal competence. It is in charge under the Head of Government direct jurisdiction of superior control of services of the State, local governments, businesses, public institutions, and all organisations receiving direct or indirect participation or contributions from State or local governments. Its missions are not only financial. The CGSP also evaluates the operation of public services in terms of administration and public policy assessment. Additionally, it is an advisory body that provides expertise on draft laws and regulations to organise and modernise management tools in the public services, and set governance principles.
- The CGSP is organised in four units respectively in charge of in-depth auditing, evaluation, audit and evaluation of projects financed by exterior financing institutions, and other special inquiries, consultations and missions.
- The General Control of Finances (CGF), like the three control-general bodies, is organised into four divisions respectively responsible for verifying the control of services, under the supervision of the Ministry of Finance, of public services and audits of project accounts, of State-owned enterprises and institutions, and the control and evaluation of other structures.

- The work of the Controllors is not fully consistent with the professional standards of internal auditing. Indeed, the fact that members report to a single operational ministry tends to reduce their autonomy. Therefore, in order to meet international standards of the profession, these bodies would need to have more independence. The creation of an Audit Committee, reporting to the highest level of the State apparatus, to co-ordinate and ensure audit quality control, would improve this situation.
- The control-general of State property and Land affairs (CGDEAF): its competence is under the Ministry of State property and land affairs jurisdiction. It has a control mission of the management and the status of the accounts of CPL, State-owned enterprises and institutions, and all organisations receiving contributions from the governments. One of its additional competences is the assessment of these bodies and organisations.
- Other oversight institutions and committees: as listed by the Audit Court on its website, these include the Constitutional Council (*Conseil Constitutionnel*), the High Committee on Administrative and Financial Control (*Haut Comité de Contrôle Administratif et Financier*), the High Authority for Public Procurement (*Haute Instance de la Commande Publique*), the Monitoring and Revision Committee for Public Markets (*Comité de Suivi et de Révisions des Marchés Publics*), the Financial Market Council (*Conseil du Marché Financier*), the Competition Council (*Conseil de la Concurrence*), the National Telecommunications Authority (*Instance Nationale des Télécommunications*), the Oversight Commission of the Chamber of Deputies (*Commission de Contrôle de la Chambre des Députés*), the Oversight Commission of the House of Councillors (*Commission de Contrôle de la Chambre des Conseillers*), the High Council for the Public Service and Administrative Reform (*Conseil Supérieur de la Fonction Publique et de la Réforme Administrative*), the High Council for Legislation (*Conseil Supérieur de la Législation*), the High Council for Accounting (*Conseil Supérieur de la Comptabilité*), the Monitoring Committee for Development, Implementation and Evaluation of the State Budget (*Comité de Suivi d'Élaboration, d'Exécution et d'Évaluation du Budget de l'État*), and the Control Board for Information Systems and Administration (*Commission de Contrôle des Systèmes d'Information et de l'Administration*).³
- The departmental Inspectorates: they are responsible for any administrative, financial or technical assignment or investigation

designed to monitor and evaluate the service management of the central administration, the external services of their respective ministry, as well as public institutions under the authority of a department and private projects subsidised by its budget. The operation of ministerial inspectorates and general inspectorates is satisfactory. It faces issues of fragmented and limited staff, and of subordination vis-à-vis the Minister.

- The State Controller Committee (*le Comité des Contrôleurs d'Etat*): the oversight of the State plays a major role in the public enterprises that generate a significant part of the national wealth. More generally, the public enterprises have strategic missions and their weight in the national economy is significant; hence, it is imperative that they, and the public authorities that control them, respect the rules for transparency in their daily management of the public patrimony. Therefore, its statute has been modernised, especially in order to increase the independence, expertise, and authority of its members over the entities that direct the enterprises and the protection authorities.

In addition to the Audit Court, the Financial Disciplinary Court is another judicial control that also plays an important role in monitoring the proper use of public monies and punishing legal infractions within its domain. Tunisian financial law has organised a special regime of accountability for the authors of mismanagement before the Financial Disciplinary Court. This court deals with criminal financial offenses and is composed of judges, from both the Court of Auditors and the Administrative Court, who issue legal judgments. Public managers responsible for mismanagement to the detriment of the State, administrative public institutions, local governments, and State-owned enterprises can be brought before the court. It would be helpful to clarify and strengthen the relationship between the legislative authorities and these two Courts, which would enable the legislators to entrust the tasks of inquiry and control to the Courts, dedicating themselves to sessions of parliamentary work on the Court's reports and to a plenary session on its annual report. Each Court would also take responsibility for the follow-up of its annual report. On the other hand, one might suggest that the Court of Financial Discipline be freed from filing affidavits on asset disclosure by members of government and others and overseeing electoral matters. The Audit Court would benefit from the new Constitution's guarantees made to magistrates in the chapter on "judiciary power". For its part, the powers of the Court of Financial Discipline could be invoked more systematically than in the past, and the number of public authorities subject to its jurisdiction could be extended to include national and local political personnel. The Financial Disciplinary

Court sanctions violations of the financial public order. It may decide to publish its judgments of conviction. The number of convictions has remained very limited and has only involved minor cases. Therefore, more cases could be referred to it, the sanctions could be reviewed and made stricter, and that politicians could be brought under its jurisdiction, because elected officials are subject to other systems of accountability.

Assessment of financial transparency in Tunisia in light of OECD's best practices

This part will assess Tunisia's budget and public financial governance in light of the OECD's best practices summarised above. The discussion focuses only on the central government and does not include the financial reports of independent establishments and agencies or those of public enterprises, which were not examined by the review team. Much of the analysis is likely to apply to these agencies, however, in light of the Audit Court's role as their responsible audit authority. The discussion below begins with a review of where Tunisia's budget reports stand relative to the OECD's best practices in that area, beginning with the main budget and then considering other budget documents. Discussion of Tunisia's performance on the integrity of the budget and budget processes is provided in the following chapter.

In considering budget transparency in the MENA region, Egypt's experience just prior to the Revolution is illuminating, as described in Box 3.6, because it also demonstrates the need for vigilance to ensure that reforms, once made, are not lost through backsliding.

Box 3.6. The example of Egypt in the MENA Region

Egypt significantly improved its budgeting transparency between 2006 and 2010 by making documents public that had not been so before and by preparing new budget reports. Its IBO grade rose from 18 in 2006 to 32 in 2008 and to 49 in 2010. These grades made the country the most transparent in the MENA Region in terms of budget, alongside Jordan.

Until 2006, the budget minister's speech before Parliament was the only publicly available document, although the national planning documents included full information on investment expenses. Thereafter, the budget adopted by the National Assembly was made public in its entirety online, and became available for purchase from the Government Printing Office. A more readily accessible summary was prepared, highlighting macroeconomic hypothetical scenarios, medium-term budget forecasts, and government policies and priorities, defined in the Finance Act. The draft budget was not made public, however. Since 2004, the Ministry of Finance also published a monthly financial publication on the

Box 3.6. The example of Egypt in the MENA Region (cont.)

macroeconomic, monetary and foreign trade data including summary figures on the budget's execution. But there are no public debates or hearings on the draft budget in Parliament, and the independent auditor reports are not made public.

Egypt's more recent experience demonstrates the need to institutionalise improvements in budget management, however. In the aftermath of the 2011 Revolution, certain formerly published documents disappeared from the ministry website, with the result that Egypt's IBO grade fell to 13 in the 2012 survey (the most recent IBO analysis).

Budget reports

Tunisia conforms to several international good practices for budget preparation in its preparation of the main budget law:

- The **budget is complete**. In effect, although special treasury funds continue to appear in separate tables in the Finance Act, they are included in the State accounts and their amounts remain very limited. Capital transactions on foreign loans have been included in overall budget documents since the Organic Law of 1996, which represents a step forward in terms of the transparency of public funds.
- The **economic hypotheses** underlying the budget are presented in a separate economic budget document prepared by the Ministry of Development and International Co-operation. This report is available on its website and links the multi-year objectives of the National Development Plan and the annual budget, and sets the underlying economic assumptions, such as the ones related to GDP growth, investment, inflation, unemployment, etc., although no alternative scenario or sensitivity analysis is included. It also reconsiders the economic results of the previous year, and provides an economic and financial vision of the draft budget. Major fiscal aggregates are briefly presented alongside a sectoral analysis of the State's social and economic policies. However, these were not available to the NCA until December 2012, thereby preventing the assembly from using them during the review of the draft budget for the following year.
- Other good practices include the following:
 - The budget is invariably approved by the Assembly before the beginning of the budget year.

- Expenditures are classified both by administrative unit, with supplementary information, and by economic and functional categories. An annex to the Finance Act provides information on the expenditures of each unit by type of expenditure. The budget of each ministry can be found on the Ministry of Finance’s portal; however, no functional classification has been released for the ministries.
- Public expenditures are presented following the non-netting rule (that is, before considering related income from services, etc).

On the other hand, Tunisia does not adhere to the following best practices:

- The Assembly has less than the recommended three month minimum period to study the DFA, which may be submitted as late as 25 October and must be approved by 31 December. Additional budget documents attached to the draft budget, may accompany submission of the main budget draft.
- The non-financial performance data are only included in the documents concerning the nine pilot ministries for the implementation of GBO (The Ministry of Agriculture, of Public Health, of Education, and of Higher Education and Scientific Research, Finance, Industry, Equipment, Transport, Employment and Professional Vocation). Additionally, it also appears that the explanatory notes on the proposed appropriations are addressed to the Assembly and directly available to the public, but are not published.
- Although the DFA integrates the nation’s economic and social development plan, no medium-term perspective is presented; moreover, the latest medium-term budget framework posted on the Ministry of Finance’s website is for 2009, now obsolete
- The analysis provided is insufficient for the Assembly to understand and assess the budget. Specifically, the submission is lacking analyses of the following key items: expenditures, tax expenditures, financial assets and liabilities, non-financial assets, pension obligations for public employees, contingent (potential) liabilities; some of this information may be in the general account, which is not public. In addition, there is no detailed comment on each revenue and expenditure item, only figures are provided.

- Comparative information on the actual revenues and expenditures for the current year and the past year for each programme are not provided in the introductory note or in the Finance Act.

Current practices also fall short of best practice with regard to a number of other recommended reports.

- **Preliminary budget report.** There is no preliminary budget report; however, it was noted that the circular for preparing the 2014 State budget and the performance framework for public programmes was published in Arabic on the website for the GBO, although this remains a pilot (the Computer Center relating to the Ministry of Finance, CIMF, 2011b). However, there are preparatory documents, such as the introductory note to the 2013 Finance Act, which describes in general terms the budgetary choices in relation to the country's policy priorities, such as the enhancement of competitiveness, employment and investment, the government's social policy, the fight against tax evasion, and the improved operation of the tax administration; or the Report on the State Budget which describes the main macroeconomic events and financial results, putting them in comparative perspective with the previous two fiscal years, in terms of both revenues (evolution of tax and non-tax revenues, debt products, windfall) and expenditures (current, investment, debt repayment, etc.). This document reflects the standards of presentation dictated by Tunisian law (including the OBL) and international standards (balance of the State budget, total revenues and grants, total expenditures and loans, recoveries, balance of the State budget and consolidated statements), and is very comprehensive, its information contained highly relevant and useful.
- **Monthly reports.** The monthly reports on the budget's execution were made public on the Ministry of Finance's website within six weeks following the end of each month, compared to the four weeks recommended by the OECD Guide. The monthly reports on the budget's execution contain comments, historical data, and comparisons with forecasts, as well as figures on borrowing and the servicing of the public debt, in accordance with OECD recommendations and according to GFSM accounting standards. However, as mentioned above, the most recent monthly report on the Ministry of Finance's new website was for November 2012. While a monthly report on the public debt is published, there is a delay in publishing the reports; as of March 2014, the latest report was for December 2012. Nevertheless, the online publication was recently updated. The latest published report in December 2014 is

the one of August 2014. This remains still insufficient. The source of these delays could be found in the ongoing development of the Ministry's websites. In these reports, expenditures are classified into three functional categories (social, administrative, and capital expenditures) and two economic categories (operating expenditures and capital), not by programme, except the nine above-mentioned Ministries that are doing it at present.

- **Mid-year and end-year reports.** There is no mid-year report, reflecting the fact that there is no formal review of the budget implementation in mid-year, even when amending finance acts exist. However, the preliminary results from the execution of the State budget were prepared by the DGRE of the Ministry of Finance as required by the OBL, the international standards, and the Special Data Dissemination Standard (SDDS). The end-year/mid-year report included the main financial ratios according to international standards (IMF 1986 classification), essential information on the public debt, and expenditures classified by three functional categories (personnel, operations, and capital) and two economic categories (function and capital) (Ministry of Finance, 2013). There was no classification by programme. Annual financial statements (or management accounts of public finances or consolidated statements of the authorising officers' expenditures) are not published and publicly available, as they are considered confidential documents. The general declaration of conformity between the accounts of public accountants and the general account of the financial administration, issued by the Court of Auditors, is used by the Ministry of Finance to prepare the State's general account, which is not public and includes information on the balances of all accounts and a summary of revenues and expenditures, alongside information on the budget and public debt. On the other hand, the annual report of the Court of Auditors presents the result of its work, including its controls for all the entities within its jurisdiction and an analysis of the major public and financial policies for the year. It also makes recommendations to the government and is now available on its website.
- **Draft budget review act (BRA).** This report is prepared by the Ministry of Finance and sent to the Audit Court, which checks it and produces a declaration of conformity. The two documents are then sent to the government and then to the Assembly to be voted upon as the final budget law. The budget review act is published in the Official Journal of the Tunisian Republic (JORT), but is only available on request and in a summary form. Additionally, the

preparation time of the BRA has been reduced but is still relatively long.

- **Report preliminary to the elections.** There is no specific report produced prior to elections.
- **Long-term report.** There is no report on the long-term sustainability of current government policies.

Disclosures, accounting policy, control, and financial accountability

- **Accounting policies.** Summaries of the policy used in accounting do not accompany the DFA and attached documents. Among the documents that could be examined, only the provisional results of the State budget's execution for the end-2012 and midyear-2013 indicated the accounting methods used. It could not be determined whether this discussion is generally included in other budget reports.
- **Systems and responsibility.** The reports examined do not entail any declaration of responsibility issued by the Ministry of Finance and the high-level official responsible for preparing the report certifying that all government decisions having a budget impact have been included in the report, or that the Ministry of Finance has used its best professional judgment and expertise in preparing such documents. It should be noted that an effective and reliable system of internal financial controls exists, including for external audit, although considerable misappropriations were committed under the former regime.
- **Audit.** The Audit Court applies the guidelines on financial control (ISSAI) proposed by the International Organisation of Supreme Audit Institutions (INTOSAI), and more generally, its working methods are solid and modern. The National Audit Court's annual report, which contains observations on the financial administration of ministries and public agencies subject to its control, is now publicly available on its website. However, the compliance report on the Finance Act, which is established by the Court of Auditors and submitted to the Assembly at the same time as the Budget Review Act, is not published.
- **Control by the Assembly.** While the "Draft budget review act is submitted to a vote under the same conditions as the DFA"⁴, there is no indication that the Assembly actually examines the documents sent by the Audit Court. While, in principle, the Assembly has the

legal ability to examine the budget reports, it lacks the human and material resources needed to conduct an effective review.

- **Public scrutiny of the budget.** The Ministry of Finance is now actively promoting a wider understanding of the budget process among citizens and non-governmental organisations. For example, it has established a mixed commission for financial transparency made up of officials and representatives from civil society.

In conclusion, it appears that the preparatory documentation accompanying the DFA and related to adopted laws, is abundant and of good quality. It is also relatively accessible to the public, although the websites of financial authorities are in need of improvement. The transparency of the financial year-end documentation could also be substantially improved.

Recent progress in implementing policies on financial transparency

The Action Plan on open access to information contains tools to facilitate proactive publication of information (such as internal manuals, standardised websites, etc.) and the active communication to citizens of the new opportunities and rights offered by the new law together with information on how to claim them. A detailed list of internal measures to be deployed to prepare public bodies to implement the law (HR system modifications, training, creation of internal regulations, etc.), together with a calendar of activities for the main public bodies, completed what must be judged a well-structured and results-oriented plan. If the new law is approved, it would be strongly advisable to adapt the old plan to the new law and to continue its implementation along equally ambitious lines.

In 2011, The High Authority for the achievement of the Revolution Objectives, the Political Reform, and the Democratic Transition (*L'Instance Supérieure pour la Réalisation des Objectifs de la Révolution, de la Réforme Politique et de la Transition Démocratique*) has passed several decree-laws in the broader area of civic engagement. Particularly relevant are the Laws on the Freedom of the Press (No. 2011-115 of 2 Nov 2011), on Associations (No. 2011-88 of 24 Sept 2011) and on Political Parties (No. 2011-87 of 24 Sept 2011), building on the constitutional provisions discussed above. In order to be fully aligned with international standards, OECD principles and good practices, and as proposed by several national and international NGOs, Tunisia could consider revising some of these laws, for example by including online media in the Law of the Press. The freedom of electronic and printed media is among the elements included in OGP eligibility criteria no. 4 as a prerequisite for real and effective citizens' engagement.

As a further demonstration of Tunisia's adherence to open governance, the Ministry of Finance opened its new website in 2013: <http://v2.portail.finances.gov.tn/>, which contains a great deal of general information and provides links to the websites of the country's main financial and banking authorities, such as the Bank of Tunisia, and a second site reaffirming the government's commitment to performance-based budget management (GBO) (the Computer Center relating to the Ministry of Finance, CIMF, 2011a).

The expected online publication will substantially expand the number of documents on the budget available to the public and enable a more participatory monitoring of the State's budget execution, including, in accordance with the special regulation on disclosing data, the annual report on public finances, the annual performance report, the draft final budget settlement, and the internal platform for an open budget (BOOST). These directives apply to the drafting of the State budget for the following year, including publication of circulars on budget preparation and on reporting performance of public policies, the draft annual report on the overall budget balance, the medium-term expenditure framework, and sector expenditure frameworks.

This circular on budget preparation foresees the publication of a large number of documents: the presentation of the DFA, approved by the Council of Ministers, the report on the draft budget for the State and for certain ministries by expenditure category, the text of the Finance Act following its ratification, the report on the annual performance-based budgeting projects of the pilot GBO ministries, as well as the annual performance projects by government mission, following their approval. It also refers to the planned publication in 2014 of a *citizens' budget*, in order to make available a simplified version of the draft budget approved by the Council of Ministers. For 2014, the number of ministries with both performance-based and GBO-based budgets (as well as traditional budgets) was increased from four to nine, with the Ministry of Finance included. Unlike in previous years, the documents are posted as portable document formats (pdfs), rather than scans, facilitating analysis (although it does not appear that the information is available in a spreadsheet format as of yet).

As of mid-March 2014, the latest monthly budget execution report and public debt report posted online were both for December 2013, the former presenting the provisional end-year budget.

The mixed commission on financial transparency to develop a "citizen's budget", referred to above, will advise the ministry, strengthen monitoring, and formulate recommendations on the Ministry of Finance's activities to improve access to information. It is also charged with

supporting co-ordination of reforms across the ministry's different units and co-operating with civil society on financial transparency. Its membership includes high-level officials and the main civil society organisations in Tunisia, working on transparency and open governance.⁵ Since July 2013, this commission held five meetings during which a constructive dialogue was established between the government and civil society on financial transparency.

In this spirit of transparency, the Ministry of Finance launched a new version of its web portal on 7 July 2013, www.finances.gov.tn, which is accessible in Arabic and French. This new portal publishes detailed budgets for the various ministries and local authorities (resources and expenditures) and provides ministry reports on the main issues managed by the Ministry (tax reform, confiscated assets, audits of public banks, etc.). It also has a column for the most recent publications, such as the monthly report on public debt. One should also note that the website for goal-based financial management (GBO) describes the programme's objectives as promoting governance, transparency, and performance, and offers a large number of documents on the modernisation goals for public finances.

It should also be stressed that Decree Law No. 41 of 2011 on access to administrative documents belonging to government entities has created the conditions for civil society to take advantage of the right to transparency in public finances, and it has encouraged the development of websites devoted to providing information and analysis for this purpose, such as www.opendata.tn/ or www.opengov.tn.

Although some of the websites seem to present information in a somewhat disorganised manner, one must note that the preparatory documentation accompanying the DFA and relative to the adopted law is abundant and of high quality. It is also relatively accessible to citizens, even if the financial authorities' websites would benefit from further improvement. The transparency of the financial documentation covering the state's financial position at the end of the year also requires substantial improvements.

Similarly, certain budget reports are either not prepared, remain confidential, or are published substantially after the appropriate date. Moreover, certain accounting principles, such as the certification of the accuracy of the documents by the minister or the director of the financial authority, and some information, such as the explanations for the evolution of expenditures and revenues, are not included in the documents. This is particularly the case for reporting on the budget's execution, though it should be noted that a lot of information pertaining to budget execution remains unpublished. In addition, the Assembly does not have all the means

to fulfil its mission, and has no tradition of using all of its budgetary and control powers. There is not an established tradition of seriously questioning the government's budget and audit submissions or contributing materially to the final product.

However, it must be emphasised that Tunisia is currently going through a highly complex and difficult transition, in economic, social, and geopolitical terms, and, despite the progress made leading up to the installation of the interim government in January 2014, it faces an unstable national political context that is likely to continue until the time that elections are held and a government with broad popular support takes office. In this environment, it is inevitable that there will be delays and setbacks, which makes it all the more important to recognise the achievements that have been made and continue to be made in budget transparency.

ICTs for fiscal transparency

Fiscal transparency is a specific requirement of the OGP and is an area where substantial efforts have been made in the recent past by the Office of the Prime Minister, including the Unit for e-administration, the Ministry of Finance, and other agencies. Before the Revolution and, not unexpectedly, during the transition, the public was able to review only aggregate data on revenues and budget at the level of the entire government. As detailed above, the situation has substantially improved over the past three years and continues to move forward.

After the Revolution, in which public anger over corruption and poor delivery of social services played an important role, vocal demands by civil society to disseminate budget information were at first met only slowly by the public administration. In response, an informal network of new and pre-existing civil society actors used the Internet and social media to spread their demands for more transparency – with considerable success. They found supporters within the national constituent assembly, which shared state budget information and planning numbers for the 2012 and 2013 fiscal years. The associations proved to be capable and willing to use this data to generate an inclusive and constructive national debate on how the state was then using resources, the need for more information, and the importance of responding to citizens' needs, as well as engaging them as active partners in decision making. The publication of detailed budget data was without precedent and reached well beyond the online sphere. Media, researchers, politicians and the general public for the first time had a common basis to scrutinise the national budget and suggest improvements (i.e. visualisation of the budget produced by a Tunisian economic journal using civil society provided data [Le MagÉco, 2013]).

To better respond to these higher societal demands, the Ministry of Finance in early 2013 set up a commission to develop a “citizens’ budget”. The collaboration with civil society representatives to produce this new product appeared to be of both parties genuine and has now produced a document, which is posted on the Ministry of Finance’s website in mid-January 2014. This experience demonstrates the heightened level of interaction between the international transparency community and civil society in Tunisia. Tunisian NGOs, such as Touensa, took advantage of the commission created by the Ministry of Finance and their own online presence to pick up on the suggestion for a citizen budget initially put forward by the International Budget Partnership (Touensa, 2013).

A major obstacle to more sophisticated analysis of fiscal information remains usage of dissemination formats in which the data cannot be easily re-used by researchers, journalists or citizens. The draft budget for 2013 was for example only available in the form of PDFs that contained scanned pages of the printed budget. The 2014 budget as adopted and other documents posted recently are in PDFs converted from the source document, which are still quite cumbersome to convert into spreadsheet’s or other formats suited for analysis. Re-use considerations should also ensure that licensing and other arrangements are supportive of wide diffusion of budget data.

In fact, Tunisia’s government should be able to make budget information accessible without major additional resource requirements, having at its disposal a state-wide IT system to record budget allocations and disbursements, the ADEB, managed by the Ministry of Finance. ADEB, used for public expenditure, is part of a suite of online financial management systems, which include AMED for budget preparation and budget documentation, INSAF for payroll management, RAFIC for revenue management, SIADE for managing public debt, SINDA for automated customs information, PGT for domestic payment management, SYGER for citizen complaints made to citizen relations offices, TGT for cash management and the SADEC system used by the Tax Control Services (the Computer Center relating to the Ministry of Finance CIMF, 2012). This constellation of different technical systems, contributing to a comprehensive accounting carried out by the Treasury, represents a significant risk factor.

The integration of the overall transparency programme with budget transparency initiatives is also overseen by the E-Administration Unit in the Prime Minister’s office, which is closely involved in both these initiatives.

Recommendations⁶

The foregoing discussion and the parallel OECD study of fiscal transparency in Tunisia points to a large number of possible improvements

that could be made to further strengthen the transparency of Tunisia’s public budgeting system. To aid in considering these proposals for possible inclusion in reform initiatives – beyond the OGP Action plan –, this section groups the recommendations from both OECD studies into nine initiatives based on the OECD budget transparency framework presented earlier. In each area, several possible actions are suggested. A tenth set of proposals addresses management of the reform process itself. Reforms in the area of budget transparency that relate more directly to integrity will be included in the proposals at the end of the chapter on integrity, which will follow this chapter.

The ten initiatives may be summarised as follows:

Budget reporting

- **Budget format:** bring the budget documentation into alignment with international standards and present information in ways that facilitate understanding and use by members of the Assembly, citizens, and others.
- **Non-financial information:** expand the availability of non-financial information on the budget and its impact.
- **Performance budgeting:** move in a systematic manner to adopt performance-based budgeting that links budget expenditures to outcomes.

Disclosure and accounting standards

- **Accounting/information systems:** harmonise and strengthen government accounting systems to bring them into alignment with each other and with international standards; increase the standards of government websites with regard to information disclosure on financial and integrity matters
- **Assembly:** reinforce the scope of the Assembly’s role in the budget cycle.
- **Access to information and documentation:** ensure public access to government budgetary and financial information.

Control and accountability

- **Auditing:** strengthen all elements of the auditing system.
- **Professionalism:** increase the professionalism of civil servants in financial matters, particularly public audit and accounting professionals.

- **Discipline and enforcement:** strengthen systems for ensuring financial compliance.

Reform management

- **Establish an integrated plan** for financial transparency and integrity reforms with clear and achievable targets.

Notes

1. Decree 82-6 of 5 January 1982.
2. Decree 82-7 of 5 January 1982.
3. www.pm.gov.tn/pm/article/article.php?id=21&lang=fr; the Oversight Commission for the House of Councillors has now presumably been disbanded, given that Tunisia's second house of the Assembly was disbanded by the 2014 Constitution.
4. Article 48 of the OLB.
5. NOUR Association, Transparency FIRST, the Association for the International Budget Partnership, OPEN GOV Association (Opengov.tn), Association of Tunisians for Monitoring and Vigilance, I WATCH, and the Tunisian Association of the Alliance for Integrity and Transparency.
6. An extended version of the recommendations can be found in Annex 3.1.

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Annex 3.1

Supporting the budget transparency reform measures in Tunisia

What follows are specific proposals to support achievements of the reform measures described in the budget transparency chapter and highlighted in the final set of 10 recommendations.

Recommendations

The foregoing discussion and the parallel OECD study of fiscal transparency in Tunisia points to a large number of possible improvements that could be made to further strengthen the transparency of Tunisia’s public budgeting system. To aid in considering these proposals for possible inclusion in reform initiatives – beyond the OGP Action Plan – , this section groups the recommendations from both OECD studies into nine initiatives based on the OECD budget transparency framework presented earlier. In each area, several possible actions are suggested. A tenth set of proposals addresses management of the reform process itself. Reforms in the area of budget transparency that relate more directly to integrity have been included in the proposals at the end of the chapter on integrity, which follows this chapter.

Budget reporting

1. **Budget format:** bring the budget documentation into alignment with international standards and present information in ways that facilitate understanding and use by members of the Assembly, citizens, and others.
 - Budget analyses. Incorporate essential analyses of the budget in the draft budget and post these online at the same time that the documents are presented to the Assembly. Necessary budget analyses include:
 - Expenditure review: Include an analysis of expenditures from the current fiscal year in the draft budget.

- An analysis of financial assets and liabilities, non-financial assets, pension obligations for public employees, and potential liabilities, including an analysis of the public debt.
 - Comparative information on collections and expenditures for the year in progress and the past year for each programme.
 - An analysis of tax expenditures.
 - Medium-term perspective. Present a medium-term perspective in the draft budget, building on the current practice of integrating the economic and social development plan into the draft budget.
2. **Non-financial information:** expand the availability of non-financial information on the budget and its impact.
- Include additional non-financial analyses needed to inform the budget consideration. These include:
 - A long-term report assessing the sustainability of the government's current policies over the long term (beyond five years).
 - Detailed commentary on each article of collection and expenditure, supplementing the figures presented.
 - An analysis of the economic hypotheses underlying the budget projects, based on the economic budget already prepared by the Ministry of Development and International Co-operation.
 - Statement of responsibility, in which the Ministry of Finance and the high-level official responsible for preparing the report certify that all government decisions having a budget impact have been entered into the report and affirm that the ministry has used its highest professional standards to complete the budget.
 - Make the explanatory notes on proposed budget items available to the public.
 - Break down the appropriations voted by the Assembly into the detailed budget nomenclature.
 - Provide the appendices along with the DFA on the same date mandated for the DFA filing.

- Improve the DFA by relying on credible macroeconomic assumptions, in terms of both revenues and expenditures, and by incorporating a realistic level for all compulsory expenditures (those mandated by law).
 - Publish the Decree on the apportionment of appropriations more rapidly, ideally within 15 days of the publication of the Finance Act.
 - Provide, along with the DFA, a report on economic, social, and financial prospects. This document would specify the assumptions on which the government is basing its plans for the next four years, thereby increasing the degree of budget transparency and accuracy.
 - Draft a report, to be presented by the government to the Assembly, which sets the level of compulsory levies over the next two years.
 - Include an explanation of the accounting policies used in the documentation for the DFA.
3. **Performance budgeting:** move in a systematic manner to adopt performance-based budgeting that links budget expenditures to outcomes.
- Continue the expansion beyond the nine current pilot ministries for the performance-based budget, as well as continuing to upgrade the methods used in the pilot ministries.
 - Establish a timeframe for inclusion of non-financial performance data in the budget documents provided to parliament and the public.
 - Develop a plan to shift the control mechanisms of all actors from a strictly means-based approach to one incorporating an outcomes-based approach.
 - Develop a methodology for outcome assessment, together with a practical guide for its use and other steps to establish a culture of outcome measurement by assessing needs and making appropriate investments.
 - Assign to the Controller of Public Expenditures the responsibility to track programme indicators and make them more reliable.

- Build the capacity of the Controller for Public Expenditures to begin exercising an *ex post* control focused on outcomes as well as expenditure, which will require reinforcing its evaluation capacity at the activity and programme levels, including its ability to assess the impact, of the economy, and the efficacy and efficiency of public expenditures.

Disclosure and accounting standards

1. **Accounting/information systems:** harmonise and strengthen government accounting systems to bring them into alignment with each other and with international standards; increase the standards of government websites with regard to information disclosure on financial and integrity matters.

- Expand collaboration with civil society on budget transparency by establishing a mixed commission on financial transparency made up of officials and representatives from civil society as a forum to discuss budget transparency and provide accountability for availability of documentation in a timely manner in order to improve access to information; include Ministry of Communications staff or others with expertise in IT systems, such as the state-wide IT system to record budget allocations and disbursements (ADEB).
- Provide budget documents in appropriate formats, with all documents prepared using PDFs that are converted from the source document rather than scanned and, to a degree possible, provide summary budget information in downloadable spreadsheet format as an alternative.
- Establish as soon as possible a general accounting system for the government that ensures consistency with international accounting standards (IPSAS), and that gives decision makers the means to assess the exact position of the state of public finances, constituting PBB as an important aspect of such reform. Allocate to this end sufficient human and material resources.
- The constellation of different technical systems (RAFIC, ADEB, SINDA, SADEC, SIADÉ), contributing to a comprehensive accounting carried out by the Treasury, represents a significant risk factor. Tunisia should continue, as part of its efforts to implement performance-based budgeting, to set up an information system enabling it to have an accounting system based on the general accounting principles. Additionally, it might assess the risks caused by the existence of various information systems and ensure compatibility between them.

- Keep official websites up-to-date by clearly defining follow-up procedures and workflows.
 - Take advantage of new, streamlined approaches to e-procurement to reduce the cost of customisation and make greater use of in-country private sector firms, including those funded to date by international donors, to strengthen innovation, job creation, and export capacity in the domestic ICT sector.
 - Establish a full and prioritised timetable for the reform, with systematic steps and measures to implement it.
 - Ensure compliance with the hierarchy of standards (Constitution, Organic Budget Law, Public Accounting Code) in implementing the reform.
 - Ensure compliance with the social and statutory rights of the public officials involved in the reforms.
 - Provide codes of ethics adapted to the various functions.
 - Clarify the legal conditions for giving public accountants a debit balance, a disclaimer, or a forgiveness of debt on the balance sheet to make these procedures really effective. On the one hand, decisions on debit balances should be made faster and more frequent, and, on the other, the conditions for disclaimers and debt forgiveness should be explained and enforced.
2. **Assembly:** reinforce the scope of the Assembly’s role in the budget cycle.
- Establish a revised timeframe for submission to the Assembly of the draft finance law and supporting budget documents that provides a sufficient timeframe – at minimum three months – for real review.
 - Provide in the programming of parliamentary work enough time, and an appropriate time slot, for the review of the BRA; the plenary session of this review could be broadcast by the media.
 - Organise a parliamentary budget debate prior to the government’s preparation of the DFA in order to examine the main lines of action that the government intends to incorporate into the DFA, as well as to provide a multiannual budgetary perspective and a complete picture of the country’s economic situation.

- Enhance the role of parliamentary committees by giving them more material and human resources; strongly encourage the members of Parliament to participate in these committees to build a culture of active parliamentary oversight of the executive.
 - Ensure that the late filing of the DFA causes a debate at the Assembly, which could lead to a vote of no-confidence for the government. Build the capacity of the Assembly (PRA) staff capacity by conducting a series of training programmes for staff and allocating funds for appropriate expertise and hardware to support parliamentary budget analysis and review.
 - Ensure the best possible public visibility for the Assembly work by all appropriate means (the press, Internet, radio and television), by providing current and understandable information to citizens; and developing a culture of informing citizens in Parliament, for example by recruitment of communications professionals, and training of staff in communications skills.
 - Publicise the activities of members of the Assembly (meetings, activities, etc.) and expand the ability of the public to attend parliamentary sessions.
 - Establish a public registry of lobbyists in the Assembly.
 - Protect the integrity of the parliamentary vote by placing a legal ceiling on the transfers, deferrals, and cancellations of appropriations the government is allowed to perform, based on a fixed percentage of total approved appropriations.
 - Establish a report, to be presented by the government to the Assembly, which sets the level of statutory contributions for the next two years.
 - Members of the Assembly need to possess the right to change the DFA in order to fully perform their duties and, as a consequence, have the right to increase certain expenditures. To prevent abuses, it may be advisable to give parliamentary groups the right to propose amendments that increase spending.
3. **Access to information and documentation:** ensure public access to government budgetary and financial information.
- Strengthen public availability of financial reports by making end-year financial reports and the audit reports on the financial statements available on the Ministry of Finance website on a

timely basis, based on a published standard. In particular, the transparency of the financial year-end documentation would require substantial improvements.

- Publish the general account of the State and the certification report of the BRA established by the Court of Auditors.
- Confer to all the reports issued by the Court of Auditors the level of publicity required for good transparency, by adopting a policy of systematically publishing all its work in a clear manner suited for the general public.
- Gradually roll out websites disclosing information on public tenders, contracts awarded, providers that have been debarred or excluded from public tendering processes due to irregularities, as an aid to the monitoring of implementation as well as procurement.
- Make preparations to establish an independent administrative authority to oversee implementation of access to information legislation and make recommendations to the government; it would be advantageous to establish international co-operation to support this, leading to a twinning partnership with a foreign authority that has extensive experience in this field.
- Ensure the implementation of the Action Plan on open access to information, by, in particular, enforcing the application of the concept of administrative document, and publicly listing any exceptions to the right to open access in the area of budgetary and financial information.
- Facilitate access to documents by CSOs and journalists and guarantee the confidentiality of sources of the latter.
- Assess the treatment by the Administrative Court of the appeals presented before it on requests to access documents that have been denied; examine the use of summary proceedings.

Control and accountability

1. **Auditing:** strengthen all elements of the auditing system.

- Develop a closer working relationship between the Audit Court and the Assembly, enabling the latter to ask the Court to conduct investigative and control assignments, and reserving parliamentary work sessions for examining the Court's reports, including a plenary session for its annual report.

- Foster a culture of internal control and auditing based on international practices and standards through, for instance, the formulation of an audit charter defining the tasks of auditors and establishing training programmes designed to raise the awareness of all civil servants to internal control challenges.
- Increase performance audits as a necessary complement to financial audits to measure and verify the outcomes reported.
- Enable the Court of Auditors to perform its tasks according to professional standards and practices by allocating resources to ensure that its staff (judges and clerks) have all the necessary skills and functional specialisations, in particular, modifying the responsibilities of the Court of Auditors to include conducting performance audits and strengthen its organisational and staff capacity in assessing performance.
- Promote a better understanding of its work by adopting a policy of systematically publishing all its work in a clear manner suited for the general public. For example, publishing the general account of the State and the certification report of the Budget Review Act established by the Court of Auditors.
- Currently, the Budget Review Act (BRA) is generally drafted two years after the fiscal year it covers. This timeframe is long and makes it irrelevant. The Court of Auditors and the administrations involved in drafting it should provide the means for considerably reducing this production time, setting a one-year timeframe for Court of Auditors and the administration to draft the BRA and develop a plan to implement this schedule. Additionally, give the Court of Auditors the means to monitor its observations on the BRA.
- Establish an Audit Committee responsible for co-ordinating the planning of audit assignments and following up on the recommendations made in the audit reports; this committee would be composed, according to professional standards, of internal and/or external experts, and would report to the highest level of the State and facilitate bringing current practices more in line with international professional standards.
- Guarantee the greatest possible organisational and financial autonomy and the professionalism of the Court of Auditors, according to professional standards such as INTOSAI, giving

the Assembly the power to appoint its members, enhancing its independence, especially from the executive branch.

- Create a general auditing service by, merging the Offices of the Controllers General for Public Departments, Finances, and State Property and Land Affairs into a single permanent auditing body, in charge of the following tasks: auditing any public organisation and providing advice on management.
 - Strengthen the roles of the ministerial inspectorates. To this end, it would be useful to consider possible mergers between inspectorates and general inspectorates whose scope of activity is similar, and to guarantee to each member of these bodies the right to personally address the Audit Committee.
 - Modernise the legal process that the authorising officers are subject to by defining more clearly the conditions under which they can be sued before the Financial Disciplinary Court.
 - Develop a control system based on a partnership between the Control of Public Expenditures and the accountant so as to eliminate redundancies, especially in regard to line allocation, the availability of appropriations, and the link between the budget settlement and stock accounting.
2. **Professionalism:** increase the professionalism of civil servants in financial matters, particularly public audit and accounting professionals.
- Transform the control mechanisms of all actors from a means-based to an outcome-based approach and develop a methodology and its accompanying practical guide, know-how, and a culture of outcome measurement by assessing needs and making appropriate investments.
 - Set up the Auditor Basic Statute, which establishes the auditor's competencies and prerogatives, in order to really ensure its independence, objectivity and transparency.
 - Reinforce risk management, in particular planning of audit according to a risk-map.
 - Foster a culture of internal control and auditing, based on international practices and standards through, for instance, an audit charter setting the auditors' tasks and establishment of training programmes designed to raise awareness of all the civil

servants on the need for internal control and the challenges associated with them.

- Develop procedures and reference manuals to contribute to the establishment of the internal control function in government units.
 - Organise effective training to establish internal control based on both recognition of the importance of this role and improved process capabilities.
 - Develop a plan and mobilise resources to shift the role of the accountant from strictly financial control to control of performance and indicator outcomes, developing new procedures and tools incorporating new technologies and information systems, and setting in motion training programmes and management change programmes to support this shift.
 - Modernise the burden of the legal responsibility for authorising officers by more clearly defining the conditions governing their liability before the Court of Fiscal Discipline.
 - Give the authorising officer more flexibility in the use of appropriations through the transferability and fungibility of appropriations; grant him/her more freedom to manage staff, real estate, and procurement.
 - Increase the responsibility of the authorising officers giving them the adequate means to oversee budget management, expenditure flow, and management control and analysis. This would result in sharing some resources in the ministerial administrative and financial departments and allocating sufficient human and material resources to each head of these departments. All of this would involve internal oversight services. The officer will have to develop his/her own management control.
3. **Discipline and enforcement:** strengthen systems for ensuring financial compliance.
- Broaden the role of the Financial Disciplinary Court by more systematically bringing action before the Court, broadening its jurisdiction *ratione personae* to national and local elected officials, and, if possible introducing stricter sanctions and automatically publishing its decisions.

- Strengthen existing mechanisms for complaint and redress managed by the Committee of Dispute Settlement.

Reform management

1. **Establish an integrated plan** for financial transparency and integrity reforms with clear and achievable targets.
 - Guide the reform of the public accounting system towards the development of a system that gives decision makers the means to establish the exact position of the state of public finances, recognising that performance-based budgeting constitutes an important aspect of such reform.
 - Establish a full and prioritised timetable for the reform and for the measures to implement it; this timetable would set intermediate steps in the reform.
 - Roll out the pilot e-procurement systems, TUNEPS, and provide training to public officials as well as potential bidders.

Chapter 4

Tunisia's policies for public sector integrity

Integrity and anti-corruption policies are closely linked with Open Government principles and practices, as transparency and openness are powerful anti-corruption tools. This chapter explores the various components of Tunisia's integrity system, with a particular focus on their impact and the contribution that citizens can make to their effective deployment. Tunisia's policies and institutional arrangements are benchmarked against OECD integrity principles and examples are provided based on OECD countries' good practices highlighting the functioning of public sector and civil society institutions to fight corruption. The chapter closes with ad hoc recommendations on how to consolidate the transparency and integrity of Tunisia's public administration.

Introduction

The Open Government agenda is strongly linked to those on anti-corruption (AC) and integrity through the concept of transparency. Public sector transparency is a powerful anti-corruption tool: it makes information relevant to the fight against corruption available, helping civil society organisations and interested citizens monitor public activities, potentially leading to the identification of corruption and enabling efforts to tackle it. Research has demonstrated transparency's effectiveness in reducing diversion of funds, to cite one example (Reinikka and Svensson, 2005).

On the other hand, transparency in policy making allows for better policy design and increases the likelihood of successful implementation. When citizens are consulted, government policies are more in line with citizens' needs and expectations, leading to better compliance. In the field of anti-corruption policies, governments that consult citizens and other stakeholders, including business and civil servants, on AC policy design will be able to develop initiatives that target corruption more effectively.

Given these two perspectives, this chapter examines the issue of Open Government in Tunisia from two integrity angles:

- Transparency and openness for fighting corruption, which means having a system of laws, regulations, institutions and procedures that promotes the active engagement of civil society organisations, the private sector, media, the civil service, and ordinary citizens in the fight against corruption.
- Open and inclusive anti-corruption policy making, which means having processes that allow for citizens and civil society organisations to contribute to policy making in the area of anti-corruption.

OECD principles for fighting corruption

The OECD has been at the forefront in developing policies and tools for the fight against corruption. The OECD's work on corruption accelerated during the late 1990s with the successful negotiation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions in 1997.¹ Forty countries have now signed onto the convention, including a number of non-OECD countries.

The latest of these are Russia and Colombia, which both ratified the convention in 2012. To date, no MENA country has signed the agreement, however.

In 1998 the OECD issued the Recommendation on Improving Ethical Conduct in the Public Service, which set the basis for an integrated approach to fighting corruption. The recommendation specified twelve principles to guide government action in this area.

Box 4.1. OECD principles for improving ethical conduct in the public service

1. Ethical standards for public service should be clear.
2. Ethical standards should be reflected in the legal framework.
3. Ethical guidance should be available to public servants.
4. Public servants should know their rights and obligations when exposing wrongdoing.
5. Political commitment to ethics should reinforce the ethical conduct of public servants.
6. The decision-making process should be transparent and open to scrutiny.
7. There should be clear guidelines for interaction between the public and private sectors.
8. Managers should demonstrate and promote ethical conduct.
9. Management policies, procedures and practices should promote ethical conduct.
10. Public service conditions and management of human resources should promote ethical conduct.
11. Adequate accountability mechanisms should be in place within the public service.
12. Appropriate procedures and sanctions should exist to deal with misconduct.

Source: OECD (1998), “Recommendation of the Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service”, OECD, Paris, <http://acts.oecd.org/Instruments/ShowInstrumentView.aspx?InstrumentID=129&InstrumentPID=125&Lang=en&Book>.

The fight against corruption requires that these principles be translated into a governmental ethics infrastructure that is carefully designed and implemented with determination. Box 4.2 defines the three essential elements of the ethics infrastructure, which include guidance, management, and control. This concept also recognises that the ideal mix and relative importance of these functions will depend on the cultural and political-administrative environment of each country.

Box 4.2. The Ethics Infrastructure

A well-functioning Ethics Infrastructure supports a public sector environment which encourages high standards of behaviour. Each function and element is a separate, important building block, but the individual elements should be complementary and mutually reinforcing. The elements need to interact to achieve the necessary synergy and become a coherent and integrated infrastructure. The elements of infrastructure can be categorised according to the main functions they serve – guidance, management and control – noting that different elements may serve more than one function.

- **Guidance** is provided by strong commitment from political leadership; statements of values such as codes of conduct; and professional socialisation activities such as education and training.
- **Management** can be realised through co-ordination by a special body or an existing central management agency, and through public service conditions, management policies and practices.
- **Control** is assured primarily through a legal framework enabling independent investigation and prosecution; effective accountability and control mechanisms; transparency, public involvement and scrutiny.

The OECD has conducted extensive research and consultations with members regarding how to develop an effective ethics infrastructure. This work has identified two main approaches to programming for integrity and ethics: the “values-based” approach and the “rules-based” approach.

A rules-based approach emphasises the importance of external controls on the behaviour of public servants, stresses formal and detailed rules and procedures, and relies on monitoring and enforcement, whereas a values-based approach focuses on guidance and “internal” control, i.e. control exercised by the public servants on themselves, stresses improving understanding and daily application of values to improve ethical decision making, and relies on interactive training sessions, workshops, ambitious codes of values, individual coaching, and social pressure to strengthen integrity values.

The OECD has developed a checklist to assess national ethics infrastructure in both areas, including integrity instruments, processes, and structures used to implement it. The checklist is summarised in Box 4.3. The complete checklist can be found in the OECD report, *Towards a Sound Integrity Framework* (OECD, 2009b). A companion study (OECD, 2009a) provides an extensive set of country case studies comparing how various countries have structured their ethics and integrity infrastructure. Both the checklist and the case studies may be useful to Tunisia's integrity community as it considers how best to strengthen the country's ethics infrastructure.

A valuable lesson learned in the past decade is that the most effective integrity management frameworks combine both approaches by:

- Preventing corruption and reducing integrity violations through mapping integrity-risks and installing counter measures.
- Promoting integrity through stimulating understanding, commitment and capacity for ethical decision making.

Box 4.3. OECD Checklist for Integrity Instruments, Processes, Structures, and Conditions for Implementation

1. Determining and defining integrity

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|--|--------------------------------|
| • Analysis of risks to integrity | • Conflict of interest policy |
| • Analysis of ethical dilemmas | • Gifts and gratuities policy |
| • Consultation of staff and stakeholders | • Post-employment arrangements |
| • Code of conduct/code of ethics | • Non-written standard setting |
-
- Structural measures in the core of the framework: separating functions (the four-eyes principle); rotating functions; other structural measures.
 - Measures in personnel management: integrity emphasised in recruitment; integrity as criterion for selection (e.g. background checks); ensuring sufficient diversity among staff; providing employees with clear job descriptions; integrity as criterion for evaluation and promotion; integrity as competency in competency management.
 - Measures in financial management (e.g. appropriate procedures for procurement and contract management).
 - Measures in information management (e.g. protecting automated databases).

Box 4.3. OECD Checklist for Integrity Instruments, Processes, Structures, and Conditions for Implementation (*cont.*)

- Measures in quality management (e.g. reviewing the quality assessment tool).

2. Guiding towards integrity

- Exemplary behaviour by management.
- Integrity training.
- Oath, signing an “integrity declaration”.
- Integrating integrity in the regular discourse: announcing the integrity policy through internal and external communication; regular discussions of ethical dilemmas in official internal communications; institutionalising regular discussions of ethical issues in staff meetings or individual supervisor/employee meetings; creating an open culture of communication
- Coaching and counselling for integrity.
- Assessing the fairness of personnel management processes: fairness of recruitment and selection; fairness of promotion and reward.

3. Monitoring integrity

- Whistle-blowing system: accessible procedures for reporting misconduct; protection for whistle-blowers.
- Citizen complaint system.
- Actively searching for individual integrity violations: social control by colleagues; daily supervision by supervisors, management control; formal controls (inspection); early warning systems; social control by stakeholders.
- Organisational-level mapping of integrity violations and integrity dilemmas: systematic registration of complaints, investigations, etc.; survey-measurement of integrity violations and integrity dilemmas; informal probing for ethical dilemmas and issues among staff.

4. Enforcing integrity

- Informal sanctioning, as a consequence of social control or daily supervision.
- Fair and appropriate procedures for investigations and sanctions.
- Appropriate processes for internal and external communication about integrity violations.
- Instruments in the outer context: mechanisms of external control and audit; mechanisms for public scrutiny (e.g. social witness); ethics laws; laws on party and election financing; rules on lobbying.

Source: OECD (2009b), “Towards a Sound Integrity Framework: Instruments, Processes, Structures and Conditions for Implementation”, OECD, Paris, [www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=GOV/PGC/GF\(2009\)1](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?doclanguage=en&cote=GOV/PGC/GF(2009)1).

Assessment of Tunisia's policies and institutional arrangements for transparency, openness, and fighting corruption

This section reviews the Tunisian instruments (e.g. laws, policies and institutional arrangements) that create an environment and governance mechanisms for the fight against corruption and facilitate citizens' active contribution to this fight. An assessment of anti-corruption activities in several specific issue areas follows the overall assessment.

International agreements

Clearly defined integrity standards are the starting point for any country that wishes to seriously engage in the fight against corruption. When the rules of the game are clearly established, all stakeholders have a sufficient degree of certainty on which to operate, authorities have guidelines upon which to build their anti-corruption work and the country has goals to work toward. Beyond that, when a country signs onto an international agreement, such as the UN Convention Against Corruption (UNCAC), it not only signals to the rest of the world its seriousness in this area but also commits to its own citizens. Once a country signs UNCAC or another international anti-corruption agreement, national civil society organisations can use this commitment to monitor how (and whether) the country is progressing towards a stronger integrity system by actively monitoring the efforts made by authorities to comply with the provisions of the agreements.

In this regard, since the revolution, Tunisia has strived to improve its legal framework by working towards implementing commitments it has agreed to at the international and national level. An analysis of the provisions contained within UNCAC, which the country ratified in 2008, was conducted as well as Tunisia's laws so that gaps could be addressed through modifying the country's laws and administrative mechanisms. The country is also a signatory of the African Union Convention on Preventing and Combating Corruption, but this has not yet been ratified by the National Constituent Assembly. I Watch, one of the most active Tunisian civil society organisations in this field, has monitored the country's UNCAC implementation process and contributed to the self-assessment conducted by the Tunisian authorities (which is part of the UNCAC official review process), providing its own evaluation on the gaps Tunisia still needs to close to comply with UNCAC.

The 2014 constitution

The new Constitution enshrines principles and institutions that guarantee a level of Open Government and integrity compatible with the requirements of international conventions and other instruments, such as the Open Government Partnership:

- Art. 10 of the Constitution establishes that the Tunisian state should have in place mechanisms to fight corruption.
- Art. 15 establishes that the public administration should be submitted to the rules of transparency and integrity.
- Art. 32 guarantees the right of access to information for all Tunisian citizens.
- Art. 117 establishes that the annual report produced by the Court of Accounts should be presented to the President of the National Assembly, the Head of Government and the President of the Republic and should be disclosed publically.
- Art. 130 constitutionalises the National Authority for the Fight Against Corruption, which represents significant progress in reducing the potential vulnerability of institutions working on transparency and anti-corruption.

The penal (or criminal) code and Tunisia’s anti-corruption strategy

The penal code is the document that codifies most criminal offences in a country. Although seemingly unrelated to Open Government and transparency, criminalising corruption is necessary to enable transparency, as it provides grounds to request increased transparency in several public processes and institutions as a means to fight the crime of corruption. In other words, if certain categories of corruption are not criminalised in a given country, the argument demanding transparency and determining whether these acts have occurred will be less powerful in these cases, permitting those potentially involved to hide behind other rights, such as the right to privacy or administrative privilege.

In order to comply with UNCAC, most signatory countries have therefore modified their criminal codes to ensure that corruption in all its many forms is criminalised and that both public and private parties involved in such acts are subject to prosecution. Tunisia’s criminal code (Article 91) punishes with jail sentence and fine all those who try to or actually corrupt public officials through gifts or promise of gifts, presents, or advantages in order to obtain an undue benefit; however, the Code falls short as it appears

to define corruption mainly as bribery and embezzlement (Chapter III) while corruption includes many other practices, such as abuse of power, nepotism, and illicit enrichment. The first cycle of the UNCAC implementation review will highlight the aforementioned gaps, and may identify additional loopholes in both the Penal Code and the Criminal Procedures Code. Tunisia can choose to amend its penal code or pass new legislation to address these gaps.²

The country is also developing a comprehensive anti-corruption strategy, based on a roadmap published in December 2012.³ A first draft of the strategy has not yet been made publically available, however. A participatory approach in building such a document is critical to increase the likelihood of successful implementation, because the strategy's value lies in part in its role as a contract, between the State and the rest of society, to fight corruption. Consultations with sector ministries and stakeholders both inside and outside the government are therefore an important step paving the way for implementation of the strategy itself.

Government institutions for the fight against corruption

Beyond laws, public institutions working on anti-corruption and the management style that they practice have an impact on whether citizens and civil society organisations are allowed or moreover have incentives to contribute to official policy on AC. Tunisia's public administration needs to develop a culture of openness and participation and shed the culture of secrecy, inherited from the previous regime. Changing this mentality will require both hard work and time. For example, even authorities at the forefront of the debate, for the need for more transparency in some areas of the Tunisian public service, are still reticent about asset declarations by public officials.

Several institutions are currently engaged in Tunisia's anti-corruption programming. The following assessment describes the main bodies and considers how open they have been in engaging with civil society since the Revolution of 2011.

Institutions in the Executive Branch

Institutions linked to the executive include the Secretary of State for Governance and the Public Service (formerly the Ministry of Governance and the Fight against Corruption) and several financial control bodies linked to the Presidency, the Ministry of Economy and Finance, and other ministries.

The Ministry of Governance and the Fight against Corruption was established after the Revolution to support capacity development and anti-corruption work within the public administration. It was reorganised under a Secretary of State following the formation of a new government after the 2014 Constitution was ratified. With a small staff, the Secretariat works primarily on ensuring cross-government co-ordination. Nonetheless, its creation testifies to the new government's willingness to instil a participatory and open mentality within the public administration. The institution is charged with engaging with citizens and civil society to promote governance reform. The ministry was successful in including civil society in consultation processes, such as for the code of conduct for public officials, the discussion of the findings of Tunisia's Integrity Scan report,⁴ and the preparation of Tunisia's Anti-Corruption strategy. It is expected that this work will continue under the new structure. The Ministry led the country's successful effort to become a member of the Open Government Partnership Initiative and its successor Secretariat has similarly collaborated with civil society in creating a national Open Government action plan and submitted it in September 2014.

The Ministry also decided to establish a network of governance units within each ministry to promote cross-agency efforts to support anti-corruption measures. This work is also expected to continue under the new structure, including work to understand these institutions' specific needs with regard to increased integrity and to establish a culture of dialogue and co-ordination among actors in the field of anti-corruption. The performance of these cells has not been consistent across the public sector, given the different profiles of staff nominated to this function within each institution. Some ministries have devoted more staff to the task, while others have fewer resources assigned. Moreover, these individuals retain responsibility for their regular professional duties. It must be recognised that this approach is not unlike the informal mechanisms developed in many countries as they struggle to respond to new mandates, needs and required activities identified without dedicated resources being provided to implement them.

The main financial oversight bodies are linked, respectively, to the Ministry of Economy and Finance (the Controller-General for Finance and the Controller-General for Public Departments) and the Presidency of the Government (the Controller-General for State Property and Land Affairs). Each of these has an important anti-corruption role, as they exert *ex post* control on the institutions and agencies under the tutelage of these ministries. Their audit operations thus have substantial potential to identify corruption. If their audit reports were publically disclosed, civil society organisations would gain substantive information upon which to build a stronger monitoring operation covering the public administration. Although

these Controllers-general have so far not actively engaged with civil society nor have their audit reports been publically disclosed, the professional association of their staff, the *Association Tunisienne des contrôleurs publics*, is currently an active participant in civil society by developing plans to address transparency and corruption. Several representatives of the association participated in the preparatory seminar for the OGP action plan held in March 2014, for example.

Institutions in the legislative branch

The Anti-Corruption and Administrative Reform Commission of the National Constituent Assembly is composed of 22 members and mandated to examine questions related to administrative and financial corruption, asset recovery and modernisation of the public service. It prepares reports that are presented to the NCA plenary and holds public meetings. The commission can conduct visits and engage with elected officials at the regional and governorate level. The review team preparing this report did not identify any structured or systematic engagement of this body with civil society organisations, however. Such collaboration would be beneficial in several ways. First, specialised NGOs could provide knowledge and expertise to aid the members of the commission in understanding how corruption occurs and the mechanisms available to address it, as well as other topics relevant to the work of this commission. Secondly, the commission could expand the legislature's efforts to reach NGOs and citizens in general, by disseminating information about the topics and schedule of activities of the commission via social media, for example. This would contribute to meet Tunisia's desire to eradicate the culture of secrecy. Finally, opening up the activities of the NCA to citizens would help build trust of the population in the activities of the State.

Box 4.4 describes two examples of engagement between government and citizens involved in the fight against corruption.

Box 4.4. Increasing engagement between government and citizens in the case of the UK parliament

Research conducted in the UK showed efforts the British Parliament should put in place to reach out to groups of citizens that do not traditionally engage with the political process. NGOs and political activists are the most common groups interested in engaging in politics, while most citizens usually perceive Parliament as a complex and non-friendly environment. The themes that emerged from the research are:

- The importance of face-to-face contact.

Box 4.4. Increasing engagement between government and citizens in the case of the UK parliament (*cont.*)

- The importance of Parliament coming out to the people.
- The utility of placing information about Parliament in accessible places where citizens live out their daily lives.
- The importance of knowing where information on Parliament can be found in terms of where people are and the existing communities, groups and media that they are engaged with.
- The importance of information produced to be in accessible and simple language, tied to local issues and connected to the work of Parliament with the public's wider interests.
- There must be greater acknowledgement of citizens' opinions with a better feedback process.

Although the UK Parliament has a long standing tradition of drawing on the knowledge of civil society experts, it still struggles to reach other sectors of society. These lessons are valuable to any Parliament or Congress willing to open up to greater participation of society in general.

The example of the Jordan Anti-corruption Commission, which engages with religious and academic leaders to reach out to particular segments of society, also provides an example of an alternative approach to reach out to stakeholder groups.

Source: Hansard Society (2011), *Connecting citizens to Parliament: How Parliament can engage more effectively with hard to reach groups*, London.

Independent government agencies

The Authority for Good Governance and the Fight against Corruption is included in the 2014 Constitution, institutionalising the temporary anti-corruption body put in place immediately after the revolution in 2011, the Ad-Hoc National Commission for Investigating Cases of Corruption and Embezzlement, which was charged with investigating corruption under the Ben Ali regime and was subsequently reorganised as the Authority for the Fight Against Corruption. The inclusion of the Authority in the new Constitution with a mandate for good governance as well as for corruption signals the country's commitment to keep the fight against corruption a policy priority.⁵ This is reinforced by the preamble's citation of corruption and further mentioned in the article dealing with taxes, as mentioned above. In the months leading up to the ratification of the Constitution, the predecessor body had suffered from delays in the appointment of staff and had not been given appropriate resources to start its activities. The

relationship between the previous authority and civil society has been close: members of civil society organisations, unions and professional associations were members of the board and the Authority also received and investigated denunciations presented by NGOs or other citizens' associations. It remains to be seen whether the new, constitutionally-mandated body will have more resources than its predecessors.

The Higher Council for the Fight against Corruption and for Asset Recovery and State Property was created by Decree No. 1425 of 31 August 2012. The higher council is an official advisory and co-ordination body created to follow up on the work of the various committees and bodies charged with recovering assets and ill-gotten gains from the previous regime. Specifically, the higher council's board is charged with monitoring and co-ordinating the various government programmes that support the fight against corruption, proposing solutions to the challenges faced by these entities, suggesting legal mechanisms to ensure their proper functioning, and putting forward proposals to ensure the proper management of property and assets confiscated. Under the previous provisional government, it was chaired by the prime minister and included: the Ministers of Governance and the Fight against Corruption, Justice, Interior, Foreign Affairs, Finance, Human Rights and Transitional Justice, and State Domains and Land Affairs; the heads of the National Authority for the Fight Against Corruption, the National Commission for Recovery of Ill-gotten Assets, the National Commission for the Confiscation of Funds and Movable and Real Property, and the National Commission for Fund Management and Property Confiscated or Returned to the State; and five appointed members, and a representative of civil society (Anticor Tunisie, 2013).

The Audit Court is Tunisia's independent supreme audit institution, external to the executive and legislative branches, and in charge of controlling public finances (OECD, 2014). Its work has been further discussed above in the chapter on financial transparency. Around 290 officials are employed by the Court. It is administratively under the authority of the Presidency of the Government and enjoys a large scope of activity (jurisdictional competence, conformity control, financial and performance audits, as well as assessment of public strategies and programmes). It can also audit the accounts of international institutions or organisations providing money to the Tunisian government. Finally, it is also the depository of the assets declarations of members of government and of several categories of public servants, as stipulated by Law No. 87-17 of 17 April 1987.

Under the current law, the Audit Court has the authority to refer any type of criminal irregularity it finds to the State prosecutor. The Court presents the President of the Republic and the legislative branch with an annual report of its activities. According to international standards, the Audit Court should report to the Assembly and to the general public, whereas the Audit Court is an independent quasi-judicial body. The current Tunisian organic law requires the Court's annual report to be published only after the President of the Republic gives his approval, which was granted in 2011 and 2012.

Under the new constitution, the Audit Court, as specified in Article 117, has oversight over the proper management of public funds in accordance with the principles of legality, efficiency and transparency. The Constitution specifies its responsibilities as including the auditing of public accounts, the evaluation of management practices, and imposition of sanctions for deficits with respect to these areas. It is charged with assisting the legislative and executive powers to oversee the execution of the budget law and the annual budget closing. Its annual report is to be transmitted to the President of the Republic and to the President of the Assembly and is to be published. The Court is to decide whether other reports are published. The Constitution further states that the organisation of the Court, its skills, and procedures and the status of its judges will be governed by law. At this writing, it is uncertain how this new and powerful language will translate into changes in law or practice. The provision requiring publication of the annual report, however, ensures that citizens and civil society will have a wealth of information on the functioning of state institutions that can be used for monitoring corruption.

Civil society and citizens' consultation for anti-corruption policies and programmes

Openness in anti-corruption policy making means having processes in place that allow citizens and civil society organisations to contribute to the design of policies in this area. This section explores which procedures and mechanisms Tunisia currently has in place for open dialogue on the design of AC policies and consultation with citizens and independent experts on their views and technical recommendations in this area. The direct engagement of citizens, civil society, and independent experts in establishing and carrying out strong anti-corruption policies is an important factor in rebuilding citizen trust in government, as shown by the example of Estonia, presented in Box 4.5.

Box 4.5. Regaining public trust: The case of Estonia's Rahvakogu Consultation

Estonia's national consultation process, the "People's Assembly" has its roots in a party financing scandal that came to light in 2012, after a member of the Reform Party (the most important partner in Estonia's ruling coalition) confessed to laundering anonymous donations to his party. This confession was followed by criminal proceedings, which were terminated for lack of evidence; this did not address public indignation over the matter. Trust in politics and in the transparency of political decision making reached an all-time low: polls showed that nearly 40% of Estonians claimed not to be willing to choose any political party in the event of elections. Public frustration led to the publication of Charter 12, a statement from civil society and activists that called for the political system to be replaced by "an alternative institution of power", which garnered 17 000 signatures.

This impelled the President to invite academics, politicians and representatives of civil society to start a constructive dialogue to search for solutions. The People's Assembly grew out of these discussions. An implementation team made up of volunteers from civil society organisations and think tanks, experts in political science, the law, and IT and communication. The four parliamentary parties also nominated a representative to the working team, resulting in a 12 person team. Five issues were at the centre of the working team's agenda: party financing, politicisation of state institutions, access to political parties, election law and political participation. The team identified legislative changes needed to restore trust in Estonia's democratically elected bodies.

In all, the process lasted over four months, beginning with a crowdsourcing portal inviting citizens to submit proposals. Nearly 2 000 suggestions and 4 000 comments were received through the website. These were then analysed and organised around the five agenda topics, after which they were evaluated by 30 experts, who assessed the potential consequences of legislative action to implement the suggestions. The final process included five thematic seminars held, bringing together experts, political representatives and authors of the proposed ideas to discuss and select the most promising ones, where they were voted on in a national deliberation day, held on 6 April 2013. 315 participants, selected to be representative of the Estonian population, voted on the 18 legislative initiatives that resulted from crowdsourcing and deliberation process. The European Commission's Anti-Corruption Report on Estonia (3 Feb 2014) states that, "In April 2013, Estonia's President submitted 16 Rahvakogu proposals to Parliament. All of these were subsequently discussed and many were adopted, amid high interest from civil society and the media".

The initiative was a first in Estonia. It encountered many of the obstacles that had been found in other countries, such as politicians' mistrust of the results of crowdsourcing and doubts within the wider public as to whether their views would be taken seriously. To counter these obstacles, feedback on each consultation stage was published, mainly through the media but also, in some

Box 4.5. Regaining public trust: The case of Estonia’s Rahvakogu Consultation (*cont.*)

cases, it was sent directly to those involved in the consultation. The method of consultation proved to be time- and resource-intensive (requiring a budget of around EUR 100 000 EUR) and certainly could not become an everyday mechanism for consultation. But the Rahvakogu proved worthy to be used in extraordinary cases – either in legitimacy crises or when discussing pivotal, controversial issues.

Source: OECD interview with the Praxis Centre for Policy Studies (one of the organisations involved in the consultation).

Consultation procedures

Tunisia has a website devoted to citizen consultations (www.consultations-publiques.tn), as discussed elsewhere in this report. The site has been successfully used since the revolution to discuss public policy choices with citizens, although in only a limited number of cases to date. One of these addressed a corruption-related issue, the code of conduct for public agents. The consultation was supported by a one-day informational programme (30 April 2013), to which representatives from all line ministries, governance cells from all public directorates and civil society institutions were invited. This was followed by a circular from the Head of Government to all ministers, state secretaries, governors, mayors and other heads of public agencies encouraging them to organise face-to-face consultation workshops inside each institution, with the goals of building knowledge among a large sample of public servants on the draft code and gathering comments to be taken into consideration by the commission drafting the code.

Nine of Tunisia’s 24 governorates submitted comments electronically, while other governorates sent their suggestions on paper. Fifteen Tunisian ministries and two civil society organisations also submitted comments electronically within the deadline. This exercise was useful in formalising mechanisms for national consultations, as requested in the context of OGP. The practice of combining electronic platforms with face-to-face workshops in national consultation processes is also common in OECD countries (see Box 4.5, on Estonia). Tunisia’s consultation process is at an early stage, but there is commitment on both sides to expand and institutionalise this work. What is needed now is to invest the time and resources, on the part of both the government and stakeholders in civil society and the private sector, to develop a useful model and supporting procedures for formal national consultation.

Civil society organisations and their activities

The role of citizens and civil society organisations has been fundamental for keeping alive the spirit of the revolution and maintaining pressure on the NCA and government bodies to implement reforms that give force to the principles of transparency and anti-corruption as the basis of the Revolution. Among them, the organisation I Watch has had a particularly prominent role. Created three years ago in the wake of the revolution, I Watch is a volunteer-run youth organisation that has been particularly vocal on the issues of corruption. Among the first to properly exploit the power of ICTs to involve citizens, it has run several parallel projects that range from disseminating various drafts of the constitution to organising Tunisia's first whistle-blowers award (see Box 4.6).

Box 4.6. I WATCH and the Whistleblower Award

I WATCH has been established by a group of motivated young men and women from different regions of the country with the aim of preserving the gains of the Revolution. I WATCH's website states that it is founded on two main principles:

1. No exclusion: I WATCH does not exclude anybody on the basis of religion, political or regional background;
2. No trusteeship: I WATCH believes in the youth and empowers them; the young men and women who made the Revolution are trustworthy and should be involved in the decision-making process; no trusteeship should be exercised over the youth under the pretext of "lack of experience."

I WATCH works mainly on transparency and corruption. In the first area, it works to ensure that all political events are transparent including pre- and post-election monitoring. I WATCH also seeks to facilitate access to information. In the second area, believing that corruption is one of the reasons behind the Revolution, I WATCH fights corruption all over the country. I WATCH also works on the democratisation of the police and on a smooth political transition in the post-revolution period. In the last election, I WATCH worked on voter education and election monitoring (Billkamcha, n.d).

To promote citizen engagement in combatting corruption, I WATCH established the "Whistle-blower of the Year" award. The first winner, Samir Feriani, a senior Ministry of Interior official, wrote an open letter to the Minister of Interior, published in the Tunisian newspapers *Al Khabeer* and *L'Audace*, in which he accused the Ministry of destroying records on abuses during the Ben Ali period. According to press accounts, he was charged with "spreading false information to destabilise the public order," "accusing a public employee of violating law without proof," and a third charge implying that he had violated

Box 4.6. I WATCH and the Whistleblower Award (*cont.*)

state security. While he was acquitted on the first charge in 2012 and the third charge was dropped, he was found guilty of the second, a lesser charge and paid a fine. It is not clear whether his position at the Ministry was reinstated, although his Facebook page shows him as an employee there (Ghribi, 2012; Feriani, 2014).

Note: Every year, I WATCH organises a celebration of the “Whistle-blower of the Year” with the aim of honouring those men and women who have had the courage to denounce cases of corruption. These “whistle-blowers” are individuals who have chosen to put their own welfare on the line for the good of others and of Tunisia. They report instances of injustice or illegality, often related to corruption, in ministries, private enterprises, and even civil society organizations.

Overall, the panorama of CSOs and citizens-led initiative in support of transparency and integrity in Tunisia is large, diversified and very active. Organisations such as Touensa, Al-Bawsala, and the network OpenGovt.tn are making important contributions to the dissemination of a new culture among Tunisian people, especially the youth, and are increasingly effective in playing the fundamental role of watchdogs of the system. The Tunisian government and public officials are aware of this multitude of initiatives and are trying to connect with them to build on their achievements and collaborate to obtain better results. However, this is still done on an ad hoc basis and mostly with organisations and activists based in the capital. The example of the various websites, public and private, to denounce corruption, their near-complete lack of co-ordination, and the absence of a link to the judiciary, show how much could still be done. This issue, including the potential value of consolidating and linking these websites, is addressed in more details in the following chapter.

Status of priority anti-corruption tools: the public sector code of conduct, asset declaration, whistle-blowers protections, public procurement, and political finance

Anti-corruption programming requires effective systems and procedures for follow-up to limit risk and encourage compliance in areas of government operations that are potentially at risk for corruption. This section reviews the status of five important tools for implementing the fight against corruption. In each area, essential elements are in place or are in process, but there is a need to extend and fully implement these tools across the government, to devote the human and financial resources needed, and in some cases, to build on and reinforce the systems already in place.

Establishing a code of conduct for the public service

Tunisia's Civil Service Law (Law 83-112 from 12 December 1983, Statut général des personnels de l'État, des collectivités locales et des établissements publics à caractère administratif) specifies that public servants should refrain from becoming involved in anything that could compromise the dignity of the public service (Article 3) and from having personal interests that could unduly influence their independence (Article 5). Article 82 restricts public servants from engaging in employment related to their public functions after leaving office, without setting up a fixed duration for this ban.

Further strengthening Tunisia's integrity framework, the country has developed a code of conduct for public officials with the support of OECD. The code applies to all public agents, elected or not. After passing through a national consultation, the code was adopted by the decree n° 2014-4030 of 3 October 2014.

The values of Tunisia's government personnel as defined in the code are:

- Respect of the law: all government personnel should respect the law in the exercise of their duties.
- Equality: all citizens should be treated equally regardless of gender, religion, race, ethnicity, language or political options.
- Probity: government personnel are expected to exercise their duties honestly and without trying to obtain personal advantage.
- Neutrality: government personnel should act impartially and with objectivity in the exercise of their duties.
- Integrity: government personnel should act with integrity and should not use their position or function to obtain personal advantage.
- Accountability: The exercise of public functions demands from government personnel the obligation of accountability and responsibility for all actions taken.
- Private life: government personnel are expected not to mix private interests with those related to the exercise of their functions.

The importance of the code for Open Government lies in the fact that it embodies accountability among its core values. This principle, at the foundation of the Open Government agenda, holds the public sector accountable to the population. A second aspect of the code that demonstrates significant progress in Open Government in Tunisia lies in the national

consultation process used to develop it. The objective of this consultation was to discuss the code, before approval, with those that would be subject to it (civil servants) and with civil society, in order to make it into a document that better reflects the needs of Tunisia (for more details on this consultation process, see the section below on “Openness and inclusive anti-corruption policy making”)⁶.

Asset declaration systems

The draft of the new Constitution refers to the issue of asset declarations stating that it will be regulated through organic laws. Public disclosure of the asset declarations of senior and elected officials is also a key principle of the Open Government Partnership. The current law (Law 87-17 of 10 April 1987) on the Sworn Statement of the Assets of the Members of Government and of Certain Categories of Public Officials is quite weak in its capacity to serve as an anti-corruption tool, however⁷:

- Officials obliged to declare: senior officials of the executive (including municipalities and public companies) and judicial branches of state authority. The President of the Republic and members of the Assembly are not covered. Other categories of public officials may be covered due to the nature of their functions and the list of such officials shall be fixed by decree upon proposal by the Prime Minister (Article 1).
- Information contained in the declarations: the officials’ assets, those of their spouses, and those of their minor children (Article 1). Moreover, for the period in office, the origin of the assets has to be indicated (Article 2).
- Frequency of submission: after appointment (Article 1), and then every five years and upon leaving office or employment (Article 2).
- Form of submission: declarations are to be made in two or three signed copies (Article 3).
- Receiving bodies: declarations shall be filed with the First President of the Court of Audit. For members of the government, one copy shall be communicated to the President of the Republic. The First President of the Court of Audit shall also communicate to respective ministers lists of names of officials under the minister’s purview who have submitted a declaration (Article 4).
- Disclosure: information shall not be disclosed to a third party except, and in case of need, by a minister for information on officials within his/her purview (Article 5). Declarations cannot be

brought before the courts unless an official is subject to criminal prosecution for acts related to the exercise of his/her functions (Article 6).

- Sanctions: in case of failure to fulfil the obligation during the appointment, an extension of 15 days is provided; otherwise the official shall be dismissed. If the person fails to fulfil the obligation upon leaving office beyond the date set, taking into consideration any extensions granted, then his/her actions while in office are to be reviewed for evidence of possible improprieties. (Article 7).

Tunisia's asset disclosure system has suffered from an imbalance between the size of the monitoring task and the limited human and financial resources available to carry it out. This problem can be addressed in part by focusing monitoring and enforcement on high-risk positions. Boxes 4.7 and 4.8 provide examples of such a focused approach and summarise the findings of two recent OECD reviews that addressed this issue in Tunisia.

The system has not been very efficient in detecting illicit enrichment or corruption in the 15 years it has been in place. Compliance with the obligation to report is not respected by a large number of officials. Each public institution is supposed to draft a list of posts which should fall under the obligation to report and submit this list to the Court of Auditors. In practice, many public institutions do not produce this list and many officials do not comply with the obligation, even though declarations are kept secret. In late April 2013, a group of Tunisian non-governmental organisations (Touensa and Open Gov, amongst others) launched a public campaign called "Sarraḥ" ("declare", in Arabic) to pressure officials to comply with the obligation to report their assets and other items requested by the law. The Court of Auditors reported that all government officials had complied with the obligation to declare within the time limits set by the law in 2013.

The system is completely inaccessible to public scrutiny (so far, only one minister has posted his declaration online voluntarily). The law reflects the very different approach toward disclosure in 1987, when transparency and citizen oversight were not commonly accepted. Moreover, the debate about the right balance between privacy and publicity remains open in Tunisia. The previous Constitution of 1959 (as amended in 2002) contained a provision for the protection of personal data (Article 9). In addition, the principle of personal data protection is applied and a national body is charged with ensuring data protection, the National Authority for Protection of Personal Data (www.e-justice.tn/index.php?id=580). Law 2004-63 of 27 July 2004 states that everyone has the right of protection of personal data relating to his or her private life.

Box 4.7. Designing specific codes of conduct for positions at higher risk of corruption

Drafting specific codes for at risk positions is a common practice in many countries. In the case of France, the SNCF, the national railway company, decided to prepare a specific code of conduct and training programme on ethics for its staff after serious financial problems were identified in the construction of the northern line of the high-speed train (*train à grande vitesse* or *TGV*). The SNCF's General Comptroller's Office (*Service du contrôle général*) conducted investigations in regards to that worksite and discovered a number of fraudulent practices and ethical violations due to staff's lack of knowledge of regulations and/or lack of sanctions for malpractice.

Following this investigation, the SNCF quickly proceeded to review its public procurement procedures – a task which was even more urgent given the fact that the construction work for the northern TGV line had already been contracted. The French Central Service for the Prevention of Corruption (*Service central de prévention de la corruption, SCPC*) was called in to help put in place a code of conduct for the staff of the SNCF. This work is a collaboration between the SNCF and the SCPC, and soon revealed different ethics training needs for regular office staff and for those involved in construction. Two training modules were developed and validated by the SCPC. The SNCF then put in place a ‘train the trainers’ programme, with the support of the SCPC, to spread this knowledge among its cadre. The staff involved in the construction of the south-west line of the TGV was trained first, and then training was rolled out to personnel in all regions.

Follow up assessments conducted years later by the SNCF's Service of the General Comptroller showed a reduced number of problems related to work organisation and public procurement. This trend was observed in several work sites opened by the SNCF later on.

In Tunisia, since 2010, the magistrates and other staff of the Court of Accounts (*Cour des Comptes*) have relied on a code of conduct to guide their activities. This code was developed as part of a larger process, starting in 2007, through which the Court aligned itself with INTOSAI¹ norms and developed a strategic plan for the period 2008-2012. A commission developed a draft code which was open for consultation inside the institution. After the integration of comments, the code was validated by the institution's general assembly in July 2010. Since then, it has been available for download at the Court's website.

Note: INTOSAI is the International Organisation of Supreme Audit Institutions. One of its norms, ISSAI 30, requests supreme audit institutions to establish a code of ethics for auditors in the public sector.

Sources: OECD (2014), *Renforcer l'Intégrité en Tunisie : l'Élaboration de Normes pour les Agents Publics et le Renforcement du Système de Déclaration de Patrimoine*, OECD Publishing, Paris; OECD (2015), *OECD Integrity Review of Tunisia's Audit System: Managing Risk in Public Institutions*, OECD Public Governance Reviews, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264208742-en>.

Box 4.8. The asset declaration system in Argentina

Argentina's first asset disclosure system for public officials was put in place in 1953. The system was revised after the country acceded to the 1996 Inter-American Convention against Corruption; however, negative experiences between 1997 and 1999 showed that the system was still not effective for preventing corruption in the public sector, given the following problems:

- Filling in the asset declaration forms by public officials was a difficult task. Paper forms proved to be inappropriate as a tool by which to verify content. Argentina had a total of 30 000 civil servants submitting declarations in 1999. Because of inaccuracies in completing the forms, in some cases they had to be sent back to the public official as many as five times for corrections.
- The asset declaration was completed, on paper, by each public official subject to the obligation to declare. The control was also manual, which rendered it impossible to verify a significant number of declarations.
- Argentina quickly ran out of physical storage space for all of the declarations and had to find alternative spaces to store them.
- It was difficult to identify the person in charge of the list of officials obliged to present declarations in each ministry or public agency. There were no reliable statistics or lists of positions or individuals.
- It was also very difficult to give a timely response to the requests for information on asset declarations made by citizens.

This led to a restructuring of the system. An electronic database was created containing all data on civil servants obliged to declare and their institution. This database also included the date on which the official took up the position and the eventual date on which he/she stepped down, the level of each official's compliance with the obligation to declare, etc. The human resources (HR) department in each public institution was also made responsible for determining which posts inside the institution needed to comply with the obligation to present asset declarations and to inform the Anticorruption Office (AO) of the results. The HR department received a copy of the declaration made by its employees and it was their responsibility to store those of civil servants that were not obliged to send their declarations to the AO (those in specified lower ranking positions).

But the biggest innovation of the system is an electronic application that guides civil servants in completing their declaration. For example, if a civil servant neglects to fill in the field "number of credit cards," he or she is not allowed to continue completing the form. The application generates encrypted files that are sent to the AO. This application can be downloaded by civil servants from a website, where they can also find a manual guiding them in the

Box 4.8. The asset declaration system in Argentina (cont.)

completion of the report. Finally, an automated control system analyses the electronic information received by the AO, providing a first scan of the declarations. It identifies those that may require closer scrutiny, based on a series of criteria that can be modified as needed by the AO.

Source: OECD (2014), *Renforcer l'Intégrité en Tunisie : l'Élaboration de Normes pour les Agents Publics et le Renforcement du Système de Déclaration de Patrimoine*, OECD Publishing, Paris, www.oecd.org/mena/governance/Renforcer-Int%C3%A9grit%C3%A9-Tunisie-%C3%89laboration-Normes-Agents-Publics.pdf.

Nonetheless, the same law envisages the possibility that personal data can be communicated to third parties in cases where this is necessary for the execution of missions entrusted to public authorities or in the course of a legal case. Furthermore, the decree on access to administrative documents (Decree 2011-41 of 26 May 2011) could be invoked to support the disclosure of information contained in the asset declarations, at least for senior and elected officials. Although the law refers to 'administrative documents', it defines the term in its broader sense as documents produced or held by the public authorities, within the context of their activities, regardless of the form, date and nature of the supporting documentation.

On the level of implementation, the Court of Audit acts as a depository only and it has neither the powers nor the capacity (e.g. human resources) to carry out any verification. As for the sanctions established in the 1987 law, dismissal may seem harsh at first glance but precisely for this reason it has never been applied. No penal sanctions in relation to the duty to submit the declarations are in place. Moreover, since the broader society would have no way of knowing whether an official has submitted the declaration or not, there are very limited possibilities to exert any public pressure in this area. There is an obvious need for reform and there is a strong argument to make the information contained in declarations public: in order to reduce the burden of the Audit Court in verifying all the declarations, civil society organisations could help monitor the declarations submitted if they were publically disclosed. If declarations were submitted annually and publically disclosed in a timely manner in electronic form, civil society organisations could monitor how a public official or politician's wealth increases or decreases over time, helping to identify whether the pattern is compatible with the salary and standards of living of similar officials or with the individual's declared assets.

Whistleblowing procedures and protection of whistle-blowers

Whistleblowing mechanisms are particularly relevant for the purposes of Open Government because they provide safety to those communicating a possible ethics or legal violation (be they ordinary citizens, public servants or public sector employees) to authorities or to the press. In order to have the confidence to use these channels, whistle-blowers need to trust that they will be protected from retaliation by their employer or others; hence whistle-blower protections are essential to the voluntary reporting of misconduct, fraud and corruption (G20, 2011).

Protection of whistle-blowers has come to be seen as a critical component of anti-corruption programming, although it is also recognised that making this protection fully effective has proven challenging. Over the past several years, strengthened whistleblowing laws have become the norm among OECD countries. At present, Tunisia does not have a sufficiently strong whistle-blower mechanism. For example, confidentiality is not provided which would protect individuals raising concerns. Tunisia needs to remedy this situation, including the lack of an adequate legal framework and support structure for existing whistleblowing mechanisms. Although it may take some time for the Tunisian society to accept the concept of whistleblowing as positive (as the person may still be perceived as a traitor), a crucial step toward changing this misconception is to provide support to those that come forward in good faith.

The work on whistle-blowers protection can be considered a derivative obligation of the State, in that it derives from the fact that some countries include in their legislation an obligation for individuals – and, specifically, public officials – to report acts of corruption when they have knowledge of such acts. Given this obligation, it would be expected that the same countries would also be required to protect those complying with the law from retaliation when they come forward with information.

Box 4.9. Encouraging whistleblowing in the United Kingdom, the United States and Korea

Provisions to protect whistle-blowers may be part of a country's criminal code or sectoral legislation (i.e. anti-corruption laws or statutes of civil servants). Countries may also opt for specific legislation to address the issue.

The UK Public Interest Disclosure Act (1998) is one of the first specific legal frameworks to provide protection for whistle-blowers, be they from the public or private sector, and it is considered a model around the world. It was drafted after the UK was hit with a series of financial and health and safety scandals that could have been prevented if employees with insider information had any incentive or protection to come forward with denunciations. The Act, which was reviewed in

Box 4.9. Encouraging whistleblowing in the United Kingdom, the United States and Korea (cont.)

2013, protects employees who make disclosures of illegal activity from retaliation from their employers (for example, dismissal or being passed over for promotion). If retaliation takes place, the whistle-blower has a specific court where he or she can demand compensation for damages (the Employment Tribunal). An assessment conducted by the non-governmental organisation Public Concern at Work, in 2009, indicated that 38% of the respondents said their employer had a whistleblowing policy, an increase of 9% from 2007 (with 33% of private sector employees saying that their employer did have a whistleblowing policy compared with 47% from the public sector).

The Korean law on protection of whistle-blowers serving the public interest envisages compensation for individuals harmed due to coming forward with information. Article 17 states that a whistle-blower who has suffered retaliation (such as dismissal) as a result of disclosing information may demand to be reinstated or receive compensation. The family of the whistle-blower can also demand a financial compensation for losses such as legal fees, loss of salary, etc).

In the United States, the False Claims Act allows any individual to pursue, on behalf of the government, cases of embezzlement or malfeasance in which the government has been a victim of fraud and to keep up to 30% of the amounts recovered as a reward. The 2010 legislation Dodd-Frank Act authorises the Security and Exchange Commission (the stock exchange regulatory agency) to reward people that produce new information related to cases in which the State has been defrauded. The amount of the reward may be up to 30% of funds recovered.

Sources: Public Concern at Work (2010), “Where’s whistleblowing now? 10 years of legal protection to whistle-blowers: 10 years of the Public Disclosure Act”, http://www.pcaw.org.uk/files/PIDA_10year_Final_PDF.pdf; South Korea (2011), “Law on whistleblowing protection for the general interest”; United States False Claims Act and the Dodd-Frank Wall Street Reform and Consumer Protection Act.

In Tunisia, public officials are obliged to report acts of corruption and wrongdoing that come to their knowledge by Article 29 of the Code of Penal Procedures (Republic of Tunisia, 2010). However, Tunisia is setting up a legal framework to protect whistle-blowers, be they civil servants, private sector employees or ordinary citizens.⁸ There is only an indication, in the same article of the Code of Penal Procedures, whereby public servants who come forward with information on corruption cannot be prosecuted for defamation due to the information presented.

Equally, private sector employees who report cases of corruption, graft, abuse of power or of resources are protected from prosecution but are not awarded any other protection against retaliation (such as dismissal from

their job, threats of harm, etc.). Article 93 of the Tunisian Penal Code absolves the corruptor or intermediary who voluntarily reveals an act of corruption and provides corroborating evidence of wrongdoing (Republic of Tunisia, 2005).⁹ During the regime of Ben Ali, the consequences for whistle-blowers in the private sector depended on their political connections, such as the size and importance of the business sector of which they were a part of.

After the revolution, common citizens have also been given new channels to provide information and blow the whistle. A website was developed by the Ministry of Administrative Reform (now part of the Secretary of State for Governance and the Public Service) to receive citizens' complaints: www.anticorruption-idara.gov.tn. The website provides a complaint form to be filled in and states that a response to the individual who complained will be provided once the institution concerned has addressed the complaint. However, the functioning of this whistleblowing channel does not address the need for anonymity or protection to whistle-blowers. At this writing, the number of staff and the infrastructure behind the website were not sufficient for a thorough follow up of complaints. The procedure undertaken was to forward the complaint received to the concerned ministry and wait for their response as to whether the complaint was well founded and what steps had been taken by the institution concerned to address it, after which the staff operating the website were to forward that response to the person who had filed the complaint.

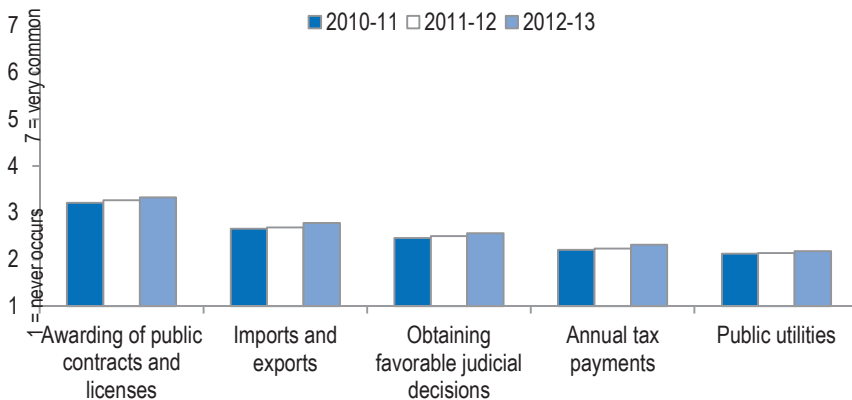
Additional initiatives to encourage citizens to come forward with information have been put forward by civil society and other stakeholders. UNDP has launched a public campaign to encourage citizens to report anonymously on bribes paid. The idea is that reporting the amounts paid in bribes would result in disclosure of illegal payments made in the public sector, creating a system akin to a 'stock exchange' in which each agency or government action would have a known price (www.laboursedelacorruption.com). Civil society has also created a website to receive denunciations (<http://billkamchaiwatch.wordpress.com/about-billkamcha/>), an initiative by the Tunisian NGO I Watch that also has a presence on Facebook (with 35 000 "likers") and Twitter. None of these initiatives provide protection mechanisms to support citizens who may be putting themselves at risk of retaliation.

Public procurement

Transparency in public procurement is particularly relevant for anti-corruption purposes as tender and negotiation processes represent a sensitive point of interaction between the public and the private sectors, in which

bribery is generally considered to be high compared to other sectors (see Figure 4.1). Procurement transparency is also important because of the large amounts of public funds disbursed through public tenders and the importance of the work performed, which may be compromised by corruption. Therefore reductions in waste and corruption through this channel have the potential to generate large savings for a country and to protect citizens from poorly constructed infrastructure, deficient medical supplies, and other very real non-financial dangers.

Figure 4.1. Irregular payments and bribes in government



Note: Irregular payments and bribes are perceived as more frequent in government contracts than in other government activities in OECD countries, and are perceived as increasing between 2010 and 2013.

Source: World Economic Forum (2010, 2011, 2012), 2010-11, 2011-12 and 2012-13 surveys from the World Economic Forum for the Global Competitiveness Report, WEF, Geneva.

In the case of Tunisia, in 2012, public procurement represented 18% of the country’s GDP and almost 35% of the State’s budget and was an area particularly exposed to corruption during the previous regime (OECD, 2013). Two recent decrees¹⁰ have amended public procurement procedures. There is also a draft public private partnerships law currently under discussion.

In 2012, Tunisia undertook a self-assessment of its procurement system in co-operation with the African Development Bank and the World Bank using the OECD/ DAC Methodology for Assessing Procurement Systems (MAPS). On the basis of this assessment, Tunisia approved in August 2012 an Action Plan to put in place a new procurement system and is currently

engaged in an in-depth procurement reform in collaboration with international donors. The objective is to reinforce the integrity and effectiveness of its procurement procedures to bring them into line with international standards. So far, progress in the implementation of the Action Plan has been slow because of lack of resources and training of public officials in procurement reforms.

Post-Revolution decrees have revised the existing regulations on public procurement, for example streamlining tendering procedures to accelerate disbursement of funds necessary to rebuild post-Revolution Tunisia. Two recent decrees called for a higher level of transparency for tendering procedures, requiring public buyers to publish online their tender documents.¹¹ In parallel, Tunisia has worked with the support of South Korea to develop an e-procurement system, Tuneps (www.tuneps.tn/index.do). The system, which was being piloted in selected ministries as of June 2013, automates certain procurement procedures, reducing the risk of corruption stemming from direct contact between public officials and contractors. It will also provide a list of enterprises approved to provide services and goods for the public sector.

This increased level of transparency in public procurement is positive news for Open Government; however, the decrees envisage exceptions to competitive tenders in some cases to fast track disbursement of funds and this may cause Tunisia's public procurement system to remain vulnerable to corruption. To manage this, Tunisia has a range of oversight bodies, but civil society is not formally included in any of them, including the Commission of Public Procurement, the body charged with examining the regularity of the procedures. During the Ben Ali regime, the decisions taken by the Commission were not final as decisions rested with the President. After the revolution, this situation has improved, but Article 102 of the decree (dating from 2002) which states that the opinion of the Commission can be ignored by decision of the Prime Minister, remains valid in the more recent regulations.

A National Observatory on Public Procurement established within the Commission in 2002 collects and produces data and, based on the analysis of such information, proposes policy reforms that can improve practices in this area. A Committee for Dispute Settlement and a Committee for Follow up and Monitoring are charged with dealing with complaints related to contracts. The members of these bodies come from the various Tunisian audit and control institutions, among which the Committee of State Controllers has a particularly important role in public procurement procedures that involve state-owned enterprises. The staff of the Committee of State Controllers is assigned within public enterprises. One of their assigned functions is to serve on the procurement board in the enterprise,

overseeing the opening of bids in order to assure that it is carried out in accordance with the law.

Given the contribution that civil society organisations can provide in the area of monitoring public contracts (see Box 4.10 on social witness), Tunisian authorities would benefit from strengthening their partnership with civil society and the private sector in this area. Such partnership could take the form of Integrity Pacts (IP), for example, a tool developed by the non-governmental organisation Transparency International to help governments, businesses and civil society fight corruption in public contracts. IPs establish agreements between a government and bidders for a public sector contract, committing all parties to refrain from paying, offering, asking for, or accepting bribes and binding bidders not to collude in bidding on the contract. The IPs includes a monitoring process and sanctions, from loss of contract and forfeiture of the bid to debarment from future contracts. For government employees, criminal, civil or disciplinary action should follow a failure to abide by the pact. (Transparency International and WIN, 2010)

Web-based tools have the potential to make a major contribution in this regard. The government has established a number of websites to support anti-corruption work in procurement and other areas, as further discussed in the section on ICTs below.

Box 4.10. Direct public oversight of public procurement: The “social witness” in Mexico

The “social witness” is a representative of civil society who acts as external observer during the public procurement process. In addition to providing public oversight of the process, the social witness gives non-binding recommendations during and after the process. The social witness must be an honourable public figure, who is well-known and trustworthy, as well as independent from the parties involved in the bidding. He/she enjoys free access to the information and documents related to the public procurement process, and can participate in the key steps of the process. In particular, he/she can:

- verify the basis of the bid and the contract notice
- participate as an observer in all the meetings that are organised with the potential bidders to remove possible doubts as to what has occurred
- receive the unilateral integrity declarations of the different parties
- attend the submission of technical and financial bids
- participate as an observer in the meeting during which the outcome of the tender is announced.

Box 4.10. Direct public oversight of public procurement: The “social witness” in Mexico (cont.)

Since December of 2004, the criteria to participate as a social witness in the procurement process in Mexico are strictly defined. The social witness must prove that he or she is not a public official; prove that he/she does not have any criminal record and that he/she has never been sanctioned or removed from the register; officially pledge not to participate in a public procurement likely to cause him/her a conflict of interest (because of a family or personal relation, or of a business interest, for example); and be familiar with the legal regulations applicable to public procurement (or, at the least, undertake the training offered by the government). The social witness is liable to sanctions if he or she violates ethical standards or discloses information on the procedure.

Source: OECD (2013a), *OECD Integrity Review of Tunisia: The Public Sector Framework*, OECD Public Governance Reviews, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264194175-en>.

Transparency in political finance

The relevance of transparency in the financing of political parties and electoral campaigns to Open Government is straightforward: money is essential for political parties and candidates to convey their message to the electorate and communicate with citizens. However, the same money that makes these democratic activities possible may lead to undue influence on the political process or on those elected. It may compromise the legitimacy of elections, exclude groups without resources from political competition and result in skewed policy preferentially benefitting those who funded the eventual winners.

In pre-Revolution Tunisia, the topic of political party financing was restricted to the issue of public subsidies a token opposition parties allowed to exist under Ben Ali's party (*le Rassemblement Constitutionnel Démocratique*). After the Revolution, Tunisia saw a proliferation of political parties and the elections of the National Constituent Assembly, in November 2011, consequently required hastily prepared regulations to address the issue before the campaign started. Three decrees were approved in 2011 in this policy area.¹²

The decrees were drafted following international standards, but they nonetheless presented several problems and inconsistencies. The most relevant in the context of Open Government relates to the monitoring of political party finance. Political parties and candidates' lists are obliged to present financial reports to the Audit Court, which has six months to approve their accounts; however, this timing effectively ensures that results are not available until after the election and in any case the financial reports are not made public. More worryingly, the Court does not have enough

resources to conduct effective external control on the accounts nor powers to sanction political parties (IFES, 2012).

The Presidency of the Republic and the Secretary of State for Governance and the Public Service are engaged in a review of the decrees put in place in 2011 in light of the deficiencies encountered. Steps to build the capacities of the institution responsible for controlling political parties and candidates' accounts are also under consideration. The Audit Court is overburdened. Being assigned this task, the responsibility to verify asset declarations made by senior public officials, and adding to its very broad original mandate as the supreme audit institution, it cannot deliver on this function satisfactorily without a substantial increase in its human and financial resources.

ICTs for transparency and integrity

Since the Revolution, the Tunisian government has initiated or accelerated efforts to increase the transparency and integrity of the public administration. The use of ICTs is an enabler for these complex challenges, and not the least, as a rapid means of spreading information to the public. Effective use of ICTs for transparency must be implemented in tandem with increased access to information, however. ICTs initiatives for transparency and integrity have been introduced both by the government and by civil society working in these areas. The following discussion summarises work in the areas of access to information, engagement with citizens for anti-corruption and public procurement.

ICTs for access to information

The most important step taken to strengthen access to information in Tunisia was the issuance of Decree 41 of 2011, which explicitly mandated that administrative documents be made available to the public. The government set up a steering committee to guide implementation to permit greater use of publicly held information by civil society. This new scope for action is being used by a growing number of non-governmental organisations. Al-Bawsala, for example, created the website www.Marsad.tn which monitors the public activities of the members of the National Constituent Assembly. The information is displayed in ways that are easy to understand and therefore receives regular attention in national media, such as reporting on the rates of absence by individual assembly members (Tuniscope, 2012). Tunisia should also be praised for its effort to bring together in one place information on anti-corruption in an organised manner on a government website, www.anticor.tn/index.php?id=5. The concept behind this website is to allow easy access on all legislation, information

about ongoing projects and any new developments in the area of anti-corruption.

In general, however, there remain major challenges to achieve a coherent implementation of the decree ordering public access to administrative documents. Representatives of ministries interviewed for this review highlighted the lack of resources and central guidance, which make it difficult to process the large number of requests they receive. Civil society representatives confirm that requests for information are nearly always left unanswered. A very prominent example was the recurring request for access to meeting minutes (*procès-verbaux*) of the NCA and its working committees. After *Opengov.tn* was repeatedly denied access to this information, the coalition filed a complaint with the Tunisian administrative tribunal (*Slate Afrique*, 2012).

Better monitoring of access to information requests would greatly improve the capacity of the public sector to proactively address citizen demands for information, as a first step. It would also be useful to provide citizens transparency about the process and where it stands by, for example, issuing registration numbers for queries. In order to lower the resources required, synergies should be explored with the already existing (but underutilised) system to track requests to citizen relations offices (SYGER, further discussed in the next). An advanced version of that system should be tailored to the national context, i.e. taking into account the different reach of alternative channels and the need to include all citizens in the communication system. The Colombian case of the Crystal Urn can provide some guidance on how to establish multi-channel approaches to greater transparency (Box 4.11).

Box 4.11. Transparency in Colombia: The Crystal Urn

The Crystal Urn (*Urna de Cristal*, www.urnadecristal.gov.co) is a key initiative of the Colombian government to use ICTs to empower and engage citizens and to enhance political accountability. The government has announced its intention to function as transparently as a “fish swimming in the water of an aquarium,” leaving no possibility to hide from public scrutiny.

The Crystal Urn covers a number of platforms, including a web portal, the radio and television. It thus combines traditional channels with the Internet and social media. Online events, such as Google+ hangouts, featuring the country’s president and a group of young Colombians selected for their special expertise on the topic, support the ambition to open up government and engage citizens in new ways.

Not all channels of the Crystal Urn are equally well visited and more could be

Box 4.11. Transparency in Colombia: The Crystal Urn (cont.)

done to increase uptake. But the Colombian multi-channel approach to engagement and transparency is likely to help reach various segments of the population. The effort to combine online and offline efforts promises to be effective in this regard. The platform has been used to increase awareness of and communicate government policies, as well as to engage with constituents. A recent example on simplification of public service delivery was the “anti-procedure crusade” which engaged more than 70 000 citizens in the pursuit of better user-orientation in public service delivery.

Source: OECD (2013b), *Colombia: Implementing Good Governance*, OECD Public Governance Review, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264202177-en>; www.oecd.org/gov/colombia-implementing-good-governance.htm.

The situation in Tunisia is similar in other areas of public governance where the administration has made efforts to use ICTs to promote a more Open Government, but continues to face major implementation challenges. These include, in particular, corruption prevention and public procurement more generally, as discussed above.

ICT tools for citizens' engagement in anti-corruption

The Ministry (now Secretariat of State) for Governance and the Fight against Corruption established two websites, www.anticor.tn, which publishes information on integrity and anti-corruption policies, and www.anticorruption-idara.gov.tn, which allows citizens to report corruption cases. Moreover, the government launched a tool to source ideas to fight corruption from the wider public, <http://anticor.ideascale.com/>. While the latter represents a good idea, its implementation demonstrates the need for greater follow-up. As of March 2014, 90 ideas had been submitted, some of which had received comments and/or votes, for a total of 484, and 78 commentaries by its 183 users. No proposal had received more than 19 votes, however, and most had received fewer than 5 or none at all. Almost all of the suggestions were shown as being more than a year old. Of particular relevance to this analysis, none of the 90 proposals were shown as being under consideration by the government, much less having been accepted. These figures, commendably shown on the website, do not encourage potential users. As described elsewhere in this review, the UNDP has also started an innovative experiment to determine the “price” of different public services through an anonymous website, the “corruption stock market,” www.laboursedelacorruption.com.

These digital efforts have not been very effective because the websites and their social media outlets have, after a short period of activity and public

attention, turned practically dormant. Very few signs were perceived by the general public of actual follow-up to cases of corruption reported or ideas suggested. As a logical consequence, public engagement never really took off and declined relatively quickly; moreover, the fact that the public sees four different official or semi-official websites on anti-corruption sends a confused message and reduces traffic to any given site. It has the potential to create confusion about which site offers which specific information or service, or even frustration when users seek a service on one site when it is actually on another. This is particularly frustrating when it could be addressed very easily by creating a common description of all of the sites for posting on each site, together with links to the site for each service. These are all indications that the online initiatives were launched in the absence of strategic thinking about how to effectively use ICTs to promote the anti-corruption cause, as well as the failure of donors to push for integration among the initiatives funded.

A goal-oriented approach to fight corruption should start by defining workflows and processes for cases that are reported: who receives initial reports, who monitors their follow-up, and how are reporting individuals or the public kept informed? ICT should then be brought in to support the different parts of the process, with due consideration to national context factors. For example, in a country where half of the population does not have easy access to the Internet, and many remain illiterate, initiatives to report corruption cases should be designed using the right mix of alternative channels, including through SMS, voice calls, traditional letters, or trusted non-governmental intermediaries.

Co-operation with non-governmental actors should complement and, as appropriate, support government efforts, but in a way that strengthens government follow-up. Some civil society organisations have proven they have the capacity to use technology effectively and to earn the trust of individuals who wish to report corruption. The web portal *billkamcha* received 70 reports within four days of its initial launch, although through the fourth quarter of 2013 and early 2014, the site was logging approximately 20-30 complaints/month. A critical challenge remains, ensuring that the cases it publicises or transfers to the public administration are acted upon. This is even more difficult for cases of “whistleblowing” from within the public administration because these acts are not yet protected by national legislation.

Tunisia's CSOs are also proving adept to the use of social media. A Bawsala, for example, has an extremely active presence on Twitter, with more than 23 000 tweets and almost 30 000 followers. OpenGov.tn has 1 700 tweets and 17 000 followers. Social media tools are now seen as an

essential part of ICTs use for citizens' engagement. Box 4.12 presents the example of the Chilean government's good practice in this area.

Box 4.12. Using social media to promote Open Government in Chile

Governments are increasingly using social media tools such as Facebook and Twitter to communicate directly with citizens. Although practices in this area are still emerging, social media tools have gone beyond the fad stage and are now seen as a required element in any e-government strategy. Use of social media is motivated in part by the government's desire to connect with citizens who have proven difficult to reach through other channels, such as youth.

Social media are not necessarily a substitute for other forms of communication, but a means to inform citizens of new government services, regulations, or other information as it becomes available, pointing them toward further information, such as a website or publication. Governments are increasingly developing smartphone applications that provide services directly, however. Social media have also proven to be critical tools for responding to emergencies. For Open Government, they offer a mechanism for real-time, two-way conversations with stakeholders through mechanisms such as Google hangouts and Twitter chats, enabling citizen consultations to be arranged quickly and at low cost.

Chile's experience demonstrates social media's diverse uses. President Sebastián Piñera took office only days after massive earthquakes struck in 2010, devastating parts of the country and killing hundreds of people. In many places, power, communications and broadcasting had broken down, but many mobile phone and 3G Internet links continued to work. Citizens turned to services such as Google's People Finder and Twitter, using smartphones and SMS to get information and to reconnect with each other.

Based on this experience, President Piñera made sure that all 22 new ministers already had Twitter accounts on taking office. Chile's government social media strategy has continued to build momentum since then, publishing a digital guide for institutions and individuals in the public administration and interacting with citizens through all of the main platforms. This approach follows the social media principle of "going where the citizens are."

The ChileAtiende ("ChileService") site allows citizens to choose among a wide range of communications channels for information and public services. More than 20 smartphone apps are available on the government's website. Chile's government has fully embraced social media as well as other online means as "officially valid" channels for citizens to communicate with their government, putting it ahead of many governments around the world.

Chile's e-government programme is managed by the Secretariat General of the Chilean presidency, which has its own active Twitter account, with nearly 3 000

Box 4.12. Using social media to promote Open Government in Chile (cont.)

tweets posted as of 14 April 2014 and it has over 4 000 followers. Their experience demonstrates an important success factor for social media: users favour active sites that offer useful, up-to-date information. The table below compares several Twitter accounts held by e-government administrative units. These are separate from the Twitter accounts of the head of government or other government units. These data show that, and correcting by country population, the number of followers is generally related to the number of tweets (with a correlation of 0.35).

Twitter use by selected e-government websites

Country	Twitter address	Tweets	Followers	Followers/ million citizens
Argentina	@Egovernment_Arg	28	30	1
Bahrain	@egovBahrain	2 688	14 700	11 186
Chile	@Modernizacioncl	2 979	4 213	243
EU CONNECT Public Services	@EU_eGov	1 533	2 532	NA
Ireland e-gov	@govdotie	1 297	2 356	488
Kenya	@eGov_KENYA	0	95	2
Malta	@eGovMalta	1 799	262	635
Moldova	@eGovCenterMD	984	685	191
Morocco	@Maroc_eGov	383	23 000	697
Nigeria	@egovernanceNG	25	47	0
Thailand	@EGANews	3 796	1 042	15
US OMB	@ombpress	911	19 500	61
Egypt	@egyptgovportal	693	43 100	496

Source (Table): Twitter (accessed 14 April 2014).

Source (Box): Mickoleit, A. (2013), “Do you ‘like’ your government as much as Chileans like theirs?”, OECD Insights blog post, 16 September, <http://oecdinsights.org/013/09/16/do-you-like-your-government-as-much-as-chileans-like-theirs/>.

ICT tools for public procurement

Tunisia is reforming its legal and institutional framework for public procurement. In this context, development of an electronic procurement system, TUNEPS, started with support from South Korea in 2012. The system is being piloted across a group of ministries and state-owned

enterprises. The aim of the system is to fight corruption in the purchase of goods and services by the public sector, but also to improve the negotiation and contracting capacities of the administration.

The system was developed with large financial assistance from the Korean government and with significant technical assistance from Korean ICT firm Samsung as the main solutions provider. Representatives of the Tunisian private sector, however, argue that existing domestic capacities to develop parts of the e-procurement solution were not duly considered. This echoes other comments heard during interviews where some foreign donor-funded projects do not provide opportunities for the domestic ICT sector nor fully consider the domestic realities and implications of their work.

On a more general level, public procurement in Tunisia seems to conflict somewhat with the dynamic nature of ICT projects, a challenge by no means unique to Tunisia. Many OECD governments too are reviewing the ways in which they procure and contract ICT products and services. The problem is that rigid procurement guidelines and insufficiently trained procurement officers clash with the characteristics of modern ICT projects: agile development, early prototyping, iterations of user feedback, and evolving product specifications in contrast to fixed technical specifications and fixed prices. Initiatives such as the United Kingdom's CloudStore aim to make it easier to contract ICT services (Crown Copyright, n.d.). Tunisia could also consider reviewing some of its contracting rules and regulations to allow for greater flexibility in this area. This would allow quicker adaptation of IT systems – existing or prospective – to government and citizen needs.

Recommendations

This section sums up a number of promising ideas and proposals that emerged from the review exercise. These are organised into six categories: 1) the civil service law and code of conduct, 2) the asset declaration system, 3) whistleblowing, 4) public procurement, 5) political financing, and 6) ICT and integrity overall.

Proposals to strengthen the civil service law and code of conduct

Code implementation. Tunisia is progressing in complying with UNCAC's Article 8, which requires that the state parties have a code of conduct for the public sector and a mechanism for whistleblowing. It is essential now to provide civil servants with a supporting structure to give advice, answer questions in relation to the code and manage its implementation. Tunisian authorities need to consider how best to apply the

resources available in order to roll out the application of the code as quickly as possible to all public institutions. One option could be to start with a pilot implementation in a few selected public institutions.

Codes for high-risk functions. A second suggestion addresses the need for specific codes for high-risk functions and agencies, such as procurement officers. Tunisian authorities started discussing the need for such codes during the consultation process of the country's general code, but this should be advanced now that the main code is progressing towards implementation.

Code of conduct advisory support. The code advisory body/ies requires competent staff on integrity issues, with training and management skills. Beyond technical knowledge, these individuals should be aware of the sensitivity of their task and the human aspect involved in dealing with people who may be fearful or experiencing difficult situations. Public officials need to trust that their questions and request for advice will be treated fairly and with discretion, given the fear of reprisals.

Whistle-blowers framework. In parallel, Tunisia needs to move ahead with its efforts to develop a legal and institutional framework to protect whistle-blowers (see item 'Whistleblowing procedures and protection of whistle-blowers' below).

Consistency with the Civil Service law. It is worth looking at the Civil Service law, which dates from 1983, to assess whether it still reflects the needs and the situation of the public servants. The code of conduct needs to be understood as an evolving document, so it will require regular reviews. The frequency of such reviews can be decided by the authorities.

Proposals to strengthen the asset declaration system

Setting the objectives of an asset declaration system is a first step, which will define the other components of the system. An asset declaration can be used i) to increase transparency and citizens' trust in public officials; ii) to assist in the management of the conflicts of interests of public officials; and iii) to monitor variations in their wealth to detect illicit enrichment. Clarity on objectives has implications for the resources the system will require, how it will be structured, and the institution responsible for it, among other factors.

Focusing on the system where risk and return are highest. There is no universal standard determining the circle of public officials who should submit declarations. The broadest possible circle does not necessarily lead to more effective prevention of corruption because running the system becomes too costly. There are legitimate grounds to impose heavier obligations on members of the Assembly and other senior officials, given

their level of responsibility and the impact of their decisions while in office. Middle- and lower-level officials may be subjected to lighter, less formal scrutiny, although staff in positions at risk of corruption may also be obliged to declare. Family members need also to be considered (the size of the circle of family members needs to be discussed, bearing in mind the resources needed to verify their declarations).

Scope of required information. The scope of information that officials are required to submit in their declarations is linked to the purpose of declaration. The control of the conflict of interest requires information about interests that are not limited to income and assets – such as participation in companies, membership in boards of non-governmental organisations, family linkages, etc. By contrast, wealth monitoring requires information about all of the substantial assets, liabilities, income and their fluctuations.

Regularity of reporting. Information should be declared with regularity to ensure that declarations are updated and relevant for the fulfilment of the purpose of the system.

Electronic submission and processing of declarations. Even though the development of electronic systems for declaration require substantial investment, it is the only way to ensure truly efficient processing of declarations, even when the number of declarations is relatively high, and it reduces implementation expenses, greatly facilitating collection and verification (e.g. cross checking with other databases) of the declarations compared to a paper-based system.

Sanctions for non-compliance. Typically sanctions are foreseen for late submission or non-submission of the declaration as well as for the omission of certain information or the provision of false information (inadvertent or intentional). Sanctions for officials occupying elected political posts, e.g. members of the Assembly, can be a sensitive issue because disciplinary and (often) other types of sanctions cannot be used due to constitutional principles and the special immunity enjoyed by such officials. However, some effective sanctions are needed, otherwise these officials will be perceived as above the reach of the law. In this regard, some parliamentary bodies have an active internal ethics body that manages this process, including recommending internal disciplinary actions.

Public disclosure. There are strong arguments for public disclosure for at least part of the information as public officials should be prepared to explain apparent anomalies publicly (particularly in the case of elected and senior public officials), given that people in these positions have made a conscious choice to enter public life. With this comes a certain number of obligations, including transparency about one's personal assets and interests. These obligations apply with lower intensity to lower-level officials.

Proposals to strengthen whistleblowing protection

Meeting UNCAC requirements. UNCAC Article 33 requires state parties to the agreement to enact appropriate legislation to protect persons reporting incidents of suspected corruption. Tunisia should go beyond the current websites, which provide, to some degree, a channel of communication between the whistleblower and the authorities. It is urgent that Tunisia establish an appropriate legislative framework in this regard. The G20 principles for such legislation call for the following conditions to be met:

- Clear legislation and an effective institutional framework in place to protect from discriminatory or disciplinary action those employees who disclose in good faith and on reasonable grounds certain suspected acts of wrongdoing or corruption to competent authorities.
- The legislation provides a clear definition of the scope of protected disclosures and of the persons afforded protection under the law.
- The legislation ensures that the protection afforded to whistleblowers is robust and comprehensive.
- The legislation clearly defines the procedures and prescribed channels for facilitating the reporting of suspected acts of corruption, and encourages the use of protective and easily accessible whistleblowing channels.
- The legislation ensures that effective protection mechanisms are in place, including by entrusting a specific body that is accountable and empowered with the responsibility of receiving and investigating complaints of retaliation and/or improper investigation, and by providing for a full range of remedies.
- Implementation of whistle-blower protection legislation is supported by awareness-raising, communication, training and periodic evaluation of the effectiveness of the framework of protection.

Public and private whistle-blowers. The legislation needs to address the needs of all whistle-blowers calling attention to potential wrongdoing associated with government action, whether they are ordinary citizens, journalists, private sector employees, or members of the public administration. Any of these individuals may be in possession of detailed information and divulgence of this information can lead to identifying major corruption cases. This privileged position may also put them at a higher risk of retaliation. Legislation should focus on specifying the differences between witnesses, who are typically not personally involved in the crime,

and whistle-blowers, who often have been party to the activities in question. Both parties should be discouraged from acting illegally or in bad faith when coming forward with information. Legislation should define the type of protection that is provided to a whistle-blower, clarify who is covered by the various protections, and establish the procedures for disclosure of information and protection of whistle-blowers.

Resources for implementation of whistleblowing protections. Most importantly, the institutions charged with receiving complaints need to be appropriately resourced with adequate and appropriate personnel and other financial and material resources necessary to carry out their work. The approach required to implement such a comprehensive system may be progressive and demand time, but it is important that action does not stall at the stage of approving legislation.

Proposals to improve integrity in public procurement

Involvement of civil society in public procurement processes. Tunisia would benefit from assigning civil society a more explicit monitoring role in procurements as part of its anti-corruption efforts. This requires action on the government's part to create the appropriate mechanisms, such as Integrity Pacts (agreements signed between public agencies and bidders), and steadily rolling out of websites disclosing information on public tenders, contracts awarded, and providers that have been debarred or excluded from public tendering processes due to irregularities. This information would enable civil society to contribute to monitoring not only how contracts are awarded but also how they are implemented.

Complaint and redress systems. The government also needs to strengthen the functioning of these mechanisms, a role currently played by the Committee on Dispute Settlement.

Greater use of e-procurement. The introduction of the e-procurement systems, TUNEPS, needs to be rolled out more rapidly. Public officials and potential bidders will need to receive training on how to operate this system. Having an e-procurement system is a good step in the direction of reducing the undue influence that may arise out of direct contact between businesses and public officials and the resulting vulnerabilities to bribes and corruption, as well as technical deficiencies.

Proposals to protect integrity in political finance

The relevance of this topic to the Open Government agenda lies in the fact that the electorate has the right to know who is behind the candidates elected to represent the citizenry and to be protected from legislation or

government action unduly influenced by private parties with interests at stake. These protections enable citizens to be confident that elected officials are truly representing their constituency rather than just the interests of the economic groups funding their campaigns.

Establishing a stronger institutional basis on campaign finance.

Beyond the harmonisation of existing texts on political party financing and ensuring that gaps are addressed, Tunisia needs to provide sufficient human, financial, and technical resources to the institution responsible for monitoring political parties and candidates' accounts.

Financial reports submitted by political parties and candidates.

These reports should be made public, so that the population can be informed regarding the possible impact of funders on candidates. Ideally, these financial reports should be made public with a higher frequency during campaign periods so that information can be disseminated through the press and government websites before the election. At a minimum, the audited financial report should be disclosed rapidly *a posteriori*, so that citizens can monitor potential influence of funders during the officials' terms in office.

Proposals for more effective use of ICT as a tool for integrity

Focus online efforts to fight corruption and align them with national strategies. At present, there are simply too many official and semi-official websites on anti-corruption, discouraging their use, creating confusion and inconsistencies, and reducing their visibility. Online services have become dormant because follow-up procedures and workflows are either not well defined or not followed or monitored. Frustrated citizens therefore turn to corruption reporting websites operated by civil society, but these websites too can only be effective if there is strong commitment from government to follow up on reported cases. In a country where mobile phone penetration is high but Internet connectivity is low, it is important to consider establishing complementary channels for reporting corruption cases, e.g. SMS or anonymised voice calls.

Clarify the e-procurement strategy. Digital opportunities for public sector procurement need a concerted reflection to select among different paths for Open Government efforts, which serve differing priorities. For one thing, it seems that Tunisia – like many other countries – has struggled to adapt conventional procurement rules and guidelines to the specific challenges of developing IT solutions. Digital products and services are increasingly being developed in agile and iterative ways in order to shorten project timelines, limit budget overruns and improve the end user experience. Governments have benefited from special reviews of procurement procedures for IT solutions and a re-examination of the skills

needs of the procurement officers to enable the government to exploit new opportunities. The other large potential benefit on the table is to support Tunisia’s capable domestic firms by making greater use of them when developing IT solutions for the public administration. This should extend to projects funded by international donors. By growing e-services together with its private sector, Tunisia’s government can strengthen innovation, create jobs, and generate exports at the same time as it builds integrity.

Notes

1. The late 1990s witnessed a number of major milestones in the fight against corruption. The United Nations passed the Resolution on Action against Corruption, including the International Code of Conduct for Public Officials, on 12 December 1996. The Organization of American States adopted the Inter-American Convention against Corruption in March 1996. The European Council adopted an Action Plan to Combat Organized Crime on 28 April 1997 and the Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union on 26 May 1997. The Council of Europe approved the Programme of Action Against Corruption in November 1996, including the preparation of a model European Code of Conduct for Public Officials, and which underpins the co-operation of 40 countries in fighting corruption, money laundering, computer crimes and organised crimes (OECD, 2000).
2. This section draws on OECD (2013a).
3. The road map makes reference to work on integrity structured on four pillars: creating the basis of a national integrity system supporting the National Authority for the Fight against Corruption; consolidating the skills and participation of other stakeholders in this process and ensuring that the work on anti-corruption will be continuous. (www.anticor.tn/index.php?id=40).
4. See calendar of activities of the Clean Gov Biz initiative in Tunisia (www.oecd.org/cleangovbiz/tunisia-integrity-scan.htm).
5. Article 130 of the Constitution states that it is mandatory to consult the *Instance* on project laws under the areas of its competence. The *Instance* can give its advice on such texts. It should be composed of members who are known for their integrity, independence and competence, exercising

their mandate for a maximum of 6 years, with a third of its members being renewed every 2 years.

6. Tunisia has conducted a previous consultation exercise to review civil servants working hours. The discussion on the code of conduct for public officials, however, was the first consultation of the existing government, which allowed a broader discussion on the content of public policy.
7. The section on asset declarations draws on a 2014 OECD report: *Renforcer l'Intégrité en Tunisie : l'Élaboration de Normes pour les Agents Publics et le Renforcement du Système de Déclaration de Patrimoine*, OECD Publishing, Paris.
8. The concept of whistleblowers generally applies only to someone employed (in the private or public sector) who intentionally discloses information to which they have privileged access; however, UNCAC does not exclude ordinary citizens from its concept of whistleblowers who deserve protection. Art. 33 of the Convention states that States Party shall consider measures to provide protection against any unjustified treatment for any person who reports evidence of corruption in good faith to the competent authorities.
9. The original, in French, of Article 93 states “Est absous le corrupteur ou l'intermédiaire qui, avant toute poursuite, révèle volontairement le fait de corruption et, en même temps, en rapporte la preuve. ”
10. Decree Number 2012-515 of June 2, 2012, modifying Decree 2002-3158 of December 17, 2002, and Decree 2011-623 of May 23, 2011 on specific dispositions for the regulation of public procurement.
11. See recent tender documents: www.marchespublics.gov.tn/onmp/appeldoffre/listappeldoffrefront.php?lang=fr.
12. Decree 2011-27 from April 18, 2011, which created the Independent Superior Instance for the Elections (*Instance Supérieure Indépendante pour les Elections*), Decree 2011-35 from May 11, 2011, which established the framework for the financing of the electoral campaigns for the National Constituent Assembly and Decree 2011-91 from September 29, 2011, which defined the control procedures related to the financing of the campaign (control to be exercised by the Court of Accounts).

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Chapter 5

Technology and Open Government in Tunisia

This chapter explores Tunisia's current e-government strategy and practices and how they support the use of ICTs as a tool to implement Open Government reforms. The effectiveness of the strategy, the role played by the diverse actors involved in its implementation and the key legal and policy frameworks are also analysed vis-a-vis the challenges that poverty, illiteracy, and gender inequality pose to the widespread use of ICTs for inclusive citizens' participation and Open Government. The chapter equally examines the capacities of Tunisian public servants to fully exploit the potential of ICTs and e-government and addresses the current approach to opening up government data for the use by national and international public and private sectors. A set of recommendations provides Tunisia with ideas how to further benefit from a more strategic use of ICTs and social media for Open Government.

Introduction

The previous chapters have demonstrated not only that technology has the potential to open up government in many ways, but that Tunisia's government has already begun to live up to this potential by using ICTs to support many different aspects of public sector reform and to open up government. Tunisia's experience also demonstrates, however, that inspiration, creativity, and commitment are not sufficient to carry a complex reform through to conclusion. Transforming the dreams of the Revolution into a reality requires a different type of commitment, one that starts with the mobilisation of sufficient resources, both human and financial, to get the job done.

Up until the end of January 2014, the uncertain status of the government and the necessity of focusing on constitutional processes made it difficult to mobilise or deploy sufficient resources for sustained reform implementation. With the historic ratification of the 2014 Constitution – arguably the most significant achievement since the courageous and desperate act of Mohammed Bouazizi that launched the Arab Spring three years ago – Tunisia must now move to the difficult stage of institutionalising the reform.

The way is open to tackle the very long list of governance reforms essential to breathing life into the Constitution's inspiring preamble. Many of these necessary measures are as difficult in their own way as what has gone on before. ICTs can be a powerful tool to help government and its partners make headway on the hard governance challenges ahead. They can also be a distraction and even a source of public anger, their use being confined to pilot, donor-funded initiatives that are not implemented at scale, not followed up with effective back-office action, and not rolled out rapidly to become simply the way the Tunisian government does its work.

Globally, governments use ICTs to make real progress in opening public administration through two complementary levers, both of which will be crucial to the success of Tunisia's reforms:

- Using ICTs to improve good governance parameters such as integrity, transparency and engagement – the same principles reflected in the formal OGP eligibility criteria.

- Using ICTs to help government do a better job of performing its core functions: improve delivery of public services, use public resources more efficiently, and expand application of more participatory, citizen-centred government.

OGP member countries are expected to address all these areas through official commitments on at least one of the OGP’s “*grand challenges*.” ICTs can support the work needed to make progress on these issues and the OGP encourages countries to make use of them.

Box 5.1 provides a summary of the OGP’s policy on technology use, as shown on its website, which effectively summarises many of the points to be made in this chapter regarding Tunisia’s opportunities and challenges in using ICT as a lever for more Open Government.

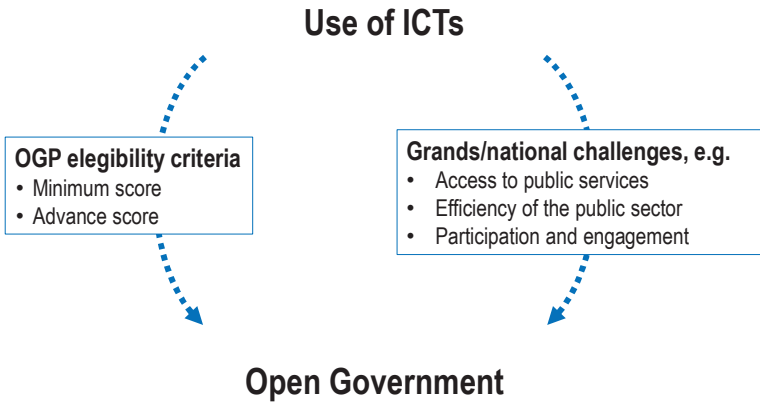
Box 5.1. OGP policies on using ICTs for Open Government

Citation from the OGP website:

“New technologies offer opportunities for information sharing, public participation, and collaboration. We intend to harness these technologies to make more information public, in ways that enable people to both understand what their governments do and how to influence decisions. We commit to developing accessible and secure online spaces as platforms for delivering services, engaging the public, and sharing information and ideas. We recognise that equitable and affordable access to technology is a challenge, and commit to seeking increased online and mobile connectivity, while also identifying and promoting the use of alternative mechanisms for civic engagement. We commit to engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government. We also recognise that increasing access to technology entails supporting the ability of governments and citizens to use it. We commit to supporting and developing the use of technological innovations by government employees and citizens alike. We also understand that technology is a complement, not a substitute, for clear, useable, and useful information.”

Source: Open Government Partnership (2011a), “Open Government Declaration”, www.opengovpartnership.org/about/open-government-declaration.

Figure 5.1. Use of ICTs for Open Government



Sources: Open Government Partnership (2011b), www.opengovpartnership.org/; Mickoleit, A. (2013), author's work, OECD, Paris.

OECD approach to the use of ICTs for Open Government

The OECD is nearing completion of a two-year process to establish common guidelines for the application of e-government by its member countries. In March 2012 the OECD Public Governance Committee's Network of E-Government Leaders mandated the OECD to develop OECD principles on digital governance strategies stressing the focus on how ICTs can bring governments closer to citizens and businesses, or in other words, to strengthen open and inclusive governance and finally the peoples' trust.

Over the past two years, e-government experts and officials from the OECD's member countries, including a Task Force composed of 13 representatives of the OECD Network of E-Government Leaders, worked to articulate a set of three broad recommendations, supported by more specific principles to guide action, and recommended action strategies within each of the latter. The results of this process, although not expected to be officially approved as OECD policy by the OECD's Council until later in 2014, provide an excellent basis for considering how to strengthen implementation of e-government in Tunisia.

This work reflects the OECD's peer learning and collaborative approach to inter-government co-operation and builds on eleven earlier guidance principles developed on related topics, such as data privacy. The guidance currently being finalised by the OECD will provide a more complete discussion of each of the pillars, principles, and action strategies. Although geared toward the needs of the OECD's member countries, much of it appears directly relevant to Tunisia as well. Tunisia's use of this set of

guidelines would provide an excellent opportunity to develop specific guidance suited to the needs of its ministries and their business and civil society partners, broadening the applicability beyond the OECD.

The overarching three pillars of the draft guidelines are shown in Box 5.2.

Box 5.2. Summary of the conclusions on digital government issued by the 2013 OECD E-Leaders

The OECD is in the process of developing guidance for member governments on how to manage digital government. This guidance is the subject of a current consultation process with member governments and others. The guidance recognises the need to use ICTs to improve governance through three broad strategies, as cited in the OECD E-Leaders’ communique following a consultation on this topic in Bern, Switzerland, in October 2013:

- To “engage citizens and open up government to maintain public trust,” governments need to understand new emerging technologies to reap their potential. While this is seen as a risk by some countries, others consider opening up the rich resources of government data and enhancing engagement through social media as public sector imperatives. Securing engagement and trust means protecting citizens’ and companies’ sensitive information in a data-heavy future driven by powerful analytics.
- Today, there is no doubt that ICT is a core instrument to advance public sector reform. “Adopting joined-up approaches to delivering public value” is key to ensuring the right level of consensus and common national understanding of strategic goals. The establishment of digital leadership positions although necessary, is not sufficient. Networked and horizontal governance across national and sub-national government institutions can provide the mechanisms for nationwide commitment and local implementation.
- Governments have shared their experiences on how to manage strategic IT projects and “strengthen the capabilities to ensure returns on investments”. Large IT projects need to be broken into manageable parts, and strong central management oversight balanced with use of more agile IT procurement methods. Creating partnerships, listening to and engaging users to ensure quality and value creation, is an essential foundation for success.

Source: OECD (2013a), “OECD countries jointly develop guidance for digital government and are inviting feedback”, Communiqué resulting from the E-Leaders meeting, www.oecd.org/governance/eleaders/Communique-2013.pdf.

Assessment of Tunisia’s readiness to use of ICT as an effective tool for Open Government

Tunisia faces a number of challenges in going beyond the experimental approach to ICT use for Open Government, but it can also count on a number of ICT assets as it moves to roll out e-government based on promising pilots. This assessment begins by examining the policy actors and administrative structures in place to support e-government and examines the laws that underpin the work of these institutions. It then considers potential avenues for collaboration with the private sector and strategies to deal with Tunisia’s digital divide, including women’s lower access to ICT. The chapter concludes by exploring how the Tunisian Government could use ICTs to expand Open Government, with a focus on open data.

The Tunisian government has shown commitment to proactively using new technologies as a means to reform government and governance processes. It has adopted a national e-government strategy and developed a number of institutions to improve collaboration on the delivery of public services and information. These measures, some of which date from before the revolution, put the Tunisian government in a good position to use technology as a lever for Open Government reforms. The events in 2010 and 2011 clearly spurred new initiatives to strengthen the legal, political and administrative frameworks, whether by introducing new laws and institutions or modifying ones already in existence.

National e-government strategy and actors in support of Open Government

Tunisia’s current strategy for ICTs use in government is the “E-Strategy 2010-2014” (*e-stratégie 2010-2014*). The document was initially developed before the Revolution, but the new national context after the Revolution created a need to introduce changes to the strategy and a revised version was published in December 2011. The following analysis is based on this version, which emphasised the importance of responding to the new post-Revolution context but did not introduce significant changes in to the strategy itself. The most important addition was to articulate an overarching objective for ICT use in the public administration, which is supporting the democratic transition process and public governance in Tunisia. This is given top priority above the two objectives already in the strategy: *i*) improving citizen relations and *ii*) improving the business sector performance.

The updated “E-Strategy 2010-2014” is a concise document that has the potential to guide ICT developments in the public administration. Its major asset is that it does not adopt a strategy to “push” technology into the administration, but rather starts by describing the national policy priorities and the context in which technologies can be expected to have an impact on citizens, businesses and society overall. To the authors’ credit, the strategy makes explicit links to ICT use in support of some of the same priorities as called for by the OGP: integrity, transparency, and corruption prevention.

Overall, however, improving online service delivery to citizens and businesses remains the main aim of the updated “E-Strategy 2010-2014.” It sets six objectives in these areas:

- digitise public sector processes and information exchanges
- improve the interoperability of dispersed systems
- establish effective ICT governance structures across all areas of the state
- ensure sustainable financing mechanisms
- develop internal skills and capacities to better manage change
- communicate effectively on the digital opportunities.

The strategy does not fully address how these objectives are to support the transition of the state and the public administration towards a more open and inclusive government. The “E-Strategy” does not incorporate programming to implement recent national legislation for greater openness, e.g. the decree on access to administrative documents or the establishment of citizen consultation for public service delivery, nor does it explicitly mention any of the state’s existing IT systems that can be used in support of opening up government, notably the back-office management systems for budget, public sector salaries and citizen requests (see below).

A possible explanation for the seeming under-emphasis on the strategy’s first objective of supporting Open Government reforms is the limited level of resources and political support devoted to the strategy’s implementation. The main steward overseeing implementation of the “E-Strategy” is the e-government unit (*Unité d’Administration Électronique* or EgovU), created in 2005 in the office of the Prime Minister. With a relatively limited staff, the unit’s main tasks at present are to allocate central funds to individual projects within the strategy, to co-ordinate and evaluate the implementation of projects across the administration, and to oversee implementation of a 2011 access to information decree that makes administrative documents available to the public (see below). The EgovU in theory reports to an

interministerial committee on ICT use in public administration (*Comité Interministeriel pour l'Administration Communicante*), but there is hardly any information available on this body, which indicates that it is not very active.

A further explanation for the low profile of the EgovU in Open Government is what appears to be a certain lack of co-ordination between it and another key actor in ICTs for public administration, the Ministry of IT and Communications (*Ministère de Technologies de l'Information et de la Communication*, MinCom¹). MinCom was created in 2003 when the ministries for information technology and for telecommunications were merged. The Ministry's develops the national ICT sector strategy and oversees implementation of ICT promotion and dissemination policies. It has a number of affiliated institutions, such as the national telecommunications regulator, national research centre on telecoms, and national electronic authentication authority, etc., and holds shares in La Poste Tunisienne and Tunisia Télécom.

A number of MinCom programmes are essential to Tunisia's Open Government initiative. It provides technical assistance to other government units, for example by operating and hosting the government's main web portal, www.Tunisia.gov.tn (old: www.ministeres.tn). More importantly, MinCom, though, is MinCom's operation and hosting of pivotal government back-office IT systems, through its National IT Centre (*Centre National de l'Informatique*). Several of these programmes underpin the activities of the state administration and have great relevance to advancing Open Government objectives (National ICT Centre, 2014a):

- The state budgeting system (*aide à la décision budgétaire*, ADEB), which tracks spending commitments and disbursements throughout the national administration and provides oversight for expenses across the entire public administration, including the regional and municipal levels as well as national agencies (National ICT Centre, 2014a ; The Computer Centre relating to the Ministry of Finance, CIMF, 2012).
- The public administration salaries management system (*informatisation du système administratif et financier du personnel de l'Etat*, INSAF), which includes salaries information for each civil servant at the central and sub-national levels as well as in public institutions (National ICT Centre, 2014b).
- The management system for citizen's requests filed with citizen relation officers (*système de gestion des requêtes des citoyens*, SYGER, further discussed below), which is used to monitor citizen's requests at the national and local levels of government (National ICT Centre, 2014c).

Each of these functions is of vital importance for Open Government, suggesting that there is a need to engage fully with MinCom to better co-ordinate the use of e-government and that, ideally, the government's E-strategy should co-ordinate the objectives and functions of MinCom as well as EgovU. The risk, if this is not done, is that the government's scarce resources to support Open Government may not be used effectively.

Public service laws and actors in support of Open Government

The Tunisian government has also established laws and institutions that align with the “grand challenges” under the OGP: efficient use of public resources, better public services, and greater public engagement. In most cases, the existing laws and institutions are consistent with the government's stated commitment to make greater use of technology as a means to achieve its overarching policy objectives, including Open Government, but they have not yet been fully implemented.

In the aftermath of the revolution, two important pieces of legislation were promulgated that are expected to substantively open up the public administration for engagement with the wider public in reforming its services and governance mechanisms. It should be noted, however, that they were created without revisiting any of the existing laws or institutions as mentioned above.

The first of these, the decree-law No. 2011-41, on the access to administrative documents in the public sector, has been discussed in an earlier chapter. The second, Circular No. 12 of 2011, establishes a participatory process for public service improvements. These processes are still being established.

Both access to information and citizens' consultations on service quality are clearly areas where ICTs support is critical. A system to meet citizen's requests for information requires careful design and sufficient resources to be able to respond quickly. Without these inputs, there is a real risk that citizens will find that their requests go unanswered, in which case the result may be a further loss of trust and confidence in government, rather than the opposite effect sought.

To date, the ITCs support for access to information has not received sufficient resources to inform citizens or the civil service about their rights and duties under the new law, nor to establish the machinery necessary to fully implement it. At the customer-facing side, the digital channels to request information, where they exist at all, use different presentations and are positioned differently on government websites. Use of a common template would simplify filing a request. SYGER has set up a back-office

system for integrated management of requests, but not all requests are being consistently recorded across government institutions, with the result that the reporting and monitoring capacities of the system have not been effectively applied to this task

These points apply as well to the planned process for public consultations on service improvement. As the government moves to implement such a system, there would be tremendous potential for ICT to support citizens and civil servants in these new roles. Box 5.3 provides an example of an ongoing ICT-enabled consultation in service quality established by the South Australia province, “YourSAy.”

Tunisia, like many countries with a comparatively small population, struggles with the challenge of balancing the many demands placed on the government with the need to reach an efficient scale of operation in any given service. The Revolution has released decades of pent-up demands for more responsive government that have further strained the capacity of the government to add new services. Although in principle ICTs should help the Tunisian government to expand services at less cost than would otherwise be required, in the short-term developing e-government becomes simply another new demand to add to a list that is already too long.

Tunisia is not alone in responding to this problem by launching multiple new initiatives as pilot projects in the hope that, once the value of the innovative service has been demonstrated, resources will become available. This rarely proves to be the case, in practice, however, leaving a large number of good and promising initiatives to wither on the vine.

The multiplicity of units and programmes that have been established either to promote e-government itself or to start up new services that require e-government support stands as testimony to this phenomenon. It is therefore imperative that the Tunisian government capitalise on the significant international goodwill earned by its progress toward institutionalising democratic governance, seizing the opportunity to mobilise international funding for implementation of Open Government.

Another resource that can be tapped to bring the demand for ICTs expertise in line with the supply is Tunisia’s domestic ICTs industry. Tunisia’s comparatively positive business climate opens up opportunities to engage the private sector as an ally in implementing its strategies to use ICTs for Open Government and to stimulate growth.

Box 5.3. YourSAy: Active engagement of citizens in strategic policy making in Australia

In 2010 the South Australian government used the reviewing of the state’s Strategic Plan for development to launch a broader approach to engage local communities and citizens in one of the largest community consultation programmes in Australia, called “YourSAy”. The use of internet technologies and social media played a pivotal role in enabling this. While “YourSAy” was conceived as an experiment, the government now considers the close interaction with its communities an indispensable part of the policy making process.

Today more than 12 000 people are part of the online community, getting closer to 1% of the state’s population. The online community establishes and organises new ways of interacting with the government – engaging by making it a social experience. The project has furthermore used online conversations to engage local champions or “ambassadors” in different areas – such as healthcare, education, culture or the environment.

The team behind the consultation process initially engaged into deeply understanding the people they were seeking to engage in order to understand how to encourage them to participate. The key element was to demonstrate that the plan was relevant to people and important in shaping their future life. The capacity to match the different segments’ ways of communicating was one essential part. However, reaching out to “new people”, not previously engaged, is about more than splitting them up in segments. The leading staff must have a capacity to analyse the input, conduct project management and create a culture of good communication and service delivery.

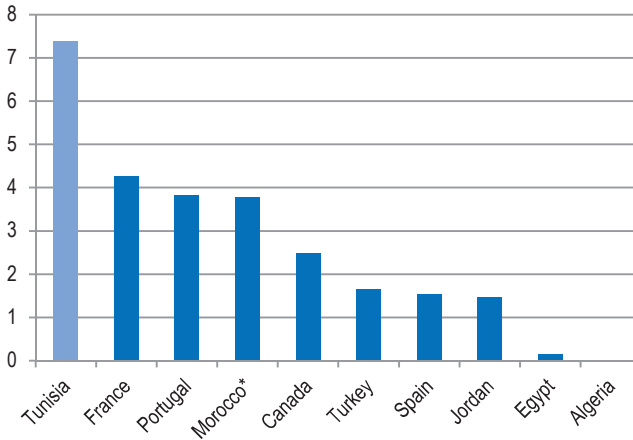
The online engagement proved to be instrumental – for example, through hosting an online conversation with the Minister of Education, the government received a significant deal of valuable and new feedback to improve their policies as well as the Strategic Plan. And web dialogue on different social media sites, such as Facebook, continued independently after the organised consultations were concluded. Although still largely unexplored, the government of South Australia seems to have drawn some first important lessons on how to advance engagement through social media.

The most successful discussions were achieved in policy areas such as environmental protection, housing provision, children and youth services and public sector reforms.

Source: South Australia’s Strategic Plan Audit Committee (2012), *South Australia’s Strategic Plan, Progress report 2012*, <http://saplan.org.au/yoursay> and www.unpan.org/PublicAdministrationNews/tabid/115/mctl/ArticleView/ModuleID/1467/articleId/35360/default.aspx.

In this regard, Tunisia is better positioned than many other countries in the region. Around 10% of the GDP is already created by the national ICT sector and ICT firms account for around 10% of exports of goods and services (Figure 5.2.).

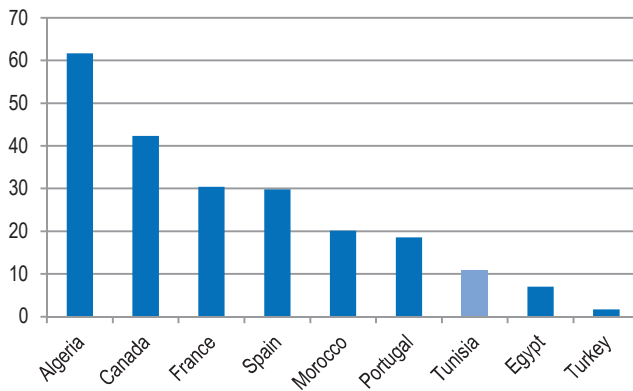
Figure 5.2. ICT goods exports in total goods exports, selected countries, 2011



* Morocco dates are for 2010.

Source: World Bank data (2013), <http://data.worldbank.org/indicator/tx.val.ictg.zs.un?display=default> (accessed 10 July 2013).

Figure 5.3. ICT service exports in total service exports, selected countries, 2011



Source: World Bank data (2013), <http://data.worldbank.org/indicator/bx.gsr.cois.zs?display=default> (accessed 10 July 2013).

The Tunisian ICT sector should therefore be considered a strategic partner wherever possible. Greater commitment by the government to use ICT to open up the public administration could provide favourable conditions to further growth and exports in this sector of the national economy, as well as provide opportunities for new and established entrepreneurs to provide ICT services to the government. To the extent that these services also have a private market, the private sector should be able to provide the services at a lower long-run cost than the government, while at the same time capitalising on the government's role as a large customer for their services to accelerate the development of their industry.

This type of partnership can already be seen in Tunisia. The national chamber of commerce for ICT companies (infotica) is part of several working groups created by MinCom. Donor-funded projects seem to be an area where more progress is needed, however. The design and implementation of such projects reportedly do not sufficiently take into account existing capacities in the domestic ICT sector. The new electronic procurement system, TUNEPS, for example, was developed with substantial financial assistance from the Korean government and with Korean ICT firm Samsung as the main solutions provider. By partnering Samsung with local companies, the former's international expertise could be shared with local companies. It is important to ensure that overseas financial support for Open Government reforms works in harmony with national priorities and supports capacity development for the ICT sector.

One mechanism to promote such synergies would be to review the governance mechanisms around ICT policies in Tunisia. OECD countries such as Germany or Spain have in recent years established national ICT councils to steer both the information economy and e-government strategies. Another initiative to engage more proactively with the private sector comes from Switzerland, where the government invited all current suppliers of ICT solutions to submit information about their projects, products and services, with the aim of developing a comprehensive mapping for government agencies that wish to purchase or contract ICT solutions (*Département fédéral des finances DFF*, n.d.).

Poverty, illiteracy and resulting barriers to ICT use for inclusive citizen participation

Another area where the expertise and innovativeness of Tunisia's ICT sector could be tapped, ideally in collaboration with its equally innovative and growing civil society, is the digital divide. Despite great advances in connecting the population, existing levels of poverty and illiteracy in Tunisia and the less favourable environment outside the major cities limit

the effectiveness of digital channels to make government more inclusive. This problem needs to be reflected in strategies to empower individuals and to enable them to understand and claim their rights vis-à-vis the public administration and corporate actors, regardless of where they live, their level of education, their gender, or their economic status.

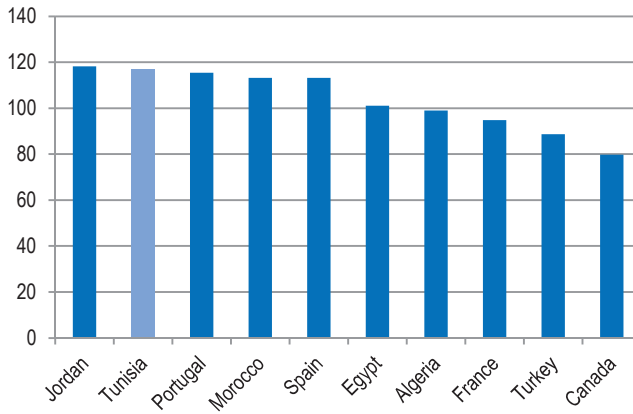
Tunisia has made commendable progress in reducing poverty, more than halving the overall poverty rate over the decade from 2000 to 2010 (from 32% to 15.5%; World Bank data). But poverty remains a critical issue for Tunisia's development. Poverty alleviation efforts did not reach all parts of the national territory equally (INS, 2012). The combination of poverty and less ICT access poses structural limits to the access to public services through ICTs and hampers all forms of civic engagement, both online and traditional.

Illiteracy is another critical challenge for effective civic engagement strategies in Tunisia. According to the latest official figures from 2008, over 22% of the adult population is illiterate; and the rate is closer to 30% for women.² This dramatically changes the ways that the delivery of public services and the execution of citizen rights need to be conceived in order to ensure that they are inclusive.

Poverty and illiteracy condition some of the digital access divides that exist in Tunisia, challenging the success of Open Government reforms. High aggregate connectivity levels, for general mobile phone uptake, for example, can conceal the depth of this problem. Official statistics show that mobile subscriptions reached 116% of the adult population in 2011 (Figure 5.4), similar to uptake rates in Jordan and Morocco but lower than those in Libya and in most Gulf countries. Many low-income subscribers rely on voice and SMS service only, however, and do not use mobile phones to reach the internet.

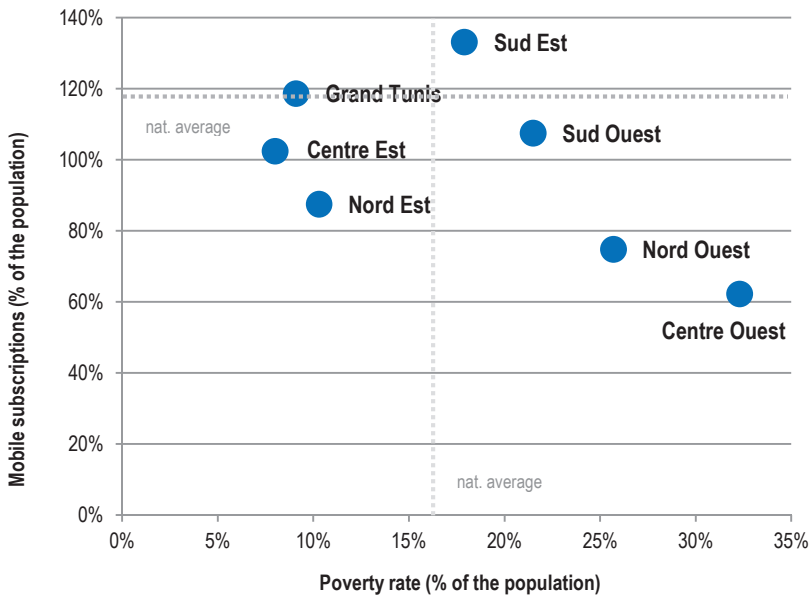
Overall Internet access in Tunisia remains low, moreover. Only 40% of the population report they used the Internet in 2011 (ITU statistics). This results from low household use of fixed lines and limitation of mobile phone use to voice and SMS among a large share of the population. Only 12% of the population currently subscribe to fixed phone lines, which are often the basis for Internet access via modem or ADSL. An even lower share of the population – 2.4% according to the ITU – subscribe to mobile Internet services (e.g. 3G), although such use is growing rapidly.

Figure 5.4. **Mobile phone subscriptions per 100 inhabitant in selected countries, 2011**



Source: World Bank data (2013), <http://data.worldbank.org/indicator/IT.CEL.SETS.P2>, (accessed 13 July 2013).

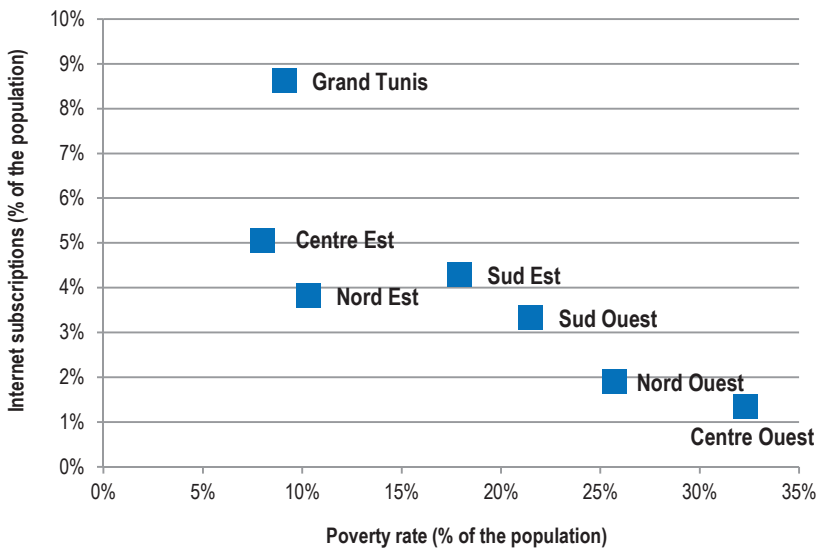
Figure 5.5. **Regional distribution of poverty and mobile phone subscription rates, Tunisia, 2010**



Source: OECD calculations based on INS, 2011 and 2012.

These general access challenges are much more severe in Tunisia's poorer regions, particularly the west of the country where poverty rates are up to double the national average and uptake rates for mobile phones and the Internet are among the lowest in the country. The *Centre Ouest* region, with 1.4 million inhabitants, is the poorest region and has the lowest penetration of mobile phone subscriptions (only 60% of the population, half the national average, as shown in Figure 5.5 above), while only 1% of residents have access to the Internet via phone-based subscriptions (Figure 5.6).

Figure 5.6. **Regional distribution of poverty and Internet subscription rates, Tunisia, 2010**



Source: OECD calculations based on INS, 2011 and 2012.

Despite these enormous challenges in connecting all of Tunisia's population, some digital opportunities can be cited as promising methods to accelerate the Open Government agenda – notably the use of social media and collaboration with digital intermediaries.

Social media use has grown extremely rapidly since the revolution started in 2011. According to market research, over 3.4 million Facebook accounts are already active in Tunisia, which represents roughly one third of the population (THD, 2014; Arab Social Media Report, n.d.). This makes Tunisia one of the MENA countries with the highest national penetration rate for Facebook – topped only by the UAE, Jordan, Lebanon and Qatar. Use of other social media platforms, such as LinkedIn, is not as widespread

in general, but the latter is well used by professional communities, especially in the ICT sector. Similarly, Twitter use is growing rapidly.

Tunisia’s government can also make advances in closing the digital divide through collaboration with non-government intermediaries as providers and promoters of digital engagement channels. Many Internet users in Tunisia do not subscribe to a commercial service at home, but rather use education institutions, Internet cafés and other public access points to connect to the Internet. These intermediaries, as well as municipalities, businesses or associations, can be instrumental in narrowing some of the major connectivity gaps outlined above. Intermediaries can open up additional channels to transfer information and file administrative requests. An example from Italy shows how the government successfully worked with post offices, banks and other companies to provide mediated access to a range of public services (see Box 5.4).

Box 5.4. Public services at your local store: The Italian networks of friends (Reti Amiche)

The Italian Ministry for Innovation in the Public Administration oversees a nationwide project that aims to make public services available to a wider audience by partnering with non-government intermediaries and integrating diverse access devices.

The strategy is based on co-operation with intermediary access providers that include banks, postal offices, supermarkets, railway stations, and lottery outlets. The ministry also partners with the private sector in “Reti Amiche on the job”, which encourages companies to facilitate employee access to e-government services at the workplace. And while the Italian postal service is by far the partner offering the widest range of public services, private sector companies such as IBM, Vodafone, retail chain Legacoop and several banks are also partnering. The most popular services and their providers are:

- making specific tax payments, e.g. for domestic workers (at postal offices)
- requesting residence permits (at postal offices)
- payment transactions (at postal offices, supermarkets and tobacco shops)
- sending certified electronic messages to the public administration (at postal offices).

Sources: OECD (2010), “Modernising the public administration: A study on Italy”, OECD, Paris; www.funzionepubblica.gov.it/media/602077/modernising_public_administration.pdf and information provided by the Ministry for Innovation in Public Administration.

Exclusion of women and resulting digital challenges

The notion of gender equality was firmly embedded in the socio-economic policies of early Tunisia, making the country one of the most advanced in the MENA region for women's rights. However, uncertainties arose during the transition process regarding the security of the country's historically strong commitment to gender equality, expressed by observers both within and outside government. Yet, these uncertainties have been reduced by a broad national consensus that explicitly guarantees the Tunisian historical commitment to gender equality in the 2014 new constitution. Nevertheless, if past efforts to foster economic and social inclusion of women are overturned, this could widen the digital gender divides that already exist in Tunisia.

The following data illustrate some of the structural differences in economic, social and political inclusion that need to inform effective strategies for engaging women, whether by digital means or otherwise:

- The literacy rate for women stood at 71% in 2008. This is high in comparison to other countries in the region, but significantly lower than male literacy rates, which stood at 86% in the same year (World Bank Gender Statistics).
- Tunisia's active labour force has only one million women, compared to almost three million men. In addition, the official unemployment rate for women is 23% and thus much higher than that of men (14%), reflecting a dynamic observed across the MENA region (INS, 2013).
- These factors lead to higher poverty levels among women. Unfortunately, poverty data in the INS poverty report 2012 (INS, 2012) are not disaggregated by gender, but older data sources show that women in Tunisia were more strongly affected by poverty than men (e.g. World Bank Gender Statistics), and this is believed still to be the case.

These factors create important challenges for online engagement of women in Tunisia. For example, mobile phone uptake by women stood at around 80% in 2009 (ITU, 2011). In the same year, the national average for mobile phone subscriptions stood at 95% (ITU statistics),³ which suggests a major uptake gap between women and men. Any credible digital engagement strategy needs to consider and address this limitation by developing strategies to reach women as well as men.

Here again, intermediaries and social media have the potential to widen the opportunities for women to access public information and services.

Intermediaries appear to be important in making the Internet available to women. The ITU reported that in 2009 the share of women accessing the Internet from home (49%) was roughly equal to that of women connecting from Internet cafés (47%). This underscores the importance of working with non-government partners to develop and promote digital tools for civic engagement.

The rise of social media is rapid in Tunisia and it seems that general uptake rates are relatively evenly distributed between women and men. The share of female users on Facebook is 42% and that of female users on LinkedIn 48% (Arab Social Media Report, n.d.). Initiatives by civil society actors in other MENA countries that specifically target young women are increasingly using social media channels to support women's advocacy and ensure their civic rights (e.g. the Girl Geek Camp in Lebanon) (Girl Geek Camp, 2014; Global Fund for Women, 2014).

The domestic ICT sector should be considered a partner in expanding digital access opportunities for women. Around the world, many governments and companies have launched programmes to increase the pool of IT-skilled girls and women in the population. In Germany, a consortium of government, academia and companies launched the “national pact for women in MINT careers” where MINT stands for mathematics, informatics, natural sciences and technology (Kompetenzzentrum Technik-Diversity-Chancengleichheit e.V, n.d.). The US government, the Institute of International Education, and Microsoft jointly launched a similar initiative targeting women in the MENA region, “Women in Technology” (Institute of International Education, 2014). Although there are several projects ongoing in the MENA region, there is none in Tunisia. Tunisia's government should consider using a multi-stakeholder partnership to lower digital access gaps for women, which would also create new talent for domestic ICT firms and research institutions in this area, as well as government itself, often a preferred employer for women.

Better data is urgently needed to identify and analyse gender-related challenges in using ICTs for Open Government. Only a few studies could be identified that focus on the specific digital challenges of Tunisian women and not all data were readily available. For example, results from the ITU study cited here (2009) are only available via third parties and no complete disaggregated dataset could be found. In addition, important national statistical reports do not disaggregate their statistics by gender, notably the report on poverty (INS, 2012) and the report on infrastructure indicators (INS, 2011). Thus there is an urgent need to better follow up on the implementation of strategies and commitments such as the one made by the Tunisian government to periodically collect and produce gender-specific statistics on ICT access and use (ITU, 2011).

Government capacities to use technology for Open Government

Since the revolution, Tunisia's government institutions have faced a number of challenges in opening up effective channels for citizen engagement. From discussions with civil society actors, it is evident that current public sector recruitment practices have not always been sufficiently transparent or effective to ensure an inflow of motivated and capable employees. Coupled with such longstanding workplace issues in the public sector as low pay and poor working conditions, these conditions make it very difficult for the Tunisian to attract and retain skilled ITC personnel. The lack of ICT professionals and ICT skills in general within government reduces government capacities to use ICTs to open up citizen engagement channels. This problem is even more severe at local government levels, especially in poorer and more remote parts of the country.

These general recruitment and retention challenges are exacerbated in the case of experienced ICT leaders and young professionals, who are often bid away by the private sector. One factor deserving more attention in this regard is the lack of a clearly defined set of opportunities and expectations for public-sector ICT-skilled professionals. Governments tend to think of ICT professionals in narrow terms, as software developers, for example. But today's ICT challenges require personnel who have a broader set of professional skills needed to use ICT to engage in consultation and dialogue, including, at the leadership level, the ability to steer entire ICT development agendas or projects in support of larger government reforms.

All governments face this challenge and are struggling to address it. The United Kingdom, for example, has mapped government IT needs and outlined a framework for the government IT profession to guide more aggressive recruitment and retention measures (NAO, 2011). Parts of the exercise could be adapted to Tunisia's needs.

Bringing in talent is also important to keep government programmes up-to-date with such trends as the rise of social media in all spheres of public, private and commercial life. Today it seems that Tunisia's public administration is uncertain where social media fits within its broader strategy to engage constituents, let alone how to use it effectively. Individual institutions such as the Ministry of Interior or the Ministry Education and some municipalities have gained quite a bit of traction via different social media channels, primarily Facebook. What is needed is to put in place a systematic way for the government to learn from these and other experiences, building on them to develop guidelines for a consistent, high-quality, and sustainable approach. This approach should then be rolled out through training so as to accelerate government staff's learning curve in the government and enable a more rapid uptake of these new communication

methods. Central guidance is necessary to give institutions and individuals in the administration greater confidence about what is possible, what is expected and what is to be avoided in the social media sphere. Developing a social media handbook similar to what Chile has done could be a starting point (Box 5.5).

Box 5.5. Chile’s government’s social media strategy: Hitting the right buttons

On Twitter, *Gobiernodechile* is the second most popular central government institution across the OECD. The almost 400 000 “followers” of *Gobiernodechile* represent over 2% of the population. This high usage is facilitated not only by Chile’s high usage rates for Twitter but also by the government’s aggressive use of this channel to publish useful content.

A clear and proactive strategy toward social media on the part of the Chilean government has enabled civil servants across the system to use social media to engage their stakeholders. This strategy has included provision of targeted information and dedicated assistance to government institutions and civil servants on how to use social media:

- A government circular explicitly encouraged the use of social media across the Chilean government in 2010 (<http://www.gob.cl/comunicacion-digital/instrucciones-sobre-lineamientos-comunicacionales-de-plataformas-digitales-y-sitios-electronicos-del>).
- Use of social media for a more Open Government is promoted as a key objective in the national e-government strategy. The three pillars of the strategy are “Open Government”, “government close to its constituents”, and “efficient government” (www.modernizacion.gob.cl/nuestra-agenda/plan-estrategico-de-gobierno-electronico.html).
- The government’s digital guide (Guía digital) is an exhaustive source of strategic and technical assistance relating to the use of new technologies. Discussion of possible ways to use social media through case studies are part of the publicly available guide, which also covers questions about the preconditions, capacity and skills necessary to make the best use of social media in government (www.guiadigital.gob.cl/plataformas-sociales).

The Chilean government’s social media strategy is a living document, jointly developed with the wider public. This means the documents cited here are not static, but receive regular revisions in response to citizen feedback – fittingly, through social media. The e-government strategy, for example, is in version 9 at the time of writing; the digital guide in its current form is a “beta” version, i.e. under development.

Source: OECD (2014a), *Social media use in governments*, OECD, Paris, www.keepeek.com/Digital-Asset-Management/oecd/governance/social-media-use-by-governments_5jxrcmghmk0s-en#page1.

But Tunisia's government also has major opportunities at hand to increase government capacities to use social media and develop a workforce that can utilise ICTs for more Open Government.

Social media success stories already exist at different levels of government in Tunisia. Besides the central government ministries mentioned earlier, the town of Sayada (Monastir Governorate) identified the potential of using social media. The town has a website, but uses Facebook to interact with a broader share of the population and to inform them about, for example, new Open Government data released on the main website. The town's Facebook page has 9 600 fans, which is impressive given the town's population of 12 000.⁴

In areas where government has hesitated, civil society actors have quickly come in to fill the void. Hammam-Lif, a town on the outskirts of Tunis, has an unofficial, but relatively successful Facebook presence: it counts a 20 000-strong online community, which represents roughly half of the town's total population (Hammam Lif, 2014). Instead of duplicating efforts, local governments could try to find arrangements to use such existing communities as a channel to diffuse official information and obtain citizen feedback.

When it comes to "updating" internal capacities, Tunisia's government has the advantage of having a large and dynamic pool of ICT talent. Better use could be made of the fact that 16% of national university students are enrolled in ICT-related subjects, for example (Portal of Information and Communication Technologies, 2014). Governments across the OECD are making efforts to attract young ICT professionals and engineers. Australia's federal government has for many years been using apprenticeship, cadetship and graduate recruitment programmes. Obviously, social media are also being used to raise attention to government career opportunities among its target audience of students and recent graduates (Australian Government ICT Entry-level Programs, 2014; Australian Government, n.d.).

Tunisia's government could also establish more favourable conditions for experienced ICT professionals. Many OECD governments have created attractive positions for national Chief Information Officers, digital champions or open data "evangelists". Despite differences in titles, mandates generally include steering national ICT use towards the support of government reforms, e.g. for more openness.

There could even be ways to gain ICT expertise that do not require going through the lengthy and rigid public sector recruitment procedures. Tapping into Tunisia's large ICT-skilled workforce could be done by limited-term contract to fill vacant positions or even unpaid internships for young professionals to kick-start specific projects. In the United States,

Code for America has earned a good reputation for organising fellowship programmes where talented ICT professionals take a set period off from their job to, for example, help a municipal government to find innovative solutions for a major challenge it faces¹⁶. Parts of these programmes could surely be adapted to local needs in Tunisia, although the question of funding would need to be addressed. Code for America is mainly sponsored by firms and non-profit foundations. A similar model of funding, possibly involving international donors in partnership with ITC firms, could be explored in Tunisia.

ICTs to open up government data

Tunisia's Access to Information law provides new opportunities to accelerate open data availability. Governments turn to opening up datasets held by their administrations for a variety of purposes: increasing transparency, improving public services, stimulating new sources of economic growth and innovation, and expanding the intelligence base available for government decision making. Open Government data (OGD) initiatives are therefore seen as vectors for Open Government agendas, but also can underpin general government reforms and national policies (OECD, 2013b), as well as stimulate research and evidence-based analysis on issues of importance to the government and society.

There is great interest in Tunisia in using data to sustain public debates about public services and policies. For example, the first publication of comprehensive poverty statistics and trends over the decade 2000-2010 triggered very strong public debates about the content as well as about the methodology used in constructing poverty statistics. Similarly, the opening up of state budget information is being demanded by many parts of society; publication of data is met with great public interest and scrutiny. The good example offered by Sayada in Monastir government deserves to be cited again: as of March 2014 it had already posted income and expenditures for February 2012 on its website, downloadable in both Excel and comma-delimited formats.⁵

Tunisia's government has made initial steps towards more proactively opening up government data. It has done so in parallel to actions by civil society. The official portal <http://data.gov.tn/fr> holds around 100 data files from different areas of the administration, most of which would appear to have been viewed around 100 times. Most data is available in formats that are relatively easy to re-use, even if they are proprietary: MS Word and MS Excel documents. The portal www.opendata.tn was established by non-governmental actors and features a small number of datasets in various

formats. The site has been relatively inactive since summer 2012 and on maintenance currently, however.

Furthermore, on 17 June 2013, the Minister of Interior has created the website <http://opendata.interieur.gov.tn/> where open data in both Arabic and French was uploaded. It gathers 150 data files of different types (Excel spreadsheets, documents, cartographies, statistics, and computer graphics) in different open formats: CSV, JSON, and XML.

The data website includes the Ministry organization, competences, budget, statistics of various ministerial structures' activities. It also provides the legal framework of access to the government data and illustrates the method of access to the Ministry data. Still, it is crucial that this shared data responds to the citizens and users' needs and is presented in an easily accessible format.

Finally, the National Statistical Institute (*Institute nationale de la statistique*) develops and publishes statistical information in various policy areas. The catalogue is quite large and contains the main categories of economic and societal indicators typically published by national statistical offices.

It is, however, evident that availability and use of public sector data in Tunisia is still taking its first baby steps. What seems to be missing is a clear picture of the actual demand for datasets among the general population and specific groups like journalists or researchers. No references could be found to a structured process that engages stakeholders in the discussion about the content and format of data to be made public. The only exception is the Ministry of Economy and Finance, which established a commission that collaborates with non-government stakeholders to develop a citizen-oriented presentation of the state budget. (Although this is a very positive step, it does not substitute for releasing full financial accounts promptly and in machine-readable formats.) Similar collaborative efforts should be envisaged to identify the potential for re-use of government data in other policy areas, e.g. healthcare, education, security, and environmental quality.

A further missing element requiring attention is the development of a common economic narrative supporting the opening of government data. The public sector holds large amounts of data that the private sector can re-use to create new kinds of products and services. These data can, not only stimulate the development of Tunisia's promising ICT sector but, directly promote investment and efficient decision making by the private sector more generally, by providing geographically disaggregated data on population, income levels, workforce characteristics, infrastructure, and other factors of interest to business. Private firms can build on these data to produce customised analyses for clients, facilitating investment and job creation.

In view of Tunisia’s strong human resource base in ICT, there are opportunities to create an eco-system of Tunisian companies working closely with the public administration to identify the growth potential of Open Government data and to capitalise on it. Two examples from OECD countries show how feedback from the private sector can help create an economic narrative around Open Government data and demonstrate its relevance to the national economy, making a strong case for the relatively limited sums required to generate this data:

- Spain’s government identified and now regularly monitors a sample of 150 domestic companies that make a business out of the re-use of public sector information. In a recent report on the development of the national portal <http://datos.gob.es> the government estimates that the monitored companies have combined revenues of around EUR 500 million while employing around 4 000 people (ONTSI, 2012).
- In France, the *Etalab* team responsible for www.data.gouv.fr early on launched “*dataconnexions*”, a community of private sector partners that co-determine priorities for public sector data to be made available for commercial re-use. The community consists of industry majors, e.g. Orange and Microsoft, as well as small and medium-sized businesses.

Demonstration of the benefits of Open Government data is an on-going process – in Tunisia and elsewhere. To allow national eco-systems to grow around public data, governments are working continually to improve data availability and access for re-use. The public data principles elaborated by the UK government are a good tool against which to measure Tunisia’s commitment to Open Government data (see Box 5.6).

**Box 5.6. Open Government:
Public data principles in the United Kingdom**

1. Public data policy and practice will be clearly driven by the public and businesses that want and use the data, including what data are released when and in what form.
2. Public data will be published in re-usable, machine-readable form.
3. Public data will be released under the same open licence which enables free re-use, including commercial re-use.
4. Public data will be available and easy to find through a single, easy-to-use, online access point (www.data.gov.uk).
5. Public data will be published using open standards, and following relevant recommendations of the World Wide Web Consortium (W3C).

**Box 5.6. Open Government:
Public data principles in the United Kingdom (cont.)**

6. Public data from different departments about the same subject will be published in the same, standard formats and with the same definitions.
7. Public data underlying the Government’s own websites will be published in re-usable form.
8. Public data will be timely and fine-grained.
9. Release data quickly, and then work to make sure that it is available in open standard formats, including linked data forms.
10. Public data will be freely available to use in any lawful way.
11. Public data will be available without application or registration, and without requiring details of the user.
12. Public bodies should actively encourage the re-use of their public data.
13. Public bodies should maintain and publish inventories of their data holdings.
14. Public bodies should publish relevant metadata about their datasets and this should be available through a single online access point; and they should publish supporting descriptions of the format provenance and meaning of the data.

Source: Data.gov.uk (n.d.) “Public Data Principles”, <http://data.gov.uk/library/public-data-principles>.

Recommendations

1. Strengthen the implementation of existing legislation that frames the use of ICTs in support of Open Government reforms, in order to reaffirm post-revolutionary commitments. Implementation of national initiatives to use ICTs for public engagement and better public service quality suffer from low levels of follow-up, monitoring and evaluation. Efforts should not necessarily be on drafting new laws, but rather on developing internal human resources, reviewing governance mechanisms, engaging stakeholders more intensely and supporting implementation in local government. An immediate measure could be to identify and mandate charismatic digital leaders in key government positions to generate broad buy-in to using ICTs for government reform.
2. Map and review ICT mandates across the entire Open Government eco-system and evaluate the use of ICTs. Internal management

systems and digital workflows exist, but are often underutilised. To start a genuine evaluation, past activity reports prepared by individual institutions, such as the reports of the citizen supervisory groups and citizen relation offices, should be made public and posted online.

3. The mapping and review exercise would likely conclude that some restructuring is advisable to make better use of ICTs in support of government reforms. In France such a restructuring recently joined up three previously distinct organisational units – the government Chief Information Officer, the public sector modernisation team and the Open Government data team – within a single structure under the Prime Minister (the *Secretariat-General pour la Modernisation de l'Action Publique*, SGMAP).
4. Improve co-ordination of ICT-specific mandates for Open Government. The division of competencies, resources and mandates between EgovU and MinCom is the result of organic developments rather than systematic decisions. It should now pave the way to a structured reflection on how ICTs should effectively support national policy priorities and what institutional arrangements would best support that outcome. In Egypt, a set-up with similarly unclear divisions in the competencies of two ministries (MSAD and MCIT) has contributed to systematic underutilisation of ICT in the public administration (OECD, 2013a).
5. Create an integrated national plan for ICT development in the public and private sectors. Many countries recognise the benefits of integrated policies for national ICT development and diffusion: economies of scale for the domestic ICT sector, more effective access and connectivity plans, a sustainable supply of skilled human resources, innovation spill-overs and greater coherences in achieving national policy priorities. Such a plan requires closer co-ordination between government organisations such as the EgovU and MinCom, but requires input from other ministries, such as those responsible for economic development, education, the decentralisation initiative, and others. It also needs close co-operation with the private sector.
6. Formulate explicit and context-specific objectives on how ICTs can be used to empower vulnerable parts of the population. Digital Open Government initiatives in their current form are limited in their inclusion of women, the poor, the illiterate, and rural populations. To expand the reach of digital means for public service delivery and information exchange, engagement strategies should closely involve

intermediary actors and institutions, including local government, post offices, local businesses and associations. ICT skills development programmes for women can help to overcome gender-specific digital divide barriers in Tunisia. Targeted and context-aware initiatives will be instrumental in: a) giving women the means to work for or with government in using technologies to improve access to public services, information and governance processes; b) increasing and diversifying the pool of ICT specialists available to the private sector.

7. Improve collection and production of data on digital divides and proactively address access gaps. The availability of official data is improving, although the precise magnitude and characteristics of some structural divides remain unclear. Only a limited number of data sets are for example publicly available on digital access barriers that women face in Tunisia. And where data on ICT use by women is available, they often cannot be disaggregated to better understand contributing factors, e.g. geographic factors or levels of education. In this regard, it is worth noting that some ICT activities, such as keeping Facebook sites up-to-date and developing webpages, are particularly suited to home-based work, providing opportunities for young mothers.
8. Make social media a systematic component of government reform plans. Today, roughly a third of Tunisia's population uses Facebook and the share is rising. Despite access limitations for poorer and more remote populations that need to be considered and compensated with accessible means of communication (such as radio), it is essential to reach those parts of the younger population at risk of becoming disenchanted post-Revolution by the lack of progress in relieving their dire social or economic circumstances. At the local level, some trust can possibly be (re-)built if concerted efforts are made to provide guidance, examples and training to government officials on how to best use social media, although these improvements will only be sustainable if followed up with real change and concrete opportunities.
9. Develop a comprehensive plan for public sector human resources development that takes into account both current and structural shortcomings of government capacities for technology use. Tunisia should aim to ensure a regular in-flow of talented young professionals in order to keep the administration up-to-date with technology trends and in touch with societal movements. Use of contracting mechanisms to tap into vibrant small ICT businesses as well as more established firms is a necessary complement to

working to retain this expertise on government staff rosters, and may prove more sustainable. This issue is of high priority to a rising number of countries and some international practices could readily be adapted to the Tunisian context.

10. Mandate that digital information and services be provided in a coherent and accessible manner. Government online services, social media presences and other official channels have multiplied, but their contents are not always consistent or interconnected. Websites often use needlessly complicated or legalistic language to convey information. Tunisia could follow other countries' examples by mandating "plain" language in public communications, i.e. avoidance of jargon, bureaucratic language, and legal terms. Greater accessibility could also be achieved by setting minimum requirements for standardising content and formatting on official websites.
11. Engage and involve overseas Tunisians using ICTs. The perception of the openness of government in Tunisia could improve by enabling migrants to vote online. Online channels for funding of innovative business ventures and crowd-funding of civil society initiatives would also strengthen engagement of overseas Tunisians in addressing their homeland's needs.
12. Take a more comprehensive approach to opening up government data. There is a good degree of experimentation within the government, but also some confusion regarding what Open Government should be able to achieve. Multiple websites and institutions "compete" for attraction in providing access to official data, but at the same time important information is not available at all. While some competition is healthy, relationships should be clarified by, for example deciding which agency will be the authoritative source for a given dataset and creating links to that data in preference to multiple postings. Moreover, the Tunisian government should establish a systematic process to work with parliament, citizens, business, and newly-decentralised local governments to mutually identify the areas in which citizens and other stakeholders can generate societal and economic benefits from public data. Finally, good case studies and empirical evidence should be collected around the business potential of Open Government data. This is important to showcase the economic opportunities to generate support for adequate ICT funding and to encourage reluctant government institutions to publish their data.

Notes

1. Ministry of Higher Education, Scientific Research, Information Technologies and Communication.
2. World Bank, Education Statistics, Adult (15+) Literacy Rate.
3. The higher figure for total mobile subscriptions reflects the common practice of having more than one phone.
4. See www.villedesayada.tn/ and www.facebook.com/Sayada5035 (accessed 4 April 2014).
5. www.villedesayada.tn/ar/node/357.

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Annex A

Open Government at the local level in Tunisia: Two case studies

Box A.1. Why is it important to look at local experiences when assessing citizen participation?

Local governments have a key role in implementing Open Government (OG). Local authorities are at the forefront of the State. Their performance shapes people's perception of the quality of the government, as a whole. Their proximity with people and with their needs spurs citizen scrutiny, engagement and participation. Their capacity to pool information about opportunities and challenges facing their community put them in a pivotal role to support business and promote inclusive and sustainable economic development. For all these reasons, local governments have to be transparent, accountable, accessible, and ready to react to citizens' feedbacks, and – last but not least – interface their communities with higher levels of government.

On this basis, the OECD has launched an ad hoc assessment of the functioning of OG in local communities within countries participating in the MENA-OECD Open Government Project. A series of case studies have been selected in co-operation with national authorities in several MENA countries. OECD delegations composed by international experts, peer reviewers from OECD and MENA countries, and OECD officials have organised ad hoc missions to meet with local stakeholders including representatives of the national authorities (de-concentrated power), local governments, NGOs, and the business community. Local stakeholders have been involved in focus-groups, workshops, and interviews. On-field missions have also been a way to disseminate information to local and national authorities; in particular, good practices and tailored policy advice on how to design and implement OG reforms.

Introduction

As part of the Open Government Project, the OECD and the Government of Tunisia jointly selected the governorates of Sfax and Gabès to assess the implementation and impact of Open Government policies at the local level. A delegation composed of members of the OECD Secretariat and peer reviewers from Bilbao (Spain) and Milan (Italy) met with representatives of local governments, CSOs, and local business communities. This document presents these two case studies, discusses their findings and provides recommendations on how to improve Open Government policies and practices. The document is to be read within the context of this OECD Open Government Review of Tunisia, on whose principal theoretical assumptions and methodology it is based.

Tunisia used to be a highly centralised country before the Revolution with limited citizens' participation, transparency and accountability mechanisms. The central government was at the top of an extended network of subordinate layers in charge of controlling national resources and the flow of information. Local constituencies such as business and NGOs were fully dependent from the decisions of the centre and excluded by any form of participation.

The Revolution has provided an unprecedented opportunity for development, but the transition is hampered by several challenges. First, the profound split between the capital and rest of the country, in particular the rural areas in the centre and south. It is important to address this legacy of the past, as regional disparities are among the key causes that ignited social unrest. Second, although the Revolution did not wipe out all intermediate institutions, trade unions and industrialist associations are struggling for the right instruments to play a more prominent role to defend the interest of Tunisia citizens and business. Third, productivity is plummeting, also due to the fact that the public sector (including state-owned enterprises) has absorbed a large number of unemployed, after the revolution. Trust in the capacity of the government to promote economic growth is needed so that the private sector can start hiring again. Fourth, a large number of NGOs were created over the past two years. This proves that civil society is taking a more active role within the national governance. The situation, however, is still fluid and many CSOs suffer the lack of human and financial resources. Most of them fully depend on international aid funds, which might have an

impact on the scope and focus of their activities and their capacity to tailor initiatives to the specific needs of their members or constituencies.

Enhancing Open Government, and distributing government responsibility across levels of government and stakeholders, is a way to fully capitalise on the spirit of the Arab Spring and on the demands of the Tunisian Revolution. Evidence collected during the field visits suggests that Open Government policies and practices can be instrumental to identify shared and sustainable solutions to the current key challenges. However, these policies need to be accompanied by a structural reform of Tunisia’s multilevel governance. As foreseen in the new Constitution, to play an effective role on the territory and to be accountable to citizens, local and regional authorities will be given greater powers and more delegated authority and autonomy. At the time of writing, the process is still underway and local interests find it difficult to make their way to the political agenda discussed in Tunis at least until the municipal elections that are to be organised in 2015.

Tunisia can promote a more inclusive development, but challenges remain

Persistent regional inequalities, including high and spatially concentrated unemployment rates are among the factors that ignited the Revolution in 2011, and are still affecting the country. Tunisia’s economic geography features a profound split between the metropolitan area of Tunis and its surroundings, and the rest of the country. This condition can be considered as a legacy of the past regime more than a result of agglomeration dynamics. Tunisia’s development policy concentrated public investment in the north of the country, overlooking – perhaps intentionally – the potential for endogenous growth in other regions, especially in the centre and the south of the country, which is also called *la Tunisie Profonde*.

The power was extremely centralised and the government used to be at the centre of a large network of “clients” operating in key national and intermediate institutions including trade unions, industrialist associations, universities, research centres, etc. Needless to say, the control of the central government on subnational authorities (governors and mayors) was total. These conditions triggered a rural “diaspora” in which people living in the centre and in the south of the country used to migrate to the Capital City (and its region) or abroad, with a devastating impact on local capabilities and skill set.

The Revolution – although it has slowed down Tunisia’s economic performance since 2011 – provides the country with an unprecedented

opportunity to change its approach to economic growth and favour inclusive development. To do that, however, a mix of good governance, citizens' trust and public investment is needed in order to improve service delivery across the country and to leverage private investment to create new job opportunities, especially for the youth. The government is also supported by the international community in this endeavour, and Tunisia is turning into a laboratory where experimenting new governance mechanisms that could inspire other countries in the MENA region.

There are a series of challenges Tunisia needs to overcome to unleash the potential for a more harmonic socio-economic development and growth. First, the country is in the midst of a rebooting of its governance mechanism. The political process that led to the redesign of the new Constitution – while necessary – has generated incertitude, which negatively affects the national governance framework and percolates to subnational levels where government functions are still allocated to de-concentrated powers and non-elected officials. Second, there is a lack of reliable data about regional needs and opportunities. This imperils policy making and the efficient allocation of public investment.

Implementing Open Government to support the transition towards democracy

In this context, it is important to enhance the role of local communities and, in particular, transparency and accountability mechanisms and citizens' participation. The two case studies presented in this report demonstrate the potential Open Government can have to support and facilitate the transition of the country toward a democratic political regime.

First, information, consultation and direct engagement are needed to enhance institutional and social capital, and eventually trust. At the moment, local governments are not elected and based on the voluntary engagement of individuals selected among the most educated and available among in the population. However, due to the fear of corruption – which was a feature of the past regime – these local governments have a very limited power, short duration, and representatives are exposed to criticism, which can hamper voluntarism in the medium term.

Second, facilitating and co-ordinating citizen participation is a way to collect information about local needs and opportunities for development. Open Government could also be a way to overcome the current lack of knowledge about the potential of Tunisian regions to generate economic development, thus facilitating the allocation of public investment. At the moment, due to the lack of information about regional investment

opportunities, the central government avoids engaging in long term strategies.

Finally, within a framework of balanced participation and responsibility, it would be important to give visibility to positive results in local communities to maintain the momentum in favour of the political process underpinning the transition toward a modern democracy, which was triggered by the Revolution.

Local case studies – Sfax and Gabés

In collaboration with national authorities, international experts and local stakeholders, the OECD selected the governorates of Sfax and Gabés as case studies. These communities were visited by an international delegation including peer reviewers from the City of Bilbao and the City of Milan. The two regional case studies are different in terms of demographic size, industrial mix, and role within the national economy. This gives the possibility to assess challenges and opportunities related to Open Government at the local level in different contexts, and also to look at different functions.

Despite their difference, however, it was interesting to see that the two case studies share some common features, listed below, which give an idea about what local governance used to be under the past regime, and the way it has evolved during the post-revolutionary period.

- In Tunisia local governance used to be organised in a dual, parallel, system in which there was a mix of devolution and de-concentration of power. The focal point of this system was the governor, who was appointed by the central government and in charge of both the administrative and political powers in the governorate. The governor was the president of the Regional Assembly which was formed by delegates elected by local citizens. Below the governorate and the Regional Assembly there were two more levels: a sort of “province” and municipalities. At both levels there were officials appointed by the governor and elected representatives: delegates and mayors.¹ Thus the “dual” system of governance was replicated till the lowest tier of government.
- Revolution wiped out this dual system of governance, and an alternative governance mechanism is still in the making.² At the time of writing, delegates and mayors are selected (not elected) among educated citizens who volunteer to cover this role for a given amount of time, usually one year and have limited functions. Their power is therefore limited to deal with day-to-day operations.

Accordingly, and contrary to the spirit of the reform included in the new Constitution, the governor has seen his power increased and he has now full control of the regional and local political agendas. Yet, in reality, in regional case studies we visited, governors are very cautious about their regional leadership and play a role of co-ordination, more than policy setting. The result is a power vacuum, and a focus on short-term objectives and basic needs rather than to sustainable and inclusive development.

- Although the evidence collected on-field during the visit is limited, it seems that trade unions (UGTT) and industrialist associations (UTICA) are becoming important intermediate institutions that could play a key role within the transition process. Trade unions supported the Revolution since the beginning and offered organisational support for the protest. Industrialist associations were not a key player in the first period of the revolt, but are becoming more and more involved in the current governance system. Their support would be important to help overcome the current power vacuum. They can provide public authorities with legitimacy and with a platform to design and implement policy interventions with citizens and business.
- The current drop of productivity could endanger Tunisia's competitiveness in the medium term. After the success of the Revolution, it was important to reduce social unrest in order to avoid an excessive deterioration of key institutions, and of the overall governance. To do that, the public sector, including state-owned manufacturing and extracting companies, hired a large number of unemployed. This, however, negatively affected labour productivity, and may also impinge upon export and inflation trends in the short- and medium-term.
- Citizens' participation has been increasing dramatically, but its scope is limited by the lack of co-ordination and human capital.³ The transition period is characterised by the formation of a large number of CSOs. However, due to the lack of financial and human resources, a relatively limited experience in dealing with civic engagement, and of a local political framework that could inform the debate about needs and opportunities of a given community, their action are mostly focussed on satisfying immediate community interests rather than building a more strategic long-term programmatic dialogue with local institutions. We also noted that national instruments and policies supporting citizens' participation, the fight against corruption, e-government services, etc. are poorly disseminated among local stakeholders.

In sum, the local communities of Sfax and Gabés seem to have an urgent need of public goods, intermediate institutions, and socio-economic development policies. Above all, they need a vision for their future and an open arena in which to discuss and shape it. In this context, Open Government could represent a platform in which public authorities, business community and civil society create together a common idea of their future.

Focus on Sfax

Sfax is a governorate in the centre of the country and is home to approximately one million people, or 10% of the national population. The capital of the governorate is the city of Sfax, the second largest city in Tunisia. The governorate of Sfax is one of the economic engines of Tunisia and generates more than 20% of national GDP. The economic importance of Sfax depends on the presence of an active business community and a large port. Main economic activities are trade, retail, fishing, agriculture (with a large production of olive oil) and phosphate transformation. Sfax is also a key education hub in Tunisia. The local University enrolls more than 45 000 students.

Despite this key role in the national economy, Sfax was penalised by the former regime and in particular by the national development strategy that concentrated public investment in Tunis and on the northern coast. So, a legacy of the former regime is that, despite being a key economic hub, Sfax has a relatively poor endowment of transportation infrastructure and – more generally – public goods. The central government had also limited access to international trade and networks. According to local stakeholders, the national government used to deliberately discriminate against Sfax to avoid the creation of a large, organised and vocal business community that could have challenged the central power.

In 2010, before the revolution, Sfax put in place a regional development plan, encompassing the city of Sfax and several satellite municipalities. The plan, called Gran Sfax 2016, was supported by the World Bank and City Alliance, and by the local business community. The aim of the plan was to revive regional competitiveness by identifying key economic drivers and investment opportunities. The strategy was designed in close collaboration with local municipalities and local stakeholders, such as the university, which were provided with the possibility to influence the investment agenda, thus overcoming the centralised and arbitrary decision-making process which characterised Tunisia in the former regime. Yet, the current power vacuum and in particular the lack of elected officials in the cities, has hampered the implementation of the development plan.

According to local stakeholders, public investment to support regional development is insufficient and has, in fact, declined. In Tunisia, the central government earmarks funds to governorates. National transfers are used mostly to deliver basic services, and partly to promote development. However, due to the lack of territorial statistics, funds are often insufficient to meet the real needs of regional communities. Sfax has also its own tax revenues; approximately USD 27 million per year. Currently, these funds are mostly used to cover functioning costs that have skyrocketed after the revolution due to the large number of unemployed absorbed by the public sector. As a result, there are meagre funds left to support regional development.

In this context, the local business community would be available to take a more active role and invest in regional development. A model to allow and co-ordinate their direct participation would be public-private partnerships (PPPs). However, the current legal framework limits the use of PPPs and, due to the lack of trust and fear of corruption, citizens do not support the idea that the private sector invests in regional development. The recently nominated governor – who was selected by the central government, bearing in mind the need of providing the governorate with a neutral and accountable leadership – could play a key role in co-ordinating the action of different local constituencies providing citizens with possibilities of control over the public investment implemented in the region (transparency), as well as PPPs with accountability.

In general, after the Revolution, citizen participation in Sfax has increased. Due to the lack of data it is not possible to quantify the increase in number of NGOs and citizen organisations. Local stakeholders, however, point at the different role they play in the new governance framework and also to the broader scope of NGOs and citizen organisation in the new regime. The effectiveness and impact of citizen participation, however, is limited by the lack of human capital and, more generally, of co-ordination. Local stakeholders stress the need to improve the regional endowment of social capital to help citizens better identify common needs and co-operate to solve them. Again, the new governor could put in place processes of public consultation to help citizen organisation, shaping and co-ordinating their requests and participation in policy making.

Focus on Gabés

The governorate of Gabés is located on the Mediterranean Coast, in the South of the country. The governorate is home to approximately 320 000 and the capital, Gabés, approximately 160 000. The region is rural and

relatively remote, and illustrates well the large urban-rural split featuring Tunisia.

The local economy is based on phosphate transformation and oil refineries. Since 1970s, the central government developed in Gabés one of the most important public industrial poles of the country. Some 8 000 jobs were created and the region also benefited of an improved endowment of transportation infrastructure. The region, however, did not receive any monetary advantages or other sorts of benefits to compensate the community for hosting the manufacturing activities.

Due to the lack of transparency and public scrutiny, the industrial pole eroded the competitiveness of other local economic activities, and caused a deterioration of regional quality of life, over time. At first, through wage competition; fishing and agriculture activities – which were the traditional specialisation of the region – suddenly lost their capacity to attract and retain workers. Then, these traditional sectors were also hindered by high pollution generated by the chemical plants. For almost 40 years, for instance, the phosphate transformation plant dumped its waste directly in the sea causing the fish to disappear and also polluting valuable agricultural land. Pollution also impacted local population causing – according to local stakeholders – a sensible increase of maternal mortality in the area of Gabés.

The possibility for citizens in Gabés to access reliable information about the quality of the environment in their region is one of the most important results of the Revolution. For instance, according to interviews conducted during the assessment mission, the former regime was manipulating statistics and analysis about the level of pollution in Gabés. This was done to protect the competitiveness of the phosphate plant (whose output is exported abroad), and also to avoid dealing with complex and expensive environmental policies to reduce pollution at the regional level. Of course, the lack of information annihilated the possibility for citizens to participate in shaping local policies.

Nowadays, citizens of Gabés are aware of pollution and are active in finding a solution to save jobs and improve environmental sustainability of industrial plants. The governor of Gabés plays an important role in this process. The reduced influence of the central government and the lack of elected local governments give the governor the responsibility of acting as the main government power in the region. So, he has the responsibility to find a solution to the complex problem generated by the phosphate transformation industry. Due to the complexity of the issue, he decided to involve local constituencies in an open discussion about the current situation and about possible solutions.

The governor organised a round table involving the business community, trade unions, and citizen organisation to set a road map for local emergence. Although the round table has been implemented only recently, which makes it impossible to do an impact assessment of the process, it has become an important “intermediate institution” in Gabés and is mobilising civil society including trade and business unions. As discussed above, the impression is that this round table could also become a forum where a strategy for regional development is discussed.

Key findings and recommendations

- **Sfax:** The governorate of Sfax generates an important share of the national GDP. It is home to some 1 million people. The regional capital is the city of Sfax (300 000). The local economy depends on fishery, phosphate transformation, and tertiary activities. The local University enrolls some 45 000 students. However, the regional economic potential is reduced by the lack of transport infrastructure (logistics) and other key services. Sfax’s governorate and municipality have a meagre endowment of financial resources, which are still centralised and sent to regional governments in the form of earmarks. As a result, it is difficult to tailor public investment to regional needs. The business community is willing to invest to fill the current gaps. Yet, there are no instruments to implement public-private partnerships (PPPs), which are also negatively perceived by citizenry due to a general lack of trust (fear of corruption). The limited endowment of social capital is also evident when it comes to citizens’ participation, which is strong and well-structured only in limited cases. Accordingly, in Sfax, *Open Government could help generate trust and greater co-ordination between local authorities and CSOs and among CSOs themselves. By doing so, it could also have an important role in facilitating the use of public-private partnerships (PPPs).*
- **Gabés:** The governorate of Gabés (320 000) is home to a large industrial pole specialised in oil and phosphate transformation. The pole was started by a national policy in the 1970s. The aim was to improve manufacturing in Tunisia. The investment generated 8.000 jobs in the region, yet the impact on the environment was devastating and traditional activities such as agriculture and fishery were affected by pollution. Nowadays, the region displays higher-than-average maternal mortality rates. After the revolution, citizens got access to reliable information about the local situation and started seeking a shared solution to deal with pollution while preserving local jobs at the industrial pole. The governor has

supported this process by organising a round table involving local NGOs, business community, national authorities, and other key stakeholders. Although the round table has been implemented only recently, it has become an important “intermediate institution” and is mobilising civil society. The impression is that by building on this experience this round table could become a forum where a vision for regional development is shaped as part of a broader Open Government agenda. Accordingly, in Gabés Open Government can be a crucial instrument to deal with environmental sustainability while protecting local jobs, which appeared to be by far the highest priority of both local authorities and CSOs.

Box A.2. A good practice from the City of Milan, Italy

Participation is surely one of the key issues of Milan’s political strategy, also with regards to Open Government implementation. In this context the City of Milan has engaged in several stakeholders’ participation processes in order to develop policies and practices together with the private sector and civil society organisations.

An example is the “Public Hearing: towards Milan Smart City Strategy” participation process started in April 2013 and still ongoing. It is a consultation procedure that involves big industries, SMEs, universities, financial organisations, citizens, NGOs and community based organisations. The goal is to produce a local policy (political strategy and administrative master plan) on how to transform Milan into a smart, sustainable and inclusive City. Local stakeholders are engaged in analysing most of the Municipality’s strategic plans and to identify from them “smart objectives” for the next 10 years. Stakeholders have been gathered all together in a city forum in April and are now involved in thematic working groups (WGs) on different issues: mobility, environment, economy, people, living, governance and Expo 2015.

This process is co-ordinated by the Municipality and by the Chamber of Commerce of Milan and should last until March 2014. Stakeholders are invited to participate at the WGs by the Smart City team in collaboration with the different administration departments (the Central Department on Mobility and Environment for the smart mobility WG, the Social Affairs Department for the Smart People WG, etc). Selection criteria can vary from WG to WG. Normally, organisations are invited if they have participated to the public event organised in April 2013 (the event was open to everybody and more than 1 000 actors were invited), have registered to the Smart City newsletter, have a Smart City department or office (especially with regards to the private sector), have been in contact with the local administrations on relevant “smart issues”, have expressed their interest in participating to the Public Hearing procedure, and are involved in “smart projects”. Furthermore, there are some particular stakeholders who are

Box A.2. A good practice from the City of Milan, Italy (*cont.*)

always invited to all WGs, such as the Lombardy Region, the 2015 Universal EXPO technological partners, Fondazione Cariplo (the main Milanese bank foundation), and the local third sector Forum (an umbrella organisation for civil society organisations).

The WGs meet for about 3-4 hours in locations made available by the Municipality or by the Chamber of Commerce. The discussion is moderated by two facilitators specifically selected by the local administration for this purpose. Following the “physical” meeting, a report is sent to the participants that can interact, comment and correct the document by mail.

On the basis of these reports, the Municipality and the Chamber of Commerce, assisted by a technical staff of experts, will edit the City strategy that will then have to be adopted by the local government (*giunta comunale*). The Council Member (*assessore*) responsible for Innovation, Research, Labour, Smart Cities and Digital Agenda, is in charge of the Public Hearing procedure for the City of Milan and has already presented a deliberation to start this procedure that was adopted by the local government on February 2013. At the end of the process a City strategy and a new governance model on Milan Smart City will be announced and presented to all citizens. The final goal will then be to break down the political strategy in administrative “smart” objectives for the different departments to adopt and follow.

Source: Office of the Mayor of Milan (2013), Interview with Caterina Sarfatti, International Affairs, Italy.

Notes

1. In Tunisia mayors were directly elected by citizens with the exception of the mayor of Tunis, who was appointed by the central government and had the status of a minister. It is worth noting that the governor was in charge of co-ordinating the action of mayors in the governorate.
2. International experience related to revolutions and sudden political changes in countries explains that there is a period of relative political uncertainty and instability when transitioning from different forms of government. Tunisia is in line with this dynamic.
3. According to Tunisian stakeholders, citizen organisations were relatively numerous in the past regime. However, several of them were funded and at times even directly influenced, if not controlled, by the government.

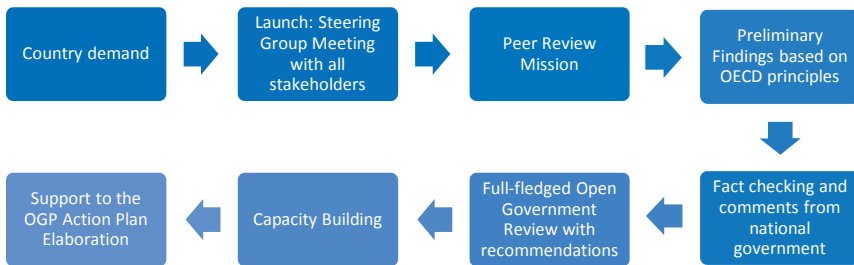
Annex B

Collaboration between the OECD and Tunisia on Open Government

This OECD Open Government Review (OGR) is based on the OECD Peer Review methodology (www.oecd.org/site/peerreview/). The application of the inclusive and consultative process of providing peer assessment and advice was initiated in this instance following a request by Tunisia for support in the design and implementation of Open Government reforms. This request built, first, on Tunisia's participation in the MENA-OECD Governance Programme, aimed at supporting policy dialogue between MENA and OECD countries and public governance reforms in the MENA region, including the OECD Open Government Project, and, second, on Tunisia's intention to join the Open Government Partnership.

The OECD has been supporting governance reform in Tunisia for more than 10 years, since the launch of the OECD-MENA Good Governance Programme in 2004. The co-operation between the OECD and Tunisia on Open Government was formally launched at the first meeting of the Open Government Steering Committee (OGSC) (replaced later by the Open Government Consultative Joint Committee) on 15 April 2013. The Steering Group was created to co-ordinate the Tunisian Open Government agenda and the co-operation with the OECD Open Government Project. The Steering Group's membership comprises representatives of the Tunisian government, civil society and the Assembly.

Figure B.1. Steps in the process through which the OECD OG Project will lend support to Tunisia's OG initiative



The OECD Open Government Review builds on in-depth data collection about Tunisia's current Open Government policies and practices made by the OECD Secretariat, in collaboration with the Government of Tunisia, and complemented with the expert advice from a team of OECD peer reviewers from Belgium, Spain and Switzerland, who attended the fact-finding mission in Tunisia and provided substantive inputs in drafting the present report. In addition to the membership of the Steering Group, the review team met with representatives of Tunisian local institutions, civil society organisations (i.e. Non-Governmental Organisations, Trade Unions, Networks, activists, academics, etc.) and of the private sector in a series of extensive interviews. The information gathered has enabled the policies of the country to be benchmarked against OECD good practices, principles and standards. The preliminary findings as well as the final text were shared with the Steering Group for fact checking. The OECD Peer Review process culminated in the present document and a series of capacity building seminars to disseminate the findings and recommendations and support the elaboration of Tunisia's OGP Action Plan.

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

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