Tunisia's Fragile Democracy: Decentralization, Institution-Building and the Development of Marginalized Regions - Policy Briefs from the Region and Europe

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Tunisia's Fragile Democracy

Decentralization, Institution-Building and the Development of Marginalized Regions – Policy Briefs from the Region and Europe

Edited by Dina Fakoussa and Laura Lale Kabis-Kechrid

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Table of content

INTRODUCTION

Laura Lale Kabis-Kechrid

Although Tunisia has made great strides over the past seven years, its democratization process remains fragile. Disillusionment with and distrust in the government, particularly high among the young, also manifest themselves in low voter turnout. Young voters were strikingly absent in the 2014 parliamentary elections, and in the first municipal elections in May 2018, only 33.7 percent of Tunisians cast their votes. To a great extent, this disillusionment stems from the various, persistent socio-economic problems which had led to the uprisings and the ouster of the former autocratic regime in 2011. Especially in Tunisia's historically marginalized regions, these issues remain a key challenge.

To ensure that Tunisia's democratic transition succeeds, targeted policies are essential to advance the country's political, economic and social development and to regain the citizens' trust in the state. An important step toward this goal would be to establish administrative structures that safeguard a greater division of power through the current decentralization process. Such structures would also strengthen the ability of local and regional administrations to respond to their communities' needs. Yet, the implementation of the democratization process has been slow, and introducing effective and inclusive participatory tools at the local level has proven difficult. In addition, as the 2014 Tunisian Constitution provides for the foundation for the country's new political system, it is vital for the credibility of the transition to establish Tunisia's Constitutional Court. Once installed, the court would represent a crucial institution to guarantee the authority of the constitution.

This edited volume brings together papers written by the participants of the workshop "Promotion of Think Tank Work on the Development of Marginalized Regions and Institution-Building in Tunisia". The workshop was conducted as part of DGAP's project on strengthening think tanks and similar institutions in the Middle East and North Africa (MENA) region and Europe. The authors analyze key challenges confronting Tunisia, ranging from decentralization and institution-building to the development of marginalized regions. The volume offers recommendations for the Tunisian government as well as the EU and its member states, who have extended significant support to Tunisia to safeguard the country's political

transformation and support its economic development.

Among the recommendations are the following: Tunisian authorities and state institutions should increase transparency and accountability in order to build public trust in the state. To this end, authorities should revise participatory tools on the local level with the aim to make them more inclusive and to embed effective monitoring and evaluation mechanisms within them. At the same time, the Tunisian government should strengthen local authorities by reforming the local tax system and granting them a greater role in the process of tax collection. This would also help ensure the financial autonomy of local authorities and their ability to provide basic services to the people. Offering digital tools and online platforms could improve accessibility and information-sharing in areas such as public services or the health sector.

Additionally, targeted policies to support the socio-economic development of marginalized regions are deemed essential to address existing grievances and build loyalty toward the state. This includes financial and technical support for small-scale agricultural businesses, as well as urban restructuring and territorial rehabilitation programs that go hand in hand with a participatory approach to governance. Launching incentives to establish factories and start-ups in marginalized regions could also be a viable option, and educational curricula should be revised in consultation with the private sector to bridge the current gap between the education system and labor market needs.

Adjusting and improving education is not only essential to increase the employability of young Tunisians. It is also indispensable for addressing issues related to health, political participation and deradicalization policies. For this reason, a comprehensive revision of education and training programs appears necessary, which also includes health education, the expansion of civic education programs, and the training of prison personnel working with radicalized individuals.

Some of the authors argue that the EU could support the development and implementation of such reforms through the transfer of expertise in areas including civic education, prison-run deradicalization programs or tax reform. In addition, continuous support for civil society organizations (CSOs) is considered crucial, as they have been the driving force

of the transition. To underpin the EU's current activities, it is recommended that the EU provide more institutional funding to Tunisian CSOs, increase the number of small grants, and more explicitly target funding at civil society organizations in the interior regions.

The Contributions in Short

Chapter I: Decentralization and State-Citizen Relations

"*Local Governance in Tunisia – A Holistic Decentralization Strategy*": Mohamed Lamine Bel Haj Amor warns that in light of Tunisia's economic woes and stifling tax pressure, the additional financial burden that comes with decentralization may exacerbate the existing economic crisis. A local administration governance model could potentially help optimize resource allocation and prevent corruption.

"*When Will Local Taxation Reform in Tunisia Commence?*": Zied Boussen writes on the importance of local tax reform within the framework of Tunisia's decentralization process. Local taxes are a crucial source of revenue for local authorities. However, since 2011, the majority of Tunisians have not paid their local taxes, and the central government has not been able to collect them. As a result, local authorities have been incapable of providing basic services such as waste management and infrastructure development. The author emphasizes the need to strengthen local authorities by reforming the local tax system which would equip local authorities with sufficient financial autonomy to collect and manage local taxes. The EU and other international partners could play an important role in supporting such a reform.

"*The Lack of Effective Participation in Tunisia's Decentralization and Democratization Process*": Ahmed Ben Nejma argues that the tools municipalities currently use to design and decide on local development plans are not inclusive, and lack an adequate monitoring and evaluation framework. This flies in the face of the 2014 Tunisian Constitution, which obliges local authorities to implement participatory approaches for such plans. The author suggests that in order to build trust between the state and its citizens, municipalities need to establish mechanisms which ensure citizen participation, transparency, and accountability.

"*Effective Youth Participation in the Improvement of Public Administration*": The paper by Jihene Ferchi-chi focuses on the obstacles to citizen participation in the reform and improvement of public services in Tunisia. The author argues that citizens – and the youth in particular – have very limited means to make their voices heard as there is no adequate communication channels between citizens and the state bureaucracy. This absence also leads to a lack of administration accountability. She emphasizes that it is key to establish a legal framework to regulate communication and interaction between citizens and administrations, as this will ultimately facilitate effective citizen participation.

"*Fostering Democratic Participation through Civic Education Initiatives*": Tahar Kechrid stresses the need to strengthen and expand civic education programs in Tunisia. Engaging the country's youth in the political process is essential to ensure Tunisia's democratic transition. Yet, surveys indicate a substantial lack of trust in the central government among young Tunisians, and voter turnout among this age group has been strikingly low in national and local elections. The author argues that civic education programs can be an important instrument to increase youth engagement in the political process, to improve their understanding of the new political system, and to foster democratic participation.

"*Bridging the Gap between Center and Cross-Border Regions in Tunisia – Inclusive Strategies to Cope with Marginalization*": The paper by Giulia Cimini argues that a comprehensive strategy is necessary to restore state legitimacy in the historically marginalized border regions of Tunisia. This strategy should address both material claims and the people's perception of abandonment to build a more inclusive and trustful government-citizen relationship. Doing so would also contribute to reducing cross-border factors of insecurity.

"*Radicalization in the Marginalized Regions of Tunisia – Addressing the Root Causes*": Aniseh Bassiri Tabrizi analyzes the root causes of radicalization in Tunisia and critically assesses the government's response to the problem. Tunisia ranks among the highest in the region in terms of youth radicalization, and more than 3,000 Tunisian fighters have traveled abroad to join extremist groups in Syria, Iraq and Libya. The author argues that rather than focusing on a security-centered approach, the Tunisian government must develop a comprehensive, long-term strategy that addresses the drivers of radicalization.

"Prison and Rehabilitation Officials and the Return of Islamic State Fighters to Tunisia": The paper by Arwa Ben Ahmed deals with the issue of deradicalization and rehabilitation of Tunisian foreign fighters in prisons. The author argues that while the government has adopted a national strategy to develop a roadmap to respond to the challenge and has announced the implementation of a deradicalization program, a clear strategy toward deradicalization in prisons is still lacking. She emphasizes that it is vital to adequately train and equip those prison and rehabilitation officials who work with radicalized inmates.

Chapter II: Socio-Economic Challenges and the Development of Marginalized Regions

"Towards Sustainable Water Resource Management and Food Sovereignty in Tunisia": The paper by Darius Görgen focuses on the issue of water availability and access to water in Tunisia. Rural areas and small-scale farms are particularly affected by Tunisia's declining water resources. The author emphasizes that the impact of decreasing water availability on the rural economy may exacerbate rural-urban migration, and also affect Tunisia's food sovereignty.

"Equitable and Sustainable Development in the Tunisian Livestock and Smallholder Sectors": In her paper, Elhem Ben Aicha discusses economic, environmental and social challenges confronting Tunisian smallholders (farmers with an agricultural land smaller than 50 acres). They are under increasing pressure from intensive production farms, animal diseases, livestock smuggling into Libya, and the impact of climate change. As livestock is central to the livelihoods of the country's rural population, the author underlines the need for targeted policies to enhance the sustainability and resilience of livestock breeders.

"Challenges of Developing Tunisia's Interior – Current Issues and Perspectives in the Tataouine Governorate": Laroussi Bettaieb discusses youth unemployment in the southern Governorate of Tataouine, which at 27.06 percent is particularly high in Tunisia. The author argues that the two key problems which need to be addressed are firstly, the gap between the skills supply and demand on the labor market, and secondly, the lack of entrepreneurial activity.

"Regional Disparities and Health Inequity in Tunisia": The paper by Anne Martin focuses on Tunisia's health care system and highlights the persisting regional inequities. Inadequate provision and access in health-care provision are a country-wide problem. However, the author argues that marginalized regions in the west and the interior of Tunisia are particularly affected by health inequalities, especially in regard to healthcare infrastructure and the health status of the population. She emphasizes that the cross-cutting dimension of health issues makes enhanced coordination among stakeholders paramount to improve Tunisia's healthcare system.

"Informal Marginalized Districts in Tunis – An Urban Development Failure Leading to Rampant Social Inequalities": The paper by Maha Kouas addresses the phenomenon of informal settlements on the outskirts of Tunisia's urban centers and the resulting social challenges. The lack of industrial, educational, health, and social infrastructures in these neighborhoods has resulted in high unemployment and high school dropout rates, gender discrimination, and crime. They have also become a fruitful ground for religious fundamentalist groups. In order to address these issues and improve conditions in the informal settlements, the author underscores the need for a participatory approach to governance that goes hand in hand with urban restructuring and territorial rehabilitation programs.

"Tax Collection – An Important Lever for Inclusive Growth": The paper by Oumaima Jegham explores the role of fiscal policy in fostering economic growth and social development. The author critically remarks that the tax reform launched in 2014 by the Tunisian government has caused more burden on consumers, particularly low-income households. She also notes that the corporate tax system does not sufficiently consider small producers. The author concludes that a less burdensome, more progressive and more inclusive fiscal system are an imperative to boost economic activity and ensure social stability.

Chapter III: The Role of the Judiciary

"Reinforcing the Judiciary – Tunisia's Struggle to Establish its Constitutional Court": Rim Dhaouadi argues that it is crucial to advance the currently stalled process of establishing a constitutional court as foreseen in the 2014 Tunisian Constitution. She assesses the factors which have delayed or blocked the process, and calls on political stakeholders to prioritize and accelerate the nomination of court members.

Chapter IV: The Role of International Actors

"The Unintended Impacts of EU Democratic Assistance on Tunisian Civil Society:" The support of and consultation with Tunisia's civil society is a key pillar of the EU's strategy to further the country's democratic development. However, Ragnar Weilandt argues that the EU's mode of operation may at times undermine its own goals, e.g. by inadvertently encouraging a shift within Tunisian civil society away from grassroots activism toward professional career structures. He emphasizes the need to readjust the EU's approach to Tunisia's civil society in order to mitigate such developments.

Chapter I: Decentralization and State-Citizen Relations

LOCAL GOVERNANCE IN TUNISIA – A HOLISTIC DECENTRALIZATION STRATEGY

Mohamed Lamine Bel Haj Amor

With the adoption of a new constitution in 2014 and a new local authority code in 2018, Tunisia has entered an era of decentralization. The aim is to promote local development in order to boost the economy of the entire country. However, given the existing economic crisis, increased indebtedness, and stifling tax pressure, decentralization presents several risks since its implementation entails additional burdens on the public budget. The imposition of new tax levies and greater reliance on external credits will further exacerbate the existing economic crisis. One possible counter-strategy is the implementation of a local administration governance model to optimize resource allocation and avoid corruption, estimated to cost around two percent of GDP.

Post-revolutionary Tunisia has opted to reorganize its public authorities and its political regime in particular. This policy choice follows from the adoption of the new Constitution of 2014, which replaces the previous Constitution of 1959. The seventh chapter of the new Constitution deals with local authority decentralization.[1] Decentralization now refers to three structural categories: municipalities, regions, and districts. The new electoral law stipulates that municipal councils and regions are to be directly elected by constituents, while districts are elected by municipal and regional council members. In this fragile socio-economic context, Tunisia faces a major challenge: to ensure the success of decentralization without increasing state expenditures that might increase burdens on the taxpayer or generate higher external debt.

Possible Consequences of Decentralization in Tunisia

The new Constitution has necessitated the creation of new municipalities, whose number increased from 284 in 2015, to 350 in 2017. This expansion was in accordance with Article 131 of the new Constitu-

tion, which stipulates that each type of local authority must cover the entire Tunisian territory and not just inhabited areas.[2] Furthermore, a strict separation must be maintained between governorates and regions, since governors are appointed centrally, while the presidents and members of regional councils are elected by direct suffrage. In addition, districts must raise their own revenues to cover operating expenses as well as those relating to investment. Districts are further required to guarantee regional balance by exercising a policy of positive discrimination in favor of their most disadvantaged areas.

The Constitution further provides that local authorities must enjoy a reasonable margin of decision-making autonomy, independent of central power. This is manifested in the new local authority code promulgated by Organic Law No. 2018-29 of May 9, 2018. The code organizes the exercise of local authority power according to the principle of free administration, by radically revising the prerogatives of the central state on the one hand,[3] and on the other, by reducing the number of external auditing bodies to one: the Court of Accounts. This means that local authorities no longer require central approval of their current expenditures[4] or public procurements.[5] Prior to this reorganization, local authority spending was subject to prior approval by the General Commission on Public Expenditures (under the authority of the prime minister) and other auditing authorities.

The gradual abandonment of traditionally rigorous and exhaustive central controls on all public finances is likely to have consequences for public management. This policy choice appears to reflect the observation that previous auditing bodies did not prove their effectiveness. At a press conference in Kairouan in March 2018, the National Anti-Corruption Agency (INLUCC) estimated that one quarter of public procurement is tainted by corruption, which seems to corroborate the inefficiency of Tunisian auditing and oversight bodies. Local governments are therefore potential prime targets for corruption: from January 1, 2019, they will no longer need to submit their spending plans for central auditing and approval.

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1   Article 131 of the Constitution of January 27, 2014.

2   Article 134 of the Constitution of January 27, 2014.

3   Prior to the promulgation of the new Code of Local Authorities, municipal budgets were approved according to the following system: for municipalities whose operating budget for the previous year was less than ten million dinars, approval was issued by competent governors with territorial jurisdiction, and for municipalities whose operating budget for the previous year was equal to or over ten million dinars, their budgets were approved by the Minister of Finance and the Minister of the Interior.

4   The new Code of Local Authorities provides that local authorities are no longer subject to the prior approval of their spending, which was previously issued by the Office of the President of the Government and therefore from the central state.

5   A role that was previously reserved for public procurement control boards.

In the absence of reliable internal control systems, local government management appears vulnerable to corruption. Areas of risk in the management of decentralized structures pose even more serious problems because local authority spending, unlike that of central government, must be allocated only after revenues have been accrued according to the local taxation code. On the other hand, local authorities will also be obliged to adopt best practices in governance. They will have to observe the rules of transparency and free access to information, and implement a participatory approach that guarantees visibility in management procedures, and greater involvement of stakeholders in the planning, execution, and evaluation of their policies.

The risk of corruption is particularly high in local governments

Recommendations

– *Upgrade the management of local authorities*

Article 6 of the Framework Decree Law No. 2011-120 of November 14, 2011 on the fight against corruption stipulates that public bodies must adopt "procedural manuals which determine precisely and clearly the conditions and procedures of service delivery." Such manuals allow for a better application of norms, laws, and regulations to the specific context of each local authority type, taking into consideration its organization and the tasks performed by each stakeholder. Creating new manuals will define who does what, how, and for how long. The slightest failure would be easily detectable, which in turn will directly impact the perception of the quality of services provided to benefit citizens.

– *Establish an internal control system*

The annual ranking of municipality governance by the Ministry of Local Affairs indicates that local governing bodies have often failed or been ineffective in their roles. A new system of internal controls should

be established, one that aims to separate tasks more clearly and avoid the concentration of incompatible tasks, resulting in fewer risks, but above all, better performance of services. To this end, a reduction in delays to paying suppliers or the optimization of revenue collection from local taxation would help establish trust between local authorities and their external partners, including citizens, suppliers, funders, and even communities with whom decentralized cooperation agreements are concluded.

– *Digitize procedures to help prevent corruption and ensure compliance with the laws and regulations in force*

While digitization and the increasing use of computers for administrative tasks initially require logistical and human investment, they will ultimately act as a guardrail to ensure transparent municipal governance, produce reliable and immediate information, and provide first-rate decision-making assistance for mayors, local elected representatives, and all other stakeholders. To minimize the potential for corruption and deviation from professional norms, digitization should cover all forms of local accounting and inventory management.

Administrative contracts such as public procurements, concessions, and public-private partnerships, which are particularly susceptible to corruption, must be administered digitally via computer and online tools. Moreover, Decree No. 2018-416 of May 11, 2018[6] stipulates that from September 1, 2019, use of the online public procurement tool "TUNEPS" is mandatory for local authority procurements. To enable local governments to meet this obligation, their logistic and human resource capacities must be upgraded. However, since local authorities are now endowed with a reasonable degree of decision-making autonomy, they can also use their own initiative to improve organizational procedure without waiting for deadlines imposed by central government.

– *Introduce mechanisms to ensure compliance with the laws and regulations in force*

It is crucial to strengthen internal structures responsible for monitoring, auditing, inspection, evaluation, and regulation within local communities, and to provide them with the material and human resources needed in the fight against corruption.[7] The efficiency and effectiveness of these structures require

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6   Amending and supplementing decree No. 2014-1039 on the regulation of public procurements.

7   Article 7 of Legislative Decree No. 2011-120 on the fight against corruption.

a careful choice of personnel to integrate them. This choice should be based on competence and integrity. Moreover, the staffing of these bodies should have at least a minimum of independence, which can be assured in part by their direct attachment to the mayor of the commune, or the regional or district president, as opposed to central state structures.

Currently, the only Tunisian local authority with its own internal auditing service is the Municipality of Tunis. However, all local authorities need to be provided with horizontal management structures. The government should create a new professional class of local authority inspectors or auditors to provide support and impartiality for decision-makers regardless of their political color. Hence, the adoption by central government of clear guidelines on the attributions of these structures, as well as their careers and reporting follow-up procedures, will provide the cornerstone for a system of monitoring and good governance in Tunisian local authorities. It should also be emphasized that the agents and managers of these structures – both locally elected officials and centrally assigned civil servants – are among the first to be involved in stable and regular capacity-building, enabling them to detect failures early and actively work to correct them. The effectiveness of these and other structures should be measured by indicators to evaluate their performance.

– Implement a results-based management approach

To date, state budget allocation has only been assessed in terms of disbursement, with no attention paid to results or expected performance. The new approach to be adopted by both local and central government is to divide the budget into missions and programs, making evaluation possible through performance indicators that must be reliable, realistic, achievable, and above all, measurable.

– Strengthen the role of local elected representatives in local authority management control

In addition to the internal controls, local elected officials could play an important role in upgrading local administrative capacities and establishing a corruption warning system. Potential tools could include the creation of ad-hoc commissions, and unannounced audits and inspections. The involvement of civil society organizations, whose participation depends on improved public access to information, could actively support and contribute to streamlining local community management.

– Control the flow of capital and fight against the shadow economy

Integrating informal trade into the legal economy can provide local authorities with more revenue as they adjust to a decentralized system. Although this struggle appears to be a long-term project, simple measures can be considered in the immediate future. For example, reserving communal spaces for irregular, seasonal trade would control illegal flows and oblige the informal sector to integrate into a legal framework. Central government could also impose a limit on cash transactions and require stakeholders to use the banking system to control the money supply in circulation. Economists have recommended changing the currency in circulation, which would force the barons of the parallel economy – who hold huge reserves in cash – to regularize their activities with the financial and monetary authorities in Tunisia, and integrate into the lawful economy. This would generate additional tax revenues for the benefit of both central and local authorities.

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WHEN WILL LOCAL TAXATION REFORM IN TUNISIA COMMENCE?

Zied Boussen

In a relatively short amount of time, Tunisia has successfully achieved two important steps towards the stabilization of its democratic process: in April 2018, the Code of Local Authorities enforced the principles and mechanisms of decentralization in accordance with the new Constitution, and on May 6, 2018, the very first free municipal elections took place. Now, the country needs to fulfill its commitments to decentralization by strengthening local authorities and ensuring their financial autonomy through better collection and management of local taxes. This includes reorienting a share of nationally paid taxes for use by local or regional services under new tax sharing arrangements, increasing the ratio for category A (university degree) employees to at least 25 percent, and improving transparency by fully implementing existing mechanisms. The European Union and all international partners could play an important role if attention is paid to the right issues and international experiences are shared more broadly.

In the aftermath of its revolution, Tunisia has embarked on a journey of democratization. The process has included several free national elections in 2011 (a National Constituent Assembly) and 2014 (both legislative and presidential elections), a deep reorganization of powers within the state, and the design of new institutions to help secure the first achievements of the rule of law.[8] The Constitution of 2014 reaffirmed major principles of human rights and forged new institutions and mechanisms to secure the path toward democracy. One of the most important changes is the recognition of "local power" as a fourth branch of power within the state, designed to help resolve the deep imbalance in development and representation between inner and coastal regions of Tunisia.[9]

The new decentralization system, designed in Chapter VII, is partly based on the old 1959 Constitution. Municipalities are responsible for "proximity services," regions oversee economic and social development, and districts are in charge of designing development strategies. These three levels are the new layers of decentralized governance structures dealing with the inequalities, disparities, and imbalances between inner and coastal regions of the country.[10]

Chapter VII granted all three local authority types administrative and financial autonomy, allowing them to take important decisions without interference from central state representatives (Article 132). The Constitution even mentions (but does not define) another principle of "free decision-making," which affects all local authority powers within the range of the Constitution and the law (Article 132). If correctly implemented, it is Chapter VII, more than any other piece of legislation, that embodies the spirit of the revolution and sows the seeds of democracy, the rule of law, and social justice.

A new Code of Local Authorities has been adopted in 2018 to replace many of the old system's laws.[11] This new Code has concluded another long, two-and-a-half-year process. Since October 2015, 17 drafts of the Code have been released and national and regional consultations with citizens, civil society organizations, international partners and experts were held. The bill was discussed at 61 parliamentary committee meetings and 14 meetings of the plenary session, with dozens of government and civil society hearings for more than six months.[12]

The Code also allowed for another major achievement: on May 6, 2018, the very first democratic and free municipal elections were held in Tunisia. Despite a low turnout of 35.6 percent, almost two million voters elected 7,212 members to 350 municipal councils.[13] Over 93 percent of candidates gained a seat and, crucially, 47.5 percent of the elected members of municipal councils are women, and 37.16 percent are aged under 35.[14]

8   Dahmène Touchent, "A Guide to the Tunisian Legal System," GlobaLex, Hauser Global School of Law Program, August 2005 <http://www.nyulawglobal.org/globalex/Tunisia.html> (accessed November 19, 2018).

9   Ines Labiadh, "Décentralisation et renforcement du pouvoir local : La Tunisie à l'épreuve des réformes institutionnelles. Maillages territoriaux, démocratie et élection," Monastir, January 2016 <https://halshs.archives-ouvertes.fr/halshs-01293413/document> (accessed November 19, 2018).

10   Sarah Yerkes and Marwan Muasher, "Decentralization in Tunisia: Empowering Towns, Engaging People," The Carnegie Endowment for International Peace, May 17, 2018 <https://carnegieendowment.org/2018/05/17/decentralization-in-tunisia-empowering-towns-engaging-people-pub-76376> (accessed November 19, 2018).

11   The 1975 laws on municipalities and municipal budgets, and the 1989 law on regional councils have been overturned by the New Code of Local Authorities.

12   "Projet de loi organique N°48/2017 portant promulgation du code des collectivités locales," Marsad.maljes, <https://majles.marsad.tn/2014/fr/lois/591dbe75cf4412226ec753d9> (accessed November 19, 2018).

13   According to the final results announced by the electoral commission ISIE on June 13, 2018.

14   Figures announced by the president of the electoral commission ISIE on public radio RTCI, on June 13, 2018.

Local Taxes: The Forgotten Reform of Decentralization

All focus is now on implementing the new Code of Local Authorities in accordance with Chapter VII of the Constitution. Undeniably, the biggest challenge is related to the autonomy of local authorities vis-à-vis the central state, reflecting the extent to which a local authority is free to adopt its own decisions, budgets, and plans. All these decisions significantly impact on their finances, which must be seen as at the core of local autonomy, and depend on several factors relating to how local authorities manage their funds, including the design and adoption of annual budgets and three-year development plans, their implementation, execution and auditing.

Further factors relate to other actors in local authority funding: the central state is defined by Article 136 of the Constitution as responsible for supporting local authorities in terms of balancing incomes and expenditures, and in "allocating supplementary funds to weaker local authorities in compliance with the principle of solidarity." Financial autonomy is also influenced by the amount of taxes paid by citizens, which impacts on the amount of local government revenue.

Reforming local taxes has been discussed several times since the beginning of the decentralization process by government representatives, civil society organizations, international NGOs, and finance experts as one of the main challenges for local authorities in achieving real financial autonomy.[15] A law from February 1997 (Law No. 97-11) is the very first legal document in Tunisian history that attempts to standardize the entire local taxation system, from payment to collection and overall control. Prior to that, numerous and disparate legal texts defined various elements of local tax.[16]

Weak Local Authority Power over Local Taxation

A brief overview of local authorities' current financial systems shows that in 2014, local finances barely represented one percent of Tunisia's GDP, and three percent of state finances.[17] For the purposes of comparison, the latter statistic is at around 10 percent in Morocco, 12 percent in England, 15.2 percent in France, and 20 percent in Turkey.[18]

Municipal revenues in Tunisia can fluctuate wildly: total local authority revenues experienced a 45 percent drop in 2011 to 270 million dinars, but exceeded their 2010 level in 2014, reaching 476 million dinars.[19] A 2014 report from the Ministry of Finance[20] projected a raise in revenues of four percent of GDP by 2019, and eight percent of state finances. This report served as the primary basis for the five-year development plan (2016-2020) adopted by the People Representative Assembly, Tunisia's legislative body, in 2017.[21] Although updated statistics have not yet been published, it seems that the goals will not be reached.

Local taxes are one of, if not the, most important source of revenue for local authorities, representing a major guarantee for their autonomy: the more municipalities, regions, and districts rely on incomes they successfully levy and collect by themselves, the less they need support from the central state, whose help is always conditional upon mandatory reforms, and which does not always coincide with local authorities' best interests. The new Code has acknowledged this fact, stating that "the State shall, gradually, through the laws of finance, tax laws and property laws, make the resources of each local authority the most important share of their resources."[22] Under the previous system, local authorities were not allowed to determine how taxes were calculated or who was subject to them. Under the new Code of Local Authorities, municipalities can now determine the rate of some local taxes and fees:

15   Rihab Zaatour, "What steps is Tunisia taking towards fiscal reforms?," Africa Business Insight, March 20, 2017 <https://www.howwemadeitinafrica.com/steps-tunisia-taking-towards-fiscal-reforms/57989/> (accessed November 19, 2018).

16   These include the January 31, 1887 decree on the contribution of riparian owners, the September 16, 1902 decree on tax on the rental value of buildings, and the January 15, 1914 decree on tax for temporary occupation of public areas owned by municipalities. James Alm, "Analyzing and Reforming Tunisia's Tax System," Commitment to Equity Working Paper No. 34, May 2015, Tulane University, Department of Economics.

17   Figures mentioned by the Minister of Interior on June 5, 2015, before the Parliamentary Commission on the Reform of the Administration and Armed Forces Affairs.

18   Nabil Abdellatif, "Décentralisation et Fiscalité Locale en Tunisie," presentation of January 10, 2014 <http://www.finances.gov.tn/assises_fiscalite/pdf/4-Decentralisation_de_la_Fiscalite_MF_011014.pdf> (accessed November 19, 2018).

19   Unpublished report by the Ministry of Interior about the operational organization of decentralization, May 2013, p. 15.

20   Although the Ministry of Finance did not make the internal note public, it referred to the PEFA review: Roger Picard and Ahmed Guidara, "Public Expenditure and Financial Accountability – Final Report on the efficiency and management of public finances," November 10, 2015, p. 43.

21   "Tunisie : Débat autour du plan de développement 2016-2020 adopté à l'ARP," HuffPost Tunisie, April 13, 2017 <https://www.huffpostmaghreb.com/2017/04/12/plan-de-developpement-201_n_15962884.html> (accessed November 27, 2018).

22   Article 131 of the Local Authorities Code.

"local authorities' elected councils shall determine the amounts or tariffs of different fees."[23]

The latest recommendations of the OECD suggest that local taxes should be collected directly by local authorities to strengthen their accountability and, in the mid-term, contribute to solidifying their budgets and financial autonomy vis-à-vis central state institutions. Local authorities "carrying out their expenditure responsibilities are likely to be more efficient, responsible and accountable if they are required to raise the revenue that they spend. Furthermore, this is dependent on the fiscal autonomy or fiscal discretion that local governments have in determining their tax base and setting their tax rates. [...] Fiscal autonomy is least when both the tax base and tax rate are set or controlled by senior levels of government."[24]

Local taxes represent a guarantee for local authorities' autonomy

On another level, it appears that the division between national taxes paid to the central state and local taxes paid to local authorities does not rely on objective criteria, but rather depends on the will of the central state. Important taxes that are more directly relevant to local taxation are therefore paid by tax payers to the central state instead of the local authorities. The best example here is the vignette, or car traffic tax, paid by every car owner for the regular maintenance of the roads that they use. A close look at each institution's responsibilities reveals that roads built for public use are the property of local authorities (Article 69 of the Code of Local Authorities), who bear the sole responsibility to "build and maintain roads and sidewalks" (Article 240). However, the *vignette* is paid

by every car owner around the country directly to the central state.

The Maze of Local Tax Collection Systems

Local taxes represent another challenge for local authorities in terms of collection. Common sense would lead local authorities to elaborate tax collection systems themselves, which would be later checked by central state representatives and the judiciary. Instead, the new Code of Local Authorities perpetuates the old practice of highly-centralized tax recovery that almost completely excludes local authorities and thus contributes to their dependence on central state interventions.

Another consequence of this has already been witnessed and reported by most municipalities in Tunisia that have undergone a Public Expenditure and Financial Accountability (PEFA) review.[25] The PEFA report highlighted many weaknesses in communication about local tax changes, and considered these shortcomings as the main reason behind the low recovery figures.[26] In the municipality of Tunis, for example, no changes have been introduced to the taxation of industrial, economic, and professional companies since 2011, which helps explain the recovery rate of seventy percent for 2014, in comparison to a two percent recovery rate from hotels.[27] The latter were subject to five different changes (basis and rates) for the same period of time. No support was provided in 2014 to tax payers who were willing to complete the forms.[28]

This is a practice mainly inherited from the French centralized system that resulted in the creation of a public accountancy function for local authorities. Shortened to "local public accountant," this public servant is affiliated to the Ministry of Finance and is defined by Article 129 of the Code of Local Authorities as "a public accountant of the state [who] has the status of chief accountant only specialized in keeping the accounts of local communities." Not only do they audit local tax collection, they are also the only individuals allowed to administer collection. This situation gave rise to the ongoing absurdity of "munic-

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23   Article 139 of the Local Authorities Code.

24   Harry Kitchen, "Local taxation in selected countries: a comparative examination," IIGR Working Paper 2004 (5), Queen's University, p. 4.

25   "Tunisia 2015," PEFA <https://pefa.org/assessments/tunisia-2015> (accessed November 19, 2018).

26   Arne Hoel, "A New Horizon for Local Governments in Tunisia," World Bank Organization, October 20, 2015: "An opinion survey conducted in 2014 in a mid-sized municipality near the capital, Tunis, pointed to a significant disconnect: just 4 percent of households reported having received any communication from the local government in the past year; some 35 percent of households did not know who their municipal councilors were; over 64 percent of households thought their councilors did not work to represent their interests; 38 percent of households reported that they did not pay their local taxes." <http://www.worldbank.org/en/news/feature/2015/10/19/a-new-horizon-for-local-governments-in-tunisia> (accessed November 19, 2018).

27   Ibid.

28   Ibid.

ipal tax collection offices"[29] in different areas of the country, which have no legal link to municipalities other than in name, and who work under the direct supervision of the Ministry of Finance.

Furthermore, collection systems also greatly impact local authorities' revenues. Indeed, less than half of local taxes were paid by individual/household tax in 2014.[30] This figure can dramatically drop to 13 percent for tax on built properties, where the taxation rate also depends on how many services are provided. Although the law obliges municipalities to conduct their own census of buildings and properties within their municipal limits,[31] most municipalities rely on citizens' declarations without any direct field control. The tax collection process for built properties therefore faces tremendous gaps, notwithstanding the fact that the average tax rate per building per year in Tunisia is around 27 dinars (less than €9).

Local Taxes Reveal a Structural Weakness within Municipalities

Since 2011, most Tunisians do not pay their local taxes and the central state fails to collect them. Both factors can help explain the crisis in local authority financing and their inability to fulfill vital services such as waste collection and management, the building and maintenance of roads and sidewalks, and street lighting.[32]

Two more points must be raised at this level: first, central state and local public accountants have also suffered from political and social instability since 2011, and security issues in many areas of the country have rendered local tax collection an impossible task. Second, not all taxes have suffered the same drop: local taxes imposed on companies, such as the tax on industrial, commercial, or professional activities reached more reasonable collection rates, such as seventy percent in the Tunis municipality in 2014.[33] In part, this can be explained by the fact that companies are bound in all their legal interactions with third parties to complete all administrative and fiscal procedures, and to comply with the law.

Theoretically, individuals are bound by equivalent conditions, but since 2011, Tunisia has witnessed a dramatic growth of illegal buildings and constructions. In the municipality of Gabes, the sixth-largest municipality in terms of population (with 131,00o in habitants according to the 2014 national census), the rate of all local taxes on properties (built properties and lands) is only seven percent.[34] This issue has already been reported by the World Bank to the Ministry of Finance in a 2015 evaluation report.[35] In turn, this low recovery rate impacts local authorities' budgets.

Most Tunisians do not pay local taxes and the state fails to collect them

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Problematic local tax collection rates can be traced to the unwillingness of municipalities and central state representatives to engage with any judicial procedures. This is a consequence of the tense social and political atmosphere throughout the country, but can also be related to the absence of directly elected representatives leading municipalities. With the local elections of May 6, 2018, focus needs to be maintained on this issue.

Last, even if local tax collection does not depend on the direct intervention of municipalities, but is rather a power of the local public accountant representing the Ministry of Finance, municipalities need the right personnel to design local public policies on tax collection. Whether it is through campaigning to raise awareness among tax payers and citizens, setting up the required administrative sanctions, or even simply thinking about alternatives, it is vital for municipalities to employ qualified and competent staff. In general, the Tunisian state measures the competence of public officials using an index called the supervi-

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29   Translated from the Arabic Idarat al kebatha al mahalya.

30   "Global Forum on Transparency and Exchange of Information for Tax Purposes Peer Reviews: Tunisia 2016," OECD, March 2016, p. 15.

31   Article 4 of the Code of Local Tax.

32   "Country profile on the solid waste management situation in Tunisia," GiZ and Sweepnet, April 2014 <https://www.retech-germany.net/fileadmin/retech/05_mediathek/laenderinformationen/T unesien_PROFIL_laenderprofile_sweep_net.pdf> (accessed November 27, 2018).

33   "Global Forum on Transparency," p. 81.

34   Roger Picard and Ahmed Guidara, "Public Expenditure and Financial Accountability – Final Report on the efficiency and management of public finances," November 10, 2015, p. 9. <http://www.collectiviteslocales.gov.tn/wp-content/uploads/2018/04/Rapport_synthese_vf-2018.pdf> (accessed November 27, 2018).

35   Ibid., p. 10.

sion ratio, which calculates the percentage of public officials currently in post who have the appropriate competence for their position. An ideal supervision ratio of 100 percent in municipalities would mean that every position in municipalities, from secretary generals to gardeners and street cleaners, is held by adequately qualified employees. Qualifications are ranked in law from A (relevant university degree) to D (six years of elementary education); public servants at all levels are classified according to the same system.[36]

However, an unpublished 2015 report from the Ministry of Interior revealed that only 11 percent of class A posts were filled by category A officials.[37] While this has been the case for many years, decisions taken by governors in the first years of the revolution have contributed to making the situation even worse. In 2012 alone, 6,839 individuals were integrated into the public service system without any prior examination on the sole basis of the general legislative amnesty announced by then then interim President Moncef Marzouki. While 2,929 other individuals were integrated as an acknowledgement of their status as "relatives of the Revolution martyrs,"[38] most municipalities and regions were required to integrate more than 54,000 contract employees by governors.[39]

Notwithstanding the tremendous advances agreed by municipalities, or imposed upon them by governors (including infrastructure investments, funding for associations, and contract-based new recruits), under pressure from sit-ins, street protests, and strikes between 2011 and 2014, the local public sector remains under permanent threat of collapse. For instance, during the summer of 2011, the municipality of El Guetar in Gafsa Governorate hired 138 new employees and raised the amount allocated for salaries and wages to an overall 236 percent of the initially planned budget.[40] This and numerous similar examples suggest that recruitment has been used as a tool to calm protesters and silence unrest. These recruitment practices focused exclusively on low- to unskilled employees, leaving municipalities in 2017 with a large base of category C and D workers (89.8 percent) and almost no qualified category A and B

staff (10.2 percent) to design policies and provide tasks to be executed.[41]

Although nothing has been done to explicitly improve supervision ratios, Article 9 of the Code of Local Authorities clearly requires local authorities "to control the volume of expenditures for salaries provided that the ceiling does not exceed fifty percent of the regular resources earned from their budgets." Article 9 further imposes a ceiling of fifty percent on all management expenditures allocated to wages and salaries. All local authorities above this ceiling must design and release plans with deadlines to reduce these expenditures. Once designed and approved by their councils, plans are adopted as contracts between each local authority and the central state. Although the Code does not detail the format or content of these contracts, it does refer to governmental decrees to be adopted on the matter.

Recommendations

Local tax reform will be a prerequisite for true financial autonomy at the local authority level. In addition to recognizing a share of local taxes for regions, more effective efforts must be made to provide tax payers with full and comprehensive information about all local tax obligations. This reform would also have to concentrate all efforts on strengthening the resources and budgets of municipalities and regions.

– *The central state should acknowledge more flexibility vis-à-vis local authorities*

The central state should grant relative power to modulate bases and rates of local taxes and exemptions, especially when the aim is to attract more investments, more residents, or more tax payers. A larger share of taxes paid nationally should be reoriented for use by local or regional services, all under new tax sharing arrangements. Such changes must be coordinated between all decentralization actors and rely on a clear and transparent policy to effectively increase local tax revenue to eight percent of the state budget and four percent of GDP. A rational deadline must be set for such a commitment: the next five-year devel-

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36 Decree No. 99-12 of January 4, 1999, related to the definition of the categories and grades of public servants in the Tunisian administration.

37 The report was distributed to members of the parliamentary commission while discussing the draft of Code of Local Authorities in January 2018.

38 "Caractéristiques des agents de la fonction publique et leurs salaires 2010-2014," National Institute of Statistics, Tunisia, July 2017.

39 Amir Ben Ameur and Erin Neale, "Democracy in Tunisia: Façade or Reality?," Atlantic Council, March 23, 2018 <http://www.atlanticcouncil.org/blogs/menasource/democracy-in-tunisia-facade-or-reality> (accessed November 19, 2018).

40 El Guettar Municipality 2014 yearly budget and narrative report, Ministry of Interior, 2015.

41 Figures announced by Mokhtar Hammami, General Director of the Relations with Local Authorities at the Ministry of Relations with Local Authorities and Environment, at a press conference on November 24, 2017.

opment plan will start in 2020 and end in 2025, which seems to be an appropriate deadline.

- *Local authorities must be allowed more autonomy in tax collection and control*

Coordination between local public accountants and local authorities should take place more regularly, and local public accountants must act with the same transparency towards municipalities as they employ with the Ministry of Finance. The central state should also make commitments to devolve tax collection powers to municipalities that have shown strong capabilities. This should happen with a framework established in law and closely managed by the Ministry of Finance.

Continuous sharing of expertise and experience should take place between central financial and fiscal institutions (including the Ministry of Finance, governors, Court of Auditors, and the High Council for the Local Tax System) and local authorities. This would greatly impact the way local authorities consider and collect their taxes. They would have more responsibility throughout the process, from designing services to implementing them. Municipalities would also be more oriented toward attracting investment, developing local employment opportunities, and helping set up local development projects.

- *The supervision ratio for category A employees should be raised to at least 25 percent, especially regarding taxation policies and financial accountability*

This would also positively affect development and urban plans directly linked to investment and taxation. Municipalities and regions should have greater powers to sue all irregular tax payers. Stronger criminal and financial sanctions must be at the disposal of local authorities, who will also require robust support from the security forces specialized in these issues. This will involve greater coordination with governors reporting to the Ministry of Interior. Local authorities who do not enforce payment of local taxes should be questioned, both formally and informally, over their policies or the absence thereof. Possible formal channels include an audit of local representatives by the High Council of Local Authorities, and public meetings to hold councils accountable before their citizens.

- *All levels of government should improve transparency and access to information*

All levels of government must practice high levels of transparency regarding their budgets, policies, functioning, and services. The legal frameworks already exist and only need to be respected and enforced. The Code of Local Authorities establishes the principle of transparency and devolves the mandatory creation of transparency mechanisms to municipalities. The 2016 law on the right of access to information obliges all public institutions, including decentralized ones, to establish their own internal services to furnish information requests. All these existing mechanisms for a democratic system of rule must be fully and duly implemented.

- *International partners should share experiences more broadly*

International partners who actively support decentralization and democratization should focus their support on reforming the local taxation system by sharing comparative experiences with both the central state (in devolving more powers) and with local authorities (in improving their management and collection capabilities). On-site trainings, exchange missions, research, reports, and fluid communication would embody the determination of strong partnerships to support Tunisia's path toward democracy.

- *Tunisian civil society organizations should help local authorities to raise awareness*

Tunisian CSOs can help inform citizens about the vital need to contribute to municipal and regional budgets, and highlight the benefits and risks of behaviors. This requires transparency in local taxes, budgets, decision-making processes, and stakes that have not yet been fully or duly disclosed.

- *National and local tax collection mechanisms should be secured against corruption*

Such reforms have few chances of success if corrupt practices continue to hijack efforts by central and local administrations. Therefore, both central and local authorities in charge of tax collection and financial accountability must exercise more control, and judicial institutions such as the Court of Auditors must allocate more human and financial resources to control operations. Newly adopted laws must be enforced to help support the struggle against corruption, especially at the local level, such as the legal

provisions protecting whistleblowers, or the law that requires elected representatives at all levels to declare their assets.

Finally, focus must be maintained on the relevant governmental decrees. The Code of Local Authorities requires the enactment of 42 reforms relating to governors' powers, participatory democracy tools, local taxation procedures, and intercommunal collaboration processes. So far, only eight of these reforms have been adopted, which clearly shows that progress must be accelerated.

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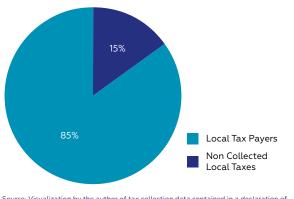# THE LACK OF EFFECTIVE PARTICIPATION IN THE TUNISIAN DECENTRALIZATION AND DEMOCRATIZATION PROCESS

Ahmed Ben Nejma

In the process of building a new democracy, Tunisia has opted for a participatory governance system at the local level to institutionalize a new relationship between citizens and the state. However, the tools currently in use by municipalities are not technically or practically inclusive, and do not push for transparency and accountability. The evaluation system adopted by the Ministry of Local Affairs and Environment to evaluate citizen participation at the local level is not efficient in monitoring the effectiveness of participatory tools implemented by the municipalities. Within the new context heralded by the municipal elections of May 2018, the new municipal councils need effective participatory tools based on transparency and accountability towards citizens. This indicates the need to use a methodology that ensures the inclusion of all socio-economic groups through a participatory communication plan, as well as the guarantee of access to public meetings for all citizens. Moreover, it is necessary to provide municipalities with a well-defined barometer of indicators in order to monitor and evaluate the efficiency of the implemented tools.

Tunisian citizens have inherited a long history of mistrust in public institutions from the Ben Ali regime, which was characterized by corruption and the use of the state institutions for personal and private gain. The lack of municipal transparency and accountability led citizens to lose trust in local authorities. Consequently, citizens began refusing to pay local taxes since they were kept in the dark regarding the municipal budget, and did not receive good municipal services or infrastructure in return. Thus, the amount of the budget collected by municipalities from local taxation decreased, rendering local authorities unable to afford local development projects due to a lack of funding. This situation led to a deteriorating infrastructure and poor cultural and economic frameworks, especially in the interior regions. In this context, and according to the latest report by the Tunisian anti-corruption NGO I-Watch, municipalities recorded the highest national number of corruption alerts, as reported to I-Watch and the

Tunisian National Commission for Fighting Corruption.[42]

Consequently, and according to a 2015 announcement from the Ministry of Local Affairs and Environment, the national average rates of local tax collection in Tunisian municipalities did not even reach one-fifth of what they should have been,[43] reflecting the relationship of mistrust between municipalities and citizens.

Figure 1: Average Local Taxes Ecollection at the municipal level

Source: Visualization by the author of tax collection data contained in a declaration of the Ministry of Local Affairs and Environment at a 2015 press conference.[44]

Moreover, during the last municipal elections, only one-third of registered citizens cast their ballots, despite a prominent awareness campaign and communication plan implemented by a wide range of governmental agencies and NGOs in many regions to encourage citizens to take part in the electoral process. This abstention from voting represents a strong indicator of the deterioration in the relationship between citizens and their local authorities.

Ineffective, Exclusive, and Unaccountable Participatory Tools used by Municipalities

According to the new Constitution and the new local authority code ordained in Act 29, municipalities are legally obliged to adopt participatory approaches in designing and deciding local development plans. Since 2015, Tunisian municipalities have begun implementing a new participatory tool provided

42   "Local Authorities Top the Ranks of Corruption," [in Arabic] I-Watch, May 30, 2018 <https://www.iwatch.tn/ar/article/496> (accessed November 14, 2018).

43   Declaration of the Ministry of Local Affairs and Environment at a 2015 press conference on municipalities and their financial resources.

44   Ibid.

by the Ministry of Local Affairs and Environment: the Annual Investment Plan (AIP). The AIP has been developed to help municipalities plan and spend their annual budgets with input from citizens. Theoretically, and according to the AIP, citizens should be able to take part in the decision-making process with their municipalities to decide how the annual local investment budget should be spent.

However, this tool has demonstrated many drawbacks since its first implementation in 2015. First, even though it is supposed to be participatory, the AIP was structured in a very top-down way: its design process only involved experts from the Ministry of Local Affairs and Environment. Neither municipalities nor NGOs were consulted on their opinions about the methodology. Moreover, the AIP has proved that it is not as participatory as it should have been. For instance, according to official statistics from Ariana, one of the biggest cities in the Tunis agglomeration, only 88 citizens took part in the 2016 AIP public meeting, from over 114,486 inhabitants.[45] Citizens should have participated, sharing their proposals and opinions on how the municipality should spend its investment budget and choose the priorities for the city. However, the weak communication strategy of the AIP as well as its non-participatory approaches have discouraged citizens from taking part, since they feel they will only be used as tokens without effectively participating.

In addition, the official methodology of the AIP[46] does not specify any specific measures to insist on the participation of minorities, disabled people, women, or youth. This led to the conspicuous participation of adult men, as in the case of the city of Ariana. However, these shortcomings were not observed in municipalities that used a more efficient and participatory tool, such as the Participatory Budgeting (PB) process, a mechanism to include citizens in decision-making processes on development projects.

The PB process was first introduced as a participatory tool in the Brazilian municipality of Porto-Alegre in 1989 to provide a space for citizens in local decision-making. The use of PB then spread to other cities, countries, and continents. In Tunisia today, 19 municipalities have already implemented the PB process. These municipalities gave citizens real power to decide on local development projects together with the municipality, in contrast to the AIP, which is based on project proposals of the municipality itself. Tunisian municipalities using PB have observed high participation rates at public meetings and a greater diversity of participants thanks to the inclusivity of its communication plans.[47] For instance, it is only through the PB process that the municipality of Sfax (the second biggest city after Tunis) elected a disabled woman as a citizen delegate in 2015 to represent the interest of her neighborhood vis-à-vis the municipality. No municipality using the AIP has demonstrated such an example.

Finally, the PB process provides an opportunity for the citizens to hold the municipality accountable through the training of citizen delegates in monitoring and evaluating municipality project implementation, and providing them with an easy-to-use guide, a component that is completely absent from the AIP methodology.

Inadequate Evaluation of Participatory Approaches

Since the adoption of the AIP by the Ministry of Local Affairs and Environment in 2015, municipalities have received an annual score based on an evaluation system provided by the Ministry. Municipalities need to obtain a seventy percent score before they receive state grants to execute their development projects. The evaluation system is based on a number of factors, including transparency, public procurement methodology, and human resources management. However, as good as the evaluation system appears, it does not work properly for many reasons.

First, the evaluation methodology compares all 350 Tunisian municipalities according to the same criteria, which tends to discriminate against the largest and most-populated municipalities. Large cities find themselves poorly ranked simply for having larger populations, since the scores are based either on the participation rate in public meetings, or the number of demands a municipality receives for a specific service. Both these factors are strongly correlated to the number of citizens. For instance, according to this evaluation system, the municipality of El Krib (a very small city in the interior region of Tunisia) was ranked as the best Tunisian municipality in 2016. However, if compared to the municipality of Sfax, the second biggest city after Tunis, El Krib receives far

45 "Participatory Public Sessions," Municipality of Ariana, figures for 2016-2018 <http://bit.ly/2Fn2Et0> (accessed November 14, 2018).

46 AIP official methodology [in Arabic], 2016 <https://drive.google.com/file/d/1NXsfzIdELXU3xw_WWuJQEBGrnS Ulx42-/view?usp=sharing> (accessed November 14, 2018).

47 Description and results of PB implementation in Tunisia, Associative Action <https://www.actionassociative.org/en/eye-on-the-budget/> (accessed November 27, 2018).

fewer complaints compared to Sfax, due to its smaller number of inhabitants (around 20,000, while Sfax has around 955,000, according to the latest statistics from by the National Institute of Statistics).[48] Consequently, El Krib finds itself rewarded on the score for managing citizens' complaints, even though Sfax handles far more complaints.

Moreover, the evaluation system is mainly based on reports elaborated by municipal officers. The Ministry organizes visits to some municipalities to inspect the validity of the information provided. However, the results of these should not be trusted since they are not gathered during the implementation of the AIP, but only after the process is finished. Consequently, the verification step becomes an administrative operation rather than a real evaluation of how the process is being implemented.

In addition, the AIP does not use a clear methodology to ensure the accountability of the tool. During the AIP process, citizen delegates who are supposed to monitor and evaluate the execution of projects are not elected by other citizens (and are sometimes chosen by the municipality itself), nor are they trained in monitoring and evaluation. The process provides no form of training or assistance for the monitoring and evaluation phase.

These failures have rendered the AIP process a tool that tokenizes citizen participation, rather than promoting it as a factor in building trust. In addition, it does not offer an effective evaluation structure to improve the participatory process or fix its shortcomings. The newly elected municipal councils provide the last hope for real change in the Tunisian democratic transition. Accordingly, municipalities should adopt effective participatory tools that opt for transparency and accountability.

Recommendations

- *Adopt a participatory approach in designing an effective evaluation system with experts and NGOs*

The government should implement a monitoring and evaluation framework to measure to what extent municipal participation tools are participatory, inclusive, transparent, and accountable. This framework should be designed in a participatory way with input from municipalities and experts in the field, includ-

ing the private sector and NGOs with a bottom-up approach. Consequently, the process would be more inclusive. All stakeholders should be effectively consulted in designing the most suitable process.

- *Improve the AIP using success stories such as Participatory Budgeting*

Tunisian municipalities could consider PB as a viable model, in light of its successful introduction in 19 municipalities.[49] The Ministry of Local Affairs and Environment should improve the AIP process by integrating the strengths and advantages of similar, successful processes, such as PB. More specifically, the AIP should import the PB methodology of designing an inclusive and participatory communication plan that includes all socio-economic categories, and targets them through awareness and information campaigns. The Ministry should further ensure higher levels of citizen participation, such as the PB practice of joint decision-making between municipal council and citizens, rather than the AIP's use of mere consultation meetings.

In addition, the Ministry should design an accountability phase to enable citizens to monitor and evaluate the execution of projects through organizing training sessions on municipal projects implementation, as well as providing an easy-to-use guide. It should use a bottom-up approach in designing and modeling participatory approaches by consulting and involving local civil society organizations.

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48   Tunisia Census, National Institute of Statistics <http://regions.ins.tn/vwxgdxb/tunisia-census> (accessed November 27, 2018).

49   Population by age group, National Institute of Statistics <http://regions.ins.tn/mnigucg/la-population-par-groupe-d-%C3%A2ge-recensement-2014?region=1001310-el-krib> (accessed November 27, 2018).

EFFECTIVE YOUTH PARTICIPATION IN THE IMPROVEMENT OF PUBLIC ADMINISTRATION

Jihene Ferchichi

Since the 2011 Revolution in Tunisia, the direct participation of Tunisian citizens, and Tunisian youth in particular, in reforming and improving public services has posed a real challenge. Young people are unable to make themselves heard in an organized, structured and efficient way, despite the fact that they are in regular close contact with public administrations and public services. This is due to a lack of communication channels, which leads to an absence of administration accountability. Establishing a legal framework to regulate communication and interaction between public structures and citizens using Information and Communication Technologies (ICT) is therefore one means that should be seriously considered and exploited by decision-makers to encourage active participation of young people in shaping public services in their communities.

Despite the successful democratic transition, several factors continue to create tension in Tunisia, and the growing need to support youth has become especially urgent after their needs were not met following the revolution.[50] Although their leading role in bringing change to the regime is undisputed, Tunisian youth are still not fully included in decision-making processes and feel left out on matters that affect them directly.[51] While the general political discourse revolves around young people, their needs, and participation in decision-making, there are no clear and efficient channels for youth to effect change in the administration, its function, and services. Indeed, many challenges lie ahead in the formation of democratic and participatory citizenship in Tunisia, especially when it comes to engaging young people. The evolution of and adaptation to new social, economic, and technological realities can be challenging for policy-makers, decision-makers and the broader population.

Weak Performance of Public Services

The relationship between Tunisian citizens and their public administration is characterized by dissatisfaction. Despite the crucial role administration still plays in citizens' lives, Tunisians still face major difficulties dealing with the administration and its agents. Obtaining papers, authorizations, or even proper and complete information can be a hassle for ordinary Tunisians. For students, parents, business people or investors, dealing with public service administration can be a lengthy, energy-consuming experience.

While administration is supposed to support citizens' lives and help them obtain adequate information in undertaking projects or even simple administrative formalities, Tunisian youth in particular suffer from the slow administration, inadequate services, and complex procedures.

Poor state performance is an important element in analyzing youth readiness to be involved and to contribute to social change and public life. The state's performance is characterized by low quality, a lack of discipline, and growing corruption. Issues relating to the politicization of the state and partisan attempts to make public appointments based on loyalties have also had a negative impact on services.[52] Indeed, as confirmed by Abdel Kader Labbaoui, President of the National Union for the Neutrality of the Administration, "more than 70 percent of the total appointments in the 'troika' era have yet not been reviewed."[53] Labbaoui further insisted on "the need to scrutinize the 1,200 appointments in the state institutions, that is, the ministries, public administration institutions, and public utilities."

In fact, the number of public servants has increased from 444,905 in 2011 to 533,069 in 2012. Notwithstanding the recruitment of 88,164 additional public servants in one year, basic services for citizens are still frequently organized in an overly complex way, with the assignment of duties across various administrative levels and authorities causing persistent problems. For citizens, it is often unclear who is responsible and which documents they need to present for which service, or even how long they will have to wait.

50   "Breaking the Barriers to Youth Inclusion: Tunisia," The International Bank for Reconstruction and Development/ The World Bank Group, 2014 <http://www.worldbank.org/content/dam/Worldbank/document/MNA/tunisia/breaking_the_barriers_to_youth_inclusion_eng.pdf> (accessed November 13, 2018).

51   Ibid., p. 10.

52   "Integrity Scan of Tunisia," OECD, CleanCovBiz Integrity in Practice, June2013 <https://www.oecd.org/cleangovbiz/Tunisia-Integrity-ScanEN.pdf> (accessed November 13, 2018).

53   Abdel Kader Lebbaoui, President of the National Union for the Neutrality of the Administration, Maghreb, August 1, 2013, cited in Hamadi Redissi and Afifa Ayadi, "Shall Tunisia Succeed in Becoming a Strong Democratic State?," EUSPRING, p. 5 <http://aei.pitt.edu/70441/1/arab_citizenship_review_n.13.pdf> (accessed December 5, 2018).

Youth Disengagement and Lack of Trust between Citizens and Administrations

Young people today show reluctance towards active participation in public life. They prefer to limit their investment towards humanitarian causes with immediate concrete results.[54] Only a small fraction of young Tunisians is active in civil society organizations (CSOs).[55] Such behavior can be explained by the new era in which Tunisians live, a time of continuous evolution, speed, and change. Among other social factors to be considered is the characterization of young people as inept, which hinders both young people and broader society from accepting youth in decision-making roles. Indeed, despite the low levels of participation in civil society, nine out of ten young Tunisians nevertheless consider volunteering in CSOs to be important for their communities.[56]

To take the example of European countries, young people and their representative bodies are recognized as stakeholders in the implementation of national youth policies, a system referred to as co-management. This means engaging a range of youth and student organizations, as well as national- and local-level youth councils, to serve as channels for young voices on critical public policy issues.

Poor public service provision causes a lack of reliance on and trust in administration, and leads to the inefficient utilization of limited resources. To improve administrative services, young people's voices must be heard through well-established channels and taken into consideration in improving administrations. Without a basic minimum level of confidence in institutions, such as local politicians, courts, police, and political or religious groups, it is difficult for youth to work constructively with institutions. Trust is an enabling condition for active citizenship and crucial to youth engagement in the issues that affect their community and country. Unfortunately, in Tunisia tension exists between youth expectations and the resolutions expressed in policies designed to target their needs. This creates a growing lack of comprehension between the older generation and youth.

The Tunisian government has recently undertaken several initiatives to enhance open governance in the public policy-making process.[57] The Open Government Partnership (OGP), for example, was launched in 2011 to provide an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens. The OGP provides an opportunity for members to exchange experiences in the fields of transparency, the fight against corruption, improvement of public service delivery, citizens' engagement in the public policy-making process, and the use of new technologies.

> *Tunisian youth in particular suffer from the slow administration and inadequate services*

Public consultations were carried out on actions to be included in the OGP action plan to ensure input from citizens on potential reforms. The first consultation was conducted from May 6 to June 29, 2014 on what should be included in the action plan. As a result, more than 600 propositions were received through the consultation website, the OGP's Facebook page, e-mail, and regular mail. Although these actions have considerably improved popular relations with the administration, it is necessary to develop a global plan enabling every citizen to have a single entry point for all contacts with public administration, extensively relying on ICT and increasing participation in public life by permanently taking citizens' claims into consideration.

Recommendations

– *Build trust between citizens and administrations*

Trust between young people and the administration can only be achieved through successful youth participation in public service change. In order to activate and promote citizenship among youth, policies

54   "Breaking the Barriers to Youth Inclusion," p. 15.

55   According to a recent survey, as little as three percent of rural youth participate in CSOs. Observatoire National de la Jeunesse, Social Science Forum, 2013.

56   Ibid., Chapter II.

57   "National OGP Action Plan," Secretariat of State in Charge of Governance and Civil Service, September 2014 <https://www.opengovpartnership.org/sites/default/files/Tunisia%20O GP%20NAP_0.pdf> (accessed November 13, 2018).

that help construct trust and willingness to engage with institutions are essential. When young people share their opinions, experiences, and suggestions to reduce administrative complexity on an open platform, this helps contribute to data collection, data analyses, and better reforms. An online platform gathering feedback from administration users in an organized manner will persuade policy-makers and legislators to consider the direct input of citizens on issues relating to their everyday lives.

- *Establish a legal framework to regulate communication and interaction between citizens and public administration using Information and Communication Technologies (ICT)*

Establishing a legal framework to regulate communication and interaction between public administration and citizens using ICT is necessary for faster and more citizen-friendly change. The internet is broadly accessible and presents no time or space barriers for individuals to freely participate through sharing lived experiences or innovative ideas on improving administration quality. As user input is needed for evaluation and accountability, ICT represents the best tool for youth to participate and engage in ensuring positive change in the quality of public services. Technology can then substantiate accountability, which is a fundamental principle of open government. Such an approach can also be used for other facilities, including courts, the post office, governorates, municipalities, and so on.

- *Develop an e-participation portal accessible to all administrations and users*

Developing an e-participation portal accessible to all administrations and users will help create a live platform to facilitate communication and interaction between service providers and users. The portal should generate open data and facilitate its reuse. Portal development should be based on a participatory approach that involves civil society representatives. Multiple channels of communication should be adopted to enable youth to express their opinions, make suggestions, share their ideas on public policies and programs, and to follow up on their implementation. The data gathered, together with its analysis and subsequent recommendations, should be published and communicated to the public through the same portal.

In accordance with the relevant provisions of Part II of the Constitution,[58] the current Data Protection Act and related legislation will need to be amended so that they meet international standards, especially in the ICT field, which would further encourage the implementation of e-portals accessible to all.

- *Create quality control divisions in public administrations*

Quality control in public administrations, improving the efficiency of processes, and setting fact-based policy are critical processes for achieving a level of excellence in public services. Therefore, measuring quality at both local and national levels would enable assessment of the system's strengths and weaknesses, and help enforce improvement. Quality control divisions should focus on research and collecting specific data from citizens for evaluating selected quality criteria, including process indicators, outcome indicators, and structural indicators. Such data should include satisfaction ratings, suggestions, and complaints. This would reflect the many aspects of public service quality to bring about its improvement, and institute information-based policies in administration.

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58   Namely, "Rights and Freedoms" in Part II of the Constitution, the provisions of Article 32 on the right to information access, and Article 49, which states that the rights and freedoms guaranteed by the Constitution should be explicated by laws.

FOSTERING DEMOCRATIC PARTICIPATION THROUGH CIVIC EDUCATION INITIATIVES

Tahar Kechrid

Although the Tunisian transition to a democracy stands out in the Middle East and North Africa (MENA) region as relatively successful, the workings of the democratic process remain new and unfamiliar, especially among the country's youth. In particular, in marginalized regions that have yet to see a recognizable payoff from the "democratic dividend," many young people have become disenfranchised and disillusioned with the transition. For many, this has led to a complete withdrawal from the political process, as illustrated by the severely dwindling voting rates among young Tunisians. In some cases, frustration and disillusionment have contributed to radicalization or irregular migration. In order to engage young Tunisians, improve their understanding of the new political system, and foster democratic participation, the Tunisian government should strengthen and expand civic education programs. This includes: revamping the civic education curriculum in collaboration with the Ministry of Education and the Ministry of Youth and Sports; learning from and collaborating with local and international best practices in civic education methods and programs that have proved successful in Tunisia; and ensuring a fair and proportional distribution of education and training programs throughout all schools.

Although some parts of Tunisian society have seen improvements since 2011, many of the major objectives of the Jasmine revolution – mainly targeting economic, social, political, and cultural reform – remain largely unfulfilled. The intervening years have seen countless declarations from Tunisian officials and international actors proclaiming their ambitions and initiatives to improve the country's situation. Yet the consolidation of many improvements remains unfinished, particularly in terms of the current failing economic situation, security sector reforms, and the implementation of the 2014 Constitution. Progress in all these areas has been slow and laden with hin-

drances, not least due to distrust among the leading political parties. The marginalized interior regions of Tunisia, as well as Tunisian youth, have been the least served by the nation's actions since the revolution.

Young Tunisians make up roughly sixty percent of the national population.[59] Yet despite their active role in the Jasmine revolution, youth participation in the national democratic process has since greatly decreased. Paralyzed by disillusion and distrust in the central government's ability to serve their needs, a mere 8.8 percent of rural youth and 31.1 percent of urban youth claim to have trust in their government. In addition, recent surveys have indicated that according to seventy percent of youth, "old people have too much political influence (compared to just 49 percent of those over 50)."[60] Additionally, polls have shown that over seventy percent of Tunisians do not believe that policy makers place any importance on the position and demands of youth.[61] Given that Tunisia's current president is 91 years old, and that the average voting age at local and national elections is well over forty, it is evident that there is a generational gap, the results of which are reflected in the country's democratic participation. To wit, the absence of youth in local and national politics was highlighted during the 2015 parliamentary elections, which yielded an abysmal voter turnout "with over 80 percent of Tunisians between 18 and 25 boycotting the ballot."[62] The most recent municipal elections yielded a mere 33.7 percent voter turnout, and as noted by Prime Minister Youssef Chahed, this turnout signaled "a negative sign, a strong message [...] for politicians."[63]

The situation is particularly dire in the interior and southern regions of Tunisia, which historically have been largely marginalized. In addition to the socio-economic challenges they continue to face, these regions lack appropriate representation as the country has maintained a highly centralized system of government, far removed from the needs of more rural Tunisians. Although the Tunisian government has been working to introduce a more decentralized system as established by the 2014 Tunisian Constitution, progress on implementing concrete

59   Sarah Yerkes, "Young People are staying away from Tunisian politics – here's why," Brookings, Brookings, March 21, 2017 <www.brookings.edu/blog/markaz/2017/03/20/young-people-are-staying-away-from-tunisian-politics-heres-why/> (accessed November 7, 2018).

60   Sarah Yerkes, "Where Have All the Revolutionaries Gone?," Brookings, March 20, 2017 www.brookings.edu/research/where-have-all-the-revolutionaries-gone/ (accessed November 7, 2018).

61   Sam Kimball, "Tunisia's Neglected Youth Find their Voice in Hip Hop, Rap," AP News, May 2, 2015 <www.apnews.com/3dfddba6f0d64cca83dd203165b759e5> (accessed November 7, 2018).

62   Kimball, "Tunisia's Neglected Youth."

63   "Low Voter Turnout of 33.7% Mars Tunisia's First Free Municipal Elections, PM Youssef Chahed Calls It 'Negative Sign'," Firstpost, May 7, 2018 <www.firstpost.com/world/low-voter-turnout-of-33-7-mars-tunisias-first-free-municipal-elections-pm-youssef-chahed-calls-it-negative-sign-4458471.html> (accessed November 7, 2018).

legislative initiatives has proven slow. The introduction of quotas requiring youth to be represented at municipal elections has set a precedent for increased youth involvement in politics; however, voter turnout among youth remains low.

The Value of Education to a Functioning Democracy

A strong foundation in education is essential to the success and strength of any modern democratic state. Although Tunisian politicians often laud the national educational system, pointing out that the country has the highest education standards within the Arab region, these statements often pertain to higher education and do not shed any light on primary or secondary education. Prime Minister Youssef Chahed echoed these sentiments as recently as 2017 in talks with Chancellor Angela Merkel in Berlin.[64] Moreover, attention is seldom paid towards the value of civic education in the development of young Tunisians.

Civic education is an integral part of a child's education, providing them with the tools necessary to contribute constructively to their country's development. UNESCO defines civic engagement and citizenship education as "educating children, from early childhood, to become clear-thinking and enlightened citizens who participate in decisions concerning society."[65] Such an initiative for citizen education is greatly lacking in the Tunisian educational infrastructure. Learning about the value and importance of civic engagement from a young age could reinvigorate young Tunisians' desire to work together with public institutions in the future.

Civic Education Initiatives in Tunisia

A significant move to embed civic education into the national school system came about in 1989 when a reform was passed to include citizenship as a formal subject. Thereafter, in Tunisian primary and secondary schools, all students had to attend civic education classes. Along with national loyalty and patriotism, civic education lessons are intended to teach democratic participation. Though this is ideal in theory, generations of Tunisians had attended civic education classes while living under authoritarian

rule; therefore, it is difficult to convince pupils today that these lessons are in fact crucial to their development. Over time, civic education has lost importance as a subject, and as a result, many schools do not even provide proper civic education teachers, instead combining civic education with classes on Islam, among other methods.

Currently, local organizations such as the Union of Independent Tunisians for Liberty (UTIL) as well as international organizations, including the Federal Agency for Civic Education (bpb) and the Goethe Institute in Germany, are contributing to efforts to promote political participation. In 2016, the bpb and the Goethe Institute hosted the Civic Education Conference in Hammamet, which allowed education sector representatives and young Tunisians to exchange ideas with policy-makers from Tunisia and Germany. The conference generated 37 policy recommendations promoting civic education as a means to increase youth engagement. As indicated in their recommendations, the consensus among participants pointed to the need for capacity building programs for civil society agents and teachers. Other recommendations included the creation of cultural spaces, and the introduction of modules in teacher training programs on inclusion and tolerance in multicultural societies.[66] However, there has since been little follow-up or initiative from the Ministry of Education (MoE) to build on and implement any of these recommendations.

While many international organizations have launched initiatives targeting youth participation in the democratic process, very few have been realized; nor has any collaboration materialized with the national government leading and institutionalizing such programs. Similarly, countless youth-led campaigns, including Bawsala, iWatch, Sawty, Jamaity, Reso, Manesh Msamhin, Mounaqiboun, and Sayeb Trottoir have proven successful in improving young people's national awareness. These initiatives, however, show no indication of close collaboration or any joint endeavors with the national government or any ministries. It must also be noted that although civil society organizations (CSOs)and non-governmental organizations (NGOs) have received significant international investments, the formal political sphere has been largely overlooked in terms of youth inclusion.

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64   Youssef Chahed, "Tunisia's Democratic Transition and the Challenge for the Youth," Leaders, February 14, 2018 <www.leaders.com.tn/article/21664-youssef-chahed-tunisia-s-democratic-transition-and-the-challenge-for-the-youth> (accessed November 7, 2018).

65   "Citizenship Education for the 21st Century," UNESCO, <www.unesco.org/education/tlsf/mods/theme_b/interact/mod07task0 3/appendix.htm> (accessed November 7, 2018).

66   "Civic Education Conference 2016," Bundeszentrale für politische Bildung, May 30, 2016 <http://www.bpb.de/presse/228490/civic-education-conference-2016> (accessed November 7, 2018).

Recommendations

– Include civic education in the school curriculum

Reinforcing the provision of civic and political education courses and overhauling the national education curriculum would provide young Tunisians with an early understanding of the importance of democratic participation, as the 2014 Constitution intends. Trained teachers must be selected to oversee these courses so that they have a lasting effect.

The MoE needs to make civic educational reforms a priority on the school curriculum agenda. Work has been done by the Arab Institute for Human Rights (IADH) and the Networking Arab Civic Education (NACE) platform to coordinate with the MoE and pressure it to update teaching manuals to include and highlight education on human rights, citizenship, and democracy. The reforms proposed at the 2016 Civic Education Conference in Hammamet should be implemented. The sooner the MoE follows the advice of various institutions offering their support and know-how, the sooner a new and improved civic education curriculum can be established and implemented throughout the Tunisian public school system.

– Build on the successful work of existing organizations

Building on the work by NGOs and CSOs already active in Tunisia can save national government the time and resources required to help forge closer ties with youth.

– Promote new digital technologies

The rise in the use of digital technology in Tunisia gives youth an alternative avenue for visibility in politics, and a new political space for activism promoting more government accountability. For example, the "Charek Min Darek" (Participate from Home) smartphone application explains the electoral processes in a simplified manner and provides a broad scope of information on each candidate, including their contact information. In a similar way, "Elect Bot" helps users register to vote and learn about candidates and their platforms, while the "Balad'App" helps Tunisians learn about civil society projects in their local communities and awards bonus points for participating in or initiating civic activities. The government should help promote these technologies to further popularize their use.

– Seek civic education know-how from established international entities

Not only is it important to accept and work with international organizations and NGOs working to improve civic education standards, it is also essential to learn from their experiences. The bpb and the Goethe Institute are already integrated into Tunisian societal activities and initiatives, and these partnerships would be ideal for the Tunisian government to pursue. Such international cooperation could provide a blueprint for an updated and forward-minded civic education curriculum, one that is oriented towards encouraging democratic participation.

– Proportionally distribute education and trainings

Marginalized areas of Tunisia must receive equal and proportional training opportunities and attention as that granted to Tunis, Sousse, Sfax, and other major cities. For an implementation of a revised civic education program to be feasible, it must be consistently applied throughout the country and not limited to certain more developed areas.

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BRIDGING THE GAP BETWEEN CENTER AND CROSS-BORDER REGIONS IN TUNISIA – INCLUSIVE STRATEGIES TO COPE WITH MARGINALIZATION

Giulia Cimini

The prolonged absence or ambivalent presence of the state, pressure from the collapse of Libya, and the illicit trafficking of goods and people combine to make Tunisian southern cross-border areas highly sensitive hubs of permanent instability, whose unpredictably reverberate both nationally and regionally. Given that a shared narrative of exclusion, marginalization, and humiliation has successfully mobilized people against central authority – which preferred to police and securitize these territories and communities rather than administer them – there is an urgent need for a comprehensive strategy of restoring state legitimacy to address both material claims and the feeling of state abandonment. Such a strategy would help tackle the factors that generate cross-border insecurity in the longer-term. In particular, newly elected municipal councils should enact new behaviors and styles of governance to foster rapprochement between citizens and public institutions; civil society organizations should constructively work to maintain a fruitful and trustful relationship between the citizenry and its elected representatives; and central state authorities should be more responsive to local needs.

Tunisia has long centralized political power and directed selective development policies towards the Sahel (coastal) regions, from where the elites originated during the Bourguiba and Ben Ali eras. Consequently, inland and southern governorates suffered from social and economic marginalization. In particular, border regions have eluded government authority in the sense that they were largely left under-ruled, with weak public services and infrastructures. Additionally, the influence of non-state actors, including tribes, clans, and even armed groups, has further

isolated these populations by fomenting a feeling of "peripheral abandonment."[67]

After the 2010-11 uprisings in Tunisia and the civil war in Libya, the subtle equilibrium in these areas has been challenged. Indeed, regime change exposed the fragility of government structures, particularly in those areas where tribal structures prevail.[68] Qaddafi's fall left Tunisia more vulnerable on its southern borders with Libya and provoked a re-organization of contraband cartels, bringing an end to the informal agreement they had enjoyed earlier with the state. Prior to 2011, in exchange for tolerated trafficking – which provided considerable revenue for the area given the poor economic opportunities otherwise available – the central state relied on cartels for controlling the circulation of firearms and drugs, and the entry of undocumented people.[69] Even more importantly, the smuggling of licit goods leveraged on price differences, tariff evasion, and subsidies between neighboring countries was part of a vibrant border economy.[70] Since law enforcement costs would have been too high, the Ben Ali regime preferred to keep the system of smuggling in place as a safety valve for the local population, assisted by key informants who assured security alongside desert borders.[71]

Remarkably, with the proliferation of jihadis and arms in border areas, the existing cartels suddenly appeared less effective at local management. Similarly, the arrival of innumerable Libyan refugees had a considerable impact on the local economy and balance of power. Meanwhile, popular mobilizations took place addressing socio-economic grievances (the demand for jobs, better services, and infrastructures), and often-neglected cultural and identity claims.

The peculiar nature of the (mostly desert) borders, the existence of tribal allegiances that compete with state institutions to provide strong bonds of identity, the involvement of non-state actors and illicit flows of goods (and people) favoring an underground

67   Grégory Chauzal and Sofia Zavagli, "Post-Revolutionary Discontent and F(r)actionalisation in the Maghreb: Managing the Tunisia-Libya Border Dynamics," Clingendael Report, Clingendael Netherlands Institute of International Relations, August 2016 <https://www.clingendael.org/sites/default/files/pdfs/Clingendael percent20Report percent20Tunisia-Libya percent20border percent20dynamics percent20-percent20August percent202016_0.pdf> (accessed November 8, 2018).

68   Irene Bono et al., L'État d'injustice au Maghreb: Maroc et Tunisie (Paris: Éditions Karthala, 2015); Moncef Kartas, On the Edge? Trafficking and Insecurity at the Tunisian–Libyan Border, Working Paper 17, Small Arms Survey, Geneva, Graduate Institute of International and Development Studies, 2013; ICG, Tunisie: Lutter Contre L'impunite, Restaurer La Sécurité, Middle East and North Africa Report No. 123, International Crisis Group, May 9, 2012.

69   Kartas, On the Edge? Trafficking and Insecurity.

70   Max Gallien, "An Economic Malaise Lies at the Heart of Libya-Tunisia Border Standoff," Middle East Eye, July 30, 2018 <https://www.middleeasteye.net/columns/economic-malaise-heart-libya-tunisia-border-standoff-883226567> (accessed November 8, 2018).

71   Hamza Meddeb, "Rente Frontalière et Injustice Sociale en Tunisie," in Irene Bono et al., L'État d'Injustice au Maghreb: Maroc et Tunisie (Paris: Éditions Karthala, 2015), pp. 63-98.

economy, as well as the widespread popular feeling of abandonment, all point to the undermining of the state's capacity to implement decisions and effective control, a situation in which statehood is limited.[72] In the context of re-configuring Tunisian state institutions, coupled with fragile regional balances and widespread discontent with the political elites, this situation is potentially explosive. Although the current socio-economic situation in southern Tunisian border areas is, in many respects, reminiscent of other marginalized regions of the country in terms of the potential for destabilization, these areas' prolonged disconnect from central authority more markedly exposes impoverished and neglected areas at risk of violence confrontations, illegal migration, smuggling, and the appeal of terrorism-inspired networks.

A Prolonged Disconnect Between the State and Tunisian Southern Borderlands

On March 7, 2016, the attack on the town of Ben Guerdane, located 25-30 kilometers from Libya in the southern Tunisian governorate of Medenine, renewed the debate on border security, Islamic State (IS)-affiliated groups that have proliferated in the area, and the management of fighters returning from war in Syria and Libya.[73] Likewise, it also highlighted the risk of youth radicalization in marginalized areas due to a lack of viable alternatives, and the appeal of terrorism-inspired networks that appear to offer a different option. At the same time, the Ben Guerdane case is often praised by security officers as an example of successful co-ordination between different security bodies, and support from the local population, who resisted the terrorists' attempt to involve them in the assault.[74]

The limits of the state in Tunisia's south-eastern border region are primarily evident in the lack of quality public services, and mass structural unemployment.[75]

While the country's unemployment rate stands at around 15 percent, the southern and interior governorates average between 19 percent to 33 percent, with Tataouine and Gafsa scoring the highest.[76] Similarly, according to the regional development index elaborated by the Ministry of Development, Investment and International Cooperation, the south and center-west regions performed the worst, including Kasserine, Tataouine and Medenine.[77] Decades-long center-periphery disparities, which benefited the capital and coastal territories to the detriment of the south and the inner regions, have contributed to the general impoverishment of the area, where public and private investments are largely absent. For instance, private companies are overwhelmingly located in Greater Tunis and the coasts. Border regions like Tataouine, Medenine, and Kasserine only account for 0.9 percent, 3.5 and 2 percent respectively of the national distribution of private companies.[78]

Socio-economic exclusion is rooted in cultural and identity factors as well. Informal networks and ties have long characterized the shared border region between Libya and Tunisia, the so-called Jeffara,[79] further emphasizing the existence of a complex trans-border sub-system. This undefined region, stretching from the island of Djerba to Tripoli, and occupied for centuries by a number of semi-nomadic Arab and Amazigh tribes, developed in relative isolation from the Ottoman empire.[80] French colonization, the forced sedentarization of tribes following the destruction of the agro-pastoral and caravan local economies, as well as militarization and the imposition of an arbitrary border,[81] have profoundly altered local equilibria, and laid the foundations for a tormented and ambivalent border history.

Relations with the central state have been characterized by different, and often contrasting features, combining abandonment, conflicts, and tacit agree-

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72   Thomas Risse (ed.), Governance Without a State? Policies and Politics in Areas of Limited Statehood (New York: Columbia University Press, 2011). On the notion of limited statehood in the Tunisian case, see Ruth Hanau-Santini, Limited Statehood in Post-Revolutionary Tunisia: Citizenship, Economy and Security (Palgrave Macmillan, 2018).

73   Shortly after the sunrise, an unknown number of Islamic State jihadists (most likely a cell of 50-100 terrorists) entered Tunisia from Libya and stormed a police station and an army barracks, with the aim of seizing the town. The swift response by the National Guard, police, and army succeeded in quelling the attack. The death toll included 43 armed militants from ISIS and Ansar al-Sharia, 13 members of the security forces, and seven civilians.

74   Author's interviews with Tunisian security experts, EU Delegation, French, German and US Embassies, Tunis, November 2015, and April and June 2017.

75   Olfa Lamloum, Marginalisation, Insecurity and Uncertainty on the Tunisian–Libyan Border: Ben Guerdane and Dhehiba from the Perspective of Their Inhabitants, International Alert, December 2016.

76   OECD, Études Économiques De L'OCDE: Tunisie 2018 (Paris: Éditions OCDE, 2018).

77   Ibid.

78   Ibid.

79   Moncef Kartas, "Opinion: Discussions about Border Security Need to Begin with Conversations about Tribes," Tunisia Live, March 29, 2016.

80   Ibid.

81   In 1910, the French Protectorate and the Ottoman Empire signed the treaty establishing the borders between the two countries that split the Jeffara in two.

ments.[82] Following Ben Ali's takeover in 1987, and despite the presence of police stations in most villages and neighborhoods marking the presence of an omnipresent surveillance apparatus, illicit trafficking in the border regions was not prevented,[83] even flourishing with the connivance of security forces and the protection of patrons well-entrenched within the hegemonic governing Democratic Constitutional Rally (RCD) party, and also as part of the informal agreement between the state and the cartels that existed prior to 2011.

Despite significant differences from case to case in terms of tribal allegiances and their roles in the cross-border economy,[84] border areas in the south share a common history of relative marginalization and isolation from the central state. This situation persisted in both colonial and post-colonial eras, producing a discourse of stigmatization to the detriment of local populations. It comes as no surprise that the inhabitants of Dehiba and Ben Guerdane, the two sole official border crossing points, primarily refer to the idea of "marginalization."[85] Moreover, in the presence of short-term state management practices restricted to the renewal of one-off aid grants and unemployment-reduction programs creating fictitious jobs, it is no exaggeration to state that people in these areas feel they are treated as a "labor pool" on loan for other regions.[86]

Equally present at the national level is a stigmatizing discourse that conflates the south with terrorism and smuggling. During the 2014 presidential electoral campaign, Mohamed Beji Caid Essebsi called Moncef Marzouki, his opponent from the south, "the candidate of jihadists;" in 2011, Essebsi had courted controversy when he praised the civilized coastal regions, implying that those in the south were not on the same level.

Shifting the Focus: Securitization as a Substitute for Socio-Economic Measures

Despite the persistence of popular demands through continuing street protests to refocus state priorities, so far, growing terrorist threats have pushed both governments and international actors to enhance the military's capabilities and strengthened its position to deal with border areas. Under the securitization mantra, the budget of the Ministry of Interior (MoI) has more than doubled since 2011.[87] Similarly, from 2011 to 2016, the Ministry of Defense's (MoD) budget grew more quickly than that of any other ministry.[88] In the meantime, while foreign aid has targeted mainly the MoI since the uprisings,[89] over recent last years, the MoD has also become a major recipient. Not surprisingly, in 2012 – the year after the Jasmine revolution – and in 2016, following three major terrorist attacks in the country, these figures grew exponentially.[90] Between the fiscal years 2011 and 2014, the US, one of Tunisia's main technical and financial partners in border management and security, together with Germany,[91] allocated an estimated US $121 million in security assistance to Tunisia, corresponding to 73 percent of total aid to the country.[92]

As for the border regions, since August 2013, a buffer zone has been in place in the far south, and

82   The area was marked by resistance to French colonization and violent repressions in response. Similarly, Bourguiba harshly repressed the Youssefist fiefs in the South, where the movement found strong support. Remarkably, notwithstanding Bourguiba's state-formation project pushing the tribes into secrecy, tribal organization persisted (on this point, see, for instance, M. Kartas "Opinion.") Tense relations between the peripheries and central state are epitomized by multiple episodes of protests expressing dissatisfaction and anger. More recently, protests spread in Ben Guerdane in August 2010, against the attempt of the Trabelsi, the family of Ben Ali's wife, to extend their circles of power to the border economy of the town. See O. Lamloum, "Marginalisation, Insecurity and Uncertainty on the Tunisian-Libyan Border." As for the controversial "laissez-faire" approach by central authorities towards smuggling as an "economy of necessity" in peripheral-border regions, see Hamza Meddeb, Courir Ou Mourir: Course À El Khobza Et Domination Au Quotidien Dans La Tunisie De Ben Ali (Thèse de Doctorat en Science Politique, CERI – Sciences Po, 2012); and Hamza Meddeb, Young People and Smuggling in the Kasserine Region of Tunisia: Stories of Dispossession and the Dynamics of Exclusion (International Alert, May 2016).

83   Moncef Kartas, "Foreign Aid and Security Sector Reform in Tunisia: Resistance and Autonomy of the Security Forces," Mediterranean Politics 3 (2014), pp. 373–91.

84   For a more accurate analysis of diversity in south-eastern areas of Tunisia, see: O. Lamloum, Marginalisation, Insecurity and Uncertainty on the Tunisian–Libyan Border.

85   Ibid.

86   H. Meddeb, "Rente Frontalière et Injustice Sociale en Tunisie."

87   "Les évolutions budgétaires du ministère de l'Intérieur entre 2011 et 2018," L'observatoire en ligne du secteur de la sécurité <https://www.observatoire-securite.tn/fr/evolution-du-budget-du-ministere-de-linterieur-depuis-2011/> (accessed November 12, 2018).

88   State Expenditure [in Arabic] <http://budget.marsad.tn/> (accessed November 11, 2018).

89   Kartas, "Foreign Aid and Security Sector Reform in Tunisia."

90   According to the Security Assistance Monitor, which tracks US defense assistance programs worldwide, aid to Tunisia for security matters increased by 200 percent in 2016, and 350 percent compared to pre-revolutionary figures.

91   In comparison to the €23 million program devoted by the European Union to security sector reform, in 2017, the US earmarked over $86 million for military and police aid, and $79 million for humanitarian and development assistance. So far, the bulk of US support in security assistance to Tunisia revolves around – but is not limited to – two axes: military assistance, both infrastructure and equipment, and training. Assistance to the armed forces focuses especially on troops along the borders with Libya.

92   Security Assistance Monitor, "Country Profile: U.S. Security Assistance To Tunisia," Center for International Policy, April 2015.

military authorities have assumed operational command in the region.[93] In addition, following the June 2015 Sousse attacks, Tunisia undertook the building of a "wall" – which is in fact a moat – at the Libyan border. Equipped with electronic surveillance and trenches, it is supposed to target cross-border networks trafficking arms, drugs, and jihadists, by acting as a deterrent and buffer. Such increased "militarization" of the area, as well as the continuous closures of border crossing points, have not succeeded in stopping illicit trade activities or the jihadi threat, notwithstanding the reduction in the number of official crossings, and have ultimately strengthened state control of the borders.

Interestingly, these measures seem to have increased the sense of insecurity among the local population, where over ninety percent of survey respondents maintained they were more afraid of the restrictions on border trade and the lack of socio-economic opportunities than the jihadist assaults.[94] The resumption of clashes in Ben Guerdane in August 2018 between police and a group of citizens over a delay in the reopening of the Ras Jedir border crossing with Libya are but the last episode in a wave of protests that has been simmering over recent years, and express a diffused and protracted discontent that should not be underestimated.

Police repression and the use of tear gas on protesters, such as in El Kamour in 2017 or the Kerkennah islands in 2016, and the stigmatizing association of demonstrators with potential terrorists to discredit them, further delegitimize the state in that it is also represented by its security forces. Not least, such an approach increases the feeling of a lasting colonial-style militarization to manage dissent rather delivering on people's needs.[95] If borders are not surprisingly perceived as the "materialization of a spatial and social marginalization" by local populations,[96] heavy-handed measures and a physical barrier hampering border trade that provides the main source of livelihood further diminish the building of trust with the central state. In Ben Guerdane alone, the informal trade sector accounts for twenty percent of the

region's active population, with goods worth around TND 600 million entering Tunisia informally every year.[97]

The feeling of abandonment and hogra (a mixture of humiliation, exclusion, and oppression) unites border regions, and is reflected, among other things, in the application by the governorate of Kasserine for "victimized region" status to Tunisia's Truth and Dignity Commission (Instance Vérité et Dignité, IVD), together with a claim for reparations.[98] And it is in Kasserine that people "welcomed" President Essebsi by chanting the same slogan addressed to Ben Ali in 2011, namely "dégage!" (Get out!). Mistrust vis-à-vis formal state institutions and the poor legitimacy they enjoy are also reflected in very low electoral participation, such as Tataouine's low (28 percent) turnout in the municipal elections of May 2018.

Given that feelings of abandonment and punishment are prominent in the discourse of border region inhabitants, and the prolonged disconnect between local communities and central authority – which preferred to police and securitize these territories rather than administering them – the perception of the state is fundamental in the context of (re-)building institutions. Hence, a renewed state architecture based on inclusion and aimed at overcoming its "limits" needs to involve both practice and discourse, which are mutually reinforcing. This would help reduce the existing gap between the central state and its southern borderlands, and address material claims while strengthening state legitimacy, a sense of inclusion, and national identity.

Recommendations

– *Municipal councils should work on rapprochement between citizens and public institutions, enhancing accountability and responsiveness*

Enjoying a degree of legitimacy granted by the polls, municipal councilors have a great responsibility to enact new behaviors and styles of governance. Hence, on a regular basis, they should:

93   Presidential Decree No. 2013-230 of August 29, 2013 on the border buffer zone, Official Journal of the Republic of Tunisia, No. 71 (September 3, 2013), pp. 2851-2.

94   O. Lamloum, "Marginalisation, Insecurity and Uncertainty on the Tunisian-Libyan Border."

95   Corinna Mullin and Brahim Rouabah, "Decolonizing Tunisia's Border Violence: Moving Beyond Imperial Structures and Imaginaries," Viewpoint Magazine, February 1, 2018.

96   Habib Ayeb, "Après Ben-Guerdane: Dépossessions, Déstructurations Et Insécurité Alimentaire Dans Le Sud-Est Tunisien," Jadaliyya, April 23, 2016.

97   Lotfi Ayadi et al., Estimating Informal Trade Across Tunisia's Land Borders, Policy Research Working Papers (The World Bank, 2013).

98   "Demande relative à l'établissement du statut de «Région-victime» de Kasserine," Avocats Sans Frontières and Forum Tunisien pour les droits economiques et sociaux, June 2015 <https://asf.be/wp-content/uploads/2015/06/ASF_TUN_R--gionVictime_201506_FR.pdf> (accessed December 5, 2018). See also: Lana Salman, "What We Talk About When We Talk About Decentralization? Insights from Post-Revolution Tunisia," L'Année Du Maghreb, 2017, pp. 91–108.

- carry out awareness campaigns on service delivery and inform citizens about the issues they intend to address in the given financial year;

- hold consultations with citizens on their needs and wants;

- hold weekly or monthly public hearings with citizens to collect, examine, and implement specific dossiers; and

- record the measures adopted to solve the issue, either individually and on-site, or through the Municipal Council. If the problem cannot be solved locally, official written reports should be submitted to the governor or minister concerned.

  - *Local civil society organizations (CSOs) should constructively work to maintain a trustful and fruitful relationship between elected representatives and citizens*

Without renouncing to their watchdog role, CSOs play a key role in supporting local councilors and members of parliament in formulating effective solutions to meet the needs of the citizens they represent, and facilitating citizen participation in public affairs management, in accordance with good governance best practices. Hence, they should organize workshops and meetings to sensitize the local community to various aspects of service delivery, the role of institutions, their function, tasks, and resources. They should operate in synergy with other associations in the area, avoiding duplication of initiatives and the dispersion of funds. In addition, local CSOs should connect citizens and elected representatives through information and communication technologies (ICTs), such as digital platforms or mobile applications that help people interact, look for specific issues, and the persons in charge.

- *Political parties at the central level and decision-makers need to promptly recognize and effectively respond to local needs, establishing and reinforcing a common sense of belonging*

To guarantee primary loyalty to the state rather than non-state actors, including tribal allegiances and terrorist networks, central authorities should increase local spending, not for short-term assistance projects or unemployment programs, but by planning a sustainable road map to improve infrastructures (roads, hospitals, schools) and create incentives for factories or start-ups. In addition, they should loosen the grip of militarization and the effect of being "under siege" by promoting an image of the security forces at the service of population.

Central authorities should use national media outlets and personal statements to promote a discursive framework of inclusion by valorizing the contribution that different backgrounds bring to national development. Moreover, local councils need to be empowered as primary intermediaries between citizens and the central state by assuring financial independence. The recent adoption of the Code on Local Authorities is a first step in this direction, but the legislator still needs to clarify a number of issues, including the specific role of the governor and elected representatives locally, and the financial resources municipalities will have at their disposal. Finally, central authorities should increase the presence on the ground of state representatives (ministerial delegations, presidential ambassadors, and MPs) through regular visits outside electoral periods.

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RADICALIZATION IN THE MARGINALIZED REGIONS OF TUNISIA – ADDRESSING THE ROOT CAUSES

Aniseh Bassiri Tabrizi

Since the 2011 revolution, jihadist radicalism has dramatically increased in Tunisia, leading the country to become one of the main centers for al-Qaeda and ISIS affiliates, as well as one of the largest exporters of foreign fighters in the Middle East: over 3,000 Tunisians are estimated to have travelled to Iraq, Syria, and Libya. Youth radicalization rates are among the highest in the region and the country has been the target of several terrorist attacks by young Tunisians, including attacks at the Bardo National Museum and the resort town of Sousse in 2015. Although the Tunisian government has recognized the problem of radicalization in general and youth radicalization in particular, it has often been criticized for focusing on a securitized response and the provision of counter-terrorism measures. This is especially the case in the inner and southern regions of the country. However, without a comprehensive, long-term strategy aimed at addressing the structural and individual drivers of radicalization and preventing young Tunisians from succumbing to jihadist ideology, the government is likely to continue to fail in its attempts to curb the growth of radicalization

Although it is often difficult to identify a linear process or single route towards forms of violent extremism, it is probable that a combination of push and pull factors come together in the various paths leading to radicalization. The push factors – also defined as political factors – denote the various contexts and structural conditions that facilitate the creation of violent extremist groups. Such factors include governance deficit, state failure, absence of the rule of law, and grievances arising from disenfranchisement and marginalization.[99] Pull factors, on the other hand, are normally linked to individual identity in a social or psychological sense, and elements that make violent extremist ideas and groups appealing. Pull factors include religion and ethnicity, but also more immediate causes that can contribute to the perception of exclusion, such as the experience of prison or judicial injustice, human rights abuses by security forces, the death of a loved one, the desire for revenge, or the pursuit of status.[100]

The Root Causes of Radicalization – The Tunisian Context

Parts of Tunisia, notably in the interior and areas bordering Libya and Algeria, present the structural conditions that often produce vulnerability to radicalization among the population, and principally youth. Since 2014 for instance, the Islamic State (IS) has managed to attract large numbers of young Tunisians to Iraq, Syria, and Libya, offering spiritual and material incentives that appeal to those who believe their grievances have been ignored.[101]

Structural conditions in interior and border regions produce vulnerability to radicalization

One such structural grievance is high unemployment and the floundering economy in marginalized regions, where economic development is very limited in comparison to the main coastal cities. Southern regions, and especially the governorate of Tataouine, have some of the highest unemployment rates in the country at around thirty percent, over twice the national average (14.8 percent). Unemployment rates for university graduates are significantly higher (about fifty percent). High unemployment levels and a weak economy often provide the main context in which mass mobilization becomes viable. Unemployed youth are particularly targeted and exploited by extremist groups who brainwash and trick them into joining in exchange for economic rewards. In Tunisia, unemployed youth have often joined IS and

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99   Brian Bacon et al., "The Development Response to Violent Extremism and Insurgency: Putting Principles into Practice," USAID, September 2011, p. 4 <https://www.usaid.gov/sites/default/files/documents/1870/VEI_Polic y_Final.pdf> (accessed November 6, 2018).

100 Louise I. Shelley, "Corruption and Youth's Recruitment into Violent Extremism," in Marco Lombardi et al. (eds), Countering Radicalisation and Violent Extremism among Youth to Prevent Terrorism, Human and Societal Dynamics, vol. 118, IOS Press, pp. 37–47.

101 Lisa Watanabe and Fabien Merz, "Dealing with Jihadi Radicalisation in Tunisia," Tony Blair Institute for Global Change, January 10, 2018 <https://institute.global/insight/co-existence/dealing-jihadi-radicalisation-tunisia> (accessed November 6, 2018).

similar groups because of the jobs, housing, and other monetary incentives provided.[102]

A further structural factor often perceived as facilitating radicalization in marginalized regions in Tunisia is the feeling of socio-economic exclusion. Many inhabitants of the southern region complain about the lack of services and infrastructural development, and believe that their marginalization is controlled and deliberately pursued by the ruling elite.[103] This is particularly the case in Tataouine, which contains a large proportion of Tunisian oil fields (about forty percent of national production). Nevertheless, the population fails to benefit from higher levels of employment, redistribution of state resources, or the provision of services, such as the construction of schools and hospitals, or road development.

The Tunisian government has responded with a heavy-handed security approach

Unemployment and the lack of services inevitably lead to disaffection with local and central authorities, whose legitimacy is very weak. They are often perceived as corrupt and responsible for the area's socio-economic marginalization.[104] This is illustrated by the large number of local protests against corruption and the state of the economy.[105]

Finally, one frequently neglected pull factor is recruitment along tribal, religious, or ethnic lines. One study has highlighted that the various Islamic State-trained insurgents who staged the assault in Ben Gardane were from the R'baya' tribe, whose border economy interests and land claims have historically been marginalized by the Twazine tribe.[106]

The Government's Response

Aware of the challenge radicalization presents to the country's long-term stability, the Tunisian government has taken several measures, all of which are characterized by a heavy-handed security approach. One such measure has been to exert more control over the religious sphere. The secularization that took place under former President Ben Ali is deemed by the present government to have caused a lack of knowledge of Islam and, in turn, facilitated the spread of extremist ideas.[107] The government thus reinstated preachers and imams in mosques that had fallen outside the authorities' control, closed Islamic charities with suspected links to terrorism, and designated the Salafi movement Ansar Al-Sharia as a terrorist organization. While these measures may have reduced opportunities for recruitment and the promotion of extremist ideology, they most likely also hampered the credibility of official religious figures, further limiting the number of role models for the community.

Tunisian authorities have also adopted repressive measures, such as raids and house searches, often relying on extraordinary powers that enable police officers to act without judicial authorization, or by carrying out indiscriminate arrests. This over-reliance on arrests and repression, however, has intensified popular animosity towards the local and national authorities – including the police and security forces – thus further stimulating the structural drivers of radicalization.

Following the March 2016 attack by IS militants in Ben Gardane, the government also militarized the border region with Libya to prevent the informal movement of people and goods between the two countries. However, such an approach has also been considered counterproductive: contraband trade with Algeria and Libya is often the only form of employment in the region. Furthermore, control over criminal activity and the trafficking of illegal substances has also

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102 Watanabe and Merz, "Dealing with Jihadi Radicalisation."

103 Anouar Boukhars, "The Potential Jihadi Windfall from the Militarization of Tunisia's Border Region with Libya," Combating Terrorism Center, vol. 11, issue 1, January 2018 <https://ctc.usma.edu/potential-jihadi-windfall-militarization-tunisias-border-region-libya/> (accessed November 6, 2018).

104 Lisa Watanabe, "Preventing Violent Extremism in Tunisia," Policy Perspectives 6, no. 3 (May 2018) <http://www.css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/PP6-3.pdf> (accessed November 6, 2018).

105 For instance, this perception led to a demonstration in Tataouine in 2017, where protesters expressed their anger at the rumors of hidden oil reserves and government collusion on deals with foreign multinational corporations. Earlier in 2016, young people had gathered together to ask the local government for employment at local oil and gas production sites.

106 Hamza Meddeb, "Precarious Resilience: Tunisia's Libyan Predicament," Istituto Affari Internazionali, MENARA Papers, Future Notes 5, April 2017 <http://www.iai.it/sites/default/files/menara_fn_5.pdf> (accessed November 6, 2018).

107 Watanabe and Merz, "Dealing with Jihadi Radicalisation in Tunisia."

created more openings for corruption in national institutions, such as the Tunisian army, which had previously enjoyed higher levels of legitimacy.[108]

As a result of the government's approach, the economic situation has worsened, the authorities' legitimacy has decreased, and religious role models have been weakened, leading to a strengthening of the structural drivers of radicalization and failure of the intended goals.

Recommendations

- *Involve more ministries when designing and implementing the strategy to curb the drivers of radicalization*

The government should involve not only the Ministry of Interior, which deals with security issues, but also include the Ministry of Youth, the Ministry of Religious Affairs, the Ministry of Justice, and the Ministry of Economy. This will engender a more comprehensive approach and avoid an over-reliance on a security-based strategy.

- *Work with official religious figures, training them to promote peace and anti-extremism, and help them establish themselves as community role models*

Such an approach will enable the government to establish a stronger connection with religious leaders and maintain some form of control over their discourse by training them on religious matters. In doing so, it will enable religious leaders to effectively counter the propaganda of extremist groups, and support vulnerable youth seeking spiritual guidance.

- *In marginalized regions, reduce the sense of socio-economic exclusion and clarify that no economic or political discrimination takes place*

The government should boost regional investments to create employment opportunities, support entrepreneurial activities, and address the lack of services. Some of these activities, such as service provision, should be delegated to local authorities, thus increasing their legitimacy for local communities. The government should focus on the economic development of border areas and the integration of those who normally rely on the informal economy into the formal economy. The strategy should also consider the

grievances of tribes that are particularly marginalized and vulnerable to recruitment by violent groups.

- *National and local authorities should reach out to the citizens in marginalized regions and address their perceptions of corruption and social injustice*

This approach will enhance political inclusion, encourage youth participation in politics, and increase the legitimacy of national and local institutions. It will also provide citizens with the feeling that the government is aware of and responsive to the concerns of people living in marginalized regions.

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108 Boukhars, "The Potential Jihadi Windfall."

PRISON AND REHABILITATION OFFICIALS AND THE RETURN OF ISLAMIC STATE FIGHTERS TO TUNISIA

Arwa Ben Ahmed

In the context of rehabilitation and deradicalization processes in prisons, Tunisia faces a significant threat: the return of many Islamic State (IS) fighters, whose homecoming has also posed a huge national security challenge. In addition, there is disagreement between various political parties and national organizations over how to deal with the returnees. Rejectionists have called for stripping them of their Tunisian citizenship, which contravenes the provisions of both Article 15 of the 1948 Universal Declaration of Human Rights and the Tunisian Constitution of 2014. Others have supported the notion of return and the need to deal with returnees fairly through the application of severe sanctions. But key issues remain concerning whether prison and rehabilitation officials are sufficiently trained and equipped to implement these sanctions, and what reform structure should be implemented. To address these challenges, the Tunisian state should introduce targeted education and training programs for prison officials who work with extremist prisoners, provide sufficient financial, human and material resources, and ensure that that Tunisian prisons meet international standards.

With the growth in foreign terrorist fighters joining the Islamic State (IS), the UN Security Council has called via the unanimous adoption of resolution 2170(2014) for member states to "take national measures to prevent fighters from travelling from their soil to join the groups, reiterating obligations under previous counter-terrorism resolutions to prevent the movement of terrorists, as well as their supply with arms or financial support. It expressed readiness to consider putting on the sanctions list those who facilitated the recruitment and travel of foreign fighters."[109] The resolution explicitly uses the term "foreign terrorist fighters," defined as "individuals who travel to a state other than their state of residence or nationality for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict."[110] Under international law, fighters are entitled to use force in armed conflicts. They cannot be held accountable for their actions in the context of war, but terrorist fighters do not enjoy such protection.[111]

Notwithstanding repeated denials by states of their responsibility to deal with terrorist fighters, especially if returned or extradited from foreign countries, civil society assistance in rehabilitation has been shown to mitigate the consequences of return. In response, the UN Security Council adopted Resolution 2178 calling on countries to take legislative and practical steps to prevent and respond to the phenomenon.

The State's Response to the Return of Tunisian Terrorist Fighters

According to an announcement by the Minister of the Interior at the Tunisian Parliament on December 23, 2016, around 3,000 Tunisians had joined IS in Syria and Iraq, of whom over 800 had returned to the country. He further acknowledged that 160 fighters were in prison. The terrorist threat has increased with the attacks in Sousse and the Bardo Museum in Tunis in 2015. The government's first reaction was the adoption of a new counter-terrorism law in 2015, which has been criticized by several legal specialists and human rights organizations.[112] The law uses a broad definition of terrorism and results in multiple violations of criminal procedure in terms of detention, prosecution, and human rights. Because of the law's deficiencies and the criticism it has attracted, the counter-terrorism law in Tunisia will be subject to amendments.[113] On a political level, former president Monsef Marzouki has suggested a repentance law, which was supported by the Ennahda party. In 2016, the current president, Beji Caid Sebsi,

109 "Security Council Adopts Resolution 2170 (2014) Condemning Gross, Widespread Abuse of Human Rights by Extremist Groups in Iraq, Syria," UN Security Council Meetings Coverage and Press Releases, August 15, 2014 <https://www.un.org/press/en/2014/sc11520.doc.htm> (accessed November 8, 2018).

110 "Foreign Terrorist Fighters," UN Security Council Counter-Terrorism Committee <https://www.un.org/sc/ctc/focus-areas/foreign-terrorist-fighters/> (accessed November 8, 2018).

111 See endnote ii.

112 Sarah Mersche, "Tunisia's Ineffective Counterterrorism Law," Carnegie Endowment, August 6, 2015 <http://carnegieendowment.org/sada/60958> (accessed November 23, 2018).

113 "Tunisie : Le gouvernement présente de nouvelles propositions pour l'amendement de la loi sur la lute contre le terrorisme," Directinfo, October 9, 2018 <https://directinfo.webmanagercenter.com/2018/10/09/tunisie-le-gouvernement-presente-de-nouvelles-propositions-pour-lamendement-de-la-loi-sur-la-lutte-contre-le-terrorisme/> (accessed November 8, 2018).

announced that "Tunisia does not have enough prisons [for] all returning jihadists from conflict zones."[114]

The return of Tunisian terrorist fighters has prompted the government to adopt a national strategy, which is expected to produce a roadmap to confront and eradicate these threats by various political, economic, diplomatic, and military means. The government further announced its aim to implement a deradicalization program with support from the international community. National measures include the establishment of the Tunisian Centre for Research and Studies on Terrorism in October 2016, which analyses the causes and reasons behind regional and global terrorism.

Tunisia has the right to defend its sovereignty, security, and stability by establishing a clear security strategy based on the principle of legal determination, strengthening security efforts, and activating national mechanisms and international cooperation. However, while Tunisia is currently following a security-centered approach to terrorism and radicalization, including the expansion of police forces in every corner of the country, it has yet to develop a clear approach and strategy towards deradicalization in prisons. The key issues are whether prison officials and prisons in general are ready to deal with this kind of prisoner, and to what extent their training and educational background and standards allow them to manage violent extremist prisoners. A preventive security policy would be crucial in this regard.

Recommendations

- *Introduce targeted education and training programs for prison officials who work with extremist prisoners*

Reforming prisons and rehabilitation institutions in Tunisia is part of the criminal justice reform process. This includes implementing an effective reform strategy for officials to deal with extremists from legal, sociological, and psychological perspectives, and setting up training programs to strengthen the educational framework for officers in partnership with civil society organizations, under the supervision of governmental and non-governmental institutions. Training for prison officials should include courses on understanding violent extremism, identifying signs of extremism leading to violence, evaluating extremist prisoners, and dealing with individual and collective

violence while protecting prisoners using minimum force and observing ethical and professional standards. In addition, a psychological understanding of prisoners can play an active role in disengagement and reducing criminality by providing psychological treatment through recreational activities. Modernizing the educational framework is key. Officials working with extremist prisoners should possess the required skills, and this should start with the recruitment phase.

A *preventive security policy is crucial*

In addition to the role of education in rehabilitating extremist prisoners, it is also important to provide the opportunity for follow-up education outside prison, through a process evaluating adjustment and reintegration after imprisonment. Moreover, correcting misconceptions about religion through constructive dialogue with prison officials is also beneficial. Training programs organized by the Ministry of Interior, the Ministry of Justice, and civil society organizations should involve security experts and prison and rehabilitation officials to assist in reform efforts. Decision-makers can also cooperate to implement a code of conduct for Tunisian prison officials to meet international norms and conform to the Tunisian context.

- *Learn from best practices*

The exchange of experience and joint plans in criminal investigations and information analysis, along with the activation of national mechanisms to develop means of control, can help promote respect for the rule of law, and further achieve the difficult balance between respect for human rights and the application of law. Good practices in this field can be observed in the experiences of other countries.

In this context, the Danish "Aarhus model" is worth mentioning. This model, followed by the Danish Prison and Probation Service, aims to create trust between the authorities and the social circles in which radicals operate, helping individuals find a

114 Tarek Kahlaoui, "Tunisia needs a deradicalisation strategy for returning 'terrorists'," Middle East Eye, December 15, 2016 <https://www.middleeasteye.net/columns/deradicalisation-strategy-face-tunisian-terrorists-returnees-2155969> (accessed November 8, 2018).

path back into society through a deradicalization process.[115] Individuals such as returning fighters or radicals who want to fight abroad are assigned trained mentors. Under this approach pioneered by Preben Bertelsen at Aarhus University, prisoners also receive psychological counselling and dialogue with prison officials, and encouraged to think about critical life decisions and evaluate their actions.[116] This model can be a useful example for good prison practices and management strategies.

– Ensure the application of the rule of law

Dealing with this category of prisoner also entails respecting the principle of fair trial and the protection of national security as enacted by the 2015 Anti-Terrorism and the Prevention of Money Laundering Law. This legal framework is essential, especially when focusing on a unified judicial approach in the fight against terrorism. The 2015 law tightens the existing penalties and supplements them with new penalties. However, interpretation of the law requires input from legal experts. For example, the provisions of article 13 and 14 concerning terrorist offenses and penalties indicate that any Tunisian involved in terrorist actions outside the country must face a prison sentence. It requires legal expertise to prove any such involvement.

– Base treatment on a case-by-case assessment

IS members have diverse profiles: some Tunisians who joined the group are known to the police for their criminal records, and have never been religious. Given that the profiles of potential terrorists differ, appropriate treatment should be accorded to each group depending on the level of danger they present to society, their age, sex, criminal record, etc. For example, child detention centers can be used to separate children involved in violent acts from other prisoners.

There is also a difference between terrorists who have committed dangerous crimes, who have strong connections and networks with extremist groups, and those who joined IS for other reasons, such as money or glory, or who have been brainwashed.

In this regard, a classification strategy should be observed.

– Ensure prisons conform to international standards

Rehabilitation centers help provide for the psychological, physical, and intellectual rehabilitation of prisoners to become active members of society once they have served their sentences. Such centers should function as comprehensive disciplinary bodies that evaluate prisoners in their daily work, moral views, and qualifications. They are also the most effective way to impose a new reality on extremist prisoners. To make reform work and achieve change, it is necessary to implement best practices[117] and improve skills. For Tunisian prisons to meet international standards, they should first avoid the shortcomings of the penal system, including poor conditions and overcrowding in Tunisian prisons and reform centers.[118]

In addition, violent behavior in prisons should be counteracted through the provision of academic and sports activities to reduce violent behavior and improve moral discipline. Within this framework, the prison system has begun implementing a training program in partnership with international organizations to develop new ways of dealing with prisoners and reducing extremism. This initiative is a positive step towards reform.

– Provide human and material resources

Modern legislative policy aims to enforce a new administrative and technical organization, consistent with reformist theories in favor of deradicalization programs, and prisoner rehabilitation. The recruitment of specialized individuals from different backgrounds, such as security and policing specialists, consultants, and psychologists, is essential to assist officials in their everyday interactions with returnees. This could be achieved by the introduction of effective selection criteria and vetting for officials. Since prison officials themselves generally have a similar religious background to the foreign fighters, a prudent and vigilant recruitment and training process is crucial.

115 David Crouch and Jon Henley, "A way home for jihadis: Denmark's radical approach to Islamic extremism," The Guardian, February 23, 2015 <https://www.theguardian.com/world/2015/feb/23/home-jihadi-denmark-radical-islamic-extremism-aarhus-model-scandinavia> (accessed November 8, 2018).

116 Ibid.

117 "Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons," UN Office on Drugs and Crime, New York, 2016 <https://www.unodc.org/pdf/criminal_justice/Handbook_on_VEPs.pd f> (accessed November 8, 2018).

118 "Deradicalizazion in Tunisian Prisons," Search for Common Ground, July 24, 2017 <https://www.sfcg.org/deradicalization-tunisian-prisons/> (accessed November 8, 2018).

‒ *Provide financial resources*

On January 19, 2016, the Tunisian Prime Minister adopted a number of measures to improve prisons by developing the penal system and reviewing the legal framework. There is also a need to introduce a system that respects human rights, one that takes the provisions of the new Constitution and international standards into account. In this context, finance is one of the most important elements to ensure institutional stability and reform, and progress in rehabilitation. Therefore, providing prison institutions with the relevant means – including security equipment, sanitary equipment, and adequate means of transport – helps improve rehabilitation efficiency. Better financing would also contribute to a reduction in overcrowding through the construction of new prison units that meet international standards. Designing special prison units together with the relevant departments could be achieved through international cooperation, and an enhanced understanding of the profiles of extremist prisoners.

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Chapter II: Socio-Economic Challenges and the Development of Marginalized Regions

TOWARDS SUSTAINABLE WATER RESOURCE MANAGEMENT AND FOOD SOVEREIGNTY IN TUNISIA

Darius Görgen

Tunisia is overusing its renewable water resources at the same time as groundwater resources are rapidly being depleted. Rural livelihoods depend on the availability of water for agriculture, and the country is heavily dependent on food imports. The suspected effects of climate change and associated decrease in water availability make immediate action to manage competing water demands imperative. In the context of the new right to water for all, established by the post-revolutionary 2014 Constitution, water access for the rural poor is directly linked to the political legitimacy of the government. Instead of favoring export-oriented large-scale agricultural businesses, water and agricultural policies need to develop the potential of small-scale agriculture to increase employment rates and contribute to food sovereignty. Thus, the importance of a water-efficient and well-functioning agricultural sector based on small-scale farms to achieve social equity and environmental stability needs to be prioritized in policy-making processes.

Water may be the most important resource of all, in terms of social cohesion and equity in Tunisia. Rural livelihoods depend mainly on agriculture as the main source of income, and agricultural activities are contingent upon the availability of water. Without water, agricultural activities in the countryside cannot be maintained in the medium- to long-term. A current study shows that small-scale farmers are most likely to be affected by decreasing water availability and most vulnerable to falling below the poverty line.[1] Declining precipitation rates due to climate change and untargeted agricultural policies leave the rural poor highly vulnerable to changes in water availability. The consequences include the possible cessation of agricultural activities in some regions and the associated loss of income together with an increase in rural-urban migration. This also affects national food sovereignty, since Tunisia is highly dependent on costly food imports.

As state policies on water access and use seriously affect the lives of one-third of the rural population, they also directly impact on the overall democratization process. First, current policies do not support small-scale agricultural activities, and second, they do not adequately address declining water resources. The decrease in water resources seriously limits the potential of agricultural and rural development, thus endangering the social cohesion of the state if targeted policies are not put in place. Therefore, the question to be evaluated is how state actors can address diminishing water and land resources by supporting rural development and national food sovereignty, and ensuring social equity.

Marginalization of the Rural Poor

In the case of modern Tunisia, rural-urban conflict is by no means a new phenomenon. Colonial times saw the development of urban centers, and resource flows were concentrated and directed to the cities to support the living standards of the colonizers and their trading activities. Agriculture was promoted in rural areas, but rural development was again limited to the colonizers' needs. In the first decades after Tunisia's independence in 1956, agricultural policies were driven by the idea of collectivism, so that arable land was jointly managed by state businesses. Accordingly, water policies were aimed at providing water to these companies and an extensive water-transfer infrastructure was created. This development supported the emergence of rural notables who had the power to allocate resources and could thus establish a clientelist power system which hindered equal access to water infrastructure from the outset.

In the early 1980s, the Tunisian government aimed at participation in the global market. Thus, liberalization policies were put in place, and state-owned companies were broken up. Unfortunately, rural families and small-scale agriculture businesses could not profit from these initiatives. Rather, the new policies favored large-scale, export-oriented private companies which were able to secure their share in the distribution of land and water, while rural families were forced to diversify their income sources, and were either driven out of agriculture or had to increase production through implementing irrigation practices. At the same time, Tunisia experienced very high urban population growth, and thus water was directed to the cities to supply the needs of their citizens.

Nevertheless, agricultural policies supported the growth and export of crops for the international market since the increase in state income was seen as the most important target. This led to the loss of

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1   Hacib El Amami, "How does groundwater depletion contribute to unequal access to the resource among classes of farmers? Evidences from caste studies in the center of Tunisia," International Journal of Hydrology 2, no.4 (2018), pp. 445-51.

food sovereignty in Tunisia, which today is dependent on imported, heavily subsidized food products. The food crisis of 2010, caused by cuts to these subsidies, was one of the triggers that eventually resulted in the revolutionary uprisings against the Ben Ali regime, when one part of the population was no longer able to afford basic food. Human history is littered with examples of how the food-water complex is directly linked to the political stability of regimes: if food or water are not available at affordable prices, the probability of political uprisings is significantly increased.

High poverty rates in rural areas make people more vulnerable to climate change

Current Water Availability

In 2014, the National Assembly adopted a new Constitution. Article 14 states that the right to water shall be guaranteed, and that the conservation and rational use of water is a duty of both the state and society. Existing renewable water resources are already overused, and climate change projections indicate a possible reduction of approximately thirty percent in the coming decades, due to rising temperatures and decreasing annual rainfall. While about 87 percent of the population had access to piped water services in 2015, only 68 percent of the rural population had access to equal services.[2] Eighty percent of water resources is allocated to agriculture, leaving twenty percent shared between the domestic, industrial, and tourism sectors.

The water law currently in force is based on a code from 1975.[3] Agriculture subsidies, which also stayed in place after the revolution, support the growth of these water-intensive cash-crops for export to the European Union or other destinations. Reports show that subsidies are often granted in favor of large-scale agricultural farms thanks to corruption, while small-scale farmers do not receive payments even though they meet the necessary requirements.[4] High poverty rates in rural areas make people more vulnerable to climate change and decreasing water availability since they lack the financial resources to pay for adequate adaptation measures. While large agricultural companies possess the knowledge and financial means to adapt to changing patterns of water availability, these resources are not available to family farms.

Groundwater is over-extracted in almost all regions of Tunisia, and the fall of water tables has reached an alarming two meters per year since 2011 in Kairouan.[5] Small-scale farms only possess the right to dig shallow wells which increasingly do not supply the required amount of water. Meanwhile, large-scale agricultural companies own the rights to dig deep wells and actually have the means to finance them. Large companies can thus sustain their production patterns, while family farms are heavily affected by the fall of groundwater tables. With the 2011 revolution, the decline of groundwater resources has accelerated as parts of the rural population finally saw their opportunity to take their share of water. The unaccounted and often illegal abstraction of groundwater thus increased significantly. Unaccounted water extraction seriously limits the effectiveness of government planning and endangers sustainable water resource management. In addition, the coastal zones are prone to rising sea levels too. On the one hand, this reduces available land resources, and on the other, it results in salinization of groundwater bodies, further decreasing the water resources available. While about eighty percent of wastewater is treated in proper facilities, only one-third of this treated wastewater is reused, accounting for around two percent of the total use of water resources.[6]

At the same time, water demand is increasing, due to both moderate population growth and increasing demands from the industrial sector. Meanwhile, price

2   "Universal Access to Sanitation – UNICEF Data," UNICEF/WHO drinking water, sanitation, and hygiene database, 2017 https://data.unicef.org/topic/water-and-sanitation/sanitation/ (accessed December 7, 2018).

3   A new water law is currently being drafted. Though not yet ratified, it aims to strengthen national and regional water planning capacities, and to establish a "water state of emergency," under which the government can impose spatial and temporal restrictions on water use, and facilitate citizen participation in water management through the establishment of "hydraulic groups."

4   A-L Collard et al., "'Et si on faisait comme ceux de la plaine?' Aspirations et limites d'une petite agriculture dynamique en Tunisie centrale,' Cahiers Agricultures 24 (2015), pp. 335-41.

5   Oral communication with a GIZ project leader implementing a water management project in Tunisia.

6   "Utilisation de l'eau," Food and Agriculture Organization of the United Nations, 2016 <http://www.fao.org/nr/water/aquastat/countries_regions/Profile_seg ments/TUN-WU_eng.stm> (accessed November 7, 2018).

is an inadequate tool for managing water demand, since water is an inelastic commodity, meaning that an increase in price will not lead to a proportional decrease in water demand. For example, in small-scale agriculture, an increase in water prices to the level of full cost recovery would lead to a decrease in water demand of up to one third, while large-scale farms would not decrease their water use at all, but instead limit the area of production.[7] If full cost recovery were realized, this would result in a significant reduction in general food production and small-scale farmers being pushed out of the agricultural sector.

The mix of a tense environmental situation and the lack of personal development perspectives for the young leads to strong migration pressures from rural Tunisia to coastal cities and even across the Mediterranean into the European Union and beyond. Cities in Tunisia already face difficulties in providing an adequate quantity and quality of living space and employment opportunities. Migration flows are also directed across state borders, with many people seeking jobs and improved living conditions elsewhere. This brain drain can also be harmful to the Tunisian economy.

A Way Ahead: Addressing the Water Problem in Tunisia

Targeted policies to foster the creation of agri-businesses could significantly increase employment in rural areas, combined with a decrease in migration, thus relieving the urban centers of high population growth. In the light of social equity issues in post-revolutionary Tunisia, a focus on rural development is urgently needed. The fact that the revolutionary uprisings of 2010/2011 started in marginalized rural areas underscores that it is not only a responsibility of the government to engage in rural development, but also a moral duty in the face of the revolutionary heritage. While it is extremely difficult to manage competing demands for water in planning and policies, there is great potential for future development in the rural areas. A well-educated generation of young job-seekers is looking for innovative solutions to their society's problems. The use of this potential is of paramount importance for the Tunisian government, first, to solve its economic and ecological problems, and second, to ensure social and political inclusion in the newly established democratic sys-

tem. By using this potential, Tunisia can effectively work on a bundle of current issues, namely high unemployment, national food sovereignty, adaptation to climate change, water resource management, rural development, and the development of domestic markets.

The creation of agri-businesses could increase employment in rural areas

Recommendations

- *Establish financial and technical aid programs for small-scale agricultural businesses*

Young people returning to the countryside and the rural population should be supported with the initial capital to provide them with the means to establish well-equipped, state-of-the-art agricultural practices that are water efficient and have the potential to respond to domestic food market demands. This would increase the employment rate and, with financial support dependent on crop type, ensure the use of water-efficient plants. Growing crops to meet domestic demands would also enhance food sovereignty.

- *Introduce water-smart subsidies focusing on small-scale agricultural production*

Changing the paradigm of agricultural subsidies to support small-scale agricultural farms, and trading water-efficient crops on the domestic market not only increases water use efficiency but also contributes to national food security.

- *Mainstream rain fed agriculture production*

While rainfed agriculture is not possible in the most arid regions of Tunisia, there are still some areas where natural rainfall supports plant growth for agricultural production. Over recent decades, irrigation practices have been promoted due to their higher

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7   Aymen Frija et al, "Irrigation pricing policies and its impacts on agricultural inputs demand in Tunisia: A DEA-based methodology," Journal of Environmental Management 9 (2011), pp. 2109-18. If the government aimed to reach cost recovery, increased water prices for low earners would substantially harm small-scale agricultural businesses and family farms.

yields. The current depletion of water resources also requires a reduction in the agricultural demand for water. Arboriculture (e.g. olives, apricots) needs less water while delivering substantial yields which can be sold on the domestic market. The Ministry for Agriculture should focus on supporting sustainable and water-efficient agriculture by removing subsidies from export-orientated and water-intensive crops.

– Fight illegal activities in the water sector

While it is clear that people need to be supported in securing their livelihoods, it is essential that no unaccounted water extraction takes place, since it endangers the water access of all users and complicates spatial and temporal planning. Corruption is also an issue that needs to be tackled, as farmers have stated that some officials only allocate state funds to those who will give them a share of the subsidy.[8] Accordingly, transparent reporting mechanisms for applications and final decisions on subsidies should be established, and these need to be accessible to the public.

– Establish a national data exchange platform

Informed decision-making at all levels needs to rely on extensive data. The potential benefits of digitization for boosting employment rates and creating a more sustainable water and agricultural sector should be taken into consideration. Innovative business models providing data services to the agriculture sector should also be supported. The establishment of a national data platform, including information ranging from ground- and surface water extraction and near-real-time climate data, to soil surveys and cropping patterns, would allow users to take evidence-based decisions. Farmers could rely on such a database for their decisions on irrigation schedules or cropping patterns, and the database should also provide open access to the public. A data platform of this kind would also constitute a rich source for innovative business ideas, such as insurance or agriculture consultancies, which could lead to the provision of extended services to the public.

– Extend state consulting services for farmers

State agencies' consulting services for farmers are an effective tool to promote sustainable land and water resource management, and to introduce state-of-the-art farming technologies and methods in remote

areas. These services need to be free of charge for everyone. While educational centers are a good way to showcase workable solutions, consultancy services cannot be limited to these centers only: personnel should also reach out to farmers and offer their services on-farm. Efficient water use and the production of crops in demand on the national market should be central to such consultancy services.

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8   Collard et al.

EQUITABLE AND SUSTAINABLE DEVELOPMENT IN THE TUNISIAN LIVESTOCK AND SMALLHOLDER SECTORS

Elhem Ben Aicha

As a source of revenue and employment, livestock facilitate the integration of low-income breeders into the national economic system. Most livestock in Tunisia are kept and managed by families, while most breeders have small herds in rural and poor areas. They form an integral part of mixed farming systems, where they help raise whole-farm productivity and provide revenues for households. However, these breeders face economic, environmental, and social constraints that prevent them from expanding and prospering. Water scarcity, animal diseases, and high production costs increase the need for financial support, as well as policies that reduce vulnerability, increase resilience, and remove market barriers.

In Tunisia, as in all Maghreb countries, livestock is central to the livelihoods of the rural population, playing many roles, including the provision of employment to farmers and family members (especially women), a store of wealth, and a form of insurance. Increased demand for animal protein and meat consumption are likely to maintain livestock's position as one of the fastest growing agricultural sub-sectors for the foreseeable future. So far, this growth in demand has been met by rapidly expanding modern forms of intensive livestock production which increase the productivity of land and livestock, especially in poultry farming and dairy farms, to satisfy the high demand for milk. Intensification can be defined as the increased use of external inputs and services to increase output quantity.[9] Purchased inputs may include animal feeds, replacement stock, and breeding and health services. However, this intensification does not occur without consequences. It affects smallholder breeders who represent eighty percent of the market and who do not have the same opportunities as intensive producers. Smallholders are under pressure from intensive production farms, known as factory farms, which raise much higher numbers of animals and produce greater quantities of meat, eggs, or milk. The biggest threat to smallholders is that they will be obliged to leave the sec-

tor, as market forces erode their competitiveness and labor costs rise.

Breeding and Animal Health: A Double Threat for Both Breeders and the National Economy

Livestock production is influenced by several factors, including animal health. Thus, animal diseases represent a setback for the promotion and economic value of livestock products. They are responsible for major economic losses that can impact on several levels in the national economy, on breeders, and various related sectors.

Recent political transformations have affected the security of the country, and consequently, health management has become more difficult. Security failures in border areas has led to the re-emergence of the most economically threatening diseases. In fact, the epidemic of animal diseases in neighboring countries has had a big impact on livestock productivity in Tunisia. In 2013, the outbreak of foot-and-mouth disease in Libya was followed by its spread to Tunisia in 2014, and to Algeria and finally in Morocco in 2015. Similarly, in April 2014, Libyan veterinary services notified the World Organization for Animal Health of the presence of Newcastle disease, a contagious viral bird disease. It was then found in poultry farms in Tunisia in September of the same year. More recently, the appearance of the bluetongue disease in ruminants in Tunisia has raised several questions about its origins and future dispersion. Increased demand, higher prices, and higher production costs have prompted the Tunisian government to import animals to fill the deficit. These imports take place during certain periods of the year, particularly during religious festivals. However, some trade remains beyond the control of the relevant authorities, which increases the risk of diseases being introduced from neighboring countries.

Livestock smuggling into Libya is gaining momentum at the expense of the local market. Indeed, the campaign against smuggling from June to August 2012 seized 2,204 head of livestock (ninety percent sheep, the rest were goats and camels) valued at half a million dinars.[10] In fact, the number of cattle smuggled out of the country exceeds estimates provided by the authorities. In addition to the risk of introducing animal diseases in Tunisia, this phenomenon will have

9   H.M.J. Udo et al., "Impact of intensification of different types of livestock production in smallholder crop-livestock systems," Livestock Science 1-2 (2011), pp. 22-9.

10   "Tunisie – Viande rouge: La contrebande menace le cheptel national," Turess, September 12, 2012 <https://www.turess.com/fr/wmc/124593> (accessed November 8, 2018).

serious consequences in the long-term, causing the impoverishment of livestock and increasing the price of meat.

Livestock smuggling into Libya causes the impoverishment of livestock and increases the price of meat

Considering these facts, and despite veterinary efforts to control and prevent animal diseases, the overall situation of animal health is still characterized by low immunization and vaccination coverage. Furthermore, the failure of the animal identification program and the widespread practice of ignoring legislation on the movements of animals threatens the sustainability of the national herd remains threatened.

Livestock and Environment: The Impact of Climate Change and Water Scarcity

As the direct consequences of climate change, variations in rainfall and temperature affect livestock production in many ways, both directly and indirectly. This situation is very delicate in a country that has known many years of drought. The deficit recorded at dams throughout the country reached 281 million cubic meters in 2017, with reserves not exceeding 939 million cubic meters. In comparison, the national average over the last three years was around 1.22 billion cubic meters.[11]

Today, water demands have doubled, with agriculture, the leading water-consuming sector, accounting for eughty percent of total water demand. Livestock use large amounts of water. Water is used not only for servicing and providing drink for the animals, but also for irrigating feed crops and forage, and during animal product processing, for example in dairy plants and slaughterhouses.

Animal productivity, the availability and quality of forages and feed crops, animal health and biodiversity are the most affected by water shortage. The impacts of climate change on animal health have also been documented, especially for vector-borne diseases, since rising temperatures increase the winter survival of vectors and pathogens.

Recommendations

The sustainability and resilience of livestock breeders can be enhanced through targeted actions at different levels. Several steps should be taken to ensure that both male and female smallholder breeders benefit from affordable financial services, to help them expand their activities and integrate new markets, and practice better management of water resources and disease risk.

- *Ensure smaller farmers are better integrated into the market*

In order to guarantee a better integration of small farmers into the local market, close collaboration between the public and the private sector is required. Conventional initiatives characterized by the exclusive intervention of the state and its agents (especially the Agency for the Promotion of Agricultural Investments) have certain limitations. Hence, measures involving the private sector can contribute to finding sustainable solutions that ensure the sustainability of the sector. These solutions include the increased use of microfinancing organizations, which do already exist in Tunisia, while the creation of an organization specifically dedicated to promoting livestock and the value chain can ensure its growth and durability. Such an institution could be created in different forms, including consortia or the subsidiaries of existing financial institutions. Ideally, this organization should be created and differentiated from existing micro-financers by specifying its field of intervention between a financial component, in which project profitability is studied for grant financing, and the provision of close technical assistance to breeders, assuring them with a solid starting point.

In addition, farmers should be encouraged to organize themselves into professional associations that can organize bank credits for their members, or provide guarantees to the banking system so that producers obtain the credit they need. To reduce the

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11   "Faibletaux de remplissage des barrages, malgré les fortes précipitations qui ont touché le pays," African Manager, February 9, 2017 <https://africanmanager.com/51_faible-taux-de-remplissage-des-barrages-malgre-les-fortes-precipitations-qui-ont-touche-le-pays/> (accessed November 8, 2018).

frequency of non-repayment, which often occurs due to poor production rates, an insurance system should be designed and implemented, tailored to the specifics of agricultural production. This should be followed by the encouragement of investment and modernization of agricultural holdings. When implementing these modernization programs, the specificities of the agricultural sector should be taken into account, in particular the diversity of production conditions, and especially those of small farms.

– *Ensure the availability and sustainable management of water*

Livestock producers' resilience to climate change can be enhanced by improving water management. For example, farmers could use traditional techniques against drought and water scarcity, such as collecting rainfall water in "feskias," basins built by the Aghlabids(c. 800-900 C.E.), which were the most important hydraulic works in the history of the Islamic world. Rainfall is free and can be used in agriculture and for other needs.

– *Encourage breeders towards a focus on hardier and more drought-resistant local breeds*

Breeders should be encouraged towards a focus on local breeds whose water needs are not especially high. This could be supported by a local breed preservation initiative as part of a national program specializing in the research and development of genetic resources.

– *Advance gender equality and empower women*

Women are largely involved in caring for small ruminants, poultry, and dairy cows. In order to help achieve gender equality in agricultural populations, priority should be given to improving the working conditions for these women in the livestock sector. Improving the availability of financial aid, including grants, would help empower these women and increase their ability to participate more efficiently in livestock keeping. Rural women's know-how can be further developed through trainings and capacity-building activities. As an example, many rural women keep poultry in their farmyards. Providing them with financial aid to acquire breeding equipment, such as hatcheries, could increase their sales profits from selling eggs and birds.

– *Increase efforts in the fighting against diseases that threaten livestock sustainability*

Effective animal disease control requires action and contributions from all stakeholders. The cross-border nature of some serious diseases that constitute a barrier to trade require: dedicated application of Livestock Law No. 2005-95 of October 18, 2005, particularly in regard to the identification and "passporting" of animals; more effective control of animal transportation and origin by the police and National Guard; better organization and control of livestock markets; and prohibiting the sale of unidentified animals.

It is also important to focus on improving the technical skills of veterinary services. Important areas of intervention include, but are not limited to: development and modernization of animal health infrastructure through private/public partnerships; better public service use of private veterinarians through accreditation programs, cross-border collaboration, and sharing human and physical resources; and strengthening and harmonizing disease surveillance and detection systems through the active participation of all stakeholders.

A further crucial point for consideration is the activation and expansion of the existing compensation fund, responsible for compensating breeders for the death of their animals due to highly contagious diseases such as foot-and-mouth disease, or in the event of a natural disaster, such as major periods of drought or flooding.

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CHALLENGES OF DEVELOPING TUNISIA'S INTERIOR: CURRENT ISSUES AND PERSPECTIVES IN THE TATAOUINE GOVERNORATE

Laroussi Bettaieb

Seven years after the "Jasmine" revolution, popular demands for decent jobs, justice, and better and more inclusive government remain unsatisfied. Tunisia's youth, the main driving force of this historic transformation, remain highly frustrated and face chronically high unemployment levels. Bridging the gap between skill supply and demand in the Tataouine governorate in the south of the country is essential to facilitating integration in the job market by linking education curricula to companies' needs.

Since the 2011 revolution that ended decades of dictatorship, Tunisia has undergone significant political changes as part of its transition to a pluralistic and democratic society. Yet despite being hailed internationally as a model of peaceful transition, Tunisia remains a fragile democracy facing a lack of investment, large deficits, and high unemployment levels. Indeed, Tunisia's unemployment rate is unusually high and includes considerable numbers of young people who have simply dropped out of the labor force. The situation is worst in Tataouine governorate, located in the far south of the country, where unemployment stands at 27.06 percent, the highest in the country.[12] This high rate is aggravated by the chasm between skill supply and demand in the job market, and the inefficiency of local ecosystems in promoting entrepreneurship initiatives.

Unemployment Characteristics in the Region

With its 150,000 inhabitants and vast geographical area covering a quarter of the country, Tataouine is among the most disadvantaged governorates in Tunisia. The following Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis summarizes the main employment challenges in the region:

Strengths	Weaknesses
- Virgin and fertile ground for intervention	- Lack of soft skills
- Diverse natural resources (gypsum, oil, gas)	- Shortage of entrepreneurial spirit, innovation and initiative
- Geographical location scattered over one-quarter of the Tunisian territory	- Bureaucracy / Centralization
- Priority zone as classified by the Tunisian government, where more incentives are allocated to investors	- Weak infrastructure
	- Needs are not accurately identified
- High rate of university graduates	- Shortage of investment
- Young population	- Slow pace of implementation of governmental strategic plans
- Tourism potential	- Limited and monopolistic markets, informal economy
- Agriculture opportunities	- Marginalized women and youth
	- Immigration

12   All figures on population and employment are taken from "The General Census of Population and Housing, 2014," a four-year survey prepared by the National Institute of Statistics, April 2015 <http://www.ins.tn/fr/publication/recensement-g%C3%A9n%C3%A9ral-de-la-population-et-de-lhabitat-2014-principaux-indicateurs> (accessed November 27, 2018).

Threats	Opportunities
- High community demands and expectations	- Corporate Social Responsibility (CSR) programs
- Terrorism	- Funding programs (international donors)
- Smuggling	- Investing in human capital
- Corruption	- Investing in natural resources
- Political, economic, and social instability	- Social businesses
- Migration and immigration	- Local cultural heritage
- Low quality of education	
- Fragile social environment	

Mismatch between Supply and Demand

One major factor in youth unemployment is the difficult transition from education to employment. This problem is most obvious in interior regions where youth have fewer chances at job market integration. The situation is even worse in Tataouine. This is mainly due to a lack of reform of the education system, which currently fails to produce graduates with appropriate skills to match private sector demands. This is because elementary and high schools are oriented towards formal qualifications as opposed to competitive skills.

Indeed, in the Tunisian system, there is a disconnect between the institutions of school and work, implying that technical training is not closely related to the skills needed by employers. The Tunisian educational system emphasizes general studies leading to the baccalaureate – the ultimate reference point in classifying qualifications – and subsequently to higher education. Students oriented toward vocational training are frequently left out of mainstream education. In response, vocational training diplomas have been designed to prepare young people for skilled occupations, and to overcome some of the inadequacies of the elementary system by providing all students with a sufficiently high-quality education to meet national standards.

The difficult transition to employment is compounded by a straightforward conflict: on the one hand, employers concerned with profitability, lower costs and flexibility, will only hire graduates who will improve their bottom lines. On the other hand, job-seekers face a labor market overcrowded with people who have the same qualifications. The combination of a large youth population, where 44 percent of the populace is aged under 20, plus a stagnant business environment in Tataouine, leads to growing pressure on the education, health, and social welfare sectors, as well as employment.

It is worth noting that 26.28 percent of the unemployed in Tataouine are young people with only limited (elementary school) education. These people tend to work in the informal economy. In turn, this has led to the rise of a smuggling network, which provides them with a decent income.

Entrepreneurship Status in the Region

The business environment in Tataouine tends to discourage enterprise creation and young entrepreneurship. Over recent years, only a negligible increase in new businesses has been observed,[13] mainly because the area lacks an industrial tradition: its inhabitants tend to avoid business risks, preferring to invest time and money in traditional activities such as trade, rather than investment and innovation.

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13   Tataouine is classified as one of the regions with a very low rate of enterprise creation among the 24 governorates of Tunisia <http://dataportal.ins.tn/fr/Map?Dk6PGqZQx0K0VfNCnBmQeg> (accessed November 27, 2018).

Moreover, start-ups in Tataouine face considerable difficulties entering the market and establishing a foothold. Not enough firms are created, and few manage to expand because of the constraints they face from government regulations, lack of financing from banks, and an educational system that does not nurture entrepreneurship. Little attention is paid to business planning in school curricula, limiting students' ability to start their own businesses after graduation.

The business environment in Tataouine discourages entrepreneurship

Young entrepreneurs in particular face several constraints: a lack of information regarding local economic opportunities, insufficient clarity over the roles and responsibilities of public administrations, limited access to financial institutions, and poorly-equipped business development support offices that also lack technical capacity. In addition, the culture of the region does not promote an entrepreneurial profile. Most young people graduate from literature specialties, such as Arabic or philosophy, which do not prepare them for business or familiarize them with business risks. As a result, most prefer to work in the public sector. Furthermore, many refuse to consider interest-bearing loans for cultural reasons. Overall, people with financial resources are reluctant to risk them in industrial activities and prefer simple commercial projects. The population of Tataouine has not yet developed a tradition of manufacturing or services activities. Most projects in the region are banal and repetitive, such as snack bars, restaurants, internet access points, and so on. Projects typically lack innovation.

The Tunisian administration also presents a heavy burden on local entrepreneurs. This is particularly relevant in the case of innovation. Creating a startup requires large amounts of paperwork and waiting, and papers are often rejected for minor reasons. Once the startup is legal, more paperwork is required. To obtain funding from banks, entrepre-

neurs also need to provide a certificate of innovation, which takes a long time to process. According to the Tunisian Chamber of Commerce (UTICA), the main impediments facing businesses creation in Tataouine are related to:

- a lack of economic dynamism, such as the creation of micro, small, and medium enterprises (MSMEs) around large projects;

- limited access to funding, which also entails lengthy administrative procedures and complex funding conditions;

- inefficiency of coaching programs: only 2-3 percent of trained entrepreneurs manage to realize their project. This is due to the lack of motivation and coaching, and a shortage of technical and managerial experts and consultants in the region;

- difficult market access, due to the remoteness of markets and networks, and poor infrastructure. The ports of Sfax and Gabes are very far away, which limits the competitiveness of regional products;

- institutional inadequacies, including the lack of regional representation by ministries and public institutions (Office of Topography, Land Court, and so on); and

- government policies: institutions must intervene more to complement funding for projects. Banks, even public banks, are reluctant to finance projects.[14]

Recommendations

- *Solve the mismatch between job market demand and supply*

The education system should improve the match between training and business needs. Higher education and vocational training must help create the skills that will encourage firms to hire new graduates. Regional dialogues with key players should be initiated, including the Ministry of Higher Education, the Ministry of Vocational Training and Employment, and universities, to provide a framework for discussing and coordinating joint actions and cooperation.

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14   As reported to the author by a representative of the Tunisian Chamber of Commerce.

At the regional level, the existing Higher Institute of Technological Studies (ISET) and Vocational Training Centers should be empowered to launch new specialisms in line with private sector needs. New ISET specialisms would also represent an attractive hub for students, leading to improved workplace competencies. In terms of vocational training programs, new specialisms in oil and gas exploitation (welding, pipefitting, instrumentation, safety, and so on), and gypsum processing should be introduced. Since both ISET and the Tataouine Vocational Training Center (TVTC) have well-equipped laboratories, these specialist courses could be launched in partnership with private oil companies in the region to improve local training for youth.

- *Simplify the administrative procedure of business creation*

Promoting administrative and regulatory simplification and flexibility in Tataouine is highly advisable. Interviews with start-up accelerators[15] underline the difficulties new companies face in expanding their local market, since public procurement procedures are hindered by a lack of transparency. Tailored support from local authorities would simplify the necessary procedures and formalities for entrepreneurs to develop their projects, and create an innovation-friendly environment. In addition, providing specific incentives will foster the development of new ventures. In this regard, close cooperation between the private sector, civil society, banks, and local authorities is necessary to reduce institutional handicaps and improve the quality of services provided to young entrepreneurs.

- *Facilitate project funding*

Funding institutions should relax their requirements to encourage young people to set up their businesses on reasonable terms, and reduce barriers to the current funding system. Interest-free loans could act as financial intermediaries, providing those "fresh" entrepreneurs with loans to enable them to create their own businesses. Moreover, encouraging the implementation of Small Grant Programs can also prove to be an important step towards a flexible funding system.

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15   Conducted by the author with public stakeholders involved in business creation in Tataouine.
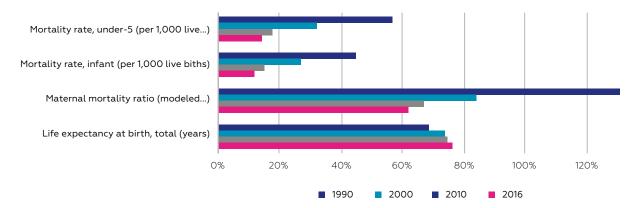
REGIONAL DISPARITIES AND HEALTH INEQUITY IN TUNISIA

Anne Martin

While inadequate provision and access in healthcare provision are a country-wide problem, persisting regional inequities in Tunisia's health care system are undeniable. Hence, progress in the development of Tunisian health care is imperative. Poorer people face greater difficulties in accessing and receiving high-quality health care; at the same time, they are more afflicted by chronic diseases. Regional inequities persist, especially in terms of the availability of public health care facilities and equipment, accessibility of qualified medical personnel, and the health status of the population. A number of steps could be taken to promote better health care development. Regional public health directorates should enhance programs to increase transparency and prevent corruption in the health sector. In order to cope with the ongoing epidemiological transition, better health education is essential. The participation of civil society actors should be enhanced, since schools, citizens, and local organizations are key players in implementing reforms at the local level. Health matters need to be considered as a cross-cutting issue, and the Ministry of Health should ensure coherent cooperation between stakeholders. Partnerships with the private health sector also need to be strengthened, especially given their low presence in marginalized regions.

In Tunisia, health indicators and health care performance have improved in recent decades. For instance, lower infant mortality rates, under-five-mortality rates, and maternal mortality rates have resulted in higher life expectancy at birth (Figure 1). In 2016, communicable, maternal, perinatal, and nutritional conditions only accounted for eight percent of total deaths for all ages and both sexes.

However, the demographic and health status of the Tunisian population is undergoing radical change as it is facing an epidemiological transition. Mortality and disease patterns are transformed from high infant and child mortality rates, episodic famine, and epidemics affecting all age groups, to a predominance of degenerative and man-made diseases that principally affect the elderly. This results in fewer infectious diseases, particularly thanks to vaccinations, but also a higher occurrence of non-communicable and chronic diseases that are also related to behavioral issues. The reasons behind the onset of non-communicable diseases (NCDs) are multidimensional and often related to lifestyle or childhood development; there is a strong link between NCD occurrence and social determinants of health. Members of lower socio-economic groups in Tunisia are much more likely to fall ill: about a quarter of all chronic diseases affect the poorest ten percent, while only four percent of these diseases can be found among the richest decile.[16]

Figure 1: Important health indicators

Source: "DataBank. World Development Indicators," The World Bank. http://databank.worldbank.org/data/source/world-development-indicators (accessed December 19, 2018).

16   M. Abu-Zaineh et al., "Fairness in Healthcare Finance and Delivery: What about Tunisia," Health Policy and Planning 4 (2014), pp. 433-42.

Tunisia's population is undergoing rapid changes in urbanization and age structure. Two thirds now live in cities and are increasingly experiencing lifestyle changes, such as higher unhealthy (fast) food consumption, lack of exercise, and the use of tobacco or other addictive substances. These behavioral issues are associated, on the one hand, with a higher probability of NCDs and, on the other, with a higher occurrence in persons of low socio-economic status. Simultaneously, dramatic changes in age structure are taking place as the population is rapidly ageing, and older people are more at risk of developing NCDs.

Inequalities in Accessing the Tunisian Health System

The right to health and health care is defined by Article 38 of the Tunisian Constitution, which determines not only the right to health for each human being, but also stipulates the provision of and access to high-quality health care by the state, as well as a state guarantee of free health care for the poor. However, having established a public health care system in the 1960s, the Tunisian state then faced financial problems which resulted in medicine and resource shortages in health care facilities. Subsequent privatization from the early 1990s led to a higher use of private health services and a de facto outsourcing of clinical and non-clinical health services to the private sector. The increased volume of costly private services has helped contribute to the growing inequalities in access to health care. In addition, this process was accompanied by cuts to state subsidies and a gradual withdrawal of the state from health provision. This policy was illustrated by the introduction of public health system user fees for both clinical and basic health care. In particular, the fees for clinical care increased sharply from 1995 to 2005.[17]

While the share of health expenditure in Tunisian GDP (Gross Domestic Product) has risen steadily since 1980, this is in large part due to increased private sector spending, and thus to a growth in the number of private clinics and medical practices. Accordingly, total health expenditures indicate that the government share has only increased slowly (59 percent in 2012).[18] By contrast, private households' spending on health costs remains high (at 41 percent in 2012[19]), most of which consists of out-of-pocket expenditures – payments due when the service is used and not refunded. In 2012, these out-of-pocket expenditures accounted for 86.7 percent of private health expenditure: medicines, expenses for visits to the doctor, hospitalization, and other costs.[20] Low-income households are disproportionately burdened by these outgoings. Higher-income households receive a greater share of health care, especially in terms of hospitalization, since they have greater access to health services in the more expensive private sector.[21]

Health inequalities contribute to a lower life expectancy in marginalized regions

For those who fall ill in Tunisia and have to visit medical facilities, there is a risk of falling to a lower socio-economic level due to health expenditures and the associated financial losses. This is particularly evident in the number of households experiencing catastrophic health expenditures, where out-of-pocket-spending on health accounts for more than ten percent of total household expenditure, or even impoverishing health expenditures, where out-of-pocket-spending on health accounts for more than one quarter of total household expenditure. In 2010, 16.7 percent of the Tunisian population were exposed to catastrophic health expenditures, and 2.4 percent faced impoverishing health expenditures.[22]

The problem of unequal access to and provision of health care services in Tunisia has become remarkably clear in recent months: Tunisia was hit by a shortage of drugs, including vital medicines, which in turn affected patients suffering from a chronic disease the most. The Tunisian Central Pharmacy has observed the tendency of both patients and pharma-
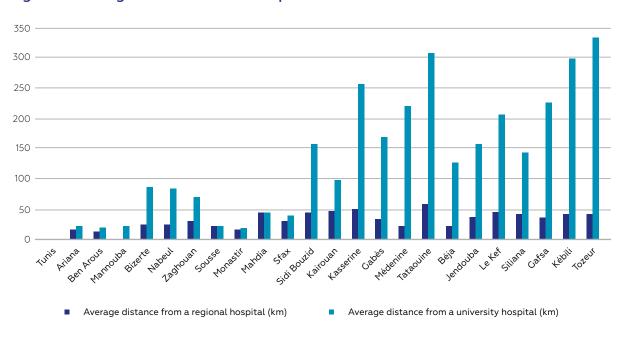
17   Ibid.

18   "World Health Statistics 2015," World Health Organization <http://apps.who.int/iris/bitstream/handle/10665/170250/978924069 4439_eng. pdf;jsessionid=7FC24C44D969BA443D19D54E5CC822FB?se quence=1> (accessed November 17, 2018).

19   Ibid.

20   Ibid.

21   Abu-Zaineh et al., "Fairness in healthcare finance and delivery."

22   "DataBank. World Development Indicators."

Figure 2: Average distance from a hospital

Source: "Carte sanitaire année 2015. Direction des études et de la planification. s/direction des statistiques," Tunisian Ministry of Health <http://www.santetunisie.rns.tn/images/docs/anis/stat/cartesanitaire2015.pdf> (accessed July 24, 2018), pp. 53, 54.

cies in Tunis to stock up with medicines;[23] this aggravates the situation for pharmacies and their patients in the interior governorates.

Health Inequalities Particularly Affect Marginalized Regions

Although national averages are most often used to report health indicators, indicators within countries are also important, since they can highlight health inequities, the unfair and avoidable differences in health and health service provision. Whereas the whole of Tunisia is facing difficulties in health care provision and access, some regions are particularly vulnerable. Regional inequities persist in regard to development, infrastructure, and socio-economic dimensions. Coastal regions are generally better off than those in western Tunisia and the interior of the country. These regional differences are also reflected in the health status of the population and regional health system infrastructure.

In 2015, the Tunisian Ministry of Health published its new "carte sanitaire," a report that details the current state of the health sector as well as important

health indicators.[24] The report addresses inequalities by integrating data on interregional differences and health care gaps. Regions in western and interior areas of the country have a greater average distance to a university or regional hospital (Figure 2), more inhabitants per day or night pharmacy, and fewer private laboratories and hemodialysis machines. These deficits are not limited to, but especially apparent in Kasserine, Sidi Bouzid, Siliana, Gafsa and Kébili.
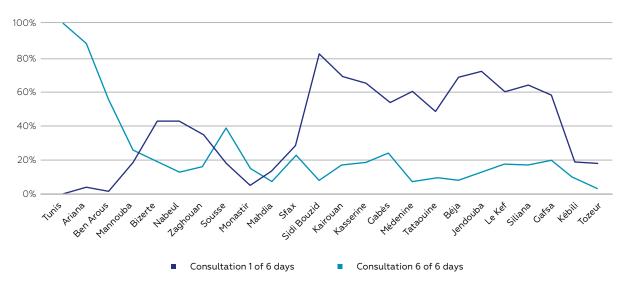
Another indicator of regional health inequities is the limited number of private sector health care facilities in the western or interior regions of Tunisia. This poses a threat to the provision of health services to the population in marginalized regions as the existing public health care sector is not sufficiently funded and often lacks medicines and machines for the provision of even basic health care.

In addition, the basic public sector health care centers (*centres de santé de base*) face many problems. These centers exist throughout Tunisia and are the first access point to the health system for many people. However, these basic health care centers are insufficiently funded and often lack basic equipment

23   According to Aymen Mekki, Chief Executive Officer of the Tunisian Central Pharmacy, in an interview with Haythem el-Mekki <https://www.youtube.com/watch?v=hlgweAh_K3E> (accessed December 18, 2018).

24   "Carte sanitaire année 2015. Direction des études et de la planification. s/direction des statistiques," Tunisian Ministry of Health <http://www.santetunisie.rns.tn/images/docs/anis/stat/cartesanitaire2015.pdf> (accessed July 24, 2018).

Figure 3: Consultation at basic health care centers once a week vs. every working day

Consultation 1 of 6 days   Consultation 6 of 6 days

Source: "Carte sanitaire de la première ligne – 2015. Direction des études et de la planification. s/direction des statistiques," Tunisian Ministry of Health, 2016 <http://www.santetunisie.rns.tn/images/docs/anis/stat/Soinsprimaires 2015.pdf> (accessed July 28, 2018), pp. 15, 16.

and qualified personnel. 45 percent provide medical consultations only once a week. This is particularly alarming in regions that lack other health care facilities and usually have a very high demand for these health centers. In regions that can be considered marginalized, centers tend to offer fewer consultation days than in coastal areas (Figure 3).[25]

Moreover, private health facilities or university centers mostly tend to be located in coastal regions, which represents a structural disadvantage for the interior regions. Tunisians seeking medical attention often use the more expensive private sector facilities because of the poor quality of equipment at more affordable public facilities. Populations in interior regions have to travel long distances for specialized and high-quality health care, and are particularly affected by the high amounts of out-of-pocket spending. At the same time, health care professionals, and specialist doctors in particular, prefer to work in the better-funded private sector, mainly located in coastal areas, rather than in public institutions under poorer working conditions and for lower wages (Figure 4).

All these problems contribute to a lower life expectancy for populations living in the marginalized regions: in 2009, life expectancy was around seventy years in Kasserine and Tataouine, and 77 in Tunis and Sfax.[26] Progress in Tunisia's socio-economic development is urgent, as it is interlinked with other factors including protests, emigration, and recruitment by extremist groups. Achieving universal equity in terms of health status and access to health care will be a major challenge in the years to come at both the national and subnational levels. The Tunisian government and its partner organizations (such as the WHO and international development organizations) must act now to transform the health care system to meet the future challenges of an ageing population and its characteristic diseases (NCDs).
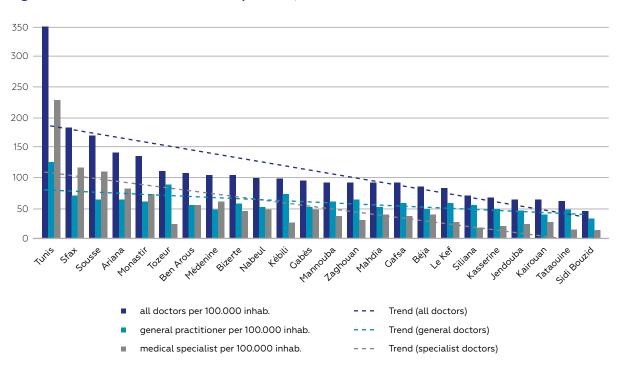
Recommendations

– *Strengthen governance*

Regional public health directorates (*les directions régionales de la santé publique*) can directly access the needs and deficits of their regions and municipalities, and play a key role in implementing reforms. In order to prevent corruption and improve inspec-

25   "Carte sanitaire de la première ligne – 2015. Direction des études et de la planification. s/direction des statistiques," Tunisian Ministry of Health, 2016 <http://www.santetunisie.rns.tn/images/docs/anis/stat/Soinsprimaires 2015.pdf> (accessed July 28, 2018).

26   "Livre Blanc-Tunisie: Nouvelle Vision du Développement Régional," Tunisian Ministry of Regional Development, Tunis.

Figure 4: Distribution of doctors per 100,000 inhabitants

Source: "Carte sanitaire année 2015," Tunisian Ministry of Health, pp. 72, 73, 75.

tion and monitoring, regional directorates should enhance programs to increase transparency, particularly in regard to access to public and private health care facilities. Advancements could include improved accessibility and continuous updating of the regional registers of doctors, as well as strengthened cooperation with the regional councils of physicians (*les conseils régionals des médecins*). In addition, the establishment of a national online platform, which would include the tasks, objectives, achievements, and reporting obligations of regional public health directorates, would be a good way to improve accountability and restore citizens' trust in the (public) health system.

- *Step up health education to promote a healthy lifestyle*

In the interest of reducing mortality and the financial burden on households and the state, public health programs aimed at preventing non-communicable diseases (and their costly long-term implications) should be strengthened. Given the ongoing epidemiological transition, health education should be stepped up to promote a healthy lifestyle. Vulnerable groups, such as pregnant women, children, and

senior citizens should receive training programs specific to them, and which address their health concerns. The following topics must be addressed: healthy diet, most notably during pregnancy and for children, the dangers of smoking, the importance of regular exercise for all ages and genders, and the consequences of stress. All sectors, including health, transport, housing, and education, should address these issues and work together on effective policies and interventions.

- *Include civil society actors*

Schools, citizens, and local organizations are key players in implementing reforms at the local level. They should be actively engaged and motivated to participate in approaching and educating target groups. National as well as local sports clubs can be a powerful ally in promoting regular exercise and informing people about the benefits of exercise and healthy nutrition. The inclusion and motivation of girls and women is particularly important. Education on health problems should be intensified in schools, for example by promoting a National Healthy Schools' Day with nationwide activities: once a year, every school would organize a "Health Day" where children

are informed about a healthy lifestyle, the importance of exercise for a long and healthy life, a healthy diet, the effects of stress on health, and basic information on resuscitation.

- *Establish partnerships with the private health care sector*

Policies and incentives to increase the presence of private health care facilities and specialist doctors in Tunisia's western and interior regions are essential, both on the national and the subnational level. Existing policies should be evaluated and reviewed, with the inclusion of local authorities in the process. Possibilities include targeted support for junior staff from marginalized regions during medical training, for example with scholarships, and special incentives for doctors willing to settle in marginalized regions, including special remuneration and trainings.

- *Consider health issues as a cross-cutting issue and ensure coherent cooperation between national and international stakeholders*

The involvement of the Ministry of Health in organizing cooperation between international organizations and the Tunisian state should be intensified. It is important to raise awareness around the fact that development projects not directly related to health – such as promoting employment or education – may still have an impact on the health status of a (local) population, as they can affect various determinants of health. Accordingly, the involvement of the Ministry of Health in the relevant steering committee (*comité de pilotage*) of a project is appropriate, even if health issues are not addressed directly. Since the causes of health inequities are multifaceted, international development organizations (bilateral, European, or multilateral organizations and private or regional development banks) should take health issues into account during the planning phase of their projects and consider cooperation with other international donors or national and local actors.

ect to promote city-to-city cooperation between municipalities from Germany, Algeria, Morocco, and Tunisia.

Anne Martin was studying on the Master's programm in Middle Eastern Politics and Economics at the Philipps University of Marburg, Germany, at the time of the workshop, where she focused on social movements, contentious politics, and social inequalities in the Maghreb. In 2017/2018, she worked at the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) on a proj-

INFORMAL MARGINALIZED DISTRICTS IN TUNIS – AN URBAN DEVELOPMENT FAILURE LEADING TO RAMPANT SOCIAL INEQUALITIES

Maha Kouas

Since the first half of the twentieth century, spontaneous housing has proliferated in Tunisia. This urban phenomenon is clearly visible: almost the whole country is witnessing an explosion in the number and size of entirely informal cities, which originated in illicit, illegal, and temporary settlements around the big metropolitan areas. Today, these informal settlements have become numerous and permanent. They are high-density urban environments lacking industrial, educational, health, and social infrastructure and equipment, which illustrate the impact of inequitable political, economic, and social development in the country. The consequences are unemployment, high school dropout rates, gender discrimination, and social violence, including terrorism. Therefore, to establish a new urban democracy[27] that fights the rampant social inequalities in these neighborhoods, it is necessary to combine urban restructuring and territorial rehabilitation with a participatory approach to governance.

From 1930 to 1943, as the country endured economic hardship under French rule, the new phenomenon of "rural exodus" appeared in Tunisia, beginning with minor interior migration of jobseekers from the southern and inner regions to the capital and other big cities. The first informal and ephemeral constructions appeared as a result. According to the UN, informal housing refers to a group of ten or more dwellings located on public or private grounds, built without any legal formality or respect for urban planning laws.[28]

After Tunisia gained independence in 1956, the government began to redraw the profile of the country, and launched economic and urban development plans. However, the focus on the capital and the eastern coast, with a concentration of industries, services and institutions, created a deep territorial disparity and social segregation. Since then, a huge new rural exodus has taken place, leading to urban population growth of up to 65 percent in 2006,[29] representing an average annual growth rate of 3.5 percent.

Uncontrolled Urban Extension as the Main Urban Issue

Tunis is now considered the largest urban area in Tunisia, with 2,643,695 inhabitants,[30] almost a quarter of the country's population. The size of this urban area is now six times larger than it was fifty years ago, totaling 32,000 hectares in 2009.[31] Incomers from poor rural regions choose cheap areas of land in the capital's suburbs to construct their irregular housing, often close to factories. These settlements are built without respect to city planning or building permits, without the involvement of architects and engineers, and no construction taxes are paid. Most of the time, these new buildings are built in vulnerable areas exposed to natural disasters and hazards, such as floods and lakeside landslides. This uncontrolled urban extension applies great pressure on devastated agricultural land[32] and further leads to other urban problems, including inefficient public transport, an unattractive architectural landscape, inadequate housing conditions, and reduced public facilities such as water, electricity, and sanitation.

Since the 1980s, the government has begun rehabilitating these informal districts, and has contributed via the Urban Rehabilitation and Renovation Agency (ARRU)[33] to improving the living conditions of over 192 neighborhoods in the country.[34] Since 1992, support for this has been provided by the European Investment Bank (EIB) and the French Development Agency (AFD). Major projects have been implemented, including the demolition of low-quality buildings, the construction of social housing for the poorest families, the introduction of drinking water, electricity, and access to health services, and road improvement.

27   The notion of urban democracy reflects the idea that the city functions as a space for forming citizenship, by allowing the population to participate in the production and improvement of their own city, thus it is a democratic solution to social inequalities and injustice.

28   Valérie Clerc, "Les politiques de résorption de l'habitat informel à Phnom Penh. Influence des organisations internationales et contradictions de l'action publique," Géocarrefour 3 (2015) <http://journals.openedition.org/geocarrefour/1160> (accessed November 10, 2018).

29   "Population urbaine (% de la population totale), Tunisie," Perspective monde <http://perspective.usherbrooke.ca/bilan/tend/TUN/fr/SP.URB.TOTL.IN.ZS.html> (accessed November 23, 2018).

30   National Institute of Statistics, "Final Report of the General Census of Population and Housing in Tunisia," 2014.

31   Habib Dlala, "Métropolisation et recomposition territoriale du Nord-Est tunisien," Cybergeo: European Journal of Geography, document 410, 2007 <https://journals.openedition.org/cybergeo/13863> (accessed November 10, 2018).

32   Morched Chabbi, "Potentialities and obstacles to the constitution of an urban region – the case of Greater Tunis," Congress Report on the 40th ISOCARP Congress, 2004, p. 7.

33   ARRU is an industrial and commercial public agency created by Law No. 81-69 of August 1, 1981. It oversees the execution of state policy in the areas of urban rehabilitation and renovation under the supervision of the Ministry of Equipment, Housing and Territorial Development <http://www.arru.nat.tn/> (accessed November 10, 2018).

34   District of Tunis, "Draft of preliminary project report – 3rd urban project of the Restructuring of Ettadhamen-Douar Hicher," October 1981, p. 2.

However, since this form of urban growth has never stopped, the government is unable to fully manage or overcome it.

Social Issues and Rampant Inequalities

The resulting chaos and lack of development strategy has produced high unemployment and school dropout rates, low educational levels, gender discrimination, and all types of violence in precarious neighborhoods in Tunis. This situation encourages the growth of feelings of disappointment, contempt, inequality, isolation, and negligence, giving rise to hostile and highly defensive behavior.

Poverty, Violence, and Crime

In the district of Ettadhamen, for example, which is three kilometers from central Tunis and has a very high population density estimated at 23,420 inhabitants per square kilometer, the unemployment rate is considered one of the highest in the country at 18 percent in 2014.[35] This situation, fed by exaggerated media coverage of negative events in the region, has stigmatized a large part of the local population based on where they live. This is a major impediment to the professional integration of local inhabitants and young people in particular, seriously affecting their chances of being hired.

In December 2015, International Alert, supported by the British Foreign and Commonwealth Office (FCO), conducted a social survey[36] in the Ettadhamen neighborhood,[37] interviewing 740 young people between the ages of 18 and 34. Of this sample, a small percentage was completely illiterate (2 percent), most had dropped out of high school (51.7 percent), and only 27.9 percent had completed higher education. Many had lost faith in school as an institution that allows them to climb the employment ladder. Over eighty percent reported that they only attended school to please their parents, while sixty percent rejected school because of corporal punishment and discouragement from their teachers. The average absentee rate in local schools is sixty percent.

Paradoxically, respondents were perfectly aware that their rejection of school was an obstacle in their quest for decent work. Prematurely leaving school between the ages of 13 and 16 rendered them unemployed immediately, without qualifications or supervision. Their first destination is usually the street, where they find themselves easy prey for drug dealers, gangs, and delinquency (such as theft and looting). These young people do not hesitate to legitimize their actions which, they claim, represent an alternative to unemployment.

The percentage of crimes and violence recorded in the informal districts of Tunis is indeed the highest in the country. A state of disorder and disobedience reigns there and in most cases, violence is more attractive than tolerance or peaceful solutions. This is certainly caused by the unhealthy social and economic environment, stress, insecurity, feelings of suffocation and contempt, and uncertainty about the future.

Own research conducted in 2016 revealed that older inhabitants shared the feeling of dissatisfaction. They were disillusioned and dispossessed of the dream that accompanied the Tunisian revolution, namely that their long-term isolation would be lifted. Over the years, discontent and disappointment deepened. These precarious living conditions highlight a major failure on the part of the state to control the impact of urban chaos or solve rampant inequalities, as urban and social processes are "both upstream and downstream, means, cause and effect."[38]

The Emergence of a New Religious Fundamentalism

Religious extremism has emerged since the popular riots in Tunisia, quickly gaining ground with the rise of radical Salafism and the "Adherents of Sharia," who claim to attempt reconciliation with faith and an expression of repentance after years of marginalization under the old regime. Clashes have occurred on several occasions, sometimes armed and dangerous, between supporters of the extremist movement and the security forces. Since 2011, National Guard units have dismantled several terrorist cells in the Ettadhamen neighborhood alone, whose members were aged between 16 and 67; others have gone to fight in Syria. This new wave of fundamentalism has only

35   See note 30.

36   "Strengthening youth participation in Ettadhamen and Douar Hicher," International Alert <https://www.international-alert.org/projects/13591> (accessed November 23, 2018).

37   Abdelhamid Ferchichi, "Douar Hicher et Ettadhamen sous la loupe de International Alert: Une jeunesse à bout de patience," African Manager, December 8, 2015 <https://africanmanager.com/douar-hicher-et-ettadhamen-sous-la-loupe-de-international-alert-les-jeunes-a-bout-de-patience/> (accessed November 10, 2018).

38   Maha Abdelhamid, "Informal housing in the city of Gabes, urban extensions, social and spatial marginalization and environmental degradation," PhD Thesis, University of Nanterre, Paris, 2012.

intensified social tensions in these marginalized districts.

Recommendations

- *Introduce an urban restructuring and territorial rehabilitation strategy*

The Tunisian government should continue the rehabilitation of informal cities and provide them with all essential systems (drinking water, sanitation, electricity, public transport, and so on). It should also re-launch social housing programs and re-integrate these neighborhoods into national territorial development to reduce their isolation. More industrial zones should be created around them to provide employment opportunities. This cannot happen without improvements to the infrastructure and necessary facilities that would function as a foundation for attracting national and international economic investments in these regions.

Uncontrolled urban growth creates great pressure and social problems

- *Control excessive chaotic urbanization in the suburbs and avoide improvisation in urban management*

There is an urgent need to publish revised city plans, which determine the urban boundaries of each region, accompanied by new technical specifications. This will help municipal authorities and citizens to understand their administrative and urban limits, prevent the construction of new buildings beyond those boundaries, and control the current urban sprawl. To stop the proliferation of lawlessness and crack down on public land abuses, it is crucial to enforce the obligation to consult architects, obtain building permits, pay municipal taxes before starting any construction, and respect construction regulations and codes. Enforcement of laws, up-to-date measures, and regulations must be firmly applied as well, by providing warnings to lawbreakers, and imposing penalties, including destruction, on any unlawful occupation.

- *Enhance social and associative work by encouraging the presence of international and independent national organizations*

These organizations should aim to promote gender diversity, social cohesion, human rights, and combat school dropout and child labor in informal districts. Such associations can provide courses and programs to women and unemployed teenagers, offering trainings in different fields to promote their professional integration and help them become financially independent. By strengthening their social and economic presence, this may contribute to lower rates of unemployment and violence.

Other associations, such as scouting, cultural, and sports activity providers, are of paramount importance for children and teenagers in these districts, who lack sufficient leisure and equipment to practice their hobbies and channel their energies. Expanding sports and cultural activities can provide youngsters with a broader education, prepare them for social life, and help them discover hidden skills.

- *Encourage a local and participatory governance approach*

As the city cannot be transformed without first incorporating its inhabitants' expectations, civil society, associations, NGOs, experts, and politicians must work together in the decision-making process, to improve existing conditions in an atmosphere of coexistence and democracy. Periodic forums and meetings should be organized by the municipalities to discuss the main issues in the marginalized districts and find realistic solutions. All stakeholders should be involved together in future projects, such as the collective elaboration of a mobility plan, the development of public and green squares, the implementation of public lighting, the embellishment of the city, and so on. This also requires a participatory transparent budget mechanism to allow for inhabitants' direct decision-making and control of municipal budget spending.

Following the first municipal elections in Tunisian history (May 2018), this new approach should be applied in all urban districts. It has the potential to re-integrate insecure populations, and reduce feelings of injustice and isolation that for years have led to social violence and crimes. Inhabitants will be encouraged to get involved in the development process while raising a new consciousness of ownership,

taking charge of their own future living spaces in total justice, dignity, and equality.

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TAX COLLECTION – AN IMPORTANT LEVER FOR INCLUSIVE GROWTH

Oumaima Jegham

Fiscal policies are one of the main tools available to public authorities to intervene in and enhance economic growth and social development. In 2014, Tunisia started implementing its fiscal reform by tackling various types of tax, including income tax, corporate tax and value added tax. This reform was driven by the rapid increase in public spending, which in turn required better tax collection and higher tax revenue. These tax reforms ended up burdening consumers, most notably low income groups, and failed to fully include small producers, who are major actors in the Tunisian economy. Thus, establishing a less burdensome, more progressive, and more inclusive fiscal system is crucial for increasing economic activities and ensuring social stability.

The post-revolutionary period in Tunisia has revealed the full extent of the country's dire economic and social situation, and has been accompanied by political, economic, and financial reforms. In May 2013, the Ministry of Finance launched a deep and structural reform of the tax system, which was halted by November 2014. Reforms included a review of the taxes and rates already in force, and grouping scattered fiscal provisions into one single code. However, when reaching the implementation phase, the grouping section of the reform was dropped, and only the urgently needed fiscal provisions were implemented by consecutive finance laws.

In addition, the overall economic situation is far from reassuring; even the most positive indicators are considered insufficient to resolve the crisis. For example, the growth rate, expected to reach 2.7 percent,[39] is not high enough to reduce the unemployment rate, currently fixed at 15.4 percent.[40] At the same time, the budget deficit continues to worsen, reaching 6.1 percent of GDP in 2017.[41] Following the same trend, public debt is expected to reach 71.4 percent of GDP, according to calculations provided by the Finance

Law of 2018.[42] Moreover, the 2018 Gini index of distribution stands at 30.9 percent.[43] According to the Tunisian Forum for Economic and Social Rights, 1,490 social movements were registered in January 2018, most of which were formed in response the new fiscal provisions presented in the Finance Law of 2018.[44]

The Impact of Direct Taxation on Low-Income Households and Small- and Medium-Enterprises (SMEs)

Taxes are divided into two groups: direct and indirect. Direct taxes are paid directly by an individual or organization, and usually consist of income taxes, corporate taxes and taxes on capital (such as properties or land). Indirect taxes, commonly known as value added tax and consumption duties, are passed onto consumers as part of the purchase price of goods or services. They are usually collected by one entity in the supply chain and are finally paid to the government.

Tax may also be understood in terms of its progressivity or non-progressivity. Progressivity entails increasing the tax rate according to the increase in the taxable amount, while proportional taxes have a fixed tax rate regardless of the taxable amount. Unlike proportional tax, progressive tax plays a major role in reducing inequalities through imposing rates that are dependent on income levels. This implies that the lowest income groups pay a smaller amount compared to high-income groups, without impacting the living standards of either.

Income Tax

Income tax is commonly associated with progressivity. In Tunisia, income tax has witnessed few changes over the years. Since the country gained independence in 1956, income tax has only been reviewed three times: the first adjustment was in 1986, followed by another revision in 1989 as part of the structural adjustment plan, and the latest change took place in 2017. As Table 1 illustrates, tax brackets have been dramatically revised between 1986

39   Report on the Finance Bill of 2018, p. 21 <http://www.finances.gov.tn/index.php?option=com_jdownloads&Itemid=722&view=finish&cid=1287&catid=10&lang=ar-AA> (accessed December 6, 2018).

40   Unemployment figures from the Institut National de la Statistique (INS) <http://www.ins.nat.tn/fr/themes/emploi#1908> (accessed December 6, 2018).

41   Budget deficit figures from the Ministry of Finance <http://www.finances.gov.tn/index.php?option=com_content&view=ar ticle&id=73&Itemid=447&lang=ar-AA> (accessed December 6, 2018).

42   "Synthèse des Résultats des Finances Publiques (Budget de l'Etat)," Ministry of Finance <http://finances.gov.tn/index.php?option=com_content&view=article& id=134&Itemid=304&lang=fr> (accessed November 14, 2018).

43   "Tunisie: Rapport de suivi de la situation économique," World Bank, 2018 <https://www.banquemondiale.org/fr/country/tunisia/publication/eco nomic-outlook-april-2018> (accessed November 14, 2018).

44   "Rapport de l'observatoire social Tunisien," Forum Tunisien des droits economiques et sociaux, March 2018, p. 9 <https://ftdes.net/rapports/fr.mars2018.pdf> (accessed December 6, 2018).

Figure 1: Individual Income Tax Rates (1986-2017)

1986-1989		1989-2016		2017-Now	
Tax Bracket	Tax rate	Tax Bracket	Tax rate	Tax Bracket	Tax rate
0 à 900 dinars	0%	0 à 1.500 dinars	0%	0 à 5.000 dinars	0%
900 à 1.300 dinars	5%				
1.300 à 1.500 dinars	10%				
1.500 à 2.000 dinars	15%	de 1.500,001 à 5.000 dinars	15%	de 5.000,001 à 20.000 dinars	26%
2.000 à 2.500 dinars	20%				
2.500 à 3.000 dinars	25%				
3.000 à 3.500 dinars	30%	de 5.000,001 à 10.000 dinars	20%		
3.500 à 4.000 dinars	36%			de 20.000,001 à 30.000 dinars	28%
4.000 à 5.000 dinars	42%				
5.000 à 6.000 dinars	48%	de 10.000,001 à 20.000 dinars	25%		
6.000 à 8.000 dinars	54%			de 30.000,001 à 50.000 dinars	32%
8.000 à 10.000 dinars	56%				
10.000 à 14.000 dinars	58%	de 20.000,001 à 50.000 dinars	30%		
14.000 à 25.000 dinars	60%				
25.000 à 40.000 dinars	62%				
40.000 à 60.000 dinars	64%			Plus de 50.000 dinars	35%
60.000 à 80.000 dinars	66%	Plus de 50.000 dinars	35%		
Au-delà de 80.000 dinars	68%				

Source: Figures from the Ministry of Finance, Table 1 (1986-1989): Finance Law 1986, Article 8 <http://www.legislation.tn/sites/default/files/journal-officiel/1985/1985A/Ja09185.pdf> (accessed December 6, 2018). Table 2 (1989-2016): Habib Ayadi, "Droit fiscal," (Tunis: CERP, 1989). Table 3: Finance Law 2017, Article 14.

and 2017, in accordance with attempts to make the tax system less complicated. However, income tax has retained its progressive character, which guarantees the principle of tax justice, where tax payers contribute according to their income, and the most vulnerable social economic groups are exempt from paying.

One 2017 study[45] on fiscal policy, income redistribution and poverty reduction in Tunisia has found that two-thirds of inequality reduction arises from applying income tax and social programs such as subsidies.[46] The same study analyzed the income tax burdens on various social economic groups, and the findings indicate that the poorest groups tend to pay relatively high rates of income tax and social security contributions compared to their net market income. Income tax figures from 1989 until 2016 show that low-income groups earning under the minimum wage were taxed at very high rates, even when inflation started to grow in 2013.

The new income tax system, introduced in 2017, has reduced the tax burden on the lowest income groups: prior to 2017, an individual earning 6,300 TND a year paid tax on 11.43 percent of their monthly income, compared to only 5.36 percent now. Even though these changes have brought about a remarkably lower tax burden on low-income groups, it is still not enough, especially when considering the dramatic increase in the inflation rate, from 4.8 percent in 2017 to 7.5 percent in 2018.

45   Nizar Jouini et al., "Fiscal Policy, Income Redistribution and Poverty Reduction: Evidence from Tunisia", CEQ Institute, Working Paper No. 38, January 2017, p. 4.

46   These results were obtained through comparing the Gini index before and after the application of income tax, as well as adding simulated benefits from social programs.
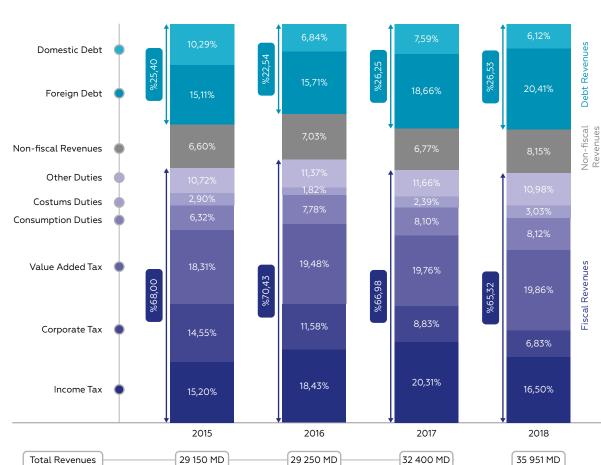
Figure 2: Evolution of State Revenues 2015-2018

Source: The original post in Arabic from Al Bawsala <https://www.facebook.com/AlBawsala/photos/a.458257467540418/1782701991762619/?type=3&theater> (accessed December 7, 2018). The data was taken from the Finance Bill of 2018: <http://www.finances.gov.tn/index.php?option=com_jdownloads&Ite mid=722&view=finish&cid=1287&catid=10&lang=ar-AA> (accessed December 7, 2018).

Corporate Tax

The other pillar of Tunisian tax revenues is corporate tax (CT). Unlike income tax, CT is not progressive and the same tax rate is usually applied to all taxpayers, regardless of their profits. Most CT payers are local and foreign companies established in Tunisia, as well as non-resident, non-established legal entities with a Tunisian income. These companies must pay a proportion of their revenues on a quarterly basis. The CT rate was initially set at 35 percent by Law No. 80 of 2006, however, from 2007 onwards, this rate gradually declined, reaching 25 percent in 2014.[47] CT rates vary according to industrial sector. For instance, agricultural and crafts companies, exporters, and firms who mostly hire young people all pay a reduced

rate of ten percent, while companies operating in the financial, communication, insurance, and oil sectors pay 35 percent of their revenues.

One aspect of reducing inequalities and promoting inclusive growth is through economic prosperity, thus providing an easily accessible market to all. Over recent years, the reduction in CT and other fiscal provisions has been interpreted as tax incentives for companies to increase production and hire more people. However, as indicated in the graph below, the share of CT in overall state revenue has halved since 2015.

The Finance Law of 2018 introduced a new provision that imposes a twenty percent tax rate on SMEs

47   Amine Bouzaïene, "Equité fiscale et système d'imposition en Tunisie", Observatoire Tunisien de l'économie, Briefing Paper No. 4, November 22, 2017 <http://www.economie-tunisie.org/sites/default/files/20171010-bp-equitefiscale-ab-fr.pdf> (accessed November 14, 2018). The 35 percent rate was changed by Article 1 of Law No. 80 of 2006 on reducing tax and tax burdens on companies. Law in Arabic, p. 4 <http://www.legislation.tn/sites/default/files/journal-officiel/2006/2006A/Ja1012006.pdf> (accessed December 7, 2018).

whose revenue does not exceed one million Tunisian dinars for commercial activities, and 500,000 dinars for non-commercial activities. This tax is applied progressively, so that companies pay according to their revenues.

The Impact of Indirect Taxes on Low-Income Groups

Value added tax (VAT) was a product of the structural adjustment plan introduced in the 1980s. Prior to that, the Tunisian government imposed consumption duties, which mostly applied to alcoholic beverages, cigarettes.

Today, VAT represents around 19.92 percent of total state revenue, compared to 9.77 percent from income tax and 6.83 percent from corporate tax.[48] VAT has been reformed several times over the years, most recently in 2017, with a rate increase of one percent. VAT is now imposed at 19 percent, with a 7 percent rate for health services, hotels, and catering services, and a 12 percent rate payable for services from independent professions (such as lawyers and doctors), electricity, and oil production. However, no published data exists on the exact revenue generated by each tax rate.

The VAT burden usually falls on the consumer, since the tax is placed on a product whenever value is added at each stage of the supply chain, from production to the point of sale. In addition, VAT rates do not take individuals' income levels into account, thus impacting their purchasing power and even access to basic needs. One tax burden analysis has shown that consumption duties and VAT reduce the market income of the lowest third in Tunisia by an average of

15.17 percent.[49] However, these results are not only restricted to low-income groups. Considering the nature of the tax, where it increases as a percentage of total expenditure of disposable income, it represents the same burden on high-income groups.

Even though the VAT and consumption duties burden is the same for all income groups, its impact is felt differently from one group to another. Poor households tend to be net consumers with little, if any, savings. Thus, an increase in VAT will negatively impact their purchasing pattern, and thus their consumption

too. On the other hand, better-off households tend to be net savers, so an increase in VAT will result a change to saving patterns, while keeping their consumption constant. Considering the huge impact of taxes on individuals and the private sector, and especially in relation to last year's public protests against the Finance Law and the deterioration of living standards, it is now crucial for Tunisia to review some of its tax rates and policies, in order to promote economic growth, and reduce both poverty and inequalities.

Recommendations

Under the scope of the Finance Law of 2019, policy-makers should:

– Review the applicable income tax rates and brackets

The inflation rate under which the applicable rates were designed has increased by 1.4 percent over the past year, which has impacted the purchasing power and living standards of individuals dramatically. One study has shown that these rates burden lower-income groups to an even greater extent.[50] To solve this, tax brackets should be reviewed, either through further dividing the income bracket into multiple income brackets, thus achieving have a more progressive income tax, or through further exemptions of lower-income groups from paying. This provision will reinforce the purchasing power of individuals, and also result in greater economic activity through increased consumption.

– Opt for a Progressive Corporate Tax

The Finance Law of 2018 established a tax rate that takes companies' revenue levels into consideration. This provision falls under the scope of promoting and enhancing the growth of SMEs. Noting that more than two-thirds of the private sector is composed of SMEs, with differing revenues, this rate should be made more inclusive for other SMEs, independent from the sector of activity, in order to allow them more funds to invest and enter new markets, thus enhancing economic growth.

48   This is our own calculation based on the numbers presented in the Finance Bill: <http://www.finances.gov.tn/index.php?option=com_jdownloads&Itemid=722&view=finish&cid=1287&catid=10&lang=ar-AA> (accessed December 7, 2018).

49   Jouini et. al.

50   Ibid.

– Review VAT

Due to the lack of data on the amount generated from each taxable service and good, it is not possible to target a specific tax rate. However, when reviewing VAT, deputies are encouraged to request the amounts generated from each rate, and their evolution over recent years. This type of information is crucial for deciding which services and goods should be taxed less (or more), while bearing in mind the possible impact of these rates on poorer households. Reducing VAT rates or exempting certain goods and services will certainly impact the state budget, causing a loss in state revenues. Nonetheless, reinforcing efforts to date, and increasing the means to tackle tax evasion and fraud, estimated at around forty percent,[51] is one part of the solution.

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51   Ibid.

Chapter III: The Role of the Judiciary

REINFORCING THE JUDICIARY – TUNISIA'S STRUGGLE TO ESTABLISH ITS CONSTITUTIONAL COURT

Rim Dhaouadi

The new Tunisian Constitution of 2014 has introduced new principles designed to break with past practices and autocratic traditions. To put these principles into practice, the Constitution envisaged the creation of several new institutions to reinforce the power of the judiciary and ensure its independence from the executive. Article 102 of the Constitution granted extensive powers to the judiciary, and the Constitutional Court in particular, to ensure the supremacy of the Constitution over all other legislation, ensure the consistency of all laws with the Constitution, and act as a check on the executive and legislature while arbitrating between them in disputes, all of which serve to uphold the rule of law.[1] Four years later, the establishment of the Constitutional Court has stalled due to endless rounds of political negotiations. In order to sustain Tunisia's reform momentum, political stakeholders should prioritize and accelerate the nomination of court members, and ensure those members have the suitable character and competence to reinforce its independence and authority.

Tunisia's new 2014 Constitution granted significant powers to a new Constitutional Court, creating a new dynamic between political powers. The Tunisian judiciary will have the power to oversee the constitutionality of the legislative and the executive's work. However, so far, key political stakeholders with a strong interest in maintaining the status quo have yet to take the necessary steps to set up the Constitutional Court.

The Powers of the Constitutional Court

The Constitutional Court is an independent judicial institution designed to guarantee the supremacy of the Constitution, protect rights and freedoms, and ensure respect for the rule of law. Its decisions cannot be appealed. The National Constituent Assembly created a Constitutional Court to achieve several goals. The first is the classic role of ensuring respect for the Constitution. The second is linked to the Tunisian context and recent history, where the law was often used as a means to limit rights and freedoms rather than protect them. Finally, the Constitutional Court is the only jurisdiction in charge of overseeing all

constitutional matters relating to all powers, including other judicial institutions, thus empowering the judiciary and creating a balance between the three branches of power.

According to the Constitution, the Court is to be a central institution with a significant national role. The Tunisian model is in fact a centralized one, in which the Court is the sole authority responsible for reviewing the constitutionality of all laws. It does not have regional representation and does not provide any opportunity for direct appeals by citizens. However, although it is a central institution based in Tunis, it is accessible to citizens all over the country through its indirect *post facto* review of laws that parties can request before any tribunal.

The Constitutional Court has constitutional review powers essentially aimed at purging existing legislation of unconstitutional provisions and unifying the interpretation of the Constitution. The Court has two types of constitutional review powers. The first is an *a priori* constitutional review of draft laws. This review process can be launched upon the request of the President of the Republic, the Head of the Government, or at least thirty members of the Assembly of Representatives of the People (ARP) within seven days of the ARP's adoption of the draft law and before its ratification by the President. In addition, this procedure enshrines the right of the opposition in parliament – only thirty out of 217 ARP members – to effectively challenge the constitutionality of the legislative majority agenda. If the Court deems a draft law unconstitutional, the President of the Republic must then return it to the ARP for a second reading. The Court automatically reviews the second version, according to Article 122 of the Constitution. Before signing the draft law, the President of the Republic must resubmit it to the Constitutional Court to reconsider and rule on its constitutionality.

The second type of constitutional review, outlined in Article 123 of the Constitution, is the *ex post facto* review, which applies to cases where litigant parties in a dispute before any court in the country claim the unconstitutionality of the law applicable to the case. If the Constitutional Court finds the law in question or a part of the law unconstitutional, the implementation of the part or law in question is immediately suspended. This procedure extends indirect access to the Court to a wider segment of the population.

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1   Xavier Philippe, "Contrôle juridictionnel et Cour constitutionnelle dans la Constitution," La Constitution de la Tunisie – Processus, principes et perspectives, UNDP, 2016, p. 544.

In addition, the Court has other important powers. It is responsible for overseeing constitutional amendments, proposals, and procedures, and reviewing the constitutionality of international treaties before the draft law approving them is ratified. It also reviews the constitutionality of the ARP's bylaws. The Constitution has also granted the Court other significant powers vis-à-vis executive authorities. It rules on the removal of the President of the Republic in the event of a serious violation of the Constitution, and declares the temporary or permanent vacancy of the position of President of the Republic (Article 85). The Court also rules over the continuation of what the Constitution refers to as "exceptional circumstances" (including, for example, a state of emergency) upon referral by the ARP President or thirty ARP members (Article 80). This is particularly relevant since successive governments have been renewing the state of emergency for the past seven years in the absence of any constitutional review. Finally, the Court rules on disputes over the respective powers of the President of the Republic and the Head of Government (Article 101).

The Constitution introduced new principles to break with past practices and autocratic traditions. To implement these principles, it foresaw the creation of several new institutions with jurisdictional powers to reinforce the power of the judiciary and ensure its independence.

The Supreme Judicial Council Election: A Lengthy Process

The Constitution provided for the creation of a new Supreme Judicial Council (SJC) with extended powers to oversee the organization and reform of the justice system, and manage the appointment and tenure of judges. Its election[2] took place in a tense atmosphere[3] nearly two years after the constitutional deadline for the election had passed.[4] This delay has impacted on several transitional processes, primarily on the reinforcement of judicial power, including the creation of the Constitutional Court.

The adoption of the SJC organic law on April 26, 2016 – which occurred after passing of the organic law on the Constitutional Court in December 2015 – was characterized by polarization and divisions among different actors within the judicial sector. This included a schism between the Magistrates Union, created in 2011,[5] and the Association of Tunisian Magistrates (AMT), which dates back to the Ben Ali period and was engaged in advocating for the independence of the judiciary from the executive power. There was also criticism from civil society actors, such as Human Rights Watch,[6] who denounced attempts by political parties to neutralize the new SJC.

> *Successive governments have been renewing the state of emergency in the absence of any constitutional review*

In addition, the organic law on the SJC was revised by the ARP to strip the Temporary Judiciary Commission of the authority to appoint the President of the Cassation Court to convene the first meeting of the new SJC, instead giving this prerogative to the President of the ARP. This was considered by civil society actors, including the International Commission of Jurists, as a violation of the separation of powers,[7] and undue interference by the legislative power into the internal affairs of the judiciary. The same ARP amendment also included lowering the quorum needed to validate the meetings, which would enable a minority of SJC members to rule over the judiciary.

2   "Tunisie : Election historique du nouveau conseil supérieur de la magistrature," Jeune Afrique, October 24, 2016, <http://www.jeuneafrique.com/368233/politique/tunisie-election-historique-nouveau-conseil-superieur-de-magistrature> (accessed November 13, 2018).

3   Abdesellam al Kikli, "Birth Pangs of the Supreme Judicial Council in Tunisia," Legal Agenda, December 20, 2016 <http://www.legal-agenda.com/article.php?id=3324> (accessed November 13, 2018).

4   Article 148, paragraph 5: "The Supreme Judicial Council shall be created within a maximum of six months from the date of the first legislative elections; and the Constitutional Court shall be created within a maximum of one year from the elections."

5   "Création d'un syndicat des magistrats tunisiens," Turess, March 25, 2011 <https://www.turess.com/fr/tapfr/35745> (accessed November 13, 2018).

6   "Tunisie: élection historique pour le nouveau Conseil supérieur de la magistrature," Jeune Afrique, October 24, 2016 <http://www.jeuneafrique.com/368233/politique/tunisie-election-historique-nouveau-conseil-superieur-de-magistrature> (accessed November 19, 2018).

7   "Tunisia: amendments to the High Judicial Council law would weaken the independence and authority of the judiciary," International Commission of Jurists, March 30, 2017 <https://www.icj.org/tunisia-amendments-to-the-high-judicial-council-law-would-weaken-the-independence-and-authority-of-the-judiciary/> (accessed November 19, 2018).

Impact on the Constitutional Court

The organic law on the Constitutional Court was adopted before the law on the SJC. According to the former, parliamentary blocs select and present candidates for the Constitutional Court, however, no steps have been taken to start setting up the Court prior to the creation of the SJC. This procedural delay may at first seem logical, given that the Council must appoint one third of the Court's members. However, neither the Constitutional Court law nor the SJC law prohibit the ARP from progressing on both institutions simultaneously. The ARP could have started negotiations over candidates while waiting for the establishment of the Council. Such an initiative would have shown greater engagement by the legislative power, and political actors more generally, towards implementing constitutional provisions and rectifying errors and delays. It may even have helped in consolidating public trust in political institutions and their willingness to continue reform.

The political climate is generally hostile to institutional reform

An Overall Hostile Political Environment

The Constitution provided for the creation of other new state bodies, such as independent institutions in charge of overseeing human and civil rights protections,[8] and a new infrastructure to decentralize administrative justice. However, continuous delays in creating these institutions reflect a political climate that is generally hostile to institutional reform, precisely because such institutions, once created, will influence the political and legal landscapes and balance the executive and legislative powers. But these delays negatively impact on the legitimacy of demo-

cratic change and citizens' trust in state institutions. At the same time, several laws inconsistent with the spirit of the Constitution are being enacted, such as the so-called administrative reconciliation law that shields civil servants implicated in corruption from future prosecution.[9]

Despite the existence of a temporary commission overseeing the constitutionality of draft laws created in 2014[10] and composed of six members, in the absence of a Constitutional Court, many laws considered unconstitutional by more than thirty ARP members[11] and civil society organizations,[12] and especially those laws with political implications, are being passed. This is a result of the tied vote inside the temporary commission on the constitutionality of draft laws: in such situations, the President of the Republic, as protector of the Constitution, has the tiebreaker role in deadlocks over constitutionality, and in the case of the reconciliation law, the President eventually ratified the bill.

The Difficult Appointment Process and Risk of Politicization

The appointment of Constitutional Court members involves the three branches of power: the legislature (ARP), the executive (via the President of the Republic), and the judiciary (via the SJC). Each of these powers appoints four members to the Court. Initially, the delay in the creation of the Constitutional Court was explained by its dependence on the establishment of the SJC, whose creation was itself delayed for nearly two years and carried out in a tense atmosphere of political tensions and disagreements. The nomination process of Court members, initiated in March 2018 at the ARP, provoked heated debates between parliamentary blocs and civil society actors.

Candidates' Selection and Voting Process

Article 118 of the Constitution establishes a mandate for three separate authorities to nominate members of the Constitutional Court in a sequential fashion starting with the President of the Republic, then the ARP, and finally the SJC. Articles 11, 12, and 13 of

8   The Elections Commission, Audio-Visual Communication Commission, Human Rights Commission, Commission for Sustainable Development and the Rights of Future Generations, The Good Governance and Anti-Corruption Commission.

9   "Tunisia: Slow Reform Pace Undermines Rights," Human Rights Watch, January 18, 2018 <https://www.hrw.org/news/2018/01/18/tunisia-slow-reform-pace-undermines-rights> (accessed November 19, 2018).

10   Law organizing the temporary commission that reviews the constitutionality of draft laws <http://www.cnudst.rnrt.tn/jortsrc/2014/2014f/jo0322014.pdf> (accessed December 11, 2018).

11   Rihab Boukhayatia, "Voici pourquoi la loi sur la reconciliation administrative est attaquée pour inconsittutionnalité," HuffPost Tunisie, September 22, 2017 <https://www.huffpostmaghreb.com/2017/09/22/reconciliation-administra_n_18072586.html> (accessed November 19, 2018).

12   Amna Gallali, "The law that could be the final blow to Tunisia's transition," Middle East Eye, May 23, 2017 <https://www.middleeasteye.net/columns/reconciliation-bill-threatens-tunisia-s-transition-1123332030> (accessed November 19, 2018).

the organic law, however, reversed this order and mandated that the ARP will be the first nominating authority. This change may be explained by practical considerations, since the ARP's pace of deliberation is slower than that of other institutions. Yet the constitutionality of this change might also be debatable in the sense that the constitutional version should always prevail.

Besides, in the current context, the blockage within the ARP is delaying the nomination process due to a lack of consensus between parliamentary blocs, as well as their lack of organization and preparedness. For instance, according to civil society activist Chaima Bouhlel,[13] several candidates were rejected on formal grounds because the dossiers presented were incomplete, indicating that parliamentary blocs and their candidates had not adequately prepared the candidacy files.

The ARP's voting process on candidates has generated several controversies. Negotiations over candidates are taking place between the presidents of parliamentary blocs behind closed doors at the consensus committee, which holds meetings in secret. In addition, according to Article 11 of the organic law on the Constitutional Court, ARP members' votes on candidates are also secret, which is inconsistent with the principles of transparency and accountability of decision-making.

After seven months of deliberations and negotiations and three election rounds, so far, only one candidate has been able to secure the required majority of votes. This leaves eight other Court members who still need to be elected. The source of the election blockage seems to reside in most candidates' lack of support among ARP members, as each nominee is relatively unknown to all the blocs except the one that nominated them.

Instead of seeking solutions that open the process up to more participation and input, the President of the Republic has proposed a solution to the blockage that shrinks democratic buy-in by introducing a draft law

seeking to modify the Constitutional Court's organic law, which would reduce the required majority of votes needed to approve candidates from a two-thirds majority to an absolute majority.[14] This draft law has been criticized by civil society activists[15] and political actors[16] who have noted that for the second time, and as the result of a precedent set by the modification of the organic law organizing the SJC mentioned above, a change of legislation is being undertaken to overcome a political struggle. In addition to interfering with executive power in the affairs of the judiciary, this change also shows the inability of the ARP to adopt sustainable laws that ensure the stability of institutions. Changing the organic law can open the door to other changes and eventually endanger the Constitutional Court's power and independence.

Risk of Politicization

In addition to the powers of the Constitutional Court, the nine-year term for Court members provided by Article 118 of the Constitution may also explain[17] why the two largest parties in the ARP (Nida Tounes and Ennahda) seem anxious to control the future Court, rather than making it truly independent. Contrary to what is mandated by the Constitution, some experts, such as the public law professor Jinan Limam,[18] argue that some candidates tend to be chosen for their political loyalties rather than on competencies alone. In addition, constitutional law professor Kais Saied[19] considers that the potential politicization of the Constitutional Court is closely linked to the appointment system: since Court members are appointed by politicians, the Court's council is inevitably going to reflect political power relations in Tunisia.

Nevertheless, the Constitution and organic law set a number of minimum independence guarantees for Court members to adhere to the mission entrusted to them. The single, lengthy nine-year terms served by Court members (Article 118 of the Constitution) is one measure intended to guarantee some independence. Moreover, Court members enjoy functional immunity (Article 22 of the organic law), while the remuneration of the Court's president equals that of minis-

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13   Interview with Chaima Bouhlel conducted by the author on August 25, 2018.

14   "A legislative intervention to establish the Constitutional Court: A solution to overcome the crisis or an attempt to dominate the process?" [in Arabic], The Legal Agenda, May 17, 2018 <http://www.legal-agenda.com/article.php?id=4464> (accessed November 19, 2018).

15   Ibid.

16   "L'amendement de la loi sur la Cour constitutionnelle : Al Jomhouri pas d'accord," Webmanagercenter, May 10, 2018 <https://www.webmanagercenter.com/2018/05/10/419755/lamendem ent-de-la-loi-sur-la-cour-constitutionnelle-al-jomhouri-pas-daccord/> (accessed November 19, 2018).

17   Nadia Dejoui, Interview with Jinan Limam, L' Economiste Maghrébin, March 23, 2018 <https://www.leconomistemaghrebin.com/2018/03/21/jinan-limam-risques-politisation-cour-eleves> (accessed November 19, 2018).

18   Ibid.

19   Yasmine Hajer, Interview with Kais Saied [in Arabic], The Legal Agenda, May 25, 2018 <http://legal-agenda.com/article.php?id=4500> (accessed December 11, 2018).

ters, and the remuneration of the remaining members equals that of state secretaries (Article 23 of the organic law). Court members must also declare their assets (Article 25 of the organic law). Finally, Court members are not allowed to engage in any lucrative or non-lucrative professional activities other than those necessitated by their missions (Article 26 of the organic law). This does not exclude them entirely from being active in associations, provided that they respect their duty of confidentiality as mandated by Article 27 of the organic law.

In May 2018, a civil society coalition of activists and organizations[20] launched a campaign criticizing "the governmental initiative to reduce the majority required for the election of Court members and the blessing of the President of the Republic," and advocating for "an independent Constitutional Court." The coalition published a joint communiqué and an online petition[21] urging all political and institutional stakeholders to proceed quickly with the election of Constitutional Court members, and to ensure the transparency of this process and the independence of the Court.

Given the nature of its work, the Constitutional Court is designed to be the guarantor of rule of law in Tunisia. Most importantly, over time, its work will help ensure coherence in the entire body of existing Tunisian legislation, gradually transforming Tunisia into a "rule of law" state, preventing arbitrary decision-making at all levels and thus improving citizens' legal security. Strengthening the rule of law in Tunisia is a key objective of the ongoing institutional reform. It involves reforming the justice system to increase its independence vis-à-vis the executive, and improve access to justice for citizens.

Recommendations

- *The President of the Republic and the Supreme Judicial Council should accelerate the selection of their candidates to the Court*

The Constitutional Court will be crucial in purging unconstitutional provisions from Tunisian laws, and will support the legislature in maintaining the consistency of legislation. There should be no further delays to the nomination process, and appointments should be made as soon as possible to reinforce the independence and authority of the Court.

The organic law on the Constitutional Court should not be modified on any grounds. This would ensure that no unconstitutional amendments are possible in the absence of the Constitutional Court. In addition, changes aimed at controlling or weakening the Court constitute interference by the legislature and executive in the affairs of the judiciary.

- *Voting on candidates should be transparent, respecting the principles of transparency and accountability, and ensuring that political actors do not to control the Court*

Candidates should be auditioned at the ARP's plenary session before their election in order to present their expertise, ideas, and motivation to be a member of the Constitutional Court.[22] Auditions would allow members to choose candidates on the grounds of their competencies. Ensuring the transparency of the election process would increase public trust in the Constitutional Court and ensure that future Constitutional Court members would be known to the public. It would also increase trust in political actors' willingness to advance institutional reforms, since they would have to demonstrate their commitment to implementing the Constitution and rectifying delays.

- *The President of the Republic should defer all new decisions over controversial draft laws until a Constitutional Court can adjudicate and lend legitimacy*

In the absence of a Constitutional Court, the President of the Republic is the only protector of the Constitution. In cases where the constitutionality of new laws and measures is disputed, the President should defer all new decisions until a Constitutional Court can adjudicate.

- *The ARP, the Ministry of Justice, and the Ministry of Finance should ensure that the Constitutional Court has the proper funds, premises, and assistance to carry out its missions*

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20   See note 13.

21   Online petition [in Arabic] https://docs.google.com/forms/d/e/1FAIpQLScNCIM0hNABxmUIofjit MxDJB64-JCngAX_XAc_amVeDFmjNA/viewform (accessed December 11, 2018).

22   A civil society coalition for an independent Constitutional Court, composed of ten organizations and several activists, published an official communiqué calling for the establishment of an independent Constitutional Court on May 31, 2018 <https://drive.google.com/file/d/1RvNcz4bno2L3Ytc631Tkmd_-KlcTzaab/view> (accessed November 19, 2018).

Once established, the Constitutional Court should have proper premises and assistance to carry out its missions and serious responsibilities. It will be starting from scratch and will need to assert its authority over most powers and other jurisdictions. The Court also needs to meet tight deadlines imposed by the Constitution to make its rulings, and will probably be overwhelmed by the number of appeals referred by ordinary courts at the request of citizens. Therefore, the Court should have suitable premises, proper administrative assistance, and research support.

- *Civil Society Organizations (CSOs) should support the campaign for the independence of the Constitutional Court*

CSOs should gather together a broad alliance of organizations and independent activists to support the campaign for the independence of the Constitutional Court, and expand its social basis through media presence and public awareness campaigns.

- *International actors should be more pro-active in supporting the creation of an independent Constitutional Court*

International organizations should support civil society actors in advocating for the prompt establishment of the Constitutional Court, and help ensure the transparency of this process as well as the independence of the Court. Much of the existing support from international actors has focused on justice reform; their rule of law programs have not specifically focused on the issue of the Constitutional Court, a lacuna that should be addressed in future.

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Chapter IV: The Role of International Actors

THE UNINTENDED IMPACTS OF EU DEMOCRATIC ASSISTANCE ON TUNISIAN CIVIL SOCIETY

Ragnar Weilandt

Tunisian civil society is widely seen as one of the reasons for the country's relatively positive development since 2011. Financially supporting and consulting civil society associations has thus become an important element of the EU's democracy promotion strategy towards its Northern African neighbor. In doing so, the EU aims at further supporting the evolution of a vibrant civil society that pushes for human rights, democracy, good governance, and the rule of law, and that defends existing progress. However, at times, the way the EU and its delegation in Tunis implement funding programs or manage consultations with civil society on the ground have unintended consequences that undermine this objective. Notably, the EU's practices inadvertently contribute to the transformation of civil society activism from an idealist calling to a professional career structure, as opposed to creating a bottom-up force rooted within Tunisian society. To mitigate such developments, the EU should work towards organizing more inclusive consultations, develop schemes for the distribution of smaller grants with less demanding application procedures, and more explicitly target funding at civil society organizations in the interior regions.

Tunisia's civil society has been widely identified as a relevant factor in helping to prevent the country from following the disastrous path followed by other states that experienced popular uprisings in 2010-11.[1] Accordingly, the European Union (EU) has identified Tunisian civil society organizations (CSOs) as key partners for its democracy promotion agenda. Its engagement with Tunisian CSOs occurs on two levels: first, the EU provides substantial financial assistance aimed at empowering local actors to engage for democracy, the rule of law, and human rights. In that context, the EU funds numerous non-governmental organizations (NGOs) that implement projects on a wide range of issues such as election monitoring, gender equality, or the fight against corruption. These bottom-up measures complement the EU's

top-down approach to democracy promotion, which involves direct influence on the Tunisian government through aid conditionality and other political and economic incentives, such as enhanced access to its markets.

Second, the EU regularly invites civil society activists to consultation meetings to give them the opportunity to comment on and discuss EU-Tunisian relations and Tunisian domestic affairs. This is informed by what former High Representative Catherine Ashton has called "the need to acknowledge past mistakes and listen without imposing"[2] when working with Arab partners, as well as the EU's commitment to "consult civil society organizations more systematically in the preparation and monitoring of bilateral action plans and financial cooperation projects."[3] While EU officials regard this as the right thing to do, they also see a practical value in these meetings as the insights they gather might help to improve EU policy. More generally, in view of the EU delegations' limited staff and intelligence-gathering capabilities, these consultations are also seen as a source of potentially valuable information about political and social developments within the country. Finally, the EU conceives of these consultations as a channel through which relevant stakeholders in Tunisia may be influenced.[4]

Yet despite the EU's ambition to support the creation of a vibrant Tunisian civil society and include activists in policy-making processes, the ways in which its activities are implemented on the ground occasionally lead to unintended outcomes that, at times, undermine these very same objectives.

Tunisian Civil Society Perceptions of the EU and its Agenda

A first problem relates to the way the EU is perceived by its Tunisian interlocutors. In general, the EU, its member states, and their engagement tend to be seen more positively than the activities of the United States or countries from the Gulf region.[5] However, the way the EU implements both its consultations and its financial assistance undermines the generally favorable attitudes activists have towards

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1   International recognition of Tunisian civil society's role culminated in the award of the Nobel Peace Prize to the Tunisian National Dialogue Quartet in 2015.

2   Catherine Ashton, "Speech at the European Parliament," SPEECH/11/608, Strasbourg, September 27, 2011.

3   European Commission, Press Release, "The EU's response to the 'Arab Spring'," MEMO/11/918, Brussels, December 16, 2011.

4   Several interviews with EU officials in Tunis and Brussels conducted in 2015 and 2016.

5   Various interviews with Tunisian civil society activists conducted in Tunisia between March and October 2015; EU Neighbours South (2017), "Factsheet Tunisia," April 26 – May 21, 2017 <https://www.euneighbours.eu/sites/default/files/publications/2017-12/Factsheet%20Tunisia%20ENG.pdf> (accessed November 9, 2018).

it. Specifically, it raises doubts regarding what kind of an actor the EU is and what objectives it pursues in Tunisia. For example, EU officials' conduct during consultation meetings may contribute to the image of the EU as a self-interested or paternalistic actor. Such notions may be due to minor cases of patronizing or arrogant language and behavior that do not necessarily reflect the respective officials' views, let alone the EU's official position. However, such conduct may create a lasting impact. Meanwhile, the EU's funding practices create the impression among some activists that the EU is using NGOs to push its own priorities – notably when it comes to economic liberalization – rather than genuinely trying to contribute to a vibrant domestic civil society that develops its own agenda. Such views are mainly informed by the selection of CSOs who benefit from EU funding, as well as the extent to which the EU predefines what its grants should be used for.[6]

Local activists whose engagement is driven by idealism are often left empty-handed

The mistrust created or nourished by some EU practices is not only detrimental to its objectives in interacting with civil society. It may also affect EU objectives in Tunisia more generally, as civil society can influence perceptions of the EU in the broader society. And while perception is not reality, some of the concerns within civil society are indeed rooted in real problems.

How EU Practice Inadvertently Disadvantages Parts of Civil Society

A crucial issue affecting Tunisian civil society attitudes towards the EU is the question of who is invited to consultations or awarded grants – and more importantly: who is not. Certain misgivings towards the EU are informed by frustration over not having been considered. Having said that, there are

indeed some structural factors that unintentionally lead to the exclusion of some parts of civil society. In the case of consultations, invitations are often at the discretion of the official organizing the meeting in question. For meetings to be fruitful, officials quite understandably invite individuals whom they know to have expertise on the subject under discussion. However, in practice, this means that they tend to invite activists who either have a certain degree of prominence in Tunisian society, or those with whom they have already engaged in the context of previous project funding. At the same time, the fact that the most relevant consultations usually take place during working hours at the EU delegation in Tunis makes it hard for non-professional and non-Tunis-based activists to attend, even if they are invited. As a result, the EU risks obtaining a rather one-sided view on developments in Tunisia.

Furthermore, the EU's funding practices indirectly exclude many CSOs. For example, the grants awarded through the European Instrument for Democracy and Human Rights (EIDHR), a key funding line for civil society in third countries, all range between several tens and hundreds of thousands of Euros. The EU prides itself on having quite low overhead costs in its development assistance. This means that only a low share of its aid budget is used for administrative purposes, such as running application procedures and overseeing project implementation. Such costs rise proportionally with the individual number of grants awarded, which in turn incentivizes the EU to award fewer and larger grants. However, this practice excludes all CSOs who lack the capacity to manage projects with such large budgets. Moreover, the distribution of large grants requires burdensome application procedures that are hard to complete and quite discouraging for Tunisian activists.[7]

As a result, substantial amounts of EU funding are awarded to professionalized NGOs staffed with experts trained and experienced in grant writing and project management. Meanwhile, local activists whose engagement is driven by idealism, based on volunteering, and informed by on-the-ground knowledge, are often left empty-handed. Not only do they have lower chances of obtaining a grant, they may not even have the time or resources to dedicate to the major effort required by the grant application process.

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6   Various interviews with Tunisian civil society activists conducted in Tunisia between March and October 2015.

7   Various interviews with Tunisian civil society activists conducted in Tunisia between March and October 2015 and informal discussions with Tunisian civil society activists during a workshop at the German Association for Foreign Relations (DGAP) in August 2018.

These effects of EU funding practices are mitigated by the EU's practice of cascading funds, which involves the distribution of financial assistance to professional, international NGOs for projects that redistribute funding to smaller associations and initiatives through less bureaucratic procedures. However, from the perspective of Tunisian civil society activists, the use of this tool is not yet sufficiently widespread.[8] Meanwhile, the *Programme d'Appui à la Société Civile* (PASC), a major EU-funded project with a budget of seven million Euros,[9] which specifically aims at strengthening local civil society across Tunisia through both financial assistance and capacity building, has been widely perceived as a failure. Activists have criticized the delays in its implementation, a lack of accountability and efficiency, and questionable recruitment decisions. Some activists have explained these issues by referring to the fact that the project was set up by the European Partnership for Democracy, a Brussels-based NGO, that had neither a Tunisian office nor relevant on-the-ground experience in the country.[10]

The Side Effects of EU Interaction with Tunisian Civil Society

Since the EU's funding and consultation practices regularly include some parts of Tunisian civil society and exclude others, the EU in effect also contributes to changes in the overall structure of Tunisian civil society in the medium to long-term. Owing to the EU's practices, activists included in its civil society consultations tend to be either part of the old, pre-2011 generation, or the highly professional and international NGO microcosm that has emerged since 2011, and includes many non-Tunisian organizations and staff. With their access to decision-makers, the influence of these individuals rises over time compared to those who are not included. Similarly, EU funding practices give professional NGOs the advantage over local grassroots movements. As a result, the former may increase their activities and gain more influence and prominence than that enjoyed by the latter. With more financial means at their disposal, they have a greater ability to influence the executive or external political actors involved, through aid and democracy promotion. Hence, these organizations enjoy a bigger impact on Tunisian politics.

In addition to empowering this non-representative and largely Tunis-based sub-set of Tunisian civil society, the EU also incentivizes the excluded CSOs to become more professionalized and adapt a more project implementation-based approach to activism. The EU is therefore contributing to the transformation of civil society engagement from an idealist calling to a professional career, one that primarily values grant-writing and project management capabilities, and chosen by many seeking better pay than in the domestic public and private sectors. This potentially undermines the overall EU objective of creating a bottom-up force rooted within and influencing Tunisian society at large.

The EU in effect contributes to changes in the overall structure of Tunisian civil society

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Finally, these EU practices also affect the kind of causes for which NGOs advocate. Both in terms of funding and consultations, activists focusing on the most pressing concerns of Tunisian youth are underrepresented, as are activists rooted in and advocating for the concerns of the interior regions. By and large, NGOs included by the EU tend to focus on progressive social reforms rather than on socio-economic rights. At a time when one of the most significant challenges to the successful transition is youth unemployment, and the ensuing dissatisfaction with the post-2011 system in impoverished rural inlands,[11] this is less than ideal.

The Risks of a Tunis-Based Civil Society Elite Shaping the Agenda

The risk of an elitist, Tunis-based civil society driving an agenda detached from Tunisian society in general and the country's interior regions in particular is illustrated by two recent reforms. One reform

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8   Informal discussions with Tunisian civil society activists during a workshop at the German Association for Foreign Relations (DGAP) in August 2018.

9   European Commission, "Synopsis: Programme d'Appui à la Société Civile en Tunisie (PASC Tunisie)" <http://eeas.europa.eu/delegations/tunisia/documents/more_info/2_fi che_pasc_juin2013_fr.pdf> (accessed November 9, 2018).

10   Various interviews with Tunisian civil society activists, including two former employees of the PASC.

11   Ragnar Weilandt, "Socio-economic challenges to Tunisia's democratic transition," European View 2 (2018) <https://doi.org/10.1177/1781685818805681> (accessed November 9, 2018).

repealed a law banning Tunisian women from marrying non-Muslim men, while the other guaranteed that sons and daughters would, in future, receive equal amounts of inheritance. These reforms were quite rightly met with applause in the Western world, and contribute to the image of the Tunisian transition as a success story and as a modern and progressive society in comparison to other parts of the Arab world.

However, it is worth noting that neither of these reforms – for which Tunis-based progressive CSOs had lobbied quite substantially – is supported by domestic majorities. A poll commissioned by the International Republican Institute found that around two-thirds of respondents expressed strong opposition to both the marriage law and the new inheritance legislation.[12] Opposition to such progressive legislation is particularly strong in socio-economically marginalized inland regions, where its imposition on a far more conservative society may help Islamist fundamentalists in their attempts to discredit and undermine democracy. This danger becomes even more real when people in these regions start losing faith in democracy's ability to deliver the socio-economic improvement they have been expecting. In the worst case, this might discredit civil society objectives of strengthening human rights and stabilizing democracy in Tunisia. Of course, the EU is by no means the only international donor whose practices contribute to these developments. But as one of the main providers of financial assistance and a key interlocutor for activists, its approach to Tunisian civil society can make a difference.

Recommendations

- *Engage more sensitively in direct meetings with representatives of Tunisian civil society*

EU delegation officials should take care to exercise sensitivity in their engagement with Tunisian civil society interlocutors. Having been closely allied to the Ben Ali regime prior to its sudden demise, the objectives of the EU and its member states are still easily misperceived and misconstrued. Ways of communicating that may rightly or wrongly be interpreted as patronizing and arrogant should be avoided at all costs. Officials need to make sure that their conduct contributes to the establishment of a relationship of mutual trust and respect.

- *Organize more inclusive consultations with civil society*

The EU delegation in Tunis and its officials should ensure that participants in its consultations reflect a broader cross-section of civil society. Notably, they should make sure that invitees also include representatives from different regions of Tunisia rather than only activists based in the greater Tunis area.

- *Provide more small grants with less demanding application procedures*

The EU should at least partially move away from the notion that low overheads are a sign of sound financial management, and establish more schemes for the distribution of small to medium-sized grants. In doing so, EU officials might draw upon the experiences of the European Endowment for Democracy, which specializes in needs-based allocation of small to medium grants through less burdensome application procedures. The EU should also make application procedures and information about them available in Arabic. Finally, it should increase the amount of financial assistance to civil society distributed through cascading funds.

- *Provide more structural funding for associations' on-going daily work*

The EU should consider moving away from exclusively project-based funding, and directly provide financial support to associations and their on-going work. This would enable successful organizations to continue working in their field rather than having to regularly venture into new areas where they are less adequately equipped and motivated, merely in the interest of obtaining further funding.

- *Explicitly target funding at civil society organizations in the interior regions*

The EU should create new funding lines that are specifically directed at associations from Tunisia's interior regions and provide capacity-building measures that enable them to apply for existing funding lines as well. Moreover, it should provide incentives encouraging Tunis-based CSOs to co-apply with CSOs from the interior regions. The envisaged extension of the *Programme d'Appui à la Société Civile* (PASC) should reflect the lessons learned and

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12 "Public Opinion Survey of Tunisians, November 23 – December 3, 2017," International Republican Institute, January 10, 2018 <http://www.iri.org/sites/default/files/2018-01-10_tunisia_poll_presentation.pdf> (accessed November 12, 2018).

avoid past mistakes relating both to its execution and communication.

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