STRATEGY FOR UNDP SUPPORT TO THE DEMOCRATIC TRANSITION IN TUNISIA

Towards a new Social Contract in Tunisia

This is a living document and will be updated on a regular basis as circumstances require.
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1. INTRODUCTION

The youth-led upheaval in Tunisia commenced on December the 17th, 2010, with the tragic self-immolation of Mohammed Bouazizi, a young unemployed graduate. A failing governance system in conjunction with social injustice, inequality and oppression contributed to the upheaval. This culminated in the flight of President Ben Ali on January 14, 2011 and the ensuing crumbling of his regime. This series of events has opened wide the doors to a revolutionary transformation of the Tunisian state and society. New relations between the state and citizens need to be established. Tunisian citizens, as individuals, civil society or the private sector, need to build a state based on a common vision of democracy, social justice, equality, equity and prosperity, that are enshrined in law and demonstrated in everyday interactions. In short, the Tunisian people are on their way to building a new social contract among themselves.

With global and regional support, UNDP in Tunisia is well-positioned to provide innovative thinking and solutions to the intricate governance and development challenges facing the country. Given the increased opportunities for freedom of expression as a result of the transition and these challenges, there are now intensely debated in Tunisian society. There are expectations of quick and forceful change following this series of events. However, it is imperative that particularly the Tunisian youth find ways to contribute to the dialogue and the building of a model of development. The real challenge for UNDP in Tunisia remains in demonstrating its ability to act decisively – and rapidly – in support of an as yet-fragile political transition process while not losing sight of the fact that contributing to the advent of a new social contract will require a broad programmatic approach that goes beyond successful electoral processes or quick-impact employment creation schemes.

UNDP’s transition strategy has been built gradually, since the fall of the previous regime, through extensive consultations with the Tunisian interim government, the three independent national commissions, civil society organizations (CSO), politicians, the private sector and the media, as well as with UNDP development partners, including key bilateral and multilateral partners in Tunis. Shortly after the revolution, the UNDP country office (CO) received extra human resource support through the Bureau for Crisis Prevention and Recovery (BCPR) SURGE mechanism in governance, economic development, crisis prevention and recovery and communications. The CO has benefited as well from a high level mission by the practice director of the Bureau for Development Policy (BDP) Democratic Governance Group (DGG) which helped to identify immediate and longer term needs to which UNDP could respond. Following this, an electoral assessment mission was conducted from March 1-10 jointly by UNDP and the UN Department of Political Affairs (UNDPA), as well as another assessment mission in political party strengthening and parliamentary development. Furthermore, following the crisis in Libya and the flood of migrant workers fleeing violence in Libya and coming into Tunisia, UNDP has quickly reacted by deploying experts to the border in order to assess early recovery needs of communities that have seen their livelihoods and social cohesion highly disturbed by the crisis. Shortly, the UNDP CO will also host missions in the areas of security sector reform, human rights and anti-corruption. The outcomes of this initial period of investigation and reflection on UNDP’s role and opportunities for contributing to Tunisia’s transition are outlined in this strategy paper, which remains a living document and will undergo regular updates and revisions to reflect the fast evolving situation.
2. CONTEXT UPDATE

The political, economic and social context of Tunisia has been in constant flux since the fall of former President Ben Ali's regime on the 14th of January. A road map for the political transition was announced in early March by the interim government (IG), clarifying the sequence of political events that will pave the long road to full-fledged democracy. Regional events, in particular those unfolding in Libya, could bring more uncertainty and affect certain priorities of the IG, in particular with regards to security and economic recovery.

The key challenges facing the country at this stage can be summarized as follows:

1. **Political context:** On the 3rd of March, the Interim President, M. Mbaaza, presented to the Tunisian people the long-awaited road map for democratic transition which foresees the election of a Constituent Assembly (CA) on July 24th. This announcement followed the resignation of Prime Minister Ghannouchi who had overseen the immediate transition period after the fall of former President Ben Ali's regime but was criticized by a large section of the political class for failing to usher in a new governance style, more inclusive and transparent, and for his strong association with the previous regime. The IG is now led by PM Essebsi who, despite his age (84 years), has managed to restore some confidence with the public by communicating more openly and by taking long-awaited measures that contribute to undoing the former system. The call for a Constituent Assembly election has de facto invalidated the 1959 constitution and led to the dissolution of the legislative chambers, which were dominated by the now abolished Rassemblement Constitutionnel Démocratique (RCD). The IG will remain in charge of government affairs until an elected Constituent Assembly appoints a new president and government. On the 15th of March, Tunisia entered a new unprecedented era, outside of any constitutional framework, but guided by the utmost necessity for a broad national dialogue and consensus building around historic political reforms.

Three national commissions on political reform, corruption and human rights violations were established on the 17th of January 2011; their mandate has only been made official by presidential decree published on the 4th of March. The commissions will work over the next few months to reform key elements of the legal framework governing the political system and protecting liberties and will publish an overall general report on human rights violations and corruption / embezzlement cases. They will not publish details on individual cases.

The High authority for Achieving the Objectives of the Revolution, Political Reform and Democratic Transition, also known as the Political Reform Commission (PRC) remains at the core of the transition machinery. It has been restructured by Prime Minister Essebsi to give members of the Council for the Protection of Revolution which is an adhoc group set up shortly after the 14th of January, composed of opposition parties, the UGTT and civil society, a decisive role in steering the political process. This has helped bridge significantly the gap between the constitutional legitimacy of the IG and the revolutionary legitimacy of the actors of the revolution and has put an end to street protests. The ability of the PRC to work consensually and efficiently, putting national unity ahead of political calculations is critical for a peaceful and successful transition. The PRC must play a key role in laying down the electoral framework for the Constituent Assembly elections, in reviewing other essential laws guaranteeing freedom of expression and association, in proposing amendments to the organic laws establishing independence of the judiciary and in preparing a first draft of the new constitution. Early signs show that this might not be so easily achieved as public confidence in the PRC may take some time to be achieved. The decree establishing the PRC leaves questions as to the mechanics of its decision-making process, which could potentially hinder the Commission’s capacity to catalyse a timely and smooth unfolding of the transition road map.

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1 Dissolution of the Parliament and Chamber of Councilors, disbanding of some elements of the Political Police and National Security Police and dissolution of the RCD
2 End of the constitutionally-defined transition period following the fall of the previous president.
3 Only investigating abuses from 17 December 2010 onwards.
4 General Union of Tunisian Workers
Neither the Fact-Finding Commission for Investigating Recent Abuses and Violations (Human Rights Commission) nor the Fact-Finding Commission on Embezzlement and Corruption (Anti-Corruption Commission) have been mandated with judicial authority. Both commissions have made progress in investigating abuses/their work of the past regime but they face the growing frustration of the public who does not necessarily understand or support the fact that they cannot publicize the details of individual cases and that their recommendations are left to be implemented by a judicial system that is still perceived by many to be associated with the former regime. The difficulties faced by these commissions are typical of transitional justice processes where due process considerations do not easily cohabit with the public’s impatience to settle scores with the former regime. In Tunisia, this is also compounded by a lack of awareness of the concept of transitional justice and a deficit of communication on the part of the two fact-finding commissions. The outcome of their work is essential for reconciliation among the Tunisian people, but for this, they need a level of legitimacy and support in the public opinion that does not seem yet to be achieved.

2. The organization of free and fair elections for the Constituent Assembly in the allotted time remains a huge challenge as a new electoral framework still needs to be drawn and a new electoral administration set up. A short timeline to elections makes it challenging for political and civil society to organize itself in order to participate effectively in the first authentic electoral competition in Tunisia since independence from France. The choice of the electoral system which will be applied to the Constituent Assembly elections also has to give due consideration to the need for broad representation (political, geographical, social and gender) as one of the tasks is to establish a new constitution that truly represents the interests of all the Tunisian people. If the proportional representation list system is clearly favored by the political class, there are many pending questions with respect to the electoral formula, district magnitude, district boundaries, temporary special measures/gender quotas which could prove to be contentious in the PRC given the impact they have on the prospects of each party for winning seats.

Volutility poses challenges to security and stability in the near term. While a certain degree of instability is to be expected under difficult transitions, it is important that security issues do not hamper the progress to democracy. Stability in Tunisia is currently resting on a complex nexus of security, political and socio-economic considerations – and is increasingly influenced by the crisis unfolding in neighboring Libya. Crime remains a problem in some urban centers and in the interior of the country, even if some progress has been recorded lately in restoring law and order according to the Ministry of the Interior (MoI). Many questions remain with regards to the internal cohesion of the MoI which is going through a phase of restructuring that could temporarily diminish its capacity to react decisively to threats to law and order. The dissolution of certain elements of the secret/political police has brought great relief in the public opinion and helped lower tension. Nevertheless, the rehabilitation (or prosecution) of agents of the former regime requires urgent attention by the government to reduce mitigate risks to peace and security. The latest political crisis, which led to the resignation of Prime Minister Ghannouchi, demonstrated how political confrontations can very quickly degenerate into outright violence. A fragile political transition process will remain an important threat to stability, especially in the lead-up to elections. The pressing socio-economic demands that also fuelled the revolution have now gained prominence in the public debate and triggered an avalanche of social protests in all sectors of society. People, and in particular the youth, expect quick responses to their demands. The tide of hope that came with the revolution leads also to unrealistic expectations of what the IG can do immediately. Finally, the crisis in Libya poses additional challenges to stability as over 100,000 Tunisian migrant workers, who were source of remittances, were estimated to be working in Libya. Their return substantially increases the number of unemployed persons that the economy and the state has to deal with. The closure of the border also adversely affects the livelihoods of those close to the border who depended on cross border trade with Libya. Furthermore, the possibility of a refugee crisis is looming if Libyans begin fleeing the violence in their country and cross the border into Tunisia.

3. The economic crisis and expected increase of unemployment are obviously related to security and stability. Moreover, the Tunisian economy is closely linked to the European economy (80% of Tunisian exports and 70% of imports). Even if Tunisia is subject to many kinds of economic and social pressures, past, present and future, the projected impact of recent events on the overall economy, particularly the budget, is concerning. According to the Ministry of Finance, the financial impact is projected to be around
USD $1.9 billion of new needs, combined with the increasing demands of adjustments, remuneration, compensation fund, debt service and damage repair.

Most observers expect unemployment to rise substantially in 2011 due to very low and even possibly negative growth and return of large number of Tunisian workers from Libya. The tourism sector has witnessed decreases in arrivals from both Europe and Libya and the private medical sector is also suffering from the Libyan crisis. The country also has to deal with an additional entry of 80,000 graduates into the labor force on an annual basis. Under the best conditions, the economy has been unable to absorb the numbers graduating from universities and a major effort would be required in the short and medium term to deal with the unemployment crisis. An immediate priority to prevent an economic crisis from undermining support for the democratic transition, requires consideration to be given to a **substantial investment in a comprehensive economic package to stabilize the economy and lay the foundation for accelerated, job-creating growth.** This will not alleviate the need to simultaneously engage in long-term structural reforms, in particular in relation to youth employment. The economic stimulus plan would have to, inter-alia, deal with impediments to growth in deprived regions through, for example, public investment in productive infrastructure (both new and in need of repairs) and in local employment initiatives with a focus on increasing private investment.

Economic recovery cannot happen without the support of the European Union, as the major trade partner of Tunisia. The government is aware of the need to launch an emergency economic programme and to that end is negotiating with major financial institutions (the World Bank, the African Development Bank, the European Union and the French Agency for Development) for direct budgetary support. UNDP has been asked to participate in this process to provide some technical assistance that will be needed by the Tunisian government to deliver in consideration of the conditionalities they may be associated to this emergency support. There is also a risk that the political authorities might be forced to respond to social demands that are being pushed by certain elements of the labor movement in a manner that could undermine the health of public finances and which would then reduce the flexibility of the state to promote a more equitable distribution of wealth.

4. **The vital contribution of women and youth to the revolution** raises high expectations for their participation in the political process and re-writing of the country’s social contract. Women see in the forthcoming period the opportunity to mainstream the principle of parity between men and women in the new constitution and in electoral and political party laws. In particular, women seek equality in political, social and economic life and to win the long-standing fight on inheritance rights. Some of the long standing women’s NGOs are amongst the most vocal and best-organized in a civil society that is undergoing profound restructuring. Yet, these groups still convey a discourse on women’s emancipation which speaks mostly to the urban elite and middle class and their outreach to and representation of women in rural areas is weak. The issue of women’s political participation is also facing potential difficulties, as some political powerful groups (Islamists and secular conservatives) challenge the use of quotas in the electoral system. Furthermore, in times of turmoil and fragile security, violence against women could resurge and should be monitored.

Young people are attempting to use their revolutionary credentials to claim their rights to be part of decision-making affecting the future of the country in general, and their own socially and economically fragile situation in particular. Yet, the structural forces that barred them before from participation are not easily undone. Their representation in the IG is very limited and they have not yet found the visibility that should be theirs in civil society (both NGOs and labor unions) dominated by a few historical resistance organizations. Through social media, informal activism and street actions, youth make their voices heard but the risk is great that they continue being treated by politicians and the state as subject of policies rather than equals and active participants in the decision-making process. If the youth movement is to remain a constructive force in the building of a new Tunisian society, it needs to be provided with more options to contribute on par with other groups to the public debate.

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5 According to private sources, 25% of the clientele of the private medical sector, a thriving sector of the economy, is made of Libyans.
3. STRATEGY OVERVIEW

UNDP Current Programming

UNDP’s transition strategy will build on the previous UNDP Tunisia programme (2007–2010) which focussed on the administrative side of good governance, due to the sensitivity of democracy and human rights issues. The programme also worked on bridging internal disparities in achievement of the Millennium Development Goals (MDGs), in fighting youth unemployment and in mitigating the impact of climate change. The summary below captures the key initiatives within the current UNDP portfolio:

- **Good governance**: Modernization of the public administration (quality control, e-governance, re-engineering administrative processes, improving client relations) and strengthening transparency in public financial management (Cour des Comptes);
- **Poverty alleviation and the MDGs**: Addressing in particular regional disparities, unemployment, and maternal mortality;
- **Energy and Environment**: Supporting the National Energy Agency, climate change adaptation and anti-desertification efforts; and,
- **Support to Civil Society**: UNDP has a long history of engagement with grass roots community based organisations, in particular with regards to environment protection.

An evaluation of UNDP programme in 2010 highlighted a stronger impact in the environmental and energy sectors than in other areas, partly due to the sensitivities of working in the governance area and the limited areas of intervention allowed under the former President Ben Ali’s regime. UNDP Tunisia has been working closely with grassroots community groups in the environmental sector but has not been able to develop strategic partnerships with non-state actors at a higher level, reflecting difficulties faced by all development partners prior to the 14th of January.

UNDP is re-programming activities in pre-existing programmes and re-allocating resources in consideration of new opportunities which have presented themselves or arisen and now allow UNDP to take bolder steps in trying to achieve established long-term outcomes. This is the case in particular for the governance area, which was previously restricted. which have been erased. UNDP has an opportunity to now support democratic governance reforms rather than mere administrative reforms as before.

The Country Office through a tentative reprogramming exercise will be able to re-programme $400,000 USD which will be re-channelled for use to meet new immediate priorities. Yet, the previous outcomes of the four current areas of programming remain valid to address the country’s development challenges and have been integrated in the transition strategy with the exception for the environment and maternal health which are treated separately.

**Transition Programming Cycle**

UNDP’s transition strategy will cover the period 2011 – 2012, which should correspond to the period needed for defining and establishing the country’s new democratic institutions through a series of electoral benchmarks. During this period there will be crucial restructuring and development processes within civil society and in the economy. It is also a period of heightened risk for the country’s cohesion, and its capacity to produce tangible results in terms of social progress, in particular with regards to fighting unemployment, which calls for special attention to conflict-sensitive programming. Transition periods can also afford key opportunities for women’s empowerment as the constitution, electoral and political laws are rewritten, provided they are meaningfully included in dialogue processes.

The transition strategy covers as remaining period until the current UN Development Assistance Framework UNDAF (2007 – 2012) cycle.
The transformational changes that are affecting Tunisian society are rooted in social deprivations including the general non-realization of human rights and economic disparities and inequality. Democratic principles and basic freedoms were purportedly subservient to internal and regional security and public administration was an instrument for propaganda and control, even if a relatively effective one at providing public services. Security forces were made into a tool of oppression rather than protection and, together with a heavily controlled media, anesthetized the public debate. The revolution calls for a complete overhaul of the system and, in particular, of the very raison-d’être of the state, in relation to the people. The grass-roots nature of the revolution and the fact that it originated in an underdeveloped region of Tunisia indicates broad-based disaffection. The new Tunisian should be held accountable by its citizens. It shall provide the opportunity for meaningful participation when developing public policies aimed at a jointly envisioned development model putting social justice, human rights and equality in human development at the core of the state’s mission. It shall also communicate to the people on its ability to deliver the results for which it has been mandated.

This is now the biggest challenge of the transition in Tunisia: establishing a new social contract in which the relationship between the state and citizens is fundamentally different. This paradigm change requires redefining the concept and mission of the state, but also giving birth to a new citizenship in Tunisia, grounded in respect for fundamental freedoms and human rights and in responsible civic engagement. A social contract for Tunisia does not only bind the state and the citizenry, it is also binds political forces in that their role is to give a voice to public demands which requires peaceful and inclusive dialogue. A new social contract requires that the Tunisian economic “miracle” (or at least as it was portrayed previously) benefits all rather than relegating the interior regions to produce a cheap labor force to work in the affluent coastal areas. The social contract needs also to cement equality in rights and duties in the relationship between men and women and between different age groups which gives all an equal voice, between secularists and non-secularists which should ensure freedom of religious belief and opinion and allow all Tunisians to live according to their own values with a common base of respect for fundamental human rights. It is also a new relationship between the state and the private sector, which is no longer based on the dichotomy of collusion or predation, but on confidence and social justice-oriented regulations.

UNDP will focus its support in the transition phase in Tunisia towards the establishment of a new social contract. It is anchored around the following long-term priorities:

- Achieving a constitutional process that symbolizes a broad and inclusive social contract, internalizing respect for universal human rights, rule of law, democratic values and gender equality.
- Building democratic institutions that strengthen constitutional democracy and are independent and perform their functions without fear, favour or prejudice and are subject only to the constitution and the law. Other organs of the state through legislative and other measures must assist and protect these institutions to ensure the independence, impartiality, dignity and effectiveness of these institutions. to support critical democratic processes such as free and fair elections and civic participation, that promote inclusive parliamentary debate and policy making, the administration of justice, access to unbiased information, the protection of human rights and accountability in public financial management.
- Strengthening the rule of law framework, legally, institutionally and socially, by supporting the independence of the judicial system and contributing to its modernization so that equal access is guaranteed, bringing the security sector under full civilian control and turning it into a guarantor of human rights protection and helping Tunisian society deal with past traumas and violations through a consensual, yet meaningful transitional justice process.
- Fostering the social accountability of the state by strengthening both civil society and the media’s core capacity to provide avenues for increased citizen participation in policy-making and heightened scrutiny in holding elected leaders accountable.
- Bringing government closer to the people by strengthening the responsiveness of the public administration to citizen needs, in particular for social protection, services, job creation and

6 It is estimated that 20 to 25% of the GDP was directly controlled by the former regime and associates.
environmental protection, by improving the policy-making process to ensure transparency, inclusiveness and a better use of reliable poverty-related information and by strengthening local governance and decentralization.

- **Engineering a more equitable regional distribution of development gains** by contributing to redraw the social and economic development model followed so far in Tunisia towards more sustainable and high value-added and job-creating growth and supporting regional development strategies and initiatives based on comparative economic advantages and addressing imbalances in productive and social infrastructure.

- **Strengthening the crisis prevention and response capacity** of public institutions, political and civil society stakeholders, by developing capacities for constructive negotiation and consensus but also by involving social and economic sectors in mitigating the impact of regional instability on Tunisian communities.

- **Addressing the social marginalization of youth** by providing them with leadership and organizational skills to channel their powerful voice into creative energy for rewriting the social contract, by ensuring that youth needs are given top priority in the national development visioning process and ensuing policy making and resource allocations, and by supporting pilot youth employment initiatives at the local level.

- **Promoting gender equality**, advancing it further and protecting it from potential threats linked to political changes ahead, by raising the profile of gender issues in the constitutional debate, supporting the women’s advocacy movement, in particular outside of the urban and more gender-sensitive areas and promoting women’s participation as citizens and politicians.

The Transition Strategy 2011 – 2012 for Tunisia proposes to address these strategic priorities around five axes:

1. Support to democratic processes
2. Access to justice, security and human rights
3. Public administration reform
4. Local governance for development and youth employment
5. Support to livelihoods and social cohesion

UNDP’s strategy aims to foster and enhance human rights, women’s empowerment, youth participation and mechanisms of social accountability in all five areas.

**Immediate actions**

In order to respond to the immediate challenges of the transition process, and to provide UNDP with the necessary entry points to engage more meaningfully with its partners, a more detailed short-term work plan has been developed until the end of 2011. It is structured around the electoral deadline of 24th of July and also reflects the fact that UNDP in-country capacity and resources are currently relatively low but with additional support should reach sufficient capacity towards the middle of the year following recruitment and resource mobilization processes. Additional details on the sequencing of UNDP support and the surge capacity strategy are given at the end of the document.

UNDP’s immediate objective should be to assist key institutions and processes that can have a significant impact in assuring the steady transition to democracy, while retaining stability and working for the long-term goal of a new social contract.

This means giving priority to providing technical assistance to support the Tunisians in:

- Organizing a democratic electoral process open to all;
- Drafting anew constitution in the most inclusive manner possible;
- Strengthening the voice of citizens through a better organized, empowered and more effective civil society;
- Reform of the security and justice sectors to ensure full civilian oversight, Enforcement of the rule of law and protection of citizens;
- Laying the groundwork for meaningful transitional justice processes which address past abuses and crimes whilst preserving social cohesion;
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- Engineering a new culture in public administration that adopts a human-rights perspective and is accountability-oriented, responsive to citizens’ needs, transparent in its undertakings and open to their contributions;
- Developing capacities of local governance and economic stakeholders to prepare sound strategies for creating jobs, in particular for youth and women, and regional development; and,
- Responding to early recovery needs in areas directly affected by the closure of the Tunisia-Libya border due to the conflict in Libya.

From an institutional point of view, UNDP will focus its immediate support towards the three independent commissions that were established to deal with the aftermath of the revolution and to drive the transition process. Other key actors are the interim government (in particular the Prime Minister’s Office, the Ministries of Interior, Justice, Education and Local and Regional Development), the future Independent Elections Commission, the future Constituent Assembly, the future Parliament, political parties, civil society (selected groups at national and local level), governorate and local public authorities, unions, community-based organizations and the private sector. UNDP will pay particular attention in adopting a conflict-sensitive approach in selecting and working with partners.

Particular attention will be focused on the most deprived areas of the country (interior) and areas in crisis situations (Libyan border area) where early recovery interventions may also be necessary. Furthermore, UNDP will support livelihood programme activities in select areas of the country as an initial step toward establishing a fully-fledged area-based development programme in the longer-term.

Many of the proposed short-term actions are strategic investments for future long-term programming. However it is recognized that certain areas of involvement in the short-term might not necessarily lead to multi-year programmes for various reasons including: possible saturation in a specific sector in consideration of the fact that many development partners are undertaking similar re-programming exercises and have not yet firmly circumscribed their areas of focus and extent of support, or a lack of contribution to the overall goal of engineering a new social contract. UNDP will maintain a high level of flexibility in the use and roll-out of this transitional strategy as priorities of the government and the Tunisian people may shift quickly, especially after the formation of a Constitutional Assembly and the introduction of a newly-elected government. UNDP programming will also adapt to progress being made in the articulation of needs by the Tunisian people in the political, social and economic sectors. UNDP will endeavor to support the aid effectiveness agenda and seek to support the Tunisian authorities in their efforts to coordinate donor assistance. Finally, UNDP needs also to be able to seize quickly opportunities for new partnerships whilst being cognizant of and mitigating against risks associated with rapid partnership-building.

The main challenge for UNDP to support Tunisians in their journey to democracy will be to maintain a high level of responsiveness, informed by astute political economy analysis, and served by flexible resources.
4. DETAILED PROGRAMMING PROPOSAL

a. Democratic Processes

Problem Statement

Following the recent announcement of the road map towards the Second Tunisian Republic, the Political Reform Commission has become the centrepiece of the national dialogue for political reform in the lead-up to the first Constituent Assembly election on July 24th. The PRC has been given the broad mandate to review a corpus of laws that will ensure transparency and independence of the electoral process, ensure a level-playing field for all political contenders, protect fundamental liberties and guarantee greater independence of the judiciary. As a matter of urgency, the PRC has to prepare an Electoral Code for the Constituent Assembly election. The Law establishing an Independent Elections Commission and the Law establishing an Electoral Dispute Resolution Organ. Inside the PRC, the Technical Committee in charge of preparing the initial drafts for these laws has considerable legal capacity but has requested support with comparative experience in electoral system design and models for electoral commissions, as well as for identifying best practices in transparent electoral administration. The deliberative arm of the PRC (the Council) is composed of political and civil society representatives who have expressed interest in learning more about legal electoral matters and the electoral cycle. Consensus-building between political and civil representatives with very different trajectories presents its challenges, especially following the difficult start of the PRC’s Council on 17th of March. There is a risk that delays in the release of the final electoral law could jeopardize the feasibility of an electoral event on 24th of July.

The PRC will also be preparing a draft of the new constitution for submission to the Constituent Assembly. The latter could then decide to keep it as the main source of inspiration for its final draft which it might decide to present to the Tunisian people for a referendum vote or instead, approve it directly. Therefore, the role of the PRC as an adhoc national dialogue body in the constitutional process should not be overlooked. The PRC will need to strengthen its capacity to provide its members the level of comparative research, public consultation support and process management that is usually made available to a Constituent Assembly to facilitate its work. After the Constituent Assembly is elected, this body will also need strong support to engineer a constitution that truly embodies the idea of a social contract among the Tunisian people and support in parliamentary processes as it will also serve as the parliament until parliamentary elections are held according to provisions that will be set out in the new constitution. A rapid initial assessment by UNDP shows that the support provided by the Secretariat of the Parliament to the previous legislature was weak on technical support.

With regards to the organization of elections, the government has decided to establish an independent electoral management body (EMB). It will probably function on the model of a mixed electoral management body whereby certain departments of the public administration will be seconded to it to take care of the operational side of the elections. Whichever model is chosen by the PRC with regards to the prerogatives of the EMB, its composition and the process leading to its full operation, time constraints might seriously hamper the capacity of this new EMB to deliver credible elections and meet the high expectations of Tunisian society in that regard. The new Tunisian EMB will need highly-qualified leadership and substantial external technical support to succeed in its daunting task.

The Tunisian revolution revealed high levels of democratic consciousness from all classes of society. Yet, Tunisians have never experienced the reality of living in a truly democratic system where civil and political rights are respected. A great part of society have also never voted before and for those who did, they have not had the experience of participating in free and fair elections. There is an urgent need for electoral education on the core principles and mechanisms guaranteeing democratic elections as well as practical information as to the unfolding of the electoral process and the procedures to be followed by voters. In the longer-term, a broad-ranging civic education drive that will help Tunisians nurture and build upon the momentous civic engagement that has brought down the previous authoritarian regime is needed in order to fully achieve the democratic transformation of Tunisian society.
The revolution is a people’s movement. It has marked the birth of a new era for civic engagement in Tunisia and has shaken civil society to its core. As a result, Tunisia is witnessing a rapid expansion of its civil society sector. The loosely institutionalized youth movement, which has been at the forefront of the revolution, has demonstrated its power to dramatically transform Tunisian society but it needs to mature now into a responsible partner for the construction of a democratic Tunisia. Likewise, there are a handful of well-known women’s associations based in Tunis. More needs to be done to identify and strengthen organisations that represent women in all the regions of Tunisia. In general, the thirst for participation and engagement among the public is high, but networking and platform structures are just nascent. In order to fulfil its fundamental role in guaranteeing the success of the democratic transition process, be it as advocates, educators, mobilizers or monitors of the government’s action, and in particular of the electoral process, civil society needs to develop its core capacities and structure itself more efficiently.

The media in Tunisia was one of the most controlled in the Arab Region up until January 2011. The newfound freedom of expression carries with it important responsibilities which are yet to be understood and fulfilled by the post-revolution media landscape. It will be particularly crucial during the electoral period that media uphold certain principles in their coverage and avoid fuelling electoral violence. The media will also have to participate in creating the level-playing field that is essential for a healthy political competition. There is also a need for developing professional investigative journalism and capacities for effective facilitation of open debates, in order to have the media play its role of informing public debate and acting as an effective avenue for public participation and scrutiny of the state and private sector. Social media remains the main source of information for the youth and it should be brought into the mainstream media. Finally, there is a dire lack of local media, in particular community-based radios.

Under the previous regime, most opposition political parties were severely limited in their capacity to reach out to the population, develop their presence across the country, nurture internal debate and democracy, increase their funding base and build evidence-based political platforms responding to citizens’ needs. Following the revolution, the political sphere is in a state of rapid change and shows growing strength and numbers. Many of the newcomers still have to establish their legitimacy with the population (beyond simply vowing to protect the achievements of the revolution), yet, they will be taking part in shaping the course of the transition process (through the Political Reform Commission). For the most part, they also have never taken part in an electoral contest and will need therefore multi-dimensional capacity development.

Finally, the upcoming elections will be contested by a large number of political parties, many of which have no previous experience at electoral competition, and public interest and participation in the elections promises to be high. Given the lack of experience of Tunisian society with truly competitive elections under a free and fair process, the current volatility of the law and order situation, risks of campaign and post-electoral violence should not be neglected.

Proposed UNDP Response

Based on the political analysis and the needs assessment missions conducted by UNDP and the UNDPA on the transition to democratic governance, a number of key areas for UNDP engagement in support of democratic processes have been identified. Special emphasis has been put on identifying feasible yet highly needed support activities in the short-term (up to the first round of elections) while longer-term development strategies are proposed for the post-24th July period. UNDP Tunisia will be able to benefit from the massive experience of the UNDP global network in supporting democratic processes in transition countries and of the confidence given by Tunisian stakeholders to the United Nations in general for assisting and coordinating assistance to the democratic transition.

National Dialogue and Constitutional Processes

2011 Workplan

- Support to the Political Reform Commission to finalize key legislation needed for launching the electoral process through the provision of legal expertise and dialogue support. UNDP has started providing comments on the draft electoral laws as well as political party and NGO law, mobilizing its
network of global experts and partnerships\(^7\). UNDP will also use regional work with Arab Members of Parliament (MPs) on standards for political party legislation to engage with the PRC. Using UNDP's comparative experience in parliamentary process in transition countries, UNDP can also provide to the PRC options and potential processes for conducting inclusive dialogue and building consensus across a wide group of actors of differing views. UNDP will propose to members of the PRC Council to conduct BRIDGE\(^8\)-type briefing sessions on electoral systems and EMBs so as to inform their choices on the electoral process.

- **Support to political party development**: Political parties are an essential component of the democratization process. UNDP will seize on the opportunities offered by the country's political calendar, and develop coherent, realistic workshops to expand existing political space and encourage dialogue through forums and workshops for discussions and sharing experiences from other comparable transitions and with the country's political leaders. Also, UNDP can support political parties’ capacities to better understand the societal and developmental challenges facing Tunisian society by increasing their capacity to access, analyse and make use of poverty and MDG related data, good practices for the empowerment of women such as party quotas, and by helping them to develop their prospective capacity. Such work cuts across both the constitutional support programme and national development visioning work (see under Public Administration Reform). It could also be framed within the proposed preparation of a new National Human Development Report (see Public Administration Section). UNDP will tap into the reservoir of knowledge from the regional work of the Programme on Parliamentary Development in the Arab Region (PDIAR) and the Programme in Governance in the Arab Region (POGAR) on political party strengthening.

- **Support the constitutional process and strengthening of the Constitutional Assembly**: UNDP will mobilize its comparative experience in supporting constitutional processes from around the world to make available best practices in terms of content and process management including broad scale public consultation and involvement of the most marginalised areas. Post 24th July, UNDP should stand ready to provide constitutional drafting support to the newly-elected Constituent Assembly (CA) if it is requested to do so. UNDP will propose technical assistance to the CA Secretariat, to organize seminars with global and regional constitutional experts, study visits and training programmes. UNDP could also provide logistical support to the Secretariat of the PRC and/or of the Constituent Assembly to improve their research and documentation, external relations and public outreach and consultative capacity.

- **Facilitate consultations around the constitutional debate**: certain constitutional topics such as the Bill of rights, women’s rights, the political system, separation of powers, accountability and oversight, decentralization, and more, are bound to capture the public’s attention. UNDP will work with different actors (CA, civil society, and universities) to organize conferences, workshops, grassroots consultations, outreach campaigns, opinion polls, and more, emphasizing the need to bring the constitutional debate outside of the capital city and of mobilizing the youth through social media.

2012 Workplan

- **Continuing support to constitutional process**: throughout its course, which may well extend into 2012, through a similar or extended package of intervention as proposed for 2011. Once the final draft of the Constitution is concluded, special emphasis will be placed on educating the public on it, especially if the Constituent Assembly decides to put it to a referendum. Support could also be provided to the necessary follow up legal, policy and judicial mechanisms to ensure the effective realisation of constitutional protections.

- **Parliamentary development**: in case a new parliament is elected in 2012, UNDP will propose long-term parliamentary development support, building upon the experience working with the Constituent

\(^7\) E.g. the International Center for Not-for-Profit Law for the NGO Law

\(^8\)BRIDGE=Building Resources in Democracy Governance and Elections - A Course in Electoral Administration and Civic Education Development Project.
Assembly. Support will be also sought from the joint BDP and BCPR project focusing on the role of parliaments in preventing and resolving conflict.

Electoral processes

On 5 February the Tunisian authorities formally requested the UN to assist Tunisia with the electoral process. According to the latest road map for transition, Tunisia will witness a long series of electoral events (Constitutional Assembly, Presidential and/or Parliamentary, Local Councils) which could also include a constitutional referendum. UNDP’s involvement in supporting electoral processes is therefore a long term commitment. The immediate priority is ensuring success of the first electoral event by focusing on key operational priorities. Later on, a more developed capacity development and electoral cycle approach will be followed for subsequent events. Measures supporting the mitigation of electoral violence should be mainstreamed in all aspects of UNDP electoral assistance programme, in particular through the electoral education campaign and engagement with political parties.

2011 Workplan

- **Support to the Independent Elections Commission (IEC):** through technical assistance and capacity development. UNDPA and UNDP have started deploying a core team of electoral experts which will participate in establishing the new Independent Electoral Commission (and other institutions mandated to co-organize the elections if applicable). The core areas of support are: overall management of the electoral process, legal drafting and procedures, operations and budgeting, electoral education, gender mainstreaming and external relations. The UN team includes a capacity development expert to develop training activities (BRIDGE type) for the Board of Commissioners, IEC staff and to assist with the cascade training for polling staff. It is expected that only minimal capacity development will be achievable before the 24th of July election while a larger window of opportunity will appear after the elections – assuming that some months will pass before the next round of elections take place. UNDP will also support the new Electoral Dispute Resolution body the same way, once it has been established.

- **Electoral education:** UNDP will not be in a position, due to resource and capacity constraints, to directly support civil society with grant funding for the upcoming election and provide it with only minimal training, considering as well that this is a need that should be well covered by other development partners. Therefore, UNDP will focus on strengthening IEC capacity for the strategic coordination of electoral education efforts in the country, so that voters are sufficiently informed on the conceptual framework for free and fair elections and on specific information on voter registration, polling and counting procedures. UNDP will help organize a National Conference on Electoral Education gathering all concerned actors (civil society, media, “social” ministries, universities), under the leadership of the IEC, to define electoral education strategies for the various areas of the country and categories of population (insisting on women, youth and rural populations). UNDP will also support the capacity of the IEC at constituency level to coordinate efforts in electoral education. Special attention will be given in assisting the IEC to design a conflict-sensitive electoral education campaign and special activities aiming at reducing the level of potential electoral violence, in particular aimed at the youth, should be incorporated. Such concerns have already been raised by the Ministry of Youth and UNDP could collaborate with the Ministry, the Ministry of Education (and UNICEF), as well as with the civil society, to spread a culture of non-violence in the lead up to the elections. Finally, UNDP could assist technically the IEC in setting up voter education services such as call-centres and on-line portals. In 2011, electoral education activities will form the core of UNDP’s support to civic education in Tunisia.

- **Media in elections:** in order to guarantee voters’ access to unbiased information on the electoral process and reduce the potential for elections-related violence, UNDP, in partnership with the Journalists’ Union, will train journalists and social network activists on all dimensions of the electoral process and responsible elections reporting. UNDP will also work with media organizations and the Independent Authority for Reforming Information and Communication to prepare a Code of Conduct

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9 Ministry of Education, Ministry of Youth, Ministry of Women, Ministry of Higher Education
for Electoral coverage, using its comparative experience in this regard. Given the lack of local media in many regions of Tunisia and in order to ensure responsible reporting by social media during the electoral campaign, UNDP also proposes to organize a Conference on Citizen Journalism. UNDP could collaborate with UNESCO on some of the proposed media activities.

- **Support to women’s political participation:** UNDP will give a special focus to women’s participation in politics and raise awareness of the importance of women’s political participation and encourage Tunisian organizations to serve as support and resource groups for women who are active in politics. Networking with women candidates from around the Arab Region using the iKnow Politics platform will also be facilitated. UNDP can also support the formation of a women caucus across party lines to make sure that women’s issues are duly incorporated in the electoral campaign (and future constitutional debates).

### 2012 Work plan

- **Support to electoral management and capacity development of electoral institutions:** UNDP will continue its support to electoral processes through strengthening the capacities of the permanent IEC, throughout the successive rounds of elections that will take place after the Constituent Assembly elections.

- **Support to electoral stakeholders:** UNDP will continue engaging with the same range of electoral stakeholders and could increase its support, in particular to civil society, with larger-scale capacity development and grant funding ahead of future electoral processes.

- **Documentation and Education:** UNDP will organize regular lessons learnt and documentation events after each electoral event to contribute to electoral knowledge in Tunisia. It would contribute to the establishment of centres of excellence in electoral research and education (e.g. Electoral Institute, Electoral School, specialized courses in political science and law faculties).

### Fostering Civic Engagement:

The longer term goal of UNDP is the sustainable empowerment of the civil society sector in creating spaces for meaningful civic engagement of the population in order to foster social support to human rights and enhance mechanisms of inclusion and accountability. To this end it will be important to ensure that civil society voices reach political decision makers in government and the public administration.

UNDP will follow a holistic integrated civil society development approach, addressing not only internal CSO capacities but also the enabling environment while at the same time contributing to immediate and long term civic education needs of the population. While in the immediate term, UNDP direct support to civil society will probably remain modest (due to capacity and resource constraints), it can still conduct a few seminal training and networking events to act as catalysts for a deeper and longer term reflection on a civil society development strategy. In 2011, UNDP will develop, and hopefully initiate, a Civil Society Empowerment Programme to provide in the long-term multi-dimensional support to civil society. UNDP will also deal with youth NGOs and movements as a sector that needs a capacity development strategy of its own, making use in particular of information technology and social media.

UNDP has been active in the past, in partnership with UNICEF, UNFPA and UNIFEM (now UN Women), in supporting Tunisian CSOs working in the youth and women sector. UNDP has also significant experience working with Community Based NGOs through the GEF Small Grants Programme and these CBOs, which have been trained in the Human Rights Based Approach (HRBA) to development could also broaden their scope include civic education at this critical time. The challenge for UNDP will be to identify change agents and then find ways of assisting them without compromising their independence.

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10Based on the mandate that will be given to it by the new constitution.
It is proposed that the focus of UNDP’s involvement in civic education and civic engagement remains focused on the youth, women and rural communities. UNDP will support their immediate activities in reinforcing civic education for civic engagement, in particular around the electoral and constitution-building processes, while taking a longer term strategy of civil society development. UNDP and its UN partners will work closely with the Ministry of Women, Ministry of Youth, Ministry of Education and Ministry of Higher Education in conducting some of the activities proposed below.

2011 Workplan

- **Civil Society Capacity Analysis (CSCA):** in order to improve its civil society programming and to provide entry points and reliable partners in this rapidly changing sector, UNDP, together with UNFPA, UNICEF and UN Women, is conducting a rapid capacity analysis of about 60 – 100 civil society sector organizations working for the civic engagement of youth and women, in particular in underserved regions of Tunisia. A more qualitative and strategic assessment of the civil society, as a sector, is conducted, in order to identify evolution trends, current challenges, the legal, institutional and financial environment and to map out restructuring trends (networks, platforms, and coalitions).

- **Capacity development of civil society organizations:** UNDP will provide incremental training support to youth, women and environmental organisations for leadership, organizational management, programmatic functions (needs assessment, programme design and proposal writing) as well as on ethics, communications and advocacy. It will be delivered preferentially through civil society resource centres / training institutes such as IFEDA\(^{11}\)Centre or the Arab Institute for Human Rights.

- **Support to civil society networking:** UNDP will provide assistance to efforts of the civil society, in particular in the youth, women and environmental sector and CSOs working on human rights investigations, in structuring itself by facilitating networking events, coalition-building, holding thematic forums for joint action planning. Through training and networking support, UNDP will help build a dynamic network of interdependent structures, mechanisms, resources and skills which through dialogue and consultation, contribute to conflict prevention throughout society.

- **Support to awareness-raising on the role of civil society and the legal and regulatory framework:** To complement its work in assisting the PRC adopt a new NGO law that truly guarantees freedom of association and expression, once the NGO law is passed, UNDP will work with civil society resource centres and networks, as well as the government, to assist in the implementation of the new NGO law and related regulations towards Tunisian CSOs, public administrations and the public at large.

- **Supporting CSO civic education campaigns:** UNDP will support partner CSOs in implementing outreach and educational activities on democratic transition including rule of law and human rights and elections in a number of target locations with lower human development status in order to build the public’s expectation of service delivery from state institutions and elected officials. In 2011, such assistance will consist mostly of training\(^{12}\) and coaching while gradually the provision of educational materials and/or grant funding can be added, to form an integrated package of support. Special attention will be placed on supporting local community media initiatives due to the sheer lack in Tunisia of such media.

- **Civic education for teachers:** UNDP received a request from the Ministry of Education to assist in training the teachers’ corps by increasing their understanding of democratic principles, electoral processes, human rights, transition process, citizenship and conflict management, not only because they provide the great bulk of polling staff on election day but also because they have a prominent role in shaping the civic engagement of the younger generation. Also, re-training these civil servants on the necessary neutrality of public administration is central to the transition to a more democratic society.

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\(^{11}\) Centre d'Information, de Formation, d'Etudes et de Documentation sur les Associations (linked to the Prime Minister's Office).

\(^{12}\) Using, for example, the new BRIDGE Curriculum on Democracy & Governance aimed at civic educators.
UNDP could be working in partnership with UNICEF and the Arab Institute for Human Rights in responding to this request.

- **Mobilizing youth for civic education:** the youth theme cuts across all of UNDP’s planned activities towards fostering civic engagement. UNDP will seek partnerships with drivers of change in the youth arena, and again not just Tunis-based but reaching out to the regions, to train youth as civic educators. Already, UNDP has received a request for assistance from the Ministry of Youth to help it mobilize its wide network of “Maisons de la Jeunesse” (Youth Clubs) and other youth-related structures in the run-up to the July elections. UNDP will bring comparative experience from other countries where successful youth-based civic education programmes have been supported by UNDP, such as in Kenya or Indonesia.

**2012 Workplan**

- **Continuing support to civil society development:** UNDP’s investment and commitment to civil society development and civic education is a long term one and will not just be displayed during pre-electoral periods – even if for priority-setting reasons, and due to a still limited resource base, UNDP will focus its assistance to civil society in 2011 to raising its capacities for electoral education campaigning. Long-term support to civil society development may consist of:
  - Supporting the development of inner capacity development resources of Tunisian civil society such as centres of excellence in civil society research, documentation and training;
  - Strengthening network-based advocacy from more deprived areas of the country;
  - Facilitating, in partnership with CIVICUS, a Civil Society Index exercise (benefitting from a recent similar experience in Egypt);
  - Facilitating access of Tunisian civil society to regional and global civil society networks;
  - Continuing to foster wide dialogue and awareness-raising on an inclusive enabling environment for civil society and civic education;
  - Building capacities of government institutions in charge of supervising and supporting the civil society (pending decisions made in the future civil society legal framework); and,
  - Promoting options and models for public – NGO partnerships for development. Such work will also be necessary at the sub-national level to foster closer relations between governorate and local authorities with civil society.

- **Broadening civic education support:** UNDP will continue providing and expanding its support to governmental and non-governmental institutions active in civic education, as civic education is a long term endeavour. Priority will be given to supporting strategic planning processes for comprehensive civic education policies and programmes run by local actors, responding to the needs of different identity, social and income groups. The constitution-building process, which could extend in 2012, will be a major avenue for mainstreaming best practices in civic education. Support in terms of grants and training will be provided on a priority basis to areas of the country considered as the neediest in terms of access to information on the new democratic paradigm.

- **National volunteer programme:** UNDP envisages working with UNV in providing technical support to national volunteer programmes, in particular for using youth volunteer networks in civic education.

- **State and Citizenship National Human Development Report (NHDR):** UNDP Tunisia will also sensitize the civil society and public authorities on the possibility to produce a State and Citizenship NHDR for 2012, as was done in 2009 in Lebanon, and assist them in this endeavour if they are interested to embark on this project.

- **Media programme:** Longer term support to the role of a professional media as a mechanism of voice and accountability could be provided as appropriate, and as a complement to other partners’ programmes (EU in particular). UNDP will build on a global initiative on communication for empowerment which fosters local media as a mechanism of voice and accountability empowering marginalized and vulnerable groups in the regions. Additional technical and funding support to local media outlets could be provided.
b. Access to Justice and Security and Human Rights

Problem Statement

The Fact-Finding Commission on Abuse during the Recent Uprising (of the Human Rights Commission / HRC) has been given the mandate to document abuses committed from December 17th 2010 and it will continue investigating possible new abuses until the return to normalcy. The HRC conducts hearings and transcribes testimonies, allowing for broad participation. It is so far the only commission that has decentralized part of its work to the regions. Eventually, the HRC will publish a report with recommendations for the public prosecution system. In parallel, the government already provided compensation measures to the families of victims, which is a rare gesture in such situations and bodes well for developing a broader reparation policy for abuses that took place during Ben Ali’s regime. The public debate around the establishment of a fully-fledged Truth and Reconciliation Commission, after the HRC has completed its mandate, to deal with abuses perpetrated during the 23 years of the previous regime (or even earlier) is gaining strength and so far receives broad support from civil society and the public – which also shows signs of impatience with the slow nature of such a process. Unless the government decides to go ahead with such a proposal in the very near future, it will probably be the prerogative of the Constituent Assembly to decide on the opportunity and mechanism for a transitional justice process in Tunisia.

The role of security forces in making democratic transition succeed cannot be overstated. A broad array of interlocutors in government and civil society highlighted the oppressive security system that existed under the previous regime which included numerous layers of statutory and non-statutory forces, some reporting directly to the president and his entourage, and whose only role was to suppress political opposition and impose adherence to the party line. Just after the revolution, hundreds of former police have not reported to duty and some officers have staged protests in Tunis and other cities, claiming they are being wrongly judged, and demanding higher wages. The Minister of Interior granted police officers salary increases and allowed them to form unions, but demanded their immediate resumption of duties as well as other security forces (army, National Guard) or be treated as deserters. The new interim government has also recently taken the drastic step of disbanding parts of the contested security services (political police, national security police); some of their members may also be subject to investigations for serious crimes. It is not known how many security forces are not reporting to work any longer but it could be substantial, meaning that there are potentially nefarious and armed individuals at large that could threaten public order. An increase in petty crime and public disorder since the revolution is already seen. Transitioning from an all-repressive model to that of a public service that respects the rights of citizens will not be achieved by reorganizing police services alone. A policy of social and economic reintegration of members who have been forced to leave the security services should be considered as well as reforming the entire security apparatus towards a more transparent, effective and accountable security sector. It is also urgent to mainstream notions of public service and respect for human rights into the security forces.

Under the government of former President Ben Ali, the independence and impartiality of the judiciary were constantly undermined through the use of executive powers to intimidate and pressure independent judges. In order for judges to exercise their essential functions, without the interference suffered in the past, the judicial system requires comprehensive reform and the roles of structures, such as the High Council of the Judiciary, needs to be reviewed and redefined. Gaps that permitted the influence of executive power over the judiciary, including through the Ministry of Justice (MoJ), must be addressed. Legislative and institutional reforms to guarantee due process are required. Confidence should also be restored in the judicial system, which is seen by many to lack independence and often associated with corruption. Besides this important work on the legal architecture of the judicial system, the Ministry of Justice has also underlined the necessity to bring certain elements of the penal code better in line with international human rights instruments to which Tunisia was a signatory before or has just ratified (e.g. the Rome Convention establishing the International Criminal Court). The Ministry of Justice has also requested UNDP’s support to provide human rights training to judges and judicial staff. In the longer term, the judicial system and
related rule of law institutions (e.g. penitentiary administration) need modernization, to improve efficiency, transparency and protection of the rights of victims as well as suspects and prisoners.

Beyond judicial integrity, additional assistance might be needed to address the professional capacity of justice actors and institutions and improving access to justice for victims and the socially marginalized, through free legal aid and raising legal awareness as a means for legal empowerment. This is essential for the poor and marginalized to be able to claim their rights including inter alia economic and social rights related to land inheritance and to ensure justice responses to criminal victimization.

**Proposed UNDP Response**

The country assessment indicates that immediate priorities in this field are closely interlinked. It will not be possible to separate out the different elements of security, justice and transitional justice for the simple fact that they are, to a large extent, reliant on one another. Public expectation, first and foremost, appears to demand several basic outcomes:

- Domestic prosecution of those agents and drivers of the previous regime;
- Restoration of public safety throughout the country;
- Rapid dissolution and restructuring of the security system, along democratic principles;
- Establishment of an independent judiciary supported by an efficient and accountable state justice institutions;
- Revised legislation that provides the framework through which to achieve these ends.

UNDP, despite this being a new work area for the country office, is able to draw on expertise and capacity from headquarters and numerous programmes in other countries and regions, in order to conduct assessments of the needs in the justice and security sectors in close partnership with the IG and civil society. From a comprehensive assessment process, UNDP will recommend short, medium and longer-term reform processes that could include, amongst other areas, institution building and capacity building of the security and justice sectors, revision of the legislative framework, immediate specialist training for independent judges and access to justice programming, reform and development of security sector governance and an extensive police reform programme.

UNDP will seek partnership with the Office of the High Commissioner for Human Rights (OHCHR) in addressing the needs of this crucial component of a renewed social contract. OHCHR has already carried out in February 2011 a needs assessment mission reviewing important steps to be taken by Tunisian authorities to ensure that a strong and fair justice system prevails, including a prison system that guarantees humane conditions, and that the security apparatus protects and serves the people rather than abusing them. On the 24 of March, the UN Human Rights Council adopted a resolution, by consensus, and invited all parts of the United Nations system, including the Office of the High Commissioner and Member States, to assist the transitional process in Tunisia, including by supporting the mobilization of resources to tackle the economic and social challenges faced by Tunisia, in coordination with Tunisian authorities. The EU is also preparing a Phase II of a large programme on the modernization of the justice sector.

At this stage, UNDP proposes mostly quick-impact activities to provide entry points into the rule of law / human rights nexus and understand better how it could contribute in the longer-term to the judicial reform process. These quick impact activities will take place in parallel to the technical missions that will look at the immediate, medium and longer term needs in this sector (including a UNDP human rights mission planned for April).

**Transitional Justice:**

**2011 Workplan**

- **Direct support to the HRC:** OHCHR and UNDP will work together to support the commission as it needs logistical assistance for its operations and technical expertise. Support could also include consultative work planning covering the intersection between institutional reform in the justice and
security sectors with the need to move towards prosecution/amnesty/reparation for crimes committed by the previous regime.

- **Specialist training for independent judges and lawyers**

- **Training of and support to human rights organizations in investigating violations**: the president of the HRC has noted that civil society organizations can support its work by conducting their own inquiries and submitting their reports to the HRC. In partnership with the OHCHR and the Tunis-based Arab Institute for Human Rights, UNDP can organize training and organisational support to CSOs vetted by the HRC to conduct inquiries on professional standards of investigating human rights violations.

- **Raising awareness on transitional justice**: UNDP will support the HRC, the government and the future Constituent Assembly with comparative experience on transitional justice mechanisms (e.g. South Africa and Morocco). It can also assist the HRC and civil society to raise awareness among the general public on transitional justice and in particular on the necessity for due process and the links between transitional justice and the provision of criminal justice. UNDP should collaborate with OHCHR in providing such support and can tap into regional expertise resting with the Arab Institute for Human Rights, the International Centre for Transitional Justice (ICTJ) and the Kawakbi Centre for Democratic Transitions (Tunisian / Regional NGO).

2012 Workplan

- **Support to the establishment and functioning of a Truth and Reconciliation Commission** (TRC): If and once the decision to establish a TRC type of body to document past violations and conduct truth seeking processes is made, UNDP can assist with capacity development for the commissioners and the TRC staff. It can also provide support in the important area of communications and public outreach.

Judicial Reform

The Ministry of Justice has requested support from UNDP in retraining its workforce, including judges and judicial staff on democratic principles and human rights, in modernizing the judicial sector, in bringing criminal procedures in line with international human rights conventions and in consolidating a true separation of powers through legal reform. It should be noted that legal reform alone will not ensure a true separation of powers, there needs to be political will, oversight and accountability structures in place to enforce such a separation. More fact-finding and consultations need to be carried out to establish the extent of UNDP’s possible support to this area in the longer-term.

2011 Workplan

- **Support to legal reform and establishing the independence of the judicial sector**: UNDP will provide expertise and comparative knowledge to the Sub-Commission on Jurisdictions at the PRC and to the Ministry of Justice and could support inclusive national dialogue on longer term needs for judicial reform in connection with the constitutional debate.

- **Support to legal reform** to bring the penal code and other legislation into accordance with the international human rights instruments ratified by Tunisia.

- **Human Rights training** for judges on mainstreaming human rights principles in Tunisian judicial proceedings through a training of trainers programme run by the Centre for Legal and Judicial Studies (attached to the MoJ). UNDP will contribute process design, training materials and support to training costs. The MoJ has also suggested assistance to the training of civil and military judges on international humanitarian law (in conjunction with the work of the National Commission on International Humanitarian Law presided over by the MoJ). UNDP will seek partnership with the Arab Institute for Human Rights on this initiative, as part of broader cooperation with the Institute on human rights.
training for the public administration. It is important that while such training takes place immediately it is also continued beyond 2011 as part of the broader reform process.

- **Study on access to justice**: UNDP should carry out such an assessment at national and sub-national levels to verify the means by which the general public seeks justice, legal protection, ensure security and create the appropriate channels to raise pertinent issues to the relevant authorities. In addition to looking at the formal justice system, this would look at what informal mechanisms have developed, how to promote understanding and integration of these informal methods into a reformed formal system and how to ensure that such informal mechanisms comply with human rights standards. It would also look at the availability and use of legal/paralegal assistance and awareness to enable people to address legal claims and disputes. The study should also seek to assess the public’s level of satisfaction with their ability to access justice through either formal or informal means with a particular emphasis on vulnerable groups (women, the poor, minors, rural populations, persons with disabilities, and marginalized groups.). The study would make recommendations and propose corrective actions, if applicable, to the government, tribunals and other justice stakeholders so as to ensure greater public confidence in the formal justice system legal awareness, and greater adherence to international standards of human rights in order to ensure that the law works for all.

### 2012 Workplan

- **Judicial reform and access to justice programme**: UNDP will implement recommendations coming from the needs assessment work to be conducted in 2011. UNDP will strive to maintain a rule of law framework approach rather than discrete sub-sector interventions. As part of this programme, UNDP could expand its human rights training support, in collaboration with OHCHR, to more judges, civil society organizations and other ministries, as well as possibly the prison system. It will be important that training is given in the wider context of reform and access to justice initiatives.

In all the above, UNDP will benefit from the Regional Bureau of Arab States (RBAS) regional programme in supporting networks of public prosecution.

**Security sector reform**

The MoI has requested assistance from UNDP to help it sustain the change process that it has embarked on following the revolution. Comprehensive reform of the security services is a long-term endeavor that will require significant investments to streamline and professionalize the security forces and make them fully accountable to democratic civilian authorities. It is also urgent to deal with the sudden demobilization of a large number of security forces, both statutory and non-statutory, and assist their social and economic re-integration in society. UNDP has experience in post-conflict countries with both short-term and long-term security sector reform interventions and could assist the government in its efforts to restore law and order. UNDP is also well positioned to champion with the Tunisian authorities and civil society a holistic approach to human security not one solely based on improved governance of the security sector. Improving human security also entails community-based work and breaking the vicious circle of poverty breeding insecurity and vice-versa.

### 2011 Workplan

- **Security sector assessment (SSA)**: UNDP will mobilize its internal expertise (BDP/BCPR) and comparative experience (e.g. recently in Guinea) to conduct an assessment of: (i) the security situation (security threats and challenges to Tunisian citizens and the state, internal and external, including border control); (ii) the governance of security institutions, including development of democratic civilian oversight and ensuring accountable command and control (iii) the legislative framework for the sector (iv) professionalization of security personnel (v) the security, political, social and economic consequences of the sudden forced demobilization of a number of police and security forces. UNDP would also be in a position to provide immediate advice to Tunisian authorities on the pressing issue of vetting processes and reintegration for members of dissolved police branches and non-statutory forces. A perception survey can be also considered, if the resources and time is available to create a baseline
for public confidence in the sector against which the impact of interventions can be measured through follow up studies/surveys. This SSA will be conducted under the leadership of the Ministry of the Interior and involve setting up a consultative board (including relevant political and social actors and, eventually, the UN and some representatives of the international community), assembling a technical team (nationally led with international support or independent international experts with some national expertise and support to include representatives of ministries of finance, planning and justice) and a wide consultative process with social, political and security actors on the findings and recommendations. Other development actors, in particular some EU member states that have a particular interest in the security stability in Tunisia, will be invited to contribute to the assessment, while the UN maintains leadership for neutrality purposes.

- **Human rights and democracy trainings for police**: security services in Tunisia need to be thoroughly re-trained to ensure that human rights principles are integrated in their daily practice. A rapid results training programme can be initiated with the MoI, on the basis of initial SSA findings, and in collaboration with similar initiatives run with the MoJ and the MoE, until a more developed strategy of Security Sector Reform is in place, with priorities set for training programmes in support of important reform elements.

- **Public Outreach Support to the Ministry of Interior**: the Ministry has also asked UNDP to assist in communicating a new image to the public. Public confidence will be based on performance and action. The ministry is making attempts at reforming itself and shedding its image of a repressive and corrupt force and will be encouraged to increase transparency and consultation in its planning. UNDP could assist with expertise in devising public outreach campaigns and tools, building upon, for example, the human rights and democracy training programmes that will be carried out, in order to start projecting a different image reflecting the reality of reform as it progresses. UNDP will also sponsor consultations and public debates around the role of security forces in a democratic Tunisia (within the context of the constitutional debate).

**2012 Workplan**

- **Support to the implementation of the Security Sector Reform**: assuming that the outcomes of the SSA and further consultations with actors of the security nexus call for UNDP involvement in this area of work, and that the new government considers SSR as a priority, UNDP will become involved in 2012 in assisting government to implement parts of the SSR that require external expertise. It is foreseen in any case that support to the Ministry of Interior for public outreach campaigns will continue well into 2012.

c. Public Administration Reform

**Problem Statement**

The National Fact Finding Commission on Embezzlement and Anti-Corruption (ACC) must investigate financial, property and customs records in order to establish the facts related to perceived corrupt practices both within the private sector as well as in the public sector. The ACC faces many challenges in its path so far. Members of the ACC have received threats. An interim ruling to suspend the activities of the ACC was issued following a complaint filed on February the 28th by a group of lawyers. However, the chairman of the commission said that the commission will remain, and was backed up by the president. The ACC must conduct thorough analysis of the evidence and forward to the public prosecutors cases deemed eligible for immediate trial. The ACC will produce a report for the public at the end of its mission. It is already known as well that the ACC will recommend setting up a transitional justice mechanism to deal with the huge caseload of cases of financial embezzlement and corruption. Furthermore, the ACC has suggested to UNDP that it will also recommend: (i) developing a national anti-corruption strategy, and (ii) the creation of a new National Anti-Corruption Commission.
The revolution has not only led to improved access to information and freedom of expression in Tunisia, it also creates a heightened popular demand for participation in the policy debate and creates expectations that public authorities should now demonstrate an utmost level of accountability. However, the Tunisian public administration has been shaped by decades of highly centralized management style, overpowering interference by the party structure and, most negatively, petty corruption and manipulation of public information. As an illustration of this, it is now being revealed that many critical governmental statistics, in particular related to unemployment, were regularly tampered with to conceal the deepening social and economic divides in the country. It is urgent therefore to help the government in opening access to social and economic statistics, as well as to public financial management figures. The Joint Mission on Budget Support (JMBS) recommends as well that micro-statistics data (household surveys) be made anonymous for direct public access.

What is needed in the long-term is a complete change of attitude and practices in public administration with regards to accountability and responsiveness; such change has already been initiated in a number of pilot administrations, under the leadership of the Prime Minister’s Office (including with UNDP support) but now that the political will is much stronger to achieve real transformational change in the public administration culture, much more support is needed. Change should be pursued simultaneously both at central and sub-national levels but with a strong leadership coming from the core of the government machinery. Furthermore, the JMBS proposes immediate measures towards the simplification of a number of administrative processes in relation to the business environment and services to citizens. UNDP, through its current programme for the modernization of the public administration (MODAP) is very well positioned to assist the government in this endeavour.

**Proposed UNDP response**

**Fighting against corruption**

**2011 Workplan**

- **Support to the Anti-Corruption Commission**: UNDP will soon field a scoping mission to establish the commission’s technical and logistical needs. The mission will also assess the feasibility to conduct a gap analysis at a later date. The ACC started receiving complaints at the beginning of February and it needs assistance in establishing a complaints handling mechanism in addition to strengthening its investigative capacity. UNDP has also received a request for logistical support to the secretariat of the ACC. Another objective of this mission would be to contribute to the lobbying efforts of the ACC towards the interim government to remove reservations that Tunisia had on ratifying the United Nations Convention Against Corruption (UNCAC).

- **GAP analysis and national strategy against corruption**: UNDP stands ready to field a senior anti-corruption expert to conduct a GAP analysis. One of the outcomes of the GAP analysis would be a road map to developing a national strategy for combating corruption. To build support for this road map, UNDP proposes to support the ACC in holding, after the July elections, an international conference on best practices in fighting corruption. UNDP will seek partnership with Transparency International for this event.

- **Support to the UNCAC process**: UNDP will provide comparative knowledge and technical assistance, using in particular the facility provided by the UNDP Regional Programme on Anti-Corruption, to implement UNCAC recommendations on combating future corruption and protecting witnesses and whistle-blowers. Support on legislation on financial disclosure by those in political and civil service posts can be drawn from the regional UNDP programme on parliaments.

- **Support to the Cour des Comptes /National Audit Board (CdC)**: UNDP has been supporting the modernization of the CdC since 2006 with the introduction of total quality management systems, better human resources management and alignment with international norms. UNDP has also assisted the CdC in joining regional anti-corruption networks. The current programme needs to be re-assessed in
the light of the new political, legal and institutional situation in Tunisia, and in particular the government’s intention to take bolder steps towards fighting corruption in the public administration.

2012 Workplan

• **Support the development of a National Strategy for Combating Corruption:** following the international conference on fighting corruption organized in 2011, UNDP will continue providing process support to the ACC, government and civil society, in their efforts to draft a Tunisian Strategy for Combating Corruption at all levels of government and the private sector.

• **Contribute to the establishment of a comprehensive anti-corruption system:** based on the national strategy, UNDP will offer tailored support to assist with the strengthening and expansion of the legal and institutional framework for combating corruption in Tunisia. This could include building the capacities of a new independent Anti-Corruption Agency if this is so decided.

• **Empower civil society and media to combat corruption:** the role of CSOs and of the media in combating corruption and promoting transparency and accountability principles can be stimulated by building their capacities and supporting legal and sector research on anti-corruption. This work should be linked / supported by the Arab Anti-Corruption and Integrity Network (ACINET) in order to maximise synergies.

2011 Workplan

• **Supporting public policy-making processes:** UNDP has discussed with its counterparts in the prime minister’s office the establishment of a think-tank linked to the Prime Minister’s Office tasked with improving information collection and analysis and facilitating public participation in the policy debate and the monitoring of the government’s actions. Such an entity could if considered relevant build on experience of the Information and Decision Support Centre in Egypt (established with UNDP Egypt support). This facility could help develop projects and activities embodying the advent of a new social contract between government and the people such as institutionalized grassroots consultation mechanisms or governance performance dashboards. Preparatory advocacy work and consultations will be supported in 2011 and a partnership with the IDSC in Egypt could be proposed.

• **Preparations for a national visioning exercise:** UNDP proposes to support the prime minister’s office in launching, in partnership with political parties, civil society and the private sector, an inclusive reflection process on a new model of social and economic development for Tunisia. This process would prepare the ground for a national visioning exercise that could coincide with the constitutional debate, and be concluded by the next government which will have increased legitimacy. Different process options are available for this exercise but consultations outside of the national power centres are needed at some point. As an entry point, UNDP could bring high-profile speakers from Latin America, southern and eastern Europe or Indonesia (countries that have been through similar holistic transition process) to share their experience in a seminal event. UNDP would use its comparative experience in using participatory tools and mechanisms to support a longer-term grassroots

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13 Preparatory work on governance indicators done previously but lack of political will under former regime to pursue further.
consultation process that can carry effectively the voice of the poor and marginalized into the national policy debate. UNDP will contribute as well to the Carthage Conference on Reforming the Social and Economic Sectors to be organized by the Government in mid-2011 by presenting a number of case studies from the region on effective citizen participation in the policy cycle. This work would dovetail naturally with the efforts UNDP will put in to facilitate national debate on the democratic and constitutional reforms that remain at the core of the transition process (see Democratic Processes section).

- **Building awareness and coalitions for social accountability**: UNDP will invite members of the Constituent Assembly, representatives from civil society, public authorities and the private sector to learn from and discuss the concept and best practices in social accountability. The UNDP Regional Centrecould make available technical expertise if requested on social accountability based on a regional initiative on social accountability that started in 2010.

- **Comparative experience roundtables on transitions in public administrations**: building on diverse approaches utilised in transforming public administrations following transitions to democracy, UNDP could make available appropriate advice, expertise and models.

### 2012 Workplan

- **Mainstreaming social accountability through a holistic government approach**: based on the outcome of the series of debating activities proposed for 2011, UNDP will prepare a programme to assist the government in mainstreaming social accountability mechanisms directed to all levels of the public administration, in particular in geographical areas of greater human development needs. Such a strategy will involve:
  - Supporting public and private institutes – including EcoleNationale de l'Administration(ENA), Institut Arab de Chef d'Entreprises(IACE), Governance Observatory, etc.) to develop improved training curricula for civil servants on transparency, accountability and ethics;
  - Sponsor pilot projects on measuring perceptions and evaluating service delivery (e.g. Citizen Report Cards), using gender-sensitive and pro-poor indicators, could be supported in a number of pilot localities;
  - Supporting the establishment of private and independent think tanks promoting and monitoring transparency in public policies, accountability and participation; and,
  - Support the work of CA/parliamentary commissions as part of the social accountability architecture.

- **Building awareness on youth perceptions on public administration integrity**, focusing on recruitment, hiring, incentives and accountability in the public service in order to highlight the need for transparency and fairness and break away from nepotism and other corrupt practices of the past.

### d. Local governance for development and youth employment

**Problem Statement**

The local governance system is undergoing serious disruption and changes throughout the country since the revolution. Buildings of local authorities and some service providers at the regional level have been burnt and destroyed in many locations (no figures yet available from the Ministry of Interior) and several locally elected leaders have had to resign from their positions due to threats and a complete loss of legitimacy with the public. The government is now considering officially dissolving all municipal councils and replacing them with ad hoc councils formed through “consensus” by local communities. These councils would then propose emergency programmes to deal with the most important infrastructure rehabilitation needs (following damages occurred during the revolution) and social needs. Reports from the field also indicate the emergence of new local governance actors, such as Committees for the Protection of the Revolution. This denotes a strong desire for participation in local governance but is also evidence of certain politically-minded groups trying to occupy the power vacuum to assert their authority in time for
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the upcoming elections. Much more information and analysis is needed in this respect, in particular on the conflict potential of the current local governance situation.

On the other hand, the Ministry of Interior and the JMBS have confirmed the gravity of the financial situation of most municipalities in Tunisia, in particular for their running costs. On average, Tunisian municipalities gain 75% of their operating budget from local taxes and 25% from governmental transfers. In the wake of the revolution, local tax collection has gone drastically down (up to a 75% decrease in some areas) as the population has stopped paying local taxes or has seized the opportunity of the current situation of relative lawlessness. Municipalities in tourist areas have also seen the income earned from hotel taxes going down. The JMBS has proposed to divert part of the direct budget support effort directly to municipalities to offset the negative consequences of the revolution on their finances. The government is still reluctant to follow such an approach as it sees it as a diversion from the general principles of budget support (un-earmarked allocations). Besides, the government is planning to launch an emergency capital investment fund to boost local development. It will be executed through local governments.

The revolution has definitely highlighted the importance of adopting stronger regional / local development policies in Tunisia and reinforcing the mandate and resources of local governments. In the mid-term, the decentralization process needs to be re-thought and re-launched as it will now unfold in a completely different paradigm than under the previous regime where the proposed decentralization was mostly limited to its administrative dimension. Decentralization as a core element of the democratic governance edifice, involving all sectors of the society, and as a necessity for increased and more equitable local development, is central to the debate on a new social contract. Decentralization will probably be one of the key points in the constitutional debate.

One of the sources of frustration that sparked the revolution was the lack of job opportunities for youth and the high level of socio-economic disparities between different regions of the country. Long term unemployment amongst educated youth has become a critical problem over the period since 2004 and currently affects one in four graduates, due to the inability of the economic model followed to produce jobs that require high levels of skill. Youth are also more prone to unstable and insecure job contracts14. Dealing with the unemployment problem at the national level is dependent on the adoption of a radically different development model, which can only be adopted by an elected government, following an inclusive consultation process.

Unemployment and poverty statistics vary dramatically between different areas of the country, with the capital and coastal regions benefiting from infrastructure and tourist revenues, and the rural Northwest and central/southern regions suffering from chronic under investment both by the private sector as well as the public sector. There is thus a clear need for more focus on dealing with regional disparities, including very high rates of youth unemployment in deprived regions.

The government now has to manage expectations of improvements in social conditions, at a time when the Tunisian economy and government finances are weak, in order to ensure a smooth transition to a new and truly inclusive development model. As an initial response to this challenge, the interim government is launching a major economic restructuring initiative with support from four major donors with four areas of focus, namely economic governance, financial sector reform, employment creation and social and regional development. There is definitely scope within this initiative for the UN to advocate for a discussion of the role of the state in order to initiate the move towards a developmental state. With respect to economic governance, the UNDP has a lot to offer in terms of transparency of public finances and access to information on economic issues. The UN can also weigh in on issues such as the most socially optimal means of promoting decent work and regional development.

Previously, despite the existence of regional development authorities under the Ministry of Development and International Cooperation, local and regional development was managed in a centralized manner with no meaningful decentralization. The creation of a new Ministry of Local and Regional Development (MLRD), hopes to address the coordination challenges that existed between various ministries including the Ministry of Social Affairs, the Ministry of Planning and International Cooperation, and the Ministry of

14In 2010, 90% of new jobs created were short-term contracts against only 20% in 1980 (UGTT).
Employment. It is also probable that a move towards genuine decentralization of governance and public investment for development will be engineered in the mid to long term. As a first example of this change of paradigm, the Government of National Unity (GNU) has just announced its decision to suspend elected regional councils and replace them with broad-based consultative bodies representing a large array of sectors from the civil society, professional unions and community organizations. The GNU may require donor support to this sudden institutional re-engineering to make it successful in a short time (since it is probable that more permanent structures will be established by the next elected government).

Given many years of neglect of social and productive infrastructure in deprived regions, the state will have to allocate substantial additional resources to allow a major expansion of infrastructure in these regions. A start is being made through an announced reallocation of 500 million Tunisian Dinars (USD $385 million) to local development. Making good use of these resources so that the most needed infrastructure is targeted and that the construction process itself is used to generate the maximum injection into local economic activity in the immediate term through use of labour intensive methods and local materials to the extent possible, is key to maximizing the benefits to be had.

Another major challenge that has to be overcome relates to the need for inter-ministerial cooperation and a healthy relationship between civil society actors, including any community groups to be supported through community driven development initiatives and elected / representative local bodies.

Proposed UNDP Response

Local governance and decentralization

UNDP in Tunisia has a long history of supporting local development dating back to the 1990s when plans for promoting human development in some of the most deprived regions were produced, as well as a local governance initiative that continued into the 2000s and targeted a number of the poorer governorates. UNDP Tunisia will build on this track-record of achievements and close relationships built with a number of regional authorities and communities in Tunisia to restore its local governance and development portfolio in order to meet today’s challenges and take advantage of the great opportunity for constructive engagement in regional development in the new democratic and developmental paradigm spreading over the country. The analysis on regional disparities contained in the unpublished MDG national report from 2009 positions UNDP well for working on local economic development (LED) issues.

UNDP is also well placed to play an important role in informing the debate around decentralization due to its past involvement in Tunisia in supporting capacity development of municipalities, its on-going support to e-government at the local level and its regional / global comparative experience in assisting decentralization reforms. The Ministry of Interior (Directorate for Local Government Units) has indicated the urgent need for conducting a series of studies that will help the government respond to immediate priorities (in particular to bridge the funding gap of municipalities) and plan ahead for the decentralization reform. These studies are: (i) Study on local finances and central transfers in the wake of the Revolution; (ii) Strategy for Decentralization; and (iii) Establishing urban communities.

2011 Workplan

- **Assessment mission on post-revolution local governance**: UNDP can deploy immediately a consultant for assessing the current state of local governance and power structures in a number of localities in Tunisia and conduct a conflict analysis at the local level. The mission would also look at immediate needs in terms of capacity development of the newly appointed governance structures. This will be very useful to inform both UNDP’s short-term programming in support of early recovery but also for mainstreaming conflict prevention in future local development programmes. It will also help to focus the more elaborate local governance assessments process as proposed below. The assistance of BCPR in-house expertise will be sought to support rapid deployment for such a mission.

- **Capacity development for temporary local governance bodies**: in a number of pilot locations, especially those targeted under the regional development initiatives and early recovery pillar of this strategy (see below), UNDP can sponsor quick-results training and provide technical assistance to
newly-appointed councils and municipal authorities to help face immediate challenges of: (i) physical reconstruction; (ii) functioning as democratic institutions; (iii) response to increased demand for transparency / accountability, and (iv) maintain basic services delivery. UNDP will partner with the Ministry of Interior and MLRD. The assistance of BCPR will be sought to design a short and focused training programme.

- **Local governance assessments (LGA):** in order to inform the public debate on decentralization and local development, which is already gaining momentum and will become prominent at the time a new constitution is drafted and a new elected government takes office, it would be very useful to produce a detailed picture of the state of local governance and service delivery at the local level and including a gender / poverty perspective as well as indicators measuring potential for conflict. UNDP has the global expertise on local governance assessments, through the Oslo Governance Centre (OGC). It will be critical to ensure local ownership of the methodology used and involve both central and local governments, as well as social accountability groups. To sensitize the new MLRD on this activity, UNDP could convene a small meeting of local governance assessment experts from the region (Jordan, Egypt, Morocco, Mali, etc.) with the presence of the OGC in the near future. The conduct of the LGA exercise could be synchronized with the preparation of a regional HDR report and a public consultation process on decentralization. In any case, preparatory work can start soon but the assessment exercise itself should only start some months after the appointment of new local / regional decision-making councils has been completed.

- **Local government options study:** at a time of complete rethinking of the country’s local government structures and modalities, and within the broader policy debate on decentralization, UNDP could support the conduct of a study evaluating the feasibility of different models for a new local government structure in Tunisia. UNDP has experience in conducting such work in other countries, oftentimes in partnership with the UN Capital Development Fund (UNCDF). This study would be informed by the preparatory work on the current state of local governance. It would contribute to building a national strategy for decentralization, which is usually a long term process that will most probably spill into 2012.

**2012 Workplan**

- **Support to developing a national strategy for decentralization:** UNDP could support the consultation and assessment process needed to finalize such a strategy, in close coordination with other development partners (in particular the WB/ADB for fiscal decentralization aspects and the EU for political / administrative decentralization). UNDP’s existing cooperation with the Prime Minister’s Office is a good entry point to play a key role in assisting with this strategy as a comprehensive political, administrative and fiscal decentralization reform will require a high-level of inter-ministerial cooperation and coordination. It would also dovetail with UNDP’s proposed involvement in supporting the constitutional drafting process. UNDP would ensure that the development of this strategy is done with ample consultation of local authorities and civil society, as well as the private sector.

**Local economic development and youth employment**

Regional level programming, which should become possible as security on the ground improves, would allow UNDP to build on its sizeable environmental portfolio while supporting local economic development and local governance, through poverty-governance-environment cross practice work.

UNDP has been engaged in a joint programme on youth employment and migration since 2008 in collaboration with the Food and Agriculture Organisation (FAO), the International Labor Organisation (ILO), the International Organisation for Migration (IOM) and the United Nations Industrial Development Organisation (UNIDO). This programme had focused on three regions with high youth unemployment rates, Le Kef, Gafsa, and greater Tunis. UNDP has conducted analytical work on the characteristics of unemployment in each region and has worked on analysing how social protection programmes can also be
a means of social entrepreneurship to create jobs within communities. This programme will also ensure coherence between regional employment plans and the regional development plans.

UNDP should engage in the longer term in a discussion about the role of the state and the economic development model adopted in order to provide the required economic support to a new social contract of mutual accountability between the state and citizens. In this connection it is critical to support the development of a competitive and inclusive private sector and increasing the share of direct taxes in government revenues to ensure a more responsive public sector and a more vigilant public that holds government officials to account. Based on global experience of successful development processes in east Asia and lately in Latin America, the state has a major role to play in facilitating economic development. UNDP will also seek to integrate its global work on Growing Inclusive Markets into support for Tunisia.

2011 Workplan

- **Policy support for regional planning**: UNDP’s comparative advantage in regional economic planning and leadership in preparing a national MDG report (2009 unpublished) focussed on regional disparities will assist in supporting the new Ministry of Local and Regional Development (MLRD) to advocate for stronger policies that will support local economic development and improved regional employment strategies. UNDP, in partnership with ILO, has begun to work on regional employment plans in two target regions, which are part of broader regional development plans.

- **Pilot regional development initiatives with a focus on youth employment**: UNDP proposes to work with regional development authorities in more deprived regions to render operational meaningful regional planning and experiment with innovative schemes for productively employing the youth in these regions. In 2011, the work at the regional level would clearly have to have a focus first on employment creation, particularly amongst educated youth, drawing on what is already known about sectors that offer the best hope of vigorous economic activity in each region. Based on successful experiences in participatory and community driven development at the local level, the intervention would also start by organizing the poor in the selected areas into affinity groups to focus on identification and implementation of a range of social and economic projects. UNDP would be assisting with organization and developing the technical capacities of participants to undertake various projects as well as linking them up with sources of finance. To launch a more detailed programming exercise for this initiative, UNDP is recruiting a national Local Economic Development expert who will assist in selecting the project site and conduct initial in-depth assessments.

Given the largely rural character of deprived regions, it is clear that the local development intervention would have to have a clear environmental/natural resource management aspect. Organic agriculture is also likely to play an important role as it can produce higher value added and generate more employment per acre of land. Effective project implementation at a decentralized level would call for regional project managers in each region to be covered and activation of effective project steering committees at the inter-ministerial and regional levels. The main risk with any such initiative is managing expectations and achieving the right balance between optimism and realism. The intervention should clearly focus on activities that can bring about results reasonably quickly by building on foundations already laid by existing projects at the regional level, while adjusting those projects to ensure maximal focus on experiences that can be up-scaled.

UNDP will also seek to launch, through a needs assessment mission, work on growing inclusive markets.

2012 Workplan

- **Regional development programme**: the pilot initiative started in 2011 should be carefully documented and based on lessons learnt schemes should be formulated for implementation at the national level. Clearly, given the extent of regional disparity problems, staying with the pilot initiative is not a viable option. This will include revising national approaches to job creation as well as regional
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development. Links will also be established with the UNDP upstream policy support on
decentralization.

e. Livelihoods and Social Cohesion

Problem Statement

Starting on February 15, 2011, violent protests broke out in Benghazi, in eastern Libya. The escalating
violence has forced thousands of migrant workers to flee Libya into both Egypt and Tunisia. Most of these
migrants are expected to be repatriated back to their countries of origin. The flow of migrants that cross
the border in RasJedir, Tunisia is estimated at 140,000 people who have crossed into Tunisia since late
February. Although the flow of migrants had slowed the first two weeks of March, it is believed that Libyan
forces may have been stopping people from accessing the Tunisian border. With the declaration of the
No-Fly Zone on March 17 and the escalation in the fighting in Libya, it is possible that there will be
another influx of people coming across the Tunisian/Libyan border.

The local communities on the Tunisian border have shown remarkable solidarity and capacity to take care
of the migrants, while they are awaiting to be repatriated to their country of origin, however, the bottleneck
reached a tipping point on March the 1st. They have offered schools, youth centres, and their homes to
shelter people temporarily. Even if temporary, this massive inflow of migrants is stretching the capacity of
the local communities. Humanitarian assistance is on-site to assist with the evacuation; however, livelihoods
programming for the Tunisian communities on the border is of paramount importance.

Tunisian migrants that are returning to Tunisia are coming home penniless and jobless. It is estimated that
over 100,000 Tunisian migrant workers were living in Libya. Additionally, the communities that lived from
trade between Tunisia and Libya are being badly affected by the reduction of flow of goods. Tunisian
merchants would cross the border daily to sell consumer goods and food, and many would return with
petrol and gas that is sold for around $0.25/liter in Libya, versus $1/liter in Tunisia. This will impact the
community that is suffering from reduced trade, and simultaneously there is an increased stress on the
community that may eventually begin to receive refugees from Libya.

Proposed UNDP response

Livelihoods, social cohesion, and local governance

After a fact-finding mission in the Libyan border area, UNDP proposes to start providing early recovery
assistance immediately to Ben Guerdane area, a city of approx. 100,000 inhabitants located in the Medenine
Governorate, in south eastern Tunisia. Ben Guerdane inhabitants live off formal and informal trade with
Libya as the main alternative to develop their own local economy and their city. Since mid-February, due to
recent political events in Libya, the Tunisia-Libyan border has been closed for trade, seriously hampering
cross-borders business activities. The impact of the current crisis in Libya and immediate impact on cross-
border trade is taking a huge toll on the local economy and directly threatening the livelihoods of a large
section of the local population. With the closing of the borders and no sustainable perspective in front of
them, some local interlocutors indicated there was a risk for protests or even social violence. Furthermore,
no mayor has been appointed for Ben Guerdane and there will be a need to strengthen current ad hoc local
governance structures. The population of Ben Guerdane needs to regain confidence in local and regional
authorities.

2011 Workplan

- **Ben Guerdane livelihoods programme**: in light of the above reflection, UNDP clearly sees the
  importance of livelihood and social cohesion intervention that could be articulated around the
  combination of the following components:

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15 According to local sources, 80% of the municipality population directly depends on cross-borders business with Libya.
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- Labor-intensive activities addressing infrastructure priorities, providing employment to the most affected and economically vulnerable resident populations.
- Labor-intensive activities in the rural sector in support of the fight against desertification
- Micro/small grants to support individual activities mainly in the agriculture sector
- Strengthening of livelihoods sub-components, such as for instance monitoring the implementation of micro-grants…).
- Support to social cohesion and civil society through community dialogue, community involvement (selection of the most vulnerable workers for labor-intensive activities)
- Strengthen community ties with local and regional government and promote increased accountability of local governance institutions

2012 Workplan

Depending on the duration and evolution of the scale of the conflict in Libya, UNDP assistance in Ben Guerdane in terms of early recovery activities might have to be extended (and possibly expanded in the worst case scenario) in 2012. Even if the situation were normalize in Libya, the impact on local livelihoods would still be felt in 2012 and UNDP would continue supporting the recovery of the local economy. In any case, it is proposed that UNDP’s involvement in Ben Guerdane become part of its broader strategy in demonstrating new and improved models of regional / local development and strengthening of local governance. Ben Guerdane could become part of a network of regional development initiatives as explained under Section 4.
5. PROGRAMME SEQUENCING AND PRIORITIZATION

The sequencing of activities in the proposed transition programme needs to take into account context elements, in particular progress made in the political transition and the building of new institutions, the evolution of the socio-economic situation (in particular in areas where the revolution started) and the conflict in Libya, as well as UNDP’s current capacity and surge strategy.

As the political process remains the decisive factor in UNDP’s governance programming, we have chosen to organize the sequence of proposed activities and further programme development according to the planned election date of 24th of July – which is just 4 months from now. This timeline also corresponds to the period necessary for the Country Office to increase its human, operational and financial capacity to deal with an enlarged programme addressing short and mid-term governance and development challenges in Tunisia.

In short, the proposed sequencing of activities is as follows:

**Electoral Period (March – July 2011)**

The top priority in this period remains support to Tunisian electoral institutions and key stakeholders in organizing credible elections with inclusive participation of informed voters, with a strong focus on youth participation.

Additional planned activities for this period include:
- **Democratic Processes:**
  - Dialogue and consultation support to the Political Reform Commission; and,
  - Initial civil society development support through: mapping and capacity assessments followed by quick-results training on organizational management, leadership and communications training, and assistance to finalizing the new civil society legal framework.
- **Access to Justice and Security:**
  - Support to immediate logistical and technical needs of the fact-finding commissions on violations of human rights;
  - Initiating a human rights training programme for CSOs involved in investigating violations, as well as for trainers of the Ministry of Justice and Ministry of Interior;
  - Supporting the exchange of comparative experience on transitional justice; and,
  - Security Sector Assessment.
- **Public Administration Reform:**
  - Support to immediate logistical and technical needs of the anti-corruption commission;
  - GAP Analysis;
  - Supporting the launch of a multi-stakeholder national visioning exercise for a new development model; and,
  - Raising awareness on transition in public administrations.
- **Local governance for development and youth employment:**
  - Support to finalization of two regional employment plans.
- **Livelihoods:**
  - Launching Ben Guerdane livelihoods programme with initial focus on labour-intensive activities.

This early phase of the transition period, during which UNDP CO’s capacity will be scaled up, will also be the occasion to pursue programme development in various priority areas through the following planned missions / studies:

- Feasibility of constitutional support;
- Access to justice study;
- Feasibility study for a ministerial think-tank on policy-making support; and,
• Fact-finding mission on post-revolution local governance.

**Constitution Building Period (August 2011 – January 2012)**

The priority in this period will be supporting an inclusive constitutional process as well as delivering concrete results in terms of youth employment.

Additional activities planned will build upon initial awareness-raising and partnership-building work carried out in various areas during the electoral period. It will include:

- **Democratic Processes:**
  - Developing capacities of electoral institutions and preparing electoral stakeholders for the next round of elections;
  - Strengthening the capacities of civil society through support to civil society resource centers;
  - Awareness-raising on the new civil society legal framework; and,
  - Broadening support to national civic education initiatives and institutions.

- **Access to Justice and Security**
  - Assisting the establishment of transitional justice mechanisms;
  - Support to the finalization of a holistic rule of law framework reform, including security sector and the judicial system; and,
  - Continuing and expanding human rights training to rule of law institutions.

- **Public Administration Reform**
  - Support to the Cour des Comptes;
  - Preparation of a national anti-corruption strategy and support to UNCAC process;
  - Support to public administration reform for increased participation and coordination in policy-making; and,
  - Developing capacities for social accountability.

- **Local governance for development and youth employment**
  - Local government options study and launching local governance assessment programme; and,
  - Pilot regional development initiatives with focus on youth employment and continuing policy support to regional planning.

- **Early Recovery:**
  - Continuing Ben Guerdane early recovery programme with focus on capacity strengthening of local authorities.

**Democratic Consolidation Period (January 2012 – December 2012)**

During the second half of the transition period, UNDP will consolidate and expand its support to democratic processes (elections, civil society, social accountability, local governance and decentralization) and local development for youth employment. UNDP will build upon results achieved in 2011 by pursuing the consolidation of its portfolio into the following programmes:

- Electoral capacity development programme;
- Parliamentary development programme;
- Access to information and civic engagement programme;
- Transitional justice and rule of law reform programme;
- Accountability and responsiveness in public administration programme; and,
- Regional development and youth employment programme

A tentative sequencing calendar is presented in Annex 1. It also demonstrates staffing and resource mobilization targets that need to be met to guarantee implementation of the transition strategy.
6. CAPACITY SCALE-UP AND RESOURCE MOBILIZATION PLAN

To deliver the new programme outlined the UNDP office in Tunisia will need to recruit new national and international technical expertise over the course of the next 9-12 months. Immediately upon the commencement of the transition, UNDP fielded through its internal SURGE mechanism three high level advisors to assist the Tunisia Country office as well as on-site support from regional advisers. The continuing capacity of UNDP Tunisia to implement the proposed transition strategy in Tunisia requires:

- Maintaining the technical support through internal UNDP SURGE mechanism at the current level for an additional 6 months as well as global and regional technical back-up and consultant missions;
- Expanding its human resource base, both in the programme and operational sections;
- Developing a host of new strategic partnerships, mostly with Tunisian and regional institutions, in particular in civil society; and,
- Acquiring necessary additional office space and logistical capacities.

UNDP is addressing the Tunisia Country Office support needs to the extent possible internally within the present difficult budgetary environment. However, the success of the programme will be crucially dependent on significant additional financial resources through external funding (donors, government funding).

Staffing Plan

The Country Office has prepared a staffing plan to support programme expansion. These recruitments would be staged over the next 9-12 months, with priority staffing in the immediate short-term for electoral operations (3 already achieved) and the local economic development programme.
Programme des nations unies pour le développement

Resource Mobilization

The following resource mobilization targets have been estimated pending more advanced planning work in developing concept notes and project proposals for the proposed activities. UNDP Tunisia Transition Programme Budget 2011-2012 (in USD$)

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<td>1 685 000</td>
<td>3 910 000</td>
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For the combined electoral and constitutional period (leading tentatively till Q1 2012), the resource mobilization plan is as follows:

- **Funding target:** 5 595 000
- **Available (TRAC/BCPR):** 700 000
- **Funding Gap:** 4 895 000

This figure does not reflect commitments from global and regional programmes to support UNDP Tunisia programme during the immediate transition period.

This is a living document and will be updated on a regular basis as circumstances require.
ANNEXES
Annex 1: Timeline for Implementation

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<th>Area</th>
<th>ELECTORAL PERIOD</th>
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5. Support to National Strategy for Decentralization

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