



TACKLING CORRUPTION RISKS IN TUNISIA'S DEFENCE SECTOR

The Current Outlook

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1. INTRODUCTION

The Tunisian anti-corruption landscape has developed significantly since 2011. Tunisia has created anti-corruption institutions, issued stronger legislation on public access to information and protection of whistle-blowers, and proposed legislation on declaring assets and probing illicit enrichment. This marks positive progress that should be both applauded and capitalised upon.

Yet the defence sector – which generally enjoys strong public trust – has not received the same scrutiny. Research indicates that it is often exempted, on the basis of national security, from significant reform. Tunisian defence spending has been rising, with an increase in expenditure of almost 64% from 2011 to 2016. But transparency and integrity structures have not kept pace. This presents an urgent challenge. Secrecy and weak oversight are the breeding ground of corruption. And corruption undermines defence institutions, reducing their capability to respond to threats, and leads to wasteful spending. With a national emergency declared and rising defence spending, strengthening defence integrity and tackling weaknesses leading to corruption should be a priority for the Tunisian government.

In 2015, Transparency International conducted an extensive assessment of the institutional strengths of the Tunisian military, as part of the Government Defence Anti-Corruption Index (GI). Tunisia was found to be at a lower risk of defence sector corruption than other states in the region and was the only country in the region to move up in score since 2013. The report identified a number of reasons for this increase: democratic oversight had increased since 2011, in part due to the drafting of a new constitution in 2014; the Defence Minister had shown a relative openness towards civil society, renewing his pledge to produce a white paper on national security, including defence policy, with the help of civil society, parliament and international partners; and the President had taken steps to end regional favouritism in the appointment of senior military officials.¹ All of these were important moves toward greater accountability.

But there was still a long way to go. A score of “D,” while the highest in the region, still indicated weak institutions and a high vulnerability to corruption, and TI-DS analysis pointed to several priority areas for reform. These included increasing transparency in defence budgeting and procurement, and recruitment and promotion in the military, as well as improving institutional oversight of the defence sector, for example by improving the capabilities of relevant parliamentary committees.

Two years on, the political landscape has continued to evolve. Maintaining national security is one of Tunisia's most pressing priorities, and the country has been in a state of emergency since November 2015. The defence and security sector faces multiple challenges, including a threat from extremist group attacks, and smuggling – including of arms – from neighbouring Libya and Algeria.

Through this, fighting corruption has nonetheless remained a public priority and the government's efforts – and shortcomings – in this are a significant area of public debate. There remain widespread concerns about the course reform efforts are taking, such as the controversial passage of the Reconciliation Law, which offers amnesty to state officials implicated in corruption during the Ben Ali era.

This briefing takes a look at the state of efforts to build a high integrity defence sector, and suggests some recommended priority areas for reform. The report is based on interviews with members of Tunisian civil society, international organisations and members of government and oversight bodies, who were asked to share their perspectives on developments in the defence and security sectors in Tunisia, the challenges related to corruption, and what they saw as the next steps necessary for change and reform in the sector. The findings also draw upon desk research, including publicly available documents from Tunisian public bodies, as well as news articles and analysis from academic and civil society perspectives.

¹ Transparency International – Defence and Security, *Tunisia Country Summary, Government Defence Anti-Corruption Index*, 2015.

2. DEFENCE AND SECURITY: A NATIONAL PRIORITY

National security is a priority for Tunisia's government. Defence and security forces are facing multiple challenges, primarily related to domestic extremist insurgency, the overspill of threats from conflict in neighbouring Libya, and the thousands of Tunisians who have left the country to fight alongside Islamic State in Syria and Iraq – more than from any other country.² The National Security Committee adopted an official national strategy for fighting extremism and terrorism in November 2016, signed by the President of the Republic.³

The country has been in a state of emergency since November 2015, following three major terror attacks that year killing more than 72 people altogether: 22 at the national Bardo Museum in Tunis, 38 during an attack on a beach resort near Sousse, and 22 in an attack on a bus carrying presidential guards in Tunis. The current extension to the State of Emergency is due to expire in March 2018. There are particular security concerns around the border regions, where Tunisia is impacted by insecurity in Algeria and Libya.⁴ Jabal Al Chaambi, the highest mountain in Tunisia, situated just 80 kilometres from the border with Algeria, has seen multiple attacks by extremist groups targeting military and security units over recent years, most notably in July 2014, when 15 Tunisian soldiers were killed and 20 injured.⁵ Most recently, three soldiers were injured by a mine in the area, which continues to be a closed military zone.⁶ Spillover from the Libyan conflict has impacted the country. In Ben Guerdane, a Tunisian town near the Libyan border, an attack on army and police posts by suspected extremists led to the deaths of at least 50 people, including civilians and the attackers themselves.⁷

As well as the militant threat, the border regions also present a serious challenge for counter-smuggling efforts. Illicit trading across the borders, of items including

cigarettes, cannabis, alcohol and petrol, is estimated to lose Tunisia 1 billion dollars per year, but is also a significant security concern as the same organised networks and routes also facilitate the movement of arms into the country.⁸ These challenges have led to the increased militarisation of border areas, particularly along the southern border with Libya, where a buffer zone is maintained by the army, with entry to the area subject to official authorisation.⁹ In these military zones, local police and customs officers are now subject to military command.¹⁰

Following the March 2016 attack in Ben Guerdane, the government has also accelerated the building of a 125-mile "anti-terror barrier" along the border with Libya, including sand banks and water-filled trenches to prevent the free flow of vehicles smuggling contraband.¹¹ The US agreed to fund a project to install an electronic security surveillance system on the border to bolster this approach.¹²

To meet these growing securing challenges, the trend post-2011 has been the growth and modernisation of Tunisia's defence sector. Defence spending has been steadily rising over recent years, with an almost 64 percent rise in military expenditure between 2011 and 2016.¹³ But this is likely to reflect more than government concern over national security. The security sector as a whole is also being 'recalibrated', with the historic skew towards the police and security forces being corrected through a significant injection of funding for the military. Not only has the Ministry of Defence's share of the national budget grown more quickly than that of the Interior Ministry in the 2011-2016 period but it has grown more quickly than any other ministry. In 2011, the defence budget stood at just 56 percent of the Ministry of the Interior's, but just five years later the ratio has increased to 72 percent.¹⁴

The military has also enjoyed a steady stream of new arms contracts, particularly in the wake of the 2014 attacks in the Al-Chaambi mountains, and the Tunisian armed forces have even begun to look at enhancing their own production capabilities, with the navy producing its first patrol boat in August 2015, symbolically named "Istiqlal" or "independence".¹⁵ International partnerships have also

2 C. Gall, "Tunisia Fears the Return of Thousands of Young Jihadists", *The New York Times* (web), 25 February 2017.

3 HuffPost Tunisie/AFP, "Tunisie: Le Conseil de sécurité nationale adopte une "stratégie nationale de lutte contre le terrorisme"", *HuffPost Tunisie* (web), 7 November 2016; F. Louati, "Tunisia's War on Terror", *Carnegie Endowment for International Peace* (web), 26 July 2017.

4 C. Bozonnet, J. Grandin and D. Papin, "En Tunisie, périls aux frontières", *Le Monde* (web), 19 March 2015.

5 K. Yahya, "Tunisia's Chaambi Mountain: Terrorist stronghold?", *Ahram Online* (web), 7 February 2016.

6 "Trois soldats blessés par deux explosions de mines à Jebel Chaambi", *RTCI* (web), 7 November 2017.

7 T. Amara, "Militants attack Tunisian Forces near Libyan border, 53 killed", *Reuters* (web), 7 March 2016.

8 M. Armstrong, "Tunisia's smuggling trade poses security risk", *Al Jazeera* (web), 8 January 2015.

9 O. Lamoum, "Marginalisation, insecurity and uncertainty on the Tunisian-Libyan border", *International Alert* (web), December 2016: 21

10 S. Haddad, "Strengthening the Tunisian Armed Forces? Reforming Defense and Military Policy-Making in Tunisia" in A. Croissant and D. Kuehn, eds., *Reforming Civil-Military Relations in New Democracies* (Heidelberg: Springer, 2017: 223)

11 A. Boukhars, "The Geographic Trajectory of Conflict and Militancy in Tunisia", *Carnegie Endowment for International Peace* (web), 20 July 2017.

12 Haddad, 2017: 224

13 Tunisian military expenditure increased from \$628.3 million in 2011 to \$1026.9 million in 2016 (constant USD 2015) according to SIPRI's military expenditure database, available at: <https://knoema.com/SIPRI2017/sipri-military-expenditure-database-1988-2016?country=1000050-tunisia>

14 S. Grewal, "A Quiet Revolution: The Tunisian Military After Ben Ali", *Carnegie Middle East Centre* (web), 24 February 2016a.

15 Haddad, 2017: 224; Grewal, 2016a; S. Kimball, "Tunisia's Getting More Guns Than Democracy", *Foreign Policy* (web), 21 April 2016.

been a significant feature in the strategic and material development of the defence sector; the United States alone tripled military aid to Tunisia in 2015.¹⁶ At the same time, Tunisia has developed security cooperation agreements with NATO as well as several Arab and European states.

3. TUNISIA'S "WAR ON CORRUPTION"

Corruption is widely acknowledged to be a significant challenge facing Tunisia, posing significant threats to its democratic transition. TI's Global Corruption Barometer for MENA in 2016 found that almost two-thirds (64%) of Tunisians felt that corruption had increased over the last year.¹⁷ Over 9000 cases of alleged corruption were referred to Tunisia's national anti-corruption agency (l'Instance Nationale de Lutte Contre la Corruption, INLUCC) in 2016; of these, 21 percent of complaints were against ministries and 25 percent of cases were related to institutional corruption.¹⁸

Tunis' anti-corruption initiatives have also evolved significantly in the two years since the 2015 GI. The issue is now at the top of the agenda, with the government making several high level commitments. The Carthage Agreement of June 2016 established 'fighting against corruption and establishing good governance' as a priority for the new government,¹⁹ and when Prime Minister Youssef Chahed came to power in August 2016, he declared a 'war on corruption'. The President of the Government also officially adopted INLUCC's five year anti-corruption strategy on 9 December 2016, and the action plan for the years 2017-2018. This was accompanied by an increase in INLUCC's budget.²⁰

Chahed has since spoken of connection to security, saying "we are persuaded there is a link between smuggling, terrorism financing, cross-border activities and also capital flight."²¹ On announcing his cabinet reshuffle in September 2017, which included the appointment of a new Minister of Defence, Abdelkrim Zbidi, Chahed said that his new cabinet will be a "war government that will fight terrorism and corruption".²² And over the last year the government has stepped up the numbers of arrests and investigations of businessmen, politicians, police, and customs officers.²³

But many within Tunisian civil society are unconvinced. Activists and the media have been vocal in criticising the anti-corruption campaign, claiming it is not only ineffective – but worse, a smoke screen for other developments that they see as bolstering corruption. The Reconciliation Law

16 S. Grewal, "How Tunisia's military has changed during its transition to democracy", *Washington Post* (web), 8 March 2016b.

17 Transparency International, *People and Corruption: Middle East & North Africa Survey 2016* (Global Corruption Barometer), 2016.

18 INLUCC, *Annual Report 2016*, November 2017: 164, 168. Available at: http://www.inlucc.tn/%D8%A7%D9%84%D8%B9%D9%85%D9%84%D9%8A%D8%A7%D8%AA-%D8%A7%D9%84%D8%AC%D8%A7%D8%B1%D9%8A%D8%A9/%D8%A7%D9%84%D9%85%D8%B3%D8%AA%D8%AC%D8%AF%D8%A7%D8%AA?tx_titnews%5Btt_news%5D=416&cHash=84e59560aa73ac75d75f6f1cd8c49f0a

19 Government of Tunisia, *Carthage Agreement: Priorities of the National Unity Government*, 13 July 2016. Available at: https://cdn2.webmanagercenter.com/di/wp-content/uploads/2016/07/carthage_13072016.pdf

20 The budget of Presidency of Government for 2018 allocates 3 million dinars for INLUCC in 2018. Ministry of Finance, *State Budget 2018*, October 2017. Available at: http://www.finances.gov.tn/index.php?option=com_jdownloads&Itemid=712&view=finish&cid=1334&catid=1&lang=fr

21 C. Gall, "Corruption Crackdown Intensifies in Tunisia, and the People Cheer", *The New York Times* (web), 25 June 2017.

22 "Chahed: The New Government will be at war with terrorism and corruption", *Middle East Monitor* (web), 12 September 2017.

23 Y. Cherif, "Tunisia's Risky War on Corruption", *Carnegie Endowment for International Peace* (web), 18 July 2017.

passed by parliament in September 2017 is a particularly contentious issue. Presented by the government as part of its efforts towards transitional justice in the post-Ben Ali era, the law offers protection to state officials implicated in corrupt practices during the Ben Ali era, who claim to have been doing so under order and who derived no personal benefit. Officials are expected to return any money embezzled from public funds and will in return be offered immunity from prosecution. Many, however, view the passage of the law as perpetuating an environment of impunity for those who they suspect were involved in corruption.²⁴ As one civil society activist saw it, “the ‘war on corruption’ is not credible if the government don’t lead by example and continue to appoint people with corrupt pasts”.

3.1 Developments in the legal framework

One of the most important developments in the anti-corruption sphere has been the strengthening of the legal framework. Over time, the promulgation of several new laws should play an important role both in tackling corruption and increasing transparency. First, 2016 legislation on the right of access to information has provided a legal framework for freedom of information requests, restricting exceptions to the right to access information and establishing a committee charged with overseeing its implementation, to be headed by a judge and members to include civil servants, academics and members of civil society.²⁵ The new legislation has been rated as one of the best right-to-information laws in the world.²⁶ Requests for information can only be refused when this would result in harm to national security or defence or the related international relations, or third party rights as to the protection of private life, personal data and intellectual property, and importantly these exemptions have limitations. According to Article 24 of the law, “The fields listed are not considered as absolute exceptions to the right to information and shall be subject to a prejudice test. The damage shall be substantial and encompass current and future damage”²⁷ and the onus is on the public body in question to provide a justification for any information refused. The law also provides for further transparency, stipulating that any piece of information requested twice must be published on the relevant body’s website. If implemented fully, this is a powerful tool in for ensuring that those overseeing public spending are held to account. As interviewee put it, “if correctly implemented,

this legislation would solve 50%” of the issues related to corruption in Tunisia.”

In addition, new legislation has been enacted on the reporting of corruption and the protection of whistle-blowers.²⁸ The March 2017 bill establishes a legal framework that recognises the whistle-blower’s right to benefit from material and legal protection. This law applies to all sectors, including defence and security. Following this, a draft law on illicit enrichment and declaration of assets is also being discussed in parliament. If passed, this will require a long list of public officials, including senior military officers, to declare their assets, and includes clear restriction on the acceptance of gifts.²⁹

The question of course is whether all this new legislation will be translated into practice. One expert estimated that only 75 out of 1200 government departments and administrative bodies have cooperated with the whistle-blowers law so far, and that 80-90% of Freedom of Information requests have not been responded to. As he concluded: “the problem isn’t legislation, its application.”³⁰

Finally, a law was passed in August 2017 to establish the new constitutional Good Governance and Anti-Corruption Commission, made up of judges and experts.³¹ This will be the new, permanent constitutional entity to replace INLUCC, which was set up in 2011 as a provisional body. It will be mandated to contribute to policies of good governance, and preventing and fighting corruption, including investigating cases of corruption within the public and private sectors (including defence and security). Views differ on whether this new body will have the necessary powers to make real progress, and of course the impact of the commission will be highly dependent on developments in the political landscape and the ambitions and profile of those in charge. But for now, civil society members have welcomed the move, explaining that the new commission will have more power than INLUCC.

24 T. Amara, “Tunisia parliament approves controversial amnesty for Ben Ali-era corruption”, *Reuters* (web), 13 September 2017.

25 Organic Law n° 2016-22, available at: <http://www.legislation.tn/en/actualites/organic-law-n%C2%B02016-22-dated-24-march-2016-related-right-access-information>

26 T. Dreisbach, “Information for the people: Tunisia embraces open government, 2011-2016”, *Princeton University* (web), May 2017:17

27 “Tunisia Assembly Adopts Freedom of Information Law”, *Freedominfo.org* (web), 14 March 2016.

28 Organic Law n°2017-10, available at: http://www.legislation.tn/detailtexte/Loi-num-2017-10-du-07-03-2017-jort-2017-020__2017020000101?shorten=gHj9

29 The draft law is available at: http://arp.tn/site/servlet/Fichier?code_obj=99537&code_exp=1&langue=1

30 Quote from a speech made by a member of iwatch at a public event in January 2018.

31 Organic law n°2017-59, dated 24 August 2017, available at: http://www.legislation.tn/detailtexte/Loi-num-2017-59-du-24-08-2017-jort-2017-071__2017071000591?shorten=Kb9C

4. THE DEFENCE SECTOR AND CORRUPTION: THE CURRENT STATE OF PLAY

Alongside developments in the anti-corruption landscape, there are also some encouraging indications that the security and defence sectors are starting to become a focus of institutional reform efforts. For example, an MOD white paper on national security which aims to set out the government's strategy for the defence and security sector is being developed in collaboration with civil society. Meanwhile, a new code of conduct for the security forces has been adopted and is awaiting implementation, and both the Ministry of Interior and Ministry of Defence have been collaborating with international organisations to introduce governance reforms.³²

Although the defence sector has not so far been a specific centre of focus for anti-corruption efforts, it is implicated in the wider government anti-corruption programme, and involvement in initiatives such as NATO's Building Integrity programme are indicators that this agenda is on the radar of the Ministry of Defence. Another encouraging sign is the development of the Ministry's relationship with the Parliamentary Defence and Security Committee. Although it is still early days in the path of effective parliamentary oversight, the Committee described having focused in the 2016-17 period on 'establishing a positive culture of oversight, giving recommendations and guidance to contribute to the development of policies and the execution of plans and programmes in the domain of security and defence'.³³ They also described holding regular 'listening' sessions with defence and security officials, where they asked questions around military strategy and policy; periodic field visits; partnerships with international organisations; and benefiting from security and defence knowledge of senior retired officials.³⁴ These are all positive signs of good practice which stand in stark contrast to the approach across the majority of the MENA region.

But these positive developments need to be supplemented by efforts to address corruption in specific risk areas, including persistent secrecy, procurement corruption, and smuggling and illegal trade on the border areas. This should be done in consultation with Tunisia's

active civil society community, which would not only strengthen the reform efforts but also help secure public trust.

4.1 Secrecy and Limited Transparency

Lack of transparency was one of the major weaknesses identified in Tunisia's 2015 GI assessment. In particular, the assessment found limited transparency in budgeting, expenditure, procurement and the process and content of audits. Our recent research suggests that this is still the case. For example, while Tunisia publishes a defence budget, the level of detail is still low, with only general information provided. There is also little transparency around recruitment in the sector, and Transparency International's local chapter IWatch have sent two Freedom of Information requests related to a corruption case related to recruitment to which they have as yet received no response.

In theory the existence of two dedicated defence committees in parliament, provided for in the 2014 Constitution, is a significant asset in terms of assuring appropriate oversight of public spending.³⁵ But there are still significant weaknesses in practice, with the tendency toward the over-classification of information on security grounds, acting as a barrier to parliamentary scrutiny. The effectiveness of these formal oversight mechanisms is therefore very limited. As one parliamentarian explained requests for information, for example around procurement, are often met with responses that the information is 'highly confidential'. Another commentator summarised the situation as follows "civilian control and oversight over defense and security policy is de facto undermined due to restrictive security imperatives".³⁶

Of course there will be instances where national security considerations genuinely prevent open and transparency communication with oversight institutions. But international best practice suggests that such instances are likely to be extremely limited, and where they do exist it is perfectly possible to ensure alternative confidential oversight mechanisms. This, however, is a conclusion which is not yet widely accepted in Tunisia. A high degree of defence exceptionalism is largely assumed by the expert community, based on arguments that increased openness and publication of information is a genuine a national security concern and acceptance that parliamentarians or other oversight bodies may not be able to handle confidential data appropriately.

32 R. Benarous, "Le premier livre blanc sur la défense et la sécurité", *Le Temps* (web), 11 June 2017.

33 Defence & Security Committee, *Report of Activities for the Third Parliamentary Session, 2016-2017*, October 2017. Available at: http://www.arp.tn/site/servelet/Fichier?code_obj=99796&code_exp=1&langue=1:

34 Defence & Security committee, 2017.

35 The two dedicated parliamentary defence committees are the 'Permanent Committee for the Organisation of the Administration and Affairs of the Armed Forces' and the 'Special Committee for Defence and Security'.

36 Haddad, 2017: 220

The risk, as several anti-corruption activists point out, is that this defence exceptionalism which is explicitly acknowledged in new anti-corruption legislation may end up being employed as a catch-all approach – in effect creating a ‘red line’ for oversight of defence, with even non-confidential information kept confidential on the pretext of security. This is a common problem in many countries and can create significant problems for the defence sector. Big budgets, opacity, and complex procurement make the defence sector a magnet for those intent on exploiting the public purse for corrupt ends. The result may be a defence that is exempt from accountability, that does not enjoy public trust, and may have neither the personnel nor equipment it needs in a crisis.

4.2 Procurement

Corruption in public procurement is an issue across sectors in Tunisia. According to INLUCC, “corruption consumes a quarter of public procurement which, according to 2015 statistics, represents about 18% of GDP and 35% of the state’s budget”.³⁷ An assessment into corruption in business reported that “more than one-quarter of firms report that they provided officials with facilitation payments to accelerate a transaction” and that “bribes and irregular payments are frequently made when bidding on government contracts”.³⁸

Procurement was similarly found to be the biggest area of corruption risk in the defence sector in the 2015 GI assessment, due, for example, to lack of publicly-available information about the procurement cycle, offset programmes, and signed defence contacts. And our research suggests that procurement is still likely to be a significant risk area in the defence sector, in large part due to the continued tendency for information about tendering decisions and procurement oversight processes to be hidden from public view. The fact official oversight bodies are also prevented from accessing necessary information to provide scrutiny contributes to this risk.

One interviewee also mentioned that international assistance to the Tunisian defence and security sectors in the shape of equipment and training and associated maintenance contracts meant that procurement processes could be entirely circumvented for some goods and services.

4.3 Borders and illegal trade

Smuggling across Tunisia’s borders with Libya and Algeria is not a new phenomenon, and has long been a significant source of income for local communities.³⁹ However, with security concerns in recent years, porous borders are creating new security challenges. And although the government is committed to tackling illicit trade as a priority, the heavily security-oriented approach to the border area comes at the cost of increased corruption, as the increases in border controls and move towards the militarisation of border areas has not been accompanied with measures to address regional development and reform of the security apparatus and criminal justice sector.⁴⁰ A World Bank report warned that tighter controls without any concrete measures to address these issues would risk increasing corruption among state agents and, over time, undermine government control.⁴¹

Indeed, rather than decreasing smuggling, research has suggested that increased controls have simply placed it more firmly into the hands of powerful smuggling rings with the networks and resources to secure the collusion of border officials, such as the arms smugglers able to pay bribes to be able to transport AK47s across the desert borders.⁴² One organisation studying the experiences of communities living in border areas have concluded that “the border is still passable but the right of passage has become more expensive: for 80% of respondents, the right to cross the border is now linked to corruption.”⁴³ An MP who visited the Libyan border during an official parliamentary trip was quoted as saying “We spoke to the military. They told us with tears in their eyes that Tunisia in the south has been sold ... by the police and the customs to the smugglers and the terrorists.”⁴⁴

These corruption risks undermine the aim of addressing the security threats of illicit trade, and ultimately open the country up to increased security risks. As one Tunisian security analyst is quoted as saying, “as long as there are corrupt customs officials working with the smugglers, border fences are useless.”⁴⁵ One commentator also pointed to the reputational risk for the Tunisian army, explaining that, as the institution that is now in control of securing the borders, the increase in corruption “risks tainting the image of one of the few state institutions that still enjoys credibility and popular acceptance.”⁴⁶

37 INLUCC, 2016: 36

38 GAN Business Anti-Corruption Portal, *Tunisia Corruption Report*, July 2017.

39 Lamoum, 2016: 19

40 Government of Tunisia, 2016; International Alert, 2016: 4; A. Boukhars, “The Potential Jihadi Windfall From the Militarization of Tunisia’s Border Region With Libya”, *Carnegie Endowment for International Peace* (web), 26 January 2018.

41 H. Meddeb, “Young People and Smuggling in the Kasserine Region of Tunisia”, *International Alert* (web), May 2016: 13

42 Boukhars, 2018; S. Souli, “Border Control: Tunisia Attempts to Stop Terrorism with a Wall”, *Vice* (web), 17 November 2015.

43 Lamoum, 2016: 21

44 F. Aliriza, “Tunisia at Risk: Will Counterterrorism Undermine the Revolution?”, *Legatum Institute* (web), November, 2015.

45 S. Yerkes, “Corruption, Not Terrorism, is Tunisia’s Biggest Threat”, *Policy Review* (web), December 2017.

46 Boukhars, 2018

4.4 Public trust and engagement

Research suggests that the military enjoys a relatively high level of respect and trust from the Tunisian population.⁴⁷ The military's relatively benign role through the Ben Ali years compared to other security forces which were used as instruments of state control is a key factor, as is the army's perceived role in protecting civilians during the 2011 revolution when other elements of the security apparatus were cracking down. The Tunisian armed forces are also considered to have reacted positively to the post-revolution pro-reform movement, which has also strengthened their legitimacy.⁴⁸

These is highly positive platform from which to build on. But can also lead to complacency, especially when budgets are soaring. One member of civil society noted that public fears related to violent extremism and terrorist attacks have increased the tendency of the population to be 'defensive' of their defence sector and its military. The President of the INLUCC agreed that the army does not have a reputation for corruption, and indeed the Ministry of Defence has not until now been one of INLUCC's priority areas for anti-corruption measures.

The GI assessment in 2015 recommended that the government should increase engagement with the public on issues of defence by holding regular media briefings to increase debate, and by encouraging further civil society interaction, in order to send a strong signal that the defence sector is there to serve the needs of the general population. The government has also acknowledged the importance of civil society in tackling corruption.⁴⁹

An interesting development in the post-revolution era has been the bridge built between military establishment and civil society by retired military officers taking an active role in Tunisia's active civil society, in particular by expanding public knowledge about military affairs, for example through think tanks such as the Tunisian Centre for Global Security Studies, led by retired Colonel Major Mokhtar Ben Nasr.⁵⁰

Whilst the Ministry of Defence itself has worked recently with international and local organisations to address opening the ministry up to increased public engagement, though, it seems that there is still some way to go before this becomes part of the ministry's way of working. One commentator pointed out that civilian NGOs working on defence affairs need to be able to compete with these associations of retired officers for the ear of the defence

establishment.⁵¹ In addition, the case of a Tunisian blogger-turned-parliamentarian who is currently facing trials by military courts for 'insulting the military', a criminal offence under the military code, which still has jurisdiction over civilians,⁵² may illustrate why the public may still be reluctant to engage critically with the military.

47 A 2016 survey found that the army were the most highly trusted institution in Tunisia: "L'armée tunisienne: l'institution qui inspire le plus de confiance", *Réalités Online* (web), 31 March 2016; The Global Corruption Barometer 2013 found that 14% identified the military as being corrupt (less than any other sector), compared to 69% who felt that the police were corrupt: Transparency International, *Tunisia National Results 2013*, available at: <http://www.transparency.org/gcb2013/country?country=tunisia>

48 Haddad, 2017: 217

49 Government of Tunisia, 2016

50 Grewal, 2016a.

51 Grewal, 2016a.

52 Human Rights Watch, *Tunisia: Parliament Member Prosecuted for Insulting Army*, 24 January 2018.

CONCLUSIONS AND RECOMMENDATIONS

Corruption is a prominent issue in Tunisia, and there has been considerable progress in recent years in terms of strengthening legislation and structures for anti-corruption. The defence sector, however, has not received sufficient attention. Given the national security challenges Tunisia faces, including terrorism and cross-border smuggling, and rising defence spending in the country, defence governance and anti-corruption should be much higher on the agenda. TI-DS recommends the following actions:

Developing a defence anti-corruption action plan

High level commitments to tackle corruption need to be followed through by concrete change in order for the government to be credible in its war on corruption. The MOD should lead by example by conducting a detailed assessment of corruption risks in the defence establishment and using this to form the basis of a defence anti-corruption action plan, developed in consultation with civil society and oversight bodies. Corruption risks in the border areas should be addressed in particular as a priority issue. The Ministry of Defence, in collaboration with other relevant government agencies, should conduct an assessment of the corruption risks at border areas, including the risk of collusion between defence personnel and organised crime or smugglers. This assessment should look at the technical capacities needed to stop smugglers and to hold personnel engaging in corrupt practices to account, but also at the incentive structures that encourage illegal trade to occur.

Reducing defence exceptionalism in legislation

Parliamentarians should review legislation on freedom of information and the protection of whistle-blowers, to ensure that any exceptions on the grounds of national security are genuinely justified. Parliament should then work with defence and security institutions to define the appropriate levels of classification for national security-related information, and the process to ensure oversight of that information. Genuine security concerns around the release of sensitive information has led to a tendency to over-classify, meaning that there is little transparency around budgets and processes within the Ministry of Defence. There needs to be more clarity around which information needs to be classified and confidential, and which does not, to ensure that oversight functions are able to play their role effectively and to ensure public accountability around spending.

Enabling effective oversight

Progress has been made in terms of establishing relationships and lines of communication between parliamentary committees and the Ministry of Defence. But further work is needed if committees are to perform their oversight function effectively. Parliamentary committees should be provided with the information needed in order to oversee defence decision-making, budgeting, and policy and with the technical capacity to maintain data securely. Parliamentary committees also require clear guidelines that outline their rights and responsibilities, while the Defence Ministry should put in place processes to respond to requests for information. Limits on the power of external audit functions, such as the Court of Audit, to scrutinise defence expenditure, also make detailed oversight difficult and constitute a corruption risk; these should be addressed.

Reforming defence procurement

With increases in defence spending and a growing profile of military contracts accompanying the government's anti-terrorism strategy, ensuring that procurement is conducted and overseen with integrity is of increasing importance in Tunisia's defence sector. Corruption in procurement can have serious consequences, both strategically and in terms of wasted resources. Procurement reforms should be introduced to ensure that there is a transparent procurement process with stronger controls in place, and that these are implemented. To reduce the risk of corruption in procurement, all tenders need to be clearly linked to demonstrated need as set out in the national defence strategy and acquisition plan, suppliers should be selected through competitive processes by independent tender boards, and there should be provision for oversight by external bodies.

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