



**SAHARA
AND SAHEL
OBSERVATORY**

TRANSPARENCY POLICY

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ACRONYMS

| | |
|--------------|---|
| AF | Adaptation Fund |
| GCF | Green Climate Fund |
| GCGHU | Governance Compliance and Grievance Handling Unit |
| OSS | Sahara and Sahel Observatory |

DEFINITIONS^{1,2,3}

International best practices: Public requirements for corporations or bodies to disclose factual information in order to reduce public risks created by such organizations, or the shortcomings of their performance. Whatever their objective, transparency policies are based on five points:

- Public disclosure
- By companies, organizations, or individuals;
- Of standardized factual information;
- On specific products or practices;
- To serve a public purpose.

Communication channel: A way through which messages are transmitted. There are generally 2 main types of channels (media and non-media), themselves subdivided into 2 sub-categories (traditional and web).

Disclosure of information: Dissemination or disclosure of any information to a third person, organization, country, or anything else, which did not originally possess it.

Governance Compliance and Grievance Handling Unit (GCGHU): Independent body within the OSS that reports directly to the Executive Secretary. It is responsible for ensuring adherence to governance principles and regulations. It oversees the implementation of OSS' policies and procedures, and addresses grievances or complaints raised by stakeholders, partners or any individual or entity working or involved in OSS' activities. This unit plays a crucial role in promoting transparency, accountability, and ethical conduct, while effectively managing and resolving any grievances or disputes that may arise within the organization.

Information: Any news, information, documentation, about something or someone, which come to the knowledge of others.

Non-discrimination: Prohibition on treating a person less favorably because of real or assumed criteria, such as appearance, creed, age or gender.

Information protection: Focused initiatives that protect what is worth protecting within the company, organization, etc., both in terms of data and information carriers.

Transparency: Full access to information in areas of public policy.

¹ https://www.un.org/esa/ffd/wp-content/uploads/2014/09/20140923_Paper_TransparencyDisclosure.pdf

² <https://www.transparency.org/en/corruptionary/transparency>

³ <https://www.lawinsider.com/dictionary/disclosure-of-information>

I- INTRODUCTION

The Sahara and Sahel Observatory (OSS) (hereinafter also referred to as "Observatory") is an international organization with an African vocation, created in 1992 and based in Tunis (Tunisia) since 2000. Its mission is to provide support to ⁴African member countries, to initiate and facilitate partnerships on common challenges related to the shared management of water resources, and the implementation of international agreements on desertification, biodiversity and climate change in Africa.

When implementing its activities, the OSS makes sure they comply with international transparency policies and good practices, as well as with the laws of its member countries and partners.

Through this Transparency Policy that it has developed (hereinafter also referred to as "Policy"), the OSS recognizes the importance of transparency in all its operations, and restates its commitment to this effect, in order to fulfill its mandate and consolidate its trust.

Besides, pursuant to this document, the OSS takes into account its other policies (anti-fraud, environmental and social, etc.), and its rules and procedures (procurement, granting of financing, etc.). The transparency and disclosure rules of this OSS Policy shall prevail, in the event of discrepancy with transparency and disclosure rules set out in other OSS policies.

This document also defines the OSS Policy regarding the information it makes available to the public, either in the usual manner or upon request.

II- RATIONALE

Accredited by two of the most important climate funds, the Adaptation Fund (AF) in July 2013, and the Green Climate Fund (GCF) in October 2017, the OSS had to adopt rules equal to international standards. To this end, the Observatory has developed this Policy that defines its approach to transparency and dialogue with its member countries and stakeholders.

The OSS explains in this Transparency Policy, the guiding principles that govern it, and specifies the terms and conditions under which information is transmitted.

The OSS takes this Policy to ensure the highest degree of transparency in all its activities, through the effective dissemination of information to its partners, its member countries and the general public.

III- OBJECTIVES

The purpose of this Policy is to define the rules for the access of OSS partners and member countries, third parties and the public, to information produced and/or in the possession of the Observatory.

⁴ 26 African member countries : Algeria, Benin, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Guinea-Bissau, Kenya, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, Somalia, Sudan, Tunisia, Uganda.

It also aims at specifying the OSS communication channels, its procedure for requesting access to information, exchanging with stakeholders, and public consultations, as well as the procedures for filing and processing complaints and claims.

This Policy is a living proof of the OSS transparent and accountable *modus operandi* inspired by efficiency and effectiveness principles.

The Observatory shall make sure its activities comply with the international transparency policies and best practices, and with the laws of its member countries and partners.

IV- SCOPE

This Policy applies to all information that the OSS produces and/or possesses.

V- GUIDING PRINCIPLES

The Transparency Policy relies on the following principles:

5.1- Principle of openness

The OSS takes this Policy to mark and confirm its openness to its members and partners and increase their confidence in it.

This Policy implies that the OSS operational and institutional information about its activities is made available to all relevant members, partners and third parties.

In addition, transparency is a key contributor to increasing the OSS operations efficiency and viability, reinforcing its Zero Tolerance Policy for fraud or corruption, ensuring compliance with the project environmental, social and gender standards, and promoting accountability and good governance.

To the OSS, transparency refers to the environment in which Policy objectives, their legal and institutional framework, Policy decisions and logic, as well as the accountability framework of its member institutions are made public, in a timely and accessible manner. Transparency is therefore a prerequisite for a free and open exchange with stakeholders, allowing for all parties to understand and agree on fair and clear rules and reasons that underlie the applicable policies and practices.

Providing economic decision-makers with the information they need helps improve the implemented projects efficiency and ownership, in accordance with international good practices and applicable international standards.

5.2- Principle of preserving trust and protecting sensitive information

All member countries and partners must have faith in the OSS. It is therefore fundamental and compulsory to dispel any fears related to the treatment of each partner's confidential information. Failing this, each partner could call into question his/her will to work with the Observatory. This Policy guarantees the protection of information, for any disclosure might put at risk the legitimate rights and interests of the OSS member countries, partners, third parties and/or the OSS.

Transparency is applied in compliance with the rules and cooperation commitments mentioned in the financing agreements. Exceptions to these commitments must be explicitly authorized by the OSS competent bodies and the relevant members and partners.

5.3- Principle of listening and exchanging

The OSS is committed to actively seeking feedback from stakeholders on its activities, policies and practices. By committing to openly communicate, the Observatory expresses its willingness to be responsive to its partners, so as to benefit from their contributions in achieving its mission.

The OSS remains open to dialogue and strives to promoting it and maintaining profitable cooperation with all stakeholders, based on trust and mutual interests.

VI- INFORMATION PUBLISHING

6.1- Principle of information publishing

In order to support and promote the principle of transparency, the OSS fully engaged in the regular and timely release of information on its role, policies and activities.

The OSS regularly releases a broad range of documents, mainly pertaining to information on:

- Institutions;
- Strategies and policies;
- Performed activities;
- Calls for tender, mainly those dealing with the participation and evaluation adhering to the conditions that allow the award of contracts, and with the challenge proceedings;
- Consultants to recruit or persons to enlist;
- Accountability and good governance.

The main tool for sharing these documents and information are the OSS website and diplomatic channels. The Observatory endeavors to provide other information to the public through other means such as documents and briefing notes on hard copies, also by using social networks and press releases, or even informing on the organization of conferences and seminars.

In order to facilitate access to published information and take into account the needs of the public and those of its partners, the OSS chose to make its statutory documents available in its two official languages, namely English and French.

Besides, the OSS acts under the limits of the applicable laws and regulations, including on financing contracts. Thus, it is up to the OSS to decide, as a last resort, which information may be disclosed to the public, concerning hard/soft copies of the documents to release and/or those to provide only upon request.

6.2- Project information

A project summary is published on the OSS website, once approved by its financial partners. It contains a project presentation, its title, the duration of its implementation and/or execution, its total budget, its objectives, its timeline, the topics covered, the beneficiary countries, the donor(s), the technical partner(s) and the expected results.

In addition, the OSS strives to satisfy any specific request for information on the elements and documents linked to the Studies on Environmental Impacts of each project having been the subject of such studies. It also commits and encourages disclosing all environmental and social information of any project that the Observatory implements and/or executes.

In accordance with the Aarhus⁵ Convention provisions, the OSS shares on its website, all project-linked environmental and social information in its possession.

Projects that have been canceled after publication are deleted from the OSS website, as soon as the Observatory's participation is no longer envisaged.

Furthermore, in its capacity as regional implementing agency to the Adaptation Fund (AF) and the Green Climate Fund (GCF), the OSS periodically launches calls for project proposals on its website, for survey and submission to donors.

6.3- Financial information

Every year, the OSS shares its annual financial statements, and activity report. These financial statements include the balance sheet, the income statement, the statement of financial flows and the financial statements notes. These both correspond to the situation of the Executive Secretariat, and to that of each ongoing project.

At the same time, the OSS draws up annual budget forecasts for both projected resources and related uses. These forecasts must be submitted to the Board of Administration members for approval at the beginning of each year, with the activity forecasts.

At the end of each quarter, the OSS comes up with regular technical and financial performance reports, either on the agreed dates in accordance with the requirements and models provided for in each financing agreement, or at the end of each calendar quarter for the Executive Secretariat situation.

It is worth reminding that, as long as no other accounting framework is applicable, the OSS uses international accounting standards in particular the *International Financial Reporting Standards* (IFRS), when preparing the financial statements and periodic reports.

All financial statements and reports are audited by an internal and an external auditor, both members of the Association of Chartered Accountants of Tunisia (OECT), the host country. They are chosen by the Board of Administration, after having applied to the competitive bidding. Periodic and/or annual reports may at the same time be submitted to another auditor appointed by the financial partner.

The Executive Secretariat quarterly reports and annual financial statements including the projects' status are submitted to the Board of Administration's members, for review. In addition, the projects' financial position reports are transmitted to the corresponding financial partners, according to the conventional deadlines.

VII- CHANNELS FOR THE COMMUNICATION OF INFORMATION

All OSS communications comply with the non-discrimination requirement when it comes to financial and/or technical information that could give a third party, a competitive advantage.

⁵The Aarhus Convention provides for the right of everyone to live in a healthy environment. It requires citizens to be guaranteed the right to information, public participation and access to justice in environmental matters.

For this to achieve, the Observatory makes sure that this kind of information is disseminated simultaneously, through the appropriate and regulatory channels and on its website.

Here follow the main channels the OSS uses to communicate financial information and public-aimed relevant information:

- The website;
- The project financial reports/periodic accounts, developed as required by the relevant financial partners;
- The regulatory information service used to spread news and periodic publications relating to the countries of the OSS area of intervention;
- The donors' financial information services (GCF, AF, etc.).

In addition, the OSS keeps close contact with its member countries, its financial partners and partners who agree to join the Observatory and/or that it identifies during meetings such as presentation tours, videoconferences and conferences.

VIII- INFORMATION DISCLOSURE

8.1- Principle of disclosing information

All information and documents that the OSS possesses can be shared upon request unless there is a compelling reason that prevents such disclosure (see below, section « C. Disclosure Exceptions and Limitations »). All requests for disclosure of information or access to specific documents are processed quickly by the OSS, which grants full access to the requested document. However, the approval to access to a given document remains partial, when the limits in section "C. Exceptions and Disclosure Limits" below, only apply to a part of the document in question. The information contained in the other parts of the concerned document, may be disclosed. The OSS shall specify, where applicable, the reasons for the total or partial refusal.

8.2- Non-discrimination and equal treatment

Any person may request and obtain information or documents held by the OSS.

When examining a request for information or a document to consult, the OSS shall never discriminate and/or grant any special privileges for access to information and documents.

8.3- Disclosure exceptions and limitations

While applying the disclosure and transparency principles, the OSS is bound to protect professional secrecy, in accordance with the financing contracts provisions and the laws on personal data protection. Legal provisions and practices applicable to commercial contracts and technical activities may also apply to the OSS. There are therefore, a number of limitations to disclosing project-related information and/or documents produced by given projects that must remain the property of the financial partner.

This mainly concerns the refusal to provide access to information, when its disclosure would threaten:

- (i) The public good, mainly with regard to international relations, project financing agreements, the interests and sovereignty of countries and partners and the environment (for example, a breeding site for rare species),

- (ii) The privacy and integrity of people, in particular in accordance with the applicable laws on the protection of personal data.

Access is denied to any information or document, if its disclosure would infringe intellectual property, court proceedings or legal advice, and the purposes of inspection, investigation and audit activities.

The disclosure of information or documents collected and drawn up under inspection, investigation and audit activities, would allegedly undermine the protection of these activities objectives, even after all procedures have come to end, or the action undertaken on this subject has become final.

Without prejudice to the foregoing, the OSS may disclose a summary of closed investigations, mainly having regard to, and in accordance with the rules and principles set out in the OSS Anti-Fraud Policy.

Access to information or documents developed or received by the OSS for its internal use, relating to a matter on which its competent body's decision is yet to come, is denied if their disclosure would prejudice the Observatory decision-making process.

No access is granted to information or documents including opinions for the OSS internal use under deliberations and preliminary consultations, carried out within the Observatory or with Member States or other stakeholders.

Reasons for refusing access to confidential information or documents, must be interpreted restrictively, taking into account the public good that disclosing information would bring.

In case of documents developed by third parties, including member countries, the OSS exchanges with the relevant third party to see if there is confidential information under the terms of this Policy, unless it is clearly specified that the document may be disclosed or, on the contrary, must not be.

A member country may ask the OSS not to disclose a document it has developed without its prior agreement, while explaining the objection reasons with reference to the exceptions provided for in this Policy.

The OSS has no objection that donors or any other appropriate party disseminate information or documents as to their relations or arrangements with the Observatory.

IX- PROCEDURE FOR PROCESSING INFORMATION REQUESTS

9.1- Processing information requests

Requests for access to information should be addressed to the OSS registry, hand delivered or sent by post. The applicant does not have to explain his request. If the request is not accurate enough or if it does not allow identifying the document or the information sought, the applicant shall have to give more details.

If the information in question has already been disseminated by the Observatory, the applicant shall have all explanations on how to obtain the requested information.

The information is presented in an existing version and form, or if possible, in a form that meets the applicant's specific needs. Any person who wishes to have a piece of information must make a request in one of the two OSS official languages and shall receive a response in the one he has chosen to use.

The applicant shall only have to pay for the document copying and mailing, but without exceeding their actual cost. Requests must be processed in compliance with protection regulations for individuals and their personal data processing rules.

9.2- Time limits for processing information requests

Except in cases of force majeure, requests for information are processed by the relevant OSS departments and are answered as soon as possible, no later than 15 working days after having received the request.

In exceptional cases for example, if the requested document is very long, or if the information requested is not immediately available or is difficult to collect, the deadline may be extended (30 working days), and the applicant shall be informed by the relevant OSS departments, no later than 15 working days after having received his request.

9.3- Refusal to process information requests

If for confidentiality purposes, the OSS is unable to disclose all or part of the requested information, it must provide explanation to the applicant and let him know of his/her right to submit, if he so wishes, a confirmatory request or to make a complaint.

The OSS reserves the right not to answer an abusive or repeated request, or that relates to confidential information. The same applies to clearly unfounded requests, of ill-minded or commercial nature or that may cause harm to one of the Observatory's partners or member countries.

In the event of a total or partial OSS refusal following the initial request, the applicant may submit, 15 working days after having received the OSS response, a confirmatory request asking the OSS reconsideration. Otherwise, he can directly file a complaint with the GCGHU, following the procedures outlined in the Observatory's Communication Procedure, within 30 working days of the Observatory's response.

If the OSS response to the confirmatory application is again a total or partial refusal, the applicant may file an appeal against the Observatory with the President of the OSS' Board.

X- PROCEDURES FOR FILING AND PROCESSING COMPLAINTS AND CLAIMS

The procedures for filing complaints are outlined in the OSS' Communication Procedures document.

Any individual or legal entity who feels aggrieved by a decision or action of the OSS, including a violation of its own Transparency Policy, may submit a complaint to the GCGHU via email.

Complaints must be filed within 30 working days from the date the complainant became aware of the facts that form the basis of their allegation.

XI- EXCHANGING WITH STAKEHOLDERS AND PUBLIC CONSULTATION

11.1- Principle of exchanging with the stakeholders

The OSS principles relating to exchanging with the relevant parties aim to make sure that their concerns are heard, understood and that an appropriate response is provided.

Transparency is a key contributor to promoting the OSS accountability. For so doing, rather than disclosing standardized information, it chooses to provide the receiving parties with the information they need, thus positively contributing to the improvement of its activities. Transparency implies a permanent dialogue between the OSS and its relevant parties, on how to spread and share information.

The OSS applies best practices in terms of exchanging with the stakeholders, in order to improve mutual understanding, answer their concerns and adjust its activities accordingly, reduce the possible discrepancy between political and practical expectations, and consolidate consistency and accountability in its policies and practices.

Contacts information for OSS staff members in charge of coordinating its dialogue with stakeholders at the institutional level, are published on the Observatory's website.

11.2- Exchanging with the stakeholders about the projects

The primary responsibility for informing and consulting local stakeholders on each project lies with its coordinator. If necessary, the OSS shall facilitate the Observatory of meetings with the relevant stakeholders, in coordination with the project coordinator in order to better understand the questions they might ask. If need be, the OSS representatives take part in these meetings.

During field missions, the Observatory recognizes the importance of exchanging with regional, national and local stakeholders, as this makes it possible to match the project components with each country particularities.

The OSS recognizes the benefits of establishing a fruitful dialogue with well-informed stakeholders for the project instruction and monitoring. Indeed, these can contribute to the project rationale. Besides, thanks to their knowledge and understanding of local specificities, they can improve the performance and reduce the project execution-related risks.

The OSS remains open to seeking new opportunities for dialogue, with the relevant stakeholders, on projects with high environmental and social risk potential.

11.3- Public consultation

The OSS is committed to voluntarily participating in public consultations on a number of policies in due form. This participatory approach allows for external stakeholders and the OSS staff to contribute in the preparation and revision of the general Policy documents, thus enhancing their quality and reliability.

Before submitting a document for a general Policy review to the Executive Board, the OSS holds a set of public consultation and exchanges, through any acceptable means of exchange. The consultation period extends over a minimum of 45 working days. The OSS may also decide to organize a second round of public consultation of at least 20 working days and/or a public meeting with the stakeholders during the consultation period.

Once the consultation process has been completed, at least 15 working days before its approval by the relevant governing body, the final draft of the Policy text is published on the OSS website, together with a draft consultation report, the stakeholders input and related OSS responses.

Stakeholders are made aware of upcoming public consultations through the OSS website and, where possible, directly e-mailed. The time table and the contact details are also published on the website for each consultation

XII- PROMOTING TRANSPARENCY

12.1- Integrating transparency principles

Inadequate governance of public affairs, inadequacies in the fight against corruption and fraud, as well as the lack of transparency are major obstacles that severely slow down activities and projects in some OSS intervention areas. Therefore, the OSS actively promotes transparency and good governance in the projects it implements.

The OSS calls upon stakeholders and partners to apply the principles of good governance and transparency set out in this Policy.

The OSS keeps close contacts with other regional and international institutions and organizations, in order to monitor developments in transparency and disclosure, and to exchange views on the subject, with the aim of constantly improving its own policies and practices. It also addresses issues of disclosure and transparency in the exchanges it holds with all interested stakeholders.

12.2- Accountancies

The OSS shall make all efforts to improve its transparency, its social responsibility and its governance, and to be at the forefront as a transparent and accountable organization.

The Policy implementation is the responsibility of all OSS staff at all levels.

The Observatory shall have its staff trained on dealing with issues of transparency and disclosure, dialogue with stakeholders, and other related subjects.

The OSS shall release an annual report on the past year regarding the implementation of the Policy, mainly including the number of processed requests for information, the number of refusals of access to information, the reasons, etc.

XIII- EFFECTIVENESS AND REVISION

This Policy will come into effect upon its adoption by the OSS Board. It will apply to all OSS activities to the extent reasonably possible, and to those that will be approved after the effective date of this Policy.

This Policy will remain in effect until amended or superseded. It will be reviewed and updated as necessary.