

Independent Reporting Mechanism (IRM): Sri Lanka Progress Report 2016–2018

Anoukh de Soysa, Independent Researcher

Table of Contents

I. Introduction	9
II. Context	10
III. Leadership and Multistakeholder Process	14
IV. Commitments	23
THEME 1: HEALTH	25
1. Public Access to Combat Chronic Kidney Disease	25
2. Safe and Affordable Medicines	31
3. National Health Performance	37
THEME 2: EDUCATION	42
4. Transparent Teacher Recruitment Policy	42
THEME 3: INFORMATION AND COMMUNICATION TECHNOLOGY	46
5. Government Information Centre	46
6. Promote Open Data	53
THEME 4: ENVIRONMENT	58
7. National Environmental Act Amendments	58
8. Coast Conservation and Coastal Resources Management Act Amendments	63
9. Fauna and Flora Protection Ordinance and North Western Province Environmental Statute Amendments	68
THEME 5: LOCAL GOVERNMENT	73
10. Procurement System for Local Authorities	73
11. Implementation and Monitoring of Local Authority Procurement System	78
THEME 6: WOMEN	82
12. Personal Law Reforms	82
13. Gender Equality in State Land Distribution	88
14. Non-Discrimination in Employment	93
THEME 7: WOMEN IN POLITICAL GOVERNANCE	97
15. Women's Political Participation at the Local Level	97
THEME 8: CORRUPTION	104
16. Public Participation in Anti-Corruption Framework	104
17. Implementation of UNCAC Obligations and Constitutional Reform	109
18. Coordination among Anti-Corruption Agencies	113
19. Corruption and Money Laundering	117
20. Regulation of Political Campaign Financing	121

21. Disseminate Asset Declarations	124
THEME 9: RIGHT TO INFORMATION	128
22. Enactment and Implementation of the RTI Act	128
23. Proactive Disclosure	140
V. General Recommendations	143
VI. Methodology and Sources	150
VII. Eligibility Requirements Annex	156

Executive Summary: Sri Lanka Year 1 Report

Action plan: 2016–2018
Period under review: 2016–2017



IRM report publication year: 2018

Sri Lanka's first national action plan addressed a broad range of issues, from health to corruption to the right to information. While the government passed legislation on the right to information, most commitments saw little to no progress. Moving forward, the government may need to focus on meaningfully convening key stakeholders during implementation of the action plan. This, in turn, may help to ensure that more commitments are implemented through to completion.

HIGHLIGHTS

Commitment	Overview	Well-Designed?
22. Enactment and Implementation of the Right to Information Act	The enactment of legislation is a landmark achievement. The legislation offers the potential for the state to provide a framework for the active engagement of citizens in exercising the right to obtain information.	Yes
16. Public Participation in Anti-Corruption Framework	This commitment recognises that there is currently no clear framework to combat bribery and corruption in Sri Lanka. The absence has often resulted in the adoption of ad-hoc and inconsistent measures.	No
21. Disseminate Asset Declarations	This commitment proposes to activate and expedite the amendment of provisions under the Declarations of Assets and Liabilities Law, in order to facilitate the dissemination of asset declarations to the general public.	No

*Commitment is evaluated by the IRM as specific and relevant, and has a transformative potential impact.

PROCESS

The government collaborated with civil society organisations to conduct a series of public consultations across Sri Lanka to determine the thematic areas of interest among the general public. Although a multi-stakeholder forum existed during implementation of the plan, meetings were irregular. In addition, only select government and civil society representatives participated in consultations.

Who was involved?

Civil society	Beyond "governance" civil society			
	Mostly "governance" civil society			✓
	No/little civil society involvement			
		Narrow/little governmental consultations	Primarily agencies that serve other agencies	Significant involvement of line ministries and agencies
	Government			

The Ministry of Foreign Affairs (MFA) assumed primary responsibility for leading the OGP initiative. The MFA engaged government ministries, agencies, departments and independent commissions to conduct consultations on shortlisted thematic areas. The involvement of sub-national government mostly pertained to commitment implementation. The MFA delegated the responsibility of coordinating civil society organisations' participation and engagement to Transparency International Sri Lanka.

Level of input by stakeholders

Level of Input	During Development
Collaborate: There was iterative dialogue AND the public helped set the agenda.	✓
Involve: The public could give feedback on how commitments were considered.	
Consult: The public could give input.	
Inform: The government provided the public with information on the action plan.	
No Consultation	

OGP co-creation requirements

Timeline Process and Availability Timeline and process available online prior to consultation	No
Advance Notice Advance notice of consultation	Yes
Awareness Raising Government carried out awareness-raising activities	No
Multiple Channels Online and in-person consultations were carried out	No
Documentation and Feedback A summary of comments by government was provided	No
Regular Multistakeholder Forum Did a forum exist and did it meet regularly?	No
Government Self-Assessment Report Was a self-assessment report published?	No
Total	1 of 7

Acting contrary to OGP process A country is considered to have acted contrary to process if one or more of the following occurs: <ul style="list-style-type: none"> • The national action plan was developed with neither online or offline engagements with citizens and civil society. • The government fails to engage with the IRM researchers in charge of the country's Year 1 and Year 2 reports. • The IRM report establishes that there was no progress made on implementing any of the commitments in the country's action plan. 	No
---	----

COMMITMENT PERFORMANCE

Overall, commitment implementation is limited. A key theme of the action plan was the right to information legislation. The only 'starred commitment' appears under this theme (commitment 22, Enact the Right to Information Act).

Current action plan implementation

2016–2018 Action Plan	
Completed Commitments (Year 1)	0 of 23 (0%)
OGP Global Average Completion Rate (Year 1)	18%

Potential impact

2016–2018 Action Plan	
Transformative Commitments	1 of 23 (4%)
OGP Average for Transformative Commitments	16%

Starred commitments

2016–2018 Action Plan	
Starred Commitments* (Year 1)	1 of 23 (4%)
Highest Number of Starred Commitments (All OGP Action Plans)	5

*Commitment is specific, clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented.

RECOMMENDATIONS

1. **Ownership:** Pursue activities that promote greater ownership of the OGP initiative. *Conduct innovative and far-reaching public awareness campaigns about the significance and importance of the country's involvement in OGP and the general value of open government.*
2. **Process Engineering:** Facilitate inclusive and meaningful participation in the OGP process. *Complete all key steps in the OGP process pertaining to the implementation of the action plan. Sri Lanka should aim to advance from "consult" to a minimum of "collaborate" on the spectrum of participation.*
3. **Fiscal Transparency and Participatory Auditing:** Enhance fiscal transparency and public participation in audit processes. *Introduce participatory mechanisms for the general public to interact with relevant government representative on the implementation of national or subnational budgets. Measures may include social audits and participatory budgeting.*
4. **Local Accountability:** Strengthen public accountability through local government. *Formally mandate and publish independent and public audits of local government expenditures and procurement.*
5. **Anti-Corruption Enforcement:** Introduce public accountability in anti-corruption efforts. *Introduce specific provisions that allow the public to hold government and the state accountable in combating corruption. Related initiatives must include a public-facing element, and call upon the government to justify its actions and/or act upon public feedback.*

COMMITMENTS OVERVIEW

Commitment Title	Well-Designed (Year 1)*	Starred (Year 1)	Overview
Theme 1: Health			
1. Public access to combat chronic kidney disease (CKD)	No	No	The Ministry of Health, Nutrition, and Indigenous Medicine (Ministry of Health) has not yet established the multi-stakeholder forum to draft the CKD prevention strategic plan. The ministry has taken steps to publish information on measures to combat CKD. However, it has yet to begin institutionalising feedback mechanisms.
2. Safe and affordable medicines	No	No	This commitment seeks to increase the availability and affordability of quality essential medicines. However, the activities do not address the quality of medicine; a bigger obstacle to public use of these medicines.
3. National Health Performance Framework	No	No	The Ministry of Health has yet to finalise the National Health Performance Framework. The framework would enhance public access to information on healthcare. Related milestones, such as a public monitoring forum, are thus delayed.
Theme 2: Education			
4. Transparent teacher recruitment policy	No	No	This commitment aims to increase transparency in the recruitment, appointment, promotion and transfer of teachers. These actions will reduce ad-hoc teacher appointments. Implementation is limited.
Theme 3: Information & Communication Technology			
5. Government Information Centre	No	No	This commitment seeks to improve services and increase public awareness of a website supplying the public with information on government services. Most of the activities are e-government focused and not related to OGP values.
6. Promote Open Data	No	No	The commitment could be more ambitious. It seeks only to improve and scale-up existing initiatives of the Open Data web portal. Introduction of legislation on the right to information during this commitment's implementation could result in an increased number of accessible datasets.
Theme 4: Environment			
7. National Environmental Act amendments	No	No	This commitment seeks to ensure public participation, transparency, and government accountability in environmental decision making. Implementation is delayed due to a desire by implementing ministries to pass a number of other related amendments concurrently.

8. Coast Conservation and Coastal Resources Management Act (CCRMA) amendments	No	No	Similar to commitment 7, this commitment seeks to introduce the public right to comment on Initial Environmental Examinations (IEEs) under the CCCRMA for coastal development projects. Proposed provisions relating to government accountability could significantly enhance the potential impact.
9. Fauna and Flora Protection Ordinance (FFPO) and North-Western Province Environmental (NWPES) Statute amendments	No	No	The FFPO and the NWPES already provide for public participation through public comments in both IEE and Environmental Impact Assessment processes. This commitment seeks to solely introduce the provision pertaining to government accountability. Until the content of the amendment is finalised, the precise mechanism to facilitate government accountability remains unclear.
Theme 5: Local Government			
10. Procurement system for local authorities	No	No	This commitment seeks to prepare and publish procurement guidelines as a first step towards a transparent procurement system. Its impact is minor, as the guidelines will not be binding, enforceable legislation.
11. Implementation and monitoring of local authority procurement system	No	No	This commitment seeks to supplement and strengthen the transparent procurement system with monitoring provisions. The impact is lessened by the form of the related redress mechanism. Its implementation is contingent on the introduction and publication of the procurement guidelines outlined under commitment 10.
Theme 6: Women			
12. Personal law reforms	No	No	The commitment's activities would see personal laws being amended and removed of provisions that discriminate against women. However, completion of this commitment is limited due to conflicting interests among key stakeholders.
13. Gender equality in state land distribution	No	No	This commitment aims to pass an amendment to the Land Development Ordinance (LDO). The amendment would ensure equal opportunities for women in the distribution of state land. Stakeholders moved to amend the LDO to ensure that joint or co-ownership can be granted to both spouses when the land is allocated to married couples.
14. Non-discrimination in employment	No	No	As with commitments 12 and 13, this commitment comprises activities derived from recommendations of the report from the Committee on the Elimination of Discrimination against Women. The recommendations seek to

			eliminate discrimination of women in formal and informal employment. Low specificity on how the government aims to address the recommendations lessens the commitment's potential impact.
Theme 7: Women in Political Governance			
15. Women's political participation at the local level	No	No	The primary objective is to strengthen political participation of trained, qualified women through their nomination and election in local government. While the activities could help achieve that goal, the commitment saw limited completion.
Theme 8: Corruption			
16. Public participation in anti-corruption framework	No	No	The establishment of an Inter-Agency Corruption Prevention Council to create a robust anti-corruption action plan constitutes a noteworthy opportunity for civil society to participate in related processes. Completion is, however, limited. The Commission to Investigate Allegations of Bribery or Corruption (CIABOC) has solicited feedback from the public and private sectors to commence the plan's development.
17. Implementation of United Nations Convention against Corruption (UNCAC) obligations and constitutional reform	No	No	The potential impact of this commitment could be enhanced by introducing a public-facing accountability or enforcement mechanism for the planned multi-stakeholder committee. That mechanism would monitor the implementation of the country's UNCAC obligations.
18. Coordination among anti-corruption agencies	No	No	The multi-stakeholder committee to review the mandates of anticorruption agencies has not yet been established. Thus, other milestones relating to the publication, implementation, and monitoring of committee findings have not started.
19. Corruption and money laundering	No	No	The commitment's primary milestone presents no clear relevance to OGP values. The milestone aims to initiate legislation that would broaden the scope of CIABOC to include the offence of money laundering. The legislation must be initiated and enacted before data on related cases can be made accessible to the public.
20. Regulation of political campaign financing	No	No	This commitment's relevance to OGP values is unclear. It does not specify whether the disclosure of the amounts and sources of campaign financing would be made public.
21. Disseminate asset declarations	No	No	The commitment proposes to initiate and enact an amendment to the Declarations of Assets and Liabilities Law. The amendment would repeal provisions that currently prohibit public disclosure

			of asset declarations. Enactment is pending.
Theme 9: Right to Information			
22. Enactment and implementation of the Right to Information (RTI) Act	✓	⊕	Legislation on the right to information in Sri Lanka was enacted August 2016. The government has also made progress in establishing requisite infrastructure for the effective implementation of the law. Work remains, however, on resource allocation and raising public awareness.
23. Proactive disclosure	No	No	This commitment seeks to ensure the proactive disclosure and publication of an inventory of documents, as outlined under the RTI Act. The mandatory nature of the RTI law will support the completion of this commitment. Completion is delayed but still on time.

*Commitment is evaluated by the IRM as specific and relevant, and has a transformative potential impact.

ABOUT THE AUTHOR

Anoukh de Soysa is an independent researcher with over seven years of professional, international experience in governance, international development and law. He holds a Master's degree in Public Policy, specializing in economic analysis, from the National University of Singapore, an Undergraduate degree in Law from the University of Warwick, and a Postgraduate Diploma in International Relations.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. Introduction

The Open Government Partnership (OGP) is an international multistakeholder initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organisations, and the private sector, all of which contribute to a common pursuit of open government.

Sri Lanka began its formal participation in 2015, when former minister of justice Dr. Wijeyadasa Rajapakshe, on behalf of President Maithripala Sirisena, declared his country's intention to participate in the initiative.¹

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria. Objective, third-party indicators are used to determine the extent of country progress on each of the criteria: fiscal transparency, public officials' asset disclosure, citizen engagement, and access to information. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments with the aim of changing practice beyond the status quo over a two-year period. The commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Sri Lanka developed its national action plan from May 2016 to October 2016. The official implementation period for the action plan extended from 1 July 2016 through 30 June 2018. This year one report covers the action plan development process and first year of implementation, from July, 2016 to June, 2017. Beginning in 2015, the IRM started publishing end-of-term reports on the final status of progress at the end of the action plan's two-year period. Any activities or progress occurring after the first year of implementation will be assessed in the end-of-term report. At the time of writing, December, 2017, the government has not yet published its self-assessment report.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Anoukh de Soysa, who carried out this evaluation of the development and implementation of Sri Lanka's first action plan. To gather the voices of multiple stakeholders, the IRM researcher conducted over 25 interviews with key representatives from government institutions, independent commissions, and civil society organisations. The researcher also held a multistakeholder forum with key individuals from government and civil society involved in the implementation of the OGP commitment on information and communication technology. All interviews were held in the capital, Colombo. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. Methods and sources are dealt with in Section VI of this report (Methodology and Sources).

II. Context

The government of Sri Lanka has introduced important institutional and policy reforms aimed at improving governance and transparency in the country. However, stronger measures to enhance public accountability, ensure fiscal transparency, and deepen civic participation stand to transform business-as-usual and reinforce the country's commitment to open government.

2.1 Background

In January 2015, citizens elected President Maithripala Sirisena on a platform of good governance and promises of greater openness, transparency, and accountability.² His support came from a coalition of political entities. Building on this momentum, parliamentary elections were held in August 2015, with the two major political parties—the Sri Lanka Freedom Party and the United National Party—joining forces to form the National Unity Government.

Since these elections, the government has introduced several institutional and policy reforms aimed at strengthening governance and transparency in Sri Lanka. As a result, the country has experienced positive developments in facilitating the exercise of civil and political liberties,³ including the use and strengthening of independent commissions, the focusing of efforts to combat corruption, and the passing of landmark legislation on the right to information.⁴ While comprehensive reform of the Constitution continues to be deliberated,⁵ the passage of the nineteenth amendment in 2015 restored presidential term limits and vested greater decision-making power in Parliament.⁶

The government of Sri Lanka has actively pursued initiatives toward improving broad notions of accountability. These initiatives are central to the reform agenda. For instance, while the functioning and independence of established commissions—such as the Human Rights Commission of Sri Lanka and the National Police Commission—have been strengthened with new appointments,⁷ independent commissions have been instituted to respond to pertinent national issues. Notably, in early 2017, the government established a Presidential Commission of Inquiry to investigate the controversial Treasury Bond issue,⁸ which implicates insider dealings in the issuance of government bonds at the Central Bank of Sri Lanka. Although investigations are ongoing, the resignation of a government minister⁹ in response to the findings of this commission stands as a testament to the growing space for accountability. However, the government has limited much of this space to internal systems of accountability, with few, if any, public-facing mechanisms being introduced to facilitate greater public accountability and redress.

As a state party to the United Nations Convention against Corruption, the government of Sri Lanka has maintained its intention to strengthen and pursue effective anti-corruption measures. While a number of high-profile investigations have been initiated by an empowered anti-corruption apparatus—which includes the Attorney General's Department, Commission to Investigate Allegations of Bribery or Corruption, and Financial Crimes

Investigation Division—very few investigations have led to major prosecutions.¹⁰ Despite the government's positive intentions, in one year, Sri Lanka dropped 12 places in the Transparency International Corruption Perceptions Index to rank ninety-fifth out of 176 countries in 2016.¹¹

The government has made significant progress, however, in relation to public access to information. Fulfilling a key component of the current government's campaign promises, Sri Lanka passed robust legislation on the right to information in 2016¹² and strengthened it further with the introduction of specific rules and regulations in 2017.¹³ According to quality assessments by the Centre for Law and Democracy, the country's legal framework for enhancing the right to information is currently rated the best in the region and third best in the world.¹⁴ However, beyond commendable legislative enactment, Sri Lanka now faces the greater challenge of ensuring successful implementation of related provisions.

According to the Open Government Index¹⁵ compiled by the World Justice Project in 2015, Sri Lanka ranks seventy-third of 102 countries on citizen perceptions of the effectiveness of civic participation mechanisms, including the protection of freedoms of expression and association.¹⁶ Although Sri Lanka has witnessed an upward trajectory in the overall exercise of freedoms since 2015, the Freedom House Index¹⁷ continues to rank the country's freedom status as "partly free," indicating scope for further deepening political rights and civil liberties. In particular, the index considers sustained efforts to foster accountable institutions, protect the independence of the media, and enforce minority rights of urgent importance.¹⁸ Similarly, while laws that curtail the freedom of the press are invoked less frequently—and reports of attacks on journalists have decreased¹⁹—the persistence of isolated incidents of manipulation and hostility²⁰ indicate that the press in Sri Lanka is still rated "not free."²¹

In general, the wider enabling environment for open government remains largely conducive to the achievement of impactful results. For instance, the government has taken encouraging steps toward transitional justice and post-conflict reconciliation—most notably with the recent enactment of legislation²² to operationalise an Office of Missing Persons.²³ This office will have powers to investigate the cases of thousands of people who disappeared during the years of internal conflict, recommend compensation to bereaved families, and empower them to take legal action where necessary.²⁴ Initiatives such as this reinforce the accountability of government; provide opportunities to build, or restore, trust between citizens and their government; and thereby, encourage constructive public participation in decision-making processes.

However, as fissures begin to appear in the political coalition,²⁵ and rumblings of social disquiet intensify among fundamental ethno-religious groups,²⁶ the effective operation of strong national institutions remains an indispensable precondition of open government in Sri Lanka. Inadequate management of public finances²⁷ and limited fiscal transparency²⁸ have burdened public service delivery and engendered space for corruption. According to the Open Budget Survey conducted by the International Budget Partnership in 2017, Sri Lanka provides the public with limited budget information and provides few opportunities for the public to engage in the budget process.²⁹

2.2 Scope of Action Plan in Relation to National Context

Sri Lanka's first action plan aims to address some of the major open government challenges that the country faces. These include incremental measures to implement the Right to Information Act, increase transparency in decision making in a number of thematic areas, reform legislation that inhibits access to information, involve civil society in decision making through opportunities for civic participation, and strengthen the overarching framework of anti-corruption efforts. However, in light of the broader national context illustrated above, the IRM researcher recognises that the scope of the action plan may be expanded to include and address a number of unattended, high-priority areas that continue to affect Sri Lanka.

Although central to the values of open government, the introduction and strengthening of public accountability remain largely beyond the primary purview of the existing action plan. With few exceptions, no other commitment explicitly calls on public officers, or government, to hold themselves directly answerable to the citizens they serve. Exceptions include the commitments to introduce grievance redress mechanisms related to procurement by local government (see Commitment 11) and to ensure the safety and availability of affordable medicines (see Commitment 3). The Sri Lankan political landscape is becoming increasingly crowded with internal mechanisms of accountability.³⁰ Opening such mechanisms to the public will not only allow unprecedented scrutiny of public service delivery but also demand that such mechanisms are thorough, expeditious, and transparent.

The introduction of strong legislation on the right to information³¹ stands as an important feature of this action plan. Concomitantly, a number of other commitments seek to enhance transparency in decision making, with the release of previously undisclosed information being prescribed in a number of areas, including education, environment, health, information and communications technology, and local government. Most of these commitments relate to the publication of government services information and often involve the removal of legislative barriers that have hindered transparency in the past. Despite intensifying scrutiny of the efficacy of public financial management, only three commitments in the action plan seek to introduce or promote greater fiscal transparency.³² None of these commitments entail public participation in the budget process.

In the context of public participation, several commitments in the action plan improve space for active civil society engagement. Noticeably, government stakeholders propose to increase the involvement of civil society and citizens in decision making, most often by introducing multistakeholder committees to review, or monitor, the formulation and implementation of government policies. However, indicative of the scope for further deepening civic participation, few—if any—commitments empower citizens and civil society to proactively set the agenda or lead decision making. A notable exception lies in the proposed establishment of a multistakeholder committee—though of unspecified composition—to prepare a strategic plan for the prevention of chronic kidney disease (see Commitment 1).

Consequently, expanding the scope of the action plan to include commitments that enhance public accountability, promote fiscal transparency, and deepen civic participation collectively stand to strengthen public institutions, and further foster the practice of open government in

Sri Lanka. Importantly, in these efforts, the government should embrace the transformative role of technology as a cross-cutting tool to address many of the identified challenges. While this first action plan involves limited use of technology to promote open government, future action plans may choose to better leverage its expanding potential.

III. Leadership and Multistakeholder Process

The government and a network of civil society organisations collaborated to conduct a series of public consultations across Sri Lanka towards the development of the action plan. While these consultations were generally representative, prior measures to raise awareness of OGP could have benefitted action plan development. Although a multistakeholder forum existed during implementation of the plan, meetings were irregular, and consultations were limited to select government and civil society representatives.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Sri Lanka. Table 3.1 summarises this structure while the narrative section (below) provides additional detail.

Table 3.1: OGP Leadership

I. Structure	Yes	No
Is there a clearly designated Point of Contact for OGP (individual)?	✓	
	Shared	Single
Is there a single lead agency on OGP efforts?		✓
	Yes	No
Is the head of government leading the OGP initiative?	✓	
2. Legal Mandate	Yes	No
Is the government's commitment to OGP established through an official, publicly released mandate?	✓	
Is the government's commitment to OGP established through a legally binding mandate?		✓
3. Continuity and Instability	Yes	No
Was there a change in the organisation(s) leading or involved with the OGP initiatives during the action plan implementation cycle?		✓
Was there a change in the executive leader during the duration of the OGP action plan cycle?		✓

Under the Constitution,³³ Sri Lanka is a unitary state, led by an executive President who is head of state and government. As a democracy, the state comprises executive, legislative, and judicial branches, with each exercising varying checks and balances on decision-making power. In addition, the presence of provincial councils, districts, and municipalities at the local level has contributed to limited decentralisation of power and the transfer of administrative authority to subnational governments. However, it does not follow that OGP

consultations took place across every level of government in Sri Lanka (see Section 3.2, Intragovernmental Participation).

The commitment to OGP, and the first national action plan, emerged as an extension of the government’s mandate of good governance, through which it promised greater openness, transparency, and accountability.³⁴ Although not legally binding, this mandate stood as a key feature of the government’s successful election manifesto in 2015³⁵ and continues to inform public political discourse. Beyond this, the Cabinet of Ministers also endorsed a declaration to join and participate in OGP.³⁶ This declaration serves as an executive order or directive of formal government policy.³⁷

The Ministry of Foreign Affairs (MFA) is the lead agency responsible for coordinating and implementing the national action plan.³⁸ To do this, the MFA established a dedicated OGP Unit. The government point of contact leads the unit,³⁹ and an assistant director⁴⁰ and a few other ministry officials provide support. Generally, the MFA holds responsibility for facilitating civil society participation and coordinating intragovernmental efforts to meet commitments under the action plan. However, the ministry has little legal power to enforce policy changes or compel other agencies to take specific action on commitments (see Table 3.1 on the leadership and mandate of OGP in Sri Lanka).

The head of government, the President, is not directly involved in the development or implementation of the action plan. However, appointed as the chair of the National Steering Committee (NSC), the President technically leads the OGP initiative.⁴¹ The Prime Minister, members of the cabinet, and members of a Joint Working Committee—comprising government and civil society partners—are also part of the proceedings.⁴² The Cabinet of Ministers appointed the members of the NSC, which is dedicated to providing guidance and overseeing implementation of the action plan.⁴³ The exact number of members in the NSC is unconfirmed.

While there is no overarching budget allocation for OGP commitments, the 2017 national budget contains a dedicated byline for OGP. This budget specifically allocates around 25,000,000 Sri Lankan rupees (USD 162,000) to support activities pertaining to the legislation on the Right to Information.⁴⁴ In addition, according to the OGP point of contact at the MFA, internal MFA budgets do contain certain provisions for the coordination of activities relating to OGP.⁴⁵

3.2 Intragovernmental Participation

This subsection describes which government institutions were involved at various stages in OGP. The next section will describe which nongovernmental organisations were involved in OGP.

Table 3.2 Participation in OGP by Government Institutions

How did institutions participate?	Ministries, Departments, and Agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other (including constitutional independent or	Subnational Governments
-----------------------------------	---------------------------------------	-------------	---	--	-------------------------

				autonomous bodies)	
Consult: These institutions observed or were invited to observe the action plan but may not be responsible for commitments in the action plan.	⁴⁶ 17	0	⁴⁷ 1	⁴⁸ 7	0
Propose: These institutions proposed commitments for inclusion in the action plan.	0	0	0	0	0
Implement: These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments.	⁴⁹ 17	⁵⁰ 1	⁵¹ 2	⁵² 7	⁵³ 1

Originally positioned within the Ministry of Justice, the Ministry of Foreign Affairs (MFA) took over primary responsibility for leading and coordinating the OGP initiative in April 2016.⁵⁴ Before the involvement of other government institutions in the development of the national action plan, the MFA collaborated with civil society to conduct 10 countrywide public consultations. The consultations allowed citizens from each province to submit issues to be considered for inclusion in the action plan.⁵⁵ The civil society engagement process in the development and implementation of the action plan is described in more detail in Section 3.3.

Following the consultations, a Civil Society Steering Committee filtered the public submissions to identify thematic areas of interest and presented a shortlist of pertinent issues to the MFA for further consideration.⁵⁶ The committee comprises representatives from 13 civil society organisations (CSOs).⁵⁷ Thereafter, the MFA approached representatives from government institutions that exercised purview over the shortlisted subjects and issues to conduct internal, informal, intragovernmental consultations.⁵⁸ These institutions included government ministries, agencies, departments, and independent commissions in the areas of corruption, education, environment, health, information and communication technology, local government, the right to information, and women. As the chosen thematic area dictated which institution would be involved, the legislative and judicial branches were not called upon to participate in the development of commitments under the action plan.

Concurrently, the MFA invited CSOs on the Civil Society Steering Committee who had relevant subject expertise to engage with counterpart government agencies and initiate dialogue to translate the issue into an OGP commitment.⁵⁹ The MFA acted as process facilitators to flesh out the commitments and ensure the robust engagement of the various government institutions with their civil society counterparts.⁶⁰ The Civil Society Steering Committee finalised a draft CSO action plan⁶¹ in August 2016. After this, and prior to the submission of the draft action plan for cabinet approval (obtained in October 2016), the MFA pursued more senior-level consultations.⁶² According to the executive director of Transparency International Sri Lanka—the primary CSO coordinator—the government made only minor changes to the CSO action plan, retaining most of the original commitments.⁶³ The MFA confirmed this.⁶⁴

Given the procedure and chronology of developments, the themes included in the action plan were, in essence, chosen by the Civil Society Steering Committee, drawing primarily from submissions obtained through public consultations and scattered input from relevant government institutions where necessary. The establishment of the National Steering Committee (NSC, see section 3.1) in October 2016 sought to expand the breadth of government agencies involved in the OGP process.⁶⁵ However, as this body was created around the same time as the national action plan, the NSC could not influence the commitments included in the plan. Instead, the NSC was only mandated with overseeing and guiding the implementation of commitments.

In terms of implementation, the lead government institutions identified in the action plan assumed primary responsibility for ensuring progress on their respective commitments.⁶⁶ Based on interactions of the IRM researcher, most of these institutions unofficially appointed a dedicated representative for OGP, who in turn was tasked with coordinating the achievement of the various milestones under each commitment and liaising with other government and civil society stakeholders where necessary. The researcher found that the assigned representative generally held a senior position in the institution, ranging from assistants and additional secretaries at government ministries to chairpersons and directors of national committees and public commissions (see Section VI for the full list of interviewed government stakeholders).

The legislature, the Parliament of Sri Lanka, took on a largely limited, supportive role. That is, Parliament was to facilitate the implementation of commitments involving the enactment or amendment of specific legislation.⁶⁷ The participation of the judiciary involved only specific input from the Attorney General's Department.⁶⁸ The action plan also consigned the involvement of subnational governments to the later stage of implementation. The North Western Provincial Council were involved in a commitment pertaining to local environmental legislation, while all 335 local authorities were expected to support the implementation of a transparent and accountable procurement system. Table 3.2 above details which institutions were involved in OGP at various stages.

3.3 Civil Society Engagement

As indicated in section 3.2, civil society organisations (CSOs) played a central role in the development of the national action plan. Early in the process, the Ministry of Foreign Affairs

(MFA) recognised Transparency International Sri Lanka (TISL) as a key civil society focal point on OGP. The MFA proceeded to delegate the responsibility of coordinating the participation and engagement of other CSOs to TISL.⁶⁹ In early 2016, TISL conducted informal information sessions for other CSOs⁷⁰ and published newspaper articles⁷¹ to increase general awareness of OGP. TISL held a public event, co-organised with the MFA, to launch the OGP initiative in April 2016. A brainstorming exercise at the event featured participants listing pressing challenges in Sri Lanka, along with potential open government solutions.⁷²

TISL then shared an open invitation with a wide network of CSOs to nominate themselves to an interim CSO Steering Committee.⁷³ According to TISL, this steering committee would support the organisation of wider consultations and draft commitments to submit to the government for potential inclusion in the national action plan.⁷⁴

In the countrywide consultation process that followed, 10 distinct consultations were held across all nine provinces, with citizens and civil society stakeholders contributing to inform the Sri Lanka open government agenda.⁷⁵ These public consultations were jointly organised by government and civil society, and were conducted in the form of town-hall consultations in collaboration with district secretariats. Intent on encouraging active citizen participation and eliciting candid feedback, the organisers tried to ensure that the consultations were not overly formal or official-heavy.⁷⁶ Therefore, the limited participation of government included the MFA operating as coordinating facilitators and the local government agency as the host institution.

No formal rules of participation existed for the 10 public consultations.⁷⁷ Generally, each consultation lasted half a day and elicited over 400 submissions on various topics from a diverse range of stakeholders, including local CSOs. In introducing the purpose of the consultations, the organisers focused on the term “good governance” in the context of improving government service delivery. This focus aimed to preclude the public from submitting issues unrelated to open government.⁷⁸ Primarily, the geographic spread of the consultations assured diversity of participation. The decision to conduct the consultations at the district secretariats may have enhanced legitimacy and engendered a greater sense of accessibility among the general public.⁷⁹ TISL noted that civil society organisations familiar with particular geographic areas took a lead role in coordinating the respective public consultations. In doing so, CSOs took particular effort to facilitate the participation of a representative and inclusive cross section of society—i.e., by seeking to balance gender, ethnicity, occupation, and income level.⁸⁰ However, according to TISL, the consultations had to be arranged and conducted within an accelerated time period to meet the exigencies of identifying issues and finalising the action plan. The fast pace partially compromised efforts to ensure as broad an audience as possible.⁸¹

TISL noted that through these consultations, the public reported over 400 submissions on different governance-related issues.⁸² The interim CSO Steering Committee sifted through these submissions to identify key issues and thematic areas that cut across the provinces. The committee thereby omitted issues that were unique to a particular region. Many of the reported issues were directly relevant to open government and formed the basis of nearly

all the commitments in the action plan. TISL also noticed that the right to information—though not discussed at the public consultations—emerged as a cross-cutting thematic issue.⁸³ Therefore, the CSO Steering Committee adopted a nuanced position which saw the key issues emanating from public submissions being included as commitments in a draft action plan, alongside a commitment on the right to information that had not been reported by the public, but remained pertinent to open government.⁸⁴

Next, select CSO members picked issues in line with their areas of expertise and proceeded to draft open government commitments to address the issues.⁸⁵ The members now constituted the more formal OGP CSO Steering Committee. The government held a press conference in June 2016 to publicly present the chosen themes and introduce the final CSO Steering Committee.⁸⁶ In July 2016, the CSOs and relevant line ministries and/or government agencies—i.e., those with purview over the selected issues or themes—held a joint meeting to deliberate and finalise the draft commitments.⁸⁷ Following this meeting, TISL uploaded the draft commitments on its website and invited public comments over 17 days.⁸⁸ The commitments were further revised and fine-tuned through deliberations among the CSOs and their government counterparts, local experts on open government, and international experts from OGP working groups.⁸⁹

The CSO Steering Committee submitted the final commitments to the MFA in the form of a CSO national action plan,⁹⁰ to be edited, vetted, and reviewed in preparation for the approval of the cabinet. Section 3.2 outlines in more detail the role of intragovernmental participation in the development and implementation of the action plan.

Table 3.3: National OGP Process

Countries participating in OGP follow a set of requirements for consultation during development, implementation, and review of their OGP action plan. Table 3.3 summarises the performance of Sri Lanka during the 2016–2018 action plan.

Key Steps Followed: 1 of 7						
Before	1. Timeline Process & Availability			2. Advance Notice		
	Timeline and process available online prior to consultation	Yes	No	Advance notice of consultation	No	Yes
			X			✓
	3. Awareness Raising			4. Multiple Channels		
	Government carried out awareness-raising activities	Yes	No	4a. Online consultations:	Yes	No
			X		X	
				4b. In-person consultations:	Yes	No
					✓	
5. Documentation & Feedback						
Summary of comments provided					Yes	No

						X
During	6. Regular Multistakeholder Forum					
	6a. Did a forum exist?	Yes	No	6b. Did it meet regularly?	Yes	No ¹
		✓				X
After	7. Government Self-Assessment Report					
	7a. Annual self-assessment report published?	Yes	No	7b. Report available in English and administrative language?	Yes	No
			X			X
	7c. Two-week public comment period on report?	Yes	No	7d. Report responds to key IRM recommendations?	Yes	No
		X			X	

Table 3.4: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.² This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborative.”

Level of public input		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.	✓	
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.		✓
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

3.4 Consultation During Implementation

As part of their participation in OGP, governments commit to identify a forum to enable regular multistakeholder consultation on OGP implementation. This can be an existing entity or a new one. This section summarises that information.

¹ The Ministry of Foreign Affairs and other government stakeholders considered the working groups important, but they did not regularly convene. That is, no systematic process was put in place or publicised.

² “IAP2’s Public Participation Spectrum,” International Association for Public Participation, <http://bit.ly/2qVYaFz>.

The National Steering Committee (NSC) is chaired by the President of Sri Lanka and comprises other government and civil society stakeholders (see Section 3.1). The motivation behind the appointment of the committee was to build a multistakeholder forum to monitor and oversee the implementation of the action plan.⁹¹ However, early in 2017, the Ministry of Foreign Affairs (MFA) recognised that convening the NSC and its high-profile membership would be challenging. Therefore, the MFA decided to establish a more functional multistakeholder Working Group, chaired by the deputy minister of foreign affairs.⁹²

The Working Group included representatives from the government institutions leading commitment implementation, members of their civil society organisation (CSO) counterparts, and representatives from the MFA's OGP Unit.⁹³ The group met twice at the MFA, once in April 2017 and once in August 2017. The lead government institution reported progress on each commitment through a brief two-minute presentation. The CSO counterparts were then provided an opportunity to respond to the presentation and raise questions and concerns regarding the reported progress.⁹⁴ According to a representative from Transparency International Sri Lanka (TISL), the forum served as a unique and useful platform for ensuring accountability. The forum also afforded space for discussion and cross-fertilisation of ideas between, and among, government and civil society participants.⁹⁵

The not fixed but functional composition of the Working Group largely limited participation to stakeholders directly involved in the implementation process. At least one person represented each lead agency and CSO counterpart under the 12 thematic commitments.⁹⁶ Although protocol for the presentations existed, the forum did not have other formal rules of engagement or participation. While the MFA confirmed that the forum proceedings were not confidential, the minutes were not made public, nor were there any open invitations for wider participation beyond the key implementing stakeholders.⁹⁷ Before the Working Group's creation—through January 2017—stakeholders met in smaller groups, arranged thematically, to discuss progress on the implementation of the commitments.⁹⁸

Concurrently, civil society created an informal forum to monitor implementation. First convened in early 2016, it comprised the 13 representatives of the CSO Steering Committee.⁹⁹ This forum meets on a quarterly basis to discuss progress on commitments, share new ideas and innovations, and explore how other CSOs can be supported to promote open government. According to the executive director of TISL, the forum welcomes the participation of other interested CSOs, but existing members are not proactively pursuing expansion.¹⁰⁰ The government is currently not represented at this forum, and meeting minutes are not made public.¹⁰¹ TISL has independently developed an online tracker¹⁰² on its website to track and present the progress of the action plan's full set of commitments and milestones. Although the tracker was presented to the MFA, TISL noted that the ministry did not publish it at the Working Group sessions, citing the necessity to cross-check and vet related findings.¹⁰³ The tracker does not yet provide opportunity for public interaction.

3.5 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-

assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

As of December 2017, the government had not published its self-assessment report. The Ministry of Foreign Affairs (MFA) did not provide a specific date for publication, but an MFA representative confirmed that the MFA is collecting information from the relevant line ministries and government agencies. The representative also confirmed that the report will be made available for public comment.¹⁰⁴

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programmes.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹⁰⁵

What Makes a Good Commitment?

Recognising that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyses the first year of their implementation.

The indicators used by the IRM to evaluate commitments are as follows:

- **Specificity:** This variable assesses the level of specificity and measurability of each commitment. The options are:
 - High: Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective.
 - Medium: Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective.
 - Low: Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be.
 - None: Commitment language contains no measurable activity, deliverables, or milestones.
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
 - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions?
 - Public Accountability: Will the government create or improve opportunities to hold officials answerable for their actions?
 - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?¹⁰⁶
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;

- Establish the status quo at the outset of the action plan; and
- Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Starred commitments** are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:
 - Starred commitments will have “medium” or “high” specificity. A commitment must lay out clearly defined activities and steps to make a judgement about its potential impact.
 - The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
 - The commitment would have a "transformative" potential impact if completely implemented.¹⁰⁷
 - The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Based on these criteria, Sri Lanka’s action plan contained no starred commitments.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Sri Lanka and all OGP-participating countries, see the OGP Explorer.¹⁰⁸

General Overview of the Commitments

The action plan comprises nine thematic areas, including corruption, education, environment, health, information and communication technology, and the right to information. Within these thematic areas, the action plan contained 12 broad commitments, with each commitment being further divisible into more specific subcommitments. Following island-wide consultations led by both government and civil society, a steering committee of civil society organisations created the first draft of the action plan. The committee submitted this version for government review and approval. The government formally submitted the final version as Sri Lanka’s national action plan for 2016–2018.

Themes

While analysing commitments under the nine thematic areas of the national action plan, this IRM report further divides selected larger commitments into smaller ones for greater clarity and accessibility. Specifically, the broad commitments and concomitant milestones relating to corruption, local government, the right to information, and women have all been broken down into different commitments. In these divisions, the report distinctly explores areas that exhibit a common thematic focus.

THEME 1: HEALTH

1. Public Access to Combat Chronic Kidney Disease

Commitment Text:

Improving Public Access to Preventive and Curative Strategies to Combat Chronic Kidney Disease (CKD)

[...]

Main Objective:

Increase public understanding on prevention, mitigation and coping with CKD, and engage civil society in developing the prevention strategic plan.

Milestones:

- 1.1 Establish a multistakeholder forum to draft prevention strategic plan and recommend changes to health policy.
- 1.2 Publish key information related to government's measures to combat CKD, including list of medical facilities and services being offered, budget allocated for CKD and key policies in ministry website and through media.
- 1.3 Conduct island wide public consultations and campaigns to disseminate key information (1.2 above).
- 1.4 Institutionalise feedback mechanisms in medical facilities offering treatment for CKD to elicit responses on access to, quality of and reliability of facilities and services.
- 1.5 Publish semi-annual reports of citizen/user feedback on access, quality and reliability of facilities and services offered on CKD.

Responsible institution: Ministry of Health, Nutrition and Indigenous Medicine

Supporting institutions: Chronic Kidney Disease Unit; Health Education Bureau; Presidential Task Force on CKDu

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
I. Public access to combat chronic kidney disease			✓		✓	✓					✓		No		✓		

Context and Objectives

This commitment seeks to increase public awareness of, and access to, formal preventive and curative strategies relating to chronic kidney disease (CKD). The Ministry of Health, Nutrition, and Indigenous Medicine (Ministry of Health) and public health professionals have sanctioned the promoted strategies.¹⁰⁹ The commitment also aims to engage civil society in developing a strategic prevention plan. Through these efforts, the Ministry of Health and related stakeholders envision that the public will avoid spurious or unscientific methods of dealing with CKD and adopt timely and appropriate preventive measures, present themselves for regular clinical screening and, thereby, reduce related incidents of morbidity or mortality.

CKD has emerged as a serious public health issue in Sri Lanka, with certain estimates suggesting that the disease accounts for 20,000 hospital admissions and 2,000 deaths annually.¹¹⁰ The medical community has often presented CKD as a complication of diabetes or hypertension. However, since 2010, an increasing number of reported cases have had no identifiable cause (i.e., chronic kidney disease of unknown aetiology, CKDu). Although findings are inconclusive, research and early evidence propose that the incidence of CKD/CKDu (hereinafter, CKD) may be linked to excessive use of agrochemicals, heavy metals, and contaminants in drinking water, and/or other adverse agricultural practices.¹¹¹ The prevalence of CKD has been notably higher in the dry zone of the country, such as in the North Central Province. The Ministry of Health and its CKD Unit submit that, as of May 2017, around 24,806 patients with CKD are found across 11 of the 25 districts in Sri Lanka.¹¹²

In light of the severity of the issue, the government of Sri Lanka, with the support of civil society, is pursuing diverse initiatives to better prevent, mitigate, and manage CKD. These initiatives include

international expert consultations,¹¹³ studies and research programmes, direct measures to enhance the quality and capacity of related health services,¹¹⁴ and the establishment of a Presidential Task Force on CKDu.¹¹⁵

Despite all this, there remains little, if any, clarity or consensus on the specific causes of CKD. The public is, therefore, left with limited access to conclusive information on preventive or curative measures, or on the availability of critical medical interventions pertaining to the disease.¹¹⁶ In turn, the lack of coherent, accessible information has fueled confusion and led many to seek extreme measures, which often serve to exacerbate the situation. For instance, upon the onset of a symptom of any basic illness, people in affected areas fear the contraction of CKD and rely on unsubstantiated information to drink as little water from their wells as possible. This action then leads to chronic dehydration and further deterioration of their health condition.¹¹⁷

Compounding matters further, there exists a disproportionate number of facilities to provide adequate or effective treatment for the thousands of people affected by CKD. According to the CKD Unit, currently only 220 renal dialysis machines function across Sri Lanka. The government plans to gradually introduce new renal units¹¹⁸ and install 1,000 dialysis machines by 2020.¹¹⁹ In addition, efforts to combat CKD are also hampered by a lack of coordination among the different government stakeholders. Having no established focal point leads to overlapping functions and incoherent public health messaging.¹²⁰

If implemented as written, this commitment stands to have a moderate potential impact on public access to preventive and curative strategies to combat CKD. It, thereby, will have a moderate potential impact on the reduction of the resulting morbidity or mortality. The publication and dissemination of related information will allow the public to access and receive important, previously ad hoc or undisclosed, formal, professional information on the prevention and cure of CKD. This disclosure will facilitate the adoption of safer, timelier, and evidence-informed strategies in dealing with the disease. Similarly, although the composition of the proposed multistakeholder forum to draft a prevention plan is unclear, having space for civil society to participate in developing a strategy represents an important step toward inclusive decision making. Such a step will likely contribute to a more robust strategy that better targets local communities. Further still, benefits abound in the introduction and institutionalisation of feedback mechanisms and the publication of semi-annual reports on user feedback. These actions will allow the public to participate and be heard on issues surrounding access to, and quality of, CKD services and facilities.

Although they are significant steps forward in combating CKD, the provision of information and a prevention strategy will only partially solve problems pertaining to the prevalence of CKD in Sri Lanka. The government should identify clear accountability mechanisms to enforce public feedback on CKD facilities and services. It should also address the continued inadequacy and unavailability of related medical facilities, and the lack of a coordinating focal point to deal with related issues.

Completion

I.1 Multistakeholder Forum: The Ministry of Health, Nutrition, and Indigenous Medicine (Ministry of Health) has not yet established the multistakeholder forum to draft the strategic plan for

prevention.¹²¹ As a result, this milestone is not on time, according to the national action plan, which stipulates an end date of November 2016.

Representatives from the Ministry of Health attributed the delay to the ministry's inadequate strategic focus on prevention. The ministry instead adopted a largely reactive medical/clinical point of view.¹²² In addition, the OGP commitment encouraged the ministry to take preliminary steps toward approaching relevant stakeholders and bringing them together. However, the ministry noted that there was little for these stakeholders to draw from in terms of cohesive or conclusive information on preventive measures. Related research has been poorly coordinated, and findings have rarely been synthesised.¹²³ The general secretary of Sarvodaya—the largest nongovernmental organisation in Sri Lanka—echoed this sentiment. He stated that there had been several technical dialogues and consultations on the matter, but most had occurred with limited public interface and few tangible results.¹²⁴

I.2 Publish Key Information: Although several key steps have been taken toward the publication of select information on combating chronic kidney disease (CKD), this milestone has achieved limited completion. As completion was projected for January 2017 in the action plan, it also cannot be considered on time.

The Presidential Task Force on Chronic Kidney Disease of Unknown Aetiology, for instance, has published limited information on measures to combat CKD on its website.¹²⁵ National media outlets have published similar information, outlining various preventive measures and the institutions and organisations involved.¹²⁶ However, lacking conclusive scientific evidence, the director of organisation and development at the Ministry of Health expressed concern that the limited information that has been published may not inform sustainable solutions.¹²⁷ The ministry further noted that it had not yet published specific or dis-aggregated information on, or an inventory of, CKD services and facilities.

The Health Education Bureau (HEB) has incorporated general CKD information in two sets of leaflets and wall charts targeted at the general public and schoolchildren. These are available in both official languages—Sinhala and Tamil—but the HEB has not yet disseminated them.¹²⁸ Supplementing this material, the HEB has also prepared a presentation on CKD for medical officers and other healthcare workers to use during advocacy programmes. The IRM researcher verified the availability of this material. However, these initiatives do not contribute to successful achievement of the milestone, as the HEB has not uploaded this material to its website or to that of the Ministry of Health.

The budget allocated for CKD, and the activities of the CKD Unit therein, is subsumed within the overall budget of the Ministry of Health. The ministry included the CKD budget as a separate section in the annual budgetary report. Although the ministry has not uploaded this information on to its website, a CKD Unit official noted that the OGP commitment may be leveraged to ensure that this information is made public.¹²⁹

Further recognising the importance of widening the reach of CKD information, the HEB also noted that its Suwasariya website and twenty-four-hour call centre can also be leveraged for this purpose.¹³⁰ The Suwasariya portal seeks to provide “fast and simple expert advice in all three

languages about any health issue and what to do next through telephone calls, e-mails or Skype and supported by a tri-lingual website.”¹³¹ The HEB confirmed that, at present, information on CKD is not available on this website, and the call centre operators are unable to share information on CKD services and facilities.

1.3 Public Consultations and Campaigns: This milestone saw limited implementation. The Ministry of Health and Sarvodaya note the limited progress in conducting island-wide public consultations and campaigns to disseminate key chronic kidney disease (CKD) information.¹³² The parties also note that this may be related to the limited published information on combating CKD (see 1.2). However, as the necessary preconditions are being put in place, the milestone is projected for completion by June 2018. Thus, the milestone is still considered on time.

Many ongoing activities contribute to this milestone. Specifically, the Ministry of Health and the media work to transmit related public health messages.¹³³ The media conduct seminars on key events, such as World Kidney Day. In addition, CKD medical officers undergo training on communication for behavioural modification, enabling them to provide relevant information to the general public more effectively.¹³⁴

1.4 Feedback Mechanisms: The implementation of this milestone has not started. Both government and civil society organisation representatives interviewed by the IRM researcher confirmed that there are no institutionalised feedback mechanisms at facilities offering chronic kidney disease treatment.¹³⁵

1.5 Feedback Reports: This milestone stems from the milestone above (see 1.4). All interviewed stakeholders—including representatives from the Ministry of Health and its civil society counterpart, Sarvodaya—report that the implementation of this milestone has not started.¹³⁶

Early Results

While the listed milestones are either incomplete or are yet to be implemented, a few positive, albeit minor, results can already be observed.

For instance, the commitment prompted the Ministry of Health, Nutrition, and Indigenous Medicine (Ministry of Health) to accelerate the preparation of a strategic plan on chronic kidney disease (CKD) prevention.¹³⁷ Also, the CKD Unit confirmed that steps will be taken to publish the annual budgetary report—including details on the dis-aggregated allocation for CKD—on the Ministry of Health website.¹³⁸

Next Steps

To improve public access to preventive and curative strategies to combat chronic kidney disease (CKD), all identified milestones should be implemented to completion in the remaining period of the action plan.

However, to reduce incidents of CKD morbidity and mortality and, thereby, further enhance the potential impact of this commitment, the IRM researcher recommends consideration of the

following initiatives. These may be introduced by way of modification of the existing commitment or introduced as part of the next action plan:

- Publish regular, biannual (at minimum) reports on the Ministry of Health, Nutrition, and Indigenous Medicine website containing details of formal research initiatives on CKD being undertaken by key stakeholders. They should also include filtered and synthesised research findings pertaining to the prevention and management of CKD.
- Eliminate the overlap of functions between different agencies by identifying and appointing a key focal point that coordinates and oversees initiatives to improve public access to preventive and curative CKD strategies.
- Ensure wider reach of CKD information by leveraging the trilingual Suwasariya health information web portal of the Health Education Bureau (HEB). The portal can be used to provide specific information on the availability of CKD facilities and services across Sri Lanka.
- Train constituent operators at the Suwasariya call centre to provide callers with specific information on the availability of CKD facilities and services.
- Develop and introduce clear follow-up mechanisms on reports of citizen/user feedback on access to, and the quality and reliability of, CKD facilities and services. These may include formal grievance redress mechanisms and incorporation of citizen feedback in subsequent strategic plans.

2. Safe and Affordable Medicines

Commitment Text:

Transparent Policy to Provide Safe and Affordable Medicines for All

Essential medical drugs play an important role in preventive, promotive, curative and rehabilitative health care. Sri Lanka is proud to sustain a free and universal healthcare system, which has helped it score high on health indicators for the country (such as life expectancy and utilisation of health services). However, there still exist disparities in implementation of this system. Even if medical care is free, if safe and affordable medical drugs are not available to the general public, it will affect people's health in a significantly negative way.

In Sri Lanka, non-availability and shortage of drugs in government hospitals and clinics are having disastrous consequences. The quality and cost of drugs is also a serious problem for the people. This commitment aims to improve national health standards and ensure safe and affordable medicines will be available to all. The appointment of an advisory board to the National Medicinal Drug Regulatory Authority (NMRA) and collaboration in assessing implementation will also increase government accountability and transparency.

Milestones:

- 2.1 Appointment of the advisory board to the National Medicines Regulatory Authority (NMRA) with representation from CSOs/Health Activists.
- 2.2 Establish an institutionalised monitoring system to ensure essential drug availability (RMSD, Institution level) with provision for public feedback.
- 2.3 All government hospitals and clinics ensure provision of quality essential medicines at all times and ensure public dissemination of the information through display boards.
- 2.4 Establish a rating system for private pharmacies that will be based on availability of essential medicines at affordable pricing and make that information public through a web portal.
- 2.5 Public awareness on the rating system for private pharmacies based on availability of essential medicines at an affordable price.

Responsible institution: Ministry of Health, Nutrition and Indigenous Medicine

Supporting institutions: National Medicines Regulatory Authority; Medical Supplies Division, Sarvodaya, Patient's Rights Movement, People's Health Movement (civil society)

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
2. Safe and affordable medicines			✓		✓	✓					✓		No		✓		

Context and Objectives

This commitment seeks to increase the availability and affordability of quality essential medicines in Sri Lanka. It aims to do this through enhanced monitoring systems, civil society representation in drug regulation, and wider dissemination of information on the availability of essential medicines. In addition, this commitment endeavours to establish a system to rate private pharmacies based on the availability and affordability of essential medicines. It also calls for the results to be published. In providing adequate, safe, and affordable essential medicines, the involved institutions anticipate improvements in health indicators and national health standards. Those institutions include the Ministry of Health, Nutrition, and Indigenous Medicine (Ministry of Health); the National Medicines Regulatory Authority (NMRA); and other key stakeholders, including the Medical Supplies Division under the Ministry of Health.¹³⁹

Although Sri Lanka boasts a free, universal healthcare system, citizens and healthcare providers have long been concerned about the inadequate availability and affordability of essential medicines.¹⁴⁰ The high cost, in particular, has often left patients being treated for chronic diseases unable to afford medicines prescribed by their doctors.¹⁴¹ Tedious drug registration processes, inadequate clinical testing capacities, and strong pharmaceutical lobbying have compounded the problem and increased the circulation of unregulated drugs. These challenges lead to questions about the efficacy, safety, and quality of available drugs.¹⁴² High prices and general uncertainty about the safety and quality of medicines have led to noncompliance with prescribed drug regimens¹⁴³ and the development of additional health complications. The resulting problems further burden public healthcare services.¹⁴⁴

In response, the Ministry of Health has already taken important measures to ensure the availability and affordability of quality essential medicines in Sri Lanka. Notably, in October 2016, the government formally introduced—by way of a special Gazette—price ceilings and controls on a list

of 48 essential medicines used to treat noncommunicable diseases.¹⁴⁵ More price controls on other medicines are in the pipeline. This initiative has been widely lauded as a transformative achievement in the country's long-standing efforts to promote universal healthcare and safeguard patients' rights to access affordable medicines.¹⁴⁶

This development postdated the formulation of this commitment but lent significant impetus to efforts to provide affordable medicines to the public. Still, the fundamental issues and concerns that this commitment seeks to address remain largely pertinent. In particular, civil society remains removed from decision making on drug regulation, information on drug availability remains scarce, and public oversight of related processes remains absent.

In this context, if fully implemented as written, this commitment stands to have a moderate potential impact on improving the availability and affordability of safe and adequate quality essential medicines. Specifically, the appointment of an advisory board to the NMRA with civil society and health activist representation will likely facilitate greater transparency, with possible government accountability in drug regulatory efforts. The appointment will help to thwart, for example, prevailing concerns of unethical drug promotion by the pharmaceutical industry.¹⁴⁷ It could also increase the circulation of adequately regulated—and thereby safer—medicines.¹⁴⁸ The introduction of an institutionalised, and locally decentralised, monitoring system will improve transparency and help the public to proactively track the availability of medicines. The provision for public feedback would facilitate enhanced civic participation, with health service recipients being able to register complaints pertaining to drug unavailability. Linked to this, requiring health service providers to publish and disseminate hitherto undisclosed information on the availability of essential medicines will foster greater transparency. This information is to be published online and through display boards at hospitals. Sarvodaya, a key civil society stakeholder, reinforced that the publication of information will increase transparency. The organisation stated this action will also enable the public to question government stakeholders and pressure them to ensure the availability of essential drugs and safeguard access to safe and affordable medicines.¹⁴⁹

Similarly, the proposed private pharmacy rating system will call on the government to publish information on the availability of essential medicines at private pharmacies. This will increase public access to government-held information. According to Sarvodaya, if fully and effectively implemented, this commitment is likely to encourage pharmacies to stock essential medicines and, thus, improve availability.¹⁵⁰

The milestones included in this commitment could increase the affordability and availability of essential medicines in Sri Lanka. However, the failure of specific activities to guarantee the quality of essential medicines renders this commitment limited in scope. Milestone 2.3 vaguely seeks to “ensure provision of quality essential medicines.” However, the activity bears limited specificity, with no clear indication of how public hospitals and clinics intend to guarantee the quality of medicines. The proposed appointment of the advisory board to the NMRA to oversee drug regulation could be an important first step in guaranteeing the quality of medicines. This alone, however, is insufficient to change waning public confidence in the quality of essential medicines in Sri Lanka. As a result of this limitation, patient noncompliance with prescribed drug regimens and, thereby, the continued burden on healthcare in Sri Lanka are likely to be maintained.

Completion

2.1 Advisory Board: This milestone was substantially completed. The National Medicines Regulatory Authority (NMRA) has nominated members to the advisory board. These nominations align with NMRA guidelines on the board's composition and representation.¹⁵¹ However, the minister of health has not yet converted these nominations into formal appointments. As the completion of this milestone was scheduled for September 2016, it is not on time.

Providing reasons for the delay, a representative from the NMRA noted that purview over the approval and appointment of the advisory board rested solely with the minister of health. Thus, the NMRA no longer exercised control over completion of this milestone.¹⁵² The NMRA had submitted 17 of 20 possible nominations for minister of health approval. However, neither the NMRA nor the Ministry of Health, Nutrition, and Indigenous Medicine (Ministry of Health) knew why the approvals were being held back.¹⁵³ A Ministry of Health representative speculated that since the ministry had introduced price caps on certain medicines (see Context and Objectives section above), it felt less urgency to appoint the advisory board. However, the ministry added that even with these developments, the advisory board could yet play a critical role. Among other duties, the board could be involved in advising on transparency in the procurement of medicines, defining the quality of medicines, and registering suppliers and drugs.¹⁵⁴

A representative from Sarvodaya, a civil society organisation, indicated that, along with the People's Health Movement, Sarvodaya had actively lobbied for the expeditious nomination of advisory board members.¹⁵⁵

2.2 Monitoring System: This milestone has achieved limited completion. At present, there is no fully operational, institutionalised monitoring system with provision for public feedback on the availability of essential medicines. However, key steps continue to be taken to develop the existing infrastructure.

The primary responsibility to monitor the availability of essential medicines falls on the Medical Supplies Division (MSD) under the Ministry of Health, Nutrition, and Indigenous Medicine (Ministry of Health). According to the National Medicines Regulatory Authority (NMRA), the MSD is developing a basic online monitoring infrastructure to track stocks of medicines and medical supplies and direct distribution as necessary at national, regional, and local levels. This system¹⁵⁶ is linked directly to the Ministry of Health and to the decentralised Regional Medical Supplies Divisions. Although the Sri Lankan health system is decentralised, the MSD centrally purchases required drugs and medical supplies.¹⁵⁷

While the MSD has not provided a space for public feedback, the NMRA highlighted the availability of a basic dialogue box for public input on the MSD website. The Sarvodaya representative noted, however, that there was no adequate system for monitoring the availability of medicines and more should be done to ensure successful completion of this milestone.¹⁵⁸

2.3 Provision of Essential Medicines: With the objective of ensuring the provision of quality essential medicines at all times at all hospitals and clinics, this milestone has achieved limited completion. It is scheduled for completion by June 2018 and thus is still considered on time.

The Ministry of Health could not provide information on specific measures taken to ensure the quality of essential medicines. A failure compounded by the limited specificity of this milestone. The ministry did, however, confirm that a number of health clinics and hospitals have started to present information about the availability of medicines at public-facing locations.¹⁵⁹ The ministry recognised that this initiative was incomplete and that progress had not happened in a uniform manner. It attributed the inconsistent or incomplete success to the unavailability of statistics and the inadequacy of existing systems to collect the necessary information.¹⁶⁰ Sarvodaya noted that the completion of this milestone will take time.¹⁶¹

2.4 Pharmacy Rating System: This milestone was not started. All interviewed stakeholders confirmed that the NMRA had not yet established a system to rate private pharmacies on the availability and affordability of medicines. As completion was scheduled for January 2017, this milestone is considered not on time.

The NMRA representative explained that the NMRA had prepared and approved guidelines that may eventually inform the anticipated rating system. The guidelines pertain to the regulation of private pharmacies and are subsumed under the National Medicines Regulatory Authority Act.¹⁶² However, as the NMRA has not yet published these guidelines and criteria, the IRM researcher could not independently verify this. The civil society representative at Sarvodaya added that no specific lobbying had been undertaken by civil society in this regard.¹⁶³

2.5 Public Awareness of Rating System: The NMRA has not yet introduced the rating system for private pharmacies (see 2.4). Thus, all interviewed stakeholders confirmed that the NMRA had not started public awareness of the rating system.¹⁶⁴ As completion was scheduled for June 2017, the commitment is considered not on time. Countrywide awareness programmes, press conferences, and expert interviews are being proposed as feasible and effective mechanisms to raise public awareness.¹⁶⁵

Early Results

As most of the key milestones under this commitment are either incomplete or have not yet started, there are no significant, observable early results.

Next Steps

Without assurances of adequate safety and quality, the positive steps toward increased availability and affordability of essential medicines would not fully encourage the improved use of, and access to, medicines. Therefore, the IRM researcher recommends that the following initiatives are introduced either as complementary milestones in the existing commitment or as part of the next plan:

- Prepare and publish an easily accessible, trilingual report detailing specific protocols and measures undertaken by the government and independent health professionals to ensure the safety and quality of available essential medicines. This report may be published in national

newspapers and on the websites of the Ministry of Health, Nutrition, and Indigenous Medicine and the National Medicines Regulatory Authority.

- Introduce specific mechanisms for the public to engage service providers in guaranteeing the safety, quality, availability, and affordability of essential medicines. These may include, for instance, formal grievance redress mechanisms or help desks at pharmacies, health clinics, and hospitals. At the help desks, the public would be able to lodge complaints or receive information on the safety, availability, and pricing of essential medicines. They could also receive information on related measures taken by the government to promote quality, affordability, and availability measures.
- Conduct nine provincial-level public awareness programmes about mechanisms for citizens to engage service providers in ensuring the safety, quality, availability, and affordability of essential medicines. Provincial councils and local nongovernmental organisations working in the health sector can be approached to support these programmes.

3. National Health Performance

Commitment Text:

National Health Performance

[...] the public health sector has inadequate capacity, limited access to specialist treatment and inconsistent service standards.¹⁶⁶

To mitigate some of these challenges, the Health Strategic Master Plan developed by the Government of Sri Lanka has framed a National Health Performance Framework to provide citizens with information regarding health sector effectiveness, efficiency and equity, and empower civil society to play an active role in ensuring that these goals for national health are met at a grassroots level.

Citizens would make use of health performance information in different ways to create a healthy dialogue and voice their interest in health development. Performance information will also be useful to create more awareness on the need for supporting change in health behavior/ supportive policies from other sectors. The availability of such information will be a positive trigger to create this dialogue.

Milestones:

- 3.1. Ministry of Health to publish detailed health budget and spending information.
- 3.2. Raise awareness on the National Health Performance Framework (NHPF) through public consultations.
- 3.3. Popularise the NHPF through the Ministry of Health website, newspapers, radio, television, public campaigns and the internet.
- 3.4. Citizens will be actively involved in monitoring the implementation of the framework through a public forum on a quarterly basis.
- 3.5. Findings and deliberations from the forum to be systematically discussed with government counterparts to ensure follow up actions.

Responsible institution: Ministry of Health, Nutrition and Indigenous Medicine

Supporting institutions: Sarvodaya, Patient's Rights Movement, People's Health Movement (civil society)

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
3. National health performance			✓		✓	✓		✓			✓		No		✓		

Context and Objectives

This commitment seeks to establish a National Health Performance Framework and, thereby, enhance public access to information on health performance in Sri Lanka. Specifically, the Ministry of Health, Nutrition, and Indigenous Medicine (Ministry of Health) aims for the public to have access to cohesive and comprehensive information on, among other things, the effectiveness, efficiency, and equity of the health sector.¹⁶⁷ The ministry anticipates that the public will use this information to proactively participate in—and promote—constructive, evidence-based dialogue on health policy. This inclusion will thus improve the quality of related decision making. Relatedly, this commitment also seeks to facilitate effective public monitoring and civil society oversight of national health performance measures and goals included in the National Health Performance Framework. The ministry and related civil society propose that such monitoring will strengthen transparency and public accountability under the performance framework. They also suggest the monitoring will further improve the quality of health-related policies and decision making.¹⁶⁸

Sri Lanka generally scores highly on health indicators. Notable achievements include high life expectancy,¹⁶⁹ public health programmes that have led to the elimination of malaria,¹⁷⁰ and the provision of universal healthcare. Thus, the health sector in Sri Lanka is considered largely successful.¹⁷¹ However, as the population ages and the incidence of noncommunicable diseases rises, challenges have risen. These challenges include inadequate health-sector capacity, limited access to specialist treatment, and inconsistent service standards. These all increase the burden on healthcare in the country.¹⁷² While these critical challenges necessitate timely and evidence-informed policy interventions, government and civil society efforts have been historically debilitated by a lack of useful or quality health information.¹⁷³

In an attempt to mitigate these challenges, the government of Sri Lanka developed the National Health Strategic Master Plan (2016–2025)¹⁷⁴ in 2016. Within it, the government created a National Health Performance Framework. The government expects the framework to outline data and provide information on key health measures and goals. The proposed framework will offer government, civil society, and other relevant stakeholders an opportunity to set targets, benchmark progress, and adopt evidence-based policies to improve healthcare in Sri Lanka. According to the Ministry of Health, the proposed framework will contain and broadcast results on around 80 different indicators. It will examine, for instance, the use of health services, the efficient use of resources, and sources of inequity across geographic areas.¹⁷⁵ However, the success of this framework depends on the availability and accessibility of quality information, adequate public awareness of the framework, and meaningful public participation and oversight in implementation.

If fully implemented as written, this commitment stands to have a moderate potential impact on the establishment and implementation of an effective National Health Performance Framework, characterised by accessible information and public accountability. Specifically, publication of the detailed health budget and spending information will ensure access to fundamental information on health expenditures. Similarly, the use of technology and diverse media platforms to increase awareness of the health performance framework will improve access to a wide range of hitherto unavailable health information.¹⁷⁶ Further still, the establishment of a public forum, with clear provision for systematic and constructive deliberation with government, will allow the public to contribute to health policy decisions.

The activities outlined in this commitment will significantly enhance public access to information on healthcare. However, the potential impact on public participation in health policy decision making remains limited in scope. In particular, the commitment language premises effective and meaningful public participation in improving health performance on the availability of quality information. According to the Ministry of Health, certain categories of information that will inform the health framework are either entirely unavailable or lacking analysis.¹⁷⁷ The commitment does not aim to address this critical issue.

Completion

3.1 Publish Health Budget: This milestone achieved limited completion. The Ministry of Health, Nutrition, and Indigenous Medicine (Ministry of Health) published consolidated 2013 *National Health Accounts* on its website. The ministry published these in April 2016, before the conception of the OGP national action plan.¹⁷⁸ However, the ministry has not made recent records available. As completion was scheduled for March 2017 in the action plan, the milestone cannot be considered to be on time. In addressing this delay, representatives from the Ministry of Health stated that the ministry will take steps to expedite publication of the 2016 budget report on its website. These representatives mentioned that certain budgetary information will be included in the imminent National Health Performance Framework as well.¹⁷⁹

3.2 Public Consultations: This milestone was not started. According to the Ministry of Health, Nutrition, and Indigenous Medicine (Ministry of Health), the health performance framework has not

been finalised. Thus, the ministry has not yet conducted public consultations to raise awareness about it.¹⁸⁰ As this was scheduled for December 2016, this milestone is also not on time.

The Ministry of Health indicated that the performance framework was ready for publication. However, the government wanted to ensure a clear hierarchy of responsibility prior to doing so. Therefore, the ministry has recently taken steps to establish an independent monitoring unit to oversee the formulation and implementation of the framework. That unit will be located within the ministry. In addition, the Ministry of Health recognised that certain categories of information are still incoherent or unavailable. It also acknowledged that it still needs to fully ensure that the provision of information can contribute to constructive policy development.¹⁸¹

3.3 Media Publicity Campaigns: The National Health Performance Framework has not been finalised (see 3.2). Therefore, the Ministry of Health, Nutrition, and Indigenous Medicine (Ministry of Health) and Sarvodaya—a civil society organisation lobbying for the implementation of this commitment—confirmed that the ministry had not yet conducted media publicity campaigns. As this activity was scheduled for June 2017, this milestone is not on time.¹⁸² The Ministry of Health suggested, however, that the groundwork is largely complete and a launch ceremony and press release on the new health performance framework are scheduled for November 2017.¹⁸³

3.4 Public Monitoring Forum: With the National Health Performance Framework not finalised (see 3.2), the Ministry of Health, Nutrition, and Indigenous Medicine and Sarvodaya both confirmed that this forum has not been established.¹⁸⁴ The milestone is scheduled for completion by June 2018 and is thus ostensibly on time. However, the ministry was to convene the forum on a quarterly basis, and the delayed implementation may upend intended outcomes.

3.5 Forum Follow Up: The Ministry of Health, Nutrition, and Indigenous Medicine (Ministry of Health) has not yet established the National Health Performance Framework and the public monitoring forum (see 3.2 and 3.4). Therefore, this activity has also not yet commenced.¹⁸⁵ This milestone is also scheduled for completion by June 2018, leaving time for a number of deliberations to take place. However, given the stated, though vague, objective of *systematic* government-forum deliberations, the Ministry of Health and related stakeholders will have to act quickly to ensure successful completion.

Early Results

As most of the key milestones under this commitment are either incomplete or have not yet started, there are no significant, observable early results.

The Ministry of Health, Nutrition, and Indigenous Medicine acknowledged the role of this commitment in maintaining critical momentum in the development of the National Health Performance Framework. The decision to establish the independent monitoring unit to oversee related developments and commitment completion was proffered as a direct result of the ministry's obligations under OGP.¹⁸⁶

Next Steps

The completion of all identified milestones will require a concerted effort on the part of the Ministry of Health, Nutrition, and Indigenous Medicine (Ministry of Health) and other supporting actors during the remaining period of the action plan.

To further enhance the potential impact of this commitment, the IRM researcher recommends that specific steps are taken to address the lack of information on health performance. In this context, the following activities may be considered and included by the Ministry of Health. They can be incorporated by modifying the existing commitment or by introducing them as part of the next action plan:

- Deliberate on and prioritise the introduction of efficient data collection mechanisms. These mechanisms should generate and obtain currently unavailable information on key health performance indicators across Sri Lanka. A specific line item in the budget of the Ministry of Health may be allocated toward this end, and the government should consider engaging the expansive networks and resources of related civil society organisations, such as Sarvodaya.
- Publish on the Ministry of Health website, useful and easily accessible information on all key indicators included in the proposed health performance framework.

THEME 2: EDUCATION

4. Transparent Teacher Recruitment Policy

Commitment Text:

4. Ensuring transparency and impartiality in teacher recruitment policy and process in Sri Lanka

[...]

Main Objective:

Increase transparency in the recruitment, appointment, promotion and transfer of teachers.

Milestones:

- 4.1 Ministry of Education to publish and make transparent criteria and data about teacher selection, appointment, transfers, and subject selection, on Ministry website, newspaper (in all languages) and regular circulars. The datasets will be made available in Open Data format and hosted in the Open Data portal of government of Sri Lanka.
- 4.2 Ministry of Education to appoint an independent review committee consisting of government (including teachers) and civil society stakeholders (including parents) to review the process of appointments and subject allocation, enhance information sharing and publish review recommendations in the public domain.
- 4.3 Report of the independent review committee will be widely disseminated in the public domain through ministry website, print and visual media and consultations with sector CSOs.

Responsible institution: Ministry of Education

Supporting institution(s): N/A

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at

<http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
4. Transparent teacher recruitment policy			✓		✓	✓					✓		No		✓		

Context and Objectives

This commitment aims to increase transparency in the recruitment, appointment, promotion, and transfer of schoolteachers in the public education system. In turn, greater transparency in these processes may contribute to more consistency in the quality of teachers being recruited and may obviate instances of politically motivated or ad hoc appointments. Transparency may also increase equity in the processes of teacher promotion and transfer, and eventually lead to better education outcomes for students.

The school system recruits and transfers teachers annually to meet increasing student enrolment and teacher attrition. There are currently over 230,000 teachers in the Sri Lanka school system.¹⁸⁷ Divided between national and provincial schools, teacher transfers are guided by national policy¹⁸⁸ and led by the Ministry of Education and provincial councils, respectively. According to civil society stakeholders interviewed for this report and working on education reform, the transfer of teachers is affected by fluctuating exigencies, critical vacancies, varying rules, and political considerations. Consequently, national policy has often been sidelined in favour of ad hoc and expeditious decision making.¹⁸⁹ This absence of clear policies or guidelines has meant that teacher promotions and transfers are often politically motivated, rarely impartial, and often not subject to standard protocol.¹⁹⁰

As a result, studies have shown inconsistent trends and patterns in the recruitment, transfer, and promotion of schoolteachers across Sri Lanka.¹⁹¹ For instance, rules relating to minimum or appropriate academic qualifications have often been relaxed to accommodate the recruitment of new teachers. This occurs primarily when vacancies in certain critical subjects emerge. Concurrently, public sector jobs—including schoolteacher positions—have been

hastily and arbitrarily doled out to university degree holders, especially when the private labour market was weak.¹⁹² Such assignments often require the new hires to teach unfamiliar subjects. This ad hoc and unclear approach to teacher management has resulted in poor teacher quality, limited incentives to improve teacher performance, and, therefore, poor educational outcomes for students.¹⁹³ The lack of transparency and dearth of accessible information on policies and criteria pertaining to teacher management rest at the heart of this important challenge.

Therefore, if fully implemented as written, this commitment stands to have a moderate potential impact on improving teacher quality and, thereby, on student educational outcomes. The outlined efforts to increase transparency in the recruitment, appointment, promotion, and transfer of teachers will improve access to hitherto ad hoc or inaccessible information on teacher management processes. These efforts will also introduce mechanisms for civic participation in the revision or formulation of these processes. In particular, the publication and broadcasting of relevant criteria and data on varied platforms will increase awareness of standard teacher management protocol among the wider population. These efforts may also dissuade decision makers from deviating in favour of political or other expediencies.

In addition, the establishment of an independent review committee will provide an inclusive group of key stakeholders an unprecedented opportunity to reset the agenda on the appointment of public schoolteachers. This, in turn, could potentially contribute to higher and/or firmer competency requirements for successful recruitment.

Completion

To better understand the extent of this commitment's completion, the IRM researcher endeavoured to speak with relevant representatives from the Ministry of Education. This group included representatives from the ministry's Teacher Training Unit and Policy and Planning Branch. Despite repeated attempts via telephone, email, and reference from the Ministry of Foreign Affairs OGP point of contact, these key stakeholders did not provide a positive response. Hence, the ensuing assessment of completion is premised mainly on desk-based research and input from Viluthu, the key civil society organisation advocating for related reforms.

4.1 Publish Criteria and Data: This milestone saw limited completion. The Ministry of Education has uploaded certain information containing criteria and protocol on teacher recruitment and transfer, including trilingual government circulars, on its website.¹⁹⁴ However, issues persist, including gaps in key information (e.g., appointment and promotion), inconsistent availability of translations, and a failure to broadcast material through multiple platforms. Data are also not available in an easily accessible Open Data format. As this activity was scheduled for completion by November 2016, this milestone is not on time.

In attempting to collect and consolidate relevant information to be published, Viluthu learnt that the teacher transfer policy was not available in all three languages. Therefore, Viluthu

approached the Ministry of National Co-existence, Dialogue & Official Languages to translate the policy into all three languages, who then shared the trilingual policy with the Ministry of Education to be uploaded on to its website.¹⁹⁵ However, the representatives from Viluthu added that relevant statistics remained scattered and information—particularly at the provincial level—required consolidation prior to publication.¹⁹⁶

4.2 Appoint Independent Review Committee: This milestone has not started. According to representatives from Viluthu, the Ministry of Education has not yet appointed an independent review committee to review teacher appointment and enhance information sharing.¹⁹⁷ As this milestone was scheduled for completion by April 2017, it is also not on time.

4.3 Disseminate Review Report: The independent review committee has not been appointed (see 4.2). Thus, as confirmed by Viluthu, a review report has not been produced for dissemination¹⁹⁸ and implementation of this milestone has also not started. This task was scheduled for completion by June 2018. With an expeditious appointment of the review committee, this milestone could be completed on time.

Early Results

As the milestones under this commitment have achieved only limited completion or have not started, there are no significant, observable early results.

Next Steps

To improve teacher quality and ensure better educational outcomes for students, the IRM researcher recommends consideration of the following initiatives. These may be introduced by way of modifications to the existing commitment or introduced as part of the next action plan:

- Develop and introduce a decentralised mechanism for the parents to annually evaluate the performance of public schoolteachers against a holistic set of performance indicators. Such indicators can be predetermined by the Ministry of Education. The results of this annual evaluation can then be tied into promotion and transfer decisions for schools at the national and provincial level.
- Introduce a dedicated grievance redress mechanism at provincial councils, with clear procedures and timelines. This mechanism should be built to receive, and proactively respond to, public complaints about the recruitment, appointment, promotion, and transfer of public schoolteachers at the provincial level.

This decentralized mechanism may be supplemented with a central grievance redress mechanism located at the Ministry of Education. This centralized process may receive and respond to public complaints about the recruitment, appointment, promotion, and transfer of public schoolteachers at the national level and entertain appeals from grievances lodged at the provincial level.

Civil society may be engaged in raising awareness of the national and provincial redress mechanisms and encouraging the public to seek recourse as necessary.

THEME 3: INFORMATION AND COMMUNICATION TECHNOLOGY

5. Government Information Centre

Commitment Text:

Enhance the services of Government Information Centre (GIC- 1919) for Inclusive, Transparent, accountable and Efficient Governance, using ICT as enabler

[...]

Main Objective:

Improve services and increase awareness of the Government Information Centre (GIC), and leverage ICT as a key enabler in enhancing access to government information.

Milestones:

- 5.1 Engage the Divisional Secretariats, Nenasala/Telecentre network to make citizens aware of GIC services and assess their key needs (eg.by “IT Yahamaga” of Sarvodaya Fusion and ICTA’s “Smart Social Circles”). Produce One Survey report for every 6 months, and will be made publicly available.
- 5.2 Training of the Chief Innovative Officers (CIOs) of government agencies to develop institutional knowledge bases related to public services 5 sessions, 50 CIOs to be trained in each session, covering all key government organisations (Ministries, Departments, District Secretariats, Provincial Councils and Key Statutory bodies. If required, training could be expanded to Divisional Secretariats and Local Authorities too).
- 5.3 Increase the number of institutions covered under the Government Information Centre (GIC – 1919) Call Centre facility from 194 to 250, also diversifying the services offered through the facility – E.g. Tracking status of requests, personalised email feedback, text messages and social media upon subscription (by 2017, at least 2 additional service per institutions to be introduced with the assistance of ICTA.)
- 5.4 Enhance the service platform of the GIC (www.gic.gov.lk) along with updating Citizens’ Service Charter Information (produced by each organisation in consultation with their internal and external stakeholders to reflect the changes in standard of services) for 10 key services (identified by ICTA using GIC call registries) and SMS facility for citizens.

- 5.5 Stocktaking of the improved project with key partners of the Government (MTDI/ICTA/SLT), Trade Union representatives and civil society organisations.

Responsible institution: Ministry of Telecommunication and Digital Infrastructure (MTDI)

Supporting institutions: Information and Telecommunication Agency of Sri Lanka (ICTA); Sarvodaya Fusion

Start date: July 2016

End date: December 2017

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
5. Government Information Centre		✓			✓			✓		✓			No	✓			

Context and Objectives

This commitment seeks to improve the services and increase public awareness of the call centre and website¹⁹⁹ that constitute the Government Information Centre (GIC). In doing so, key stakeholders anticipate that more citizens will have improved access to useful information on a wide range of government activities and services.²⁰⁰

The GIC has existed as part of e-government initiatives of successive governments. Launched in 2006, the GIC aims to leverage technology to bring information on government services closer to the general public.²⁰¹ The GIC operates primarily as a one-stop government call centre and endeavours to collect and provide citizens with accurate, concise, and trilingual information on, among other things, train schedules, vehicle licencing, passports, and university admissions.²⁰² Originally under the Presidential Secretariat, the operation of the GIC has now emerged as a public-private partnership involving the Presidential Secretariat, the Ministry of Telecommunication and Digital Infrastructure (MTDI), the Information and Communication Technology Agency (ICTA), and Sri Lanka Telecom PLC.

Through this partnership, the GIC has evolved, offering more information and responsive service delivery to an average of 1,500 callers per day.²⁰³ In support of this, the Presidential Secretariat and the ICTA have established a steering committee to oversee the expansion and continued development of the GIC landscape.²⁰⁴ This committee comprises a cohort of experienced call operators. As a result, government stakeholders have regularly added new information on services to the GIC knowledge base and have been equipping operators with the capacity to respond to related questions.²⁰⁵ Similarly, the ICTA has introduced guidelines for government department heads to provide information to the GIC. These guidelines include a standard template for providing information²⁰⁶ to further facilitate smooth operation of the centre.

Supplementing the call centre, the ICTA led the parallel development of a website offering the same information in a readily accessible, user-friendly, online format.²⁰⁷ The website serves as a comprehensive knowledge hub and online database of services available to citizens from numerous government organisations. It also has won international recognition in the sphere of e-content.²⁰⁸

However, despite such initiative, the MTDI and related stakeholders remain concerned that information on government services still do not reach citizens promptly or effectively.²⁰⁹ According to an MTDI stakeholder, key limitations to building on past achievements include the lack of a strategic approach and leadership to propagate the existing GIC infrastructure.²¹⁰ In this context, key challenges include the translation of information into the three main languages²¹¹ and limited public awareness of the GIC and its website.²¹² In addition, the validation of information being provided by call centre operators has also proved to be a significant challenge. Government institutions have appointed chief innovative officers (CIOs) to oversee the process. However, errors and discrepancies persist, as two different individuals are often involved in collecting and validating information. CIOs currently perform a much wider role in organisational digitisation.²¹³

If fully implemented as written, this commitment stands to have a minor potential impact on improving citizen's access to information on government services through information and communication technology. According to civil society working to promote information and communication technology, efforts to increase awareness of GIC services through knowledge centres and tele-centre networks will generally improve access to information on government services, particularly for rural and semi-urban populations.²¹⁴ An example of such a network is the ICTA's Nenasala project.²¹⁵ A representative from civil society noted that not enough has been done to show the public how government services can be proactively engaged via the internet.²¹⁶ This observation reaffirms the positive impact this commitment could deliver. The training of CIOs to develop institutional knowledge bases will support the validation of available information. In addition, the introduction of new government institutions and services will not only increase coverage but also enhance the utility of the GIC.

The achievement of the listed milestones will improve public access to information on government services. However, this commitment remains limited in both scale and scope,

particularly in the context of open government. These milestones—barring milestone 5.1—involve the publication of standard information on government services, as opposed to previously undisclosed *government-held* information. Thus, most of the commitment is largely of unclear relevance to the values of OGP. In addition, the primary infrastructure for disseminating information is already in place. Therefore, the milestones are largely natural and incremental steps toward improving awareness, scaling services, and enhancing the impact of the existing GIC as an e-government initiative.

Further, a civil society representative conveyed concern that some citizens—poor or senior citizens in particular—remain hesitant, or unable, to use the internet to access information on government services.²¹⁷ Although, geographic exposure to 3G internet networks in Sri Lanka hovers at around 80 per cent, civil society estimates that only 30-40 per cent of the total population actively access and use the internet via computers on a regular basis.²¹⁸ The representative qualified that mobile phone use and smartphone penetration, on the other hand, are notably over 100 per cent.²¹⁹ These avenues—in conjunction with the high levels of internet coverage—present better opportunities for effective intervention.

Certain milestones under this commitment also lack specificity. Milestone 5.1 lists the only element of this commitment that is relevant to the values of OGP. That is, publicly disseminating the government's biannual survey on information requirements of citizens. However, the milestone does not specify clear mechanisms of publication or identify measures to ensure wide access. Similarly, apart from proposing to update citizen charter information, it is not clear what enhancing the online service platform entails (see 5.4). Further, there is also no indication of the mechanism, or the intended outcome, of multistakeholder participation in stocktaking efforts (see 5.5).

Completion

5.1 GIC Awareness: This milestone has achieved limited completion. The Ministry of Telecommunications and Digital Infrastructure (MTDI) has initiated the re-establishment of the Government Information Centre (GIC) National Steering Committee. That committee has been tasked with increasing awareness of the system.²²⁰ The tele-centre network Nenasala has also been engaged on a limited basis to raise awareness of the GIC. However, such engagement has not yet reached the level of divisional secretariats.²²¹ The MTDI has not yet developed a survey report, but a representative stated that plans are afoot to hire a consultant to carry it out.²²² However, as this milestone was scheduled for completion by November 2016, it is not on time.

Sarvodaya Fusion has successfully deployed the IT Yahamaga programme at the village level to educate citizens on accessing information on government services through the GIC.²²³ A social enterprise, Sarvodaya Fusion focuses on improving access to information and communication technology for rural students. Through a series of awareness programmes across over 100 centres, Sarvodaya Fusion has trained more than 2,000 rural citizens to effectively engage the GIC. Sarvodaya Fusion verified this by sharing a list of participants with the IRM researcher. Similarly, representatives from the Information and Communication

Technology Agency (ICTA) confirmed that the ICTA's Smart Social Circles initiative²²⁴ has also been engaged to generate awareness of the GIC.²²⁵ This initiative brings together representatives from community organisations, small- and medium-scale enterprises, and social activist groups at the local level.

5.2 CIO Training: This milestone has achieved limited completion. According to the Ministry of Telecommunications and Digital Infrastructure (MTDI), one training workshop has been conducted for chief innovative officers (CIOs) at 30 key government institutions.²²⁶ Five trainings had been proposed. The completed training workshop focused on promoting the leadership of the CIOs in ensuring both the availability and accuracy of information relevant to their particular institutions.

Although the MTDI confirmed that similar workshops have been planned through 2017 and 2018,²²⁷ the action plan scheduled completion of this milestone for December 2017. This milestone is, therefore, not on time.

5.3 GIC Coverage and Services: This milestone has been substantially completed. As of July 2017, the Government Information Centre (GIC) covered information from 320 government institutions.²²⁸ The full list of institutions can be found on the GIC website.²²⁹ This is 70 more institutions than the 250 targeted in the action plan. According to the Ministry of Telecommunications and Digital Infrastructure (MTDI), the re-established steering committee helped achieve this increase in coverage.²³⁰

The MTDI reported that the MTDI, ICTA and related stakeholders disseminated new information on a number of government services to increase information available through the GIC. This included, for instance, new information on passport applications at overseas diplomatic missions and public pension payment dates. However, while information on around 3,000 government services was currently available, the MTDI could not confirm that a minimum of two additional services were introduced per institution by June 2017.²³¹ The MTDI attributed the delay to the lack of a centralised process to update the knowledge base and, therefore, the service-related information that is available.²³²

MTDI and Information and Communication Technology Agency (ICTA) confirmed that the GIC website received minor service upgrades since the introduction of this commitment.²³³ These upgrades, driven by ICTA, included linking the website to social media (Facebook, Twitter, LinkedIn, and YouTube).²³⁴ However, the ICTA did not introduce a request-tracking mechanism or personalised email feedback facilities.²³⁵ The MTDI did note that discussions were underway to introduce a trilingual messenger "ChatBot" to respond to frequently asked questions on the GIC website.²³⁶

5.4 Service Platform and Charter: This milestone saw limited completion. A representative from the Ministry of Telecommunications and Digital Infrastructure (MTDI) mentioned that the ministry and the Information and Communication Technology Agency solicited tenders to revamp the Government Information Centre (GIC) website. The

proposed changes and improvements included introducing a trilingual ChatBot (see 5.3) and updating the knowledge bases with more information on government services.²³⁷

The government did not update Citizens' Service Charter information. The MTDI has commenced discussions with the Ministry of Public Administration and Management (MPA) to help facilitate completion. Citizens' Charter is an initiative of the MPA that endeavours to standardise citizen-centred public service delivery across government institutions. By displaying internal and external stakeholders' perceived improvements in service delivery over time, Citizens' Service Charters intended to reflect institutional performance. However, many government institutions have either not introduced or updated their Citizens' Charter information. Thus, progress under this initiative has fallen behind.

Despite this, the MTDI confirmed that the GIC is ready to accommodate institution-specific Citizens' Charters in all three languages.²³⁸ As it stands, however, this milestone was scheduled for completion by December 2016 and has not been completed on time.

5.5 Stocktaking: As most milestones under this commitment are still underway, steps toward stocktaking of the improved project have not yet started. This milestone was scheduled for completion by December 2017 and is, therefore, not on time.

Early Results

As most of the milestones under this commitment have achieved only limited completion, there are no significant, observable early results.

However, government representatives recognised the re-establishment of the GIC steering committee as an important achievement. That success has provided impetus toward the completion of concomitant milestones.

Next Steps

As this commitment is largely defined as an e-government initiative, it bears limited relevance to the values of OGP or open government. Thus, the IRM researcher recommends not including an extension of this commitment in the next action plan. However, if related stakeholders refine milestone 5.1 within the remaining period of this action plan, that could better ensure widespread publication of the survey report, detailing government-held information on citizen needs vis-à-vis the GIC.

Beyond this, the researcher recognises that through enhancing services and increasing public awareness of the Government Information Centre (GIC), this commitment does stand to improve public access to information on government services, even though it does not promote open government. The researcher also acknowledges the positive intent of relevant stakeholders, led by the Ministry of Telecommunication and Digital Infrastructure (MTDI), as they seek to ensure that the milestones contained within this commitment are followed through to completion.

Cognizant of the challenges in achieving significant positive impact in this regard, the IRM researcher volunteers the following recommendations:

- Develop a dynamic mobile phone application linked to the GIC website, call centre, and/or database and containing mobile-optimised information on essential government services. Once installed, this application should be able to function offline. The availability of regular updates to the software, including enhanced coverage of institutions and services, could be announced via standard SMS facility.

This will allow the MTDI, Information and Communication Technology Agency, and related stakeholders to effectively leverage the high levels of mobile phone penetration. Thus, they would be able to disseminate information on government services across a wider pool of potential recipients.

- Refine existing milestones pertaining to the development of the GIC website and/or service platform to specify clear objectives and intended outcomes. For example, the overarching effort to enhance the service platform (see 5.4) may be accompanied by a list of specific desired improvements. The milestone could also list how these improvements will advance citizen access to government information.
- Ensure that consistent information is available through the GIC call centre and the GIC website. This could be done by introducing a single format for chief innovation officers (CIOs) to provide information to the GIC.

Concurrently, proposed efforts to revamp the GIC website should include clear measures to cross-check and consolidate existing information from government institutions with information available at the GIC call centre.

6. Promote Open Data

Commitment Text:

Promote the Open Data Concept and delivering the benefits to Citizens through ICT

The necessity of Open Data for both Government and citizens has been well defined under OGP. However, the Concept of Open Data is yet to be conveyed to a wide range of stakeholders by the strategic usage of ICT. Further, there is a need to define the boundaries of government's openness, hence a standard mechanism for data classification, which must be mandatorily backed by a government policy directive. The benefits of OGP, in return should reach citizens through innovative ICT tools, as successfully demonstrated by other countries of this partnership.

Main Objective:

Promote Open Data using ICT platforms and ensure citizens get its benefits using similar technologies.

Milestones:

- 6.1 Revamp website www.data.gov.lk with already available data sets of different government agencies (by ICTA Project #24).
- 6.2 Survey on citizens' demand on government data sets (through Nenasala / Smart Social Circles).
- 6.3 Open consultation on Data and Services Classification (with Open Data/Data Sharing Policy) based on the draft prepared by ICTA.
- 6.4 Enhance the current 89 data sets of various government institutes and increase it to 200 by end of 2016 and 500 by July 2018 (by ICTA).

Responsible institution: Ministry of Telecommunication and Digital Infrastructure

Supporting institution: Information and Telecommunication Agency of Sri Lanka (ICTA)

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
6. Promote Open Data			✓		✓	✓		✓		✓			Yes		✓		

Context and Objectives

This commitment seeks to promote the concept of Open Data and, thereby, facilitate public access to data and datasets on topics and areas of public importance. Such data are often held by government institutions. Stakeholders propose that unrestricted access to such data will support and enable citizens to access, and act upon, information on government policies. They also envision that this access will enable civil society to pursue rational debate and advocacy, and allow decision makers to engage in evidence-informed policy making.²³⁹

Open data is broadly characterized as content that can be “freely used, modified, and shared by anyone for any purpose”.²⁴⁰ Further, government data is generally considered open if it complies with a set of fundamental principles that require data to be complete, primary, accessible, timely, machine-processable, nonproprietary, nondiscriminatory, and licence-free.²⁴¹ Government and civil society stakeholders agreed²⁴² that citizens in Sri Lanka lacked open and unrestricted access to government-held data and were, therefore, denied the opportunity to reap the concomitant benefits.

The Information and Communication Technology Agency (ICTA) has led the introduction and development of the open data concept in Sri Lanka. The ICTA recognises that data is an important national resource and aims to make an array of development, demographic, statistical, and expenditure data available in digital form for researchers, policy makers, software solution developers, and the general public.²⁴³ To do this, the ICTA has developed an online portal. The portal currently contains an inventory of over 80 datasets on topics ranging from agriculture and livelihood to transport, national security, and employment.²⁴⁴

Despite such positive initiative, the experiences of Sri Lanka in fostering the idea of open data are largely embryonic. Specifically, key stakeholders, including the ICTA, acknowledge that public engagement with data remains limited and citizens have, therefore, insufficiently leveraged the potential benefits of open access to data.²⁴⁵ According to the general manager of Sarvodaya Fusion, anecdotal evidence suggests that limited public engagement with data may be attributed to citizen perceptions that the availability of data matters little in the decision-making process.²⁴⁶ This citizen perception is both a symptom of ad hoc policy making and a failure on the part of public authorities to demonstrate the pursuit of evidence-informed governance. In this environment, the wider public remains unaware about the availability of data and/or the potential to access it.²⁴⁷ In addition, from the supply side, the government has not yet formally defined boundaries for data sharing. This challenge is compounded by the lack of a standard mechanism for data classification.

If fully implemented as written, this commitment stands to have a minor potential impact on access to, and use of, open data. The commitment, in general, seeks to improve the status quo and address shortcomings typically associated with a nascent open data regime. For instance, although the ICTA has not identified specific improvements, the commitment will revamp the website serving as the online data portal and, in turn, enhance the primary interface between data holders and data users. Through a survey of citizen demand, the commitment also proposes to identify which datasets are likely to be most useful to citizens. This will help government to ascertain key priorities and, thereby, proactively work to ensure that citizens and related stakeholders have access to useful data.

Further, recognising the importance of data classification in defining boundaries of openness, the commitment endeavours to conduct a consultation based on a draft data-sharing policy prepared by the ICTA. While the composition of this consultation is unclear, civil society confirms that this presents a good opportunity for civic participation in key decision-making processes.²⁴⁸ In addition, the commitment proposes to address the quality and quantity of the datasets available on the online portal. In particular, the government commits to enhancing the quality of the 89 existing datasets. The government also hopes to increase the number of datasets available to 200 by the end of 2016, and 500 by July 2018. According to Sarvodaya Fusion, these complementary activities are likely to represent significant, albeit preliminary, steps in promoting the concept of open data and open governance in general.²⁴⁹ These activities are also fundamentally linked to improved access to information.

However, in assessing potential impact, the IRM researcher recognises that much of the requisite infrastructure to foster open data—such as the open data portal—is already in place. Thus, this commitment largely involves generating positive impetus and scaling up existing initiatives. Similarly, the commitment makes no reference to linking the results of a survey of citizen demand on government datasets with the generation of new datasets identified under milestone 6.4. In addition, wide access to the internet is central to the success of this commitment. Therefore, it is concerning that steadily improving internet coverage (i.e., 3G coverage of around 80 per cent) is compromised by the fact that only 30-40 per cent of the total population actively access and use the internet via computers on a regular basis.²⁵⁰ Unlike other initiatives which may subvert this concern by leveraging

increasing levels of mobile and mobile broadband penetration, the effective use of datasets may necessitate more direct and user-friendly engagement.

Challenges to this commitment, therefore, include limitations in scope and limited specificity. There is no clarity in defining the proposed improvements to the open data web portal and in defining the composition of the open consultation on data classification. Thus, this important commitment is considered of minor potential impact and medium specificity.

Completion

6.1 Revamp Website: This milestone has been completed. In May 2017, the Information and Communication Technology Agency revamped the online web portal, which contains over 80 datasets.²⁵¹ As part of the revamp, new features were introduced. These included a user option to suggest new datasets;²⁵² tags attributed to datasets for easier navigation; and linkage of the web portal to social media such as Facebook, Twitter, and LinkedIn.²⁵³

6.2 Citizen Demand Survey: This milestone was not started. However, as it is scheduled for completion by July 2018, it can still be completed on time.

The Senior Assistant Secretary of the Ministry of Telecommunications and Digital Infrastructure confirmed that the ministry had commenced the process to procure a consultant to carry out the survey.²⁵⁴ Once the consultant has been selected, the survey will seek to document user satisfaction with the online data portal.²⁵⁵

6.3 Consultation on Data and Service Classification: This milestone has also achieved limited completion. The stakeholders confirmed that the Ministry of Telecommunication and Digital Infrastructure (MTDI) had not yet organised a consultation on data classification. However, the MTDI and Information and Communication Technology Agency (ICTA) noted that the ICTA had developed a draft data-sharing policy and published it in English on the online data portal.²⁵⁶

According to the MTDI, it will soon publish the draft policy in the government gazette²⁵⁷ in consultation with the interministerial committee, constituted under the ICT Act.²⁵⁸ However, this milestone was scheduled for completion by December 2016. Thus, this milestone is not on time.

6.4 Enhance and Increase Datasets: This milestone has achieved limited completion. According to the stated phased targets of 200 datasets by December 2016 and 500 by July 2018, the commitment is also not on time.

As of December 2017, the online portal contained 89 multiform datasets under nine broad thematic areas. However, the Ministry of Telecommunication and Digital Infrastructure noted that many government institutions had nominated officers responsible for generating datasets. The ministry also stated that new datasets were being identified for publication on the portal.²⁵⁹ These include datasets on disaster-prone land and land parcels under the

National Spatial Data Infrastructure and new data and information on agriculture and tourism.²⁶⁰

Early Results

Although the online portal has been successfully revamped with new features, all other milestones under this commitment have achieved only limited completion. As a result, there are no significant, observable results.

However, it is worth noting that during the implementation of this commitment, Sri Lanka introduced legislation on the right to information (see Commitment 22). This important development has raised the pertinence of this commitment. Public institutions are now legally required to respond to requests for data and information. In response, the Ministry of Telecommunications and Digital Infrastructure indicated that government institutions have been invited to develop new datasets. These datasets can help them better respond to frequent right to information requests.²⁶¹

Therefore, the introduction of legislation on the right to information has provided an additional dimension to this commitment. The legislation further incentivised government institutions to proactively disclose data, such as geographic coverage or asset profiles.

Next Steps

The successful achievement of the milestones proposed under this commitment is expected to significantly improve the status quo pertaining to open data. A dynamic, accessible data portal; a comprehensive collection of datasets that meet citizen demand; and clear, formal classification and delineation of shareable data constitute the foundation of a robust and effective open data regime.

However, to further strengthen the potential impact of this commitment, the IRM researcher proposes the following recommendations. These may be included by modifying the milestones under the existing commitment or by introducing them as part of the next action plan:

- Facilitate meaningful civic participation in open data policy making, particularly in relation to the data-sharing policy and associated decisions. For instance, the ICT Act provides for the appointment of a multistakeholder task force.²⁶² The Ministry of Telecommunications and Digital Infrastructure and/or the Information and Communication Technology Agency (ICTA) may arrange consultations with this representative task force to review and discuss potential policies and decisions about open data.
- Encourage wider and deeper public engagement with government data and the online data portal. Such engagement can be promoted by conducting a series of awareness workshops at multiple locations across the country. These workshops may introduce, for example, the idea and concept of open data and how to use data to effect or inform policy change. The workshops could also feature national and

international best practice and case studies on the use of data, and practical guidance on how to navigate the online data portal.

These awareness workshops may be a collaborative effort of local civil society organisations and the ICTA.

THEME 4: ENVIRONMENT

7. National Environmental Act Amendments

Commitment Text:

Transparent Environmental Decisions: Restoring the Public's Right to Comment on Initial Environmental Examination and Government Accountability on Public Comments

(A) – National Environmental Act (NEA) Amendments

[...]

Main Objective:

Ensure public participation and transparency in environmental decision making and government accountability on public comments on Initial Environmental Examinations (IEEs).

Milestones:

- 7.1 One or two meetings/discussions with the MMDE and CEA to advocate the need for the relevant amendments to the NEA and its regulations.
- 7.2 Drafting amendments to the NEA and its regulations to restore provisions on public participation in the IEE process and to ensure government accountability on public comments received on IEEs and EIAs. PILF can assist the MMDE and CEA in this endeavour.
- 7.3 Amendments to NEA and regulations with aforesaid provisions passed by Parliament.
- 7.4 Enforcement of the amendments to NEA and regulations by the CEA.
- 7.5 CEA to facilitate the enforcement of the aforesaid amendments to NEA and regulations by strengthening its EIA unit and provincial branches with adequate staff, necessary budgetary allocations and other required facilities.
- 7.6 Approx. 03 workshops to creating awareness amongst respective government agencies and public officers on:
 - (A) the requirement of opening up IEEs for public comments as per the amendment to the NEA and regulations; and;
 - (B) the government accountability provisions.
- 7.7 Civil Society Awareness Programmes and Information Dissemination:

(A) Approx. 04 programmes each on State owned television and radio to create awareness amongst the civil society on: (i) the reintroduction of public participation provisions on IEEs as per amendments to the NEA and regulations and how to make effective and responsible comments on the same; and (ii) government accountability provisions.

(B) Dissemination of aforesaid information through the websites of the MMDE and CEA.

Responsible institution: Ministry of Mahaweli Development and Environment (MMDE).

Supporting institutions: Central Environmental Authority (CEA), Public Interest Law Foundation (PILF).

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>. In the action plan, this commitment contains three distinct sets of milestones around different environmental amendments. To improve readability, the IRM researcher will evaluate the other milestones as part of Commitments 8 and 9.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
7. National Environmental Act amendments			✓		✓	✓					✓		No		✓		

Context and Objectives

This commitment seeks to ensure public participation, transparency, and government accountability in environmental decision making. It aims to do this by restoring the public right to comment on Initial Environmental Examinations (IEEs) under the National Environmental Act (NEA).²⁶³ The commitment involves the Ministry of Mahaweli Development and Environment (hereinafter, the Ministry of Environment), the Central Environmental Authority (CEA), and other related stakeholders. These stakeholders envision that this commitment will inclusively facilitate timely and informed public advocacy against, or for, development projects. In addition, this commitment is expected to preclude negative environmental and other consequences. This outcome is premised on better public engagement on, and deeper awareness of, the concomitant impacts.

There is widespread concern, particularly among civil society working on environment,²⁶⁴ that the rapid proliferation of development projects across Sri Lanka has threatened the country's physical environment with adverse impacts on populations living in affected areas.²⁶⁵ For example, in 2017, residents protested that an ill-conceived multipurpose development project in the Uva Province threatened their homes and livelihoods.²⁶⁶ To avoid such consequences, the government passed amendments to the NEA in 1988.²⁶⁷ The amendments mandated that development projects be preceded by either an IEE *or* an Environmental Impact Assessment (EIA). These distinct processes seek to identify the potential environmental impacts of a proposed development project. However, there are currently no guidelines for determining whether a particular project warrants an IEE or an EIA. Generally, an IEE is less technical and usually associated with smaller-scale projects.²⁶⁸ Until 2000, both processes allowed for public participation. Specifically, a notice published in the government gazette and newspapers—available in Sinhala, Tamil, and English—would call for public comments on a proposed project. However, as the exigencies and extent of development intensified, investors and developers increasingly viewed these participatory processes as hindrances to development.²⁶⁹

Therefore, in 2000, a further amendment to the NEA removed the public right to comment on IEEs. The amendment resigned IEEs to merely public documents and created a window for the approval of development projects with limited public awareness of the environmental impact, and little, if any, proactive public oversight. For example, in 2016, the developers of a mini-hydropower plant expeditiously—and successfully—submitted an IEE in order to obtain project approval. The construction resulted in forest land being cleared on the border of the Sinharaja World Heritage Rainforest.²⁷⁰ Residents and civil society expressed concern that the project would harm the ecosystem and deprive those living in the area of access to water for daily consumption.²⁷¹ Local residents were notified of the project via media only after approval had been granted. In light of such cases, this commitment aims to restore the public right to comment on IEEs. It also goes even further by introducing provisions for government accountability.

If fully implemented as written, this commitment stands to have a moderate potential impact on public participation and transparency in environmental decision making. Specifically, the NEA amendment to restore provisions for public comments on IEEs will help to legally guarantee that all development projects are again mandatorily subject to thorough and timely public scrutiny. This process will reduce the likelihood of environmentally unsound or damaging projects being permitted by the CEA, the relevant decision-making agency.

The commitment also recognises the importance of translating legal provision into practice through effective enforcement and facilitation of the amendments. Such work calls for an empowered CEA that is equipped with adequate human, financial, and other resources. In addition, the commitment will raise awareness and disseminate information among civil society and government stakeholders on the restored space and protocol for sharing public comments on IEEs. According to a civil society expert working on environment, the commitment stands to have a noticeable, positive impact on transparency and public participation in environmental decision making.²⁷² In particular, the expert suggested that provisions reintroducing public oversight will encourage and assist stakeholders, including project developers, to identify and recognize potential environmental issues early in the

development process and take precautionary, or remedial, measures accordingly.²⁷³ Therefore, this commitment could improve environmental decision making.

It is important to note that the EIA process continues to provide space for public participation and is still used in the approval process of larger-scale development projects.²⁷⁴ Hence, this commitment represents the broadening of an existing process, and does not completely transform business-as-usual. However, the commitment remains important as the IEE process may still be used as a distinct process of project approval, particularly in the context of smaller-scale projects.

The commitment's proposed introduction of provisions pertaining to government accountability could significantly enhance its impact.²⁷⁵ Until the amendment is deliberated and finalised, however, the precise mechanism to facilitate accountability remains unclear. Interviewed stakeholders suggested that these provisions may legally require the CEA to publish a list of public comments received under the IEEs or EIAs. They speculate that the CEA would then have to formally indicate whether the comments were addressed when arriving at the decision to approve a project.²⁷⁶

Completion

7.1 Preliminary Discussions: This milestone was completed. The Ministry of Mahaweli Development and Environment confirmed that several meetings and discussions have taken place with the CEA and the respective legal officers. These meetings involved promoting and expediting the need for amendments to the NEA and its related regulations. Meeting increased since April 2016 and the introduction of the OGP commitment.²⁷⁷ The Public Interest Law Foundation—a civil society organisation advocating for the amendments—has confirmed this.²⁷⁸

7.2 NEA Amendments Drafted: This milestone saw limited completion. Following several meetings and discussions involving the Ministry of Mahaweli Development and Environment (Ministry of Environment) and the Central Environmental Authority (CEA, see 7.1), the Ministry of Environment confirmed the development of a detailed concept note. The note contains a list of potential amendments to the NEA, including the reintroduction of public participation and provision for government accountability in the IEE process.²⁷⁹

However, as the ministry and the CEA are intent on concurrently introducing a number of significant amendments to the legislation, discussions continue. Therefore, the complete set of draft amendments to the NEA have yet to be finalised or made public.²⁸⁰ The continued deliberation between the two key stakeholders renders this milestone incomplete and thus not on time. The action plan set a projected end date of November 2016. A Public Interest Law Foundation representative reiterated that deliberations between the ministry and CEA have taken longer than anticipated. The representative attributed this to key stakeholders considering several different amendments to the NEA at the same time.²⁸¹

7.3–7.7: These milestones were all not started. The Ministry of Mahaweli Development and Environment (Ministry of Environment) and the Central Environmental Authority (CEA) have taken important preliminary steps toward passing amendments to the National Environment Act (NEA) through Parliament (see 7.2). However, as the amendments have still not been made, the ministry, as well as the Public Interest Law Foundation, confirmed that the ensuing processes of enforcement (see 7.4), facilitation (see 7.5), and awareness raising (see 7.6 and 7.7) cannot take place.²⁸² Apart

from the facilitation and awareness programmes scheduled for July 2018, most of the milestones are not on time.

In Sri Lanka, the passing of legislation, or amendments to legislation, by Parliament undergo a standard, stepwise process of drafting, review, approval, and acceptance. These steps involve several important stakeholders, including the relevant line ministries, the Cabinet of Ministers, the Legal Draftsman's Department, and, eventually, the members of Parliament. According to the Ministry of Environment, the relevant amendments to the NEA are still at the initial stages of this process—i.e., the amendments are still being drafted and deliberated among the ministry and CEA. However, the stakeholders anticipate imminent submission for approval by the Cabinet of Ministers. The Ministry of Environment noted that once concurrence on the draft amendments has been obtained between the ministry and CEA, the process of amendment thereafter, or the guarantee of their approval, will be a largely legislative process that does not fall under the purview or control of the ministry.²⁸³

Early Results

As most of the key milestones under this commitment are either incomplete or have not yet started, there are no significant, observable early results. However, the Ministry of Mahaweli Development and Environment and the Public Interest Law Foundation stated that the commitment has contributed to encouraging and expediting an important shift in government practice toward the restoration of transparent and participatory environmental decision making.²⁸⁴

Next Steps

Once Parliament passes the amendments to the National Environmental Act (NEA), the completion of all identified milestones will require sustained effort on the part of the Ministry of Mahaweli Development and Environment (Ministry of Environment) and supporting actors during the remaining period of the action plan. This effort will entail, for instance, immediate strengthening of the Central Environmental Authority (CEA) to effectively receive and respond to public comments. It will also call for the development of accessible material, targeted at different stakeholders, on how to leverage the rights and responsibilities stemming from the anticipated NEA amendments. The CEA has successfully facilitated and enforced Environmental Impact Assessment procedure incorporating public participation and review since 1993. Similar protocol may be anticipated in response to the Initial Environmental Examination amendments.²⁸⁵

However, recognising that the process of passing the amendments through Parliament may delay the progression of this commitment, the IRM researcher recommends that the Ministry of Environment and the CEA work with interested civil society organisations, such as the Public Interest Law Foundation, to actively engage the legislature to raise awareness of the pertinence of the amendment. Doing so is likely to support and expedite its passage and approval. This collaboration can be introduced as a preliminary activity within the remaining period of the action plan.

8. Coast Conservation and Coastal Resources Management Act Amendments

Commitment Text:

Transparent Environmental Decisions: Restoring the Public's Right to Comment on Initial Environmental Examination and Government Accountability on Public Comments

(B) - Coast Conservation and Coastal Resources Management Act (CCCRMA) Amendments

[...]

Main Objective:

Ensure public participation and transparency in environmental decision making and government accountability on public comments on Initial Environmental Examinations (IEEs).

Milestones:

- 8.1 One or two meetings/discussions with the MMDE and CCCRMD to advocate the need for the relevant amendments to the CCCRMA, CCCRMP and regulations.
- 8.2 Drafting amendments to the CCCRMA, CCCRMP and regulations to include provisions on public participation in the IEE process and to ensure government accountability on public comments received on IEEs and EIAs. PILF can assist the CCCRMD in this endeavour.
- 8.3 Amendments to CCCRMA, CCCRMP and regulations with aforesaid provisions passed by Parliament.
- 8.4 Enforcement of the amendments to CCCRMA, CCCRMP and regulations by the CCCRMD.
- 8.5 CCCRMD to facilitate the enforcement of the aforesaid amendments to CCCRMA, CCCRMP and regulations by strengthening its EIA unit with adequate staff, necessary budgetary allocations and other required facilities.
- 8.6 Approx. 03 workshops to creating awareness amongst respective government agencies and public officers on:
 - (A) the requirement of opening up IEEs for public comments as per the amendment to the CCCRMA, CCCRMP and regulations; and;
 - (B) the government accountability provisions.

- 8.7

(A) Approx. 04 programmes each on State owned television and radio to create awareness amongst the civil society on: (i) the introduction of public participation provisions on IEEs as per amendments to the CCCRMA, CCCRMP and regulations and how to make effective and responsible comments on the same; and (ii) government accountability provisions.

(B) Dissemination of aforesaid information through the websites of the MMDE and CCCRMD.

Responsible institution: Ministry of Mahaweli Development and Environment (MMDE)

Supporting institution: Coast Conservation and Coastal Resource Management Department (CCCRMD)

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, please see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>. In the action plan, this commitment contains three distinct sets of milestones around different environmental amendments. To improve readability, the IRM researcher will evaluate the other milestones as part of Commitment 7 and Commitment 9.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
8. Coast Conservation and Coastal Resources Management Act amendments			✓		✓	✓					✓		No		✓		

Context and Objectives

Similar to commitment 7, commitment 8 seeks to facilitate and ensure public participation, transparency, and government accountability in decision making on coastal development projects. It aims to do so by amending the Coast Conservation and Coastal Resources Management Act (CCCRMA) to include the public right to comment on Initial Environmental Examinations (IEEs).²⁸⁶

The commitment has been driven primarily by the Coast Conservation and Coastal Resource Management Department (CCCRMD). The Ministry of Mahaweli Development and Environment and other related stakeholders envision that this commitment will inclusively facilitate timely and informed public advocacy against, or for, coastal development projects. They hope it will also preclude negative consequences. This outcome is premised on better public engagement on, and awareness of, the concomitant impacts.²⁸⁷

Similar to concerns described in commitment 7, the rapid proliferation of development projects and the intensification of economic activity on, and around, the coasts of Sri Lanka have resulted in the modification of the physical nature of coastal zones and the gradual degradation of the natural coastal environment.²⁸⁸ Recently, for instance, environmentalists voiced significant concern in relation to the large-scale Colombo Port City project. Here, land is being reclaimed using vast amounts of sand dredged from the deep seabed, heightening the risk of coastal erosion.²⁸⁹

Cognizant of such challenges, the CCCRMD, empowered by the CCCRMA and its constituent Resource Management Plan (CCCRMP), strives to ensure better coastal engineering and management to improve the sustainability of coastal resources.²⁹⁰ Toward this, as with the National Environmental Act (NEA), the CCCRMA has incorporated pre-emptive processes for impact evaluation. Environmental Impact Assessments (EIAs) or IEEs are required at the discretion of the CCCRMD director, upon receipt of an application for a development permit.²⁹¹ The distinct EIA and IEE processes seek to identify the potential environmental impacts of a proposed development project. However, there are currently no guidelines for determining whether a particular project warrants an IEE or an EIA. Generally, the IEE is less technical and usually associated with smaller-scale projects.²⁹²

A large number of people live and work along the coast of the Sri Lanka. Some estimates suggest that 59 per cent of the population live in coastal districts with maritime boundaries.²⁹³ This statistic reinforces the importance of effective coastal management. It also highlights the pertinence of ensuring meaningful public participation in coastal development, as such development is likely to impact lives and livelihoods. As with the NEA, the EIA process under the CCCRMA does provide opportunity for public comments—and includes a mandated government response—in arriving at a decision on a large-scale development activity.²⁹⁴ However, there is currently no provision for public participation or government accountability within the more commonly used IEE process. This, in turn, has led to several smaller-scale projects being approved by the CCCRMD with limited public awareness of the environmental impact and, thus, no public accountability or oversight.²⁹⁵

If fully implemented as written, this commitment stands to have a moderate potential impact on public participation and transparency in coastal management and related decision making. Specifically, amendment of the CCCRMA, CCCRMP, and related regulations to introduce provisions for public comments on IEEs will help to legally ensure that coastal development projects are mandatorily submitted for thorough and timely public scrutiny. This will reduce the likelihood that the CCCRMD will permit environmentally unsound or damaging projects.

Consistent with Commitment 7, this commitment also recognises the importance of translating legal provision into practice through effective enforcement and facilitation of the amendments. Such work

calls for an empowered CCCRMD, equipped with adequate human, financial, and other resources. In addition, the commitment also aims to raise awareness and disseminate information on the space and protocol for sharing public comments on IEEs among civil society and government stakeholders. According to a civil society expert working on environment, this commitment also stands to have a noticeable, positive impact on transparency and public participation in environmental decision making.²⁹⁶ In particular, the expert suggested that provisions reintroducing public oversight will encourage and assist stakeholders, including project developers, to identify and recognize potential environmental issues early in the development process and take precautionary, or remedial, measures accordingly.²⁹⁷

However, as with Commitment 7, while this commitment also stands to improve environmental decision making, it is apt to note that the EIA process currently continues to provide space for public participation. The EIA process is still used in the approval process of larger-scale development projects.²⁹⁸ Hence, this commitment represents the broadening of an existing process, and does not completely transform business-as-usual. However, the commitment remains important as the IEE process may still be used as a distinct process of project approval, particularly in the context of smaller-scale projects.

The commitment's proposed introduction of provisions pertaining to government accountability could significantly enhance its impact.²⁹⁹ Until the amendment is deliberated and finalised, however, the precise mechanism to facilitate such accountability remains unclear. Interviewed stakeholders suggested that the proposed inclusion of provisions pertaining to government accountability will legally require the CCCRMD to publish a list of public comments received under the IEEs or EIAs. They speculated that the provisions could require the CCCRMD to formally indicate whether the comments were addressed when it arrived at the decision to approve the project.³⁰⁰

Completion

There has been only limited progress, if at all, in the implementation and completion of milestones under this commitment. The IRM researcher could not reach the Coast Conservation and Coastal Resource Management Department (CCCRMD).³⁰¹ However, the Ministry of Mahaweli Development and Environment and the Public Interest Law Foundation—a civil society organisation advocating for these amendments—confirmed that preliminary, internal discussions have been conducted by the CCCRMD to amend the Coast Conservation and Coastal Resource Management Act, Coast Conservation and Coastal Resource Management Plan, and related regulations. These parties also noted that there has been no significant development toward the amendment and passage of the legislation and, thereby, no progress toward the enforcement of related provisions.³⁰²

8.1 Preliminary Discussions: The Ministry of Mahaweli Development and Environment confirmed that preliminary, internal discussions have been initiated on the amendment of the Coast Conservation and Coastal Resources Management Act. The discussions considered including provisions for the public to comment on Initial Environmental Examinations and for the government to be held accountable in responding to these comments.³⁰³ However, according to the Public Interest Law Foundation (PILF), these preliminary discussions have not progressed further as the Coast Conservation and Coastal Resource Management Department (CCCRMD) is trying to collect and deliberate a number of different issues to be incorporated into the anticipated amendment.

Although the CCCRMD appears to be keen to follow through on this commitment, the PILF is concerned that there is inadequate urgency being shown in meeting implementation deadlines.³⁰⁴

8.2–8.7: The amendments to the Coast Conservation and Coastal Resources Management Act have yet to be finalised by the Coast Conservation and Coastal Resource Management Department and the Ministry of Mahaweli Development and Environment (Ministry of Environment, see 8.1). Therefore, representatives from the Ministry of Environment and its counterpart civil society organisation confirm that the implementation of the subsequent milestones has not yet started.³⁰⁵

However, while specific milestones (i.e., 8.1–8.3) are overdue, the overall commitment is scheduled for completion by July 2018. Thus, expeditious action, including the successful passage of the amendments through Parliament, may ensure that the commitment is still completed on time.

Early Results

As most of the key milestones under this commitment have not yet started, there are no significant, observable early results.

Next Steps

The IRM researcher recommends that the Ministry of Mahaweli Development and Environment (Ministry of Environment)—in its capacity as the lead authority—intensify engagement with the Coast Conservation and Coastal Resource Management Department (CCCRMD). In that strengthened engagement, the ministry should reinforce the importance of expediting internal draft and review processes to meet obligations under this commitment. An internal meeting may be convened between the ministry and key representatives from the CCCRMD to identify and remove implementation bottlenecks. For example, a potential solution may be to unlink other desired amendments to the Coast Conservation and Coastal Resources Management Act from the specific amendment to introduce public commenting and government accountability in Initial Environmental Examinations.

The IRM researcher also recognises that the process of passing the anticipated legislative amendment through Parliament is time-consuming and may further delay the progression of this commitment. Therefore, the Ministry of Environment and the CCCRMD should work with interested civil society organisations, such as the Public Interest Law Foundation, to actively lobby and engage the legislature. The collaboration could raise awareness of the pertinence of the amendment. Such lobbying will support and expedite the passage and approval of the amendment and may be combined with similar measures recommended under Commitment 7.

9. Fauna and Flora Protection Ordinance and North Western Province Environmental Statute Amendments

Commitment Text:

Transparent Environmental Decisions: Restoring the Public's Right to Comment on Initial Environmental Examination and Government Accountability on Public Comments

(C) – Fauna and Flora Protection Ordinance (FFPO) and North Western Province Environmental Statute (NWPES) Amendments

[...]

Main Objective:

Ensure government accountability on public comments on Initial Environmental Examinations (IEEs) and Environmental Impact Assessments (EIAs).

Milestones:

- 9.1 Preliminary Discussions: One or two meetings/discussions each with the DWLC and NWPEA to advocate the need for the relevant amendments to the FFPO and NWPES and its regulations.
- 9.2 FFPO and NWPES Amendments Drafted: Drafting amendments to the FFPO and NWPES and its regulations to ensure government accountability on public comments received on IEEs and EIAs. PILF can assist the DWLC and NWPEA in this endeavour.
- 9.3 FFPO and NWPES Amendments Passed: Amendments to FFPO and NWPES and regulations with aforesaid provisions passed by Parliament and the North Western Provincial Council.
- 9.4 Enforcement: Enforcement of the amendments to FFPO and NWPES and regulations by the DWLC and the NWPEA.
- 9.5 DWLC and NWPEA Facilitation: DWLC and the NWPEA to facilitate the enforcement of the aforesaid amendments to the FFPO and the NWPES and regulations by strengthening its EIA units with adequate staff, necessary budgetary allocations and other required facilities.
- 9.6 Government Awareness Workshops: Approx. 03 workshops to create awareness amongst respective government agencies and public officers on government accountability provisions.

- 9.7 Civil Society Awareness Programmes and Information Dissemination:

(A) Approx. 04 programmes each on State owned television and radio to create public awareness on the government accountability provisions in the FFPO and NWPEA.

(B) Dissemination of aforesaid information through the websites of the DWLC and NWPEA.

Responsible institutions: Ministry of Sustainable Development and Wildlife,³⁰⁶ Ministry of Mahaweli Development and Environment (MMDE) and North Western Province Environmental Authority (NWPEA)

Supporting institution: Department of Wildlife Conservation (DWLC)

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>. To improve readability, the IRM researcher will evaluate the other milestones as part of Commitment 7 and Commitment 8.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
9. Fauna and Flora Protection Ordinance and North Western Province Environmental Statute amendments			✓		✓	✓				✓			No	✓			

According to key stakeholders, this commitment endeavours to facilitate government accountability in environmental decision making by formally mandating government responses to public comments³⁰⁷ on Initial Environmental Examinations (IEEs). This is being sought under (1) the Fauna and Flora Protection Ordinance (FFPO)³⁰⁸ and (2) the North Western Province Environmental Statute (NWPES).³⁰⁹ This commitment seeks to ensure that the public will be able, where appropriate, to translate *representation* in environmental decision making (through the provision of public comments) into more meaningful *participation* (through government accountability in responding to the comments).

The FFPO provides for the protection and conservation of the fauna, flora, and biodiversity of Sri Lanka, preventing these important resources from commercial and other misuse.³¹⁰ As the principle government institution responsible for the protection of wildlife resources, the Department of Wildlife Conservation (DWLC) is tasked with implementing the FFPO. The DWLC is now subsumed under the purview of the newly established Ministry of Sustainable Development and Wildlife.³¹¹ The FFPO, among other things, establishes categories of wildlife reserves in which wildlife and related resources are protected from human activity.³¹² According to the legislation, any development activity that is proposed to be carried out within one mile of these reserves mandatorily requires comprehensive impact evaluations. Potential developers must furnish an IEE or Environmental Impact Assessment (EIA) report at the discretion of the director general of the DWLC.³¹³ The distinct IEE and EIA processes seek to identify the potential environmental impacts of a proposed development project. However, there are currently no guidelines for determining whether a particular project warrants an IEE or an EIA, although an IEE is less technical and usually associated with smaller-scale projects.³¹⁴

The NWPES, unlike the other laws discussed under the commitments on environment, is a geographically specific piece of legislation. The North Western Province Environmental Authority (NWPEA) aims to implement the provisions of the NWPES. Thus, the National Environmental Act (NEA) and the Central Environmental Authority ceased to exercise exclusive jurisdiction over the protection of environment in the North Western Province.³¹⁵ While the NWPES seeks to contextualise and reflect many of the provisions contained in the NEA, it also incorporates mechanisms for evaluating the impact of development projects in the form of IEEs or EIAs.

Despite many similarities in form and function, the FFPO and the NWPES are unlike the NEA (see Commitment 7 above) and the Coast Conservation and Coastal Resource Management Act (CCCRMA, see Commitment 8 above). They already explicitly and adequately³¹⁶ provide for public comment in both the IEE and EIA processes.³¹⁷ This is an important first step in ensuring public participation in environmental decision making. However, there remains a need to introduce and effectively enforce legislative provisions guaranteeing government accountability, to ensure that citizen voice will be considered. In this context, in cases where public comments are invited by the primary decision-making agency—i.e., the DWLC or NWPEA—transparent and accountable protocol may formally specify that the relevant agency lists and publishes the comments received. The protocol

may also call for the agency to indicate whether, and how, the particular comment was considered or addressed as the agency arrived at the decision to approve the project.³¹⁸

If fully implemented as written, this commitment stands to have a minor potential impact on public participation, transparency, and government accountability in environmental decision making at both national and subnational levels. The FFPO and NWPES already provide for public participation through public comments in both EIA and IEE processes. Therefore, as this commitment seeks to solely introduce the component pertaining to government accountability, the scope of this commitment is invariably smaller than the previous commitments. Despite this, such provision does represent an incremental improvement in environmental decision making by allowing citizens to translate pre-existing representation into meaningful participation.³¹⁹

However, as noted in previous commitments, until the content of the amendment is deliberated and finalised, the precise mechanism to facilitate government accountability remains unclear. Hence, as the impact of this commitment is contingent on the amendment, the scope of activities is limited to being considered positive steps in the right direction. In particular, preliminary discussions among stakeholders, as well as the drafting and passing of relevant amendments, are essential prerequisites to facilitating the introduction of provisions on government accountability.³²⁰ Similarly, once the amendments have been passed, effective enforcement and awareness—primarily by the DWLC and NWPEA—will be critical to supporting citizens in translating legal provision into positive practice.

Completion

According to the Ministry of Mahaweli Development and Environment and the Public Interest Law Foundation (PILF, a civil society organisation advocating amendments to the various laws governing environmental protection), the implementation of this commitment has not yet started.³²¹ The representative from PILF speculated that the delay is because associated stakeholders think—since public commenting is already mandated by the laws—that both the Fauna and Flora Protection Ordinance and the North Western Province Environmental Authority (NWPEA) do not require further amendment. The representative suggested the stakeholders believe the laws require only more proactive enforcement and minor changes in institutional practice to respond to received comments.

In terms of the timing of this amendment, specific milestones (i.e., 9.1–9.3) are overdue. However, the overall commitment is scheduled for completion by July 2018. Thus, expeditious action, including the successful deliberation and passage of the amendments through Parliament and the North Western Provincial Council, may ensure that the commitment is still completed on time.

Despite numerous and varied attempts by the IRM researcher, relevant representatives could not be reached for comment.³²² These include representatives from the Ministry of Sustainable Development and Wildlife, the Department of Wildlife Conservation, and the NWPEA.

Early Results

As the implementation of the milestones under this commitment has not yet started, there are no observable early results.

Next Steps

Having pursued prior discussions with a former director general of the North Western Province Environment Authority, the Public Interest Law Foundation (PILF) confirms that the institution remains positive about completing this commitment. In relation to the Fauna and Flora Protection Ordinance, purview over associated milestones previously rested solely with the Department of Wildlife Conservation. However, the recent establishment of the Ministry of Sustainable Development and Wildlife has introduced a new and important stakeholder into the process. Therefore, the continued intent and resolve to push the amendments through remains unclear to the IRM researcher. In such circumstances, PILF notes that clear and straightforward administrative decisions from stakeholders to act and follow up on outstanding activities can go a long way in moving this commitment forward.³²³

Beyond initiating and pushing the proposed amendments through, PILF notes that it is the translation of the amended laws into practice (i.e., maintaining registers, monitoring public comments, and providing timely responses) that will prove to be the most challenging and critical part of this commitment.³²⁴ The Ministry of Mahaweli Development and Environment echoes this sentiment.³²⁵

THEME 5: LOCAL GOVERNMENT

10. Procurement System for Local Authorities

Commitment Text:

Transparent and Accountable Procurement System for Local Authorities in Sri Lanka (A)

[...] The services provided by Local Authorities are financed by transfers from the Central and/or Provincial Governments or from revenue generated by the Local Authorities. The procurement procedure in the Local Authorities is generally guided by the system that is universal to all state entities. Nevertheless, the difference is that Local Authorities are legally an incorporated body that has a legal identity and status of an independent unit, hence the procurement procedures can only be supervised and guided not mandated and enforced.

As per the 19th amendment to the Constitution, chapter XIXB a “Procurement Commission” was established and according to clause number 156 (H) the Commission is vested with the powers to formulate fair, equitable, transparent, competitive and cost effective procedures and guidelines, for the procurement of goods and services, works, consultancy services and information systems by government institutions and cause such guidelines to be published in the Gazette and within three months of such publication, to be placed before Parliament.

Main Objective:

Establish a transparent and accountable procurement system for local authorities (prepare and publicise procurement guidelines).

Milestones:

- 10.1 Guidelines prepared by FSLGA for Municipalities, Urban Councils and Pradeshiya Sabhas are reviewed by a committee consisting of Procurement Commission, FSLGA, and Ministry of Local Government and representatives from Civil Society
- 10.2 Incorporate required amendments to the reviewed Procurement Guidelines
- 10.3 Approval obtained from “Procurement Commission and Ministry of Local Government on the final guidelines
- 10.4 Gazetting out the relevant procurement guidelines and approval from Parliament for the same

- 10.5 Government to publicise the procurement guides through mass & social media and make copies of the same available for the public at the local authorities/councils
- 10.6 Printing and distribution to the councils
- 10.7 Creating awareness among all Local Authorities, Commissioners offices of Local Govt. and Assistant Commissioners of Local Govt. (In collaboration with Sri Lanka Institute for Local Governance)
- 10.8 Publicly disseminating the guidelines through websites and through display boards in all Local Authorities

Responsible institutions: Ministry of Provincial Councils and Local Government (MPCLG) & Procurement Commission

Supporting institutions: Local Government Authorities, Federation of Sri Lankan Local Government Authorities (FSLGA)

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>. In the action plan, the milestones under this commitment are included as part of a single commitment that broadly seeks to establish a transparent and accountable procurement system for local authorities. However, for purposes of clarity, this report separates the evaluation of milestones that pertain to the preparation and publication of procurement guidelines (Commitment 10) and the evaluation of milestones that pertain to monitoring of implementation and grievance redress (see Commitment 11).

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
10. Procurement system for local authorities			✓		✓	✓		✓		✓			No		✓		

Context and Objectives

A necessary precursor to Commitment II (see below), this commitment seeks to introduce a transparent procurement system for local authorities and, thereby, minimise malpractice and corruption. In particular, this commitment focuses on the preparation and publication of procurement guidelines, which will, in turn, outline a uniform system of procurement for local authorities.

The closest unit of governance to citizens, local authorities across Sri Lanka are responsible for the provision, improvement, and maintenance of a wide range of local goods and services. These include waste management, libraries, parks, recreation facilities, and other small-to medium-scale infrastructure development activities. Critically, many of these goods and services are independently procured by local authorities, following either direct award or tender processes.³²⁶ These largely ad hoc processes and powers of procurement are often centralised around an individual, usually the mayor or chairperson of the local authority. Decisions are regularly made with limited input from the local council.³²⁷

In general, public procurement is particularly vulnerable to malpractice and corruption. According to a study by the Organisation for Economic Cooperation and Development, 57 per cent of reported bribery cases occurred to obtain a public procurement contract.³²⁸ Corruption in procurement can take place at the national and subnational levels of government. Assuming that local politicians are better known and more accountable to the citizens they serve, decentralisation may narrow the scope for corruption. However, this same proximity, coupled with weak governance capacity, also provides greater opportunity and fewer obstacles to engage in corrupt procurement practices.³²⁹

In Sri Lanka, weak governance capacity at the local level has led to ineffective management of public resources and significant waste of public funds.³³⁰ The Ministry of Provincial Councils and Local Government volunteered the central issue—i.e., several local authorities hold a large amount of money that is often spent to procure goods and services. There is limited transparency or discretion in this process.³³¹ Although there is no known study quantifying the economic loss from procurement, key government and civil society stakeholders agree that it is an issue that deserves significant attention.³³²

Therefore, it is pertinent for the government to address transparency and accountability (see Commitment II for associated provisions on accountability) in procurement at the local level. Local authorities will continue to receive external financing and raise their own revenue and the impending local government elections in early 2018 may serve as a timely opportunity to push for tough reform of procurement processes.³³³ Stronger procurement systems will help to curb malpractice, ensure that public funds are better utilised, and generally improve public integrity.

If fully implemented as written, this commitment stands to have a minor potential impact on the transparency and accountability of procurement at the local level. Specifically, the preparation of unique procurement guidelines will fill existing gaps. The guidelines will also potentially provide for a uniform process of procurement across the various levels of local

government.³³⁴ In addition, the involvement of civil society in the preparation of these guidelines will provide an opportunity for civic participation in policy making.

Once the guidelines have been developed, the commitment calls for the guidelines to be widely publicised and for raising awareness among key stakeholders. In turn, according to key civil society representatives, this awareness may encourage adherence to the guidelines. The public will be able to identify and distinguish procurements that do not abide by the established process.³³⁵

However, the development and publication of guidelines are only first, albeit important, steps in ensuring a transparent and accountable procurement system at the local level. Notably, the commitment aims to develop guidelines, as opposed to binding, enforceable legislation. This suggests that the guidelines could easily be dismissed as aspirational or flouted with impunity at the discretion of decision makers. Commitment 11 partially addresses this limitation. Though yet falling short of enforcement, it seeks to introduce monitoring of the implementation of the procurement guidelines.

Completion

10.1–10.2 Guidelines Prepared and Reviewed, and Amendments Incorporated:

These milestones have been substantially completed. In September 2016, a 12-member committee commenced reviewing existing documents and protocol toward preparing clear procurement guidelines for local authorities. The committee comprised representatives from the Procurement Commission, the Ministry of Provincial Councils and Local Government (MPCLG), provincial local government commissioners, local authorities, and civil society.

However, according to the Federation of Sri Lankan Local Government Authorities (FSLGA), the process of preparing and reviewing the guidelines has taken longer than scheduled. It noted that the Procurement Commission stood keen to consolidate the procurement guidelines for local authorities with national procurement guidelines.³³⁶ The additional secretary at the MPCLG conveyed that the Procurement Commission was unconvinced that two distinct sets of guidelines were necessary. The commission believes so because regulation of the expenditure of government money stands as a common goal.³³⁷

Therefore, the committee undertook an extended process of drafting and reviewing the local-level guidelines to ensure that they aligned with the national protocol. Specifically, the committee identified gaps and tried to minimise them.³³⁸ For instance, the committee found that governing legislation on property management differed in the national and local governments. This discrepancy necessitated the introduction of unique provisions under the prospective guidelines.³³⁹

These milestones were originally scheduled for completion by December 2016. However, the process of preparing, reviewing, and amending the procurement guidelines extended late into 2017. The FSLGA anticipates that the committee will be able to finalise the draft

guidelines and submit it for formal approval by the Procurement Commission and the MPCLG by December 2017.³⁴⁰

10.3–10.8 Guidelines Approved, Gazetted, and Publicised: As the guidelines are still being prepared (see 10.1–10.2), the remaining milestones under this commitment have not yet started.

According to the Federation of Sri Lankan Local Government Authorities (FSLGA), it will be the primary responsibility of the Procurement Commission to submit the guidelines for approval by Parliament. Thereafter, the Procurement Commission will formally re-gazette the guidelines.³⁴¹ In terms of publicising the guidelines, the Ministry of Provincial Councils and Local Government confirmed that civil society will be engaged to support and carry out awareness programmes.³⁴² The FSLGA confirmed that provincial-level awareness workshops have been scheduled for March 2018.³⁴³

Early Results

As this commitment has achieved only limited completion, there are no significant, observable early results.

However, according to the Federation of Sri Lankan Government Authorities, the commitment itself represents a welcome revival of unsuccessful efforts to introduce procurement guidelines, dating back to 2008.³⁴⁴ Therefore, the positive debate surrounding the preparation of the guidelines—including active civil society involvement—is widely considered an important achievement.³⁴⁵

Next Steps

Key stakeholders suggested positive intention to ensure that this commitment is successfully implemented to completion. Although the preparation of the guidelines has taken longer than scheduled, the prompt approval of the proposed guidelines by Parliament will enable the outstanding milestones to be completed by June 2018. That deadline lies within the stipulated time frame of this action plan.

However, to further enhance the potential impact of this commitment and, thereby, effectively minimise corruption in procurement at local authorities, the guidelines will have to be implemented and translated into sustainable practice. It is imperative to consider this commitment in conjunction with Commitment 11. Commitment 11 primarily seeks to monitor implementation of the procurement guidelines and establish a mechanism for grievance redress. Therefore, any potential recommendation for further action is withheld, pending appraisal of Commitment 11.

11. Implementation and Monitoring of Local Authority Procurement System

Commitment Text:

Transparent and Accountable Procurement System for Local Authorities in Sri Lanka (B)

[...]

Main Objective:

Establish a transparent and accountable procurement system for local authorities (introduce citizen monitoring of implementation and establish a grievance redress mechanism).

Milestones:

- 11.1 Implementation and Monitoring the New System – by all Local Authorities (Monitoring by Commissioners/Assistant Commissioner office of Local Govt.) and civil societies through 'citizens report cards'
- 11.2 Establish a transparent grievance redress mechanism to be operative in 3 concurrent forms – online, a telephone hotline and through an ombudsperson in all three languages

Responsible institutions: Ministry of Provincial Councils and Local Government (MPCLG) & Procurement Commission

Supporting institutions: Local Government Authorities, Federation of Sri Lankan Local Government Authorities

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, please see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>. In the action plan, the milestones under this commitment are included as part of a single commitment that broadly seeks to establish a transparent and accountable procurement system for local authorities. However, for purposes of clarity, this report separates the evaluation of milestones that pertain to the preparation and publication of procurement guidelines (see Commitment 10) and the evaluation of milestones that pertain to monitoring of implementation and grievance redress (Commitment 11).

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
II. Implementation and monitoring of local authority procurement system		✓				✓	✓	✓		✓			No		✓		

Context and Objectives

An extension of commitment 10, this commitment seeks to supplement and strengthen the transparent procurement system with provisions for accountability. It, thereby, aims to minimise malpractice and corruption in public procurement at the local level. Toward this end, this commitment focuses on commencing and monitoring implementation of the procurement system, and establishing a transparent grievance redress mechanism. Given the sequential link between Commitments 10 and 11, the context within which they emerge and operate is the same.

If fully implemented as written, this commitment stands to have a minor potential impact on the transparency and accountability of procurement at the local level. Through this commitment, provincial commissioners of local government, civil society, and citizens will monitor implementation of the proposed procurement guidelines. The use of “citizen report cards” in this process—equivalent to user satisfaction surveys—presents a unique opportunity for civic participation in procurement processes. According to a civil society expert on social accountability, these report cards could play a useful role in reflecting citizen perceptions of a particular local authority’s adherence to the procurement guidelines.³⁴⁶

To complement efforts to monitor implementation, this commitment also contains a provision to hold local authorities accountable. Recognising that a public-facing redress mechanism is an indispensable component of public accountability, this commitment proposes to establish a transparent grievance redress mechanism. The mechanism will be available in all three languages and in three different forms (online, a telephone hotline and through an ombudsperson). Key civil society representatives anticipate that this mechanism is likely to have significantly wide reach.³⁴⁷

Stakeholders expect these milestones to collectively encourage and nudge local authorities to adhere to the procurement guidelines. However, the outlined provisions lack specificity, and the potential for ensuring—or enforcing—a transparent and accountable procurement system remains uncertain. For instance, possible deliverables pertaining to implementation and monitoring are not clearly identifiable or measurable. Operational logistics pertaining to the proposed redress mechanism are inadequately defined. Similarly, there is no mention of the nature, or scale, of remedies that are to be made available to aggrieved stakeholders in cases of malpractice or non-adherence to the guidelines.

In addition, the success of the milestones under this commitment remains contingent upon the government raising adequate awareness of the redress mechanism and the procurement system as a whole, among citizens, civil society, and other key stakeholders. While milestones under commitment 10 seek to raise wide awareness of the procurement guidelines, similar measures have not been specified for the redress mechanism.

Completion

As the procurement guidelines have not yet been approved and publicised (see Commitment 10), local authorities and related stakeholders could not commence implementation of the milestones under this commitment. Consequently, the milestones are also not on time. According to the action plan, the redress mechanism was scheduled to be operational by June 2017. Monitoring of procurement was scheduled to commence by January 2018.

This status was confirmed by key government and civil society stakeholders interviewed in relation to this commitment.³⁴⁸

Early Results

As the implementation of this commitment has not yet started, there are no significant, observable early results.

Next Steps

The introduction and publication of the procurement guidelines and system outlined under commitment 10 necessarily precede the implementation of this commitment. In charting a way forward, the IRM researcher reinforces the importance of ensuring that the procurement of goods and services by local authorities is adequately and independently monitored. Citizens and civil society should be central to this process. Concurrently, monitoring of procurement must be accompanied by a functional grievance redress mechanism to ensure that local authorities can be held accountable by the public. This far-reaching commitment—read in conjunction with commitment 10—endeavours to introduce

such provisions. However, certain steps may still be taken to further improve the framing of this commitment and, thereby, strengthen its potential impact on transparent and accountable procurement by local authorities.

Hence, drawing on input from key stakeholders, the IRM researcher recommends that the following are considered either as supplementary or revised milestones in the existing commitment(s). Alternatively, the following can also be introduced as part of the next action plan:

- The effective operation of the proposed procurement system will be contingent on the availability of trained and responsive local authority officials. The Ministry of Provincial Councils and Local Governments recognises this. The ministry confirmed that civil society will be engaged to train local authorities on the importance of transparency in procurement and provide directions on implementing the guidelines.³⁴⁹ Although such activity has not been clearly specified in the existing commitment, milestone 11.1 may be modified to include such training.
- Training and awareness may also be required to ensure the effective operation of the proposed grievance redress mechanism. Stakeholders currently expect the mechanism to assume three different forms. Steps may be taken by the government to better define purview over implementation of the redress system and clarify lines of responsibility.

Once purview is determined, tailored training may be provided to administrators of the redress system. Proper training will ensure timely and consistent response to cases of malpractice or non-adherence.

- It may also be necessary to define what follow-up mechanisms and protocol should be adopted in addressing and clearing specific grievances. The government may need to outline information pertaining to, among other things, time frames for response, potential remedies, and the availability of appeal procedures.
- The use of citizen report cards will be useful in benchmarking progress on transparency and accountability in procurement among and within local authorities. Beyond this, the government should enhance citizen engagement throughout the process, including during procurement. This may better institutionalise transparency and further ameliorate malpractice and corruption.

Such engagement may be introduced as part of this action plan. It could take the form of social audits,³⁵⁰ procurement committees, or procurement decisions that are open for public comment.

THEME 6: WOMEN

12. Personal Law Reforms

Commitment Text:

Annual Work Plan of the Ministry of Women and Child Affairs to include a transparent and accountable process to implement selected Convention on Elimination of all forms of Discrimination Against Women (CEDAW) Concluding Observations (A) – Personal Law Reforms

Sri Lanka ratified CEDAW in 1981. Upon ratification, Sri Lanka has an obligation to report to CEDAW every 4 years. At the last periodic state review in 2011, where Sri Lanka was reviewed, CEDAW issued numerous concluding observations to Sri Lankan government. As a state party, Sri Lankan government is obliged to follow up on the concluding observations.

[...] Consultations with community will increase accountability of the Ministry of Women and Child Affairs to the public and will allow women's networks to directly participate in improving public services and increasing public integrity. As an end result the government is to take concrete actions with accountability to implement concluding observations with the inclusion of a transparent process and civilian participation. The progress made by such an implementation could be reported as our government's progress at the next state review.

Main Objective:

Implement CEDAW Concluding Observations on Personal Law Reforms

Milestones:

- 12.1 Report on divisional secretariat level consultations with Muslim and Tamil community to elicit their views.
- 12.2 Report on consultations with lawyers, judges, religious leaders to elicit their views made available to the public.
- 12.3 Law on certificate of absence passed.
- 12.4 Send the Cabinet paper on the findings of #1 and #2 (12.1 and 12.2) reports to the Cabinet for follow up implementation by the Ministry.
- 12.5 Quarterly meetings of the Committee comprising of Ministry reps and CSOs to monitor progress and to promote transparency in the process by the Ministry providing an update on the status of the suggested amendments.
- 12.6 Amendments to Personal Laws in Parliament

Responsible institution: Ministry of Women and Child Affairs (MWCA)

Supporting institutions: National Committee on Women (NCW); FOKUS Women

Start date: July 2016

End date: August 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. In the action plan, milestones pertaining to personal law reform (commitment 12), gender equality in state land distribution (see Commitment 13), and nondiscrimination in formal and informal employment (see Commitment 14) are listed under a single commitment. For purposes of clarity, these milestones have been separated into three different commitments in this report. For full text of the commitments, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
12. Personal Law reform			✓		✓	✓					✓		No		✓		

Context and Objectives

This commitment seeks to support the implementation of the Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW). CEDAW conducts periodic reviews of discrimination against women and provides member countries with recommendations in the form of Concluding Observations. In this commitment, these observations pertain to the reform of “personal laws” in Sri Lanka. In particular, the commitment endeavours to introduce transparency and accountability in the process of implementing related recommendations. The commitment aims, thereby, to achieve more sustainable progress in addressing the issue.

With origins predating colonial occupation, three main categories of personal, or customary, laws persist across Sri Lanka. They are codified in various historical legal texts. Kandyan law³⁵¹ applies only to the Kandyan Sinhalese community. Tesawalamai law³⁵² applies specifically to the Sri Lankan Tamil community from the Northern Province. Muslim law³⁵³ applies to all Sri Lankan Muslims.³⁵⁴ Roman-Dutch law forms the foundation of the country’s common law and applies to all citizens. However, the customary personal laws regulate and exercise overriding jurisdiction over specific areas of personal life, such as marriage; divorce; and the ownership, inheritance, and transfer of property.

Dating back several decades, the unchanged provisions that constitute these customary laws are antiquated and largely detached from modern culture and contemporary exigencies. In particular, the treatment of women under these laws has been widely condemned as being outdated, overly conservative, and often discriminatory.³⁵⁵ Muslim personal law, for example, is primarily encapsulated

in the Muslim Marriage and Divorce Act.³⁵⁶ It does not stipulate a minimum age for marriage and permits religious leaders to authorise the marriage of girls under the age of 12.³⁵⁷ It also allows men to practice polygamy, even without the consent of their wives.³⁵⁸ Under Kandyan law, a daughter, when married, loses inheritance rights. Under Tesawalamai law, women are not permitted to appear in court or undertake any transaction without the consent of their husbands.³⁵⁹

Cognizant of the issues that underpin personal laws, the CEDAW Concluding Observations in 2011 included explicit recommendations to support legal reform and accelerate the amendment of discriminatory provisions.³⁶⁰ The CEDAW stressed the importance of “sensitization, collaboration, and dialogue with religious groups, community members and civil society.”³⁶¹ In essence, the committee called on the government to leverage principles of open government—i.e., access to information and civic participation—to reform personal laws and eliminate related discrimination against women.

For many years, civil society and rights activists have advocated personal law reform and amendment, with little, if any, success. This impasse has been associated with different factors, including strong resistance from conservative religious leaders. Other factors include conflicting interests within a divided civil society and limited space for constructive discussion and progressive debate.³⁶² Compounding matters further, personal laws have become an entrenched part of ethnic and religious identity. This, in turn, promoted a lack of political will among successive governments to disturb fragile identity politics.³⁶³

Therefore, if fully implemented as written, this commitment stands to have a moderate potential impact on the reform of personal laws and on broader efforts to eliminate discrimination against women. According to a representative of a women’s rights group advocating for such reform, important steps include meaningful civic participation through inclusive community and expert consultations. However, these would be solely insufficient in expediting the reform of personal laws.³⁶⁴

The government has committed to eliciting and collating the views of the wider community and a range of influential stakeholders. Thus, citizens and civil society will be able to weigh in on the decision-making process and support government stakeholders to design tailored programme interventions (see milestone 12.4). These diverse views and perspectives will help government not only to identify critical bottlenecks but also to better understand key conflicting interests that have significantly impeded progress on reform.³⁶⁵ In addition, the proposed publication of the report on expert consultations could facilitate access to government-held information and raise awareness of prevailing challenges. The report could also encourage informed debate and discussion on personal law reform among the general public.³⁶⁶ The commitment does not, however, specify the mechanics of disseminating this report.

Further, the planned creation of a multistakeholder committee to monitor progress on the amendments provides a simple mechanism for regular civic participation in reform processes. Eventually, in pledging to usher the agreed amendments through Parliament, this commitment positions itself to decisively transform the status quo on the treatment of women under personal laws. However, an expert from civil society noted that, while the demands of the commitment are

largely feasible, the timelines for completion seem ambitious. The expert attributed this assessment to the traditionally oppressive and hitherto resistant environment within which such discourse and activities are set to take place.³⁶⁷ Civil society representatives recognise the existence of other divisive factors and conflicting interests, as well as the absence of an enforceable accountability mechanism. Thus, they acknowledge that increased citizen participation in the reform process will alone be insufficient to transform the status quo.³⁶⁸ Such involvement will, however, provide unique space for constructive engagement and, thereby, serve as an essential prerequisite to reforming the personal laws.

In addition to the limitations of scope highlighted above, this commitment also lacks specificity in a number of areas. For example, this commitment proposes to pass legislation on the issuance of “certificates of absence.”³⁶⁹ However, it remains unclear how this activity is linked to the reform of personal laws or how it exhibits any relevance to the values of OGP. As has been mentioned, ambiguity is also evident in the failure to outline clear mechanisms for publishing the report on expert consultations.

Completion

12.1 Report on Community Consultations: This milestone has not yet started. It is also not on time, according to the scheduled completion date of December 2016.

According to the Ministry of Women and Child Affairs—represented by the chairperson of the National Committee on Women—two community consultations are scheduled. One will be conducted in Jaffna and one in Batticaloa at the end of 2017. These sessions will explore issues surrounding Tesawalamai and Muslim personal law, respectively.³⁷⁰ A report will be prepared on these consultations.³⁷¹

12.2 Report on Expert Consultations: This milestone has achieved limited completion. It was scheduled for completion by December 2016, so it is not on time.

The chairperson of the National Committee on Women (NCW) confirmed that the Ministry of Women and Child Affairs (MWCA) had conducted expert stakeholder consultations and discussions, and proposed recommendations.³⁷² These discussions included a wide range of stakeholders, including key government officers, representatives from civil society organisations, senior university lecturers, and lawyers.³⁷³ According to the NCW, expert consultations will be held in other parts of the country to elicit a greater diversity of views and perspectives.³⁷⁴ The civil society organisation, FOKUS, confirmed that consultations on all three sets of personal laws were held at the ministry.³⁷⁵ However, as the consultations are ongoing, the MWCA had not developed and published a final report.

Notably, during the implementation of this milestone, the government appointed a cabinet subcommittee in October 2016 to review and reform Muslim personal law. The NCW and/or the MWCA anticipate that the findings of this committee will further inform and enrich reform efforts and proceedings.³⁷⁶

12.3 Law on Certificate of Absence: This milestone has been completed. The Ministry of Women and Child Affairs, National Committee on Women, and FOKUS all noted that provision for the issuance of certificates of absence was included in an amendment to the Registration of Deaths Act³⁷⁷ in September 2016.³⁷⁸ An interim measure, this amendment enables women to access a number of government services and functions until their missing husbands are found or are confirmed as deceased.³⁷⁹

12.4 Cabinet Paper on Report Findings: As the community and expert consultations are ongoing (see 12.1 and 12.2), this milestone has not yet started. It is scheduled for completion by February 2017, so it is also not on time.³⁸⁰

12.5 Multistakeholder Monitoring Committee: As with milestone 12.4, because of incomplete community and expert consultations (see 12.1 and 12.2), this milestone could not be started or completed on time.³⁸¹

12.6 Amendments in Parliament: Although this critical milestone has not yet started, the action plan schedules its completion for August 2018. This date is outside the time period prescribed for the completion of the action plan. However, the milestone is not yet overdue.

According to FOKUS, formal and informal discussions continue to reveal that the context of each of the personal laws is fraught with entrenched issues and divisive problems.³⁸² This, in turn, has led to much scepticism, particularly among activists and related civil society, about the successful passage of the desired amendments.³⁸³

Early Results

As most of the milestones under this commitment have either not yet started or achieved only limited completion, there are no significant, observable early results.

It is worth noting, however, that after the Committee on the Elimination of Discrimination against Women (CEDAW) published Concluding Observations in 2011, it published an updated set of observations in 2017.³⁸⁴ In this report, the committee welcomed the recommendations of the National Human Rights Action Plan (2017–2021)³⁸⁵ to review and repeal all discriminatory laws within a five-year time frame. The committee also commended the appointment of the cabinet subcommittee on Muslim personal law (see 12.2). However, it expressed concern about the lack of progress on the reform of discriminatory provisions in Tesawalamai and Kandyan Law.³⁸⁶

Next Steps

The milestones under this commitment represent a chronological list of important activities that would ultimately see personal laws amended and provisions that discriminate against women eliminated. However, a number of divisive factors and conflicting interests remain at play, rendering the completion of this commitment a significant challenge.

However, the IRM researcher is convinced that the values of open government can be leveraged to ensure that a transparent, accountable, and inclusive process brings Sri Lanka closer to the aspired reform. Thus, the following recommendations seek to supplement or refine existing milestones:

- Draw on the community and expert consultation reports (see 12.1 and 12.2) to identify and implement potential activities that may be led by civil society. Relevant recommendations may include, for example, engendering positive change in oppositional mindsets through community awareness programmes and workshops. Stakeholders could also conduct public campaigns highlighting the existence of discriminatory provisions in the different personal laws.
- Collaborate with progressive religious leaders and other members of civil society to construct and disseminate a strong counternarrative to the preservation of discriminatory provisions in the personal laws. This work may be informed by the reports detailing the status quo and the views and perspectives of key stakeholders.

13. Gender Equality in State Land Distribution

Commitment Text:

Annual Work Plan of the Ministry of Women and Child Affairs to include a transparent and accountable process to implement selected Convention on Elimination of all forms of Discrimination Against Women (CEDAW) Concluding Observations (B) – Gender Equality in State Land Distribution

Sri Lanka ratified CEDAW in 1981. Upon ratification, Sri Lanka has an obligation to report to CEDAW every 4 years. At the last periodic state review in 2011, where Sri Lanka was reviewed, CEDAW issued numerous concluding observations to Sri Lankan government. As a state party, Sri Lankan government is obliged to follow up on the concluding observations.

[...] Consultations with community will increase accountability of the ministry of Women and Child Affairs to the public and will allow women's networks to directly participate in improving public services and increasing public integrity. As an end result the government is to take concrete actions with accountability to implement concluding observations with the inclusion of a transparent process and civilian participation. The progress made by such an implementation could be reported as our government's progress at the next state review.

Main Objective:

Implement CEDAW Concluding Observations on Gender Equality in State Land Distribution

Milestones:

- 13.1 Draft Land Development Ordinance amendment is presented in Parliament.
- 13.2 Inter-Ministerial meeting held with the participation of AG's Department and interested CSOs on joint ownership in state land distribution.
- 13.3 Quarterly meetings of the Committee comprising of Ministry reps and CSOs to monitor progress on #1 & #2 (13.1 and 13.2).

Responsible institution: Ministry of Lands and Parliamentary Affairs

Supporting institutions: Ministry of Women and Child Affairs (MWCA); National Committee on Women (NCW); FOKUS

Start date: March 2017

End date: August 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. In the action plan, milestones pertaining to personal law reform (see Commitment 12), gender equality in state land distribution (Commitment 13), and nondiscrimination in formal and informal employment (see

Commitment 14) are listed under a single commitment. For purposes of clarity, these milestones have been separated into three different commitments in this report. For full text of the commitments, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
13. Gender equality in state land distribution			✓			✓					✓		No		✓		

Context and Objectives

This commitment seeks to support the implementation of the Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW). CEDAW conducts periodic reviews of discrimination against women and provides member countries with recommendations in the form of Concluding Observations. In this commitment, these observations pertain to gender equality in state land distribution. In particular, the commitment proposes to introduce transparency and accountability in the process of implementing related recommendations and, thereby, achieve sustainable progress in addressing the issue.

The Land Development Ordinance³⁸⁷ (LDO) was introduced in 1935 to provide for the systematic development and alienation of state land. At the time, Sri Lanka was predominantly an agricultural economy. Therefore, the LDO aimed to facilitate provision of state land to farmers and, thus, increase cultivation and productivity.³⁸⁸ As most farmers were historically male, the law directed that title to the land would be primarily inherited by the eldest son,³⁸⁹ effectively creating a hierarchy of succession.

This hierarchy—outlined in the Third Schedule³⁹⁰—was to be followed only if the original permit holder failed to nominate a successor. However, the provision has been widely criticised as being outdated and discriminatory toward women,³⁹¹ and a symptom of the often patriarchal approach to women’s right to property. Interviewed stakeholders claim that hundreds of daughters and granddaughters across Sri Lanka are denied titles to property, as the law explicitly favors their male counterparts.³⁹² Although few have contested the discriminatory nature of this provision, acknowledgment has not been successfully translated into legislative amendment.

In 2010 and 2011, the Ministry of Lands and Parliamentary Reforms submitted a cabinet paper to amend the LDO, including the Third Schedule, by replacing references to “elder son” (or “grandson”) with “elder child” (or “elder grandchild”). This submission received the approval of the cabinet of ministers³⁹³. However, land development is a devolved subject under the 13th Amendment to the Constitution.³⁹⁴ Thus, the failure to secure the unanimous consent of the provincial councils meant that the amendment could not be passed. Despite this unsuccessful attempt, key stakeholders across government and civil society agree that there is little, if any, resistance to amending the Third Schedule as described.³⁹⁵ A number of other proposed amendments³⁹⁶ to the LDO have been contested, however, with key stakeholders disagreeing on the nature and extent of conditions to be imposed on distributed state land.³⁹⁷

Further, the matter of joint or co-ownership has also long been the topic of heated debate. Under the State Lands Ordinance,³⁹⁸ state land may be surrendered and subdivided between multiple individuals, or husband and wife for example, as joint owners. This law primarily applies to higher income families.³⁹⁹ However, no such provision is contained in the LDO, and efforts of civil society organisations to advocate for the recognition of joint ownership have been unsuccessful.⁴⁰⁰ According to civil society activists, joint ownership under the LDO will help to guarantee women’s entitlement to land and prevent family disputes. Such a provision would also generally empower women with greater economic security. They could use land as collateral to obtain bank loans, for instance.⁴⁰¹ Those opposed argue that the provision of joint ownership of land will blur claims to title and make it difficult to clearly identify responsibility in developing the land.⁴⁰² According to the LDO, if the land is not developed by the permit holder, it may be reclaimed by the state.⁴⁰³

It is in this context that the CEDAW submitted its observations on gender equality under state land distribution. The committee broadly expressed concern about the persistence of discriminatory provisions in the LDO and urged the government to expedite the pending amendment of the LDO, and to the Third Schedule in particular.⁴⁰⁴ In addition, the committee called on the government to recognise joint ownership. It called for the government to further amend the LDO to ensure that joint or co-ownership can be granted to both spouses when the land is allocated to married couples.⁴⁰⁵

If fully implemented as written, this commitment stands to have a moderate potential impact on gender equality in state land distribution. The successful amendment of the LDO to rephrase the hierarchy of succession will decisively remove the mandatory preference of sons and grandsons over daughters and granddaughters in state land distribution. According to the land commissioner general, this amendment is likely to resolve a large number of land-related disputes and grievances.⁴⁰⁶ Civil society stakeholders agree that enforcement is likely to fall into place as a result.⁴⁰⁷ However, it is unclear how this milestone falls within the values or scope of open government.

Distinctly in the context of introducing joint ownership of state land, the dedicated milestone under this commitment stands to result in only minor potential impact. Since joint ownership of state land has been widely contested,⁴⁰⁸ the commitment seeks to bring a group of key stakeholders, including civil society, together for discussion through an interministerial meeting. This will nominally encourage civic participation in decision making. However, expectations of this meeting remain

unclear. In addition, milestone 13.3 fails to specify what progress the proposed multistakeholder committee aims to monitor. This lack of clarity diminishes the specificity of this commitment.

Completion

13.1 LDO Amendments: This milestone has achieved limited completion. According to representatives from the Ministry of Land and the National Committee on Women, relevant amendments to the Land Development Ordinance (LDO) have been incorporated by way of a draft amendment. The parties also confirmed that the Ministry of Land has shared this final draft with the Cabinet of Ministers. The cabinet, in turn, will share an approved version with the office of the legal draftsman.⁴⁰⁹

The executive director of FOKUS—a civil society organisation working on women’s rights—expressed reservations. The director cautioned that while positive developments have taken place, the amendment of the LDO has been time consuming. The amendments have gone back and forth several times between different state agencies.⁴¹⁰

13.2 Multistakeholder Meeting on Joint Ownership: This milestone was completed at the end of 2016, prior to the scheduled completion date of May 2017. FOKUS convened a meeting on joint ownership involving stakeholders from the Ministry of Women and Child Affairs, Ministry of Land, Attorney General’s Department, and civil society.

According to all interviewed parties, the discussion proved to be extremely contested. Different stakeholders argued for or against the implementation of joint ownership of state land.⁴¹¹ The Ministry of Land, for instance, argued that granting joint ownership will remove freehold rights to property and that administrative divisional secretariats across the country were categorically opposed to this.⁴¹² The chairperson of the National Committee on Women referred to directions from the Attorney General’s Department confirming that a change in procedure would be sufficient to give effect to joint ownership, diminishing the need to amend any legislation.⁴¹³

13.3 Multistakeholder Monitoring Committee: This milestone has not started. It is scheduled for completion by August 2018, so it may still be completed on time.

The Ministry of Land confirmed that a multistakeholder monitoring committee had not been established to oversee the progress of amendment to the Land Development Ordinance (see 13.1). It also confirmed there was no monitoring committee to oversee progress related to the interministerial meeting on joint ownership.⁴¹⁴

Early Results

The primary milestone under this commitment is the amendment of the Land Development Ordinance (LDO). However, it has achieved only limited completion, so there are no significant, observable results. Similarly, the lack of clarity on the expected outcomes of milestone 13.2—beyond convening an inter-ministerial meeting—inhibits any useful appraisal of early results.

The Committee on the Elimination of Discrimination against Women published an updated set of observations in 2017.⁴¹⁵ It is worth noting that the committee recognised the submission of a draft

amendment, amending discriminatory provisions in the LDO, as a positive development in broader efforts to ensure gender equality.

Next Steps

Key milestones under this commitment appear to have unclear relevance to the values of OGP and open government. Therefore, the IRM researcher recommends that this commitment is not taken forward into the next action plan.

However, to expedite progress on milestone 13.1, the IRM researcher proposes that the amendment to the Third Schedule⁴¹⁶ be isolated from other, more contested, amendments to the Land Development Ordinance (LDO). This action may facilitate swifter and more assured passage of the legislation through Parliament, while also obtaining the concurrence of the provincial councils.

It is important to stress that the Third Schedule applies only to instances in which the permit holder has not nominated a successor. Thus, the IRM researcher proposes that interventions are designed to increase awareness among the general public about the importance, and adverse consequences, of failing to nominate a clear successor. A future commitment may be built around this, incorporating the values of open government in the following manner:

- Following the introduction of the amendments to the LDO, the Ministry of Land could establish a dynamic online platform. On this platform, the ministry could publish a range of up-to-date information pertaining to the distribution of state land. Dis-aggregated by province, the information could include the number of distributed plots of state land and basic details of the current permit holders. It could also provide details on the current use of the plot of state land, whether a successor has been nominated, and, if so, the basic details of that successor.

This platform may be primarily curated by the Ministry of Land or a department within it. Updated information could be supplied by the provincial councils on a quarterly basis.

14. Non-Discrimination in Employment

Commitment Text:

Annual Work Plan of the Ministry of Women and Child Affairs to include a transparent and accountable process to implement selected Convention on Elimination of all forms of Discrimination Against Women (CEDAW) Concluding Observations (C) – Non-discrimination in formal and informal employment sector

Sri Lanka ratified CEDAW in 1981. Upon ratification, Sri Lanka has an obligation to report to CEDAW every 4 years. At the last periodic state review in 2011, where Sri Lanka was reviewed, CEDAW issued numerous concluding observations to Sri Lankan government. As a state party, Sri Lankan government is obliged to follow up on the concluding observations.

In the framework of this commitment, the Ministry of Women and Child Affairs will follow upon specific concluding observations on selected areas; Personal Law reforms, gender equality in state land distribution, non-discrimination in formal and informal employment sector. Consultations with community will increase accountability of the ministry of Women and Child Affairs to the public and will allow women's networks to directly participate in improving public services and increasing public integrity.

As an end result the government is to take concrete actions with the accountability to implement concluding observations with the inclusion of a transparent process and civilian participation. The progress made by such an implementation could be reported as our government's progress at the next state review.

Main Objective:

Implement CEDAW Concluding Observations on non-discrimination in formal and informal employment.

Milestones:

- 14.1 Prioritise thematic areas from CEDAW concluding observations on employment
- 14.2 Publishing information on gender discrimination in selected thematic areas in formal and informal sector employment for greater transparency and reporting data in open data format.
- 14.3 Public consultation with civil society to propose guidelines on protection of women in the formal and informal employment sector.

- 14.4 Quarterly meetings of the Committee comprising of Ministry reps and CSOs to monitor progress on #3 (14.3).
- 14.5 Sharing progress of the OGP commitment on Concluding Observations with CSOs and other relevant stakeholders.

Responsible institution: Ministry of Women and Child Affairs (MWCA)

Supporting institutions: National Committee on Women (NCW); FOKUS

Start date: October 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. In the action plan, milestones pertaining to personal law reform (see Commitment 12), gender equality in state land distribution (see Commitment 13), and nondiscrimination in formal and informal employment (Commitment 14) are listed under a single commitment. For purposes of clarity, these milestones have been separated into three different commitments in this report. For full text of the commitments, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
14. Non-discrimination in employment		✓			✓	✓				✓			No		✓		

Context and Objectives

The Committee on the Elimination of Discrimination against Women (CEDAW) conducts periodic reviews of discrimination against women and provides member countries with recommendations in the form of Concluding Observations. For Sri Lanka, the 2011 CEDAW Concluding Observations included recommendations and observations on the state of discrimination against women in the sphere of formal and informal employment. This commitment seeks to introduce transparency and accountability in relation to these observations.

The CEDAW expressed particular concern about the low rate of women in skilled jobs and persistently high rates of female unemployment.⁴¹⁷ According to the Department of Census and Statistics and key stakeholders interviewed by the IRM researcher, women make up only

36 per cent of the labour force in Sri Lanka.⁴¹⁸ The committee also expressed concern about the lack of legislation on sexual harassment or equal remuneration between men and women. CEDAW recommendations included taking steps to ensure the protection of women working in the informal sector and fostering equal opportunities between men and women in the labour market.

As currently written, some of the milestones provide specificity on what the government aims to achieve (e.g., quarterly meetings of the monitoring committee). However, the milestone regarding how the government will address the CEDAW recommendations is vague. It does not outline which specific observations the government will adopt or how. As a result, the IRM researcher assessed the overall commitment as having low specificity.

As written, this commitment seems to have a minor potential impact. Publishing information regarding discrimination statistics is a positive step forward in bringing transparency on the rate of women employed. This is something the government previously did not publish. The creation of guidelines regarding the protection of women in the job sector, in consultation with the public, could also result in positive outcomes. However, the commitment contains vague language regarding how the government will address sexual harassment, low level of employment, and equal remuneration. The vagueness limits the assessment of how far this commitment could go in solving the problems targeted by the CEDAW report.

Completion

14.1 Prioritise CEDAW Observations on Employment: This milestone saw limited completion. The IRM researcher could find no evidence that the Ministry of Women and Child Affairs, or the National Committee on Women (NCW) in particular, conducted a prioritisation exercise. Instead, the ministry has taken a series of ad hoc measures to address the Committee on the Elimination of Discrimination against Women report recommendations. The NCW noted that “action was being taken”⁴¹⁹ to amend labour-related laws such as the Employment of Women, Young Persons and Children Act and the Maternity Benefits Ordinance. The NCW representative did not provide details as to what specifically was to be amended in these laws. The NCW showed the IRM researcher sexual harassment posters that it distributed to various ministries. The posters made the readers more alert to the prevalence of sexual harassment but did not detail what constitutes sexual harassment.

14.2 Publish Information on Gender Discrimination in Employment: This milestone was not started. The National Committee on Women representative stated that the ministry had not collected data for this purpose.⁴²⁰ FOKUS, a nonprofit organisation working on women’s issues, noted that it is keen to see this information published.⁴²¹

14.3 Public Consultation on Guidelines: This commitment was not started. The National Committee on Women (NCW) has not publicly released any guidelines.⁴²² The IRM researcher could find no evidence that NCW conducted public consultations on the topic of protection of women in the formal and informal employment sectors.

14.4 Multistakeholder Monitoring Committee: As guidelines on the protection of women in employment have not been discussed or developed, this milestone has not yet started.

14.5 Progress Sharing: This milestone has achieved limited completion. According to the chairperson of the National Committee on Women, a multistakeholder consultation, including civil society, was held. This occurred after publication of the next iteration of Committee on the Elimination of Discrimination against Women’s Concluding Observations in 2017.⁴²³ During this consultation, FOKUS confirmed that civil society organisations were informed about the progress of activities pertaining to the Concluding Observations.⁴²⁴

Early Results

Given the limited progress on this commitment, no early results are reported.

Next Steps

The milestones under this commitment represent a broad list of activities that intend to eliminate discrimination of women in formal and informal employment. While this commitment is commendable in the context of implementing the CEDAW recommendations, the IRM researcher recommends that this commitment is not prioritised for inclusion in the next action plan.

THEME 7: WOMEN IN POLITICAL GOVERNANCE

15. Women's Political Participation at the Local Level

Commitment Text:

Strengthening Women's Participation in the political decision-making process at the local level

The Sri Lankan Constitution commits to gender equality and non-discrimination and recognises affirmative action to bring about positive changes. These commitments are enshrined in the Women's Charter of Sri Lanka (1993) and the National Plan of Action for Women (1996) that reflect Constitutional commitments as well as international commitments to CEDAW. Despite these commitments to gender equality, women's participation in politics is still at a 6% low level in the national and local government.

[...] This low level of women's representation has always been seen as a conundrum in a country which has performed well on other indicators on women such as education and health".

In 2016 the law pertaining to Local Government was amended to include a 25% mandatory quota for women.

Main Objective:

Ensure the nomination and election of qualified women to local government authorities and thereby, strengthen women's participation in political decision-making.

Milestones:

- 15.1 Trained women planning on contesting for local government elections brought together to advocate for nominations.
- 15.2 Political parties nominate trained qualified women for 2017 local government elections.
- 15.3 Political parties provide financial and other support for nominated women to carry out political campaigns under party banners.
- 15.4 Publicity campaign tracking women's 2017 entry into local government from nomination to contesting to election.
- 15.5 Names and profiles of all candidates (including women) released to the public ahead of local elections.

Responsible institution: Elections Commission

Supporting institutions: Ministry of Provincial Councils and Local Government; Ministry of Women and Child Affairs

Start date: June 2016

End date: March 2017

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
15. Women's political participation at the local level		✓			✓	✓					✓		No		✓		

Context and Objectives

The primary objective of this commitment is to strengthen the political participation of qualified, or trained,⁴²⁵ women in local government authorities. In particular, it proactively seeks to ensure their nomination and election by convening trained women to advocate for political nomination. It also calls for providing these women with technical and financial campaign support. In turn, government and civil society stakeholders anticipate that this will directly strengthen and enhance women's representation, voice, and participation in political decision making at the local level.⁴²⁶

By any measure, the representation of women in political decision making in Sri Lanka is low. This applies to the national, provincial, and local levels of government.⁴²⁷ Remaining near stagnant for decades, women's political representation is only 5.8 per cent in the national parliament, 4.1 per cent in provincial councils, and just 1.8 per cent in local government.⁴²⁸ According to key stakeholders, the reasons for the underrepresentation of women in political decision making are abundant and diverse. They include, for instance, enduring patriarchy reinforced by political elites,⁴²⁹ inhibitory perceptions of violence in politics,⁴³⁰ and poor organisation of political parties.⁴³¹ Factors that also play a role include disinterest in, or limited awareness of, opportunities for political participation;⁴³² inadequate technical and financial support for political campaigning;⁴³³ and often deficient political leadership training and education.⁴³⁴

Government and city stakeholders recognise the experience of women in Sri Lanka as a “paradox of strong development indicators and weak political representation.”⁴³⁵ Thus, they are taking stronger measures to improve women’s participation in political decision making, including at the local level. The Ministry of Provincial Councils and Local Government has taken the lead on recent measures. Chief among those initiatives was an amendment to the Local Authorities Election Act in February 2016 mandating a 25 per cent quota for women in local government.⁴³⁶ While the mechanics of this amendment are beyond the purview of this appraisal, it is important to note that the amendment was introduced within the context a mixed electoral system (a combination of a plurality/majoritarian voting system with an element of proportional representation).⁴³⁷ Accordingly, 10 per cent of the quota stands to be elected competitively through the system of first-past-the-post. The other 15 per cent of women will have to be nominated by political parties through the system of proportional representation.

In general, the anticipated result of the amendment is an increase in the total number of elected seats at the local level by one-third, all of which will be awarded to women candidates. This, in turn, stands to generate a significant increase in the number of women elected to local government. The number is projected to rise from around 90 elected women at present to around 2,000 following the next local elections.⁴³⁸

If fully implemented as written, this commitment could have a moderate impact on strengthening the participation of women in local government. The introduction of the quota is widely lauded by civil society as an important achievement in wider efforts to increase the representation of women in politics.⁴³⁹ However, many recognise that a quota alone is insufficient to ensure that trained women will be nominated or elected, or that women are able to translate representation into meaningful political participation.⁴⁴⁰ Activists argue that the quota is only a starting point in overcoming negative stereotypes and dismantling prejudices that have hindered the representation and participation of women in politics.⁴⁴¹

Civil society representatives remain convinced that, in spite of the quota, local elections will continue to be characterised by partisan politics.⁴⁴² They fear that trained, or better qualified, candidates will continue to be overlooked in favour of political expedience. In this context, stakeholders acknowledged that a combination of complementary strategies will need to be employed with the quota to realise sustained, impactful results.⁴⁴³ These strategies include customising training, building political capacity, conducting research, raising public awareness, and pursuing interventions that change the male-dominated political culture.⁴⁴⁴

While several milestones can be broadly construed as being verifiable, it remains unclear what others set out to do. For instance, in proposing to bring trained women together to advocate for nominations, the commitment fails to identify what this activity specifically entails. In addition, the commitment does not define composite, or minimum, criteria for what constitutes a “trained” woman candidate. This omission is pertinent, as experts have expressed concerns about the quality and relevance of existing training on political

leadership. Some suggest revising commonly used curricula to introduce other practical capacities, including political campaign financing.⁴⁴⁵

Completion

As primary responsibility for this commitment lies with the Elections Commission, the IRM researcher endeavoured to speak with relevant representatives from the Elections Commission to better understand related developments. The IRM researcher made repeated and diverse attempts between September and November 2017 via telephone, email, reference from the government OGP point of contact at the Ministry of Foreign Affairs, and the submission of a tailored questionnaire. There was no positive response.

Hence, the ensuing assessment of completion is premised on desk research, feedback from the Ministry of Provincial Councils and Local Government, the Ministry of Women and Child Affairs, and a wide range of civil society organisations and individuals advocating for, and working on, the representation of women in politics.

15.1 Advocate for Nominations: This milestone has achieved limited completion, according to a representative from the Centre for Policy Alternatives—a civil society organisation supporting the implementation of this commitment.⁴⁴⁶

The civil society representative confirmed that the Ministry of Women and Child Affairs (MWCA) has taken steps to finalise selection criteria for women candidates. The criteria include guidelines on education, social work, and political background.⁴⁴⁷ The MWCA has discussed these criteria in Parliament and further shared them with party secretariats, Elections Commissioners, and civil society.⁴⁴⁸ Civil society anticipates that the criteria will allow political parties to benchmark the profiles of qualified women candidates and permit stakeholders to advocate for their nomination and election.⁴⁴⁹

Concurrently, the National Committee on Women (NCW), under the MWCA, conducted two-day programmes for prospective women leaders. These programmes involved the participation of over 1,000 women in six programmes across the country.⁴⁵⁰ The political parties were contacted by the ministry to encourage wider participation. The training programmes covered diverse topics, including the mechanics of the 25 per cent quota, political leadership qualities, and reasons why women should come forward in politics.⁴⁵¹ The NCW confirmed that it will continue conducting similar training programmes for potential women leaders and for women development officers positioned at the 325 divisional secretariat offices.⁴⁵²

Similarly, the Centre for Policy Alternatives has independently conducted several activities to support training and awareness for potential women political candidates. These include interactive dialogue and discussion sessions for over 2,500 potential women leaders, visual awareness campaigns, and the distribution of information leaflets. These activities covered thirteen districts in four provinces across Sri Lanka.⁴⁵³ The centre has also published a trilingual report on women's representation in local politics.⁴⁵⁴

These activities do not directly constitute advocacy for the nomination of women in politics. However, they do collectively serve as an important prerequisite in creating a conducive and enabling environment for relevant stakeholders to do so.

15.2 Nominations: As local government elections have only recently been scheduled for January 2018,⁴⁵⁵ civil society stakeholders confirmed that this milestone has not yet started.⁴⁵⁶

According to the Centre for Policy Alternatives, the Elections Commissions' delay in calling for elections was a result of ongoing amendments. The ongoing amendments included incorporation of the new election protocol and quota requirements into the three distinct laws governing the three different levels of local government – i.e. Municipal Councils, Urban Councils and Pradeshiya Sabhas.⁴⁵⁷

15.3 Campaign Support: This milestone was not started. Local government elections have only recently been confirmed (see 15.2), and nominations are just starting to be registered. Thus, campaign support has not yet been extended to potential women candidates.⁴⁵⁸

15.4 Campaign Tracking: According to civil society stakeholders, any form of political campaign tracking pertaining to women at the local level has not yet commenced.⁴⁵⁹ This milestone is also not on time.

In assessing the viability of this milestone in light of the Local Authorities Election Act amendment, the Federation of Sri Lankan Government Authorities noted the challenge of effectively tracking the experiences of nearly 2,000 women.⁴⁶⁰ The Centre for Policy Alternatives representative agreed that new publicity campaigns and campaign tracking activities will have to be redesigned in response to the legislative developments.⁴⁶¹

15.5 Public List of Candidates: Local government elections had only recently been confirmed (see 15.2), and nominations were just starting to be registered. Thus, the Elections Commission had not yet released the names and profiles of candidates to the public.⁴⁶²

The Federation of Sri Lankan Government Authorities explained that the final names and profiles will be displayed at the polling station.⁴⁶³ The representative from the Centre for Policy Alternatives confirmed that the new amendment mandates the publication of the final list of candidates.⁴⁶⁴ It remains unclear, however, whether this will entail the publication of gender dis-aggregated data or whether it will include profiles of the candidates as envisioned through the commitment.

Early Results

As the implementation of most milestones under this commitment has not yet started, there are no significant, observable early results.

Next Steps

Women's rights activists and related civil society stakeholders have already flagged a number of concerns with, and deficiencies in, the Local Authorities Election Act (LAEA).⁴⁶⁵ These include complicated calculations for the number of women eligible for nomination in each local council⁴⁶⁶ and inadequate safeguards against the perpetuation of patronage politics.⁴⁶⁷ Many women believe that local councils will continue to be populated by those partial, or related, to politicians.⁴⁶⁸

In addition, the pros and cons of the hybrid election mechanism—the mixed-member system introduced through the LAEA in 2012⁴⁶⁹—are the subject of much deliberation.⁴⁷⁰ Stakeholders agree that it remains a convoluted process that confuses not only potential candidates but also those seeking to support related processes and advocate for nominations.⁴⁷¹

Thus, while advocacy, training, and financial support are important, much more can still be done to facilitate the nomination, election, and participation of trained women to—and in—local government authorities. The IRM researcher recommends that efforts move beyond advocating for nominations and meeting mandatory quotas. Specifically, stakeholders must take proactive measures to ensure that the quota system is implemented in a way that furthers democracy and empowers women to participate meaningfully in local political decision making. Therefore, the IRM researcher recommends that the government considers introducing the following initiatives as modified milestones in the existing commitment or as part of the next action plan:

- Develop a minimum of 25 case studies (one per district) of individual women who have been successfully nominated and elected to local government. These case studies may assume multiple forms, including newspaper articles, online blog posts, or video documentaries. They may serve to document the candidates' experiences of the process, provide a candidate profile, list their training and qualifications, and generally outline their motivations behind seeking election. This initiative may be introduced as a modification to milestone 15.4.
- Conduct a series of public awareness programmes targeting potential women leaders at the grassroots level (i.e., at each local authority). These programmes can raise interest in, and awareness of, among other things, relevant processes and criteria for nomination and election to local government. They can also inform women about the powers and functions vested in local decision makers and the role that women can play in local government. The programmes could, thereby, generally promote an attitudinal shift in the way society perceives and engages women in local governance. Activities in this regard may be introduced as a modification to milestones 15.1 and 15.3.

Several activists and practitioners endorse an intervention of this nature.⁴⁷² They suggest that local nongovernmental organisations and civil society organisations can play a key role in helping the government conduct these awareness programmes. In

addition, radio shows, television advertisements, and other engaging community activities can be used to effectively transmit and broadcast related messages.

THEME 8: CORRUPTION

16. Public Participation in Anti-Corruption Framework

Commitment Text:

Strengthen the anti-corruption framework to increase constructive public participation (Part I)

[...]

Main Objective:

Increase constructive public participation in the anti-corruption framework.

Milestones:

- 16.1 Government to host a national anti-corruption summit.

- 16.2
 - a) CIABOC to submit a budget of its projected expenses for preventing and combating corruption for the year to the Ministry of Finance with public justifications;

 - b) Government to allocate requested budgetary provisions in its annual national budget estimates with public justifications in case of discrepancy;

 - c) CIABOC to publicly report on annual expenditure allocations and spending for the year 2017, without prejudice to on-going investigations.

- 16.3 CIABOC to establish Inter-Agency Corruption Prevention Council, which, in consultation with civil society and the private sector, will be in-charge of the overall corruption prevention drive in Sri Lanka. The council will facilitate the input of state, private sector and civil society to develop a two-year corruption prevention action plan. This action plan will assign implementation goals across the state, private sector and civil society to undertake to:
 - a) Mainstream corruption prevention across public agencies,

 - b) Ensure clear oversight roles as well as monitoring & evaluation,

 - c) Provide sufficient resources for corruption prevention,

 - d) Base the prevention action plan on a holistic and robust assessment of the anti-corruption system (e.g. National Integrity System Assessment),

- e) Allow for meaningful participation by non-state actors, particularly civil society in the design of the action plan.
- 16.4 Government to introduce a declaration / oath of zero-tolerance for corruption to be displayed prominently in the entrances of all state offices with the contact details of the CIABOC complaints hotline.

Responsible institution: Commission to Investigate Allegations of Bribery or Corruption (CIABOC)

Supporting institution: Transparency International Sri Lanka (TISL)

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. In the action plan, all milestones pertaining to corruption are listed under a single commitment. In this report, for purposes of clarity, these milestones have been separated into six different commitments (Commitments 16–21), each exploring distinct components of the anti-corruption framework. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
16. Public participation in anti-corruption framework		✓			✓	✓					✓		No		✓		

Context and Objectives

The milestones included under commitment 16 seek to strengthen the anti-corruption framework by increasing public participation in anti-corruption activities and processes. The elimination of corruption was positioned as a key part of the election manifesto of the government elected in 2015.⁴⁷³ Its inclusion in the manifesto was primarily in response to increasing public perception of high levels of corruption in the state sector.⁴⁷⁴ Certain public-facing institutions, such as the police and customs, demonstrated a high proclivity for corrupt practices.⁴⁷⁵ Reflecting these sentiments, Sri Lanka was ranked 95 out of 176 countries on the 2016 Corruption Perceptions Index, dropping 12 places from 2015.⁴⁷⁶

The commitment proposes a number of measures, including greater transparency in budget processes on anti-corruption activities and the involvement of civil society in developing an action plan to prevent corruption. The commitment also outlines an intention to host an anti-corruption summit, and to introduce and display an enforceable oath of zero tolerance at public authorities across Sri Lanka. In doing so, stakeholders anticipate that the public will be able to contribute to more effective implementation of anti-corruption decisions, exercise oversight, and inform accountability mechanisms.⁴⁷⁷

If fully implemented as written, this commitment stands to have a moderate potential impact on the strengthening of the anti-corruption framework and on fostering public participation within it. According to a civil society representative from Transparency International Sri Lanka (TISL), opening up the budgeting process of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) with public justifications will enhance financial transparency. The representative states it will also shed light on the extent to which CIABOC operates as an independent state agency.⁴⁷⁸

Stakeholders expect the establishment of an Inter-Agency Corruption Prevention Council to result in the creation of a robust action plan to prevent corruption. They also noted that the milestone presents an unprecedented opportunity for civil society to participate in related processes.⁴⁷⁹ More broadly, the commitment recognises that there is currently no clear framework to combat bribery and corruption in Sri Lanka. This absence has often resulted in the adoption of ad hoc and inconsistent measures.⁴⁸⁰ The development of a national action plan to prevent corruption, according to CIABOC, would help to bridge this gap and serve as a road map for anti-corruption efforts.⁴⁸¹ Although several different agencies exercise—often overlapping (see Commitment 18)—jurisdiction over anti-corruption efforts, implementing a framework for anti-corruption work is central to the mandate of CIABOC.⁴⁸²

Concurrently, hosting a national anti-corruption summit may demonstrate and reinforce the positive intention of the government to address corruption. According to TISL, it could also provide an opportunity for the government to foster wider participation in related discourse.⁴⁸³ Supplementing these efforts, the introduction and publication of an oath, or declaration, of zero tolerance at all state institutions stands to—at least symbolically—contribute to a whole-of-government approach to anti-corruption. Although this initiative may not be directly relevant to an OGP value, civil society noted that by linking the oath to the existing CIABOC complaints hotline,⁴⁸⁴ the stated activity may reinforce an accountability mechanism.⁴⁸⁵

While the successful achievement of this set of milestones is likely to improve public perceptions of corruption,⁴⁸⁶ there is room for enhancing the scope of potential impact even further. For example, the commitment clearly seeks to ensure greater transparency of the budget for CIABOC anti-corruption activities. However, no activity proposes to create space for public participation in the development or implementation of the budget. Similarly, CIABOC and the government are expected to publicly report on relevant budget allocations and expenditures. However, the commitment falls short of identifying a public-facing mechanism for citizens to hold CIABOC or the government accountable, or lodge appeals against the public justifications provided.

Furthermore, certain milestones under this commitment lack specificity, as they include deliverables that are not immediately measurable. For instance, the commitment proposes to conduct a national summit on anti-corruption. It does not, however, give clear indication of the nature of this forum, the expected participants, or anticipated outcomes. These elements may stand to contribute to the principles of open government.

Completion

16.1 Anti-corruption Summit: This milestone has been completed. The government conducted a national anti-corruption summit on 9 December 2016,⁴⁸⁷ on National Anti-Corruption Day. The Commission to Investigate Allegations of Bribery or Corruption, and Transparency International Sri Lanka confirmed this information.⁴⁸⁸ This milestone was scheduled for completion in December 2016 and was thus completed on time.

16.2 Anti-corruption Budget: This milestone has achieved limited completion. The Commission to Investigate Allegations of Bribery or Corruption (CIABOC) submitted and received allocations for projected expenditures under the national budget in 2016 and 2017, as scheduled. The government included the details in the full budget estimates it published for fiscal year 2018.⁴⁸⁹

However, according to a representative from Transparency International Sri Lanka, there was no evidence of public justification of the budget,⁴⁹⁰ apart from basic information on CIABOC expenditures included in a 2016 trilingual annual report.⁴⁹¹ A similar report is anticipated for the year 2017.⁴⁹² As public reporting on annual expenditures for 2017 is scheduled for March 2018, this activity may still be completed on time.

16.3 Corruption Prevention Action Plan: Although important preliminary measures have been taken, this milestone has achieved only limited completion. The task was scheduled to commence in January 2017. However, the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) did not establish an Inter-Agency Corruption Prevention Council to lead the corruption prevention drive and oversee the development of a national action plan.⁴⁹³ Transparency International Sri Lanka confirmed that in July 2017, CIABOC convened a diverse group of stakeholders, including ministries and civil society organisations, to deliberate potential corruption prevention mechanisms.⁴⁹⁴ In spite of this, few, if any, concrete developments stemmed from this discussion.⁴⁹⁵

In December 2017, CIABOC publicly announced its intention to develop a national action plan on anti-corruption efforts.⁴⁹⁶ According to CIABOC, the plan will focus on introducing preventive measures and will be compiled with contributions from the public and private sectors and from the general public.⁴⁹⁷ To facilitate wide participation in the development of the action plan, CIABOC has invited citizen stakeholders to submit suggestions and proposals via postal mail, email, fax, and a form on the CIABOC website.⁴⁹⁸ The development of the national action plan is scheduled for June 2018, so it may still be completed on time.

16.4 Zero-Tolerance Declaration: This milestone has not started and is scheduled for completion by September 2017. Thus, it is also not on time. According to the director general of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), there was no formal

discussion on the introduction of a declaration or oath. A Transparency International Sri Lanka representative confirmed this.⁴⁹⁹

However, CIABOC noted that steps may be taken to include the introduction of a declaration or oath of zero tolerance of corruption in the proposed national action plan (see I 6.3).⁵⁰⁰

Early Results

As the implementation of most key milestones under this commitment has achieved only limited completion, there are no significant, observable early results.

However, according to the Commission to Investigate Allegations of Bribery or Corruption, this commitment has encouraged the government to expedite efforts to develop a national action plan supporting corruption prevention.⁵⁰¹ CIABOC referred to the OGP commitment as one of many reasons to develop the action plan against corruption.⁵⁰²

Next Steps

The IRM researcher strongly recommends that key stakeholders ensure that the outstanding activities are completed within the remaining period of the action plan. Their completion will enable government and civil society to build upon this foundation to propose a set of related commitments, with expanded scope, to be included in the next action plan. The next iteration of commitments may be framed around the following recommendations:

- Introduce clear provisions and protocols for meaningful public participation in the budget process of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC). Such involvement will enable citizens and members of civil society to contribute to setting the agenda of the country's primary anti-corruption agency. This engagement may include CIABOC proactively calling on the public to submit activities or items to be included in the budget or collaborating with civil society to identify and develop key priorities for the action plan (see I 6.3). The commission could also allow public comments on draft budget documents at different stages of the budget process.

Concurrently, CIABOC may also provide citizens an accessible, public-facing mechanism to register complaints and grievances pertaining to the budget process. It should also delineate clear protocols and time frames for responding to this feedback. This accountability measure may be incorporated as a supplementary, yet distinct, function of the existing CIABOC complaints hotline. The hotline is currently designed to respond more directly to public complaints pertaining to incidents of corruption.

- Expand the scope of the action plan (see I 6.3) to include a broad set of commitments and obligations that constitute the wider anti-corruption agenda in Sri Lanka. For instance, the state has obligations to implement provisions and recommendations under the United Nations Convention against Corruption (see Commitment 17). These obligations may also be subsumed as part of an enhanced, multifaceted anti-corruption action plan.

- Appoint an independent, multistakeholder committee (see also Commitment 17) to monitor and evaluate the implementation of the wide range of obligations in the anti-corruption action plan. This committee may produce and publish quarterly reports, detailing information on progress and key achievements under the action plan. The government, in cooperation with civil society, may publish these evaluation reports online. Summary information could be made available in multiple formats, including newspaper reports, and in all three main languages.

17. Implementation of UNCAC Obligations and Constitutional Reform

Commitment Text:

Strengthen the anti-corruption framework to increase constructive public participation (Part II)

[...]

Main Objective:

Monitor implementation of the UNCAC obligations and recognise the freedom from corruption in the Constitution.

Milestones:

- 17.1 Government to appoint multistakeholder monitoring council comprising government officials, civil society and private sector representatives to monitor the implementation of the mandatory and non-mandatory recommendations (I-15) as found in Sri Lanka's UNCAC Implementation Action Plan.
- 17.2 Government to explore the inclusion in the new Constitution a provision to recognise freedom from corruption in the Directive Principles of State Policy, as an element that guides the state in the formulation of its policy.

Responsible institution: Commission to Investigate Allegations of Bribery or Corruption (CIABOC)

Supporting institution: Transparency International Sri Lanka (TISL)

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. In the action plan, all milestones pertaining to corruption are listed under a single commitment. In this report, for purposes of clarity, these milestones have been separated into six different commitments (see 16–21), each looking at distinct components of the anti-corruption framework. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity	OGP Value Relevance	Potential Impact	On Time?	Completion
---------------------	-------------	---------------------	------------------	----------	------------

17. Implementatio n of UNCAC obligations and constitutional reform			✓		✓				✓			No	✓				

Context and Objectives

This commitment seeks to strengthen the framework of anti-corruption work in Sri Lanka. Specifically, it introduces a multistakeholder committee to monitor the implementation of the country’s obligations under the United Nations Convention against Corruption (UNCAC).⁵⁰³ In addition, the commitment endeavours to introduce a provision to recognise the freedom from corruption in the Constitution’s Directive Principles of State Policy.

Sri Lanka ratified the UNCAC in March 2004, becoming only the second state to ratify the global convention.⁵⁰⁴ The UNCAC is the only legally binding, universal anti-corruption instrument. It includes provisions on the prevention and criminalisation of corruption, as well as instructions to the state parties on international cooperation, asset recovery, and information exchange. The Conference of the States Parties to the UNCAC conducts regular reviews of the implementation of provisions under the UNCAC, with the first review of Sri Lanka being held between 2012 and 2015.⁵⁰⁵

Through this review, the UNCAC made a number of actionable observations. It noted Sri Lanka’s failure to criminalise the bribery of foreign public officials, the failure to criminalise the trading of influence, and the lack of legislation against bribery in the private sector.⁵⁰⁶ Article 156A of the Constitution of Sri Lanka⁵⁰⁷ mandates the state to take measures to implement the UNCAC or any other international convention relating to corruption prevention. The Constitution mandates that the state acts through the Commission to Investigate Allegations of Bribery and Corruption in particular.

Further, the Directive Principles of State Policy intend to guide state actors in the enactment of laws and the governance of Sri Lanka.⁵⁰⁸ These principles require the state to protect, promote, and ensure a wide range of rights and freedoms. These liberties include equality of opportunity, access to social security and welfare, and preservation of the environment for the benefit of the community. The freedom from corruption, however, is currently not recognised as part of these principles.

If fully implemented as written, this commitment stands to have a minor potential impact on the implementation of the UNCAC obligations and on inclusion of freedom from corruption in the Constitution. According to Transparency International Sri Lanka (TISL), the appointment of a

multistakeholder committee to monitor implementation of the UNCAC action plan will significantly enhance civic participation and permit a wider group of stakeholders to participate in anti-corruption efforts.⁵⁰⁹ A civil society organisation, TISL campaigns for anti-corruption and the implementation of the UNCAC. However, the enhanced participation does not guarantee that the state will fully implement provisions of the UNCAC action plan. In particular, the lack of a public-facing accountability or enforcement mechanism limits the scope and potential impact of milestone 17.1. TISL agreed that, while strong on the participation angle, the commitment does not adequately explore outputs and outcomes, and assumes that stronger participation will lead to a stronger result.⁵¹⁰

Similarly, a freedom from corruption provision in the directive principles will likely serve as important, yet symbolic, recognition of the importance of pursuing a whole-of-government approach to combating public sector corruption. While this recognition may embolden anti-corruption efforts, it is unlikely to explicitly enforce state actors to actively eliminate corruption and corrupt practices. According to TISL, the track record on enforcing the directive principles of the Constitution varies. The organisation also notes that the introduction of a freedom from corruption provision would be less about enforcement and more about signaling *potential* accountability.⁵¹¹

Milestone 17.1 is highly specific and clearly outlines the creation and appointment of a multistakeholder monitoring committee. However, milestone 17.2 is vague in its seemingly limited aspiration to *explore* the inclusion of the proposed constitutional provision. Therefore, the IRM researcher has coded this commitment as having medium specificity overall.

Completion

17.1 Monitoring Council: This milestone has not started. However, it is scheduled for completion by June 2018, so it may still be completed on time.

According to the director general of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), a multistakeholder council had not been established to oversee the implementation of recommendations under the UNCAC action plan.⁵¹² A representative of Transparency International Sri Lanka confirmed this and noted that a statutory body under a proposed amendment to the CIABOC Act may fulfill this role.⁵¹³

17.2 Freedom from Corruption Provision: This milestone has not yet started. Scheduled for completion by January 2017, it is not on time.

Representatives from the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) and Transparency International Sri Lanka (TISL) confirmed that CIABOC had made no progress under this milestone.⁵¹⁴ The director general of CIABOC noted that the inclusion of a provision in the Constitution was beyond the purview of CIABOC. This role rests primarily with agents and agencies involved in constitutional reform, including the Elections Commission.⁵¹⁵ According to TISL, enshrining new rights and freedoms in the Constitution is not common practice. Thus, civil society has only lightly pushed for the provision to be considered.⁵¹⁶

The IRM researcher made repeated and diverse attempts, between September and November 2017, to contact the Elections Commission. These included attempts via telephone, email, reference from the government OGP point of contact at the Ministry of Foreign Affairs, and the submission of a tailored questionnaire. Despite this outreach, the Elections Commission could not be reached for comment.

Early Results

As the implementation of milestones under this commitment has not started, there are no significant, observable early results.

Next Steps

Implementing obligations under the United Nations Convention against Corruption (UNCAC) and introducing constitutional protection of the freedom from corruption are important to strengthening the Sri Lankan anti-corruption framework. With completion of this commitment, the government will be able to initiate key anti-corruption activities.

However, the potential impact of this commitment may be enhanced by introducing stronger enforcement mechanisms. Thus, the IRM researcher recommends the following initiative to be introduced as part of the next action plan:

- Introduce an effective mechanism for the multistakeholder monitoring committee (see 17.1), to enforce action, or elicit responses and progress reports, from relevant state stakeholders.

For example, the committee may produce, publish, and disseminate biannual reports that include specific recommendations targeted at relevant state stakeholders involved in the implementation of the UNCAC obligations. These stakeholders may then be required to report back to the committee, and thus to the general public, on progress against these recommendations. This may be an extension of the recommendation under Commitment 16, which proposes the establishment of a monitoring committee to oversee the wider range of anti-corruption efforts in Sri Lanka.

18. Coordination among Anti-Corruption Agencies

Commitment Text:

Strengthen the anti-corruption framework to improve coordination and information-sharing among anti-corruption agencies (Part III)

Main Objective:

Enhance coordination and the sharing of information among anti-corruption agencies.

Milestones:

- 18.1 Government to establish an ad hoc multistakeholder committee comprising of government, civil society and the private sector in consultation with CIABOC to review the mandates of existing corruption investigation agencies to ensure the avoidance of duplication of efforts, enhanced information sharing (e.g. amendment to s.17 CIABOC Act) and specialised and independent investigations into allegations of corruption.
- 18.2 Multistakeholder committee on corruption investigation agency mandates to publish its findings in the public domain.
- 18.3 Government and CIABOC to implement recommendations of the multistakeholder committee on corruption investigation agency mandates and each agency to annually publicly report on instances of duplication.
- 18.4 Civil society to publicly monitor progress of implementation of the findings of such committee.

Responsible institution: Commission to Investigate Allegations of Bribery or Corruption (CIABOC)

Supporting institution: Transparency International Sri Lanka (TISL)

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. In the action plan, all milestones pertaining to corruption are listed under a single commitment. In this report, for purposes of clarity, these milestones have been separated into six different commitments (see 16–21), each looking at distinct components of the anti-corruption framework. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
18. Coordination among anti-corruption agencies			✓		✓	✓					✓		No	✓			

Context and Objectives

This commitment seeks to strengthen the anti-corruption framework in Sri Lanka by improving the coordination and sharing of information among key anti-corruption agencies. The commitment proposes to establish an ad hoc multistakeholder committee to review the mandates of anti-corruption agencies. The committee will then publish findings and recommendations on how these agencies can improve coordination and information sharing. The government—and the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) in particular—is expected to implement these recommendations and report on instances of duplication. Civil society will monitor implementation. Government and civil society representatives anticipate that better coordination and information sharing among the anti-corruption agencies will enhance the investigation of corruption and lead to greater opportunities for prosecution.⁵¹⁷

The prevalence of corruption in Sri Lanka⁵¹⁸ has necessitated the involvement and response of multiple state agencies and institutions. These include the CIABOC, the Attorney General’s Department, the Sri Lanka Police, and its Financial Crimes Investigation Division. The general framework of anti-corruption in Sri Lanka provides limited space for cooperation and partnership between these agencies, despite them having common objectives and a shared mandate. For instance, the CIABOC Act⁵¹⁹ imposes on the commissioners a duty to maintain secrecy and, thus, explicitly prevents anti-corruption agencies from collaborating or sharing information with each

other. This, in turn, has often resulted in overlapping functions and a wider disconnect in anti-corruption efforts.⁵²⁰

If fully implemented as written, this commitment stands to have a moderate potential impact on the coordination and sharing of information among the key anti-corruption agencies. A civil society representative from Transparency International Sri Lanka (TISL) noted that the establishment of the proposed multistakeholder committee will allow nonstate actors to be included as stakeholders in a formal policy-making process. The representative noted, therefore, that the committee would constitute a major step forward in fostering meaningful civic participation.⁵²¹ TISL added that having anti-corruption agencies publish annual reports on instances of duplication will give civil society, and the general public, unique access to hitherto undisclosed information. These reports would also inform potential mechanisms of accountability.⁵²² This activity itself represents self-policing on the part of relevant public authorities. Civil society actors, therefore, viewed it positively.⁵²³

Assuming the committee's findings are comprehensive, civil society representatives agreed that it is in the effective implementation of the findings and recommendations that most potential impact stands to be obtained. In this context, this commitment does not outline any identifiable measures to ensure or guarantee implementation. Similarly, while civil society organisations are expected to publicly monitor the implementation of the recommendations, the commitment does not clearly specify the mechanisms through which this will be done. As a result, the IRM researcher rates this commitment as having moderate potential impact, with medium specificity overall.

Completion

18.1 Multistakeholder Committee: This milestone has not been started. It was scheduled for completion by December 2016. Thus, it is not on time.

According to the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), the various anti-corruption agencies, in principle, have formal purview over different areas in the collective effort to combat corruption.⁵²⁴ For example, while the Attorney General's Department has a unique place in the criminal justice system, CIABOC was established as an independent body to conduct investigations and initiate criminal proceedings pertaining to corruption.⁵²⁵ Therefore, the director general of CIABOC noted that amendments to legislation that govern the different agencies may need to precede efforts to streamline mandates.⁵²⁶

Confirming that this milestone had not started, Transparency International Sri Lanka (TISL) noted that the government had established a Presidential Task Force—the Stolen Assets Recovery Task Force. This task force comprises key anti-corruption stakeholders, including CIABOC, the Financial Crimes Investigation Division, and the Financial Intelligence Unit at the Central Bank.⁵²⁷ According to TISL, this task force recognised and identified the overlapping mandates of the different agencies, but this information was not publicly available.⁵²⁸

18.2–18.4 Publication, Implementation, and Monitoring: As the multistakeholder committee has not yet been established (see 18.1), the implementation of subsequent milestones under this commitment has not started. Those other milestones include the publication, implementation, and monitoring of committee findings.⁵²⁹

The publication of findings (see 18.2) was scheduled for completion by August 2017. Thus, this milestone is not on time. However, milestones pertaining to the implementation (see 18.3) and monitoring (see 18.4) of the findings are scheduled for completion by June 2018 and could still be completed on time.

Early Results

As the implementation of milestones under this commitment has not started, there are no significant, observable early results.

Next Steps

The successful completion of this commitment is a necessary precursor to streamlining coordination and enhancing the sharing of information between anti-corruption agencies in Sri Lanka. The establishment of a multistakeholder committee to review the mandates of the various agencies, in particular, is an important stocktaking effort. This effort would identify areas of overlap and, thereby, lead to recommendations for remedial measures. The IRM researcher believes amendment of legislation—such as the Commission to Investigate Allegations of Bribery or Corruption Act, which mandates secrecy—should be included among the recommendations. Such amendment stands as an indispensable first step toward facilitating information sharing.

Implementation of the committee’s findings and recommendations is critical to the successful achievement of the overarching objective. Thus, the IRM researcher recommends that the government include this commitment in the next action plan. Specifically, the next commitment should focus on implementing the prospective committee recommendations and ensuring that open government principles are pursued in doing so. Such efforts may include, for instance, identifying clear mechanisms through which citizens can hold government accountable in the implementation of the recommendations.

19. Corruption and Money Laundering

Commitment Text:

Strengthen the anti-corruption framework to increase constructive public participation (Part IV)

[...]

Main Objectives:

Address the disconnect in the mandate of corruption and money laundering investigations.

Milestones:

- 19.1 CIABOC to initiate legislative amendments to broaden CIABOC's scope to include the offence of 'money laundering' where the predicate offences fall under CIABOC's mandate (in line with UNCAC Article 14).
- 19.2 Government to table and enact legislation referred to in Milestone 1 (i.e. 19.1)
- 19.3 CIABOC to publish statistical data on money laundering cases, without prejudice to on-going investigations (number of cases, outcomes of closed cases, etc.)

Responsible institution: Commission to Investigate Allegations of Bribery or Corruption (CIABOC)

Supporting institutions: Financial Crimes Investigation Division (FCID); Transparency International Sri Lanka (TISL)

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. In the action plan, all milestones pertaining to corruption are listed under a single commitment. In this report, for purposes of clarity, these milestones have been separated into six different commitments (see 16–21), each looking at distinct components of the anti-corruption framework. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity	OGP Value Relevance	Potential Impact	On Time?	Completion
---------------------	-------------	---------------------	------------------	----------	------------

19. Corruption and money laundering			✓		✓					✓		No		✓			

Context and Objectives

This commitment seeks to strengthen the anti-corruption framework. It aims to do so by addressing the disconnect between the mandate of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) in investigating the offences of money laundering and investigating corruption. In particular, the commitment introduces legislation to broaden the scope of CIABOC to include the offence of money laundering where the predicate offence falls under the mandate of CIABOC.

In 2006, the Prevention of Money Laundering Act⁵³⁰ formally made money laundering an offence in Sri Lanka. According to the law, money laundering involves engaging in any transaction related to any property derived from an unlawful activity, with knowledge of that activity being unlawful. These unlawful activities, or “predicate offences,” include offences under a range of other laws, including the Bribery Act.⁵³¹ In addition, according to Article 14 of the United Nations Convention against Corruption,⁵³² measures to prevent money laundering are very much a part of the broader anti-corruption framework.

However, since the introduction of legislation pertaining to money laundering, other laws governing the predicate offences have not been amended to accommodate the investigation of money laundering. In particular, the mandate of CIABOC does not extend to cases of money laundering, and the commission is unable to investigate or file charges of money laundering against individuals, even when the predicate offence relates to bribery or corruption.⁵³³ Compounded by poor coordination and information sharing among anti-corruption agencies (see Commitment 18), this legislative limitation has often brought investigation processes to a halt.⁵³⁴ Considering this environment, the intergovernmental Financial Action Task Force (FATF) has listed Sri Lanka among 11 “high-risk and monitored” jurisdictions related to combating money laundering.⁵³⁵ Noting that corruption-related proceeds pose the highest risk of money laundering, the FATF confirms that progress is compounded by a lack of corruption-related money laundering investigations, prosecutions, and convictions.⁵³⁶ According to FATF, Sri Lanka has the foundation for an effective anti-money-laundering system, but with only one money laundering conviction between 2006 and 2015, the system suffers from limited effectiveness.⁵³⁷

If fully implemented as written, this commitment stands to have a moderate potential impact on addressing the inhibitive disconnect between investigations of money laundering and corruption. The proposed introduction and/or amendment of legislation will represent a decisive step toward aligning these processes. Such steps would also empower CIABOC to conduct independent investigations

into money laundering where the predicate offence falls under its purview. The commitment does not, however, address the need to train CIABOC staff and investigation officers or the allocation of additional human and financial resources to fund the expanded mandate. It also remains unclear how this commitment (or milestones 19.1 and 19.2 in particular) is relevant to the values of open government. However, this commitment will certainly further strengthen the anti-corruption framework.

Once the legislation is in place, milestone 19.3 proposes that CIABOC will publish vaguely defined statistical data on money laundering, including the number and outcome of cases. While this will provide citizens an opportunity to access hitherto unavailable government-held information, the commitment does not specify the mechanism through which this information will be published. This commitment is, therefore, coded as having medium specificity.

Completion

19.1 Initiate Legislative Amendment: This milestone has achieved limited completion. As it was scheduled for completion by March 2017, it is also not on time.

According to the director general of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), the commission has made an informal submission to the government⁵³⁸ to expand the scope of CIABOC to investigate offences of money laundering.⁵³⁹ A representative from Transparency International Sri Lanka confirmed that CIABOC had initiated a series of legislative amendments, including the amendment of the CIABOC Act.⁵⁴⁰

However, CIABOC noted that the anticipated amendments seek to extend purview to investigate the offence of money laundering only when the predicate offence relates to bribery or corruption.⁵⁴¹ Therefore, the primary authority of the police—the Financial Crimes Investigation Division in particular—to conduct investigations into money laundering remains intact.

19.2 Enact Legislative Amendment: As the anticipated amendments have not yet been formally completed (see 19.1), the tabling and enactment of the revised legislation could not be started.⁵⁴² However, as this milestone was scheduled for completion by July 2018, it may be still be completed on time.

19.3 Publish Case Data: This milestone has also not started. Legislative amendments to broaden the scope of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) to include the investigation of money laundering remain pending (see 19.1 and 19.2). Thus, CIABOC reports do not currently include dis-aggregated data on cases of money laundering.⁵⁴³

Although this milestone is scheduled for completion by June 2018, it is unclear whether CIABOC can complete this milestone on time. The process of fully investigating and recording money laundering cases can be time consuming.

Early Results

As the implementation of milestones under this commitment has achieved only limited completion or not started, there are no significant, observable early results.

Next Steps

The amendment of legislation to expand the scope of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) to investigate cases of money laundering will be a significant development in efforts to strengthen the anti-corruption framework. However, the IRM researcher recognises that this commitment is not fully relevant to the values of open government. Thus, the IRM researcher does not recommend that it is carried forward through the next action plan.

Despite this, stakeholders may adopt certain minor measures to increase the relevance and specificity of this commitment. For instance, in committing to collect, collate, and publish statistical data on money laundering, CIABOC may seek to outline specific avenues and mechanisms through which such publication will take place. These platforms may include the CIABOC website, annual reports, and trilingual news articles in national media.

In addition, an expanded mandate will entail greater demands on capacity and resources. Thus, the IRM researcher also recommends that CIABOC engage civil society with expertise in the investigation of money laundering to obtain their input in the development of training curricula. As the primary investigating or prosecuting agency, CIABOC should lead the training programmes.

20. Regulation of Political Campaign Financing

Commitment Text:

Strengthen the anti-corruption framework to increase constructive public participation (Part V)

[...]

Main Objective:

Amend election laws to regulate and disclose information on political campaign financing.

Milestones:

- 20.1 Government to amend the election laws to include a disclosure (declarations register) of the quantum and sources of campaign contributions.

Responsible institutions: Elections Commission; Commission to Investigate Allegations of Bribery or Corruption (CIABOC)

Supporting institutions: Transparency International Sri Lanka (TISL)

Start date: January 2017

End date: December 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. In the action plan, all milestones pertaining to corruption are listed under a single commitment. In this report, for purposes of clarity, these milestones have been separated into six different commitments (see 16–21), each looking at distinct components of the anti-corruption framework. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
20. Regulation of political campaign financing			✓		Unclear						✓		Yes		✓		

Context and Objectives

This commitment seeks to strengthen the anti-corruption framework by amending elections laws to regulate and promote disclosure of information pertaining to political campaign financing.

In Sri Lanka, each level of government has corresponding election laws. Separate laws exercise jurisdiction over the election of the President,⁵⁴⁴ Parliament,⁵⁴⁵ provincial councils,⁵⁴⁶ and local government.⁵⁴⁷ However, none of these laws currently contain provisions to regulate the financing of political campaigns.⁵⁴⁸

In general, the regulation of the political campaign financing is critical to ensuring electoral integrity and eliminating corruption. Campaign financing can determine who competes in elections, how well or widely they are able to disseminate their mandates, and therefore, potentially, who will be elected into office.⁵⁴⁹ In Sri Lanka, cases of candidates showering money on voters to sway voting has become a common feature of election campaigning.⁵⁵⁰ In previous elections, presidential candidates have spent exorbitant amounts of public money on elaborate public campaigns.⁵⁵¹ Often, the sources of campaign funding may include private individuals or corporations. Sometimes, such funding may be channeled through illegal sources and organised crime.⁵⁵²

In this context, the lack of legislation to mandate the disclosure of the quantity and sources of political campaign financing can diminish the potential for a free and fair election. This absence of regulation can create an environment in which corrupt practices may flourish. Therefore, if fully implemented as written, this commitment stands to have a moderate potential impact on the regulation of political campaign financing and, thereby, on the elimination of ensuing corruption. Through the amendment of election laws, the Elections Commission can require candidates to disclose financial information, including the sources of funding and related expenditures.

However, it remains unclear whether this commitment is relevant to the values of open government. *Public* disclosure of the quantity and sources of campaign financing would ensure access to previously undisclosed government-held information. However, the commitment does not specify whether the declarations register will be made public and, if so, how it aims to do so. Thus, this commitment, although ostensibly measurable, is also coded as being of medium specificity.

Completion

The IRM researcher made repeated and diverse attempts to contact the Elections Commission between September and November 2017. These attempts were made via telephone, email, reference from the government OGP point of contact at the Ministry of Foreign Affairs, and the submission of a tailored questionnaire. Despite this outreach, the Elections Commission could not be reached for comment.

20.1 Amend Election Laws: This milestone has achieved limited completion. However, as it is scheduled for completion by December 2018, it may still be considered to be on time.

According to a representative of Transparency International Sri Lanka, the Elections Commission has developed a strong draft of a potential law pertaining to campaign financing but has not yet publicised it.⁵⁵³ Media reports⁵⁵⁴ confirmed that the government had received cabinet approval to draft legislation to control election expenses.

It remains unclear whether this draft contains, or will contain, a provision to introduce and publish a declarations register including information on the quantity and sources of campaign contributions.

Early Results

As this commitment has achieved only limited completion, there are no significant, observable early results.

Next Steps

The commitment to amend election laws to mandate the disclosure of the quantity and sources of political campaign financing is an indispensable first step in efforts to regulate such financing, and eliminate the space for corruption. However, further measures may be taken to increase specificity and enhance potential impact. In this context, the researcher recommends the following, to be introduced as part of the next action plan:

- Develop a mechanism through which information obtained as a result of the amendment will be made publicly available and establish a clearly specified time frame for doing so. This mechanism may involve publication of the declarations register on government websites, including that of the Elections Commission. It may also entail sharing the register for further dissemination with civil society organisations involved in election monitoring.
- Introduce a robust accountability mechanism that allows citizens to hold candidates accountable for information disclosed on the financing of their political campaigns. For example, the Elections Commission may establish a grievance mechanism to which citizens can submit queries, follow up, and request clarification pertaining to the disclosed information. The commission could receive citizen requests or grievances via postal mail, a form on its website, or email. The commission could explore linking this mechanism to initiatives under the Right to Information Act, introduced in 2016.

21. Disseminate Asset Declarations

Commitment Text:

Strengthen the anti-corruption framework to increase constructive public participation (Part VI)

[...]

Main Objective:

Publish and disseminate information obtained through requests for declaration of asset and liabilities.

Milestones:

- 21.1 CIABOC will initiate and communicate to the President's Office legislative amendments for the repealing of sections 7(4), 7(5) and 8 of the Declaration of Assets and Liabilities Act to allow publication and dissemination of information obtained through a request for such declaration of assets and liabilities.
- 21.2 Government to table and enact legislation referred to in Milestone 1 (i.e. 21.1)

Responsible institutions: Commission to Investigate Allegations of Bribery or Corruption (CIABOC), Attorney General's Department

Supporting institution: Transparency International Sri Lanka (TISL)

Start date: September 2016

End date: June 2017

Editorial Note: The text of the commitment was abridged for formatting reasons. In the action plan, all milestones pertaining to corruption are listed under a single commitment. In this report, for purposes of clarity, these milestones have been separated into six different commitments (see 16–21), each looking at distinct components of the anti-corruption framework. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
21.				✓	✓						✓		No		✓		

Context and Objectives

This commitment seeks to facilitate the dissemination of asset declarations to the general public. To do this, the commitment proposes to activate and expedite the amendment of provisions under the Declarations of Assets and Liabilities Law.⁵⁵⁵ The law currently inhibits public disclosure of such information.

An increasingly common practice, the declaration of assets and liabilities of select categories of individuals—particularly in the public sector—is designed to discourage the misuse of state resources and curb corruption.⁵⁵⁶ Often enshrined in the form of legislation,⁵⁵⁷ the practice aims to do this by compelling public officers to disclose their assets and liabilities and declare how they have amassed their wealth.⁵⁵⁸ This, in turn, increases transparency and public accountability.

Under the Declarations of Assets and Liabilities Law,⁵⁵⁹ any individual can request information on the assets and liabilities of any public authority or official who falls under the purview of the law.⁵⁶⁰ However, the same legislation restricts an individual from publicising the information obtained through such requests. Specifically, sections 7(4) and 7(5) make the disclosure of such information a punishable offence.⁵⁶¹ In addition, Section 8 further mandates the preservation of secrecy in relation to the declaration of assets and liabilities.⁵⁶²

As a result, civil society stakeholders have argued that the public is denied an opportunity to expose cases of illegally amassed wealth and take further action against offending public officers.⁵⁶³ The Commission to Investigate Allegations of Bribery or Corruption has attempted to hold individuals accountable for failures to declare assets and liabilities under the law.⁵⁶⁴ However, the general public is unable to publicly pursue such cases further or share information on an eventual declaration.

If fully implemented as written, this commitment stands to have a moderate potential impact on the publication and dissemination of information obtained through requests for declarations of assets and liabilities. Repealing legal provisions that currently prohibit disclosure is an essential first step in efforts to enhance transparency and accountability in the declaration of asset and liabilities. As a result of the commitment, citizens will not only be able to request a declaration but will also be granted legislative protection to make declarations public. Civil society stakeholders anticipate that public officers, in turn, will be encouraged to exercise caution and discretion in their accumulation of wealth. Thus, civil society notes that this commitment stands to strengthen the anti-corruption framework in Sri Lanka.⁵⁶⁵

However, as is often the case, it is in the translation of the legislative provision into practice that tangible positive impact stands to be achieved. Transparency International Sri Lanka, a

civil society organisation that has campaigned to amend legislation on asset declaration,⁵⁶⁶ remains sceptical about the extent of political will to translate the amendments into practice.⁵⁶⁷ This commitment remains limited in offering directions in this regard.

Completion

21.1 Initiate Legislative Amendment: This milestone has been completed. As it was scheduled for completion by March 2017, it is also on time.

The Director General of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) confirmed that the Commission prepared a cabinet paper proposing amendments to the Declarations of Assets and Liabilities Law, and submitted the paper to the Cabinet of Ministers for review.⁵⁶⁸ Further confirming this development,⁵⁶⁹ Transparency International Sri Lanka noted a draft cabinet memorandum⁵⁷⁰ that contains reference to repealing the sections in the law that inhibit the publication and dissemination of information obtained through requests for declarations of assets and liabilities.

21.2 Enact Legislative Amendment: This milestone has not started and was originally scheduled for completion by June 2017. Thus, it is not on time.

A cabinet memorandum has been submitted to the Cabinet of Ministers (see 21.1). However, the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) confirmed that the legislative amendments are still being deliberated.⁵⁷¹ Citing the sensitive and contested nature of asset disclosure, CIABOC suggested that efforts to amend the legislation should be approached in an incremental, stepwise manner.⁵⁷²

In this context, the IRM researcher notes that a separate amendment to the Declarations of Assets and Liabilities Law has received more traction than the proposed amendment to facilitate public disclosure. The separate amendment features an increase in the penalty for noncompliance with the law.⁵⁷³

Early Results

As the tabling and enactment of the amendment itself is pending, there are no significant, observable early results.

Next Steps

The amendment of the Declarations of Assets and Liabilities Law to allow the publication of information on assets and liabilities is a crucial prerequisite to ensuring that citizens are able to hold public officers accountable for the use and accumulation of state funds.

However, further measures are required to translate the new provision into practice and enhance potential impact. Therefore, the IRM researcher recommends that the following initiatives are carried forward and included as a commitment in the next action plan:

- Introduce a clear appeal process coordinated by the Commission to Investigate Allegations of Bribery or Corruption (CIABOC). This process would allow the

public to lodge complaints against, or request clarifications from, public officers in light of a disclosure publicised through the proposed legislative provision.

- Proactively disclose and publish updated information on the assets and liabilities of senior public officers through a user-friendly, interactive online portal accessible in all three languages. This website may be curated by CIABOC and linked to the appeal or grievance redress process outlined above.

THEME 9: RIGHT TO INFORMATION

✦ 22. Enactment and Implementation of the RTI Act

Commitment Text:

The Enactment and Implementation of the RTI Act

The legal recognition of the citizens' Right to Information and an effective mechanism whereby they are able and empowered to access such information is essential to create a culture of transparency and accountability in governance, and to encourage civic participation therein. It also serves as a tool for the systematic elimination of corruption. It balances the power of the people against the concentration of power in public authorities. The components of a democracy – such as representation, accountability, and participatory decision-making – are facilitated by the introduction of a dynamic RTI framework.

Main Objective:

Improve public access to information through the enactment and effective implementation of legislation on the Right to Information (RTI).

Milestones:

- 22.1 The Enactment of the RTI Act:
 - (a) Ministry in charge of the subject of mass media to ensure RTI requests can commence being processed from within 6 months of the Speaker certifying the RTI Act.
- 22.2 Appointment and training of key RTI actors, including Information Commissioners and their staff and the Information Officers:
 - (a) Constitutional council to appoint RTI Commission:
 - (b) Ministry in charge of the subject of mass media and/or the Commission to develop the initial Terms of Reference for Information Officers (IOs) and Designated Officers (DOs);
 - (c) Ministry in charge of the subject of mass media to conduct 4 training programmes for all Ministry-level Information Officers and Designated Officers for the performance of their duties under the Act on the following themes: a) value of RTI and their role; b) receiving and responding to requests; c) proactive disclosure; and d) records-management
 - (d) Ministry in charge of the subject of mass media to facilitate training of RTI Commissioners and Commission staff by resource persons from RTI Commissions in comparable jurisdictions.

- (e) Ministry in charge of the subject of mass media to sensitise and train public authorities – In order to change the mind-set of secrecy to one of civic participation, accountability and assistance to citizens.
- 22.3 Resource Allocation, Procedures and Processes:
 - (a) Ministry in charge of the subject of mass media to appoint an RTI implementation co-ordination officer.
 - (b) RTI implementation co-ordination officer to examine & implement international best practices on procedure and processes of RTI implementation.
 - (c) RTI Commission to publish rules in the Gazette as per the provisions of the Act including details of information to be provided free of charge.
 - (d) RTI Commission to publish record management guidelines for public authorities.
 - (e) Ministry in charge of the subject of mass media to Gazette regulations as per the provisions of the Act.
 - (f) Ministry in charge of the subject of mass media to request the Ministry of Finance to include RTI resource allocation in the provisional and annual national budget.
 - (g) Presidential Secretariat to develop the Government Information Centre Helpline (GIC - 1919) into the main voice-based trilingual central RTI request portal, which would transmit requests in writing to relevant Public Authorities for response.
 - (h) Ministry in charge of the subject of mass media to facilitate the development of a system that allows for the tracking, monitoring and reporting of RTI requests analytics.
 - (i) Parliament to amend Official Secrets Act No. 32 of 1955 and the Establishments Code for RTI compliance – Ensure contradicting secrecy or similar provisions are amended in line with RTI framework.
- 22.4 Raising Public Awareness:
 - (a) Ministry in charge of the subject of mass media, in collaboration with other relevant state actors, to conduct at least 3 media awareness campaigns targeted at 3 categories: the general public, social welfare recipients and women.
 - (b) Ministry in charge of the subject of mass media, in collaboration with other relevant state actors, to conduct a targeted public awareness campaign for thematic training on the use of RTI in diverse fields for civil society.

(c) Government to allocate one-hour weekly slot for an RTI show on a State electronic media – Discussion around key RTI cases, activists, accomplishments, debates, etc.

(d) Government to ensure publication of RTI-related content in State newspapers in Sinhala, Tamil and English fortnightly.

Responsible institution: Ministry of Finance and Mass Media

Supporting institutions: Right to Information Commission; Transparency International

Start date: August 2016

End date: June 2018

Editorial Note: This commitment is a starred commitment because it is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented.

The text of the commitment was abridged for formatting reasons. In the action plan, milestones pertaining to the right to information and proactive disclosure are listed under a single commitment. In this report, however, the two areas are separated into two different commitments (Commitments 22 and 23). For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
22. Overall			✓		✓			✓			✓		No			✓	
22.1 Enact RTI Act		✓			✓						✓		Yes				✓
22.2 RTI Actors Training		✓			✓					✓			No		✓		
22.3 Resource Allocation			✓		✓			✓		✓			No	✓			
22.4 Public Awareness			✓		✓			✓		✓			Yes	✓			

Context and Objectives

This commitment seeks to ensure the enactment and effective implementation of legislation on the right to information in Sri Lanka. Government and civil society stakeholders envision that the public

will have assured and expeditious access to a wide array of information, including previously inaccessible government and government-held information.⁵⁷⁴

In many countries,⁵⁷⁵ an enforceable right to obtain information has empowered the public to become active participants in discourses of governance. This right is a widely used tool for checking corruption, the abuse of power, and the mismanagement of public resources by state agencies. In Sri Lanka, civil society has championed the passing of right to information legislation, citing its value in fighting corruption and building trust between citizens and the state.⁵⁷⁶ Key civil society stakeholders have suggested that an enforceable right to information stands to unlock a wide range of information. Examples of such information include details on unclear political party financing, lists of those eligible for compensation when land is acquired by the government for development projects, and data on the number of people being held in remand.⁵⁷⁷

Over the past two decades, there have been several initiatives, by various actors, toward constitutional and legislative reforms to promote the right to information in Sri Lanka. An advisory committee submitted recommendations to enact a Freedom of Information Act in 1995, while draft bills were presented before the Cabinet of Ministers or Parliament in 2002, 2004, 2010, and 2011.⁵⁷⁸ Through this period, Sri Lanka remained one of the few countries in the region without legislation guaranteeing public access to information. This lacuna perpetuated an antiquated culture of secrecy at various levels of government.

However, the election of a new government under President Maithripala Sirisena in January 2015 brought renewed and concerted impetus to enacting legislation on the right to information. The adoption of such legislation formed a key feature of campaign pledges leading up to the elections.⁵⁷⁹ In keeping with these promises, in May 2015, the 19th Amendment to the Constitution⁵⁸⁰ introduced the right to information as a fundamental right. The amendment laid the groundwork for formal, enabling legislation.

If fully implemented as written, this commitment stands to have a transformative potential impact on the enactment and implementation of right to information legislation and on public access to information. According to civil society stakeholders advocating for an enforceable right to information, the enactment of legislation will be a landmark achievement. Such legislation has the potential to empower the state to provide a framework for the active engagement of citizens in exercising the right.⁵⁸¹ However, civil society actors caution that “enactment is just a first step, the real challenge will be in rolling out and administering the infrastructure across the state.”⁵⁸²

Recognising this, the commitment outlines specific measures to appoint and train key right to information actors, including a national commission and designated Information Officers (IOs) at each public institution. The Right to Information Commission will provide critical regulatory oversight, while an informed and well-trained cadre of designated IOs and Designated Officers (DOs) will ensure that the provisions of the law are effectively translated into practice at the ministry level. Civil society stakeholders claimed that these efforts could be transformational in ensuring that key public officers are able to effectively entertain requests for information.⁵⁸³ However, the milestone remains limited in scope as specific training sessions for public officers beyond those in national ministries have not been adequately identified. While other activities under

milestone 22.2 are measurable and specific in their goals, 22.2(e) is vague in its pledge to “sensitise and train public authorities— . . . to change the mind-set of secrecy.”

The commitment also specifies a number of key facilitative activities, including the appointment of an implementation coordination officer and the amendment of existing legislation that contradicts the right to information. Civil society noted that this wide array of activities includes a number of measures necessary for the effective implementation of the Right to Information Act.⁵⁸⁴ However, strong political will to set these measures in motion, and a bureaucratic commitment to reforming information-sharing processes, often underlie efforts to ensure effective implementation.⁵⁸⁵ This milestone, and this commitment in general, do not explicitly seek to harness or foster general awareness of the value of the right to information among key decision makers.

Civil society representatives are convinced that these predominantly supply-side measures will significantly improve the availability and accessibility of information.⁵⁸⁶ They believe the measures will also hold public officials accountable for the failure to making information available. The commitment recognises that demand-side measures are equally necessary to ensure that citizens are able to leverage access to new and vast “reservoirs of information.”⁵⁸⁷ Those measures will also help citizens use right-to-information legislation as a constructive tool in the advancement of good governance. As civil society actors highlighted, effective implementation of the legislation is ultimately based on citizens’ willingness to proactively seek information from the state.⁵⁸⁸ Toward this, the commitment provides for public awareness campaigns and programmes targeting various categories of key stakeholders, including the general public, social welfare recipients, women, and civil society. According to a representative from civil society, these critical activities represent the link between having an enforceable right and facilitating citizens to exercise it.

However, some stakeholders expressed concern about the potential lack of incentive or political will to proactively encourage the public to submit right to information requests.⁵⁸⁹ There are also no provisions to foster civic participation and collaboration in championing the use of the right to information. Thus, there is uncertainty about the extent to which the key awareness activities will be pursued or if they will have a significant impact.

Despite these limitations, taken as a whole, this commitment and the legislation therein are set to holistically transform public access to information in Sri Lanka. The implementation of this commitment stands to represent a landmark achievement in the pursuit and promotion of open and good governance in the country.⁵⁹⁰

Completion

The commitment achieved substantial completion overall, because major steps toward its completion, such as enactment of the act and appointment of the commission, were taken. However, work remains in important areas, including resource allocation and public awareness.

22.1 Enactment of the RTI Act: This milestone has been completed. Legislation on the right to information⁵⁹¹ was enacted and certified by the Speaker in Parliament on 4 August 2016. According to key government and civil society stakeholders, public officials were given a six-month period from

the date of certification to prepare to respond to potential requests for information.⁵⁹² Therefore, as the public was, in principle, able to file right to information requests since February 2017, this milestone can be considered both complete and on time.

Following enactment, to ensure that requests could be successfully and speedily processed, the government issued a gazette confirming the date of enforcement of the law as 3 February 2017. In the gazette, the government also listed the public authorities that were subject to the law's provisions.⁵⁹³

The milestone broadly specifies that successful completion will entail commencement of right to information requests being processed. It does not, however, specify the number, or extent, of public institutions required to fully demonstrate readiness in this regard.

22.2 Appointment and Training of RTI Actors:

(a) Appointment of Right to Information (RTI) Commission: This activity was completed, with the government appointing the full RTI Commission in December 2016.⁵⁹⁴

According to Transparency International Sri Lanka (TISL), the government and the Constitutional Council took early steps to facilitate the appointment of the RTI Commission. The government requested stakeholders—including the Bar Association of Sri Lanka, other civil society organisations, and media publishers—to submit potential nominations for the RTI Commission to the Constitutional Council.⁵⁹⁵ The Council then considered these nominations, and five names were recommended to the President for appointment by September 2016, as scheduled. Two of the original nominees excused themselves from appointment, and replacements were only finalised in December 2016. Thus, the RTI Commission could not be constituted on time.⁵⁹⁶

(b) Terms of Reference for Information Officers (IOs) and Designated Officers (DOs): This activity has been completed. The RTI Act broadly outlines directions for the appointment of IOs and DOs⁵⁹⁷ and—according to Transparency International Sri Lanka (TISL)—the Ministry of Mass Media also issued a circular specifying the relevant ranks of the IOs and DOs at government institutions.⁵⁹⁸ In addition, the Ministry of Finance and Mass Media (Ministry of Mass Media) developed and published as a regulation initial Terms of Reference for these key actors in the implementation of the law.⁵⁹⁹

Although originally scheduled for completion in September 2016, this activity was completed upon the publication of the gazette in February 2017.

(c) IO and DO Training Programmes: This activity has achieved limited completion. Information on this came from representatives from the Ministry of Mass Media and the RTI Commission. According to these stakeholders, the ministry has directed and supported the Sri Lanka Institute of Development Administration (SLIDA) to conduct awareness seminars and training workshops for IOs and DOs operating at various levels of government.⁶⁰⁰ SLIDA is the primary government training institute. TISL confirmed that these trainees included officers assigned to national ministries.⁶⁰¹

However, SLIDA conducted only two of the four intended training programmes for IOs and DOs of national ministries.⁶⁰² Therefore, this activity is not yet complete and is past the deadline of August

2017. TISL noted that in October 2016, the Ministry of Mass Media issued a circular to public authorities to nominate an IO. While the ministry received a large number of nominations, TISL reconfirmed that comprehensive training on how to effectively respond to requests had still not been completed.⁶⁰³

According to the RTI Commission, the seminars organised by the ministry provided IOs and DOs direction and guidance on the concept of the right to information. The commission states the seminars also instructed on procedures and mechanisms to implement the RTI Act, including legal interpretations and responding to requests.⁶⁰⁴ However, interviews conducted by the IRM researcher did not conclusively confirm whether sufficient information was shared during the sessions on protocol pertaining to proactive disclosure or record management.

Over 3,000 IOs have already been appointed, and over 5,000 are expected across the country. The ministry noted that, with RTI Commission assistance, preliminary training efforts have focused on conducting three training-of-trainers programmes for individuals from national ministries, provincial councils, and district secretariats.⁶⁰⁵ With more of these sessions scheduled, the ministry anticipates that the pool of over 100 trainers will eventually ensure thorough and effective training and awareness among all IOs and DOs.⁶⁰⁶

(d) RTI Commission Training: This activity has not yet started. The Ministry of Mass Media and the RTI Commission confirmed that the ministry had not yet facilitated specific training sessions for RTI Commissioners or for commission staff.⁶⁰⁷ However, as completion is scheduled for June 2017, steps may still be taken to successfully complete this activity on time.

The representative from the ministry suggested that the ministry had not organised special training for the RTI Commission as they felt the commission was already equipped with sufficient knowledge and expertise to ensure successful and effective implementation of the RTI Act.⁶⁰⁸

According to TISL, the RTI Commission is pursuing its own training programmes and outreach, with the close support of civil society and multilateral organisations.⁶⁰⁹ For example, with the support of United States Agency for International Development, the RTI commissioners visited the comparable jurisdiction of South Africa. There, a similar mix of public and private institutions falls under the purview of right to information obligations.⁶¹⁰ According to the RTI Commission, other training and experience-sharing programmes have included participation at the October 2017 Southeast Asian RTI Conference. The commission is also scheduled to visit the Indian Central Information Commission in December 2017.⁶¹¹

(e) Public Authority Sensitisation: This activity has achieved limited completed. The activity lacks specificity in that sensitisation is not immediately, or easily, measurable. However, the Ministry of Mass Media, TISL, and the RTI Commission confirmed that the ministry has conducted a number of training and awareness programmes, particularly targeting IOs at public authorities (see 22.2[c]).⁶¹² The ministry and TISL both confirmed that sensitisation in relation to civic partnership, accountability, and service delivery was a central feature of the programmes.⁶¹³ The curricula of the awareness programmes were not publicly available.

The current sensitisation programmes targeted only IOs and DOs. According to TISL, to ensure effective activity completion, the awareness and sensitisation programmes should reach a wider group of public officials. That is, the programmes should also include those who assist and support the IOs and DOs in executing their mandate under the RTI Act.⁶¹⁴

As completion is scheduled for June 2018, the ministry may yet take measures to ensure that this activity is fully completed on time.

22.3 Resource Allocation, Procedures, and Processes:

(a) Appointment of Right to Information (RTI) Implementation Coordination Officer: This activity has achieved limited completion. As it was scheduled for completion by September 2016, it is not on time.

The Ministry of Finance and Mass Media (Ministry of Mass Media) established an RTI Unit comprising six ministry officials tasked with overseeing the ministry's engagement with implementation of the RTI Act.⁶¹⁵ The ministry has appointed an assistant secretary of the ministry as the head of this unit, but this official has not been formally titled RTI Implementation Coordination Officer.⁶¹⁶ This official, according to the ministry, also has not yet undertaken initiatives to replicate international best practice.⁶¹⁷

(b) Best Practice on RTI Implementation: Compounded by incomplete appointment of the RTI Implementation Coordination Officer (see 22.3[a]), the implementation of international best practice on the procedure and process of RTI implementation has not yet started.

(c) Publish Rules: This activity has been completed. In line with the provisions of the RTI Act, the RTI Commission published a set of rules in a gazette in February 2017. The rules included details on information to be provided free of charge.⁶¹⁸

According to the RTI Commission, however, specific rules pertaining to Section 10 of the RTI Act were not included in the gazette notification. Section 10 involves annual reporting from public authorities. The director general of the commission clarified that these rules have been subsequently developed and submitted for the approval of the Minister of Finance and Mass Media.⁶¹⁹

(d) Record Management Guidelines: This activity has achieved limited completion. As completion was scheduled for January 2017, it cannot be considered to be on time. The RTI Commission and Transparency International Sri Lanka (TISL) both confirmed that record management guidelines for public authorities had not been fully developed.⁶²⁰

However, the director general of the commission noted that preliminary steps had been taken. The commission held a multistakeholder consultation on record management⁶²¹ and appointed a consultant from the World Bank Group to help support and oversee related processes.⁶²²

(e) Gazette Regulations: This activity was completed in February 2017, although it was originally scheduled for completion by October 2016. Per the provisions of the RTI Act, the Ministry of Mass

Media included regulations in the aforementioned gazette published in February 2017, along with the set of rules published by the RTI Commission.⁶²³

With the issuance of supplemental rules and regulations, the Centre for Law and Democracy recognised the country's legal RTI framework as the best in the region and third best in the world.⁶²⁴

(f) RTI Allocation in Budget: This activity has been completed. According to the Ministry of Mass Media, a budget allocation of around 35,000,000 Sri Lankan rupees (USD 225,000) had been secured in support of its right to information work. This funding comes under the annual budget in 2017, for the year 2018.⁶²⁵ Line items or activities were not clearly distinguishable in the budget estimates. However, the ministry elaborated that this funding is for training on implementation of the RTI Act, operation and resourcing of the RTI Unit, and the establishment of case management systems.⁶²⁶ This activity was originally scheduled for completion in August 2016—i.e., leading up to the previous annual budget cycle. Therefore, it cannot be considered to have been completed on time.

During the previous budget cycle, the ministry received a budget of 25,000,000 rupees (approximately USD 160,000) to “support implementation of the RTI Act.”⁶²⁷ However, this allocation was found to be insufficient to effectively carry out mandated tasks, including training on implementation and the establishment of case management systems.⁶²⁸

The RTI Commission also noted that budget proposals had been submitted for the 2018 budget.⁶²⁹ Recent budget estimates confirm that an allocation of around 50,000,000 rupees (USD 326,000) had been granted to the commission to carry out its duties and functions.⁶³⁰ Leading up to the availability of the allocation in December 2017, the commission had received funding from the Presidential Secretariat.

(g) RTI Request Portal: This activity has not yet started. Although it is scheduled for completion by December 2017, the scale of this activity indicates it is unlikely to be completed on time.⁶³¹

According to the ministry, RTI requests currently go directly to the information officer at the relevant public authority. The ministry confirmed that no formal discussions have taken place on developing the existing Government Information Centre (GIC) Helpline. The ministry has not discussed this with either with the Information and Communication Technology Agency (ICTA)—the primary curators of the GIC Helpline—or with other related stakeholders.⁶³² TISL, however, suggested that the ICTA was pursuing preliminary internal discussions on incorporating the submission of RTI requests, and/or introducing tracking systems on RTI implementation, into the GIC Helpline.⁶³³

This activity, as written, identifies the Presidential Secretariat as leading the development of the GIC Helpline as the primary RTI request portal. However, any formal involvement of the secretariat was not recorded by the IRM researcher. Representatives from the secretariat could not be reached for comment.⁶³⁴

(h) RTI Analytics System: This activity has not yet started. Although scheduled for completion by December 2017, it is unlikely to be completed on time.⁶³⁵

According to the ministry, the National Media Centre undertakes limited analytics on RTI requests, but these data are not publicly available.⁶³⁶ TISL added that the ministry is beginning to think about monitoring and evaluation. The organisation suggested that the mandatory annual reports submitted by public authorities could be a useful starting point for a potential RTI monitoring system.⁶³⁷ These reports include the number of RTI requests and other basic details, per Section 10 of the RTI Act.

(i) Amend Legislation: This activity has achieved limited completion. As it was scheduled for completion by August 2017, it is not on time.

According to the Ministry of Mass Media and TISL, provisions contradictory to RTI in the Establishments Code have been amended and submitted to the Public Service Commission for approval.⁶³⁸ The ministry stated that internal discussions had commenced on amendment of the Official Secrets Act, but TISL noted that there was no published information regarding this.⁶³⁹

The Centre for Policy Alternatives—a civil society organisation—also identified 105 other laws that contravene the legislation on the right to information in Sri Lanka. The study lists contradictory legislation and proposes how amendments should be undertaken. This list has been presented to the RTI Commission for further consideration.⁶⁴⁰

22.4 Raising Public Awareness:

(a) Media Awareness Campaigns: This activity has not yet started. The Ministry of Finance and Mass Media (Ministry of Mass Media) has not yet conducted media awareness campaigns dedicated to the implementation of the Right to Information (RTI) Act. Completion of this activity is scheduled for January 2018. The expeditious conducting of three awareness campaigns—targeted at the general public, social welfare recipients, and women—would allow it to be completed on time.

According to the ministry, this activity is being approached differently (i.e., not consistent with the activity as written). Seventeen awareness programmes on the RTI Act will be conducted for over 700 media representatives, who in turn are expected to publish information and raise public awareness.⁶⁴¹ The Ministry of Mass Media has developed and published a few short videos and documentaries on RTI Act implementation on the government's RTI web portal.⁶⁴² Transparency International Sri Lanka (TISL) expressed concern that the ministry has not disseminated these effectively.⁶⁴³ The ministry has executed other initiatives to raise public awareness. These have included celebration of World RTI Day on 28 September 2017. In addition, beginning in September 2017, every two months, the ministry publishes newsletters containing information on best practices of appointed Information Officers across the country.⁶⁴⁴

The representative from TISL felt that the failure to conduct media awareness campaigns, and the limited visibility of existing efforts, was a matter of particular concern.⁶⁴⁵ According to this representative, the failure required TISL to step in with public awareness campaigns of its own.⁶⁴⁶ These campaigns included animation videos on the right to information and related processes for wider dissemination by the National Media Centre. TISL also launched a trilingual website to document success stories, outline processes of engagement, and raise general awareness on the right to information.⁶⁴⁷

(b) Civil Society Awareness Campaigns: This activity has not yet started. However, as with the media awareness campaigns (see 22.4[a]), this activity may still be completed by January 2018. The Ministry of Mass Media and TISL both confirmed the lack of progress on this activity.⁶⁴⁸

However, according to the ministry, it requested that the local government agent in the Gampaha conduct right-to-information awareness programmes for community-based civil society organisations (CSOs).⁶⁴⁹ The IRM researcher could not verify this. The ministry stated that it will conduct these district-level programmes through six divisional secretariats between November and December 2017.⁶⁵⁰

The ministry suggested that because of limited progress on this activity, CSOs across Sri Lanka had independently developed awareness and expertise on the right to information and advanced the message on their own.⁶⁵¹ Supporting this claim, TISL noted that civil society coalitions were being set up in five districts. The coalitions will encourage CSOs to use the right to information as a tool to improve governance.⁶⁵²

(c) RTI Show: This activity has not yet started. As it is scheduled for completion by June 2018, it may still be completed on time.

Although limited in terms of reach and visibility,⁶⁵³ the Ministry of Mass Media developed and published short videos and documentaries on the RTI web portal⁶⁵⁴ (see 22.4[a]). In September 2017, the ministry's director of development confirmed his participation in a stand-alone national television programme on the right to information.⁶⁵⁵ However, none of these initiatives constitute a weekly show dedicated to debate around key right to information cases and accomplishments.

(d) RTI Publications: This activity has achieved substantial completion. According to the Ministry of Mass Media, the government has published several articles on various aspects of the right to information in various government newspapers. The articles focused on topics including the benefits of the RTI Act, implementation protocol, and ways for citizens to use the legislation. Many of these articles can be found in Sinhala, Tamil, and English newspapers.⁶⁵⁶ The government has also published many articles—predominantly in English—as news and media releases on the right-to-information web portal of the government of Sri Lanka.⁶⁵⁷

Although the ministry published significant material, this activity specifically requires government stakeholders to publish right to information content fortnightly. Since this consistency has yet to be achieved, this activity cannot be coded as complete. However, as this activity is scheduled for completion by June 2018, it may still be completed on time.

Early Results

Several activities under this commitment have not yet started or achieved full completion. Still, key developments and progress have led to a number of important early results.

The government introduced and enacted legislation on the right to information in August 2016 (see 22.1). Many consider this a landmark achievement in the context of open and good governance in Sri Lanka. The legislation is particularly significant given the country's long history of unsuccessful

attempts at introducing laws on access to information.⁶⁵⁸ The new legislation has paved the way for government to provide citizens with unprecedented access to government and government-held information. It also gives citizens an opportunity to participate meaningfully in decision making.

The government has also made notable progress in establishing requisite infrastructure and creating an enabling environment for the effective implementation of the Right to Information (RTI) Act. This progress includes, the appointment of an RTI Commission, the nomination of Information Officers and Designated Officers at public institutions, and the securing of budgetary allocations. The government also made progress with the introduction of formal rules and regulations to supplement and operationalise the RTI Act (see 22.2 and 22.3).

Next Steps

Interviews with key stakeholders revealed that further measures may be considered to bolster this commitment and improve implementation of the Right to Information (RTI) Act. Stemming from this, the IRM researcher proposes that stakeholders consider the following recommendations. These recommendations can be complementary milestones in the current plan or included as part of the next action plan:

- Expand training on responding to right to information requests beyond Information Officers and Designated Officers at national ministries to *all* public authorities across Sri Lanka. This can be done by scheduling comprehensive and clearly defined training programmes. Beyond sensitisation, these programmes should empower relevant officers at public authorities to effectively and efficiently respond to requests for information.

These training programmes may later be further enhanced with advanced training sessions. These sessions could assess general competence in responding to requests, troubleshoot implementation issues, and reinforce standard protocol and procedures.

- Design and conduct special awareness activities and programmes targeted at key decision makers in the state and government. These stakeholders may include representatives from the Ministry of Finance and Mass Media (Ministry of Mass Media) and the offices of the President and Prime Minister. Other stakeholders may include members of the wider state apparatus, such as those in the legislature and judiciary. These awareness sessions may primarily focus on highlighting the importance of the RTI Act. They could also discuss the important role of these key actors in creating an enabling environment for the effective implementation of the RTI Act.
- Identify, or appoint, a champion of the RTI Act who would promote the use of the law as a *collective* right to advocate greater government transparency on behalf of the general public.⁶⁵⁹ This champion would ideally work outside the state apparatus. Currently, the purview of the RTI Act extends across a wide cross section of potential respondents, including those in private sector and civil society performing public functions. This context may discourage civil society from proactively filing requests in the public interest, possibly in apprehension of counterrequests.⁶⁶⁰ In light of such concern, the Ministry of Mass Media and related stakeholders may consider adopting a strategic roll out of the RTI Act. For instance,

the ministry could initially allow civil society to uninhibitedly play the role of champion, participate in awareness activities, and advocate prudent use of the law.

- Government and civil society stakeholders noted that several laws contradict the right to information in Sri Lanka. Beyond the Establishments Code and the Official Secrets Act, Transparency International Sri Lanka noted that a list comprising 105 contradictory laws had been compiled by civil society and presented, along with suggested amendments, to the RTI Commission.⁶⁶¹

The IRM researcher recommends that the RTI Commission, with the support of the Ministry of Mass Media, review and submit this list of laws to Parliament for expeditious amendment as necessary.

23. Proactive Disclosure

Commitment Text:

Proactive Disclosure

[...]

Main Objective:

Ensure proactive disclosure of updated information outlined under the Right to Information (RTI) Act, and thereby, improve public access to information.

Milestones:

- 23.1 Each Ministry and public authority to proactively disclose and update in a manner accessible to the public, an annual inventory of documents to be publicly available, and the information required to be reported to the RTI Commission under Section 8(2) and Section 10 of the RTI Act.
- 23.2. Each Ministry and public authority to publish and update information made public as per (above) on their respective website.

Responsible institution: Ministry of Finance and Mass Media

Supporting institutions: Right to Information Commission; Transparency International

Start date: February 2017

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. In the action plan, milestones pertaining to the right to information and proactive disclosure are listed under a single commitment. In this report, however, the two areas are separated into two different commitments (see 22 and 23). For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
23.Proactive disclosure				✓	✓						✓		Yes		✓		

Context and Objectives

This commitment seeks to ensure that public authorities proactively disclose and publish specific public information. This information includes an inventory of documents containing, and/or relating to, information outlined under Section 8(2) and Section 10 of the Right to Information (RTI) Act. Through this disclosure, citizens will, as stated in the RTI Act, be “able to exercise the right of access to information.”⁶⁶² The timely and effective disclosure of such data and policy documents ensures that the public has a set of key information needed to participate meaningfully in policy and decision making. This would subvert the need for citizens to request such information.

Proactive disclosure is instrumental in achieving transparency and openness in government. Such disclosure pre-empts a legal request for information by actively and voluntarily ensuring that information seekers get immediate access to public information. The disclosure helps citizens avoid the costs of filing a request or engaging in administrative procedures.⁶⁶³ According to Section 8(2) of the RTI Act, every public authority in Sri Lanka is required to publish a report containing certain specific information. This includes the powers and functions of the authority, facilities available for obtaining other information, budget allocations, and details on designated Information Officers.⁶⁶⁴ Section 10 requires every public authority to submit annual reports to the RTI Commission. These reports contain right-to-information-related data and statistics, including the total number of requests, the number of requests rejected and appealed, and record management practices.⁶⁶⁵

If fully implemented as written, this commitment stands to have a moderate potential impact on ensuring proactive disclosure of information outlined under the RTI Act. The commitment would thereby enable citizens to exercise their right to information. The commitment derives both its specificity and direction from the RTI Act itself. It clearly requires public authorities to disclose and report an inventory of public documents to the RTI Commission. It also requires each public authority to publish and update such information online.

This commitment will improve public access to certain information through proactive disclosure. However, considered alone, it cannot enable citizens to fully exercise the right to access information. Uninhibited public access to information will be contingent on the successful achievement of several complementary activities and initiatives. Commitment 22 (above) lists many of these activities.

Completion

23.1 Document Inventory: This milestone has achieved limited completion. The Ministry of Finance and Mass Media noted that the government issued a gazette notification⁶⁶⁶ detailing a list of information to be proactively disclosed.⁶⁶⁷ A circular issued by the ministry referenced this list⁶⁶⁸ and requested all public authorities to adhere to provisions in the Right to Information (RTI) Act pertaining to proactive disclosure.

Transparency International Sri Lanka suggested that the annual reports from each public authority will include a lot of this information.⁶⁶⁹ The annual reports are to be submitted to

the RTI Commission in December 2017. Therefore, as this milestone is scheduled for completion in June 2018, it is still on time.

23.2 Update Websites: This milestone has also achieved limited completion. According to a representative from the Ministry of Finance and Mass Media, very few public authorities had disclosed key information proactively on their websites.⁶⁷⁰ This was confirmed by the director general of the Right to Information Commission⁶⁷¹ and Transparency International Sri Lanka.⁶⁷²

This milestone is scheduled for completion in June 2018. Thus, it may still be completed on time.

Early Results

As the implementation of milestones under this commitment has not yet started or achieved only limited completion, there are no significant, observable early results.

Next Steps

The mandatory nature of the Right to Information Act will support the completion of this commitment. However, the IRM researcher acknowledges that the concurrent completion of activities listed under Commitment 22 will also play a significant role in the success of proactive disclosure.

To further bolster the impact of this particular commitment, the IRM researcher proposes that stakeholders consider scaling up existing milestones in the current action plan. Specifically, in addition to online publication of key documents and information through the public authority's website, proactive disclosure can also be achieved using other means. These may include publications and official gazettes, publicly accessible notice boards, and radio and television announcements.

V. General Recommendations

While the action plan contained a wide range of commitments, government and civil society stakeholders identified a number of areas for prioritisation in the next action plan. These include awareness raising around the new right to information legislation and more engagement with independent commissions in implementing commitments. Moving forward, key IRM recommendations include facilitating greater participation in the OGP processes and enhancing fiscal transparency and public participation in government audits.

This section aims to inform development of the next action plan and guide completion of the current action plan. It is divided into two sections: 1) those civil society and government priorities identified while elaborating this report and 2) the recommendations of the IRM.

5.1 Stakeholder Priorities

The current action plan was framed around expansive commitments. These commitments prioritise strengthening the framework of anti-corruption efforts, and the introduction and implementation of robust legislation on the right to information. These two themes are central to good governance. Thus, they are key to the achievement of the government's election campaign promises and overarching political mandate. Generally, the progress and implementation of milestones under many of the commitments have achieved limited completion. However, the extent of completion of the right to information milestones, in particular, reflects this prioritisation.

Looking ahead to the next action plan, government and civil society stakeholders recognise that strong and accountable institutions form the bedrock of open government. Some stakeholders prescribed building the capacity of public officers to adapt and respond to increasing transparency and public participation in decision making. Others stressed the importance of strengthening public service organisations with participatory tools and accountability mechanisms that facilitate more open government. These broad prescriptions are not mutually exclusive. Many stakeholders considered Sri Lanka's first action plan—and first experience with the OGP process—a learning experience. They remained keen, therefore, to reflect on whether certain themes should be retained going forward.

More specifically, government and civil society stakeholders identified a number of topics and areas they would like to see in future action plans. Some of these are highlighted below:

- **Information and communication technology:** Civil society stakeholders expressed interest in introducing commitments to foster greater cross connection and information sharing between government agencies to promote open data.
- **Health:** Government stakeholders shared interest in improving data collection procedures to support the development of key health indicators and engage the public in evidence-informed decision making.

- **Education:** Civil society stakeholders supported the pursuit of dedicated measures to improve data management at the Ministry of Education. These measures would improve transparency in the selection, appointment, and transfer of public teachers.
- **Local government:** Civil society stakeholders highlighted the importance of including commitments to facilitate training and awareness among local authority officials. Such efforts would advance effective implementation of accountability mechanisms.
- **Right to information:** Civil society stakeholders would like dedicated and comprehensive right to information awareness programmes to be part of the government’s right to information agenda. Government and civil society stakeholders also would like to explore how technology could be leveraged to facilitate better implementation of the RTI Act.
- **Capacity-Building:** A civil society representative highlighted the value of strengthening the capacity of the Sri Lanka Institute of Development Administration (SLIDA) to conduct training programs on RTI and the anti-corruption framework. This may include introducing relevant modules into existing programs or developing separate programs focusing on RTI and anti-corruption. SLIDA is the country’s primary public-sector training institute and is responsible for training new recruits to the government’s administrative service.

Stakeholders also suggested that the Sri Lanka Institute of Local Governance (SLILG) may also benefit from similar capacity building on RTI and anti-corruption. The SLILG is responsible for enhancing the institutional and management capabilities of government officers at the provincial and local level.

- **Independent Commissions:** Civil society stakeholders recognized the preponderance of independent commissions in Sri Lanka’s political landscape. One of these commissions—the Commission for the Investigation of Bribery or Corruption (CIABOC)—is already involved in implementing the commitment on anti-corruption. Civil society would like to explore how other commissions could be similarly engaged in implementing the action plan.

5.2 IRM Recommendations

The researcher invites stakeholders to select and tailor relevant initiatives from this list of recommendations arranged under five thematic areas. The themes cover ownership, process engineering, fiscal transparency and participatory auditing, local accountability, and anti-corruption enforcement. If fully incorporated in the next action plan, these recommendations could propel Sri Lanka forward in achieving effective open government.

I. Ownership: Pursue activities that promote greater ownership of the OGP initiative.

This set of process-oriented recommendations calls on government and civil society stakeholders to proactively assume greater ownership of the OGP initiative. The

recommendations recognise that several commitments in the action plan have been stymied by disassociated, or disempowered, leadership and require renewed impetus to advance.

To bridge this deficit of ownership, the IRM researcher suggests the following:

- Conduct innovative and far-reaching public awareness campaigns about the significance and importance of the country's involvement in OGP and the general value of open government. These campaigns may be conducted prior to, and after, the adoption of the national action plan, and may be directed through multiple channels.
- Assess how OGP can be used as an implementation and accountability platform for ongoing reforms in the country. This could include assistance with improving the business climate, social sector reforms, transitional justice, and reforms in constitutional commissions. The lead OGP government authority could provide biannual reports detailing specific measures taken to include the principles of open government in key reform processes.
- Formally appoint a dedicated authority—or open government champion—to coordinate and oversee the development and implementation of the OGP action plan. This lead authority could operate either as an individual or as a team. The authority should have increased powers to compel other government institutions to abide by their commitments under OGP or risk appropriate sanction.
- Conduct a comprehensive feasibility assessment involving relevant government and civil society stakeholders prior to finalising the next action plan. Through this assessment, stakeholders may balance ambition with ensuring each commitment is specific, measurable, achievable, relevant, and timely.

Tangential to this assessment, an inventory of necessary resources may be identified and allocated early on. Every institution responsible for a commitment should ideally appoint a senior official as an open government representative. This representative would secure sustained buy-in at the institutional level and ensure that a commitment is implemented to completion.

2. Process Engineering: Facilitate inclusive and meaningful participation in the OGP process.

This broad set of recommendations aims to ensure that government and civil society stakeholders adhere to accepted protocol in the development and implementation of the action plan. In particular, the recommendations recognise that Sri Lanka followed only one of seven key steps in the national OGP process. Thus, it did not fully facilitate inclusive or meaningful stakeholder participation in the development and implementation of the action plan.

Identifying the interventions necessary at different stages of the OGP process, the IRM researcher recommends the following:

- Complete all key steps in the OGP process pertaining to the *development* of the action plan. This includes (1) publishing the timeline and process, (2) providing advance notice of consultations, (3) conducting awareness-raising activities, (4) effectively leveraging technology in conducting public consultations, and (5) providing and publishing a summary of comments obtained through the consultations.

The IRM researcher strongly encourages government and civil society stakeholders to refer to the updated OGP guidelines to inform the development of the next action plan. Please refer to the OGP website for a full list of tools and resources: <https://www.opengovpartnership.org/resources>.

- Complete all key steps in the OGP process pertaining to the *implementation* of the action plan. This includes introducing and publish an agenda and convening the multistakeholder forum on a fixed, or monthly, schedule. This forum may be further enhanced by proactively and inclusively inviting civil society stakeholders besides those on the action plan to participate and contribute to proceedings.

Sri Lanka should aim to advance from “consult” to a minimum of “collaborate” on the spectrum of participation.⁶⁷³ At this level, citizens will be able to engage in iterative dialogue and set the agenda on implementation of the action plan.

The IRM researcher strongly encourages government and civil society stakeholders to refer to the updated OGP guidelines to inform the implementation of the action plan. Please refer to the OGP website for a full list of tools and resources: <https://www.opengovpartnership.org/resources>.

- Develop an online tracking system to monitor and publish information on the progress of commitments. This system may be curated by the point of contact at the lead government agency. OGP representatives appointed from each public authority who are responsible for implementing a commitment (see IRM recommendation on ownership) can provide and update information in the system on a quarterly basis.

Further steps may also be taken to receive public and civil society comments on the reported progress of implementation. The government should also create clear mechanisms for the relevant agencies to respond to these questions or comments. Encouraging candid reporting and incorporating the values of open government in the implementation of the action plan stand to be transformative initiatives. In addition, the updated information on progress may also support and inform the government’s self-assessment report.

- Coordinate with legislative authorities, or lobby members of Parliament, to establish a legal framework or mandate for the pursuit and operation of open government in Sri Lanka.

This legal framework may mandate, among other things, the appointment of the open government champion and the appointment and role of open government representatives across government institutions. It could also—more pertinent to this recommendation—include a permanent and responsive mechanism for public consultation.

3. Fiscal Transparency and Participatory Auditing: Enhance fiscal transparency and public participation in government audit processes.

Greater transparency and public participation in audit processes may not only combat corruption but may also improve the management of public finances and strengthen public institutions. Hence, to strengthen open and participatory auditing in Sri Lanka, the IRM researcher recommends the inclusion of the following activities and initiatives in the next action:

- Publish audit reports on relevant government websites and on the website of the supreme audit institution. These reports should be translated into all three languages and available in a standard, easily accessible format.
- Introduce a clear mechanism for citizens and civil society to track public authority compliance with the findings and recommendations in the respective audit reports.

This may include the development of an online portal, curated by the supreme audit institution. Relevant, pre-assigned public authorities can provide updates on implementation of the audit findings and recommendations. Steps may also be taken to receive public and civil society comments on the reported progress of implementation. The government should include provisions for the relevant agency to respond to resulting questions or comments.

- Establish mechanisms for the public to support the National Audit Commission in formulating its overarching audit programme. This may include public participation in select audit investigations.

This action may be viewed as part of wider efforts to institutionalise open government values in government auditing.

- Identify specific measures to further strengthen the autonomy and independence of audit institutions at all levels. These measures may include
 - Proactive publication of relevant budget allocations and expenditures by the supreme audit institution;

- Pursuit of measures to move toward greater financial independence in terms of sources of funding for the supreme audit institution; or
- Engagement of civil society to develop minimum criteria pertaining to the independence of a supreme audit institution and, thereafter, involvement of citizens and civil society in monitoring and evaluation to ensure that progressive steps are taken to meet the agreed criteria.

The specific, content-oriented recommendations above are subsumed under broader efforts to introduce greater fiscal transparency and public participation in budget-related processes across government. The Open Budget Index describes Sri Lanka as providing the public with limited budget information and few opportunities to engage in the budget process.⁶⁷⁴ Hence, the researcher has incorporated select, country-specific International Budget Partnership recommendations into the following suggestions:

- Publish online a detailed, yet accessible, statement on the financial position of the government. This disclosure will increase access to information on the performance of national budget proposals.

Concurrently engage the support of civil society organisations to provide more resources for publicising simplified national budget and financial information. These efforts can be executed through far-reaching channels, such as television programmes, radio shows, and town-hall consultations.

- Introduce participatory mechanisms for the general public to interact with relevant government representatives on the implementation of national or subnational budgets. The Global Initiative for Fiscal Transparency⁶⁷⁵ describes various mechanisms of public participation in budget processes. The government may explore these measures, which include social audits and participatory budgeting.
- Strengthen public participation in public finance management and generate new information on post-budget analyses. Detailed information may be published online. Simplified reports and summaries should be easily accessible through multiple channels and available in all three languages.
- Revisit incomplete commitments from the first action plan pertaining to budget or fiscal transparency (see Commitment 16, for example), and expedite and prioritise their completion.

4. Local Accountability: Strengthen public accountability through local government.

This set of recommendations seeks to foster and develop public accountability through local government, the lowest level of governance in Sri Lanka. Existing accountability mechanisms at the national level rarely, if ever, include a public-facing element and are often limited to internal systems of accountability.

Therefore, the IRM researcher proposes that local governments serve as a receptive conduit through which innovative tools of public accountability can be introduced. A number of tools have already been developed and applied internationally to enhance the public accountability of government bodies.⁶⁷⁶ Stakeholders should assess the Sri Lankan context to understand priority areas within local government that would benefit from increased public accountability.

Potential initiatives that are considered clearly relevant to public accountability at the local level must include a public-facing element. These initiatives must also call upon local authorities to justify their actions, act upon public feedback, and/or accept responsibility for the failure to complete a particular commitment. Such initiatives may include:

- Mandating independent and public auditing of local government expenditures and procurement;
- Introducing responsive complaints and appeals processes and mechanisms within the local authority (through these, citizens should be able to lodge, pursue, and track complaints against the authority for the failure to provide a particular service); and
- Conducting open and inclusive meetings with constituents of the local authority jurisdiction to explain council decisions and policies (these forums may empower citizens to discuss preferences and enable their contribution to setting the agenda).

Sri Lanka has over 330 local government authorities operating at three different levels. Thus, the researcher recommends that the government pilot potential initiatives with select local authorities, ensuring adequate geographic representation. If successful, the piloted initiatives may be scaled and introduced across all local government authorities in a phased manner.

It is also possible that successful implementation of these initiatives at the local level may encourage government institutions at the national level to follow suit. The national bodies could then introduce similar, appropriately tailored, measures to facilitate greater public accountability.

5. Anti-corruption Enforcement: Introduce public accountability in anti-corruption efforts.

The eradication of public corruption—along with the provision of a right to information—is an essential prerequisite to fostering open government. Thus, comprehensive efforts to ensure an effective anti-corruption framework are of utmost importance.

The action plan outlines many complementary measures to strengthen the anti-corruption framework in Sri Lanka. These measures include broadly enhancing public participation in corruption prevention, introducing independent monitoring of the implementation of obligations under the United Nations Convention against Corruption, and improving coordination among anti-corruption agencies. More specific measures also include amending

legislation to permit the disclosure of information on political campaign financing and asset declarations.

Civil society stakeholders agree that these commitments will contribute to a stronger anti-corruption framework. However, public accountability—and, therefore, clear mechanisms for effective enforcement—remain notably absent. Therefore, this broad recommendation calls on government and civil society stakeholders to introduce specific provisions that allow the public to hold government and the state accountable for combating corruption.

As with the previous recommendation, initiatives that are considered clearly relevant to public accountability must include a public-facing element. They must also call upon the government to justify its actions, act upon public feedback, and/or accept responsibility for failure to meet a particular commitment. Beyond innovative new interventions, measures may include scaling existing commitments with clearly defined public accountability components. These components have been outlined through commitment-specific recommendations.

Table 5.1: Five Key Recommendations

1	Ownership: <i>Conduct innovative and far-reaching public awareness campaigns about the significance and importance of the country’s involvement in OGP and the general value of open government.</i>
2	Process Engineering: <i>Complete all key steps in the OGP process pertaining to the implementation of the action plan. Sri Lanka should aim to advance from “consult” to a minimum of “collaborate” on the spectrum of participation.</i>
3	Fiscal Transparency and Participatory Auditing: <i>Introduce participatory mechanisms for the general public to interact with relevant government representatives on the implementation of national or subnational budgets. Measures may include social audits and participatory budgeting.</i>
4	Local Accountability: <i>Formally mandate and publish independent and public audits of local government expenditures and procurement.</i>
5	Anti-corruption Enforcement: <i>Introduce specific provisions that allow the public to hold government and the state accountable in combating corruption. Related initiatives must include a public-facing element, and call upon the government to justify its actions and/or act upon public feedback.</i>

VI. Methodology and Sources

The IRM progress report is written by researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organisations.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each report.

Each report undergoes a four-step review and quality-control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.
2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realisation of OGP values through the action plan as a whole. (See below for IEP membership.)
3. Prepublication review: Government and select civil society organisations are invited to provide comments on content of the draft IRM report.
4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.⁶⁷⁷

Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Researchers should make a genuine effort to invite stakeholders outside of the "usual suspects" list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g., online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than is provided in the self-assessment or is accessible online.

The IRM researcher in Sri Lanka conducted over 35 interviews with government and civil society representatives to inform this report. Most interviews were arranged

through, often iterative, correspondence via email or telephone. The OGP Unit at the Ministry of Foreign Affairs also supported the researcher in securing interviews with certain government institutions. The IRM researcher conducted the interviews in person, over the phone, or via Skype. All in-person interviews were held in the capital, Colombo.

The IRM researcher interviewed at least one representative from each government institution primarily responsible for implementation of the commitments. Exceptions include the Ministry of Education, the Elections Commission, and the Office of the President. The exceptions exist in spite of numerous and varied attempts by the IRM researcher and the OGP Unit to reach relevant representatives at these institutions. For each commitment, the IRM researcher also conducted interviews with at least one key actor from a counterpart civil society organisation.

During the research cycle, the researcher also held a multistakeholder forum involving six key individuals from government and civil society. These individuals were responsible for the implementation of the OGP commitments on information and communication technology (Commitments 5 and 6). Details on each of the interviews are tabulated below.

#	SOURCE	DATE	FORMAT	THEME
GOVERNMENT STAKEHOLDERS				
1	Mr Harim Peiris Advisor to the Minister of Foreign Affairs and OGP Point of Contact – Ministry of Foreign Affairs	9 August 2017	In-Person Interview	Context; Leadership and Process
2	Ms Prashanthi Krishnamoorthy Assistant Director / OGP, US, and Canada, UN Division – Ministry of Foreign Affairs	Multiple	In-Person Interview	Leadership and Process
3	Dr Susie Perera Director, Organisation Development – Ministry of Health, Nutrition, and Indigenous Medicine	6 October 2017	In-Person Interview	Health
4	Dr Amila Chandrasiri Senior Registrar in Community Medicine – Ministry of Health, Nutrition, and Indigenous Medicine	6 October 2017	In-Person Interview	Health
5	Dr Buddhi Lokuketagoda Consultant Community Physician, CKDu Unit – Ministry of Health, Nutrition, and Indigenous Medicine	20 October 2017	In-Person Interview	Health
6	Dr Kamal Jayasinghe Chief Executive Officer – National Medicinal Drug Regulatory Authority	20 October 2017	In-Person Interview	Health
7	Dr Sriyani Ranasinghe	25 October	Telephone	Health

	Consultant Community Physician – Health Education Bureau	2017	Interview	
8	Mr Waruna Sri-Dhanapala Senior Assistant Secretary – Ministry of Telecommunication and Digital Infrastructure	16 October 2017	In-Person Interview*	Information and Communication Technology
9	Mr Asanka Suraweera Programme Manager (GIC) – Information and Communication Technology Agency	16 October 2017	In-Person Interview*	Information and Communication Technology
10	Mr Thilina Piyumal Point of Contact (GIC) – Information and Communication Technology Agency	16 October 2017	In-Person Interview*	Information and Communication Technology
11	Mr M. G. M. W. T. B. Dissanayake Additional Secretary (Environment Policy and Planning) – Ministry of Mahaweli Development and Environment	23 October 2017	Telephone Interview	Environment
12	Mr S. Boralessa Additional Secretary – Ministry of Provincial Councils and Local Government	27 September 2017	In-Person Interview	Local Government; Women in Politics
13	Ms Swarna Sumanasekera Chairperson – National Committee on Women, Ministry of Women and Child Affairs	13 October 2017	In-Person Interview	Women
14	Mr L.B.S.B. Dayaratne Additional Secretary (Land) – Ministry of Lands and Parliamentary Affairs	19 October 2017	In-Person Interview	Women (Land)
15	Ms Chandra Herath Land Commissioner General – Land Commissioner’s Office	19 October 2017	In-Person Interview	Women (Land)
16	Mr Sarath Jayamanne Director General – Commission to Investigate Allegations of Bribery or Corruption	20 September 2017	In-Person Interview	Corruption
17	Mr Piyatissa Ranasinghe Director General – Right to Information Commission	19 October 2017	In-Person Interview	Right to Information
18	Mr Sugath Kithsiri Director, Development – Ministry of Finance and Mass Media	20 October 2017	In-Person Interview	Right to Information
CIVIL SOCIETY STAKEHOLDERS				
19	Mr Asoka Obeyesekere Executive Director – Transparency International Sri	29 August 2017	In-Person Interview	Context; Leadership and Process

	Lanka			
20	Ms Sashee de Mel Senior Manager, Programmes – Transparency International Sri Lanka	29 August 2017	In-Person Interview	Leadership and Process
21	Dr Gopa Kumar Thampi Director, Economic Governance – The Asia Foundation	15 October 2017	In-Person Interview	Context; Local Government; Women in Politics; Right to Information; Corruption
22	Dr Vinya Ariyaratne General Secretary – Sarvodaya	26 October 2017	Skype Interview	Health
23	Ms Sarojini Kanendran Chairperson – Viluthu and Centre for Human Resource Development	26 September 2017	In-Person Interview	Education
24	Ms Nandhini Wijayaratham Viluthu and Sri Lanka National Association of Counsellors	26 September 2017	In-Person Interview	Education
25	Mr Isura Silva General Manager – Sarvodaya Fusion	11 & 16 October 2017	Skype & In-Person Interview*	Information and Communication Technology
26	Ms Mihiri Gunawardena Director – Public Interest Law Foundation	9 October 2017	In-Person Interview	Environment
27	Ms Hemanthi Goonasekera Chief Executive Officer – Federation of Sri Lankan Local Government Authorities	22 September 2017	Skype Interview	Local Government; Women in Politics
28	Dr Ramani Jayasundere Director, Gender and Justice – The Asia Foundation	17 October 2017	Skype Interview	Women; Women in Politics
29	Ms Shyamala Gomez Executive Director – FOKUS	27 October 2017	Skype Interview	Women; Women in Politics
30	Mr M. Thirunavukarasu Attorney at Law; Independent Expert on Land Issues	12 October 2017	In-Person Interview	Women (Land)
31	Prof Swarna Jayaweera Joint Coordinator – Centre for Women’s Research	3 October 2017	In-Person Interview	Women; Women in Politics
32	Prof Chandra Gunawardena Board Member – Centre for Women’s Research	3 October 2017	In-Person Interview	Women; Women in Politics
33	Dr Ramani Jayatilaka Board Member – Centre for Women’s Research	3 October 2017	In-Person Interview	Women; Women in Politics
34	Ms Girty Gamage Board Member – Centre for Women’s Research	3 October 2017	In-Person Interview	Women; Women in Politics

3 5	Ms Bimali Ameresekere Technical Specialist, Gender and Women – United Nations Development Programme	27 October 2017	Skype Interview	Women; Women in Politics
3 6	Ms Sriyanie Wijesundara Senior Researcher – Centre for Policy Alternatives	10 October 2017	Skype Interview	Women in Politics
3 7	Ms Sankhitha Gunaratne Programme Manager – Transparency International Sri Lanka	17 October 2017	In-Person Interview	Corruption; Right to Information
* <i>Multistakeholder forum interview</i>				

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on an annual basis. The design of research and quality control of such reports is carried out by the International Experts Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M’Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

VII. Eligibility Requirements Annex

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.⁶⁷⁸ When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

In September 2012, OGP officially encouraged governments to adopt ambitious commitments that relate to eligibility.

Table 7.1: Eligibility Annex for Sri Lanka

Criteria	2010	Current	Change	Explanation
Budget Transparency ⁶⁷⁹	4	2	Decrease	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information ⁶⁸⁰	1	4	Increase	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration ⁶⁸¹	2	4	Increase	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score) ⁶⁸²	4 (8.24)	3 (5.88) ⁶⁸³	Decrease	<i>EIU Citizen Engagement Index</i> raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Per cent)	11/16 (69%)	13/16 (81%)	Increase	75% of possible points to be eligible

¹ Open Government Partnership (2015), Sri Lanka Letter of Intent to Join OGP. Available at: <<https://www.opengovpartnership.org/documents/sri-lanka-letter-of-intent-join-ogp>>.

² "Maithripala Sirisena's 100 Day Work Programme; Detailed Diary Description," *Colombo Telegraph*, 20 December 2014, <https://www.colombotelegraph.com/index.php/maithripala-sirisenas-100-day-work-programme-detailed-diary-description/>; and "71 out of 100: Yahapalanaya's 100-Day Programme in Retrospect," *The Sunday Times*, 8 January 2017, <http://www.sundaytimes.lk/170108/news/71-out-of-100-yahapalanayas-100-day-programme-in-retrospect-223236.html>.

³ "Freedom in the World 2017 – Sri Lanka," Freedom House, 2017, <https://freedomhouse.org/report/freedom-world/2017/sri-lanka>.

⁴ "Sri Lanka Parliament Passes Right to Information Bill," *Lanka Business Online*, 25 June 2016, <http://www.lankabusinessonline.com/sri-lanka-parliament-passes-right-to-information-bill/>.

⁵ Public Representations Committee on Constitutional Reform, *Report on Public Representations on Constitutional Reform*, May 2016, http://www.constitutionnet.org/sites/default/files/sri_lanka_prc_report-english-final.pdf.

⁶ "Freedom in the World 2017 – Sri Lanka," Freedom House.

⁷ "Sri Lanka Appoints New Human Rights Commission," *Ada Derana*, 21 October 2015, <http://bit.ly/2nB7iwK>; and "Siri Hettige Appointed Chairman of Police Commission," *Ada Derana*, 21 October 2015, <http://bit.ly/2FJMUQz>.

-
- ⁸ S. Samarasinghe and D. Mendis, "The Bond Issue Controversy: An Analysis," *Groundviews*, 26 March 2015, <http://groundviews.org/2015/03/26/the-bond-issue-controversy-an-analysis/>.
- ⁹ S. Aneez and R. Sirilal, "Sri Lanka Foreign Minister Resigns over Corruption Charges," *Reuters*, 10 August 2017, <http://www.reuters.com/article/us-sri-lanka-corruption/sri-lanka-foreign-minister-resigns-over-corruption-charges-idUSKBN1AQ0Y5?il=0>.
- ¹⁰ "Sri Lanka Becomes More Corrupt," *Daily Mirror*, 25 January 2017, <http://www.dailymirror.lk/article/Sri-Lanka-becomes-more-corrupt-122724.html>.
- ¹¹ Transparency International, *Corruption Perceptions Index 2016*, 25 January 2017, <http://bit.ly/2j3Y63K>.
- ¹² Right to Information Act, No. 12 of 2016, https://www.law-democracy.org/live/wp-content/uploads/2017/02/Sri-Lanka.RTI_Aug16.official.pdf.
- ¹³ "Sri Lanka Jumps to Third Place Globally on the RTI Rating," Centre for Law and Democracy, 9 February 2017, <https://www.law-democracy.org/live/sri-lanka-jumps-to-third-place-globally-on-the-rti-rating/>.
- ¹⁴ "Global Right to Information Rating – Sri Lanka," Centre for Law and Democracy, 2017, http://www.rti-rating.org/country-data/scoring/?country_name=Sri%20Lanka.
- ¹⁵ "WJP Open Government Index 2015," World Justice Project, 2015, <http://bit.ly/2EEcLdA>.
- ¹⁶ World Justice Project, *World Justice Project: Open Government Index - 2015 Report*, 2015, <http://bit.ly/1xldRot>.
- ¹⁷ "Freedom in the World 2017 – Sri Lanka," Freedom House.
- ¹⁸ "Freedom in the World 2017 – Sri Lanka Profile," Freedom House, 2017, <https://freedomhouse.org/report/freedom-world/2017/sri-lanka>.
- ¹⁹ "Freedom in the World 2017 – Sri Lanka," Freedom House.
- ²⁰ "News Websites Asked to Obtain Registration before March 31," *Ada Derana*, 3 March 2016, <http://www.adaderana.lk/news/34412/news-websites-asked-to-obtain-registration-before-march-31>; and "Joint Opposition Condemns PM's Views on Media," *Daily Mirror*, 19 February 2016, <http://www.dailymirror.lk/105702/joint-opposition-condemns-pm-s-views-on-media>.
- ²¹ "Freedom of the Press 2017 – Sri Lanka," Freedom House.
- ²² Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016, <http://bit.ly/2BRjr0g>.
- ²³ "President Signs Office of Missing Persons Act," *Daily News*, 20 July 2017, <http://www.dailynews.lk/2017/07/20/local/122698/president-signs-office-missing-persons-act>.
- ²⁴ "Sri Lanka: Office of Missing Persons Seeks 'disappeared,'" *BBC News*, 25 May 2016, <http://www.bbc.com/news/world-asia-36378789>.
- ²⁵ "Sri Lanka President Battles to Keep Coalition, Ultimatum Backfires," *Economy Next*, 15 July 2017, <http://bit.ly/2Eggb8N>; and M. Mushtaq, "Corruption Crippling Sri Lanka's Coalition Government," *Asia Times*, 16 August 2017, <http://bit.ly/2BR15m2>.
- ²⁶ T. Nazeer, "Sri Lanka: Buddhist Leader Stokes Anti-Muslim Tension," *Al Jazeera*, 27 May 2017, <http://bit.ly/2GjYnB1>; and J. Fernando and S. Wettimuny, "Religious Violence in Sri Lanka: A New Perspective on an Old Problem," *DailyFT*, 26 May 2017, <http://bit.ly/2EcVRZT>.
- ²⁷ E. Fernandez, L. Rakoczy, and B. Picari, *Sri Lanka Public Financial Management: Assessment Report* (Washington, DC: United States Agency for International Development, 2015), <http://bit.ly/2FH0TqC>.
- ²⁸ "Open Budget Survey 2017 – Sri Lanka," International Budget Partnership, 2017, <http://bit.ly/2BTfPzj>.
- ²⁹ "Open Budget Survey 2017 – Sri Lanka," International Budget Partnership.
- ³⁰ "Sri Lanka: 8 Independent Commissions Nominated," *Asian Tribune*, 19 November 2015, <http://bit.ly/2Ecdwww>.
- ³¹ Right to Information Act, No. 12 of 2016, http://www.media.gov.lk/images/pdf_word/2016/12-2016_E.pdf.
- ³² The Ministry of Health commits to publishing a detailed health budget (see commitment 3) and details of the budget allocated for chronic kidney disease (see commitment 1). The Commission to Investigate Allegations of Bribery or Corruption commits to submitting a budget of its projected expenditures, with public justification (see Commitment 16).
- ³³ Sri Lanka Const. (as amended up to 15 May 2015), <http://bit.ly/2IX5kUe>.
- ³⁴ "Maithripala Sirisena's 100 Day Work Programme; Detailed Diary Description," Colombo Telegraph, 20 December 2014, <https://www.colombotelegraph.com/index.php/maithripala-sirisenas-100-day-work-programme-detailed-diary-description/>; and "71 out of 100: Yahapalanaya's 100-Day Programme in Retrospect," *The Sunday Times*, 8 January 2017, <http://www.sundaytimes.lk/170108/news/71-out-of-100-yahapalanayas-100-day-programme-in-retrospect-223236.html>.

-
- ³⁵ New Democratic Front, Manifesto - Compassionate Government, Maithri, December 2014, <http://bit.ly/1xXjnNY>.
- ³⁶ "Sri Lanka Joins 70-Nation Open Government Partnership," The Sunday Times, 30 October 2016, <http://bit.ly/2GNb1zw>.
- ³⁷ Mr. Harim Peiris (Ministry of Foreign Affairs), interview by IRM researcher, 9 August 2017.
- ³⁸ P. Weerakoon, "Open Government for All," Daily FT, 21 June 2016, <http://bit.ly/2ECob7X>.
- ³⁹ Mr. Harim Peiris, interview by IRM researcher.
- ⁴⁰ Ms. Prashanthi Krishnamoorthy (Ministry of Foreign Affairs), interview by IRM researcher.
- ⁴¹ "Sri Lanka Reiterates Commitment to Open Government Principles," Sunday Observer, 12 February 2017, <http://bit.ly/2FJOzpk>.
- ⁴² "Steering Committee to Formulate Open Government Partnership Action Plan," Daily News, 12 October 2016, <http://bit.ly/2FJZkbn>.
- ⁴³ "Sri Lanka Reiterates Commitment to Open Government Principles."
- ⁴⁴ Ministry of Finance, Budget Estimates 2017 – Volume I, Fiscal Year 2017, p. 117, <http://bit.ly/2s5Kbz5>.
- ⁴⁵ Mr. Harim Peiris, interview by IRM researcher.
- ⁴⁶ Ministry of Health, Health Education Bureau, National Medicinal Drug Regulatory Authority, Ministry of Education, Ministry of Telecommunication and Digital Infrastructure, Ministry of Mahaweli Development and Environment, Central Environmental Authority, Coast Conservation and Coastal Resource Management Department, Department of Wildlife Conservation, Ministry of Provincial Councils and Local Government, Ministry of Women and Child Affairs, National Committee on Women, Ministry of Lands and Parliamentary Reforms, Ministry of Justice, Office of the President, Ministry of Finance and Mass Media, Ministry of Public Administration and Management.
- ⁴⁷ Attorney General's Department.
- ⁴⁸ Presidential Task Force on Prevention of Chronic Kidney Disease, Information and Communication Technology Agency, National Procurement Commission, Elections Commission, Commission to Investigate Allegations of Bribery or Corruption, Sri Lanka Institute of Local Governance, and Right to Information Commission.
- ⁴⁹ Ministry of Health, Health Education Bureau, National Medicinal Drug Regulatory Authority, Ministry of Education, Ministry of Telecommunication and Digital Infrastructure, Ministry of Mahaweli Development and Environment, Central Environmental Authority, Coast Conservation and Coastal Resource Management Department, Department of Wildlife Conservation, Ministry of Provincial Councils and Local Government, Ministry of Women and Child Affairs, National Committee on Women, Ministry of Lands and Parliamentary Reforms, Ministry of Justice, Office of the President, Ministry of Finance and Mass Media, and Ministry of Public Administration and Management.
- ⁵⁰ Parliament of the Democratic Socialist Republic of Sri Lanka.
- ⁵¹ Attorney General's Department and Sri Lanka Judges' Institute.
- ⁵² Presidential Task Force on Prevention of Chronic Kidney Disease, Information and Communication Technology Agency, National Procurement Commission, Elections Commission, Commission to Investigate Allegations of Bribery or Corruption, Sri Lanka Institute of Local Governance, and Right to Information Commission.
- ⁵³ North Western Province Environmental Authority.
- ⁵⁴ Mr. Harim Peiris, interview by IRM researcher.
- ⁵⁵ Mr. Harim Peiris, interview by IRM researcher; and Mr. Asoka Obeyesekere (Transparency International Sri Lanka), interview by IRM researcher, 29 August 2017.
- ⁵⁶ Mr. Harim Peiris, interview by IRM researcher; and Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁵⁷ Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka, 17 August 2016, p. 4, <http://bit.ly/2nLf8Dw>.
- ⁵⁸ Mr. Harim Peiris, interview by IRM researcher.
- ⁵⁹ Mr. Harim Peiris, interview by IRM researcher; and Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁶⁰ Mr. Harim Peiris, interview by IRM researcher.
- ⁶¹ Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁶² Mr. Harim Peiris, interview by IRM researcher.
- ⁶³ Mr. Asoka Obeyesekere, interview by IRM researcher.

-
- ⁶⁴ Mr. Harim Peiris, interview by IRM researcher.
- ⁶⁵ “Steering Committee to Formulate Open Government Partnership Action Plan.”
- ⁶⁶ Mr. Harim Peiris, interview by IRM researcher; and Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁶⁷ See commitments 7, 8, 9, 12, 13, 19, 20, and 21.
- ⁶⁸ See commitments 14 and 18.
- ⁶⁹ Mr. Harim Peiris, interview by IRM researcher.
- ⁷⁰ Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁷¹ P. Weerakoon, “Open Government for All.”
- ⁷² Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁷³ Mr. Asoka Obeyesekere, interview by IRM researcher. See also Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁷⁴ Mr. Asoka Obeyesekere, interview by IRM researcher. See also Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁷⁵ Mr. Harim Peiris, interview by IRM researcher; and Mr. Asoka Obeyesekere, interview by IRM researcher. See also Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁷⁶ Mr. Harim Peiris, interview by IRM researcher.
- ⁷⁷ The 10 public consultations were conducted in Colombo (5 April 2017), Ratnapura (19 May 2017), Monaragala (20 May 2017), Galle (26 May 2017), Trincomalee (31 May 2017), Jaffna (2 June 2017), Anuradhapura (8 June 2017), Kandy (9 June 2017), Puttalam (10 June 2017), and again in Colombo (20 June 2017). See Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁷⁸ Mr. Harim Peiris, interview by IRM researcher.
- ⁷⁹ Mr. Harim Peiris, interview by IRM researcher.
- ⁸⁰ Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁸¹ Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁸² Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁸³ Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁸⁴ Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁸⁵ Mr. Asoka Obeyesekere, interview by IRM researcher. See also Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁸⁶ Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁸⁷ Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁸⁸ Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁸⁹ Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁹⁰ Transparency International Sri Lanka, Open Government Partnership: Civil Society Organisation National Action Plan (2016-18) – Sri Lanka.
- ⁹¹ Mr. Harim Peiris, interview by IRM researcher.
- ⁹² Mr. Harim Peiris, interview by IRM researcher.
- ⁹³ Mr. Harim Peiris, interview by IRM researcher.
- ⁹⁴ Mr. Harim Peiris, interview by IRM researcher; and Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁹⁵ Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁹⁶ Mr. Asoka Obeyesekere, interview by IRM researcher; and Mr. Harim Peiris, interview by IRM researcher.
- ⁹⁷ Mr. Harim Peiris, interview by IRM researcher; and Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁹⁸ Mr. Harim Peiris, interview by IRM researcher; and Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁹⁹ Mr. Asoka Obeyesekere, interview by IRM researcher.
- ¹⁰⁰ Mr. Asoka Obeyesekere, interview by IRM researcher.

-
- ¹⁰¹ Mr. Asoka Obeyesekere, interview by IRM researcher.
- ¹⁰² “Tracker – Open Government Partnership (OGP) National Action Plan – Nov 2016-Jun 2018,” Transparency International Sri Lanka, 2016, <http://www.tisrilanka.org/ogp/>.
- ¹⁰³ Mr. Asoka Obeyesekere, interview by IRM researcher.
- ¹⁰⁴ Ms. Prashanthi Krishnamoorthy (Ministry of Foreign Affairs), interview by IRM researcher, 1 December 2017.
- ¹⁰⁵ *Open Government Partnership: Articles of Governance*, June 2012 (updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf.
- ¹⁰⁶ IRM Procedures Manual, https://www.opengovpartnership.org/sites/default/files/IRM-Procedures-Manual-v4_Sept2017.docx.
- ¹⁰⁷ The International Experts Panel changed this criterion in 2015. For more information, visit <http://www.opengovpartnership.org/node/5919>.
- ¹⁰⁸ “OGP Explorer and IRM Data,” Open Government Partnership, bit.ly/1KE2Wil.
- ¹⁰⁹ Dr. Susie Perera and Dr. Amila Chandrasiri (Ministry of Health, Nutrition, and Indigenous Medicine), interview by IRM researcher, 6 October 2017.
- ¹¹⁰ “Chronic Kidney Disease Prevention,” Presidential Task Force, 2017, <http://www.presidentialtaskforce.gov.lk/en/kidney.html#>.
- ¹¹¹ S. Rajapakse, M. Shivanthan, and M. Selvarajah, “Chronic Kidney Disease of Unknown Etiology in Sri Lanka,” *International Journal of Occupational and Environmental Health* 22, no. 3 (July 2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5102238/>; and “Chronic Kidney Disease Prevention.”
- ¹¹² Dr. Buddhi Lokuketagoda (Ministry of Health, Nutrition, and Indigenous Medicine), interview by IRM researcher, 20 October 2017.
- ¹¹³ World Health Organisation, *Report of the International Expert Consultation on Chronic Kidney Disease of Unknown Etiology - Colombo, Sri Lanka, 27-29 April 2016*, http://www.searo.who.int/srilanka/documents/report_international_expert_consultation_on_ckdu.pdf.
- ¹¹⁴ Dr. Buddhi Lokuketagoda, interview by IRM researcher.
- ¹¹⁵ “Chronic Kidney Disease and the Presidential Task Force,” *Daily Mirror*, 27 June 2017, <http://www.dailymirror.lk/article/Chronic-Kidney-Disease-and-the-Presidential-Task-Force-131670.html>.
- ¹¹⁶ “Medical Mystery: Kidney Disease Killing Farm Workers in Sri Lanka,” *CBS News*, 19 January 2015, <https://www.cbsnews.com/news/medical-mystery-rare-kidney-disease-killing-sri-lanka-farmers/>.
- ¹¹⁷ “Medical Mystery: Kidney Disease Killing Farm Workers in Sri Lanka.”
- ¹¹⁸ “New Dialysis Unit Established at Colombo National Hospital,” *ColomboPage*, 5 October 2017, http://www.colombopage.com/archive_17B/Oct05_1507228010CH.php.
- ¹¹⁹ Dr. Buddhi Lokuketagoda, interview by IRM researcher.
- ¹²⁰ Dr. Vinya Ariyaratne (Sarvodaya), interview by IRM researcher, 26 October 2017.
- ¹²¹ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹²² Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹²³ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹²⁴ Dr. Vinya Ariyaratne, interview by IRM researcher.
- ¹²⁵ “Chronic Kidney Disease Prevention.”
- ¹²⁶ Dr. Vinya Ariyaratne, interview by IRM researcher; Tilak Abeysekara, “Chronic Kidney Disease of Uncertain Aetiology (CKDu) of Sri Lanka: War on Kidney,” *Daily News*, 9 March 2017, <http://dailynews.lk/2017/03/09/features/109851/chronic-kidney-disease-uncertain-aetiology-ckdu-sri-lanka-war-kidney>.
- ¹²⁷ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹²⁸ Dr. Sriyani Ranasinghe (Health Education Bureau), interview by IRM researcher, 25 October 2017.
- ¹²⁹ Dr. Buddhi Lokuketagoda, interview by IRM researcher.
- ¹³⁰ Dr. Sriyani Ranasinghe, interview by IRM researcher.
- ¹³¹ “Present,” About Us, Health Education Bureau, Ministry of Health - Sri Lanka, 2017, http://www.suwasariya.gov.lk/index.php?option=com_content&view=article&id=2&Itemid=3&lang=en.
- ¹³² Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher; and Dr. Vinya Ariyaratne, interview by IRM researcher.
- ¹³³ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹³⁴ Dr. Sriyani Ranasinghe, interview by IRM researcher.

-
- ¹³⁵ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher; and Dr. Vinya Ariyaratne, interview by IRM researcher.
- ¹³⁶ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher; and Dr. Vinya Ariyaratne, interview by IRM researcher.
- ¹³⁷ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹³⁸ Dr. Buddhi Lokuketagoda, interview by IRM researcher.
- ¹³⁹ Open Government Partnership, *Sri Lanka National Action Plan 2015–2017*, <https://www.opengovpartnership.org/documents/sri-lanka-national-action-plan-2015-2017>.
- ¹⁴⁰ C. Aloysius, “Drug Price Reduction: A Promise in Waiting,” *Sunday Observer*, 23 October 2016, <http://www.sundayobserver.lk/2016/10/23/wellness/drug-price-reduction-promise-waiting>.
- ¹⁴¹ K. Hettiarachchi, “Vital Drug Prices to Come Down at Last,” *The Sunday Times*, 25 September 2016, <http://www.sundaytimes.lk/160925/news/vital-drug-prices-to-come-down-at-last-209805.html>.
- ¹⁴² G. D. Dayaratne, “Medicinal Drug Policy of Sri Lanka: Some Challenges,” *The Island*, 6 April 2015, <http://bit.ly/2CizcXo>.
- ¹⁴³ Dr. Susie Perera (Ministry of Health, Nutrition, and Indigenous Medicine), interview by IRM researcher, 6 October 2017.
- ¹⁴⁴ K. Hettiarachchi, “Vital Drug Prices to Come Down at Last.”
- ¹⁴⁵ “Ceiling Comes into Force on Prices of 48 Pharmaceutical Drugs,” *DailyFT*, 24 October 2017, <http://www.ft.lk/article/575744/Ceiling-comes-into-force-on-prices-of-48-pharmaceutical-drugs>.
- ¹⁴⁶ World Health Organisation, *Sri Lanka’s Success: Ensuring Affordable Essential Medicines for All*, 2004, http://www.searo.who.int/srilanka/documents/affordable_essential_medicines_policy_brief.pdf?ua=1.
- ¹⁴⁷ World Health Organisation, *Sri Lanka’s Success: Ensuring Affordable Essential Medicines for All*, 2016, http://www.searo.who.int/srilanka/documents/affordable_essential_medicines_policy_brief.pdf?ua=1.
- ¹⁴⁸ Dr. Vinya Ariyaratne (Sarvodaya, People’s Health Movement), interview by IRM researcher, 26 October 2017.
- ¹⁴⁹ Dr. Vinya Ariyaratne, interview by IRM researcher.
- ¹⁵⁰ Dr. Vinya Ariyaratne, interview by IRM researcher.
- ¹⁵¹ National Medicines Regulatory Authority Act, No. 5 of 2015.
- ¹⁵² Dr. Kamal Jayasinghe (National Medicines Regulatory Authority), interview by IRM researcher, 20 October 2017.
- ¹⁵³ Dr. Susie Perera and Dr. Amila Chandrasiri (Ministry of Health, Nutrition, and Indigenous Medicine), interview by IRM researcher, 6 October 2017; and Dr. Kamal Jayasinghe, interview by IRM researcher.
- ¹⁵⁴ Dr. Susie Perera, interview by IRM researcher.
- ¹⁵⁵ Dr. Vinya Ariyaratne, interview by IRM researcher.
- ¹⁵⁶ “Item List,” Downloads, Medical Supplies Division, Ministry of Health – Sri Lanka, 2017, https://www.msd.gov.lk/index.php?option=com_content&view=article&id=145&Itemid=150&lang=en.
- ¹⁵⁷ Dr. Kamal Jayasinghe, interview by IRM researcher.
- ¹⁵⁸ Dr. Vinya Ariyaratne, interview by IRM researcher.
- ¹⁵⁹ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹⁶⁰ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹⁶¹ Dr. Vinya Ariyaratne, interview by IRM researcher.
- ¹⁶² National Medicines Regulatory Authority Act, No. 5 of 2015.
- ¹⁶³ Dr. Vinya Ariyaratne, interview by IRM researcher.
- ¹⁶⁴ Dr. Kamal Jayasinghe, interview by IRM researcher; Dr. Vinya Ariyaratne, interview by IRM researcher; and Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹⁶⁵ Dr. Kamal Jayasinghe, interview by IRM researcher; and Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹⁶⁶ “Sri Lanka’s healthcare Challenges,” *Economist Intelligence Unit*, 24 November 2014, <http://country.eiu.com/article.aspx?articleid=1502512534&Country=Sri%20Lanka&topic=Economy&subtopic=Forecast>.
- ¹⁶⁷ Dr. Susie Perera and Dr. Amila Chandrasiri (Ministry of Health, Nutrition, and Indigenous Medicine), interview by IRM researcher, 6 October 2017.
- ¹⁶⁸ Dr. Vinya Ariyaratne (Sarvodaya, People’s Movement for the Rights of Patients), interview by IRM researcher, 26 October 2017.
- ¹⁶⁹ N. Gunatilleke, “Sri Lanka Ranks Top in Health Indicators,” *Daily News*, 20 March 2017, <http://bit.ly/2FOzRO6>.

-
- ¹⁷⁰ M. Senthilingam, “Can Sri Lanka Show the World How to End Malaria?” *CNN*, 7 September 2016, <http://cnn.it/2BbxlCk>.
- ¹⁷¹ World Health Organisation, *Public Health Success in Sri Lanka*, September 2016, <http://www.searo.who.int/srilanka/documents/policybriefsfinal.pdf?ua=1>.
- ¹⁷² “Sri Lanka’s Healthcare Challenges.”
- ¹⁷³ “Upgraded Record Keeping Helps Save Lives in Sri Lanka,” The World Bank, 17 April 2014, <http://www.worldbank.org/en/news/feature/2014/04/17/upgraded-record-keeping-helps-save-lives>.
- ¹⁷⁴ Ministry of Health, Nutrition, and Indigenous Medicine, *National Health Strategic Master Plan 2016-2025, Health Administration and HRH*, 2016, <http://www.health.gov.lk/enWeb/HMP2016-2025/Health%20Admin%20-%20HRH.pdf>.
- ¹⁷⁵ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹⁷⁶ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹⁷⁷ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹⁷⁸ Ministry of Health, Nutrition, and Indigenous Medicine (2016), *Sri Lanka National Health Accounts 2013, Health Economics Cell*, April 2016, http://www.health.gov.lk/moh_final/english/public/elfinder/files/publications/NHA/Sri%20Lanka%20National%20Health%20Accounts%202013.pdf.
- ¹⁷⁹ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹⁸⁰ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹⁸¹ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹⁸² Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher; and Dr. Vinya Ariyaratne, interview by IRM researcher.
- ¹⁸³ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹⁸⁴ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher; and Dr. Vinya Ariyaratne, interview by IRM researcher.
- ¹⁸⁵ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher; and Dr. Vinya Ariyaratne, interview by IRM researcher.
- ¹⁸⁶ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.
- ¹⁸⁷ D. Raju, *Public School Teacher Management in Sri Lanka: Issues and Options* (Washington, DC: The World Bank, 2016).
- ¹⁸⁸ Ministry of Education, *National Teacher Transfer Policy, Circular No. 2007/20*, 13 December 2007, http://www.moe.gov.lk/english/images/stories/circulars/2007_20e.pdf.
- ¹⁸⁹ Ms. Sarojini Kanendran (Viluthu, Centre for Human Resource Development) and Ms. Nandhini Wijayarathnam (Viluthu, Sri Lanka National Association of Counsellors), interview by IRM researcher, 26 September 2017.
- ¹⁹⁰ Ms. Sarojini Kanendran and Ms. Nandhini Wijayarathnam, interview by IRM researcher.
- ¹⁹¹ D. Raju, *Public School Teacher Management in Sri Lanka*.
- ¹⁹² “Jobs for Graduates,” *Daily News Editorial*, 8 July 2017, <http://dailynews.lk/2017/07/08/editorial/121306/jobs-graduates>.
- ¹⁹³ N. Arunatillake, “Quality of Teachers Does Matter in Sri Lanka: Lessons from the Best Education Systems,” *Talking Economics – Institute for Policy Studies*, 17 November 2014, <http://www.ips.lk/talkingeconomics/2014/11/17/quality-of-teachers-do-matter-in-sri-lanka-lessons-from-the-best-education-systems/>.
- ¹⁹⁴ See for example: “Circulars – Teacher Transfer Unit,” Ministry of Education, http://www.moe.gov.lk/english/index.php?option=com_circular&view=circulars&Itemid=920.
- ¹⁹⁵ Ms. Sarojini Kanendran and Ms. Nandhini Wijayarathnam, interview by IRM researcher.
- ¹⁹⁶ Ms. Sarojini Kanendran and Ms. Nandhini Wijayarathnam, interview by IRM researcher.
- ¹⁹⁷ Ms. Sarojini Kanendran and Ms. Nandhini Wijayarathnam, interview by IRM researcher.
- ¹⁹⁸ Ms. Sarojini Kanendran and Ms. Nandhini Wijayarathnam, interview by IRM researcher.
- ¹⁹⁹ “Government Information Centre” GIC, 2017, www.gic.gov.lk.
- ²⁰⁰ Mr. Waruna Sri-Dhanapala (Ministry of Telecommunication and Digital Infrastructure), interview by IRM researcher, 16 October 2017 (taken from the multistakeholder interview involving representatives from the Information and Communication Technology Agency, the Ministry of Foreign Affairs, and Sarvodaya Fusion).
- ²⁰¹ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²⁰² “Government Information Centre.”

-
- ²⁰³ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²⁰⁴ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²⁰⁵ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²⁰⁶ “About GIC Website,” Government Information Centre, 2009, <http://bit.ly/2CZvoLg>.
- ²⁰⁷ “About GIC Website.”
- ²⁰⁸ “Sri Lanka Multimedia Product Is Best in the World,” *The Sunday Times*, 26 July 2009, <http://www.sundaytimes.lk/090726/lt/002.html>.
- ²⁰⁹ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²¹⁰ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²¹¹ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²¹² Mr. Isura Silva (Sarvodaya Fusion), interview by IRM researcher, 11 October 2017 (taken from the multistakeholder interview involving representatives from the Information and Communication Technology Agency, the Ministry of Foreign Affairs, and Sarvodaya Fusion).
- ²¹³ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²¹⁴ Mr. Isura Silva, interview by IRM researcher.
- ²¹⁵ “Establishment of Nenasalas,” Overview, About Us, Nenasala, <http://bit.ly/1W4XODp>.
- ²¹⁶ Mr. Isura Silva, interview by IRM researcher.
- ²¹⁷ Mr. Isura Silva, interview by IRM researcher.
- ²¹⁸ Mr. Isura Silva, interview by IRM researcher.
- ²¹⁹ Gamage, Ishara, “Sri Lanka’s Mobile Penetration 126%,” *Ceylon Today*, 16 October 2017, <http://bit.ly/2ri4jh8>.
- ²²⁰ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²²¹ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²²² Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²²³ Mr. Isura Silva, interview by IRM Researcher.
- ²²⁴ “ICTA Signs MoU with FITIS,” *Daily News*, 29 May 2017, <http://bit.ly/2DfaELV>.
- ²²⁵ Mr. Asanka Suraweera (GIC) and Mr. Thilina Piyumal (GIC), interview by IRM researcher, 16 October 2017 (taken from the multistakeholder interview involving representatives from the Information and Communication Technology Agency, the Ministry of Foreign Affairs, and Sarvodaya Fusion).
- ²²⁶ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²²⁷ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²²⁸ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²²⁹ “List of Government Organisations Covered by GIC,” Government Information Centre, 2017, http://www.gic.gov.lk/gic/index.php?option=com_org&Itemid=4&lang=en.
- ²³⁰ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²³¹ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²³² Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²³³ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²³⁴ “About GIC Website.”
- ²³⁵ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²³⁶ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²³⁷ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²³⁸ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²³⁹ Mr. Waruna Sri-Dhanapala (Ministry of Telecommunication and Digital Infrastructure), interview by IRM researcher, 16 October 2017; and Mr. Isura Silva (Sarvodaya Fusion), interview by IRM researcher, 16 October 2017 (taken from the multistakeholder interview involving representatives from the Information and Communication Technology Agency, the Ministry of Foreign Affairs, and Sarvodaya Fusion).
- ²⁴⁰ “The Open Definition,” Open Knowledge International, <http://opendefinition.org/>.
- ²⁴¹ “Why Open Data,” Open Data Portal of Sri Lanka, Information and Communication Technology Agency, 2 May 2017, <http://www.data.gov.lk/why-open-data>. See also “The Annotated 8 Principles of Open Government Data,” Open Government Data, 2007, www.opengovdata.org.
- ²⁴² Mr. Waruna Sri-Dhanapala, interview by IRM researcher; and Mr. Isura Silva, interview by IRM researcher.
- ²⁴³ “About Data Sharing,” Open Data Portal of Sri Lanka, Information and Communication Technology Agency, 2 May 2017, <http://www.data.gov.lk/about-data-sharing>.
- ²⁴⁴ For more information, please see: www.data.gov.lk.

-
- ²⁴⁵ Mr. Waruna Sri-Dhanapala, interview by IRM researcher; and Mr. Asanka Suraweera (GIC) and Mr. Thilina Piyumal (GIC), 16 October 2017 (taken from the multistakeholder interview involving representatives from the Information and Communication Technology Agency, the Ministry of Foreign Affairs, and Sarvodaya Fusion).
- ²⁴⁶ Mr. Isura Silva, interview by IRM researcher.
- ²⁴⁷ Mr. Isura Silva, interview by IRM researcher.
- ²⁴⁸ Mr. Isura Silva, interview by IRM researcher.
- ²⁴⁹ Mr. Isura Silva, interview by IRM researcher.
- ²⁵⁰ Mr. Isura Silva, interview by IRM researcher.
- ²⁵¹ Mr. Asanka Suraweera and Mr. Thilina Piyumal, interview by IRM researcher.
- ²⁵² "Suggest a Dataset," Open Data Portal of Sri Lanka, Information and Communication Technology Agency, 2 May 2017, <http://www.data.gov.lk/suggest-data>.
- ²⁵³ "Request Datasets," Open Data Portal of Sri Lanka, Information and Communication Technology Agency, 2 May 2017, <http://www.data.gov.lk/request-datasets>.
- ²⁵⁴ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²⁵⁵ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²⁵⁶ "Resources," Open Data Portal of Sri Lanka, Information and Communication Technology Agency, 2 May 2017, <http://www.data.gov.lk/resources-list>.
- ²⁵⁷ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²⁵⁸ Information and Communication Technology Act, No. 27 of 2003, § 5, <http://bit.ly/2BbSGrz>.
- ²⁵⁹ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²⁶⁰ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²⁶¹ Mr. Waruna Sri-Dhanapala, interview by IRM researcher.
- ²⁶² Information and Communication Technology Act, No. 27 of 2003, § 3, <http://bit.ly/2DiUgKI>.
- ²⁶³ National Environmental Act, No. 47 of 1980 (as amended by Act No. 56 of 1988 and Act No. 53 of 2000).
- ²⁶⁴ Ms. Mihiri Gunawardena (Public Interest Law Foundation), interview by IRM researcher, 9 October 2017.
- ²⁶⁵ M. Rodrigo, "Projects Endanger Remaining Forest Cover," *The Sunday Times*, 8 January 2017, <http://www.sundaytimes.lk/170108/news/projects-endanger-remaining-forest-cover-223191.html>.
- ²⁶⁶ "Protest against Uma Oya Project," *Daily News*, 28 June 2017, <http://dailynews.lk/2017/06/28/local/120328/protest-against-uma-oya-project>.
- ²⁶⁷ National Environmental (Amendment) Act, No. 56 of 1988, <http://bit.ly/2EvHhpY>.
- ²⁶⁸ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ²⁶⁹ Mr. M. G. W. M. W. T. B. Dissanayake (Ministry of Mahaweli Development and Environment), interview by IRM researcher, 23 October 2017.
- ²⁷⁰ "CEA Permits Mini-hydro Projects sans EIA: RPSSL," *The Sunday Times*, 2 April 2017, <http://bit.ly/2FTA7fl>.
- ²⁷¹ K. Wickramasinghe, "Koskulana Mini Hydro-power Project: A Disaster for Ecological Diversity?" *Daily Mirror*, 27 July 2016, <http://bit.ly/2H3XC5i>.
- ²⁷² Ms. Mihiri Gunawardena, interview by IRM researcher.
- ²⁷³ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ²⁷⁴ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ²⁷⁵ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ²⁷⁶ Ms. Mihiri Gunawardena, interview by IRM researcher; and Mr. M. G. W. M. W. T. B. Dissanayake, interview by IRM researcher.
- ²⁷⁷ Mr. M. G. W. M. W. T. B. Dissanayake, interview by IRM researcher. Despite repeated attempts by the IRM researcher via email and telephone, a representative from the Central Environmental Authority could not be reached for comment.
- ²⁷⁸ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ²⁷⁹ Mr. M. G. W. M. W. T. B. Dissanayake, interview by IRM researcher.
- ²⁸⁰ Mr. M. G. W. M. W. T. B. Dissanayake, interview by IRM researcher.
- ²⁸¹ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ²⁸² Mr. M. G. W. M. W. T. B. Dissanayake, interview by IRM researcher; and Ms. Mihiri Gunawardena, interview by IRM researcher.
- ²⁸³ Mr. M. G. W. M. W. T. B. Dissanayake, interview by IRM researcher.
- ²⁸⁴ Mr. M. G. W. M. W. T. B. Dissanayake, interview by IRM researcher; and Ms. Mihiri Gunawardena, interview by IRM researcher.

-
- ²⁸⁵ “Environmental Impact Assessment (EIA) Procedure in Sri Lanka,” Central Environmental Authority, 14 November 2013, <http://www.cea.lk/web/en/environmental-impact-assessment-eia-procedure-in-sri-lanka>.
- ²⁸⁶ Coast Conservation and Coastal Resource Management Act, No. 57 of 1981 (as amended by Act No. 49 of 2011).
- ²⁸⁷ Mr. M. G. W. M. W. T. B Dissanayake (Ministry of Mahaweli Development and Environment), interview by IRM researcher, 23 October 2017. Despite repeated attempts by the IRM researcher via the Ministry of Environment, email, and telephone, from September to November 2017, a representative from the Coast Conservation and Coastal Resource Management Department could not be reached for comment.
- ²⁸⁸ “About Us.” Overview, Coast Conservation and Coastal Resource Management Department, 2015, http://www.coastal.gov.lk/index.php?option=com_content&view=article&id=109&Itemid=57&lang=en
- ²⁸⁹ K. Kumarasignhe, “Port City Project: Development or Disaster,” *The Daily Mirror*, 5 December 2016, <http://www.dailymirror.lk/article/Port-City-Project-Development-or-disaster-120208.html>.
- ²⁹⁰ “About Us.”
- ²⁹¹ Coast Conservation and Coastal Resource Management Act.
- ²⁹² Ms. Mihiri Gunawardena (Public Interest Law Foundation), interview by IRM researcher, 9 October 2017.
- ²⁹³ O. K. Nayananda, *The Study of Economic Significance of Coastal Region of Sri Lanka in the Context of Environmental Changes of Pre- and Post-Tsunami* (Colombo, Sri Lanka: Coast Conservation and Coastal Resource Management Department and the Ministry of Environment and Natural Resources, 2007), <http://www.coastal.gov.lk/downloads/pdf/Paper%201.pdf>.
- ²⁹⁴ See for example: “Public Comments for Environmental Impact Assessment - Development Activities and Infrastructure Facilities within the Reclaimed Land Area of Proposed Colombo Port City Development Project,” Coast Conservation and Coastal Resource Management Department, <http://bit.ly/2zleXHv>.
- ²⁹⁵ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ²⁹⁶ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ²⁹⁷ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ²⁹⁸ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ²⁹⁹ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ³⁰⁰ Ms. Mihiri Gunawardena, interview by IRM researcher; and Mr. M. G. W. M. W. T. B Dissanayake, interview by IRM researcher.
- ³⁰¹ Despite repeated attempts by the IRM researcher via the Ministry of Environment, email, and telephone, from September to November 2017, a representative from the Coast Conservation and Coastal Resource Management Department could not be reached for comment.
- ³⁰² Mr. M. G. W. M. W. T. B Dissanayake, interview by IRM researcher; and Ms. Mihiri Gunawardena, interview by IRM researcher.
- ³⁰³ Mr. M. G. W. M. W. T. B Dissanayake, interview by IRM researcher.
- ³⁰⁴ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ³⁰⁵ Mr. M. G. W. M. W. T. B Dissanayake, interview by IRM researcher; and Ms. Mihiri Gunawardena, interview by IRM researcher.
- ³⁰⁶ The Ministry of Sustainable Development and Wildlife (MSDW) was established under the Extra Ordinary Gazette Notice 1933/33, dated 21 September 2015, and thus, postdates the formulation of this commitment. As the Department of Wildlife Conservation is an institution that falls directly under the purview of the new ministry, the MSDW is introduced as one of the two institutions primarily responsible for the implementation of this commitment.
- ³⁰⁷ Ms. Mihiri Gunawardena (Public Interest Law Foundation), interview by IRM researcher, 9 October 2017; and Mr. M. G. W. M. W. T. B Dissanayake (Ministry of Mahaweli Development and Environment), interview by IRM researcher, 23 October 2017.
- ³⁰⁸ Fauna and Flora Protection Ordinance, No. 2 of 1937 (as amended by Acts No. 44 of 1964, No. 1 of 1970, No. 49 of 1993, and No. 22 of 2009), <http://www.dwc.gov.lk/documents/FFPO.pdf> and <http://www.dwc.gov.lk/documents/ordinanceeng.pdf>.
- ³⁰⁹ North Western Province Environmental Statute, No. 12 of 1990 (as amended by Statute No. 2 of 1999).
- ³¹⁰ Fauna and Flora Protection (Amendment) Act, No. 22 of 2009, § 2.
- ³¹¹ “History,” Ministry of Sustainable Development and Wildlife, 2017, <http://msdw.gov.lk/about/history/>.

-
- ³¹² P. Kohona, "Opinion: From Elephants to Blue Whales, Sri Lanka Leads the Way on Biodiversity, Inter Press Service," *Inter Press Service*, 2 October 2014, <http://www.ipsnews.net/2014/10/opinion-from-elephants-to-blue-whales-sri-lanka-leads-the-way-on-biodiversity/>.
- ³¹³ Fauna and Flora Protection (Amendment) Act, No. 22 of 2009, § 14(2).
- ³¹⁴ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ³¹⁵ Asian Environmental Compliance and Enforcement Network, *Environmental Compliance and Enforcement in Sri Lanka: Rapid Assessment*, November 2006, http://pdf.usaid.gov/pdf_docs/Pnadj313.pdf.
- ³¹⁶ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ³¹⁷ See Fauna and Flora Protection Ordinance, No. 2 of 1937 (as amended), § 44; and Fauna and Flora Protection (Amendment) Act, No. 22 of 2009, § 14.
- ³¹⁸ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ³¹⁹ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ³²⁰ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ³²¹ Mr. M. G. W. M. W. T. B. Dissanayake, interview by IRM researcher; Ms. Mihiri Gunawardena, interview by IRM researcher.
- ³²² The IRM researcher made several unsuccessful attempts to reach representatives from the MSDW, DWLC, and NWPEA between September and November 2017. Attempts were made via telephone and email, including the submission of short feedback forms to be completed by relevant representatives.
- ³²³ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ³²⁴ Ms. Mihiri Gunawardena, interview by IRM researcher.
- ³²⁵ Mr. M. G. W. M. W. T. B. Dissanayake, interview by IRM researcher.
- ³²⁶ Ms. Hemanthi Goonasekera (Federation of Sri Lankan Local Government Authorities), interview by IRM researcher, 22 September 2017.
- ³²⁷ Ms. Hemanthi Goonasekera, interview by IRM researcher.
- ³²⁸ Organisation for Economic Co-operation and Development, *OECD Foreign Bribery Report: An Analysis of the Crime of Bribery of Foreign Public Officials*, 2 December 2014, <http://bit.ly/2l6R518>.
- ³²⁹ Organisation for Economic Co-operation and Development, *Preventing Corruption in Public Procurement*, 2016, <http://bit.ly/2avi2YV>.
- ³³⁰ Dr. Gopa Kumar Thampi (The Asia Foundation), interview by IRM researcher, 15 October 2017.
- ³³¹ Mr. S. Boralessa (Ministry of Provincial Councils and Local Government), interview by IRM researcher, 27 September 2017.
- ³³² Mr. S. Boralessa, interview by IRM researcher; Ms. Hemanthi Goonasekera, interview by IRM researcher; and Dr. Gopa Kumar Thampi, interview by IRM researcher.
- ³³³ Dr. Gopa Kumar Thampi, interview by IRM researcher.
- ³³⁴ Ms. Hemanthi Goonasekera, interview by IRM researcher.
- ³³⁵ Ms. Hemanthi Goonasekera, interview by IRM researcher.
- ³³⁶ Ms. Hemanthi Goonasekera, interview by IRM researcher.
- ³³⁷ Mr. S. Boralessa, interview by IRM researcher.
- ³³⁸ Mr. S. Boralessa, interview by IRM researcher; and Ms. Hemanthi Goonasekera, interview by IRM researcher.
- ³³⁹ Mr. S. Boralessa, interview by IRM researcher; and Ms. Hemanthi Goonasekera, interview by IRM researcher.
- ³⁴⁰ Ms. Hemanthi Goonasekera, interview by IRM researcher.
- ³⁴¹ Ms. Hemanthi Goonasekera, interview by IRM researcher.
- ³⁴² Mr. S. Boralessa, interview by IRM researcher.
- ³⁴³ Ms. Hemanthi Goonasekera, interview by IRM researcher.
- ³⁴⁴ Ms. Hemanthi Goonasekera, interview by IRM researcher.
- ³⁴⁵ Ms. Hemanthi Goonasekera, interview by IRM researcher; Dr. Gopa Kumar Thampi, interview by IRM researcher.
- ³⁴⁶ Dr. Gopa Kumar Thampi (The Asia Foundation), interview by IRM researcher, 15 October 2017.
- ³⁴⁷ Ms. Hemanthi Goonasekera (Federation of Sri Lankan Local Government Authorities), interview by IRM researcher, 22 September 2017.
- ³⁴⁸ Mr. S. Boralessa (Ministry of Provincial Councils and Local Government), interview by IRM researcher, 27 September 2017; and Ms. Hemanthi Goonasekera, interview by IRM researcher.
- ³⁴⁹ Mr. S. Boralessa, interview by IRM researcher.
- ³⁵⁰ Dr. Gopa Kumar Thampi, interview by IRM researcher.

-
- ³⁵¹ Kandyan Law Declaration and Amendment Ordinance, No. 39 of 1938, <http://bit.ly/2Dra5Sz>.
- ³⁵² The Tesawalamai Regulation, Ordinance No. 18 of 1806, <http://bit.ly/2DxSpVr>.
- ³⁵³ Muslim Marriage and Divorce Act, No. 3 of 1951, <http://bit.ly/2rq20ZA>; Muslim Intestate Succession Ordinance, No. 10 of 1931, <http://bit.ly/2FXhDuA>; and Muslim Mosques and Charitable Trusts or Wakfs Act, No. 51 of 1956, <http://bit.ly/2EVJ3iY>.
- ³⁵⁴ M. H. M. Firdous, “Sri Lankan Personal Laws between Justice and Freedom – A Value Based Perspective,” *Groundviews*, 12 January 2016, <http://bit.ly/2BfSnMC>.
- ³⁵⁵ Z. Imtiaz, “CEDAW Asks Sri Lanka to Amend Personal Laws,” *Daily News*, 8 March 2017, <http://bit.ly/2DqcP34>.
- ³⁵⁶ Muslim Marriage and Divorce Act, No. 3 of 1951, <http://bit.ly/2rq20ZA>.
- ³⁵⁷ Muslim Marriage and Divorce Act, No. 3 of 1951, § 23, <http://bit.ly/2rq20ZA>.
- ³⁵⁸ Muslim Marriage and Divorce Act, No. 3 of 1951, § 24, <http://bit.ly/2rq20ZA>.
- ³⁵⁹ S. Goonesekere, “Social Transformation, Gender Inequality and Violence against Women in Contemporary Sri Lanka,” *The Island*, 5 January 2013, <http://bit.ly/2DrlyB>.
- ³⁶⁰ “CEDAW/C/LKA/CO/7,” Human Rights Bodies, United Nations Human Rights, § 44(a), 8 April 2011, <http://bit.ly/2EUSlvs>.
- ³⁶¹ “CEDAW/C/LKA/CO/7,” § 17(c), 8 April 2011, <http://bit.ly/2EUSlvs>.
- ³⁶² Dr. Ramani Jayasundere (The Asia Foundation), interview by IRM researcher, 17 October 2017.
- ³⁶³ S. Goonesekere, “Social Transformation, Gender Inequality and Violence against Women in Contemporary Sri Lanka.”
- ³⁶⁴ Ms. Shyamala Gomez (FOKUS), interview by IRM researcher, 27 October 2017.
- ³⁶⁵ Dr. Ramani Jayasundere, interview by IRM researcher; and Ms. Shyamala Gomez, interview by IRM researcher.
- ³⁶⁶ Dr. Ramani Jayasundere, interview by IRM researcher; Ms. Shyamala Gomez, interview by IRM researcher.
- ³⁶⁷ Dr. Ramani Jayasundere, interview by IRM researcher.
- ³⁶⁸ Dr. Ramani Jayasundere, interview by IRM researcher.
- ³⁶⁹ In Sri Lanka, formal death certificates are required to attend to a number of important matters. Such matters include facilitating property transfers and/or ownership, formalising remarriage, qualifying for social welfare payments, and accessing frozen bank accounts. This milestone recognises the prejudicial circumstances that arise when a death certificate cannot be issued—most often to a wife (or family)—when a husband (or family member) is found to be missing, as opposed to deceased. This problem is particularly prevalent in areas affected by internal conflict. The cases of scores of missing persons have engendered hundreds of women in female-headed households living in limbo and unable to access key government services. Stakeholder expected that with a law to facilitate the issuance of certificates to confirm absence, aggrieved families can reclaim withheld rights and privileges, pending the reappearance or confirmation of death of a missing person. See also Centre for Policy Alternatives, *Certificates of Absence: A Practical Step to Address Challenges Faced by the Families of the Disappeared in Sri Lanka*, September 2015, <http://bit.ly/2mQO5pG>.
- ³⁷⁰ Ms. Swarna Sumanasekera (Ministry of Women and Child Affairs), interview by IRM researcher, 13 October 2017.
- ³⁷¹ Ms. Swarna Sumanasekera, interview by IRM researcher.
- ³⁷² Ms. Swarna Sumanasekera, interview by IRM researcher.
- ³⁷³ Ms. Swarna Sumanasekera, interview by IRM researcher.
- ³⁷⁴ Ms. Swarna Sumanasekera, interview by IRM researcher.
- ³⁷⁵ Ms. Shyamala Gomez, interview by IRM researcher.
- ³⁷⁶ Ms. Swarna Sumanasekera, interview by IRM researcher.
- ³⁷⁷ Registration of Deaths (Temporary Provisions) (Amendment) Act, No. 16 of 2016, <http://bit.ly/2DujucL>.
- ³⁷⁸ Ms. Swarna Sumanasekera, interview by IRM researcher; Ms. Shyamala Gomez, interview by IRM researcher.
- ³⁷⁹ Registration of Deaths (Temporary Provisions) (Amendment) Act, No. 16 of 2016, § 10, <http://bit.ly/2DujucL>.
- ³⁸⁰ Ms. Swarna Sumanasekera, interview by IRM researcher; Ms. Shyamala Gomez, interview by IRM researcher.
- ³⁸¹ Ms. Swarna Sumanasekera, interview by IRM researcher; Ms. Shyamala Gomez, interview by IRM researcher.
- ³⁸² Ms. Shyamala Gomez, interview by IRM researcher.
- ³⁸³ Dr. Ramani Jayasundere, interview by IRM researcher; Ms. Shyamala Gomez, interview by IRM researcher.
- ³⁸⁴ “CEDAW/C/LKA/CO/8,” Human Rights Bodies, United Nations Human Rights, 3 March 2017, <http://bit.ly/2mTIVKf>.

-
- ³⁸⁵ Prime Minister's Office, *National Action Plan for the Protection and Promotion of Human Rights, 2017-2021*, <http://bit.ly/2zgdLEE>.
- ³⁸⁶ "CEDAW/C/LKA/CO/8," Human Rights Bodies, United Nations Human Rights.
- ³⁸⁷ Land Development Ordinance, No. 19 of 1935, <http://bit.ly/2DyRST0>.
- ³⁸⁸ Mr. M. Thirunavukarasu (Independent Expert), interview by IRM researcher, 12 October 2017.
- ³⁸⁹ Land Development Ordinance, No. 19 of 1935, Third Schedule, <http://bit.ly/2DyRST0>.
- ³⁹⁰ Land Development Ordinance, No. 19 of 1935, Third Schedule.
- ³⁹¹ Dr. Ramani Jayasundere (The Asia Foundation), interview by IRM researcher, 17 October 2017; Mr. M. Thirunavukarasu, interview by IRM researcher; and Ms. Shyamala Gomez (FOKUS), interview by IRM researcher, 27 October 2017. See also K. Wickramasinghe, "Deeds Pertaining to Property Rights, Gender Inequality & Discrimination," *Daily Mirror*, 2 November 2016, <http://bit.ly/2n37hBH>.
- ³⁹² Dr. Ramani Jayasundere, interview by IRM researcher; Mr. M. Thirunavukarasu, interview by IRM researcher; and Ms. Shyamala Gomez, interview by IRM researcher.
- ³⁹³ Mr. M. Thirunavukarasu, interview by IRM researcher.
- ³⁹⁴ Sri Lanka Const. (as amended up to 15 May 2015), Ninth Schedule – List I, <http://bit.ly/2IX5kUe>.
- ³⁹⁵ Mr. L. B. S. B. Dayaratne (Ministry of Lands and Parliamentary Affairs), interview by IRM researcher, 19 October 2017; Dr. Ramani Jayasundere, interview by IRM researcher; and Mr. M. Thirunavukarasu, interview by IRM researcher.
- ³⁹⁶ Other proposed amendments include relaxing the requirement to obtain the concurrence of the divisional secretariat when transferring the land within a family and mortgaging the land to a registered financial institution. Another proposal focuses on instances that will change the purpose of the land and doing so within defined limits (Mr. L. B. S. B. Dayaratne, interview by IRM researcher).
- ³⁹⁷ Mr. L. B. S. B. Dayaratne, interview by IRM researcher.
- ³⁹⁸ State Lands Ordinance, No. 8 of 1947, <http://bit.ly/2n2Nlyw>.
- ³⁹⁹ Mr. L. B. S. B. Dayaratne, interview by IRM researcher.
- ⁴⁰⁰ Ms. Shyamala Gomez, interview by IRM researcher. See also "A Piece of Land to Call Her Own," *The Sunday Times*, 6 March 2011, <http://bit.ly/2rrdbB0>.
- ⁴⁰¹ Ms. Shyamala Gomez, interview by IRM researcher. See also "A Piece of Land to Call Her Own."
- ⁴⁰² "A Piece of Land to Call Her Own."
- ⁴⁰³ Land Development Ordinance, No. 19 of 1935.
- ⁴⁰⁴ "CEDAW/C/LKA/CO/7," Human Rights Bodies, United Nations Human Rights, 8 April 2011, <http://bit.ly/2EUSlvS>.
- ⁴⁰⁵ "CEDAW/C/LKA/CO/7," Human Rights Bodies, United Nations Human Rights.
- ⁴⁰⁶ Ms. Chandra Herath (Land Commissioner's Office), interview by IRM researcher, 19 October 2017.
- ⁴⁰⁷ Dr. Ramani Jayasundere, interview by IRM researcher; and Mr. M. Thirunavukarasu, interview by IRM researcher.
- ⁴⁰⁸ "A Piece of Land to Call Her Own."
- ⁴⁰⁹ Mr. L. B. S. B. Dayaratne, interview by IRM researcher; and Ms. Swarna Sumanasekera (Ministry of Women and Child Affairs), interview by IRM researcher, 13 October 2017.
- ⁴¹⁰ Ms. Shyamala Gomez, interview by IRM researcher.
- ⁴¹¹ Mr. L. B. S. B. Dayaratne, interview by IRM researcher; Ms. Swarna Sumanasekera, interview by IRM researcher; and Ms. Shyamala Gomez, interview by IRM researcher.
- ⁴¹² Mr. L. B. S. B. Dayaratne, interview by IRM researcher.
- ⁴¹³ Ms. Swarna Sumanasekera, interview by IRM researcher.
- ⁴¹⁴ Mr. L. B. S. B. Dayaratne, interview by IRM researcher.
- ⁴¹⁵ "CEDAW/C/LKA/CO/8," Human Rights Bodies, United Nations Human Rights, 3 March 2017, <http://bit.ly/2mTIVKf>.
- ⁴¹⁶ Land Development Ordinance, No. 19 of 1935, Third Schedule.
- ⁴¹⁷ "CEDAW/C/LKA/CO/7," Human Rights Bodies, United Nations Human Rights, 8 April 2011, <http://bit.ly/2EUSlvS>.
- ⁴¹⁸ "Sri Lanka Labour Force Statistics – Quarterly Bulletin, 3rd Quarter 2016, Issue No. 74," Department of Census and Statistics, 2016, <http://bit.ly/2BY6TZQ>.
- ⁴¹⁹ Ms. Swarna Sumanasekera (Ministry of Women and Child Affairs), interview by IRM researcher, 13 October 2017.

-
- ⁴²⁰ Ms. Swarna Sumanasekera, interview by IRM researcher.
- ⁴²¹ Ms. Shyamala Gomez (FOKUS), interview by IRM researcher, 27 October 2017.
- ⁴²² Ms. Swarna Sumanasekera, interview by IRM researcher.
- ⁴²³ Ms. Swarna Sumanasekera, interview by IRM researcher.
- ⁴²⁴ Ms. Shyamala Gomez, interview by IRM researcher.
- ⁴²⁵ Generally, trained women may include those who have benefited from government or civil society programmes that aim to strengthen political leadership through raising awareness on various pertinent topics. These topics may include gender, good governance, human rights, local government legislation, or even practical competencies such as mobilising grassroots support and campaign financing. See also C. Kodikara, *The Struggle for Equal Political Representation of Women in Sri Lanka: A Stocktaking Report for the Ministry of Child Development and Women's Empowerment and the United Nations Development Programme* (New York: United Nations, 2009), <http://bit.ly/2HXpyJg>.
- ⁴²⁶ Mr. S. Boralessa (Ministry of Provincial Councils and Local Government), interview by IRM researcher, 27 September 2017; and Ms. S. Sumanasekera (Ministry of Women and Child Affairs), interview by IRM researcher, 13 October 2017. See also Law and Society Trust, *Women's Political Representation in Local Government Institutes: 25% Quota and Way Forward*, 16 February 2016, http://lawandsocietytrust.org/content_images/publications/documents/english-20160602150738.pdf.
- ⁴²⁷ "Women in National Parliaments," Inter-Parliamentary Union, 1 October 2017, <http://archive.ipu.org/wmn-e/classif.htm>.
- ⁴²⁸ T. Ariyaratne, "Electoral Reforms: Where Are the Women?" *Sunday Observer*, 17 May 2015, <http://archives.sundayobserver.lk/2015/05/17/fea10.asp>; and C. Kodikara, "Sri Lanka: Where Are the Women in Local Government?" *Open Democracy* 50.50, 7 March 2011, <https://www.opendemocracy.net/5050/chulani-kodikara/sri-lanka-where-are-women-in-local-government/>.
- ⁴²⁹ C. Kodikara, "Sri Lanka: Where Are the Women in Local Government?"
- ⁴³⁰ Prof. Swarna Jayaweera, Prof. Chandra Gunawardena, Dr. Ramani Jayatilaka, and Ms. Girty Gamage (Centre for Women's Research), interview by IRM researcher, 3 October 2017.
- ⁴³¹ Ms. Hemanthi Goonasekera (Federation of Sri Lankan Local Government Authorities), interview by IRM researcher, 22 September 2017.
- ⁴³² Ms. Hemanthi Goonasekera, interview by IRM researcher.
- ⁴³³ C. Kodikara, *The Struggle for Equal Political Representation of Women in Sri Lanka*.
- ⁴³⁴ Prof. Swarna Jayaweera, Prof. Chandra Gunawardena, Dr. Ramani Jayatilaka, and Ms. Girty Gamage, interview by IRM researcher.
- ⁴³⁵ C. Kodikara, "Sri Lanka: Where Are the Women in Local Government?"
- ⁴³⁶ Local Authorities Elections (Amendment) Act, No. 1 of 2016, <http://bit.ly/2n5AMVL>.
- ⁴³⁷ Local Authorities Election (Amendment) Act, No. 22 of 2012.
- ⁴³⁸ C. Kodikara, "The Quota for Women in Local Government: A Pledge for Parity and a Parody in Parliament?" *Groundviews*, 7 March 2016, <http://groundviews.org/2016/03/07/the-quota-for-women-in-local-government-a-pledge-for-parity-and-a-parody-in-parliament/>.
- ⁴³⁹ Ms. Sriyanie Wijesundara (Centre for Policy Alternatives), interview by IRM researcher, 10 October 2017; Dr. Ramani Jayasundere (The Asia Foundation), interview by IRM researcher, 17 October 2017; Ms. Hemanthi Goonasekera, interview by IRM researcher; and Dr. Gopa Kumar Thampi (The Asia Foundation), interview by IRM researcher, 15 October 2017.
- ⁴⁴⁰ M. Phillips, "The Necessity of Increasing Women's Political Representation in Sri Lanka," *Centre for Poverty Analysis*, 26 May 2015, <http://bit.ly/2oC1a82>.
- ⁴⁴¹ M. Phillips, "The Necessity of Increasing Women's Political Representation in Sri Lanka."
- ⁴⁴² Dr. Gopa Kumar Thampi, interview by IRM researcher.
- ⁴⁴³ Ms. Sriyanie Wijesundara, interview by IRM researcher; Dr. Ramani Jayasundere, interview by IRM researcher; Ms. Hemanthi Goonasekera, interview by IRM researcher; and Dr. Gopa Kumar Thampi, interview by IRM researcher.
- ⁴⁴⁴ C. Kodikara, *The Struggle for Equal Political Representation of Women in Sri Lanka*.
- ⁴⁴⁵ C. Kodikara, *The Struggle for Equal Political Representation of Women in Sri Lanka*.
- ⁴⁴⁶ Ms. Sriyanie Wijesundara, interview by IRM researcher.
- ⁴⁴⁷ Ms. Sriyanie Wijesundara, interview by IRM researcher.
- ⁴⁴⁸ Ms. Sriyanie Wijesundara, interview by IRM researcher.

⁴⁴⁹ Ms. Sriyanie Wijesundara, interview by IRM researcher.

⁴⁵⁰ Ms. Swarna Sumanasekera, interview by IRM researcher.

⁴⁵¹ Ms. Swarna Sumanasekera, interview by IRM researcher.

⁴⁵² Ms. Swarna Sumanasekera, interview by IRM researcher.

⁴⁵³ Ms. Sriyanie Wijesundara, interview by IRM researcher.

⁴⁵⁴ Ms. Sriyanie Wijesundara, interview by IRM researcher.

⁴⁵⁵ “Local Government Elections Likely to Be Held in January 2018 - Election Chief,” *ColomboPage*, 13 September 2017, http://www.colombopage.com/archive_17B/Sep13_1505287642CH.php.

⁴⁵⁶ Ms. Hemanthi Goonasekera, interview by IRM researcher.

⁴⁵⁷ Ms. Sriyanie Wijesundara, interview by IRM researcher.

⁴⁵⁸ Ms. Sriyanie Wijesundara, interview by IRM researcher.

⁴⁵⁹ Ms. Sriyanie Wijesundara, interview by IRM researcher.

⁴⁶⁰ Ms. Hemanthi Goonasekera, interview by IRM researcher.

⁴⁶¹ Ms. Sriyanie Wijesundara, interview by IRM researcher.

⁴⁶² Ms. Hemanthi Goonasekera, interview by IRM researcher.

⁴⁶³ Ms. Hemanthi Goonasekera, interview by IRM researcher.

⁴⁶⁴ Ms. Sriyanie Wijesundara, interview by IRM researcher.

⁴⁶⁵ C. Kodikara, “The Quota for Women in Local Government.”

⁴⁶⁶ Dr. Ramani Jayasundere, interview by IRM researcher.

⁴⁶⁷ C. Kodikara, “The Quota for Women in Local Government.”

⁴⁶⁸ Dr. Gopa Kumar Thampi, interview by IRM researcher.

⁴⁶⁹ Local Authorities Election (Amendment) Act, No. 22 of 2012; and Ms. Hemanthi Goonasekera, interview by IRM researcher.

⁴⁷⁰ D. Mudalige and S. Marasinghe, “Amended Local Government Elections Bill Approved in Parliament,” *Daily News*, 25 August 2017, <http://www.dailynews.lk/2017/08/25/local/126316/amended-local-government-elections-bill-approved-parliament>; and S. Gamage, “Local Elections: New Mixed-Member Method or Old PR Method?” *DailyFT*, 9 December 2016, <http://www.ft.lk/article/584865/Local-elections--New-mixed-member-method-or-old-PR-method->.

⁴⁷¹ Dr. Gopa Kumar Thampi, interview by IRM researcher.

⁴⁷² Dr. Ramani Jayasundere, interview by IRM researcher; Ms. Hemanthi Goonasekera, interview by IRM researcher; and Dr. Gopa Kumar Thampi, interview by IRM researcher.

⁴⁷³ New Democratic Front, *Manifesto - Compassionate Government, Maithri*, December 2014, <http://bit.ly/1xXjnNY>.

⁴⁷⁴ “Sri Lanka Becomes More Corrupt,” *Daily Mirror*, 25 January 2017, <http://bit.ly/2k31ICt>.

⁴⁷⁵ “Sri Lankans Pay More Bribes to Police: T1,” *Daily Mirror*, 11 March 2017, <http://bit.ly/2GDAw6f>.

⁴⁷⁶ Transparency International, Corruption Perceptions Index, 25 January 2017, <http://bit.ly/2j3Y63K>.

⁴⁷⁷ Mr. Sarath Jayamanne (Commission to Investigate Allegations of Bribery or Corruption), interview by IRM researcher, 20 September 2017; and Mr. Asoka Obeyesekere (Transparency International Sri Lanka), interview by IRM researcher, 29 August 2017.

⁴⁷⁸ Mr. Asoka Obeyesekere, interview by IRM researcher.

⁴⁷⁹ Mr. Asoka Obeyesekere, interview by IRM researcher; and Ms. Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 17 October 2017.

⁴⁸⁰ Mr. Sarath Jayamanne, interview by IRM researcher.

⁴⁸¹ Mr. Sarath Jayamanne, interview by IRM researcher.

⁴⁸² “Prevention,” Commission to Investigate Allegations of Bribery or Corruption, 2017, <http://www.ciaboc.gov.lk/prevention>.

⁴⁸³ Mr. Asoka Obeyesekere, interview by IRM researcher.

⁴⁸⁴ Commission to Investigate Allegations of Bribery or Corruption receives complaints in person and via telephone, email, fax, or post. See also Commission to Investigate Allegations of Bribery or Corruption, *Report on Bribery and Corruption – 2015*, p. 16, <http://bit.ly/2oyFd9Q>.

⁴⁸⁵ Mr. Asoka Obeyesekere, interview by IRM researcher.

⁴⁸⁶ Mr. Asoka Obeyesekere, interview by IRM researcher.

⁴⁸⁷ A. Mallawaarachchi, “National Anti-Corruption Summit on December 9,” *Daily News*, <http://dailynews.lk/2016/12/01/local/100709>.

⁴⁸⁸ Mr. Sarath Jayamanne, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁴⁸⁹ Ministry of Finance, *Budget Estimates 2018 – Volume I*, Fiscal Year 2018, p. 39, <http://bit.ly/2rPTG5v>.

⁴⁹⁰ Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁴⁹¹ Commission to Investigate Allegations of Bribery or Corruption, *Annual Report on Bribery and Corruption – 2016*, p. 87, https://www.ciaboc.gov.lk/images/annual_reports/Annual_Report_2016.pdf.

⁴⁹² Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁴⁹³ Mr. Sarath Jayamanne, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁴⁹⁴ Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁴⁹⁵ Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁴⁹⁶ A. Mallawaarachchi, “National Action Plan to Combat Bribery and Corruption,” *Daily News*, 28 December 2017, <http://bit.ly/2BzZsYq>.

⁴⁹⁷ A. Mallawaarachchi, “National Action Plan to Combat Bribery and Corruption.”

⁴⁹⁸ “Suggestions and Proposals for the National Action Plan to Eradicate Corruption from Sri Lanka,” Commission to Investigate Allegations of Bribery or Corruption, 2017, <https://www.ciaboc.gov.lk/contact/suggestions>.

⁴⁹⁹ Mr. Sarath Jayamanne, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁵⁰⁰ Mr. Sarath Jayamanne, interview by IRM researcher.

⁵⁰¹ Mr. Sarath Jayamanne, interview by IRM researcher.

⁵⁰² “Suggestions and Proposals for the National Action Plan to Eradicate Corruption from Sri Lanka.”

⁵⁰³ United Nations Office of Drugs and Crime, *United Nations Convention against Corruption* (New York: Author, 2004), <http://bit.ly/1xquxcG>.

⁵⁰⁴ “Bribery Commission to Implement Constitutional Requirement,” *The Island*, 9 July 2016, <http://bit.ly/2nrV5u9>.

⁵⁰⁵ Conference of the State Parties to the United Nations Convention against Corruption, *Review of the Implementation of the United Nations Convention against Corruption*, Sixth Session, 1-5 June 2015, <http://bit.ly/2BJahal>.

⁵⁰⁶ Commission to Investigate Allegations of Bribery or Corruption, *United Nations Convention against Corruption*, 14 December 2015, <http://bit.ly/2GCLn00>. See also Conference of the State Parties to the United Nations Convention against Corruption, *Review of the Implementation of the United Nations Convention against Corruption*, Sixth Session.

⁵⁰⁷ Sri Lanka Const. (as amended up to 15 May 2015), Nineteenth Amendment, p. 48, http://slembassyusa.org/downloads/19th_Amendment_E.pdf.

⁵⁰⁸ Sri Lanka Const. (as amended up to 15 May 2015), Directive Principles of State Policy and Fundamental Duties, Chapter VI, <http://bit.ly/2DTV7oY>.

⁵⁰⁹ Mr. Asoka Obeyesekere (Transparency International Sri Lanka), interview by IRM researcher, 29 August 2017.

⁵¹⁰ Mr. Asoka Obeyesekere, interview by IRM researcher.

⁵¹¹ Mr. Asoka Obeyesekere, interview by IRM researcher.

⁵¹² Mr. Sarath Jayamanne (Commission to Investigate Allegations of Bribery or Corruption), interview by IRM researcher, 20 September 2017.

⁵¹³ Ms. Sankhitha Gunaratne (Transparency International), interview by IRM researcher, 17 October 2017.

⁵¹⁴ Mr. Sarath Jayamanne, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁵¹⁵ Mr. Sarath Jayamanne, interview by IRM researcher.

⁵¹⁶ Mr. Asoka Obeyesekere, interview by IRM researcher.

⁵¹⁷ Mr. Sarath Jayamanne (Commission to Investigate Allegations of Bribery or Corruption), interview by IRM researcher, 20 September 2017; and Mr. Asoka Obeyesekere (Transparency International Sri Lanka), interview by IRM researcher, 29 August 2017.

⁵¹⁸ “Sri Lanka Becomes More Corrupt,” *Daily Mirror*, 25 January 2017, <http://bit.ly/2k311Ct>.

⁵¹⁹ Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994, § 17, <http://bit.ly/2rVL2Cz>.

⁵²⁰ Ms. Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 17 October 2017. See also S. Gunaratne, M. Herat, and A. Obeyesekere, *CSO GFAR Report on Sri Lanka* (Colombo: Transparency International, 2017), <http://bit.ly/2BB9318>.

-
- ⁵²¹ Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁵²² Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁵²³ Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁵²⁴ Mr. Sarath Jayamanne, interview by IRM researcher.
- ⁵²⁵ Mr. Sarath Jayamanne, interview by IRM researcher.
- ⁵²⁶ Mr. Sarath Jayamanne, interview by IRM researcher.
- ⁵²⁷ Ms. Sankhitha Gunaratne, interview by IRM researcher. See also S. Gunaratne, M. Herat, and A. Obeyesekere, *CSO GFAR Report on Sri Lanka*.
- ⁵²⁸ Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁵²⁹ Mr. Sarath Jayamanne, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁵³⁰ Prevention of Money Laundering Act, No. 5 of 2006, <http://bit.ly/2FEIADj>.
- ⁵³¹ The Bribery Act (as amended up to No. 20 of 1994), <http://bit.ly/2nwaucV>.
- ⁵³² United Nations Office of Drugs and Crime, *United Nations Convention against Corruption* (New York: Author, 2004), <http://bit.ly/1xquxcG>.
- ⁵³³ "CIABOC to Probe Money Laundering," *The Sunday Times*, 12 November 2017, <http://bit.ly/2s7Omuv>.
- ⁵³⁴ Mr. Sarath Jayamanne (Commission to Investigate Allegations of Bribery or Corruption), interview by IRM researcher, 20 September 2017.
- ⁵³⁵ "Money Laundering: Sri Lanka Listed among 'High Risk' Countries," *The Sunday Times*, 28 January 2018, <http://bit.ly/2BCLOE1>.
- ⁵³⁶ Asia Pacific Group on Money Laundering, *Anti-Money Laundering and Counter-Terrorist Financing Measures: Sri Lanka, Mutual Evaluation Report*, September 2015, <http://bit.ly/2H4GjB3>.
- ⁵³⁷ Asia Pacific Group on Money Laundering, *Anti-Money Laundering and Counter-Terrorist Financing Measures*.
- ⁵³⁸ "CIABOC to Probe Money Laundering."
- ⁵³⁹ Mr. Sarath Jayamanne, interview by IRM researcher.
- ⁵⁴⁰ Ms. Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 17 October 2017.
- ⁵⁴¹ Mr. Sarath Jayamanne, interview by IRM researcher.
- ⁵⁴² Mr. Sarath Jayamanne, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁵⁴³ Commission to Investigate Allegations of Bribery or Corruption, *Annual Report on Bribery and Corruption – 2016*, https://www.ciaboc.gov.lk/images/annual_reports/Annual_Report_2016.pdf.
- ⁵⁴⁴ Presidential Elections Act, No. 15 of 1981, <http://bit.ly/2FCG2om>.
- ⁵⁴⁵ Parliamentary Elections Act, No. 1 of 1981, <http://bit.ly/2nucdzE>.
- ⁵⁴⁶ Provincial Councils Elections Act, No. 2 of 1988, <http://bit.ly/2nwnKhM>.
- ⁵⁴⁷ Local Authorities Elections Ordinance, No. 53 of 1946, <http://bit.ly/2DTB0TO>.
- ⁵⁴⁸ Z. Imtiaz, "Ceiling on Election Campaign Financing," *Daily News*, 18 October 2017, <http://bit.ly/2ExPxG3>.
- ⁵⁴⁹ "Elections and Political Finance," Themes, Open Government Partnership, 2017, <http://bit.ly/2s22sx5>.
- ⁵⁵⁰ Z. Imtiaz, "Ceiling on Election Campaign Financing."
- ⁵⁵¹ "Former President Spent over Rs.2 bn. in State Funds on Election Ads," *The Sunday Times*, 18 January 2015, <http://bit.ly/1Bdal8j>.
- ⁵⁵² "Elections and Political Finance."
- ⁵⁵³ Ms. Sankhitha Gunaratne (Transparency International), interview by IRM researcher, 17 October 2017.
- ⁵⁵⁴ Z. Imtiaz, "Ceiling on Election Campaign Financing."
- ⁵⁵⁵ Declaration of Assets and Liabilities Law, No. 1 of 1975, <http://bit.ly/2rS7jRp>.
- ⁵⁵⁶ Transparency International Sri Lanka, *Amending the Declaration of Assets and Liabilities Act*, 7 December 2015, <http://bit.ly/2EyON3s>.
- ⁵⁵⁷ Declaration of Assets and Liabilities Law, No. 1 of 1975.
- ⁵⁵⁸ Transparency International Sri Lanka, *Amending the Declaration of Assets and Liabilities Act*.
- ⁵⁵⁹ Declaration of Assets and Liabilities Law, No. 1 of 1975.
- ⁵⁶⁰ Declaration of Assets and Liabilities Law, No. 1 of 1975, § 2.
- ⁵⁶¹ Declaration of Assets and Liabilities Law, No. 1 of 1975, § 7(4) and § 7(5).
- ⁵⁶² Declaration of Assets and Liabilities Law, No. 1 of 1975, § 8.
- ⁵⁶³ Transparency International Sri Lanka, *Amending the Declaration of Assets and Liabilities Act*.

-
- ⁵⁶⁴ L. Sooriyagoda, "Alleged Failure to Declare Assets and Liabilities: Sarana to Plead Guilty in Two Corruption Cases," *Daily News*, 27 October 2016, <http://bit.ly/2nzo7aA>.
- ⁵⁶⁵ Mr. Asoka Obeyesekere (Transparency International Sri Lanka), interview by IRM researcher, 29 August 2017.
- ⁵⁶⁶ Transparency International Sri Lanka, *Amending the Declaration of Assets and Liabilities Act*.
- ⁵⁶⁷ Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁵⁶⁸ Mr. Sarath Jayamanne (Commission to Investigate Allegations of Bribery or Corruption), interview by IRM researcher, 20 September 2017.
- ⁵⁶⁹ Ms. Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 17 October 2017.
- ⁵⁷⁰ Commission to Investigate Allegations of Bribery and Corruption, *Amendments to the Asset and Declaration of Assets and Liabilities Law No. 1 of 1975: Cabinet Memorandum*, <http://bit.ly/2E8nM8Z>.
- ⁵⁷¹ Mr. Sarath Jayamanne, interview by IRM researcher.
- ⁵⁷² Mr. Sarath Jayamanne, interview by IRM researcher.
- ⁵⁷³ Y. Ariff, "Sri Lanka to Increase Fine for Failure to Declare Assets," *Ada Derana*, 11 October 2017, <http://bit.ly/2nvAZ2h>.
- ⁵⁷⁴ Mr. Sugath Kithsiri (Ministry of Finance and Mass Media), interview by IRM researcher, 20 October 2017; Mr. Piyatissa Ranasinghe (RTI Commission), interview by IRM researcher, 19 October 2017; and Ms. Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 17 October 2017.
- ⁵⁷⁵ Open Society Foundations, *List of Countries with Access to Information (ATI) Provisions in Their National/Federal Laws or Actionable Decrees, and Dates of Adoption & Significant Amendments*, 2016, <http://www.right2info.org/resources/publications/countrieswithatiprovisions113Sept2016.pdf>.
- ⁵⁷⁶ A. Obeyesekere, "RTI Bill 2015 – Seven Key Areas for Improvement," Transparency International Sri Lanka, 21 December 2015, <http://bit.ly/2CJ3DSo>.
- ⁵⁷⁷ Mr. Asoka Obeyesekere (Transparency International Sri Lanka), interview by IRM researcher, 29 August 2017.
- ⁵⁷⁸ The Asia Foundation, *Citizens Access to Information in South Asia: Regional Synthesis Report*, August 2014, <https://asiafoundation.org/resources/pdfs/CitizensAccessToInformationInSouthAsia.pdf>.
- ⁵⁷⁹ I. Haslund-Vinding, "The Right to Information Act: Finally a Reality?" *Groundviews*, 7 May 2015, <http://groundviews.org/2015/05/07/the-right-to-information-act-finally-a-reality/>.
- ⁵⁸⁰ Sri Lanka Const., Nineteenth Amendment, 15 May 2015, http://slembassyusa.org/downloads/19th_Amendment_E.pdf.
- ⁵⁸¹ Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁵⁸² Transparency International Sri Lanka, *TISL Encouraged by Enactment of RTI in Sri Lanka*, 11 July 2016, <http://bit.ly/2GOQ8TJ>.
- ⁵⁸³ Mr. Asoka Obeyesekere, interview by IRM researcher.
- ⁵⁸⁴ Transparency International Sri Lanka, *TISL encouraged by enactment of RTI in Sri Lanka*.
- ⁵⁸⁵ Transparency International Sri Lanka, *TISL encouraged by enactment of RTI in Sri Lanka*.
- ⁵⁸⁶ Mr. Asoka Obeyesekere, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁵⁸⁷ N. Gunawardene, "Right to Information: A New Journey Begins," Transparency International Sri Lanka, 25 June 2016, <http://www.tisrilanka.org/right-to-information-a-new-journey-begins/>.
- ⁵⁸⁸ Transparency International Sri Lanka, *TISL encouraged by enactment of RTI in Sri Lanka*.
- ⁵⁸⁹ Dr. Gopa Kumar Thampi (The Asia Foundation), interview by IRM researcher, 15 October 2017.
- ⁵⁹⁰ Mr. Asoka Obeyesekere, interview by IRM researcher; and Dr. Gopa Kumar Thampi, interview by IRM researcher.
- ⁵⁹¹ Right to Information Act, No. 12 of 2016, http://www.media.gov.lk/images/pdf_word/2016/12-2016_E.pdf.
- ⁵⁹² Mr. Sugath Kithsiri, interview by IRM researcher; Mr. Piyatissa Ranasinghe, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁵⁹³ "Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary)," No. 2002/42, 20 January 2017, http://www.documents.gov.lk/files/egz/2017/1/2002-42_E.pdf.
- ⁵⁹⁴ "The Right to Information Commission Is Now Operative," Sri Lanka Press Institute, 23 December 2016, <http://www.sipi.lk/the-right-to-information-commission-is-now-operative/>.
- ⁵⁹⁵ Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁵⁹⁶ Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁵⁹⁷ Right to Information Act, No. 12 of 2016, Article 23.

⁵⁹⁸ Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁵⁹⁹ “Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary),” No. 2004/66, Regulation 21, 3 February 2017, https://www.rti.gov.lk/images/resources/2004-66_E_feb.pdf.

⁶⁰⁰ Mr. Sugath Kithsiri, interview by IRM researcher; and Mr. Piyatissa Ranasinghe, interview by IRM researcher.

⁶⁰¹ Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁶⁰² Mr. Sugath Kithsiri, interview by IRM researcher; and Mr. Piyatissa Ranasinghe, interview by IRM researcher.

⁶⁰³ Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁶⁰⁴ Mr. Piyatissa Ranasinghe, interview by IRM researcher.

⁶⁰⁵ Mr. Sugath Kithsiri, interview by IRM researcher; and Mr. Piyatissa Ranasinghe, interview by IRM researcher.

⁶⁰⁶ Mr. Sugath Kithsiri, interview by IRM researcher.

⁶⁰⁷ Mr. Sugath Kithsiri, interview by IRM researcher; and Mr. Piyatissa Ranasinghe, interview by IRM researcher.

⁶⁰⁸ Mr. Sugath Kithsiri, interview by IRM researcher.

⁶⁰⁹ Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁶¹⁰ Mr. Piyatissa Ranasinghe, interview by IRM researcher; Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁶¹¹ Mr. Piyatissa Ranasinghe, interview by IRM researcher.

⁶¹² Mr. Sugath Kithsiri, interview by IRM researcher; and Mr. Piyatissa Ranasinghe, interview by IRM researcher.

⁶¹³ Mr. Sugath Kithsiri, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁶¹⁴ Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁶¹⁵ Mr. Sugath Kithsiri, interview by IRM researcher; and Mr. Piyatissa Ranasinghe, interview by IRM researcher.

⁶¹⁶ Mr. Sugath Kithsiri, interview by IRM researcher.

⁶¹⁷ Mr. Sugath Kithsiri, interview by IRM researcher.

⁶¹⁸ “Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary),” No. 2004/66.

⁶¹⁹ Mr. Piyatissa Ranasinghe, interview by IRM researcher.

⁶²⁰ Mr. Piyatissa Ranasinghe, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁶²¹ “Consultation on Record Management and Section 7 Directives of the Commission,” RTI Sri Lanka, 25 August 2017, <https://rti.gov.lk/media/news/150-consultation-on-record-management-and-section-7-directives-of-the-commission>.

⁶²² Mr. Piyatissa Ranasinghe, interview by IRM researcher.

⁶²³ “Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary),” No. 2004/66.

⁶²⁴ “Sri Lanka Jumps to Third Place Globally on the RTI Rating,” Centre for Law and Democracy, 9 February 2017, <https://www.law-democracy.org/live/sri-lanka-jumps-to-third-place-globally-on-the-rti-rating/>.

⁶²⁵ Mr. Sugath Kithsiri, interview by IRM researcher. See also Ministry of Finance, *Budget Estimates 2018 – Volume I*, Fiscal Year 2018, <http://bit.ly/2rOgMZZ>.

⁶²⁶ Mr. Sugath Kithsiri, interview by IRM researcher.

⁶²⁷ Ministry of Finance, *Budget Estimates 2017 – Volume I*, Fiscal Year 2017, <http://bit.ly/2DZHH72>.

⁶²⁸ Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁶²⁹ Mr. Piyatissa Ranasinghe, interview by IRM researcher.

⁶³⁰ Ministry of Finance, *Budget Estimates 2018 – Volume I*.

⁶³¹ Mr. Sugath Kithsiri, interview by IRM researcher.

⁶³² Mr. Sugath Kithsiri, interview by IRM researcher.

⁶³³ Mr. Piyatissa Ranasinghe, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁶³⁴ Despite repeated and diverse attempts via telephone and reference from the government OGP point of contact at the Ministry of Foreign Affairs, the Presidential Secretariat could not be interviewed by the IRM researcher.

⁶³⁵ Mr. Sugath Kithsiri, interview by IRM researcher.

⁶³⁶ Mr. Sugath Kithsiri, interview by IRM researcher.

⁶³⁷ Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁶³⁸ Mr. Sugath Kithsiri, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁶³⁹ Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁶⁴⁰ Ms. Sankhitha Gunaratne, interview by IRM researcher.

⁶⁴¹ Mr. Sugath Kithsiri, interview by IRM researcher.

⁶⁴² “Video Gallery,” RTI Sri Lanka, <https://rti.gov.lk/media/video-gallery>.

-
- ⁶⁴³ Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁶⁴⁴ Mr. Sugath Kithsiri, interview by IRM researcher.
- ⁶⁴⁵ Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁶⁴⁶ Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁶⁴⁷ Home page, RTI Watch, <http://www.rtiwatch.lk/enghome/>.
- ⁶⁴⁸ Mr. Sugath Kithsiri, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁶⁴⁹ Mr. Sugath Kithsiri, interview by IRM researcher.
- ⁶⁵⁰ Mr. Sugath Kithsiri, interview by IRM researcher.
- ⁶⁵¹ Mr. Sugath Kithsiri, interview by IRM researcher.
- ⁶⁵² Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁶⁵³ Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁶⁵⁴ "Video Gallery." RTI Sri Lanka, <https://rti.gov.lk/media/video-gallery>.
- ⁶⁵⁵ Mr. Sugath Kithsiri, interview by IRM researcher.
- ⁶⁵⁶ R. Deshapriya, "Right to Information Act and Applicability in Sri Lanka," *Daily News*, 26 December 2016, <http://dailynews.lk/2016/12/26/law-order/102951>; V. Wutthman, "Fighting for Your Rights," *Daily News*, 5 September 2017, <http://dailynews.lk/2017/09/05/features/127185/fighting-your-rights>; and "RTI Commission Receives 438 Appeals in 2017," *Daily Mirror*, 19 November 2017, <http://www.dailymirror.lk/140651/RTI-Commission-receives-appeals-in->.
- ⁶⁵⁷ "News and Articles," RTI Sri Lanka, <https://rti.gov.lk/media/news?limitstart=0>.
- ⁶⁵⁸ The Asia Foundation, *Citizens Access to Information in South Asia: Regional Synthesis Report*, August 2014, <https://asiafoundation.org/resources/pdfs/CitizensAccessToInformationInSouthAsia.pdf>.
- ⁶⁵⁹ Dr. Gopa Kumar Thampi, interview by IRM researcher.
- ⁶⁶⁰ Dr. Gopa Kumar Thampi, interview by IRM researcher.
- ⁶⁶¹ Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁶⁶² Right to Information Act, No. 12 of 2016, § 8(2), http://www.media.gov.lk/images/pdf_word/2016/12-2016_E.pdf.
- ⁶⁶³ The Asia Foundation, *Citizens Access to Information in South Asia: Regional Synthesis Report*, August 2014, <https://asiafoundation.org/resources/pdfs/CitizensAccessToInformationInSouthAsia.pdf>.
- ⁶⁶⁴ Right to Information Act, No. 12 of 2016, § 8(2).
- ⁶⁶⁵ Right to Information Act, No. 12 of 2016, § 10.
- ⁶⁶⁶ "Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary)," No. 2004/66, 3 February 2017, https://www.rti.gov.lk/images/resources/2004-66_E_feb.pdf.
- ⁶⁶⁷ Mr. Sugath Kithsiri (Ministry of Finance and Mass Media), interview by IRM researcher, 20 October 2017.
- ⁶⁶⁸ Ministry of Finance and Mass Media, *Circular Number (M) 1/2017*, 25 September 2017, https://www.media.gov.lk/images/resolution_regulations/web_eng.JPG.
- ⁶⁶⁹ Ms. Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 17 October 2017.
- ⁶⁷⁰ Mr. Sugath Kithsiri, interview by IRM researcher.
- ⁶⁷¹ Mr. Piyatissa Ranasinghe (RTI Commission), interview by IRM researcher, 19 October 2017.
- ⁶⁷² Mr. Sugath Kithsiri, interview by IRM researcher; Mr. Piyatissa Ranasinghe, interview by IRM researcher; and Ms. Sankhitha Gunaratne, interview by IRM researcher.
- ⁶⁷³ "IAP2's Public Participation Spectrum," International Association for Public Participation, <http://bit.ly/2qVYaFz>.
- ⁶⁷⁴ "Open Budget Survey 2017 – Sri Lanka," International Budget Partnership, 2017, <http://bit.ly/2BTfPzj>.
- ⁶⁷⁵ "Mechanisms of Public Participation," Global Initiative for Fiscal Transparency, 2015, <http://www.fiscaltransparency.net/mechanisms/>.
- ⁶⁷⁶ "Social Accountability E-Guide," Social Development, The World Bank, 2017, <http://bit.ly/2FeavNT>; and K. Khadka and C. Bhattarai, *Source Book for 21 Social Accountability Tools* (Kathmandu: Programme for Accountability in Nepal, 2012), <http://bit.ly/1hoEpN7>.
- ⁶⁷⁷ IRM Procedures Manual, V.3, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.
- ⁶⁷⁸ For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

679 For more information, see Table I in <http://internationalbudget.org/what-we-do/open-budget-survey/>. For up-to-date assessments, see <http://www.obstracker.org/>.

680 The two databases used are Constitutional Provisions at <http://www.right2info.org/constitutional-protections> and Laws and draft laws at <http://www.right2info.org/access-to-information-laws>.

681 Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), <http://bit.ly/19nDEfK>; Organisation for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009* (OECD, 2009), <http://bit.ly/13vGtqS>; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), <http://bit.ly/1clokyf>. For more recent information, see

<http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjLj4Y>.

682 "Democracy Index 2010: Democracy in Retreat," The Economist Intelligence Unit (London: Economist, 2010), <http://bit.ly/eLC1rE>.

683 "Democracy Index 2014: Democracy and its Discontents," The Economist Intelligence Unit (London: Economist, 2014), <http://bit.ly/18kEzCt>.