

# **Independent Reporting Mechanism**

Sri Lanka Co-Creation Brief  
2023

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Open  
Government  
Partnership



Independent  
Reporting  
Mechanism

## Introduction

This brief from the OGP's Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of Sri Lanka's third action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in the country's context and presents recommendations. These recommendations are suggestions, and this brief does not constitute an evaluation of a particular action plan. Its purpose is to inform the planning process for co-creation based on collective and country specific IRM findings. This brief is intended to be used as a resource as government and civil society determine the next action plan's trajectory and content. National OGP stakeholders will determine the extent of incorporation of this brief's recommendations.

The co-creation brief draws on the results of the research in prior [IRM reports for Sri Lanka](#) and draws recommendations from the data and conclusions of those reports. The brief also draws on other sources such as [OGP National Handbook](#), [OGP Participation and Co-creation Standards](#), and IRM guidance on [the assessment of OGP's minimum requirements](#) and [the minimum threshold for "involve"](#), to ensure that recommendations provided are up-to-date in light of developments since those IRM reports were written, and to enrich the recommendations by drawing on comparative international experience in the design and implementation of OGP action plan commitments as well as other context-relevant practice in open government. The co-creation brief has been reviewed by IRM senior staff for consistency, accuracy, and with a view to maximizing the context-relevance and actionability of the recommendations. Where appropriate, the briefs are reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

The IRM drafted this co-creation brief in December 2023.

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## Section I: Action Plan Co-Creation Process

In 2024, Sri Lanka will co-create its third OGP action plan. Its first action plan (2016–2018) led to the enactment of landmark right to information legislation. However, during the second action plan cycle (2019–2021), the IRM found that Sri Lanka had acted contrary to OGP process by not meeting the minimum requirements for co-creation. As a result of having acted contrary to OGP process in two consecutive action plan cycles, OGP’s Criteria & Standards Subcommittee placed Sri Lanka under a procedural review in February 2023. It is important that the third action plan complies with the minimum requirements of the OGP Participation and Co-creation Standards. Sri Lanka can also use the upcoming action plan to support recovery from its economic crisis, with commitments that advance existing national priorities, meet the International Monetary Fund’s (IMF) governance conditions and other international commitments, and mitigate corruption risks. To raise the ambition level of the action plan, opportunities could be made available to engage a broad range of stakeholders in developing commitments on right to information, political finance transparency, fiscal transparency, inclusion, and civic space.

## RECOMMENDATIONS

### **Recommendation 1: Designate a forum or space for ongoing multistakeholder dialogue on Sri Lanka’s OGP process.**

[OGP Participation and Co-Creation Standards](#) require members to establish a space for ongoing multistakeholder dialogue on the OGP process. For the third action plan, the Presidential Secretariat should designate a specific space where government and non-government stakeholders come together to discuss and prioritize possible commitments. Ideally, the Presidential Secretariat should establish a [multistakeholder forum](#) (MSF) with formal rules about membership, oversight, and decision-making as it resumes the co-creation process. The space’s basic rules (such as its mandate, composition, and governance structure) are required to be public. Non-government members of the space should be selected in a transparent manner and have equal representation and decision-making powers as government members.

The OGP Standards also require members to conduct outreach and gather input from a range of stakeholders. Outreach activities can offer a background on OGP in Sri Lanka and information on opportunities to get involved in the co-creation process. The information should be in plain language so that the processes’ goals and expected outcomes are comprehensible by the public. The Presidential Secretariat can create opportunities for broader participation at strategic moments, such as determining the commitments’ thematic areas or opening the draft action plan to public comments.

### **Recommendation 2: Create a public website with information and documents related to Sri Lanka’s co-creation process.**

During the second action plan cycle, the Presidential Secretariat’s OGP webpage did not publish up-to-date information on co-creation or implementation. An up-to-date OGP website and repository are necessary to meet Standards 2 and 3 of [OGP Participation and Co-Creation Standards](#) and will facilitate Sri Lanka’s ability to meet the remaining standards. Moving forward, the Presidential Secretariat can ensure that the website is maintained, accessible to the public, and, at a minimum, contains the latest action plan. The IRM recommends that the Presidential Secretariat identify the optimal platform to provide current and sustained information on OGP activities and opportunities for the public to engage. For instance, the

website could be linked to a public Google Drive or Dropbox folder to publish more detailed information. The IRM recommends the following for the website:

- **Publish the multistakeholder forum’s basic rules**, including its mandate and structure, as well as evidence that it meets at least every six months. For examples, see the OGP websites of [Australia](#), [Morocco](#), and [New Zealand](#).
- **Update the repository** at least every six months to ensure that information on action plan implementation and co-creation processes is up to date. For examples, see the repositories of [Australia](#), [Jordan](#), [New Zealand](#), and [the Philippines](#).
- **Publish the co-creation timeline** and an overview of the opportunities for stakeholder participation at least two weeks before the action plan development process begins. For examples, see the timelines published by [Romania](#) and the [Netherlands](#).
- **Publish documentation of all input** received from stakeholders on the action plan, as well as detailed feedback on how these contributions were considered. For examples, see the documentation published by [Canada](#), [Finland](#), and [Morocco](#).

### **Recommendation 3: Document and report back to stakeholders on how their contributions were considered during co-creation, ideally as written feedback.**

The government did not publish summaries of how stakeholder comments influenced Sri Lanka’s previous action plans. [OGP Participation and Co-Creation Standards](#) require members to document and report back to stakeholders on how contributions were considered. This must take place prior to the action plan’s publication. The Presidential Secretariat should clearly inform all contributors that their input is public (with exceptions in well-justified cases). When preparing the draft action plan, the Presidential Secretariat should clearly state why some proposals are included and others are not. This can occur at several points, including during the idea generation process and even the selection of commitments to be included in the action plan. Feedback can be presented in a structured format, e.g., as a table with proposals alongside justifications for their inclusion or exclusion, and the IRM recommends publishing this on Sri Lanka’s OGP website (see Recommendation 2). Overall, the practice of reasoned response has been shown to be highly correlated with higher levels of [ambition, completion, and early results](#). It offers the opportunity for full deliberation on the public’s suggestions and can help ensure accountability.

### **Recommendation 4: Establish inclusive mechanisms to oversee and guide commitment progress throughout the implementation period.**

Sri Lanka’s previous action plan saw limited completion and early results. For the third action plan, the government should [establish mechanisms](#) to oversee commitment progress throughout the implementation period. To meet OGP’s [minimum requirements](#), the multistakeholder forum or government should hold at least two meetings every year with civil society to present the progress of action plan implementation and collect comments. Possible mechanisms to oversee implementation include:

- **A multistakeholder implementation committee** comprised of responsible agencies and CSO partners that meets regularly to oversee progress of the entire action plan, as in [Morocco](#).
- **Multistakeholder working groups** organized by thematic areas or commitments that meet regularly to oversee progress of commitments, as in Ghana.
- Each responsible government agency could sign a **memorandum of understanding with a CSO partner** to jointly oversee commitment implementation.

For more information, see the [OGP Consultation During Implementation Guidance Note](#), although the minimum requirements listed have since been updated.

## Section II: Action Plan Design

### AREAS OF OPPORTUNITY FOR COMMITMENTS

The third action plan could actualize the previous plan's intention to strengthen right to information, political finance transparency, and inclusion policies. Reformers designed promising commitments in each of these policy areas, but implementation halted – indicating important opportunities for renewed open government efforts. Fiscal transparency and civic space could be new areas of opportunity for ambitious commitments.

#### AREA 1. Right to Information

Sri Lanka's first OGP action plan [passed](#) the country's [Right to Information \(RTI\) Law](#) in 2016—the best such law in the region according to the [Centre for Law and Democracy](#). However, there have been gaps in implementation of this law, so the [second action plan](#) intended to establish a disability-friendly RTI request portal and a government e-record management system, as well as increase RTI requests. These remain important areas of opportunity for the next action plan. The Ministry of Home Affairs could also undertake efforts to widen proactive disclosure of data i.e., where information is provided without a request being made. In tandem, efforts could expand public access to tools to request and understand government data at the national and local levels.

Useful resources:

- OGP: [Right to Information Fact Sheet](#)
- OGP: [Open Gov Guide: Right to Information](#)
- Related commitments: Kenya ([2016–2018](#)) and Uruguay ([2018–2020](#))
- Partners that can provide technical support: [Article 19](#), [Centre for Law and Democracy](#), and [The Carter Center](#)

#### AREA 2. Civic Space

Protecting civic space is an important policy area for Sri Lanka's open government process. Open government reforms are only possible when there is space for people to think and speak freely, act in coordination, and advocate for change. Respecting civic freedoms can [support](#) healthy economic growth and improve human development outcomes. However, in 2023, [CIVICUS](#) found a sharp decline in Sri Lanka's civic space. Commitments could institutionalize opportunities for civil society stakeholders to participate in developing amendments to [laws that impact civic space](#), such as the Prevention of Terrorism Act, the International Covenant on Civil and Political Rights (ICCPR) Act, the Online Safety Bill, and the Anti-Corruption Bill's whistleblower protections. Participatory reforms could also protect journalists, human rights defenders, and civil society activists' ability to work freely without fears of persecution, intimidation, or harassment.

Useful resources:

- OGP: [Democratic Freedoms Learning Network](#)
- OGP: [Actions to Protect and Enhance Civic Space](#)
- OGP: [Civic Space and Open Government Reform in Asia Pacific](#)
- OGP: [Civic Space Fact Sheet](#)

- Related commitments: Nigeria ([2019–2022](#)) and Luxembourg ([2019–2021](#))
- Partners that can provide technical support: [International Center for Not-for-Profit Law \(ICNL\)](#), [CIVICUS](#), and [Organisation for Economic Co-operation and Development \(OECD\)](#)

### AREA 3. Political Finance Transparency

Commitments in Sri Lanka’s first two action plans attempted to [amend](#) the Declaration of Assets and Liabilities Act, [establish](#) an Office of Asset Disclosure, and create an online asset declaration portal. Despite limited implementation, political finance transparency has seen recent progress, with passage of the [Regulation of Election Expenditure Act](#) in January 2023. The act creates a process for the Election Commission to set expenditure limits for political parties, independent groups, and candidates, as well as the collection of information on all expenditures and donations received. A commitment in the next action plan could fully implement the law, such as by creating a tool to track campaign finance donations and expenditures, launching a website to present the data, and collaborating with civil society to oversee the implementation of the law and identify misconduct. The plan could also incorporate efforts to increase the number of public officials who declare their assets and include verification mechanisms, such as beneficial ownership transparency, to limit the falsification or obscuring of assets. It could also be valuable to include a redress mechanism for public feedback on the accessibility of political finance information and the usability of online portals.

Useful resources:

- Transparency International: [Recommendations on Asset and Interest Declarations for OGP Action Plans](#)
- The World Bank: [Using Asset Disclosure for Identifying Politically Exposed Persons](#)
- Related commitments: Ukraine ([2014–2016](#)) and Georgia ([2016–2018](#))
- Partners that can provide support: [Transparency International](#) and [Global Integrity](#)

### AREA 4. Fiscal Openness

Fiscal openness can support the sustainability of Sri Lanka’s economy in the long term by promoting generation of government revenue primarily through domestic sources. In Sri Lanka’s case, [increasing](#) revenue and spending transparency can help ensure that government planning and spending aligns with public priorities, which can [contribute](#) to economic development and [save](#) money. The [IMF](#), [Transparency International](#), and [International Budget Partnership](#) also highlight the need for improved public financial management policies and practices in Sri Lanka through greater revenue and spending transparency, which can take several forms. For instance, a commitment could use a centralized platform to publish information on revenue, budgets, and spending—including expenditure variations against approved budgets. Budget oversight could be strengthened by deepening parliamentary engagement at key junctures in the budget cycle, ensuring adoption of audit recommendations, or engaging the public in audit investigations and budget implementation oversight. Additionally, commitments could open up government contracting by strengthening the National Procurement Commission or building out Sri Lanka’s procurement portal to provide public access to data on each stage of public procurement, including tender recipients, near-real time spending data, and implementation of relevant work.

Useful resources:

- International Budget Partnership: [Sri Lanka Open Budget Survey 2021](#)
- International Monetary Fund: [Sri Lanka Technical Assistance Report: Governance Diagnostic Assessment](#)
- Transparency International: [Civil Society Governance Diagnostic Report on Sri Lanka 2023](#)
- OGP: [Fiscal Openness Fact Sheet](#)
- OGP: [Open Gov Guide: Open Budgets](#)
- Related commitments: Lithuania ([2018–2020](#)), Finland ([2017–2019](#)), the Philippines ([2017–2019](#)), Sekondi-Takoradi, Ghana ([2018–2020](#)), Georgia ([2016–2018](#)), and Guatemala ([2016–2018](#))
- Partners that can provide technical support: [International Budget Partnership](#), [Global Initiative for Fiscal Transparency](#), and [Public Expenditure and Financial Accountability Program](#)

### AREA 5. Inclusion of Underrepresented Groups

In the last action plan, ambitious commitments sought to [enact](#) the Disability Rights Bill and [implement](#) select Concluding Observations of the Convention on Elimination of all forms of Discrimination against Women (CEDAW). To date, these efforts remain in progress. Sri Lanka could use the OGP platform to focus on measures that directly include underrepresented groups in government decision making. Commitments to formulate such legislation and policies would be strengthened by planning for public consultations as well as implementation and monitoring mechanisms. A commitment could also increase the transparency and accountability of social safety net cash transfers.

Useful resources:

- OGP: [Toolkit for More Gender-Responsive Action Plans](#)
- OGP: [Gender and Inclusion Factsheet](#)
- Related commitments: Indonesia ([2020–2022](#)), Ecuador ([2019–2022](#)), and Austin, United States ([2019–2021](#))
- Partners that can provide technical support: [The B Team](#), [Center for Global Development](#), and [Equal Measures 2030](#)