

National Action Plan for Combatting Bribery and Corruption in Sri Lanka



2019-2023

**Lessons learned in the development, evaluation and
impact of anti-corruption strategies
(art. 5 of the UNCAC)**

Sri Lanka's response
to CU
2019/267(A)/DTA/CEB
prevention of
corruption

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01. National Action Plan for Combating Bribery and Corruption in Sri Lanka

The Cabinet of Ministers approved and entrusted the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) with the task of formulating a National Action Plan for Combating Bribery and Corruption in Sri Lanka in October 2017. This culminated in developing the National Action Plan for Combatting Bribery and Corruption in Sri Lanka 2019 – 2023 (NAP) which was approved by the Cabinet of Ministers on 05 February 2019. It was thus ceremonially launched on 18 March 2019 in Colombo. The launch of the NAP was in recognition of Sri Lanka's obligations under the United Nations Convention Against Corruption (UNCAC) and other international obligations, which was constitutionally recognized in the 19th Amendment to the Constitution.

02. The background for the formulation of the National Action Plan

- a. The necessity of formulating a National Action Plan to combat bribery and Corruption, is founded on various national and international factors.
- b. There are several laws and regulations enacted to combat bribery and corruption in Sri Lanka. Nevertheless, there has been no National Action Plan outlining national Policies envisioning to combat bribery and corruption. Hence, it became imperative that a National Action Plan be formulated to collectively mobilize all governmental bodies and other private institutions for the fight against bribery and corruption.
- c. Under Article 156 (A) of the 19th Amendment to the Constitution, it is constitutionally recognized that CIABOC shall take measures to implement the United Nations Convention Against Corruption (UNCAC) and any other international Convention relating to the prevention of corruption to which Sri Lanka is a party.
- d. Sri Lanka signed the United Nations Convention Against Corruption (UNCAC) on 15th March 2004 and ratified the same on 31st March 2004. Therefore, as a State party to the Convention, Sri Lanka is under a commitment to establish the necessary legal framework and to formulate a well-coordinated, comprehensive and effective National Policy to combat bribery and corruption in terms of Article 5 of the Convention.

- e. During the Second review cycle of the implementation of the United Nations Convention Against Corruption (UNCAC), it was noted that Sri Lanka has not formulated a National Action Plan on anti-corruption.
- f. Moreover, in terms of the National Action Plan formulated under the Open Government Partnership, the need to formulate a National Action Plan is emphasized.
- g. On the dialogue concerning whether the GSP Plus Concession should be granted to Sri Lanka again, the European Commission considered whether Sri Lanka has taken substantial steps to effectively combat bribery and corruption, particularly whether Sri Lanka is in compliance with the *UNCAC*. In addition, the European Commission stressed that Sri Lanka should formulate a National Action Plan to effectively prevent and combat bribery and corruption strengthening good governance.
- h. The International Monetary Fund (IMF) too has emphasized upon the above obligations of good governance and fighting corruption in the course of allocating its funds.
- i. The Sustainable Development Goals in its Goal 16(5) equally has the aim of eradicating bribery and corruption by year 2030. Therefore, formulating a national Action plan is imperative in the country's move towards Sustainable Development.

03. Cabinet Approval for the formulation of the National Action Plan.

- a. In view of the above necessities, Cabinet approval was granted by the Cabinet Paper 731/2325/17 dated 24th October 2017 to formulate the National Action Plan.
- b. It was further decided that the National Action Plan be formulated by the CIABOC under the guidance of Presidential Secretariat and in consultation with relevant agencies.

04. The formulation of the National Action Plan

- a. The NAP is a culmination of extensive studies of the experience of other nations, a review of Sri Lanka's own unique circumstances, and nation-wide consultations with citizens.

- b. Consequently, under the guidance of Presidential Secretariat and assistance of Ministry of Public Administration, the CIABOC carried out island wide, regional consultations in order to gather ideas, recommendations and suggestion from the public.
- c. Consultations were carried out to cover different targeted segments of the society including parliamentarians, other public representatives, public sector, private Sector, religious leaders, civil society, media, artists, organizations of professional associations, foreign ambassadors etc. In particular, four informative discussions were held at the parliamentary premises in order to take recommendations from the entirety of the 225 members of the parliament. These island wide regional consultations were in effect a *sangayana* or a conference within the Public service comprised of 1.5 million public officers.
- d. The final draft of the National Action Plan formulated through the aforesaid island-wide regional consultations with the intention of building a country of integrity reflects the ideas and suggestion of all segments of the society.
- e. An Executive committee and a Working Committee comprised of senior officials from the government and other institutions were appointed to monitor the final draft of the National Action Plan.

05. Cabinet Approval for the National Action Plan drafted with a view to building a country of integrity.

- a. Cabinet approval was granted for the National Action Plan formulated and drafted with the recommendations and suggestions from the island wide public consultations on 5th February 2019. The Action Plan is to be implemented within the next five-year span; that is from 2019-2023.

06. The Foundational Strategies identified by the National Action Plan to combat Bribery and Corruption.

- a. The National Action Plan identifies 04 strategies as the foundation of the country's anti-corruption strategy to combat bribery and corruption; They are namely;
 - A. Prevention Measures,
 - a. Establishment of a Corruption Prevention Division at CIABOC
 - b. Enhancing integrity and preventing corruption in the public sector

- c. Optimizing citizen's access to public services
- d. Preventing corruption in the private sector
- e. Ensuring integrity of elected representatives
- f. Integrity in public procurement and public finances
- g. Increasing public confidence in the integrity of the criminal justice system

B. Value-Based Education and Community Engagement Investigations,

- a. Integrity education for children and youth
- b. Awareness raising for the public sector
- c. Creating public demand for accountability
- d. Strengthening the role of media to promote a culture of integrity
- e. Strengthening civil society and citizens to enhance accountability
- f. Engaging the private sector towards a society of integrity
- g. Awareness raising for public representatives

C. Institutional Strengthening of CIABOC and other

- a. Strengthening CIABOC
- b. Strengthening law enforcement agencies and regulatory bodies dealing with financial crimes
- c. Strengthening inter-agency relations

D. Law Enforcement Agencies, Law and Policy Reforms.

- a. Amendments to laws coming within the purview of CIABOC
- b. Amendments to other laws relating to anti-corruption efforts
- c. Policy reforms
- d. Compliance with international obligations

- b. Additionally, Four Handbooks have been released alongside the National Action Plan in relation to decisive factors which would shape the course of the combating bribery and corruption. The four handbooks are as follows:

1. Draft Handbook on Gift Rules:
2. Draft Handbook on Conflict of Interest Rules
3. Integrity Handbook for state officials
4. Handbook on legislative amendments for areas such as bribery, asset declaration, Commission Act, Election campaign finance and whistleblower provisions.

- c. The Action Plan as well as the 04 Handbooks have been translated to Tamil and English where in 15 publications were launched in total.

- d. The National Action Plan for combating bribery and corruption as well as the 04 Handbooks published along with it has been uploaded on the website of the CIABOC. (<https://www.ciaboc.gov.lk/>)

07. **Launch of the National Action Plan**

- a. The National Action Plan was ceremoniously launched as the **“Warrant of Integrity”** on 18th March 2019 at Colombo graced by His Excellency the President as the chief guest and other invitees.
- b. Approximately 1250 guests including Venerable Sanga and other religious leaders representing all religions participated for the occasion.
- c. His Excellency the President and all Parliamentarians including the Prime Minister, the Speaker of the Parliament, the Hon. Leader of the Opposition and all public representatives including Governors and Chief Ministers of the Provincial Councils were invited to grace the event. In addition, all Secretaries including the Presidents Secretary, District Secretaries, Divisional Secretaries; officers from public sector; invitees from the private sector; the Police; the Triforce; officers representing the Civil Security; representatives from Civil Society Organizations; participants representing the general public; participants representing School Students; as well as all foreign ambassadors were invited from whom a majority participated for the event.
- d. There were several objectives for the participation of nearly 1250 persons to the launch.
- e. The main objective being, the need for raising awareness within the sectors who implement the Action Plan in order to give its maximum benefits to the public. The responsibility to implement this national Action Plan is casted with all public institutions of the country. Moreover, each sector has its own sphere of tasks in the implementation of the plan. Therefore, it is imperative that all parties be aware of the National Action Plan. Hence, participants representing all sectors who bear the responsibility of implementing the Plan were invited to grace the occasion.
- f. Specially, the members of the Parliament; all Secretaries including the Presidents Secretary, District Secretaries, Divisional Secretaries; chiefs of Corporations, Boards; Governors and Chief Ministers of the Provincial Councils representing the Public Sector were invited with a view to provide a comprehensive awareness during the launch of the Action Plan. Hence steps

were taken to creatively explicate the strategies of combatting bribery and corruption contained in the Action Plan.

08. The monitoring and evaluation

a. The monitoring and evaluation strategy

The monitoring and evaluation strategy is the mortar that holds together the edifice supported by the four strategic pillars. The utility of the NAP would diminish if the public does not witness nor is kept informed of progress. Thus, the plan includes a rigorous and periodic monitoring and evaluation mechanism. The 2013 Kuala Lumpur Statement on Anti-Corruption Strategies highlights that in order to implement sustainable anti-corruption strategies, the strategies must be institutionalized to ensure effective implementation, continued relevance and timely modifications. The implementation of strategies at national and sub-national levels by identifying responsibilities and timelines for implementation with a focus on key performance indicators, have been recognized as pivotal in the design and content of this Action Plan. Given that a carefully devised monitoring and evaluation framework is imperative to gauge the success of the plan, Strategy E of the plan focuses exclusively on this aspect.

b. Key objectives of the Monitoring and Evaluation Plan.

This framework is to be used to monitor the progress of actions, to evaluate outcomes, and to reassess interventions based on such evaluations. It is an essential tool which provides responsible agencies and policy makers information to arrive at objective conclusions on the way-forward. The key objectives and therein focus areas of this strategy are:

- To monitor whether the actions contained in the NAP have been implemented within the stipulated timelines and whether the key performance indicators have been achieved
- To ensure periodical oversight of the institutional Action Plans for the prevention of corruption
- To evaluate progress of strategies and to evaluate whether the implementation of the actions have had the envisaged impact on reducing corruption
- To reassess actions based on the evaluations and decide on the necessity to reallocate resources for strengthened implementation.

c. The following measures have been incorporated into strategy E of the Action Plan

1. Establish requisite mechanism for implementation and monitoring
2. Periodic oversight of institutional Action Plans
3. Periodic assessment of the implementation of the NAP
4. Capacity building for monitoring and evaluation
5. Reward role models and organizations

d. The requisite mechanism for monitoring and evaluation

A clear understanding of the monitoring mechanism is essential to ensure that the NAP is properly implemented across institutions. Within this Plan, different bodies and institutions have distinct and complementary responsibilities for oversight, monitoring and reporting on implementation. The President, Prime Minister and Cabinet of Ministers have the ultimate responsibility to ensure that the NAP is implemented with efficacy and that strategies have the envisaged impact. The commitment of the cabinet is necessary to ensure that government institutions receive adequate resources for implementation.

The line Ministries responsible for subjects such as local government, planning, education, finance, public administration is responsible for ensuring that the strategies contained within the NAP including consequential policies and programmes are effectively carried out. Heads of all public-sector institutions, have the responsibility to implement measures contained within the NAP to develop of institutional Action Plans and to appoint of corruption Prevention Committees and integrity officers and report on its implementation. The progress of the institutional Action Plans will then be reported via the relevant line ministries to the National Integrity Council. Corruption prevention committees will be responsible for the implementation of the relevant components of the NAP and the institutional Action Plan. The Commission to Investigate Allegations of Bribery or Corruption (CIABOC) will have an integral role in facilitating, capacity building, providing technical guidance and coordinating various components of the NAP. Given its position as Sri Lanka's premier anti-corruption agency and the role played in the design and compilation of the NAP, CIABOC has a core role in the implementation of the NAP.

Periodic oversight of institutional Action Plans will be carried out by the corruption prevention committees of each institution as well as the National Integrity Council while the periodic assessments of the NAP will be carried out by the National Integrity Council in consultation with CIABOC. As scientifically proven, in recognition of the co-relation between successful progress and motivation, the NAP introduces a system of rewards to

encourage enhanced performance in keeping with the spirit of the plan. The rewards system is expected to act as a psychological stimulant to all those engaged in the greater scheme of the anti-corruption strategy in order to make it a success. In summary, institutional corruption prevention committees together with integrity officers are accountable to the heads of institutions who in turn report to the Ministry of Public Administration through their relevant line ministries. The Ministry of Public Administration is accountable to the National Integrity Council with the technical support of CIABOC. The National Integrity Council will report to the Cabinet of Ministers and president through the presidential secretariat.

e. The National Integrity Council

The National Integrity Council, which will comprise of a panel of independent experts with multiple stakeholder representation, will be appointed by the President. One member of the council will be ex-officio from the CIABOC Prevention Division. The National Integrity Council will be the authority entrusted with the responsibility for monitoring and evaluation of the NAP, both in its entirety and of its components. As such, the council will be responsible therein for reporting periodically to the Presidential Secretariat.

The key responsibilities of the National Integrity Council include

- To conduct a periodic overall review of the implementation of the plan
- To review the reports of relevant institutions every half-yearly and report to the Cabinet.
- To make observations, suggestions, and recommendations to relevant institutions based on the review
- To review the on-going progress of the NAP by making observations, recommendations and suggestions to the relevant institutions
- .To review and adjust, where necessary, key performance indicators within the NAP
- To monitor the budgetary agencies on the implementation of NAP and recommend changes and additional resource allocations

In this regard, CIABOC has itemized the role of each institution and have begun discussions to establish the Secretariat for Prevention activities. It has also submitted a cabinet paper requesting the President to appoint a Steering Committee to liaise with government entities. Persons of integrity have been identified to form a National Integrity Council to oversee the overall implementation of the NAP, the appointment of which will be made shortly.

At the same time the Presidential Secretariat intends suggesting to COPA to take into consideration the implementation of the NAP as a criterion in its assessments of the performance of government departments.

09. Implementation of the National Action Plan

- a. The visionaries and the philosophers are the whip-crackers who take lead in the journey of a country. They can stimulate the people of the country through their clear vision. The reason behind the formulation of this National Action Plan was to give such vision as to the future of Sri Lanka. The true heirs of this National Action Plan are the People of this Country representing a cross-section of the society, who were engaged with this futuristic dialogue during the time span of a year. The core objectives of the ensuing Action Plan are to build a younger generation nurtured with good values and attitudes, create a public and private service of integrity, and to build a justice system where the law treats all people alike with fairness.
- b. The eradication of bribery and corruption is not an individual effort on the part of one institution, but a collective goal of the whole nation. We must be the whip-crackers rather than the spectators. Within the next 5 years, our goal must be to collectively work together in fulfilling our responsibilities to realize the vision of eliminating bribery and corruption from Sri Lanka. If so, the day that the world will come to us will not be much far away.
- c. The Cabinet of Ministers also approved the National Integrity Plan in 2019 shortly after approving the NAP. The National Integrity Plan applies to all sectors including the judiciary, the legislature, and the private sector.
- d. After the NAP was launched, the Secretary to the President held several rounds of discussions on the implementation of the NAP and have issued a circular requiring to all Secretaries and heads of Department to give effect to the content of the NAP, in particular, the requirement to appoint integrity officers and to develop individual institutional prevention strategies.
- e. The circulars issued by the Secretary to the President PS/ACD/01/2019 and Circular dated 2019.07.24 have been passed mandating all government institutions, Boards and Corporations to implement the National Action Plan.
- f. It is imperative to fully implement the National Action Plan in order to effectively combat bribery and corruption in Sri Lanka. All public institutions must be committed to achieve this vision.
- g. CIABOC also established a formal prevention unit within its institutional structure and received 4000 applications for the 50 positions created to recruit prevention officers. All these applicants have been interviewed and CIABOC awaits final security clearance to appoint the officers. Their role is to guide and assist the integrity officers appointed to government

institutions. While CIABOC has carried out 50 awareness programmes during the period from 2015-2018, it has also established 3 prevention Committees for the general public, for education, and for the public sector.

- h. In furtherance of implementing the NAP, discussions are underway to include training on anti-corruption for public officials at the time of appointment as well as during in-service training. At the same time, as a result of a series of discussions held with the National Institute of Education (NIE), the NIE has undertaken to include anti-corruption as a component on “good habits” in the school curriculum.
- i. It is also pertinent to mention that vital sectors in society have taken cognizance of the content of the NAP. As a result, recently, religious leaders from all religions ceremonially presented a set of proposals to leaders of political parties at a widely attended national event, the essence of which required political parties to ensure persons with integrity are nominated for elections by their respective parties.
- j. CIABOC has also held discussions with the private sector regulatory bodies, especially the Chartered Institute of Accountants in Sri Lanka to impress upon them their role in fighting corruption and to carry out prevention activities within their institutions.
- k. The Commission has also initiated a prevention campaign through social media. The procurement process for the recruitment of a social media expert as well as an entity to carry out the audio visual campaign has already begun.
- l. In keeping with international obligations such as UNCAC, OGP, and the GSP+ trade concessions, and the Jakarta Statement on Principles for Anti-Corruption Agencies the draft Composite Act contains extremely progressive provisions such as Whistle blower protection; criminalization of private sector bribery, bribery of foreign officials, and conflicts of interest; an electronic assets declaration system etc.
- m. Against this backdrop, the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) sought the approval of the Cabinet of Ministers to amend the CIABOC Act. Further, the Sectoral Oversight Committee on legal affairs (Anti-Corruption and media) directed CIABOC and the Legal Draftsman to prepare a draft composite law comprising the content of the Bribery Act No. 11 of 1954, CIABOC Act No. 19 of 1994, and the Declaration of Assets and Liabilities Law, No. 01 of 1975. Pursuant to such directive, CIABOC sought the approval of the cabinet of ministers to draft a Composite Act which approval was granted on 30 April 2019.

