

Validated National Policy Protocol (After the 2nd Level of Validation)

Acknowledgement

Adopted from the Protocol for Policy Formulation

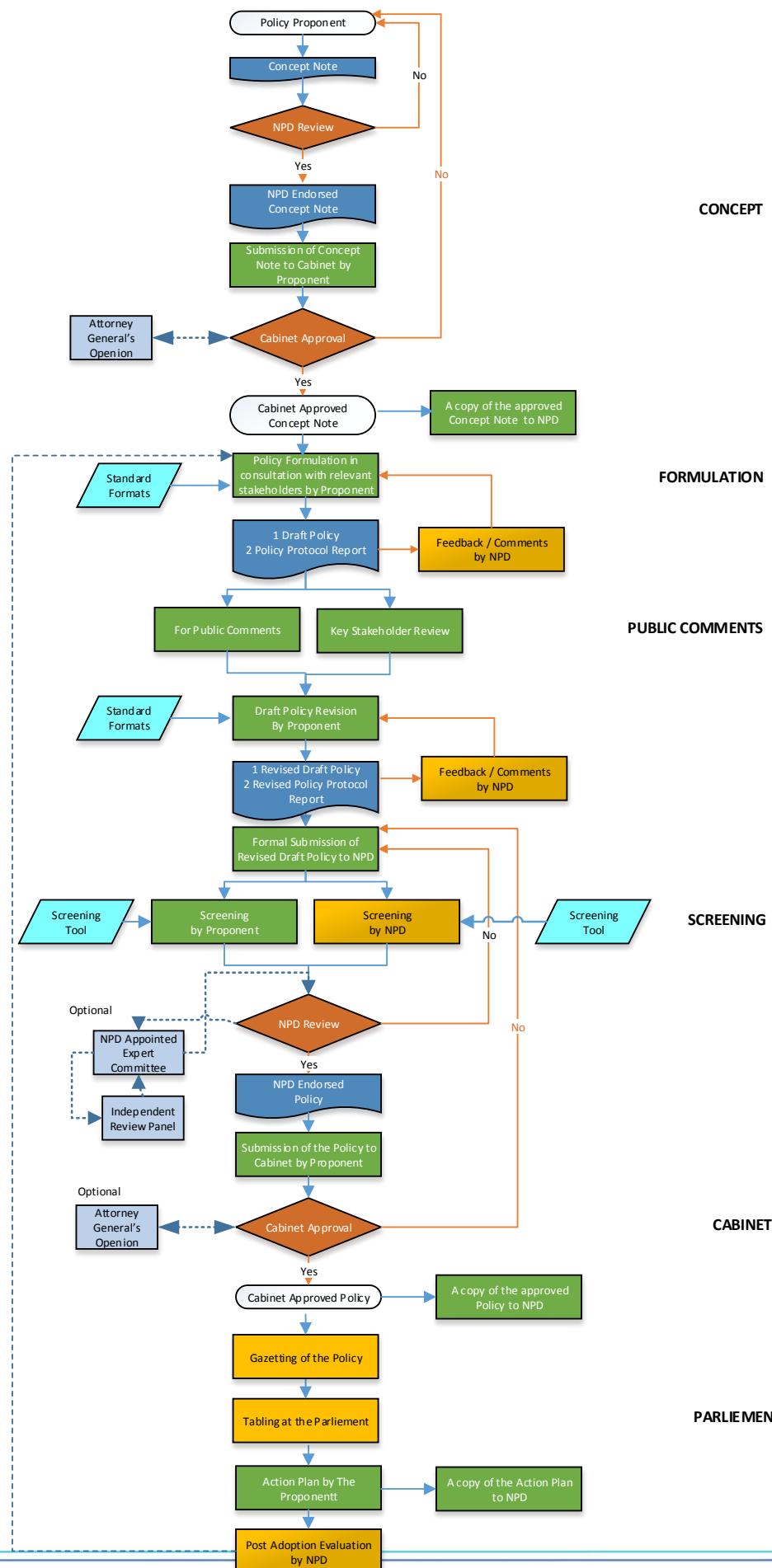
Royal Government of Bhutan

National Policy Formulation Process Standardization

Validation Workshop

Monday 16th May 2016

Venue: Salon Araliya, Hotel Galadhari, Colombo 01



All national level public policies in Sri Lanka, irrespective of their origin, shall be approved and adopted in line with the following Protocol for Policy Formulation.

1. Any issues to be formulated into public policies in Sri Lanka can originate from HE the President, Cabinet of Ministers, Court orders, a respective Ministry or the Ministry in charge of National Policies.
2. All policies originating from different Sectors must be routed through their divisions in charge of Policy and or Planning if any of respective Ministries, who shall be the focal points for policy coordination.
3. The formulation of any policy will begin with the preparation of a **Concept Note** of maximum 3 pages by the Proponent¹, which is submitted to the Department of National Planning (NPD) for endorsement. The Concept Note should clearly state the following:
 - I. The reason / rationale for proposing the policy (what issues need to be addressed and government directives if any).
 - II. The process and indicative timeline that will be followed in developing the policy.
 - III. Identify opportunities and alternatives to integrate with Government's Sustainable Development Goals (SDG) and crosscutting issues such as environment, poverty, climate change, gender, disaster risk management, etc. within the policy.
 - IV. Major impediments or risks foreseen in the development of the policy.
4. The NPD shall comment on the concept note normally within 14 working days from the receipt of the concept note.
5. Upon incorporation of the comments through discussions with the NPD, the **Concept Note** endorsed by the NPD shall be submitted by the Proponent to the Cabinet for approval. Cabinet may refer it to the opinion of the Attorney General if such a need arises.
6. Either upon Cabinet approval of the **Concept Note** or upon incorporation of the comments of the Cabinet by following Steps 4 and 5, the Proponent shall commence formulation of the policy proposal in consultation with all relevant stakeholders.

Note: It is advisable to use the policy screening / assessment tool at the early stage of policy formulation as a guide to ensure the adherence to major requirements though the formal application of the policy screening / assessment tool is expected only at the Step 12.

7. Once the draft policy is ready, the Proponent shall submit the following documents to the NPD:
 - I. The Draft Policy (as per the standard policy format)
 - II. The Policy Protocol Report (as per the attached format)
8. With the submission of the above documents, NPD shall review the documents and provide feedback / comments to the Proponent within 14 working days.
9. Within 7 days of submitting the Draft Policy, the Proponent shall make a presentation to the NPD, if required.

¹ The ministry that proposes and formulates the policy. Once the policy is approved by the Cabinet of Ministers, the Proponent will have the sole authority and will take the full responsibility of implementing the policy in collaboration with respective stakeholders.

10. The Draft Policy shall be made available for comments on a public domain (web - based or other means) and shared with relevant Research Institutes and key stakeholders for mainstreaming cross-cutting issues such as gender, environment, poverty, climate change, disaster risk management, etc.
11. A series of consultations and dialogue shall take place between the Proponent and the NPD before the Draft Policy is revised and formally submitted to NPD.
12. The revised Draft Policy shall be subjected to the Policy Screening Tool by the Proponent and the NPD (as two separate exercises at the beginning and thereafter collectively).
 - I. Prior to screening of a policy, a bilateral session shall be held between the Proponent and the NPD on the relevance of certain SDG indicators against the policy under development.
 - II. The screening shall be undertaken individually by those participating in the screening exercise (The Draft Policy and Screening Tool to be shared a few days prior to the meeting).
 - III. The individual results shall be discussed and compiled during the screening meeting.
 - IV. A diverse mix of stakeholders shall participate, numbering to at least 15 participants.
 - V. Representatives of gender, environment, poverty, climate change, disaster risk management of the proponent, and other external key stakeholders shall be involved in the screening exercise.
13. The revised Draft Policy, Policy Protocol Report, and the Policy Screening Results shall be formally submitted to the NPD for endorsement.
14. The NPD may decide to either go straight to Step 16, or may consider instituting an Expert Committee to review the Draft Policy further. The Expert Committee will be purpose-based, work to a defined timeline.
15. In the event an Expert Committee is instituted, the revisions recommended by the Expert Committee shall be reviewed by an independent body identified by the NPD. They will provide critical views and recommendations (within four weeks) to the Expert Committee and the NPD.
16. The Expert Committee shall consider and incorporate comments of the independent body and then submit it (within two weeks) along with the original report of the independent body, for review and endorsement by the NPD.
17. The Draft Policy endorsed by the NPD shall be submitted by the Proponent to the Cabinet for approval. Cabinet may refer it to the opinion of the Attorney General if such a need arises. A copy of the Draft Policy shall be submitted to NPD, to ensure that comments have been incorporated.
18. Either upon Cabinet approval of the **Policy** or upon incorporation of the comments of the Cabinet by following Steps 12 to 16, the Proponent shall implement the policy prior to which it should be gazetted and tabled at the parliament.
19. A copy of the approved policy shall be sent to NPD by the Proponent.
20. The Proponent in association with other concerned Ministries / Agencies shall submit an action plan for the implementation of the policy to the NPD, after the endorsement of the policy by the Cabinet. The action plan should clearly spell out the implementing agency, indicative budget, timeframe and output indicators.

21. The NPD shall carry out post-adoption evaluation of policies. The findings of the policy evaluations shall be used to refine policies at the next round of amendment.

Draft Format for Policy Protocol Report

1. Title Page

- Title of the policy issue (in as few words as possible)
- Name and contact address of the organization submitting the issue (Proponent)
- Date of submission

2. Proposal

- Proposal, clearly specifying what is to be considered (in one or two lines).

3. Background

- Current policy statement - a brief overview of the existing policy (if there is an existing policy)
- Rationale - A brief explanation of the objectives of the proposal, highlight the key problems to be addressed by the Policy
- Prior decisions, Government directives, etc.
- Current status / developments on the issue

4. Research and Findings

- Mention any studies, appraisals, etc. carried out on issues related to the Policy Proposal along with key findings and recommendations
- Attach copies of the studies and reports referred to.

5. Policy Alternatives / Implications

- Link with Sustainable Development Goals (SDGs)
- Pros and Cons - state the challenges and opportunities of implementing the policy (SWOT analysis)
- Mainstreaming of cross-cutting issues (as appropriate)
- Environment:
 - Identification of key sustainability issues linked with this policy and mainstreaming of these issues;
 - Opportunities for sustainable use of natural resources; and
 - Contribution to national goals, principles, and international commitments, eg. Carbon neutrality
- Vulnerability and resilience (adaptation) of communities and eco-systems
 - Climate change
 - Disaster
 - Environmental degradation
- Gender:
 - Specific gender inequalities existing;
 - Causes of such inequalities and opportunities to address them;
 - Are there any targeted specific initiatives proposed?
 - Challenges & constraints for attaining gender equality.
- Poverty - Initiatives to address income gaps & inequalities.
- Other cross-cutting issues (health, ICT, etc.)
- State any other implications (legislative, financial, social, administrative, political, institutional, etc.)

6. Consultation process

- List of stakeholders consulted
- Meetings held
- Controversial issues if any
- Key findings and recommendations from the consultation process
- Major changes made to the Draft Policy

7. Draft Policy

- Attach a copy of Draft Policy
