

**Mapping of Institutional  
Arrangement  
in  
Sri Lanka  
for  
Climate Change Mitigation**

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This report has been developed under the Multi-level Governance and Climate Actions (MLGCA) related technical assistance of **LEDS Global Partnership**. The report has been authored by **Ranga Pallawala**. He is currently working as the CEO of Janathakshan GTE Limited and serving as a member of National Expert Committee on Climate Change Adaptation (NECCCA) of Sri Lanka.

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## 1. Introduction

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Sri Lanka is a highly vulnerable country to the current and projected impacts of climate change. It is also one of the first countries to ratify the historic Paris Agreement and currently in the process of setting up the mechanisms to implement the national targets. Sri Lanka has communicated their Nationally Determined Contributions (NDCs) in mitigation, adaptation, loss and damage and Means of Implementation (technology transfer, capacity building and climate finance). It is a widely accepted fact that the implementation of effective climate actions can be done only through a multi-stakeholder approach. This fact has been now recognized within the United Nations Framework Convention on Climate Change (UNFCCC) process through the proposed “*Talanoa Dialogue*” in which parties to UNFCCC and non-party stakeholders come together to discuss the way forward on “enhanced climate actions”. The sub-national governments have come forward to play a leading role in overall climate actions.

The responsibilities of national Climate Change policy formulation often a responsibility of the national governments. Sri Lanka is not an exclusion where the Climate Change Secretariat (CCS) under the Ministry of Mahaweli Development and Environment (MoMDE) leads the national level policy formulations and planning processes pertaining to climate change. However, it is recognized the climate actions must be formulated and implemented as a collaborative and mainstreamed process. Subnational level institutions have a greater responsibility in formulating and implementing Climate Action.

Globally, the national governments often depend on cities and sub-national governments (SNGs) to deliver mitigation action through directly implementing policies. But SNGs can strengthen and reinforce national policies to help reach higher ambitions for example, through addressing market failures not dealt with by national policy or increasing policy stringency in subnational delivery SNGs are often best placed to identify local needs and benefits and to exploit synergies across investment priorities through mobilizing local resources and coordinating between individuals, institutions and sectors that are crucial to mitigation action SNGs have greater opportunities for policy innovation in developing

tailored solutions and identifying policy complementarities for example through local piloting and experimentation.

The Low Emission Development Strategies Global Partnership (LEDS GP) was founded in 2011 to facilitate peer learning, technical cooperation and information exchange to support the formation and implementation of low emission development strategies. There are regional platforms for Asia, Africa, Europe & Eurasia and Latin America & Caribbean. LEGS GP work in number of themes including Energy, Transport, Subnational Integration etc. LEDS GP engages leaders from over 300 institutions across government agencies, technical institutes, international agencies, and NGOs. It operates through regional platforms in Africa, Asia, Europe and Eurasia, and Latin America and the Caribbean and has six technical global working groups and a global secretariat. Developing country leaders in each region set priorities for learning, collaboration, and advisory support delivered collectively through the Partnership.

There are six crosscutting Technical Working Groups of LEDS GP under which affiliated program support implementation is carried out *viz:*

- *Agriculture, Forestry and Other Land use*
- *Energy*
- *Transport*
- *Finance*
- *Benefits of Low-Carbon Development Strategies*
- *Subnational Integration*

Sri Lanka expressed their interest in August 2017 to join the technical assistance opportunity under the LEDS GP on “Multi-level Governance and Climate Actions (MLGCA)” for “Accelerating Subnational Implementation and Raising National Ambitions”. This report on “Institutional Mapping on Multi-Level Governance and Climate Actions” is carried out as the first step under the technical assistance.

## 2. Scope and Objectives

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Understanding the current and potential roles can be played by the Sub-national governments and other stakeholders will be crucial for Sri Lanka to transform towards a resilient and low emission development pathway. The institutional mapping report is on the general climate change related sub-national level institutional arrangements with high emphasis on mitigation and low emission development. This “Institutional Mapping” exercise has been carried out to achieve the following key objectives

- To identify and map the key stakeholders at sub-national levels in Sri Lanka in the context of Climate Change mitigation and low carbon development
- To improve clarity on institutional jurisdictions, functions, and mandates; across levels of government and civil society to deliver emission reductions and improve the climate resilience of infrastructure services
- To understand the potential role of subnational governance tiers in Sri Lanka to develop and achieve national level climate change targets.
- To understand the potential influence and role can be played by sub-national stakeholders on Climate Change

### 3. Methodology

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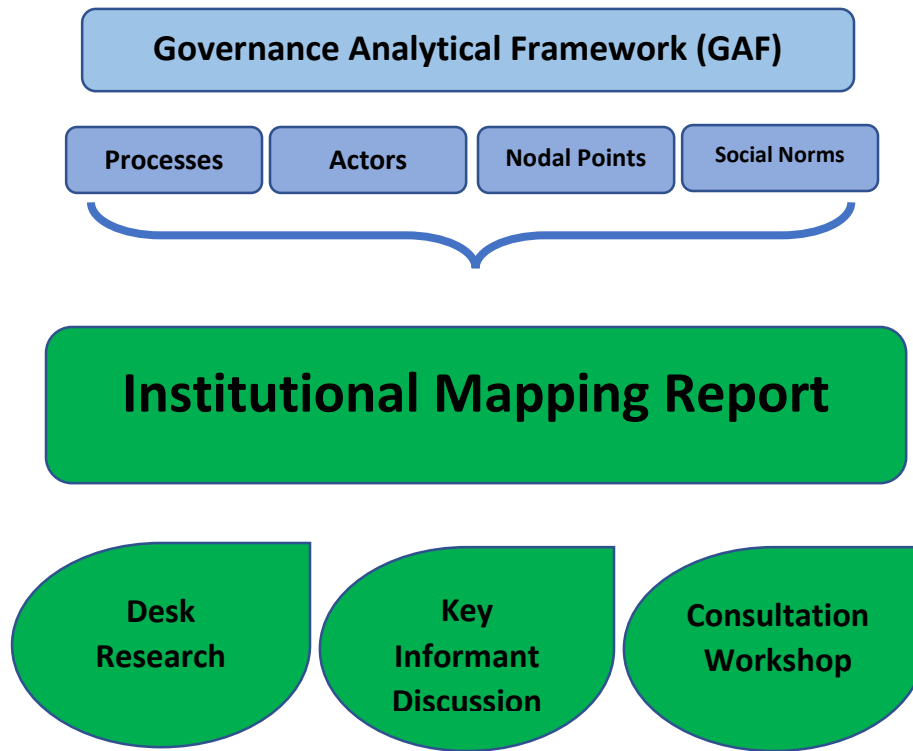
The Governance Analytical Framework (GAF)<sup>1</sup> has been used as the primary tool in this study. The data and information required for the analysis were collected through secondary information, key informant interviews and participatory consultations. The social norms, actors, nodal points and processes in relation to climate change mitigation and low carbon development have been studied and analyzed during the study. The predominant secondary sources of information used for the analysis are secondary sources including articles, papers, reports and publications by different parties. Number of one-to-one discussions were held with identified key informants in the sector of climate change and sub-national governance in Sri Lanka to validate the gather information. The findings of the draft institutional mapping exercise were presented to a representative group of stakeholders to obtain their comments over a two day consultative workshop<sup>2</sup>.



**Figure 1: Stakeholder Consultation workshop**

<sup>1</sup> GAF methodology details can be found in <http://www.urbanpro.co/wp-content/uploads/2016/12/The-Governance-Analytical-Framework.pdf> and <http://www.fao.org/policy-support/resources/resources-details/en/c/445289/>

<sup>2</sup> The detailed report of the consultative workshop is available at <http://ledsgp.org/wp-content/uploads/2018/09/Subnational-Governance-Worshop-Report-Sri-Lanka-.pdf>



***Figure 2: Schematic Representation of the Methodology***

The overall governance structures, processes and nodal points were analyzed during the process including the subnational level power devolution. A separate analysis was carried out on the current and proposed institutional arrangements to achieve the objectives and targets pertaining to climate change in Sri Lanka. Then these two analysis were analyzed together using the GAF to complete the institutional mapping. The current policies, strategies and plans pertaining to climate change, especially climate change mitigation were used to understand the potential nodal points to enhance vertical integration aspects.



## 4. Public Policies & Climate Change Commitments of Sri Lanka

Climate Change is governed in Sri Lanka under numerous policies, strategies and plans. Under the Paris Agreement of UNFCCC Sri Lanka has made commitments towards meeting global challenge of climate change. Under this section of the report, the current policies, strategies, plans and commitments are reviewed with special reference to institutional arrangements.

- a. **Climate Change Policy**<sup>3</sup> of Sri Lanka is the overarching policy that guides the climate change related interventions in Sri Lanka. This was adopted in 2012 which encompasses areas of vulnerability, adaptation, mitigation, sustainable consumption & production, knowledge management, technology transfer, institutional mechanisms, etc. It specifically highlights the need for inter-institutional coordination at all levels including national and sub-national levels.

***The 20th sub article, under the “Section F – General Statements” of the Sri Lanka Climate Change Policy, it is stated as***

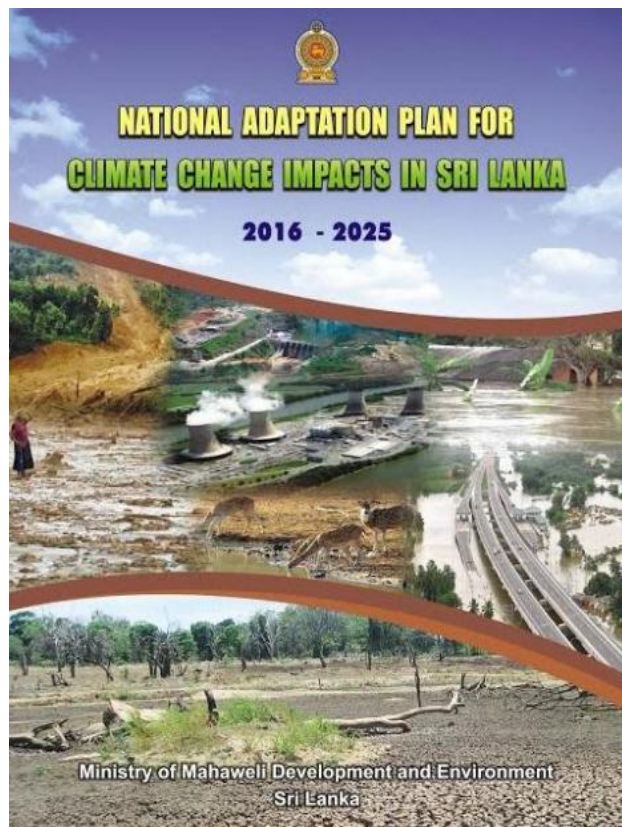
*“Institutional coordination - Develop and strengthen an inter-institutional coordinating, collaborating and monitoring mechanism for effective implementation of the activities related to climate change at national, provincial, district and divisional levels under the National Focal Point to the United Nations Climate Change Multilateral Agreements.*

*Foster good governance practices at all levels to improve mutual understanding and trust among stakeholders to ensure accountability of implementing of the policy. Performance of the national climate change policy should be evaluated through a sound monitoring and reporting system at national, provincial, district and local levels”.*

<sup>3</sup> Climate Change policy of Sri Lanka is available at [http://www.climatechange.lk/CCS%20Policy/Climate\\_Change\\_Policy\\_English.pdf](http://www.climatechange.lk/CCS%20Policy/Climate_Change_Policy_English.pdf)

## b. National Adaptation Plan (NAP)

Sri Lanka as a party to the UNFCCC and a small developing country has recognized its vulnerability to current and projected impacts of climate change, has developed its **National Adaptation Plan<sup>4</sup>** (NAP) for 10-year period from 2016-2025. This plan has been prepared in line with the broad set of guidelines set forth by UNFCCC for development of NAPs. Sri Lanka's NAP has been developed with two tire analyses viz: sectoral analysis and cross-sectoral analysis. NAP of Sri Lanka has focused on nine sectors viz: Food security, water, coastal sector, health, human settlements, bio-diversity, tourism & recreation, export development and industry- energy-transportation. There are six cross-cutting areas also prioritized under the NAPs namely; Policy, legal, economic & governance issues, Institutional development & coordination, International cooperation, Resource mobilization, Research & development, Skills & training needs and Technology transfer & standards.



**Figure 2: National Adaptation Plan (NAP)** of Sri Lanka is one of the first NAPs to be submitted by a Developing Country party of UNFCCC. It covers the period 2016 -2025

<sup>4</sup> National Adaptation Plan of Sri Lanka is available at [http://www.climatechange.lk/NAP/National%20Adaptation%20Action%20Plan\\_LatestVersion.pdf](http://www.climatechange.lk/NAP/National%20Adaptation%20Action%20Plan_LatestVersion.pdf)

The NAP is a comprehensive plan for Sri Lanka and it has recognized a proper institutional mechanism to roll it out effectively. As same as in the Climate Change Policy of Sri Lanka, it has recognized inter-agency coordination, stakeholder engagement and national and sub-national level coordination as important features. Technically Sri Lanka is in the process of implementing the NAP since 2017.

### c. **Intended Nationally Determined Contributions (INDCs)**<sup>5</sup>

The changes in the global climate governance system towards and with the adoption of Paris Agreement has been felt by Sri Lanka as well. Sri Lanka submitted its **Intended Nationally Determined Contributions (INDCs)** ahead of the 21<sup>st</sup> Conference of Parties (COP) of UNFCCC. Sri Lanka did not make many changes to its INDCs after the adoption of Paris Agreement and those became NDCs<sup>6</sup> automatically. Government of Sri Lanka also published an INDC Readiness Plan for the period of 2017-2019 that outlines the working strategy ahead of implementation of the Paris Agreement in 2020.

NDCs of Sri Lanka covers four main areas which are in-line with the Climate Change policy of Sri Lanka viz: mitigation, adaptation, loss & damage and Means of Implementation. Under the adaptation NDCs, Sri Lanka has forwarded five broader **adaptation targets** as below

- i. Mainstreaming climate change adaptation into national planning and development
- ii. Enabling climate resilient and healthy human settlements
- iii. Minimising climate change impacts on food security
- iv. Improving climate resilience of key economic drives
- v. Safeguarding natural resources and biodiversity from climate change impacts

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<sup>5</sup> INDCs and Readiness Plan for INDCs of Sri Lanka is available at [http://www.climatechange.lk/Publications\\_2016/Readiness%20Plan%20For%20INDCS%20In%20Sri%20Lanka.pdf](http://www.climatechange.lk/Publications_2016/Readiness%20Plan%20For%20INDCS%20In%20Sri%20Lanka.pdf)

<sup>6</sup> NDCs of Sri Lanka is available at <http://www4.unfccc.int/ndcregistry/PublishedDocuments/Sri%20Lanka%20First/NDCs%20of%20Sri%20Lanka.pdf>

Adaptation NDCs have been detailed out in the sectors of health, food security (agriculture, livestock & fisheries), water, irrigation, coastal & marine, biodiversity, urban, city planning & human settlements and tourism & recreation.



**Figure 2:** *Readiness Plan for Implementation of Intended Nationally Determined Contributions (INDCs) of Sri Lanka 2017-2019* outlines the detailed plans for the pre-2020 period. It has identified the detailed actions under each proposed INDC (later converted to NDCs) including the institutional arrangements. However the responsibilities of sub-national governments are not detailed out in the plan



**Loss and damage** related NDCs of Sri Lanka comprised of five targets inclusive of looking for options of damage assessment, insurance for risk management and a local mechanism equivalent for Warsaw International Mechanism on Loss and Damage (WIM). The **Means of Implementation** NDCs of Sri Lanka are focused on finance, technology, capacity building and implementation mechanism. The implementation mechanism highlights that the NDC implementation responsibilities are currently with the CCS of Ministry of Mahaweli Development and Environment. It also mentions the intention to establish a legally empowered Climate Change Commission with monitoring, reporting and verification responsibilities of NDC implementation. This would be a new direction in NDC

implementation institutional arrangement in Sri Lanka along with the current institutional arrangement.

**Mitigation** related NDCs of Sri Lanka is aiming at reducing the emissions of Green House Gases (GHGs) against the business-as-usual (BAU) projections of. have been forwarded under five sectors namely; energy, transport, industry, forestry and waste. NDCs for Mitigation of Sri Lanka intends to reduce the GHG emissions against BAU scenario by 20% in the energy sector (4% unconditionally and 16% conditionally) and by 10% in other sectors (transport, industry, forests and waste) by 3% unconditionally and 7% conditionally by 2030. Sri Lanka intends to reduce 10% of its GHG emissions from the sectors of transport, waste, industry and forestry (3% unconditional and 7% conditional) against BAU scenarios. However, BAU emission scenarios are yet to be estimated in details and detailed emission reduction plans for these sectors are to be developed.

**Table 1: Summary of Climate Change mitigation commitments of Sri Lanka as per the NDCs**

Sector	Baseline	GHG Reduction Target	Condition
Energy	Business-as-usual projections (2030)	4%	Unconditional with domestic capacities
		16%	Conditional (with international support)
<ul style="list-style-type: none"> <li>• Transport</li> <li>• Industries</li> <li>• Waste Management</li> </ul> (Cumulative 3 sectors with no sectorial splits)	Business-as-usual projections (2030)	3%	Unconditional with domestic capacities
		4%	Conditional (with international support)
Forestry	2030	No specific GHG reduction target but increase of forest cover to 32% from current 29%	

There is no specific section on Measurement, Reporting and Verification (MRV) of mitigation NDCs of Sri Lanka. However, there are few statements that have linked MRV to climate finance and institutional mechanism. Under the finance section of the Sri Lanka's official NDC submission it is stated as below

*“In the implementation of the NDCs, and resource mobilization for their implementation, a transparent and accountable means of monitoring and reporting, as well as verification needs to be set up. This could be developed at the country level to reflect the international standards of MRV as set up in the Paris Agreement, and adapted to the countries needs and capacity of implementation”*

***Sri Lanka's NDC Submitted to UNFCCC***

## 5. Climate Action Institutional Framework in Sri Lanka

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As in many countries Climate Change was initially recognized as a meteorology related issue in Sri Lanka during early 1990's. The Department Meteorology is the national focal point for intergovernmental Panel on Climate Change (IPCC) for Sri Lanka. Then it was recognized as a subject under the Ministry of Environment.

### **a. Climate Change Secretariat:**

Climate Change Secretariat (CCS) is the main institution in Sri Lanka that coordinates the climate change related matters in the country. It is one of the divisions established under the Ministry of Environment and currently under the Ministry of Mahaweli Development and Environment (MoMDE). CCS has been established in 2008 and now it is a fully-fledged division under the ministry and headed by a Director. CCS is the national focal point on climate change related matters and leading the process of mainstreaming climate change into other development areas. It also takes the leadership to liaise with other stakeholders from public, private and civil society.

The main objectives of the CCS include providing a platform to address climate change issues at the national level, undertaking climate change responses including policy and programme development, liaising with sectorial agencies at national and sub-national levels to identify priorities and develop policy implementation mechanisms, facilitating research and distribution of research results to trigger policy reforms and actions, establishing a mechanism to monitor the impacts of national responses to climate change. The CCS also acts as Secretariat for the Designated National Authority (DNA) for the approval of Clean Development Mechanism (CDM) projects.

### **b. National Expert Committees**

CCS has established two expert advisory committees comprised of sector experts to provide advisory guidance on adaptation and mitigation related issues to CCS and the

ministry. The National Expert Committee on Climate Change Adaptation (NECCCA) and National Expert Committee on Climate Change Mitigation (NECCCM) are the two committees which comprised of experts from government, academic, private and non-government sectors. These committees meet at least once a quarter and discuss relevant matters on priority basis. These committees generally actively engaged in preparation and reviewing of major plans, policies, communications, proposals, etc. as those are routed through the committees and subjected to their approval.

#### **c. Inter-Ministerial Coordination Committee**

CCS taken significant steps to mainstream climate change into development processes of the country. As a main step to coordinate among other line ministries, MoMDE through CCS facilitated the establishment of the Inter-Ministerial Coordination Committee on climate change. This committee is represented by Ministers and/or high-level officials of all the ministries, CCS and Chairpersons of the National Expert Committees. This committee provides a perfect platform to coordinate national level climate change related matters at the government level. Recently this committee has been renamed as Inter-Agency Coordination Committee.

#### **d. Nationally Appropriate Mitigation Actions (NAMA) Coordinating Body**

Recently the MoMDE and CCS in partnership with UNDP worked collaboratively to establish a mechanism to develop and approve Nationally Appropriate Mitigation Actions (NAMA) projects in Sri Lanka. This process has clearly identified an institutional mechanism and relevant institutions. Renewable Energy, Transport, Waste, Forestry, Industry and Agriculture sector focal institutions have been identified under this mechanism making it clear for mitigation actions under NAMAs. It has recognized the sector wise Designated NAMA Entities (DNEs) and NAMA Implementing Entities as shown in the Table 2.



NAMA Sector	Designated NAMA Entities (DNEs)	NAMA Implementing Entities
Energy	Ministry of Power and Renewable Energy (MoP&RE)	Sustainable Energy Authority (SEA)
Transport	Ministry of Transport & Civil Aviation (MoT&CA)	Sri Lanka Transport Board (SLTB)
Waste	Ministry of Provincial Councils & Local Governments (MoPC&LG)	National Solid Waste Management Support Center (NSWMSC)
Industry	Ministry of Industry & Commerce (MoI&C)	National Authority for Chemical Weapon Convention (NACWC)
Agriculture	Ministry of Agriculture (MoA)	Department of Agriculture (DoA)
Forestry	Ministry of Mahaweli Development & Environment (MoMD&E)	Forest Department (FD)

**Table 2:** Designated and Implementing Entities of NAMAs in Sri Lanka

#### e. Proposed Legislative Framework under NDCs

The government of Sri Lanka has recognized the importance of having a legally empowered institutional mechanism. It has been clearly stated in the NDC submission linking to capacity building section of the country with a mention of a legally empowered “Climate Change Commission”. Under the Capacity Building section of Sri Lanka’s NDC document is says

*“In order to effectively and gradually implement the capacity building on climate change, and address the capacity needs of Sri Lanka to implement the proposed NDCs of Sri Lanka, an independent institutional mechanism is proposed to be set up, with multiple stakeholders listed to be included, and with an operationalization*

*mechanism which will fall within the scope of the proposed Climate Change Commission Act”.*

The proposed Climate Change Commission Act is to establish a legally empowered institution to implement the NDCs as the current institutional mechanism is not legally empowered. Under the *Implementation Mechanism* section of the Sri Lanka’s NDC document it is further elaborated as

*“NDCs of Sri Lanka will be implemented under the guidance of the Climate Change Commission of Sri Lanka, in coordination with the relevant ministries. A coordinating body consisting of relevant ministries will provide input to the implementation of NDCs, while the monitoring, reporting and verification component of the NDCs implementation is entrusted to the Climate Change Commission of Sri Lanka of the Ministry of Environment and Mahaweli Development of Sri Lanka. The Commission will implement the NDCs based on the Climate Change Commission Act of Sri Lanka, which is to be established for the purpose of setting up the Commission, and will also be governed as applicable by the international laws and agreements including and not limited to the Paris Agreement on climate change, UNFCCC, Kyoto Protocol, Hugo Framework on Disaster Risk Reduction, and other relevant international laws and regional agreements relevant and applicable to climate change adaptation and mitigation.”*

However, the proposed act has not been tabled yet for comments from the stakeholders

#### **f. Proposed Institutional Arrangements under the National Adaptation Plan**

The NAP has recommended to have Regional Climate Cells (RCCs) for better sub-national level coordination. RCCs will be set up according to the requirement for implementation of actions that are specific to a given regional area. These will be represented by the representatives of Provincial Councils, local government bodies, District and Divisional Secretariats in relevant areas upon the request of the Ministry of Mahaweli Development and Environment. However, the detailed structure, operating modalities and composition of the RCCs are not been finalized yet. The NAP has also recommended to establish a Civil Society Organizations (CSO) forum

at the national level to bring the CSO voices at the national level. Forum of Civil Society Organizations (CSO), a group of partner agencies, will be a coordination body established to support actions that have grass root level operations. It will be established to support the implementation and coordination of community-based interventions involved with sectoral and cross-cutting levels proposed by NAP.

### **g. Provincial Climate Change Action Plans**

Under the broader policy direction and strategy of mainstreaming climate change into development process, CCS and MoMDE has supported and facilitated Provincial Level Climate Action Plans (Sub national plans). So far only one Provincial Council (PC) (Western) in Sri Lanka have completed climate action plan<sup>7</sup>. It has been developed along with the initial stages of NAPs development of the country. Southern PC also went ahead with a provincial climate change plan, but a formal plan document is yet to be finalized.

The Western Province Climate Change Action Plan has been limited to adaptation aspects and no mitigation targets. Its scope is being mentioned as follows

*This Climate Change Adaptation Action Plan outlines a number of programs for provision of better information and networking opportunities that will, when completed, assist management and services adapt to the impact of climate change in Sri Lanka especially focusing on the Western Province for the period 2015-2018”.*

#### **Western Province Climate Change Action Plan**

However, these Provincial Climate Change Action Plans have not taken the momentum as expected. These plans must be synchronized with the other national plans as there are some incompatibilities. The Provincial Councils have not been given “clear” legal mandate on climate change. There are provisions under which the

<sup>7</sup> Western Province Climate Change Action Plan is available at <http://www.nrg4sd.org/wp-content/uploads/2017/09/Western-Province-Climate-Change-Action-Plan-2015-2018.pdf>

Provincial Councils can implement climate strategies including work under “renewable energy” but might need further technical support to carry out that work. Currently there are no clear evidence to show that climate change related data, information and analysis are being used by the PCs in planning and implementation of development work. There are no MRV processes have been highlighted in the Western Province Climate Change Action plans but relevant institutions for adaptation actions have been identified for the actions. It is important to note that there are no PC level quantified targets for climate change mitigation and therefore, no MRV initiatives have been established. However, there are possibilities to have subnational level mitigation targets based on the subnational level mitigation mandates depicted in Table 3.

Climate Change Secretariat has taken the leadership to work with all the Provincial Councils of Sri Lanka to develop “Provincial Climate Change Action Plans” with the ongoing process of developing the Third National Communication (TNC) of Sri Lanka to UNFCCC. During the first phase it will be focus on climate change adaptation but later will be expanded to mitigation and other actions. The preliminary consultations at provincial levels will be completed by end of 2018.

## 6. Climate Governance Processes in Sri Lanka

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The climate governance in Sri Lanka is linked to the general governance system of the country which is governed by the constitution. This chapter discusses the governance mechanism of Sri Lanka and the relevant institutional mechanism for climate change

### a) National and Sub-National Governance

The general governance structure of Sri Lanka is a very complicated one where there are three clear layers viz: National, Provincial and Local levels. National level comprised of the Executive head of the state, the President and elected representatives in the Parliament. There are number of Ministries given the sectoral responsibilities through Ministries. The diagram depicted as Figure 3 shows the general tiers to which powers have been decentralized and coordination structure.

The establishment of Provincial Councils (PCs) in 1988 was the first experiment of “statutory devolution” for the citizenry of Sri Lanka. The 13th amendment to the constitution of Sri Lanka brought a new tire to the governance structure; PCs. Based on the 13<sup>th</sup> amendment some sector responsibilities have been delegated to PCs in 1989. PCs have elected representatives for the council and administrative/bureaucracy. The “Chief Minister” is the Political head of a PC and there is a figurehead leader position called “Governor” appointed by the President of Sri Lanka. The Administrative Head of a PC is the “Chief Secretary” which is also appointed by the Central Government. Prior to the 13<sup>th</sup> amendment it was a two-tire governance system viz: national government and the Local Government Authorities (LGAs).

Apart from the subnational government structures, the central government (National level) has an administrative structure that penetrates up to the grassroots level. The District Secretariats and Divisional Secretariats are the main structures through which the national level ministries have representation and direct reach to the local level. Though the constitution has defined the sectors and mandates, there are still gay areas for the officials. Therefore, it is important to have a close coordination between the national government bureaucracy and the subnational government. It is was a highlighted challenge during the consultations with the stakeholders as this liaising mechanism has not been clearly defined.

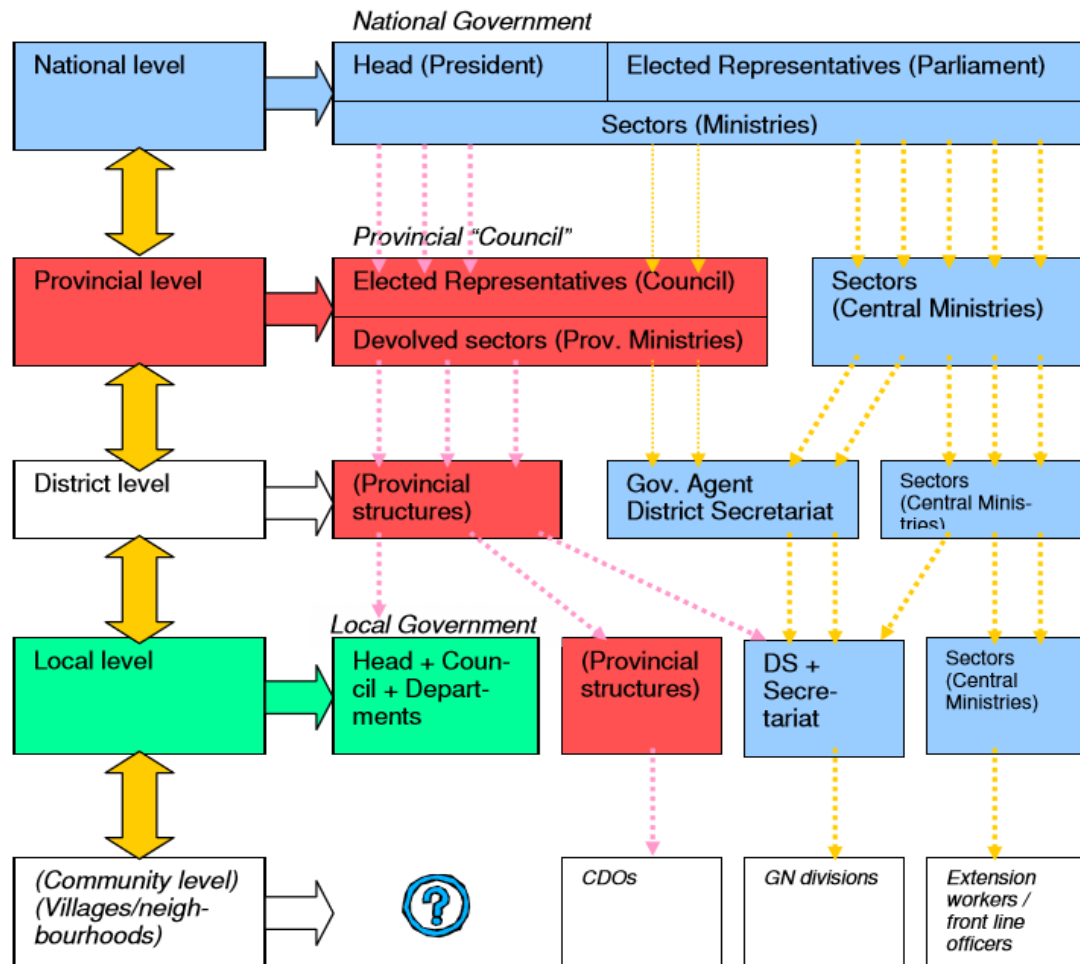
The formal and informal nodal points are therefore have high onus to ensure the climate actions are implemented in an appropriate manner. Such few nodal points are explained at a later section of this report.

## **b) Mandates of Subnational Governments**

Local government enshrined in and recognized as subordinate level of government under the direct purview of provincial councils, the 13th amendment to the constitution, 43.2a which states: *'Local authorities will have the powers vested in them under existing law, the Municipal Councils Ordinance and the Urban Councils Ordinance. Pradeshiya sabhas will have the powers vested in them under existing law. It will be open to the provincial council to confer additional powers on local authorities but not to take away their powers.'*

There are three types of subject areas classified according to and define the responsibilities of national and provincial governments; devolved subjects (List 1), centralized subjects (List II) and concurrent subjects (List III). Please see Annexes 1, 2 & 3 to find the details under these "Lists". Concurrent subjects are the sectors of which responsibilities are with both the national and provincial governments. Issues such as environmental protection, agriculture, etc. are in the concurrent list. PCs are not financially autonomous bodies and depending heavily on National government's budget allocation amidst limited own revenue sources. Most of the LGAs in Sri Lanka are too depending on budgetary allocations from the National Government via PCs.

LGAs in Sri Lanka are under the purview of the PCs as it is a totally devolved subject under the 13th constitutional amendment. There are three types of local governments in Sri Lanka. Municipal Councils (cities), Urban Councils (townships) and Pradeshiya Sabas (PSs) (Rural councils). All three types have bodies of elected members and a bureaucracy.



**Figure 3:** Levels of State in Sri Lanka (Centre for International Migration and Development, 2007)

The institutional governance structure in Sri Lanka have two-tracks that channel services to the citizen. At local level there are LGAs that channels services via provincial councils and Divisional Secretariats (DSs) that channels services from the national government. Therefore, the national level governance (Ministries and Departments) has a direct channel to reach the local communities through DSs which overlaps with the reach of LGAs via PCs. Therefore, there is a necessity for the national, provincial and local level governance structures to have collaboration mechanisms. At local level there is a Divisional Development Coordination Committee and at District Level there are District Development Coordination Committees for collaboration.

## **7. National & Sub-national Climate Governance in Sri Lanka**

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Sri Lanka being a small island nation and having higher diversity in terms of climatic/eco system zones. The sub-national administrative boundaries are not overlapping with these eco-system boundaries, the experts suggest that it is always a good option to have a top-down planning approach. The National Expert Committee on Climate Change Adaptation (NECCCA) given this opinion for the NAP development process. The sub-national and local level can use the national level plans and strategies as overarching strategy for planning and actions. The local governments which are coming under the purview of PCs do not have a directly delegated climate change mandate.

The 13<sup>th</sup> amendment to the constitution and creation of Provincial Councils happened many years before the discussions on climate change came under the limelight. Therefore, Climate Change is still considered under the “environment subject”. However, PCs are yet to take responsibilities on climate change as it is not clearly defined within the delegated list of actions and therefore, climate change is currently in informal and vague sector in planning and action aspects. A detailed review of the mandates of subnational layers with the climate change priorities and targets will be helpful to have a clear picture for all the stakeholders so that the responsibilities are shared.

However, both PCs and LGAs are carrying out actions relevant to climate change under their current mandate but probably do not recognize those as climate actions. Based on the one-to-one discussions had with key informants and experts in the sector and a preliminary analysis of the mandates given in the Annexes 1, 2 & 3, a summarized options points given in the “Table 2 & 3” have been developed. The key informants’ general perception is that, there are no clear mandate on Climate Change given in the constitution for sub national governments and climate change is not mentioned anywhere in the legislation. However, there are some areas where subnational governments have a mandate and can perform actions. The “Table 3 and 4” give some areas where further analysis and work needed to elaborate this.



The below tables are an effort to identify the sub-national level responsibilities and potentials to contribute towards mitigation NDCs. After analyzing the roles and mandates of the PCs as per the annexes, the PCs have the potential to take a coordination role in between the national governance system and local governance layers. The coordination may include support to develop provincial level targets and local government level targets.

**Table 3: Role of Local Government Authorities in implementing mitigation related NDCs of Sri Lanka**

Mitigation NDC	Potential roles of LGAs in implementation
<b>Energy NDCs</b>	<ul style="list-style-type: none"> <li>i. Promoting RE in facilities owned and maintained by LGAs</li> <li>ii. Approval for buildings and houses and can potentially work on bi-laws on green building</li> <li>iii. Street lighting – renewable energy for street lighting</li> <li>iv. Demand side management – Awareness creation, demonstrations in LGA managed facilities and premises</li> <li>v. Working with the local private sector (micro, small and medium) through their chambers and associations to promote and up taking renewable energies and demand side management</li> </ul>
<b>Transport NDCs</b>	<ul style="list-style-type: none"> <li>i. Promoting eco-friendly transportation including cycling and walking</li> <li>ii. Providing Electric Vehicle related infrastructure including charging stations</li> <li>iii. Providing support and facilitation role for traffic management (including avoidance, minimizing and regulating)</li> </ul>
<b>Forestry NDCs</b>	<ul style="list-style-type: none"> <li>i. Establishing and/or managing small forest patches/green patches in the territories</li> </ul>

<b>Industry NDCs</b>	<ul style="list-style-type: none"> <li>ii. Approval for Micro, Small and Medium Scale Enterprises (MSMEs)</li> <li>iii. Monitoring of environmental compliance of MSMEs, which can be used as a technology extension channel for those</li> </ul>
<b>Waste Management NDCs</b>	<ul style="list-style-type: none"> <li>• Full responsibility of waste management lies with LGAs. Planning, Designing, Implementation, Monitoring &amp; evaluation of waste management processes at local level. This includes the overall waste management cycle and one of the biggest component where LGAs can and must work</li> </ul>

**Table 4:** Role of Provincial Councils in implementing mitigation related NDCs of Sri Lanka

<b>Mitigation NDC</b>	<b>Role of PCs in implementation</b>
Energy NDCs	<p>Energy is a subject in the concurrent list (List III) and therefore <b>Table 4:</b>, Provincial and National Ministries of Energy. The Provincial Ministry of Energy must work together in collaboration with the National Ministry of Power &amp; Renewable Energy (MoP&amp;RE) to achieve the NDCs.</p> <p>Provincial Energy ministries are mandated with Off-grid Renewable energy promotion and facilitation - This is excluding the grid which is under the Ceylon Electricity Board (CEB) which is the government owned electricity utility (monopoly).</p>
Waste Management NDCs	<p>Waste Management is a delegated subject to Provincial Levels and a mandated responsibility under the LGAs. The Western Provincial Council has established their own Waste</p>

	<p>Management Authority giving precedence for taking full responsibilities on waste management.</p> <p>However, in practice the PCs have been working in close collaboration and leadership under the national Ministry of Provincial Councils and Local Governments</p>
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The PCs are not a fiscally autonomous governance layer. Over 85% of the finances comes from the national government while only less than 20% of their total coming from rates and taxes. Therefore, the influence on the climate change related sub-national actions by the national government is very high.

Historically, the PCs have been independently doing its planning and implementation work related to the clearly mandated subjects specified in List I (Annex 1) while not aggressively engaged in other subjects. The national level target or programme related work such as Millennium Development Goals (MDGs), Sustainable Development Goals (SDGs), Disaster Risk Reduction (DRR), Biodiversity, etc. have been done with the facilitation of the relevant line ministries of the national government. Similar trend is observed with the NDCs. The National Government has recognized the importance of active engagement of subnational governments in the overall process and it is evident in the national plans and policy documents such as NAP. A facilitated capacity building process may required (institutional capacity and technical capacity) may be required to bridge this gap.

During the consultations and key informant discussions it was frequently highlighted that the knowledge and capacities on climate change have not been adequately reached to the subnational levels. Therefore, the effectiveness of the current and proposed institutional mechanisms towards vertical institutional integration has become a challenge. There are some nodal points identified in the study those can be used to strengthen the inter-institutional coordination across multiple governance tires.

## Key Nodal Points

1. The coordination between the local governments and the divisional secretariat (central government's administrative arm at the local level) is not happening regularly. The ***Divisional Coordinating Committee and District Coordinating Committees*** are the most common platforms but practically the level of coordination is hindered with other interests.
2. The recent amendments to the Local Government Electoral systems have brought back the "***Wards System***" for the local governments. There will be an elected council member for each of the ward. This is likely to bring ward level citizen platforms those would play a vital role in ground level integration and representation. Some local governments have "***Praja Mandala (community-based organizations)***" and ***Advisory Committees*** in which other stakeholder representatives are also there. These structures can also be a part of the vertical integration
3. ***Private sector*** is also playing a significant role in low emission strategies. The ***business chambers and their regional arms*** can play a significant role in promoting subnational level mitigation actions.
4. The proposed structures such as "***Regional/Provincial Climate Cells***" are not established yet. It would be good to support such initiatives jointly with subnational actors.
5. There are other platforms such as ***Mayors' Forum, Chief Ministers' Forum, Chief Secretaries' Forum***, etc. which are convened as professional associations. The meetings of these platforms are not organized regularly but could be very influential in terms of vertical institutional integration and mainstreaming climate change into subnational level planning and action processes.
6. ***Finance Commission*** play a big role in resource allocation to the Provincial Councils. Their role must be highlighted.
7. Some ***provincial councils*** have their own ***unique institutions*** those can directly contributed towards climate change issues. For example, North Western Provincial Council have a Provincial Environmental Authority and a Provincial Training Institute while the Eastern Provincial Council have an Industrial Development Authority. Those provincial specific institutions must be identified and included.

## **Annex 1:**

### **List I Provincial Council List (Functions to be devolved to and carried out by the Provincial Councils)**

1. Police and public order (unless in the Reserved List)
2. Planning (implementation of provincial economic plans)
3. Education and educational services (unless in List II or III)
4. Local Government (except for constitution, form and structure)
5. Provincial housing and construction (other than National Housing Development Authority)
6. Roads, bridges and ferries (other than national highways and bridges and ferries on national
7. highways)
8. (Certain) Social services and rehabilitation
9. Transport (certain aspects)
10. Agriculture and agrarian services (mainly extension work)
11. Rural development (no further explanations)
12. Health (unless in List II or III)
13. Indigenous medicine
14. Resthouses under Local Government and circuit bungalows under “devolved departments”
15. Pawnbrokers (other than provided by banks)
16. Market fairs
17. Food supply and distribution
18. Cooperatives (also appears in List III)
19. Land (other than in List II or III)
20. Irrigation (other than in List II or III)
21. Animal husbandry (certain aspects)
22. Promotion, establishment and engagement in income-generating projects (unless contrary to
23. Central Government interests)
24. Reformatories, borstal institutions, etc.
25. Possession, transport, purchase and sale of intoxicating liquor
26. Burials, burial grounds, cremations and cremation grounds other than national memorial
27. cemeteries
28. Libraries, museums, etc. controlled or financed by the Provincial Council
29. Ancient and historical monuments and records other than those of national importance
30. Regulation of mines and mineral development as defined by an Act of Parliament
31. (Certain) Corporations
32. Regulation of unincorporated societies and associations
33. Theatres, dramatic performances, music, cinema
34. Sports (other than national sports associations)
35. Betting and gambling (excluding taxation)
36. Provincial debt

- 37. Offences against statutes (in the context of this list)
- 38. Fees (in the context of this list)
- 39. Electrical energy other than power generated to feed the national grid
- 40. Borrowing of money as determined by an Act of Parliament
- 41. Taxation:
  - a. Turnover taxes as determined by an Act of Parliament
  - b. Betting taxes, taxes on prize competitions and lotteries (other than national lotteries)
  - c. License taxes, liquor
  - d. Motor vehicle license fees as determined by an Act of Parliament
  - e. Dealership license taxes on drugs and other chemicals
  - f. Stamp duties on transfer of properties such as land and motor cars
  - g. Toll collections
  - h. Court fines
  - i. Fees charged under the Medical Ordinance
  - j. Fees charge under the Motor traffic Act
  - k. Departmental fees in the context of this list
  - l. Fees under the Fauna and Flora Protection Ordinance
  - m. Fees on lands alienated under the Land Development Ordinance and Crown Lands Ordinance
  - n. Court fees
  - o. Regulatory charges under the Weights and Measures Ordinance
  - p. Land revenue (e.g. for valuation)
  - q. Taxes on lands and buildings
  - r. Taxes on mineral rights as determined by an Act of Parliament
  - s. Other taxation as determined by an Act of Parliament
- 42. Protection of the environment as determined by an Act of Parliament

## **Annex 2:**

### **List II Reserved List (Functions to be carried out by Central Government)**

1. National policy on all subjects and functions
2. Defence and national security; internal security; law and order
3. Foreign affairs
4. Posts and telecommunication; broadcasting; television
5. Justice in so far as it relates to the judiciary and the courts structure
6. Finance in relation to national revenue, monetary policy and external resources; customs
7. Foreign trade; inter-province trade and commerce
8. Ports and harbours
9. Aviation and airports
10. National transport (e.g. railways, national highways, etc.)
11. Rivers and waterways; shipping and navigation; maritime zones; State lands and foreshore
12. Minerals and mines
13. Immigration, emigration and citizenship
14. Elections (presidential, parliamentary, provincial councils, local authorities)
15. Census and statistics
16. Professional occupations and trainings
17. National archives; archaeological activities and sites and antiquities declared to be of national
18. importance
19. All subjects and functions not specified in List I or List III

### **Annex 3:**

#### **List III Concurrent List (Functions to be carried out jointly by Central Government and Provincial Council)**

1. Planning:
  - a) Formulation and appraisal of plan implementation strategies at the provincial level
  - b) Progress control
  - c) Monitoring progress of public and private sector investment programmes
  - d) The evaluation of the performance of institutions and enterprises engaged in economic activities
  - e) The presentation of relevant data in the achievement of plan targets
  - f) The dissemination of information concerning achievement of plan targets
  - g) Publicity of implementation programmes
  - h) Manpower planning and employment databank
  - i) Nutritional planning and programmes
2. Education and education services (basically schools and personnel other than national schools and personnel of such schools)
3. Higher education
4. National housing and construction: the promotion of integrated planning and implementation
5. of economic, social and physical development of urban development areas
6. Social services and rehabilitation (relief, rehabilitation and resettlement)
7. Agricultural and agrarian services (agro-linked industries, farms, soil conservation, plant pests)
8. Health (schools for training auxiliary medical personnel; supervision of private medical care, control of nursing homes and diagnostic facilities; population control and family planning)
9. Registration of births, marriages and deaths
10. Renaming of towns and villages
11. Private lotteries
12. Festivals and exhibitions
13. Rationing of food and maintenance of food stocks
14. Cooperatives (also appears in List I)
15. Surveys (in the context of Lists I or III)
16. Irrigation (larger schemes)
17. Social forestry and protection of wild animals and birds
18. Fisheries other than beyond territorial waters
19. Animal husbandry (certain aspects)
20. Employment
21. Tourism
22. Trade and commerce in, and the production, supply and distribution of products with need of national control
23. Newspapers, books and periodical printing presses



24. Offences against statutes in the context of this list
25. Fees in the context of this list
26. Charity; religious institutions
27. Price control
28. Inquiries and statistics in the context of this list
29. Adulteration of foodstuffs and other goods
30. Drugs and poisons
31. Extension of electrification and regulation of use of electricity
32. Protection of the environment
33. Archaeological sites and remains other than national
34. Prevention of the extension of diseases between provinces
35. Pilgrimages

## List of Abbreviations

BAU	Business-as-usual
CCS	Climate Change Secretariat
DNEs	Designated NAMA Entities
DoA	Department of Agriculture
DS	Divisional Secretariat
FD	Forest Department
GAF	Governance Analytical Framework
GHG	Green House Gases
INDCs	Intended Nationally Determined Contributions
IPCC	Inter-governmental Panel on Climate Change
LGAs	Local Government Authorities
MoA	Ministry of Agriculture
MoI&C	Ministry of Industry & Commerce
MoMDE	Ministry of Mahaweli Development and Environment
MoP&RE	Ministry of Power and Renewable Energy
MoPC&LG	Ministry of Provincial Councils & Local Governments
MoT&CA	Ministry of Transport & Civil Aviation
MRV	Measurement, Reporting, Verification
MSMEs	Micro, Small and Medium Enterprises
NACWC	National Authority for Chemical Weapon Convention
NAMA	Nationally Appropriate Mitigation Actions
NAP	National Adaptation Plan
NDCs	Nationally Determined Contributions
NDCs	Nationally Determined Contributions
NECCCA	National Expert Committee on Climate Change Adaptation
NECCCM	National Expert Committee on Climate Change Mitigation
NSWMSA	National Solid Waste Management Support Center
PCs	Provincial Councils
RCCs	Regional Climate Cells
SEA	Sustainable Energy Authority
SLTB	Sri Lanka Transport Board
SNGs	Sub-national Governments
UNFCCC	United Nations Framework Convention on Climate Change
WIM	Warsaw International Mechanism on Loss and Damage

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