



Commonwealth Expert Team Sri Lanka Presidential Election 26 January 2010

PRESS RELEASE

Mr. KD Knight, Chair of the Commonwealth Expert Team

A generally well-administered election day but shortcomings in the pre-election period and incidences of inter-party violence taint election

The Commonwealth was invited to observe the 26 January Presidential Elections by the Commissioner for Elections. The Secretary-General of the Commonwealth deployed a five-person Expert Team supported by a staff team from the Secretariat. Our team has been present in the country since 18 January, meeting with representatives of political parties, civil society, media and Commonwealth High Commissions as well as observing the voting and counting in five provinces.

This statement is preliminary and reflects an initial overview of some of the main issues raised during our stay and through our observations. We will issue a final report of detailed findings and conclusions at a later stage.

Sri Lanka has a long tradition of organising elections, and overall the administrative arrangements for voting and counting in this election reflect this, having been well conducted. The Commissioner for Elections and his staff across the country expended great effort to put in place procedures to ensure Sri Lankans were able to cast their ballots and the ballots were properly counted. There have been some reports of violent-incidents, notably in Northern Province, and malpractice in isolated areas, and we hope that all such instances are properly investigated. But based on our team reports and reports from other observers it appears that overall voting and counting have proceeded reasonably well in most areas.

The Commissioner for Elections assured us that every effort had been made to provide Internally Displaced Persons (IDPs) the right to vote. However, some problems were reported, including ID card issues and transportation problems for some of those needing to travel to cluster polling stations. As the situation for these communities further normalises, the electoral arrangements for them will hopefully also become more regular.

The main problems facing this election, as for a number of previous elections, were encountered during the pre-election period. The Commissioner for Elections publicly expressed his frustration at the failure of some state institutions, notably state media, to comply with his guidelines and directives as they are legally obliged to do so. In addition, there were widespread credible reports that state resources were being mis-used during the campaign in favour of the incumbent.

Many of these problems emanate from the failure to properly implement the 17th Amendment of the Constitution, adopted by parliament over eight years ago, which would help to de-politicise state institutions through the creation of independent oversight commissions and the necessary conditions for a level playing field for the elections and a fair campaign environment. The 17th Amendment provides for the creation of an independent election commission and it is clear that the process requires an electoral body which can fully assert its control of the process.

Further, there is concern at the reported violent clashes between party activists during the campaign period, as well as some incidents on the day of the election. The call for calm by ruling and main opposition parties was welcome but came too late; just two days before the end of the campaign. It is a concern that such clashes and incidents involving party activists have come to characterise election campaigns in Sri Lanka and political parties are urged to address this in good time for the forthcoming parliamentary elections.

Overall, there are starkly contrasting aspects to the electoral process in Sri Lanka. There is an experienced and professional election administration that strives to properly manage the process of voting and counting. However, there is a compromised pre-election environment, including the election management body unable to fully ensure respect for the rule of law; a failure of some state institutions to respect legal provisions and guidelines; infractions of some campaign regulations; and, incidences of violence. Until such problems are addressed the electoral process in Sri Lanka will not fully meet key benchmarks for democratic elections.

The final stages of the process are still continuing and we will follow these. Our team will now start compiling its final detailed report which will include a series of recommendations, where required, for potential changes to strengthen the electoral process and the environment for the elections. However, during previous elections, many international and national observer groups have clearly identified problems and offered suggestions as to how they might be addressed. Further, Sri Lanka's own parliament unanimously adopted the 17th Amendment to the Constitution in October 2001, which would go some way to creating improved conditions. The key is that necessary changes need not be just suggested but actually implemented.

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