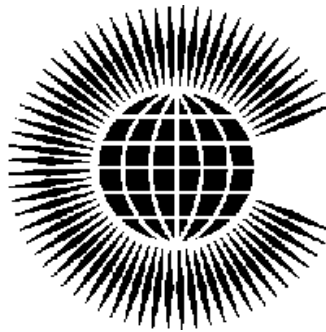


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**Sri Lanka General Election
2 April 2004**

**REPORT OF THE
COMMONWEALTH OBSERVER
GROUP**



**Commonwealth Secretariat
Sri Lanka General Election
2 April 2004**

REPORT OF THE COMMONWEALTH OBSERVER GROUP

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7 April 2004

Dear Secretary-General,

I have pleasure in transmitting our Report to you. You will see that we believe that the conditions existed for a free expression of will by the electors, except in the North and to some extent in the East. The results reflected the wishes of the people of Sri Lanka, as set out more fully in the Report.

We thank you for inviting us to observe this General Election. We hope that our presence here and the recommendations contained in our Report will help Sri Lanka to build on this General Election and strengthen democracy for the future.

Yours sincerely,

The Honourable Margaret Reid
Chair

Rt Hon Don McKinnon
Commonwealth Secretary-General
Marlborough House
Pall Mall
London SW1Y 5HX
United Kingdom

The Rt Hon Paul East QC

Mr Robert Jamieson

Ms Joycelyn Lucas

Mr J M Lyngdoh

Mr Benno Pflanz

Dr Ashique Selim

Ms Ilona Tip

Chapter One

INTRODUCTION

This Commonwealth Observer Group was formed following an invitation from the Commissioner of Elections, Mr Dayananda Dissanayake. In line with usual practice, Commonwealth Secretary-General Don McKinnon sent an Assessment Mission to Sri Lanka in February 2004. The Mission consisted of two Commonwealth Secretariat officials. Its objective was to determine whether the political parties and civil society would welcome the presence of Commonwealth Observers and to obtain guarantees that Commonwealth Observers would have access to polling stations and counting centres and generally be free to pursue their mandate.

The Mission reported to the Secretary-General that there was broad support for the presence of Commonwealth Observers and that the necessary guarantees had been given. The Secretary-General then decided to constitute an Observer Group. It arrived in Colombo on 24 March 2004 and consisted of eight prominent Commonwealth citizens supported by a staff team of six from the Commonwealth Secretariat. It was led by the Honourable Margaret Reid, formerly President of the Australian Senate and Chair of the Commonwealth Parliamentary Association. (The composition of the Group is set out in *Annex One*).

TERMS OF REFERENCE

The Terms of Reference for the Group were as follows:

"The Group is established by the Commonwealth Secretary-General at the request of the Commissioner of Elections of Sri Lanka. It is to observe the relevant aspects of the organisation and conduct of the General Election scheduled to take place on 2 April 2004, in accordance with the laws of Sri Lanka. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to

propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Sri Lanka, the Commissioner of Elections, the leadership of the political parties taking part in the elections and thereafter to all Commonwealth governments”.

ACTIVITIES OF THE GROUP

An Arrival Statement (shown at *Annex Two*) was issued by the Chair at a well-attended press conference in Colombo on 25 March and distributed to both national and international media. Later that day the Group was briefed by the Commissioner of Elections. In the course of the next three days the Group was briefed by representatives of various political parties, civil society organisations, the media, Commonwealth High Commissions in Colombo, other observers, both domestic and international, and the police. Some of these meetings provided information and views on the electoral process, others provided background on the overall environment in which the elections were being held.

On 29 April 2004 the Observers deployed across the country in six two-person teams and a single one-person team, together with their interpreters. The Teams and their base locations were as follows:

Colombo	Hon Margaret Reid (Chair) Mr Syed Sharfuddin
Galle	Ms Joycelyn Lucas Dr Ashique Selim
Ratnapura	Mr Robert Jamieson Mr James Robertson
Kandy	Mr J M Lyngdoh Ms Adaora Ikenze
Batticaloa	The Rt Hon Paul East QC Ms Ilona Tip

Jaffna

Mr Benno Pflanz
Ms Michèle Law

Trincomalee/
Anuradhapura

Mr Benn Muir

A press release issued to the media at the time of the Group's deployment is at *Annex Three*.

On arrival at their base locations the teams visited the police, election officials, political parties, civil society organisations, clergy, media, other observers and in some cases the military. They also met with people on the street, to hear their views on the electoral process, traveled widely from their base locations to familiarise themselves with their areas of deployment and observed the end of the election campaign. As well as touring the capital itself the Chair observed a number of major rallies in Colombo and traveled outside the city, visiting Gampaha, Chilaw and Kandy. All the Teams sought to assess the atmosphere and to observe the final preparations for the election.

On Election Day itself – 2 April 2004 – the Teams were present at polling stations in time to observe their opening. They visited many polling stations during the day and ended by observing the closing procedure. The Teams then followed the ballot boxes to the counting centre for the electoral district and witnessed counting. The following day the Teams observed the rest of the results process and met election officials, police, party agents, civil society organisations, the media and other observers to get their views on the process. Further details are given in Chapter Five. Altogether the Commonwealth Teams visited 111 polling stations and 13 counts on 2 and 3 April, in 13 electoral districts. The Group was assisted in its work by the Observation Notes and Checklists. On the basis of Teams' reports during deployment and on the polling day itself, the Chair issued an Interim Statement on 3 April 2004 (*Annex Four*).

Representatives of civil society organisations who had briefed the Group prior to deployment returned on Tuesday 6 April to give the Group their views on the poll, count and results process. The Chair paid a farewell visit to the Commissioner of Elections.

On Wednesday 7 April the Group concluded its Report for the Secretary-General and issued a Departure Statement (see *Annex Five*). The following day, 8 April 2004, the Group left Sri Lanka.

Chapter Two

POLITICAL BACKGROUND

Sri Lanka has a strong democratic tradition dating back to independence in 1948. Although it has had several elections with a large number of parties and independent groups taking part, power has continued to alternate between two major political parties, the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP) with other smaller parties in Parliament joining them at times to form coalition governments.

The UNP was founded in 1946 by D S Senanayake who became the first Prime Minister of independent Sri Lanka in 1948. The party ruled Sri Lanka under three Prime Ministers, D S Senanayake, his son Dudley and Sir John Kotelawala. In 1951, S W R D Bandaranaike, a founding member of the UNP, founded the SLFP. It won the 1956 General Election in alliance with two other parties under Mahajana Eksath Peramuna. From 1956-65, the SLFP governed under two Prime Ministers – first under S W R D Bandaranaike, and after his assassination in 1959, under his widow Sirimavo Bandaranaike.

The UNP returned to power in the General Election in 1965 under Dudley Senanayake but was defeated by the SLFP in the 1970 election. In 1971, Sirimavo Bandaranaike's Government successfully suppressed a revolt led by the Marxist-Leninist Janatha Vimukthi Peramuna (JVP) and declared a state of emergency which continued until 1977. The JVP later regrouped to form a political party. In the 1977 election, the SLFP, under the alliance - United Left Front - lost to the UNP. The UNP then remained in power for 17 years. Parliament elected J R Jayewardene as President. He was re-elected President by the people of Sri Lanka in the October 1982 nationwide election. Parliament extended its term for another six years in December 1982 (Fourth Amendment), which was endorsed in a Referendum.

In 1987, President Jayewardene signed an Indo-Lankan Accord with the Indian Prime Minister, Rajiv Gandhi, to establish order in the North and East. Under the Accord a 20,000 strong Indian Peacekeeping Force (IPKF) was established to disarm the Tamil guerrilla organisation called the Liberation Tigers of Tamil Eelam (LTTE) which was committed to its vision of a separate Tamil State outside the borders of Sri Lanka. The JVP reacted to the signing of the Indo-Lanka Accord by launching an insurgency in the South against the supporters of the UNP Government. The JVP was eventually subdued by the Army.

In the 1988 Presidential Election Ranasinghe Premadasa, Prime Minister in the Jayewardene Government, became President by defeating the SLFP candidate Mrs Sirimavo Bandaranaike. The UNP

retained power in the 1989 Parliamentary Election. After Premadasa's assassination by the LTTE in 1993 the UNP appointed Dingiri Banda Wijetunga, the then Prime Minister, as President. Ranil Wickremesinghe thereafter replaced Wijetunga as Prime Minister.

The SLFP contested the 1994 Parliamentary Election as the People's Alliance (PA) and returned to power, ending 17 years of the UNP role. Chandrika Bandaranaike Kumaratunga also contested and won the 1994 Presidential Election. During the PA Government, the Prime Minister's position was first occupied by Chandrika Bandaranaike Kumaratunga and, when she became President, her mother Sirimavo Bandaranaike took the position of the Prime Minister. Chandrika Bandaranaike Kumaratunga was re-elected to another six years' term in the Presidential Election of December 1999. Her mother Sirimavo Bandaranaike resigned in 2000 for health reasons and was replaced by Ratnasiri Wickramanayaka as Prime Minister.

The PA again won the Parliamentary Election held in October 2000. A Commonwealth Secretariat team led by Deputy Secretary-General Mr E N C Hare observed this election in response to an invitation from the Commissioner of Elections. The team proposed a number of recommendations in regard to the electoral processes it observed. Some of these recommendations have since been adopted.

The PA coalition collapsed in 2001 after its partner, the Sri Lanka Muslim Congress (SLMC) withdrew support following dismissal of a key cabinet minister. The PA Government suspended Parliament and briefly entered into an alliance with the JVP. It ended prematurely before the SLFP could implement the strict conditions JVP had demanded, including a promise to halve the 40-strong cabinet. The agreement did not work out and several members of PA defected to the UNP leading to early Parliamentary Election in December 2001. The UNP won this election with 109 of the 225 seats in the National Assembly. The SLFP lost 30 seats, thus reducing its total seats to 77. The SLMC, the JVP and the TNA contested the election separately. Ranil Wickremesinghe became Prime Minister with support from the SLMC and the TNA. Chandrika Bandaranaike Kumaratunga remained President as a result of her re-election in the Presidential Election of 1999.

The cohabitation between an Executive President whose party was in opposition in Parliament and a Prime Minister representing the Government began to show signs of strain in 2002. This delicate relationship was further weakened in 2003 due to policy differences,

mainly over the Norwegian-facilitated peace process between the Government and the LTTE. The opposition also differed on the direction of economic reforms pursued by the UNP.

In November 2003 President Chandrika Kumaratunga, exercising her powers under Article 47 of the Constitution, removed the three UNP Ministers responsible for Internal Security, Mass Communication and Defence. On 7 February 2004, Chandrika Bandaranaike Kumaratunga invoked Article 70 of the Constitution to dissolve Parliament and called Parliamentary Elections for 2 April 2004.

POLITICAL PARTIES

This election was the thirteenth in Sri Lanka's parliamentary history. Twenty-four political parties and 192 independent groups fielded 3,361 and 2,337 candidates respectively. This saw the highest number of candidates ever for a Parliamentary Election; only 4,943 contested the previous election in December 2001. The two major political parties, which decided to contest the election with the support of their partners were the Sri Lanka Freedom Party (SLFP) and the United National Party (UNP).

The United People's Freedom Alliance (UPFA) registered as a party. It consisted of mainly the SLFP and the JVP. A number of other smaller parties also joined the UPFA. The alliance decided to field its candidates as the UPFA and not as SLFP, JVP or NUA. In the previous Parliament, the SLFP had 77 seats.

The United National Front (UNF) decided to take part in the election under its own name. A number of other smaller parties, e.g. Ceylon Workers Congress, also joined the alliance. UNF had an arrangement with the SLMC to mutually field candidates under either party's name. In the previous Parliament, the UNF alliance had 114 seats.

The TNA contested in the North and East but not all members associated with the TNA in the previous Parliament joined the alliance. For instance the President of the Tamil United Liberation Front (TULF) did not support the TNA, although the TULF Secretary was part of the alliance. For the first time the LTTE participated in the election by openly supporting the TNA. The issue of seeking legitimacy for itself through election to Parliament was central to the LTTE's political strategy. Any Tamil parties or politicians who disagreed with the LTTE's policies or refuted its claim of being the sole representative of

the Tamil people ran the risk of falling out of favour with the LTTE. In the previous Parliament, TNA had 15 seats but it was not so closely aligned to the LTTE.

The SLMC was divided over its leadership and the question of support to one of the two main parties. Some prominent members of the SLMC broke away to form a new party – NUA - which joined the UPFA. The SLMC decided to support the UNP.

A newly formed party of Buddhist monks, Jathika Hela Urumaya (JHU), contested the election independent of any alliances. It nominated candidates in all the districts throughout the country. Although the JHU represented a new phenomenon in Sri Lankan politics, the views of Buddhist clergy on political issues have been well known. There are Buddhist leaders who oppose the participation of monks in active politics.

Other parties included Up-country People's Front, Eelam People's Democratic Party (EPDP), New Left Front, Democratic United National Front, Ruhunu Janatha Party, Swaraj Party and Sinhala Maha Sammatha Bhuni Puthra Pakshaya. A number of other smaller parties contested the election. The parties nominated fewer women candidates compared to their male counterparts. Among them only nine were elected to Parliament from the preferential ballot.

Apart from the degree of polarisation between the President's and Prime Minister's parties, which helped in a way to balance the traditional advantage enjoyed by the incumbent Government, there were three key issues in the election, namely constitutional reform, the future of the peace process and the economy.

CONSTITUTION

In 1972, Mrs Sirimavo Bandaranaike's Government introduced a new Constitution which changed the country's name from Ceylon to Sri Lanka, declared it a Republic and created a Presidency with limited powers. In 1978, the Jayewardene Government which won the 1977 election replaced the 1972 Constitution with the present one. Under this Constitution, the Democratic Socialist Republic of Sri Lanka has a strong Executive Presidency based on the French model. The President is Head of State, Head of Government and Commander in Chief of the Armed Forces, and is directly elected for a six year term. The President also appoints the Chief Justice, the President of the Court of Appeal

and the judges of the Supreme Court and the Court of Appeal, and heads a Cabinet of Ministers responsible to Parliament.

When the UNP was in opposition in 2000, it did not support PA's constitutional reform proposals for abolishing the executive presidency and reverting to the system where the Head of Government is Prime Minister. The PA could not bring this change on its own as it did not have the required two-thirds majority to amend the Constitution in accordance with Articles 82 to 84. The PA also considered taking the matter to a referendum. It was challenged in a court, but the case never proceeded because the Government did not subsequently pursue it.

The 1978 Constitution did not specifically provide for a situation where the President and Prime Minister came from rival parties with clearly different approaches to governance issues. The UPFA called for a change in the Constitution, but the method of carrying it forward was not clear since the proportional representation system could not give any party or alliance an outright two-thirds majority in Parliament to amend the Constitution on its own unless it was also supported by the opposition.

PEACE PROCESS

The 1983 communal violence between the Sinhala and Tamil communities led to a military confrontation between the security forces and the LTTE which lasted several years. In 1987 the Government gave a number of concessions to Tamil people's demands for devolution of powers to provinces, the merger of the northern and eastern provinces, and official status for the Tamil language. It also signed the Indo-Lanka Accord under which an IPKF was established to restore order in the North and East. The LTTE not only refused to disarm but also took up arms against the IPKF, which withdrew from Sri Lanka in 1990 and fighting between the LTTE and security forces resumed. In January 1995 the LTTE agreed to a cessation of hostilities but the ceasefire did not last more than three months. In the years that followed, the LTTE continued to heavily engage with the security forces, mostly for the control of Jaffna.

After coming to power in December 2001, the Government and the LTTE declared unilateral ceasefires. They subsequently signed a joint ceasefire accord in February 2002, facilitated by Norway. The ceasefire paved the way for negotiations to commence and enabled the

Government and the LTTE to structure the agenda and take confidence building measures. In 2002-3, several rounds of talks were held in Thailand, Norway, Germany and Japan and the ceasefire was monitored by an independent monitoring mission. There were also two donor meetings – in Oslo in 2002 and in Tokyo in 2003 - to pledge international assistance for the reconstruction of the North and East. As a result of the progress made in the negotiations, the LTTE dropped its demand for a separate homeland for the Tamils. The Government revoked the proscription of the LTTE.

In early 2003 the LTTE suspended the talks until the demand for an interim administration for the North and East was accepted by the Government. Negotiations continued between the two sides but there remained a wide gap between the views held by the President and the Prime Minister on how far the Government should go in accommodating the LTTE's demands on this sensitive issue. The ceasefire still holds. The two sides have not indicated when they will resume negotiations.

The stand of the major parties in the UPFA on the peace process differed substantially from that of the UNP. Peace talks were suspended by the LTTE much before the disagreement between the President and the Prime Minister on the question of the interim arrangement for the North and East became public. The SLFP and the JVP took the view that the LTTE proposals for an Interim Self Governing Authority (ISGA) for the North and East were unacceptable and that the UNP had already made too many concessions to the LTTE without getting much in return except the mere absence of war under the ceasefire agreement of February 2001. The Government also found the ISGA proposals unacceptable but it was willing to negotiate the interim arrangement for the North and East with the LTTE in the interest of consolidating the peace.

The UNP also claimed credit for enabling conditions for the ceasefire to continue for more than two years and allowing the peace process to take its course.

Election related violence in Batticaloa weeks before the election led to suspicions that the LTTE cadres were involved in assassinating political rivals in the East. The rebel leader, Karuna Amman, announced that the Eastern Command of the LTTE was breaking away from the North and that his faction wanted to negotiate a separate ceasefire with the Government. The rift between the two military factions of the LTTE in the North and East further complicated the situation.

The LTTE faced little opposition from non LTTE groups and parties in the areas where it fielded TNA candidates in the North and East. This was, however, accomplished more by intimidation and implied threats than by choice. The LTTE for the first time demonstrated its willingness and ability to participate in the democratic process, albeit on its terms.

ECONOMY

The peace process was also backed by pledges of international economic assistance. The poverty reduction strategy programme laid out in the document 'Regaining Sri Lanka', which was presented by the Government at the donors meeting in Japan in 2003, formed the basis of donor support for Sri Lanka's development programme.

The UNP Government focused on creating what it regarded as the necessary conditions for investment and growth. This included downsizing the public service, strengthening the regulatory framework, extending privatisation and continuing liberalising the economy. While its economic and financial management policy was criticised by the opposition for failing to deliver on the peace dividend, it had the support of international financial institutions. In 2003 the IMF approved a US \$567m aid package to be disbursed over three years.

Chapter Three

THE ELECTORAL FRAMEWORK

The Constitution stipulates that the President is the Head of State, with executive powers. There are 225 members of a unicameral Parliament. Under Article 70 of the Constitution, the President has the powers to summon or suspend Parliament. The President is also empowered to dissolve Parliament on the expiration of the period of one year after the date of the General Election.

The Constitution provides for elections to the Parliament at least every six years. Members of Parliament are elected by proportional representation through a preferential voting system. Voting is by secret ballot. The country is divided into 22 districts, which return 196 members¹. These members are elected in proportion to the number of votes received by their political party or group contesting the elections. A further 29 members are elected to Parliament from national lists drawn up by political parties and groups. These seats are allocated in proportion to the number of votes each party or group receives.

Under the system of proportional representation, votes are cast for a political party or independent group and also for candidates representing various interests in order of preference. The votes are cast on the same ballot paper and the elector is given the choice of marking her or his preference for not more than three candidates identified by numbers allocated on the list of candidates submitted by each political party or independent group contesting the elections.

There have been a number of amendments to the Constitution to date. Of these, the most important were those related to the Articles concerning transitional arrangements for the First Parliament, provincial governance arrangements, election to the Parliament and the establishment of a Constitutional Council to recommend the appointments of a Public Service Commission, a Judicial Service Commission and a National Police Commission (Seventeenth Amendment).

The Seventeenth Amendment also provided for an Electoral Commission, but this has never been set up. However, the present Commissioner of Elections is empowered by the Constitution to exercise his functions with full independence and authority. Paragraph 27.2 of the Seventeenth Amendment states: *"the person holding office as the Commissioner of Elections on the day immediately preceding the date of the commencement of this Act (3 October 2001) shall continue to exercise and perform the powers and functions and of the office of Commissioner of Elections as were vested in him immediately prior to the commencement of this Act, and of the Election Commission, until an Election Commission is constituted in terms of Article 103, and shall, from and after the date on which the Election Commission is so constituted, cease to hold office as the Commissioner*

¹ Each district's quota of members being in proportion to the number of voters on the register of electors in relation to the whole.

of Elections". The Commissioner is also empowered under the directions given to him by the Supreme Court in respect of SC Application No 640/2000 (FR) of October 2000 to annul the poll and ask for a re-election in the areas/districts where any irregularity or rigging has taken place.

ELIGIBILITY TO VOTE

In order to vote, a person must be: a citizen of Sri Lanka; 18 years of age on the qualifying date set by Parliament; of sound mind and not in prison or have served a prison sentence of six months or more within the last seven years.

ELECTORAL LAW

The Parliamentary Elections Act No.1 of 1981 (incorporating amendments up to 31 May 1999) deals with the conduct of elections and referenda by the Commissioner of Elections. Matters covered in the Act include: the register of electors; the appointment of returning officers and presiding officers; the qualifications for a recognised political party; nomination of candidates; postal voting; polling arrangements; counting of votes and declaration of results; election offences including acts prohibited on polling day, close of campaigning, treating, undue influence and bribery; election petitions; entitlement of political parties to airtime on State media; and State financial assistance to political parties.

ELECTION MANAGEMENT BODY

Elections in Sri Lanka are organised by the Commissioner of Elections, whose authority is derived from Article 103 of the Constitution.

During an election period the Commissioner of Elections can "prohibit the use of any movable or immovable property belonging to the State or any public corporation" by any candidate or political party for campaign purposes. Those who control such property would have a duty under this section to comply with and give effect to such a direction.

The Commissioner of Elections also has the power to issue Guidelines to television, radio or newspaper companies that would in the Commissioner's view be "necessary to ensure a free and fair election." The State media is placed under a constitutional duty to take all necessary steps to ensure compliance with such directions. As noted in Chapter Five on 'The News Media', this power was exercised with the appointment of a Competent Authority to oversee media content during and following the elections.

Once an election has been called, the Commissioner of Elections can call upon the Inspector-General of Police to provide police officers and any necessary facilities for the conduct of the elections. Those police officers will be responsible to and act under the direction and control of the Commissioner during this period. The Commissioner has the power to recommend to the President where the armed forces may be deployed to maintain public order and contain incidents prejudicial to the holding of effective elections.

The Election Commission provided for by the Seventeenth Amendment would consist of five members and its mandate would relate to conducting elections for the President, Members of Parliament, members of Provincial Councils, local authorities and the conduct of referenda.

The Commission would be responsible to Parliament and would be required to submit an annual report to the House. Its powers would include the preparation and revision of the electoral register and the actual conduct of elections. It would also secure the enforcement of all laws relating to the holding of elections; State authorities charged with enforcing these laws have a duty to co-operate with the Commission.

Notwithstanding the high standard to which the Commissioner of Elections carried out his duties, many of the interest groups the Group met were firmly of the view that the establishment of an Election Commission (pursuant to the Seventeenth Amendment of the Constitution) would in the longer term enhance the independence of the electoral process. The Observer Group shares their view.

Chapter Four

PREPARATIONS FOR THE ELECTION

NOTICE OF ELECTIONS

The dissolution of Parliament and notice of a General Election on 2 April was formally proclaimed by President Chandrika Bandranike Kumaratunga on 7 February 2004. According to the Sri Lankan Constitution, a Government must be formed within three months of calling an election, in this instance, 7 May 2004. Even though this was a 'snap' election, called only two years into a six year term, the Group

heard no complaints about the amount of time allocated between the announcement of the election and voting day.

REGISTRATION OF VOTERS

The register of electors is compiled and revised annually, commencing from June each year, by a process of house-to-house distribution of registration forms by trained enumerators under the supervision of Registering and Assistant Registering Officers. Party Agents are expected to accompany the enumerators to ensure that all qualified persons are registered. The lists of registered persons are then displayed in November for objections to be made and finalised by December of each year. The register of electors itself is published in May of the following year. It is worth noting that the Parliamentary Elections Act provides that the register of electors to be used in any election "shall be the register of electors on the date of publication of the Proclamation or Order requiring the holding of an election, notwithstanding that a new register may have come into operation after the publication of such Proclamation or Order." The previous publication of the revised register was in May 2002 and in line with the prescribed process it would be published again in May 2004. Therefore the poll in April 2004 took place with the 2002 register.

The Group was not present for the most recent voter registration period. The parties and others the Group met prior to deployment had few complaints about the registration process, except in the North where the registers of voters in Jaffna and Kilinochchi were based on the 1988 registration, because of the abnormal situation in the contested areas.

ASSIGNMENT OF RETURNING OFFICERS AND ASSISTANT RETURNING OFFICERS

The Parliamentary Elections Act of 1981 vests authority in the Commissioner of Elections to appoint Returning Officers for each electoral district. Upon the announcement of an election, (with the approval of the Commissioner of Elections) all District Government Administrators automatically assume the functions and responsibilities of Electoral Returning Officers.

RECRUITMENT AND TRAINING OF POLLING AND COUNTING STAFF

It is estimated that approximately 150,000 election officials were employed throughout this election process. A significant number of seconded officers had received training and experience in past elections. A manual in Sinhala and Tamil was provided to all officers and new recruits received practical training sessions over a period of one week.

The Group did not observe the training of any of the officers responsible for the running of the election and is therefore not able to comment on the effectiveness of such training. However, the Group was given copies of the Guidelines for the count and some members were able to watch a rehearsal of the procedures at a polling station the day before polling day. These materials were both thorough and highly detailed. Nonetheless, all the election officials the Group met were well-trained, confident and diligent.

PROCUREMENT AND DISTRIBUTION OF ELECTION MATERIALS

The Group observed the collation and distribution of ballot boxes, voting materials and supplies at several district offices. The distribution was systematic and orderly and the Group was satisfied with the safety and confidentiality of the election materials from distribution to the commencement of voting.

The Group did not receive any complaints of election materials not having been delivered or received in a timely manner.

VOTER EDUCATION

The Commissioner of Elections told the Group that he had undertaken voter education activities. The Group saw the regular public notices placed in the print media by the Commissioner of Elections on various aspects of the election process.

POSTAL VOTING

The electoral law provides that certain persons who are entitled to vote may, on application to the Returning Officer of the relevant district, be treated as postal voters. These include members of the Sri

Lanka army, navy and air force, police, prisons, telecommunications and other servants in the public or local government service, on the grounds that they are unable or unlikely to be able to vote in person at the polling station allotted to them by reason of the particular circumstances of their employment. The electoral law does not permit voting by proxy, nor are overseas residents entitled to vote.

The Group noted the claim in newspaper reports that certain members of the armed forces and civil service were unable to exercise their franchise due to apparent logistical and administrative delays.

The Group urges the Commissioner of Elections to institute a system to ensure opportunity and access to all citizens of Sri Lanka regardless of their occupational responsibilities or place of residence in the future.

INTERNALLY DISPLACED PERSONS

The Commissioner of Elections had made separate arrangements for internally displaced persons. The Group did not observe their poll.

Chapter Five

THE CAMPAIGN

The campaign is a key component in the democratic electoral process. It provides voters with information to enable them to make an informed choice and, provided that there is a 'level playing field', it provides an opportunity to the contesting parties to harness voter support.

CAMPAIGNING

The campaign started on 7 February 2004. The Group observed that the 'period of silence' between the end of the campaign at midnight on Tuesday 30 March and election-day was generally respected. No rallies or other campaign activities were organized and, although individual candidates continued to place advertisements in the newspapers, at national level parties respected the agreement not to advertise in the print media, so far as the Group is aware.

The main methods of campaigning by political parties included:

- door to door canvassing;
- the holding of rallies;
- the use of a loudspeaker vehicle to inform the public of rallies;
- pamphleteering;
- use of the media, both allocation of free time slots on State-owned radio and television, and paid advertisements;
- the decoration of offices, candidates' homes and party vehicles with party regalia.

Rallies were observed by members of the Group in the Colombo and Galle districts. The only rally the Group observed in the North was a TNA rally in Jaffna City, where a 25 foot cut-out of LTTE leader Velupillai Prabhakaran was placed next to the stage.

Part VI of the Parliamentary Election Act 1981 prohibits various activities during the campaign. Despite its provisions, the Group noted the following contraventions of the Act:

- the display of posters and banners on public property: members of the Group observed and received reports from others that the police regularly removed such posters and banners, but these were often replaced by the political parties;
- the painting of party slogans on public roads and walls;
- the intimidation of voters, political party candidates and supporters and service providers, such as vehicle rental agencies: this was especially prevalent in the North and East.

ABUSE OF STATE RESOURCES

The abuse of State resources by political parties is prohibited under Section 104B(4)(a) of the Constitution. Nevertheless, members of the Group observed that supporters of one of the candidates took over a Government rest house and used it for campaign purposes. Elsewhere members of the Group saw a party campaign being run from a Government building. On several occasions members of the Group saw the use of State vehicles for party purposes. The Group believes that the failure to enforce the Constitution in this respect gave an unfair advantage to some candidates and parties. A press release on this matter was issued by the Office of the Commissioner of Elections on the 15 February 2004.

In most of the country political parties and independent candidates were able to campaign freely, canvassing support from the voters, presenting their manifestos and holding political meetings. However, the Group's own observations and reports from voters, political parties and non-governmental organizations indicated that in the North, particularly in the LTTE controlled areas, only the TNA could campaign and canvas, either directly or by arrangement with the LTTE. Evidence of TNA campaigning included posters at village centres and road junctions, as well as within the LTTE security zone at the border of the LTTE controlled area.

In the Jaffna area the Group observed that the campaign was heavily skewed in the TNA's favour. Opposition party candidates alleged that their campaigning had been reduced to handing out leaflets door-to-door. One opposition candidate also alleged, and the Group later confirmed, that campaign advertisements that he had paid for were dropped with no justification by a local newspaper.

INTIMIDATION AND VIOLENCE

Traditionally, elections in Sri Lanka have been accompanied by widespread violence in the run-up to polling day. Clashes between supporters of rival candidates, and often gangs of thugs hired by candidates to intimidate the opposition, have in the past left scores dead.

The campaign phase of this election also took place in an environment which included violence, intimidation, harassment and, as noted above, limitations on the freedom to campaign, especially in the North and East. Indeed, reports of violence dominated the campaign period. According to police sources, there were 1,410 election-related

incidents up to the end of poll on 2 April, in many cases parties complaining about each other.

In some places in the North and East the level of threat – and the corresponding inhibition on open campaigning – was such that some political parties requested police protection. In the East the split within the LTTE further exacerbated the situation, resulting in the fatal shooting of a TNA candidate in Batticaloa on Tuesday 30 March. As a result of the shooting and heightened tensions a number of voters left the Batticaloa area, fearing possible reprisals and violence. Tensions in the East were also increased due to the rivalry between the SLMC and the NUA, particularly in the Digamadulla area in the last few days of the campaign.

The level of election violence at this election was considerably lower than that at previous elections. According to figures released by the Police Election Secretariat on 3 April, there was a 40 per cent drop in cases relating to election related violence.

ROLE OF THE POLICE

The establishment of the Police Commission ensured that the police were able to act fearlessly and independently. The reduction in violence outside the North and the East was partly due to the decision to apply the law strictly and the exemplary conduct of the police. For instance, this time the police enforced Section 74 of the Parliamentary Election Act of 1981, which prohibits the display of posters except on party premises. By removing the competition for wall space this greatly reduced the opportunity for clashes between party supporters.

The Group also noted that the police established several new units at national level to counter election violence. Meanwhile, 35 units were established under Assistant Superintendents of Police to collect information and pass it on to nine provincial level rapid response units.

CODE OF CONDUCT

The absence of a Code of Conduct governing the activities of political parties may have contributed to shortcomings in the conduct of candidates in the campaign. Experience in other countries has shown that the abuse of State resources, intimidation of opposition candidates and voters, mud-slinging between political opponents and

other unacceptable behaviour can be curtailed through the adoption of a Code of Conduct. Adherence to a Code by party leaders can also set an important example to party supporters.

CAMPAIGN FINANCE

Candidates are entitled to free postage during elections as well as 50 cents per vote cast at the last election. However, while there is provision in the Parliamentary Elections Act for State funding of political parties during the campaign period no regulations have ever been introduced to implement it.

There is also no legislation requiring the disclosure of campaign contributions and expenditure. The Group regrets the absence of such regulations and recommends that campaign finance legislation be introduced before the next General Election.

POLITICAL PARTY LIAISON COMMITTEES

The Group noted that political parties submitted several complaints to the Commissioner of Elections regarding the behaviour of contesting parties in the campaign period. Election officials in some provinces informed members of the Group that they met contesting political parties on an ad hoc basis, although not all parties responded to the invitations.

The Group believes that a formal process should be introduced to provide a forum for the election management body and the contesting political parties to meet on a regular basis to discuss election-related issues.

VOTER EDUCATION

The Group was told that the Commissioner of Elections undertook voter education and some of the non-governmental organisations the Group met shared the material they had developed regarding voters' rights and voter information.

The general view amongst the political parties and their candidates seemed to be that Sri Lankan voters are familiar with the voting process and there is therefore no need for additional voter education.

The role of voter and civic education is not only to inform voters of the mechanics of the voting process. It can also promote a more critical engagement by voters with the candidates. The Group urges that voter education of this sort be undertaken during the campaign period.

Chapter Six

THE NEWS MEDIA

This General Election highlighted the intimate connection between politics and the media in Sri Lanka. Brazen partisanship and attempts to manipulate public opinion were much in evidence.

The role of the State media was particularly important. In November 2003 the President took control of the Ministry of Mass Communication. Since the Ministry has traditionally had a firm grip on the editorial policies of the State-funded media, this gave the President's party a distinct advantage in the run-up to the General Election.

The impact on Sri Lanka's media landscape was immediate and had profound implications for the electoral contest. The State-owned Associated Newspapers of Ceylon (popularly known as Lake House), Sri Lanka's largest newspaper publisher, transferred its loyalties from the Prime Minister to the President. State radio and television, Sri Lanka Broadcasting Corporation (SLBC) and Sri Lanka Rupavahini Corporation (SLRC), did the same.

This meant that the Prime Minister had to rely on his supporters in the privately owned media. The scene was set for two months of polarised coverage of the election contest.

BACKGROUND

The Media in Sri Lanka

Newspapers are the most important medium for the dissemination of information in Sri Lanka. The major State-owned newspaper Group, Associated Newspapers, produces the biggest circulation newspapers: the *Daily News* and the *Sunday Observer* in English, the daily *Dinamina* and the weekly *Silumina* in Sinhala and the daily *Thinakaran* and the weekly *Thinakaran Vaaramanjaree* in Tamil.

The major independent newspapers are produced by Wijeya Newspapers (the *Daily Mirror* and the *Sunday Times* in English, the daily *Lankadeepa* and the weekly *Iridada Lankadipa* in Sinhala) and Upali Newspapers (the daily *Island* and the weekly *Sunday Island* in English and the daily *Divaina* and the weekly *Irida Divaina* in Sinhala).

The most important broadcast medium is television, which reaches around 90% of the country. The State television channel – Rupavahini (SLRC) – is the major channel. There are several independent channels, though their reach is not so great. Radio is less important than in many other countries.

The Commissioner of Elections had the authority to issue and enforce Guidelines regarding election coverage. He issued such Guidelines on 11 February and announced that they were to be applicable both to State and private media organisations. In addition he stated that he would monitor the balance of media coverage with the assistance of a private company.

The Print Media

The print media is widely read in a society with a very high rate of literacy. While the State and independent print media both took sides and exhibited almost constant bias, with many extreme examples, it was of particular concern that Lake House, as the State newspaper publisher, abused its dominant position on a daily basis.

The Group noted the overall diversity of political positions in the print media but rejected the argument that opposing biases cancelled each other out. The reality was that most readers restricted themselves to a newspaper or two of a single persuasion. In remote areas there was not even the option of buying a portfolio of titles. With some exceptions, most newspapers failed in their responsibility to provide that balance within their own pages.

The Group noted the walkout and demonstration by some Lake House staff on Friday 26 March, who objected to the publisher being used as a "Party Headquarters" and protested at the failure to obtain UNP advertising resulting from siding with the Freedom Alliance, with its consequent loss of revenue.

There were some reports of newspapers refusing to run advertisements by certain candidates, either because the owner did not favour them or had been pressurised to discriminate against them by a political rival. One candidate in the North claimed he had lost votes as a result of one of these decisions by a newspaper. The Group established it was true he had paid for an advertisement which the newspaper refused to publish at the last moment.

The Group welcomed the work done by Sri Lankan media monitoring NGOs which, for example, tracked page space allocation to different parties, as well as the square centimetres of favourable and unfavourable coverage they received in various newspapers.

Radio

Voters generally said that radio generated very little real news, so had little impact on them, with the possible exception of those in the North and East, where radio was more relied upon. The Group was told that

private radio stations had poor frequencies but had set up repeater stations to widen their listenership.

The radio news monitored by the Group was typically superficial, and did not pretend to be otherwise. One 'news' bulletin on the radio cheerfully signed out after two minutes with the presenter saying: "If you want to know the news, then go and buy a newspaper." But the Group noted that Tamils in the North and East expressed the view that radio was relevant, especially as they have fewer television sets.

Television

Television set ownership in the country is high and television news was widely watched. As with the print media, the quality of most broadcast journalism left much to be desired, with party political broadcasts presented as impartial coverage.

Panel discussions were popular, but parties did not have equal access to appearing on programmes. Rather than one programme acting as a platform for a diversity of opinion, it was more a case that each political party had their own channel to appear on. This meant viewers would have to change channels frequently to get any balance, and poorer citizens with basic sets were unlikely to have access to enough channels to do that. There were a number of problems about parties having equal opportunity to advertise on television.

The arrangement at the beginning of the campaign period was that free airtime in the State broadcast media would be provided to contesting political parties from 1 March. The Sri Lanka Broadcasting and Rupavahini Corporations were to allocate a combined 1,680 minutes of their air-time to candidates from 24 recognised political parties. Candidates from 192 independent groups were to get a combined total of 5,760 minutes of airtime.

REGULATION OF THE MEDIA

Given the political pressures upon all media, and the failure of the media to regulate itself, enforcement of the 18-point media Guidelines established by the Commissioner of Elections Commissioner was critical. As provided for by his powers under the Seventeenth Amendment to the Constitution he appointed a Competent Authority, responsible for ensuring State broadcasters acted properly and

impartially. The Group welcomed this development, but feared it came far too late, days before polling.

To counter the move, the State broadcasters challenged the appointment of the Competent Authority, petitioning the Supreme Court. The petition failed, but the inadequacy of the Competent Authority's powers was confirmed within days when the Supreme Court ruled that he had to take advice from the Attorney-General before deciding whether a television programme could be blocked or not.

Further, the Competent Authority was faced with a legal challenge by the UNP and the Commerce and Consumer Affairs Minister. The Colombo District Court ruled that the SLBC and SLRC had indeed failed to comply with the Guidelines issued by the Commissioner on 11 February, which stipulated the need to be accurate, balanced and impartial. The Court issued the enjoining order valid up to April 8. However, this ruling highlighted the problem of enforcement as Parliament had never approved enabling laws under the Seventeenth Amendment.

DISINFORMATION

Sri Lankan media at its best is an impressive combination of wit and wisdom, with some especially good writing in the Sunday papers. But at its worst – for example in the main English language State newspaper – it descends not only to deplorable levels of propaganda but to outright disinformation.

Most news reports – and their headlines – strongly favoured one party or another. Direct speech was reported in markedly different styles in order to boost or undermine the credibility of the speaker while pretending to neutrality. Similarly, vocabulary was adjusted according to the subject. Crucial stories and facts were omitted.

Worse still, some stories were total fabrications. One NGO made a formal complaint when a State newspaper presented fabricated survey 'results' supposedly obtained from the public by that NGO. It emerged that the questions had never been asked, let alone answered in the way the newspaper claimed. There was a clear political purpose, since the fabricated survey results suggested that the President was more popular than the Prime Minister and was more likely to win the General

Election. The Group was especially concerned that the State media should act in this way.

Text and pictures were often arranged to create a false impression. For instance, photographs of rival candidates' rallies were placed next to each other, equal in size but with captions twisted in favour of one party: one event might be described as a 'rally' and the other as a 'propaganda meeting'. Similarly, portrait photographs of politicians were selected to show one looking like a winner, and the other like a loser.

The Group regarded the State media as having a special responsibility to be fair and balanced, especially in view of its authority and reach. It regretted the absence of such balance during the campaign period.

OVERALL ASSESSMENT

- *There was some balanced journalism during the campaign period. A number of editors and journalists fought hard to maintain high standards in the face of intimidation, threats and violence, all of which increased as the General Election drew near.*
- *Much of the media coverage failed to provide either the information or the objectivity which is required by voters in a pre-election period.*

Some of the worst examples of abuses occurred in the State newspapers. It was left to a handful of privately owned media to help the electorate in reaching free and informed choices through the provision of accessible, accurate, timely and impartial news and analysis.

- *Most of the media failed to present the views of the political parties with neutrality.*

Politicians appeared to have little choice but to stick close to their established media allies and to avoid appearing on programmes and in articles that could be guaranteed to portray them in a negative light. The resulting vicious circle tended to impoverish the content of all newspapers and programmes and made it difficult for voters to make rational comparisons.

- *The media failed to respect the Guidelines regarding media coverage and the General Election. This failure was particularly serious in the case of the State media.*

The Group believes that the media were encouraged in their flouting of the Guidelines by the failure to provide sufficient resources and adequate methods of enforcement to the authorities charged with enforcing the rules.

The Group urges that in future the Competent Authority which the Commissioner of Elections is empowered to establish to regulate the State broadcast media be in place on the day the election is declared, that it should embrace all State media - print as well as broadcast - and that the election management body be provided with stronger powers to ensure adherence to the Guidelines for the media. This is all the more important in view of the absence of any independent body for the general regulation of the media.

Chapter Seven

THE POLL, COUNT AND RESULTS PROCESS

Previous elections in Sri Lanka had been violent. On this occasion, five people were assassinated during the campaign period and again there was intimidation and damage to property. Tension was increased by reports of the hiring of thugs to disrupt events on polling day, the split in the LTTE shortly before the election and the assassination of a leading figure in the 'Karuna' faction on 30 March. It further intensified with the arrest a few days before the election of a group of army deserters, who were found with grenades and said to be

preparing for an attack on leading party figures. As a result of all this, there were fears that election day itself would be far from peaceful.

As for the North and East, where credible elections had not been held since the beginning of the fighting between the LTTE and the Sri Lankan security forces, there was considerable apprehension. Some suggested that the 'cluster station' arrangement would not be able to cope with the thousands of voters who were expected to cross from the areas controlled by the LTTE. Others feared that the Sri Lanka security forces might harass voters or even deny them access to the polls. Several of those who briefed the Group prior to our deployment referred to the inadequacy of the register of electors in the North and the East, and expressed concerns that the process would lack integrity: it was predicted that there would be multiple voting, impersonation, underage voting and intimidation of party workers and voters on a massive scale.

Then there were all the questions that precede General Elections in many other countries elsewhere in the world: would the election and counting arrangements work, would the voters be able to cast their ballots freely and in secrecy, would the day be characterised by irregularities, and would the parties cry 'foul'?

ARRANGEMENTS

There were around 12.9 million people on the register of electors and 10,670 polling stations. Each station was managed by a Senior Presiding Officer, assisted by a minimum of four polling officials (usually civil servants) and at least two police officers. The polls were due to open at 7.00 am, after the display and the sealing of the empty ballot boxes in the presence of the party agents and observers.

The voting process was as follows:

- the voter would present her/his polling card and have her/his name checked against the register: once found the voter's name, number and description would be called out and the name marked;
- she/he would then have her/his fingers checked by a polling official who, assuming no ink marks were found, would apply indelible ink to the nail of the little finger on the voter's left hand and allow time for it to dry;

- the next stage was for the voter to be issued with a ballot paper: the voter's number from the register would be recorded on the counterfoil and the official mark stamped on the back of the paper;
- the voter would then be shown to the voting compartment, where she/he would place a cross opposite the name and symbol of the party (or independent group) of her/his choice, and – at the bottom of the ballot paper – indicate her/his preference for not more than three candidates by placing a cross on the serial number of the voter's favoured candidates;
- finally, the voter would fold the paper, show the official the mark on the back of the paper, place the ballot paper in the ballot box, and leave the polling station.

The stations were due to close at 4.00 pm, when the Senior Presiding Officer would complete the required paperwork, pack the materials and secure the boxes with sealing wax and the agents' own seals. The boxes would then be transported under police guard to the counting centre for the electoral district. Once all the stations had delivered their boxes they would be opened and the ballot papers sorted and counted. Meanwhile, the postal ballots² would be opened, sorted and counted in a separate room. After the 'party count' the preferences would be counted and the Returning Officer would announce the results. It was clear in advance that it would be a very long night.

The Commissioner of Elections told us that there were approximately 20,000 domestic observers, mainly from PAFFREL (People's Action for Free and Fair Elections) and CMEV (Centre for Monitoring Election Violence). In addition there were 256 foreign observers. As well as the observer missions from the European Union, the Commonwealth and the Government of Japan the Commissioner of Elections organised and assisted 55 observers from Bangladesh and Nepal. Staff from several diplomatic missions in Colombo also took the opportunity to watch election day activities.

The Group noted that the sale of alcohol was banned on Election Day and the preceding and following days.

² Postal voting took place on 24 and 25 March, before the Commonwealth Observer Group deployed and was therefore not observed by members of the Group. The Group was surprised to note that postal voting results were announced separately, on a district basis, prior to their integration into the total figure for all ballots cast.

EVALUATION

Fears that the Election Day would be violent were not realised. There were some incidents, some of which were witnessed by our Teams, but much fewer than had been feared and much fewer than at previous elections. Several observers described Election Day as the most peaceful the country has known. Almost everywhere the mood was positive and peaceful. The Group noted that while at previous elections well-organised gangs of thugs had taken over polling stations this time the Group came across no such incidents. For the first time the authorities did not impose a curfew after the voting, although in anticipation of one most people kept off the streets anyway and shops were closed.

Where members of the Group were present the 'cluster station' arrangement did seem to have been able to cope and the Sri Lanka security forces did not harass voters or deny them access to the polls. Several other fears concerning the process in the North were justified. The register of electors in the North was said to include some 650,000 names. This was widely believed to be seriously inflated because so many had moved away from the area. On the day itself the inadequacy of the register in the North was plain for all to see.

In the North there was also considerable evidence of multiple voting, impersonation, underage voting and intimidation of party workers and voters. A voter in the North claimed she had voted five times and boasted "my work is done for the day". Another voter, also in the North, boasted that he had voted 25 times. In the North groups of young men were seen outside polling stations and political party offices with many poll cards in their hands. Observers saw one man soliciting polling cards and heard him claim "they're not checking". Many ballot boxes in the North were seen by our Team to bear the symbol and name of the TNA. Officials 'nodded through' voters even though their names were not on the list. Attempts to remove the indelible ink were organised and large-scale – at one place in the North there was a 'mobile washing station', a van, which was seen at two polling stations, thus enabling people who had removed the ink to vote again. At many polling stations agents were present from only one party; indeed, at the clustered stations for voters from the LTTE controlled areas only TNA party agents were seen.

Elsewhere, so far as the more general fears were concerned, it was clear to the Group that while there were some shortcomings – which are noted below – in general the polling and counting arrangements worked very well. The voters were able to cast their ballots freely and in secrecy, the day was not characterised by irregularities and the parties did not cry ‘foul’³.

Where members of our Group were present:

Polling Stations and Staff: we noted that the polling station staff and security officers had been present with the sensitive materials at the polling station the night before polling began, in order to keep them safe and to ensure that the station could open on time. Stations opened and closed on time and were equipped with the necessary materials. The polling officials processed voters rapidly and members of the Group noted that they often provided assistance to the elderly and the disabled. The ‘500-metre’ limit (within which party symbols were not to be shown) was respected, except in the North. The locations selected for use as stations were for the most part suitable and the space adequate. The layout of the stations was generally good, the atmosphere efficient, open and friendly and the location of the stations well identified and well known to local people.

Turn-out: voter turn-out appeared to us to have been good at most stations: when the official figures were released it was found to be 75% (although at the previous election it had been even higher, at 80.3%). The exception – despite the scale of abuse – was the North. Polling day was not an official holiday but employers were required to allow their staff time off to vote and many businesses closed for at least half the day: for instance, shops in Colombo closed at 12.30. Despite the relatively high turnout such was the efficiency of the polling station operation that there were few long queues.

Adequacy of the register: except for the LTTE-controlled areas of Jaffna and Kilinochchi in the North the Group found that the register of electors was reasonable and came across few incidents of ‘missing names’. In Jaffna and Kilinochchi the register used was that of 1988, which had been ‘frozen’. However, there is a provision in the law for a supplementary list

³ Except in the North, where one party subsequently sought redress from the courts.

for new voters to be registered on reaching voting age. Given the difference between the actual number of people reported to be living in these areas, compared to the number of those on the frozen register and any supplementary list, there needs to be a total revision of the register in Jaffna and Kilinochchi. Elsewhere in the country, even though there were few complaints, the Group recommends the introduction of a system of continuous registration, rather than annual updates.

Polling procedures: in one place members of the Group noted that voters were not showing the official stamp on the back of the ballot paper when placing it in the ballot box. However, everywhere else the election officials and the voters complied with the prescribed procedures, which appear to have been uniformly applied across the country. The Group was pleased to note that except in the North only those who were on the register were allowed to vote. In the North there was considerable evidence of multiple voting, on an apparently organised basis. At some stations polling officials did not call out names. The absence of party agents from parties other than the TNA meant there was no effective check against malpractice.

Although in some places voters offered to show their National Identity Cards, the Group noted that there is no legal requirement for voters to produce evidence of their identity. The Group believes that such a requirement in future would further speed the process and would provide an additional guarantee against impersonation. It may very well be that a requirement to produce some form of photographic identification before voting will eliminate duplicate voting.

The Group heard election officials and others express concern both that the ink could be easily removed and, possibly, that it may not have been always of the highest quality. Such doubts undermined confidence in the process. The further check against double or multiple voting that the ink provides only works if the ink itself can be guaranteed against efforts – which, in the North, were seen to be considerable – to remove it. The Group believes that the Commissioner should endeavour to obtain ink of the highest quality so that he, his staff and voters can be confident that the ink used in Sri Lankan elections cannot be removed.

The Group also noted that in some polling stations officials were not applying the indelible ink correctly. In the North, for instance, there were stations where it was not being applied to the finger-nail of the little finger on the left hand but to the tip of the finger.

Secrecy of the ballot: in our observation most voters were able to mark their ballot papers in secrecy. This was provided for by a three-sided cardboard screen which covered the desk on which the voter made her/his mark. Nevertheless, the Group believes that arrangements can be improved. In particular, we noted that the positioning of the desk was sometimes poor: it was usually such that the voter had her/his back to the officials, so that under certain circumstances the election officials might be able to see. For the future the Group believes that the voting compartment should be positioned so that there is no possibility of anyone seeing inside the compartment.

Voter behaviour: the voters were orderly and generally at ease with the procedure. In some places, for instance at cluster stations in the North, there was great enthusiasm. When the barrier to the cluster stations was opened thousands of voters ran excitedly to get to the polling station.

In some places there seems to have been a large number of rejected ballots. In one electoral district these came to 8.96% of the total number of votes cast, although the Commissioner of Elections told us that the average was 6.5%.

Gender: the Group detected no impediments to the participation of women; on the contrary, arrangements were such as to enable women to vote. Indeed, we saw women vote in large numbers. In many places there was a separate queue for women voters or even a separate station.

We noted that many of the junior election officials and domestic election observers were female. However, the parties had put forward few women candidates and there were only a few females at the level of Senior Presiding Officer and above. The Group hopes that both these matters can be addressed by Sri Lanka's parties and its election managers respectively, so that at future elections there are many more women candidates and many more women in senior electoral positions.

Intimidation: in the North intimidation was widespread. A prominent independent candidate did not vote because he feared harassment and that he would come to physical harm. The Group was told by some parties that they could not recruit and place party agents because of fear for their safety and that of their families. Even outside the North the Group had some reports of intimidation of voters and, in one area, of domestic observers. However, the vast majority of voters appeared to be under no duress.

Security: security was good. Some 64,000 police officers were on duty on election day, deployed to potential trouble spots as well as at polling stations themselves. At the polling stations they were effective without being intrusive, and in many cases they were helpful to the voters. The Group saw that the relationship between the police and the voters was good, and many of those we met commented approvingly on their presence. The army generally remained in the background, though in one place, in the centre of the country, one of our Teams was told by the police that the army had been called out at the request of a candidate.

Closure: the polling stations visited closed at 4.00pm. The stipulated procedures were adhered to and the ballot boxes were safely conveyed to the counting centres.

The Count: where Commonwealth Observers were present the Group can confirm that the ballot boxes were not interfered with during the journey from the polling station to the counting centres, and members of the Group heard of no incidents of such interference.

At the count itself the procedures were adhered to. The count might best be described as "careful and thorough, but quite slow". Fears of a long night gave way to a reality that saw the results process last well into the following day. The 'party count' was relatively fast, but the calculations of the preferential voting took a long time. As for the transparency of the process, candidates and/or their agents and international observers were allowed to observe; however, domestic observers were not allowed to be present.

Conditions at several of the counting centres left a great deal to be desired - in particular, there was usually little ventilation and

no air conditioning and the temperature was sometimes unbearably high. The Group also noted that at some counting centres there was too little space and order was achieved only with difficulty. The Group commends the counting officials for being prepared to spend so many hours in such difficult conditions. If at all possible counting centres need to be large enough to adequately cope with the length of the exercise and the number of the staff and other authorised persons to be accommodated.

Party Agents: in the North all polling stations observed were staffed with two TNA agents, while agents for the other parties were absent or few and far between. The Group was told that LTTE intimidation had made it difficult for other parties to recruit agents. In the East as well, where the Group observed, there was a marked absence of agents from all parties. Elsewhere, the quality of the party agents was uneven but they were present at most polling stations and all counting centres and those from the major parties were effective. They were for the most part diligent and vigilant – especially at the count. In almost all cases outside the North they had no complaints. The Group hopes that at future elections there will be more adequate representation of party agents.

International Observers: at the polling stations the Group had free access. However, some election officials and police were sometimes unsure as to whether international observers should be present at the count and there were sometimes delays before Commonwealth and other international observers were let in, even though they possessed the correct authorisation. In one place a Returning Officer provided a letter to our Team to ensure entry to the count. In two places international observers were turned away, although this did not happen to any Commonwealth Team.

Domestic Observers: observers from PAFFREL and CMEV were present at many of the stations, though not all. The Group supports the presence of domestic election observers in principle and is pleased that at this election, for the first time, they were allowed into the polling station. We hope that at future elections their right to be present will be guaranteed in the law, that they will be present at all polling stations and that they will be allowed to be present for the counting and results procedures. The Group noted that they did not always exercise fully the

rights they have already been given: for instance, they did not always follow the ballot boxes to the counting centre, or even remain for the sealing procedures at the end of polling.

OVERALL JUDGEMENT

The Group has already noted the situation in the North, which was entirely unacceptable. Elsewhere, as in any electoral process, there is room for improvement. Nevertheless, these elections were very much better than those that have preceded them. As the Chair said in her Interim Statement on 3 April: "the arrangements made by the Commissioner of Elections were effective. According to our observation, the voters were able to cast their ballots freely. The secrecy of the ballot was assured, large numbers of people were processed with efficiency and the party agents were satisfied . . . the Commissioner, his staff and the Police are to be commended both for their preparations and their performance on the day".

Chapter Eight

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

This Observer Group was asked in its Terms of Reference to:

- consider the various factors impinging on the credibility of the electoral process as a whole; and to
- determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people.

As can be seen from the preceding Chapters the Group has considered the various factors impinging on the credibility of the process.

Because the Group knows that the voters need to be able to cast their ballots freely on polling day and that the voting, counting and results arrangements are of critical importance to the success of the electoral process it observed the Election Day arrangements especially closely.

At the same time, the Group was keenly aware that the events of election day should not be seen in isolation. Our Group saw it as a key part of its task to consider the electoral process in its entirety, and to give due weight to the context in which the General Election took place.

The Group therefore observed the 'electoral environment' as a whole. It considered the political context, the legal and constitutional framework and the preparations for the General Election. It watched to see whether the campaign took place in a calm and peaceful atmosphere, whether all parties were able to campaign freely and whether they all contestants had fair access to the media.

Having done all this, the Group met over several days in Colombo to compile its Report, to make an overall assessment of the totality of the electoral process and to arrive at a settled judgement.

The Group observed that:

- the General Election took place in conditions of political freedom: except in the North and the East
 - there was freedom for the political parties to campaign and express their views and for the voters to be informed and debate the issues;
 - the voters were able to cast their ballots freely and turned out in large numbers. The Group applauds them for the way in which they demonstrated their commitment to the democratic process, even in those areas where problems were apparent;
- The election arrangements were effective and the Election Day itself was calm and peaceful. The Group:

- praises the Commissioner of Elections and his staff for their diligent, efficient and impartial preparations for the General Election, for their performance on polling day and for the professionalism and integrity of their overall management of the process: they have emerged from the process with enhanced respect;
- commends the Police for their efforts to reduce the level of pre-election violence and to ensure that there was peace on election day; the Group also commends the discreet but effective role of the military in the North and the East;
- congratulates the many other individuals and organisations, including the domestic election observers and the party agents, on their contribution to the democratic process.

As a result, the Group has come to the view that, except in the North and to some extent in the East, the conditions existed for a free expression of will by the electors. The results reflected the wishes of the people.

However, the process was not credible in all respects. In particular, the Group remains deeply concerned about the role of the State media and the impact of pre-election violence and intimidation. Together, as our Chair said in the Interim Statement, these cast a shadow over the electoral process.

The effect of bias on the part of the State media and the fear induced by the agents of violence was to limit and in the latter case even to deny the voters and the contestants their right to a tolerant, mature and free debate and to restrict freedom of choice on polling day.

The Group acknowledges Sri Lanka's strong democratic tradition and in this context implores the country's responsible political forces to ensure a level media playing field in future and to ensure that all violence is removed from the campaign. Any political violence is unacceptable. This election has shown that it can be reduced. The task now is to eliminate it altogether.

Finally, the Group recognises that this General Election represents a major breakthrough in the North and East where, for the first time since fighting began between the LTTE and Government security

forces, there is now a possibility of normal democratic politics and credible elections.

This time only one party was able to campaign freely, and to participate fully on election day, in the North and there were significant constraints on campaigning in the East. Before future elections all parties will need to agree that democracy can only proceed if all contestants have a fair chance and an equal freedom to campaign, and to act accordingly.

RECOMMENDATIONS

This was one of the best elections in Sri Lanka in recent years. Nevertheless, improvements can still be made and our Terms of Reference invited the Group to “propose such action on institutional, procedural and other matters as would assist the holding of such elections”. Our Group therefore wishes to put forward the following recommendations, which emerge from the preceding chapters of this Report:

ELECTORAL FRAMEWORK

- ***Independent Election Management Body***

The Group urges the President to appoint the independent Election Commission as soon as possible, as provided for in the Seventeenth Amendment to the Constitution. The Group has the greatest respect for the Commissioner of Elections, but believes in principle that here, as in many other countries in the Commonwealth, there needs to be an independent election management body.

PREPARATIONS FOR THE ELECTION

- ***Voter Registration***

The Group believes that the present voter registration arrangements should be revised with a view to a complete re-registration in the North and the use of a continuous voter registration system across the country thereafter;

- ***Voter Identification***

There is no legal requirement for voters to show any form of identification before voting. This makes impersonation easier. The Group recommends an amendment of the law to require the production of some form of voter identification, possibly in the form of a photographic-ID.

- ***Voter and Civic Education***

The Group believes that the process would have benefited from additional voter and civic education, in particular to ensure that young people voting for the first time understand the process.

THE CAMPAIGN

- ***Code of Conduct***

The Group recognises that in other countries Codes of Conduct have provided a useful means of improving the behaviour of the political parties, the media and others and recommend their adoption in Sri Lanka, with the full involvement of all parties concerned.

- ***Campaign Finance***

So that there is transparency and accountability the Group recommends the introduction of legislation to provide for the disclosure of campaign contributions and expenditure, not only by political parties but also by all others who incur expenditure on the campaign. It also recommend limits on spending and effective monitoring and enforcement of the law by the election management body.

- ***State Resources***

The Group proposes that the new Government and Parliament should adopt measures to prevent the use of State resources - such as Government buildings and vehicles - for party political purposes.

- ***Party Liaison***

The Group believes that Sri Lanka would benefit from a more institutionalised arrangement for consultation with and the involvement of the political parties, including at local level, and suggests that the parties and the Commissioner of Elections should consider the establishment of a system of party liaison committees.

THE NEWS MEDIA

- ***Balance and Fairness***

The Group urges that in future the 'competent authority' which the Commissioner of Elections is empowered to establish to regulate the State broadcast media be in place on the day the election is declared, that it should embrace all State media, print as well as electronic, and that the election management body be provided with wider powers to ensure adherence to the Guidelines for the media. For the longer term, the Group urges the transformation of the State media into public service media, regulated by an independent authority.

THE POLL, COUNT AND RESULTS PROCESS

- ***Women Candidates and Senior Officials***

Although the Group was pleased to see that nine women were elected and that many of the junior election officials were women, it urges the political parties and the Commissioner of Elections respectively to take steps to increase the number of female candidates and senior election officials for future elections.

- ***Election Day Arrangements***

The Group recommends better screening arrangements for voting, the use of the highest quality indelible ink, better training for officials on the application of the ink and that accredited domestic election observers should be allowed to be present at the count. The Group further recommends that consideration be given to the adoption of legislation to ensure that domestic observers have the right to observe all stages of the election process.

Finally, the Group urges the Commonwealth Secretary-General to respond positively to any requests for technical assistance in connection with these recommendations.

Annexes

Annex One

COMPOSITION OF THE OBSERVER GROUP

Hon Margaret Reid (Chair, Australia)

Margaret Reid was President of the Australian Senate for six years and in 2001 Chair of the Commonwealth Parliamentary Association (CPA). Mrs Reid was a member of the Executive of the CPA for some years, when she took a particular interest in the countries of the Pacific and Asia regions. She was Joint President of the Commonwealth of Australia branch of the CPA with the Speaker of the House of Representatives. Mrs Reid was always very involved with the people and community organisations in her electorate and remains very actively involved with many of them. Prior to entering Parliament Mrs Reid practiced law as a barrister and solicitor, specifically in the area of family law.

The Rt Hon Paul East QC (New Zealand)

Mr East is a barrister who has served for more than twenty years as a member of the New Zealand Parliament. During that period he has held a number of ministerial positions, including serving as the Attorney-General, Minister of Defence, Leader of the House and Minister for the State Services Commission. From 1999 to 2002 he was New Zealand's High Commissioner to London. He has a particular interest in the parliamentary process and has recently presented seminars on this subject to Parliaments in Fiji, the Philippines and Sri Lanka.

Mr Robert Jamieson (Malawi)

Mr Jamieson is the Publisher and Editor-in-Chief of the *Chronicle* newspaper, which he started in 1993. He is also proprietor and General Manager of Crown Printers in Lilongwe, Malawi. He returned to Malawi in 1993 to play a role in the re-establishment of democracy after 15 years of self-exile, in Zimbabwe and Britain. He is currently Chairperson of the Publishers' Association of Malawi, as well as that of the National Editors' Forum of Malawi. He is Deputy Chair of the Southern Africa Editors' Forum and a member of the Southern African Media Trainers Network. Mr Jamieson is a democracy and human rights activist with a special interest in media and freedom of expression issues.

Ms Joycelyn Lucas (Trinidad and Tobago)

Ms Joycelyn Lucas is an election administration consultant and was Chief Elections Officer for Trinidad and Tobago between 1988 and

1997. She has served as Director of Elections in Lesotho for the 1993 General Election, as Adviser in South Africa for the 1995 local government elections and the 1999 General Election and in a similar capacity in Malawi for the 1994 General Election and 2000 local government elections. She has been an international observer for elections in the Dominican Republic, Guyana, Haiti, Mozambique, Namibia, Papua New Guinea, Yemen, and was a member of the Commonwealth Observer Groups which were present in Zimbabwe for the Parliamentary elections of June 2000 and the Presidential Elections of 2002. In 1999 she received the Medal of Merit Award Gold for public service.

Mr J M Lyngdoh (India)

Mr James Lyngdoh was Chief Election Commissioner of India until 7 February 2004. Between 1997 and 2001 he was one of India's two other Election Commissioners. Mr Lyngdoh was previously Secretary to the Government of India Tourism Department and Secretary to the Government of India in the Cabinet Secretariat. He entered the India Administrative Service in 1961. Mr Lyngdoh was awarded the Magsaysay Award in Manila in 2003, in recognition of the exemplary conduct of the extremely sensitive elections in Jammu and Kashmir and Gujrat in 2002.

Mr Benno Pflanz (Canada)

Mr Benno Pflanz is a retired public servant and diplomat. His last assignment was as Minister Counsellor at the Canadian High Commission in London. From 1992 to 1995 he was Canadian High Commissioner to Sri Lanka and the Maldives. His other foreign postings were to Germany, Italy, Japan, Korea, Kenya and the Philippines. His last post in Canada was as Director-General, Personnel Administration in the Department of Foreign Affairs and International Trade.

Dr Ashique Selim (Bangladesh)

Dr Ashique Selim is a medical practitioner. He is a Commonwealth Youth Ambassador for Positive Living and is a member of the Commonwealth Asian Youth Caucus. Dr Selim is also a member of 'ALO', a voluntary drug awareness group in Dhaka.

Ms Ilona Tip (South Africa)

Ms Ilona Tip is the Senior Advisor, Conflict Management, Democracy and Electoral Education of the Electoral Institute of Southern Africa. Ms Tip has a background in education and political science. Her work experience includes para-legal and office management for Shun Chetty

and Priscilla Jana, civil rights lawyers from 1977 to 1991. She was employed by the Independent Mediation Services of South Africa (IMSSA), initially as Co-ordinator of its Community Mediation Programme. She is one of the founding members of EISA (established in July 1996) and has experience in designing, developing and conducting programmes in civic education, conflict management, voter education and electoral observation materials. She has participated in eight observation missions as an observer and co-ordinating observation missions.

Annex Two

News Release

ARRIVAL STATEMENT

**HON MARGARET REID
CHAIRPERSON, COMMONWEALTH OBSERVER GROUP
25 MARCH 2004**

"We are in Sri Lanka to observe the General Election, at the invitation of the Commissioner of Elections, Mr Dayananda Dissanayake. Our Terms of Reference from the Commonwealth Secretary-General say that we should come to a view about "the credibility of the electoral process as a whole" and "determine in our own judgement whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people".

The Commonwealth believes in and upholds the democratic way and the rights and freedoms that come with it. We hope that our observation of both the details of the democratic process here and the wider environment in which it takes place will help both to strengthen the process and its institutions and help to make your democratic rights and freedoms strong and enduring. Naturally, we hope and believe that our presence and that of other international and domestic observers will give added confidence to the people of this country as you approach your General Election on 2 April.

The Commonwealth Observer Group is an independent group of eminent Commonwealth citizens - present and former parliamentarians, election officials, diplomats and leading figures in civil society - which has been appointed by the Commonwealth Secretary-General, Don McKinnon. His purpose in appointing this Group is to obtain a view as to the credibility of the electoral process here.

There are some other points I should make clear:

- before we arrived a Commonwealth Secretariat Assessment Mission established with the political parties and civil society that there would be 'broad support' for our presence;

- in carrying out our observation we will be impartial and objective: we will give an honest assessment, without fear or favour to any party;
- our concern will be purely with the electoral environment and the process, rather than with the outcome;
- we will observe in our individual capacities and not as representatives of our countries, our governments or any organisations to which we may belong;
- we will be observing, not supervising: we have no executive role;
- we will travel widely, in rural areas as well as the main towns;
- we will observe closely and at first hand not only the polling and counting but also the campaign and the media coverage
- we will meet and talk to as many people as we can.

We arrived on Wednesday 24 March and today we start our work with a briefing by the Commissioner of Elections. This afternoon we have meetings with some of the political parties. There are more of these tomorrow. On Friday and Saturday we will meet a number of non-governmental organisations, other observers and Commonwealth High Commissioners. We will deploy around the country on Monday 29 March. We will then sample the process in the field. After the election we will report to the Commonwealth Secretary-General. Very soon after that our report will be made public and it will be available here and throughout the Commonwealth for all to see."

Colombo Plaza Hotel
Colombo
25 March 2004

Annex Three

News Release

COMMONWEALTH OBSERVERS DEPLOYED

The Commonwealth Observer Group – which is present in Sri Lanka for the 2 April General Election – deployed across the country today. The members of the Observer Group will cover both rural and urban districts and will travel as widely as possible from their base locations, which are as follows:

COLOMBO	Hon Margaret Reid (Chair) Mr Syed Sharfuddin
GALLE	Ms Joycelyn Lucas Dr Ashique Selim
RATNAPURA	Mr Robert Jamieson Mr James Robertson
KANDY	Mr J M Lyngdoh Ms Adora Ikenze
BATTICALOA	Rt Hon Paul East Ms Ilona Tip
JAFFNA	Mr Benno Pflanz Ms Michèle Law
ANURADHAPURA/ TRINCOMALEE	Mr Benn Muir

As well as observing in Colombo Observer Group Chair Hon Margaret Reid will undertake a number of visits outside the capital to assess the electoral environment and meet with election officials, political parties, other observers and voters.

Further information: James Robertson on 077 6322433

29 March 2004

INTERIM STATEMENT ON SRI LANKA GENERAL ELECTION

*The following Interim Statement was issued this morning by
Hon Margaret Reid, Chair of the Commonwealth Observer Group*

“It is difficult to describe an electoral process as fair when the State media is as biased as it has been in Sri Lanka in the run-up to this General Election. Balance on the part of the State media – with its particular authority and reach – is essential for democracy. Its absence during the campaign cast a long shadow over this electoral process.

A second shadow was cast by violence and intimidation during the campaign. We commend the Police and the Commissioner of Elections for their efforts to achieve a violence-free General Election. Terrorism, assassinations and other violence strike at the very heart of the democratic process and undermine development and prosperity.

After this, the events of polling day came as a pleasant surprise. The results process is continuing, so it is too early to give a judgement on that. However, the voting has concluded and, while I will need more time before I make any statement about the situation in the North and the East I can report that our Teams elsewhere in the country have told me that the arrangements made by the Commissioner of Elections were effective. According to our observation, the voters were able to cast their ballots freely, the secrecy of the ballot was assured, large numbers of people were processed with efficiency and the party agents were satisfied. We noted that the parties had put forward few women candidates, but many women voted. I should add that our Observer Teams were given full access to polling places.

The Commissioner, his staff and the Police are to be commended both for their preparations and their performance on the day. I congratulate the many individuals and organisations which have worked hard and with great dedication for a good General Election.

This Interim Statement is very much preliminary in nature, an initial comment rather than a final judgement on the General Election. That final judgement will come in our Report to the Commonwealth Secretary-General and will be based on full reports from all our Teams, collective discussion by the Group and a thorough assessment of the totality of the electoral process. Our Teams return to Colombo tomorrow. We will then begin writing that Report, which we will complete and sign in the capital before we depart on 8 April 2004”.

NOTE TO EDITORS

Following receipt of an invitation from the Commissioner of Elections, the Commonwealth Secretary-General sent an Assessment Mission to Sri Lanka in February 2004. Advance staff followed and the main Observer Group began work on 25 March. Observer teams were deployed across the country on 29 March and were based in Colombo, Galle, Ratnapura, Jaffna, Batticaloa, Anuradhapura/Trincomalee and Kandy. The Commonwealth Teams will remain in their areas of deployment on 3 April to observe the immediate post-poll period. On 4 April they will begin their Report, which will be forwarded to the Commonwealth Secretary-General, Rt Hon Don McKinnon. Mr McKinnon will send the Group's Report to the Head of Government, the Commissioner of Elections, the political parties, non-governmental organisations, Commonwealth governments and others. The report will then be made public and be placed on the Commonwealth Secretariat internet site.

FURTHER INFORMATION	James Robertson	-	077 632 2433
	Commonwealth Observer Group Office	-	077 636 0898

Annex Five

DEPARTURE STATEMENT

We finish our work in Sri Lanka today after one of the best General Elections this country has had in recent years.

We observed that, except in the North and the East, the General Election took place in conditions of political freedom. The political parties were able to campaign and express their views. The voters were able to cast their ballots freely; we applaud them for the way in which they demonstrated their commitment to the democratic process, even in those areas where problems were apparent.

We conclude that except in the North, and to some extent in the East, the conditions existed for a free expression of will by the electors. The results reflected the wishes of the people of Sri Lanka.

The process was not credible in all respects. In particular, we remain deeply concerned about the impact of pre-election violence and intimidation and the role of the State media. Together, as our Chair said in the Interim Statement, these cast a shadow over the electoral process. We implore Sri Lanka's responsible political forces to ensure that all violence is removed from the campaign in future and that there is a level media playing field.

We recognise that this General Election represents a major breakthrough in the North and East, where for the first time since fighting began between the LTTE and Government security forces, there is now a possibility of normal democratic politics and credible elections.

However, this time only one party was able to campaign freely in the North and there were significant constraints on campaigning in the East. Before future elections all parties will need to agree that democracy can only proceed if all contestants have a fair chance and an equal freedom to campaign, and to act accordingly.

We have now completed our Report to the Commonwealth Secretary-General, which he will in turn convey to the Head of Government, the Commissioner of Elections, the political parties and Commonwealth governments. It will then be made public. It contains our Conclusions and our Recommendations and a full account of our observation.

We leave Sri Lanka with respect and affection for its people, to whom we send our very best wishes, and thanks and appreciation for all the assistance extended to us during our stay here. The Commonwealth will follow events in Sri Lanka closely in the months and years to come, as will we as individuals. We wish you success in your work to build on this General Election and deepen democracy in Sri Lanka.

7 April 2004
