

**ELECTION OBSERVATION DELEGATION TO
THE PARLIAMENTARY ELECTIONS
IN SRI LANKA
(17 August 2015)**

**Report by
Ignazio CORRAO, Chair of the Delegation**

Annexes: A- List of participants and programme
B- Preliminary findings and conclusions
C- Press release

INTRODUCTION

On 9 July 2015, the Conference of Presidents of the European Parliament authorised the sending of an Election Observation Delegation to observe parliamentary elections in Sri Lanka, scheduled for 17 August 2015 and aimed at renewing the composition of the Parliament of the Democratic Socialist Republic of Sri Lanka.

The European Parliament Election Observation Delegation was composed of six Members: Mr. Joachim ZELLER, (EPP, Germany), Mrs. Claudia SCHMIDT (EPP, Austria), Mr. David MARTIN (S&D, United Kingdom), Mrs. Neena GILL (S&D, United Kingdom), Mr. Doru FRUNZULICA (S&D, Romania) and Mr. Ignazio CORRAO (EFDD, Italy), who was appointed Chair of the Delegation at its constitutive meeting on 14 August.

The EP Delegation conducted its activities in Sri Lanka between 14 and 19 August 2015. In line with common practice it was associated with the EU EOM which had been present in Sri Lanka from 15 July 2015 and was led by Mr Cristian Dan PREDA (EPP, Romania). The EOM was supported by a core team of seven analysts and 18 long term observers. For election day, the EU EOM was reinforced by 28 short-term observers from 24 Member States, as well as Switzerland and Norway, and 22 locally recruited observers from EU embassies. Other international observer missions present in Sri Lanka included the Commonwealth, the Forum of Election Management Bodies of South Asia (FEMBoSA) and high numbers of civil society / citizen observers (CMEV and PAFFREL in particular).

The EP Delegation fully endorsed the findings of the EU EOM and underlined that these have been the most peaceful elections in Sri Lanka in a long time. The Delegation welcomed the high turnout and the peaceful environment throughout the country. The overall evaluation is that these elections were very well organised. The Delegation called upon the newly elected Members of Parliament to seize the opportunity for a complete reconciliation in Sri Lanka and looked to strengthening cooperation between the two Parliaments.

The Delegation wishes to express its thanks to the Chief Observer, Mr Cristian Dan PREDA, for his excellent cooperation both before and during the mission. It also thanks the Head of the EU Delegation, H.E. Mr David DALY, his colleagues and the core team for their support.

Members of the EP Delegation respected the Code of Conduct for Members of the European Parliament Election Observation Delegations, in accordance with the decision of the Conference of Presidents of 10 December 2009.

BACKGROUND

After Maithripala Sirisena's surprise presidential victory against the incumbent President, Mahinda Rajapaksa on 8 January 2015, the stage had been set for a change in the governance of Sri Lanka. Sirisena ran on a platform of good governance against corruption, nepotism and the centralisation of power by the ruling elites unlike Rajapaksa who ran the country in an increasingly autocratic manner. On the day of the presidential election, 8 January 2015, voter turnout was at an impressive 81 %. Against all odds, Sirisena won 51.28 % of the vote compared to Rajapaksa's 47.58 %. The following day, Sirisena (who never resigned from the SLFP, Rajapaksa's party) formed an interim coalition government and appointed Ranil Wickremesinghe from the United National Party (UNP) as his Prime Minister. The UNP had backed Sirisena in exchange for the post of prime minister for Ranil Wickremesinghe in case of victory.

The last parliamentary elections were held on 8 April 2010. They were the first to be held after the end of the 26 year armed conflict in May 2009. For decades, the politics of the country has been dominated by the Sri Lanka Freedom Party (SLFP) and the United National Party (UNP). Since the two biggest parties were unable to constitute parliamentary majorities, the political climate was that of coalition politics. The two main coalitions were the United People's Freedom Alliance (UPFA) (144 seats), dominated by the SLFP and the United National Front (UNF) (60 seats) led by the UNP and the Sri Lankan Muslim Congress. Smaller coalitions were the Tamil National Alliance (14 seats) and the National Democratic Alliance (seven seats).

On 27 June, the President announced that parliamentary elections would be held on 17 August, ten months ahead of schedule. The campaign started right away, and closed 48 hours before the election. The elections were advanced because of the government's difficulty to pass reforms. As promised during his campaign, President Maithripala Sirisena's government tried to launch economic and political reforms but having no majority in parliament, the scope for transformation remained limited. In light of the difficulties faced to pass the 19th amendment (an amendment to the constitution curtailing some presidential powers and restoring independence to the public services commissions was passed in April 2015), it became quickly evident that the 20th amendment (on the electoral reform), would not pass: there was important opposition including that from parties supporting President Sirisena. Indeed, the electoral reform aimed at establishing a First-Past-The-Post (FPTP) system but smaller parties in the ruling coalition feared being disadvantaged and preferred to keep the proportional system.

Former President, Mahinda Rajapaksa, decided to run in these parliamentary elections, clearly stating his intention to become the next prime minister. The political parties and the civil society organisations that had allied to end the Rajapaksa rule in the January 2015 presidential elections were deeply unhappy. Sirisena drew heavy criticism for having been unable to prevent the nomination of Rajapaksa inside the SLFP, which demonstrates that the Rajapaksa-led faction remains powerful in the party. On 14 July 2015, Sirisena delivered a strong speech where he explained why he was forced to give the UPFA nomination to Rajapaksa. He also stated that he would stay neutral in the campaign and would not provide any support to Rajapaksa or the UPFA during these elections. He even declared that even if the UPFA won, he would not offer the post of Prime Minister to Mahinda Rajapaksa. Constitutionally, the President alone has the power to appoint the Prime Minister.¹

¹ Adapted from EP Publication, Directorate-general for external policies, Policy department: *In-depth analysis: Parliamentary elections will determine the fate of the rule of law in Sri Lanka*

PROGRAMME OF THE DELEGATION

Prior to the day of the election, the Delegation met in Colombo with political parties, NGOs and diplomatic missions, and familiarised itself with the legal institutions of Sri Lanka and the local political climate. The European Parliament Delegation also had separate high level meetings with Maithripala SIRISENA, President of Sri Lanka and with Prime Minister Ranil WICKREMESINGHE. Chief Observer, Mr Cristian Dan PREDA accompanied the Delegation to these meetings.

In addition, the Delegation availed itself of strong assistance from the EU Delegation in Sri Lanka, represented by the Head of Delegation, Ambassador David DALY and by the Head of the political sector, Mrs Terhi LEHTINEN. In the framework of the EU EOM, the Delegation cooperated closely with the core team, led by the Deputy Chief Observer, Mr Konrad OLSZEWSKI. The British, German and Italian Ambassadors/High Commissioner in Colombo were also very helpful in briefing the Delegation.

Meetings were held with representatives of the leading political parties which included the United National Party (UNP), the United Freedom People's Alliance (UPFA) and the People's Liberation Front of Sri Lanka (JVP).

The Delegation also met the main civil society organisations: Centre for Monitoring Election Violence, Transparency International of Sri Lanka, PAFFREL, Campaign for Free and Fair Elections as well as a representative of the Human Rights Commission.

On Election Day, the Delegation split into three groups and observed in various polling stations, from the opening at 07.00 to the closure of activities at 16.00 and the subsequent counting of the votes. The polling stations observed were in the centre of Colombo, in the wider Colombo area, including the rural areas of Ratnapura and Kegalle, in Kandy and the northern area of Jaffna.

On 19 August 2015, a joint Press Conference was held by the Chief Observer, Mr Cristian Dan PREDA and by the Head of the EP Delegation, Mr Ignazio CORRAO. A Statement of Preliminary Findings and Conclusions was released and is attached to this report.

ASSESSMENT OF THE ELECTORAL PROCESS

The Delegation was impressed by the peaceful atmosphere which prevailed on Election Day. To a large extent, the public perception was that these were the most peaceful elections in Sri Lanka in a long time.

Improvements were made to the electoral procedures prior to the elections, in particular on identification checks and on the centralisation of voter registration.

The Delegation took note of the fact that the register from 2014 was used for these elections and therefore regretted the exclusion of around 300,000 people who turned 18 in the intervening period.

The Delegation equally regretted the low presence of female candidates according to international standards and recommended that efforts are made so that more female candidates are nominated and elected next time.

On Election Day, the Delegation witnessed very well organised and peaceful voting procedures. The layout in polling stations was adequate for the voting procedure and the Delegation appreciated the division of labour among the different officers. The presence of domestic observers (PAFFREL and CMEV) in almost all polling station visited by the Delegation contributed to the transparency of the process.

However, before Election Day there were last minute hurdles that had to be overcome for the Chief Electoral Commissioner to allow the locally recruited observers from EU embassies to participate in the observation process.

Some minor concerns were expressed on the following issues:

- overly restrictive campaigning rules
- some bias towards certain parties by TV channels, including public broadcasters
- the management of the electoral process was effective though very centralised, with major decisions left to the discretion of one office-holder;
- a number of polling stations were not easily accessible for people with reduced mobility;
- the layout in some polling stations did not protect the secrecy of the vote;
- in a number of polling stations the ink applied with a marker to a fingernail was not visible enough (on this point a person complained to the Delegation);
- there were too few female presiding officers;
- political parties present in the polling stations were enabled to take note of the name of people who voted, not least thanks to the clerks reading out the names loud and clearly to that effect

The Delegation assessed very positively the vote counting, even though some counting stations were overcrowded with very poor working conditions. Counting was well-organised and faster than expected. Contrary to previous occasions, domestic observers were allowed to be present at the counting.

The Delegation was surprised by the fact that, although at the exit of polling stations voters expressed their full understanding of voting procedures, the number of invalid votes was quite high (from 6 to 9 per cent in some districts).

RESULTS AND POLITICAL CONTEXT

The Delegation appreciated that, shortly after voting closed, former President Rajapaksa conceded defeat.

A few days later, on 21 August, Ranil Wickremesinghe, leader of UNP and outgoing PM, was once again sworn in as Prime Minister. The Sri Lanka Freedom Party (SLFP) and the UNP have already signed a Memorandum of Understanding on forming a national unity government for two years.

Of the 225 seats in the new Parliament, 106 seats will go to the UNP, 95 to the United People's Freedom Alliance (including SLFP), 16 to the Tamil National Alliance (TNA), only 6 to the People's Liberation Front (JVP) and 1 each for the Sri Lanka Muslim Congress and the Eelam People's Democratic Party.

Out of 29 seats allocated through national party lists, 13 were won by the governing UNP-led coalition, 12 by the UPFA, two by TNA and two by the JVP. All four parties awarded some of these mandates to candidates who lost elections in their districts, a move that was strongly criticised by representatives of domestic observer organisations. While this was not illegal, such a decision was widely perceived as unethical.

President Sirisena, who is also leader of the SLFP - the same party of defeated former president Rajapaksa - has allowed SLFP members to choose if they want to join the government or stay in opposition.

The fact that the leader of the Tamil National Alliance (TNA), Mr. Sampanthan has recently been appointed "Leader of the Opposition in Parliament" is considered by the EP Delegation an historical turning point towards a full reconciliation.

CONCLUSIONS AND RECOMMENDATIONS

It is important to note that, while the EP Delegation endorsed the Preliminary statement released by the EU Election Observation Mission, in the Press conference held the day after the elections, the Delegation had the opportunity to further develop its judgements, stressing in particular some political points:

- welcomed the high turnout and the peaceful environment throughout the country;
- congratulated the authorities for the well organised elections;
- asked the new Parliament to seize the opportunity for a complete reconciliation in Sri Lanka;
- encouraged the new Parliament to adopt a new electoral law that will set the framework for the electoral commission, with more checks and balances;
- recommended that efforts are made so that more female candidates are nominated and elected next time.

EUROPEAN PARLIAMENT
ELECTION OBSERVATION DELEGATION
PARLIAMENTARY ELECTIONS IN SRI LANKA

17 AUGUST 2015

List of participants

Members

Mr Ignazio CORRAO, Italy, EFDD (Chair of the delegation)

Ms Claudia SCHMIDT, Austria, EPP

Mr Joachim ZELLER, Germany, EPP

Mr David MARTIN, UK, S&D

Ms Neena GILL, UK, S&D

Mr Doru-Claudian FRUNZULICĂ, Romania, S&D

Secretariat

Ms Cristina CASTAGNOLI, Administrator, DG EXPO

Mr Julien CRAMPES, Administrator, DG EXPO

Ms Helen COLLINS, Assistant, DG EXPO

Final Programme

FRIDAY 14

12:00	Constituent meeting	Galadari Hotel
	<i>followed by</i>	
	Discussion with Konrad Olszewski DCO; H.E. David Daly, EU Ambassador; and Terhi Lehtinen, Head of Politics, EUDEL.	
16:00	Meeting with President Sirisena	Ministry of Foreign Affairs
19:00	Dinner hosted by H.E. David Daly EU Ambassador	Tintagel Restaurant

SATURDAY 15

09:00	Human Rights Commission	Orchid Salon, Galadari Hotel
10:00	EU Ambassadors in Colombo	Orchid Salon
11:30	Meeting with the Prime Minister, Mr Ranil Wickremesinghe	Temple Trees
13:15	Lunch with Civil Society Reps	Kinnaree Restaurant
16:00	UNP	Orchid Salon
17:00	UPFA	Orchid Salon
19:00	JVP	Orchid Salon
20:00	Dinner hosted by Mr Cristian Preda	The Gallery Cafe

SUNDAY 16

09:00	Welcome by Konrad Olszewski DCO	Orchid Salon
09:15	Political overview, Marian Gabriel, Political analyst	Orchid Salon
10:00	Media Environment Mary Boland, Media Analyst	Orchid Salon
10:15	Legislative Framework Merce Castells Vicente, Legal Analyst	Orchid Salon
10:30	Election Administration, E-Day Procedures, Dimitra Ioannou, Election Analyst	Orchid Salon
11:45	Security Briefing, Pedro Guerra Security Expert	Orchid Salon

12:30 Mr Joachim Zeller and Mr Crampes depart for Jaffna
13:00 Mr David Martin and Ms Neena Gill depart for Kandy

MONDAY - ELECTION DAY 17 AUGUST

04:15 Mr Doru Frunzulica and Ms Collins depart for Kandy
06:00 Mr Ignazio Corrao, Ms Claudia Schmidt and Ms Castagnoli
depart Galadari hotel to observe in Colombo area

TUESDAY 18

09:30 Internal meeting of EP Delegation Galadari Hotel
10:30-18:30 Departure for Galle to observe count

WEDNESDAY 19

10:30 Press conference Galadari Hotel

END OF MISSION