



Local Government Elections – 2011. 03.17

THE FIRST INTRIM REPORT- 2011.03.03

Background

The local governments which are considered to be the closest to the people have functioned for a long time in Sri Lanka.

The current term of office of the local government institutions is 4 years. Hence 268 local governments which were elected and functioned from 2006 would have completed their due term of office in March 2010. But due to an extension of 1 year, they functioned till March 2011.

The minister of Local governments has instituted 5 new Pradeshiya Sadhas , 3 Urban councils and 2 Pradeshiya Sabhas were upgraded to Municipal Councils. The reasons for the double promotions of 2 Pradeshiya Sabhas to Municipal councils have not been given.

The elections for 24 Local Government bodies have been postponed. These include 5 LG bodies where elections were postponed due to the ICC world cricket matches and 19 municipal councils were postponed without giving any reasons. 301 local government institutions were dissolved on January 6th midnight, 2011.

Elections for 32 local governments in the North and East were to be held after 15 years. Unfortunately elections for 21 LG bodies in North and East are to be postponed for various reasons.

Nominations from political parties and independent groups for the local governments where elections are to be held, were accepted at the offices of the District secretaries from 20th to 27th Feb. 2011. 450 nomination lists out of total of 2047 submitted for elections for 301 Local government bodies were rejected. This is a significant increase compared to 250 nominations lists rejected in 2006 local government elections.

In accordance with clause 31(1) of the Local Government Act, relevant district returning officers have rejected these nominations. The determination of the courts, where many of these rejections are being challenged would hopefully clarify the reasons and causes for the rejections of nominations by the returning officers. However two major reasons attributed for

the large number of faulty nomination lists are the inability of many of the political party lists to arrive at agreement till the last moment in finalizing their lists as well as carelessness.

Political parties and independent groups have submitted 64 petitions challenging the rejections. The UNP has subsequently withdrawn their petition for Maharagama, Ratnapura and Nikaweratiya .

The resettlement of residents of the Puthukudiyiruppu and Maritime Pattu Pradeshiya Sabha areas of the Mullaitivu district has not being done, since the removal of landmines in this areas have not being completed. Hence the elections in these areas have been postponed.

In this complicated environment, the Commissioner of Elections has already made arrangements to hold elections for 235 local governments on 17th March 2011, out of the total 301 local governments bodies where elections were due. Elections have being postponed in 66.

Some of the key data relevant to the local governments elections are held on 17th March 2011 are given below.

Total No. of Local Government Bodies			Total No. of eligible voters	No. of Polling stations	No. of members to be elected
235					
No. of Municipal councils	No. of Urban Councils	No. of Pradeshiya Sabha	9 813 375	7 362	3 049
3	30	202			

POSTAL VOTES

The applications for the postal votes for this election were received from 06.01.2011 till 31.01.2011. 321 595 applications were accepted as valid. This is a significant reduction compared to the 2010 Parliamentary elections 415 432 postal applications vote were accepted.

The ballot papers for those who have qualified for postal voting have been sent to certifying officers on 25.02.2011. Postal voting would take place on 8th and 9th March 2011 at the relevant certifying officers' offices.

ELECTION MONITORING PROCEDURE OF PAFFREL

PAFFREL monitors the elections in 3 stages; Pre-election observation, Election Day monitoring and Post-election period observations.

These observations and monitoring would be done by the regional and national solidarity organizations Attached to PAFFREL as well as by long term observers around the country.

District and regional coordinators of PAFFREL, Political parties, Independent groups and the Public can provide information, reports and make complaints to PAFFREL. In addition PAFFREL maintains continues contacts and liaise with the Election Commissioner and his department, IGP and Police Election Secretariat, contesting political parties and independent groups and the media.

OBSERVATIONS OF THE POSTAL VOTING

PAFFREL has made arrangements to observe the postal voting on 8th and 9th of March 2011 at places where considerable numbers of postal voting would take place. They are Ceylon Transport Board depots, Police stations, Army camps.

We believe that prevention of election irregularities and violations at postal voting depends to a great extent on the enthusiasm and alertness of the relevant voters.

ELECTION DAY OBSERVATIONS

Arrangements have being made to deploy stationary observers to 30% of the total number polling stations. In addition 1 mobile team per polling division would operate covering approximately 50% of all the polling stations that would function on the Election Day.

Areas and polling stations where irregularities are likely to occur identified by the information already received and estimates based on previous experiences would be given special attention.

VERIFICATION OF THE IDENTITY OF THE VOTER

Voters at this election will have to establish their identity and the following documents would be accepted for valid identification.

1. National Identity card.
2. Valid passport
3. Valid Drivers' License
4. Government Pensioners Identity Card
5. Senior Citizens' Identity card.
6. Identity cards issued by the registration department for the clergy.
7. Temporary identity cards issued by the Elections Commissioners Department/ Registration Department for the elections held in 2010 and validated for this election by the Grama Niladari.
8. Temporary Identity cards issued by the election commissioners department

Apart from the above valid documents, identity cards issued by the ministries and departments and receipts (with or without photographs) issued by the National Identity card department will not be accepted as valid documents for identification of voters at this election.

Voters who do not have any of the above mentioned valid identifying documents or have the identifying documents where names are not legible or photographs which are not clear enough for identification should without exception, obtain temporary identity cards.

The Grama Niladari of the relevant division or the estate superintendent in case of estate would issue these temporary identity cards. Application forms for temporary identity cards could be obtained from relevant Grama Niladaris or Estate Superintendents. The applications accompanied by 2 black & white or color photographs (1' X 1 ¼') should be submitted to the above officers by 05.03.2011 and the temporary identity card.

The voters should consider it their responsibility to establish their identity at the polling stations.

PAFFREL appeals to all relevant voters to consider this as their duty and their responsibility. You will lose right to exercise your franchise (to vote) if you fail to provide any one of the above valid identifying documents.

PRE ELECTION OBSERVATIONS

Attachment 01 -includes the incidents reported to PAFREL during 42 days (from 1st day of nominations 20.01.2011 till 02.03.2011). The total no. of incidents reported is 115. The largest no. of incidents reported are from Hambanthota. In addition the following districts also reported significant no. of incidents;Galle , Matara and Gampaha. The largest no. of incidents of physical violence (Assaults) are from Kaluthara, Galle, Matara amd Hambanthota. The largest no. of reports of intimidation and threats are from Gampaha and Mathara districts. A shooting occurred on last day of nominations in Ratnapura. Shooting, setting fire to political party offices, use of public property and unlawful use of authority (Power) were reported in significant numbers.

Local government areas where the largest no. of serious incidents occurred up to now can be identified. They are Weerakatiya, Kegalle, Biyagama and Matara Areas, with the largest no. of incidents reported in Pas Bage Korale , Kandy district.

Table 2.1 Number of incidents in relating to victims.

	Party	No. of Incidents Verified	No. of Incidents Not Verified.
1	UPFA	22	10
2	UNP	13	14
3	JVP	7	13
4	Other political parties	3	1

The above table indicates that the largest no. of victims are from parties within the UPFA. But most of these incidents relate to clashes within the party or with other parties of the coalition. Majority of victims relating to UPFA (according to reports) are from Galle , Gampaha and Matara districts .Highest no. of victims relating to UNP are from Gampaha and Matara and in Hambanthota district shows the highest no. of victims are JVP.

Table 2.2 Number of incidents in accordance with no. of hospitalized persons.

	Party	No. of persons- Verified	No. of persons- Not Verified.
1	UPFA	19	7
2	UNP	7	2
3	JVP	5	0
4	Independent groups	2	0

The highest no. of hospitalized incidents are UPFA linked, but it must be said that the conflicts which resulted in these hospitalizations were among the UPFA parties. They are from Galle and Matara districts. Ampara and Kaluthara districts report the highest no. of UNP related victims hospitalized. JVP victims hospitalized are mostly from Hambanthota.

INTERNAL CONFLICTS WITHIN THE SAME PARTY

The conflict within the same party competing for the preference vote is a marked feature during this election as well. It is not clear whether clear guidelines and limits have been provided by the party leadership to their candidates and supporters or whether the candidates are disregarding such guidance. What is clear is that candidates and their supporters are conducting their campaigns guided by their understanding of what is necessary to win, financial and other resources available to them and their future political ambitions.

Incidents between supporters and candidates of same party continue to be reported from last day of nominations, (20.01.2011 up to 02.03.2011) and as mentioned earlier, they are (15) mostly from UPFA. They include assaults and hospitalization. Kegalle and Galle reports the largest no. of such conflicts within the same party.

ELECTION DEPARTMENT

It is apparent that with the adoption of the 18th amendment to the constitution some of the powers obtained by Election commissioner under the 17th amendment have been curtailed. For example, the measures taken to monitor and guide the coverage of the election campaigns by the media like appointing a competent authority to monitor the coverage by electronic media. It is a fact that Election Commissioner subsequently withdrew the competent authority on the basis of poor cooperation by the authorities. He has now been reduced to supplying guidelines for the media for fair and impartial coverage of election campaigns. This was a measure taken in previous elections before the appointment of the competent authority.

Guidelines on the use of or abstaining from the use of public/ government property and resources in election campaigns have also been provided. The use or misuse of government / public property in election campaigns is so common as to indicate an addiction. What is the space or possibility of relevant officers in scrupulously observing the guidelines of the election commissioner in such a situation?

POLICE DEPARTMENT –ROLE AND CONTRIBUTION

The role and contribution of the police in the conduct of the election is as important as that of the department of elections, especially in maintaining peace and a conducive atmosphere for the elections. But reports received from the areas have not indicated impartial conduct of the police in the areas on election related issues. Hence we urge that the police fulfill its responsibilities of maintaining peace and observance of the election laws, in accordance with the guidelines provided by election commissioner without bias or favor.

SITUATION IN THE NORTH AND EAST

Elections were to be held after a lapse of 15 years for 32 local government bodies in the North and East. These areas which experienced a war situation for 30 years, have special and specific problems. Because of the legal challenges in the 19 local government bodies relevant to Nomination papers and the postponement of 2 other elections in areas due to a delay in resettlements (clearance of landmines incomplete) elections have been postponed yet again in majority of LGAs in these provinces.

Lack of interest in these elections in this area is more pronounced. The voter lists used for the election are those prepared in 2009 .Conditions did not obtain to maintain and update the voters' registers to a satisfactory level.

Around 18 000 are still in refugee camps in Chettikullum Welfare villages. About 3 000 voters are still living as IDP's in the Puttlum district as well.

It was stated at the meeting of political party secretaries with the election commissioner that according to the existing laws, relevant to local government elections, election commissioner has no provisions to ensure the right of these people to vote or take appropriate measures to provide facilities for them to vote.

It is the responsibility of the government to provide sufficient facilities to enable them to exercise their franchise without additional difficulties.

Voter Education programs for voters regarding the process of the local governments, their functioning and the responsibilities, programs of education and awareness raising for elected representatives regarding their role, local government governance structures etc. are urgently needed.

ROLE AND THE RESPONSIBILITY OF THE VOTERS

Voters have the right to choose their representatives to their local government and a duty to elect / vote for the suitable candidate.

We suggest the following criteria to choose the suitable candidate for your local Pradeshiya Sabhas, Urban councils or Municipal council.

Select candidate who safeguard peace and do not violate election laws in their campaigns.

Choose candidates who do not indulge in violence, intimidation and are not provoked into violent retaliations even in the face of violence targeting them.

Select candidate with a proven track record of integrity and clean hands.

Candidate who does not rely on or flaunt their riches, power and linkages to powerful personalities in their campaigns or solicit your vote based on such linkages deserve your respect and your vote.

Pay attention to candidates who propose clear programs, feasible for local government and do not distract you with issues that are not relevant to local governments or promote disharmony based on race, religion, gender consideration or caste.

Your prime responsibility is to vote. You can select or reject candidates. Select candidates you think would serve the community best without accumulating power and riches. Hence you need to alert and keep a watchful eye, on those who get elected after the election.

Your responsibility is not only to vote, but continue to be interested and engaged as responsible citizens in the governance of your local governments and demand transparent and accountable contributions from your elected representatives.