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On 30th May, CMEV and CPA conducted the final dialogue in a series of dialogues organised in collaboration with PAFFREL, the Women and Media Collective and the National Peace Council on the electoral process and system following the

recently concluded General Election.

Dialogues with key stakeholders were organised in several regional towns with the

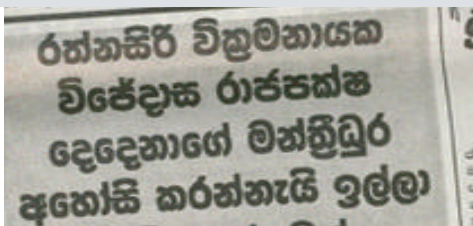
Election Commissioner participates at CPA dialog



Briefing WAPOR on Sri Lanka's Peace Process

Pradeep Peiris, Head of the Social Indicator participated at the 57th Annual General Conference of the World Association for Public Opinion Research (WAPOR), held in Phoenix, Arizona, May 11th to 16th. Further, he presented a paper titled "*Are Sri Lankans with the Peace Process*" that was written based on the findings of the Peace Confidence Index (PCI). This year's WAPOR conference was held under a theme of "*Public Opinion Polls and its Media Coverage*" and organized in collaboration with the American Association for Public Opinion Research (AAPOR). It attracted professionals and academics from over 65 countries.

In the Public Interest...



On Wednesday 7th April 2004, CPA wrote to the Commissioner of Elections expressing deep concern at certain newspaper reports that various persons whose names do not appear in the nomination lists or lists under Article 99A of the Constitution (i.e., National List) as submitted to the Commissioner during the nomination period, are to be nevertheless nominated to Parliament as National List members.

CPAs letter sought to bring to the Commissioners attention that if a political party or independent group adopts a course as indicated above, they would be acting in contravention of Article 99A of the Constitution as amended. That provision seeks to introduce the principle of nominated Members of Parliament, and in doing so imposes certain safeguards so as to prevent abuse. A constitutional duty is placed upon the Commissioner requiring him to give notice to the public of

objective of identifying the strengths and weaknesses of the electoral process in Sri Lanka. In addition, the dialogues focused on the present legal framework and institutions with regard to elections and identified, in the light of experience and public debate, possible options for reform.

Mr Dayananda Dissanayake, Commissioner of Elections and DIG Gamini Navaratne of the Police Elections Secretariat, participated in the final dialogue which comprised of two components, both resourced by a panel comprising representatives of the CMEV, PAFFREL, the Association of Election Professionals and the Police Elections Secretariat.

persons nominated by parties as National List candidates, so that voters have access to that additional information prior to casting their votes.

In addition to Article 99A of the Constitution, the Parliamentary Elections Act No. 1 of 1981 also contains certain statutory obligations that must be followed in replacing vacated parliamentary seats. In particular, CPA wished to draw the Commissioners attention to Section 64 (5) of the said Act, which seems to suggest that upon vacation of a national list seat, the secretary of a political party or the leader of an independent group may nominate any member of such party or group to replace the vacancy.

CPA urged the Commissioner to reject such an interpretation of the Act which would serve to defeat the will of the people, in that candidates whose merits the public had not considered to exercise of the franchise, would nevertheless be represented in Parliament.

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CPA joins Michigan University Research

Dr Devanesan Nesiiah joined CPA in June as a Consultant to the "Project on Ethnic Violence and Civil Society - the Sri Lankan Case". The project is based on several years of field research in India by Professor Aushutosh Varshney, of the University of Michigan.

Professor Varshney carried out the research covering the period 1950 to 1995 and published the findings in his book "**Ethnic Conflict and Civic Life :Hindus and Muslims in India**". Violence in this context refers to physical violence extending beyond social tension and political conflict.

Among his main findings are that, in general, ethnic violence is more prevalent in urban than in rural locations and, further, that some urban centres are considerably more vulnerable to violence than some others. Varshney has identified the nature and strength of civil society networks as a critical factor in determining the proneness to violence, and found that established inter-ethnic networks are more effective in

preventing or limiting ethnic violence than either intra-ethnic associations or informal everyday engagements. The two year Sri Lankan project will focus on the cities of Colombo (highly vulnerable to ethnic violence), Kandy and Trincomalee (both moderately vulnerable) and Negombo (virtually free of ethnic violence) in respect of the period 1958 - 1983.

The project objective is to test the applicability of the findings to Sri Lanka, to uncover any significant differences and to identify the cause of these differences. Similar projects testing the applicability of Prof Varshneys findings in Nigeria Indonesia and Malaysia are under way.

Dr Nesiiah joined the Ceylon Civil Service in 1959 and was Secretary of Transport, Environment and Women's Affairs when he retired in 1995. His doctoral thesis at Harvard University was revised, updated and published in 1997 by the Oxford University Press under the title "**Discrimination With Reason ?**" the *Policy of Reservation in the United States, India and Malaysia.*"

Staff Changes at CPA

New Faces...



Nayana Ganeshan formerly with Thinakural, joined Media Unit as a Media Monitor

Rohitha Jayathilaka formerly with Org Marg Smart, who worked with SI on the field, is now working in the main office



Dr Devanesan Nesiiah, retired civil servant and Government Agent of Jaffna, is consultant to the Peace and Conflict Analysis Unit in its Project on *Ethnic Violence and Civil Society, the Sri Lankan Case*

Shalindra Mylvaganam, an Economics Graduate from Yale University, who previously worked as an Analystist for AOL Time Warner, is now working as a Researcher in the Legal Unit



...and they said Bye!

Eranthi Premaratne of Legal Unit and **Shamindri Sivananthan** of Social Indicator left CPA in the second quarter of 2004.

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CPA Presentations on Laws to Combat Trafficking

The Regional Workshop on 'National Laws to Combat Trafficking in South Asia: Sharing of Research Studies', organized by UNIFEM and the American Centre for International Labour Solidarity, took place on the 25th and 26th of May at the Transasia Hotel. The event comprised of a series of presentations by representatives from Bangladesh, India, Nepal and Sri Lanka. The presentations were grouped into two categories- reviews of the State laws and situational country reports. Based on project commissioned by UNIFEM and ACILS, the Centre for Policy Alternatives prepared a Legal Review on Sri Lankan Laws Pertaining to the Trafficking of Women and a presentation was made by Eranthi Premaratne. The presentation was received with great interest. The National Child Protection Authority (NCPA) supplemented the CPA legal review with a perspective on the policing of trafficking of children. Cyrene Siriwardene, Nadia Ishaq and Shalindra Mylvaganam from the Legal Unit also participated in the Workshop.

IFJ appoints Media Unit

The International Federation of Journalists (IFJ) regional office in Sri Lanka is co-ordinated by Sunanda Deshapriya of the Media Unit, CPA.

Along with the Federation of Media Employee Trade Unions (FMETU) and Sri Lanka Working Journalists Association (SLWJA), the two state media Trade Unions in Sri Lanka, the IFJ has organized the "Tolerance Prize For Journalists" which recognises journalists for work that promotes deeper understanding of ethnic, racial, religious, cultural and other differences.

A series of regional meetings and seminars has been planned in Sri Lanka later this year as a follow up to the Prize Giving Ceremony scheduled to be held on **20th August**. The IFJ intends to co-ordinate with Trade Unions in Sri Lanka and to further develop journalism

Articles by Asanga Welikala of the CPA's Legal Unit appear in the "Justice" Segment of the Saturday Daily Mirror.

Interviews with Dr Saravanauttu, Executive Director, CPA and Rohan Edrisinha, Head, Legal Unit, appeared in the Lankadeepa (2nd May and 8th June) and Ravaya, among other local media.



CMEV in PC Elections

CMEV deployed 429 Monitors to cover the North Western Province Provincial Council Election 2004. They monitored 65% or 787 of the 1204 total number of Polling Centres.

CMEV has recorded a total of 60 incidents of election related violence and malpractice on Polling Day (24 April 2004) in the North Western Provincial Council Election. Of these 60 Incidents, 29 were recorded in the Kurunegala District and 31 in the Puttalam District. Overall, the election was largely incident free and conducted peacefully. In this respect the trend set in the General Election continued. However, voter turn out was considerably lower.

more at : <http://www.cpalanka.org/cmev.html>

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CPA reminded the Commissioner of the view taken by the Supreme Court in the recent case of Centre for Policy Alternatives, Saravanamuttu and Edrisinha v. Dissanayake and Weerawanni (2002) SC 26/27/2002, where the Court stated:

When constitutional or statutory provisions have to be interpreted, and it is found that there are two possible interpretations, a Court is not justified in adopting that interpretation which has undemocratic consequences in preference to an alternative more consistent with democratic principles, simply because there are other provisions, whether in the Constitution or another statute, which appear to be undemocratic.

In this context, CPA asked the Commissioner to firmly resist any attempt made by any political party or group to nominate persons whose names are not in the district nomination papers or national lists submitted to him during the nomination period.

More at http://www.cpalanka.org/Press_Release_National_List_Nominations.htm

Calander of Events

For more updates on latest and upcoming CPA events, visit
http://www.cpalanka.org/calendar_events.html

May

Events

30th May, Dialogue on The Electoral Process and System conducted by CMEV and CPA in collaboration with PAFFREL, the Women and Media Collective and the National Peace Council .

EVENTS ATTENDED

25th -26th May, Colombo Cyrene Siriwardene, Nadia Ishaq and Shalindra Mylvaganam from the Legal Unit participated in the Regional Workshop on '**National Laws to Combat Trafficking in South Asia: Sharing of Research Studies**', organized by UNIFEM and the American Centre for International Labour Solidarity.

7th -10th June, UK Asaga Welikala of Legal Unit participated in the 748th Wilton Park **Conference on Financing Politics, Curbing Corruption and Parliamentary Ethics** held with the Commonwealth Parliamentary Association and the World Bank Institute.

25th June, Colombo CPA's Directors, Rohan Edrisinha, Kethesh Loganathan and E.D. Dr P. Saravanamuttu, attended a consultative meeting of civil society representatives convened by Jayantha Dhanapala, Secretary-General of the Secretariat for Coordinating the Peace Process (SCOPP).

27th - 30th June, Nepal Dr Saravanamuttu, together with Prof. Nicholas Haysom (Legal and Constitutional Affairs Advisor to former President Mandela,) served as resource persons for the first of a series of dialogues in Nepal organized by International Institute for Democracy and Electoral Assistance (IDEA) on "*Negotiating Political Settlements: experiences from Nepal , Sri Lanka and South Africa*".

29-30th June, Maldives Sunanda Deshapriya, Head, Media Unit participated as instructor, in a two day workshop *Training Journalists in Human Rights Reporting*. The workshop was organized by the Human Rights Commission of Maldives , the British Council, Colombo and CPA .



Sunanda Deshapriya (seated third from Right) with Trainers and Participants at the Workshop

TRANSLATIONS



At the request of the **Institute for Democracy and Electoral Assistance**, CPA has worked on translation of the **International Idea Handbook on Reconciliation After Violent Conflict** , into Sinhala and Tamil languages. These publications are available at CPA. More information at <http://www.idea.int/press/pr20040224.htm>

LATEST PUBLICATIONS

Media Monitor
Report Vol 2
(Sinhala and Tamil)



Samadana Valiyil
(On the Road to Peace)

CPA's Polling Unit, Social Indicator, has released the results of Wave 17 of its Peace And Confidence Index .

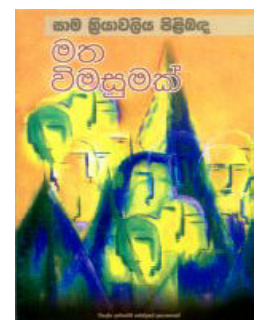
this document is available at

http://www.cpalanka.org/research_papers/PCI_17_topline_results.pdf



Sama Kriyawaalia Pilibanda
Vimasumak
(A collection of views on the Peace Process)

Sri Lankawe Janawargika
Gataluwa Saha Visandhum
(The Ethnic Problems of Sri Lanka and Solutions)



Compiled by Chandrika Gadiewasam

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