

PROVINCIAL COUNCIL ELECTION EASTERN PROVINCE – 10. 5.2008

Second Interim Report 7.5.2008

1. The second Provincial Council Election to be held in the Eastern Province after the introduction of the Provincial Council system in Sri Lanka, as a solution to the ethnic problem, will take place on this 10th of May in the Districts of Trincomalee, Batticaloa and Ampara. As mentioned in our first interim report a total of 982,721 voters registered as residents of the Eastern Province will be eligible to vote at this election. Compared with the total number of voters in the whole of Sri Lanka (the number registered at the time of the Local Government Election of 2006 was 13,788,718), less than 10% is resident within this province.

2. However, this does not mean that everything is calm in the election process or that there are no negative signs up to this stage. It is the view of some critics the para-military elements which acted in consort with the government to defeat the L.T.T.E. power in parts of the Eastern Province in 2007, are now powerful in the Eastern Province. The influence of these groups, who themselves claim that they are armed, is acting as an intimidating force and are creating fear in the public mind. Therefore, some express the view that the people in the Eastern Province are approaching this election with a confused mind that may not be outwardly visible. This is not a view that should be simply discarded and ridiculed as poor judgment. The political future of the people of the Eastern Province will depend on the quality of this electoral process and degree of freedom and fairness with which this election is held.

3. We are still in the pre-election period. It was 20 years ago in 1988 that the first Provincial Council Election was held in the Eastern Province. The present political and social atmosphere cannot be compared with the situation in 1988. Therefore, it is not easy to make comparisons between this election and its conditions and the previous one. However, when we examine the data available to us in this pre-election period we come across certain indicators regarding the orientation of the Eastern Provincial Council Election. According to our observations, so far there have been 2 homicides in connection with the election. However, during the pre-election period of 2005 Presidential Election in which the entire voter population of the country was getting ready with much enthusiasm only 1 election homicide was reported. While it is granted that in the context of each individual election there were marked differences we produce the following comparison to facilitate making an overall analysis of the pre-election situation of this Provincial Council Election.

Incidents in the Pre-election Period

Incident	Presidential Election 2005 (entire country)	L.G. Election 2006 (country without North and Parts of the East)	Provincial Council Election East 2008
Homicides	01	01	02
Attempted murders	05	03	00
Abductions	00	00	01
Bomb Explosions	00	00	03
Assaults	22	33	13
Protest Campaign	00	00	01
Arson/Destruction of Property	05	10	03
Threats and Intimidations	22	08	09
Misuse of state property	110	13	22
Misuse of authority	07	00	06
Total	172	68	60

4. It is clear from the above table that the incidence of election-related incidents reported during the period ending 3 days prior to the day of this Provincial Council Election is a relatively high compared with the national incidence for the Presidential Election of 2005. The absolute number is comparable to the local government election of 2006, but even there the incidence is much higher in the East where the voter base is less than 10% of the national base. The incidence of adverse election events in the Eastern Province clearly indicate a departure from the trend in recent elections where election related adverse events have been declining. The important feature here is that the ruling political group is using its authority unfairly. Such acts of misuse of authority, so far reported, are closer to the total number of incidents that occurred in the in 2006 Local Government Election. In part this is an indication of the electoral competition and the stakes that are implied in this election. They are unprecedented and in many ways wholly new terrain with the LTTE breakaway group the TMVP contesting and joining the UPFA the ruling coalition.

5. It is a well-known secret that in Sri Lanka in every election the political party in office makes use of the state media for its own purposes and to give publicity to its own views and opinions. It is also no secret that this trend is growing systematically. One example of the misuse of state authority in this election that has been reported to us and confirmed by our observations is the use of Muttur F.M. 96.1 for the purpose of political propaganda, exclusively of United Peoples Freedom Alliance. It was also brought to our attention that a

Government owned Tamil medium TV channel targeting the Eastern Province telecasts programs that are advantageous only to the United Peoples Freedom Alliance. Furthermore, we have observed vehicles and buildings (including schools and rest houses) belong to various government departments & institutions used for this election campaign by UPFA. Meanwhile inaugurating various development projects in the East during this election period also confers an unfair advantage to the ruling party. However, these practices are long standing and have been used to some degree by all previous ruling parties. The issue is to draw attention to them and generate awareness and concern leading to reducing the unfair advantages through these types of actions.

According to the above table, most of the incidents reported to us come under the categories of misuse of state property and misuse of authority. Therefore the Government has to special care to act more responsibly in this issue. Because when Government violates election law by misuse of state property it will benefit only to the Government's candidates in the East, it be an unfair advantage and set in motion forces that will affect future elections and electoral retributions of similar type.

6. Attacks on homes, shootings, bomb attacks or violent confrontations among political party activists engaged in propaganda activities have been reported in different degrees in this election as well as in previous elections. However, in this election another aspect of that violence has come to the forefront in the campaign activities – i.e. assaulting candidates. Out of 11 incidents of assaults observed by PAFFREL the victims in 3 such assaults were candidates belonging to various political parties. We also cannot disregard the accusations from some candidates that the Police have less freedom to act in some incidents. Again, this was a phenomenon that was observed and known in previous national elections.

7. There were 17 election-related incidents reported in the 29 days from the close of the nominations on the 27th of March 2008 to the 25th of April 2008, the date of our first interim report. In the following 11 days up to the 6th of May 2008, 35 incidents have been reported. This implies that the number of incidents has nearly doubled in a time period of less than half the period. PAFFREL assessed, in the last Press briefing and the first Interim Report, that these were signs that violence and adverse election incidents are likely to increase in the period after the New Year leading up to the election. A comparative table on this is found in Annex A.

8. PAFFREL, as in previous elections, will be using both stationary and mobile observers on election day, the 10th May 2008. Accordingly there will be 30 mobile teams covering the 3 districts. Their main observation will focus on the situation around the polling stations on election day. In addition to the local observer, there are 19 experienced foreign observers who will be engaged in the monitoring mission. We have already made arrangements to assign two stationary observers per polling station and we expect that there will be a total of 2,144 stationary observers engaged in the monitoring mission.

9. Despite the negative features noted above, the preparation for the election is going ahead with professionalism by public officials dedicated to safeguarding the overall democratic characteristics of the process. Accordingly, our observations have confirmed that during the postal voting on the 28th and 29th of April 2008 nearly 80% of those eligible have cast their votes. It was evidence that there is enthusiasm regarding the Eastern Provincial Council election. It has also been reported that this postal voting process took place without any confirmed electoral malpractices. PAFFREL wholeheartedly wishes that this precedent be followed at the Provincial Council Election that will take place on 10th May as well.