

PROVINCIAL COUNCIL ELECTIONS – EASTERN PROVINCE

10th MAY 2008

FIRST SUPPLEMENTARY REPORT

25th April 2008

INTRODUCTION

The Provincial Council Election in the Eastern Province that is to be held on the 10th of May this year is both, of political and historical importance for Sri Lanka. Significant political changes have taken place in the Eastern Province during the 18 years since the first North-Eastern Provincial Council was dissolved in 1990. The Provincial Council, that the then President of Sri Lanka dissolved in March of 1990, was the first North-East Provincial Council which was established in November of 1988 under the leadership of Mr. Vardharaja Perumal as Chief Minister. Since then, the armed conflict that engaged the Sri Lanka Armed Forces and the LTTE waxed and waned and at times, parts of the Eastern Province was under the unofficial control of the LTTE. As a result of a successful plea brought before the Supreme Court in 2006, the North and the East which were united into a single Province since 1988 were separated once again into two provinces. Following this, the need for holding an election for the Eastern Provincial Council emerged.

PRE-ELECTION ACTIVITIES

The Batticaloa District held postponed elections for Local Authorities on the 10th of March this year. Following this election, on the 13th of March, the Election Commissioner announced that the nomination for the Eastern Provincial Council election will be accepted for the 27th of March till noon of the 3rd of April. After the nomination the Commissioner announced election will be held on the 10th of May.

A total of 105 nomination lists were received by the Elections Commissioner in accordance with the Provincial Council Elections Act no. 2 of 1988, section 10(1). For a variety of reasons, 14 of the nominations were not accepted and the number of valid nomination lists was 91. A total of 37 councilors including two bonus council members will be elected to the new Eastern Provincial Council.

The Table below provides information about the aggregate nominations.

	BATTICALOA	AMPARA	TRINCOMALEE	TOTAL
Number of Candidates				
Registered Political parties	168	187	156	511
Independent Groups	210	374	247	831
Total	378	561	403	1,342
Nomination Lists Received				
Registered Political Parties	14	14	16	44
Independent Groups	16	26	19	61
Total	30	40	35	105
Rejected Nomination Lists				
Registered Political parties	02	03	04	9
Independent Groups	01	04	00	5
Total	03	07	04	14
Accepted Nomination Lists				
Registered Political Parties	12	11	12	35
Independent Groups	15	22	19	56
Total	27	33	31	91

A total of 982,721 persons are registered to vote at this Provincial Election. In Batticaloa District, there are 341 polling areas, Ampara District 430 polling areas and 278 in Trincomalee district, for a total of 1,022. The Councilors selected from each district will be as follows: 14 from Ampara, 11 from Batticaloa and 10 from Trincomalee. The party or independent group that gets the most votes will receive two bonus seats in the Council and that number is included in the total of 37 council members.

Public Officers who are unable to cast their vote on election day due to their official functions have been enabled, as in the past, to cast a postal vote. The number of persons eligible for postal voting, by district, is show in the table below.

District	Number Requesting a Postal Vote	Number Rejected	Number of Accepted Postal Votes
Ampara	4,865	438	5,303
Batticaloa	11,523	2,055	9,468
Trincomalee	10,679	2,161	8,518
Total	24,905	4,544	22,413

Postal voting will take place on the 28th and 29th of April.

A large population has been displaced due the armed conflict that has dragged on for more than two decades. There is no accurate data on the number displaced in the Eastern province, and considering the population of the province, it can be safely assumed that the numbers cannot be small. Some sources have been stating that the number of displaced in the province is in excess of 50,000 persons. However, according to the Elections Department the number of displaced persons who have sought to vote is 2,180. PAFFREL conjectures that this low number requesting to vote may be due to a few reasons. For example, for the internally displaced persons, voting may be of secondary importance compared to grave and urgent issues of dealing with returning to a place of pervious habitation, livelihoods and looking after daily needs, furthermore there maybe a relative lack of awareness about this election.

PAFFREL CONTRIBUTION

Voter impersonation is among the important election violations noted during many elections in the past. There have been instances in the election history where organized election fraud has been committed through impersonation due to weakness and loopholes in the election laws. These activities have violated the freedom and rights of the voters in terms of the electoral results. According to the opinion of PAFFREL, the laxity in the process that enabled this type of electoral malpractice had to eliminated. We insisted that a valid identity card should be a necessary part of the voting process. To show the way to resolve this issue legally, before the Local Authority elections in 2006, we sought clarification by the courts in 2006 to determine the need for a valid identification. However, the ruling by the court that such identification was indeed necessary, was limited to that Local Authority election, including the elections that were postponed in some jurisdictions, e.g. Batticaloa District and the North. PAFFREL, on 7th April 2008, has sought an opinion of the Supreme Court on the issue of valid identification as a

part of the voting process for all elections. It will be taken up by the Highest Court soon.

The pre-election period is identified as that from the time nominations are handed in to the day of the election. PAFFREL is collecting information and examining incidents during this period with utmost care and diligence. PAFFREL has opened two offices in Trincomalee district, and one each in Batticaloa and Ampara as the necessary administrative and logistical support to observe the election throughout the process. PAFFREL has observed and monitored elections under different environments and trying circumstances and has gathered insights and gained experience on how to conduct itself to safeguard the interests of the voter and the electoral processes. On the invitation of PAFFREL, six international observers are already engaged in pre-election observations. Networks have been established with civil society organizations for the purpose of observing the election.

On election day PAFFREL will field two stationary observers per polling booth for the 1,022 polling booths. Twenty mobile observer teams will also be deployed and this will contribute to a careful and close observation of the election.

A regular feature that we observe close to an election is the partisan and politically motivated presentation of events and happenings. Getting at facts and causes of events during this time prove to be difficult and require careful enquiry and investigation. PAFFREL has been able to manage this difficult situation relatively well in the past and report impartially and separate fact from fiction after carefully examining situations and defusing relatively explosive ones. We have not shirked from this duty and we have subjected information that we receive to verification by (1) our observers and field offices (2) notified the local peace keeping, policing and legal authorities for investigation and verification, to establish the veracity. In the Attachment (a) we have presented information that we consider to be credible and verified by authorities that relate to election violations, malpractices and events.

The Eastern Provincial Council Election will take place in fifteen days. Unlike the Local Authority elections in Batticaloa that took place on the 10th of March this year, all major political parties are contesting this Provincial Election. All political parties and groups will be building up their campaign activities to a maximum level during this time. Based on past experience, along with the anticipation of heightened political campaign activities and messages broadcast from political platforms leading to election day, there is the danger of conflicts and disturbances. However, the differences of political opinions and views expressed from the political stage do not have to deteriorate to violent confrontations. We ask that all parties and contestants recognize the opportunity for a peaceful election and act with the discipline and tolerance that they are capable of exhibiting that will contribute to strengthening democratic institutions and processes. PAFFREL will be dedicated to the task of transparent, non-partisan observation to support this important activity.