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STATEMENT OF NDI PRE-ELECTION MISSION TO PAKISTAN

January 23, 1997

This statement is offered by an eight-member international delegation organized by the National Democratic Institute for International Affairs (NDI). The delegation sought to assess election preparations and the political environment in the period leading up to the February 3, 1997 provincial and national assembly elections in Pakistan.

The pre-election delegation has been present in the country from January 19 to January 24. The delegation met in Islamabad, Karachi and Lahore with senior government and election officials, political party leaders and candidates, representatives of nongovernmental organizations, journalists and others. The delegation is grateful to the many Pakistanis who provided information and shared their insights.

This pre-election mission is the latest in NDI's nonpartisan activities to support the electoral process in Pakistan. NDI has closely followed the political developments in the country for more than nine years. The Institute organized international observer missions for national, provincial and local elections in 1987, 1988, 1990 and 1993.

As in the past, this pre-election delegation has been welcomed by the government and leaders of political parties. NDI does not come to Pakistan as a supervisor or arbiter. The Institute's role is limited to providing the international community with an assessment of Pakistan's electoral and democratization process and developing recommendations for the consideration of Pakistani political leaders and relevant authorities. This role is consistent with the norms of international election observing, which are now accepted around the world. The support of the delegation by representatives of political parties and the caretaker government reflects the commitment to this practice in Pakistan. Ultimately, however, it will be Pakistani people who will judge the fairness of the process. The delegation also recognizes that the Supreme Court has yet to rule on the petition to restore the prior government.

The Institute's international delegation is led by NDI President Kenneth Wollack, who also led NDI's international observer missions in 1990 and 1993. Members of the delegation include: Andrew Ellis, a renowned international election specialist from the United Kingdom; Zlatko Lagumdzija, Member of Parliament and former Deputy Prime Minister of the Republic of Bosnia-Herzegovina; Haydee Yorac, former Chairperson of the Commission on Elections in the Philippines; Paula Newberg, Senior Fellow at Georgetown University; and NDI regional and election experts Eric Bjornlund, Peter Manikas and Dean Pittman.



An NDI team of technical experts will remain in Pakistan to observe the elections and follow post-election developments. NDI will not, however, sponsor a large-scale international observer mission for election day. The Institute expects to issue a comprehensive report on the entire process in March.

The Electoral Process

The delegation was impressed by a number of aspects of the electoral process that demonstrate a commitment to promote the integrity and transparency of the elections, several of which are improvements made since the 1993 polling. These include:

- the extension of universal franchise to the Federally Administered Tribal Areas (FATAs);
- the holding of elections for the national assembly and provincial assemblies on the same day;
- fiscal autonomy for the Election Commission;
- the Election Commission's requirement that presiding officers at the polling stations provide to all polling agents copies of the tally sheets signed by polling agents and certified by the signature and thumbprint of the presiding officer;
- the requirement that returning officers display the results at the constituency level;
- improved access for political parties to state-owned broadcast media through the opportunity to purchase air time for campaign messages;
- the increase in the number of polling stations;
- comprehensive training organized for polling station staff members by the Election Commission;
- the expansion and strengthening of the code of conduct for political parties;
- the increased number of polling agents permitted at the polling stations as a result of the same-day polling for national and provincial elections;
- the continued accreditation of international and nonpartisan domestic election observers; and
- greater involvement of civic groups in voter education and election monitoring.

At the same time, the delegation notes a number of areas of concern:

- The delegation recognizes that many parties support a substantial role for the military in the electoral process as a means to ensure law and order and impartiality. In 1997 as before, this role includes the granting of authority to some military personnel to summarily try civilians for specified election offenses. The delegation, however, is concerned about the precedent of the military exercising judicial power over civilians.
- The election campaign has been generally peaceful; however, political violence, although not related solely to elections, has prevented some parties and individuals from campaigning in certain areas.
- There are continuing concerns over the accuracy of the electoral roll and the possible misuse of identity cards.
- Dissatisfaction continues to exist over large differences between the numbers of voters in different constituencies.
- The list of polling stations is being published late.
- Some aspects of the complaints procedure are inadequate.
- Compared to men, the registration of women remains low. Previous NDI observer delegations in Pakistan also expressed serious concerns regarding the participation of women. Cultural and social constraints, as well as problems with identification procedures in the polling stations, have made it more difficult for women to vote. This problem may be even more acute in the newly enfranchised tribal areas.
- Arrests, detention and harassment of some political party activists and elected officials create a suspicion that the criminal law is used selectively to punish political opponents. It is essential that these cases be disposed of expeditiously and in accordance with due process of law.
- The ban on certain campaign paraphernalia, such as posters and loudspeakers, has affected the overall campaign environment. The display of these materials in previous elections generated excitement and interest in the election. Political parties across the spectrum, however, welcome this new rule because they believe it will encourage candidates to respect the campaign spending limits and help to reduce tensions among competing candidates. Although the delegation understands the rationale for these restrictions, limitations on freedom of expression should as a general principle be resisted.

Recommendations for the Election Process

Pakistanis through their elected leaders can best determine the steps needed to advance democracy in their country. The following recommendations are offered in the spirit of international cooperation and are made in the hope of stimulating discussion in Pakistan regarding possible political and electoral reforms.

- Despite dedication and the best efforts of the electoral registration authorities, multiple or bogus registration remains possible, and some who should be registered will have been omitted. Despite the similar dedication and efforts of the staff of the National Registration Organization, it remains possible, although difficult, for a person to acquire more than one identity card. The use of indelible ink and the widespread presence of polling agents from the local community should be deterrents to fraudulent voting. Nonetheless, it is important that the annual review of the rolls by the election authorities takes place, and the continuous scrutiny of rolls by parties and electors remains crucial. Continued progress under legally correct procedures towards a fully computerized electoral roll, if possible including identity card numbers and linked with a computerized identity card system, would contribute further to the integrity of the electoral process.
- The registration for the first time of approximately 40 percent of eligible women in the Federally Administered Tribal Areas is a major achievement by the Election Commission. Nonetheless, it is important that the effort continues, both in the FATAs and across the rest of the country, to ensure that all women are able to register.
- The Election Commission, political parties and nongovernmental organizations should enhance their training and voter education efforts for women, particularly in the tribal areas, and for election officials in polling stations designated for women. In addition, the Election Commission and security forces should consider measures to protect women's right to vote.
- Dissatisfaction has been expressed once again with the delimitation of constituency boundaries, with the largest constituency having some four times as many electors as the smallest. A nationwide census would enable a full update of boundaries. If such a census does not take place, an amendment to the law allowing delimitation within provinces on the basis of the electorate, followed by a delimitation exercise within provinces by the Election Commission, should be considered.
- The delegation notes that the requirement that the list of polling stations be published 15 days before polling day has once again not been met, although attention to this issue was recommended specifically by the Election Commission in its report on the 1993 elections. The situation in 1997 has improved from 1993, but the delegation nonetheless hopes that any further delay in publication will be minimal.

- The delegation believes that the complaints procedure contained in the election law is not designed to deal effectively with all issues. Serious issues can be dealt with by election petition to a tribunal by a candidate or by the Election Commission's powers to declare a poll void; the Election Commission also has powers to consider breaches of the Code of Conduct by parties or to refer such breaches for possible criminal prosecution. The Election Commission, however, does not appear to have power to investigate more minor irregularities. While some irregularities are inevitable in any election, often for innocent reasons, a prompt and efficient method of investigating and assessing such issues can contribute substantially to public confidence in the election process in the period following polling day.
- During election campaigns the state-owned media have made efforts to provide greater balance in their coverage of politics and public policy issues than at other times. However, some journalists and political parties complain about government interference with the media's ability to provide impartial and balanced news, especially between elections. Removing television and radio from direct government control by, for example, instituting an independent governing body would help to safeguard the media's impartiality.

Future Considerations

Since the formal lifting of martial law in 1985, every national government has been dismissed by the president. As a result, there will have been four national and provincial assembly elections in the past eight years. Corruption has been cited in the last four dismissal orders. In addition, the Supreme Court has ruled that two of the previous three dismissals have been improper. A broad cross-section of Pakistanis has emphasized to the delegation that this has contributed to cynicism and disenchantment and has led many citizens to conclude that elections do not resolve the nation's systemic problems. There is a danger that if the parties do not come together in a spirit of tolerance and compromise to implement political reforms, prospects for further democratization and economic development will diminish and for a reassertion of anti-democratic forces may increase.

These problems are exacerbated by the accountability process used in this and previous elections. The establishment of an accountability process, such as the special tribunals set up in 1990 or the accountability commission instituted during this pre-election period, is intended to permit the quick and effective prosecution of politicians and government officials for misconduct. Obviously, public corruption if left unchecked can destabilize government institutions and undermine public confidence in the democratic process. At the same time, the establishment of an accountability process at the outset of an election campaign has created the perception that accountability may be used for partisan purposes. Moreover, it is impractical for accountability proceedings, which often involve complex financial dealings, to be completed under due process within a short pre-election period. Therefore in the minds of many citizens the process is trivialized and disillusioning. The means of combating corruption should not become as much a source of instability as corruption itself. To be successful, the accountability process should be institutionalized, nonpartisan and fair.

The government, National Assembly and political parties should also undertake further efforts to develop mechanisms and legislation that can address issues related to accountability and ethics.

As the NDI delegation noted in 1993, elections, however flawed in origin, continue to be held in Pakistan to seek resolution to political stalemate. The disenchantment in which Pakistan's elections are regarded by many citizens is tempered by a recognition of the unpleasant alternatives that the country has experienced in the past. Over the years, the Pakistani people and their elected representatives have demonstrated a strong commitment to democratic practices, often in the face of enormous obstacles. The delegation is confident they will again meet the many challenges ahead. NDI and the international community are prepared to offer their support for this important effort.