
Chapter 8

REFLECTIONS ON PAKISTAN'S ELECTIONS

The controversy surrounding the 1990 elections has raised questions regarding the relationship of elections to democratization, the resilience of the democratic process in Pakistan, and the role of election observers in reporting on the process. Elections, of course, are only one test of democratization. The weakness of civilian institutions (or their corruption) and other socio-political and institutional characteristics, such as the nature of the military's political involvement, also play significant roles in determining the extent to which democratic values and the integrity of democratic processes are likely to be respected. Nonetheless, an election provides an important indicator of the direction of a political transition. It also offers a good opportunity to examine the status of democratization in a country.

The first section of this chapter compares aspects of the 1988 and 1990 elections, as part of an assessment of the current status of Pakistan's electoral process. The second section reviews the methodology used by the delegation in addressing the challenge of observing what it recognized would be controversial elections.

A. The Electoral Process In Pakistan

There were notable parallels between the elections of 1988 and 1990. Both elections occurred following the dismissals of elected governments: in 1988 by President Zia ul-Haq and in 1990 by President Ghulam Ishaq Khan. In both instances, while the dismissals were challenged in the courts, these challenges did not prevent the

elections from taking place as scheduled. The role of the caretaker governments sparked controversies in both elections. Prior to both elections, speculation arose as to whether the military, always a pivotal player in Pakistan's political affairs, would accept the results.

The differences between the circumstances of the two elections, however, were equally significant. In 1988, no accountability tribunals were instituted to investigate allegations of corruption against one of the major contestants and no candidates were imprisoned during the campaign. The pre-election rhetoric on both sides was considerably less hostile in 1988 than in 1990. Equally important, in 1988 the Pakistan army was recovering from the shock of the aircraft accident in which President Zia ul-Haq and many leading generals lost their lives. By issuing timely decisions on key issues, the judiciary, too, played an important role in the 1988 election process.

The principal difference between the two elections was in the outcome. In 1988, the PPP obtained a large plurality of the seats in the National Assembly, while in 1990 the IJI won a majority of the seats. Under normal circumstances such transitions, first to the PPP and then to the IJI, would reflect a healthy and dynamic democratic society. Regrettably, this is not how some Pakistanis viewed the situation.

The PDA alleged that it lost the election due to massive fraud and refused to accept the outcome as a fair reflection of the will of the electorate. While the PPP made similar charges concerning fraud in 1988 – when it performed well – the PDA's allegations were of a substantially different nature in 1990. The political polarization before, during, and after the elections, coupled with the scope and intensity of the PDA allegations – some of which have been corroborated and others which have not – demonstrate that many people in Pakistan had significant doubts about the country's democratic processes.

When substantial allegations of fraud are made, it is expected that the accusing party will make responsible efforts to substantiate the charges and prove its case. For example, one of the most significant PDA allegations questioned the integrity of the vote counting process. On this issue, however, the PDA failed to provide

corroborating evidence, demonstrating the weaknesses of its political organization. The PDA also promised to publish a "white paper" detailing all election-related irregularities, but as of March 1991 this paper had not been released.

In most countries, political parties bear the principal responsibility for monitoring the vote counting process. This task requires training party agents and developing a parallel vote tabulation. The presence of polling agents alone cannot ensure a fair election. Their role, however, is not only to deter fraud but to document in a credible manner any instances of procedural abnormalities.

The failure of the PDA to develop an effective parallel vote tabulation contributed to a situation where allegations of wholesale fraud could not be documented. While the PDA maintained that this failure was due to the kidnapping and intimidation of party agents, the PDA was unable to provide a significant number of results, presented in an organized and coherent manner, from polling stations staffed by polling agents and free from problems. Consequently, there was no reliable basis upon which to evaluate the authenticity of the official results released by the CEC, except through statistical analysis.

The delegation was also aware of the difficulties of gathering written evidence in societies that have high illiteracy rates, and recognizes that the PDA's inability to gather evidence may have resulted in part from these difficulties. Clearly, a better-educated population is the optimal safeguard against electoral fraud. Until that goal is achieved, however, political parties should seek to focus their attention in the periods between elections on serving an educational role. They should develop a body of trained polling agents and skilled party officials. These men and women would strengthen not only the electoral process but the party organizations themselves.

Still, despite the limitations of evidence, the allegations of fraud, coupled with NDI's own identification of election-related problems, highlight the need to implement electoral reforms. A failure to do so could result in even more serious problems in the future and a loss of

confidence in the democratic process by a population that, based on recent election turnout figures, already appears disengaged.

Although the election process was fraught with controversy, certain aspects do provide cause for optimism: the election campaign was competitive and relatively peaceful; the CEC made great efforts to mobilize its resources for hastily-scheduled elections; the print press appeared generally robust; and respect for the judiciary was high. The PDA also provided an important signal that democratic values are alive in Pakistan today. Despite its claim of massive fraud, the alliance participated in the provincial assembly elections and PDA members assumed their seats in the National and provincial assemblies. Similarly, in 1988, the IJI accepted defeat and entered parliament.

B. Observing the 1990 Elections

NDI recognized from the outset that the 1990 elections would be difficult to observe. Pakistan's large population and geographic diversity make it hard to generalize about political developments even under the best of circumstances. The political polarization in Pakistan made this task especially difficult in 1990. Further, the single-member constituency system used for Pakistan's elections meant that the delegation had to consider more than 200 separate election results. Most critical, the delegation ultimately had to evaluate elections where one of the major contestants challenged the very legitimacy of the process, and where no independent, local group mounted an effective, nationwide monitoring effort.

The delegation was prepared for the challenges. The polarized nature of Pakistan politics was highlighted by the findings of the five-member pre-election mission sent by NDI to Pakistan in early September, six weeks before the elections. Consequently, the delegation was organized with considerable care. The size of the 1990 delegation was more than double that of its 1988 counterpart. This allowed the delegation to cover 12 cities and their environs on election day, as compared to five in 1988. To better assess certain controversial issues, the delegation organized functional teams of individuals with relevant experience to examine the accountability

process, the media, and the complaints procedures. As was the case in 1988, the delegation evaluated the results through a statistical analysis. Finally, an NDI representative remained in Pakistan for several weeks following the elections to investigate complaints regarding the balloting and tabulation processes.

Despite an enhanced observation process, some Pakistanis and outside observers have criticized aspects of the delegation's activities. The critics suggest that the relatively small size and limited language capabilities of the observer delegation restricted its ability to observe subtle forms of fraud. Moreover, the critics regard the delegation's October 26 preliminary assessment as flawed with respect to timing and content.

At the outset, it should be noted that observer delegations have very clearly defined functions. Observers serve to encourage participation in an electoral process, to deter the most blatant types of fraud and to report objectively on their observations of the process. Observers do not serve as substitutes for domestic political parties or election-related organizations. Moreover, in evaluating allegations of irregularities, an observer delegation must consider the credibility of the evidence presented by the contesting parties and independent groups, and the probable effect that alleged irregularities have on the election process. Thus, only if an observer delegation – having considered the quality of the campaign, the election day balloting and the counting of the ballots – is convinced that the overall outcome does not reflect the will of the electorate should it issue a statement questioning the validity of the process. Absent such evidence, an observer delegation can only report what it observed and what it heard.

For the 1990 elections, the delegation attempted to cover as much territory as possible, but never pretended that it could uncover all forms of abuse. Delegation members were well aware of the constraints under which observers operate generally and of the complexity of assessing allegations of wholesale electoral fraud in an environment of the kind that exists in Pakistan. The team assigned to Lahore underscored some of these limitations:

1) As the election results came in on election night, there was some astonishment regarding the extent of the landslide for IJI, especially in the city of Lahore. This astonishment was based on the extremely enthusiastic rallies mustered by the PPP in the city in comparison to the less well attended rallies of the IJI; the results of the limited number of ballot counts witnessed by observers, which generally indicated at least a close race, and the reactions of knowledgeable Pakistanis.

2) Mere astonishment is not a concrete basis for questioning the reported result. There are some members of the team who are concerned, nevertheless, that the limitations of our observations do not put us in a position to guarantee or certify the absolute integrity of the reported outcome of the election. All would ideally prefer to have more opportunity to investigate and to have access to more data regarding turnouts, which appeared modest to us, and comparisons to data from 1988 before we evaluate the fairness of the process.

It should be understood that observers are not independent investigators. Before they can denounce fraud, they must receive evidence of its existence. As is apparent from this report, the delegation reviewed carefully the many allegations presented by the PDA, in the course of the post-election investigation. The delegation also benefitted from a self-generated statistical analysis.

As noted earlier, a statistical analysis cannot conclusively establish the occurrence of fraud or the probable victor of a constituency where statistical anomalies exist. Still, despite these limitations, the statistical analysis proved a highly useful tool in evaluating the allegations of fraud.

The timing of the preliminary assessment has been criticized. Yet it was issued on October 26, almost 48 hours after the polls closed and after the CEC had released preliminary results from virtually all constituencies. Failure to issue a statement at that time would have been viewed as a conclusion, *sub silentio* and without

evidence, that the elections were fraudulent. Failure to issue a statement could also have created a situation where, potentially, 40 individuals would have offered separate opinions, based on personal observations formed in different regions of the country. Such *ad hoc* impressions would only have added to the confusion prevailing in Pakistan.

Instead, the delegation issued a carefully worded, preliminary statement based on the information available at the time and on a consensus that incorporated the delegates' various experiences across the country. The statement emphasized that the observation process would continue through the provincial assembly elections and that a final evaluation of the entire election process would require additional investigation and analysis.

The interpretation of the preliminary statement as a certification of the election process did not reflect the content of the statement. It may have reflected the desire of certain journalists to undermine the PDA's allegations concerning electoral fraud. Such slanted news is an unfortunate consequence of the acute polarization of all political discourse in Pakistan. The PDA's characterization of the entire elections as a fraud, which the statement did not corroborate, also affected the interpretation of the statement. Thus, many press reports, including some in the international media, contrasted the PDA allegations with the delegation's findings thereby highlighting the delegation's failure to denounce the elections. (See Appendix XXIV.)

The delegation recognizes that the media and policymakers desire unequivocal evaluations of elections. However, the reality is that such evaluations sometimes are not possible, particularly when only some of the allegations can be corroborated and the cumulative effect of the irregularities on the process requires subjective judgments. (See Appendix XXV.) Observer delegations, in these circumstances, should simply report the allegations and their observations, without necessarily addressing the ultimate question of whether the elections were or were not free and fair.

In this context, it is worth contrasting the statements issued by the 30-member delegation sponsored by the South Asian Association

for Regional Cooperation (SAARC), which reflected a balanced assessment of the election process, and the four-member delegation sponsored by the France-based International Federation for Human Rights. (See Appendix XXVI.) The French delegation denounced the elections despite having no experience in observing elections, arriving in Pakistan on election day, and possessing limited information on the prevailing political situation.

The role played by the NDI-sponsored delegation in Pakistan highlights some of the tensions that exist between sovereignty and the promotion of democracy. Yet, during the past decade, observer delegations have been accepted in different regions and in diverse circumstances as contributing to the universal value of political participation.

NDI-sponsored observer delegations have established their credibility and value under varied circumstances. In the Philippines and Panama, they denounced blatant and demonstrable electoral fraud. Without invalidating the results in Paraguay and Romania, they cautioned that elections in these countries did not necessarily represent a dramatic step toward democracy. In Chile and Haiti they helped raise voter confidence and helped ensure that the governments would respect results that showed a victorious opposition. And in the Dominican Republic and Bulgaria they confirmed for the international community that, while irregularities occurred in the process, such irregularities did not necessarily invalidate election results showing a ruling party victory.

Election observing is not a science. However, by utilizing a professional and considered approach, an observer delegation can contribute to an important event in a country's political history. Notwithstanding the debate over aspects of the 1990 elections, the delegation believes that its presence in Pakistan on election day and its pre- and post-election investigations contribute to the prospects for an improved electoral process in Pakistan.