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## Chapter 9

### RECOMMENDATIONS

The delegation was impressed with many aspects of Pakistan's election process, including the public enthusiasm witnessed at campaign rallies, the spirit shown by individual election and party officials, and the largely safe conditions under which the voting was conducted. The delegation concluded that the results in most constituencies reflected the will of the electorate. At the same time, the delegation discovered some serious problems. This chapter offers recommendations concerning the election process.

Ideally, elections should ensure both the free expression of the electorate *at* the polls and the confidence of the electorate *in* the polls. Both ideals depend not only on the administration of the elections but also on the active support of all the salient institutions involved in the political process.

The NDI-sponsored international delegation to Pakistan in 1988 found that, with some exceptions, the elections that year met both criteria. The 1988 delegation also found that Pakistan's laws compared favorably to those used in other countries and, for the most part, served the electorate well in 1988. Between 1988 and 1990, the election laws were not significantly altered. Yet, during the 1990 elections, the election laws proved insufficient to prevent the occurrence of serious problems in certain constituencies. The laws had not changed but the degree of political polarization and uncertainty appeared to have intensified in Pakistan.

One example illuminates the larger issue. At the request of candidates who presented allegations about election irregularities, returning officers had the power to reopen ballot bags and recount the ballots, but many declined to exercise this authority. The process of opening the ballot bags is a complicated one and can potentially be abused. It is a process, however, that might have resolved numerous disputes and renewed faith in the election system.

In and of themselves, the laws used in 1988 and 1990 allowed for the resolution of complicated and emotional problems in an expeditious fashion. The execution of these laws, however, did not always accomplish the desired effect. The election tribunal process, for example, appears adequate to address electoral complaints. Yet, in practice, the standards of evidence used by the tribunals make it very difficult for the complainant to prove his or her case. Moreover, the petition process is extremely slow; as noted, more than half of the 110 petitions brought in 1988 are still pending.

The occurrence of elections so soon after the last national contest may have contributed to voter apathy, but concerns about the perceived corruption of governments and the possibility of violence could also be considered contributing factors to the lack of participation in the 1990 elections in Pakistan. Although secure and safe conditions prevailed in most of the country, the occurrence of unchecked violence, especially in parts of rural Sind, damaged the process.

Other issues, which were outside the delegation's terms of reference, had an undetermined effect on the election results, but almost certainly influenced the electorate's view of the process. For example, regardless of how the Bhutto government's performance is assessed, its summary dismissal – two years after a similar dismissal of the Junejo government – and the charges filed against Bhutto and members of her government, affected the political environment in which the vote was held. The fact that governments have repeatedly been dismissed in Pakistan, either through constitutional fiat or *coup d'état*, only adds to the electorate's overall cynicism regarding democratic politics.

The fact that some political institutions did not perform their necessary roles or abused their authority is troubling; the fact that the system's safeguards could not compensate for these failures or abuses heightens this problem and raises concerns about the election process in certain constituencies.

As explained above, qualitative and quantitative analyses suggest serious irregularities in several constituencies. The occurrence of these irregularities raises concerns about the future of electoral politics in Pakistan. Equally important, the very possibility that fraud could have occurred damages the credibility and viability of the democratic process.

Absent reforms, several problems could arise in the future. The irregularities and violence that occurred in some constituencies could spread, thus raising questions about the validity of the process and further undermining public confidence in the system. Even in the absence of future irregularities, the electorate could become increasingly uninterested in the process unless public confidence is restored. The combination of election irregularities and weak institutions could seriously impair the democratic process.

These potential problems are certainly no more treacherous than the challenges that democrats in Pakistan have overcome in the past. The people of Pakistan have shown a remarkable resilience and commitment to pluralism, often in the face of enormous obstacles. The delegation urges them to look toward the future with a realistic vision of the work still to be done.

The people, through their elected leaders, can best determine the steps needed to ensure the prospects for democracy in Pakistan. The following recommendations, therefore, are made in the hope of stimulating debate in Pakistan regarding possible electoral reforms.

- 1) *Central Election Commission*: Each election, the CEC faces enormous challenges – it must hire thousands of temporary employees, adjudicate complex matters of electoral law and organize elections in more than 33,000 different locations. To meet these challenges, the CEC relies on the election law for administrative and procedural guidance, and on the cooperation of the civil government.

These procedures are not adequate, however, to address the labyrinth of complications that surround the current polarized political environment.

The complications arise at the very start of the campaign cycle and continue long after the close of the polls. One example involves the appointment of election officials. The CEC may need to review its appointment policies to ensure that all election officials are both impartial and sufficiently independent to withstand the pressures that might be brought to bear upon them.

Equally important, positions on the CEC must be filled as soon as vacancies occur. The CEC is responsible for reviewing the constituency boundaries and revising the electoral rolls, during non-election years. Thus, leaving positions on the CEC vacant and not providing necessary funding to the CEC, as occurred following the 1988 elections, is imprudent.

2) *Media*: The 1990 elections raised serious questions concerning the government's relationship to the media. This is not a new problem, but one that appeared to have grown more pronounced during these elections. The government monopoly on radio and television, the print media's reliance on government advertising, the government's monopoly on newsprint, and the intimidation of news organizations by political parties all impinged on the media's ability to serve as a watchdog and source of accurate election information. Pakistan's print journalists, who generally receive low salaries and are susceptible to political pressure, are further hampered by government restrictions.

The delegation notes that Prime Minister Bhutto's government significantly improved the situation of the media in Pakistan. The independence of the print press was encouraged, a second television channel was introduced, and the effort to impose "advice" on the press by the Bhutto government was reduced. The new government could secure these gains through further reforms. While a government-controlled electronic media is common in many countries, removing television and radio from direct government control and further easing censorship, which is permitted under such laws as the Press and Publications Ordinance, might increase the confidence

among the electorate and the competing parties in the media. The civil authorities also have a responsibility to ensure that the press can operate in an environment free of violence and intimidation.

3) *The Role of the Police and Army*: On election day, the police and army, for the most part, appeared to have carried out their responsibilities in a professional and nonpartisan manner. To guard against false arrests and detention for political reasons during the campaign or on election day, however, immediate judicial review of these matters should be authorized.

4) *Accountability Process*: The establishment of special accountability tribunals is a unique means of dealing with official misconduct. It permits courts to hold officials to a higher standard than the criminal law and to disqualify from public office those who do not meet that standard. Obviously, public corruption, if unchecked, can destabilize governmental institutions, especially nascent democratic institutions.

Establishing tribunals at the outset of an election campaign, however, erodes public confidence in the accountability process and jeopardizes the fairness of election campaigns. When these tribunals are directed against only one party, the process becomes trivialized. The means of combating corruption should not become as much a source of instability as corruption itself.

5) *Political Parties*: As is generally the case elsewhere, Pakistan's electoral system relies heavily on the political parties to educate their supporters, train election day workers and establish safeguards against fraud. Yet in many instances, the political parties were incapable of meeting these responsibilities. In many polling places party agents were present and played an active role in the process, but they did not seem prepared for problems when they arose. In addition, parties that alleged pre-election or election day fraud often were not properly prepared to document their complaints nor did they try to correct abuses that may have been caused by misfeasance rather than malfeasance.

Political parties should improve the training programs they use to prepare their workers for election related activities and parties

should better equip themselves to react to potential problems. The training process must not wait until the weeks immediately prior to an election. Party agents have significant responsibilities; they need the benefit of instruction from their sponsoring parties. Parties should also consider working with each other and non-governmental organizations to develop an independent, parallel vote count capability. Such a mechanism would go a long way toward preventing and resolving disputes concerning balloting and post-balloting irregularities.

6) *Polling Stations*: The delegation heard allegations concerning the movement of polling stations. Some party representatives alleged that the CEC had changed locations for political reasons while others claimed that stations had been moved immediately prior to the election to confuse voters.

Some reforms might reduce the possibility of such allegations. Presiding officers, for example, could be instructed to meet with party polling agents at the polling station prior to election day. This would deter last minute changes in the location of polling stations and would ensure that polling officials and polling agents correctly understood their responsibilities. The CEC might also consider listing both the site chosen for a polling station for a current election and the one used at the previous election.

7) *CEC Monitoring Process*: The election laws carefully outline procedures for the prevention of fraud. They do not, however, provide a mechanism for recording problems if they do occur. For this job, the CEC relies almost entirely on the political parties.

To ensure that all irregularities are properly recorded, the CEC could require presiding officers to complete a simple form immediately after the polls closed that would recount the day's events, including any violence or irregularities that occurred. The form would be signed by the party agents present or their failure to sign would be noted. These forms would become public immediately after the elections and would provide a basis for verifying allegations subsequently presented by the parties.

The tabulation process also can be better used to review the quality of the balloting process. For example, the CEC could require the automatic recount of a small number of random ballot bags in each constituency, as part of a review for alleged irregularities. This would permit a check on the system without presenting so large a task that the CEC could not meet its constitutional requirement to release the official results within 14 days of the elections.

8) *Women's Polling Stations*: The delegation noted confusion and disorder at many women's polling stations. While recognizing the social and religious constraints placed on the participation of women in Pakistan's public life, the delegation also notes that women constitute about half of the national population and possess the right to vote. Therefore, it urges the CEC to review the procedures used at women's polling stations with regard to the identification and treatment of voters and to make the administrative changes necessary to encourage participation.

9) *Election Complaints*: With respect to complaints, the CEC should consider the extent to which reliance on information provided by other branches of government is warranted. Under some circumstances, it may be appropriate for the CEC to accept the information provided by other branches with little fear that political pressure has distorted the information. However, when there is a high degree of political polarization and many of the complaints are directed at various agencies of the federal or provincial governments, an independent investigation by the CEC would appear necessary. Whether or not this proves possible will indicate the degree of autonomy that the Pakistani political system is willing to permit the CEC.

10) *Identification Cards*: Other administrative steps that might improve the electoral process include the placement of additional controls on the distribution of identification cards to prevent issuance of more than one card per person and other similar abuses.

11) *Civic Education*: Lastly, the CEC may want to consider the extent to which it can reinforce the election process through voter education and training programs for the general public, party agents

and polling officials. The programs might increase awareness about polling procedures, existing electoral safeguards, the complaints process, and, most important, the benefits and responsibilities of voting.

**Redressing all of the problems identified above is a difficult and long-term task, but it is by no means impossible. It requires, above all, the commitment of the principal political institutions in Pakistan. If the civilian politicians of today fail to implement a conciliatory, pluralist political order, then the prospects for sustained democratization in Pakistan recede, and the prospects for a reassertion of anti-democratic forces increase.**

**Building an independent media and strengthening political parties could take many years. In the short-term, however, electoral reforms can be enacted speedily, particularly if the major political parties and other interested civilian groups recognize the dangers inherent in their inaction. These reforms could enhance public confidence in any future elections and have a positive impact on the democratic process.**