
EXECUTIVE SUMMARY

A 40-member international delegation, organized by the National Democratic Institute for International Affairs (NDI), observed the October 24, 1990 National Assembly elections in Pakistan. Ten members of the delegation stayed in Pakistan through October 29, meeting with party representatives and observing the October 27 provincial assembly elections. An NDI representative remained in Pakistan until November 18 to review post-election developments.

As is NDI practice and as set forth in the terms of reference, the delegation evaluated the elections in three phases: the pre-election preparations and campaign environment; the balloting and counting processes; and post-election reviews of the formation of the new government and the complaints filed before the Election Commission. To realize this evaluation, the delegation relied on the findings of a pre-election mission that visited Pakistan in early September 1990, the observations of delegation members during the period surrounding the elections, the investigations of the NDI representative who remained in Pakistan after the elections and a multi-faceted statistical analysis of the National Assembly elections, which compared registration figures, voter turnout, and the results for the 1988 and 1990 elections on a constituency-by-constituency basis.

The October 1990 elections occurred less than two years after elections in 1988, which were viewed at the time as signifying an important step in Pakistan's transition to democracy. President Ghulam Ishaq Khan scheduled the most recent elections following his August 6, 1990 dismissal of the federal government and simultaneous dissolution of the National Assembly. The former government

challenged the constitutionality of the President's actions, but the Pakistan courts rejected these challenges. Nonetheless, the President's dismissal of the government raised questions in the minds of many Pakistanis as to whether the elections would take place as scheduled and whether former Prime Minister Benazir Bhutto and her close allies would be barred, even at the last minute, from participating.

The Islamic Democratic Alliance (known by its Urdu initials as the IJI) obtained 105 of the 216 seats in the new National Assembly. On November 6, the National Assembly elected Nawaz Sharif – a leader of the Muslim League, the largest party in the IJI, and the former chief minister of the Punjab – as prime minister.

The Pakistan Democratic Alliance (PDA), which is dominated by the Pakistan Peoples Party (PPP) and is led by Benazir Bhutto, won 45 seats, the second largest number, in the National Assembly. While contesting the fairness of the elections, the PDA legislators assumed their seats and Benazir Bhutto became leader of the opposition forces in the National Assembly.

This delegation's qualitative and quantitative analysis suggests that, notwithstanding serious irregularities in certain constituencies, the IJI would have obtained the largest number of seats in the National Assembly and thus would have been the coalition most likely to form a new government. Two types of evidence suggest a conclusion that the results in most constituencies reflect the will of the electorate: 1) the delegation's election day observations of a generally orderly and well-administered election at the polling site level, with agents representing at least two parties present at most polling sites; and 2) the statistical analysis indicating that the IJI success in these elections can be attributed, in large measure, to its ability to forge electoral coalitions with minor parties and to draw support away from independent candidates.

Safeguards in the election law proved inadequate to prevent the occurrence of serious problems in certain constituencies. Statistical anomalies, firsthand reports of irregularities, or a combination of both, raise questions regarding the election process in approximately 15 percent of the constituencies; most, but not all, of these constituencies

were won by the IJI. The delegation has no conclusive evidence, however, that the irregularities affected the outcomes in these constituencies, and shifts in voting patterns might explain statistical anomalies.

The election commission, whether constrained by law or by custom, was unable or unwilling to alleviate the problems that emerged. At times, the commission relied too heavily on other governmental bodies to implement its directives and to investigate complaints.

These breakdowns in the electoral system are a very serious matter. Unless corrective action is taken immediately – including expeditious adjudication of election petitions and the replacement of officials who, either through incompetence or willfulness, tolerated irregular behavior – confidence in the electoral system will be badly damaged, and the negative consequences will be felt for many years.

The following are the delegation's additional summary conclusions regarding Pakistan's election process:

- 1) The conditions under which the 1990 elections were held favored the IJI, whose leaders formed the caretaker government following the President's August 6 action, and placed the PDA at a significant disadvantage. The IJI benefitted from the caretaker government's extensive use of the perquisites of incumbency, including the selective use of accountability tribunals to investigate allegations of corruption made against members of the Bhutto government. The caretaker government's decidedly partisan behavior, however, did not prevent the contesting parties from disseminating to the electorate their messages through rallies, posters and other forms of campaign activity.

- 2) The news coverage on government-controlled television and radio was unbalanced in favor of the IJI, although radio, the more important medium, did a somewhat more credible job than television. The print media, meanwhile, remained relatively free and robust. However, several journalists reported that, as a consequence of their political coverage, they received threats from major political parties and the government. Also, some newspaper and magazine editors

complained that government advertising declined when their coverage of the caretaker government turned too critical.

3) During the pre-election period, incidents of violence were directed against those participating in the process, one of which resulted in the death of a candidate. The violence affected activists of all parties.

On election day, the delegation observed or was informed about incidents of violence and intimidation. These incidents – which took the form of kidnappings, drive-by shootings, disruptions at polling stations, and harassment of voters – may have resulted in disenfranchisement in the affected constituencies. In addition, pre-election day arrests of PDA supporters, particularly in certain constituencies in Sind but also in other regions of the country, served as a tactic of intimidation.

4) Reports indicate that some government officials encouraged the election day irregularities by assigning presiding officers based on political loyalties and by preventing party agents from fulfilling their responsibilities. The latter was accomplished through arrests, intimidation and failure to follow prescribed procedures requiring the presentation of tally sheets to all party agents.

5) As in previous elections, the administrative procedures applied in female polling stations increased opportunities for abuse and manipulation. The absence of photographs on women's identification cards, the introduction of men into the women's polling stations and the lack of training for women polling officials caused confusion at many of the sites visited.

6) In polling sites visited by delegation members, the counting process was conducted expeditiously and in the presence of party agents. Nonetheless, in violation of the law, government officials sought to establish "election cells" in some areas. These cells would have allowed the reporting of electoral results to unauthorized local officials, thereby creating an opportunity for partisan officials to attempt to manipulate the outcome in particular constituencies. The long delays in certain constituencies between the close of the polls and the time some polling stations reported results to the returning

officers, who were responsible for tabulating the results in each constituency, also raised suspicions.

7) No evidence has been presented by any of the parties that show discrepancies between the results obtained by party agents and those reported by the election commission. There is, however, credible evidence that in certain polling stations in several constituencies party agents, usually but not always affiliated with the PDA, were prevented from observing the count. Consequently, the results from those constituencies are less reliable.

8) The election commission's post-election complaint process, which dealt only with the most egregious problems, resulted in the withholding of official results in eight National Assembly constituencies. Nonetheless, after the election, the commission, and perhaps more critically the returning officers, could have exhibited greater initiative in investigating the alleged misconduct. The unwillingness of returning officers to open the sealed bags containing the ballots and other election materials illustrates this lack of initiative.

The election tribunals, which are responsible for reviewing and resolving election-related complaints, received 66 election petitions by the December 15 deadline. To help restore confidence in the election process and, if warranted, to order a repolling in particular constituencies, the tribunals should attempt to expedite consideration of all election petitions and the issuance of decisions in these cases. In this context, the delegation notes that 65 of 110 election petitions filed after the 1988 elections are still pending.

While the delegation has received no evidence of a systematic effort to commit fraud on a national scale, serious and widespread irregularities in certain constituencies highlight the urgent need for electoral reform. If safeguards in the system are not significantly strengthened, greater abuses in future elections are possible and the development of democratic institutions in Pakistan will be seriously threatened. The following are among the areas where review may be appropriate:

- the investigatory role of the election commission;

- the activities of incumbent governments during an election campaign;
- the appointment and assignment of presiding officers;
- the procedures used at women's polling sites and the overall status of women in the electoral process;
- the relationship between the government and the media;
- the voter education and training programs available for the general public, party agents and polling officials; and
- the process for verifying election results.

The prospects for democracy in Pakistan depend greatly upon the extent to which both government and opposition adopt the attitudes of tolerance and cooperation, as well as upon the relations between civilian and military authorities. The election commission and the political parties, each in their own way, should consider how they can strengthen themselves to monitor future elections so that in the future the abuses identified during the recent elections are more difficult to commit and easier to detect.

As is true with many emerging democracies, Pakistan faces enormous political and economic challenges. The international community should be prepared to contribute, where appropriate, to strengthen democratic processes and political pluralism in Pakistan.

