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**Elections in Retrospect  
Analysing the Foreign and Local  
Observers' Reports**

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**Elections in Retrospect**  
**Analysing the Foreign and Local**  
**Observers' Reports**

*by*

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**Programme**

**Foreword\***

Democracy is a desirable ideal, but the path that leads to it, more often than not, is littered by pitfalls and obstacles. Those states that seek to reach this destination inevitably have to follow a stumbling and faltering course with uncertain results. Pakistan is one of the states, which has made several attempts to tread the road to democracy, at times successfully, at others disastrously. It frequently took recourse to the ballot box to resolve a convoluted political crisis that defied solution. Pakistan's many experiences with elections – one of the pillars of democracy – reflects its faith in the democratic system.

A democratic system is only as strong as the support that it receives from various constitutional and political institutions and processes like the parliament, political parties, elections and the exercise of governance. Elections constitute an important prop of the democratic framework and the more impartial and transparent these are the better served is democracy. It reflects the level of confidence of the people in the leadership. Observing the electoral process in Pakistan across time shows that the electorate has become much more sagacious and perceptive. Now, even poor, uneducated and rural voters want to know what will be delivered. This is perhaps a less sophisticated version of 'voting by the pocket

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- The editor has drawn on parts of the welcome speech delivered by Dr Shahrukh Rafi Khan, Executive Director, SDPI, in writing the foreword.

book' that has been in vogue in the West, and forms an important phase of democratic growth. At the same time, negative voting has also played a role in contributing to the growth of democracy.

Investing the polity and the various institutions with a democratic culture is germane to the health of the system. The responsibility rests with the leadership to ensure that the political structures function within the ambit of such a culture. A mature, democratic culture extends beyond elections to the effective and transparent running of all institutions in society. Even the slightest doubt about the integrity of an institution can jeopardise faith in the system. The frequent questioning of the fairness of polls in Pakistan in due course contributed towards derailing the democratic process in the country. This created a crisis of confidence in the system requiring remedial measures. One of the solutions was to allow foreign and local observers to assess and ensure transparency and impartiality of elections. This is an established arrangement throughout the world, and Pakistan has also accepted the practice of the elections being monitored by independent observers. Foreign and Pakistani observers belonging to various international and national organisations, working in the field of human rights, democracy and politics have monitored all the four general elections since 1988. The observers' reports are extremely important in assessing the impartiality and fairness of elections as well as in suggesting ways and means for improving the quality of the electoral process.

During the 1997 elections, the number of foreign observers exceeded that of any of the previous elections. Observer groups came from the

Commonwealth, the European Union, and SAARC countries. The Solace International of the United Kingdom, National Democratic Institute for International Affairs of the United States and Japan also fielded teams. Moreover, a number of individuals from different foreign media agencies monitored the elections. These groups were not only present during the actual voting and counting activity but also appraised the pre-poll phase. They monitored elections in a number of constituencies, specifically those which were considered crucial for some reason. By all accounts, they carefully scrutinised the process and made impartial judgements. They considered various factors impinging on the credibility of the electoral process and judged whether or not conditions existed for a free expression of will by the people. They also made known their conclusion about whether or not the result of elections reflected the wishes of the people.

This exercise raised a plethora of important questions for discussion about the significance and validity of the observers' reports. Why do we need observers? To what extent do the reports cover complex electoral activity? Are an adequate number of constituencies scientifically monitored for meaningful reporting? What criteria are used to declare an election free, fair and impartial? To what extent the local observers agree or disagree with the foreign observers' reports?

These questions do not have simple answers. In fact, these are relevant to the most critical aspects of governance by popular representation. Since governance is a cross-cutting issue as well as a significant area of research at Sustainable

Development Policy Institute (SDPI), there has always been an effort to discuss various questions pertaining to governance. SDPI decided to seek answers to these questions by holding a dialogue among people with pertinent background. It was in this connection that the Conference on *Elections in Retrospect: Analysing the Foreign and Local Observers' Reports* was organised by SDPI, in collaboration with the University of Western Australia, on July 10, 1997 (see annex for programme details). More than a hundred people drawn from all over Pakistan representing politics and various other fields of activity attended the conference. Speakers were also invited from the University of Western Australia. The participants of the conference were knowledgeable, familiar with the subject and had practical experience of conducting, monitoring and contesting elections. The conference was spread over four sessions, which also acts as a demarcation of the four sections in this report. In-depth analyses, perceptive ideas and lively discussion marked all the sessions.

This conference report is based on transcriptions of the presentations and the debate that took place. In order to grasp the essence of the deliberations, every effort has been made to be as accurate and close to the transcriptions as possible. While much of these proceedings may not read like a scholarly dissertation, both the presentations and discussions furnish a first-hand, substantial and pragmatic exposition of the electoral process, its significance and shortcomings. These not only answer the questions that have been raised, but go even further to probe into the wider context and scope

of the electoral process and the foreign observers' reports.

An election is not just a transitory or momentary event. When it takes place, it has to be followed up. The observers' reports are not something to be appreciated and then placed on the shelf. There is need to think about the issues raised by these reports, and look into the possibilities of implementing the recommendations made as well as identifying the areas that have not been investigated. Unless and until these reports are considered reflectively and objectively, the entire exercise of election monitoring will be futile.

The aim of publishing the proceedings of the conference is not only to make them available for future reference but also, and more important, to put forward the views, suggestions and recommendations of the concerned citizens to the relevant authorities. In doing so, it is hoped that the general public, the Pakistan government, Election Commission of Pakistan, political parties and the foreign and local observers will benefit from this document. It is also hoped that the recommendations of this conference will be a step towards strengthening the democratic institutions in the country.

Dr. Samina Yasmeen of the University of Western Australia was not only the originator of the idea of holding a conference on elections, but she also helped a great deal in identifying and contacting speakers. SDPI is deeply thankful to her efforts in making the event a success. The Australian High Commission extensively helped SDPI for turning the idea of the conference into a reality. SDPI is grateful to H.E. Mr. Geoffrey Allen, High Commissioner of Australia for his

efforts to raise funds for this conference. We also offer our earnest thanks to H.E. Mr. A. F. Duyverman, Ambassador of Netherlands, H.E. Mr. Erik Leikvang, Ambassador of Norway, H.E. Mr. James Watt, Acting High Commissioner of the United Kingdom, United States Information Service and the University of Western Australia. They not only helped and supported SDPI, financially and otherwise, to arrange the conference but also to publish the report. We are also grateful to Dr Tariq Rahman for his help in editing this report. Ms Uzma Rehman, who helped us in transcribing the proceedings, also deserves our special thanks.

**Musarrat Bashir**  
**Coordinator Research and Policy Advice**

**First Session**  
Conducting Elections: Practitioners'  
Perspective



## **Conduct of 1997 General Elections and Reports of the Foreign and National Observers**

Hasan Muhammad

*Joint Secretary, Election Commission of Pakistan*

The phenomenon of elections should be entitled 'electoral science' since, like all other social sciences, it deals with the human psyche and the social system. Conducting elections is part of electoral science. In this context, this paper will elaborate certain important and unique features of election 1997. This paper aims to discuss those unique features as well as the practical aspects of the conduct of general elections.

Section 25 of the Representation of the People's Act, 1976, clearly provides for holding the simultaneous polls of the national and provincial assemblies. Therefore, it becomes a legal requirement to hold the election of national and provincial assemblies on the same day. Despite the fact, the Election Commission of Pakistan had always held polls for the national and the provincial assemblies on separate dates with a minimum gap of three days between the two events. In 1962, there was a gap of about ten days between the national and provincial assembly elections; in 1965, of two months; in 1970, of 10 days and in March 1977 the gap was of two days. Thereafter, the gap between the national and provincial assemblies' elections has been a minimum of two days. One can argue about the merits and demerits of the simultaneous poll. For instance, the merits are: the possible effects on the results of subsequent elections can be reduced; unnecessary wastage of expenditure, labour, energy and time can be saved; the chances of manipulation and the strain on law enforcing agencies can be reduced. The demerits are: the

process of casting two votes at one time is cumbersome for the predominantly illiterate electorate; the pace of polling is comparatively slow; the requirement of polling staff and ballot boxes increases.

In order to resolve this issue, during the 1997 election, the Election Commission invited suggestions from political parties and prominent political leaders. Twenty-eight political parties out of thirty-two supported the idea of holding simultaneous polls. After examining the replies and weighing the pros and cons of the issue the Election Commission decided to hold simultaneous polls in the country. This was a very important decision and, in my view, it proved to be a blessing for the nation as it saved the country from possible chaos and confusion like the one experienced by us in the aftermath of March 1977 general elections. It was not unlikely that a heavy mandate to a party in the National Assembly elections could have led other parties to boycott provincial elections, which would have created problems for the country. We can say that the experiment of one-day poll has proved successful. It saved a lot of time and cost to the national exchequer.

The extension of right of universal suffrage to the people of the Federally Administered Tribal Areas (FATAs) was another unique feature of these elections. Previously, this right was only available to the Maliks, the *Lungi* Allowance holders and Mowajib Elders, who constituted 35,709 voters of the area. In 1997, this right was extended to all adult citizens in FATA, with all conditions of eligibility like other parts of the country. The work related to registration of voters was carried out on emergency basis to enable all adult citizens of that area to participate in elections. As a result, we were able to register more than 1.6 million voters, which included 0.4 million women voters.

The third unique feature of the 1997 elections was that these were held in the month of Ramadan-ul-Mubarik. It was generally considered that Ramadan, the month of fasting, was not the proper time for holding elections in Pakistan. However,

the Election Commission had no hesitation to hold elections on the date set by the President as a constitutional requirement i.e. 3rd February 1997, which was the 25th day of Ramadan-ul-Mubarak. The officers and the staff of the Commission worked round the clock and displayed a great sense of responsibility and dedication to the cause.

Fourth, these elections were held in cold weather which created great problems in snow bound areas. Once again, never before in the electoral history of Pakistan, general elections were held in extreme winter season when some areas are covered with heavy snow. In some areas of NWFP, Balochistan and Punjab, the heavy snowfall in January disrupted the communication system. There were suggestions, from some returning officers, for postponement of elections in their constituencies due to extreme mobility problems. However, the Election Commission decided not to postpone elections on account of the rough weather. In our efforts, we had to drop election staff and material from helicopters at nine polling stations in Balochistan from a height of about 8 feet, since it was not possible to land the helicopters there. After completion of election process, we had to pull up the staff back in the same manner.

To streamline the attitude of political parties the contesting candidates, and also of their supporters, it was essential to formulate an effective and practicable Code of Conduct. To attain this objective, the Election Commission issued a Code of Conduct that was much stricter than that of 1990 and 1993. Its implementation was not left merely to parties and candidates, but was provided constitutional strength under Article 218(3) of the Constitution. Its violation was made punishable under various provisions of the RP Act. The effectiveness of the code was proved by the fact that not a single election related killing took place. However, we do not advocate that there should be a strict Code of Conduct every time. The time will come when we will not need to have such codes and our people will

display a sense of responsibility towards peaceful election campaign.

After an overview of the salient features of 1997 general elections, we will discuss the foreign and national observers' reports. We have noticed that generally the observation of the process or conduct of general elections by foreign and national observers, which has almost become a convention, has an overall positive impact on the process

During 1997 elections, thirteen foreign observer missions/teams visited Pakistan for election observation. These groups represented various regions of the world, having democratic political systems. The important and major ones among these were the Commonwealth Observer Group comprising member countries, SAARC Observer Group, NDI Team, British and Norwegian delegations, etc.

The reports of the observers, so far received by the Election Commission, touched on various aspects of the elections. If their conclusions and recommendations are compared, especially those of the Commonwealth, European Union and Norwegian groups, we find an obvious symmetry giving two indications: First, they have been trained on a similar pattern. Second, their analyses are not hypothetical. They observed, evaluated, analysed and concluded with neutrality and impartially. The important areas focused upon by the foreign observers included the Code of Conduct, electoral rolls, polling agents, polling stations, political parties, women voters, media campaign and the caretaker government's initiatives for free elections.

The Commonwealth observers' group in their report has concluded as follows:

1. "that the general elections were credible and the conditions existed for a free expression of will by the people of Pakistan;"

2. "that the caretaker government should be commended for the decision to extend the universal franchise to those in the Federally Administered Tribal Areas;"
3. "that the Election Commission should be congratulated for their preparations for the elections and for strengthening of Code of Conduct;"
4. "that while there were shortcomings, these were not such as to affect the integrity of the process as a whole or the validity of the outcome;"
5. "that there was no evidence of systematic or widespread abuse of electoral process;"
6. "that the procedures were generally understood and respected;"
7. "that in most part of Pakistan, the parties were able to campaign freely; they generally conducted themselves responsibly and their agents made an important contribution to the electoral process;"
8. "that introduction of arrangements for parties to buy air time on a state broadcasting for the first time was an important step forward;" and
9. "that the security arrangements for the poll and count were good;"

In addition to questions raised by these reports, some suggestions have also been offered to the Election Commission, which are given in the following:

- i. Whether there was any foundation to allegation that names were missing from certain polling stations registers;
- ii. Whether there is a method of producing more robust and available registers for use at polling stations;
- iii. Whether there are means of ensuring that ID cards and registers carry the same names; and
- iv. Whether one register can be prepared for each constituency to include the names of all those registered in that constituency, for use before the general elections and at each polling station on election day itself.

The European Union observers have listed observations identical to those of the Commonwealth observers. They have stated that “the poll was conducted in accordance with the rules in an equitable manner, and that the results reflected the wishes of those who voted.” Like the Commonwealth observers, they have also shown dissatisfaction over quality of electoral rolls and stressed the need to remove deficiencies from the rolls. They have also highlighted the necessity of holding population census and fresh delimitation. The report says, “a new register is required to be printed for the whole of Pakistan before elections are held again.” It further says, “the observer teams had full access to the polling stations and were able to observe every stage of the polling activity...voting was conducted...in a calm atmosphere....Overall voting procedure was orderly; with voting officials making brave efforts to ensure transparent voting procedure in frequently difficult conditions in terms of space and/or facilities available....Better training and advanced planning, however, would have helped avoid occasional confusion and some delays.” The report while commenting on the presence of the armed forces maintains: “the armed forces and police provided security, heavy in some places, both outside and inside polling stations. Despite this, the observers received no complaints that their presence was regarded as intimidating.”

The European Union observers had mentioned their reservations in two major areas: One, they considered the present electoral rolls as insufficient and stressed the need to hold census and freshly prepare the electoral rolls. Second, they considered that better training is required for polling personnel. The Commonwealth observers also raised the first point. We will discuss these reservations later.

The third major contribution, which the Election Commission has received, is from the Norwegian observers, who were basically a part of the broader group of the European Union observers. However, they have separately presented a report of their observations to the Election Commission. The report of this group shows reservations over not holding a population census, which

was last held in 1981. It suggests holding a census, training presiding officers, polling staff and party workers. The report adds, “the large number of polling stations were well organised and polling was conducted according to the guidelines and the elections laws...the counting of votes was conducted in the presence of election officials, polling agents and security personnel. Doubtful votes were shown to polling agents before any decision was taken. Polling agents and the international observers were given a copy of the statements...[And] the collation officers were, as a whole, well-organised and seemed to be well-prepared for the task.”

Furthermore, there was a Japanese observer team, with only two or three members. In its brief report, the Japanese team has termed the elections as free and fair. It says, “we could not witness any serious irregularities in the polling stations we visited....Female booths were very neat and orderly arranged.”

Almost all the foreign observers, who had submitted their observation reports to the Commission, had commented on media campaign. The Commonwealth observers said, “through radio, television, the print media, education posters and brochures, it [Election Commission] mounted an aggressive campaign to educate new voters on how to cast their ballot and especially encouraged women to vote.” The European Union observers expressed their views in the same words. The Norwegian observers stated, “the well-arranged voter education campaign by the Election Commission included television, radio, press advertisement and posters, and was particularly aimed towards common voters. The parts of the campaign, we could observe, seemed well suited for the purpose. The experience for the ‘Election Day’ shows that this type of campaign must continue to lead an even larger number of voters.”

After having discussed the foreign observer reports, it is highly important to discuss the reports of the national observers, which are equally valuable for the Election Commission. Among the national observers, Human Rights Society of Pakistan and Human

Rights Council of Pakistan have presented their reports to the Commission. In their reports, they have termed elections free and fair and have admired the strict Code of Conduct. The Human Rights Society has recommended that:

- i. The national census should be undertaken immediately so that the appropriate delimitation of constituencies can be affected in advance of any election and the seats of the national and provincial assemblies are increased proportionately.
- ii. Seminars and debates should be held by the Election Commission of Pakistan to discuss the reasons for a lower turnout of voters.
- iii. Political parties should hold elections within their ranks so that it has its appropriate effects on the political culture of the country.

The Human Rights Council has also suggested the holding of fresh population census, delimitation of constituencies and sufficient increase in the national and provincial assembly seats.

Over all, the study of all the foreign and local observer reports bring out the following aspects of the elections 1997:

- i. The Code of Conduct with legal cover was a good step by the Election Commission
- ii. Decision to hold one-day poll was timely and in favour of the country
- iii. Media campaign was effective
- iv. Role of the armed forces was positive
- v. The polling staff was cooperative and fully aware of their jobs
- vi. The arrangements at polling stations were fairly good; and
- vii. The political parties behaved responsibly.

The recommendations, contained in these reports, can be summarised as under:

- i. Population census should be held in the country
- ii. Fresh delimitation of constituencies should be done
- iii. Fresh electoral rolls should be prepared

- iv. Paper for use of electoral roll should be of good quality
- v. Number of seats in the national and provincial assemblies should be enhanced, according to the increase in the population
- vi. Political parties should provide more training to their workers and hold elections among their ranks; and
- vii. Efforts should be made to ensure more representation of women.

The above description makes it obvious that major improvement is required in the quality of electoral rolls. We, in the Election Commission, are also of the same view. We believe that there should be authentic and computerised electoral rolls carrying ID Card number of a voter along with his name in the rolls. Fresh delimitation is also necessary. The holding of census is not a function of the Election Commission of Pakistan, however, census should be held. Keeping in view the unique characteristics of 1997 general elections, as described in the earlier part of this paper, and comments of the foreign and national observers, we can conclude that the Election Commission has achieved its objective of holding free, fair and impartial elections. The Commission is a team of upright and dedicated individuals who work with utmost fairness. They have no interest as to who wins or loses the election. The Election Commission fulfils its constitutional responsibilities and will continue doing so.

### **Discussion**

At the end of every session, an open discussion was organised in order to give the audience an opportunity to ask questions or give comments. At the end of the first session, most of the people gave comments or asked questions regarding the Election Commission (EC). Many suggested reforms to improve the performance of EC. The main points of the discussion are given in the following.

Mr. Wasim Sajjad, Chairman, Senate of Pakistan, in his keynote address, spoke about the difficulties pertaining to the electoral machinery and the electoral process in Pakistan. He said that in most countries where democracy and democratic culture is

developed on strong foundations, the conditions in which elections are held are permanently established. Before elections no substantial changes are undertaken by the government to create doubts about the process itself. In Pakistan, however, the governments tend to interfere with certain aspects of the election process for gaining political advantage. He referred to the introduction of ID card system in polling as a good step to ensure a transparent electoral process, but subsequent governments made efforts to change this system and cases were filed in the High Courts and Supreme Court to eliminate this system. He suggested that the measures ensuring electoral transparency should be made part of the constitution. He also referred to creation of new tehsils, districts and other administrative changes by the governments during their tenure, or immediately before the election. This was considered a bad signal against the integrity of the electoral process. He again suggested using constitutional powers to check such initiatives.

Mr. Wasim Sajjad emphasised strengthening the Election Commission, and recommended conferring more powers on EC in order to deal directly with the election process, more particularly the preceding phase of elections. In this connection, the EC and the Chief Election Commissioner ought to be given powers to curtail any transfer of officials concerned with the election machinery or any other changes that can create a perception of interference with the election process. He strongly recommended increasing the term of the office of the Chief Election Commissioner, which at the moment is three years. Discussing the Election Commission, he explained that a large number of officials are involved in the election process. Pakistan has a population of about one hundred and thirty million. Each National Assembly constituency has 150 to 200 polling stations. Therefore, in a country of about 200 and more constituencies, each polling station has to be staffed by at least one presiding officer, one assistant presiding officer and some other staff. There are hundreds of thousands of people who are involved in the actual election process. They are not the permanent staff of the Election Commission. This staff is brought from the magistracy, the

education department or the health department and is not under the administrative control of the Chief Election Commissioner. He said that the problem faced by the Election Commission is that it cannot employ them on a permanent basis since elections are not supposed to be a frequent activity. This staff cannot be kept on the pay roll because it would heavily add to the national exchequer and it would be unsustainable for the economy. To resolve this problem, he suggested keeping the nucleus staff, the staff that actually mans the polling stations, as permanent staff of the Election Commission. He was of the opinion that without solving this issue, the efficiency of the Commission and the quality of the electoral process cannot be enhanced.

Since the session was about the conduct of elections, many participants put forward a number of questions to the representatives of the EC. One of the participants complained against the EC for not providing polling-booth wise data. This inhibited the observers who wanted to examine irregularities taking place in women's booths. Moreover, they also came to know that such data was destroyed by the EC. Destruction of such data was considered highly deplorable since it exhibited a tremendous lack of transparency by the same authorities responsible for ensuring transparency. Furthermore, he objected over various opposing statements about the turnout, given by personalities concerned with elections.

In response to this, Mr. Hasan Muhammad, Joint Secretary, EC, admitted that there is deficiency in election laws as well as in electoral forms. The columns provided in the forms are only to record the result of whole of the polling station. It does not carry columns for tabulating the results of every booth separately. He agreed that these forms should be changed to record separate statistics for women voters, in terms of votes polled by them, since that is never available with the EC. In his capacity of a representative of EC, he assured that he would try to persuade the policy makers to remove such deficiencies.

Responding to the question about turnout of voters, he explained that if sometimes during the polling some of the booths or polling stations are deserted, people think that the turn out is low. However, that does not depict the correct picture and the actual situation becomes clear only after the counting is done. He added that in the general election 1997, the turnout of voters was about thirty-five percent.

During the discussion, it was noted that like all the previous elections, the same problems, specifically of the electoral lists and the training of the polling staff, were encountered. One of the participants was of the opinion that logistical standards were poorer than the previous elections. He referred to the fact that certain buildings are regularly used during every election, whether of national or provincial level. However, this time a number of buildings were used for the first time, and most of these were not visited by the polling staff to make all the necessary arrangements. The staff arrived in the morning and discovered a pond instead of a building. Due to that they had to move to some other place and borrow stationery, furniture and other equipment needed to manage the polling exercise. These kinds of logistics problems badly affected the turnout. Although, the polling time was announced much earlier than in previous elections, but even at 8 O'clock the staff could not manage the process of polling properly. Such problems occurred, as the EC did not pay attention in overcoming the problems highlighted by the observers in the previous elections.

Responding to a question about the registration of votes, Mr. Hasan Muhammad informed the audience that the EC started preparing fresh electoral rolls in 1995. The work was at its final stage when one of the political parties went to the Supreme Court and obtained a stay order. In that order the Supreme Court suspended the final publication of the electoral rolls. Therefore, these electoral rolls cannot attain a legal status and come into force unless the stay order was vacated. In the meantime, the assemblies were dissolved and elections were announced. Since

the new electoral rolls could not be used, therefore the old electoral rolls, which were prepared in 1986-87, were used.

In Pakistan, the foreign observer reports tend to focus on elections to the Muslim general seats. One of the journalists pointed out that during the previous elections the minorities' elections portrayed a classic case of turmoil. He asserted that there was documentary evidence indicating that even the notifications by returning officers were either changed or were carrying different names. Moreover, there were grave violations of Code of Conduct, which in a real democratic structure could prove disastrous for contestants involved in such violations. He pointed out that despite the fact that election laws did not permit the provision of transportation for voters, there were advertisements in the newspapers, even on the day of elections, by one of the contestants, that transportation facility is available for those who wish to vote for his party. The Election Commission or certain monitoring groups failed to take notice of such violations. Furthermore, he noted that although the literacy rate is very low among the minorities as compared to the rest of the country, yet he noticed while reporting that not even a single vote on the minority seats was cancelled throughout Pakistan. The point was stressed that the foreign observer reports fail to take into account all these aspects related to minorities' elections. They just wanted to see whether elections were peaceful, polling booths were silent and people were casting their votes. In fact, the problem with Pakistani elections lies at the tabulation stage.

Mr. Fakhr Imam, member of the Parliament, commenting on the effectiveness of the Election Commission, said that although the EC has constitutional back up and support, yet it has a very small nucleus of people. We need EC activism as happened in India, where a former Chief Election Commissioner actually suspended officers who were temporarily working for the EC. Once the election was announced, the functionaries of state were directly under the administrative control of the Election Commission. By suspending people, his impartiality, as the Chief Election Commissioner of India, was strengthened. He went a little

overboard in conducting elections. Especially, in the state elections where the then government of Narasimha Rao lost seven out of eleven states. In Pakistan, we have had five elections in eleven years, four under party system and one under the non-party system. Here, the failure of electoral system is not of the constitutional or institutional level, but has become a way in which we deal with our politics. The governments of the day and the oppositions of the day keep on changing their stance. He suggested that both government and opposition should bring consistency in their behaviour.

Senator Aitzaz Ahsan talked about some of the areas not included in the observers' reports. He said that election was a continuing process. It does not begin on the day of polling but in fact starts from the day an assembly is dissolved. He considered it an unfair aspect of our election process that we have not been able to devise a method, which can ensure an impartial caretaker government. Unfortunately, we have had intensely partisan caretakers in the past. He said that the television broadcasts and the prosecutions initiated during the caretaker period indicate that elections are being held against one party. When the government, having enormous authority, is intent upon persecuting a party, it can tamper with the administration all over the country within seconds. The government has enormous means of propaganda at its control. In order to achieve desirable results, it can dismiss or transfer officials, arrest people and start development programmes in constituencies of its own choice.

Furthermore, Mr. Aitzaz Ahsan opined that elections of 1988 and 1993 were relatively fair since these were held under such presidents or caretaker governments, which were not directly responsible for the dissolution of the Assembly. On the contrary, both in 1990 and 1997, the President who had dissolved the Assembly was holding the election. Both times the caretaker government formed by the President was intensely partial. Everybody in the opposition in the previous government was persecuted. References were filed and propaganda was conducted on the electronic media. Only perhaps on the polling day it was silent and that is what the observers saw. Therefore, they declared it a good election. However, he stressed that

the ultimate focus of the monitoring groups should be the period of the caretaker government. Mr. Aitzaz also noted that after having removed Article 58(2-B), the president would not be able to dissolve the Assembly. The prime minister may do that at his discretion. The president may appoint a caretaker administration at his discretion. If the Assembly is dissolved, and the president appoints caretaker government at his discretion, it may be again intensely partisan. He pointed out that this is not reported in any of the observer reports. He emphasised that the caretaker regimes must be monitored and evaluated by the observer missions before declaring an election free and fair.

The Chair, Mr. Iftikhar Gillani made a few observations at the end of the session. Since he has been contesting elections for more than two decades and has also been conducting cases as a lawyer for elections, he narrated a few anecdotes from his experience. He strongly supported the recommendation of the new electoral list. He considered it a serious problem to deal with the present electoral lists and pieces of papers that are handed over to each presiding officer. The present electoral lists create a lot of confusion. People had to keep running from one polling station to another to find their name. Many could not poll their votes due to that. He also supported the recommendation that electoral lists should be fully bound in volumes of each National Assembly constituency. Each polling station should have a complete and bound electoral list of the constituency. The cost of having a bound electoral list of every constituency is insignificant as compared to the problem, which the public has to face on the polling day.

There is no foolproof method of ascertaining the number of votes polled in each polling station and the number of votes that come out of the ballot boxes. Considering this problem, Mr. Iftikhar Gillani said that the EC must devise a method to verify that the total number of votes polled at a polling station and the total number of votes coming out of ballot boxes are the same. Rigging can be avoided and the charges that “angels” poll votes in certain elections can be removed altogether by ensuring transparency at every polling station.

Moreover, Mr. Iftikhar Gillani mentioned that the military had a negative impact on the elections. He said that there was no need for military or paramilitary forces to be present during the elections. Reports also show that they were interfering in the process and were present inside the polling booths. He suggested that the election agents better replace the military, as the agents represent all the contestants. Violence related to the electoral process should be controlled by non-military law and order agencies. Mr. Gillani also said manipulations can be exercised during elections are managed through women voters. One reason for that was that women are usually clad in *burqa* or *chaadar*, therefore, their identities are not recognised easily. This helps women cast fake ballots. He said that women are more than fifty percent of our population and have started participating in elections. It is absolutely necessary that their participation is not only ensured but is also maintained properly, in order to build a better democratic structure. In conclusion, he appreciated the foreign observers' teams for taking a keen interest and making true observations.

**Second Session**  
Analysing Foreign Observers' Reports



## **Understanding Election Observation by Foreigners: Commonwealth Observer Group Missions on the 1993 and 1997 Elections in Pakistan**

Dr. Bruce Stone

The purpose of this short paper is to explore the meaning and significance of the growing phenomenon of election observation by groups of foreigners. Typically these groups know little about the country they are observing before they come, their stay in the country is relatively short, and their attention is focused narrowly on the campaign and the running of the election. What is the point of such foreign observer missions? Who, if any, derives values from them? What sort of value they can have? The answers to these questions are by no means obvious or easily determined. My approach is to develop a menu of possibilities, which I will flesh out through an examination of the 1993 and 1997 Commonwealth Observer Group mission to Pakistan. These were two of twenty such exercise held throughout the Commonwealth, since the Commonwealth heads of government meeting in Kuala Lumpur in October, 1989. There it was decided to establish an election observer facility with the stated purpose of strengthening democratic processes and institutions in member countries.

In general, these missions comprise roughly fourteen or fifteen members with a support staff of about eleven persons provided by the Commonwealth secretariat. They spend about ten to fifteen days in the host country. They meet and have consultations at the federal level before dispersing to the different provinces or states, where they talk to regional parties and monitor the layout of the elections widely. They visit more than two hundred polling

stations in about forty constituencies. Subsequently, they concentrate together to observe a smaller number of counts of votes. The 1997 mission in Pakistan looked at about fourteen counts.

The 1993 and the 1997 missions were led by the Australians. The reports, especially the 1997 report, provide a succinct yet comprehensive introduction to Pakistani political institutions and also to recent issues concerning the operation of these institutions. Foreign observer reports fulfil a broad educational function. This was not one of the assigned purposes. The first and principle purpose, outlined in the terms of reference of these Commonwealth reports, was to form a judgement as to whether, “the conditions exist for a free expression of will by the electors and if the result of the election reflects the wishes of the people.” In other words the primary task of these observer missions is to conduct an independent audit of Pakistani electoral processes against liberal democratic criteria. The second, optional purpose was to suggest, to the parties concerned, actions of institutional, procedural and other matters to assist the holding of democratic elections. Thirdly, and for the first time in the history of Commonwealth observer missions, the 1997 group was given the additional purpose of proposing action to assist, “the effective functioning of the elected government.” This extra purpose made a major difference to the content of the 1997 report. This purpose was apparently assigned at the request of the Chairman of the mission, Mr. Malcolm Fraser, who felt that the standard terms of reference did not permit analysis of institutional factors which, while not part of the electoral process, seriously impaired its operation.

Such formal purposes of observer missions tell us about the meaning of the exercise for the observers. But what is the meaning for the host country? Meaning, in this context, will be closely connected to the value derived by the host country. It may be, of course, that no positive value is perceived or forthcoming. There are two possibilities here.

One possibility here is that the observation exercise might be perceived, in a negative light, as disrespectful to the host country's sovereignty and dignity as an equal member of the international community. It might, as a consequence, be resented or barely tolerated. It is possible that some feelings of this kind have been engendered by the Commonwealth missions. But care is taken to ensure that they are not. The Commonwealth groups come at the request of the host nation. Moreover, acceptance of the request by the Commonwealth Secretariat is subject to confirmation that Commonwealth involvement has broad support within the nation. This is established by an 'Assessment Mission', which meets with a range of officials, political parties and interested groups. The observer missions are not confined to third world member states, further reducing any stigma that might be associated with the phenomenon of observer missions. Therefore, it is unlikely that negative perceptions of foreign observer groups are widespread.

Alternatively, the observer missions might be perceived as a neutral phenomenon, which offers little to the host country but is tolerated because of possible external costs, in terms of the country's international reputation, of prohibiting such a visit. On this view, acceptance of the mission is simply a prudent, minor step in damage avoidance. Such attitudes seem to be represented to some degree among Pakistani political elite, about the brevity of the visits by observers and their excessively narrow focus on polling procedures at the expense of scrutiny of the rules governing the campaign.

However, there are ways in which observer missions can benefit the host country. (There is a need, of course, to differentiate between the various contending interests, or potential beneficiaries, in the domestic political system. This matter is discussed further below.) The source of such value lies in the attributes of the observer group. It is independent: while it relies on actors within the system for information, it organises its own programme of activities and is free to draw and publish its own conclusions. It will typically be accepted as impartial because it draws on outsiders who can be presumed to hold no brief for

particular participants in the electoral process. It has status because it comprises individuals who are important in their home countries and sometimes are also well known internationally, and who, in the case of Commonwealth missions, are representing a respected international organisation. Finally, the observer group embodies knowledge of other political systems, often including first hand understanding of liberal democratic electoral processes. This makes observers credible authorities on liberal democratic institutional practice.

One way in which an observer mission creates value for the host country is that it assists in legitimising the regime within the international community of states. Such exogenously created value accrues primarily to the regime and its supporters, but more diffuse value may be derived from the signal sent about the country's concern for its international standing and interest in conforming to internationally respected democratic norms. Of course, the amount of value generated will depend on how positive the report is about the host country's procedures and institutions but some benefit will be gained simply from a demonstrated willingness to open up those procedures and institutions to external scrutiny.

As well as value that derives from the international standing or international perceptions of the host country, a range of endogenous benefits can be conferred by observer missions. Endogenous benefits are of two main types: those flowing from the presence of the observer group and its actions whilst in the country and those arising from its report. Each of these types may be broken down into two sub-types. The possibilities will now be outlined in turn and illustrated with evidence from the two most recent Commonwealth observer missions to Pakistan.

The presence of observers and the potential for adverse reports helps to reinforce probity among participants and support, in terms of resources and cooperation, for those running the election. In the circumstances of the last two Pakistani elections, the obvious beneficiaries were the Election Commission and the caretaker government, the actors with the most direct interest in

an efficient, clean electoral process. The major parties may also benefit because the presence of observers contributes to solving the prisoners' dilemma in which each party finds itself: that is, each party should be more willing to behave honestly if it could ensure that its opponent would do likewise. Since incentives to dishonesty are often the product of inability to predict or to control opponents' behaviour, the presence of observers will weaken such incentives by making it somewhat more likely that abuses will be detected and much more likely that they will be publicised.

Observer groups can also benefit political participants directly. In particular, they can be a means for minor parties, especially aggrieved ones, to publicise their concerns and bring pressure to bear on the authorities to take remedial action. The best example in the two Pakistani general elections was the enlistment of the 1993 observer group's assistance by the Muttahida Qaumi Movement (A), a party based in the urban centres of Sindh province. The MQM (A) alleged harassment, detention, torture and murder of its members and threatened to boycott the 1993 election. The threat was ultimately carried out, but not before the Commonwealth observer group had participated actively in efforts to have the party's grievances redressed and to persuade the party, for its part, to reverse its decision to go through with the boycott (see Commonwealth Secretariat, 1993:12-14)

The culmination of the activities of observer groups and their principal *raison d'être* is of course the presentation of a report. In addition to its worth in bolstering the status of the country internationally and helping to legitimise the regime, the report may be of value in indicating weaknesses in electoral procedures and suggesting changes, or in identifying and publicising instances of mal-administration, making investigation and rectification more likely.

In playing this role, the observer group is to some extent operating as the mouthpiece of actors within the system. But there is also the possibility of autonomous observation. Outsider eyes are

sometimes more likely to see procedural deficiencies because for insiders these will tend to be simply part of the furniture of the political process. One example of this, discussed in both reports, was the issuing of slips of papers or 'chits', to voters, by parties, at venues outside the polling station, containing the voter's name and registration number. Both reports commented that, although the 'chits' expedited the work of polling officials, they normally bore the name of the issuing party's candidate and other information regarding the party. This "resulted in party material being visibly present in the polling booth..." (Commonwealth Secretariat, 1997: 28) and "perhaps violated the principle of secrecy as the chit... was discarded at the desk of the polling assistant and could readily reveal where a voter's support might lie" (Commonwealth Secretariat, 1993: 21). On the other hand, it needs to be acknowledged that foreign observers sometimes fail to highlight issues, which they may mistakenly perceive as arrangements with a broadly accepted and acceptable cultural justification.

Observer groups may, through their reports, also occasionally promote large-scale institutional reforms or redesign. The likelihood of their doing so will depend on the breadth of their mandate or their perceptions of the linkages between various aspects of the institutional setting and the electoral process, which is of course their major focus. The 1997 observer group brought heavily into this role both because of its unusually broad mandate and because it saw a strong link between certain constitutional arrangements and the effectiveness of the electoral process.

It has been argued so far that election observer groups are capable of generating a variety of forms of values. Given the analysis of the previous section, it is clear that observer missions may differ significantly in the contribution they make to the host country. In some cases differences reflect missions' differing conceptions of their roles. A comparison of the 1993 and 1997 Commonwealth observer missions illustrates this point. The two missions were structurally similar: they comprised roughly the same number of members (15 in 993 and 14 in 1997) and support staff (11 and 9)

and spent almost the same number of days (11 and 10) in Pakistan. A current or former Australian politician led both. The *modus operandi* of each was also quite similar. As noted earlier, their terms of reference did differ in one very important respect. But just as important to the very different character of the reports produced was the determination of the head of the 1997 mission (Malcolm Fraser, former Prime Minister of Australia). He made full use of the terms of reference to explore, and make recommendations regarding, the connection between Pakistan's constitutional arrangements and deficiencies in its electoral process.

The value of the 1993 mission lay primarily in the first area that it contributed to legitimising the Pakistani political system in the eyes of the world. The report produced was very much a classical audit, focused on the question: have the conditions for free and fair elections been satisfied? The finding of the observer group was that those conditions had been satisfied, with only minor qualifications. In particular:

- i. Arrangements for nomination of candidates were in general suitably liberal, with adequate means of appealing against decisions of Returning Officers accepting or rejecting nominations;
- ii. The Election Commission performed well the task of training electoral officials and handling complaints, though it placed little emphasis on voter education;
- iii. A number of "confidence building measures", appropriate in the circumstances of the elections were implemented. These included a major army presence at polling stations in and army assistance to the Election Commission in the completion of electoral results; appointment of members of the judiciary as District Returning Officers and Returning Officers; the action of the caretaker government in transferring thousands of bureaucrats at the provincial and district level (to remove the suggestion of local political influence) and dissolution of local government bodies and freezing of their funds to prevent abuses such as had occurred in the past;

- iv. The parties and candidates were generally free to campaign (with a possible exception of the MQM (A) (noted above) and had adequate access to the media.
- v. The media took seriously its role of providing information and scrutinising issues and personalities; it behaved fairly in its treatment of the major players;
- vi. The arrangements, facilities and procedures for the poll were satisfactory and those for the count were “entirely acceptable”, with minor deficiencies such as separate counting of women’s votes in some instances, which was seen as a potential threat to a vulnerable group, and the use of ‘chits’ referred to above.

The 1997 mission also performed this role of auditor of electoral procedures and reached similar, positive conclusions. However, due to its terms of reference and the approach of its members, it was less constrained by the auditor model of its role and took on in addition aspects of a public inquiry. This meant that it placed more emphasis on the giving of advice including suggestions for improvements in electoral procedures and suggestions for systemic reform, or what might be termed constitutional guidance.

The mission’s observations and suggestions regarding the electoral process covered a considerable variety of matters. These range from such minor issues as the material utilised, (for example, the quality of the paper used for electoral rolls, the quality of the ink used to dye voter’s thumb); to matters of organisation within the polling station (such as physical mix ups between voters putting completed ballots in boxes and incoming voters being processed; and inadequate differentiation of polling officials and party agents due partly to the layout of polling stations but also to a lack of identification badges); to systems of voter identification and checking (including the quality of the identification cards; allegations that the registers were incomplete; the need to ensure that ID cards and electoral registers carry the same names; the lack of a consolidated electoral roll at either the national or the constituency levels, making it almost impossible to cross-check for multiple registrations – a deficiency described in

the Report as a “fundamental weakness”; to concerns about major size variations between constituencies (the largest containing about five times voting population of the smallest) and the need for a census so that a redistribution (required every ten years but last held in 1981) could be undertaken.

The mission’s efforts at constitutional guidance were based on its recognition that the Pakistani electoral process can not be viewed in isolation, as it is heavily conditioned by the operation of the other basic institutions and the political culture that those institutions shape. Ideally, the report implied an election should focus on a choice of policies and representatives against the background of stable rules regarding the operation of institutions. But this has not been true of Pakistan, the report argued that basic issues concerning the various institutions of government had obtruded excessively into the electoral process: “It appeared to us that the political issues in Pakistan are above all government and governance itself”(1997:20). It noted that, at the heart of the four or five major issues of the election campaign was the role of the president and the caretaker government. The president's power to dismiss government and dissolve the National Assembly at will was identified as the major constitutional flaw with serious adverse consequences in three areas: the electoral process, representative institutions and the political culture. It affected the electoral process because it meant that the election tended to become in part a referendum on the president’s actions in sacking the government, displacing significant policy issues. It was harmful to representative institutions, because the ability of the government to legislate by ordinance following the dissolution of parliament and the willingness of caretaker governments to make major policy decisions (despite attempts by the courts to suggest broad limits) weakened the standing of parliament. It contributed to a malformed political culture because the existence of the presidential power encouraged an opposition's strategy of attempting to persuade the president to intervene to dismiss the government, rather than working through the parliament to publicise the failures of the government and to articulate alternative policies in order to build an electoral majority on this

base. This, in turn, promoted the attitude that solutions are to be sought from outside the democratic process, weakened the standing of politicians and political institutions in the society and destroyed any instinct for cooperation among politicians. Concern was expressed that, for Pakistanis, “accountability” had come to be associated first and foremost, if not exclusively, with judicial and special executive bodies (such as the Accountability Commission established by ordinance in mid November 1996 to combat corruption) rather than primarily with the parliamentary process as envisaged by the Westminster model on which Pakistan’s constitution is based. Presidential intervention under article 58(2)b because it is justifiable, has also tended to politicise the role of the courts and, as a consequence, threatened their independence.

The report’s constitutional prescriptions, “suggestions”, were largely, but not solely, directed at the inter-related set of problems. It argued for the powers of the president under section 58(2)b to be curtailed, perhaps by limiting the power of dissolution to the situations where there is a deadlock in the parliament and where the Prime Minister refuses to recommend an election. It also suggested that specific legal limits should be considered for the scope of activities of a caretaker government. While agreeing with many of the initiatives of the caretaker government, the observers felt that it had exceeded its proper role of conducting day-to-day administration under existing policies and conducting the election. It further suggested that the power to legislate by ordinance should be confined to the requirements of implementing legislation already passed by parliament. It also suggested that the caretaker government’s ordinance preventing members of parliaments from swapping party allegiances (“horse-trading”) should be retained, but perhaps modified to allow a change of allegiance subject to a by-election within six weeks.

Certain other matters were also addressed. The report suggested that under-representation of women in the voter’s registers should be contracted by affirmative action – revival of the law creating twenty special seats in the National Assembly to bolster female

representation in parliament and encourage female participation generally. It also suggested means of avoiding partisanship in the appointment of judges while advocating a move back from current arrangements, which had effectively placed judicial appointments in the hands of the judiciary.

The report argued that the recommended changes would return the “main game” of Pakistani politics to the representative institutions and allow elections to fulfil their true function in a democracy. The fact that development along these lines, particularly with regards to the president’s powers, have been occurring since the election of February 1997 demonstrates the relevance of the report’s analysis and prescriptions. This is not to suggest that the observer mission, through its report was responsible for producing such change. The report is quite open about the fact that it expresses the ideas of local actors, albeit selected and perhaps modified, rather than the original thoughts of wise foreign observers. But this is, as it should be the role of foreign observers, necessarily circumscribed and heavily symbolic and any contribution they may make to political development in the host country is rightly marginal and derivative.

## **Foreign Observers' Reports: A Language of Silence**

Dr. Samina Yasmeen

Observers' reports on elections, whether they are from foreign observers or domestic observers, have one significant utility, that is legitimising the government that has been elected, domestically and internationally. I noticed, in the reports that I read, that there was an issue of legitimacy in every sphere. The question arises that when the observers come to different election situations and give a report, what kind of legitimacy are we looking at? There could be two answers for that as there could be two kinds of legitimacy, derived from any local or foreign observer mission. The first kind of legitimacy relates to the procedural aspect. The other one relates to the substantive aspect of legitimacy.

I will explain this through an analogy. With due respect to those who say their prayers regularly, I would like to ask about the real purpose of such exercise. Whether saying one's prayers by reciting right verses and making correct gestures is the only criterion of being a good Muslim? Or is it the substance, the essence behind saying a prayer that is needed to become a good Muslim? The purpose of this analogy is to effectively probe into the question that what do we really look at by discussing the foreign observers' reports? When the observers come and monitor elections, do they purely focus on administrative and procedural aspects or do they also focus on the broader context in which elections have taken place? If we are looking at elections as a phenomenon where people can express their will, observers' reports need to focus on both these aspects. When people, whether they are in poor countries or rich countries, whether they are forced to vote or they have an option, participate in elections, they

are actually giving an expression to one part of their personality as individuals.

The two reports, which are the main focus of my discussion, are from the Norwegian group and from the European Union group. The Norwegian team consisted of five members, who were basically academics. The European Union team was a larger one. Both these reports have put a lot of emphasis on the procedural aspect as to what elections are supposed to be. There were some very good suggestions from the foreign observers. More specifically, by having a different kind of training and due to their different cultural background, the foreign observers have raised issues, which are accepted by us as normal conditions. Both the reports, especially the Norwegian report, which is prepared by academics who had not looked at too many procedures but only at the space, have pointed out that in every polling station the representatives of different political parties were present and were giving 'chits' to people to go inside. We accept this as part of the normal polling activity. However, it was considered a special problem because, in their own countries, they have an atmosphere of elections run by the polling stations themselves. The reports have also pointed out the spacing of the polling booths in the station itself. The reports said that although the women and men were sitting in different stations, the way the polling booths were placed, other people could see anyone who was voting. The real idea of election is to be able to cast your vote in secrecy. This was considered against the whole spirit of elections. All these issues, raised by the foreign observers, suggest ways to improve the procedural aspect of elections in Pakistan.

The second big aspect was the question of electoral registers or electoral rolls. The fact that a lot of people who wanted to vote but could not vote and therefore were denied to express their feelings, was also raised by the reports. This is something that the government must consider very seriously. It relates directly to the issue of census and has been mentioned both in the Commonwealth report, the European Union report and also in the Norwegian report.

There is a 'language of assessment' common to all these reports. Nonetheless, there is also a perceptible 'language of silence' in these reports. The 'language of silence' means that there are certain issues related to the contextual aspects of elections that are not really dealt with. These issues are mentioned lightly and are not discussed in detail. One of such issues was the question of minorities. There are a lot of suggestions and opinions about whether or not religious minorities should have a separate electorate. However, in all these reports, local and foreign, the question of separate electorates has not been discussed. The issues related to the way results of minority's elections were reported. But, the question that whether it is fair for any democratic country, be it Pakistan or any other, to isolate or segregate people on their religious persuasions as citizens was not voiced. The real basis of using the electoral lists for dividing people as Muslim voters and non-Muslim voters was missing. It is argued that the minorities are only 1.5 million that is about 3.3 percent, of the total population. Nevertheless, excluding any human being from state operations is contrary to democratic principle. The observers should have addressed this very seriously.

There were references made in the reports about the role of women voters, their behaviour and outfits. It was reported that women came for voting, and also that they covered their faces for not to be identified. However, the textual aspect of democracy in which women came about to vote, or did not have a right to vote was not raised. What is extremely important is that when we talk about democratic Pakistani elections, we should ensure that we refer to the basic point. It is not a question of simply observing whether women go to polling stations or not. One should observe that whether they have the right to vote properly and independently or not. It is a question of raising the awareness and creating possibilities for women to express their opinion freely. It is not simply a question of their not being able to vote. Do they have the right to be even nominated on party tickets to contest elections? Do women have economic wherewithal to participate in elections considering the extreme cost of holding or even

contesting elections? Can a woman, on her own, without a support from her husband or a feudal background afford Rs. 1 crore or Rs. 2 crores to contest elections? These are the issues on which the reports that have been focused in this presentation are very silent. It is not suggested here that nobody raised such issues. In fact, the SAARC mission of the 1993 elections in its detailed report had discussed these issues.

Having looked at all the local and foreign reports, one can conclude that a range of extremely significant issues has not been addressed. Since most of the reports focus on procedural aspects, there are fewer points that are made by keeping in view the cultural context and therefore are not focused on the textual aspects of elections. In concluding, one needs to deal with the real question of whether we need foreign observers in the elections? Or in a wider context, does any developing or developed country need foreign observers in their elections? As a political scientist, my answer would be in affirmative. They may not be able to provide us with total answers. However, relying only on the local observers will also not provide us with total answers. If we try to make the process of elections more transparent, more accountable and more accessible to people, a major contribution can be made by the employment of a combination of local and foreign observers. The observers, however, should be able to focus on the procedural as well as on the textual aspects of elections.

### **Discussion**

Mr. Abdur Rahim Mandokhel, former Senator and Senior Deputy Chairman of Pakhtunkhwa Milli Awami Party chaired the second session. He opened the floor for discussion.

Dr Inayatullah commented on the trends in the foreign observers' reports. He identified, from 1988 to 1997, five trends in the foreign observers' reports. First, the number of observers' missions has definitely increased since 1988. Second, the comprehensiveness of the reports has become uneven. He further emphasised his point by giving an illustration that four groups that came in 1990 elections did not issue any report. Particularly, the Canadian mission, which gave a statement regarding the

controversial 1990 elections that these were completely free and fair, had the responsibility to prove its judgement through a comprehensive report. The third trend was that the seriousness had been increasing and consequently the quality of reports was definitely improving. The NDI team made a very good report in 1990 elections but the French team, which came at 10 o'clock in the morning on the polling day and left at 4:00 PM, very quickly gave a judgement that the elections were rigged. However, this type of thing did not happen after 1990 elections. The fourth dominant trend was to make recommendations. However, like a good doctor, unless he comprehensively examines the patient, he shouldn't prescribe, the foreign observers should not make recommendations in haste, without fully understanding the political context of the country. Fifth, the foreign observers, by nature of their function and mission, restrict themselves to a neutral role. They do not want to be involved in local controversy. They do not want to say whether the elections were manipulated and what kinds of tactics were used for that purpose. He again gave the example of the NDI report of 1990 elections that despite being a good report in many aspects, it did not touch the basic issue of a highly partisan caretaker government and its tactics to influence the results. Similarly, many other issues were also ignored.

Dr Kaiser Bengali spoke on the language used in the foreign observer reports. He said that the reports appear to be deeply concerned about maintaining their neutrality. Careful reading of these reports reveals that there was a very conscious attempt not to offend anybody, even at the cost of not saying what needs to be said. He referred to the NDI report of 1990 that on one page, in one paragraph, it has listed eight kinds of irregularities, and in the next paragraph it has said that by and large the elections were fair. In his opinion, this kind of language does not contribute much to the credibility of foreign observers. He suggested that it would be very useful if foreign and local observers and researchers could get together and collectively discuss the substantive issues of elections.

For encouraging women representation, Dr Bengali suggested to have a female Deputy Chief Election Commissioner.

On the role of law enforcing agencies, one of the officers of the Election Commission said that these are extremely important to maintain peace during the electoral process. He referred to the observers' reports that they have also commended the role of law enforcing agencies. He noted that in previous elections, in Mardan, Mr. Bilour's son, Shabbir Bilour was killed in a very tragic incident. There were no armed forces present at that constituency. However, there has been no incident of violent conflict at any polling stations where the armed forces were present.

Mr. Iftikhar Gillani talked in detail about the tabulation problem at the polling station. He said that each polling agent, in a separate booth, had a loose paper in front of him and he just tick marks the names of voters. There is no provision of a common tabulation system by the Election Commission. This creates confusion among the polling agents, sitting at different polling booths. In ninety percent cases, the polling agents of different contestants do not agree with each other on the total number of votes polled at a polling station. He inquired that why the Election Commission could not provide a small instrument like a calculator to the polling staff? He suggested that such an instrument should be lying on a common table before the presiding officer, who should simply push a button to add voters one by one. This would save the contestants as well as the Commission from a lot of trouble. He also suggested that if the number in the calculator does not match the actual counting, the election of that polling station must be cancelled.

To illustrate the tabulation problems, Mr. Iftikhar Gillani presented the case of his constituency where a serious problem arose at the time of counting of votes. In election 1997, two ballot papers of green and white colour were issued simultaneously to people. When the ballot boxes were opened, the white ballot papers came out in a number of 98,000 and the green ballot papers

came out in the number of 1,33,000. When he wrote to the EC about this, the staff accepted its mistake. He complained against the strange principles of the Commission that after accepting a mistake in the counting of votes, it decided to deduct that number of votes out of the votes of the winning candidate only. There were four other candidates. The EC assumed that there was no discrepancy in the voting of the other candidates. He said that sharing of such experiences is not meant to doubt the honesty and impartiality of the Commission but to bring the ground problems to its notice. He very strongly suggested having a common and uniform tabulating system at each polling station.

Sharing his practical experiences as an election lawyer, Mr. Iftikhar Gillani stated that in Balochistan, two polling stations were changed to a distance of five to six miles on the morning of elections. Nobody is now taking responsibility of that. The returning officers and the presiding officers pretend to know nothing. Later on it was discovered that since the tehsildar of that area did not like the venue for some personal reasons, therefore, he ordered to go six miles away from there. He said that instead of blaming each other of rigging, we should try to discuss and solve the ground problems.

One of the participants suggested that every individual after the age of 21, must be enrolled in the electoral list and his/her vote number should be written on the national identity card.

The chairman of the session Mr. Abdur Rahim Mandokhel said that the foreign observer reports only cover the electoral activity, procedures and problems related to cities. They are not reflective of the election activity taking place in rural areas. He reiterated that the foreign observer reports are mainly concerned with the two big provinces. He further observed that mainly only two parties have been mentioned in the reports. Tehrik-e-Insaf, the political party established by Imran Khan, has also been mentioned. However, they have not mentioned the national movements of Pakistan, continuing for more than eighty years, which are national, democratic and progressive movements. He

said that the reports talk about the polling stations but only those which belonged to big cities. In Pushto the polling stations are called 'green gardens'. People try to find such 'green gardens', i.e., open places where they could sit and start the election process. The observers have not taken these things into account.

Mr. Abdur Rahim Mandokhel said that the province of Balochistan is about 130,000 sq. miles but the reports have mentioned that all the polling stations were within walking distance. He supported Dr. Sameena's contention that mainly the reports have talked about procedural matters though he agreed that procedure must also be democratic. He said that, in our country, the difficulty is that the election has become a frequent exercise but the Election Commission is not independent. The system can be improved by making the EC independent. The preparation of a polling scheme should be solely a responsibility of the EC. No administrative officers, deputy commissioners or political agents should be permitted to prepare the polling scheme as this leads to manipulation.

Mr. Mandokhel said that the reports have used the word "cynicism of people", which he changed to "cynicism of politicians." It is the politicians, who are cynical to the principles of democracy and elections. They just want to win the elections. Therefore, they do not care about any kind of principles of democracy. He considered the EC generally fair. In his opinion, if rigging takes place, the administration and their secret cells do it. He considered the armed forces intrusive since these were entering the polling booths and disrupting the activity. He believed that the armed forces were not impartial as they were referring only their favourite candidates to the people. Finally, he referred to the Norwegian Report and said that it has mentioned violence on one occasion in the last elections, however, actually, people were witnesses to violence on a much larger scale.



**Third Session**  
Monitoring the Election: Local Perspective



## **Discussion**

This session was largely based on a discussion about the reports of the local observers and their comparison with the foreign observers' reports. The Human Rights Commission of Pakistan (HRCP) was one of the main groups among the Pakistani observers of the 1997 election. Some of the members of the HRCP observer group participated in the conference. They gave their comments on all the issues raised by the conference. Dr Inayatullah, an eminent scholar and a researcher of Pakistani politics was one of them. He spoke about the HRCP's experience and views on the election 1997.

Explaining the background of the HRCP observer group, Dr. Inayatullah said that the HRCP started election monitoring in 1993. The HRCP also monitored the general elections of 1997, and a report was issued immediately after the election. The HRCP selected about fifty constituencies from all over the country, using some criteria randomly. In each constituency, thirty impartial volunteers were deputed in about twenty-five hundred polling stations. The volunteers belonged to different groups of society viz. academics, researchers, journalists, activists and members of different non-government organisations. Our findings were that the procedural part of election was generally fair, though there were a few anomalies or distortions. The overall situation in 1993 as well as in 1997, on the polling day, was fair. However, the HRCP particularly emphasised in the 1997 report that while the polling day election procedures were fair, what happened between 5th November 1996 and 2nd February 1997 was not. Since the caretaker government did not promote equal and fair chances for all political parties to contest the elections, therefore, in that sense, the HRCP report regarded that part of the elections as unfair.

Dr Inayatullah further added that through his research work he had been reviewing the history of the elections of Pakistan. One of the findings of his research is that any election conducted by a partisan government invariably tends to be unfair. On the contrary, any election conducted by a non-partisan caretaker government generally tends to be fair. He divided all the caretaker

governments into three categories: highly partisan, medium level partisan and low level partisan. He argued that highly partisan were four governments: the Muslim League government in 1950; Ayub government in 1965; Bhutto government in 1977 and the caretaker government in the 1990 elections. In the second category of the middle level partisan caretakers, he placed the elections of 1988 and 1997. He said that these were considered middle level because they were less partisan than the first category. In the 1997 elections, a definite level of partisanship was observed. There were only two elections – held in 1970 and 1993 – which were considered least partisan or neutral by him.

One of the participants commented that people are not really free for voting even though the electoral procedures and electoral machinery is present. If there were no constraints, people would vote in a different manner. She referred to feudalism and other socio-economic conditions, which keep people too imprisoned to express their will. She said that since we are largely an illiterate society, most of the people do not understand the objectives of elections. They do not understand the value and the power of their vote. Moreover, the political parties have no research programmes or machinery for mass contact. The parties do not believe in educating the electorate. The question was raised that whether the electoral process, taking place in such circumstances, could have any positive value in our society.

Dr. Kaiser Bengali was of the opinion that the Pakistani society should not be termed uneducated. He said that our society is illiterate in the sense that eighty percent people have not been exposed to formal education. However, that does not mean that we are an uneducated society. People who have never attended schools or those who cannot read and write should not be called uneducated because they possess a remarkable level of political awareness. He disagreed with the idea that the masses are not aware of the power of their vote. He argued that if people are willing to sell their votes, they are making a very conscious decision. People do not have confidence in the state apparatus. They know that the candidates are there only for elections, thus,

they try to take whatever they can from the politicians. There are banners in remote hillside villages saying “provide us gas and take our votes.” He considered that to be a highly conscious and politically aware slogan. He stressed that the people of Pakistan are very conscious and aware. Even the analyses of previous elections show that people have always voted very wisely.

Talking about the role of the parliament, Dr. Kaiser Bengali said that in a democracy the major leverage that a legislature exercises over the executive is by controlling the purse i.e. through the budget. However, our parliament has no control over the purse. Fifty percent of the budget, which is for defence, can not even be discussed by the parliament. For forty percent there is no scope for discussion as we are indebted and it has to be consumed in debt-payment. Therefore, that is again out of the discussion process. Then you have a bureaucracy that has to be maintained, so that again cannot be discussed. Consequently, the legislature has no control over ninety percent of the purse. It probably can control only ten percent of the budget. This makes the legislature less powerful than the executive.

One of the local observers said that during elections an old lady stated in a television opinion poll, “if somebody cures my eyes, I would vote for him.” He said that this kind of attitude does not show political consciousness. In fact, this is lack of consciousness. Due to illiteracy and less education, people do not know what price their vote has. If people were conscious, they would have known that electing legislators is not meant for securing gas or electricity connections. They are electing people who are going to make supreme laws of the land, which would form a national system.

One of the participants criticised the political parties for not providing political education to masses. He affirmed that without having political education people could never determine the quality of the candidates who are going to be elected. He also raised the question as to why India and Pakistan have an extremely different political history while they have the same

colonial background. Our culture, language and many other socio-economic conditions are very close to each other. Nevertheless, in India a woman from a very low caste can be elected to the parliament but in Pakistan this is not possible. He referred to a news article about a woman who was from a family of rat-eaters, and was elected to the Indian parliament. This news sounds even more amazing when we put it in the context of the Indian caste system.

There are some trends in electoral politics, which the local observers regarded as dangerous. Their view was that holding elections on a non-party basis in 1985, was the beginning of the plight of the political system. From then on, elections became a 'game' of those who had money. There had been candidates who had spent more than Rs. 2 crore on their election campaign. People started using all kinds of measures to attract voters. After that, the representatives who were elected did not talk in terms of national policies nor did the people expect them to do so. The candidates for the assemblies started spending huge sums of money on their campaign as an investment, as they always wanted to profit from that investment by hook or by crook. Moreover, even the political parties did not follow any merit system while awarding tickets to the candidates. This has also contributed to the 'money culture' in elections.

One of the local observers stated that election is a process of democratisation of society. In Pakistan, through various elections, people are becoming aware of their rights. Also, they have been rejecting people who have not done much for them. He was of the view that one should keep in mind the positive aspects of elections for Pakistan before drawing a completely dark picture. A Human Rights Commission's observer stated that some newspapers reported that certain political parties made an alliance in some areas to not allow the women to vote. He advised the Election Commission to control this by disqualifying candidates involved in such mutual agreements. It was also suggested that there should be compulsory voting for Pakistani citizens, since that is the only way to get all Pakistani citizens to vote.

Dr Jennifer Bennett of the SDPI asked the government to consider a joint electoral system for the minorities. She emphasised that it was the only way to give minorities equal rights and equal chance of participation in the national politics.

As a representative of the Election Commission, Mr. Hasan Muhammad, Joint Secretary, Election Commission, commented on some of the points raised by the participants. He said that the issues of agreement among the political parties for not bringing the women voters to polling stations in the NWFP and the suggestion for compulsory voting are inter-related. In that context, he informed the participants that in 1994, a paper was sent by the present Chief Election Commissioner to the President of Pakistan to consider the possibility of introducing compulsory voting system in the country. However, he thought that the issue of compulsory voting was a very complex question. In those countries where this system is in vogue, particularly in Australia, there are strong arguments for and against this system. The Election Commission cannot decide about this on its own. Its pros and cons must be thoroughly debated in the Parliament.

Talking about joint electorate for minorities, Mr Hasan Muhammad agreed that it is an injustice to the minorities to hold separate elections for them. He informed the audience that the 1973 constitution provided for joint electoral system. In 1978, late General Zia-ul-Haq made an amendment in the Electoral Act that required preparing separate electoral rolls for Muslims and four categories of non-Muslims. He further added that polls on the basis of separate electorates also create many administrative problems for the Election Commission staff. It is extremely difficult to compile the result by piecing together results from all over the country. He requested the Muslim League government to seriously consider this issue.

Dr. Ijaz Gilani of the Gallup Survey also shared his views as a local observer of elections in Pakistan. He disagreed with some of the participants on the issue of influence of the press on voters.

According to him, as far as the final outcome of election is concerned, the press does not enjoy much influence. Furthermore, even the manipulation by caretaker government has very little impact on the final outcome of the elections. This is due to the resistance of the Pakistani voter to manipulation. He agreed with Senator Aitzaz Ahsan and with Dr. Inayatullah that all four previous elections and all four previous caretaker governments did not observe the law. However, as a professional analyst, he felt that had that had not happened, the results would still have remained the same. Even when the administration achieved a desired result, it could never make any difference to the vote bank of a party. He illustrated this by referring to 1990 elections, when the caretaker government wanted a different result. It achieved it but it made no difference in the number of votes. The People's Party received the same number of votes as it did in 1988. It is only the other side to which the alliance forces were added up. In 1993, once again, there was no change in the popular votes despite the caretakers' attempts. IJI and PPP both retained the vote percentage. This shows that the public opinion did not shift. In 1997, the public opinion shifted and thus PPP lost eighteen percent of the votes. This eighteen percent was not a result of the caretaker government's attempts, it was rather an indication of a real change in public opinion. He concluded that the Pakistani voter has strong resistance to manipulation either by the press or by patronage politics. At the time of elections and during the campaign, the voter retains his position and is not moved by such attempts. He also referred to the study he conducted on that subject during a content analysis of the 1970's press campaign. In 1970, the press was strongly against the PPP. The party received very little publicity in the press. Moreover, the share that it received was extremely negative. Despite all that the PPP won the elections. He suggested that press and the political propagandists should be a little sober about the influence they can have on the elections.

Dr Tariq Rahman, the chair of the session, supported the view that whenever the people of Pakistan were given a chance to vote without manipulation, they have voted in favour of basic needs,

i.e., *roti, kapra, aur makan* (food, clothing and shelter). At the local level, they have always voted for a person who could deliver. He noted that since in our state system things can not be done in an impersonal manner or on merit, therefore, people have started manipulating electoral politics. He also pointed out that the basic problem with our political system was that the elected parliamentarians were unable to keep a balance between sparing ample time for legislation and fulfilling the basic needs of the electorate.

Dr Tariq Rahman argued that election is not merely an exercise for deciding about the winners and losers. Instead, he considered it an exercise to determine the future of the nation. The consensual perspective in retrospect was that there is dire need for democratic culture within the political parties. Most of the participants complained that politics and parties in Pakistan revolve around a few personalities. Dr Rahman also felt that unless there is democracy within the parties, and they start pursuing a national agenda, the political future of the country was seriously threatened.



**Fourth Session**  
Panel Discussion of Journalists and Politicians



**Ms Marianna Baabar, *Journalist***

The foreign observers arrive in a host country at a very late stage of electoral activity. They should make sure that they go to a country for the purpose of observing the election at a stage where they can view the whole process of elections. The caretaker government, which is responsible for holding elections, works for three months but the observers come to Pakistan towards the end of that tenure. They, therefore, cannot observe any pre-poll rigging during the time of the caretaker government. For example, in one incident, the caretaker Information Minister in his television interview openly criticised former Prime Minister Benazir Bhutto. This is against electoral ethics. Also, there were complaints that a caretaker minister interfered in the editorial policies of some newspapers. If the foreign observers arrive early enough, they can take notice of such incidents.

Second, I would like to talk about the elections in Federally Administered Tribal Areas. Women were not allowed to vote in the Tribal Areas. The press reported extensively about the threats that women were receiving for keeping them away from the polling activity. However, despite such a grave situation, the Chief Election Commissioner stated that he did not receive any complaints from the area. The foreign observers should take notice of such issues. `

**Ms. Nasim Zehra, *Journalist***

I believe that in addition to foreign and local observers, the Pakistani press was also one of the most meticulous observers of the election process. The observations undertaken by the press were of two kinds. One was about the technical aspects of the election procedures and the other was about its political aspects. The political aspects revealed the caretaker government's prejudice and raised a number of questions. Some of the questions raised by the press were as follows:

- a. Whether or not the accountability process should be linked to the election process.
- b. Whether the polling camps of political parties should be allowed at the polling booths on the polling day.
- c. Whether there should be polling cells where people can go in and vote without ostensible pressure.
- d. Should political parties be allowed to provide transportation.
- e. Whether the registration of voters was accurate and fair.

These were some of the issues that really made an impact on the whole process. Solace International is one of the organisations that went into some detail, giving a plan of action that could be implemented. There is a lesson to be learnt from the observers who have a specific experience, mainly because in Western countries the mechanics of the polling process ensure a free and fair election. A group of about twenty people, belonging to the Election Commission and some NGOs, was sent to England to observe the election process there. I think that was an important step and hope that there would be a follow-up to that. It is important that the major political parties are at least talking about setting up a democratic structure in this country and I would strongly suggest that the government should come up with a plan of action in this regard. The government has already moved a very significant legislative process. Similarly, with regard to the electoral politics and mechanics, the government should undertake concrete steps and should try to adopt a plan of action devised by consensus.

The mechanism of the Election Commission should be streamlined. For example, registration of voters is one of the key

issues regarding a fair election process. Similarly, the question of local government and registration of voters for the local government elections is also linked to the main issue of electoral procedures. In addition to that, there are many problems related to minorities' elections. There are thirty to thirty-five minority candidates for the national and provincial assemblies. The press has attempted to raise the question of whether there are facilities for minority voters to go and vote at every polling booth, because the minority candidates are supposed to be the candidates for the entire country. I went to about 20 polling booths in NA-35, the Islamabad constituency I do not recall any polling booth for minority voters. Furthermore, there is the serious issue of women voters' registration. If the government follows a rigorous process of ensuring registration, only then women voters will get registered. This can eventually result in a higher women's turnout in the next elections. Finally, I hope this government completes its five-year tenure. However, for the next elections a plan of action should be prepared to ensure transparent polls. In that regard, to follow some of the recommendations made by the observers' reports would be a very good first step.

**Aitzaz Ahsan**  
**Senator (Represented Pakistan People's Party in the Conference)**

The foreign and local observers reports, in my opinion, focus only and mainly on the polling day and a few days before that, as if the entire election could be called fair and impartial only on account of that one day or three or four days preceding that. What actually happens is that the President dissolves the National Assembly and then appoints a caretaker regime to hold elections. In dissolving the National Assembly, the president believes that there is no other recourse under the constitution but to dissolve the Assembly and that the existing government and the party in power are corrupt, inept and are acting against national interests. On account of that they have no right to govern and if they continue to govern there will be a great and enormous crisis. This is the opinion in essence which the president must form before he dissolves any elected government. I am talking of the period prior to the repeal of the 58(2-b). However, in many ways, that may continue with all its effects. The president then holds the general election through a caretaker administration picked by him in his own discretion. How can this election be fair? For three months the caretakers use the full power of the propaganda machinery and the entire funds of the state to defame one party – the party that the president has dislodged regardless of which party it is. If that political party returns, obviously, the president would have no recourse except to resign in humiliation. That is why the president tries to ensure that that particular party does not come back. Therefore, whether the actual polling day was peaceful, whether there were polling agents sitting in every booth, whether there were presiding officers who were counting or not, is least relevant to the fairness of those elections.

I call the 1997 election as intensely partisan. There were unsubstantiated issues and no charge of corruption has so far been brought except one 'container case'. The caretakers built up the whole thing. And the voter was pressurised. There was also a psychological impact on voters as they thought that this party's government has been dismissed, they are not going to be allowed

to come back, so why waste the vote. By the time, the observers come in, there is probably a little resignation on part of many voters who do not even want to poll. They do not go to vote. All the others, who go to vote, are less in number, so there seems to be a peaceful atmosphere at the polling stations. They see people standing in queues, waiting for their turn to vote. They go and meet the President, the caretaker Prime Minister and the caretaker Governors. They meet the opposition also and then they feel that everything is all right. However, I think that the first key issue is that you cannot have fair elections if you do not have an impartial caretaker administration. I can see that next time also there could be a problem. Although 58(2-b) is removed and the National Assembly can now be dissolved only on the advice of the Prime Minister, yet the caretaker administration is to be appointed by the President in his discretion. I think that it would be in the Prime Minister's own interest to support that an amendment should be brought in about the caretaker administration. The caretaker government should be appointed after a consensus between the leader of the house and the leader of the opposition.

The registration of voters is also an important issue. There are always some people who do not want to register for voting. There will continue to be people who are a little antipathetic to the electoral process. It is a phenomenon also present in the most advanced countries, where the polling ratio is thirty percent or even lower at times. Census is very important as well. However, if we have had a census and we have a partial caretaker government, we will still not have a fair and free election. The foreign observers have presented very inadequate reports on the above mentioned issues.

**Jamiluddin Aali*****Senator, Poet, Intellectual and Columnist***

Discussions about the impartiality and fairness of elections must not make us forget our socio-economic conditions, more specifically our literacy rate. How can we expect a 'Westernised type', completely fair, impartial elections in a population where the 'official' literacy rate is about thirty-seven percent. We can not expect an ideal election in these conditions. In fact, no institution can work properly when a nation starts fighting on regional, linguistic and class basis. The foreign observers' reports require a great deal of serious thought as well as dedication for the implementation of corrective measures mentioned in these reports. There seems to be a consensus in the reports by and large that the elections were quite fair – irrespective of the background that Mr Aitzaz Ahsan has particularly stated about the partiality of the caretaker government.

As far as the impartiality of the elections is concerned, I would like to quote my own experience. Twenty years back, Mr. Zulfiqar Ali Bhutto awarded the Pakistan People's Party ticket for the NA-9, Karachi constituency. I contested elections quite zealously and ran a successful campaign. However, despite all the efforts, I lost the elections. To my consolation, I secured the highest votes among the losing candidates. During the polling, I witnessed that some of my female voters were beaten up and therefore ran away from the polling booths. I spoke against such incidents and filed a petition in the High Court. The petition could not be heard due to the arrival of the Martial Law. At that time my inner feelings were that I would not have lost if my voters had not been harassed during the day. Like me, all those who lost elections said that there was some injustice done to them. Here, I also recall that during my college days, I once fought a college union election, which I lost. I accused my opponent of many manipulations which he, in fact, had not done. Therefore, inferring from my own experiences, I would say that people who lose election usually start thinking that the elections were not fair. It is hard to accept defeat, especially if one belongs to a strong party. Unfortunately, the unhealthy attitude that keeps people from accepting their

defeat is prevalent in our country. Since the Lahore elections of 1949, no other elections in this country have really been accepted. I would conclude that somehow it has become a tradition in our country not to accept the results of any elections, even though they are observed and monitored by impartial foreign and local observers.

Many people have commented that the foreign observers come for a short time as well as that they do not come early enough to monitor the pre-poll phase. However, that is how it happens in the whole world. Observers do not come months before. They are not the citizens of the country they are visiting for observing elections. They came according to their own judgement. As the reports state, there was no hindrance to their observations. There were no difficulties created by the caretakers in transportation or their observation methods. The reports also provide valuable suggestions, which we must consider for implementation.

I would submit that we have had a good beginning in this election. Let us accept things and go ahead. Some European thinker has said that all the evils of democracy can be cured by more democracy. Therefore, we should keep on having elections. I would also suggest that we should hold elections every two years until we attain an eighty percent literacy rate. Finally, I would say that if people are given a chance to give their verdict, then we should also accept that verdict.

**Discussion**

Ms Nasim Zehra commented on Mr. Aitzaz Ahsan's remarks regarding late arrival of foreign observers. She said that the role of foreign observers, and to some extent local observers, should be restricted only to the mechanics of the election. Beyond that, larger questions regarding biased process, partial caretaker government, etc. mainly belong to our domestic politics. This is not the task that should be expected from the foreign observers. She accentuated the fact that the observers usually come with a concrete agenda to ensure the fairness of the election process.

Ms Nasim Zehra also commented on the Pakistan Tehrik-i-Insaf's election experience. She said that since it was a new party with no history, no background in terms of experience, therefore, the party faced problems. Specifically, there were problems in the province of Sindh. At some places their polling agents were not allowed to go into the polling stations. In terms of code of ethics, the party witnessed a number of violations. She particularly referred to the instances where Mr Imran Khan's name was abused publicly and he was accused of using Jewish money. She said that these issues must be taken into account. However, she emphasised that the domestic political and civil forces should take up such issues

Dr. Inayatullah said that out of seven major national institutions, the press has contributed most to holding fair elections and digging out election irregularities. Another useful role that the press played was in predicting as to which party will win how many seats. Moreover, press reporters have been involved in investigative reporting against rigging. Dr Inayatullah also suggested to Mr. Mushahid Hussain that since there is a positive correlation between a partial caretaker government and unfairness of the elections, therefore, Pakistan should follow Bangladesh to ensure an impartial caretaker government. Bangladesh has undertaken a constitutional amendment that in future, no election in Bangladesh will be

held under a partial government. There would always be a neutral government for holding elections.

Mr. Abdul Rahim Mandokhel gave his observations about the elections and the process of elections, particularly the role of the political parties and the highest institutions of the country. He said that the political parties only support those caretaker governments that had held elections benefiting the party. If this is the role of our political parties, then how can we expect our electoral system to be democratised? Since political parties influence public thinking, therefore, the masses will also not learn to abide by the principles.

Mr Zafrullah Khan, a journalist, pointed out that the Norwegian observers have recommended to the political parties to hold elections for their different offices in order to give a clear picture of a real democracy in the country. If the political parties are not democratic, the country can not have a democratic system. In India, the Election Commission that registers political parties had issued a warning that if a political party fails to hold elections within its ranks, its registration would be cancelled and it will not be allocated election symbols. He strongly suggested that the Pakistani political parties should also hold elections for their offices. He said that since we have an extremely low literacy rate, therefore television has more impact on public opinion than press. However, along with the positive aspects of 'tele-democracy', the fact that the electronic media is owned by state and is run by the government should also be kept in mind.

Furthermore, he discussed the role of political parties in nourishing a political culture in the country. He said that when a party is in government, it does not do much to strengthen the political base or other positive activities to develop a political culture in the country. The opposition parties take some care about this only to come into power. He stated that quite surprisingly, in Pakistan there is only one political party, i.e. Jamaat-i-Islami, which holds a formal library in its secretariat.

To be on internet is a nice thing, it sounds modern, however, we would have to take into account as to how many people in Pakistan have access to internet. We should arrange for more indigenous political education that has a wider reach. Only then we can talk about a more democratic and tolerant culture, where people can guard the election process and be vigilant against every kind of manipulation.

Mr Jamil-ud-Din Aali disagreed with Dr Inayatullah that the 1970 elections were universally accepted. He said that these were not accepted, particularly in East Pakistan. Furthermore, he also disagreed that the 1993 elections were fair, since a specific political party in urban Sindh was not allowed to field candidates in the cities for the National Assembly elections. It was allowed only when the press took up this issue. However, it was not allowed to contest the provincial elections.

Mr Jamiluddin Aali also recommended translating the proceedings of the conference into Urdu in order to benefit the majority of people of Pakistan who can not understand English.

Syed Mushahid Hussain, Minister for Cultural Affairs, who chaired the session, also represented Pakistan Muslim League in the panel discussion. He said that the basic aspect of politics should be to take steps towards political stability. He mentioned that in many countries the role of journalists and politicians has become very open and overt. That is what it should be. He considered it to be really beneficial for Pakistan that this role has also started developing in our country. He noticed that the last caretaker government had two journalists in the cabinet. The role of the media is now being accepted or perceived to be influential. In his view, this has helped to achieve political stability.

Mr Mushahid Hussain commented on Mr. Mandokhel's remark that whenever a party loses, it claims that the elections were not fair. However, he dissented by referring to 1993 elections when although the PML acquired millions of votes more than previously, it lost the elections and accepted the results. He

pointed out that there are some positive aspects of the political process such as the longest martial law free period in Pakistan's political history. There have not been any constitutional deviations. Despite reservations from political parties, which had lost elections, they sat in the Parliament and have gone through the political process. He considered that to be a very healthy and positive change.

Explaining the role of his own political party, Syed Mushahid Hussain said that the Muslim League is trying to pursue and promote new rules of the game in Pakistani politics – the rules of the game that could preclude any other kind of intervention and provide for a normal, democratic and constitutional transfer of power. He appreciated that in the last two constitutional amendments, the opposition, particularly Mr Aitzaz Ahsan, played a leading role in ensuring the passage to be carried out in a very smooth manner. The government also participated in creating an atmosphere of co-operation by fully accepting opposition's stance on the amendment on defection. He informed that the Ehtesab Bill includes a clause which institutionalises the role of the Leader of the Opposition in the appointment of the Chief Ehtesab Commissioner. For the first time, the Leader of the Opposition has been given such powers. He said that politics has to achieve a certain level of maturity. The role of the opposition as a legitimate factor of the political system has to be accepted and respected. In this context, he claimed that his government is trying to improve the new democratic culture.

Mr Mushahid Hussain reiterated that if this country has to move towards a more stable and civilised political process, the roles of both the opposition and the government has to be improved. Responding to a comment from one of the participants about holding elections inside political parties, he said that this issue needs to be rectified by each political party on its own. It can not be imposed through a dictate from outside. According to his opinion, it was not for the state to decide that if a party does not hold elections then it should not

be registered. The ultimate test is the ballot box that comes during the election process. Regarding the possibility of constitutional amendments that Dr. Inayatullah had referred to, he said that the PML government would soon be developing a constitutional package. Any suggestions from opinion leaders and from the opposition would also form a part of this package. The constitutional package will provide the basis for discussions between the opposition and the government in the Parliament. In concluding the session, he thanked all the participants and the speakers of the session.

## **ANNEX.**

### **Conference on Elections in Retrospect: Analysing the Foreign and Local Observers' Reports on July 10, 1997, at the Holiday Inn Hotel, Islamabad**

#### **Programme**

- 9:00 a.m. Opening Remarks  
*Ms Musarrat Bashir, Conference Coordinator*
- 9:05 a.m. Welcome Address  
*Dr Shahrugh Rafi Khan, Joint Director, SDPI*
- 9:20 a.m. Introductory Comments  
*Dr Samina Yasmeen, University of Western  
Australia*
- 9:30 a.m. Keynote Address  
*Mr Wasim Sajjad, Chairman Senate*

#### **First Session**

##### **Conducting Elections: Practitioners' Perspective Chair: Mr Iftikhar Gillani**

- 9:45 a.m. Conduct of General Elections and Reports of the  
Foreign and National Observers  
*Mr Hasan Muhammad, Joint Secretary, EC*
- 10:00 a.m. Open Discussion
- 10:30 a.m. Chair's Remarks
- 10:45 a.m. *Tea*

**Second Session**  
***Analysing Foreign Observers' Reports***  
**Chair: Mr Abdur Rahim Mandokhel**

- 11:15 a.m.      Understanding Election Observation by  
Foreigners: Commonwealth Group Missions on  
1993 and 1997 Elections in Pakistan  
*Dr Bruce Stone, University of Western Australia*
- 11:30 a.m.      Foreign Observers' Reports: A Language of  
Silence  
*Dr Samina Yasmeen, University of Western  
Australia*
- 11:45 a.m.      Open Discussion
- 12:15 p.m.      Chair's Remarks
- 12:30 p.m.      *Lunch*

**Third Session**  
***Monitoring the Elections: Local Perspective***  
**Chair: Dr Tariq Rahman**

- 1:30 p.m.      Open Discussion
- 2:15 p.m.      Chair's Remarks
- 2:30 p.m.      *Tea*

**Fourth Session**  
**Panel Discussion of Journalists and Politicians**  
**Chair: Syed Mushahid Hussain**

- 3:00 p.m. Ms Marianna Baabar,  
*Journalist*
- 3:15 p.m. Ms Nasim Zehra  
*Journalist*
- 3:30 p.m. Mr Aitzaz Ahsan  
*Senator*
- 3:45 p.m. Mr Jamiluddin Aali  
*Senator*
- 4:00 p.m. Open Discussion
- 4:30 p.m. Chair's Remarks
- 4:45 p.m. Concluding Remarks  
*Dr Samina Yasmeen, University of Western  
Australia*
- 4:55 p.m. Vote of Thanks  
*Ms Musarrat Bashir,  
Conference Coordinator*

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