

# **The General Election in Pakistan**

**3 February 1997**

**The Report of the  
Commonwealth Observer Group**

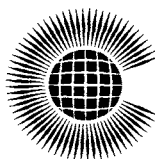


**Commonwealth Secretariat**

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Commonwealth Observer Group



**Commonwealth Secretariat**  
*1997*

Commonwealth Secretariat  
Marlborough House  
Pall Mall  
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# REPORT OF THE COMMONWEALTH OBSERVER GROUP TO THE GENERAL ELECTION IN PAKISTAN

3 FEBRUARY 1997

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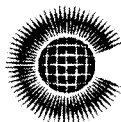
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*The Commonwealth Observer Group with the Commonwealth Secretary-General ... (front row from left) Dr Kadi Sesay, Malcolm Fraser (Chairperson), Chief Emeke Anyaoku (Commonwealth Secretary-General), Habibullah Osman, Dr Ralph Hatendi, (middle row from left) M M Zuhair, Jean-Jacques Blais, Ahmed Hassan Diria, Paul Torua, Ntthoi Motsamai, Dr Siteke Muanle, (back row from left) Lord Redesdale, Dr Kwadwo Afari-Gyan, Richard John. James Andrews joined the Group later*

## LETTER OF TRANSMITTAL



Pakistan General Elections, 1997

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P.O Box 1251, Islamabad

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6 February 1997

Dear Secretary-General,

At your invitation we came to Pakistan to observe its general election held on 3 February 1997. We wish to thank you for giving us this opportunity to contribute to the consolidation of democracy in a member country of the Commonwealth.

In our Interim Statement which was issued at the close of poll on Monday 3 February 1997, we stated that the elections broadly reflected the will of the people. That judgement has been confirmed in our substantive report which we now have pleasure in forwarding to you. As you will see, it also addresses the second part of our mandate dealing with the effective functioning of an elected government in Pakistan.

We wish to record our appreciation and gratitude to the Government of Pakistan, the Chairman of the Election Commission and his officials, the political parties and the people of Pakistan at large.

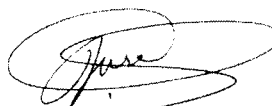
We have no doubt that the Commonwealth will render whatever assistance it can to Pakistan in the consolidation of its democracy.

**Rt Hon Malcolm Fraser**  
Chairman

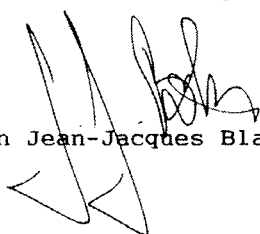
His Excellency Chief Emeka Anyaoku  
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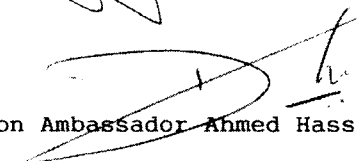
Dr Kwadwo Afari-Gyan



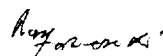
Mr James Andrews



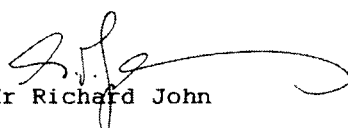
Hon Jean-Jacques Blais PC MP



Hon Ambassador Ahmed Hassan Diria MP



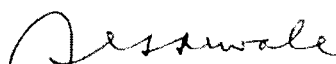
Bishop Dr Ralph Hatendi



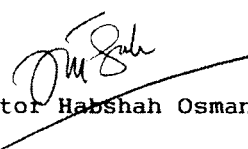
Mr Richard John



Hon Ntlhoi Motsamai MP



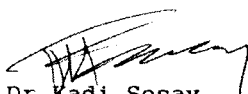
Hon Dr Siteke Mwale



Senator Habshah Osman



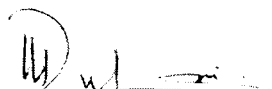
Lord Redesdale



Dr Kadi Sesay



Hon Paul Tovua OBE MP



Hon M M Zuhair MP



# Introduction

The years since Pakistan's return to multi-party elections have been years of controversy, uncertainty and some political turbulence. No government has managed to serve out its full term – the President has dismissed all three, although one was later restored by the courts. Election turnouts have fallen and public cynicism about politics and politicians has grown. Against this background the General Election scheduled for 3 February 1997 – the fourth since 1988 – assumed a particular importance.

Following the dissolution of the National Assembly in November 1996 the presence of a Commonwealth Observer Group was requested by the Government of Pakistan on 19 December 1996. The Commonwealth Secretary-General, Chief Emeka Anyaoku, accepted the invitation in principle, subject to receiving confirmation that all the major political parties would welcome such Commonwealth involvement. In line with established practice he then sent an Assessment Mission to Pakistan. Between 8 and 14 January 1997 the three Commonwealth Secretariat officials comprising this Mission met representatives of the Election Commission, the main political parties and other interested groups. It subsequently reported to the Secretary-General that there was broad support for the presence of Commonwealth Observers.

## The Observer Group and its Terms of Reference

This Observer Group was the twentieth such Group to be constituted by the Commonwealth Secretary-General since the October 1989 meeting of Commonwealth Heads of Government in Kuala Lumpur, Malaysia. That meeting had agreed that member countries could benefit from an election observer facility, as a means of strengthening democratic processes and institutions. This view was reaffirmed by Heads of Government at their meeting in Harare, Zimbabwe, in October 1991, where it was reflected in the historic Harare Commonwealth Declaration. It was further underscored when Heads of Government met in Cyprus in 1993 and again at their most recent meeting, in 1995 in Auckland, New Zealand, at which they adopted the Millbrook Commonwealth Action Programme on the Harare Declaration.

It was against this background that the Secretary-General invited our Group of 14 Observers, supported by nine members of staff from the Commonwealth Secretariat, to observe the general election in Pakistan. The composition of the Group, which was led by the Rt Hon Malcolm Fraser, is set out at *Annex I*. The Terms of Reference for our Group were as follows:

The Group is established by the Commonwealth Secretary-General at the request of the Government of Pakistan and supported by all the major political parties. It is to observe relevant aspects of the organisation and conduct of the election in accordance with the law of Pakistan. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgment 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.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgment accordingly. It would be free to propose to the government and other concerned authorities such action on institutional, procedural and other matters as would assist the holding of the election and thereafter the effective functioning of the elected government.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Pakistan, to the leadership of the political parties taking part in the election and thereafter to all Commonwealth governments.

The Secretary-General's announcement of our mission on 20 January 1997 is at *Annex II*.

### Method of Work

We assembled in London on 23 January 1997 and were briefed at the Commonwealth Secretariat by the Commonwealth Secretary-General. We left for Pakistan later that day and on 25 January 1997 held a press conference in the capital, Islamabad, at which we issued the Arrival Statement attached at *Annex III*.

Following a courtesy call by our Chairperson on the Chief Election Commissioner, Justice (Retd) Sardar Fakhre Alam, we began a series of briefings, beginning with a meeting with the Secretary of the Election Commission and his senior colleagues. Over the following three days we held discussions in Islamabad with senior representatives of the main political parties, non-governmental organisations (NGOs), media organisations, other election observers (international and domestic) and representatives of Commonwealth High Commissions. These meetings provided a valuable opportunity to be briefed on the preparations for the general election, the views of the parties on the electoral process and the wider political context in which the general election would be taking place. It also enabled us to explain our mandate and the way in which we intended to conduct our observation activities. Similar discussions were to be held at provincial, divisional, district and constituency level once we deployed from Islamabad to the various points around the country at which we would be based. Our Schedule of Engagements is at *Annex IV*. We deployed to all four Provinces of Pakistan on Wednesday 29 January, in 12 teams. Details of our deployment are at *Annex VI*.

Following deployment, we met provincial officials of the Election Commission, the local administration and the police and sought briefings from local representatives of the political parties to parallel those which we had received at national level in Islamabad. Similar meetings were held with NGOs. We co-operated with other international observers, to ensure against unnecessary duplication of coverage, and kept in close contact with the domestic monitors fielded by the Human Rights Commission of Pakistan. All teams travelled extensively throughout their designated regions in order to familiarise themselves with local conditions, assess the preparations for Election Day and observe the last days of the campaign. Each team submitted daily reports of their observations to the Observer Group's office in Islamabad.

On polling day itself, 3 February, we arrived at polling stations early in order to witness the opening procedures. Our teams then observed the poll at as many polling stations as possible, ending with scrutiny of the counting process. Altogether our teams visited more than 211 polling stations in 35 constituencies and observed 12 counts, once more meeting election officials and party representatives, but also speaking to the voters themselves. An interpreter had been recruited by the Group to accompany each team for this purpose. During our deployment we were assisted by Check Lists and Observation Notes (see examples at *Annexes VII and VIII*).

Each team submitted written and oral reports to the Observer Group Office. On the basis of these and the earlier reports our Chairperson issued an Interim Statement at 9.45 p.m. on 3 February 1997. This is attached at *Annex IX*.

Our Group re-assembled in Islamabad on 4 February to agree its Report. We departed Pakistan from 6 February 1997. A copy of the Departure Statement issued on 6 February is at *Annex X*.

# Chapter 1

## Political Background

Pakistan came into being on 14 August 1947 under the leadership of Mohammad Ali Jinnah, with a Constituent Assembly elected indirectly by the provincial legislatures, the status of a Dominion and membership of the Commonwealth. It became a republic in 1956, when a new constitution came into force. Until late 1971 Pakistan consisted of two geographical units 1,600km apart, West and East Pakistan, separated by India. East Pakistan was later to secede, in 1971, to become Bangladesh. Today, Pakistan comprises the Federally Administered Tribal Areas, the Islamabad Capital Territory and four provinces: Punjab, Sindh, North-West Frontier and Balochistan.

### Political Developments 1958-88

On 7 October 1958, the 1956 Constitution was abrogated and Pakistan came under martial law. The Commander-in-Chief, General (later Field Marshal) Ayub Khan, became the leader and subsequently assumed the Presidency. A 1962 Constitution provided for a presidential system of government with a largely indirect system of elections. In March 1969, following serious disturbances beginning in late 1968, Ayub Khan was forced to hand over power to General Yahya Khan, who abrogated the 1962 Constitution and declared martial law.

The first 'one person, one vote' general election was held in December 1970. The Awami League (AL) in East Pakistan, led by Sheikh Mujibur Rahman, and the Pakistan People's Party (PPP) in West Pakistan, led by Zulfikar Ali Bhutto, won large majorities in East and West Pakistan respectively, with the AL gaining a majority in the country as a whole. However, the AL's claim to form a government was not accepted by Yahya Khan and in the midst of heightening tension and acrimony Sheikh Mujib insisted on complete autonomy for East Pakistan.

The AL declared a political strike and Yahya Khan tried to impose central rule in East Pakistan by force, reimposing martial law. Civil war broke out in March 1971 and continued until December 1971 when, following the armed intervention of India, the Pakistan Army surrendered and East Pakistan, which had earlier announced its unilateral secession, became independent as Bangladesh. Pakistan withdrew from the Commonwealth in January 1972 following recognition of Bangladesh by some member governments.

In December 1971 Yahya Khan was replaced as President by Mr Bhutto, who became Prime Minister in 1973 under a new constitution, approved by Parliament, which restored a Westminster-style system and gave wider powers to the Prime Minister. Following the March 1977 general election, won by Mr Bhutto's PPP amid allegations of vote-rigging, the armed forces assumed power again on 5 July 1977 under General Zia-ul-Haq and imposed martial law throughout the country. After a controversial trial Mr Bhutto was convicted of conspiring to murder a political opponent and was eventually hanged on 4 April 1979 despite international appeals for clemency.

The military government scheduled a new general election for October 1977, but this was postponed. General Zia, until then known as the Chief Martial Law Administrator, declared himself President on 16 September 1978. In December 1984 a referendum was held which approved a number of Islamisation measures that had already been implemented. This result was deemed by General Zia to have confirmed him in the Presidency until 1990 without further elections, although this was clearly not an issue before the electorate.

In February 1985, elections were held on a non-party basis for a National Assembly and the four Provincial Assemblies. The largest two groupings in the new National Assembly were formed by a faction of the Pakistan Muslim League (Pagara Group) and former members of the PPP. In late March, General Zia appointed Muhammad Khan Junejo, a member of the PML (Pagara Group), as Prime Minister and an almost entirely civilian cabinet was formed. Martial law was lifted on 30 December 1985.

### **Democracy Restored**

On 29 May 1988, General Zia dissolved the National Assembly and the Cabinet and announced fresh elections. A caretaker cabinet was announced on 9 June 1988. On 17 August 1988, General Zia was killed in a plane crash. The elections were held as scheduled in November and the PPP emerged as the single largest party in Parliament. Mr Bhutto's daughter, Benazir Bhutto, who had returned from exile in April 1986 to take over the leadership of the PPP, became Prime Minister on 2 December 1988. The legislature then elected Ghulam Ishaq Khan as President. Pakistan rejoined the Commonwealth in October 1989.

Ms Bhutto's premiership lasted until August 1990 when she was dismissed by the President on grounds of incompetence and corruption. The National Assembly was dissolved and new elections were held on 24 October 1990 which were won by the Islamic Democratic Alliance, led by Nawaz Sharif. Ms Bhutto's PPP challenged the credibility of the results, accusing the President and the armed forces of rigging the vote.

Mr Sharif's stay in power was itself short-lived. In April 1993 his government was dismissed and the National Assembly dissolved by the President, following moves by Mr Sharif to repeal the Eighth Amendment to the Constitution (which gave the President sweeping discretionary powers, including the right to dismiss the Government and to dissolve the National Assembly). The President's grounds for dismissing the Government included maladministration, corruption and nepotism, and of having unleashed a reign of terror against its political opponents.

Mr Sharif's subsequent appeal against his dismissal was upheld by the Supreme Court which, in a landmark verdict, ruled by a majority of ten to one that the President had exceeded his powers when he sacked Mr Sharif's government and dissolved the National Assembly. However, the power struggle between the President and the Prime Minister continued until both resigned in July 1993. A neutral Caretaker Government was established under the Prime Ministership of Moeen Qureshi, a former Executive Vice-President of the World Bank. National Assembly elections were called for 6 October 1993, and Provincial Assembly polls for 9 October 1993.

### **Recent Political Developments: 1993-96**

The October 1993 general election was observed by a Commonwealth Observer Group, which concluded that 'the voters of Pakistan were able to express their will freely, fairly and openly'. The PPP won the largest number of seats, Ms Bhutto was able to form a coalition government and the following month the PPP's deputy leader, Farooq Leghari, was elected to the Presidency.

However, her Government was also to be dismissed by the President, again after having completed only three years of its term.

In March 1996 the Supreme Court had issued a robust assertion of judicial independence, following criticism by human rights groups and others that the Government was 'packing' the benches with its supporters. Its ruling curtailed the Government's power to appoint and transfer judges and stated that the Government could appoint judges solely on the basis of seniority and that its nominees would require the endorsement of the Chief Justice of the relevant court. A subsequent Government petition against the ruling failed.

Tensions between the President and the Prime Minister intensified as Ms Bhutto's period in office went on and came to a head following the murder of Ms Bhutto's estranged brother, Murtaza, in Karachi in September 1996. In the month following the murder President Leghari wrote to the Prime Minister on at least three occasions criticising the Government's performance. He also intensified his efforts to ensure that he could appoint judges to superior courts without consulting the Prime Minister.

The opposition Pakistan Muslim League (Nawaz), known as PML(N), continued to urge the President to dismiss the Bhutto Government, appoint a three-month interim administration and call fresh elections, while the Islamic party Jamaat-e-Islami (JI) launched a street campaign which culminated in serious clashes with riot police in the capital, Islamabad.

President Leghari dismissed Ms Bhutto's Government and dissolved the National Assembly

on 5 November 1996, appointing Malik Meraj Khalid as Caretaker Prime Minister. The President's dissolution order cited nine grounds:

- police extra-judicial killings in Karachi and elsewhere;
- the alleged involvement of Ministers, the Director of the Intelligence Bureau and others in a conspiracy which led to Murtaza Bhutto's murder;
- the Government's delays in complying with the directions of the Supreme Court concerning the appointment and removal of judges;
- Government action 'to set at naught ... all efforts made, including the initiative taken by the President, to combat corruption and to commence the accountability process';
- the Government's failure fully to separate the judiciary from the Executive;
- 'illegal phone-tapping and eavesdropping techniques', including surveillance on judges, leaders of political parties and high ranking military and civilian officials;
- 'corruption, nepotism and violation of rules in the administration of the affairs of the Government' which had 'become so extensive and widespread that the orderly functioning of Government in accordance with the provisions of the Constitution and the law has become impossible and in some cases, national security has been endangered';
- the violation of Cabinet collective responsibility (by the induction of a Minister against whom criminal cases were pending);
- the failure of the Government to comply with a presidential requirement that the sale of shares in energy concerns should be reconsidered by the Cabinet.

National Assembly elections were called for 3 February 1997 (within the 90-day period stipulated by the Constitution).

## Issues

Four issues dominated the weeks following the calling of the general election. First, there was predictable controversy over the President's decision to dissolve the National Assembly and dismiss the Government. Ms Bhutto claimed that a conspiracy had been orchestrated to overthrow her. Challenges were made in the Supreme Court to the validity of the Constitutional article under which the dissolution had been ordered. A second set of petitions, including one by Ms Bhutto herself, contested the grounds advanced by the President.

It was further alleged that the decision to dismiss the Government was linked with efforts to ensure electoral success for what came to be known as a 'King's Party'. In its most developed form this allegation amounted to the charge that President Leghari had made an arrangement with the leader of the PML(N), Nawaz Sharif. Under this, it was alleged, Mr Sharif would become the next Prime Minister and not be held accountable for massive bank loans that could have barred him from participating in the elections. For his part, it was alleged, Mr Sharif had offered the President a second term and certain candidates would stand down to enable several of the President's supporters to be elected.

Second, there was the issue of the timing of the general election. The Caretaker Cabinet was itself reported to be deeply divided on the issue of whether the general election should take place as planned on 3 February. Some members of the Caretaker Government apparently believed that the polls should be postponed to allow time for allegedly corrupt politicians to be brought to justice (a process referred to as 'accountability'). Others outside the Government were of the same view, with Jamaat-e-Islami eventually taking its argument that there should be 'accountability before elections' to the point where it decided not to participate in the general election (although it reserved its right to do so if an election was held at a later date).

It was also argued that a census should be held before the general election, since it is on the basis of the census that constituencies are delimited. The last census had been held in 1981 and it was argued that before elections went ahead there needed to be a revision of constituency boundaries and therefore a census. To go ahead without a census, it was argued, would produce a parliament which would not accurately reflect the actual distribution of the population.

Furthermore, there were also objections that the general election should not be held during the Muslim holy month of Ramzan.

The President made clear that in his view the accountability process had to be conducted in line with due legal process and natural justice. He acknowledged that this would make it impossible to complete before the elections. The need for a new census was widely recognised. However, he was bound by the Constitution to hold the general election within 90 days of the dissolution of the National Assembly. Election preparations went ahead without any postponement.

Third, there was the related issue of how the Caretaker Government should pursue the matter of 'accountability'. It was increasingly alleged that the 'caretakers' were pursuing the allegedly corrupt with insufficient vigour. On 18 December 1996 the highly respected Law Minister, Fakhruddin Ebrahim, resigned from the Caretaker Government in protest at what he claimed was presidential interference regarding measures to bring corrupt politicians, officials and others to court.

On this point the President made clear that while the accountability process could not be completed before 3 February a start would be made. A Chief Accountability Commissioner was appointed to review evidence against individuals and to send such cases to judicial tribunals where justified, and laws against corruption had been tightened and extended. He was confident that no future government would be able to roll back these changes and the continuing process of accountability would in time have the required effect.

Fourth, there was criticism of the Caretaker Government for stepping beyond its mandate. The Caretaker Government introduced a number of new policies, taxes, laws and other arrangements – it was taking major policy decisions as late as the day before the general election on matters such as official appointments, banking rules and electronic media regulations.

But the matter which aroused greatest controversy was the President's amendment to the government's Rules of Business 1973 to constitute, on 6 January 1997, a Council for Defence and National Security (CDNS) with a broad mandate, encompassing the economy as well as defence. It was announced that the President could also refer any issue to the Council without consulting the Prime Minister.

The establishment of the CDNS aroused considerable domestic and international attention since the military has had both a controversial and major role in Pakistan's politics since the formation of the state. The country has been under military rule for almost half of the period since it was established and at other times the shadow of the military has loomed large in the background. Even today it is believed that the armed forces exercise considerable influence on national affairs, although the current phase of civilian rule has now lasted more than eight years.

Critics charged that this ten-member council – chaired by the President and comprising the Chairman of the Joint Chiefs of Staff, the army, navy and air force commanders, the Prime Minister and four other Ministers – gave the military a formal role in Pakistan's political structure for the first time since the lifting of martial law in 1985. There was also criticism that the far-reaching policy decision to establish the Council should have been taken by the President, during the tenure of an interim administration and without any parliamentary debate or legislation and that it represented a dramatic shift of power from the Prime Minister to the President.

Reaction from a number of political parties was hostile. Ms Bhutto described the decision to establish the Council as "totally unconstitutional". On the other hand, the Secretary-General of the PML(N) was quoted as saying that while there might be concern that the establishment of the CDNS would undermine the political system, "if the next government works within the rules of the game then these concerns could be allayed and the body could become one of the normal state functioning bodies."

Support for the decision to establish the CDNS was expressed in some business circles. Some felt that it merely formalised existing military involvement in Pakistan's politics and was no more than a reflection of reality. Others believed that the establishment of the CDNS would ensure improved conduct on the part of future governments and that it was therefore to be welcomed. The *Business Recorder* newspaper, for instance, predicted on 16 January 1997 that the

‘CDNS will have an influence on decision-making and hopefully the leaders in future will behave in a responsible manner.’

However, 13 human rights organisations announced that they would mobilise public opinion against the new body. Speaking on their behalf Ms Asma Jahangir, Chairperson of the Human Rights Commission of Pakistan, said on 10 January that, “we consider the Council a conspiracy against the people’s struggle for democracy in the country. We are convinced that the move to form it does not augur well for democracy or good government in the country.”

*The Nation* newspaper asked, ‘does this all mean that the parliament does not really matter?’ For his part, the President stated on television that the CDNS had been established to promote stability and to give “superior advice”.

## Political Parties

Some 54 political parties would contest the 3 February general election. However, two parties dominate the politics of Pakistan and it was clear from the outset that, barring some unforeseen development, they would again be the major contestants on election day. These parties were the Pakistan People’s Party headed by Benazir Bhutto and the Pakistan Muslim League (N) led by Nawaz Sharif, each of which secured around 40 per cent of the popular vote in the 1993 elections for the National Assembly.

**Pakistan People’s Party (PPP)** – established in 1967 by Zulfikar Ali Bhutto, formed governments following the 1970, 1988 and 1993 elections, one of which was replaced by the military and two of which were dismissed by the President. The PPP has nationwide support but its primary base is in rural Sindh. Once considered socialist it now embraces free market policies. The party has been damaged by allegations of corruption and economic mismanagement. The 1997 election manifesto included a pledge to repeal the Eighth Amendment of the Constitution, under which the President can dismiss the elected government. The PPP’s main support comes from rural landowners and agricultural workers and urban working class voters.

**Pakistan Muslim League (Nawaz) (PML(N))** – emerged in 1993 as the dominant faction after splits in the original PML (established 1906), which advocated a better deal for Muslims and later promoted the idea of a separate state. Main party in the IDA (Islamic Democratic Alliance) coalition which won the 1990 elections, with PML(N) leader Nawaz Sharif becoming Prime Minister (dismissed three years later by the President on grounds of ‘maladministration, nepotism and corruption’, then restored by the Supreme Court). PML(N) became the principal opposition party following the 1993 National Assembly elections. Fundamentally pragmatic, the party has national support but is especially strong in Punjab. Main support comes from the urban middle and working classes.

However, note should also be taken of a number of other parties (in alphabetical order):

**Awami National Party (ANP)** – formed in July 1986, the ANP is an ethnic Pathan party based in the North-West Frontier Province and is led by Khan Abdul Wali Khan. It won six seats in the 1990 elections and three in 1993 when it stood in alliance with PML(N). The ANP campaigns for maximum provincial autonomy.

**Jamaat-e-Islami** – Islamic religious party which despite its good organisation, core of dedicated activists and ability to mobilise popular support on the streets has never achieved major electoral success: it won eight seats as part of the IDA in 1990, while in 1993 the Pakistan Islamic Front alliance of which it was a major element secured only three. Some of its supporters fought alongside various *mujahideen* groups in neighbouring Afghanistan in the 1980s.

**Muttahida Qaumi Movement (A) (MQM(A))** – supported by the Urdu-speaking community of Muslims who migrated to Pakistan from India in 1947, the Mohajirs. The MQM(A) is strong in the urban centres of Sindh, where it won 15 National Assembly seats in the 1990 elections,

making it the third biggest party. It argues that the Mohajir people suffer intense discrimination, accuses the Government of harassment and intimidation and charges that the state is behind armed attacks on it by the breakaway MQM(H), which was also standing candidates in the 1997 general election. In turn, the Government says that MQM(A) figures have themselves been involved in terrorist activities. In 1993 the MQM(A) boycotted the National Assembly elections complaining that it was not being permitted to campaign freely.

***Pakistan Muslim League (Junejo) (PML(J))*** – led by Hamid Nasir Chatta, it was formed after the death of former Prime Minister Muhammad Khan Junejo in March 1993. It was the third biggest party following the 1993 National Assembly elections, in which it formed an alliance with the PPP known as the Pakistan Democratic Front, although with only six seats it came a long way behind the PPP and the PML(N). PML(J) recently split into two factions, the breakaway being named after its leader, Brigadier Asghar.

***Pakistan People's Party (Shaheed Bhutto)*** – founded by the late Murtaza Bhutto, now headed by his widow Ghinwa, who pledges to continue the mission of her late husband and his father, Zulfikar Ali Bhutto, and is targeting Benazir Bhutto. Essentially the product of a family feud PPP(SB) has some support in Sindh, the PPP's powerbase.

***Tehrik-e-Insaf (Movement for Justice)*** – led by Imran Khan (a national sporting hero who captained Pakistan's 1992 World Cup winning cricket team), formed mid-1997 and electorally untested: core appeal is for a clean-up in national life.



## Chapter 2

# The Legal Framework and Preparations for the Elections

### The Constitution

#### *Basic Structure*

#### (a) The President and the National Assembly

The Constitution of the Islamic Republic of Pakistan (1973) provides a federal structure of government for the four provinces of Balochistan, the North-West Frontier Province, the Punjab and Sindh, the Federally Administered Tribal Areas and the Islamabad Capital Territory. It is cast in an essentially parliamentary form but various amendments since 1973 have introduced elements of a presidential system.

The President is the Head of State. He is elected for a five-year term by an electoral college consisting of the members of both Houses of the National Assembly and the members of the Provincial Assemblies.

The Federal Majlis-e-Shoora (Parliament) consists of the President and two Houses, the National Assembly and the Senate. There is a Provincial Assembly and Governor for each of the four provinces. The National Assembly and the Provincial Assemblies are elected 'by direct and free vote'. The National Assembly consists of 207 Muslim members and ten non-Muslim seats. A similar pattern of representation applies to the Provincial Assemblies. The 87-member Senate is indirectly elected, for a six-year term, by the elected members of the Provincial Assemblies.

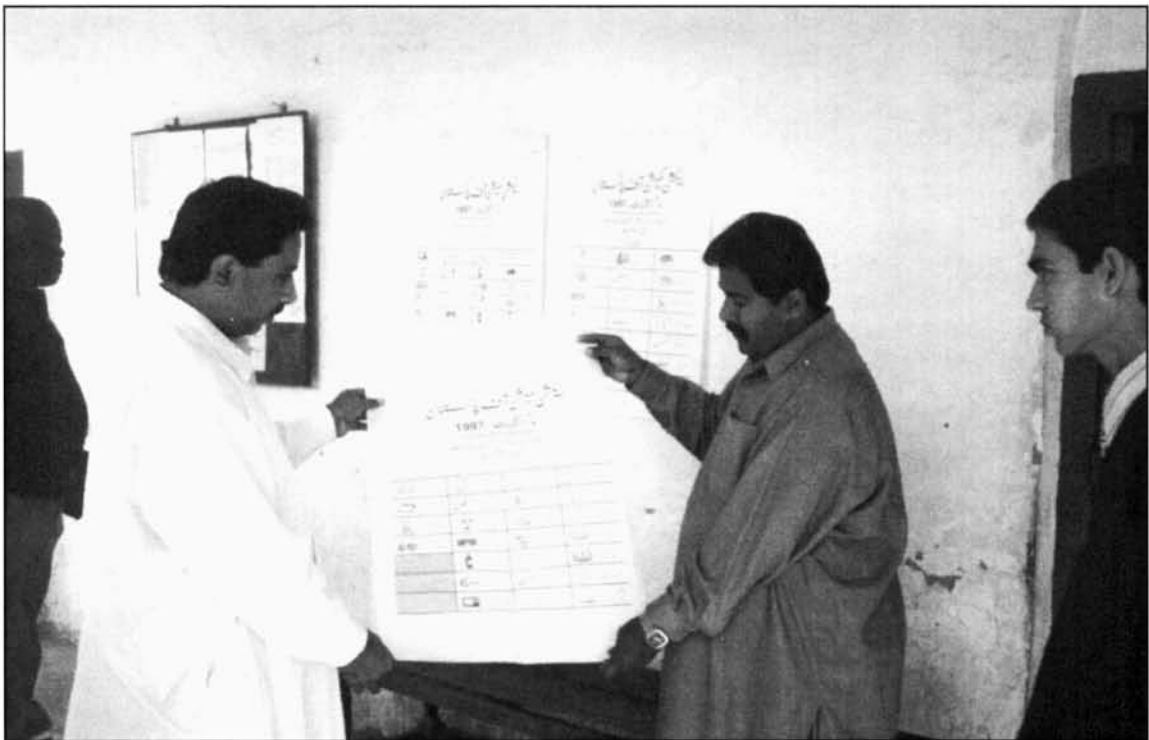
The Constitution provides for a system of Cabinet government, headed by a Prime Minister (in the National Assembly) and Chief Ministers (in the Provincial Assemblies).

The President (the Governor in the case of the Provincial Cabinets) may appoint as Prime Minister (or Chief Minister in the Provinces) the person 'who in his opinion is most likely to command the confidence of the majority of the members'. Provincial Governors are appointed by the President after consultation with the Prime Minister and hold office 'during the pleasure of the President'. A Prime Minister ceases to hold office if a vote of no-confidence is passed against her/him. A similar provision applies to Chief Ministers.

The standard parliamentary convention for dissolution of the National Assembly and Provincial Assemblies, under which the President dissolves the House at the request of the Prime Minister, is provided for. He must set an election date within 90 days. His actions in this case are not justiciable. But the President (and the Governors) enjoys the significant additional power to dissolve the Assembly 'in his discretion where, in his opinion ... a situation has arisen in which the Government ... cannot be carried on in accordance with the ... Constitution and an appeal to the electorate is necessary' (Articles 58(2)(b) and 112(b)).

This power has been used at both national and provincial level. Action under this power is justiciable and has been subjected to interpretation by the Supreme Court and the High Courts. Such a dissolution requires the President to set up a caretaker government. The exact meaning of 'a situation in which the Government cannot be carried out in accordance with the Constitution' is not defined and has been variously interpreted by the courts.

The Caretaker Government's functions are not elaborated in the Constitution. The Supreme Court has, however, approved a statement of a High Court that they cannot 'take undue advantage of their position either for themselves or for their political parties. They have to be impartial to everybody, including their rivals or opponents in the political parties ... Neutrality, impartiality, detachment and devotion to duty to carry on day to day affairs ... are the *sine qua non* of a Caretaker Cabinet.' It asserted that 'the primary function (of a Caretaker Government) was to hold elections and carry on day to day administration'.



*Promoting awareness ... the Election Commission conducted an extensive voter education exercise. Here posters are displayed in Sukkur, Sindh Province, to familiarise voters with the candidates' and parties' symbols on the ballot papers*

Another significant Constitutional power of the President, relevant to the parliamentary character of the system, is Article 89. This gives the President the power to legislate by Ordinance. Thus the Assembly is not the unique maker of primary legislation. The President has to initiate and pass laws, albeit temporary laws. This he can do 'if he is satisfied that circumstances exist which render it necessary to take immediate action'. Such an Ordinance made during a period of electoral Caretaker Government must be laid before the newly elected Parliament and if it is not approved by the National Assembly it is automatically repealed after four months from its promulgation. This power is available at any time when the Assembly is not in session, and has been frequently relied on by elected governments to make laws. The fact that Ordinances may be repeatedly re-enacted by the President has meant that the Assembly can in effect be bypassed.

#### (b) The Courts

The Constitution established a Supreme Court of Pakistan, a High Court for each province and the Federal Shariat Court. The Supreme Court has both original and appellate jurisdiction. The Court's original jurisdiction has been held to include the hearing of petitions relating to the presidential dissolution of the National Assembly as part of its power to consider a matter involving 'a question of public importance with reference to the enforcement of any of the fundamental rights' protected by the Constitution. The High Courts have a comparable jurisdiction with regard to the Provincial Assemblies.

The Federal Shariat Court is concerned with examining, at its own instance or on a petition of a Government or a citizen, 'whether or not any law or provision of any law is repugnant to the injunctions of Islam'. If any law is held to be so repugnant the Constitution provides that it shall 'cease to have effect ... on the day on which the decision of the court takes effect'. The relevant Government responsible for the law shall take steps 'to bring such law ... into conformity with the injunctions of Islam'. The Constitution is excluded from this jurisdiction.

## *Electoral Provisions*

### (a) Franchise and Representation

The National and Provincial Assemblies are directly elected bodies. The franchise is enjoyed by adult citizens who are 21 years old and have been registered. For the 1997 elections, for the first time, the Caretaker Government extended the franchise for the seats in the Federally Administered Tribal Areas to all adults. A provision for 20 indirectly elected reserved seats for women lapsed before the 1993 elections. A provision for the special minority seats for non-Muslims was introduced in 1975 and they are elected on a national constituency basis. Thus non-Muslim voters do not participate in the constituency elections for Muslim MPs.

The seats for Muslim voters in the four provinces are distributed on a proportional basis. The delimitation of constituencies within provinces, which are set by statute for each, is based upon the population figures in the last ten-yearly census. The last national census was in 1981.

### (b) Qualification and Disqualification of Candidates

The Constitution in Articles 62 and 63 provides elaborate standards to be met by candidates for election to Parliament, including moral and religious grounds. It also provides for the disqualification of candidates on grounds of conflict of interest, conviction for corruption or 'any offence which in the opinion of the Chief Election Officer involves moral turpitude'. The Chief Election Officer is also empowered to decide whether a sitting member has become so disqualified. Equivalent provisions apply to the Provincial Assemblies. These provisions are further operationalised by The Representation of the People Act.

### (c) The Chief Election Commissioner and the Election Commission

The Election Commission is established by the Constitution (Article 218). It is not a permanent body, but is constituted 'for the purpose of each general election to the National Assembly and ... Provincial Assembly'. It consists of the Chief Election Commissioner and two High Court judges, appointed as Commissioners by the President. The Commission's duty is 'to organise and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with the law and that corrupt practices are guarded against.'

The Chief Election Commissioner is appointed by the President in his discretion and has to be a serving or retired Supreme Court judge. The Chief Election Commissioner has the same security of tenure as a judge. His term of office is three years, but may be extended for one year by the National Assembly. The Chief Election Commissioner's duties include preparing the electoral rolls for the Assemblies, revising them annually and appointing Election Tribunals.

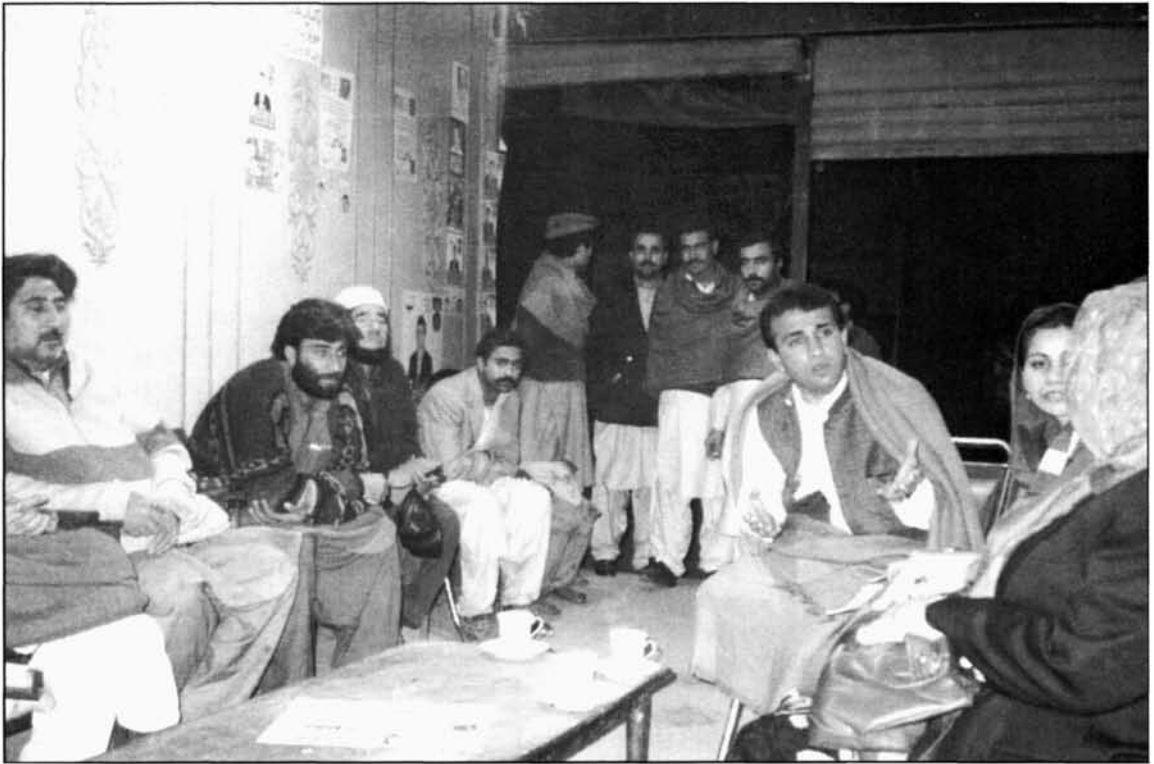
In June 1995, the Federal Government directed the Chief Election Commissioner to prepare fresh electoral rolls for the entire country, and in October 1995 the Chief Election Commissioner announced that the Commission would do so. This was challenged in the Supreme Court on the grounds that the Government's direction was an unconstitutional interference with the independence of the Commission, and that the Electoral Rolls Act and the Constitution did not authorise the creation of a fresh nationwide roll but only the revision of the existing roll. This challenge was upheld by the Supreme Court.

Article 202 of the Constitution requires all federal and provincial authorities to assist the Commission in the discharge of its functions.

### (d) Miscellaneous Provisions

Candidates may contest for more than one seat, but must resign from all but one seat if they are elected.

Elections must be held within 60 days of an Assembly running its full term or 90 days from its dissolution by the President. The results of the elections must be announced within 14 days of polling. Disputed elections may be challenged by petition to an Election Tribunal.



*For information ... Commonwealth Observers deployed to the provinces five days before election day so that they could observe final preparations for the elections and meet the parties and others at local level. Here Senator Habibshah Osman (right, with headscarf) listens to a Tehrik-e-Insaf candidate in the North-West Frontier Province*

## Electoral Laws

### (a) The Representation of the People Act

The primary source of electoral legislation apart from the Constitution, is The Representation of the People Act, 1976. This has been significantly amended by Ordinances of the 1997 Caretaker Government. Many of them reflect reforms called for by small political parties and concerned groups in civil society.

The Act enlarges upon the electoral provisions of the Constitution which imposes on the Election Commission the duty to manage the elections. It sets out the powers which enable the Commission to appoint Returning and Presiding Officers and polling officers from among the federal, provincial and local authorities. Returning Officers are appointed from judicial staff.

The rules for nomination as a candidate have always been important and they were strengthened by the Caretaker Government. Candidates must make various declarations, now including an affirmation by the candidate relating *inter alia* to his financial affairs. An Ordinance of 5 December 1996 introduced significant amendments to the nomination process. From a general declaration that the candidate is not disqualified from being elected, the law has been changed to require a 'solemn affirmation' by the candidate. This affirmation relates to several matters, including information and assurances regarding the assets and debts of the candidate and the candidate's family. It includes specific undertakings regarding party affiliation. Not only must the declaration claim that no unpaid loan from 'any' bank is outstanding, but also that no loan has been 'written off' and that no tax, rent or utility payments are in default.

The candidate must give an assurance that during the life of the Assembly he will not change his party affiliation without the consent of the party leader or stand for re-election.

Transparency is enhanced by a new provision which makes these declarations available to the public. It makes the submission of a false declaration or statement a ground for the Returning Officer to reject the nomination. Candidates may avoid rejection by repaying loans,

etc., before rejection. The law also provides that an appeal to the Election Tribunal against rejection on these grounds will succeed if the candidate proves that he has paid. A Tribunal dealing with an appeal and having information from any source of such financial default, can call upon the candidate to justify why his nomination should not be rejected. Thus, financial rectitude has become a central concern of the law with regard to the election of representatives of the people. It has been extended to sitting MPs, who must now make annual declarations of their assets and liabilities or face suspension.

The Election Commission will publish each October the names of those who fail to submit the statement and shall direct that the member ceases to function until submission is made. Filing a false statement is categorised as a corrupt practice and is punishable by imprisonment or a fine.

The law provides standard arrangements for party symbols, polling agents, polling times, controls at polling stations, ballot boxes, voting procedures, tendered and challenged votes and postal ballots. Postal ballots are limited to state officials who are not able to vote in their electoral area, and there is no provision for a postal vote for other voters who will be absent from their polling area.

Election expenses are limited by law. The recent Ordinance had doubled the allowance to one million rupees for a National Assembly candidate. Returns of these expenses must be made to the Commission, with supportive documentation, within 30 days of the publication of the election result and are open to public inspection.

Election disputes are dealt with, on the basis of petitions filed by candidates with the Election Commission, within 45 days of the publication of results. The Commission must pass petitions on to an Election Tribunal. Decisions on petitions must be made within six months of submission.

The normal range of electoral offences and penalties are provided for corrupt practices, personation, double voting, intimidation and violation of secrecy. Penalties are in the form of fines or imprisonment.

An important provision relating to voting procedures, introduced in 1985, is the requirement that a ballot paper will only be issued to registered voters with a valid National Identity Card. This document is issued not by the Election Commission, but by the Ministry of the Interior. The polling process as well as the count is done in the presence of polling agents appointed by the candidates. Such agents are entitled to challenge allegedly unqualified voters. The law also sets out the procedure at the count, and for the return and consolidation of results from Presiding Officers to the Returning Officers. The result at each polling station must now, in terms of amendments introduced by Ordinance, be published by posting it so that the public will know the unofficial result at the end of the count.

The 1996 Ordinance amended the Act significantly with regard to the campaign. This was again in response to suggestions from some political parties and civil society organisations concerned with excessive spending and the advantage it gave to large parties and rich candidates. This has effectively reduced the cost of the campaign by imposing a ban on campaign publicity in the form of posters, banners, flags, 'wall-chalking' and the use of mobile loudspeakers. The same Ordinance permitted printed or broadcast political advertising campaigns, up to a cost of 30 million rupees accountable to the Commission.

By an Ordinance promulgated on 31 January 1997 the President amended the Act by providing that no official declaration of results for a candidate would be made until the candidate had submitted a return of electoral expenses. Likewise, no official publication in the Gazette would be made until a Returning Officer had informed the Commission.

Section 64, dealing with the powers of the Election Tribunal, was amended to enable an Election Tribunal to prevent an elected member whose election has been 'called in question from sitting until a decision of any election petition has been made'. In addition the Election Tribunal is empowered – 'on the basis of any material coming to its knowledge from any source' that a returned candidate is a defaulter on loans, taxes or utility charges or has submitted a false declaration regarding the payment of utility charges – to call upon such candidate to show cause why his election should not be declared void. If it is satisfied that the candidate is a defaulter or has made a false declaration, the Election Tribunal may make an Order declaring the election of the candidate to be void or declaring it to be void and declaring 'any other contesting candidate to have been duly elected'.

The Election Tribunal is also empowered on the basis of such information, if it finds reasonable grounds for believing a candidate is a defaulter or has made a false or incorrect declaration, to direct that the result for that candidate shall not be published in the Official Gazette. Any Order under this provision can only be made after the candidate has been heard.

(b) The Delimitation of Constituencies Act, 1974

This Act empowers the Election Commission to conduct the delimitation of constituencies for the National and Provincial Assemblies in accordance with the Constitution. The number of Muslim seats for each province in the National Assembly is fixed by the Act: North-West Frontier 26, Punjab 115, Sindh 46 and Balochistan 11; in addition, there are eight Muslim seats for the Federally Administered Tribal Areas and one for the Federal Capital. The Act makes no provision to change this allocation of seats. The delimitation principles to be applied are that each seat should, 'as far as may be', represent an equal number of voters. The Commission should also seek to achieve representation of compact geographical areas using existing administrative boundaries considering communications, public convenience and the homogeneity of the constituency.

The public may make representations on proposed delimitations and has a right to be heard. There is no appeal against the Commission's final decision on delimitation.

(c) The Political Parties Act, 1962

The Constitution prohibits anyone from standing at an election on behalf of a political party unless it has been permitted by an Act of the National Assembly. This Act provides for this. It prohibits the formation of parties on certain grounds and authorises the Government to dissolve parties. The Act was not extended to the Federally Administered Tribal Areas, where universal franchise was granted for the first time for the 1997 elections, and thus all candidates there contested as independents.

### Other Relevant Legislation

(a) The Accountability (Ehtesab) Ordinance, 1996

The Ordinance was enacted in mid-November 1996 'to provide for effective measures for prosecution and speedy disposal of cases involving corruption'. The definition of corruption is wide and includes not only improper official favours and the possession of unreasonable wealth, but also 'rigging of elections'. The Ordinance is aimed at official corruption and covers the highest officials (Presidents and Prime Ministers) as well as senior bureaucrats. The sanctions provided include fines, imprisonment, confiscation of property and the power to disqualify convicted persons from candidacy under Article 63 of the Constitution and, in the case of convicted MPs, from sitting.

It establishes the Ehtesab (Accountability) Commission under a Commissioner who must be a judge. The Commissioner can take action on the basis of references from government, complaints from the public or on his own accord. If he finds a *prima facie* case he must submit the matter to the High Court for trial. All cases must be dealt with on a day by day basis and disposed of within 60 days. An amendment to the Ordinance of 17 January 1997 restricts the granting of bail to an official charged under this law and sets bail, if it is granted, to at least twice the sum involved in the charge.

(b) Extraordinary Gazette No. 4-1/97 establishing a Council for Defence and National Security

This direction was given by the President and the Caretaker Government under Articles 90 and 99 of the Constitution. It directed the amendment of the government's Rules of Business and established the Council for Defence and National Security 'to aid and advise the Government'.

## **Preparations for the Elections**

### ***Voter Registration***

The electoral register for the 1997 general election was based on that used for the 1993 elections, as updated. The law requires annual revisions. The extension of the universal franchise to the Federally Administered Tribal Areas for the first time by the Caretaker Government required the urgent registration of voters there. This resulted in the registration of 1.6 million voters.

In 1995, the then Government initiated a nationwide re-registration. For this exercise, the Election Commission hired some 200,000 people who went door-to-door drawing up a fresh list of voters. They were preceded by a large publicity campaign explaining the reasons for the registration exercise and urging co-operation. Unfortunately, before the exercise could be completed, an objection to it was lodged in the Supreme Court and a stay obtained against its completion, on the ground that the roll could only be revised and never done afresh. Election Commission officials told us that the re-registration would need another four to six months of work for the exercise to be completed. The matter was still before the court when the 1997 elections were held.

Shortly after the President dismissed the Government and dissolved the National Assembly on 5 November 1996, the Election Commission invited members of the public who were eligible to vote to check that their names were on the rolls, apply to add their names to the roll or to amend any particulars, or lodge objections to the presence on the rolls of any person listed therein. The rolls were displayed at district level at the offices of the Assistant Election Commissioner. Once again, the Election Commission mounted a major publicity exercise in the newspapers, TV and radio urging people to come forward. As the closing date for this exercise was 15 December 1996, the Election Commission kept its offices open for three Fridays so that people could inspect the rolls on their days off from work. At the end of this exercise, the supplementary lists were sent to the Returning Officers for copying and distribution to Presiding Officers. Many voters were unaware of the need to register or to re-register. It was not possible to provide electoral registers for the tribal areas.

We were unable to obtain from the Election Commission figures as to how many people were added or removed from the rolls in the November-December 1996 exercise, but for the 1997 elections the rolls stood at 56,573,956 voters as against 52,326,021 for the 1993 elections.

This inability to provide statistics indicated another fundamental weakness – that there was no consolidated electoral roll either at national or constituency level. This made it almost physically impossible to cross-check across districts or constituencies for multiple registrations, giving political parties cause for further complaint.

Election Commission officials said that during the November-December 1996 exercise, a person had to prove residential eligibility to vote in that particular area and to sign a form swearing that he or she was not registered to vote anywhere else. Given that the elections were only weeks away, there was no time to even post an amended roll and call for objections, let alone attempt cross-checking with other districts or constituencies. We were told that in this case, the Election Commission hoped that the signing of the form itself would be a deterrent.

### ***Voter Education and Training of Officials***

The Election Commission conducted an extensive voter education exercise after the date for the elections was announced. Through radio, television, the print media, education posters and brochures, it mounted an aggressive campaign to educate new voters on how to cast their ballot and especially encouraged women to vote. It did so by buying advertising space in newspapers and similar spots on TV and radio. It also produced a video entitled *How to Cast a Vote*, which was shown regularly on TV.

The Human Rights Commission of Pakistan (HRCP) and other NGOs also involved themselves in voter education. The HRCP also made a special effort to encourage women voters, by distributing pamphlets, buying TV and radio advertising time and going from door to door in the Federally Administered Tribal Areas, often at risk to themselves from men hostile

to the idea of giving women the vote. NGOs involved in the enhancement of women's rights were also very active in encouraging women to vote.

The Election Commission also undertook the training of election officials and polling agents and the provision of educational programmes. To facilitate their work, it published several reference manuals and guidebooks for all election officials.

### *Other Arrangements*

There would be 36,451 polling stations for the 1997 general election. Each station would consist of up to four polling booths – each booth in effect a mini polling station, with a ballot box, officials, private area for marking the ballot and so on. Altogether there would be 131,649 booths. Voters would be able to cast their ballot only at the specific polling station to which they were assigned. Ballots would be counted as spoilt if:

- voters did not use the rubber stamp provided;
- the stamp was placed outside the space provided for it;
- more than one space was stamped;
- it was not clear for which candidate the voter had voted.

The number of voters per polling station would be in the range of 1,200 to 1,600. Of the total number of registered voters (56,573,956), 1,547,632 would be non-Muslims (who would vote separately for the 'minorities' candidates).

There would be 6,011 candidates contesting the National and Provincial Assembly elections. Of these, 1,863 (896 of them independents) would contest the National Assembly elections, yielding an average of some eight candidates contesting each National Assembly seat. Nominations closed on 21 December 1996, after which there was a period for objections and some candidates withdrew. The revised list of candidates was published on 9 January 1997.

Voting would be by the first-past-the-post system. Constituencies would vary considerably in size – the largest constituency would have some five times as many electors as the smallest (447,547 compared with 86,301).

**SUGGESTION:** That the Government of Pakistan may wish to consider the urgent need to hold a census at the earliest opportunity, to enable constituency demarcation to be brought fully up to date.



## Chapter 3

# The Campaign and the Media

### The Campaign

Following the announcement of the election date by the President on 5 November, the Election Commission issued an Election Schedule on 15 December 1996. It was at this point that the campaign formally began, although in fact campaigning had been under way from the point at which the President dissolved the National Assembly.

At the end of Chapter 1 we noted several issues which commanded public attention following the calling of the elections:

- the controversy over the dissolution;
- the allegations that the President and the Caretaker Government were working for a preferred outcome to the general election;
- the argument over the timing of the general election;
- the debate about the vigour with which 'accountability' was being pursued by the Caretaker Government; and
- the row over the establishment of the CDNS.

We were struck that at the time of our arrival in Pakistan these and related matters continued to command substantial attention, at least as much as any of the particular policy proposals of the contesting parties. It appeared to us that the political issues in Pakistan above all concern government and governance itself. We were also impressed by the fact that the role of the President and the Caretaker Government was central to each of the major controversies.

A number of those we met remarked that this election campaign was somewhat subdued and the public reaction unenthusiastic, even indifferent, an impression confirmed by our own observations even as late as the final week before polling.

There were three ready explanations for this: it was taking place during Ramzan (when Muslims fast from sunrise to sunset), during the winter season when the weather is often bad in much of the country, and at a time of considerable public cynicism regarding the honesty and effectiveness of the leaders of the major parties. In addition, it was suggested to us by one national party Secretary-General that increasingly political campaigning in Pakistan took place on and through television, as in much of the rest of the world, rather than on the streets.

The momentum of the campaign was also partly affected by various new restrictions referred to in the previous chapter, which were grouped together for the guidance of political parties and contesting candidates in a Code of Conduct produced by the Election Commission (attached at *Annex XIV*). As long as the parties adhered to these the effect was bound to be to make the campaign more muted than campaigns preceding previous general elections. There were restrictions, for instance, on party 'processions', the siting of 'election camps', the location of public meetings and rallies, the use of posters, banners, graffiti, flags, loudspeakers (banned except at election meetings) and microphones (restrictions on hours and the number of microphones). There are powerful arguments for these restrictions. At the same time, they probably do have the effect of draining the campaign of a certain amount of colour and vitality which hitherto must have heightened popular interest.

Two further factors which may have contributed to the low-key nature of the campaign were the restrictions on election expenditure and the uncertainty created by the challenges from the PPP and others in the Supreme Court against the dismissal of the Bhutto Government and the dissolution of the National Assembly.

The Court ruled on the validity of the relevant amendment to the Constitution on 12 January 1997, saying unanimously that the Amendment was 'a valid piece of legislation ... that would stay in the Constitution unless removed by Parliament'. However, it was not until 29 January that it ruled by a majority verdict on further petitions challenging the actual decision. After a



*Rallying point ... all the major parties held public rallies during the campaign, some of which drew massive crowds. This meeting took place in Rawalpindi and was addressed by PML(N) leader Nawaz Sharif*

13-day hearing six of the seven judges upheld eight of the President's nine grounds. On the ninth, which related to the alleged murder of Murtaza Bhutto, they stated no view since the matter was *sub judice*. The last legal hurdle to the holding of the elections was therefore only removed five days before polling day.

For all this, the campaign did pick up as time went on. Party workers were active in door-to-door canvassing throughout the country, and the media (see below) gave substantial attention to the elections, both in their news coverage and by means of special Election Commission public information, both in printed and electronic form.

The party leaders addressed some massive rallies – several of our teams quoted estimated attendances of 60,000 at rallies they attended – which were often colourful and entertaining. In the case of one MQM(A) rally attended by our Observers, the speech of leader Altaf Hussain (who lives in Britain) was made by telephone and broadcast via the public address system. Widespread use was made of banners, balloons, kites, stickers, singing, drumming, dancing and fire crackers and imaginative and unconventional techniques were used by some candidates to attract the crowds.

A Provincial Assembly candidate in Rawalpindi paraded three caged lions through the streets to advertise his event. Some of the bigger rallies also attracted the (peaceful) attention of other parties, with the PML(J) distributing bundles of leaflets from a light aircraft over at least one rally organised by the PML(N).

By the end of the campaign, in the urban areas at least, while there was not exactly an 'election fever' very few people could have been unaware that a general election was due to be held on 3 February.

Although there were a number of incidents the campaign period was largely peaceful and the atmosphere generally calm. The major exception was Lahore, where a powerful bomb exploded on Saturday 18 January killing 25 people including the intended victim, the leader of the Sipah-i-Sahaba Pakistan (SSP). However, the bomb and subsequent counter-violence was not directly related to the elections but was part of a long-standing sectarian conflict between Sunni and Shia Muslims, respectively the SSP and a Shia group known as the TNFJ.

In Karachi, where there has been considerable violence in the past, there was tension in some areas but no serious disturbances, thanks largely to the deployment of considerable numbers of troops and police, especially as polling day approached. The police and government authorities had developed security plans for every district in the country and identified 'sensitive areas' which received special attention from the security forces even before election day. In some areas effective preventative action was taken when campaign violence was feared.

In Rawalpindi, for instance, party rallies were banned on 31 January when police intelligence reports indicated that there would be trouble from rival groups of party supporters. Elsewhere, however, our Observers noted that even when the major party leaders held rallies on the same day and in the same cities, and even when their supporters' convoys crossed paths, there were no serious clashes.

Adherence to the provisions of the Code of Conduct was mixed. Some of our teams observed breaches. But in general the parties seem to have observed the law regarding the use of loudspeakers, flags, banners and so on. In Lahore, our Observers were told that the penalties for breaches of the Code had proved to be a powerful incentive in favour of compliance. In several places our Observers were told that while the provisions of the Code may have helped to make it a dull campaign they had also reduced the likelihood of violence.

It was more difficult for our Observers to tell whether spending limits were being respected. Several parties claimed that their opponents were breaking the rules in this respect, and some of our teams were told of the distribution by other candidates of Eid gift packets (oil, flour, etc.) in an attempt to influence voters. A number of our Observers were told that major employers – industrialists and 'feudal' landowners alike – were attempting to influence their employees' voting choices.

Parties also sometimes alleged that the local administration was favouring one party or another. In Faisalabad, for instance, it was alleged that the district administration had allowed one party's speeches to be broadcast via a public address system but prevented the broadcast of speeches by another party. In Sindh, it was alleged that the caretaker Chief Minister was using provincial resources to campaign on behalf of his son. However, we were not able to obtain independent and direct evidence to verify any of these charges.

The campaign in the Federally Administered Tribal Areas, to which the universal franchise had been extended for the first time, differed in a number of respects from that in the rest of the country. There were no political parties in the contests in these areas and, in line with the determination of male community leaders that women voters should not exercise their right to vote, the candidates' campaigns often ignored even those women voters who had registered.

In general the parties and candidates told us that they were free to campaign. The major exception was the MQM(A), which from the very start to the very end of the campaign period complained that its candidates faced attacks from MQM(H), which they alleged received support from the state, and that there were several parts of Karachi which for them were 'no-go areas'. Five such areas were frequently referred to by their spokesmen: Landhi, Korangi, Malir, Shah Faisal and Lines Area.

The party had boycotted the 1993 National Assembly elections for similar reasons. On this occasion it decided to participate, 'because of the pressure of the masses'. But it protested loudly that the authorities were not only doing nothing to protect its right to campaign but actually wished 'to maintain' such no-go areas in the hope that this would diminish the MQM(A)'s vote.

Officials in the affected areas were keen to reject these charges and to demonstrate that the MQM(A)'s candidates were being given the opportunity to campaign, on one occasion eagerly showing our Observers in Karachi the party's loudspeaker permits. Our Observers in Hyderabad also heard complaints from the MQM(A), for instance that supporters and candidates had been abducted and that the police had been removing the party's kite symbol from buildings.

A complaint of a different nature was made by a minority candidate encountered by one of our Observer teams. He acknowledged that he was free to campaign, but with the whole country as the constituency in the minority election the costs were crippling and effectively ruled out all candidates except those with major financial backing.

As for the content of the campaign, the two major parties attacked each other's record and



*Snap visit ... Commonwealth Observer Group Chairperson Malcolm Fraser and Dr Siteke Mtwale examine election materials held at an Election Commission office prior to distribution to some of Pakistan's 36,451 polling stations*

argued that they alone had the required qualities to be effective in government. Each promised to restore the fortunes of the country.

Mr Sharif vowed to launch a *jihad* (holy war) against 'lawlessness, injustice, and poverty' if he was elected. His party's manifesto promised to tighten fiscal policy, root out corruption, strengthen the power of Parliament and the rule of law, and implement a wide-ranging social action plan to improve literacy and health care.

In its election manifesto the PPP vowed to lead Pakistan down the road to 'stable democracy'. It undertook to implement a strict anti-corruption policy and renew policies that were being implemented during the term of office that had come to an end the previous November. It also promised to establish programmes for health care, women's rights, education, defence and the environment.

Tehrik-e-Insaf pledged to slash the size of government, raise salaries, end poverty, control prices and bring economic prosperity to the country. Above all it promised to take tough action against corruption. Imran Khan reportedly told a rally in Peshawar that "given a chance I can purge the society (of corruption) within two weeks" and that "my party will hang all those who have plundered the national wealth".

It is worth noting that a number of parties once again had 'seat adjustment formulae', under which they agreed not to contest certain seats. For instance, the PML(N) had an agreement with JUP (Niazi) – an Islamic party which had won three seats in 1990 and had been part of the Islamic Jamhoori Mahaz (IJM) which won four in 1993 – according to which the former agreed to the inclusion of the Islamic Rule of Government in its manifesto. Similarly, it was reported that there was a 'no opposition' arrangement between the PML(J) and the PPP in certain seats.

The contesting parties were not the only parties to campaign during this period. Jamaat-e-Islami, the largest of the parties which had decided not to participate in the elections, launched a campaign of house-to-house canvassing to persuade voters not to vote – on the grounds that, as its leader Qazi Hussain Ahmad put it, holding the elections without calling into account the "plunderers of the national exchequer" would be a futile exercise.

At one point during the campaign Benazir Bhutto indicated that her party was "seriously considering" boycotting the polls. Later the position shifted. She was quoted as saying on 7

January 1997 that "we are not going to accept the results of the election if we do not win and if the administration is not neutral." She was further quoted on 31 January as having said the day before that if the PML(N) won over 60 seats in the National Assembly the PPP would conclude that the polls had been rigged.

On 1 February, Ms Bhutto wrote to the Chief Election Commissioner saying that 'since the beginning of the current election campaign we have consistently identified the intention of some quarters, led by President Farooq Leghari, to keep the Pakistan People's Party out of power through unfair means.' She drew attention to a list of 65 National Assembly seats 'where election results are to be engineered/manipulated', urged the Commissioner to 'ensure there is no stuffing of ballot boxes, bogus voting or manipulation of election results' and added that 'since November 5 the PPP has been denied a level playing field'.

The campaign, by common consent not the most exciting in Pakistan's history and described by *The News* as 'cheerless', came to an end as it had begun: with cries of foul.

### The Media

The media are important to the democratic process, especially during an election period. Unfettered access to the media being one of the principal means by which political parties are able to put across to the public their views and debate the issues, we looked closely at the various media in Pakistan, especially the radio and television programmes of the state-owned Pakistan TV Corporation (PTV) and Pakistan Broadcasting Corporation (PBC).

### The Print Media

There are more than 2,000 newspapers, magazines and journals, largely in Urdu, but also in English and in the regional languages. Since press freedom was restored with the return to democracy in 1988, they have pursued their own editorial policies. At least one newspaper is owned by the Government, others are party newspapers, but the majority of them are owned by private publishers many of whose political sympathies are reflected in their editorial columns. From the newspapers and magazines in both Urdu and English that we monitored, we were convinced that most shades of political opinion were expressed freely, even if they were rarely



*Above the snow line ... election officials at Murree collecting ballot boxes and other essential election materials. In places the snow was several feet deep but preparations went ahead regardless*

expressed in the pages of a single newspaper, and that readers often entered into a lively debate on political issues and personalities through the letters columns.

We noted, too, that many newspapers shared a bewilderment over what this fourth general election in eight years meant in terms of the political and constitutional future of the nation. For the most part, they reported factually on the important events, such as the Supreme Court's decision of 29 January upholding the President's dismissal of Ms Bhutto's government. Their news columns contained a selection of news and interviews, whose theme was largely dependent on the newspaper's political leanings. Many of their columnists were already analysing the long-term effect of the constant political upheavals. They blamed one party or personality, or indeed the Caretaker Government, and many asked what needed to be done to bring political stability to the country – showing that the media at least were aware that Pakistan needed more than just a continuation of its existing political process.

Unfortunately, newspapers only reach the section of the population which is literate and Pakistan's literacy rate stands at a national average of 38.8 per cent (dropping to 23.5 per cent for females). We were told that in the rural areas the average dropped to about 27 per cent. This meant that the majority of voters had to rely on radio, and to a lesser extent television, for general information on the elections and the various issues – a senior PBC official told us that radio broadcasts reached 95 per cent of the population.

### *Radio and Television*

PTV and PBC are state-owned and subject to government control in their programme content. The Election Commission told us that after the date for the elections was announced and recognising the importance of radio and television, it met the Information Secretary and the heads of PTV and PBC and urged them to be fair in allocating airtime to the political parties. Although no written guidelines were issued, both PTV and PBC undertook, as they had in the previous elections in 1993, to provide equitable news coverage of the major political parties and to give them a single half-hour slot, free, before the elections to put their views across. In addition, and for the first time, they allowed parties to buy party political broadcast time at Rs50,000 per minute on television, including at prime time, on either side of the major 9 p.m. news programme, *Khabarnama*, and during the commercial breaks.

Also as in 1993, a special programme, *Election Hour*, was put on every night after *Khabarnama*. Political leaders of the bigger parties (defined as having fielded candidates for more than five per cent of the National Assembly seats) were given their free half-hour on *Election Hour* and were also invited to submit themselves to being interviewed on this programme. Women's groups, academics, political analysts and representatives of minorities were also invited to form various discussion panels and engaged in lively verbal jousting. The leaders of the PML(N), Mr Sharif, and the PPP, Ms Bhutto, appeared on *Election Hour* in the last days of the campaign, with Ms Bhutto appearing on the last day of campaigning, Saturday 1 February. They, and leaders of other parties contesting the elections, also submitted themselves to some tough questioning on the programme by journalists about their policies, their past performance in government and themselves, and the exchanges were lively. These interviews and discussions were simultaneously broadcast on radio, thus extending their reach.

The paid party political broadcasts were also imaginatively produced, with shots of leaders speaking to enthusiastic crowds or footage taken from moments of triumph when they were in government, cutting away to economic charts or tables either lauding their own economic achievements when they were in power or denigrating the performance of their opponents when they had been in government. In other words, they were no different from such paid broadcasts anywhere else in the world and introduced the element of 'advertising sell' in the elections. Some of these paid broadcasts were used to advertise coming interviews with party leaders. Given that the banning of posters and banners had robbed these elections of the festive air that is usual (and beloved) of Pakistan elections, the party political broadcast was a new and exciting element to those voters who watched television.

The parties used the new broadcast arrangements with enthusiasm. Both the PML(N) and PPP asked to buy extra airtime for their leaders on *Election Hour*, with the PML(N) reportedly paying Rs1.7 million for the extra 34 minutes used by Mr Sharif and the PPP Rs1.25 million for



the extra 25 minutes used by Ms Bhutto. There were some complaints that Mr Sharif had been allowed to select the journalists who would interview him on *Election Hour*. Just before the elections, the Tehrik-e-Insaf complained that a scheduled appearance of Imran Khan on the *Mizan* programme was cancelled with a few hours' notice on 29 January and insisted that this was due to pressure from the Caretaker Government.

In their news programmes, PTV and PBC generally took care to project the campaigns of the major political parties as equitably as possible. Both the rallies, meetings and activities of the PML(N) and PPP were broadcast prominently and equitably and, after Tehrik-e-Insaf complained that it was not being given equal treatment, its leader was also given prominent treatment. The activities of the other parties were also covered.

### *Coverage of the Caretaker Government*

The Caretaker Government took a far higher media profile in the weeks of the campaign than did its counterpart in 1993. Criticism by the PPP of its dismissal by the President, the PPP's petition to the Supreme Court against that decision, and the Court's judgment only five days before the elections to uphold the President's decision meant that the Caretaker Government was constantly in the news defending the President's decision by further elaborating his reasons for the dismissal. The various Ordinances promulgated by the President, many of them concerning fundamental economic and administration restructuring, also meant that the Caretaker Government's actions were also reported and commented on by the media.

The Caretaker Government thus became a perhaps inadvertent player in the campaign period, because it was often the target of criticism by political parties and went to the media to explain or defend itself. PTV and PBC, being state-owned, felt themselves under obligation to give the President and the Caretaker Prime Minister and his Cabinet wide coverage. The President's press conferences or interviews were telecast verbatim (for up to two-and-a-half hours) while edited-down versions were broadcast over radio. The PPP in particular complained that these televised press conferences were a constant attack on itself and a blatant misuse of the electronic media. The situation was compounded two days before the elections when PTV recorded an interview by Zee-TV, an Indian television channel, with the Information Minister in which he criticised the PPP government and offered personal comment on Ms Bhutto herself. This was telecast for domestic viewers.

We felt that without the seemingly pro-active profile of the Caretaker Government, media coverage of the campaign was generally fair and equitable.

**SUGGESTION:** We felt that the independence of the government-owned and controlled media is of great importance to a democratic system and that some mechanism, such as an independent commission, should be considered which would guide state-owned TV and radio: such a mechanism would be independent of government direction and control.

## Chapter 4

# The Poll and Count

### The Poll

Polling stations were due to open at 7 a.m. on Election Day, Monday 3 February, so our teams of Observers were in place at their designated polling stations from 6.45 a.m.

In some cases, the polling station staff and security personnel had stayed at the polling station the night before to protect the election materials and to be ready on time. Nevertheless, many stations did not open at 7 a.m., with some opening as much as two hours later than scheduled. The reasons for this varied. In some places materials arrived late, despite the plans of the Election Commission which had told us that ballot boxes and other election material would be delivered the previous day or, in some cases, very early that morning, but in either case well in time for the opening. In other cases while the materials were present the appropriate personnel were not. In Karachi, one station opened as late as 2 p.m.

At a number of polling stations where our Observers were present, the opening of the polls was delayed because party agents arrived late. Although the election rules provide for the opening of the stations without the presence of party agents, it seemed that most Presiding Officers preferred to wait for the agents and thereby avoid complaints from them later regarding procedures they had not observed.

To guard against the presence of unauthorised personnel at the polling stations each agent had to show a letter of accreditation before they were admitted. Party agents from the major parties were present at most of the polling stations where our Observers witnessed the opening. However, in Karachi the MQM(A) complained that its party agents had been prevented from being present at a number of polling stations: as a result just one party was represented at these stations.

*Safely sealed ... polling station officials in Sukkur fixing the seals on the ballot box with hot wax before voting begins. This was invariably done in the presence of party agents, who were also shown the empty boxes beforehand*





The Presiding Officer showed the party agents the empty ballot box before fixing the lid and unnumbered string seals with hot wax. Similarly, the books of ballot papers were removed from their packaging in full sight of the party agents. In one polling station where party agents only arrived after the ballot boxes were closed and were about to be sealed the Presiding Officer agreed to open them again. In one place the Presiding Officer did not know how to seal the ballot boxes. In fact, the procedure varied in small ways from place to place.

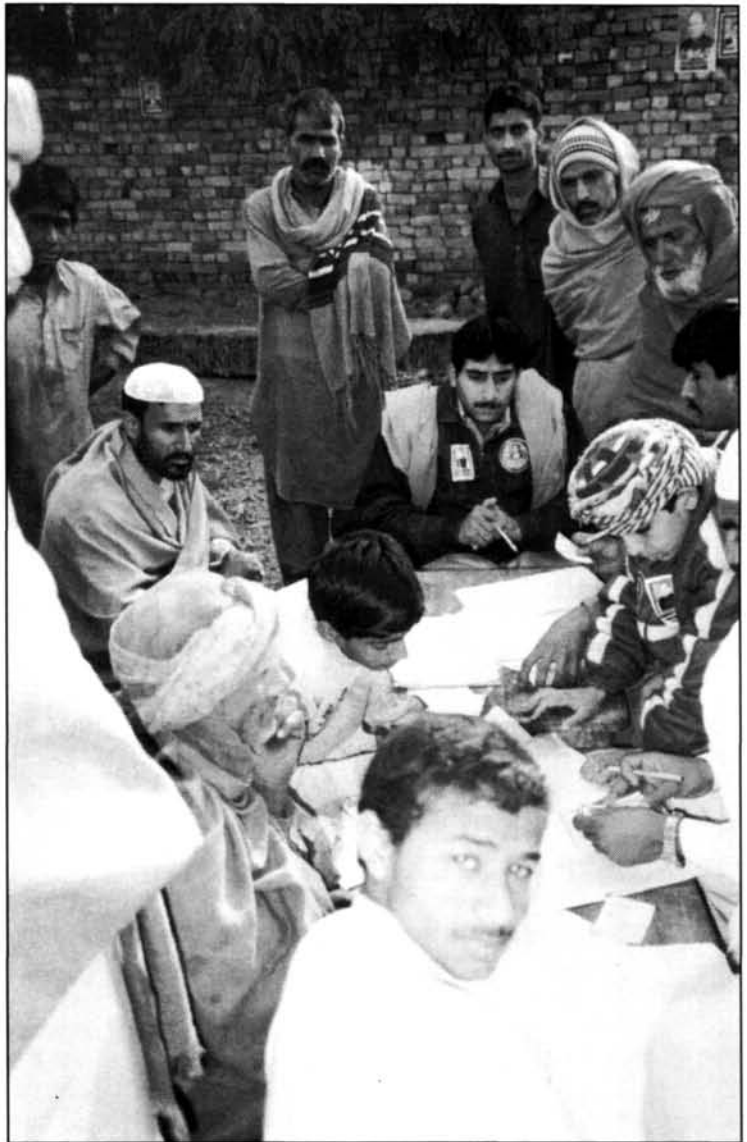
Almost all polling stations were in government buildings, often schools or colleges. They consisted of several separate booths, each a mini polling station with a ballot box, a private (and usually screened) area for voting and at least three members of polling station staff. The parties were entitled to agents in each booth. There were usually separate polling booths for men and women. Sometimes whole polling stations were dedicated to women or men voters. Some polling booths were located on verandahs in front of public buildings and were therefore almost in the open air. Most were located inside.

Voting was very slow at first in most of the stations we visited and queues were short or non-existent until well after opening. Polling station staff and security personnel did not vote first, as is the practice in many countries, as they had been given the opportunity to vote by post (although many seemed not to have availed themselves of this).

We gained the impression that polling stations were within reasonably easy reach of voters. All the polling stations we visited were accessible, and no one told us that they had to travel a long distance. We detected no confusion or ignorance as to their location, probably because the same buildings are often used for this purpose. In areas where there was a low turnout, voters often did not have to wait at all to cast their votes, or only for the briefest of periods. In others there were sometimes long queues.

The standard of the facilities, for the most part, was consistently good, with little variation from station to station. On the whole, the layout of the polling stations was adequate although sometimes there was too little space. Apart from other considerations, this often made it difficult for us to distinguish between polling officials and party agents. The problem of identifying the election officials and party agents was compounded by the fact that they had no identification badges, a matter which we believe the Election Commission will want to look at for the future.

Voter education and previous experience meant that the voters were generally familiar with the voting procedure. Where this was not the case the polling station staff were invariably helpful.



*Just checking ... before entering the polling station electors check their numbers on the register with party officials sited nearby. Other party officials sat inside the polling station where they were able to check the voters' identity and enter a challenge if this was disputed*



*Arms and the men ... armed men waiting to vote outside a polling station in Balochistan Province. For many of the inhabitants of this province the carrying of guns is not uncommon, even at election time*

There were two ballot boxes – green for the National Assembly elections and white for the Provincial Assembly. The voting procedure was straightforward.

On entering the polling booth the voter first showed the polling station staff her/his identity card and the official found the voter's name in the register. The voter was also identified to the party agents, who were usually seated some feet away. The agents then either entered a challenge or signified their assent to the voter proceeding with the rest of the process. In some cases, we noticed that all voters coming into the polling booths reported to their party agents first, who verified their names on their lists at the outset.

Usually the voter also showed the officials a slip of paper bearing her/his voter number, as on the register of electors. This slip of paper was normally provided by the voter's party, at 'election camps' established nearby to the polling stations. These camps consisted of tables, chairs and a lean-to structure. Voters would check there on their number before going to the polling station. The slip of paper with which they were issued normally bore the name of the candidate and other information regarding the party in question, and we noticed that the polling booths were by the end of the day littered with these slips. While the parties claimed that this system helped the voters and polling officials, we could not help but observe that it also resulted in party material being visibly present in the polling booth – and that therefore there was a constant reminder to the voters of the existence of certain parties right through to the point at which the voter marked her/his ballot paper.

Once the polling station official had traced the voter on the register and crossed off her/his name, the voter's identity card (National Identity Card, as no special voters' cards were issued for these elections) was pierced by a polling station official. We noticed that the indentation was relatively superficial but there were no complaints from party agents or others.

The voter's thumb was then marked with indelible ink. The location of the marking varied from station to station. Of greater concern was the quality of the ink, which our Observers were in some cases able to rub off quite easily.

The ID card system was also not fool-proof. We were told on the highest authority that it was possible to forge cards with relative ease and that for this reason an international



*Just a matter of time ... almost everywhere the atmosphere on election day was calm and peaceful and voters were generally relaxed: this queue was at a polling station in Multan*

company was being contracted to provide a much improved system incorporating many sophisticated safety features which it was hoped would be in place in time for the next general election. In the meantime Pakistan's identity cards, while assisting the polling station staff in identifying voters, do not provide a secure method of guarding against personation and double-voting.

We were concerned to find that it was possible for names to appear on the roll at more than one polling station. The only safeguard against this was the diligence of the parties in checking one polling station's register against another. In most cases, we found that party agents on the day were in possession of the polling station's register, suggesting that there was no problem for the parties in obtaining the required information to enable them to check against double entries before polling day and then make objections as voters presented themselves on the day. However, this did not apply in Karachi, according to complaints from the MQM(A) who said that up-to-date lists had been provided only to its opponents.

We are not aware of the extent of the problem of names being on more than one list and nor are we aware of any organised fraud through the exploitation of this feature. The likelihood is that any such exploitation by one candidate would have been

*Security presence ... a soldier inside a women's polling station in Peshawar, with party agents and election officials seated. Security arrangements for the poll and count were good and voters generally regarded the soldiers' presence as reassuring*





*Women only ... specific booths and sometimes whole polling stations were dedicated to women voters and staffed by female officials. Women voted in large numbers in most areas*

cancelled out by that of another. Nevertheless, this is an aspect of the arrangements which we believe the Election Commission will wish to look at for the future. It should be possible, for instance, to produce a complete list for the whole constituency organised in alphabetical order and for this to be available both in advance and on election day at every polling station.

Equally, we believe that the Election Commission will want to look at three further matters. First, there were allegations that in a number of cases the register was incomplete. In Karachi, for instance, we came across several polling stations where it was said that whole pages of the register, containing large numbers of names, were missing.

Second, our Observers also noticed that the copies of the register at polling stations were printed on flimsy paper and were rather fragile documents.

Third, a number of practical problems seem to have arisen on election day from the fact that while the Election Commission is responsible for the register a government department is responsible for the issuing of ID cards (e.g., change of names being recorded by one and not by the other).

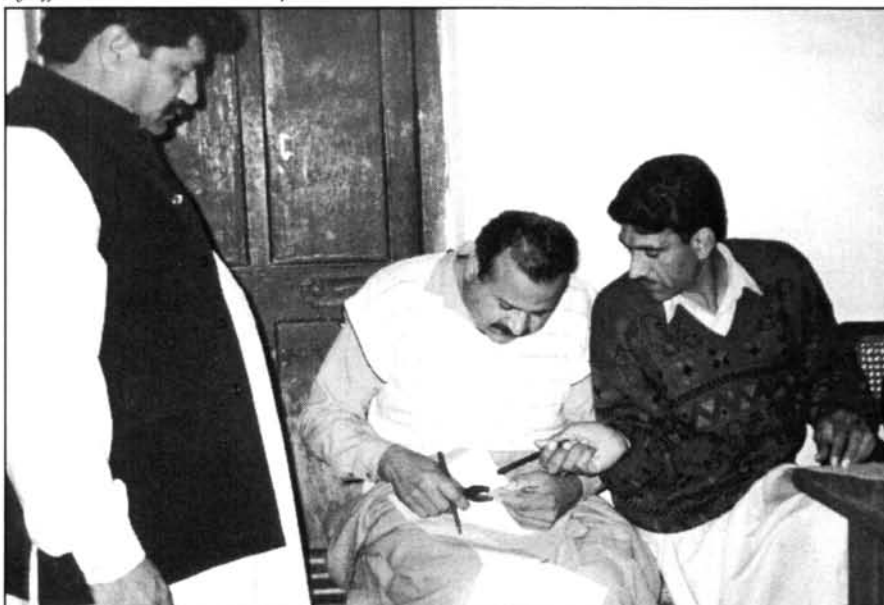
Once the voter's name was crossed off the list she/he was first issued with the green ballot paper for the National Assembly election and then with the white ballot paper for the Provincial Assembly election. In the case of minority voters there were special ballot papers bearing the names of the minority candidates. Practice varied, however, as to whether or not

there were separate ballot boxes for the minority voters.

Once they had their ballot paper each voter was given a rubber stamp with which to mark the paper – written or thumbprint markings constituted a spoilt paper.

The voter then went to mark her/his ballot paper. In two polling stations the marking of the ballot paper was done at an unscreened desk, in view of all. But in all the other places we visited the secrecy of the ballot was assured. A variety of furniture was used to screen the voting area: upturned desks and beds, sheets, curtains, filing cabinets and lecterns. Sometimes entire rooms were dedicated purely to the marking of the ballot paper.

*Card check ... to guard against double-voting, voters' National Identity Cards were clipped by officials, as here in Rawalpindi*







*End of the line ... after waiting patiently a voter reaches the head of the polling station queue. There were two ballot boxes – green for the National Assembly elections and white for the Provincial Assembly*

At all stations where our Observers were present at 4 p.m. the polling station officials allowed those who were still in the queue at that stage to vote. In Karachi, some polling stations stayed open until 6 p.m. (because they opened late).

Overall, the voting system seemed to work reasonably well, except that after marking the ballot papers the voter had to go back to the original table and place them in the ballot boxes, which usually meant that they got mixed up with the queue of voters who were being processed.

Most Presiding Officers and their staff had been well trained and a significant proportion were women. Most electoral officials performed satisfactorily and, as far as we could see, in all cases the Presiding Officers adhered to the prescribed procedures. Supplies were generally good and we did not come across any significant logistical failure once the stations had opened.

The party agents were diligent and conscientious. Generally they said that they were satisfied with the arrangements made by the polling station officials, although there were complaints from some agents when people were turned away because the names on their ID cards did not correspond exactly with the names as given on the register. The exception was Karachi, where MQM(A) complained that their agents had been unable to get to polling stations in the alleged 'no-go' areas.

We did not come across any cases of party agents interfering in the process. In general, the agents played an important role. They were, in our view, an essential element in ensuring the integrity of the elections.

Although there must have been cases of attempts at fraudulent voting, we came across no cases of under-age voting, personation or attempted double-voting.

In the North-West Frontier Province the tribal leaders, and men in general, had made clear that there would be severe repercussions for women should they attempt to vote. In one case, in the Khyber Agency, our Observers were told in advance that women who voted would be fined and have their houses burnt down. On polling day we were again told by male voters there that women would not be voting and that they, the male voters, did not wish to discuss the matter with us any longer. We did not see any women voting in the Federally



*Out for the count ... the counts our Observers saw were efficient and well organised, as here in Punjab Province: in all cases they took place at the polling stations*

#### Administered Tribal Areas.

Elsewhere, we were told that in some areas women would vote only if allowed to do so by their husbands and that the nature of their choice would be influenced, if not determined, by their husbands. We have no way of knowing whether women voters were so influenced.

Other than the dedication of specific polling booths or even whole stations for women, we were unaware of any special arrangements to facilitate voting by women.

In line with the provisions of the Code of Conduct, polling stations were relatively free of graffiti and party posters, except in Karachi. We noticed that the occasional party agent was wearing party colours inside the polling booth.

Almost everywhere the atmosphere was calm and peaceful and voters were generally relaxed, although there was some jostling at polling stations when numbers in the queue grew later in the day and in some places there was rowdiness from crowds of people who had remained outside the polling stations after voting.

Security at polling stations was provided by police with the support of members of the armed forces. Further military units patrolled town centres and rural areas. Altogether a total of 250,000 armed forces personnel were used in support of the Election Commission – guarding and transporting supplies before the polls opened, providing security for the stations and voters on the day and, at many of the places we visited, regulating the flow of voters into the polling stations. All our Observers reported that armed soldiers were also present in the polling booths themselves.

Military officers were temporarily given the power of a magistrate so that action could be taken on the spot if necessary. There was some criticism of this, but on the day we observed few cases in which the military seriously abused their power, although they sometimes acted without reference to the Presiding Officer. Indeed, in only one case did we see any unusual activity by soldiers, following the challenging of a voter, when a crowd was asked to leave the polling station by the army. While Observers may have been concerned at the presence of armed men inside polling stations and sometimes thought that security was intrusive, the voters themselves did not seem to share these worries. They were generally relaxed about the presence of soldiers and regarded their attendance at polling stations as reassuring.

The Minister of Defence told the voters before election day that on this occasion the armed forces would not be monitoring the voting (in 1993 an Election 'Cell' was formed at the centre). There were still suspicions amongst some of those we met that army radios were in fact being used for this purpose. We were unable to ascertain how well founded these suspicions were.

Overall, the security forces' role appears to have been positive and their presence was appreciated by the voters, who appeared to have little fear of the armed forces personnel or their guns.

Some 3,000 local observers were deployed by the Human Rights Commission of Pakistan at polling stations in 100 constituencies which they deemed to particularly merit their presence. We came across a number of their observers and in all cases they were dedicated and in some cases very well informed. The process benefited from their presence.



*Showing the flag ... after the polls closed, party supporters paraded through the streets in celebration. These scenes, from Rawalpindi, show supporters of two of the parties*



As noted above, a number of foreign observers were present in addition to the members of our Group. There were large teams from the European Union and the US. We co-operated with these foreign observers to avoid duplication of coverage in particular constituencies, while ensuring that our Observer Group itself did not as a result have an unbalanced impression of the events of polling day. Neither we nor any of the international or domestic observers we encountered had any difficulty in gaining access to the polling stations or booths.

### The Count

When voting was complete the Presiding Officer went through the closure procedure, taking note of the number of unused ballot papers and making physical arrangements for the count.

In all cases the count took place at the polling station. People began gathering outside the polling station from just before 4 p.m. to await the results.

Following the closure at 4 p.m. or as soon as possible thereafter, the seals were inspected and the ballot boxes opened in the presence of party agents. The officials and agents were sometimes locked into the counting room, often with security personnel present. (It should be noted that in some places the army appeared to be taking down figures during the count.) Facilities were adequate for accommodating candidates and their representatives to witness the count. National Assembly ballots were counted first, Provincial Assembly ballots second, and minority ballots third. The votes from each polling booth were counted separately.

Those counts that we witnessed were quite efficient, with ballot papers being placed in the middle of a table of polling officers then separated into piles according to the vote, following which they were counted and checked. Each lot was placed in a separate envelope. The Presiding Officer ruled on the matter of invalid ballots promptly, and there was no protest from party agents. All took a break for *iftar* (the breaking of the fast) and returned to count minority ballots.

In many cases the count was completed in as little as an hour. Particular interest was shown in allegedly invalid ballots. The procedure here was to keep these separate and their numbers were noted at the end. All party agents present were asked to sign a tally sheet and the Presiding Officer made available the detailed results to the agents, which they were asked to verify and sign. The results (unofficial until the Election Commission satisfies itself that candidates have submitted correct campaign expenditure returns) were then posted on the doors of the polling/counting station. The Presiding Officer then went personally to the constituency Returning Officer with the signed results sheet to which her/his thumbprint as well as signature needed to be affixed. Only in a few cases did we observe any prolonged dispute over the figures and arguments were generally good natured.

When counting took place after dark, lighting was adequate where we were present. We did not come across any cases of essential materials being missing. The small size of some of the rooms used for counting was, however, sometimes a problem. The counts were generally well organised and we observed no irregularities.

Finally, it should be noted that while voter turnout was not as low as had been feared – there was talk on election night of 25 per cent – it was still very low in some areas. Overall, turnout seems to have been around 37 per cent. In the 1993 National Assembly elections the turnout was 40.28 per cent. In 1990, it stood at 45.46 per cent and in 1988 43.07 per cent.

**SUGGESTIONS:** The Election Commission may wish to consider:

- preparing one register for each constituency, to include the names of all those registered in that constituency, for use before the general election and at each polling station on election day itself;
- whether there was any foundation to allegations that names were missing from certain of the polling station registers;
- whether there is a method of producing more robust and durable registers for use at polling stations;
- whether there is a means of ensuring that ID cards and registers carry the same names.



## Chapter 5

# Towards Effective Democratic Governance

This is the first Commonwealth Observer Mission whose terms of reference include a responsibility 'to propose to the government and other concerned authorities such action on institutional, procedural and other matters as would assist the effective functioning of the elected government.' Thus it has been necessary to canvass with Pakistani groups not only their immediate concerns regarding the elections but also their observations on this issue. The observations or proposals we make on this aspect are based on concerns communicated to us and our own understanding of the Pakistan situation.

We are happy to note that many, including government representatives, discussed their views and suggestions on desired changes with great openness and frankness.

The framework within which our observations or proposals are made is based on the pledge made by Commonwealth Heads of Government in the 1991 Harare Commonwealth Declaration. Based on point 9 of that Declaration, the important elements of that pledge for our purposes read as follows:

Having reaffirmed the principles to which the Commonwealth is committed, and reviewed the problems and challenges which the world, and the Commonwealth as part of it, face, we pledge the Commonwealth and our countries to work with renewed vigour, concentrating especially in the following areas:

- the protection and promotion of the fundamental political values of the Commonwealth:
  - democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government;
  - fundamental human rights, including equal rights and opportunities for all citizens regardless of race, colour, creed or political belief;
- equality for women, so that they may exercise their full and equal rights.

It is clear that the Commonwealth believes that effective democratic government rests on certain basic principles and factors.

### **Democracy, Democratic Processes and Institutions**

Effective democracy can occur within a presidential or a parliamentary system. In Pakistan, the Constitution is basically drawn in parliamentary terms. We found no inclination among the people of Pakistan to change the Constitution to a presidential democracy. Such a decision would require fundamental change in both the Constitution and many governmental institutions in Pakistan. That in itself would be a major exercise and would mean the loss to Pakistan of the experience gained over several years of an admittedly fragile democracy. Indeed, even the period of martial law where the Head of State exercised total power was an unhappy learning experience for Pakistan. Putting the presidential option aside, therefore, leaves Pakistan with the more desirable and less difficult objective of creating a democratic culture and strengthening its democratic institutions.

If any democratic system is to work effectively, the participants in the system must respect their institutions and one another. Politicians, in particular, need to set an example. Their practices must be beyond reproach and demonstrate a common commitment to democratic institutions. This shows their acceptance of the restraints, frustrations and challenges of effective democracy. Many examples were pointed out to us by the people we spoke to,

suggesting that such a political culture is largely absent in Pakistan. The President, when Parliament is not in session, has an almost unfettered ordinance-making power. This practice has been used repeatedly in ways that have enhanced the powers of the Presidency at the expense of the power and authority of Parliament. Parliament's role is to debate and to make laws. If that is short-circuited by successive Prime Ministers using the ordinance-making power of the President, Parliament's role is severely curtailed. Unfortunately, such practices have been adopted by successive governments in Pakistan.

The attitude of the politicians to Parliament is also revealed in the way oppositions are reported to have gone about their business. Successive oppositions have sought to persuade the President to use his power to dismiss the government. Such an approach again reinforces the authority of the President at the expense of Parliament. Another example of which we have been informed concerns crossing the floor in the Assembly and thereby changing allegiances. Such practices are not unknown in other countries, but in the case of Pakistan it has been suggested that such changes occur not from conviction but through inducements which would not stand public scrutiny. Recent amendments to the electoral law making this practice subject to a by-election or the agreement of the party leader is an attempt to address this problem.

We have also been informed that both Prime Ministers and Leaders of the Opposition, and senior members of their parties, have seldom attended Parliament. Such indifference to Parliament clearly undermines its status and authority.

### **The Rule of Law**

We observed considerable support for an independent judicial system in Pakistan. This is a good sign. The rule of law is critical to any democracy, indeed to any functioning social order. It is the bedrock on which political institutions and the fundamental rights of the citizen must rest.

Its very essence is that no one is above the law and that all are equal before it. It is a basic principle that guides the functioning of society, its institutions and the relationship of its citizens as they interface with each other and with the instruments created to administer their affairs and permit their leaders to seek the public good.

If that quest for the public good is to be successfully pursued, citizens who have entrusted their government with the necessary powers must be able to hold those governors to account. Accountability is effected in a parliamentary democracy through its Parliament. That institution must therefore be vibrant, active and effective, elected by the people through universal suffrage. Elections permit the citizens to pass periodic judgment on their elected representatives, thereby assuring accountability of those who govern, including the head of government and the head of state.

The constitution is the basic document offering the legal context in which the state functions. It needs to be faithfully followed by those who govern, which includes their obligation to protect the very process of accountability.

In our view, the dividing lines between the Presidency, the Prime Minister and the Parliament have become blurred. The President has a capacity to dismiss the government and to dissolve Parliament. When this happens, elections must be held within 90 days. In the intervening period, the President exercises considerable power by the appointment of a Caretaker Prime Minister and a Cabinet, and by the use of his ordinance-making powers. The subsequent elections therefore become in part a referendum on the President's action in dismissing the government. Although the President's decision may be deemed justifiable, it nevertheless has the unfortunate effect of dragging the Supreme Court into the political process.

In such a caretaker period, the Prime Minister and Cabinet are not accountable to the electorate in the normal parliamentary sense. There is no Parliament to provide the normal checks to executive action. In a parliamentary system, the executive power is checked because the Prime Minister and Ministers are themselves part of Parliament. They can be exposed, questioned, be forced to debate issues, and even censured. When Parliament fails to function effectively, the normal checks necessary for good democratic governance fail to operate.

For this reason, it is important that a caretaker government operates within a clearly circumscribed framework of law. For example, a caretaker government could be prohibited from making major appointments and far-reaching policy changes, using the legal machinery for partisan purposes or altering the distribution of power among the principal institutions of government.

In light of these considerations, the creation of the Council for Defence and National Security (CDNS) may need to be reviewed by the new Parliament. Parliament may also wish to pay particular attention to the Ordinance proclaimed by the President on 31 January 1997 (three days before the elections) amending The Representation of the People Act.

### **The Independence of the Judiciary**

It is evident that in a parliamentary democracy under the rule of law the judiciary is a fundamental institution. It must ensure that the law is supreme and applied equally and fairly with favour to none and justice to all. The judiciary must be free to judge both the governors and the governed. It must interpret the Constitution and other laws of the land without political interference. An example of such a requirement of the Supreme Court of Pakistan is the role it plays when the President dismisses a Prime Minister and dissolves the National Assembly. This has occurred four times in nine years. Apart from the substantive political issues the Court is asked to decide, the fact that the proceedings, the politically charged arguments, and finally the judgment inevitably coincide with an election campaign involving the dismissed party, is clearly unfortunate. This was dramatised most recently by the fact that the Court's decision was handed down less than one week before polling day itself.

Article 58(2)(b) of the Constitution places the Court in a difficult position – in the centre of the political maelstrom. Its ability to resist political interference and to be seen as politically independent may be weakened. The danger is that the public judgment as to that independence, once cast, will tend to colour the whole of the judiciary and its processes.

There have been accusations that governments have interfered with the independence of the judiciary. These accusations particularly included interference with the appointment of judges by the previous government. The litigation which surrounded the recent tension has resulted in judicial appointments being effectively placed in the hands of the judiciary. While such a practice may free the Court from political interference in judicial appointments, it has been suggested to us that this may have changed the balance too far. Transparency and accountability are important matters in Pakistan, as elsewhere. Such principles should apply to all institutions, including judicial bodies.

To secure that transparency and accountability, the process of appointment must itself be subject to accountability, and that is best achieved through Parliament.

### **Transparent and Honest Governance**

Accountability of those in high places is of great importance in today's Pakistan. The public is demanding accountability of its rulers. Accountability, including transparency and honesty in government, is critical to effective democratic governance. On all sides, we have been told that corruption is widespread, that those in high places have been able to enrich themselves and evade the consequences of the law. In answer to the mounting criticism, the President introduced a new accountability law and appointed a Commission which seeks to enforce accountability on all. The Commission has already laid charges against a number of citizens including senior political and other official figures. The powers of the Commission are substantial. They are designed to achieve honest government and to assist in changing substantially aspects of the political culture of Pakistan. We welcome this development. However, we wish to underline that such a process is no substitute for, and should not supplant, accountability through the parliamentary process.

New rules for the operation of the Election Commission have also been introduced by presidential decree. All candidates are now required to produce to the Commission two important documents. The first, which must be produced as part of the nomination process, is a complete disclosure of assets of wealth held within Pakistan or without. (A similar declaration

is required annually of all elected members.) The second relates to election expenses, to be produced within 15 days after an election, and requires a full accounting of election expenses for the candidate. False statements in either declaration can lead to rejection of nomination or loss of the seat.

The laws relating to the Accountability Commissioner and to the Chief Election Commissioner have been introduced by Ordinance. They will have to be placed before the new Parliament for confirmation or modification. The new Parliament's attitude to these laws will be critical to a transparent, honest and accountable government in Pakistan. It is to be hoped that such laws will be examined for their potential to serve the national interest and contribute to a new political culture, rather than narrow party or personal interests.

### **Equality for Women**

Evidence would seem to indicate that women are under-represented in the voters' register. This phenomenon is reflective of the limited participation of women in the public life of Pakistan. On the other hand, it would appear that there is an eagerness on the part of women to participate in the political process and generally to improve their condition in society.

The Caretaker Government introduced universal voting for the first time in the tribal areas. However, it was not possible to issue identity cards, which are a requirement for voting in all other parts of Pakistan and which are intended to be a protection for the integrity of polling. Our Observers were advised by tribal elders in such areas that women would not be voting, contrary to the requirements of the law.

It has been suggested to us that to remove the disadvantages of women in Pakistan the lapsed law which provided 20 special seats for women should be revived. This would allow women not only to vote on the general roll, but also to elect, by direct vote, a number of women to represent them. This form of affirmative action would not only provide a voice for women in Parliament, but also encourage their general participation in the political process.

### **A New Political Culture**

Throughout this chapter we have really been speaking about the need for Pakistan to develop a political culture supportive of democratic institutions and practice. As we have pointed out, the consequence of a lack of the appropriate political culture has been a drift of power from Parliament to the President such as to distort the proper functioning of a democratic system.

If Pakistan is to achieve an effective and enduring democratic government, participants in the process must, as we have pointed out, change their approach. They need to build a new culture based on respect for Pakistan's institutions, for each other and for the processes of law and of government which alone can maintain the integrity of the system. We have already mentioned the undue use of the decree-making power of the President. Using such powers to bypass Parliament is a fundamental cause of Parliament's woes. This is compounded by the Opposition encouraging the use of the President's powers of dismissal, instead of seeking to defeat the Government in Parliament.

Pakistan has developed a complex parliamentary system of government overlaid by significant presidential powers. It is not so much the institutions nor the rules of the government as the attitude political participants show towards those institutions which are the cause of Pakistan's political difficulties and the dismissal of the last four governments. Some changes in the rules, however, could contribute to a more stable system.

There is an urgent need for political leaders and all those who participate in the political process to change the state of affairs and to restore confidence in the parliamentary system. We also suggest that the new Ordinances relating to 'horse trading' be maintained by the new Government. ('Horse trading' is a term used to describe the defection of an elected Member of Parliament from her/his political party to another, with the implication of financial inducement.) It may be reasonable for a member changing her/his seat in Parliament to keep it subject to a by-election within six weeks.

## Suggestions and Recommendations

### (i) The Rule of Law

Consideration might be given to setting specific limits under the law to the scope of activities of a caretaker government; in particular, its primary responsibility to create an environment in which a credible election will be held. The caretaker government would be expected to be especially sensitive to the need to avoid any changes to the electoral law which are not essential. As far as possible, it might avoid making laws and taking decisions more properly left to an elected government.

Parliament might review Ordinances and decisions taken under the Caretaker Government, including the establishment of the Council for Defence and National Security. It may also consider, as appropriate, the Ordinances amending The Representation of the People Act.

### (ii) Independence of the Judiciary

We recognise that in the tradition of Pakistan it is inevitable that the courts will be asked to decide issues which are often highly charged and political. To suggest otherwise would ignore the tradition and practice of Pakistan. However, to enhance the independence of the judiciary, it may well be worth considering a different means of appointing judges. As a result of a decision by the Supreme Court in March 1996 the power of the President to appoint judges of the Supreme Court on the advice of the Prime Minister and after consultation with the Chief Justice has been circumscribed and confirmed to be justiciable. The Court held that judicial appointments must in addition be made on the basis of seniority and only after consultation with senior judges. Thus we have the unsatisfactory situation that the appointment of these judges is essentially controlled by the judges themselves. It may be worth considering a system in which arrangements for appointments to the superior courts will in future be more flexible by involving not only the Prime Minister and the Chief Justice but also the Leader of the Opposition.

The powers of the President under Article 58(2)(b) should be significantly curtailed. In the circumstances of Pakistan we would not suggest that the power be abolished altogether, but in dealing with the shortcomings of the government, the opposition should focus its attention on Parliament rather than on the dismissal powers of the President. It may be worth considering limiting the power of dissolution to matters where there is a deadlock in the Parliament, but where the Prime Minister refuses to recommend an election.

### (iii) Transparent and Honest Governance

We suggest that the new Parliament may wish to consider the establishment of a Parliamentary Ethics Committee which will provide an additional safeguard for the integrity of Parliament. The new Parliament may also be well advised to preserve the powers of the Accountability Commission and the more stringent provisions which are the responsibility of the Election Commission.

### (iv) Equality for Women

A fool-proof identity card system, taking appropriate account of religious and cultural considerations, might be developed to ensure that women as well as men are provided with this important document. Special efforts need to be made to see that women in tribal areas can vote freely. Special directly elected seats for women should be restored and women should continue to have the right to vote in their own constituencies.

# Summary of Conclusions and Suggestions

The following conclusions and suggestions emerge from the body of this Report:

## Conclusions

- that this general election was credible and that the conditions existed for a free expression of will by the people of Pakistan;
- that the Caretaker Government should be commended for the decision to extend the universal franchise to those in the Federally Administered Tribal Areas;
- that the Election Commission should be congratulated for its preparations for the elections and for the strengthening of the Code of Conduct;
- 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;
- that there was no evidence of systematic or widespread abuse of the electoral process;
- that the procedures were generally understood and respected;
- that in most parts of Pakistan the parties were able to campaign freely, that they generally conducted themselves responsibly and that their agents made an important contribution to the electoral process;
- that the introduction of arrangements for parties to buy airtime on state broadcasting for the first time was an important step forward;
- that security arrangements for the poll and count were good;
- that domestic observers played an important role which we hope will be built on for the future.

## Suggestions

- consideration might be given to setting specific limits under the law to the scope of activities of a caretaker government;
- Parliament might review Ordinances and decisions taken under the Caretaker Government, including the establishment of the Council for Defence and National Security and may also consider, as appropriate, the Ordinances amending The Representation of the People Act;
- to protect the independence of the judiciary it may be worth considering a more flexible system in which arrangements for appointing judges to the superior courts will involve not only the Prime Minister and the Chief Justice but also the Leader of the Opposition;
- the powers of the President under Article 58(2)(b) should be significantly curtailed and the opposition should focus its attention on Parliament rather than on the dismissal powers of the President: it may be worth considering limiting the power of dissolution to matters where there is a deadlock in the Parliament and where the Prime Minister refuses to recommend an election;
- the power to legislate by Ordinance should be limited to those circumstances which require the proper implementation of legislation already passed through the Parliament;
- the new Parliament may wish to consider the establishment of a Parliamentary Ethics Committee to provide an additional safeguard for the integrity of Parliament;
- the new Parliament may also be well advised to preserve the powers of the Accountability Commission and the more stringent provisions which are the responsibility of the Election Commission;
- special seats for women (directly elected) should be restored and women should continue to have the right to vote in their own constituencies;
- the Government of Pakistan may wish to consider the urgent need to hold a census at the earliest opportunity, to enable constituency demarcation to be brought fully up to date;

- some mechanism, such as an independent commission, should be considered which would guide state-owned TV and radio: such a mechanism would be independent of government direction and control;
- the Election Commission may wish to consider:
  - preparing one register for each constituency, to include the names of all those registered in that constituency, for use before the general election and at each polling station on election day itself;
  - whether there was any foundation to allegations that names were missing from certain of the polling station registers;
  - whether there is a method of producing more robust and durable registers for use at polling stations;
  - whether there is a means of ensuring that ID cards and registers carry the same names.

## Acknowledgements

The work of our Observer Group benefited from the assistance of many people. We particularly wish to thank the Ministry of Foreign Affairs, Chief Election Commissioner Justice (Retd) Sardar Fakhre Alam and his colleagues at the Election Commission, the political parties, the Human Rights Commission of Pakistan, the Commonwealth High Commissioners, other international observers and the staff of the Marriott Hotel Islamabad and the other hotels in which we stayed during our time in Pakistan. We are, of course, especially grateful to the Commonwealth Secretary-General, Chief Emeka Anyaoku, for giving us this opportunity to play our part in the consolidation of democracy in Pakistan.

We would like to thank, in particular, the support staff from the Commonwealth Secretariat. Without their experience and organisation, the successful working of the Group, especially the finalisation of the Report, would not have been possible. We enjoyed working with all the staff as one team with one purpose. In particular we would like to thank Professor Reg Austin for his guidance.

Most of all, however, we would like to express our appreciation to the people of Pakistan. We received a warm welcome wherever we went and will remember for a long time the assistance and many acts of personal kindness shown to us by many individual Pakistanis during our time in their country. We would like to make special acknowledgement of the assistance and support provided to us by our drivers and interpreters, without whom much of our work would have been very much more difficult if not completely impossible.



## **Annexes**

## ANNEX I

### Composition of the Commonwealth Observer Group

#### ***The Rt Hon Malcolm Fraser (Australia – Chairperson)***

The Rt Hon Malcolm Fraser was Prime Minister of Australia from 1975-83, having held various ministerial portfolios from 1968. He co-chaired the Commonwealth Eminent Persons Group on South Africa which paid a historic visit to South Africa in 1986, tried to promote dialogue between the then apartheid regime and the black majority and put forward a set of proposals for negotiations. In 1985, Mr Fraser chaired the UN Committee on the Operations of Multinational Corporations in South Africa which promoted a substantial boycott of the South African economy. In 1989-90, he chaired the UN Secretary-General's Expert Group on African Commodity Problems. From 1990-95 he was president of CARE International and he has been chair of CARE Australia from 1987 to the present.

#### ***Dr Kwadwo Afari-Gyan (Ghana)***

Dr Kwadwo Afari-Gyan has chaired the Electoral Commission of Ghana since 1993. A former university teacher of political science, Dr Afari-Gyan was a member of the committee which drafted proposals for Ghana's Fourth Republican Constitution in 1991. He was also deputy chair of the Interim National Electoral Commission which supervised electoral aspects of Ghana's transition to constitutional rule in 1992.

#### ***Mr James F Andrews (Grenada)***

Mr James F Andrews was Supervisor of Elections for Grenada for three years and before that had been a Returning Officer for eight years. He is a retired teacher and school principal who also had been secretary of the Grenada Union of Teachers and a number of service organisations. He attended the Workshop for Commonwealth Chief Electoral Officers in the Caribbean in July 1996.

#### ***The Hon Jean-Jacques Blais (Canada)***

The Hon Jean-Jacques Blais held several ministerial positions in the Government of Canada, the last being Minister of National Defence, until 1984. He was first elected to the House of Commons in 1972. Mr Blais now practises law in Ottawa where he advises clients on public administration and government relations. From 1984-91, as a Privy Councillor, Mr Blais was a member of the Security Intelligence Review Committee, reporting to Parliament on the activities of the Canadian Security Intelligence Service. He also chairs the Canadian Institute of Strategic Studies and the Lester B Pearson International Peacekeeping Centre.

#### ***Ambassador Ahmed Hassan Diria, MP (Tanzania)***

Mr Ahmed Hassan Diria has been ambassador from 1964-89 in various countries in Africa, Asia and Europe. He became Minister of Foreign Affairs of Tanzania, Minister of Information and Broadcasting and Minister of Labour, Youth and Development, and has been a facilitator on the Rwandan conflict. He has been a Member of Parliament since 1990 and from 1996 has chaired the Foreign Relations Committee.

#### ***Bishop Dr Ralph Hatendi (Zimbabwe)***

Bishop Dr Ralph Hatendi has been an Electoral Supervisory Commissioner in Zimbabwe since 1984. He was trained as a teacher and Minister of Religion, but has also been a salesman, counsellor, administrator, tutor, communicator and distribution consultant. He retired in 1995.

***Mr Richard John (Antigua and Barbuda)***

Mr Richard John was Supervisor of Elections for Antigua and Barbuda before and during the 1994 general election. He had served as Presiding Officer, Registration Officer or Returning Officer in previous elections. Mr John joined the civil service in 1954 and rose to become Permanent Secretary from 1980-92, when he retired. He served as an observer for the Guatemala local elections and also as a UN Observer for the South Africa elections in 1994.

***The Hon Ntlhoi Motsamai, MP (Lesotho)***

The Hon Ntlhoi Motsamai is Deputy Speaker of the National Assembly of Lesotho. Before that she was the student welfare officer at the National University of Lesotho and a part-time lecturer at the Institute of Extra-Mural Studies.

***The Hon Dr Siteke G Mwale (Zambia)***

The Hon Dr Siteke G Mwale is a former Member of Parliament and Foreign Minister of Zambia, Special Assistant to the Zambian President and Principal Adviser to the Government on Regional Economic and Technical Co-operation. He has also served as ambassador to the US and Latin America, and to the Côte d'Ivoire and West Africa, and has been Head of Administration of the Organisation of African Unity, and Permanent Secretary in the Zambian civil service. He is currently the executive chairman of a firm of consultants, researchers and developers in Lusaka.

***The Hon Senator Habshah Osman (Malaysia)***

The Hon Senator Habshah Osman was appointed a senator in 1992. She has held several party posts, including that of secretary-general of the women's wing of the dominant party in the ruling coalition government. She has also held several positions on government and advisory boards and was a member of the Asian Forum of Parliamentarians on Population and Development from 1982-96. Senator Habshah is currently involved in the travel, tour and transportation business as well as in trading and engineering works. As a social worker, she is committed to the Parkinson Association of Selangor and the Federal Territory in Malaysia.

***Lord Redesdale (Britain)***

Lord Redesdale is the Liberal Democrat Party spokesman on Overseas Development and a member of the House of Lords Select Committee on Science and Technology. He has previously participated in observer missions in South Africa, Malawi, Mozambique, Sri Lanka and Tanzania.

***Dr Kadi Sesay (Sierra Leone)***

Dr Kadi Sesay has been chairperson since 1994 of the Sierra Leone National Commission for Democracy and Human Rights, which is responsible for formulating and implementing a comprehensive national civic education programme, and a human rights education and monitoring programme in Sierra Leone. From 1974-94 she was a senior lecturer and head of the Department of English, Fourah Bay College, University of Sierra Leone. Dr Sesay has observed elections in several countries.

***The Hon Paul Joseph Tovua, OBE, MP (Solomon Islands)***

The Hon Paul Joseph Tovua is the Speaker of Parliament in Solomon Islands and also chairs the Electoral Commission. He commenced his career as a graduate associate member of the Australian Commonwealth Institute of Valuers and was first elected as a Member of Parliament in 1976, before the Solomon Islands became independent. He was appointed

Minister of Natural Resources in 1980 and subsequently became Deputy Speaker. He was also Minister of Foreign Affairs from 1984-87. He had a term as president of the ACP and was also co-chairman of ACP/EEC. Mr Tovua was a member of the Commonwealth Observer Groups which monitored elections in Pakistan in 1993 and in South Africa in 1994.

***The Hon M M Zuhair, MP (Sri Lanka)***

The Hon M M Zuhair is an appointed Member of Parliament in Sri Lanka. He has practised law for 24 years and also worked as a state prosecutor. He is presently serving as a member of the Sri Lanka Select Committee of Parliament on Constitutional Reforms. He has travelled widely as a member of several national and international delegations.

**SECRETARIAT SUPPORT STAFF**

Professor Reg Austin	Team Leader
Ms Cheryl Dorall	Media Adviser
Dr Moses Anafu	Assistant to Observers
Mrs Missouri Sherman-Peter	Assistant to Observers
Mr Christopher Child	Assistant to Observers
Mr M Jasimuddin	Assistant to Observers
Mr Brian Kerr	Assistant to Observers
Mrs Carmaline Bandara	Assistant to Observers/ Administration Officer
Ms Betty Kiwanuka	Administration/Secretary

**ANNEX II****Commonwealth News Release of 20 January 1997****Commonwealth  
News Release**

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97/01

20 January 1997

**Commonwealth to Observe General Election in Pakistan**

A team of Commonwealth Observers, supported by staff from the Commonwealth Secretariat, will be present in Pakistan for the General Election which is to be held on 3 February 1997.

In making the announcement today, Commonwealth Secretary-General Emeka Anyaoku said that the Commonwealth was responding to an invitation from the Government of Pakistan for a Commonwealth Observer Group to observe the General Election. An assessment mission from the Commonwealth Secretariat, which visited Pakistan from 9 to 14 January, established that there was widespread support among the major political parties for a Commonwealth presence during the election.

The Commonwealth team for Pakistan will be led by the **Rt Hon Malcolm Fraser**, former Prime Minister of Australia. The other observers will be:

**Dr K Afari-Gyan**  
Chairman, Electoral Commission, Ghana

**Mr Jean-Jacques Blais**  
Former Cabinet Minister, Canada

**Hon Hassan Diria MP**  
Former Foreign Minister, Tanzania

**Bishop Ralph Hatendi**  
Member of Electoral Supervisory Commission, Zimbabwe

**Mr Richard John**  
Supervisor of Elections, Antigua and Barbuda

**Hon (Ms) Ntlhoi Motsamai MP**  
Deputy Speaker of the National Assembly, Lesotho

...2/

**Hon Dr Siteke Mwale**  
Former Foreign Minister, Zambia

**Senator (Ms) Habshah Osman**  
Member of the Senate, Malaysia

**Lord Redesdale**  
Member of the House of Lords, Britain

**Dr (Ms) Kadi Sesay**  
Chairperson, National Commission for Democracy, Sierra Leone

**Hon Paul Tovua MP**  
Speaker and Chairman, Electoral Commission, Solomon Islands

**Hon M M Zuhair MP**  
Member of Parliament, Sri Lanka

The Group is mandated to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the election reflect the wishes of the people of Pakistan. The Group would also be free to propose to the Government and other concerned authorities such action on institutional, procedural and other matters as would assist the holding of the elections and thereafter the functioning of the elected government.

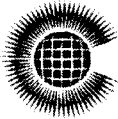
The Group will be supported by a nine-member team from the Commonwealth Secretariat led by Professor Reg Austin, Director of the Legal and Constitutional Affairs Division.

***Note to Editors:***

*The mission to Pakistan will represent the 20th election observed by the Commonwealth since October 1990, including elections in Bangladesh, Guyana, Malaysia, Zambia, St Kitts and Nevis, Seychelles, South Africa and most recently, Ghana. These observer missions are to be seen in the context of a decision taken by Commonwealth Heads of Government to support the promotion of democracy in a number of ways, including through observation, on request, of elections in member states.*

### **ANNEX III**

#### **Arrival Statement of 25 January 1997**



Pakistan General Elections, 1997

## **Commonwealth Observer Group**

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### **Arrival Statement by the Commonwealth Observer Group**

We are here in Pakistan to observe the 3 February 1997 General Election. Our Group has been constituted by the Commonwealth Secretary-General, Chief Emeka Anyaoku, in response to an invitation from the Government of Pakistan. We would add that the Government's invitation has also been supported by all the main political parties contesting the elections.

As Observers, we will be serving in our individual capacities. Our remit is to observe all relevant aspects of the organisation and conduct of the elections in accordance with the laws of Pakistan and, at the end, reach a conclusion as to whether the conditions existed for the people of Pakistan to freely express their will through the polls.

We have no executive role. Our function is to observe the process as a whole and form an impartial judgement on the credibility of the exercise. The Group might also propose to the government and other concerned authorities such action on institutional, procedural and other matters as would assist the holding of the elections and thereafter the effective functioning of the elected government.

On the completion of our assignment, our report will go to the Commonwealth Secretary-General in the first instance. He will then make it available to the Government of Pakistan, the political parties which contested the elections and eventually to all Commonwealth Governments.

We look forward to our mission. Over the next few days, we hope to have meetings with officials of the Election Commission, representatives of political parties, the Government and other interested groups. These meetings should add greatly to our knowledge and appreciation of the situation in Pakistan and, in turn, go a considerable way to facilitating our work.

The Observer Group's Terms of Reference are attached.

Islamabad  
25 January 1997



### **Terms of Reference of the Commonwealth Observer Group**

The Group is established by the Commonwealth Secretary-General at the request of the Government of Pakistan and supported by the major political parties. It is to observe relevant aspects of the organisation and conduct of the election in accordance with the law of Pakistan. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement 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.

The Group is to act impartially and independently. It has no executive role, its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would be free to propose to the government and other concerned authorities such action on institutional, procedural and other matters as would assist the holding of the elections and thereafter the effective functioning of the elected government.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Pakistan, to the leadership of the political parties taking part in the election and thereafter to all Commonwealth governments.

## ANNEX IV

### Schedule of Engagements

#### Saturday 25 January

- 1100            Arrival Press Conference, Marriott Hotel, Islamabad
- 1200            Chairperson calls on Chief Election Commissioner, Mr Justice (Retd) Sardar Fakhre Alam
- 1415            Briefing at Election Commission: Mr Khan Ahmed Goraya (Secretary), Mr Hasan Muhammed (Senior Joint Secretary), Mr Bashir Ahmed (Joint Secretary) and Mr Muhammad Afzal Khan (Director, Public Relations)

#### Sunday 26 January

- 1000            Pakistan People's Party: Mr Rafiq Ahmed Sheikh (Secretary-General) and Mr Abid Hussain (Private Secretary)
- 1115            Pakistan People's Party (SB): Mr Raji Jamil Abbasi (Political Secretary to the late Mr Murtaza Bhutto), Mr Luqman Mirza (President, Labour Bureau) and Mr Sajjad Akhtar Malik (President, Rawalpindi Division)
- 1430            Pakistan Muslim League (N): Mr Sartaj Aziz (Secretary-General)
- 1630            Awami National Party: Mr Qazi M Anwar (Deputy Secretary-General)
- 1730            Chairperson's Reception

#### Monday 27 January

- 0930            Commonwealth Diplomats: HE Mr Geoffrey Allen (High Commissioner, Australia), Mr Masood Aziz (Deputy High Commissioner, Bangladesh), Mr James Watt (Deputy High Commissioner, Britain), HE Dato Paduka Haji Mohd Suni bin Haji Idris (High Commissioner, Brunei Darussalam), HE Ms Marie-Andree Beauchemin (High Commissioner, Canada), HE Mr Satish Chandra (High Commissioner, India), HE Mr B K Kisilu (High Commissioner, Kenya), HE Dato Salehuddin Abdullah (High Commissioner, Malaysia), HE Mr B M Dilmahamood (High Commissioner, Mauritius), HE Mr Ismail Coovadia (High Commissioner, South Africa) and HE General Gerard Hector de Silva (High Commissioner, Sri Lanka)
- 1115            Human Rights Commission of Pakistan: Ms Asma Jahangir (Chairperson) and Mr M Shujaullah (Administrator)
- 1215            Jamaat-e-Islami: Mr Khalid Rahman (Deputy Secretary-General), Mr Ameer ul Azeem (Information Secretary) and Mr Tayyeb Abu Adil (Foreign Secretary)
- 1415            Women's organisations: Ms Shahnaz Ahmad (Aurat Foundation) and Ms Nasreen Azhar (Women's Action Forum)
- 1545            Other international observers: Mr Peter Manikes and Mr Makram Ouais (National Democratic Institute) and Mr Robin Mitchinson and Mr John Barber (European Union)

**Tuesday 28 January**

- 1100 Media: Mr Nasir Malik (Secretary-General, Pakistan Federation of Journalists), Mr Inayat Baluch (Director of Programmes, Pakistan Radio) and Mr Navid Zafar (Controller of Current Affairs, Pakistan Television)
- 1200 Discussion with the Chairman of the Senate: Mr Wasim Sajjad, at the Senate
- 1400 Deployment Briefing
- 1600 Tehrik-e-Insaf: Ms Nasim Zehra (Central Information Secretary and Member, Central Executive Committee)

**Friday 31 January**

- 1715 Pakistan Muslim League (N): discussion between Mr Malcolm Fraser and Mr Nawaz Sharif (President, PML(N))

**Saturday 1 February**

- 1030 Call by Mr Malcolm Fraser on President Farooq Leghari
- 1130 Discussion between President Farooq Leghari and international observers
- 1230 Call by Mr Malcolm Fraser on Justice (Retd) Mujaddid Mirza (Chief Accountability Commissioner)
- 1900 Dinner at Ministry of Foreign Affairs for international observers hosted by the Chief Election Commissioner

**Sunday 2 February**

- 1600 Call by Mr Malcolm Fraser on Caretaker Prime Minister Meraj Khalid

**Wednesday 5 February**

- 1000 Call by Mr Malcolm Fraser on Mr Khan Ahmed Goraya (Secretary, Election Commission)
- 1200 Call by Mr Malcolm Fraser on Mr Shahid Hamid (Minister with responsibility for Law and Parliamentary Affairs) and Barrister Shahzad Jahangir (Attorney-General)

**Thursday 6 February**

- 1200 Pakistan People's Party: discussion between Mr Malcolm Fraser and Ms Benazir Bhutto (Chairperson, PPP)

**ANNEX V****Exchange of Correspondence with Election Commission**

Pakistan General Elections, 1997

**Commonwealth Observer Group**

29 January 1997

Dear Chief Commissioner,

Since our most helpful meeting with yourself and members of your operational staff at the Commission we have, as you will be aware, had a series of meetings with political parties, other concerned groups and individuals from various sectors. Our colleagues are now deployed into the Provinces where they will continue such contacts and the observation process.

In order to ensure that our mission is based upon the best available information, it is essential that we obtain clarification on a number of issues from the Commission, and I trust that you will be able to arrange for this to be provided as soon as possible on the matters set out below:

We have heard complaints and concerns regarding these issues and have made it clear that they should be referred to the Election Commission, and that we would seek clarification as to the steps taken by the Commission to deal with them.

1. Well publicised threats have been made by identified persons in the F.A.T.A., where the franchise has now been extended to all adults, to prevent women voters from going to the polls.
  - (a) Has the Commission taken any steps against these persons?
  - (b) Has the Commission taken any measures to reassure women voters that they will be protected on polling day and from any retribution thereafter?
2. Personnel changes and transfers in the administration (national and provincial) are alleged to have put persons with well known partisan attitudes and profiles into strategic administrative, electoral and police posts which mean that their opponents have no confidence in their providing a level playing field during the campaign or on polling day.

Chief Election Commissioner

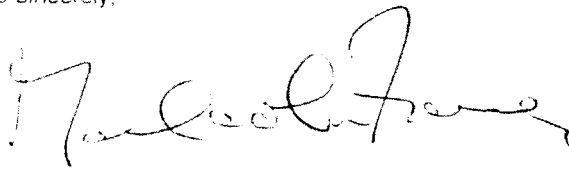
- (a) Has the Commission taken steps to remedy such distortions or threats to the credibility of the process and if so, what kind of remedies have been provided?
- 3. In particular, it has been alleged that the siting of polling stations in some places has been deliberately done to discourage voters of some parties from venturing to vote at polling stations in areas which are dangerous for them.
  - (a) Has the Commission taken steps to ensure that such stations are re-sited and that voters are re-assured as to the safety of voting?
  - (b) Has the Commission ensured that outbreaks of violence around polling stations, which might be used deliberately to exclude certain voters from polling, can be prevented or contained effectively?
- 4. It has been alleged that, ID Cards which are essential for voting, have in many places been taken from voters to prevent their voting and to allow false voting. In particular, it has been alleged that some 20,000 voters (said to be PML(M) supporters) have "appeared" in the constituency for which Mr Nawaz Sherif is the candidate.
  - (a) Has the Commission taken steps to prevent the "abduction" and abuse of ID Cards and to check the serious allegation made?
- 5. There is some confusion as to the system used to ensure that the TV and Radio, which is government owned, is fair to all the parties. Allegations have been made that PTV programmes relating to the election have been directly interfered with by the Minister in the Caretaker Government, to the disadvantage of some parties.
  - (a) Could the Commission clarify whether the control of such programmes lies with itself or with the Government?
  - (b) Does the Commission have any power to influence the PTV and Radio to ensure equity between parties?

Chief Election Commissioner

- (c) Has the Commission taken any steps to ensure an equitable distribution of access to the parties, and to ensure that any distortions are corrected?
- (d) Has the Commission requested and received copies of any instructions or directions related to the election, given by the Caretaker government to the PTV, and if so could copies of such instructions or directions be furnished to the mission?

An authoritative clarification on these matters from the Commission is most important to the Observers' understanding and appreciation of the situation, and I would be most obliged, Chief Commissioner, for your assistance in this matter

Yours sincerely,



**Malcolm Fraser**  
Chairman  
Commonwealth Observer Group

Chief Election Commissioner  
Block S  
Secretariat  
Islamabad



بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

NO. F.2(24)/G7-Cord.  
ELECTION COMMISSION OF PAKISTAN

Secretariat Block 'S'  
Islamabad  
February 1, 1997

To

Mr. Malcolm Fraser,  
Chairman,  
Commonwealth Observer Group,  
Marriot Hotel, Agha Khan Road,  
Shalimar-5,  
Islamabad.

Please refer to your letter, dated 29th January, 1997.

2. I am directed to state that the contents of your letter referred to above have been carefully studied and to make the following clarifications in order to enable you to look into the complaints in their correct perspective:-

- (i) FATAs: It is very strange that no written complaint has been received in the Election Commission alleging any threats by any identified person in the FATAs to prevent women voters from going to the polls. This is, however, a fact that the people living in the Federally Administered Tribal Areas have their own conventions and traditions, which are generally set by their elders, who are members of the local Jargas. The Election Commission has been making its best efforts to encourage the women voters in general to cast their votes. It will be appreciated that the casting of votes by

Contd...



any section of the people is a matter of their free will and the Election Commission cannot force anyone to cast his or her vote. The Registration of women voters in FATAs has been very encouraging. We do hope that the women voters will also cast their votes in some of the areas of their free will. The Election Commission in no way can impose any kind of condition for compulsory voting by any section of the society.

- (ii) PERSONNEL CHANGES: Wherever complaints of transfers in the administration (National and Provincial) with partisan attitude have been brought to the notice of the Election Commission, it has felt no hesitation in taking corrective measures. In one of such cases the Election Commission of Pakistan even asked the Governor of a Province to look into the matter and to send his report and also to ensure that the conduct of the concerned officers remains above board during ensuing General Elections. In another case the Provincial Government was asked to reverse the posting of one Superintendent of Police, a Deputy Superintendent of Police and eight Station House Officers (SHOs).

Contd..

(iii) SITES OF POLLING STATIONS: The sites of polling stations have been carefully selected by the Returning Officers, who are mostly Judicial Officers. The lists of polling stations, which have been approved by the District Returning Officers, who are in most of the cases District and Sessions Judges, have been published in the Gazette of Pakistan. It is only the vested interest, who sometime try to pressurize the Election officials to shift the sites of polling stations to suit their personal objectives. In all such cases where complaints are received regarding sites of polling stations, the same are looked into by the Election Commission officials in an impartial manner and changes have been made only in a few cases by order of the Election Commission, where it was considered necessary for the convenience of voters.

(iv) I.D. CARDS: There is no written complaint from any political party or any notable political leader about I.D. Cards being taken from voters to prevent their voting and the allegation that some 20,000 voters (said to be PML(N) supporters) have "appeared in the constituency for which Mr. Nawaz Sharif is the candidate" is a news to the Election Commission of Pakistan. If any party

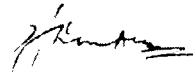
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approaches the Election Commission with substantial proofs in this behalf, the Election Commission would not hesitate in exercising its powers of making such consequential orders as may in its opinion, be necessary that an election is conducted honestly, justly and fairly and in accordance with the provisions of the Representation of the People Act, 1976.

- (v) T. V. AND RADIO: PTV and the Radio Pakistan regulate their own policies as far as their various programmes are concerned. The Election Commission does not normally interfere into their working and so far there has been no reason for the Election Commission of Pakistan for giving any directions to either of the above mentioned two organizations.

3. The Commission welcomes the keen interest, which you and members of your group have shown in observing the conduct of General Elections in the country.

Yours sincerely,



(Iftikhar Ahmed Qureshi)  
Deputy Secretary(Cord)

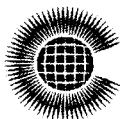
## ANNEX VI

### Deployment of Commonwealth Observers

PROVINCE			LOCATION
<b>Punjab</b>	Islamabad/ Rawalpindi	Rt Hon Malcolm Fraser Hon Dr Siteke Mwale Professor Reg Austin Ms Cheryl Dorall Mr Christopher Child	Marriott Hotel Islamabad
	Lahore	Hon Paul Tovua Mrs Missouri Sherman-Peter	Pearl Continental Lahore
	Faisalabad	Bishop Dr Ralph Hatendi Mrs Carmaline Bandara	Serena Hotel Faisalabad
	Multan	Ambassador Ahmed Hassan Diria Mr Richard John	Holiday Inn Multan
<b>Sindh</b>	Karachi	Dr Kwadwo Afari-Gyan Hon Ntlhoi Motsamai Lord Redesdale	Marriott Hotel Karachi
	Hyderabad	Dr Kadi Sesay Hon M M Zuhair	Indus Hotel Hyderabad
	Sukkur	Mr James Andrews Mr Brian Kerr	Government Guest House, Sukkur
<b>Balochistan</b>	Quetta	Hon Jean-Jacques Blais Mr M Jasimuddin	Serena Hotel Quetta
<b>North-West Frontier</b>	Peshawar	Senator Habshah Osman Dr Moses Anafu	Pearl Continental Peshawar

## ANNEX VII

## Check List for Polling Station Visits



Pakistan General Elections, 1997

## Commonwealth Observer Group

## CHECKLIST FOR POLLING STATION VISITS

Name of Observer(s): .....

Constituency: .....

Polling Station: .....

Time of Arrival: .....

Time of Departure: .....

Voters in Queue: ..... Rate of Processing: .....

- 
1. **Opening of Poll:** On time? Procedures followed?  
No/Yes No/Yes  
Details:
  2. **Layout and Facilities:** Good? Adequate? Poor?
  3. **Polling Staff:** Efficient? Satisfactory? Poor?
  4. **Security Presence:** Discreet? Intrusive? Oppressive?
  5. **Complaints by Party Agents:** No/Yes Details:
  6. **Complaints by Voters:** No/Yes Details:
  7. **Presence of unauthorised persons:** No/Yes Details:
  8. **Atmosphere at Station?** Orderly? Tense? Chaotic?
  9. **Secrecy of Ballot:** Assured? Poor? Uncertain

**10. Voting:**

(a) Personation attempts alleged: No/Yes

Details:

(b) Multiple voting attempts alleged: No/Yes

Details:

(c) Women deterred from voting: No/Yes

Details:

**11. Closing of Poll:** On time? Numbers still in queue?  
Procedure followed? No/Yes

**12. The Count:** Are procedures being observed? No/Yes

**13. Apparent fairness overall:** Good? Acceptable?  
Questionable?

**14. Other Comments:**

*ANNEX VIII***Observation Notes for Poll and Count**

Pakistan General Elections, 1997

**Commonwealth Observer Group**

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**OBSERVATION NOTES FOR POLL AND COUNT****PART A**

The Observers may focus particular attention on the following aspects of the conduct of the election:

**THE CAMPAIGN**

1. Balance of TV/radio election coverage and extent and nature of access by the parties (e.g. allocation of time for political broadcasts and advertisements).
2. Print media: nature of coverage and extent of access by the political parties.
3. The tone and content of material put out by the political parties, access to printing facilities?
4. The conduct of political meetings/rallies (permits for public meetings?)
5. The conduct of house-to-house canvassing of voters.
6. Nature, scale and effectiveness of Election Commission and other voter education on radio and television, in the print media and by other methods.
7. Activities/measures to encourage the participation of women.
8. Access to funds and sources of funds.
9. Adherence to Code of Conduct.



### THE POLL

1. The location of polling stations.
2. Distances travelled by voters to polling stations, particularly in rural areas.
3. The procedure followed at the opening of the poll.
4. The length of time voters wait to cast their votes.
5. The adequacy or otherwise of facilities at polling stations and their state of readiness.
6. Availability of adequate supplies, eg, ballot papers, voters' stamp, official stamps and stamp-pads, indelible ink, etc.
7. The performance of electoral officials at the polling stations/booths visited.
8. The procedures in place to ensure proper security of ballot papers, ballot boxes and official seals.
9. Arrangements to facilitate voting by women.
10. The steps taken to ensure that the secrecy of the ballot is assured.
11. The general atmosphere at the polling centres/booths visited.
12. Access of party agents and observers to polling stations/booths.

### THE COUNT

1. Inspection of seals.
2. The process of reconciling the number of people who voted with the number of ballots cast.
3. The determination of invalid ballots.
4. The facilities for candidates and their representatives to witness and verify the count and overall transparency.
5. Access by domestic and international observers.
6. The conduct of electoral officers.

**PART B**

Questions that may be put:

**BEFORE POLLING DAY**

1. Was the Voters' Register compiled in a satisfactory way? Were people missed out? Were the names of dead people or "phantom voters" included?
2. Who are the election officials? How were they chosen? Are voters confident that they will be impartial?
3. Is the person in the street satisfied with arrangements? Will he/she vote? If not, is he/she afraid to do so? Were there any attempts to discourage/encourage the participation of women and were they effective?
4. Have all parties been able to campaign freely? Has the campaign been free of intimidation, etc? Have all parties had full access to the mass media?
5. Is there freedom to advertise and distribute posters, leaflets, etc?

**ON POLLING DAY**

1. Before polling starts, are the ballot boxes empty? Are they properly sealed? Are all procedures being adhered to?
2. Are all parties represented at polling stations? Are they satisfied with the process?
3. Are voters apparently voting freely? Are they enthusiastic? Do they talk freely? Do they exhibit signs of fear or intimidation?
4. Do voters understand the procedures properly? If not, are the procedures being explained fully and impartially? Are attempts being made to suggest how voters should vote?
5. Does the turnout indicate that women have been deterred from voting?
6. Is only one person at a time being allowed into the voting booth?
7. How long are voters waiting to vote? If a long time, are some being put off?
8. Will all parties be represented at polling centres throughout voting and count? Are party polling agents adequately trained and vigilant?
9. Will observers have free access to all stages of the process?
10. Is the security presence effective/oppressive?

### THE COUNT

1. Are the boxes kept safe until opened? Are all parties present at opening?
2. Does the number of used ballot papers tally with the record of those who voted?
3. Are the papers counted properly? Are counting agents present? Are they satisfied with the procedure of the count?

## ANNEX IX

### Interim Statement of 3 February 1997



Pakistan General Elections, 1997

## Commonwealth Observer Group

### *News Release*

#### INTERIM STATEMENT BY THE CHAIRMAN OF THE COMMONWEALTH OBSERVER GROUP

Members of the Commonwealth Observer Group were present in towns and cities in all four provinces of the country for the final stages of the General Election campaign, today's voting and the count.

The picture that emerges from the Observers' reports to me tonight as the polls closed is of a largely peaceful election day. The Election Commission, their polling station officials, the parties, the security forces and the voters have together made a real effort to ensure a successful election.

We are satisfied that all those who wished to vote were able to do so and express their own wishes at the ballot box. Furthermore, the parties were free to campaign, the electoral process was improved and for the first time the franchise was extended to the Federally Administered Tribal Areas.

There were shortcomings. Our observers noted that some polling stations did not open on time. The ID card system is clearly open to abuse. It is alleged that names appeared on the roll of more than one polling station. Women in parts of the country are still discouraged from exercising their right to vote.

We have heard of incidents in Karachi which I hope will be investigated seriously by the Election Commission and if that requires follow-up action I hope and believe that the Commission will do whatever is necessary.

However, none of these shortcomings was, in our judgement, of a scale or character as to have been likely to produce a different outcome.

If the turnout is as low as many predict the political parties should heed this serious message from the voters. In the past eight years three elected governments have been dismissed by the President. It is clear that public respect for political parties has plummeted and democratic government discredited. Recent legal powers given to the Electoral Commission and the Accountability Commission seek to address this. However, it is essential for the

- 2 -

future of parliamentary democracy here that political leaders, in both government and opposition, dedicate themselves to dealing with this malaise and the need to re-establish public confidence in its governmental institutions. A change in the political culture of Pakistan is critical to the effective development of Pakistan's democracy. These issues will be dealt with further in our full report.

**NOTE TO EDITORS**

This is an "Interim Statement" by the Chairman of the Commonwealth Observer Group. A fuller report will be prepared for the Commonwealth Secretary-General once the members of the Observer Group have returned to Islamabad, and that will in turn shortly be made available to the Government of Pakistan, the political parties and the governments of all Commonwealth countries.

Islamabad  
3 February 1997

## ANNEX X

### Departure Statement of 6 February 1997

**Departure Statement by Mr Malcolm Fraser,  
Chairman of the Commonwealth Observer Group**

We came to Pakistan at the invitation of the Government to observe the general election which took place on 3 February 1997. In the week preceding the elections, we were intensively briefed by officials of the Election Commission, representatives of political parties, the media and non-governmental organisations and other interest groups. We then deployed to all the four provinces of Pakistan where we were further briefed by local representatives of the Election Commission and the political parties. We also observed the concluding stages of the campaign.

On polling day, our observers visited 211 polling stations in 35 constituencies. This gave us a fairly representative picture of what took place in the country on polling day. On the basis of our observation, we believe that the elections were credible and that all those who wished to vote had an opportunity to do so without let or hindrance. In my Interim Statement of 3 February, I referred to the shortcomings which our observers noted in some of the polling stations; but, as I also said, none of those shortcomings was of a scale or character to have produced a different verdict.

But there is more to democracy than just elections, important though these clearly are. Making a success of democracy is an enormous responsibility. On the part of the elected leaders it calls for not only dedication but also, and more importantly, rectitude and leading by example. It demands a scrupulous respect for the institutions of state without which there can be no ordered society. On the part of the electorate, it calls for that degree of tolerance which enables a plural society to flourish.

I believe that the people of Pakistan have it within them to rise to these challenges inherent in democracy. In our report to the Commonwealth Secretary-General, Chief Emeka Anyaoku, we have put forward some suggestions which we believe can help the people and the incoming Government of Pakistan to consolidate their democracy.

For us, the members of the Commonwealth Observer Group, it has been an honour to observe Pakistan's general election and thereby to make a contribution to the evolution of its democracy. We wish you well as you embark on the challenging tasks ahead.

6 February 1997

## Sample Ballot Paper

NA-184 KARACHI-II  
SERIAL NO. 23454

درجہ سے کوئی سنائی جائے

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51	52	53	54	55	56	57	58	59	60
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91	92	93	94	95	96	97	98	99	100

NA-184 KARACHI-II

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NA-184 KARACHI-II

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NA-184 KARACHI-II

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71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

NA-184 KARACHI-II

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61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82								

## ANNEX XII

## Election Commission Posters: Registration

ووٹر بننے کے لئے انتخابی فہرست میں  
آپ کے نام کا اندراج ضروری ہے



آپ کی سولت کے لئے موجودہ  
انتخابی فہرستیں متعلقہ رجسٹریشن افسر/  
اسسٹنٹ ایکشن کمشنر اور ایکشن افسران  
کے دفاتر میں رکھ دی گئیں ہیں۔

آخری تاریخ 15 دسمبر سے پہلے ہی

یہ دیکھ لیجئے کہ

- 1 کیا آپ کا نام اس فہرست میں درج ہے؟
- 2 اگر درج ہے تو کیا آپ کا نام اور کوائف صحیح ہیں؟
- 3 کیا آپ کے خاندان کے دیگر اہل افراد کے نام اور کوائف صحیح طور پر درج ہیں؟
- 4 کیا کسی ایسے شخص کا نام فہرست میں درج ہے جو ووٹر بننے کی اہلیت نہ رکھتا ہو یا جو  
نقل مکانی کر چکا ہو یا فوت ہو چکا ہو؟

اگر آپ کا نام درج ہونے سے روک گیا ہے یا آپ کا نام اور کوائف غلط لکھے گئے ہیں  
یا آپ کو کسی اور شخص کے نام کے اندراج پر اعتراض ہے تو آپ متعلقہ رجسٹریشن  
افسر یعنی ضلع کے اسسٹنٹ ایکشن کمشنر کو سادہ کاند پر اپنے مکمل کوائف کے ساتھ  
درخواست دیں اور اس کے ساتھ اپنے قومی شناختی کارڈ کی فوٹو کاپی منسلک کریں۔

ووٹر کی اہلیت: ☒ پاکستان کی شہریت ☒ عمر اکیس سال یا زیادہ 15 دسمبر 1996ء تک

الیکشن کمیشن آف پاکستان

Midas





# خاندان کے سربراہ کا فرض

نئی انتخابی فہرست کی تیاری کا کام جاری ہے۔ اگر آپ پاکستان کے شہری ہیں اور آپ کی کوئی پوزی ۱۹۹۵ کو ۲۱ سال یا اس سے زیادہ ہے تو آپ کے نام انتخابی فہرست میں درج ہونا چاہیے، الیکشن کمیشن کا عملہ گھر گھر نام تقسیم کر رہا ہے۔ ہر گھرانے کے سربراہ کا فرض ہے کہ وہ اپنے گھرانے کے تمام افراد کے نام اور کوآئیڈ اس فارم میں درج کرے اور مکمل نام متعلقہ عملے کو سنیا کرنے میں تیار ہو کرے۔

صحیح انتخابی فہرست کو تیار کرنا سب کا قومی فرض ہے۔

ہمارے عملے کو مکمل نام مہیا کرنے میں تاخیر نہ کیجیے

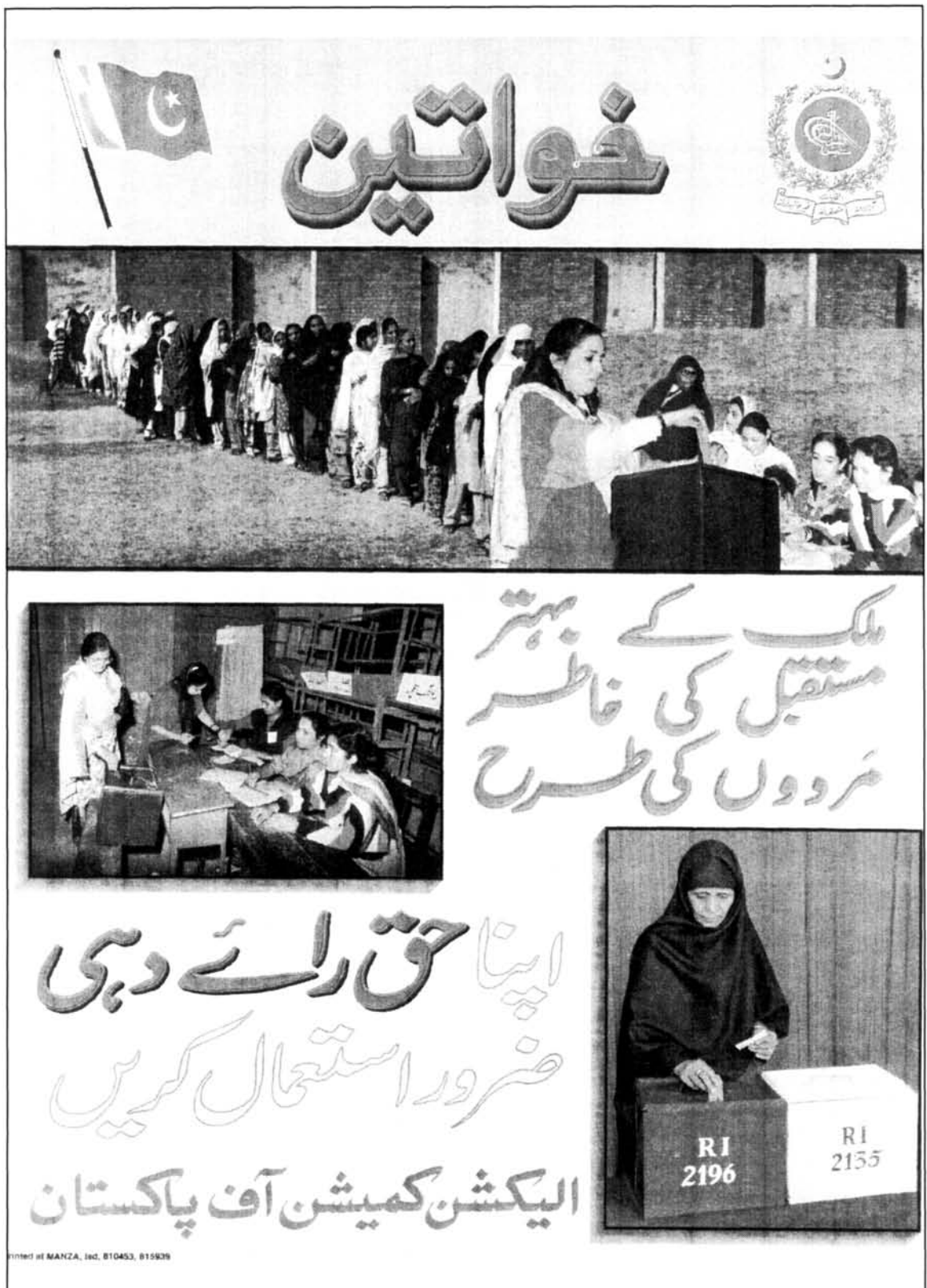
Poster urging early return of registration forms – and underlining key role of family head in the process

## ANNEX XIII

## Election Commission Voter Education Material




Cover of a leaflet explaining election day procedures




Poster urging women to exercise their right to vote

The Nation WEDNESDAY, JANUARY 29, 1997



# *Election '97*



# FEEL THE POWER OF VOTE

VOTE YOUR CONSCIENCE  
COME OUT AND VOTE

**Election Commission Of Pakistan**

Midas

## ANNEX XIV

### Code of Conduct for Political Parties and Contesting Candidates

#### ELECTION COMMISSION OF PAKISTAN

#### NOTIFICATION

*Islamabad, the 17th December, 1996*

**S.R.O. 1376(1)/96.** – In pursuance of the provisions of Article 218(3) of the Constitution of the Islamic Republic of Pakistan, the Election Commission is pleased to lay down the following Code of Conduct for the Political Parties and the contesting candidates for General Elections, 1997:–

#### **Code of Conduct for the Political Parties and Contesting Candidates for General Elections, 1997**

- (1) The political parties shall not propagate any opinion, or act in any manner prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the armed forces of Pakistan, as provided under Article 63 of the Constitution.
- (2) The political parties, their candidates, agents or workers shall not obstruct or break up meetings organised by the rival parties and candidates, nor interrupt speeches or prevent distribution of handbills and leaflets.
- (3) No person or political party shall affix hoarding, posters or banners of any size or cause wall chalking as a part of election campaign of a candidate. [Section 83A of the Representation of the People Act, 1976].
- (4) No person or a political party or a contesting candidate shall hoist or fix party flags on any public property or at any public place. [Section 83A of the Representation of the People Act, 1976].
- (5) There shall be ban on hoisting party flags on house roofs. Party flags shall be allowed to be displayed on party and election offices of political party.
- (6) No election camp shall be set up on any road or place meant for the use of the public. Election camp shall as far as possible be simple. No food or drink shall be served to the voters in the election camp.
- (7) No contesting candidate shall use more than three microphones in his constituency and the use of mikes shall be restricted between 11 am and 4 pm particularly in view of Ramazan-ul-Mubarak and Taraveeh Prayers. Loudspeakers shall not be used for election campaign except at the election meetings. [Section 83A of the Representation of the People Act, 1976].
- (8) The processions of buses, trucks or any other vehicles or torch procession shall not be brought out by any political party or any contesting candidate in favour of a candidate.

- (9) Only the polling personnel, contesting candidates, election agent, polling agents and voters, shall have a right to enter the polling station. Workers of the political parties or candidates shall not enter the polling station. The polling agents, sitting on their allotted places, shall perform their specific duties.
- (10) PARTIES AND POLITICIANS SHOULD REFRAIN FROM MAKING REFERENCES TO SECRET AND CONFIDENTIAL MATTERS, WHICH WERE WITHIN THEIR OFFICIAL KNOWLEDGE WHEN THEY WERE IN POWER, NOR SHOULD THEY BETRAY THE CONFIDENCE WHICH THEY ENJOYED BY VIRTUE OF THEIR OFFICIAL POSITION.
- (11) Political parties and contesting candidates should discourage their workers from exerting undue pressure against the news media, including newspaper offices and presses or resort to violence of any kind against the media.
- (12) POLITICAL PARTIES AND CONTESTING CANDIDATES SHOULD REFRAIN FROM MAKING SUCH COMMENTS ON INTERNATIONAL ISSUES AS ARE LIKELY TO EMBARRASS THE GOVERNMENT'S RELATIONS WITH OTHER COUNTRIES, NOR SHOULD THEY SAY ANYTHING OR DO ANY ACT IN ANY MANNER WHICH MIGHT PREJUDICE PAKISTAN'S FOREIGN RELATIONS. CONTROVERSIAL AND HARSH REMARKS ABOUT LEADERS OF OTHER COUNTRIES AND THEIR IDEOLOGIES SHOULD BE AVOIDED.
- (13) Political parties should carry out a comprehensive plan for education of voters in the manner of marking the ballot paper and casting votes.
- (14) The political parties shall avoid criticism of other political parties, their leaders and candidates having no bearing on their public activities. Criticism and comments shall be confined to policies and programmes of other parties. Speeches and slogans shall be dignified and based on principle of morality, decorum and decency.
- (15) The political parties, contesting candidates and workers shall refrain from deliberate dissemination of false and malicious information and their workers shall not indulge in forgeries and disinformation to defame other political parties and their leaders, and use of abusive language against the leaders and candidates of their political parties.
- (16) No leader or candidate of a political party shall call the leader or candidate of another party kafir or traitor.
- (17) The political parties shall refrain from speeches calculated to arouse parochial and sectarian feelings and controversy or conflicts between genders, sects, communities and linguistic groups. [Section 78 of the Representation of the People Act, 1976].
- (18) The political parties, contesting candidates and their workers shall not propagate against the participation of any person in the elections on the basis of sex.
- (19) Public leaders and all other participants in political activity shall act with a sense of responsibility and dignity befitting their status. While propagating their own views and programmes, they shall not interfere with the freedom of others to do the same as that would be the negation of democracy.

- (20) The political parties and contesting candidates shall not hold public meetings or rallies on main streets, roads and chowks to avoid traffic jams and public inconvenience.
- (21) Appeals to violence or resort to violence during meetings, processions, or during polling hours shall be strictly avoided. [Section 81 of the Representation of the People Act, 1976].
- (22) No person shall in any manner cause injury to any person or damage to any property. [Section 81 of the Representation of the People Act, 1976].
- (23) Carriage of lethal weapons and fire arms shall not be allowed in public meetings and processions and official regulations in this regard shall be strictly observed. Use of crackers and other explosives at public meetings shall not be allowed.
- (24) The political parties and their candidates shall extend co-operation to the officers on election duty in order to ensure peaceful and orderly polling and complete freedom for the voters to exercise their franchise without being subjected to any annoyance or obstructions. [Section 86 of the Representation of the People Act, 1976].
- (25) The political parties and their candidates shall scrupulously avoid all activities which are "corrupt practices" and offences under the election law, such as the bribing of voters, intimidation of voters, impersonation of voters, canvassing within 400 yards of a polling station, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll. [Sections 78, 84 and 85 of the Representation of the People Act, 1976].
- (26) The political parties, contesting candidates, agents or workers shall not indulge in offering gifts or gratifications or inducing another to stand or not to stand as a candidate, or to withdraw or not to withdraw his candidature. [Section 79 of the Representation of the People Act, 1976].
- (27) No contesting candidate or a political party shall, under no circumstances, cross the limit of election expenses – rupees one million for the National Assembly and rupees six hundred thousand for the Provincial Assembly seats. [Section 49 of the Representation of the People Act, 1976].
- (28) A political party may, at the national level, publish or broadcast or cause to be published or broadcast advertisements as a part of its election campaign; total expenses of such publication, broadcast or advertisement shall not exceed thirty million rupees. [Section 83B of the Representation of the People Act, 1976].
- (29) Concerned political parties and contesting candidates may announce their overall development Programme. But following the announcement of the election schedule till the day of polling, no candidate or any person on his behalf shall, openly or in secret, give any subscription or donation, or make promise for giving such subscription or donation, to any institution of their respective constituency or to any other institution, nor shall commit to undertake any development project in the respective constituency.

- (30) Ministers shall not combine their official visits with electioneering work.
- (31) The local police administration and the opposite party shall, in advance, be informed of the date, time and place for holding meetings or processions in favour of any contending political party or candidate. The organisers of any meeting shall have to seek the assistance of the police for taking action against the persons who obstruct to the holding of such meeting or create disturbances in such meeting. The organisers shall not themselves take any action against such persons.
- (32) The political parties and contesting candidates should not procure the support or assistance of any civil servant to promote or hinder the election of a candidate. [Section 83 of the Representation of the People Act, 1976].
- (33) The political parties and their candidates shall dissuade their workers or sympathisers from destroying any ballot paper or any official mark on the ballot paper. [Section 87 of the Representation of the People Act, 1976].

By order of the Election Commission of Pakistan.

Sd/-  
KHAN AHMED GORAYA  
Secretary



## ANNEX XV

## Symbols Allocated to Parties by Election Commission

## ELECTION SYMBOLS 1997

1. ARROW	9. BRIDGE	17. CANDLE	25. COMB	33. FLOWER VASE	41. HELICOPTER	49. KANSUI	57. PERSIAN WHEEL	65. ROLLER OF WOOD	73. SPECTACLES	81. TAP	89. TREE
2. AXE	10. BROOM	18. CAR	26. CHICK	34. FOOT BALL	42. HORSE	50. LADDER	58. PITCHER	66. ROSE	74. SPINNING WHEEL	82. TRUCK	90. TRUCK
3. BAT	11. BRUSH	19. CAP	27. CUP AND SAUCER	35. FOUNTAIN	43. HUKKAH	51. LANTERN	59. PELICAN	67. SCISSORS	75. SUTICASE	83. TELEPHONE	91. UMBRELLA
4. BELL	12. BUCKET	20. CHAIR	28. DOVE	36. FOUNTAIN	44. INKNOT WITH PEN	52. LETTER BOX	60. PLANNER	68. SCOOTER	76. STAG	84. TELEVISION	92. WHEEL
5. BICYCLE	13. BULB	21. CHAIR	29. ELEPHANT	37. CHU LAR	45. IRON	53. LOCK	61. RACKET	69. SEWING MACHINE	77. TUMBLER	85. TIGER	93. WHEEL
6. BOAT	14. BUNCH OF GRAPES	22. CHARPAL	30. FAN	38. GUN	46. JUG	54. LOTI	62. RAILWAY ENGINE	70. SICKLE	78. TABLE	86. TONGS	94. WHEEL
7. BOTTLE	15. BUS	23. CLOCK	31. FISH	39. HAND PUMP	47. KITE	55. LOUSPFAKER	63. RICKSHA	71. SAW	79. TABLE LAMP	87. TRACTOR	95. WHEEL
8. BOWL	16. BUTTERFLY	24. COAT	32. FISH	40. HAMMER	48. KNIFE	56. MOUNTAIN	64. RING	72. SAW	80. TAP	88. TRUCK	96. WHEEL



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