



## Introduction<sup>1</sup>

The 2008 election in Pakistan marked an important watershed in Pakistani politics, and took place in unique circumstances. Despite not being wholly free and fair, and despite Musharraf's attempts to ensure his continued hold on power, in the end the election was considered to be a pluralist, competitive process in which a broad range of views were expressed and a polling process which achieved increased public confidence in comparison to previous elections, according to a review by the EU. It helped bring about a relatively peaceful transition of power and indirectly led to a change of President and ruling party. This achievement represents the fruit of five years of party politics, electoral activity and widespread parliamentary debate, and the gradual growth of a more democratic politics.

## Background

Elections have had a chequered history in Pakistan. On the one hand, they personify Pakistan's claim to be a parliamentary democracy with elected upper and lower houses, and elected Provincial Governments, accountable and responsive to the will of the people. On the other hand, they put the spotlight on Pakistan's fragile democratic systems and processes, and their need to reform.

Military dictators have used and manipulated elections to consolidate and legitimise executive power and their own position as well as to embrace a return, periodically, to civilian rule. Their approach to elections has also, at times, been endorsed by the West to justify working with a government which guarantees stability, and since 9/11, support for

<sup>1</sup> This brief is adapted from 'Elections in Pakistan: The Role of the UK and the International Community 2000-2008' by Mohammad Waseem, Fauzia Yazdani and Susan Loughhead, October 2008.

the War on Terror. As the pendulum has shifted from civil to military rule and back over the course of each decade or so (civilian rule 1947-1958; military-led rule 1958-1971; civilian rule 1971-1977; military-led rule 1977-1988; civilian rule 1988-1999; military-led rule 1999-2008; and now again a span of prospective civilian rule 2008-), the restoration of democracy itself has emerged as a burning issue in all the transition elections (1962, 1965, 1970, 1988, 2002, 2008). This means that elections have rarely focused on issues. Instead, they have represented an expression of public opinion about civilian and military rule.

Electoral processes in Pakistan have been consistently undermined by widespread rigging and intimidation. The principle elected body, parliament, has limited capacity to make policy or approve government spending. It is often suspended, its debates inconclusive and legislation dominated by the executive acting through extra parliamentary orders and ordinances. Political parties have been manipulated by different leaders for their own ends. In the run up to the 2008 elections, Musharraf's intensive eight-year campaign to discredit politicians and party politics reduced the space for issue-based party alignment and the forging of a credible opposition. With non-party based local elections held in 2001 and 2005, the potential for a grass-root party base to emerge has been difficult.

Taken together, this means that elections in Pakistan have tended to polarize the population. There are those who believe that elections are somewhat meaningless, the state too far off and hidden by local patronage networks. But elections can be viewed through another lens too. At times (particularly under civilian governments), Parliament, has provided the forum where politicians have debated controversial issues alongside a vibrant if small civil society. And important transitions to civilian rule have been validated through elections. They confer legitimacy on political leaders, and set the conditions within which political differences in Pakistan are played out. This illustrates their importance for Pakistan's road to democratic politics, and explains why each political leader, whether military or civilian, has sought political legitimacy (both internal and external) through the electoral process. They also offer citizens an opportunity to express their preferences for ideologies or individual leaders and therefore allow a growing degree of democratic engagement, which helps to avoid internal conflict. Elections in Pakistan matter a great deal.

## Elections

The 2008 election took place in unique circumstances. An engineered transition to civilian rule by General Musharraf was undercut by the lawyers' revolt, an active media which pressed for a full return to democracy, the international pressure to secure the return of Benazir Bhutto and Nawaz Sharif from exile, and then the assassination of Benazir on 27th December. The latter dramatically changed the tenor of the election. First, the election date was moved from January 8th to February 18th. Second, and more significantly, from the day of Benazir's assassination, any plans that may have been in place to steer the election process were de-railed.

The 2008 elections were neither free nor fair and, according to a UNDP review and a report by the European Union Election Observation Mission, failed to meet a significant number of international standards, many of which were the same it had failed to meet in 2002. There was widespread rigging, the electoral roll was flawed from the outset, and millions of votes were missing. In some areas, women were hugely under-registered. Nevertheless, violence was not widespread, and the two winning parties formed a coalition peacefully.

The fairness of the election was also marred by the fact that during the Emergency, many judges were removed by an executive order, which not only damaged public confidence in the independence of the judiciary, but also undermined their role in election administration and election adjudication.

Historically, violence around election time has been relatively limited, and its impact on the quality of elections fairly low. In the last two decades, election results have been accepted, albeit 'under protest' by defeated parties, and no agitation has been launched even when some elections were considered by the opposition as 'stolen'. However, in the run-up to the 2008 elections, various atrocities occurred, including the assassination of Benazir Bhutto (opposition candidate), followed by a major suicide bomb at a political rally, and another outside the residence of a political candidate which killed 37 people. Although widespread election violence was avoided on election day, selective intimidation occurred, particularly against journalists and media houses. Nevertheless, records since 2007 indicate that violence was at its lowest in Pakistan during the first half of 2008 (pre-election and immediately post-election periods).

### International donor action and lessons learnt

International support for this election was the best to date in Pakistan's history. The international community has clearly built on lessons learnt from past elections. The support was planned well in advance, and the diplomatic initiative was well coordinated with the technical support provided by donors.

Donor support was provided through two basket funds – one with UNDP which supported the Election Commission of Pakistan (ECP) and voter education; the other with the Asia Foundation, which managed a network of local NGOs to support voter mobilization, election monitoring and the largest ever national election monitors' network comprising around 18,000 people across Pakistan. The Asia Foundation also supported the Pakistan Institute of Legislative Development and Transparency to monitor the election process, and The Researcher which observed women-contested constituencies. The US provided separate support to the International Foundation for Electoral Systems (IFES), and provided some support to political parties through National Democratic Institute and International Republican Institute.

This election support generally met its immediate objectives. The support was well-coordinated and well-funded; ECP sought to improve voter registration, bring transparency to ballot boxes and create a website which provided useful information such as about the location of polling stations. The domestic observation effort was universally praised. There were some controversies – notably around the electoral roll, which had clearly been tampered with, in spite of IFES' efforts, and the fact that international observers only focused on the days immediately before and after the election, instead of a longer term engagement. But overall, the support programme was perceived to have gone relatively well, against the objectives it had set out to achieve.

If one is to examine that support against the wider context of democratic politics in Pakistan however, it fell well short of what was needed or possible. The international community took a purely technical and procedural approach to the election, and did not address the fact that the ECP lacked independence; remained relatively time-bound in its vision; focused on the election as an event, rather than as part of a democratic process; placed limited attention on the needs of women and other vulnerable groups; and did little to ensure that the systems it had introduced were sustainable (including retention of

election staff), while opportunities for it to develop its internal capacity were lost. In sum, donors' implementing agents (UNDP, IFES and the Asia Foundation) drove the support programme, not ECP.

### Looking ahead

Election support in future needs to be nested within the political and institutional realities of Pakistan, and dig deep. Pakistan is a constitutional democracy, and despite the best efforts of successive military regimes to manipulate it to their own advantage, Pakistan's democratic structures remain fairly robust. The lynchpin of Pakistani politics is the uneasy relationship between the state elite and the political elite. The political system continues to revolve around a model of paternalistic rule, within the framework of district politics. Understanding and addressing this reality is the major challenge that the international community must adopt if it is to successfully support the further development of democratic politics.

The electoral system is out of step with new political realities. In recent years, there has been a gradual shift in attitudes. For example, the lawyers' protest against Musharraf's removal of the Chief Justice in early 2007 also heralds a new departure, although it remains to be seen whether this has engendered a real change in relations between the judiciary and the executive. Since 2000, the private Pakistani media has flourished, emboldened by new technology and a degree of political freedom. And the 2001 and 2005 local elections, part of Musharraf's democracy reforms, have had a significant impact at the local level in building accountability to the electorate. However, electoral laws do not reflect similar progress: for example, the reservation system for women and minorities can perpetuate patronage politics. Moreover, the devolution reforms of Musharraf are being undone by the present provincial governments at a rapid pace and it is uncertain whether the next local government elections will even take place in most provinces.

The international community's limited engagement with these deeper issues in their election support programme lies, in part, in their focus on technocratic solutions to Pakistan's problems and donor emphasis on achievement of the MDGs; in part with donor ambivalence about what role they could play, or indeed what legitimacy they enjoyed, to support democratic institutions and processes in a sovereign state; and in part with Pakistan's geo-political position since 2001 on the front-line in the War on Terror.

It is therefore particularly important to give consistent diplomatic and development messages. International support for future elections is wanted and viewed as a legitimate activity by political and civil society representatives alike. There is general agreement that support for widespread electoral reforms, including improving the independence and transparency of the Electoral Commission, must in future also be nested within a wider framework of support for political parties, parliament, the media and civil society, so that Pakistan's nascent democratic processes have at least a chance to spread and deepen in the longer term. International support must shift from investment in particular individuals to supporting the systems, processes and institutions which are central to securing both stability and democracy in the longer term.