

## Damaging Democracy - Pakistan's Unfair Elections

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*While democracy must have its organisations and controls, its vital breath is individual liberty.*

*-Charles Evans*

The Pakistan elections in October, which I attended as a member of the Commonwealth Observer Group, were relatively peaceful. But they left something to be desired in terms of democracy. For the rights of over 70 million voters remained subordinate to the rights of a president, who took power in 1999 from the barrel of a gun.

Only a minority bothered to vote, largely because they thought their votes would make little difference. Educated and better-off people continue to regard civilian politicians as corrupt and venal. The country's two most popular politicians, Benazir Bhutto and Nawaz Sharif, were excluded through a decree passed on July 6, 2002, which stated that no one could be Prime Minister more than twice. And in a further attempt to undermine the standing of his opponents, the Musharraf regime pursued legal cases against them. Furthermore, General Musharraf's pre-election decrees left him with the power to dissolve the National Assembly (under the reinstated clause 52b of the 1973 constitution), gave institutional status to the military in a National Security Council, and the final assault-a five year term for himself after an uncontested referendum on his presidency. Only a two-thirds vote of Members of Parliament (MPs) could impeach him, and the divided assembly, which emerged from the election, is unlikely to combine against him.

So how did this election look from a rights perspective? The first irregularity to strike observers was the lack of gender equity. The number of women registered to vote was around 5.5 million fewer than the men and female turnout in many places was ten per cent lower than male. Our Commonwealth Observer report stated that "there were many indications from North West Frontier Province and elsewhere that women were prevented from voting, either by candidates or by community leaders."

Further, the 60 seats reserved for women in a gesture of affirmative action were despised by many, for they were allocated in proportion to party strengths, and not by direct election. Hence, it was felt, such women MPs would depend on party instructions in a way that other MPs did not.

Allegations of pre-poll rigging in favour of a manufactured pro-Musharraf party, the Pakistan Muslim League - Quaid-al-Azam (PML-Q)- were widespread. Local administrations encouraged voters to vote for it. Pakistan TV showed it favour. Pressure was brought on other candidates to join it. In Faisalabad, The recently held elections in Pakistan were monitored by nearly 300 international observers including the European Union, which sent the largest delegation, and the Commonwealth, which deployed 22 observers.

Most condemned the elections unequivocally and, this article, written by a Commonwealth observer, reaffirms much of what has already appeared in media reports: that the process was unfair, lacked transparency and did not justify the true spirit of democracy.

For instance, the brothers of both the City and District Nazims (or Mayors) won seats for it. In rural areas, feudal landowners continued to direct their workers and their families to vote in a particular direction. Along the way, charges of embezzlement were dropped by the National Accountability Bureau if local politicians switched to the PML-Q. In one case, quoted by an African High Commissioner, ammunition and narcotics were planted on the two sons of a Lahore politician to intimidate him into the pro-government camp.

It was in this context, of various factors adversely affecting the credibility of the election procedure, which led the Commonwealth Observers to conclude: "we are not persuaded of the overall fairness of the process as a whole."

The rights of 98 per cent of the population, which does not hold a university degree - in a country with a 40 per cent literacy rate - were curtailed. Only degree holders could stand for the assembly. This led to young graduates in political dynasties standing proxy for their less-educated seniors, and to remarkable claims. Near Faisalabad, where I was observing with a Namibian colleague, a candidate produced a Masters degree in Arabic from Kabul University at a time when the university was closed.

Although polling day was quiet, effects of a lackluster campaign, and local counts were careful, the process lacked transparency after results were taken from polling stations to central counting points. The handing in of polling station figures was often chaotic. No party agents witnessed the collation of these figures. In Faisalabad we watched a long-drawn-out count for the NA-82 constituency. The defeated candidate of the Pakistan Peoples Party (the Bhutto PPP party) for that seat alleged that four local presiding officers, who were religious students of his opponent, had gone home with ballot boxes and manipulated the figures. He was beaten by 800 votes in a total of over 70,000, and said he would go to court.

## **The Verdict**

After six weeks of indecision and dubious deal making between political leaders, Pakistan's new parliament elected Zafarullah Khan Jamali as Prime Minister on November 21, 2002. Jamali's pro- Musharraf Pakistan Muslim League was able to secure power with a very thin majority, and only after support from dissident members of former Prime Minister Benazir Bhutto's Pakistan's People's party, and independent MPs. This result has further entrenched Musharraf into political decision-making since Jamali, known more for his loyal backing of the military regime than any spectacular governance record, is sure to toe the General's line. Freedom of association was restricted in the short campaign, with rallies only in designated places. At one PPP rally in Faisalabad the lights suddenly failed, police cordoned off the area, and rushed the podium in an unsuccessful attempt to capture a wanted man, the father-in-law of the PPP candidate.

Despite detailed efforts on Musharraf's part to swing elections in his favour, results certainly went some way to reflecting the will of the people. There were shock defeats. There was the

unexpected success of religious parties, united for the first time, in taking control of the North West Frontier Province and capturing the third largest bloc in the National Assembly. The Islamists had campaigned for sympathy with their Afghan brethren, and against US policy.

Major issues, like unemployment and the confrontation with India, were hardly discussed in what was largely a localised campaign. The non-governmental Human Rights Commission of Pakistan made a gallant effort to remind people of continued abuses of human rights.

The constitutional conundrum of Pakistan, with its large and unquestioned military budget, remains unresolved. But, as an extremely senior election official remarked off the record, "An imperfect democracy is better than a perfect dictatorship."