

**PAKISTAN
NATIONAL AND PROVINCIAL ASSEMBLY
ELECTION
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**EUROPEAN UNION
ELECTION OBSERVATION MISSION**

FINAL REPORT

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1. EXECUTIVE SUMMARY

Background

The state of Pakistan emerged from the partition of the Indian sub-continent in 1947. Originally created to meet the demands of Indian Muslims for their own homeland, it split in two in 1971 when the predominantly Bengali speaking eastern part of the country seceded with help from India, to become Bangladesh.

With a population of 142 million, it is the seventh largest country in the world. Since independence in 1947, alternating periods of civilian and military rule and human rights abuses have undermined political and economic stability in Pakistan. During the last few decades corruption, inefficiency and confrontations between internal institutions have tarnished civilian politics and there has been a series of military coups.

The Musharraf Regime

The most recent of these occurred in October 1999 when the elected government of Prime Minister Nawaz Sharif was overthrown in a bloodless coup by General Pervez Musharraf. The National and Provincial assemblies were dissolved and the 1973 Constitution was put in abeyance. General Musharraf proclaimed himself to be Chief Executive.

Following the coup, on 12th May 2000 the Supreme Court validated the military take-over under the "Doctrine of Necessity". However the judgement specifically forbade the Chief Executive from changing the fundamental features of the 1973 Constitution, notably the independence of the judiciary, the federal structure and the parliamentary nature of democracy. It also insisted that democracy be restored with three years i.e. by October 2002.

The Roadmap for the Restoration of Democracy and the Referendum

In accordance with this judgement, on 14th August 2001, General Musharraf announced a 'roadmap for the restoration of democracy' indicating that elections to the Provincial and National Assemblies as well the Senate would be held in October 2002.

Prior to this, on 30th April 2002 President Musharraf held a referendum seeking endorsement for an extension of his rule for a further five years. This decision was criticised as being in conflict with the constitution, which specifies that the President should be elected by an Electoral College composed of representatives of the National

and Provincial Assemblies. Additionally, Pakistan's political parties, human rights groups and media claimed that there were widespread electoral abuses including multiple voting, stuffing of ballot boxes, lack of secrecy of the ballot and coercion of public officials.

The referendum was seen by many critics as a departure from the agreed "roadmap for the restoration of democracy".

The EU Election Observation Mission

It was against this background that the European Union decided to send an EU Election Observation Mission (EUEOM) to observe the October 2002 National and Provincial Elections.

Although a verbal invitation to send a team had been extended to External Relations Commissioner Chris Patten, it was not followed by a formal invitation and the Government of Pakistan declined to sign a Memorandum of Understanding with the EU. The failure to agree to the latter created logistical problems for the EUEOM, preventing it from being able to implement its full deployment plan.

Notwithstanding this, nine Core Team members were deployed for 10 weeks, 43 long term observers in thirteen different locations in all four provinces for up to five weeks and a further 36 short term observers (including a delegation from the European Parliament) for ten days.

Although the co-operation from the federal authorities was less than what had been expected, no restrictions were placed on the activities of the Mission and it was able to fulfil its task in full compliance with the internationally accepted criteria used for Election Observation.

The Electoral Process

In applying these criteria, the EUEOM concluded that polling day itself had gone relatively smoothly and that any shortcomings were the consequence of inadequate training and administrative arrangements rather than the consequences of intended abuse. However, it had serious misgivings regarding other aspects of the electoral process.

The EU EOM expressed serious concerns regarding the independence of the Election Commission of Pakistan, the restrictions on political parties and their candidates, the misuse of state resources, some unbalanced coverage in the state media, deficiencies

in the compilation of the voting register and significant problems relating to the provision of ID cards.

However, its strongest criticism was reserved for the Legal Framework provisions for the election. While the EUEOM acknowledged that there were positive measures proposed such as the reduction of voting age from 21 to 18, the establishment of reserved seats for women in the national and provincial assemblies and the introduction of a joint electorate, the EU EOM severely criticised other provisions. The restrictions placed on the nomination of candidates; the enactment of legislation (whose legality is questionable) which was designed to prevent certain candidates from standing in the election; the institutionalisation of the role of the army in the governance of the country; the apparent departure from a parliamentary form of democracy to a presidential system; all were considered by the EUEOM to be unjustified interference in the electoral process.

Conclusions

The holding of a general election does not in itself guarantee the restoration of democracy. The unjustified interference with electoral arrangements, as detailed above, irrespective of the alleged motivation, resulted in serious flaws being inflicted on the electoral process. Additionally, questions still remain as to whether or not there will be a full transfer of power from a military to civilian administration.

However, despite the existence of these problems, the EUEOM hopes that all those who fully support the restoration of democracy will work together to ensure that good governance is permanently established in Pakistan.

2. INTRODUCTION; BACKGROUND TO THE MISSION AND ACKNOWLEDGMENTS

A core principle of EU policy vis-a-vis Pakistan since October 1999 military coup has been to provide support for the restoration of democracy. Therefore when the Government of Pakistan on August 14th 2001 confirmed its intention to hold a general election by October 2002 the EU took a number of initiatives. In this context the European Commission approved a project to support NGOs activities in the fields of awareness of minorities, training of journalists and political parties on election campaign and procedure.

Additionally, Pakistan was included among the priorities for EU election observation for 2002. Following a discussion at the COASIE meeting on 28 February 2002, it was decided to deploy an election Exploratory Mission (ExM) to collect factual elements on possible further support to the election process and in particular on the advisability, usefulness and feasibility of deploying an EU EOM.

The ExM conducted its activities from 12 to 18 March 2002 meeting state and election authorities at national and provincial level, representatives of the political parties and the civil society as well as HoM of the EU member state embassies.¹ Based on its findings and President Musharraf's verbal invitation that he would welcome the presence of an EU EOM the ExM concluded that an EU EOM would be "feasible and useful, provided that deployment would start at least two months before election day".

In mid 2002 DG RELEX and AIDCO started the preparation of the mission, which should consist of nine core team members², 44 Long Term Observers / LTOs, and 110 Short Term Observers / STOs (90 coming from Europe and 20 locally recruited in country from the EU member states embassies). The EU Commissioner for External Relations, Chris Patten, appointed Mr. John Cushnahan (Ireland) as Chief Observer.

From the very beginning the relationship with state authorities turned out to be difficult as the state authorities refused to provide a formal (written) invitation and to sign a Memorandum of Understanding. In addition the Chief Election Commissioner, the Ministry of Foreign Affairs and the Ministry of the Interior initially refused to provide security for the mission. However, authorities at provincial and district level were more

¹ The EC delegation in Pakistan was fully associated in these meetings.

² Mr. John Cushnahan (Ireland) as Chief Observer and Mr. Oskar Lehner (Austria) as Deputy Chief Observer, Mr. Staffan Darndolf (Sweden) Election Expert, Mr. Plamen Tonchev (Greece) Legal Expert, Ms. Nuala Haugley (Ireland) Media Advisor, Mr. Lars Tollemark (Sweden) LTO Coordinator, Mr. Walter Torres (Belgium) LTO Coordinator Assistant, Mr. Julian Cheasley (GB) Security Advisor, Mr. Jerome Pons (France) Logistic Expert.

co-operative. Following personal approaches to each of the four provincial governors in mid September they agreed to provide adequate police protection when necessary. Prior to this, following a number of attacks on perceived Western targets decisions had to be made on a security grounds regarding whether or not to deploy the full team. Because of the lack of full co-operation from the Pakistan authorities, the build up of the mission was halted and deployment was phased resulting in the mission being unable to achieve its full strength and also resulting in reduction of the number of locations where observers would operate.

The members of the core team started their work in Islamabad on 04 August 2002. A first group of LTOs arrived on 06 September and was deployed to the field on 09 September. A second group of 21 LTOs arrived on 20 September. Another group of 20 Short Term Observers coming from Europe joined the mission on 03 October. A delegation of Members of the European Parliament consisting of three MEPs³ and two EP staff arrived on 07 October. Shortly before Election Day seven locally recruited STOs from the embassies of the EU member states increased the mission's observation capacity. The total strength of the mission on Election Day was 88 persons. Mission members returned to Europe between 13 and 18 October 2002.

The Mission was operating from thirteen different locations covering all four provinces:

Federal Capital: Islamabad,

Punjab Province: Lahore, Faisalabad, Multan, Rawalpindi, Jhelum, Gujanwala,

Sindh Province: Karachi, Sukkur, Hyderabad,

Balochistan Province: Quetta,

NWF Province: Peshawar, Mingaora.

In addition a mobile team visited the Chitral area (NWFP) and Turbat (Balochistan).

Due to the unstable security situation and the potential threat against westerners the Mission had to keep security considerations high on its agenda. Outside Islamabad observers only moved with armed escort. The Mission would like to express its appreciation to the security forces in the provinces and the districts that provided professional protection for observers in the field under difficult conditions.

³ Ms. Lisbeth Groenfeldt Bergman (EPP, Sweden), Ms. Luisa Morgantini (GUE/NGL, Italy) Mr. Marcelino Oreja Arburua (EPP, Spain).

The core team and the LTOs conducted a wide range of meetings with representatives of the political parties, state authorities, members of the election authorities, representatives of the civil society as well as the media. Activities of the mission were widely covered by local and international media. On all occasions great emphasis was placed on the independence and objectivity of the EU EOM and its strict policy of avoiding any involvement or appearance of involvement in the internal affairs of Pakistan. Although the Mission took all precautions, on one occasion an internal briefing document produced by the Mission for the Commission in Brussels was leaked to domestic media⁴ creating a controversial discussion prior to Election Day. The responsibility for this lay elsewhere.

The Mission through the Chief Observer and members of the core team held weekly meetings and briefings with the Heads of Missions of the EU member State embassies. In this context the mission would like to express its appreciation to the outgoing Head of the EC Delegation Amb. Kurt Juul and particular the incoming Head, Amb. Ilkka Uusitalo for their assistance and continued support, which was invaluable for fulfilling the mandate of the Mission.

The EU Election Observation Mission was logistically supported by IOM in Pakistan and it would like to express its appreciation for the excellent service provided.

The EU EOM would also like to thank the election officials and representatives of political parties, as well as the various journalists we met, for their co-operation. Furthermore the fact that many NGOs shared their analysis, insight and knowledge with us was greatly appreciated.

Finally and most important of all we would like to take the opportunity to thank the people of Pakistan for their hospitality and generosity shown to all members of our team during our time there.

⁴ See Daily Times, 01/10/02, p. 8.

3. POLITICAL BACKGROUND

3. a. THE 1988-1999 CIVILIAN RULE

The current military regime in Pakistan was preceded by a rare 11-year period of civilian rule in the country. Democracy, even if far from perfect, was at work and four general elections were held within that interval⁵. The bitter confrontation between Benazir Bhutto and Nawaz Sharif, leaders of the Pakistan People's Party (PPP) and the Pakistan Muslim League-Nawaz (PML-N), negatively impacted upon the political landscape of Pakistan during this brief period of democracy. Both became Prime Ministers of the country twice each. Their respective terms in office were marked by bitter animosity and persistent charges of corruption and constant political instability. The "democratic interregnum" of Benazir Bhutto and Nawaz Sharif is seen by many Pakistani citizens as a source of disappointment and has considerably undermined confidence in the democratic process in the country.

3. b. THE 1999 MILITARY TAKEOVER

The uneasy relations between Sharif's second government (1997-1999) and the military were further exacerbated by the Kargil conflict in Kashmir in early 1999 and the subsequent retreat of the Pakistani forces, which led to the exchange of bitter accusations between the Prime Minister and the Chairman of the Joint Staff Chiefs Committee General Pervez Musharraf. The latter overthrew the civilian regime in a bloodless coup on 12 October 1999 and immediately afterwards issued a Proclamation of Emergency (14 October 1999), setting forth that i) the 1973 Constitution was put in abeyance; ii) the National Assembly, the Provincial Assemblies and the Senate stood suspended; iii) all the state office holders, save the President of the Republic, also stood suspended; iv) the whole country came under the control of the Armed Forces of Pakistan; v) General Musharraf assumed the position of Chief Executive ruling the country through Chief Executive's Orders.

Judges were required under the Oath of Office Order 2000 to take an oath to uphold the Provisional Constitutional Order, in an undisguised strategy of the regime to subjugate the judiciary to the military. Out of the thirteen Judges of the Supreme Court six refused to take oath and were replaced by February 2000. Meanwhile, the overthrown Prime Minister Nawaz Sharif was taken to court, convicted and subsequently exiled to Saudi Arabia.

⁵ November 1988, November 1990, October 1993 and February 1997.

3. c. SUPREME COURT JUDGMENT, MAY 2000

The next step taken by the military government was in the direction of its judicial legitimisation. On 12 May 2000, the Supreme Court issued a Judgment acknowledging, that “the intervention of the Armed Forces through [an] extra-constitutional measure became inevitable” and validating the military takeover “on the basis of the doctrine of State necessity”. At the same time, however, the Supreme Court stated quite clearly that the 1973 Constitution still remained “the supreme law of the land” (even if certain parts of it were held in abeyance) and that, while constitutional amendments could be made by the Chief Executive, no amendment should be made “in the salient features of the constitution, i.e. independence of the judiciary, federalism, parliamentary form of Government...”. Furthermore, the Judgment set a deadline for the restoration of the constitutional order through the conduct of general elections by 12 October 2002, three years after the military takeover.

General Musharraf’s government pledged to improve accountability by rooting out corruption, to introduce institutional reforms, by devolving power to the local authorities, and hold general elections at the end of the three-year period. The National Accountability Bureau (NAB) undertook to combat corruption, the National Reconstruction Bureau (NRB) was assigned the task of promoting new laws and administrative practices and, in 2001, local elections were held for the third time in Pakistan’s history⁶. These elections were nominally party-less and political parties took part through “independent” candidates. On the other hand, it was for the first time that provisions were made in the legislation for a 33% of the seats reserved for women.

However, certain steps taken by General Musharraf were not envisaged in the Supreme Court Judgment and were a clear deviation from the “Roadmap to Democracy”. On 20 June 2001, General Musharraf proclaimed himself President of Pakistan and took oath in the presence of the Chief Justice Irshad Hasan Khan. In doing so, General Musharraf overstepped the restraints of the 1973 Constitution, which clearly separates the domains of the Prime Minister (as a chief executive position) and the President.

3. d. THE 2002 REFERENDUM

On 30 April 2002, General Musharraf held a highly controversial referendum extending his presidential term for five more years. Both the legality and the results of this referendum were controversial. Many political parties and commentators disputed the

⁶ Local elections were held twice under Ayub Khan in the 1960s.

constitutionality of General Musharraf's decision to hold a referendum as according to the Constitution, the President of Pakistan is chosen by an electoral college. The referendum was therefore interpreted as an attempt by Musharraf to side step the two houses of Parliament and the Provincial Assemblies to consolidate his position and grip on power. Constitutionality aside, following the contested poll there were allegations about tampering with the voters' list, public officials being coerced into voting and "unconventional" polling stations set up in parks, government offices, railway stations, bus stops, petrol stations, hotels, political party offices, etc. As a result, the opposition found the official turnout rate of 56% unrealistically high and disputed it vehemently. The holding of the presidential referendum was an attempt by Musharraf to legitimise his presidency before the parliamentary elections and as such it constituted a departure from the agreed "roadmap to democracy" timetable. Seen in this perspective, it is clear that the referendum contributed towards the polarisation of Pakistan's politics in the run-up to the 10 October 2002 elections.

4. CONSTITUTIONAL FRAMEWORK

4. a. OUTLINE OF THE 1973 CONSTITUTION

The main text laying down the legal framework is the 1973 Constitution widely seen as a symbol of national unity and consensus, as it was adopted by all the political parties in the then National Assembly. The 1973 Constitution of Pakistan envisaged a parliamentary system of government, with the balance of power tilted towards the Prime Minister, whose concurrence the President would need on a number of occasions to exercise his powers - e.g. the National Assembly could only be dissolved by the President on the advice of the Prime Minister. However, the complexion of the Constitution was fundamentally altered in 1985 by the late dictator General Zia-ul Haq through the 8th Amendment and the highly contentious Article 58,2(b) empowering the President to dissolve the National Assembly, to nominate the Prime Minister, the Governors of the Provinces, Judges of the Supreme and High Courts, and the Chairman of the Joint Chiefs of Staff committee (JCSC). The amendment in question was only adopted after heated debates and as part of a trade-off, in return for the withdrawal of an additional proposal envisaging a National Security Council. By the time Art. 58,2(b) was repealed in 1997 through the 13th Amendment, it provided the legal basis for the dismissal of four governments by the country's Presidents between 1988 and 1996.

4. b. PROVISIONAL CONSTITUTIONAL ORDER 1999

The takeover on 12 October 1999 and the assumption of Chief Executive's responsibilities by General Pervez Musharraf was followed by a Proclamation of Emergency issued the same day. On 14 October 1999, the Provisional Constitutional Order No. 1 of 1999 (PCO) was promulgated laying down that:

- Notwithstanding the abeyance of the 1973 Constitution, Pakistan would be governed "as nearly as may be, in accordance with the [1973] Constitution, subject to the Provisional Constitution and any other Orders made by the Chief Executive".
- The Fundamental Rights conferred by the 1973 Constitution, not in conflict with the 14 October 1999 Proclamation of Emergency⁷ or any Order made there under, continued to be in force "from time to time".

⁷ Strictly speaking, Pakistan was already in a state of emergency proclaimed on 28 May 1998, immediately after the nuclear tests carried out by the government of Nawaz Sharif.

- The President of Pakistan (Rafiq Tarar at the time) as well as the Governors of the Provinces were only allowed to act on, and in accordance with, the advice of the Chief Executive.
- All courts in existence continued to function and to exercise their respective powers and jurisdiction, but no court, tribunal or other authority was allowed to call in question the 14 October 1999 Proclamation of Emergency or any Order made in pursuance thereof. Similarly, no judgement, decree, writ, order or process whatsoever could be made or issued by any court or tribunal against the Chief Executive or any authority designated by the Chief Executive.

4. c. LEGAL FRAME WORK ORDER 2002

aa. Content and Adoption of the Legal Framework Order 2002

The second intervention of the military regime in the constitutional framework of the country was the promulgation of a new Legal Framework Order (LFO) by General Pervez Musharraf in August 2002. The main amendments included in the Legal Framework Order (LFO) 2002 were:

- The restoration of the 8th Amendment, empowering the President to dismiss the Prime Minister and to dissolve the Parliament (under Art. 58, 2b) as well as empowering the Governors to dismiss the Chief Ministers of the Provinces⁸ and to dissolve the Provincial Assemblies (under Art. 112). The latter provision renders the Chief Ministers vulnerable to pressure and to a considerable extent subservient to the President-appointed Governors.
- The creation of a National Security Council (NSC) as a constitutional body, bringing together 13 superior public officials, namely: the President, the Prime Minister, the leader of the Opposition, the Speaker of the National Assembly, the Chairman of the Senate, the four Chief Ministers of the Provinces and the four military Chiefs of Staff.
- The insertion of a number of qualification and disqualification requirements for candidates for Parliament under Art. 62 and 63 (presented in detail in Chapter 8d), effectively pre-empting the electoral legislation prior to the adoption of the constitutional amendments by Parliament.

⁸ Nominated by the Governors of the Provinces and, subsequently, obliged to obtain a vote of confidence from the Members of the Provincial Assemblies.

The promulgation of the LFO 2002 was preceded by a public debate for some two months, upon the publication of the initial package of proposals in late June 2002. As stated by General Musharraf himself, a number of proposals were eventually left out due to objections raised by political parties. However, the counter-argument put forward by many is that the regime retained the substantial amendments, whereas all the other proposals in the initial package could well have been a mere “smoke screen”⁹. The political parties expressed their views in the form of auditions with General Musharraf, rather than through official institutional channels.

General Musharraf personally announced the content of the LFO 2002 at a press conference on 21 August 2002, in full military uniform. While answering questions from the audience about the presence of the military in the NSC, General Musharraf did not hesitate to clarify that “if you want to keep the army out, you have to bring it in” and argued that the restored Art. 58, 2(b) made sure there would be no military intervention in the future. Furthermore, he stressed that the NSC would merely be an advisory body, that the army had nothing to do with running the country on a day-to-day basis and that the executive power lay with the Prime Minister (in terms of foreign policy, trade policy, health and education, the development strategy of the country, etc).

bb. Political Reaction in Pakistan and Abroad

Many political parties, NGOs and Bar Councils in Pakistan have questioned the right of the government to amend the 1973 Constitution. Although they admit that there are some positive aspects in the LFO 2002, opponents rejected the idea of a constitutional framework put forward by the military government and stated that they would not validate it in Parliament. On specific issues there was a universal message that the role of the newly introduced National Security Council should be confined to consultations and advice; even the pro-government parties have raised objections to an all-powerful NSC¹⁰. The restored Art. 58 (2b) does seem to enjoy the support or at least the tolerance of some parties, to the extent that it envisages the prerogative of the President to dismiss the Prime Minister, in the name of “checks and balances” between the President and the Prime Minister, which has been a constant point of friction

⁹ This is further enhanced by the fact that the hard core of the proposals (Art. 58, 2b; NSC, etc.) raised the largest amount of objections and yet remained on the final list of amendments.

¹⁰ General Musharraf himself admitted at the press conference on 21 August 2002: “The majority of people spoke against it. Some also spoke in its favour, but honestly, I think this [council] is very important and this will be done.”

throughout the 1990s. What certainly raises more objections in the amendment in question is the prerogative of the President to dissolve the entire National Assembly and in August 2002, during its extensive contacts, with the EU EOM recorded no voice of support for this provision on the part of the political parties.

Abroad, comments on the LFO 2002 varied from cautious acceptance of the legal framework to serious concerns. In September 2002, the US-based National Democratic Institute for International Affairs (NDI) acknowledged a number of positive developments (seats set aside for women and religious minorities in the National and Provincial Assemblies, the introduction of a joint electorate, etc.), but also raised the issue of the “extraordinary concentration of power into President General Musharraf’s hands”. Furthermore, the NDI considered the NSC to be “a supra-parliamentary body that could in fact thwart as well as complement the parliamentary process”. A few days before Election Day, the International Crisis Group (ICG) report “Pakistan: Transition to Democracy?” termed General Musharraf’s roadmap to democracy “a blueprint for more military rule” and challenged his power to amend the constitution beyond “the framework of federal, parliamentary democracy”.

cc. EUEOM Assessment

In its approach the EUEOM was not merely concerned with what happened on Election Day itself. Our task was to assess the entire electoral process and in particular to ascertain whether or not there would be a full restoration of parliamentary democracy including the transfer of power from military government to a civilian administration.

In doing so, not only did the EUEOM scrutinise the electoral process *per se*, but it necessary to consider the constitutional framework for the functioning of the future Parliament. An assessment of the newly introduced constitutional provisions was required to establish whether or not the Parliament would enjoy the necessary degree of independence in accordance with international standards.

As the constitutional framework is an essential part of the electoral framework, the EUEOM was particularly concerned with the concentration of authority and the prospect of a limited transfer of power from the military government to a civilian administration. In the emerging constitutional framework, General Musharraf is the President of Pakistan, Chief of Army Staff, Chairman of the Joint Chiefs of Staff Committee, and Head of the National Security Council. If he steps down as Chief of Army Staff, he will still wield

enormous power. The concerns therefore remain that, unless the legal framework in Pakistan were to be altered dramatically, the long shadow of the President (and, at the same time, head of the military) would be cast over the government and the Parliament in a paralysing way, because of the threat of dismissal and dissolution.

On the whole, the Legal Framework Order 2002, as promulgated by General Pervez Musharraf, does not facilitate the full restoration of democracy in Pakistan. Given the institutionalised presence of the armed forces and the concentration of power in the hands of the President, the EUEOM expresses its grave concerns as to whether or not the 10 October 2002 elections could lead to the desired transfer of power to a civilian government. At best, Pakistan will be a “guided democracy”, far short of international standards.

5. POLITICAL LANDSCAPE

By and large, the atmosphere in the run-up to Election Day was marked by the lack of enthusiasm as well as by the lingering doubts as to whether the elections would be held on time or boycotted. There was a universal feeling that the pre-election period had nothing in common with the lively political campaigns held by parties in the past. As regards the platforms of the parties, they were rather poor in ideas and largely centred on single issues, as presented below.

5. a. OVERVIEW ABOUT THE MAIN POLITICAL PARTIES

The Pakistan People's Party (PPP) had to contest the elections without its leader, former Prime Minister Benazir Bhutto (see Chapter 8d for details). On the final day prior to the date set by ECP for registration (application for the allotment of a party symbol), the PPP leadership decided to form a new party called Pakistan Peoples Party - Parliamentarians (PPP-P), with Makhdoom Amin Fahim as its Chairman. The reason for this decision was that, if Benazir Bhutto had been re-elected as Chairperson of the PPP, that would have meant a head-on collision with the Musharraf government and disqualification of the whole party. Notably, one of its central slogans was the disqualification of Ms. Bhutto through the imposition of "Benazir-specific" provisions in the legislation. During the pre-election campaign, the PPP-P leadership persistently expressed its grave concerns about the electoral law and the constitutional amendments as well as about what it perceived as extensive "pre-poll rigging" in very many forms. In its manifesto, the PPP-P stressed the importance of religious tolerance in order for terrorism and sectarian violence to be efficiently tackled, and did not miss the opportunity to point out that "terrorism was born in the bowels of dictatorship". An interesting point in the PPP-P's platform was the proposal for the inspection of defence expenditure, a veritable a "taboo" in Pakistan's parliamentary history.

The other mainstream party, the Pakistan Muslim League-Nawaz (PML-N), had an even worse predicament than the PPP-P. Deprived of the leadership of former Prime Minister Nawaz Sharif, who did not take part in the elections (see Chapter 8d for further details), PML-N had his brother Shahbaz Sharif elected as a new party chairman shortly before the deadline for registration. However, Shahbaz Sharif was disqualified as well (see Chapter 8d for details) and the PML-N conducted its campaign under the leadership of Acting Chairman Zafarul Haq. Interestingly enough, the PML-N reactions to the disqualification of its leaders were less dynamic and confined either to media

statements or legal action. It is to be noted that the PML-N suffered heavy losses caused by the massive defection of its activists to the other faction of the party, the PML-QA. Party sources pointed to the fact that nearly 50% of former PML-N members of the National Assembly took part in the elections on PML-QA tickets. This is probably why the PML(N) appeared to have the most difficult task in articulating a coherent political platform, after the massive defection of its stalwarts to PML-QA.

Led by Mian Mohammad Azhar, the Pakistan Muslim League Quaid-e-Azam (PML-QA) was carved out of the PML(N) in early 2000, and was widely seen as a creation of the military regime. A number of influential politicians across the country joined it, presumably in the hope that they would draw benefits from links with the government. A prominent trend on the internal scene of PML-QA was the surplus – rather than the lack – of contenders in many constituencies. The pre-election campaign of the PML-QA targeted voters tired of the “deadlock politics” of the two mainstream parties PPP and PML(N), whose governments had been heavily discredited between 1988 and 1999, and had left the economy of the country in ruins. During the debate over the constitutional amendments and the electoral law, PML-QA leaders clearly supported the government. In particular, they maintained that the President should have the right to dismiss the Prime Minister and that the National Security Council would be a useful institution. On the other hand, even the PML-QA had objections to the President’s powers to dissolve the National Assembly and was of the view that the NSC should only be an advisory/consultative body and not a supra-legislative institution. As for the QA’s manifesto, it was rather generic and vague, poor in terms of original ideas; the party activists reiterated on every occasion how “corrupt” the governments of Nawaz Sharif and Benazir Bhutto had been in the past.

The Muttahida Majilis-e-Amal (MMA) coalition was seen by many as a very interesting phenomenon, because for the first time in Pakistan’s history an alliance was formed by the following six religious parties: Jamaat-i-Islami, Jamiat-Ulema-e-Pakistan (Noorani), Jamiat-Ulema-e-Pakistan (F), Jamiat-Ulema-e-Pakistan (S), Islami-Tehreek-e-Pakistan and Markazi Jamiat Al-Hadith. What made the MMA even more intriguing was its lack of consistency, given the personal animosity between the party leaders and considerable doctrinal disputes, including the differences between Sunni and Shia Muslims. Nevertheless, clearly dominated by the disciplined party apparatus of Jamaat-i-Islami, the MMA fielded an impressive number of candidates and had a spectacular showing in what was seen by analysts as cashing in on the anti-West sentiment in the country.

A new player on the political scene was the Grand National Alliance (GNA), centred on the Millat Party of former President of Pakistan Farooq Leghari. The GNA was clearly pro-government in the most part of its views, even though on a number of occasions it voiced its critical attitude towards authorities in support of the PML-QA.

The regional parties, presented below, raised to a large extent issues of local significance. In urban Sindh, the Muttahida Qaumi Movement (MQM), often seen as the biggest regional party and the third largest in the country before the 10 October 2002 elections, has traditionally stood up for the rights of the Urdu-speaking *mohajirs*, predominantly Indian Muslims who fled to Pakistan in the wake of the 1947 partition of British India. As a result, the MQM manifesto was often anti-Punjabi and in support of substantial decentralisation. The MQM has been a major player in Sindh since the mid-1980s, but its image has been tarnished by its involvement in many acts of violence in the past. The party contested the 10 October 2002 elections in an attempt to enlarge its voter bank all across the province. The splinter Haqiqi faction of the MQM, headed by Afaq Ahmed and Badar Iqbal, has its strongholds in Landhi, Korangi and other “no-go” areas of Karachi.

Before the elections, the Awami National Party (ANP) had traditionally been strong in the North West Frontier Province, the stronghold of the Wali family. After the elections, the landslide of the MMA in the province forced the ANP leadership to step down. Another well-established regional party taking part in the elections was the Pakhtoon Khawa Milli Awami Party (PKMAP) of Mehmood Khan Achakzai, a strong supporter of Pashtun rights and the incorporation of Balochistan’s Pashtun areas into a greater NWFP, called “Pashtunistan”. With similar agendas, but centred on Baloch tribes, the Balochistan National Party (BNP) of Sardar Akhter Jan Mengal and the Balochistan National Movement (BNM) had their traditional, but rather limited, voter banks in the Province of Balochistan.

Last but not least, a number of parties could be seen as “one-man shows”, such as the Pakistan People’s Party-S (PPP-S) of Aftab Ahmed Khan Sherpao, traditionally strong in the NWFP; the Pakistan Muslim League –Junejo (PML-J) of Hamid Chattha in north Punjab; the Pakistan Muslim League-Functional (PML-F) of Pir Pagara and the Sindh Democratic Alliance (SDA) of Imtiaz Sheikh in north Sindh, the Pakistan Tehrik-e-Insaf (PTI) of the famous ex-cricketer Imran Khan; the Pakistan Awami Tehrik of Tahir-ul Qadri, the Pakistan Muslim League-Zia (PML-Z) of Ijaz-ul Haq, etc.

5. b. ALLIANCES

Given the large number of political parties and independent candidates running in the elections, the fragmentation of the political landscape was perhaps the most pronounced feature of Pakistan's domestic politics in the run-up to 10 October 2002. Many parties had split into numerous factions under the same name (e.g. twelve different factions in the case of the Pakistan Muslim League - PML), headed by politicians with irreconcilable personal agendas rather than true ideological differences. Apart from the fragmentation, the electoral system ("first-past-the-post") made projections extremely difficult.

At the same time, one witnessed some political "marriages of convenience" that would have seemed unthinkable until recently. Thus, in a number of cases political parties agreed to support joint candidates, but only *ad hoc* rather than on the basis of general agreement. Furthermore, two bitter enemies, the PPP-P and the PML-N managed to a certain extent to get over the personal confrontation of their leaders, former Prime Ministers Benazir Bhutto and Nawaz Sharif, and co-existed – nominally, at least - under the umbrella of the 15-party Alliance for the Restoration of Democracy (ARD), against the military government. The pro-government pole brought together formations often referred to as the "King's parties": the PML-QA, the GNA, the SDA, the PPP-S, etc. Most regional parties, such as the MQM, ANP, BNP, BNM and PKMAP stayed out of alliances, and eventually "paid a price" on Election Day.

6. ELECTORAL SYSTEM

6. a. BACKGROUND

In early 2002, the military government suggested revised electoral systems to both the Parliament and the Provincial Assemblies. After consultations with civil society organisations, political parties and other stakeholders General Musharraf finally announced the changes to the electoral system on 21 August 2002 as the Legal Framework Order, 2002 was introduced. It was also announced that elections to the National and Provincial Assemblies would take place on 10 October 2002 while elections to the Senate were re-scheduled for 12 November 2002.

The more salient changes were:

- Number of seats in the National Assembly increased;
- Number of seats in the Senate increased;
- Number of seats in the Provincial Assemblies increased;
- Set aside seats for women were introduced in both houses of the Parliament and the Provincial Assemblies;
- Separate electorate for the minority seats was abolished and a joint electorate introduced;¹¹
- Voting age was reduced from 21 years of age to 18.

The electoral system of Pakistan reflects the federal system laid out in the 1973 Constitution. As a result, the provinces have a significant impact as how the Senate is composed, which is the norm in most federations.

All the three assemblies have a mix of directly and indirectly elected representatives. A vast majority of the members of the National Assembly and the Provincial Assemblies are directly elected (79% and 78% respectively) while the opposite relationship can be found in the Senate (92% indirectly elected by the Provincial Assemblies and 8% directly elected by the FATA electorate).¹²

¹¹ Previously non-Muslims who were registered voters constituted a separate electorate and cast their vote in direct elections for the non-Muslim seats.

¹² It is yet to be decided how the four seats representing the Islamabad Federal Capital (IFC) should be filled in the Senate. It's the prerogative of the President to make this decision.

6. b. NATIONAL ASSEMBLY

The National Assembly has three categories of seats; (1) general seats, (2) women seats and (3) non-Muslim seats. It should be stressed that only the general seats are directly elected via the First-Past-The-Post system, i.e. by simple majority in single member districts. The women seats, on the other hand, are indirectly elected using a proportional system based on the number of general seats won by the each political party from the Province concerned in the National Assembly. The non-Muslim seats, on the other hand, are indirectly elected via the same proportional electoral system as used for the women seats, except that the entire country constitutes the constituency. Both women and non-Muslims are picked from the respective closed party list. As a result, independent candidates could only run for the general seats and not for any of the reserved seats in the National Assembly.

Initially parties had to hand in their respective list of candidates for the two categories of set aside seats to the Election Commission at the same time as all other candidates were registered in August. Candidates included in those lists were ranked in preferential order should a party receive any of the reserved seats. However, only a couple of days prior to polling day changes were made to the electoral system. The ECP announced that parties could now alter the ranking of the candidates even after the Election Day. Even though not too many voters would choose to vote for a political party based on its list of candidates for the reserved seats, it's still not good practice to change the rules so close to polling day. In addition, two days before the polls, the government amended the LFO 2002 allowing independent candidates to join political parties after the elections.¹³ By doing so, they too would be included in parties' allocation of reserved seats. Independent candidates had no possibility to clarify their status to the voters as the moratorium on campaign activities came into force only hours after the amendment was announced.

National Assembly Composition: 2002 elections compared to 1997

Category of Seats	1997 Elections	2002 Elections
General Seats	207	272
Women Seats	0	60
Non-Muslim Seats	10	10
Total No of Seats	217	342

¹³ According to the Law Minister, this was a direct result of the Supreme Court requesting clarifications from the government.

Sources: Legal Framework Order, 2002 and The Constitution of Pakistan, 1973.

A further novelty in this year's election is the five per cent threshold introduced to prevent smaller parties access to the reserved seats for women and non-Muslims. If a party doesn't receive at least five per cent of the *general seats* in the National Assembly, it will not be allotted any of these reserved seats to the National Assembly. This made it more difficult for regional parties to obtain reserved seats, and as a result only MMA, PML(QA) and the PPPP gained access to the set aside seats.

The number of seats in the National Assembly (NA) increased significantly. In 1997 elections, 217 members of the NA were elected (directly and indirectly) while this time around the figure had risen to 342. One of the main reasons for this increase was the introduction of dedicated seats for women (60), but also the general seats increased by sixty-five new seats. Also after the increase in the number of seats in the National Assembly, Punjab will still be the key province since it holds more than fifty per cent of the seats (see table below).

National Assembly seats by provinces and other administrative areas

Geographical Area	2002 Elections			Total	Percent of total Seats
	General	Women	Non-Muslim		
Punjab	148	35		183	53,5%
Sindh	61	14		75	22%
Balochistan	14	3		17	5%
N.W.F.P	35	8		43	12,5%
F.A.T.A.	12	-		12	3,5%
IFC	2			2	0.5%
Nation-wide			10		3%
Total Seats	272	60	10	342	100%

Source: Legal Framework Order, 2002

6. c. SENATE

Even though the Senatorial Election is not taking place until November/December 2002, and is therefore not directly observed by this Mission, the results are based on the

provincial Elections observed by EUEOM Pakistan. However, as the newly elected members of the respective Provincial Assemblies cast a secret vote, there exists both room for political maneuvering and political pressure.

All members of the Senate, except FATA seats, are indirectly elected. To date it has not yet been decided how the four Senate seats representing Islamabad Federal Capital shall be elected. Members to General, Women and Technocrat seats will all be elected via a proportional representation (Single Transferable Vote system). The newly elected members of the Provincial Assemblies will elect the Senators representing their respective province in the Senate based on the closed list of candidates supplied by the political parties prior to the poll.

The Senate saw an increase in its seats from eighty-seven to one hundred (see table below for details). In addition to the change in size, the composition of the Senate was also altered, primarily due to the fact that also the Senate now has reserved seats for women, but also due to the fact that seats set aside for technocrats were reduced from five seats per district to four per district.

Senate Composition 1997 and 2002

Geographical Area	1997 Elections			2002 Elections		
	General	Women	Technocrats	General	Women	Technocrats
Punjab	14	0	5	14	4	4
Sindh	14	0	5	14	4	4
Balochistan	14	0	5	14	4	4
N.W.F.P	14	0	5	14	4	4
F.A.T.A.	8	0	0	8**		
IFC	3*	0	0	2*	1*	1*
Total Seats			87			100

Sources: Legal Framework Order, 2002 and The Constitution of Pakistan, 1973.

* Elected from the Federal Capital based on decision by the President.

** Directly elected by the registered voters of FATA.

6. d. PROVINCIAL ASSEMBLY

The number of seats in the Provincial Assemblies has also been changed. Just like the National Assembly, Provincial Assemblies will now also have both more seats and three categories of seats: general, women and non-Muslim.

Provincial Assemblies' Composition

Geographical Area	2002 Elections		
	General	Women	Non-Muslim
Punjab	297	66	8
Sindh	130	29	9
Balochistan	51	11	3
N.W.F.P	99	22	3

Candidates running for the general seats are elected via a simple majority in single member districts (FPTP system). The reserved seats are allocated based on the proportion of general seats that the various parties obtain in the Provincial Assembly. Should a party win less than five per cent of the general seats in the Provincial Assembly, they will not receive any reserved seats. Candidates were picked from the closed list filed by the political parties to the Election Commission in late August 2002.

6. e. ASSESSMENT

A number of the changes to the electoral system are commendable. In particular,

- the reserved seats for women in both Provincial and National Assemblies as this will guarantee women access to the legislature;
- the joint electorate as it gives the non-Muslim electorate the same status as Muslim voters;
- the lowering of the voting age from 18 years to 21 as it extends the franchise to a larger proportion of the country's citizens;
- the larger number of seats in the assemblies as this will further reduce the distance between elected and electors.

However the current electoral system still have some aspects that could be reviewed. The more salient ones are that:

- the five percent threshold makes it more difficult for local parties to send women and non-Muslims to the assemblies;
- basing the allocation of reserved seats on the number of seats won instead of votes in the respective assemblies will amplify the majoritarian character of the system and downplay the representative nature;
- only party representatives have access to the reserved seats and not independent candidates.

7. ELECTION LEGISLATION AND ELECTION ADMINISTRATION

7. a. ELECTION LEGISLATION

The Pakistan election legislation by in large is in line with international standards of election legislation. However, serious shortcomings were found with regard to the qualification criteria for the nomination of candidates (graduation requirement, financial liabilities) – see further details under section 8 d.

7. b. ELECTION ADMINISTRATION

aa. The Election Commission of Pakistan

The Chief Election Commissioner (CEC) and his four Election Commissioners, who are sitting judges from the High Courts of the four provinces, head the Election Commission of Pakistan (ECP). The CEC's tenure is three years long and the President appoints him. The President also appoints the Election Commissioners, after consultations with the CEC and the Chief of the High Courts concerned. Officially this entity should make majority decisions.

The four Commissioners are all seasoned judges with extensive legal background. However in the field of election administration they are all new. A telling example is the CEC who was appointed less than ten (10) months prior to Election Day. The administration below commissioners is generally quite experienced, both from organizing elections domestically as well as from international engagements in Kosovo, East Timor and Cambodia.

The Provincial Election Commissioners are in-charge of the election administration in the provinces and have both permanent Associate Election Commissioners and Assistant Election Commissioners at their disposal. However, as elections draw closer the ECP has to rely on the government's judiciary to handle the nomination of candidates in all the 272 constituencies, as the vast majority of the Returning Officers are judges. Furthermore, the Polling Station staff is ad-hoc staff recruited primarily from the educational institutions to man the 65,000 Polling Stations.

The ECP relied on temporary workers to conduct parts of the nomination process and polling day activities, which is the standard set-up in most countries. In addition, the Election Commission also had to rely on local authorities for all the logistics of the

elections. This dependency put the ECP in a vulnerable position should the local authorities violate the law of non-partisanship of the authorities.

The administrative set-up of the ECP in Islamabad includes most of the components expected within an election administrative organisation, except a functional training and voter education component. These functions have *de facto* been delegated to the UNDP, which set up offices inside the ECP HQ. The infrastructure of the ECP headquarters is also well looked after, partially due to a recent upgrade donated by the UNDP. The situation in the provinces is quite different as many offices lack even the most basic office equipment.

bb. The Independence of the Election Commission

The current Chief Election Commissioner (CEC) actively contributed to legitimizing Musharraf's coup as he was heading up the Supreme Court that validated the 1999 take-over by the military.¹⁴ In addition, the CEC was responsible for administrating the heavily criticized presidential referendum earlier this year. Some stakeholders persistently referred to both those events when the independence of the Election Commission was discussed and as a result the ECP's independence was widely perceived as being compromised.

However, the Election Commission of Pakistan took a number of positive steps to improve the electoral process. The issuing of directives regarding impartial media reporting during the elections, informing the returning officers not to accept nomination papers from sitting ministers and Nazims (haeds of local authorities) as they might use state resources to further their re-election, and the allocation of election symbols was conducted in an open manner. Furthermore, the extension of the nomination period enhanced parties' abilities to field candidates for the forthcoming elections. For the very first time, the Election Commission also announced that copies of the results should be given to party agents in the polling stations immediately following the count, which improved the transparency and provided an opportunity to verify the counting process where party agents were present.

Although all these actions are commendable, the Election Commission displayed a number of shortcomings at both national and provincial levels. One of the more worrying developments was the ECP's failure to curb the authorities' misuse of state resources in

¹⁴ The Supreme Court took a unanimous decision to endorse the military takeover.

favour of political parties, in particular, but not exclusively, for the PML(QA). The Election Commission established a central Grievance Cell, but it was *de facto* not operational.¹⁵ Instead the Chief Election Commissioner merely issued instructions ordering parties and government officials to adhere to the legal framework and the Code of Conduct for Political Parties, something they continued to flout with impunity.

The failure by the ECP to protect an area clearly within its mandate from interference by state authorities cast serious doubts over the ECP's independence.¹⁶ This became apparent when both President Musharraf and the Commissioner of Islamabad imposed serious restrictions on campaign activities, which clearly ran contrary to the Code of Conduct for Political Parties issued by the Election Commission. The ECP subsequently failed to take any action.

Unfortunately many Nazims ignored the rules and both overtly and indirectly supported certain candidates and parties in the run-up to Election Day. The Election Commission's reluctance to utilize its mandate and take swift and decisive actions against violators could be attributed to the ECP's dependency of the local authorities. If the Commission had chosen to penalize Nazims that campaigned on behalf of candidates they ran the risk of chaos on polling day due to non-delivery of materials and staff by local authorities.¹⁷

cc. The Election Administration in the Field

The election authorities in the provinces play a crucial role in implementing decisions coming out of the ECP headquarters in Islamabad. Three of their major tasks were:

- recruitment of ad-hoc staff needed for candidate registration and polling day;
- coordination of logistical requirements for polling day and the count; and
- training of temporary staff.

¹⁵ In a meeting with the EUEOM on 8 October 2002, the CEC informed the mission that the ECP was working on 8-9 cases , but evidence was difficult to establish and it will take several months until a decision could be made. In a press release dated 12 October 2002 the CEC rejecting this assessment claiming that the ECP had received no complaint of major violation of the directives issued by the ECP.

¹⁶ ECP has the power of a high court something that CEC often made reference to (see for instance the Election Commission Order, 2002).

¹⁷ During the week leading up to elections, the police impounded large number of busses, trucks and other vehicles to be used for transporting election material and polling station staff. This seriously disrupted public transportation in certain cities and angered the public.

The traditional way of finding suitable Returning Officers for Pakistan's elections is to approach the judiciary. These elections did not deviate from this tradition. The coordination was also taken care of by the Provincial, Associate and Assistant Election Commissioners at the various levels in conjunction with their respective interlocutors from the local authorities. This time around, however, the training was left to the UNDP.

Over the last couple of years, the UNDP has ran a multi-million dollar capacity building program with the ECP and one of its main components was the training of almost 300,000 polling station staff. However, the UNDP didn't conduct the training themselves but rather sub-contracted the task to a number of organisations that had prior experience in organising training. The Election Commission was tasked to ensure that the polling station staff appeared for the training while the rest was a responsibility of the training institutions.

Initially the training was marred with serious shortcomings as the necessary manual was nowhere to be found. Furthermore the attendance rate was far from satisfactory, according to reports from EUEOM observers. Eventually the Urdu version of the manual began appearing, but in some places it never materialised before the training was completed. The attendance rate remained erratic. Even so, this was still a marked improvement compared to previous elections. However, no effort were made to train the Returning Officers, who played a crucial role both in nomination of candidates as well as the aggregation of results at constituency levels.

8. PRE-ELECTION PHASE

8. a. DELIMITATION OF CONSTITUENCIES

According to several legal documents, the ECP is responsible for the delimitation of the constituencies.¹⁸ However, this time around the National Reconstruction Bureau (NRB) assisted ECP in fulfilling its tasks. NRB is administratively situated within the Chief Executive Secretariat.¹⁹

During meetings with political parties, they all raised concern regarding the delimitation of the constituencies accusing the ECP of gerrymandering. Allegedly, a number of the new constituencies were created in such a way that strongholds of parties opposing the current regime are diluted, while parties supporting the regime are benefiting. The ECP received 945 complaints lodged against the preliminary delimitation. A vast majority of these complaints were regarded as lacking legal basis, but some had merits and were acted upon.

Rulings made by the courts in Pakistan revealed that an inconsistency exists when handling delimitation cases. A Sindh High Court dismissed all petitions challenging the delimitation of Provincial and National constituencies on 26 August 2002. The reason given was that the Election Commission had issued the election schedule and any changes to the delimitation of the constituencies at this stage could affect the election schedule. One day later, a High Court in Peshawar ruled that the Election Commission must re-draw the boundaries of two constituencies (PF-59 and PF-60) because it was done in violation of the Delimitation of Constituencies Act, 1974. Later the Supreme Court announced that it would not handle any cases that could jeopardize the election schedule.

Due to the very limited availability of reliable constituency maps, and the parties' inability to substantiate many of their allegations, it proved very difficult for the Mission to conduct any sound investigations corroborating the alleged gerrymandering.

¹⁸ See for instance Constitution of Pakistan, 1973, the Electoral Rolls Act, 1974, the Conduct of General Elections Order, 2002, the Election Commission Order, 2002, the Election Commission (Amendment) Order, 2002. Officially the Election Commission is called the Delimitation Commission when performing its delimitation duties.

¹⁹ The NRB presents its findings for approval to the National Security Council, which is headed by President General Musharraf.

8. b. VOTER REGISTRATION AND ID CARDS

The recent registration of voters' activity deviated from previous voter registration exercise on several accounts. One of the more striking examples was the fact that this time around the National Database and Registration Authority (NADRA) was collecting and producing the voters' registers, which is normally done by the ECP.

The number of voters on this year's voters' register has increased significantly since the 1997 elections (from 56 million to 72 million). However, serious concerns were raised regarding the quality of the register since it is to a large extent based on last year's much criticized local election roll. NADRA was also forced to amalgamate three different sources of information under immense time pressure, which is a significant challenge for any institution in-charge of such a massive and complex operation. Even though extensive cleaning exercises were conducted by NADRA, doubts still remained regarding the quality of the voters register prior polling day as reports of names of deceased appearing in the lists while names that should have been on the list were missing. Furthermore, as the current electoral system is based on a joint electorate, there is no reason why the Ahmadis should be on a separate voters' list, which was the case at these elections (see Chapter 12 for more detailed information).

On polling day, The EUEOM teams reported that in a significant number of polling stations visited some voters were turned away because their names could not be found on the register. This could either have been due to the omission of names from the voters' register or the fact that voters may have gone to the wrong polling stations.

It's not enough to be on the voters' register to cast a ballot. Voters also had to present a National Identity Card (NIC) in order to cast their ballot.²⁰ The military rulers mandated NADRA to issue these new computerized NIC. The company tasked to produce those cards ran into problems due to shortage of material, among other things, which contributed to the limited availability of the new NICs. For instance in the NWFP, a NADRA official admitted that 4,522,723 application forms were received but at the time of election a mere 2,233,657 had been distributed leaving a shortage of over two million cards. Also other provinces were reporting similar problems, but of different magnitude. In order to overcome this deficit, NADRA issued voters with manual, less secure, ID cards.

²⁰ This time around three kinds of NICs were allowed. The most discussed one was the new computerized NIC with all the modern security features, but also the previous one with a picture was allowed, as the pre-1974 identity card without pictures was accepted.

8. c. PARTY REGISTRATION AND ALLOTMENT OF PARTY SYMBOLS

On 5 August 2002, the Election Commission of Pakistan (ECP) started receiving applications for registration and other documents from the political parties, as mandated by the Political Parties Order 2002 (PPO). Initially 129 political parties submitted their applications, but considerably less made it through the registration process. According to the provisions of the PPO, the applicants were expected to submit their party constitutions, manifestos, audit reports and lists of office-holders on the basis of internal party elections. In one case, the ECP accepted the registration of the Pakistan Muslim League – Zia (PML-Z) after the deadline, upon a High Court decision overturning a previous rejection of the party’s application. At the end of the process, the ECP allotted symbols to 78 contestants, both parties and alliances of parties.

Subsequently, however, the final list became even shorter. On 23 September 2002, five minor parties were disqualified for having failed to submit their financial audits, despite the extension of the deadline by the ECP. Meanwhile, two more parties (the Sindh Democratic Alliance and the National Awami Party Pakistan) relinquished their symbols to join alliances, thus bringing the actual number of symbols down to 71.

It has to be pointed out that the ECP handled quite smoothly the potentially contentious issue of distributing symbols to applicants. The vast majority of parties and alliances were given the symbols they claimed. Thus, the Pakistan People’s Party-Parliamentarians (PPP-P) obtained the “arrow”, its symbol in previous elections, and the Pakistan Muslim League-Nawaz (PML-N) was given the desired “tiger”. The Grand Democracy Alliance (GDA) was the only applicant not allotted the symbol it wanted to obtain and, as a result, the component parties were allotted separate symbols. On the whole, the process of party registration and symbol allotment can be assessed as smooth, with the ECP displaying a positive attitude and trying its best to accommodate the desires of the applicants.

8. d. REGISTRATION OF CANDIDATES

aa. Procedure

The candidates, proposed and seconded by two voters from their respective constituencies, had to submit nomination papers, which were then examined by the Returning Officers (ROs). In case the nomination papers were rejected by the ROs, the candidates had the right to appeal to Election Tribunals. At the end of the process (13 September 2002), the Election Tribunals' verdict was supposedly definitive, but in practice some candidates managed to register even after 13 September 2002, on the basis of verdicts issued by the High Courts and overturning the decisions of the Election Tribunals.

bb. Qualification requirements

The electoral process was marked by the introduction of a new set of qualification criteria for the nomination of candidates, some of which are not in accordance with international standards or are clearly targeting specific prominent politicians. The list of novelties included the requirement for candidates to have BA degrees, the provision that candidates could be disqualified for outstanding or written-off debts as well as for unpaid utility bills, etc. Furthermore, there are many indications that the disqualification of prominent politicians from the elections came about as a result of a government strategy, in certain cases through the enforcement of person-specific provisions on questionable legal grounds and with a clear negative effect on the overall electoral process. It should be noted that President Musharraf himself stated on the eve of the election (9 October 2002) that "almost 41% of the traditional faces have vanished due to the graduation condition".

The main arguments against the introduction of the BA requirement are that:

- It is in glaring dissonance with the high level of illiteracy in Pakistan, thus depriving some 96% of Pakistan's citizens of the right to run for office and diluting the representative nature of the country's democracy. This clearly runs against the spirit of Article 21, Universal Declaration of Human Rights ("Everyone has the right to take part in the government of his country, directly or through freely chosen representatives").
- The process of nomination was marked by a high degree of inconsistency. There were candidates (e.g. Mr. Imran Khan) submitting identical sets of nomination papers in several constituencies and yet facing totally different treatment by the

Returning Officers in charge of these constituencies. This can only generate suspicion and did indeed have a negative impact on the atmosphere.

- What can be seen as yet another sign of inconsistency is the fact that *madrassa* diplomas, even if not always matching the educational standards of universities, were accepted as equivalent to university BA degrees, which could actually have benefited candidates of the religious parties (MMA).
- The need for candidates to display university degrees gave birth to a “fake degree industry”, with very many recorded cases of nomination papers rejected for failure on this specific requirement. Moreover, the EUEOM has recorded examples of candidates who did get through the nomination process with fake degrees!
- In terms of international standards, only Chile’s electoral legislation sets a minimal level of education as a pre-requisite for candidates to contest elections, and in very few countries (e.g. Botswana, Chile and Lesotho) are candidates required to prove a minimal level of literacy. It should be stressed that Pakistan appears to be a unique case in this regard worldwide.

Another novelty was the obligation of candidates to prove that they (as well as relatives or business associates of theirs!) had not previously defaulted on bank loans, had not had bank loans written off or did not have unpaid utility bills up to a rather small amount (roughly, 155 Euro). This requirement can also be seen as extremely contentious as it

- Can easily be used against political opponents and, indeed, the EUEOM has evidence to believe that in certain cases candidates should have been disqualified for bad loans written off, whereas in other cases legitimately rescheduled loans were used as grounds for the (at least, attempted) disqualification of candidates.
- There is no compelling reason why candidates should be held responsible for financial liabilities of their family members or business associates.
- Last but not least, there is a long list of other legal remedies (e.g. fines) that could be enforced in case of failure of candidates to meet their financial liabilities.

Finally, the provision that candidates previously convicted for criminal offences could be disqualified under certain conditions was not unreasonable, but there were highly debatable and even person-specific provisions, as presented below.

Cases Studies

The Case of Ms. Benazir Bhutto

Ms. Benazir Bhutto and her husband Asif Zardari were accused in 1998 of receiving illegal commissions from a Swiss agency (Société Générale de Surveillance) appointed by the second Bhutto government in 1994. Initially, the Lahore High Court convicted Ms. Bhutto, but in 1999 the Supreme Court suspended the verdict, granted a permission to Ms. Bhutto to leave the country and since then she has never returned to Pakistan. It should be noted that, under Section 353 of the Pakistan Code of Criminal Procedure, the Supreme Court allowed Ms. Bhutto to be represented in Pakistan by a legal counsel. While abroad, Ms. Bhutto was once again tried *in absentia* by a special Accountability Court, found guilty of absconding (failure to appear in court) under Section 31A of the NAB Ordinance and sentenced to three years' imprisonment. The sentence was pronounced on 9 July 2002, some six weeks before the promulgation of the LFO 2002 (including the new clause under Art. 63p), which provides for the disqualification of candidates for failing to appear in court in case of a pending charge.

Under Art. 5(1) and 17 (1 and 2) of the Political Parties Order (PPO), Ms. Bhutto had to resign from a member and consequently leader of the PPP, otherwise the entire party would have been disallowed from a symbol and participation in the elections. In order to avoid disqualification, the PPP registered at the last moment as a (nominally) new political formation under the name of Pakistan People's Party-Parliamentarians (PPP-P), with Mr. Mr. Fakhdoom Fahim taking over as Chairman. During the nomination period, Ms. Bhutto submitted her nomination papers through authorised attorneys in three constituencies, two in her hometown Larkana and one for a reserved women seat. Her nomination was rejected in all the three cases, both by the Returning Officers and the Election Tribunals. Two subsequent petitions submitted by Ms. Bhutto's attorney to the Sindh High Court were dismissed, too.

In examining the disqualification of Ms. Bhutto, the EUEOM considers as issues of concern:

- The questionable legal grounds, contravening the fundamental principle "innocent unless proven guilty" and pre-empting the verdict of the competent judicial authorities, whatever that verdict may be.
- The questionable decision of the Pakistan government to include in the LFO 2002 a qualification requirement, which appears to affect exclusively one specific candidate.

The Case of Mr. Nawaz Sharif and His Family:

In 2000, the overthrown Prime Minister Nawaz Sharif was taken to court by the Musharraf government and convicted of attempted hijacking and corruption. In December 2000, he and all the members of his family left for Saudi Arabia on the basis of a reported political agreement with the Musharraf regime that they would stay away from Pakistan for a period of ten years. It should be noted that President Musharraf himself spoke of that agreement at the press conference on 21 August 2002, after having presented the new Legal Framework Order.

Under the provisions the Political Parties Order (PPO), Mr. Nawaz Sharif also had to step down as Chairman of the PML-N and his brother Shahbaz Sharif took over the party presidency. Subsequently, Nawaz Sharif submitted nomination papers in two National Assembly constituencies. Initially, his nomination was accepted in principle in both constituencies and was subject to scrutiny by the Returning Officers. However, in a surprising political move on 31 August 2002 Nawaz Sharif announced his decision to withdraw his nomination papers as a sign of solidarity with Benazir Bhutto, who had already seen her nomination rejected in Sindh. In fact, it is speculated that he might have expected his nomination papers to be eventually rejected, too.

On 12 September 2002, the nominations of his wife Kulsoom Nawaz and his brother Shahbaz Sharif, Chairman of the PML-N, were also rejected on the grounds that the authorisation certificate had not been properly signed by them and processed by the Pakistan consulate in Jeddah, Saudi Arabia. As a result, the entire Sharif family found itself out of the race.

The EU EOM expresses its concerns about:

- The questionable legal grounds of the practice of the Pakistan government to keep away from the country Pakistani citizens, which is clearly not provided for in the domestic legislation nor meets international standards.
- The spurious legal grounds of disqualifying Shahbaz Sharif and Kulsoom Nawaz on the basis of procedural technicalities of questionable nature.

Other Cases

The selective attitude against Ms. Benazir Bhutto and the Sharif family becomes even more obvious if one takes into account other examples of the inconsistency marking the nomination process of candidates. Mr. Aftab Sherpao, former Chief Minister of the NWFP and leader of the Pakistan People's Party (Sherpao) faction, provides one of the

numerous manifestations of this trend. Charged by the National Accountability Bureau (NAB) with misappropriation of funds in the past, he was acquitted in 2001, suspiciously soon after he switched his political allegiance in favour of the Musharraf government.

Yet another dispute has been caused by the allegations that Mr. Chaudhry Shujaat Hussain and Mr. Pervez Elahi, prominent politicians of the pro-government PML-QA party in the Punjab, have had large bank loans written off. On 20 September 2002, the governor of the State Bank of Pakistan initiated an official investigation, which, however, did not prevent them from running in the elections. By contrast, Ms. Fahmeeda Mirza of the PPP-P in Sindh, was disqualified twice (by the Returning Officer and the Election Tribunal) for being a shareholder in an enterprise, which had had its bank loan legitimately rescheduled and was not considered a debtor by the bank itself. Ms. Mirza was allowed to contest the elections only after she appealed to the Sindh High Court and her petition was accepted.

Assessment

It is not within the mandate of the EUEOM to elaborate on the issue of whether or not the charges against Ms. Benazir Bhutto and Mr. Nawaz Sharif are valid. It is the responsibility of Pakistan's judicial authorities to pronounce their final verdict. However, the EU EOM has solid reasons to believe that Ms. Benazir Bhutto and the Sharif family were kept out of the election race on political grounds in what can be seen as a government strategy of disqualifying prominent politicians. This is further enhanced by the expediency of introducing a provision in the Chief Executive's Order No. 19 ("Qualification for Holding Public Offices Order") to the effect that politicians who have held the position of Prime Minister of Chief Minister of a province twice in the past shall not be qualified to hold an identical position for a third term. Although the constitutions of many states do specify a relevant restriction with regards to the presidential post, imposing such a limit on the number of Prime Ministers' terms of office is most unusual by international standards. Finally, grave concerns are caused by the unacceptable provisions of the PPO for the disqualification of an entire political party, unless its disqualified leader (or even a rank-and-file member) resigns from that party.

8. e. UNDUE PRESSURE ON CANDIDATES AND VOTERS

Although the share of relevant cases is relatively small as compared to the total of irregularities reported to the EU EOM, undue pressure was not avoided during the pre-election period. The EU EOM recorded various forms that this phenomenon appeared to have taken.

There are reasons to believe that charges raised by the National Accountability Bureau (NAB) have been used as one of the forms of pressure against certain candidates. This becomes even more obvious given that similar charges have been dropped in cases where politicians have joined pro-government parties.

Arrests of candidates and supporters, e.g. from the PPP-P, have also been recorded. The EU EOM has evidence of totally unjustified arrests, as the police authorities themselves have subsequently admitted.

Election-related violence should also be taken into account. There have been cases of attack against party offices, with activists being beaten up and that clearly constitutes yet another form of pressure on both candidates and voters.

On at least one occasion, the EU EOM recorded the kidnapping of the daughter of a citizen who was then subjected to pressure to influence voters in his constituency.

Last but not least, in one case the EU EOM recorded pressure exerted on an entire tribe, so that the outcome of the election could be massively altered in favour of certain candidates.

8. f. ELECTION ENVIRONMENT AND CAMPAIGN

As the incumbent Parliament's term was ended prematurely, the 1973 Constitution states that elections must be held within ninety (90) days, which is indicative as the length of an election campaign. This time around parties and candidates were given thirty-eight (38) days, as the military regime did not lift the ban on public political activities until 1 September 2002.²¹ At a first glance this is not an unusually short campaign period. However, when taking into consideration the local conditions and rules shaping this year's election campaign, it's apparent that the political parties' possibilities to campaign were seriously curtailed.

After the military coup in 1999, no public political gatherings were allowed. As a result, the three-years of silence that followed created an information deficit among the

²¹ This ban was not uniformly implemented as candidates and parties closer to the ruling military on several occasions were allowed to organize public rallies violating the ban on public political meetings.

electorate. The mushrooming of political parties and the many new faces on the political scene further reinforced this deficit, which could hardly have come as a surprise to the military regime as they were in-charge of introducing a new political party law, radically changing eligibility criteria for candidates and curtailing electioneering activities.

The ECP is the competent body responsible for issuing the directives regulating the election campaign. On 21 August 2002 the Commission made public its twenty-one point *Code of Conduct for Political Parties and Contesting Candidates*. It contained several constraining regulations preventing parties and candidates from freely expressing their views. The most salient restrictions were that candidates were not allowed to:

- Defame or bring into ridicule the judiciary or the armed forces
- Criticize candidates' characters

In election campaigns contesting parties should be allowed to make their views known about the current leadership of the country, as well address potential concerns regarding the personal character of the future leadership of the elected institutions. This was not allowed in Pakistan. Furthermore, the military regime introduced additional restrictions on the election campaign banning contesting candidates from organizing processions. Processions have had a long and important tradition in the political life of Pakistan, as they are one of the most important conveyers of information for parties to the electorate during the campaign. Instead only political rallies were allowed.

The primary reason for introducing this restriction, according to the Law Minister, was that processions were a nuisance to the general public as they interrupted traffic. Organising political processions will inevitably affect every-day life, but that is not a valid reason to suppress a fundamental democratic right.²²

District and local authorities were tasked to identify places where rallies could take place and contesting parties then had to approach these authorities to obtain a permit. Even though a number of authorities only identified a smaller number of venues, EU observers reported only one case of preferential treatment of certain parties or limited access to these places. In Faisalabad the PPP-P was only allowed to organise its rally in a long and narrow street, whereas the PML-Q was allotted a much more convenient place for a similar activity.

²² This rationale was presented to the EU EOM Core Team at a luncheon organised by the Minister of Law and Minister of Information, 14 October 2002, Islamabad. Another reason expressed was the threat of a terrorist attack, but static political rallies are no less vulnerable to such aggressions.

Candidates running for office in the Federal Capital of Islamabad experienced extremely stringent rules effectively preventing them from freely organizing their campaign. It was confirmed that the city's coordinator for elections in Islamabad, Mr. Chaudhry Asghar Ali, informed the political parties on 14 September that no rallies were allowed in Islamabad for the duration of the election campaign. Only small corner meetings would be allowed. Anti-government speeches were not allowed either. In addition, the magistrate of Islamabad issued six orders under Section 144 of the Criminal Procedure Code banning the playing of objectionable cassettes, making provocative speeches and staging demonstrations. The magistrate also banned the use of loudspeakers, use of posters and distribution of objectionable material. This decision was with immediate effect and for a period of two months.

Another inhibiting factor that cannot be ignored is the election schedule. Even though parties were allowed to start campaigning on 1 September it was not until 15 September that they knew whom of their potential candidates the Election Commission accepted, according to the Election Schedule. In the end, it took the ECP an additional week before the Final List of Candidates was made public. In fact, seven parties and their respective candidates had to wait until 25 September until the ECP finally made up its mind regarding their future, as it decided to withdraw the election symbols of five of them during a meeting due to none-compliance of the Political Party Order, 2002.²³ In addition, the provincial High Courts and the Supreme Court continued to hear cases lodged by aggrieved candidates and parties until early October. As a result, some candidates didn't have their election symbols until only a few days prior to polling day, which negatively affected their ability to campaign effectively. Only less than a week prior to Election Day the government decided to amend the Political Party Order 2002 and bar parties from fielding candidates in the FATA area. This caused further confusion for the electorate as in ten of the twelve constituencies candidates running on a party ticket were allowed to keep their party symbol on the ballot, even though they now had to run as independents.

The limited time allocated to electioneering and the many restrictions imposed seriously hampered the abilities of parties and candidates to campaign and contributed to the lackluster campaign. This is of grave concern to the EU EOM as the freedom of assembly and freedom of speech are essential components of a democratic election contest.

²³ According to the Political Party Order, 2002, parties must file their financial statements verified by an accountant. The ECP extended the deadline for eight of the smaller parties on numerous accounts. In the end, five parties never filed any papers at all and subsequently lost their election symbols.

8. g. DESTRUCTION OF CAMPAIGN MATERIAL – ELECTION RELATED VIOLENCE

During the *pre-election period*, there were large numbers of incidents reported between rival parties or individuals. While fortunately only a smaller number of cases referred to violent attacks against political bearers or party sympathisers, most of the incidents were in the form of burning or tearing down of party banners or flags. Regrettably however, there were at least six election related deaths reported, all associated in one way or another with the elections. Two in NWFP, one in Punjab and three in Sindh.

During the *Election Day* itself, situation was generally calm, however, this was marred by seven deaths, (four in Sindh, one in Baluchistan and two in Punjab), all but one of these happened at Polling Stations between rival supporters. When the Mission spoke to the Ministry of Interior a month previously, they stated that four or five deaths on Election Day would be considered a low level of violence.

There is no clear pattern regarding which parties were on the receiving side and to which party the perpetrators were affiliated.

In general, the Security Forces were deemed to have undertaken a suitable level of action against the prevailing security situations. State authorities obviously did not want any violence to mar the elections or the outcome. The general level of violence encountered is deemed to be exceedingly low. Within the culture of Pakistan, which sees violence of one sort or another on a daily basis, the Elections were seen as a success. There were no reports of mass riots, only isolated confrontations between rival supporters, and the unfortunate deaths, but nothing that warranted severe Military or Police action.

8. h. MISUSE OF STATE RESOURCES

In many cases, Nazims²⁴ were directly involved in supporting their relatives contesting for office. While the human aspect of this phenomenon can be seen as understandable, the EU EOM has concerns about the use of public resources in support of those relatives. At least one Nazim (in Narowal) was alleged to be involved in running his

²⁴ Heads of local authorities.

wife's campaign, using government funds and property. Eventually, he was sent on "leave until after the elections".

The use of Nazim's offices by candidates was a common pattern across the country. On several occasions, EU EOM observers were invited to meet candidates in Nazims' offices and witnessed active campaigning and use of the infrastructure of public institutions, which were supposed to remain neutral to the electoral process. Also, there is evidence that public vehicles have also been used by parties and specific candidates within the framework of the campaigns.

Moreover, the ample pledges of development projects by heads of local authorities clearly constituted a breach of the electoral law and defied the relevant notifications issued by the Election Commission. The EU EOM is in possession of the texts of several public tenders announced in the media during the pre-election period. Certain Nazims (e.g. in Peshawar) imposed a ban on the initiation of new development projects as late as on 3 October 2002, thus indirectly admitting that the ban had not been enforced earlier. In other cases, pro-government candidates (from the PML-Q) stated they were not aware of any ban on the announcement of development schemes during the campaigning period. Still others even stated to EU EOM observers that they did not care about this ban!

At least one Governor (NWFP), is on record delivering to voters Rs 10,000 cheques (worth a total of Rs. 800 000) as a form of charity a week before Election Day. The EU EOM expresses its serious concern as to the legitimacy and, above all, the timing of this charity.

All these actions contravene the provisions of Section 92 of the Representation of the People Act, 1976, as well as a number of Orders of the Election Commission of Pakistan, notably the one issued on 16 September 2002. It should be stressed that the penalties under the above-mentioned legislation extend to two years imprisonment.

8. i. INTERFERENCE OF STATE ADMINISTRATION

The main form of interference of the state administration observed by the EU EOM was the active involvement of Nazims in support of certain candidates or against other candidates. On a number of occasions Nazims took part in the rallies and other campaigning activities of candidates and even delivered speeches in a partisan way. Many Nazims are on record "lending" their names and faces to posters, brochures,

newspaper advertisements and other campaigning material of specific candidates. The beneficiaries of that interference appeared to be from pro-government parties, such as the PML-Q nationwide, the SDA in Sindh, the NAPP and the PPP-S in the NWFP. In certain constituencies in Sindh, PPP candidates also were on record benefiting from the involvement of local authorities in campaigning activities. While Nazims were the main protagonists in this form of interference, provincial Governors and Ministers were also seen campaigning in support of certain candidates.

One of the most contentious issues was the ban on bulk transfer of public servants during the pre-election period. This restriction was sidelined on a large number of cases, thus generating suspicion and many allegations of interference of the state administration in the electoral process.

Last but not least, there are indications of public officials throwing their weight behind certain candidates in a way that can be seen as a form of “soft pressure” on the voters. That only comes to prove their partisan behaviour, contrary to all the relevant provisions in the electoral law and the announcement of the Election Commission.

8. j. VOTER EDUCATION

The electorate registered to vote in these elections included more than seventeen million new voters since the 1997 elections. More than five million of those had the opportunity to cast their ballots for the very first time, as a result of the lowered voting age from 21 years to 18. Furthermore, all the assemblies on provincial and national levels now had a new category of seats; reserved seats for women.²⁵ In any country, this many changes to the electoral system constitute a significant challenge to any Election Commission responsible for voter education and public information activities.

The Election Commission initiated early a close working relationship with the UNDP and its three-year long *Supporting Democratic Electoral Processes in Pakistan* project. One of the project’s main tasks was to increase the number of poor and women in the selection of their representatives, both as candidates and voters. These endeavours were implemented using a NGO network with focus on female voters, which seem to have been successful.

²⁵ Approximately seventeen (17) per cent of the total number of seats in each of the assemblies is allocated to women.

In order to enhance the ECP's abilities to handle the media a new Director of Public Relations was brought in from the Ministry of Information.

Three weeks prior to polling day ECP launched its Public Information campaign urging the electorate via TV- and radio spots and newspaper ads to take part in the forthcoming elections. This was an important task as the voter turnout was less than 35% in the 1997 elections. However, the number of ads was very few due to the high costs involved, which reduced the impact. Furthermore ECP's public information video explaining the procedures in polling stations inappropriately showed actual election symbols on mock ballot papers broadcast on national television. The most prominent symbol used was that of the PML (QA).

Less than three weeks prior to Election Day, three consultants from the Japanese International Co-operation Agency (JICA) arrived to assist the ECP in its public awareness activities. According to JICA, due to the limited time available, they could only focus on making already planned activities more professional. Given the size of the country and the electorate, and the very limited time available to the Japanese team, its contributions had little impact.

The Election Commission's direct interaction with major stakeholders, political parties in particular, on national, provincial and local levels was patchy at best. As the ECP issued a large number of orders, procedures, amendments and clarifications to already issued orders and procedures during the run up to Election Day, it became apparent that political parties and candidates were unaware of a substantial amount of the ECP's decisions. This was especially true in the provinces. As a result, the parties that did try to train parts of their cadre of polling agents and had an incomplete picture as how the ECP intended to conduct the vote and the count.

Results from focus groups published during the election campaign also indicated that young voters were not aware of even the most basic features of the electoral system or how to properly utilise their franchise on polling day. In our discussions with Provincial Election Commissioners and representatives of the Commission in the various districts they expressed neither interest in nor intentions to conduct voter education activities as this was a task for the ECP on national level, or done by the UNDP.

The EUEOM observers uniformly reported a complete lack of voter education activities in all provinces. Posters, leaflets and information sheets directed at the electorate normally constitute the backbone in a voter education and public information campaign. Here those means of communication were nowhere to be seen.

8. k. MEDIA

Pakistan's media is diverse, and becoming increasingly so with the advent of several privately-owned television channels and the forthcoming private radio channels. There are also a plethora of national and regional newspapers and magazines reflecting a range of views. The election campaign was extensively covered in the electronic and print media. Given the country's high illiteracy rate, television and radio are very important means of communication.²⁶

aa. Media Monitoring / Methodology

The EUEOM monitored state-controlled television and radio as well as Urdu and English newspapers. Three media monitors were based in Islamabad, with one each in Karachi, Quetta and Peshawar.

The monitors recorded and analysed the main evening news bulletins on state-controlled television, PTV 1 (9 p.m. Khabarnama) and PTV World (10 p.m news) from 15 August to 9 October. These broadcasts were chosen because they are the main evening news programmes. Also monitored were current affairs programmes and the dedicated election broadcast, Election Hour, in which the main parties were given equal time to discuss their manifestos.

The methodology of the EUEOM media monitoring was based on both quantitative and qualitative analysis of the media. The quantitative analysis measured the time devoted to each party while the qualitative analysis assessed the editorial tone, direction or bias of the media outlet.²⁷

The editorial tone of a broadcast item was classified as either neutral, negative or positive. When a party, event or speech, on the part of the journalist, was estimated as correct, as significant or important on the behalf of the journalist, it was tabulated as positive. A negative assessment was given when the issue, party or event, on the part of the journalist was estimated as wrong or unimportant or the item was clearly

²⁶ Despite several requests, PTV and PBC failed to supply their listenership / viewership figures to the EU EOM. The Ministry of Information also stated that the ABC newspaper circulation figures were "classified".

²⁷ The EU EOM media monitoring methodology was developed in co-operation with the Duesseldorf-based European Institute for the Media.

excessively imbalanced. A neutral assessment was made when the item was reported without any additional commentary by the journalist.

bb. Media Monitoring Results

State Television:

PTV 1 Khabarnama 9 p.m. News: The Khabarnama 9 p.m. news on PTV1 devoted a total of six hours and 39 minutes to election-related news between the EU EOM monitoring period, 15 August to 9 October. The duration of coverage for the main parties was as follows: PML (QA) 45 minutes; MMA 37 minutes; PPP-P 32 minutes; GNA and PML (N) 14 minutes each; PTI 10 minutes; MP and PPP (S) 9 minutes each; MQM 9 minutes; PAT 6 minutes; ARD 5 minutes. The candidates / politicians collectively received 67 minutes of coverage, with 44 minutes devoted to other parties, including independents and regional parties. The Election Commission itself received 51 minutes of coverage and the government received 39 minutes.²⁸ Week to week variations show the coverage of the PML (QA) peaked in mid-to-late September, while coverage of the PPP (P) increased dramatically in the last week of September. For more details see Fig. 1 & 2 in Annex No. 6.

PTV World 10p.m. News: The 10 p.m. news on PTV World devoted a total of five hours and 20 minutes to election-related news in the same period. The duration of coverage for the main parties was as follows: PPP-P 28 minutes; MMA 21 minutes; PML (QA) 16 minutes; PML (N) 9 minutes; PTI 8 minutes; GNA 6 minutes; Millat Party 5 minutes. The candidates / politicians collectively received one hour and 41 minutes of coverage, with 21 minutes devoted to other parties, including independents and regional parties. The Election Commission received 44 minutes of coverage and the government received 39 minutes. Week to week variations show that coverage of both PML-Q and the PPP-P increased in late September. For more details see Fig. 3 & 4 in Annex No. 6.

PTV supplied figures to the EU EOM, which it stated showed that PML (QA) received 47 minutes of coverage between 07 September to 08 October while PPP-P received 34

²⁸ All times are rounded off to nearest minute. In cases where many parties were mentioned in one report, the time was calculated for candidates/politicians. Where times were clearly allocated for individual parties, the time was calculated as such.

minutes; MMA 32 minutes; PML (N) 13 minutes; PTI 13 minutes and PAT 5 minutes. These, however, are figures for PTV news bulletins and therefore do not correspond with the programmes exclusively monitored by the EUEOM.

Current Affairs: Televised current affairs programmes such as Newsnight on PTV World appeared slightly more balanced. A special Election Hour programme on PTV 1 in which the main political parties were allocated equal time to discuss their manifestoes was a commendable development.

Drama: Election Column, a pre-election situational comedy aired on PTV 1 continually ridiculed politicians and portrayed them as corrupt and inept. Though lighthearted, it nevertheless reinforced negative perceptions about politicians in the sensitive election period.

State Radio:

The daily 8 p.m. news on State-controlled radio, Pakistan Broadcasting Corporation, devoted a total of two hours and 57 minutes to election-related news in the monitoring period, 16 August to 09 October . The duration of coverage for the main parties was as follows: MMA 17 minutes; PPP-P 12 minutes; PML (QA) and PPP (S) 8 minutes each; PML (N) 6 minutes; PTI 4 minutes; GNA 2 minutes; Millat Party 3 minutes. The candidates / politicians collectively received one hour and 34 minutes of coverage, with 28 minutes devoted to other parties, including independents and regional parties. The Election Commission received 55 minutes of coverage and the government received 32 minutes. Week to week variations show that coverage of both PML-Q and the PPP-P increased in late September. The coverage of MMA was particularly intense in the fortnight from 21 September to 04 October. The tone of all radio broadcasts was assessed as neutral. For more details see Fig. 5 & 6 in Annex No. 5.

Regional media:

Monitoring of regional State-controlled radio and television news in languages including Brahvi, Pushto and Sindhi largely reflected the same trends as displayed at national level, reflecting the centralised nature of the State broadcaster's coverage. Regional

newspapers in Peshawar, Karachi and Quetta reflected a wider diversity of views than were aired on regional broadcasts.

Assessment:

The EUEOM media monitoring found that most state television news coverage of political parties' activities was neutral in journalistic tone. Some positive time was allocated on both channels to the Election Commission, the Government, PML (QA), GNA, MQM, PAT and others. Negative time was allocated to candidates and politicians and this largely took the form of the failings of past politicians. The PPP-P, PML (N) and PTI also attracted some negative time. (See Figs 1-6 in Annex No. 6)

When it came to election-related issues, the main televised news broadcasts consistently promoted the governments' views, even though the times were allocated as neutral in terms of journalistic tone. Both PTV 1 and PTV World focused largely on non-contentious factual matters such as the dates for filing of nominations, the extension of the deadline for such, scrutiny of papers and the final deadline for appeals etc.

Controversial issues concerning the authorities were either downplayed or presented in a largely one-sided manner, with analysis and criticism of the constitutional amendments visibly absent. Broadcasts containing dissent or criticism of the authorities were the exception rather than the rule. The administration was often given free reign on state television to criticise the behaviour of past political rulers, including President Musharraf's eve-of-election televised address to the nation.

cc. Code of Conduct for the Electronic Media

The Election Commission (ECP) on 8 August 2002 issued a Code of Conduct for the Electronic Media, which stated that election coverage by the state broadcast media should be "fair, balanced and unbiased in favour of any political party, a candidate or leader in respect of the following:

- Campaigns and excerpts from campaign speeches;
- Symbols, banners, flags and other campaign materials of parties;
- Results of opinion polls by non-political, professional organisations with a proven track record;
- Party manifestoes (critical analysis of which is also perfectly legitimate;

- Candidates and their views in different constituencies across the country;
- The positions taken by the main parties on different issues important to the electorate;
- Debates between major parties and candidates;
- Analysis of previous voting pattern, victory margins, swings etc
- There should be no coverage of any election speeches or other material that incites violence;
- In any constituency, one candidate alone should not be projected. While it is not necessary to cover every single candidate (as some constituencies may have several candidates) at least the more important should be covered in any report from a constituency;
- No one political party should be given substantially more coverage than others. This “balance” need not be achieved in any single day or in any single story, but over a reasonable period of time, say one week.
- Balance does not mean each party must get exactly the same air time to the last second, but parties should be given broadly the same amount of time;
- Balance implies that to no reasonable person should it appear that one political party is being projected to the exclusion of others.

The Pakistan Television Corporation and Pakistan Broadcasting Corporation were directed to observe the above Code of Conduct in letter and spirit.

On foot of media reports of a media monitoring project by the Liberal Forum Pakistan (LFP), which showed unbalanced PTV news coverage of political parties, the ECP on 25 September called for a report from PTV, which it found satisfactory.

The EU EOM regrets that the ECP did not take more proactive steps on this issue and seemed to react exclusively to media reports. Furthermore, it was apparent from both the LFP report and the EU EOM’s own media monitoring that the balance referred to in the ECP’s code of conduct was indeed found lacking in PTV 1 and PTV World news broadcasts monitored over periods of one week. In the case of PTV 1, PML (QA) received about twice the amount of time allocated to PML (N) and PPP-P each in the week from 8 September to 14 September. On PTV World, MMA and PPP-P received considerably more time than other parties in the week from 26 September to 2 October.

dd. Print Media

Newspapers and magazines in general exhibited a diversity of views, with forthright and varied comment, analysis and editorials. Political parties' activities as well as the actions of the government were given extensive news and analysis coverage in the print media.

Poor pay and training of newspaper journalists, particularly in the Urdu media, has led to corruption and other unprofessional practices such as paying contacts for stories. EU EOM observers were told that political parties paid journalists for stories or pictures in their papers. Some parties acknowledged this practice, while others insisted that they did not indulge in it. There were also indications that some journalists were clearly heavily biased in favour of the authorities.

While the authorities continually stressed that the media was free, the EU EOM noted worrying signs that the well-established tradition of state interference with the work of journalists and editors had not completely disappeared.

Several journalists and editors, particularly in the English press, said they came under pressure from the authorities to downplay or suppress reports, which were unfavourable or touched on sensitive issues considered by the authorities to be of national interest. The EU EOM documented several cases of interference or attempted interference by the authorities – in many cases the Ministry of Information – in the work of journalists and editors. Editors said this generally amounted to little more than “persuasive” phone calls or meetings with official. This practice, though clearly not as pronounced as in the past, has led to a culture of self-censorship in the print media, which relies considerably on revenue generated from state-advertisements.

One journalist from an English language daily claimed that he was harassed by state agents. A US-based editor of an on-line newspaper who resigned earlier this year from editing an English language daily in Pakistan amid claims of state interference in his job claimed his family was being harassed. The authorities denied this.

ee. Media Laws

In the weeks preceding the elections, the government introduced a Defamation Ordinance and promulgated other laws on Freedom of Information, the establishment of a Press Council and the registration of newspapers. Some elements of these laws raised concern about press freedoms, although at the time of writing the government said they were being revised to reduce the fine from 50,000 rupees to 10,000 and the sanction for failure to pay this fine from three months to one month imprisonment.

ff. Advertising

PTV's Censor Board refused a request by PPP-P to carry paid party advertisements containing images of Ms. Benazir Bhutto and her late father. The board said its decision was on the basis that its policy was not to project persons convicted by courts. The EU EOM found this response questionable, particularly as PTV had earlier shown footage of both individuals in news reports.

PML (N) also asked PTV if it would carry a paid advertisement with images of its exiled leader, Mr Nawaz Sharif. The party said PTV did not respond formally to this query. In any event, no advertisements by the party appeared on state television.

PML (QA) placed 11 paid advertisements of 45 seconds duration each in PTV 1 before, during and after the 9p.m news while PAT placed two advertisements of 59 seconds duration and MMA placed one lasting 1 minute and 9 seconds.

PML (QA), PPP-P, Millat Party, PML (N), the National Alliance and MQM placed advertisements in the main English and Urdu newspapers. The Millat Party placed half and quarter page advertisements critical of Ms. Benazir Bhutto and Mr. Nawaz Sharif. The National Alliance placed full-page advertisements in the main English and Urdu newspapers, which were also critical of both individuals.

PML (QA) funded a quarter page advertisement in the Urdu press accusing Imran Khan from PTI of hypocrisy in his dealings with the PPP-

9. ELECTION DAY

Organising elections of this magnitude is a true challenge, and it should be stated that logistically the 2002 elections were a success. Only in a very few instances did polling stations not have all their material or lacked a member of the polling staff, which is remarkable given the 65.000 polling stations operating on Election Day.

The EUEOM found that domestic observers appeared to be absent from the entire polling and counting process. However, the HRCP stated that they fielded over 1000 observers.

9. a. OPENING OF THE POLLING STATION AND POLLING

The EU EOM was impressed by the dedication and commitment of polling station staff in discharging their duties under often-difficult conditions. And although the EU EOM teams spotted a large number of discrepancies in the implementation of polling day procedures, only in a few instances were those violations with the obvious intent of

favouring a certain party or candidate. The inconsistencies were rather the result of poor training.

In order to enhance the transparency of the Election Day activity, the ECP issued fresh instructions shortly before polling day. To a certain extent this was nothing more than a media stunt, as the ECP only made the public and parties aware of procedures that were already on the statute, such as the possibility for polling agents certifying that the ballot boxes were empty before polling commenced. The only novelty was that the sealed bags holding the election material should be open in the presence of polling agents and that they now had the right to scrutinize the ballot paper booklets to ensure that they were complete. After observing this procedure, polling agents should have had the opportunity to sign a document certifying its accuracy. Only in a very few polling stations observed did this take place as no certificate was available, or party agents were unaware of the new procedure.

The traditional system in Pakistan is that voters first approach the political parties in an established “kiosk” outside the polling station where they receive a slip containing their number on the voters’ register. The voter then proceeds to the polling station and the polling staff is using the slip to find the voter in the voters’ list.

According to the law, this “kiosk” cannot be closer than 400 yards to the polling station. In 53% of the polling stations visited, the “kiosks” were within 400 yards. In some cases the kiosks were placed just beside, or in front of the entrance to the polling station.

The legal framework states that no campaigning material is allowed within 100 yards from the polling station. In 47% of polling stations visited, campaigning material was found violating this clause. Some observers found campaigning material and posters inside the polling stations. Observers also witnessed tractors with loudspeakers airing political propaganda in front of polling stations.

Furthermore in some polling stations observed, polling agents were involved in the voting process, in some cases by directly instructing the polling staff.

The voters’ list was in several polling stations observed not complete or with errors. In 25% of the polling stations visited by the observers, the polling staff could not find some voters’ name in the voters list. Reports were made from observers that in some polling stations voters without slips, issued by the political parties, were turned away without ever being checked by polling staff if they were on the voters’ list. Polling staff was also reported to have accepted slips as proof of identity and allowed to vote.

According to the rules, polling staff is to check the ink on the voter's hand before allowing the voter to cast the vote. Observers reported that in some polling stations ink was not applied, or incorrectly applied.

The secrecy of votes was not respected in several of the polling stations observed. In many cases no proper voting booth was established and voters were observed stamping the ballot on the table of the polling staff, or on the ballot box in public. This was especially observed in female polling stations.

Political parties had in many instances been able to recruit and field polling agents. This contributed to the transparency of the polling day. However, if the polling agents had been better informed about polling and counting procedures they could have further contributed to trustworthiness of the elections.

An overview about the findings made by the EU EOM observer teams in 483 visited polling stations is provided in Annex No. 3.

9. b. THE COUNTING PROCESS

In general the counting process were reported to be fast and made in a transparent and correct manner. In most cases the polling agents were provided with a copy of the Statement of the Count Forms. Furthermore, the Statement of the Count Form was posted outside the polling station in most of the polling stations observed.

9. c. THE AGGREGATION OF VOTES

The process of aggregation of votes was made in the office of the Returning Officer. The process was reported to be chaotic and not transparent in many places. The latter observation was primarily due to deficiencies in how the rooms were set-up, which often prevented observers from following the consolidation of results. However, in some instances neither polling agents nor observers were allowed to access the RO's office. This was probably a result of Returning Officers not being informed and trained on the role and the function of observers. Some observers reported that there were cases where polling agents were barred from observing the process.

Following the elections, press reports stated that there were allegations of post-poll rigging. However, the EUEOM did not receive sufficient information or substantiated complaints to arrive at a conclusion. It should also be emphasised that the failure of the

political parties to adequately monitor the aggregation of votes could have encouraged irregularities.

9. d. POSTAL VOTING

Several categories of voters qualified to cast their ballots using the postal vote. The most salient ones are military personnel and civil servants stationed outside their constituencies. Other significant groups are polling station staff and security personnel working on behalf of the Election Commission on polling day.

However, despite this entitlement the number of applications for postal ballots is usually small, and the 2002 elections did not deviate from this pattern. Often less than one percent of the registered voters in any given constituency applied for a postal ballot.

Even though the number of postal votes is small, they are nevertheless a contentious issue as many accusations of abuse and rigging are traded between the parties and the ECP concerning postal votes. An important factor contributing to the suspicion amongst voters and parties is their limited knowledge regarding the process. However, their concerns are to a certain degree justifiable.

Some Returning Officers decided to strike out the name of a voter already when s/he applied for a postal vote, which meant that it was impossible for a voter to cast her/his ballot in person on polling day. This is not a recommended procedure as someone could apply for a postal vote using another voter's name and thereby effectively disenfranchising her/him. Secondly, if the postal service misplaces or fails to deliver the postal ballot to the voter s/he will also be disenfranchised. Another weakness in the current system is that both a voter's name and the ballot's number are revealed on the application form thereby jeopardizing the secrecy of the vote. Fourthly, given the sensitive nature of the postal ballot it's surprising that it's not included already in the preliminary consolidation of the results.

10. COMPLAINTS

The EU EOM received a large number of complaints – in excess of 300 - from both parties and individuals. The EU EOM produced a list of complaints falling into the following three categories: “mere allegations”, “strong indications” and “proven cases”. All the complaints were meticulously examined and only “proven cases” were considered in the Final Report of the Mission. It should be noted that even allegations supported by “strong indications” were not included in the final list of “proven cases”. Even so, there is ground to believe that the electoral process was marked by serious flaws, as presented below.

Most cases (45.1%) were recorded in the Punjab, which can clearly be correlated to the size of the population in this province and the dominance of the PML-QA in this province. On the other hand, the share of Balochistan (11.7%) is disproportionately high if one takes into account its small number of voters.

10. a. INTERFERENCE OF PUBLIC AUTHORITIES AND MISUSE OF STATE RESOURCES

Relevant cases account for more than half the irregularities recorded by the EU EOM (52.9%). The involvement of public authorities and the misuse of state resources took various forms, namely:

- Use of public infrastructure, such as buildings, vehicles, etc. The common pattern included the use of Nazims’ offices and publicly owned vehicles for the campaigning activities of certain candidates.
- Announcement of development projects within the framework of campaigning activities, despite the ban imposed by the Election Commission. This was practised by a large number of Nazims as well as by Provincial Ministers and even Governors.
- Public statements made by officials in support of certain candidates or against other candidates and parties.
- Bulk transfers of public servants, leaving ample room for suspicion as to the timing of this activity and despite the ban announced by the Election Commission.

10. b. INCORRECTNESS COMMITTED BY ELECTION ADMINISTRATION

This is the second largest category of “proven cases” recorded by the EU EOM. The majority of complaints refer to incorrectness in the aggregation phase, thus rendering

suspicious the election results in certain constituencies. The double registration of voters also appears to be a concern. The weight of election administration issues is no less than 23.5%.

10. c. UNDUE PRESSURE ON CANDIDATES AND VOTERS

Undue pressure was alleged on a large number of occasions. In certain cases, the offices of anti-government candidates (e.g. from the PPP-P) were attacked and damaged, which clearly qualified for the category of “undue pressure” both candidates and voters. On other occasions, the EU EOM recorded cases of discriminatory harassment and political “cleansing” practiced against anti-government candidates. However, the share of undue pressure exerted on candidates or voters appears to be relatively small (2.0%), mostly because relevant cases were difficult to prove.

10. d. GERRYMANDERING

The EUEOM received a large number of allegations regarding the way constituencies had been delineated prior to the arrival of the Mission in Pakistan. However, evidence of this having happened was difficult to obtain and only on very few occasions did complaints qualify for “proven cases”. This is why the weight of gerrymandering recorded by the EU EOM in the total of irregularities is a mere 2.0%.

10. e. (DIS)QUALIFICATION OF CANDIDATES

This category of complaints accounts for 17.6% of the total and reflects concerns about candidates either disqualified on questionable grounds or allowed to run whereas they should have been disqualified. It is quite obvious that the idea of the graduation requirement was unfortunate and should be re-examined. The EU EOM observers even recorded the case of a candidate confessing that he had a fake degree: *“I can’t even read what is written on my certificate and I have said so to the court”!*

Breakdown of Complaints by Nature and Province

Nature	Punjab	Sindh	NWFP	Balochistan	Total	Share
Gerrymandering	-	1	-	-	1	2.0%
(Dis)qualification	3	1	1	4	9	17.6%
Election administration	3	6	3	-	12	23.5%
Authorities/Resour	16	3	7	1	27	52.9%

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Undue pressure	-	-	-	1	1	2.0%
Other	1	-	-	-	1	2.0%
Total	23	11	11	6	51	100%
Share of Total	45.1%	21.6%	21.6%	11.7%	100%	

11. GENDER RELATED ISSUES OF THE 2002 PARLIAMENTARY ELECTIONS

11. a. BACKGROUND

In Pakistan's Constitution of 1973, Article 25 on the Fundamental Rights of the Citizens, provides for the equality of all nationals under the law. It entitles citizens to equal protection under the law, it guarantees that there shall be no discrimination on the basis of sex alone, and assures that nothing shall prevent the State from making any special provision for the protection of women and children. Women in Pakistan constitute 48 percent of the population but 68 percent are illiterate.

In reality, despite the recent and encouraging steps taken by civil society, political parties, and government institutions (i.e. local body elections whereby women were elected as councillors at the union, tehsil, and district levels) in trying to empower women and to make them be an active part of the electoral and political processes, women in Pakistan are still discriminated mainly due to cultural and religious norms and values, which do also have an influence on political structures. A lack of formal education and illiteracy are also two key factors hampering women's participation in every aspect of life. As a result, they are excluded from the decision making process.

11. b. WOMEN AS CANDIDATES

A new element concerning the role of women in the government was introduced earlier in 2002 with Presidential Order No 3/2002; which provides for the division of seats of women and establishes an increase in the number of National Assembly seats reserved for women from ten to 60 (128 at the provincial level). In principle, such an increase could enable women to play a larger role in the legislative and decision-making processes and to address specific women's issues in order to ensure equal opportunities and rights. The latter could also be more easily achieved due to the fact that women actually contest both for general and reserved seats. However, no seats for women are reserved for the FATAs at the federal level.

All parties that receive more than five percent of votes nation-wide, are entitled to appoint their candidates in order of priority. Thus, female candidates contesting for reserved seats are indirectly elected, although some would definitely prefer direct elections.

In theory, women have now more opportunities to be represented in the National and Provincial Assembly seats; yet, it appears that no significant steps have been taken

beyond the establishment of women-wings in some parties and some reference given to women's issues in the manifestos and programmes.

On the party manifestos, extensive attention to women's issues/rights seems to be given by the PTI, PML(N), PML(QA), and ANP, whereas a more general interest appears to be expressed by the PPP, MMA, and NA. The degree of the parties' commitment to focus on women's development, participation and progress and to enforce e.g. the guarantee of equal rights for women is to be seen. In fact, both male and female candidates hardly ever raised spontaneously the issue of women's rights in the social, political and economic dimensions. If it was raised, the issue was not addressed adequately. The overall impression is that women's issues are used as a façade and as political slogans and, if stressed, mainly to please the Western visitor.

In certain rural areas with a strong influence of the Ulema, e.g. in Peshawar division in NWFP, women were not encouraged to contest elections. There were also cases in which women candidates (e.g. Sindh) were even harassed by opponents. In some areas (i.e. Multan, Vehari) women contesting elections served to cover the male agnate (i.e. father) who could not contest elections due to non-qualification (i.e. BA degree). In another instance (i.e. Sukkur) a women candidate decided to contest as an independent candidate as her former party refused to issue a ticket due to a lack of financial resources.

The introduction of the BA requirement has been controversial since its proposal and inception. In fact, while there would be an advantage of introducing more qualified parliamentarians, the drawback is that the clause reduces the spectrum of candidatures in general and, more specifically of women, since the percentage of women meeting the requirement is lower. Especially in rural areas, a mere 1,27 percent compared to 6,17 percent in urban areas do have a BA/BSc.

Traditionally the number of female parliamentarians in Pakistan's National Assembly has been very low: two in 1990, four in 1993, seven in 1997. In the 2002 Elections the number of female Members of Parliament has significantly increased. Nine female candidates were directly elected on general seats for the NA, which add to the 60 seats reserved for women. With a total of 69 MoPs (20,17 % of the seats) influence of women in the National Assembly is expected to increase.

11. c. WOMEN AS VOTERS

A very clear distinction between rural and urban areas can be made: in fact, in rural areas, traditional values and norms do inhibit women to a far larger extent than in urban areas. In FATAs, some jirgas did not allow women to cast their vote.

A survey undertaken prior to the elections by the NGO Shirkat Gah and related to the electoral process indicated that more than half of the women interviewed had no interest in the electoral process. Yet, those who would vote, would do so according to their will. Some others were willing to vote but feared to be pressurised by their male agnate as to the choice.

Other factors that may have contributed to preventing women from casting their vote included lack of education/awareness, non registration, no NIC, pressure from their male agnates, prohibition to attend corner-meetings, inability to vote in the same area of their husband/family, and disenchantment.

In view of socio-cultural norms, women voters cast their ballot separately from the men. The voters' lists were also separate. If compared to the male, the number of women registered in the voters' lists and the number of women having obtained a NIC, was lower.

Voter education and civic education was in general very weak and it was carried out mainly by NGOs (neither the ECP nor the parties/candidates have taken any major steps in this direction). Many NGOs have been focusing on women's rights and awareness of their involvement in the political process both as voters and candidates, for the past months and few years. Through its network at the local level, an NGO, AURAT, has been encouraging women to register, to get the NICs, and to be exposed to civic and voter education. Similarly, the All Woman Advancement and Resource Development NGO, AWARD, has been actively involved in the NWFP in encouraging women to take part in the elections. Also the Women Welfare Association has been engaged in supporting the democratic electoral process and political awareness among women. The success or failure of the awareness activities is still difficult to assess also because it appears that there is not much co-ordination among the NGOs involved in election-related activities for women – the reason resting on different funding sources, donors, etc. NGOs have carried out their activities mainly through workshops and street theatre.

Apparently some female civil servants in FATA had difficulty in casting their ballot. Other female civil servants had requested the postal ballot but seem to have been unable to cast their vote.

Female party agents were present in many polling stations/booths. Some were at their first experience, some others not. While some were actively engaged and committed to their task and responsibility, some others may not have grasped the importance of their role: perhaps not sufficient training was received from their party.

11. d. WOMEN IN THE ELECTION ADMINISTRATION

The training of women, mainly educators, as polling staff was carried out in groups of approximately 40. While in some instances the master trainers were quite professional, in some other cases they were not. This might have affected, in a few cases and in particular in the rural areas, a smooth management of the polling station and application of procedures. In various cases, the presiding officer for female booths was a man. Difficulties in recruiting female polling agents for all polling stations might have stemmed from the deployment policy, which required traveling to distant locations.

It appears that no women held positions at the level of DROs, ROs or Deputy Election Commissioner. This factor conveys a clear idea of the women's non-role in the election administration.

12. PARTICIPATION OF MINORITIES IN THE ELECTIONS

There seems to be no clear picture of the size of religious minorities in Pakistan, but most estimates set their share between 3% and 5% of the overall population. While there are a number of organizations standing up for their rights, perhaps the most prominent “umbrellas” are the All Pakistan Minority Alliance and the All Pakistan Joint Minorities Action Committee, bringing together all the non-Muslims. It should be noted that the initial package of proposed constitutional amendments did not envisage reserved seats for minorities, but eventually what emerged as a Legal Framework Order envisaged 10 seats set aside for non-Muslims in the National Assembly and 23 in the Provincial Assemblies. One of the positive changes in the legal framework of the 10 October 2002 elections was the introduction of a joint electorate for all the voters, regardless of their religious denomination. This brought to an end a long political tradition of Pakistan, dating back to 1974²⁹. The list of non-Muslims includes Christians, Hindus, Parsis, Sikhs and others, who were now given the chance to join the mainstream of politics in the country. Regrettably, however, two contentious issues marred this development.

- a. Under the electoral law, the reserved seats for non-Muslims could only be distributed among by parties winning more than 5% of the general seats in the National and Provincial Assemblies. For instance, after the end of the nomination process, out of the 45 eligible candidates 13 were independent and, by default, stood no chance of winning a seat. The change in the electoral law announced on 9 October 2002 allowing independent candidates to join political parties came too late and could well have confused the electorate.

It is a fact that, while there was general acceptance of the joint electorate among the non-Muslims, one of the claims of their organisations has persistently been that non-Muslims be given the right to contest elections for reserved seats as independent candidates. Another issue raised to the EU EOM by representatives of the non-Muslims is that they have an extremely limited say in the selection of candidates for the lists of mainstream parties.

- b. The second negative point is the fact that, despite the introduction of a joint electorate, the status of the Ahmadi voters was once again reverted to a separate voters’ list, for no comprehensible reason. Under Art. 7B and 7C of the amended Conduct of General Elections Order (Chief Executive’s Order No. 7), the status of the

²⁹ The separate electorate for Muslims and non-Muslims was introduced through the Second Amendment of the 1973 Constitution, under the Premiership of Zulkikar Ali Bhutto.

Quadiani/Lahori Group or the “Ahmadis” remained unchanged and they were obliged to sign a declaration regarding their belief in “the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him)”. In case they did not do so, their names were transferred to a separate voters’ list, whereas at the same time the names of all the other non-Muslims were on the joint list. As a consequence of this self-evident contradiction in this legal arrangement, the Ahmadis largely boycotted the 10 October 2002 elections and remained out of the political process.

13. ASSESSMENT OF OTHER OBSERVATION MISSIONS

Given the interest of the international community in the elections as well as the diverse assessments presented by various observer groups and institutions, this chapter will briefly present the array of views on the issue. It has to be noted that unlike other international observation missions the EU EOM had been deployed 10 weeks prior to Election Day and therefore was in the position to equally assess the pre-election period as well as the Election Day.

13. a. ASSESSMENTS BEFORE ELECTION DAY

The report of the US-based *National Democratic Institute for International Affairs* (NDI) was already presented in Chapter 4 with reference to the Legal Framework Order 2002. As regards the overall assessment of the electoral process, the NDI pointed out a month before Election Day that “the period ahead will determine whether the country can put itself successfully on a course to genuine democratisation”. The panel of experts expressed the view that “should the election process not be accepted as credible by the population, the country will be thrown into an acute post-election crisis”. Moreover, the NDI concludes that “the framework for the 10 October balloting for the National and Provincial Assemblies provides for a very limited transfer of power to elected civilian representatives. The principal challenge facing Pakistan’s leaders – both military and civilian – in the period following the October 10 polls therefore will continue to be developing a genuine and rapid transition from military rule to civilian governance.”

A few days before the 10 October 2002 elections, the *International Crisis Group* (ICG) issued a comprehensive analysis already referred to in Chapter 4. Apart from its serious concerns about the enhanced powers of the President enshrined in the new Legal Framework Order, the group assesses that General Musharraf does not intend to transfer power to the civilians and, therefore, he should be “persuaded to withdraw the military to the barracks [through] international pressure”. The report goes on to point out that “influential actors, in particular the US and the EU, could persuade the military leaders to abide by their pledge to restore democracy”. The ICG appeals to the international community to call upon the Pakistan government to end “all restrictions on political freedoms... to give due weight to the findings of official and non-governmental election observers, including the European Union team, in formulating political and economic policy toward[s] Pakistan after October 2002.”

In a press release issued on 9 October 2002, the international NGO *Human Rights Watch* called on the international community to offer a genuine assessment of the elections process based on international standards, taking into account legal and political developments in the pre-election period, the voting and counting process, and the post-election period leading to the formation of a new government. The statement underlined: "In the three years since the coup, Pakistan has witnessed a consolidation of military power rather than a transition to democracy. Pakistan's international partners cannot ignore this fact any longer. They need to insist on progress toward democracy in Pakistan." Furthermore, the Human Rights Watch report stressed that Pakistan's military government had employed a variety of legal and political tactics to control the electoral process, and pointed out that the constitutional amendments virtually gave President Pervez Musharraf unfettered powers over parliament and government. It also noted the revision of electoral procedures that effectively eliminated the leaders of the two major political parties from participating in the election. The statement made a particular reference to the overt support of the government to PML-QA candidates, while working hard to sideline the PML-N and PPP-P.

The *Human Rights Commission of Pakistan* (HRCP) also issued a statement on the eve of the elections. "With regret", the HRCP notes, "manipulation is manifest on record". Apart from the severe criticism of "the kind of constitutional power military dictators before Musharraf had attempted, but failed, to put in place", the HRCP report underlines the rules restricting political parties in their choice of leadership and the practice of the regime of devising hurdles to keep specific politicians out of the electoral process.

13. b. ASSESSMENTS AFTER ELECTION DAY

In a rather mild tone, on 11 October 2002 the *Commonwealth Observer Group* outlined the context of its mission "to see the early restoration of democracy in Pakistan". While expressing its appreciation for the "constructive and progressive reforms over the past three years" introduced by President Musharraf and pointing out that the conduct of the elections on polling day was "well organised and for the most part transparent", the group also voiced its concern that "certain measures [had] a limiting effect on the process of restoring democracy". However, its final report was more critical. In its Final Report, it found that the "conditions prescribed by the government for the campaign period were unduly restrictive, and curtailed the freedom of parties and candidates to conduct their normal campaign activities". In its conclusions, the group evaluated that the election was part of an "incomplete democratic process" and they further stated that they would "look forward to the complete restoration of democracy in Pakistan". Following the elections, the Commonwealth foreign ministers decided to

maintain Pakistan's suspension from the Commonwealth because of the "limiting" effects of measures introduced prior to election day.

Also on the 11th of October, the *Japan election observation team* issued a statement on its observations. The delegation examined the 10 October 2002 as "the final step on the roadmap advanced by President Pervez Musharraf towards the establishment of democratic rule". On Election Day itself, the Japan team formulated the assessment that "the polling and counting procedures... despite some isolated cases of irregularities...[were] conducted smoothly and transparently, enabling the voters to cast their votes in a free and fair manner".

On 12 October 2002, the Asian Network for Free Elections (ANFREL) stated that in general "the election day passed off peacefully throughout the country, with isolated violence in some areas". They also commented that they were aware of "some violent clashes between supporters of rival parties". Additionally, they said that the "public demonstrated apathy towards the election and turnout was low", leading them to suggest that "more voter education would be required, especially targeting female voters". ANFREL also noted that female voters were discouraged and not allowed to participate in the elections in some areas, particularly remote areas. However, in their conclusion, the ANFREL mission said that it believed "there are legitimate concerns regarding misconduct during the pre-election period. Some of the practices observed and reported during this period were serious enough to limit possibilities for democratic transition in Pakistan".

The same day, the US State Department spokesman Richard Boucher welcomed the elections in Pakistan as "an important milestone in the ongoing transition to democracy" and commented that the next crucial step would be the transfer of power to the new National Assembly and establishing its role. With reference to the Preliminary Statement of the EU EOM, he stressed: "We concur that ... some questions about restrictions on candidate qualifications in campaigning exist ... We also agree that [the] government and political leaders now have a joint responsibility to ensure the smooth transition to a sustainable form of democratic and civilian rule." This statement was not made upon the findings of a special US observation mission, but within the framework of a briefing session for foreign correspondents at the US State Department in Washington.

On 17 October 2002, the Liberal Forum of Pakistan also issued its assessment of the electoral process. It was very critical of the involvement of the local authorities in

campaigning activities, “as Nazims and councilors tried to influence the process quiet openly right from the change of polling stations at the eleventh hour to publicly siding with one or another party”. As regards Election Day and the counting procedure, the report pointed out the absence of candidate representatives and polling agents in the Polling Stations monitored. The NGO refers to the inadequate training of all those agents.

RECOMMENDATIONS

From August 4th 2002 until October 18th 2002 the EUEOM observed the entire electoral process in Pakistan for the National and Provincial Elections. On the basis of its findings the EU EOM would like to offer a number of recommendations to improve the election framework in view of future election events. Although these are primarily addressed to the Election Commission of Pakistan and the Government of Pakistan, some proposals are suggested for consideration by the European Union itself.

1. Appointment and responsibilities of the Election Commission:

The method of selecting and appointing the Chief Election Commissioner and the Election Commission should be amended to guarantee an independent election administration. The Election Commission should be totally responsible for the compilation of the voting register and the delimitation of constituencies.

2. Training

Many problems that occurred throughout the electoral process could have been avoided had there have been a more adequate training programme in a number of areas.

a. ECP Staff

The training of ECP Staff organised by the UNDP was seriously hampered by the late production of the training manual and the low participation rate at training sessions as a consequence of the poor information given to the trainees by Assistant Election Commissioners at local level.

Additionally the Presiding Officers manual should be produced in the appropriate language of the province.

b. Returning Officers and Election Tribunals

Returning Officers and Election Tribunals perform crucial tasks as they are accepting candidates' nomination papers as well as being responsible for consolidating the results. Most of them are experienced judges and have performed this task before. However, there are almost always changes to the process, and this was particularly true this year. In spite of this, no training of the ROs and Election Tribunal staff was conducted, which contributed to a non-uniform implementation of the rules and procedures, which could cast doubt on the election results. It is therefore recommended that the ECP also develop a training program for the ROs and Election Tribunal staff.

3. Voter Education

Prior to the 2002 elections many changes were made to the electoral system, which necessitated a voter education activity enabling voters to utilise their franchise in an informed matter. No efforts were made by the ECP to inform the electorate. In fact, voter education activities were almost completely absent from the ECP. Only a limited get-out-to-vote drive was organized on a central level using the electronic media. It is crucial that more grassroots and civil society based actions are taken to reach a wider and needier audience.

The ECP should therefore dedicate at least one officer in each province to be the Public Outreach Officer (POO) responsible for nothing but voter education and public information activities at the time of elections. S/he should be the focal point within that geographical area of responsibility. Furthermore, in the run up to elections, the Director of Public Relations at ECP HQ should organise regular meetings with the POOs in order to develop and ensure a uniform implementation of voter education activities.

4. Party Agents

Political parties have not as yet fully realised how party agents can enhance the democratic process. They must place greater emphasis on comprehensive training for party agents in all parts of the electoral process including the count.

5. Political Party Consultative Forum:

The ECP's interaction with the political parties on a structural and regular basis was very limited. The ECP's inadequate interaction with political parties contributed to their mistrust and misunderstanding of the various electoral procedures. In order to rectify this in the future, the ECP should organise a Political Party Consultative Forum that meets on a structured basis. By establishing frequent contact, understanding of the electoral process will be enhanced and misunderstandings and mistrust between the ECP and parties can be avoided. It is important that this forum not only meets in Islamabad, but meets in all provinces because many parties are regionally based.

6. Election Legislation

a. Qualification Criteria

The introduction of new qualification criteria for the nomination of candidates particularly the graduation requirement, discriminates against some 96% of the population. Furthermore, the university degree requirement particularly penalises female candidates, whose access to education is even more limited.

Another controversial decision related to the provision that candidates would be disqualified if they, family members or business associates had defaulted on utility bills

for rather small amounts (approximately 155 euro). This is most unusual and should be dealt with by other legal remedies (e.g. fines) rather than being used as a pretext for disqualification.

Both qualification criteria should be brought in line with internationally accepted standards.

b. Election Schedule

All election related legislation and ordinances should be in place well before the commencement of the election campaign. Furthermore the late promulgation of the election schedule seriously restricted the campaign and activities of the political parties. This should not reoccur nor should measures be introduced which seriously restrict the freedom of assembly and the freedom of speech for candidates, which are essential components of a democratic election.

c. Women and minority seats

The provision that the set aside seats for women and minorities are indirectly elected using a proportional system based on the number of general seats won by the each political party in combination with a 5 % of the seats threshold further increases the effect of the majority vote because in practice it excludes regional parties and independent candidates. It is therefore recommended that the 5 % threshold be abolished and a proportional system be used, based on the number of votes instead of the number of seats.

7. Voters Register

a. Voting Register

The voting register requires further improvement and updating. It was further observed during polling day that polling staff experienced difficulties finding voters names on the register particularly when the voter did not carry the slip given to them by political parties. This resulted in long queues at busy polling stations. As the register is now computerised, names should be listed in a uniform way to facilitate staff in finding the respective names of voters.

b. Proof of identity

In parallel with this the computerised NIC should be systematically used for any future elections. All eligible persons should receive one in time.

c. Joint voters list

Despite the introduction of a joint electorate, the Ahmadis (*alia*, Qadianis or Lahori group) were transferred to a separate list for no comprehensible reason, whilst all the other non-Muslims were included on the joint list. It is recommended that the Ahmadis be included in the joint voters' list.

8. Polling Day Improvements

a. Relocation of Polling Stations

The relocation of polling stations in the few hours preceding the opening of polls contributed to confusion and consequently lower turnout. Polling stations should only be relocated when absolutely necessary and in sufficient time for voters to be informed of the change.

b. Secrecy of the Vote

Screened voting booths should be used to ensure the secrecy of the vote. Ballot boxes should be of uniform and sufficient quality to prevent unnecessary complications in opening and closing them.

c. Aggregation of Votes

When the voting papers have been completed, they should be returned to the box and it should be sealed in the presence of party agents. Ballot boxes should be transported in a manner, which guarantees that there will be no tampering. The period of time between the preliminary results and the official results should be reduced to avoid any allegation of manipulations. Furthermore, transparency could be considerably enhanced if results were displayed immediately on the ECP website once they have been received by the Returning Officer, thus reflecting the progress of the aggregation process.

9. Counting of Postal Ballots and Doubtful Ballots:

Currently postal ballots and doubtful ballots are not included in the preliminary results released by the ECP. Instead ROs are supposed to count these ballots and include them into the consolidated results released several days after the preliminary result. This caused serious problems, as parties were not aware of when ballots were actually counted and Returning Officers didn't know the cut-off date and time for accepting postal ballots.

It is recommended that doubtful ballots should be decided at the time of the count in polling stations, which is the norm in most other countries. As most parties had Polling Agents present, this would enhance the transparency of the process. This change would further speed up the counting process as one Returning Officer will no longer assess doubtful ballots from hundreds of polling stations in her/his constituency.

It is also recommended that ballot papers arriving after the close of poll on Election Day at the Returning Officer's office should not be allowed. By doing so, the Returning Officer can include the postal ballots in the preliminary results. By authorising Presiding Officers to count doubtful ballots in polling stations and allow Returning Officers to count

postal ballots at the close of the poll the ECP can do away with the consolidation of the results by ROs.

10. Domestic Observers

Domestic observers perform an important role when it comes to instilling trust in the Election Day event. Unfortunately the number of domestic observers present in the 2002 elections was dishearteningly few. In addition, many of them displayed a very rudimentary knowledge of the electoral process. It is recommended that the EU supports the development of a civil society based domestic observation program. Such a program should be initiated at least one year in advance of Election Day to ensure its effectiveness by increasing the number of domestic observers and providing them with a sufficiently detailed knowledge of the electoral process.

11. Female Voter Participation

Female participation was low. Many factors were responsible for this. In certain instances, especially in the FATA's they were prevented from exercising their franchise. Many women were not registered and inaccurate names were found on the electoral lists. There should be more female enumerators to increase the number of females registered to vote in the area in which they live. Greater effort must be made to ensure that they are provided with NIC's, especially in rural area.

There should be a general political awareness campaign not only to inform women of their rights but also to educate men so that they will acknowledge and respect women's rights as well.

The EU should consider providing funds for initiatives in this field not only to facilitate co-ordination between NGOs who specialise in this area but also to encourage exchange of experiences between group both inside and outside Pakistan.

ANNEX 1 : PRESS RELEASES

Annex 1a

7 August 2002

EUROPEAN UNION'S LARGEST ELECTION OBSERVATION MISSION ARRIVES IN PAKISTAN

The European Union has sent to Pakistan its largest election observation team to date for the country's forthcoming general election.

Heading the observation mission is European parliamentarian Mr John Cushnahan, who has been appointed Chief Observer.

Mr Cushnahan and his nine-member core team will be based in Islamabad and will later be joined by long and short-term observers posted throughout the State.

Mr Cushnahan, a member of the European Parliament, has extensive experience in the electoral field. He was Chief Observer for the 2000 and 2001 Sri Lankan elections, following which the Sri Lankan government publicly acknowledged his role in protecting the integrity of the democratic system and paving the way for the country's current peace process.

Commenting on his appointment, Mr Cushnahan said: "I am honoured to have been asked to lead the EU Election Observation Mission to Pakistan. Our team has extensive experience in observing elections. The core team alone has participated in more than 100 election missions. The entire team has worked on a total of around 1,000 missions worldwide in such diverse places as Asia, Africa, South America and Eastern Europe.

"Pakistan is in a strategic geo-political location because of major political developments happening both within its own borders and the countries with which it shares a common border.

"This fact was underlined by the decision of the European Union to field its largest election observation team to date. The completion of the "roadmap to democracy" agreement is essential not only for the long-term stability of Pakistan, but also for the wider stability of the region.

"Our role here is not to interfere in the internal politics of Pakistan. Our task is solely to observe the electoral process and to present to European Union headquarters a final report after our extensive work in the field in accordance with the criteria used for European Union election observation.

I am particularly conscious that since the establishment of our mission in Islamabad a terrible tragedy has occurred in Murree, just 40 miles north of here. I utterly condemn this incident in which six people died and many more were injured. I would like to express my sympathy to the relatives of those who were bereaved and in particular I would like to pay tribute to the security guards, who were all nationals of this country, who sacrificed their lives to prevent an even greater tragedy involving the massacre of innocent children. This is the latest in a series of attacks on westerners but it should not be forgotten that many Pakistani people have also been casualties in this violence. I look forward to working in Pakistan and co-operating with the authorities and people of Pakistan over the next few months."

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Mr Cushnahan was joined at today's press conference by the head of the EU Delegation in Pakistan, Ambassador Kurt Juul. It was also attended by Deputy Chief Observer Dr Oskar Lehner, Legal Expert Mr Plamen Tonchev, Elections Expert Dr Staffan Darnolf and Media Expert Ms Nuala Haughey.

Note to Editors:

The European Union's Election Observation Mission to Pakistan is an independent and impartial team which arrived in Pakistan on August 4th 2002 and will stay until after election day on October 10th 2002.

A total of 164 observers from all 15 EU member states are due to be deployed throughout the country in the coming weeks. Forty-four long-term observers are scheduled to arrive in the first week of September, with an additional 110 short-term observers expected for the last two weeks of the campaign.

The mission will observe the entire electoral process, including preparations for the elections and the parties' campaigns. The observers will also visit polling stations and counting centres in all four provinces to observe the organisation of the poll, voting and counting procedures and the aggregation of results.

Within days of the elections, the EU mission will submit a preliminary report to the European Union headquarters followed by a final report of its findings.

The mission will be guided by the following seven criteria in reaching conclusions on the election process:

- The degree of impartiality shown by the relevant Election Commission and election officials.
- The degree of freedom of political parties and candidates to organise, move, assemble and express their views publicly.
- The fairness of access to state resources made available for the election.
- The fairness of access for political parties and candidates to the media, in particular the State media.
- The manner in which registration of voters is conducted.
- Any other issue concerning the essential freedom and fairness of the election.
- The conduct of polling and counting of votes.

The members of the EU Observation Mission's core team are:

Chief Observer, Mr John Cushnahan (MEP) (Ireland)
Deputy Chief Observer, Dr Oskar Lehner (Austria)
Legal Expert, Mr Plamen Tonchev (Greece)
Elections Expert, Dr Staffan Darnolf (Sweden)
Media Expert, Ms Nuala Haughey (Ireland)
Logistics Expert, Mr Jerome Pons (France)
Long Term Observers Co-ordinator, Mr Lars Tollemark (Sweden)
Long Term Observers Assistant Co-ordinator, Mr Walter Torres (Belgium)
Security Advisor, Mr Julian Cheasley (UK)
Statistics Expert, Mr Anders Eriksson (Sweden)

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ENDS

Annex 1b

12 August 2002

NO INTERFERENCE IN PAKISTAN POLITICS – EU CHIEF ELECTION OBSERVER

The Chief Observer of the European Union Election Observation Mission today reiterated his position that the mission will not interfere in the internal politics of Pakistan.

Responding to widespread media reports of concerns by government spokespersons that the mission is interfering in the internal politics in the country, Mr John Cushnahan said:

“I have stressed at our initial press conference, at every subsequent media interview and every single meeting with political parties that a fundamental principle of how the mission would operate is a pledge that we will not interfere in the internal politics of Pakistan. We have honoured that pledge and will continue to do so. This pledge of non-interference has also been stressed at all our meetings with the government authorities and the Chief Election Commissioner.”

“Furthermore, at no stage since the establishment of the mission did I ever suggest that our mission would recommend the use of sanctions, even if it were to conclude that the election process was flawed. In fact, I have made it absolutely clear that this is not one of our functions and would be outside our mandate.”

“Our sole purpose here is to observe Pakistan’s general elections on the basis of established international criteria and to produce a report at the end of our mission evaluating the elections in line with these criteria. This report will be forwarded to the EU Commission, at which stage we will have completed our task.”

ENDS

Annex 1c

6 September 2002

LONG TERM OBSERVERS WITH EU ELECTION OBSERVATION MISSION ARRIVE IN PAKISTAN

A group of long-term observers from 13 European states arrived in Pakistan today as part of the European Union Election Observation Mission (EUEOM).

The group will supplement the ongoing work of an advance team of Islamabad-based experts, who have been in the country for a month.

The long-term observers will be based in nine locations in Pakistan’s four provinces until after the elections for the National and Provincial Assemblies. They will be deployed in groups of two-to-four persons to Lahore, Faisalabad, Multan, Karachi, Hyderabad, Sukkur, Quetta, Peshawar and Islamabad.

The mission will observe the entire electoral process, including preparations for the elections, the parties’ campaigns, polling day activities, counting procedures and the aggregation of results.

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The mission's Chief Observer is European parliamentarian, Mr John Cushnahan, who has just returned to Pakistan after a brief visit to Europe.

Speaking today on the occasion of the arrival of the long-term observers, Mr Cushnahan said: "The increase in the mission's numbers will allow us to step-up our work of observing the election process throughout the country. The observers will meticulously adhere to the mission's mandate to observe Pakistan's general elections on the basis of established international criteria."

He continued: "The observers selected have collective experience of missions in Latin America, Africa, the Balkans and Asia and I am confident that they will discharge their duties with the utmost professionalism."

The European Union's Election Observation Mission to Pakistan is an independent and impartial team which arrived in the country on August 4th 2002 and will stay until after election day on October 10th 2002.

Within days of the elections, the EU mission will publish a preliminary report of its findings to European Union headquarters, followed later by a final report.

ENDS

Annex 1d

8 September 2002

CHIEF OBSERVER WITH THE EU ELECTION OBSERVATION MISSION TO PAKISTAN VISITS QUETTA, KARACHI AND PESHAWAR

The Chief Observer of the European Union Election Observation Mission to Pakistan, Mr John Cushnahan, has embarked on a second round of provincial meetings. Mr Cushnahan, accompanied by other team members, travelled to Quetta and Karachi at the weekend and will visit Peshawar tomorrow, Monday.

Mr Cushnahan, along with the mission's Elections Expert, Dr Staffan Darnolf, held meetings in Karachi today (Sunday) with representatives of Transparency International as well as Ms Nasreen Jalil, Deputy Convenor MQM Co-ordination Committee (MQM),

Tomorrow, Monday, Mr Cushnahan and the Deputy Chief Observer, Dr Oskar Lehner, will travel to Peshawar to meet the following people:

Mr Shakeel Durrani, Chief Secretary, Government of NWFP; Mr Aftab Ahmed Sherpao, PPP (Sherpao); Lt Gen (Retd) Syed Iftikhar Hussain Shah, Governor NWFP; Mr Azam Afridi, District Nazim; Mr Ajmal Khattak, National Awami Party of Pakistan; Mr Afrasiab Khattak, Chairperson, Human Rights Commission of Pakistan.

On Saturday Mr Cushnahan and Dr Darnolf were in Quetta where they met the following people:

Mr Justice (Retd) Amir-ul-Mulk Mengal, Governor of Balochistan; Mr Abdul Karim, Additional Home Secretary, Home Department, Quetta; Mr Mahmood Khan Achakzai, Pakistan Pakhtoonkhwa Milli Awami Party; Mr Abdullah Khan, Provincial Election Commissioner, Balochistan; Chauhdry Qamar-uz-Zaman, Joint Provincial Election Commissioner; Mr Sardar Akhtar Jan Mengal, Balochistan National Party (BNP).

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Speaking from Karachi yesterday, Mr Cushnahan said: "These meetings are part of an ongoing round of discussions my team members and I are having with political parties, non-governmental organisations and officials. The purpose of these meetings is to gather information helpful to our mission's understanding of the entire electoral process."

This is Mr Cushnahan's second round of meetings outside the capital. Since their arrival in Pakistan more than a month ago, he and his core-team members have held extensive meetings in Lahore, Karachi and Peshawar.

Meanwhile, a group of long-term observers from 13 European countries who arrived in Islamabad last Friday will be deployed tomorrow, Monday, to nine locations in Pakistan's four provinces. They will be deployed in groups of two-to-four persons to Lahore, Faisalabad, Multan, Karachi, Hyderabad, Sukkur, Quetta, Peshawar and Islamabad.

ENDS

Annex 1e

19 September 2002

Statement from Mr John Cushnahan Chief Observer for the EU EOM to Pakistan:

"Our original intention was to eventually deploy a team of around 164 observers. For a number of logistical reasons, including the initial reluctance of the Pakistan authorities to fully meet our requirements relating to security, we will unfortunately be unable to fulfil our original plan with regard to the deployment of the full compliment of short term observers."

"While this may be regrettable, we will ensure that it will not impact negatively on our ability to complete our full task. However, we do appreciate that the provincial authorities are cooperating with the mission in order to ensure security for the current team structure."

Note: The mission strength will rise to more than fifty in the coming days, with further increases also expected later.

ENDS

Annex 1f

21st September 2002

FINAL GROUP OF LONG TERM OBSERVERS WITH EU ELECTION OBSERVATION MISSION ARRIVE IN PAKISTAN

The second and final group of long-term observers arrived in Pakistan today as part of the European Union Election Observation Mission (EUEOM).

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The arrival of the 21-member group brings to 43 the total number of EUEOM long-term observers (LTOs) in Pakistan from 14 European Union member states. The total number of mission members, including the nine-member core team, now stands at 52.

Together with the mission's core team, all the LTOs will remain in the country until after the elections scheduled for October 10th. The first group of 22 long-term observers arrived a fortnight ago and were deployed to nine locations in all four provinces.

The new observers will undergo a three-day detailed orientation and training programme in Islamabad before being deployed to the provinces.

With their deployment, the EUEOM will have long-term observers covering the following thirteen locations: Jhelum, Gujranwala, Mingaora, Faislabad, Multan, Rawalpindi, Hyderabad, Sukkur, Peshawar, Lahore, Karachi, Quetta and Islamabad.

The role of the long-term observers is to gather information through contacting politicians, non-governmental organisations and officials in their areas. The LTOs report back to a core-team of Islamabad-based experts who have been working in the country since August 4th.

The mission will observe the entire electoral process, including preparations for the elections, the parties' campaigns, polling day activities, counting procedures and the aggregation of results. The long-term observers and the core-team will remain in Pakistan until after the elections. Within days of the end of polling, the mission will publish a preliminary report of its findings to European Union headquarters, followed later by a final report.

The mission's Chief Observer is European parliamentarian, Mr John Cushnahan, who has already twice toured the country.

Speaking today on the occasion of the arrival of the long-term observers, Mr Cushnahan said: "I am pleased that the new group of long term observers will enhance the numerical strength of our mission and allow us to increase the depth of our knowledge of the electoral process."

ENDS

Annex 1g

29 September 2002

Statement from Mr John Cushnahan, Chief Observer, European Union Election Observation Mission to Pakistan 2002:

The document referred to in today's (Sunday's) Daily Times is not an Interim Report of the European Union Election Observation Mission to Pakistan (EUEOM).

It is part of the ongoing briefing of the EU Commission in Brussels by the EUEOM in which we convey the concerns that have been expressed to us during the course of our observation.

At this stage, the EUEOM has not come to any conclusions on these issues.

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Our conclusions will not be finalised until we have had the opportunity to carry out a full de-briefing of our entire observer team, following the completion of the poll count. Only then will we produce our Preliminary Report.

ENDS

Annex 1h

1 October 2002

Statement from Mr John Cushnahan, Chief Observer EUEOM to Pakistan:

The document which we submitted to the EU Commission last month as part of our ongoing briefing process was entitled: Core Team's Observations for COASI Meeting 13 September 2002.

The document was an overview of our observation activities containing analysis of concerns expressed to us during the course of our observations.

It was not an Interim Report arriving at conclusions on the Pakistan elections process or aspects of it.

Preparing an analytical document for the purposes of internal analysis is markedly different from producing an Interim Report containing conclusions on the electoral process in Pakistan.

I have always made it clear that our Preliminary Report will only be produced within 48-hours of the close of the polls. I regret that this leak has happened, especially as the document was for internal briefing purposes only. This is a very sensitive political situation and the publication of such a document creates unnecessary obstacles.

It could create tensions in our relations with the authorities and some of the country's political parties.

We have always acted in good faith, and will not be deterred from our task, which we will carry out with impartiality and objectivity.

ENDS

Annex 1i

3rd October 2002

SHORT-TERM OBSERVERS WITH EU ELECTION OBSERVATION MISSION ARRIVE IN PAKISTAN

Another 20 observers with the European Union Election Observation Mission (EUEOM) arrived in Pakistan from Europe today.

These Short Term Observers will be joined by another group early next week, bringing to just under 90 the total number of team members from 14 European Union member states.

This total includes 43 Long-Term Observers and a nine-member core team, led by the mission's Chief Observer, European Parliamentarian Mr John Cushnahan.

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The newly-arrived Short Term Observers will undergo a detailed orientation and training programme in Islamabad before being deployed to locations in all four provinces.

Together with the mission's core team, all the Long and Short Term Observers will remain in the country until after the elections.

The EUEOM has observers covering the following thirteen locations: Jhelum, Gujranwala, Mingaora, Faisalabad, Multan, Rawalpindi, Hyderabad, Sukkur, Peshawar, Lahore, Karachi, Quetta and Islamabad. In addition, a mobile team will travel to areas where there are no observers based, including remote parts of the northern areas and Baluchistan.

The mission's role is to observe the entire electoral process, including preparations for the elections, the parties' campaigns, polling day activities, counting procedures and the aggregation of results. All observers report back to a core-team of Islamabad-based experts who have been working in the country since August 4th. The mission plans to release a Preliminary Statement on its findings on the elections within 48 hours of the close of the count. This will be followed within weeks a Final Report.

Speaking from Islamabad today on the occasion of the arrival of the Short-Term Observers, Mr Cushnahan said: "This final group of observers will allow us to carry out our duties thoroughly and in accordance with the internationally recognised guidelines which we have strictly adhered to to date."

ENDS

Annex 1j

6 October 2002

CHIEF OBSERVER WITH THE EU ELECTION OBSERVATION MISSION TO PAKISTAN VISITS KARACHI AND PESHAWAR

The Chief Observer of the European Union Election Observation Mission to Pakistan, Mr John Cushnahan, has embarked on a third round of provincial meetings in Karachi and Peshawar.

Mr Cushnahan met Mr Muhammad Mian Soomro, Governor of Sindh Province in Karachi on Saturday.

He travelled today (Sunday) to Peshawar where he met representative of the PPP-P and Qazi Muhammad Anwar from the Awami National Party.

Mr Cushnahan also had discussions with the mission's long-term and short terms observers in both Karachi and Peshawar.

Speaking from Peshawar today, Mr Cushnahan said: "These meetings are part of a concluding round of discussions with political parties and officials which I will be continuing in the coming days. Today in Peshawar I have had the chance to meet representatives of political parties, including some who I did not have the opportunity to meet during my last visit here."

Mr Cushnahan added that he was "glad to have had the opportunity to thank Mr Muhammad Mian Soomro in Karachi in person for the provision of security for the mission's observers, which has been of great assistance to them in enabling them to discharge their tasks."

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Meanwhile, a group of Short Term Observers from Europe who arrived in Islamabad last Friday have been deployed today to locations in Pakistan's four provinces.

These observers will be joined by another group early next week, bringing to just under 90 the total number of the mission's observers from 14 European Union member states.

This total includes 43 Long-Term Observers and a nine-member core team, led by Mr John Cushman.

The EUEOM has observers covering the following thirteen locations: Jhelum, Gujranwala, Mingora, Faisalabad, Multan, Rawalpindi, Hyderabad, Sukkur, Peshawar, Lahore, Karachi, Quetta and Islamabad. In addition, a mobile team will travel to areas where there are no observers based, including remote parts of the northern areas and Balochistan.

ENDS

Annex 1k

10th October 2002

OBSERVERS WITH EUROPEAN UNION ELECTION OBSERVATION MISSION VISIT POLLING STATIONS THROUGHOUT PAKISTAN

Observers from the European Union Election Observation Mission will visit some 600 polling stations in the country's four provinces today. Forty teams of long and short-term observers from 14 European Union countries will visit an average of 15 polling stations each.

Abiding by established criteria for observing elections, the teams will observe the following:

- The opening of polling stations at 8a.m.
- The ongoing polling throughout the day.
- The close of the polls at 5p.m.
- The aggregation of results at constituency level during the late evening and night.

The observers will report back to a core-team of Islamabad-based experts who have been in the country since August 4th.

Their observations on polling day as well as the pre-election period will feed into the mission's Preliminary Statement on the elections, due to be released on Saturday October 12th in Islamabad by the mission's Chief Observer, Mr John Cushman MEP (Member of European Parliament).

Members of the mission's expert core team as well as some long term observers will stay in the country for more than a week after election day for follow-up work. The mission's Final Report will be issued within weeks of the election.

Mr Cushman today visited a polling station at the Federal Government Primary School no. 24 (Male) sector G 9/2 in Islamabad along with members of his core team.

Speaking on the occasion, Mr Cushman said: "As we come to this final stage of the election our experienced staff are finalising their extensive observation activities. The observers selected have

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considerable experience of missions in Latin America, Africa, the Balkans and Asia and I am confident that they will fulfil their mandate according to internationally established criteria.”

ENDS

ANNEX 2: PRELIMINARY STATEMENT

PRELIMINARY STATEMENT

The European Union's Election Observation Mission to Pakistan, led by Chief Observer, Mr John Cushnahan MEP, on 12 October issues this statement of preliminary findings.

The EU Mission was established following a verbal invitation extended by President Musharraf to EU External Relations Commissioner Mr Chris Patten to send an EU Observation Team to observe the 10 October General Election.

Although the Government of Pakistan did not sign a Memorandum of Understanding with the European Union, the EUEOM was not prevented from discharging its task.

Statistical Representation of Teams and Coverage

This statement is based on the observation of nine Core Team members for ten weeks, 43 Long Term Observers deployed to thirteen different locations in all four provinces for three to five weeks, 30 Short Term Observers deployed for up to ten days and a delegation of Members of the European Parliament. On Election Day, a total of 88 mission members were involved in observing the polling, counting of votes as well as the aggregation of results.

The European Union Election Observation Mission was guided by seven criteria in reaching conclusions on the election process. These are the findings:

1. The degree of impartiality shown by the relevant Election Commission and election officials.

The Election Commission of Pakistan (ECP) took a number of positive steps to improve the electoral process. The allocation of election symbols was conducted in an open manner and the extension of the nomination period enhanced parties' abilities to field candidates for the forthcoming elections. For the very first time, the Election Commission also announced that copies of the results should be given to party agents in the polling stations immediately following the count, which improved transparency and provided an opportunity to verify the counting process where party agents were present.

Although all these actions are commendable, the Election Commission displayed a number of shortcomings at both national and provincial levels. One of the more worrying developments was the ECP's failure to curb the authorities' misuse of state resources in favour of political parties, in particular, but not exclusively, for the PML(QA). The Election Commission also established a central Grievance Cell, but it was *de facto* not operational. Instead the Chief Election Commissioner merely issued instructions ordering parties and government officials to adhere to the legal framework and the Code of Conduct for Political Parties, something they continued to flout with impunity.

The failure by the ECP to protect an area clearly within its mandate from interference by state authorities cast serious doubts over the ECP's independence. This became apparent when both President Musharraf and the Commissioner of Islamabad imposed serious restrictions on campaign activities which

clearly ran contrary to the Code of Conduct for Political Parties issued by the Election Commission. The ECP subsequently failed to take any action.

The inappropriate use of actual election symbols on mock ballot papers in the ECP's public information video, broadcast on national television and used during training activities of polling staff, was of concern to the EUEOM. The most prominent symbol used was that of the PML (QA).

2. The degree of freedom of political parties and candidates to organise, move, assemble and express their views publicly.

In the absence of normal political activities for three years, a comprehensive election campaign was necessary. The large number of new parties and candidates further underlined this point. The government's decision to lift the ban on public political party activities less than forty days before polling day failed to meet this need. Furthermore, the fact that parties were busy nominating candidates meant that they could not fully engage themselves for an additional two weeks, which effectively reduced the campaign period to a mere twenty-three days.

The Election Commission's Code of Conduct for Political Parties, issued prior to the commencement of the campaign, allowed processions which traditionally are one of the parties' most important means of campaigning. However, the government subsequently banned such processions and this is a serious restriction of the parties' abilities to campaign.

The Commissioner of Islamabad and the Magistrate of Islamabad on 14 September further curtailed parties' abilities to campaign by imposing a ban on political rallies and the use of posters in Islamabad until polling day. The consequence of these measures was that parties had to reduce their activities to corner meetings and house-to-house campaign activities.

The limited time allocated to electioneering and the many restrictions imposed seriously hampered the abilities of parties and candidates to campaign and contributed to the lacklustre pre-polling period. This is of grave concern to the EUEOM as freedom of assembly and freedom of speech are essential components of a democratic election contest.

3. The fairness of access to state resources made available for the election.

The EUEOM recorded two main forms of misuse of state resources, namely:

- Misuse of public infrastructure (buildings, vehicles, etc.) and;
- Pledges about future development projects made within the framework of campaigning activities.

The EUEOM has solid evidence to believe that public authorities, from the local administration (Nazims) up to senior levels of governance, were actively involved in partisan electioneering. This appeared to be a pattern throughout the country. On a number of occasions, state officials and Nazims made public statements in support of certain candidates or against other candidates. The "beneficiaries" of this support were from several political parties, mostly the PML (QA) and, to a lesser extent, the SDA and the GNA. Some PPP-P candidates, predominantly in Sindh, also appeared to benefit from the involvement of public authorities in campaigning.

All these actions contravene the provisions of section 92 of the Representation of the People Act, 1976, as well as a number of Orders of the Election Commission of Pakistan, notably the one issued on 16 September 2002. It should be stressed that the penalties under the above-mentioned legislation extend to two years imprisonment.

4. The fairness of access for political parties and candidates to the media, in particular the State media.

The 9p.m. Khabarnama television news on state-controlled television (PTV1) devoted a total of six hours and 20 minutes to election-related news during the EUEOM monitoring period, 15 August to 9 October. The duration of coverage for the main parties was as follows: PML (QA) 44 minutes; MMA 36 minutes; PPPP 29 minutes; GNA 13 minutes; PML (N) 13 minutes; PTI 10 minutes; MQM 8 minutes.

The Election Commission on 8 August 2002 issued a Code of Conduct for the Electronic Media, aimed at ensuring that election coverage by the state broadcast media was fair, balanced and unbiased in favour of any political party. On foot of media reports of a media monitoring project which showed unbalanced PTV news coverage of political parties, the EC on 25th September called for a report from PTV, which it found satisfactory. The EUEOM regrets that the ECP did not take more proactive steps on this issue.

The EUEOM media monitoring found that most state television news coverage of political parties' activities was neutral in tone. However the main televised news broadcasts consistently promoted the governments' views on election-related activities. Controversial issues concerning the authorities were either downplayed or presented in a largely one-sided manner, with analysis and criticism of the constitutional amendments visibly absent. Broadcasts containing dissent or criticism of the authorities were the exception rather than the rule. The administration was often given free reign on state television to criticise the behaviour of past political rulers, including President Musharraf's inappropriate eve-of-election televised address to the nation.

The refusal of PTV's Censor Board to carry advertisements containing images of Ms Benazir Bhutto and her late father on the basis that its policy was not to project persons convicted by courts was questionable, particularly as PTV had earlier shown footage of both individuals in news reports.

Televised current affairs programmes appeared more balanced and a special Election Hour programme in which the main political parties were allocated equal time to discuss their manifestoes was a commendable development.

Newspapers and magazines in general exhibited a diversity of views, with forthright and varied comment, analysis and editorials. Political parties' activities as well as the actions of the government were given extensive coverage in the print media.

5. The manner in which registration of voters is conducted.

The completeness and accuracy of the voters' register were in doubt prior to the elections. The EUEOM teams reported that in a significant number of polling stations visited some voters were turned away because their names could not be found on the register. This could either have been due to the omission of names from the voters' register or the fact that voters may have gone to the wrong polling stations. Furthermore, as the current electoral system is based on a joint electorate, there is no reason why the Ahmadis should be on a separate voters' list.

Stakeholders also expressed serious concerns regarding the availability of the ID card necessary to vote. The EUEOM observers reported a few attempts to vote without an ID card, or with a photocopy of one. However, NADRA officials informed our observers that massive numbers of ID cards were never issued, in particular in the NWFP. This could have contributed to the low voter turnout.

6. *Any other issue concerning the essential freedom and fairness of the election.*

A fundamental prerequisite for a democratic election is that it should be held in a conducive legal and political environment aimed at motivating voters and producing fair results. The EUEOM welcomes some elements of the new legal framework, namely the reduction of voters' age from 21 to 18, the reserved seats for women in the National and Provincial Assemblies and the introduction of a joint electorate.

However, other aspects of the recently promulgated Legal Framework Order

- Seem to weaken the National and Provincial Assemblies and could lead to the concentration of power in the hands of a single individual, who can dismiss elected governments.
- Institutionalise the role of the military in the governance of the country through the National Security Council, which could subordinate civilian governments to military control.
- Overstep the limits set by the Judgment of the Supreme Court (12 May 2000), in that it alters the "salient features of the 1973 Constitution" from a parliamentary one to a presidential one.
- Introduce new qualification criteria for the nomination of candidates, some of which are not in accordance with international standards or are clearly targeting specific prominent politicians.

In particular, the requirement for candidates to have BA degrees deprives some 96% of Pakistan's citizens of the right to run for office and dilutes the representative nature of the country's democracy (Article 21, Universal Declaration of Human Rights). The implementation of other criteria, notably the provision that loan defaulters and convicts could not contest the election, was marked by a lack of uniformity. Last but not least, there are many indications that the disqualification of prominent politicians from the elections came about as a result of a government strategy. It should be noted that President Musharraf himself stated on the eve of the election (9 October 2002) that "almost 41% of the traditional faces have vanished due to the graduation condition". Furthermore, the person-specific provisions used against Ms Benazir Bhutto and Mr Nawaz Sharif were based on questionable legal grounds and clearly had a negative impact on the overall electoral process.

Only two days prior to polling day the government amended the Legal Framework Order 2002 to allow independent candidates to join political parties after the elections. It also introduced provisions for the disqualification of candidates, once elected, whose nominations had previously been accepted as valid. Altering the electoral system so close to polling day could have confused the electorate. Independent candidates had no possibility to clarify their status to the voters as the moratorium on campaign activities came into force only hours after the amendment was announced.

7. *The conduct of polling and counting of votes.*

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The EUEOM observers reported that most polling stations visited received all the necessary election material and opened on time. However, reports were also received that in a number of the visited polling stations the secrecy of the vote was compromised. Additionally, in some polling stations the staff only sporadically checked whether voters already had ink on their fingers prior to issuing them with a ballot paper. These shortcomings appeared to be nothing more than the consequence of inadequate training and administrative arrangements. In spite of these shortcomings, the overall impression was that the training of staff seemed to have paid dividends. The EUEOM was impressed by the dedication and commitment of polling station staff in discharging their duties under often-difficult conditions.

The EUEOM was concerned at the almost complete lack of voter education activities carried out by the ECP in the provinces. Centrally, the Election Commission produced a voter education video broadcast on national television and placed public information advertisements in the newspapers and on radio and television urging voters to exercise their franchise. Even though the UNDP and others organised a civil society-based voter education campaign, this could not compensate for the inadequate effort of the ECP.

The aggregation of votes displayed a number of shortcomings due to inadequate training of the returning officers and the lack of adequate facilities. This denied party agents the opportunity to follow the aggregation of results. However, it is important to add that in many cases party agents were not present to follow the aggregation process.

Conclusion

The holding of a general election does not of itself guarantee the establishment of democracy. True democracy must ultimately lead to good governance. Successive civilian and military governments in Pakistan have failed in this regard.

Any abuse of power, whether for monetary gain or anything else, should be addressed by firm and impartial application of the rule of law, not by unjustified interference with electoral arrangements and the democratic process.

Regrettably, in choosing the latter course, the Pakistan authorities engaged in a course of action which resulted in serious flaws in the electoral process.

Additionally, the restoration of democracy in this country is about the transfer of power from a military to a civilian administration. The powers that have been reserved to the president and the National Security Council raise serious questions as to whether or not this will happen.

The EUEOM hopes that following the completion of this election, all parties will work together to achieve the establishment of good governance in Pakistan.

ANNEX 3: ELECTION DAY SURVEY

European Union Election Observation Mission to Pakistan 2002

Election Day Survey³⁰

	Good to Very Good	Bad to Very Bad
Opening	72%	28%
Polling	87%	13%
Counting	97%	3%

1. ELECTION OBSERVATION REPORT – OPENING FORMS

88 EU Observers witnessed the opening of 39 polling stations on October 10th 2002.

The result of the observation shows that:

All members of the polling staff were present to prepare for the opening in **95%** of visited polling stations.

All polling agents were present in **97%** of visited polling stations.

The sealed bag holding sensitive material was opened in the presence of Polling Agents in **87%** of visited polling stations.

Polling agents were allowed to check that all ballot paper books are complete in **77%** of visited polling stations.

Polling agents were offered to sign a certificate certifying that ballots are accounted for in **54%** of visited polling stations.

The polling station received all the necessary material from PEC in **95%** of visited polling stations.

The ballot boxes were verified to be empty and then properly sealed in **90%** of visited polling stations.

Polling agents were offered to sign a certificate certifying that ballot boxes are sealed in **59%** of visited polling stations.

Polling station opened on time in **38%** of visited polling stations.

There was cause for complaint or registered complaints in **18%** of visited polling stations.

Opening of Polling Station was considered **very good** in **10%** of visited polling stations.

Opening of Polling Station was considered **good** in **62%** of visited polling stations.

Opening of Polling Station was considered **bad** in **23%** of visited polling stations.

Opening of Polling Station was considered **very bad** in **5%** of visited polling stations.

2. ELECTION OBSERVATION REPORT – POLLING FORMS

³⁰ Statistics provided in the report are based on 37 Opening of Poll Forms, 35 Counting Forms and 79 Consolidation Sheets for Polling Forms collected by the EU EOM on Election Day.

88 EU Observers visited 483 polling stations by 17.00 on October 10th 2002.

The result of the observation shows that:

There was active campaigning on Election Day in **20%** of the polling stations visited.
There was campaign material within 100 yards from the Polling Station in **47%** of the polling stations visited.
There were party campaign kiosk within 400 yards from the Polling Station in **53%** of the polling stations visited.
The officials checked the National Identity Cards in **93%** of the polling stations visited.
The voter register was marked in **91%** of the polling stations visited.
The officials check for indelible ink on the thumb/elsewhere in **81%** of the polling stations visited.
The officials appropriately issued ballot paper 1 in **92%** of the polling stations visited.
The officials appropriately issued ballot paper 2 in **88%** of the polling stations visited.
The ballot papers were marked in secrecy in **82%** of the polling stations visited.
"Family voting" was observed in **11%** of the polling stations visited.
Voters requiring assistance were aided in the proper manner in **36%** of the polling stations visited (Information not applicable in 56% of the polling stations visited)
Everybody was found in the voters' register in **74%** of the polling stations visited.
People NOT in the register were permitted to vote in **7%** of the polling stations visited (information not applicable in 44% of the polling stations visited)
People without NIC card were allowed to vote in **2%** of the polling stations visited (information not applicable in 40% of the polling stations visited)
Voter intimidation was observed in **7%** of the polling stations visited.
The ballot boxes were properly sealed in **92%** of the polling stations visited.
The ballot boxes were properly displayed and in view in **95%** of the polling stations visited.
The layout of the polling station allowed an easy flow of voters in **79%** of the polling stations visited.
Domestic observers were present **12%** of the polling stations visited.
Party agents were present in **91%** of the polling stations visited.
Domestic observers and/or Polling Agents complaint to EU observers **10%** of the polling stations visited.
Unauthorized persons present in the polling station in **15%** of the polling stations visited.
There was cause for complaint or complaint registered in **16%** of the polling stations visited.

Polling was considered **very good** in **28%** of the polling station visited.
Polling was considered **good** in **59%** of the polling station visited.
Polling was considered **bad** in **8%** of the polling station visited.
Polling was considered **very bad** in **5%** of the polling station visited.

3. ELECTION OBSERVATION REPORT – COUNTING FORMS

88 EU observer witnessed the counting in 37 polling stations on October 10th 2002.

The result of the observation shows that:

People in the queue were allowed to vote in **54%** of the visited polling stations (information not applicable in 43% of the polling stations visited)
The counting process started immediately following the close of poll in **92%** of the visited polling stations.

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The Ballot Papers were counted in an open and transparent manner in **100%** of the visited polling stations.

The presiding officer handled the Doubtful Ballot Papers according to the rules in **97%** of the visited polling stations.

Challenged ballot papers were included in the count in **24%** of the visited polling stations (information not applicable in 22% of the polling stations visited)

Tendered ballot papers were included in the count in **11%** of the visited polling stations (information not applicable in 30% of the polling stations visited)

The Polling Agents received a copy of the *Statement of the Count Form* in **97%** of the visited polling stations.

A copy of the *Statement of the Count Form* was pasted outside the polling station in **56%** of the visited polling stations.

A copy of the *Statement of the Count Form* was sent to the Returning Officer **97%** of the visited polling stations.

Domestic observers were present in **5%** of the visited polling stations.

Polling Agents were present in **100%** of the visited polling stations.

Counting was considered **very good** in **35%** of the visited polling stations.

Counting was considered **good** in **62%** of the visited polling stations.

Counting was considered **bad** in **3%** of the visited polling stations.

Counting was considered **very bad** in **0%** of the visited polling stations.

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ANNEX 4: NATIONAL ASSEMBLY RESULTS

STATEMENT SHOWING PARTYWISE POSITION OF RETURNED CANDIDATES IN EACH PROVINCE, FATAs AS WELL AS ISLAMABAD

S.NO	PARTY NAME	NWFP	FATA	ISLAMABAD	PUNJAB	SINDH	BALUCHISTAN	TOTAL
1	BALUCHISTAN NATIONAL PARTY	0	0	0	0	0	1	1
2	JAMHOORI WATTAN PARTY	0	0	0	0	0	1	1
3	MUHAJIR QAUMI MOVEMENT PAKISTAN	0	0	0	0	1	0	1
4	MUTTAHIDDA MAJLIS-E-AMAL PAKISTAN	29	0	1	3	6	6	45
5	MUTTAHIDDA QAUMI MOVEMENT	0	0	0	0	13	0	13
6	NATIONAL ALLIANCE	0	0	0	7	5	1	13
7	PAKISTAN AWAMI TEHREEK	0	0	0	1	0	0	1
8	PAKISTAN MUSLIM LEAGUE(F)	0	0	0	0	4	0	4
9	PAKISTAN MUSLIM LEAGUE(J)	0	0	0	2	0	0	2
10	PAKISTAN MUSLIM LEAGUE(N)	0	0	0	14	0	0	14
11	PAKISTAN MUSLIM LEAGUE(QA)	4	0	0	68	4	2	78
12	PAKISTAN MUSLIM LEAGUE(Z)	0	0	0	1	0	0	1
13	PAKISTAN PEOPLES PARTY (SHERPAO)	2	0	0	0	0	0	2
14	PAKISTAN PEOPLES PARTY PARLIAMENTARIANS	0	0	1	35	27	0	63
15	PAKISTAN SHIA POLITICAL PARTY	0	0	0	1	0	0	1
16	PAKISTAN TEHREEK-E-INSAF	0	0	0	1	0	0	1
	TOTAL NUMBER OF PARTIES CANDIDATES	35	0	2	133	60	11	241
17	TOTAL NUMBER OF INDEPENDENT CANDIDATES	0	12	0	15	1	1	29
	TOTAL CANDIDATES	35	12	2	148	61	12	270
18	REPOLL/BYE-ELECTION DUE (NA- 262, 263)	0	0	0	0	0	2	2
	GRAND TOTAL	35	12	2	148	61	14	272

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STATEMENT SHOWING PARTYWISE POSITION OF RETURNED CANDIDATES IN EACH PROVINCE, FATAs AS WELL AS ISLAMABAD

S.NO	PARTY NAME	NWFP	FATA	ISLAMABAD	PUNJAB	SINDH	BALUCHISTAN	TOTAL
1	BALUCHISTAN NATIONAL PARTY	0	0	0	0	0	1	1
2	JAMHOORI WATTAN PARTY	0	0	0	0	0	1	1
3	MUHAJIR QAUMI MOVEMENT PAKISTAN	0	0	0	0	1	0	1
4	MUTTAHIDDA MAJLIS-E-AMAL PAKISTAN	29	0	1	3	6	6	46
5	MUTTAHIDDA QAUMI MOVEMENT	0	0	0	0	13	0	13
6	NATIONAL ALLIANCE	0	0	0	7	5	1	13
7	PAKISTAN AWAMI TEHREEK	0	0	0	1	0	0	1
8	PAKISTAN MUSLIM LEAGUE(F)	0	0	0	0	4	0	4
9	PAKISTAN MUSLIM LEAGUE(J)	0	0	0	2	0	0	2
10	PAKISTAN MUSLIM LEAGUE(N)	0	0	0	14	0	0	14
11	PAKISTAN MUSLIM LEAGUE(QA)	4	0	0	69	4	2	92
12	PAKISTAN MUSLIM LEAGUE(Z)	0	0	0	1	0	0	1
13	PAKISTAN PEOPLES PARTY (SHERPAO)	2	0	0	0	0	0	2
14	PAKISTAN PEOPLES PARTY PARLIAMENTARIANS	0	0	1	35	27	0	64
15	PAKISTAN TEHREEK-E-INSAF	0	0	0	1	0	0	1
	TOTAL NUMBER OF PARTIES CANDIDATES	35	0	2	133	60	11	241
16	TOTAL NUMBER OF INDEPENDENT CANDIDATES	0	12	0	2	0	0	14
	TOTAL CANDIDATES	35	12	2	135	60	11	255
17	REPOLL/BYE-ELECTION DUE (NA- 262, 263)	0	0	0	0	0	2	2
	GRAND TOTAL	35	12	2	148	61	14	272

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STATEMENT SHOWING PARTYWISE POSITION OF RETURNED CANDIDATES IN THE NATIONAL ASSEMBLY (PER PROVINCES, FATAs AS WELL AS ISLAMABAD, INCLUDING SET ASISDE SEATS FOR WOMEN AND NON-MUSLIMS)

Table based on information provided by the ECP on 06/11/2002

S.NO	PARTY NAME	NWFP	FATA	ISLAMABAD	PUNJAB	SINDH	BALUCHISTAN	TOTAL	INDEPENDENTS	WOMEN	NON-MUSLIMS	TOTAL
1	BALUCHISTAN NATIONAL PARTY	0	0	0	0	0	1	1	0	0	0	1
2	JAMHOORI WATTAN PARTY	0	0	0	0	0	1	1	0	0	0	1
3	MUHAJIR QAUMI MOVEMENT PAKISTAN	0	0	0	0	1	0	1	0	0	0	1
4	MUTTAHIDDA MAJLIS-E-AMAL PAKISTAN	29	0	1	3	6	6	45	1	12	2	60
5	MUTTAHIDDA QAUMI MOVEMENT	0	0	0	0	13	0	13	0	3	1	17
6	NATIONAL ALLIANCE	0	0	0	7	5	1	13	0	3	0	16
7	PAKISTAN AWAMI TEHREEK	0	0	0	1	0	0	1	0	0	0	1
8	PAKISTAN MUSLIM LEAGUE(F)	0	0	0	0	4	0	4	0	1	0	5
9	PAKISTAN MUSLIM LEAGUE(J)	0	0	0	2	0	0	2	0	1	0	3
10	PAKISTAN MUSLIM LEAGUE(N)	0	0	0	14	0	1	15	0	3	1	19
11	PAKISTAN MUSLIM LEAGUE(QA)	4	0	0	69	4	2	79	13	22	4	118
12	PAKISTAN MUSLIM LEAGUE(Z)	0	0	0	1	0	0	1	0	0	0	1
13	PAKISTAN PEOPLES PARTY (SHERPAO)	2	0	0	0	0	0	2	0	0	0	2
14	PAKISTAN PEOPLES PARTY PARLIAMENTARIANS	0	0	1	35	27	0	63	1	15	2	81
16	PAKISTAN TEHREEK-E-INSAF	0	0	0	1	0	0	1	0	0	0	1
	TOTAL NUMBER OF PARTIES CANDIDATES	35	0	2	133	60	12	242	15	60	10	326
17	NUMBER OF INDEPENDENT CANDIDATES	0	12	0	2	0	0	14	0	0	0	14
	TOTAL CANDIDATES	35	12	2	135	60	12	256	15	60	10	341
18	REPOLL/BYE-ELECTION DUE (NA- 262, 263)	0	0	0	0	0	1	1	0	0	0	1
	TOTAL	35	12	2	148	61	14	272	15	60	10	342

ANNEX 5: PROVINCIAL ASSEMBLY RESULTS

Provincial Assembly NWF Province

S.NO.	PARTY NAME	TOTAL	WOMEN	NON-MUSLIM	GRAND TOTAL
1	Awami National Party	8	2	0	10
2	Muttahidda Majlis-e-Amal Pakistan	52	13	1	65
3	Swabi Qaumi Mahaz	1	0	0	1
4	Pakistan Muslim League (N)	4	1	0	5
5	Pakistan Muslim League(QA)	8	2	0	10
6	Pakistan Peoples Party (Sherpao)	10	2	1	13
6	Pakistan Peoples Party Parliamentarians	8	2	0	10
7	Pakistan Tehreek-e-Insaf	1	0	0	1
	TOTAL PARTY CANDIDATES	92	22	2	116
	INDEPENDENTS	7	0	0	7
	VACANT	0	0	1	1
	GRAND TOTAL CONSTITUENCY SEATS	99	22	3	124

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Provincial Assembly Balochistan Province

S.NO.	PARTY NAME	TOTAL	WOMEN	NON-MUSLIM	GRAND TOTAL
1	Balochistan National Democratic Party	1	0	0	1
2	Balochistan National Movement	3	1	0	4
3	Balochistan National Party	2	0	0	2
4	Jamhoori Wattan Party	3	1	0	4
5	Muttahidda Majlis-e-Amal Pakistan	14	3	1	18
6	National Alliance	5	1	1	7
7	Pakistan Muslim League(QA)	15	4	1	20
8	Pakistan Peoples Party Parliamentarians	2	0	0	2
9	Pakistan Pakhtoonkhawa Milli Awami Party	2	1	0	3
	TOTAL PARTY CANDIDATES	47	11	3	61
	INDEPENDENTS	1	0	0	1
	POSTPONED REPOLL	2	0	0	2
	ENQUIRY	1	0	0	1
	GRAND TOTAL CONSTITUENCY SEATS	51	11	3	65

Provincial Assembly Punjab Province

S.NO.	PARTY NAME	TOTAL	WOMEN	NON-MUSLIM	GRAND TOTAL
1	Muttahidda Majlis-e-Amal Pakistan	9	2	0	11
2	National Alliance	12	3	0	15
3	Pakistan Muslim League (J)	3	1	0	4
4	Pakistan Muslim League (Jinnah)	3	1	0	4
5	Pakistan Muslim League (N)	38	8	1	47
6	Pakistan Muslim League(QA)	167	37	5	209
7	Pakistan Muslim League (Z)	1	0	0	1
8	Pakistan Peoples Party Parliamentarians	63	14	2	79
	TOTAL PARTY CANDIDATES	296	66	8	370
	INDEPENDENTS	0	0	0	0
	VACANT	0	1	0	1
	GRAND TOTAL CONSTITUENCY SEATS	296	67	8	371

Provincial Assembly Sindh Province

S.NO.	PARTY NAME	TOTAL	WOMEN	NON-MUSLIM	GRAND TOTAL
1	Mohajar Qaumi Movement Pakistan	1	0	0	1
2	Muttahidda Majlis-e-Amal Pakistan	8	2	0	10
3	Muttahidda Qaumi Movement	31	7	2	40
4	National Alliance	12	3	1	16
5	Pakistan Muslim League (F)	9	2	1	12
6	Pakistan Muslim League(QA)	14	3	1	18
7	Pakistan Peoples Party Parliamentarians	51	12	4	67
	TOTAL PARTY CANDIDATES	126	29	9	164
	INDEPENDENTS	2	0	0	2
	RECOUNTING	2	0	0	2
	GRAND TOTAL CONSTITUENCY SEATS	130	29	9	168

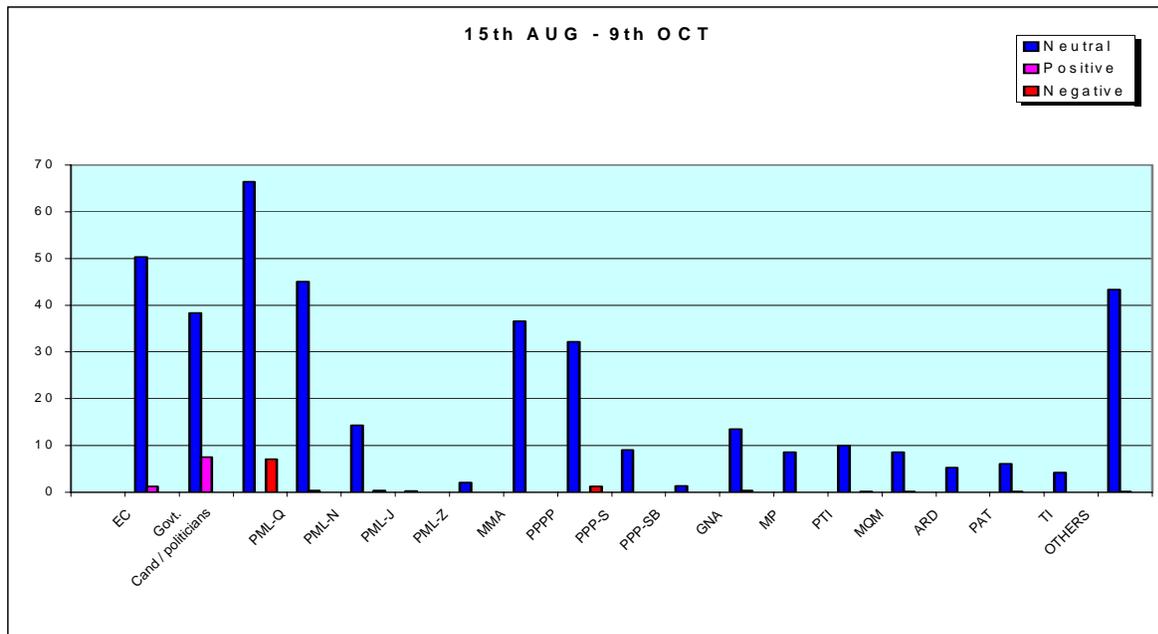
ANNEX 6: MEDIA MONITORING

Time allocated to Election Coverage and Political Parties on PTV 9pm Khabarnama News (15 Aug - 9 Oct)

Figure 1

Party	Neutral	Positive	Negative
	minutes		
EC	50,34	1,28	
Govt.	38,35	7,53	
Cand / poli	66,45		7,02
PML-Q	45,06	0,35	
PML-N	14,29		0,35
PML-J	0,24		
PML-Z	2,04		
MMA	36,53		
PPPP	32,17		1,23
PPP-S	9,06		
PPP-SB	1,36		
GNA	13,53	0,35	
MP	8,54		
PTI	10,05		0,2
MQM	8,55	0,15	
ARD	5,23		
PAT	6,05	0,15	
TI	4,23		
OTHERS	43,4	0,14	
TOTAL:	6.39.07	11,15	9,02

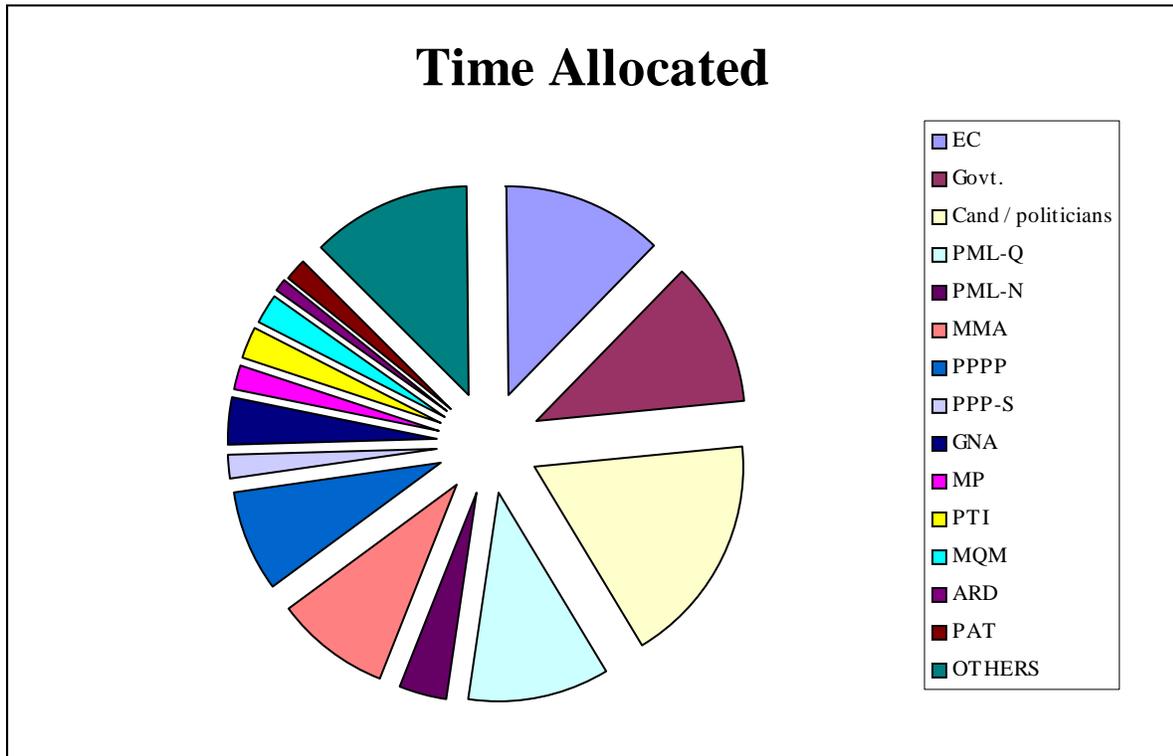
NEUTRAL: 6 hours, 39 min & 7
POSITIVE: 11 min & 15 sec.
NEGATIVE: 9 min & 2 sec.



Time allocated to Election Coverage and Political Parties on PTV 9pm Khabarnama News -Figure 2
 (15 Aug - 9 Oct 2002)

Figure 2

PARTIES	TOTAL minutes
EC	52,02
Govt.	46,28
Cand / poli	73,47
PML-Q	45,41
PML-N	15,04
MMA	36,53
PPPP	32,4
PPP-S	9,06
GNA	14,28
MP	8,54
PTI	10,25
MQM	9,1
ARD	5,23
PAT	6,2
OTHERS	52,21

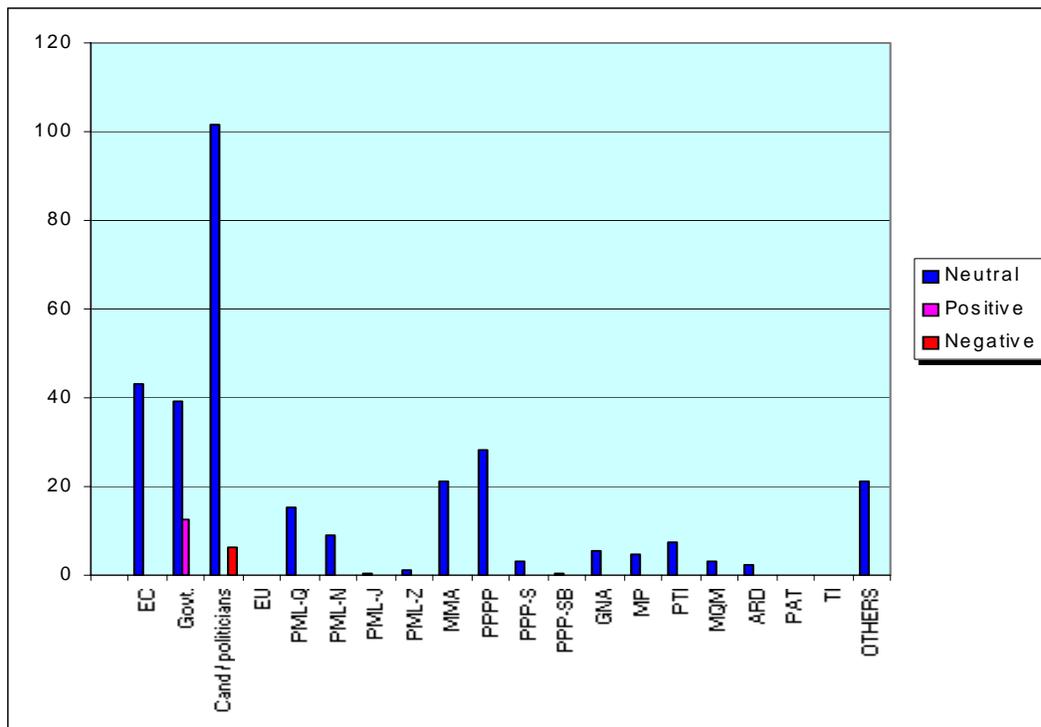


Time allocated to Election Coverage and Political Parties on PTV World 10pm
 (15 Aug - 9 Oct 2002)

Figure 3

Party	Neutral	Positive	Negative
	minutes		
EC	43,3		
Govt.	39,25	12,37	
Cand / poli	101,44		6,4
EU			
PML-Q	15,45		
PML-N	9,04		
PML-J	0,43		
PML-Z	1,34		
MMA	21,28		
PPPP	28,05		
PPP-S	3,28		
PPP-SB	0,41		
GNA	5,46		
MP	4,59		
PTI	7,55		
MQM	3,01		
ARD	2,46		
PAT	0		
TI			
OTHERS	21,09		
TOTAL:	5.20.03	12,37	6,4

NEUTRAL: 5 hours, 20 min & 03 sec.
POSITIVE: 12 min & 37 sec.
NEGATIVE: 6 min & 40 sec.

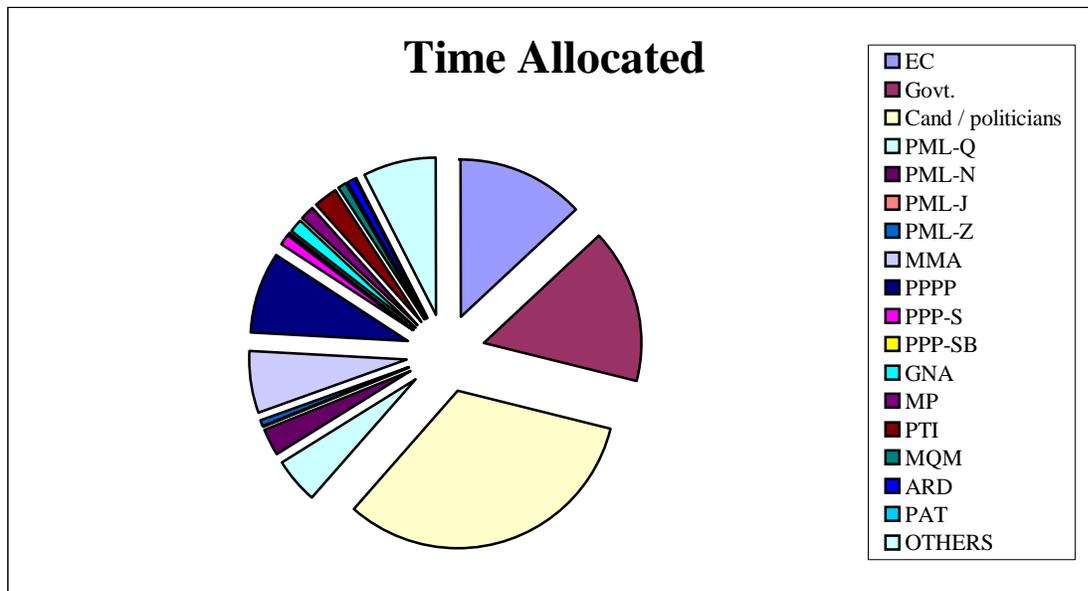


Time allocated to Election Coverage and Political Parties on PTV World 10pm
 (15 Aug - 9 Oct 2002)

Figure 4

Party	TOTAL minutes
EC	43,3
Govt.	52,02
Cand / poli	108,24
PML-Q	15,45
PML-N	9,04
PML-J	0,43
PML-Z	1,34
MMA	21,28
PPPP	28,05
PPP-S	3,28
PPP-SB	0,41
GNA	5,46
MP	4,59
PTI	7,55
MQM	3,01
ARD	2,46
PAT	0
OTHERS	25,21

NOTE:
 Other include 21.09 PLUS
 PML-J: .43 sec.
 PML-Z: 1.34 sec.
 PPP-S: 3.28 sec.
 PPP-SB: 0.41 sec.
 MP: 4.50 sec.
 MQM: 3.01 sec.
 ARD: 2.46 sec.
TOTAL: 25.21 sec.



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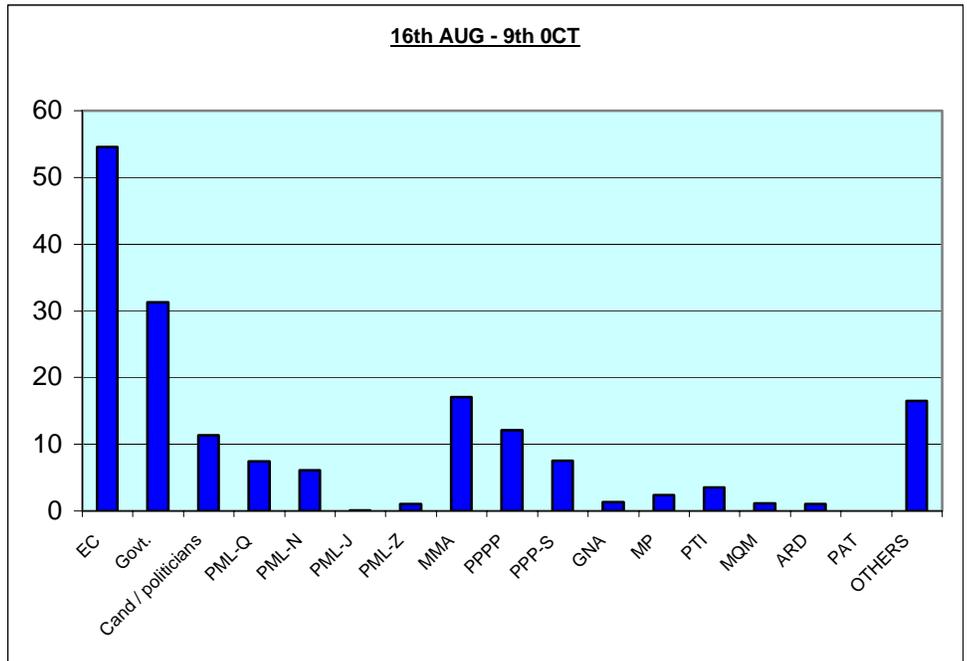
Time allocated to Election Coverage and Political Parties on Radio Pakistan 8pm news
(16 Aug - 9 Oct 2002)

Figure 5

Party	Neutral	Positive	Negative
	(in minutes)		
EC	54,54		
Govt.	31,33		
Cand / poli	11,34		
PML-Q	7,42		
PML-N	6,07		
PML-J	0,12		
PML-Z	1,04		
MMA	17,12		
PPPP	12,13		
PPP-S	7,5		
GNA	1,34		
MP	2,41		
PTI	3,55		
MQM	1,1		
ARD	1,03		
PAT	0		
OTHERS	16,47		

TOTAL: 2.57.31

NEUTRAL: 2 hours, 57 min & 31 sec
POSITIVE: NONE
NEGATIVE: NONE



Time allocated to Election Coverage and Political Parties on Radio Pakistan on 8pm news
 (16 Aug - 9 Oct 2002)

Figure 6

