

Election Support Group (ESG)

Summary of Electoral Reform Recommendations for Pakistan 2009

Pakistan has a turbulent democratic history, alternating between elected governments and military regimes since 1947. The future prosperity and stability of Pakistan will depend on the existence of a functional political system. Regular free and fair elections are an essential component of an effective political system. While improvements were seen in the 2008 Parliamentary Elections, as compared to the 2002 Parliamentary Elections, significant electoral reform is still required to achieve elections that meet the international norms expected from a democracy, and which truly contribute to political stability. Comprehensive electoral reforms must be implemented without delay, while imminent elections are not looming and when there is an opportunity to analyze, decide, legislate and implement the changes needed.

The ESG is a forum of international entities supporting the strengthening of all aspects of the electoral environment in Pakistan. Its members include diplomatic missions, international donor organizations and implementing partners such as international NGOs in the country. IFES Pakistan acts as the Secretariat for this group.

In this summary the ESG presents 32 key electoral reform recommendations. These recommendations summarize sixteen reports on the electoral process issued between 2006 and 2008, over 600 pages with 318 recommendations, from a broad range of respected national and international stakeholders. These include Democracy International (DI), the UK Department of International Development (DFID), the Election Commission of Pakistan (ECP), the European Union Election Observation Mission (EUEOM), the Free and Fair Election Network (FAFEN), the International Foundation for Electoral Systems (IFES), the International Republican Institute (IRI), the National Democratic Institute (NDI), the Pakistan Coalition for Free, Fair and Democratic Elections (PACFREL), the Pakistan Institute for Legislative Development and Transparency (PILDAT), and the United Nations Development Program (UNDP).

All of the 318 recommendations, which form the basis of the “Summary of Electoral Reform Recommendations for Pakistan 2009” are documented in the “Compendium of Electoral Reform Proposals” also developed by the ESG. Both reports are available at www.ifespakistan.org/esg.

While many of the reforms proposed require legislative changes, several reforms can be implemented by the Election Commission of Pakistan (ECP) as an independent institution without the need for outside approval. The ESG encourages the ECP to move forward without delay on these issues.

Below are listed the key areas that should be considered for electoral reform in Pakistan.

1. **Election laws should be unified:** Elections are regulated through a multitude of legal instruments. There is consensus that these instruments should be reviewed and harmonized into a single (or few) election law(s).
2. **The ECP should be able to issue legally binding regulations:** While doing so, only the issues requiring legislation should be included in the new law(s). It is preferable that operational and procedural issues relating to elections are left to the ECP. The ECP should have a strengthened mandate to issue regulations with legally binding power on such administrative issues.

3. **Ordinances should be elevated to law:** Presidential ordinances relating to elections should be assessed and the relevant ones should be elevated to (inclusion in) law. An example is the ordinance that makes local government elections the responsibility of the ECP, this ordinance will otherwise expire after the 2009 local government elections.
4. **Lawmakers should interact closely with the ECP:** The ECP should develop strong ties with the Parliamentary committees working on developing electoral laws and the relevant departments of the Ministry of Law drafting electoral laws in order to proactively promote the required changes to the electoral laws, e.g. through the establishment of joint working groups.
5. **Interaction with government actors should be strengthened:** The ECP should develop standing protocol agreements with key government agencies in relation to use of resources for electoral purposes and exchange of data, such as records of voters moving address, coming of age, passing away or being declared mentally unsound. In particular ECP should strengthen interaction with the National Database and Registration Authority (NADRA) with regards to data exchange, and with the Ministry of Interior in relation to police functions in the electoral context.
6. **Candidacy in more than one constituency should be disallowed:** Candidates should not be allowed to contest elections in more than one constituency. The current provision results in many by-elections, which is both democratically and economically questionable.
7. **Marginalized groups should have stronger representation.** There should be better provisions for direct election to reserved seats for women and minorities.
8. **The independence of the ECP should be strengthened:** The ECP should be independent and autonomous. Currently the ECP legally speaking has substantial autonomy. It is a constitutional body. The ECP should more firmly exercise this autonomy.
9. **Appointments to the election commission should be made more transparent and open:** Appointment of the members of the election commission and the Chief Election Commissioner (CEC) should be made through broad consultation and it should not be a requirement that the members of the election commission are judges, sitting or retired.
10. **The organization of the ECP should be improved:** The ECP should evaluate its organizational design on all levels, including field structure. In particular it should dedicate more resources to legal council, training and complaint units.
11. **A strategic plan should be developed for election activities:** The ECP should develop a strategic plan for the next electoral cycles for each type of election. The plan should encompass all phases, operational aspects, and take into account stakeholder interaction.
12. **Consultations between ECP and stakeholders such as political parties should become more regular and frequent:** The electoral process should be more transparent. The ECP can lead the way in this, starting with the establishment of regular consultations with political parties, civil society and media. For political party interaction a classic "Political Party Consultative Forum" model should be considered. The ECP should publicize its deliberations and decisions. A good starting point would be public consultations on the electoral reform initiatives – the administrative as well as legislative reform issues.
13. **Media interaction and participation in the electoral process should be improved:** Regular press briefings would facilitate a more informed reporting on the electoral process. Media must have freedom of expression and in return provide unbiased

campaign coverage, including state owned media. Campaign regulations should ensure unbiased access for parties and candidates to media.

14. **The website of the ECP should be used more:** The ECP should use the Internet to increase transparency about its activities and elections in general. This could include publication of ECP decisions, press releases, voter education material in general, voter lists, assignment to polling stations, complaint tracking and timely election results.
15. **Women participation should be strengthened:** The participation of women should be strengthened. This could include targeted civic education, dedicated polling stations, and more female registration and polling staff. The ECP should include more women in regular staff, in management positions and in the election commission itself. It should consider establishing a dedicated unit for women's empowerment.
16. **Capacity building of ECP permanent staff should be increased:** The ECP should have a comprehensive capacity building program for its staff. It should be ongoing and encompass international best practices for election administration. This should be achieved partly by re-opening the ECP Election Academy. This Academy could then, as a significant part of its curriculum, consider the internationally recognized and UN authorized BRIDGE election administrators course and certification.
17. **Training should be enhanced for internal and external stakeholders:** Cascaded training of electoral staff on registration and election day procedures should be improved. The ECP should also facilitate training of observers, agents and security personnel through the provision of procedures and other materials to third parties conducting training such as NGOs.
18. **Electoral staff recruitment should become more open and transparent:** Recruitment of returning officers and other election staff should be opened up beyond the current limitations and be made more transparent. In particular the use of the judiciary and appointment of civil servants that might be put in a situation where their regular duty interferes or poses a conflict of interest with their election duties should be avoided.
19. **Computerized electoral rolls should replace manual rolls:** A top priority for upcoming elections should be the improvement of the electoral rolls. The first element of improving the electoral rolls is to make the Computerized Electoral Rolls System (CERS) fully operational. A detailed plan for data collection through various means – including enumeration, display and data exchange with NADRA – should be developed with a view to improving the rolls for the 2009 local government elections and full computerization no later than the next general elections.
20. **Display of voter lists should be improved:** Display of the draft electoral rolls should be improved. The rolls should be easily accessible for all voters to ascertain that they are duly registered and to know the location of their polling station well ahead of election day. The draft and final rolls should be available to all political parties as part of their legitimate observation of the electoral process. When the rolls are computerized all stakeholders should have electronic access to the rolls.
21. **NADRA data should be used for electoral purposes:** NADRA's database of CNIC's should be used to improve the electoral rolls. The electoral rolls should remain in the custody of the ECP as a separate register, but the register can be validated and augmented using NADRA data. Exchange of data between NADRA and ECP will require legislation, but NADRA and ECP can work already now on establishing the technical framework for interfacing.

22. **CNIC should be free for all:** NADRA should increase its efforts to issue CNIC to all eligible voters in order for this eventually to be used as the only identification accepted for voting.
23. **Polling stations should be assigned earlier:** The ECP must assign voters to polling stations, including any voters that have been augmented from NADRA. Polling stations locations and assignment of voters should be finalized and publicized in reasonable time before election day, and thereafter not changed before election day. A voter's assignment should not change between elections unless the voter has moved address.
24. **Constituencies should be reassessed to create more fair distribution of voters:** Constituency boundary delimitation should be reassessed to make constituencies more equal in population size. The boundaries should be clearly defined and publicized. As the next national census should take place before the next scheduled general elections it will be feasible to follow the regular timeline of delimitation following the census.
25. **Observers should have better access:** Access for agents and observers to all parts of the electoral process in general and to the tabulation of results in particular should be improved, including tabulation in the office of the Returning Officer.
26. **Count and results processes should be improved and made more transparent:** The count and result aggregation processes should be improved, both to ensure the transparency of the process and to enable publication of results sooner after the close of polls. Part of the solution to this would be the improvement of the electronic results reporting system.
27. **Polling station results must be made public:** Election results should be published by polling station, both physically at the polling station and on the ECP website. This must include provisions to ensure that secrecy of the vote is intact, e.g. through combining results from very small polling stations. The publication should take place immediately after the results are available.
28. **Campaign financing regulations should be strengthened and enforced:** Regulations regarding campaign expenditures should be strengthened and appropriate mechanisms for monitoring and enforcement of the campaign expenditure regulations be provided for.
29. **Political parties should become more democratic:** The political parties are strongly encouraged to enhance their internal party democracy and to align their political platforms around issues rather than personalities.
30. **The code of conduct for political parties should be improved:** Consultations with political parties should eventually encompass development of a new code of conduct. This new code should include complaint and enforcement mechanisms. All parties should commit to upholding the code of conduct and the ECP should enforce it.
31. **State and Government agencies should remain neutral in the electoral process:** Particularly security agencies should remain neutral and not interfere in the electoral process.
32. **Electoral dispute resolution should be more swift and transparent:** The way complaints are being dealt with must be improved significantly. The process must be transparent, fast, neutral and result in actions that are perceived as timely and fair. Complaint adjudication should be assigned dedicated resources during the electoral process. Resolution mechanisms must encompass all stakeholders, including individual citizens, and cover all electoral phases, including candidate nomination, voter registration, campaign, polling, count and result tabulation.

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