



NOTA ON THE BALLOT

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'None of the above' (NOTA), 'against all' or a 'scratch' vote, is an option on the ballot in some countries. I have not been able to find sufficient information about the number of countries that offer this option but the list does include Ukraine, India, and at least a dozen European countries. This option for the electorate is designed to allow voters to indicate disapproval of all the candidates on offer for an election cycle. It is based on the principle that consent requires the ability to withhold consent in an election, just as the option of voting 'no' on ballot questions or referendums signals. This option is not the same as the electorate abstaining from the polls, where a voter does not cast a ballot. NOTA on the ballot and its outcomes can also provide estimates on general perceptions of socioeconomic factors, the support for democracy, and trust in institutions.

Research has found that NOTA on the ballot reduces invalid balloting more than abstention and much more than protest party voting. More interestingly, studies on NOTA on the ballots suggest that NOTA is related to socioeconomic status, political interest, political knowledge and distrust in political institutions and authorities, but not to broadly undemocratic attitudes. This is a very important point to note for Pakistan. Many anti-NOTA voices have argued in court and in discourse that NOTA on the Pakistani ballot would allow undemocratic forces to manipulate voting outcomes. I find this a spurious argument, which undermines the agency of the millions of vulnerable citizens in showcasing their dissent when they enter the voting box in privacy.

Pakistan has at best 30% of its electorate show up for polls. In a country which is highly fractured and distrusts its rulers, it is imperative the vulnerable democratic processes are strengthened. Keeping that very objective in mind, NOTA on the ballot would increase voter turnout, reducing the abstention and invalid voting, and reduce the growing distrust of political institutions-democratically. In the absence of serious electoral reform, this is a necessary step in strengthening and deepening the relationship between the electorate and the governors of Pakistan.

NOTA is an option that is required in an environment where trust has been completely eroded. Pakistan is a democracy only in name. It has a constitution which has been arbitrarily amended multiple times, disregarded, suspended, and disrespected in so many forms that it is impossible to keep count. On the other hand, the mantra of rule of law is constantly peddled by opportunistic politicians when convenient – particularly while signaling their suitability to 'permanent' powers.

This circus must end. Reform must be seen.

How do we begin change where there are no change agents? In a democratic process? Democratically. Through the will of the adult population of Pakistan.

NOTA was introduced by the Left alliance parties a decade or two ago without any success in the courts or in Parliament. The latter naturally found it problematic to

have an option which would remove them from office. I believe Parliament legislating on NOTA is a conflict of interest. Perhaps in more evolved democracies it would not be, but in Pakistan – where office is power – any threats to entrenched interests would inevitably be shot down at all levels.

Therefore, NOTA's introduction in Pakistan would have to be through the courts looking at the option as a fundamental right of the citizen – part of the electoral process of choosing a representative for Parliament.

Let us look at a recent example. Our parliamentarians have conveniently woken up to judicial overreach and clipped the powers of suo moto of the Chief Justice of Pakistan: a move which should have come many years ago. The timing of this new legislation does matter. It is linked to allowing judicial review of convicted Nawaz Sharif and other political characters convicted on various crimes which have disqualified them from holding public office.

This is not an argument against restricting suo moto powers of the Chief Justice of Pakistan, but the convenient selective ring fencing of an individual power over the destiny of too many. Why didn't the parliamentarians go further and instruct the CJP to hold full benches on matters which concern the entire nation? For example, elections and scope of delays and processes that qualify or do not. Ill thought out legislation which feeds personal interests has been the history of our parliamentary focus.

Therefore, NOTA on Pakistan's ballot cannot be left to the Parliament to decide. It must be adjudicated by the honourable Justices on behalf of the people as enshrined in our fundamental rights to choose or reject our representatives in a democratic parliament. In a country where political parties are run like monarchies or family businesses or both, we need instruments to level the playing fields.

The electorate in Pakistan are quite exhausted after 50 years of democracy in form, with little substance in the outcomes of this circus. Their lives have not improved. Interrupted democracy has undoubtedly impeded development and stunted growth and maturity. But it is time we reform the electoral options for the process to have substantial meaning and legitimacy. It has become imperative for the populous to have incentives to remain democrats. Pakistan is reproducing at a rate unimaginable and unbridgeable divisions, if left to fester any longer, will only mean chaos.

How do we begin to dent this log jam in a system which refuses to break the elite capture or antipeople politics? We need an instrument to believe in the power of democracy. This is where NOTA becomes critical on the ballot.

Many countries have it as an option. It is an instrument which provides power in the hands of the voter. Pakistan's constitution has fundamental rights for its citizens: to exercise that right and voice it, this instrument must be available on the ballot. NOTA is an opinion by the electorate that must be documented and analyzed. Political parties must respond accordingly.

NOTA will also certainly encourage the non-participating electorate to come to the polls and participate in choosing their representative. An instrument which brings more eligible citizens to the polls cannot be discouraged or shunned. It is an instrument of deepening democracy and widening the participation of many marginalised opinions in our polity. Pakistan is a premodern, feudal, tribal society where many visible and invisible forces play and influence individual choice. This is even more true with women and other relatively more vulnerable segments of society. NOTA provides these voters an option to state their views on the record.

The House of Representatives must have the full support of the electorate. Legitimacy has to be based on both options on the ballot: to accept the list of candidates on offer or reject them. Currently the political parties give the electorate no options, they send the same candidates repeatedly despite the disastrous failures on display. They have no reason not to. There is nothing a vulnerable electorate can do. But NOTA changes all that.

NOTA votes manifests in multiple ways. If the number of votes on the NOTA option is highest, the candidates running from that particular constituency can be disqualified – either for life or a certain period of time. Alternatively, it may simply be noted without any impact: in which case it still serves to signal to political parties to choose better next time.

The actionable power of the NOTA vote varies, because the polity may need to educate the electorate on this option and the implications of this choice. Nevertheless, for Pakistan, I strongly urge that we at the very least offer it as an option on the ballot to record the sentiments of the electorate. I personally would advocate for an effective NOTA vote, where candidates are permanently disqualified from competing from constituencies where NOTA turned out to be the highest vote. This would force the political leadership to choose candidates that better reflect the desires of the people rather than a mere loyalist.

Political parties in Pakistan are not internally democratic. The permanent culture in our larger mainstream parties led by Zardari, Sharif, & Imran, decide who gets a ticket on the 600 odd MNA/MPA slots. Currently they are all rich men. Exceptions aside, this has been the norm. Do Pakistanis only constitute rich men? What is the likelihood of these rich men fighting for the rights of the poor in Pakistan? Do these supposedly enlightened men realise that power brings responsibility?

What we have seen since the inception of the PPP in

the 1968-1970 period, or the PMLN in the 1980s or even the ANP which predates Pakistan, and now PTI; is that they all have one structure of power: one person decides. His will overturns any and all party committees to decide important matters including tickets for elections. Bottom line: one king in each party distributes and allocates his largesse. Whether we see potential candidates run up the hill or fly to London or Bilawal House, the circle of power is transparently undemocratic. The considerations and criteria for candidates have remained as follows: family first, extended relationships second, who do I owe favors to third, who can afford to fund a campaign on his own money fourth and finally – and this is a heavy consideration – who is recommended by the permanent powers fifth. None of these is in the interests of the constituency. NOTA.

A cursory look at Pakistan's budgetary priorities over 75 years also reflects what our existing democratic system has chosen. Pakistan's investment in its people and their welfare is negligible. A polity, a democracy, where the electorate's welfare is at the bottom of pile priority is a pitiful one. To change this democratically, it must begin from the options on the ballot. There is a direct correlation between expanding the electorates power and the eventual results of our development indicators.

It is time to grant political opportunities to a new generation of representatives for the people; a chance to the millions of citizens that are part of the toiling working classes. Let them also participate in the governance of this country. NOTA can be the instrument of change. Don't we want more people voting and coming to the polls? We need a democratic instrument to encourage the eligible Pakistani voter to come and exercise their right to participate in the process of electing a representative of our destiny.

By excluding the NOTA, as Pakistani election laws have effectively, and knowingly done so, the state is effectively challenging the electorates rights by denying them their right to vote. Why deny this fundamental right? Difference of opinion(s) is a hallmark of a healthy vibrant society/polity. NOTA would provide more legitimacy to anyone who wins a seat! Let's not forget the instances of women being barred from casting their vote, or candidates 'winning' by 300 cast votes or similar ridiculous elections where there is no way a candidate can be considered an accurate representative of that constituency but is anyway.

If Pakistanis want to take some control over their destiny, I urge the public to demand for NOTA on the ballot. In an already polarised society, it is essential our next general and provincial elections has this option.

How many voters ponder about the point of elections in Pakistan? If we have an election without reforms, we the people will be responsible for bringing back the same failed politicians to do exactly as they have done all over again. Then why bother with an expensive futile exercise? How are we supposed to force genuine reform, democratically and without violence?

NOTA is one serious tool.

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