



ELECTORAL REFORM POST 2024

Abbas Moosvi

Pakistan's electoral history and domain of political contestation more broadly have, since independence, been marred by manipulation, foul play, and inaccessibility for ordinary citizens. While the 1970 elections were quite participatory in terms of voter turnouts, estimated in the 65-70% range, subsequent cycles saw dipping rates of voting – in the 35-40% range during the 1990 – before steadily climbing back up to around the 50% range following 2002. These dismal figures suggest the formation and formalization of a steadily growing gulf between the state apparatus on the one hand and its subjects on the other – which have lost faith and trust in the 'democratic' process of Pakistan. This is despite the 'youth bulge', commonly perceived as more politically active in the political process, indicating that the nature of engagement has shifted from street-level mobilization and/or electoral contestation and towards social media advocacy/lobbying. In this context, PIDE and LUMS collaboratively held a panel discussion at EconFest, 2024 to delve into the structural and procedural constraints to democratic transition and chart a path forward in a sustained manner.

KEY TAKEAWAYS: RASUL BAKSH RAIS

While difficult to believe today, Pakistan does have a history of free and fair elections – the most notable during the 1970s. Despite the absence of modern identification methods like ID cards, the electoral process during that era managed fairly high voter turnouts and was able to maintain a high degree of credibility. Polling agents were responsible for verifying the identity of voters, and even without the 'sophisticated' tools we have today – such as Form 45 and Form 47 – election results were processed straightforwardly with minimal allegations of foul play. This historical context raises the question of why, despite significant technologi-

cal and administrative advancements, the current electoral process seems fraught with challenges.

Today, the most pressing issue facing Pakistan's electoral process is the pervasive problem of rigging. This manipulation occurs at various stages: pre-poll, during the polling process, and post-poll. Who are the actors/stakeholders involved in this? There are claims – not without a degree of truth – that journalists, intellectuals, political parties, ethnic groups, and civil society organizations all play their role. However, their aggregated contribution in the distorting of the playing field is minuscule compared to a particular institution that is dangerous to even name today. These are vested interests are protected and advanced in every electoral cycle.

Pakistan's electoral laws are generally robust, and the Election Commission of Pakistan (ECP) is designed to be an autonomous body. The crux of the problem lies in the implementation and respect for these laws. The autonomy of the ECP is frequently undermined, and laws are often disregarded, leading to a compromised electoral process. This highlights a critical issue: the institutional imbalance that hampers electoral transparency and fairness. Pakistan's ruling elites do not seem to prioritize the long-term future of the country, including investment generation, constitutional supremacy, and the welfare of future generations. Current political leaders often look to foreign assistance, such as from the UAE, rather than focusing on building domestic capacities. This reliance on external support detracts from efforts to strengthen internal institutions and promote sustainable development.

Pakistan's political system can be described as a 'hybrid' system, where power does not solely reside in Parliament or the Constitution but is influenced by other entities. In such a system, even the most well-intentioned and technically sound measures proposed by lawyers and

political scientists may fail to bring about meaningful change. This hybrid nature of governance complicates efforts to achieve a genuinely democratic and transparent electoral process. To address these challenges, it is imperative to enforce the Constitution in its true spirit, recognizing it as the supreme social contract. Political parties must reach a consensus on whether to continue playing to the establishment's favor or to genuinely address the concerns and grievances of ordinary citizens in a political sphere that is genuinely meritocratic and free from external pressures/incentives. The judiciary and the media must also be independent and allowed to do their jobs in a fair, transparent manner.

A collective push for democratic transition is essential, involving all stakeholders, including the media, civil society, academics, and interest groups. This effort must aim to eliminate the climate of fear characterized by the long tradition of 'enforced disappearances' and arbitrary media clampdowns to quell dissent. Only through such a unified and determined approach can Pakistan hope to restore the integrity of its electoral process and build a more democratic and just society.

KEY TAKEAWAYS: ARIFA NOOR

In Pakistan, the only perceived way to ensure free and fair elections is to align with the preferences of the Establishment. This reflects the profound level of control the Establishment wields over the political process, making it nearly impossible for dissenting voices or opposition parties to win fairly. This pervasive influence undermines the democratic principle of fair competition and hampers genuine political discourse. Political problems cannot be resolved through technical innovations or legal avenues; political issues in Pakistan require political solutions, not just procedural tweaks. Addressing grievances through courts or technical reforms does not address the root causes of political instability or manipulation – which have to do with the blatantly uneven playing field and constant interference by 'extralegal' forces. Genuine dialogue and political engagement are essential to resolve these deep-seated issues.

The concept of Form 45s originates from the 1990s elections, which were marred by severe manipulation. Subsequent electoral reforms introduced these forms (initially labeled Form 14s) to enhance checks and balances in the electoral process. However, the Establishment has obviously found ways to maneuver around these too in recent cycles, demonstrating that even well-intentioned measures can be subverted if the underlying power dynamics remain unchanged. For

Pakistan to avoid major turmoil or insurrection, which could uproot the entire system and create chaos, the Establishment itself must decide to take a step back from its overarching control. Without this retreat, the prospect of meaningful democratic governance remains bleak, and the potential for significant unrest looms large.

Pakistan's political landscape is dominated by the rich and privileged, leaving marginalized groups such as the working class, landless peasantry, religious minorities, transgender individuals, and ethnic peripheries under-represented. While proportional representation could address this imbalance, it must be carefully considered to avoid exacerbating identity-based differences. A more inclusive Parliament would better reflect the diverse fabric of Pakistani society and enhance democratic legitimacy. Pakistan was born out of a sense of collective grievance that Muslims were experiencing as a minority in the subcontinent; but simply creating a country is not enough, minorities must be granted the space and attention they deserve. Balochistan, for example, illustrates the need for a formal restructuring of the state's relationship with marginalized communities. Ensuring their rights and integrating them into the national fabric is crucial for national unity and stability.

The Charter of Democracy, while a significant political document, has led to a distribution of control where the PML-N dominates Punjab, the PPP controls Sindh, and the Establishment exerts influence over regions like Balochistan and Khyber Pakhtunkhwa with no qualms or questions by political representatives. This arrangement has legitimized violence and suppressed institutional development in these regions. It is vital to openly discuss and critique this document to improve and refine it, rather than treating it as beyond reproach.

Low voter turnout in Pakistan is not arbitrary; it reflects a deep disillusionment with the electoral process due to blatant rigging and manipulation. Additionally, the logistical challenge of conducting nationwide elections on the same day further complicates participation. Restoring faith in the electoral system is essential to encourage higher voter engagement.

Pakistani media's dependence on state revenues undermines its independence. Show cause notices and regulatory bodies like PEMRA are weaponized to intimidate journalists, stifling free speech. Social media journalists face significant intimidation, surpassing even traditional TV channels. The decentralized nature of social media makes it harder to control, leading to increased pressure and threats against online journalists. Protecting these

voices is crucial for maintaining a diverse and independent media landscape. Media agencies rely more on government funds than viewership revenue, compromising their ability to operate independently and skewing the economic incentives of the domain away from viewership and content quality and towards clientelist relations with the state.

To address these challenges, Pakistan must enforce its Constitution in its true spirit, respecting it as the supreme social contract. Political parties need to reach a consensus on addressing citizens' concerns rather than pandering to the Establishment. The judiciary and media must be entirely independent to function as true pillars of democracy. A collective push for democratic transition, involving all stakeholders—media, civil society, academics, and interest groups—is essential to eliminate the climate of fear and ensure a genuinely democratic and transparent electoral process.

KEY TAKEAWAYS: SAROOP IJAZ

Pakistan is experiencing a crisis over the fundamental rules of its political process, driven by conflicting incentives and disincentives for political actors. No clear and consistently enforced rules undermines trust in the system and exacerbates political instability. The consensus on democratic transition as a positive ideal has been shaken globally, not just in Pakistan. The rise of populists and illiberal movements has challenged the balance between liberal values and democratic governance. In Pakistan, this tension manifests in the use of undemocratic means to ostensibly protect democracy from perceived illiberal threats, further complicating the political landscape. In Pakistan, election winners often do not even claim to be popular representatives. Instead, they argue that their leadership is essential for the country's stability, implying that the alternative would be catastrophic. This rationale shifts the focus from democratic legitimacy to a narrative of necessity, where ends justify the means.

Post-election governance in Pakistan faces severe challenges due to institutional capture. Policymaking and execution become nearly impossible, as entrenched interests within institutions obstruct meaningful reforms and effective governance. This paralysis hampers the country's development and erodes public trust in democratic institutions. Paradoxically, as more people become politically aware, their faith in formal democratic processes diminishes. This disillusionment leads to increased polarization and a growing desire to fundamentally change or uproot the existing system –

threatening the survival of the state itself.

The incentive for conducting free and fair elections in Pakistan is minimal. Even with comprehensive electoral reforms, opposition parties are likely to claim rigging to protect entrenched interests. This perpetual skepticism undermines the credibility of the electoral process and deters genuine efforts at reform. The UK's House of Commons is much larger than Pakistan's Parliament, despite the UK's smaller population. This structure ensures that decision-making is decentralized, and that legislative processes involve debate, persuasion, and participation from a broad spectrum of society. This inclusiveness builds trust between citizens and the state, a model Pakistan could benefit from emulating.

Pakistan's electoral constituencies are significantly larger than those in many other countries, creating administrative and logistical challenges. These large constituencies increase barriers to entry for candidates, favoring those with substantial financial resources and political connections, thus limiting democratic participation. Elected representatives start off their terms on a dishonest note, failing to honor their oaths – of which a central part is having adhered to ECP guidelines for fair and transparent elections. This behavior undermines the integrity of the electoral process and diminishes public trust in elected officials, further poisoning the political environment.

There are an estimated 10 million missing women in Pakistan who are not registered to vote due to the lack of computerized ID cards. This systematic exclusion represents a significant failure of the electoral system to be inclusive and fair.

Certain issues, like outlawing martial law, transcend legal prescriptions and are considered supraconstitutional. This highlights the limitations of legal reforms in addressing deep-rooted structural problems within Pakistan's political system. The caretaker government, responsible for conducting elections, lacks the incentive to ensure free and fair elections due to the temporary and politically charged nature of its appointment. Additionally, Pakistan's colonial-era bureaucracy, which administers the electoral process, requires substantial reform to meet modern democratic standards.

While not perfect, the Charter of Democracy establishes a framework for democratic processes in Pakistan. It provides a foundation for political actors to build upon, promoting a flow towards democratic governance. However, ongoing critique and improvement of the Charter are necessary to adapt to evolving political

realities. To address these complex challenges, Pakistan must undertake significant reforms as part of a 'Charter of Democracy 2.0' initiative that all parties and institutions are on board with:

- **Strengthen Democratic Institutions:** Ensuring the autonomy and effectiveness of institutions like the Election Commission of Pakistan is crucial.
- **Political Consensus:** Political parties need to agree on fundamental rules and respect democratic principles over short-term gains.
- **Inclusive Governance:** Electoral reforms should aim to include marginalized groups, ensuring their representation in Parliament.
- **Decentralization:** Adopting a more decentralized legislative model, similar to the UK, could enhance inclusiveness and public trust.
- **Public Engagement:** Rebuilding faith in the democratic process through transparency, accountability, and active engagement with citizens is essential.
- **Reform Bureaucracy:** Modernizing the colonial-era bureaucracy to better serve contemporary democratic needs is vital.

Each of the aforementioned areas must be explored, researched, and thoroughly debated in the public square to ensure a movement towards a robust, fair, and inclusive democratic system that actually works for the many – not just the privileged few at the top.

The author is a Research Fellow at Pakistan Institute of Development Economics.

