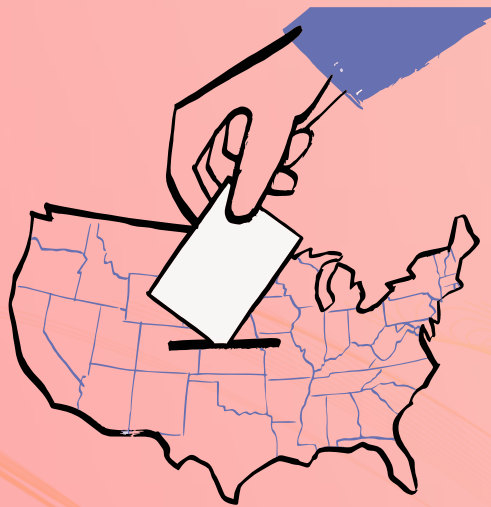


Electoral Reforms in Pakistan



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ELECTORAL REFORMS IN PAKISTAN

Thursday, May 27
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Kanwar Muhammad Dilshad
Former Federal Secretary, ECP



Sarwar Bari
Spokesperson, FAFEN



Ahmed Bilal Mehboob
President / CEO, PILDAT

Discussion Points:

- Should Pakistan rethink the First-Past-The-Post (FPTP) system?
- Is the current five-year term for an elected government too long?
- The role of term-limits?
- How about direct elections for the Senate?
- Can effective electoral reforms increase intra-party democracy?
- Will the recently suggested changes to the Elections Act, 2017 cure persisting electoral issues?

MODERATOR
Nadeem ul Haque
VC, PIDE



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Preamble

This webinar aims to discuss the constitutions because the constitution is incomplete and needs to be revised. The people of Pakistan think that constitutions are a spiritual thing that cannot be changed. Jefferson said, "No constitution cannot be written for all time, every constitution should be revised. But like the rest of the world we think constitutions are like biblical books that cannot be changed". In Pakistan, every government talks about electoral reforms but they do nothing about it and continue to do the same old things with the same old system and old constituencies.

Discussion Points by Dr. Nadeem ul Haque

- What are election reforms, how satisfactory is the prevailing election system, and what needs to be done?
- It is correct that the system has been gerrymandered, the same old families are ruling again and again. So what do you think? Should we waste a further 4 to 5 generations or should it come to an end?
- What is the philosophy of elections? Should this continue and elect people for five years?
- Elections are manipulated, so why do our election commission work independently, do you think it is independent?

Points by Sarwar Bari

- Pakistan is one of the few countries including India where a large number of people suffer from multiple, overlapping, and multidimensional inequalities. Freedom to vote is very important in elections but votes are affected by caste, religion, community, gender, community, head of household, and class, and mostly elites oppress the poor and illiterates in elections.
- Political parties have radically changed in the last 30 years. In the 1970 General elections, there were about 11 % of members have come from peasant and working-class activism in our parliament including Sheikh Rasheed, Miraj Muhammad Khan, and many others and people were proud that they have a member from the working class. Now we don't have any working-class representation in political parties.
- In this context, we need to improve our electoral systems. By looking at data from the last four elections we can see that 57% in the 2018 election doesn't have any representations, and it was almost about 60% in 2013. Therefore, the myth that democracy is based on a majority decision that doesn't show is not at all. By looking into trends of election we can see that the large majority of candidates didn't have more than 50% of votes.
- I would like to quote George Orwell here while talking about the English electoral system that “English Electoral system is all but open fraud in a dozen obvious ways, it is gerrymandered in the interest of the moneyed class. But it is implemented honestly”. George said this very earlier but the data of our election establishes the fact that never our parliament had the majority of votes because most people don't vote in Pakistan and the ruling party has very little support base.
- In 1990, the largest party IJI got 37% vote but it obtained 48% seats. PPP the 2nd largest party had 36 % votes only 1 % fewer than IJI but they have only 21% seats, this means that system doesn't translate into seat proportions to votes. So the system appears to be non-representative and the point which I want to make is that we must move now to a Proportionate Representative System (PRS) which is now practiced in more than 99 countries. Countries that had first past the post system are now gradually shifting to the PR system including Britain which is the oldest in following the first past the post system, they are discussing moving to the PR system.
- We should push for change and try to shift towards the PR system which would be more representative and it will do justice to those who had come to the polling station and cast votes by standing in long Que.
- The prevailing system is completely obsolete, where you can make government by getting only 17% of registered voters. How you should rule other 80% people. What is happening in Pakistan is that the political party campaigns in some targeted towns and even there they don't directly approach the voters, they simply give 1 ticket and the relatives of the ticket person mobilize the voters by patronage. The situation of political parties in Pakistan at present time is not the same as it was in the 1970s.
- Therefore, I believe that the prevailing system is not representative, it is a representation of a tiny minority only. The members of sugar mills sit together in the sugar mills association but they are in different political parties. Working-class representative unions are isolated. Therefore, we need to dissolve this system and we must start a discussion on other systems like PR that how we can implement it. The one ultimate benefit of the PR system would be the end of the constituent-based election; political parties would have to mobilize the votes at the district level.
- There are not 342 members in the assembly; they are 204 families. The elite capture prevailing in Pakistan must come to an end now. Article 38 in the constitution states that the State should not allow concentration of power and wealth in few hands. Why do you not take this into the political arena and legislation that anti-monopoly laws should be in politics too? There should be serious research on elite capture and how it negatively affects the country.

Points by Kanwar Muhammad Dilshad

- First thing is that in 1970, General Zia had the intention to make a Representative election system on the Sri Lankan election model. He committed to the leadership of chief justice Hamood ur Rehman. After 6 months of hard work and analyzing different election systems, the chief justice had rejected the system in the 1970s. However now the political parties are showing acceptance for representative elections. Now we should arrange lectures in all universities to spread awareness about the representative system and to make youth realize that the prevailing system is fraud.

- The important fact is that even in the representative system the prevailing parties are fraud and they have disappointed us. Look at our women representation in parliament, who utilizes the women quota, they all are relatives of existing parliamentarians. We all have seen that the Pakistani political system is very corrupt. Even if we have a representative system the tickets will be auctioned and sold for big amounts.
- When East Pakistan was the Part of Pakistan, there were 150 seats, 75 for west Pakistan and 75 for East Pakistan and now 14 seats are for Balochistan 148 for Punjab and this province is ruling Pakistan. Therefore, these days we have suggested that we give 68 seats to each province so no province could rule and the implementation of this suggestion is up to the Government.
- The prevailing system has failed indeed and we must now bring some new system. Now is the high time to try a representative system. Corruption can also be destroyed and the intention should be pure. Our Election commission has significant authority but lacks willpower. Now in the present times, a bureaucrat has come as chief election commissioner his thoughts are very brave and unbiased and for this the Government disowns him.
- The PM of Pakistan asked the chief election commissioner and the other four members of the commission to resign and go home and political parties didn't support the election Commission. They kept the election commission separated from all ordinance of election reforms, so in all these circumstances how would the election commission carry the duties.
- Now it is high time to involve the election commission in coming policies and first of all resolve the local government system, give all the authorities and make more provinces in the country. There must be at least 7 provinces or as many possible to maximize representations and to end the rule of these 4 provinces.
- Intra-party elections should be held under the supervision of the Election Commission. There must be a fair census, the 2017 census has many complaints. So all these must happen for better and fair elections

Points by Ahmed Bilal Mehboob

- My opinion is a little bit different and I dare to say that when we say that we want electoral reforms, we mean that either we want to add some new rules or we want to terminate some old rules. The main problem is not making laws but the main problem is in implementing them. We can never trust the results of the election, but the problem is not that we don't have a proportionate representative system or we lack laws, the problem is that the powerful exploit the law and manipulate it in their interest.
- The manipulation of the 1977, 1988, and 1990 elections is no more hidden fact and the doers had already accepted it. So we don't have any proof for today's scenario but it is a fact from the past that elections have been centrally manipulated.
- The pros and cons of the proportional representation system should be discussed in detail so that the nation gets educated and gives us their opinions. But the main drawback of the system like Kanwar Dilshad rightly mentioned is that there is no democracy within our political parties. The top leader decides for all party members and he is the one who decides the ticket taker.
- If you do proportionate representation with a list system then the top leader will be in complete control like we had experienced with women representation seats, relatives of a leader come on these seats and no merit is followed. The proportionate system has a certain threshold e.g. 5%, 7% or 10%, etc. If the party gets lower than this, it would not have representation.
- If the Senate election is direct, it could be very problematic especially for Punjab, there are 140 seats in the assembly and 14 in the senate. If you go for a direct senate election, then that means there would be 10 times more voters than the 140 assembly seats. There would be 47 lakh votes in one constituency. How we would manage we are unable to manage the 4.5 lakh constituency.
- The last thing is that there must be an open discussion of all these points within assemblies and outside assemblies until and unless you don't involve opposition, you cannot bring an electoral voting machine with the ordinance. In the system you are trying for overseas Pakistani, no one would trust that even if it seems the election commission doesn't trust the system. It would be the reason for destroying the elections.
- All the problems that you have mentioned are peripheral, the paramount problem is that central entities in Pakistan manipulated the election and they are not manipulated by the reason you had mentioned that if the term should be shorter and if the dynasties end, they are not the reason for election manipulations, the reason is that our system becomes zero.
- In the 2018 election, very small technology was used for the result transmission system and it collapsed. Okay, it can collapse but it was requested to investigate the reason for collapsing but the investigation has not started till now. So the reason is that those who manipulate are very powerful and you can't catch them. Therefore, we should correct the main problem rather than fixing peripheral problems.
- You talk about staggered elections. There is no law that the provincial and national assembly elections should be on the same date, it is only a coincidence. If today some province dissolves its government the election for it would be held in 60 days.

Nadeem ul Haque

The system is so ragged, I think of the election as a market and markets are where everyone can enter but now the government has blocked the new entries. Therefore, the monopolies must end. **Response by**

Sarwar Bari

- Powerful parties can easily manipulate the first past the post system, not only the PR system. Few votes can change the game in the first past the post system but in the PR system, these powerful parties have to do a lot to change the election results. Therefore, it is important to understand that the first past the post system is very prone to manipulation where PR is relatively less prone to manipulations.
- The monopolies of dynasties are getting stronger since the last 4 elections. The worst part is you become PM by only getting 16% of votes, where is the will of the majority. The problem is that these monopolies are spreading like a virus in our country. Our constitution is against the concentration of the economy on a few hands so our legislation must not concentrate on a few hands.

Nadeem ul Haque

What reforms should we bring to the election commission? Why is the secretary of the Election commission a civil servant? Is the election commission an extension of civil service? If it is an extension of civil service, then civil service is in complete control of the government. So what's your opinion?

Ahmed Bilal Mehboob

- The secretary of the election commission necessarily needs not be a civil servant; others can also be the secretary. Even the current secretary is not from civil services. The Chief of the election commission has the right to replace the secretary if not satisfied with his services. In the past, we have seen some strong secretaries who stand against the election commission for the interest of the country.

Questions by Live Audience:

- It's a harsh reality that elections are all about money, if you don't have enough money you can't think of elections? Then how does a common middle-class person come to the election with all his/her passion to serve the country? (Saira Qazi; an Educationist)
- What does he think of intraparty elections, should they be made mandatory or not. (Mehtar Zaidi: Medical Doctor)
- Why can't we go towards out-of-the-box thinking? All the debate here moves around 2 to 3 existing systems, why can't we devise a system according to local interest that can better understand our societies and agencies? (A Ph.D. Scholar from QAU)
- There is an important narrative in Pakistan that elections are manipulated by establishments. So now we can't put an end to this system, does the majority voice doesn't have any impact? (Aliyan Bano; Election Analyst)
- Indeed, an election campaign cannot be done without money. Many countries have now legalized the financial fundraising campaign for the political party. Can't we do the same? (Dr. Idrees Khawaja)
- Every election faces litigation of vote's manipulation after 1.5 or 2 years that the government is not capable of holding other elections and the candidate runs election on more than 1 seat and wastes the funding of checkers. What should we do or make it better for all? (Dr. Ayaz)

Responses:

Kanwar Dilshad

- The first important thing is that there should be a limit on intraparty elections that only twice can elect and there must be a 4-year term for the national assembly. We must set eligibility criteria based on education for all the politicians.
- Rules should be made for the leader that they can be PM only twice and not more than that. Most importantly local government needs to be strong, article 148A provides complete protection and we need to follow the article.

Ahmed Bilal Mehboob

- The election without money is present but the common individual provides funds to the party and the parties in return facilitate the people. The parties' needs to strengthen it's up to parties, parties are not capable enough.
- The system we are practicing is mixed, we are trying to make it better and how could we change the whole system, you suggest and we will try it.
- I agree with **Akhtar Ali** that the German system is better. Both public funding to parties and a mixed system are good enough and we should have more discussions on it.
- **Idrees Khawaja** argues that there must be private funding to parties and I want him to know that in 2017 the act was amended and now the corporation is allowed to fund the party as well as the candidate.
- **Ayaz Ahmed** rightly said that candidates run an election on more than 1 seat and waste funding, and I think there must be some fees if the candidate wants to participate in more than 1 seat.

Sarwar Bari

- There are many associations and unions in Pakistan but they all are isolated; none is helping or guiding them to come up together to make 1 strong association. Mehar Zaidi asked about intraparty democracy, there is no democracy within the party. The party act is now part of the election act 2017 and it needs serious improvements and it must be improved.
- As far as campaign financing is concerned I don't agree with it, there should be no campaign financing then the elite will bring whoever will be in their interest. Corruption is very high and that's why we should not allow campaign financing. There are many associations in Pakistan but they are kept isolated by political parties and funded NGOs, they are not allowed to be part of the mainstream.
- Therefore, the most important task for us and other scholars is to work on basics, if we don't work on basics then the elites will continue to perpetuate their power.

Conclusion

The families that have big names at the pre-partition time are ruling over and over again, and it is not a great idea. This system makes inexperienced people leaders because of their family background and this is wrong. We should change the system, like Imran Khan said that small parties should dissolve. If you have only a 1% vote, then why do you want representation in the party. After this whole detailed discussion at the end of the webinar, Dr. Nadeem ul Haque asked about the definition of the political party. The discussants have different views on it like according to Ahmed Bilal Mehboob *“political party means an association of citizen and combination or group of such association formed with the view to propagating and influencing political opinions and participating in an election for any collective public office, elective public office or membership of a legislative body including assembly, the senate, and local Government.*

According to Dr. Nadeem ul Haque membership is ignoring by Ahmed Bilal and Kanwar Dilshad commenting on this and saying definition states that you have to form election from unions council to tehsils to districts to division and then to province but unfortunately here they decide in the drawing-room and present the so-called list to Election Commission. Now it would be great if we could set a limit on members in every province so that some good parties could come into the system. Anyhow reforms are needed and we must think and discuss them in the future as well. The system needs reform and in today's debate some good suggestions are given and Akhtar Ali rightly said that Germany has a good system, so we need reforms, and we need to empower the Senate as well and we must respect other institutions as well.




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