

**Pakistan National and Provincial  
Assembly Elections - 10 October 2002**

**REPORT OF THE  
COMMONWEALTH OBSERVER  
GROUP**



**Commonwealth Secretariat**

**Pakistan National and Provincial Assembly Elections  
10 October 2002**

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Statement by Chairperson, 11 October 2002  
Composition of the Group



# Commonwealth Observer Group

Pakistan National and Provincial Assembly Elections, 10 October

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18 October 2002

Dear Secretary-General

We are pleased to attach herewith our Report on the Pakistan National and Provincial Assembly Elections held on 10 October 2002.

Our Group appreciated this opportunity to have been present at this important transitional point in the restoration of democracy in Pakistan. We wish the people of Pakistan well as this transition progresses.

**Tan Sri Dato' Musa bin Hitam**  
Chairperson

**Dr Diane Acha-Morfaw**

**Mr Mohamed Mokhtar bin Ahmad**

**Mr Richard Bourne**

**Dr Dilara Choudhury**

**Mr David Connolly AM**

**Dr (Mrs) Nemata Eshun-Baiden**

**Ms Michelle Falardeau Q.C.**

**Mr Hugh Garland**

**Mr Charles Gregoire**

**Mr Selwyn Jones**

**Amb. M M Rezaul Karim**

**Hon. Douglas Kidd DCNZM**

**Ms Veronica Ayikwei Kofie**

**Mr Russel Kuruppu**

**Senator Leroy McClean**

**Ms Eleitino Michelle Meredith**

**Cllr. Dr Helen Nkandi-Shiimi**

**Mr Joe Billy Oge**

**Ms Diana Organ MP**

**Mr M I Abdool Rahman**

**Mr Walter Rigamoto**

# INTRODUCTION

The 2002 National and Provincial Assembly Elections were the first since 1997 and the assumption of power in October 1999 by the Pakistan armed forces, led by General Pervez Musharraf.

These elections had particular significance for the Commonwealth. Immediately after the military coup the association suspended Pakistan from the Councils of the Commonwealth for its violation of the Commonwealth's fundamental political values, as embodied in the Harare Commonwealth Declaration. Commonwealth Heads of Government, meeting in South Africa shortly after the military takeover condemned the overthrow of Prime Minister Nawaz Sharif and called for the restoration of civilian democratic rule without delay.

At their meeting in Coolumb, Australia in March 2002, the Heads of Government decided:

*"Pakistan's suspension from the Councils of the Commonwealth should remain unchanged pending the restoration of a democratic government. In that regard, they welcomed the commitment of the Government of Pakistan to hold democratic elections by October 2002, and agreed that the Commonwealth Secretary-General should have an active monitoring role in the period leading to the restoration of democracy, including the deployment of Commonwealth observers at the Provincial and National Elections and the provision of technical assistance".*

## INVITATION

The Government of Pakistan and the Chief Election Commissioner invited the Commonwealth Secretary-General to constitute a Commonwealth Observer Group for these elections. An Assessment Mission, comprising two Secretariat officials, visited Pakistan in April-May 2002 and met representatives of the Election Commission, the main political parties and other interested groups. It subsequently reported to the Secretary-General that there was widespread support for the presence of Commonwealth Observers and he accordingly constituted an Observer Group.

## BACKGROUND

This Observer Group was the 40th to have been constituted since October 1990. The previous year Commonwealth Heads of Government agreed that election observation could help strengthen democratic institutions

and processes in member countries. Heads of Government reinforced this in 1991, and set the context for the activities of Commonwealth observers, when they adopted the Harare Commonwealth Declaration. In this Declaration Heads of Government promised to work "with renewed vigour" to promote democracy, human rights, the rule of law and just and honest government. Their commitment to democracy has been reinforced at subsequent Commonwealth Heads of Government meetings, most recently that held in Coolumburra, Australia in March 2002.

## **TERMS OF REFERENCE**

The Terms of Reference for the Observer Group were as follows:

*The Group is established by the Commonwealth Secretary-General at the request of the Government and Election Commission of Pakistan. It is to observe relevant aspects of the organisation and conduct of the National and Provincial Assembly Elections scheduled to take place on 10 October 2002, in accordance with the laws of Pakistan. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people.*

*The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.*

*The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Pakistan, the Election Commission of Pakistan, the leadership of the political parties taking part in the elections and thereafter to all Commonwealth Governments.*

The Hon Tan Sri Dato' Musa bin Hitam, former Deputy Prime Minister of Malaysia, chaired the Group. The Staff Support Team was led by Mr Jon Sheppard, Director of the Political Affairs Division of the Commonwealth Secretariat. The full membership of the Group is given in the Annexes.

## **ACTIVITIES OF THE GROUP**

An Advance Group of three observers and one Commonwealth Secretariat staff member began work in Pakistan on 9 September 2002. The main Group of observers, accompanied by the Staff Support Team, arrived in Islamabad on 29 September. An Arrival Statement was issued the following day.

During the course of their stay in Pakistan, the Advance Group traveled widely, observing the preparations for the elections, media coverage, the campaign and the pre-election environment. The Advance Group briefed the full Observer Group in Islamabad on 30 September.

The full Group met and was briefed by the Election Commission of Pakistan, representatives of the political parties, non-governmental organisations, the police, media organisations, Commonwealth High Commissioners, and other international observers. On 4 October, the Observers were deployed across the country in fourteen two-person teams. They visited the police, regional and district election officials and local representatives of the political parties and made a point of meeting with ordinary people to learn their views on the process. They familiarised themselves with their area of deployment, observed the final stages of the campaign, and saw the transport and storage of polling day materials. Some saw the training of officials. On election day the teams visited as many polling stations as possible, observing the voting, and the counting of votes. They then followed their polling station result to the constituency aggregation centre. Our teams visited a total of 301 polling stations in 74 National Assembly constituencies – representing over a quarter of the total number of directly elected seats. We attended 22 counts and were present at 16 constituency centres for the collation of constituency results by the Returning Officers. Meanwhile, the Chairperson of the Group visited all four provinces, meeting election officials and voters in order to get a sense of the pre-election atmosphere.

During deployment the Observers were assisted by Observation Notes and Check Lists. The Chairman of the Group issued an Interim Statement on 11 October. The Group began to prepare their Report for transmission to the Commonwealth Secretary-General after returning to Islamabad on 12 October.

## CHAPTER ONE

# THE POLITICAL CONTEXT

### EARLY HISTORY

Pakistan came into being on 14 August 1947 through the Independence Act (1947) providing for the partition of India into two independent dominions. Pakistan and India each had a Governor-General and a Constituent Assembly with powers to legislate and to frame their respective constitutions. In Pakistan, Mohammad Ali Jinnah, or Quaid e Azam (the Great Leader), as he had become known, took over as Governor-General and was subsequently elected as President of the Constituent Assembly.

The period after the death of Jinnah, in December 1948, saw almost continuous political, religious and economic upheaval. An influx of refugees, communal riots and food shortages were exacerbated by political rivalries which inflamed an already tense situation. Against this backdrop, the Constituent Assembly continued to govern Pakistan till October 1954, when the Governor General dissolved the Assembly and declared a state of emergency throughout the country. The Commander in Chief of the Pakistan Army, General Ayub Khan, became part of a three-person cabinet, marking the first Cabinet in which the Army was present.

In 1955 a second 80 member constituent assembly was established which succeeded in 1956 in producing Pakistan's first constitution, declaring it as an Islamic Republic, with a quasi-federal character. A vigorous debate took place about whether parliamentary democracy was suitable for Pakistan, with some arguing that in the absence of two strong, stable and responsible political parties, parliamentary government where the executive was responsible to the legislature was unworkable. Among this group were those who favoured a 'fully-fledged' Islamic state. However, the 'parliamentary' route was chosen in the hope that it would ensure a better relationship between the executive and the legislature.

### MILITARY RULE AND THE QUEST FOR STABLE GOVERNMENT

A succession of Prime Ministers were appointed and dismissed by the Head of State over the next two years. In October 1958 General Ayub Khan intervened and Pakistan's first military government was installed, declaring a state of emergency, banning all political parties and abrogating the 1956 constitution.

General Ayub introduced a system of 'basic democracies' or local self-government. This forum was later used to elect the President and

members of the National and Provincial Assemblies, as universal franchise was rejected as being unsuitable to the conditions of the country. In 1960, the electoral college of Basic Democrats was required to vote on a referendum, which mandated General Ayub to remain as President for five years, and to change the Constitution.

A Constitutional Commission was appointed by President Ayub to examine the failure of parliamentary government in Pakistan, and to submit constitutional proposals aimed at firm and stable government. The Commission came to the conclusion that that a flawed election procedure, tensions between the provinces and the federation, and the lack of organisation, discipline and the generally poor character of politicians had resulted in the failure. The Commission indicated that the last cause – that of poor political leadership – was most to blame for the failure of parliamentary democracy in Pakistan. The Commission was convinced that even if a general election had been held, the right type of leadership would not have emerged as factional rivalries had characterised the experiment with the provincial-level franchise. The Commission felt that, notwithstanding its defects, the 1956 constitution could have been made workable if those who were entrusted with its implementation had been sincere. In a telling paragraph, which still resonates today, the Commission found

“history shows that power passed effectively from the head of state to the people’s representatives only when the latter became disciplined and stood together to oppose autocracy ...what we would like to point out is that interference by these heads of state would not have been possible if there had been discipline and solidarity in the parties in power”.

President Ayub’s term of eleven years in office had significant consequences for the lack of development of political leadership. He instituted wide ranging laws designed to disqualify those deemed to have been involved in ‘corruption’ and ‘nepotism’ and gave rise to a largely unfettered bureaucratic class. Pakistan also saw a period of industrialisation and growth but this was largely confined to a few families in West Pakistan, with the Eastern half of the country remaining largely undeveloped by comparison. After a prolonged period of unrest, President Ayub stepped down under pressure from the Army in 1969 and handed over the reins of government to General Yahya Khan who imposed martial law and, through a Legal Framework Order in 1970, laid the foundations for the 1973 constitution.

## **THE FIRST GENERAL ELECTIONS**

Pakistan’s first general elections under a universal franchise were held in December 1970 and the Awami League (which was predominantly supported by East Pakistanis) won a majority overall. However, General Yahya Khan, under pressure from Z A Bhutto, the leader of the Pakistan People’s Party (PPP) (which had become the runner up by winning a number of seats in West Pakistan) did not allow the Awami League to

form a government. This resulted in a brutal military repression in East Pakistan, which led to the division of Pakistan and the announcement of the independence of Bangladesh, in 1971. Z A Bhutto was appointed President and Pakistan withdrew from the Commonwealth in 1972 in protest against the recognition of Bangladesh.

The 1973 Constitution introduced a parliamentary system of government for Pakistan with substantial provincial autonomy. No new elections were to take place, however, till 1977 and those elected in 1970 were to continue under Mr Bhutto as President. The 1977 elections were won by the PPP and Mr Bhutto formed a government as Prime Minister, against a backdrop of allegations of rigging by a coalition of opposition parties culminating in civilian unrest. Shortly thereafter the army led by General Zia ul Haq, seized power, placing the elected government under 'protective custody' and the country under Martial Law. Political parties were banned. Z A Bhutto was hanged in 1979, after a controversial trial. Martial Law was lifted in 1985 with Zia assuming the office of President, which he declared he would continue to hold till 1990. A number of constitutional amendments were enacted in 1985, altering the balance from a parliamentary to a presidential system, of which the most significant was the eighth amendment allowing the President to dismiss the National Assembly.

## **A NEW BEGINNING FOR DEMOCRATIC GOVERNANCE**

Zia's term came to an end when he was mysteriously killed in an air crash in 1988. Benazir Bhutto, Z A Bhutto's daughter, led the PPP to victory in the 1988 general elections, becoming Prime Minister. The Electoral College elected Ghulam Ishaq Khan as President and Pakistan rejoined the Commonwealth in October 1989. Ms Bhutto's premiership lasted till 1990 when the President dismissed her on grounds of incompetence and corruption. The National Assembly was dissolved and new elections were held in October 1990. These were won by the Islamic Democratic Alliance, which was led by Nawaz Sharif. Ms Bhutto's PPP challenged the credibility of the results, accusing the President and the armed forces of rigging the vote. International observers did not concur with this view.

Mr Sharif's government was itself dismissed within three years and the National Assembly dissolved by the President, following Mr Sharif's attempt to repeal the eighth amendment. The President's grounds for dismissing the Government included maladministration, corruption and nepotism, and of having hounded political opponents. Mr Sharif sought redress against his government's dismissal in the Courts and the Supreme Court, in a landmark judgement, ruled that the President had exceeded his powers. The power struggle between the President and the Prime Minister continued for a few more months till both resigned in July 1993. A neutral caretaker government was installed and fresh elections called for later in the year.

The 1993 elections were won by the PPP under the leadership of Ms Bhutto who formed a coalition government with smaller parties who chose

a PPP President, Farooq Leghari. In 1996, after allegations that the government was 'interfering' in the Courts and 'packing' benches with its own supporters, the Supreme Court issued a judgement curtailing the government's powers regarding judicial appointments. In the following months a power struggle ensued between the President and the Prime Minister, which intensified after the President reasserted his constitutional right to appoint judges without consulting the Prime Minister. Against a backdrop of street protests, extra-judicial killings in Karachi and elsewhere, and ongoing corruption scandals, the opposition parties called for the government's dismissal and fresh elections. The President succumbed to the pressure, dismissing Ms Bhutto's government and calling elections.

The ensuing 1997 elections were observed by the Commonwealth and were won overwhelmingly by Mr Sharif's Pakistan Muslim League-Nawaz party. The Commonwealth Observer Group found that the "general election was credible and that the conditions existed for a free expression of will by the people of Pakistan". Mr Sharif moved swiftly to consolidate his hold on power by using his two-thirds parliamentary majority to repeal the eighth amendment, thus curtailing the President's right to dismiss the government. Standoffs between Mr Sharif and President Leghari intensified as their disputes extended to involve the Chief Justice of the Supreme Court, with allegations that Mr Sharif was interfering in the appointment of judges. Disputes with the army also intensified after the Army Chief, Jehangir Karamat, gave a speech calling for a national security council with military representation as the solution to Pakistan's chronic instability. As things came to a head, Mr Sharif dismissed all three opponents – the President, the Chief Justice and the Chief of Army Staff.

Mr Sharif appointed General Pervez Musharraf as Chief of Army Staff (COAS), but that relationship deteriorated too in July 1999 after the Pakistan backed incursion into Indian controlled Kashmir at Kargil. Mr Sharif alleged that he had not been consulted about the operation and supported dissent within senior Army ranks against General Musharraf. On 12 October 1999, while General Musharraf was on an official visit to Sri Lanka, Mr Sharif dismissed him, appointing a General who was not next in line of succession. The corps commanders saw this as having gone too far. They contacted Musharraf to return immediately to take over the government. Mr Sharif moved to prevent the plane which was carrying General Musharraf from landing in Karachi but was too late. The army took control of key installations and arrested Mr Sharif. General Musharraf took control with popular domestic acclaim and, without declaring martial law, named himself Pakistan's 'Chief Executive' and suspended Parliament and the Constitution. It was notable however, that martial law was not introduced, political parties were not banned and that no restrictions were placed on the media.

## **RECENT POLITICAL DEVELOPMENTS: 1999 TO THE PRESENT**

In the immediate aftermath of the military coup the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG) met to review

the situation in Pakistan and recommended the suspension of Pakistan from the Councils of the Commonwealth, pending the restoration of democracy. It also decided to send a Ministerial Mission to Pakistan which visited the country from 28-29 October 1999. The Mission was led by the then Foreign Minister of Canada Hon Lloyd Axworthy MP and comprised the Deputy Prime Minister and Minister of Foreign Affairs of Barbados, the Hon Billie Miller MP; the then Foreign Minister of Ghana, the Hon J. Victor Gbeho; and the Special Envoy of the Prime Minister of Malaysia to CMAG, the Hon Tan Sri Dato Musa bin Hitam.

At their meeting in Durban in 1999, Commonwealth Heads of Government endorsed the recommendation, condemned the unconstitutional overthrow of a democratically elected government in Pakistan and called for the restoration of civilian democratic rule without delay.

In January 2000, through an *Oath of Office, Judges Order*, senior members of the judiciary were required to take an oath of allegiance to the military regime. Several senior judges refused to comply with this requirement and were forced to resign. The reputations of those who remained, as well as the Supreme Court itself was severely compromised by the allegations, made repeatedly thereafter, that they were supporters of the military.

On 12 May 2000, Pakistan's newly constituted Supreme Court bench ruled on a petition against the legality of the military regime and validated the takeover under the doctrine of 'state necessity'. The judgement however stated that the 1973 constitution remained the supreme law subject to the condition that certain parts of it had been held in abeyance on account of state necessity. The verdict also prohibited the Chief Executive from amending the salient features of the constitution i.e. the independence of the judiciary, federalism and the parliamentary form of government, and required elections to be held within three years. Responding to the judgement, General Musharraf stated that he would abide by this ruling.

Nawaz Sharif, who had been imprisoned after being overthrown, was tried and convicted of hi-jacking was granted 'clemency' in 2000 and allowed to take his extended family into exile in Saudi Arabia. The regime claimed, however, that in return for the clemency, Mr Sharif agreed to stay out of politics for ten years.

The Musharraf regime sought to introduce grass-roots democracy by establishing a tier of local government that was to be elected on a 'non-party' basis over four stages from December 2000 till July 2001. The Commonwealth Secretary-General sent his representatives to be present in Pakistan for these elections. While welcoming the principle of devolving power to local level, and the reservation of one-third of seats for women, they found that freedom of assembly, association, expression and political participation were severely restricted. They also noted that members of religious minorities were denied the right to equal treatment through being excluded from the joint electoral roll.

On 14 August 2002, Pakistan's Independence Day, General Musharraf announced a 'roadmap' for the restoration of democracy, culminating in National and Provincial Assembly elections in October 2002 and the transfer of executive power to the newly elected Prime Minister and Parliament.

### **THE PRESIDENTIAL REFERENDUM**

On 30 April 2002, General Musharraf, following the precedent set by Generals Ayub and Zia, held a referendum to decide whether he should continue as President for a further five years after the forthcoming elections. This step was widely seen as unconstitutional, and while supported by some of the smaller parties, evoked severe criticism from the main political parties. The Referendum Order was challenged in the Supreme Court, which in an ambiguous ruling on 27 April 2002, found that the order was legal and did not have the effect of amending the Constitution, which was "in abeyance". The judgement went on to say that the consequences flowing from the referendum were "left to be determined at a proper forum at the appropriate time". This was interpreted to leave open the possibility of a review of the outcome of the referendum by the elected legislature, should it seek to do so, once elected.

The referendum, which was widely regarded as flawed and "manipulated", overwhelmingly endorsed General Musharraf's role as President for a further five years. Representatives of the Commonwealth Secretary-General were present at the time of the referendum, and the Secretary-General subsequently said that the referendum should not be used to entrench any undemocratic form of government. He further stated that the Commonwealth wished to see a full return to constitutional rule in Pakistan, with the forthcoming elections held in a free and fair manner, based on a level playing field.

### **THE LEGAL FRAMEWORK ORDER 2002**

On 26 June 2002, the Government announced a series of constitutional amendments, which were put to public consultation till 30 July 2002. On 21 August 2002, General Musharraf announced the finalisation of the constitutional reform package, through the Legal Framework Order 2002 (LFO) on 21 August 2002. He also stated his intention to continue as President and Chief of Army Staff for five years after handing over power to an elected government. The Legal Framework Order amended, with immediate effect, the 1973 Constitution of Pakistan. It was challenged in the Supreme Court, which ruled that its legal status should be determined by the newly elected parliament. The Election Commission of Pakistan duly announced that the elections for the National and Provincial Assemblies would take place on 10 October 2002.

## CHAPTER TWO

# THE CONSTITUTIONAL AND LEGAL FRAMEWORK

The Constitution of the Islamic Republic of Pakistan 1973 provides for a federal structure of parliamentary government for the four provinces - Balochistan, the North-West Frontier Province, the Punjab and Sindh - the Federally Administered Tribal Areas and the Islamabad Capital Territory. When in October 1999 the constitutionally elected government was overthrown by a military coup, the Constitution was suspended by the Proclamation of Emergency of 14 October 1999, read with the Provisional Constitution Order No.1 of 1999. In May 2000, the Pakistan Supreme Court ruled against a review petition brought before it alleging illegality of the military takeover of the government and by that judgment validated the military regime. The Court based its judgment on the doctrine of state necessity. It held, in part, that

“the 1973 Constitution still remains the supreme law of the land subject to the condition that certain parts thereof have been held in abeyance on account of State necessity. . . . The Chief Executive can exercise the legislative power of the land, but cannot amend the salient features of the constitution i.e. the independence of the judiciary, federalism and the parliamentary form of government blended with Islamic provisions”.

Against this background, the laws and rules governing Pakistan’s general elections in October 2002 are to be found principally in the following enactments:

- The Constitution of Pakistan 1973
- The Delimitation of Constituencies Act, 1974
- The Representation of the People Act, 1976
- The Representation of the People (Conduct of Election) Rules, 1977
- The Election Commission Order, 2002
- The Political Parties Order 2002
- Political Parties Rules, 2002
- The Conduct of General Elections Order, 2002
- The Electoral Rolls Act and the Electoral Rules, 1974
- The Allocation of Symbols Order, 2002

## THE ELECTION COMMISSION

The Election Commission is established by the Constitution. Its composition and powers are also set out in the Election Commission Order 2002, which has been enlarged to reflect the federal character of Pakistan.

The Election Commission is not a permanent body but is constituted *ad hoc* for the purpose of each general election to the National Assembly and Provincial Assemblies. It consists of the Chief Election Commissioner as Chairman and four other members.

The President at his discretion appoints the Chief Election Commissioner. The four other members are each a judge of the High Court of each Province and are appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Chief Election Commissioner. Under the Constitution, no person shall be appointed to be Commissioner unless he is, or has been, a judge of the Supreme Court or is or has been a judge of the High Court and is qualified under the Constitution to be appointed a Judge of the Supreme Court. The Chief Election Commissioner holds office for a term of three years which may be extended for one year by the National Assembly and enjoys the same security of tenure as a judge. The present Chief Election Commissioner was Chief Justice of Pakistan until his retirement in 2001 and was appointed as CEC in January 2002.

The duty of the Election Commission is "to organise and conduct elections and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with the law...". These duties include preparing the electoral rolls for the National and Provincial Assemblies, revising them annually and appointing Election Tribunals. Section 220 of the Constitution mandates all executive authorities in the Federation and in the Provinces to assist the Chief Election Commissioner and the Election Commission in the discharge of their functions. In carrying out its duties and functions of organising and conducting elections the Election Commission has the power to issue such orders or directions as may be necessary to enable it to do complete justice in any matter before it. Any order of the Commission is equivalent to an order of the High Court.

## **ELECTION OF THE NATIONAL ASSEMBLY**

The 1973 Constitution stipulates the nature and structure of the Federation of Pakistan. It identifies the President as head of state and the Majlis-e-Shoora (Parliament) as comprising the President and the two Houses, namely the National Assembly and the Senate. It describes in general terms how the holder of the office of President and members of the National Assembly and Senate are to be elected. In particular, it provides, in Article 41(3), that the President is to be elected by the members of an electoral college consisting of the members of the National Assembly and the Senate and the members of the Provincial Assemblies.

The new National Assembly comprises 342 seats of which 332 are allocated to the Provinces, the Federally Administered Tribal Areas and the Federal Capital on the basis of population and in accordance with the last officially published census. The remaining 10 seats are reserved for non-Muslims.

Of the 332 seats 60 are reserved for women. Overall, seats are distributed on a mixed national and constituency basis but also in a manner which appears to have regard to gender as well as religious considerations, as follows:

- The general seats (i.e. the seats not reserved for women or non-Muslims) are single member constituencies;
- Each province is regarded as a single constituency for the seats reserved for women;
- The whole country is regarded as a single constituency for seats reserved for non-Muslims;
- The seats reserved for women are allocated on the basis of party lists so that political parties which obtain more than five percent of the total number of the general seats in the National Assembly are entitled to be allocated a proportionate number of such seats on the basis of the number of seats won from that particular province;
- The seats reserved for non-Muslims are allocated along the same lines as the seats reserved for women.

The delimitation of constituencies is carried out by the Election Commission under the Conduct of General Elections Order 2002 and in accordance with the provisions of the Delimitation of Constituencies Act, 1974. Specifically, the delimitation of constituencies is required to be done with regard to the distribution of population, geographically compact areas, administrative units, facility of communication and other factors to ensure homogeneity and, as far as possible, also to equal distribution of population.

## **THE PROVINCIAL ASSEMBLIES**

Because the election of the members of the provincial assemblies for each of the four Provinces was held on the same day and at the same time as the election of members of the National Assembly, and because their election is an essential element of the democratic framework of Pakistan, it is appropriate to note that the COG observed the process of those elections as well.

Provincial Governors are appointed by the President after consultation with the Prime Minister and hold office at the pleasure of the President. The Constitution prescribes the number of members to be elected for each of the four provinces as 40 for Baluchistan; 80 for the North-West Province; 240 for the Punjab and 100 for Sindh. As in the case of the National Assembly the Constitution provides for a fixed number of seats to be reserved for women and, in addition, a number of seats are reserved for non-Muslims.

## **THE SENATE**

In order to build a complete picture of the legal and constitutional framework for holding elections and for the purpose of constituting a government it is appropriate to note that there is a Senate. The Senate comprises 100 members and is elected indirectly by an electoral college in accordance with the system of proportional representation. The point assumes greater significance when it is remembered that the President is elected by the members of an electoral college consisting of the members of the National Assembly and Senate and the members of the Provincial Assemblies acting together in accordance with Article 41(3) of the Constitution.

## **THE PRESIDENT**

The referendum of 30 April 2002 purported to confirm the incumbent Head of State as President for a further five years after these elections. This was in direct conflict with the provisions of Article 41 of the Constitution. The Referendum Order was challenged in the Supreme Court which ruled that the consequences flowing from the Referendum were left to be determined "at a proper forum at the appropriate time". This was interpreted to leave open a possibility of a review of the outcome of the referendum by the elected legislature, should it decide to do so, once elected.

## **THE CABINET**

The Constitution provides for a system of Cabinet government headed by a Prime Minister for the national government and Chief Ministers for the provincial governments. The President (the Governor in the case of Provincial Cabinets) may appoint as Prime Minister (or Chief Minister in the case of Provincial Cabinets) the person 'who in his opinion is most likely to command the confidence of the majority of the members'. A Prime Minister ceases to hold office if a vote of no-confidence is passed against him/her. Additionally, Article 58-2 (b) which is reinstated by the Legal Framework Order allows for the President to dismiss the National Assembly including the Prime Minister if, in his opinion, "a situation has arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution an appeal to the electorate is necessary". In this event, the dismissed Prime Minister is barred from contesting the immediately following election.

The Legal Framework Order, 2002 gives the President very extensive powers which cannot be challenged in any court of law and notwithstanding anything contained in the Constitution. The Order affirms and validates all the President's and Chief Executive's Orders and Proclamations issued since 12 October, 1999. These include the Proclamation of Emergency of 14 October 1999, the Provisional Constitution Order No.1 of 1999, the Oath of Office (Judges) Order 2000 and the Referendum Order 2002.

## **FRANCHISE AND THE ELECTORAL ROLL**

The principal source of electoral legislation apart from the Constitution is the Representation of the People Act 1976. This Act enlarges upon the provisions of the Constitution relating to the powers of the Election Commission to manage the elections. For instance, it gives powers to the Commission which enable it to appoint Returning and Presiding Officers as well as polling officers, who constitute a vital cog in the electoral wheel.

The preparation, revision, correction and amendment of the electoral rolls is done in accordance with the Electoral Rolls Act, 1974 on provincial basis by Registration Officers who are appointed by the Chief Election Commissioner.

Any citizen of Pakistan who had reached the age of 18 years on 1 January 2002 was entitled to be registered to vote. Furthermore, in order to be registered a voter must be a Muslim, in which case his or her name will be listed in the 'joint electorate' roll, or is included in the supplementary list of voters as a non-Muslim.

## **VOTER IDENTIFICATION**

At the election, the Presiding Officer issued a ballot paper to an elector only after having satisfied himself as to the identity of the elector. For this purpose the Presiding Officer required the elector to produce her/his old national identity card, issued under the provisions of the National Registration Act 1973. Alternatively the new national identity card issued under the National Database and Registration Authority Ordinance 2000 was accepted as the only other means of establishing the voter's identity. The Election Commission ruled that the national identity card was the only acceptable means of voter identification.

## **QUALIFICATION AND DISQUALIFICATION OF CANDIDATES FOR ELECTION**

The Constitution sets out in Articles 62 and 63 elaborate standards, including moral and religious standards, that candidates must meet in order to qualify for election to Parliament. New rules for the nominations for candidates were introduced through the Conduct of Elections Order

2002. The LFO had set out a requirement that all candidates to the National and Provincial Assemblies have a bachelor degree recognized

under the University Grants Commission Act 1974, or an equivalent Islamic religious qualification. This condition barred many eligible people from standing.

Many other provisions and the manner of their operation are also set out and amplified in the Representation of the People Act 1976. There are identical provisions which candidates must meet in order to qualify for election to the Provincial Assemblies.

Candidates must be citizens of Pakistan aged over 25 years and of good character. Muslim candidates are required to fulfil several additional requirements such as having adequate knowledge of Islamic teachings and being not commonly known to violate Islamic injunctions. Candidates can be disqualified if they have been convicted by a court on charges of corruption, moral turpitude or misuse of power or authority. They could be disqualified if they have been convicted and sentenced to imprisonment by a competent court for having absconded.

During 2002 a number of new Rules and Orders were promulgated which affect the conduct of elections. Under the Conduct of General Elections Order 2002 candidates could be disqualified for defaulting by more than one year on a loan of 2 million rupees or more in their own name or in the name of their spouse, or if their spouse or one of their dependants has defaulted in the payment of government dues and utility charges in excess of Rs 10,000 for over six months.

The Election Commission established Election Tribunals to rule on appeals concerning the nomination of candidates within a short time-table. During this stage, several prominent politicians were excluded, on what the political parties described as 'person specific' grounds. In one significant judgment, the High Court did not rule on the merits of the case, but upheld the disqualification, in effect, on the grounds that it was too late to include the names on the ballot paper. The nominations process was thus viewed with some suspicion and some political parties alleged that these requirements were introduced deliberately to exclude or have been applied selectively to disqualify particular individuals or classes of potential candidates.

## **MISCELLANEOUS PROVISIONS**

Under the Constitution a candidate may contest more than one seat but must resign from all but one seat if elected to more than one seat: a by-election is then held to fill the seat left vacant. The National Assembly has a normal life of 5 years from the day of its first meeting and shall be dissolved at the expiration of its term. A general election must be held within a period of 60 days of the Assembly running its full term of 5 years or within 90 days if it is sooner dissolved by the President.

On 9 October the Government promulgated an amendment to the Legal Framework Order. This required all elected independent members of the National Assembly and Provincial Assemblies – almost ten percent of the newly elected National Assembly – to join a political group within three days of the announcement of final results. Failure to do so would result in forfeiture of the seat.

## **ELECTION TRIBUNALS**

The final consolidated statement of the results of the elections must be announced within 14 days of polling. Disputed elections may only be challenged by a petition to an Election Tribunal appointed by the Chief Election Commissioner under the powers given to him by the Representation of the People Act 1974. Appeals against the decisions of Election Tribunals may be made within thirty days of the decision to the Supreme Court whose decision is final. However, there appeared to be a disturbing lack of confidence, especially among the legal fraternity, in the ability of the tribunals or the Supreme Court to deliver justice in such petitions either substantively or in a timely manner.

## **LEGISLATION GOVERNING POLITICAL PARTIES**

The Political Parties Order 2002 made several changes to the law governing political parties. The changes introduced new rules relating to, among other things, the formation of political parties, their constitutions, membership, party elections, accounts, eligibility for allotment of election symbols and selection of candidates for election to Parliament. Some political parties complained that these provisions were brought into force with immediate effect without consultation and gave them extremely short deadlines to comply with the new requirements. The Order was published in the official gazette on 28 June 2002 and came into immediate force. The result was that those parties that were unable to hold internal party elections were not allowed to contest the 2002 elections. However, we did not receive any complaint from any party that they were barred from contesting on that ground.

On 23 July 2002, the Election Commission published the Political Parties Rules 2002. This required political parties to produce within 10 days of the date of the notice a variety of documents including a copy of their constitution, a statement of accounts and evidence of compliance with the legislation requiring them to conduct internal elections to party posts. Although these Rules were applied equally to all political parties, some parties complained that the Election Commission had sought to place hurdles in their way by giving them very short timeframes for compliance with the new rules. We understand, however, that genuine requests for extensions of time within which to comply were granted and that no party was disadvantaged on this ground alone.

## **THE LEGAL FRAMEWORK ORDER 2002 (LFO)**

Controversially, on 21 August 2002 the Chief Executive issued the Legal Framework Order which amended the Constitution in a number of respects. In particular it provides for the President to appoint and chair a National Security Council consisting of the Prime Minister, the Chairman of the Senate, the Speaker of the National Assembly, the Leader of the Opposition in the National Assembly, the Chief Ministers of the Provinces, the Chairman Joint Chiefs of Staff Committee and the Chiefs of Staff of the Pakistan Army, Navy and Air Force. The LFO also provides for the President to:

- relinquish office as Chief Executive on such day as he may determine after the elections and thereafter assume forthwith the office President for a period of 5 years on the basis of the mandate given to him by the 30 April 2002 referendum and in accordance with Article 44 of the Constitution;
- have powers to dismiss the elected National Assembly including the Prime Minister;
- appoint the Army, Navy, Air Force and the Chairman of the Joint Chiefs of Staff Committee;
- override other laws or constitutional provisions;
- make further constitutional changes as he sees fit.

Meetings of the National Security Council may be convened by the President either at his discretion, or on the advice of the Prime Minister, or when requested by any other of its members within the time frame indicated by the President.

It is apparent that the LFO will have the effect of strengthening the political role of the army through the establishment of a National Security Council and will shift powers from the elected Prime Minister to the President.

Doubt had been cast on the legality of the Legal Framework Order on the ground that the Chief Executive had no power to pass such a law. The opinion of the Pakistan Bar Council which it has consistently maintained is that "the Chief Executive neither had the legal nor the moral authority to enforce such an Order which overrides the Constitution of the Islamic Republic of Pakistan which was unanimously passed by the Parliament in 1973". In their view the Legal Framework Order is tantamount to rewriting the Constitution. They have besought all political parties to undo the "illegal and undemocratic Legal Framework Order . . . in the Parliament which would emerge in consequence of the forthcoming General Election".

However, viewed against the background of the judgment of the Supreme Court of 12 May 2000, which is explicitly invoked by the LFO, as well as the Court's pronouncements in subsequent petitions brought before it, it would seem that the Supreme Court could still be willing to entertain petitions by way of judicial review. The true status of the Legal Framework Order and the application of the doctrine of State Necessity

have created some doubts in the minds of electors as regards the role the new Parliament will play.

It is not certain whether a claim can be made that there is now an emerging jurisprudence which recognizes the doctrine of '*state necessity*' as part of the constitutional law in Commonwealth countries including Pakistan. What is certain is that the doctrine has been relied upon by the Supreme Court of Pakistan on at least two previous occasions to legitimise the unconstitutional removal of democratically elected governments by the military. It remains to be seen whether, in any petition concerning the implications and application of the LFO that may come before it, the Supreme Court would be able to rule that a particular constitutional amendment or exercise of legislative power has overstepped the boundaries of state necessity and into tampering with a "salient" feature of the constitution.

## CHAPTER THREE

# PREPARATIONS FOR THE ELECTIONS

### VOTER REGISTRATION AND IDENTITY CARDS

The Electoral Rolls Act 1974 and the Electoral Rolls Rules 1974 dealt with the preparation, annual revision, amendment and maintenance of voters lists. The Election Commission (EC) undertook the preparation of electoral rolls through house to house enumeration, supported by media publicity, including a newspaper form which people could cut out and return. We were advised that upwards of 90,000 enumerators were involved in the enrolment process. Registration began on 1 January 2002 for a one month period which was extended by the Chief Election Commissioner (CEC) till February 11 2002.

The roll was published on 4 April 2002 and objections were invited and disposed of by 15 May. On 14 May the Government determined that all voters over the age of 18 years would be eligible to participate in this election. The EC prepared preliminary electoral rolls of voters aged 18-21 years based on National Data Forms collected by the National Database and Registration Authority during the census held in 1998.

On 5 August 2002, accompanied by publicity, the printed roll was displayed at local community and neighbourhood level for one week, inviting newly eligible voters were to check the documents and make corrections as necessary. The Chief Election Commissioner advised the COG that no objections were received during this process.

The roll was finalised and printed on 30 August 2002, with 71,905,435 voters on the roll. While both male and female voters are on the same electoral roll – Presiding Officers at polling stations were provided with relevant sections of the roll divided by gender.

In the course of our contact with political parties, NGOs and civil society, and indeed in some interviews with electoral officials, allegations were either made, or it was acknowledged that there were instances of people seeking to be enrolled who were either not, or had previously been enrolled, and had now found that their names had been omitted. It was further both alleged and acknowledged that there were considerable numbers of identity cards (particularly but not exclusively for people eligible to vote for the first time) which had not been issued. We were assured by the CEC and by other official sources that these would all be in the hands of voters before election day. We had no way of quantifying on a national, provincial or constituency basis how many people were disenfranchised for want of NADRA processing their application and issuing their ID card before election day.

In recognition of the fact that a significant number of electors, for whatever reason, had not received the new laminated photo identity cards, the EC clarified during September that old ID cards would be valid identification. It had earlier confirmed that ID cards were the only acceptable form of voter identification, and that photocopies of ID cards or receipts of applications would not be allowed

## **WOMEN**

It was of note that the number of female registered voters was over 5.5 million less than the number of male registered voters. Given that in almost all countries female electors outnumbered male voters, it should be asked whether the census and voter registration process contained in-built flaws which resulted in a significant number of women being overlooked, or whether in fact because of cultural factors women either chose not to register or were prevented from doing so. In the weeks leading to the elections there were several newspaper reports which indicated that village elders and party candidates in NWFP and the tribal areas had banned women from exercising their vote.

## **MINORITIES**

There remained one significant exception to the joint electorate roll system. That exception was in the case of the Ahmadis - a group distinguished from other Muslims by a matter of doctrine. The Ahmadis remained excluded from the joint electorate and were required to register on a separate voters register. We had no certain knowledge as to their numbers but the fact was that they were excluded by law from being on the main electoral roll solely by reason of their beliefs. There were no impediments to the enrolment of non-Muslim religious minorities e.g. Christians and Hindus. According to press reports, a significant number of the Ahmadis boycotted the registration process in protest.

## **ALLEGATIONS CONCERNING THE ABUSE OF STATE RESOURCES**

The EC had the power under Article 6, Election Commission Order 2002 to issue such directions or orders as may be necessary for the performance of its functions and duties, and could order the attendance of any person or discovery or production of any document. These Directives had the force of an Order of the High Court; infringement could be punished by a maximum 2 year prison sentence, a Rs2000 fine, or both.

In the run-up to the elections, the EC issued several directives regulating the electoral environment. The *Directive on misuse of state resources*, issued on 29 July 2002, forbade executive authorities from using state resources for unfair advantage or from exercising undue influence or government patronage affecting the interest of any person intending to contest an election, a contesting candidate or a political party. Cabinet and Establishment Secretaries, and Chief Secretaries in the Provinces

were requested to ensure that the executive authorities acted with neutrality and impartiality throughout the elections.

It was widely alleged to us by political parties and also reported in the print media that Governors, Chief Ministers, Chief Secretaries and Nazims (local authority chairs or mayors) campaigned mainly on behalf of PML-QA; that at least one Chief Minister had sat on stage at a party meeting with candidates; and that the offices of the Governors of Punjab and Sindh were used as campaign 'cells' for PML-QA. Newspapers also reported a spate of new development projects such as parks, gas and irrigation schemes etc announced by Nazims in the days preceding the elections. Although they had been elected on a non-party platform in the local bodies elections, their political allegiances were known as they had been supported by the various political parties. We attempted to verify some of these claims and discovered that Nazims often openly provided support and assistance to relatives who were contesting the elections. When pressed on this, one Nazim claimed that since they were members of political parties, they were expected to assist candidates with their campaigns. In one instance we met a Nazim who had allocated Rs20 million of development funds to the constituency of a candidate who was his brother. He told us that the decision to allocate the funds was not his alone but was taken by the entire council. We encountered a few complaints against other parties but the great majority were against PML-QA.

## **ELECTION COMMISSION DIRECTIVES**

The *Directive on Code of Conduct for Pakistan Television* stipulated that state broadcast media election coverage should be fair and not biased in favour of any particular party or candidate. This balance need not be achieved in a single day or a single story, but over a reasonable period of time, i.e. a week. This is further discussed in the chapter on *The Campaign and Media*.

Junior and session judges were responsible, as Returning Officers and District Returning Officers, for the consolidation and supervision of election results. The *Directive on the Ban on Bulk Transfers*, issued on 23 July 2002, forbade bulk transfers of civil servants until after elections. It further stated that no individual transfers were permitted except under exceptional circumstances, in the exigencies of service and in the public interest.

Several political parties made allegations to us – some substantiated – that despite the Directive, bulk transfers continued to be carried out in the months preceding the elections with the alleged government intention that judicial officials who would be responsible as district returning officers for the transmission of results could be placed under pressure to achieve the 'right result.'

On 5 August 2002 the EC also issued a *Directive on Incumbent Ministers* that required Ministers to resign from office before seeking nomination as

candidates. A week later, the Chief Election Commissioner directed Returning Officers not to accept any Nomination Forms from Provincial Governors or Federal or Provincial Ministers unless and until they had relinquished office.

## **DELIMITATION OF CONSTITUENCIES**

Following the 1998 census and the decision to increase the number of general seats in the National Assembly, new boundaries had to be determined. Under the provisions of the Delimitation of Constituencies Act 1974 and Articles 5 and 6 of the Conduct of General Elections Order 2002, the Election Commission proceeded to define new boundaries for National Assembly constituencies and in turn provincial constituencies. In the course of our meetings with political parties, groupings and individual candidates, we received some allegations of gerrymandering. However, we also received many comments to the effect that candidates and parties by and large accepted the new boundaries.

## **NOMINATION OF CANDIDATES**

The Election Commission notified in the Gazette of Pakistan of 16 August 2002 the dates for the nomination process which opened on 19 August and closed on 24 August. The rest of the timetable was as follows:

Scrutiny of nominations	25 August –31 August
Last day for appeals	4 September
Last day for decisions on appeals	11 September
Last day for withdrawal of candidature	12 September
Publication of revised lists	13 September

At the request of some political parties the Schedule was amended by the Chief Election Commissioner extending the closing date for nominations by 2 days and each subsequent step by the same time. Disposal of all processes according to the amended schedule was thus due to be completed by 15 September; however, for some time after that date, appeals were still before the election tribunals. The last appeals were only disposed of days before the election and after ballot papers were printed. It would seem that the time between closing nominations and election day may need to be reviewed.

Subsequent to the closing of nominations and later withdrawal of nominations, the EC proceeded to allocate symbols to 73 registered parties and a further number of independent candidates. We were informed by the Chief Election Commissioner that the main parties had applied for and received the same symbols that they had used in the 1997 General Election. We received no complaints from political parties regarding the allocation of symbols. Nevertheless, it is to be noted that a large number of independent candidates, applied for and were allotted the favourable 'crescent' symbol.

## **CIVIC/VOTER EDUCATION**

The Election Commission began an awareness campaign on 2 May 2002 in collaboration with the United Nations Development Programme (UNDP) to inform the electors about their rights and responsibilities. We had some contact with non-governmental organisations who were engaged in voter education with particular groups - for instance the Aurat Foundation which was working to encourage female participation, particularly in the frontier areas. We saw little sign of official efforts aimed at voter education or encouraging voters to vote until quite close to the election.

What we saw were scattered television commercials, newspaper advertisements and occasional billboards in the main cities. We were told that videos had been prepared for showing on state television and elsewhere.

## **POLITICAL PARTIES**

Certain campaign activities by political parties had been outlawed following the military takeover in 1999. This prohibition was only lifted on 1 September 2002. The preparation for the election by political parties was therefore severely restricted by the shortness of the time between the lifting of the prohibition and election day.

Even after the prohibition was lifted, the Government, acting separately from the Election Commission, prohibited processions (in contrast to public meetings at approved locations with permits from Nazims) on the grounds of the security situation prevailing in the country and on its borders. Both activities were a major feature of previous elections.

On 31 July 2002, the Representation of the People Act 1976 was amended to announce restrictions on the amount candidates were permitted to expend on their election. The figures were Rs1.5 million for National Assembly candidates and Rs1 million for Provincial Assembly candidates. All contesting candidates were required to submit an account of their election expenses within 30 days of the announcement of official results. The EC subsequently, on 13 October, ordered all successful candidates to submit their campaign accounts within 10 days of the results announcement. There were several newspaper reports in the run-up to elections that alleged certain candidates had greatly exceeded the campaign fund limits – one NA candidate was reported to have spent the entire amount in the course of one day in erecting billboards.

Breach of the rules on election expenses was an 'illegal practice' under the Act punishable by a maximum 6 month prison term or a maximum Rs5000 fine.

On August 23 2002, after inviting comments from political parties, the Election Commission issued of a *Code of Conduct for Political Parties*. We

saw little sign of awareness of this amongst candidates and party workers until close to the election.

## **APPOINTMENT AND TRAINING OF POLLING OFFICIALS**

The Representation of the People Act 1976 set out the criteria for appointment of District Returning Officers, Returning Officers and other election officials.

The Election Commission informed us that it was organising training for 300,000 polling personnel. We observed training programmes for polling station staff which was being conducted on this scale for the first time. The UNDP funded this programme, and several NGOs participated in the implementation of the training, which was carried out at district level, usually at secondary school and tertiary education sites. Remote areas were targeted by mobile teams. Many of these officials had previous experience in elections. The Election Commission also organised the training of trainers. We noted that the training manuals for election officials were clearly and simply written and outlined the relevant procedures thoroughly.

The responsibility for training polling agents lay with the political parties, but the Election Commission produced a manual of suggestions for polling officials, while the UNDP carried out some small-scale training of polling agents. The Washington DC-based National Democratic Institute of International Affairs organised training workshops in Pakistan for polling agents of all the main political parties, and produced and distributed a booklet outlining their rights and responsibilities.

## **ALLOCATION OF POLLING STATIONS**

There was a substantial increase in the number of polling stations (see page 34 for the figure on election day) The EC told us that polling stations would therefore be more readily accessible than in previous years. However, we understood that much of that increase would take the form of additional polling stations on the same site.

Each polling station would contain 2 or more booths, depending on the number of voters assigned to it, and each station would cater for between 1,000 and 1,200 voters. The polling stations were to be located in public schools, colleges, offices, community centres and council offices. The Election Commission directed that new polling stations were to be established for remote areas containing between 200-1000 voters, where the main polling station was over 15 km away. However, particularly in the NWFP, we noted concern that polling stations would not be established in the less accessible areas.

## **SECURITY**

We were informed that the Police, Rangers, Army and possibly reserve forces were to provide security for election day. Elsewhere, the police were to mobilise large numbers of special police, who were largely comprised of former police and armed forces personnel and some categories of public servants e.g. customs officials. On a nationwide basis, very large numbers were to be involved.

## **POSTAL BALLOTS**

The law provided that public servants, prisoners, persons detained in legal custody, and members of the armed forces who were posted away from the community at which they were registered as voters were entitled to apply to their returning officer by 20 September for a postal ballot. This facility extended to the wives and any children living with them who were registered voters. Secondly, police and election day staff who would be on duty on election day could apply for a postal ballot by 30 September.

## **OBSERVERS**

The Election Commission was responsible for the accreditation of observers, and the COG was fully satisfied with the arrangements made. Apart from the Commonwealth Observer Group, there were international observers from the European Union, the Asian Network for Free Elections (ANFREL), and a group from SAARC member countries organised by the Colombo-based International Centre for Ethnic Studies. In addition, there was a team from Japan and diplomats from various overseas missions.

The Human Rights Commission of Pakistan organised 300 observers across 100 constituencies. Other domestic observers were present from the Bar Association, the development organization Pattan, and several other NGOs.

## CHAPTER FOUR

# THE CAMPAIGN AND THE MEDIA

### THE CAMPAIGN

Unlike former military takeovers, the Musharraf regime did not ban political parties or restrict the media when it seized power in 1999. It did, however, place restrictions on the activities of parties. Political rallies and processions were banned, as under the guise of improving law and order as there had been an increasing tendency for the more militant groups to display arms at meetings. When local government elections were held in stages between 2000 and 2001, these were held on a non-party basis, ostensibly to bring about a new class of independent-minded politicians. Many candidates who stood for local government, however, represented the mainstream parties, which, on the whole did well in the elections with several well known political players becoming Nazim (mayor) or Naib Nazim (deputy mayor).

General Musharraf's 'roadmap' for the restoration of democracy of August 2001 had committed the government to allowing political parties to compete in general elections, and preparations for these had been quietly underway for some time. A significant factor affecting these preparations nevertheless, was the enforced absence of the leaders of the two main parties. Nawaz Sharif of PML-N had been exiled to Saudi Arabia after a trial and imprisonment. The Government maintained that he had accepted the condition, as part of his 'clemency' agreement, to forego political activity for ten years. Benazir Bhutto, of PPP, was tried and convicted during the Sharif government on corruption related charges. In self-imposed exile since 1999 and under renewed threat of arrest for 'absconding', she had remained abroad throughout the period of military rule.

Against this backdrop, the date for the general elections was announced on 10 July 2002 and the Election Commission issued an Election Schedule. Pakistan's political climate has traditionally been characterised by a large number of parties and this was no different for the October 2002 elections. Despite more rigorous conditions for the registration of parties, a record number of 45 (ck figure) political parties were registered by the Election Commission. Of these, the main players were:

**Pakistan People's Party Parliamentarians (PPPP)** - launched on 8 August 2002 and headed by Makhdoom Amin Fahim, this was a new grouping of the Pakistan People's Party (still headed by Ms Bhutto in exile). PPPP was created to circumvent any potential disqualification against Ms Bhutto's PPP, was allocated the 'arrow' symbol – the traditional

PPP symbol. PPP's strength lay in Sindh, but it was the largest single party across the country.

**Pakistan Muslim League Quaid e Azam (PML-QA)** - comprising several figures who had previously stood for the Pakistan Muslim League (Nawaz), PPP and other parties, PML-QA became known as the main player in the 'King's Parties' - a reference to its alleged support from, and professed loyalty to, the incumbent government.

**Muttahida Majlis e Amal (MMA)** - an alliance of six religious parties, of which the largest was reportedly the **Jamiat-e-Ulema-e-Islam**, which became the largest representation in the alliance. The religious parties had traditionally failed to get popular support at the ballot box, but fought a campaign largely based on Islamic ideology and on opposing the military regime's actions as a member of the coalition against international terrorism in Afghanistan. This particularly resonated in the tribal provinces.

**Pakistan Muslim League (Nawaz) (PML-N)** - the party of former Prime Minister Nawaz Sharif, PML-N had secured an overwhelming majority in the 1997 elections, but was clearly affected during the campaign by the absence of its leader. PML-N also saw a number of its former candidates standing as independents or joining PML-QA, and did not capture its traditional heartland, the Punjab.

**Muttahida Quami Movement (MQM)** - a Sindh based provincial party, headquartered in Karachi, which has strong localised support in urban areas. Its leader, Mr Altaf Hussain is also in self imposed exile in the United Kingdom, and has moved the party to offer qualified support to the military government.

**Awami National Party (ANP)** - this was an ethnic Pushtoon party based in the North West Frontier Province. In these elections, it lost considerable support to the MMA, which mounted a more vigorous, single issue campaign in the tribal areas.

**Pakistan Tehrik-e-Insaaf (PT-e-I)** - formed in 1997 by Imran Khan, a national cricketing hero, T-e-I had supported the government till recently but changed its position after the discredited April Presidential referendum. Its lack of a national party organisation and structure affected its campaign, but its leader, Mr Khan, was elected.

**Pakistan Pashtoon Khwa Milli Awami Party** - led by Mahmood Khan Achakzai, this Baluchi provincial party was headquartered in Quetta. In these elections they retained a moderate platform on national issues and did reasonably well in their province.

## **THE CAMPAIGN**

The campaign, overall, was slow to get underway and did not appear to capture the public imagination. It was mainly conducted through localised

activities, with few national themes or events dominating, even in the later stages. In the final stages, the number of rallies picked up, but on the whole the main medium of publicity was posters festooned across the country, hanging from lampposts and plastered on wall, cars and even on public sculpture. No one political personality dominated the campaign – other than the President - who was not up for election.

Political parties were required to end campaigning forty eight hours before the opening of polls, but the President delivered an address to the nation on Pakistan Television at 9 p.m. on the eve of poll, detailing his government's achievements and exhorting the public to vote for the 'right candidates'. We took note that on the morning of the poll, a pamphlet appeared in a number of newspapers, extolling the achievements of the President and his government.

Several factors affected the conduct of the campaign:

The restriction on outdoor campaigning (where permission had to be obtained from several authorities in advance, before public meetings could be held), and the ban on processions (jhalsas) – a traditional method of campaigning in Pakistan - limited the parties' 'shows' of strength. In the Federal Capital Area, Islamabad, a Section 144 order, banning public gatherings, effectively ruled out any political activity.

The absence of Ms Bhutto, Mr Sharif, and Mr Altaf Hussain - all crowd pullers – made the rallies themselves, more subdued. However, all managed to address their supporters through tapes and video links in the final stages of the campaign with Ms Bhutto galvanising her supporters in a Lahore video link-up on 8 October.

Under these restrictions we observed that parties and candidates turned to door knocking and street corner meetings to promote themselves. The latter in particular appeared to be popular in the evenings with many small gatherings of supporters appearing in urban areas.

The campaign overall was widely regarded as ineffective and lacklustre, which was reflected in the turnout, officially estimated to have been .... The lack of interest was attributed in part to the view, taken by many voters we spoke to, that the elections in themselves would not bring much change.

### ***Issues***

Among the political parties, only the MMA appeared to have a distinctive campaign theme. On the whole, the main political parties did not appear to campaign on ideological grounds, but rather on general economic and welfare issues, and against the incumbent government. A few issues dominated the campaign:

- Speculation as to whether the two former Prime Ministers would be able to return and contest the election. In the event Ms Bhutto was disqualified and Mr Sharif withdrew his nomination;

- The controversy over the graduation condition generated much debate both about the principle but also about whether it was 'person specific' as the political parties alleged. The Government defended the condition on the basis that Pakistan needed a new political class capable of delivering a higher standard of governance than in the past. Several well known politicians from the PPP and PML-N were disqualified, but on the other hand, the condition did not subsequently serve to change the dominance of the old political classes as younger, educated members of the same families often put forward and succeeded. It was notable that voters appeared to be quite supportive of the condition, setting a higher standard for politicians than for themselves;
- The disbursement of 'development' funds assisted particular candidates. Allegations about this were rife across most of the country, where we heard allegations that the provincial government in Punjab had 'favoured' the 'King's' parties. We also saw evidence of partisanship on the part of Nazims and local council members, but this practice was not restricted to any one party.
- The status of the new Assembly and speculation as to whether democracy would have been genuinely restored was also a factor in voter apathy. The Presidential Referendum and the Legal Framework Order 2002, which set the framework for General Musharraf to remain as President and established the National Security Council, led many to see the elections as a wasted exercise.
- Allegations that the PML-QA and other parties supportive of the military regime were being 'assisted' unfairly may have created the impression that voting would not change the outcome. Our own impressions reinforced the view that the playing field was less than truly level;
- The transfer of public servants to certain target constituencies, created the impression that the election was open to manipulation. These transfers were relevant as public servants, and particularly members of the judiciary play a critical role in the nomination and results process. Despite the Election Commission's belated moves to prevent these transfers till after polling day, we saw evidence that transfers continued. We were not able to assess, however, whether this had any material effect on the outcome of the elections.

While the voting age had been reduced to 18 years from 21 years, and a significant number of new voters were eligible to vote, the political parties did not appear to target issues relevant to young people, other than jobs. However, popular campaign slogans and pop music were aimed at increasing their appeal to this group.

A new development in the campaign was the emergence of opinion polls – extensively reported in the print media, both English and Urdu. These showed considerable support for either the Army or for President Musharraf to continue to have a role in government. The numerous voters we spoke to also echoed this sentiment and seemed, on the whole, to be generally unenthusiastic about electing a new government, despite their commitment to a restoration of democracy.

## **THE MEDIA**

The media is an important part of any democratic process. It remains the principal means through which both political parties and independent candidates can reach the public.

While the political parties were subject to restrictions after the military takeover, the media, on the whole, continued to operate freely and has been largely unfettered in its editorial policies. However, we noted that the media was not able to substantiate allegations of pre-poll and post-poll rigging. Our observations covered both the state owned media, mainly represented by Pakistan Television Corporation and Pakistan Broadcasting Corporation (radio), as well as the privately owned media, represented mainly by newspapers and journals.

On August 8 2002, with four weeks to go till polling day, the Election Commission issued a *Code of Conduct* for the electronic media which stated that the coverage by the electronic media should be fair, balanced and unbiased in favour of any political party, candidate or leader in respect of the following:

- Campaigning and excerpts from campaign speeches;
- Symbols, banners, flags and other campaign material of parties;
- Results of opinion polls by non-political, professional organisations with a proven track record;
- Party manifestos (critical analysis of which is 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 patterns, victory margins, swings etc.
- There should be no coverage of material that incites violence;
- At constituency level all the principal candidates merited coverage;
- A balanced coverage for all the parties without especial coverage of any one. This 'balance' had to be achieved over a reasonable period of time;
- 'Balance' meant that parties had to be given broadly the same amount of time.

In the period before the handover of power to a civilian government, the Government approved the draft ordinances on the registration of newspapers and the establishment of a Press Council (31 August 2002)

and Freedom of Information (21 September 2002). However, while neither of these were intended for promulgation before the general elections, on October 1 the President promulgated the Defamation Ordinance (No LVI). This ordinance came as a surprise to members of the media as ongoing consultations had resulted in agreement that a Press Council would rule on complaints and, during those consultations, no further laws on complaints were envisaged. The Defamation Ordinance provoked a robust response from members of the media who alleged that the timing (so close to handover) and content (heavy fines and imprisonment) of the ordinance, were designed to intimidate the media in the critical period after the election.

### ***Television***

Although television remains relatively unaffordable in Pakistan, it does have a wide reach, particularly in the urban areas. Pakistan also has several privately owned stations broadcasting in Pakistan such as ARY Digital, Indus and Geo, but these are restricted to those who can afford cable - a small number. PTV remains the only free broadcaster based in Pakistan that can be seen throughout the country.

In the early stages of the election campaign, we witnessed PTV's tilt towards the government and the 'King's' parties. This took several forms, including highlighting the achievements of the government and its daily activities and the personalities in those political parties that favoured the status quo or similar policies to the government.

Till well into the campaign, the main news bulletin on PTV Khabarnama (the country's most widely watched news broadcast, daily at 9pm) concentrated on the elections in Kashmir and on government activities with coverage of the elections in Pakistan coming fifth or sixth in its news priorities. What coverage there was, tended towards the government's perspective on election related activity, without giving an alternative view. There were regular criticisms of political parties that had been in power and the President's urge for "new faces" to be elected could be seen as a direct call on of the electorate to vote a particular way.

We were told that in 1997, PTV had accepted paid advertising by political parties across the board but for this election PTV's Censor Board refused permission for the Pakistan People's Party (Parliamentarians) to air a commercial which included images of Ms Benazir Bhutto, the party's exiled leader. The reason given was that she and her late father had both been convicted, and that PTV did not broadcast images of convicts. This was not borne out by evidence as we saw several images of other convicted persons, and the PPP was not given an opportunity to re-edit their broadcast. The fact that similar images from posters had been used by the station in its news reports appeared to have been lost on the censors.

A popular election related programme was "Election Hour" in which the leaders of most of the main parties were given an opportunity to appear on a 50 minute chat show to discuss their policies. Other current affairs

programmes such as News Night also made an attempt at presenting a balanced picture. As far as we were aware, there was no legal requirement for state television to offer the political parties any free of cost 'party political broadcasts'.

A contributing factor to a more balanced coverage in the later stages of the campaign may have been the widely reported findings of the Liberal Forum, a local non-governmental organisation that undertook media monitoring during the election period. In regular reports during the campaign Liberal Forum initially reported that Muttahida Majilis-e-Amal (MMA) and the Pakistan Muslim League (Quaid-I-Azam), received the most coverage on Khabarnama.

These findings were widely reported in the press. Halfway through the campaign the Election Commission intervened and stated publicly that it expected that the Code of Conduct to be observed "in letter and spirit." By the closing stages of the campaign the PML(QA) continued in pole position, but PPPP had moved into second place in terms of airtime on Khabarnama.

Although private television is relatively new in Pakistan and only available via cable or satellite (the programmes are beamed in from locations such as London and Dubai), these broadcasters won plaudits for concentrating on every day issues for the public.

### **Radio**

Radio still reaches the widest number of people in Pakistan although reliable data on listening figures is not readily available. The state-run broadcaster, Radio Pakistan reflected a slightly favourable trend towards

the 'King's' parties and stories negative to the government were said to have been downplayed or, in some cases, simply not reported. While omitting or reducing the prominence of a particular story are indeed signs of bias, such actions as occurred, were carried out with subtlety.

### **Print Media**

The print media is privately owned and there are more than 2000 newspapers, magazines and journals published in Pakistan. A majority of those publications are in Urdu. It is worth noting that in a country where adult literacy is estimated to be around 30 per cent, a majority of the population did not have access to this medium of communication, but were nevertheless well informed about newspaper stories.

The English language print media is read by even fewer people than the Urdu language press but remains the most robust part of the Pakistan media. Leading newspapers such as *Dawn*, *The News*, *The Nation*, the *Baluchistan Times* and *Frontier Post*, carried a wide range of articles and news stories on all the leading political parties.

In the Urdu newspapers and weeklies, which have relatively wide readership, all shades of the political spectrum were covered and reported. The main Urdu newspapers were *Daily Jang*, *Nawa-I-Waqat*, *Khabrain*, and *Pakistan*, while provincial newspapers in the Sindhi language were *Ibarat* and *Kavish*. The Urdu press contained much coverage of the differences between these elections and the 1997 elections, noting the general lack of enthusiasm this time around. They were broadly supportive of the graduation condition and the opportunity for new faces to emerge. The Jang Group conducted an on-line opinion poll which ran through the campaign period. This questioned whether the elections would pave the way for a meaningful restoration of democracy, to which its respondents were almost evenly divided. The Urdu papers appeared to be more favourable to the religious parties with more of an emphasis on anti American sentiments than their English language counterparts. All papers extensively carried allegations of pre poll rigging.

All papers, both English and Urdu, covered the parties' policy positions on the economy, foreign affairs, development and social welfare issues. The issues that tended to dominate, however, related to the nominations of individual candidates, the parties electoral prospects in the different regions of the country and above all, the parties allegations of 'pre poll' rigging. The work of the Election Commission was also given considerable coverage with voter education advertisements appearing in the later stages of the campaign. All newspapers appeared to carry large numbers of paid advertising promoting different candidates.

Overall, the print media reported the campaign well, and provided a useful picture of the campaign and its leading personalities. We found little evidence of self-imposed 'censorship', but it now remains to be seen if the Defamation Order will allow for this level of independence if implemented in full.

## CHAPTER FIVE

# THE POLL, COUNT AND RESULTS PROCESS

### INTRODUCTION

The elections were held on Thursday 10 October 2002. According to the Election Commission there were 64,475 polling stations<sup>1</sup>, sub-divided into 164,718 separate polling booths (each consisting of a set of three officials, party agents, National Assembly and Provincial Assembly ballot boxes and ballot papers and, usually, screened voting areas). 71,905,435 voters were on the electoral roll. Seventy-three political parties took part in the elections. 2,071 candidates contested 272 National Assembly seats and 5,109 candidates contested 577 Provincial Assembly seats. The polling hours were from 8.00 am to 5.00 pm.

The ballot papers were counted at the polling stations at the close of the poll and the results were then transmitted to the Returning Officers at their constituency centres. The provisional constituency results were declared at the constituency centres (mostly on 11 October) and announced again by the Election Commission in Islamabad. In a number of places we were told that the formal announcement of the final results, following the addition of the postal votes and the conclusion of the consolidation process, might not be made until 15 October. However, the regulations were clear: they stated that the consolidation of the constituency results should be completed not later than 12 October.

Our teams observed the opening of the polls and then called for short periods at as many polling stations in as many constituencies as possible (see page 3). At the end of the day they witnessed the closure, the counting of votes at one or more polling stations and the collation of the results at constituency level. We benefited from the exchange of information with the domestic observers of the Human Rights Commission and other non-governmental organisations. While maintaining our separate identity we worked closely with other international observers to ensure that there was no unnecessary duplication of effort.

Although the teams had been accompanied by private security guards prior to polling day, on polling day itself they were also accompanied by armed police and soldiers. With one exception the army and police escorts did not attempt to interfere with our teams' work. Except in one part of Balochistan our teams had full access to the process and we were allowed to go wherever and see whatever we wanted. Commonwealth observers were welcome wherever we went.

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<sup>1</sup> Compared with 36,451 in 1997 (source: Election Commission).

## CONCERNS AND FEARS

People went to the polls on 10 October in an atmosphere of distrust and suspicion, with media commentators, political parties and others - in Pakistan and overseas - alleging that the elections would not be fair and were already fixed.

As noted earlier, critics had focused on alleged 'pre-poll rigging' – charging, in particular, that the military Government had placed various obstacles in the way of certain parties and that official power and resources had been used to build up others. The Government's strategy was alleged to be to 'rig' the elections well before polling day, so that no such efforts would be necessary on the election day itself. The international community and its media would see a technically correct polling day and would be 'fooled' into thinking that the elections were 'free and fair'.

However, fears were also expressed about aspects of the process on election day itself:

- **National Identity Cards:** as election day drew near there was concern that a significant number of electors would not receive their National Identity Cards in time for voting: since older voters would be allowed to use their previous ID cards this would particularly affect those who had recently turned 18
- **Impersonation:** it was believed that there might be impersonation on a large scale. In those parts of the country where it is customary for many women to be veiled it was suggested that women would vote on several occasions. Elsewhere it was feared either that ID cards would be forged or the cards of dead people would be used.
- **The Electoral Roll:** some, including candidates, alleged that the electoral roll was 'flawed' and that as a result many people who were entitled to vote would discover on the day that they would not be allowed to do so.
- **Ballot Box 'Stuffing':** it was suggested that ballot boxes would be stuffed with fake ballot papers or that real ballot boxes would be 'switched' and 'false' boxes substituted.
- **Pressure and Intimidation:** commentators and party figures alike predicted that 'feudal land-owners' would instruct their workers and their families to vote for particular candidates and parties.
- **Gender:** it was feared that women would be prevented from voting, either by candidates or by community leaders - especially in the North West Frontier Province and Balochistan.

- **Postal Ballots:** postal ballots could be submitted up to the point at which consolidation took place at constituency level. The process seemed to some to be surrounded in mystery, and open to abuse.
- **Voter Awareness:** critics said that voter education had been unimaginative, conducted on too limited a scale and within too short a time-frame, and that as a result electors would not be aware of the voting arrangements, the location of the polling stations and other key elements in the process.
- **Post-Poll Manipulation:** we were told on a number of occasions that:
  - at the count party agents might not be given the Statement of Poll and it would not be displayed at the polling station;
  - when they came to the collation of the constituency results Returning Officers would change the polling station results and enter up false returns;
  - there was suspicion that the Returning Officers would use the postal votes to 'change' the results.

The two-stage constituency results process – announcement of the provisional constituency result as soon as possible, but then a delay until the announcement of the confirmed, final and official result – also aroused suspicion.

- **Violence:** there were fears that the voting process on election day itself might be disrupted and that groups of party supporters would clash outside polling stations and elsewhere; we were also told that polling stations might be captured and candidates and officials abducted.
- **Turnout:** it was alleged that, in part because of official restrictions on campaigning and in part because of the disillusionment and pessimism of the electorate, the turnout would be low. Some charged that this would benefit the parties and candidates which were favoured by the Government.
- **Polling Station Officials:** certain candidates told us that since many of the officials worked for 'the administration' (for instance as teachers or local government officials) their neutrality could not be guaranteed. Others said that training had been inadequate.
- **Location of Polling Stations:** similarly, it was alleged that the location of polling stations in Union Council and other 'official' buildings would influence voters in favour of the parties which it was alleged 'Nazims' (local authority chairs) had been helping.

This was the background as our teams set out to observe the opening of polling stations.

## **THE POLL**

### ***Opening of the Polls***

Our two-person teams were present by 7.45 am at polling stations in fourteen locations in all four Provinces. Most polling stations had two or more booths, many were sited together with others: one team saw eleven polling stations on one site.

Most of the stations we observed opened on time (at 8.00 am) or shortly afterwards. The opening process was often slow – sometimes officials who had arrived very early still opened the voting late. We noted that the officials used a combination of sealing wax, paper and string to seal the ballot boxes, though the exact sealing process varied from place to place.

In some cases the metal ballot boxes, which appeared to be very old and were certainly of poor quality by international standards, could not be closed and therefore could not be effectively sealed. The state of the ballot boxes was such that in some polling stations the police were called on to assist in the opening and closing of the boxes.

However, in most of the places where we were present the correct procedures were followed – for instance, the boxes were shown to all present so that it could be seen that they were empty - the necessary materials were available, the appropriate complement of staff was present, party agents representing several candidates were in attendance and voting began in calm and peaceful conditions. There were few queues: in most places voters came in ones and twos. Such was the transparency of the opening that, even though the rules did not require it, in practically all cases presiding officers waited for the party agents to arrive before opening.

### ***The Voting Procedure***

Many voters were transported to the polling stations by party organisers. They first called at their party 'camp' outside the polling station, where party officials used copies of the register to inform voters of their serial number on the register and told them which booth they should go to. At the polling booth the prescribed procedure was that the voter would show her/his National Identity Card and give her/his serial number to the polling station officials, who would then check the voter's name against the register, call out both the serial number and the name to the party agents and score through the relevant entry in the register.

The voter was then issued with two ballot papers – one for the National Assembly and one for the Provincial Assembly Elections (respectively green and white) - in each case stamped with the official stamp and signed on the reverse. Then the counter-foil was marked with the voter's thumb-print and ID card number and the front of her/his right thumb was marked with electoral ink. The voter then marked the paper – usually in a

makeshift screened area, but sometimes in a less private place - folded it and dropped it in the appropriate ballot box.

Our teams made a number of observations. There were variations from place to place and the prescribed procedure was not always adhered to in every respect; for instance, thumb-prints were not always placed on the ballot paper counterfoils. We noted that party camps were usually inside the 400 yard limit (within which there was supposed to be no party activity). The 100 yard limit was generally not observed: in most cases there were party posters quite close to the polling station. Many unauthorised persons were also present, and candidates and agents were allowed to wear their party badges even inside the polling station. However, no one seemed to be concerned.

Voting was slow, and there was no rush at the end of the day. There were relatively few young voters. We were told that civil servants stayed away because they did not think they should vote. We were impressed with the way in which people with disabilities were assisted. As for the equipment, the indelible ink was not as good as it should have been and the pens and stamp pads were of poor quality.

Although the number of polling stations had been significantly increased, in what we believe was an honest attempt to improve coverage, some people still had long distances to travel in order to vote. Polling stations were often cramped, conditions at stations for women voters were often worse than those at stations for men, and the stations would have benefited from better signage. However, we had the impression that those charged with choosing the locations were doing their best, and that the stations were usually in the best equipped public buildings in the area.

More seriously, at some polling stations names were missing from the register, even when the electors possessed recently-issued ID cards. At others ID card numbers and the numbers on the register did not always match. On the other hand, we witnessed several cases where, in accordance with the rules, voters with only photo-copies of their ID cards or other identity documents were not allowed to vote.

While security at polling stations was generally effective without being oppressive, arrangements prior to the poll and afterwards were not so good: for instance, many Presiding Officers had to transport sensitive polling station material (including the ballot papers and boxes) to and from the station in their own vehicles, or even on public transport, without police escorts. We noticed that armed police were often present inside the polling stations, but the army presence was deliberately low key and, for the first time, the maintenance of security was primarily a police responsibility.

Sometimes there was no screened area for the voter to mark the ballot paper, so that this was done in clear view of the officials and agents. Perhaps most serious of all, while they were generally amiable and sociable, the party agents were ill-prepared and often did not sit closely

enough to see the ballot-issuing process. Some did not even appear to know who they were representing.

And there were irregularities. One team saw one person vote without an ID card. In one place we were informed by a senior election official that a Nazim had been offering voters money at a polling station.

So the process was by no means free of blemishes, some of them serious. And there is significant room for improvement, in all areas. We list a number of recommendations in the next chapter. However, the overall consensus in the Observer Group is that in most respects and in most places the voting process arrangements were acceptable. The polling station staff were capable and committed and in most cases knew what they were doing. There were few major complaints from party agents, candidates or voters. We observed few significant irregularities, certainly too few to have affected the result in any major way. The vast majority of voters understood the process and were satisfied with it and, so far as we could tell, they voted freely.

### ***The Closure***

In most of the places where we were present voting stopped on time and the closure procedures were scrupulously followed. Generally voters who were present at 5.00 pm were allowed to vote, as stipulated in the regulations. Once the voting had ended the unused ballot papers were brought from each polling booth to the Presiding Officer who, in the presence of the party agents, recorded their numbers and sealed them into envelopes. The polling station equipment was accounted for and packed away. Then the ballot boxes were brought in, the Presiding Officer broke the seals on the boxes and the count began.

### **THE COUNTING OF VOTES**

The ballot papers were opened a box at a time, in some places beginning with the National Assembly ballots and in others with those cast in the Provincial Assembly Election. They were sorted into piles by party and candidate's symbols and then each pile was counted. The provisional results were recorded and then the same procedure was followed for the second set of ballot papers. At the end the confirmed results were agreed with the party agents and entered on the Statement of Count, copies of which were usually given to the agents. A further copy of the Statement was then supposed to be fixed to the wall of the station, although in several places this was not done. Then the ballot papers and other materials were packed away and they, the ballot boxes and the official Statement of Count were taken to the Returning Officer.

We noted that there were few challenges to the Presiding Officer and few invalid votes. Contrary to the provisions of the manual, the ballot papers were not always held up for all to see as they were being allocated to each pile, but the piles of ballot papers were counted on several occasions and the party agents were present throughout. On one occasion we observed

that a party official was allowed to check the markings on all the ballot papers.

Our evaluation of the count included the following points. In some places ballot boxes in one booth were left unattended while others were counted. The physical conditions were often poor and the light was not always good: in one place our Observers provided their torches to the officials so that they could see. The counting process itself was cumbersome and very slow, sometimes painfully so; there were many ways in which it could have been speeded up, without affecting the transparency of the process. In several respects the post-count procedures were unnecessarily bureaucratic and complicated and there was very often confusion about which items should be packed away in which envelope. As a result the post-count procedures often took at least as long as the count itself; they could undoubtedly be simplified.

Nevertheless, where we were present the counting of votes was fair, in almost all respects the correct procedures were followed and the process was transparent.

### **THE CONSTITUENCY RESULTS PROCESS**

The Election Commission's officials handed over responsibility to the Returning Officers two or three days prior to polling day. The Returning Officers were then in charge of ensuring that the ballot papers, ballot boxes and other material provided by the Election Commission were provided to the Presiding Officers and transported to the polling stations. They were also responsible for all arrangements on polling day and the subsequent results process.

On election day the Returning Officers toured the polling stations ensuring that all was in order and, in the evening, they were present at their offices (usually at the District Court building) to receive the Statements of Count and election materials from all the polling stations. These were delivered in person by the polling station Presiding Officers.

Once the Statements were received from all the polling stations the Returning Officer would collate the results for the constituency as a whole, declare the preliminary result and transmit the figures to the Election Commission in Islamabad. Some results were ready at around midnight, many in the early hours of 11 October and some later. However, these were not the final results: the confirmed result would be announced in the presence of the candidates later, following the addition of the postal votes.

Conditions at many of the Returning Officers' offices were chaotic. Sacks containing polling station materials were dumped in piles in the same room in which the Returning Officer or his Assistant Returning Officer were waiting to receive the results. One Presiding Officer was so affected that she simply went home with her Statement of Count and came back several hours later.

We also noted that neither candidates nor party agents were present throughout the process. Following the issuing of a new regulation in September 2002 the candidates and/or their election agents were allowed to be present. They may not have been aware of this, or they may have decided that they did not need to be present. Whatever the reason, if they were present at all the pattern seemed to be one of fleeting visits from the office of one Constituency Returning Officer to another.

For all the chaos and the - at best - intermittent presence of party agents the process worked. Where we were present the transmission of the results from the polling station to the Returning Officer was in line with the stipulated procedure. Each of our teams followed a Statement of Count from the polling station to the Returning Officer and in all cases the result was transmitted accurately.

For all the weaknesses of the arrangements at this stage of the process, given that political parties either possessed the polling station Statements of Count or had been informed of the figures by their agents by telephone we cannot see how serious election fraud could be organised at this point. It would have required the collusion of agents from several parties as well as the polling officials.

We noted from press reports in the days following the election that there were recounts in a number of places, as a result of which some seats changed hands.

## **CONCERNS AND FEARS**

Regarding the main concerns and fears:

- **National Identity Cards:** we had expected to see young people at polling stations protesting that they had been denied their chance to vote because they had not received their National Identity Cards in time. However, we came across few such protests. It was put to us that those who were without cards simply did not turn up at the polling stations. Whatever the explanation, as a matter of fact we did not witness large numbers of 18 to 21 year olds objecting at their exclusion from the process.
- **Impersonation:** we came across no cases of impersonation and have no grounds to believe that this occurred on a large scale, either in areas where the veil is widely used or elsewhere, or that there was a systematic attempt to organise such fraudulent activity.
- **The Electoral Roll:** we were told that in a number of polling stations some voters found that they were not on the register and therefore could not vote; we came across some instances of this ourselves. Any instance of inaccuracy in the register is serious and is to be regretted. However, in our experience the electoral roll was relatively accurate and reliable.

- **Ballot Box 'Stuffing':** although we are aware of press reports suggesting that ballot boxes were stolen in at least two places, and one further case was reported to us, we found no evidence of either the 'stuffing' or the switching of ballot boxes.
- **Pressure and Intimidation:** we have no reason to believe that the widely-attested influence **on voters** of 'feudal land-owners' had diminished between the 1997 and 2002 elections.
- **Gender:** there were many indications from North West Frontier Province and elsewhere that women were prevented from voting, either by candidates or by community leaders.
- **Postal Ballots:** there may well have been a case for better publicity about the postal ballot process, but so far as we could determine the numbers of postal ballot applications – and the even smaller number that were returned - were few.
- **Voter Awareness:** voter education had been poor and many people seemed not to know the location of their particular polling station. However, those who went to vote did seem to know what to do when they got there; the low number of invalid papers demonstrated a high level of understanding of the process.
- **Post-Poll Manipulation:** the process can be improved upon: in particular candidates' agents should be present continuously at each constituency collation centre and the delay between the announcement of the provisional constituency result and the confirmed, final and official result should be shortened. However, the polling station counts were transparent and our own observation suggests that procedures were followed properly by the constituency returning officers. We have no evidence of manipulation at any stage of the results process. At the time of writing we are not aware of any results whose outcome has been changed as a result of the 'manipulation' of the postal votes process. There were delays, but we are persuaded by the view that these were not deliberate but were caused by poor organisation.
- **Violence:** there was some violence on polling day, and several people were reported to have died in fights between different groups of party supporters. However, these appeared to have been due to the heat of the moment, albeit fuelled by historic rivalries, rather than a deliberate, large-scale and systematic campaign of disruption.
- **Turnout:** on 17 October the Election Commission told us that the turnout for the National and Provincial Assembly Elections was, tentatively, 41.97% (compared with 35.99% in the 1997 National and Provincial Assembly Elections and 52.31% in the 2000/2001 local bodies elections). There appeared to us to have been an especially low turnout of 18 to 21 year olds.

- **Polling Station Officials:** we were impressed by the officials, who for the most part were diligent and committed and often worked under very difficult conditions. We saw no evidence of bias on their part.
- **Location of Polling Stations:** we found no evidence that the location of polling stations – they were generally in schools and other public buildings – influenced voters in any way.

We were concerned that:

- ‘feudal land-owners’ still exercise considerable influence over the election choices of their workers and their families; and that
- in certain parts of the country women were not able to vote at all.

There were shortcomings at many points in the process.

However, nowhere did we come across evidence of deliberate, large-scale and systematic election fraud. Where we were present the polling process was acceptable. The counting of votes was transparent. At the collation of constituency results the correct procedures were generally followed. The voters we met were satisfied. On the day this was a credible election.

## **CONCLUSIONS AND RECOMMENDATIONS**

Our Terms of Reference tasked the Group to:

1. "consider the various factors impinging on the credibility of the electoral process as a whole";
2. "determine in (our) own judgment whether the conditions exist for a free expression of will by the electors"; and
3. determine "if the results of the elections reflect the wishes of the people."

We were also invited "to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections".

The Commonwealth Observer Group mission must be seen against the backdrop of the Commonwealth's response to the October 1999 military takeover from the democratically elected government of Prime Minister Nawaz Sharif. Under the provisions of the Harare Commonwealth Declaration and its Millbrook Action Program, the Commonwealth's immediate response, initiated by the Commonwealth Ministerial Action Group (CMAG), was to suspend Pakistan from the Councils of the Commonwealth, pending the restoration of democracy. At their meeting in Durban in November 1999, Commonwealth Heads of Government endorsed this decision and called for the restoration of civilian democratic rule without delay. Millbrook sets a timeframe of two years for such restoration, but following the ruling of Pakistan's Supreme Court that the return to democracy should take place within three years, and General Musharraf's agreement to respect this ruling, Commonwealth Heads accepted this longer transitional period.

The roadmap for the restoration of democracy set out by General Musharraf in August 2001 then promised free and fair elections by 12 October 2002. That undertaking was welcomed by Commonwealth Heads of Government at their Coolum meeting in March 2002, when it was also decided that a Commonwealth Observer Group (COG) should be sent to observe the National and Provincial Assembly elections. The Government of General Musharraf extended an invitation for a COG to be present, and accordingly our Group was constituted by the Commonwealth-Secretary-General.

### **POLLING DAY**

What we observed on polling day overall was a well-organised and for the most part transparent electoral process. Though there is still room for

improvement, there were certain positive and welcome features to which we wish to draw attention, such as counting the ballots at the polling stations and the provision of security by the police rather than the army. We recognise that the elections constituted a major logistical operation requiring a high degree of co-ordination and the effective utilisation of major resources. The Election Commission and its polling officials, who often worked long hours in arduous conditions, are to be commended for the job they did in preparing for and carrying out the election.

We did, however, encounter a number of shortcomings which we consider should not have occurred and which deserve attention by the relevant authorities. For instance, there were cases of officials who were not adequately trained; there were also several cases of ballot boxes not being properly sealed; and we observed that the secrecy of the ballot was not assured in some instances. (These points are dealt with in detail in the relevant chapters of this report).

We also noted with concern that the practice of feudal and tribal leaders instructing their followers on how to vote remains ingrained in the system in Pakistan.

We were particularly disturbed to encounter instances where women voters were discouraged or even prevented from exercising their voting rights, without action being taken by the authorities to counter this practice.

We have noted the poor performance of many party agents on election day, and believe that the political parties should make every effort to address this issue.

All of our observers described conditions at the Constituency and District Returning Officer premises on election night as "chaotic". Combined with the fact that candidates' agents were not continuously present at these offices we visited (despite their legal right to be there), these conditions give rise to perceptions of malpractice ("rigging") and need to be improved. Greater efforts should also be made to alert parties and candidates to their rights relating to the process of consolidating the count.

## **THE CAMPAIGN PERIOD**

We consider 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. Legislation and orders by the Election Commission governing requirements for political parties and candidates to participate in the elections were also promulgated so late as to constitute a real obstacle to the political parties – though we must also note that in the end over 70 parties as well as many independent candidates were able to take part in the election.

The barring of certain prominent political leaders from participating in the elections was regrettable and in our view, despite the legal arguments, clearly aimed at disadvantaging those leaders' parties in the election.

We observed with concern the restrictions placed on candidates, which effectively prevented over ninety-five percent of the population from standing for parliamentary office. We refer in particular to the requirement for candidates to be tertiary-level graduates and to the restrictions on debtors, which extended to minor infringements, was too sweeping. Despite the fact that these measures seemed to be welcomed by many people we met, they do not equate with good electoral practice and constitute curbs on democratic rights and freedom.

At the same time, the political parties themselves must bear a share of the responsibility for what was a generally lacklustre campaign which did not focus on the issues of the day or generate much enthusiasm amongst voters.

We have carefully examined the issue of the freedom of the press in relation to the election campaign. We were concerned that new legislation relating to criminal libel and press freedom was introduced so close to the elections (the Defamation Order of 1 October 2002), which may be said to smack of intimidation. It was also clear that the State-owned electronic media gave preference in its coverage to parties and individuals favoured by the military government. However, we have observed a vigorous and independent print media in Pakistan, and commend the press for its role in analysing and promoting political issues surrounding the election.

We are concerned over reliable allegations (some of which we have substantiated through our own observation) of the use of government resources and influence to favour certain parties and individual candidates. The intervention of district and tehsil Nazims in support of candidates from various parties appears to have been widespread. We believe the Election Commission should have taken firmer action to deal with reports of influence being exerted by officials at local, provincial and national levels.

We believe that the factors set out above adversely affected the credibility of the electoral process.

## **ELECTORAL FRAMEWORK**

As noted in the foregoing chapters, certain sections of Pakistan's Constitution (1973) remain in abeyance and these elections were held in the context of the Legal Framework Order, issued only on 21 August 2002, which assigned specific and sweeping powers to the President. These included consolidating General Musharraf's extension in office for a further five years, and extending the presidential authority at the expense of parliament, including the capacity for the President to override parliamentary legislation and to dismiss the elected Prime Minister and Parliament, when he and the National Security Council consider the

executive government is not acting in the national interest. These measures raise a question as to the sovereignty of the elected legislatures.

## **CONCLUSIONS**

The elections constitute a welcome step in that they introduce elected national and provincial assemblies where there was previously only a military regime which seized power through the unconstitutional overthrow of a democratically elected government. We also welcome changes that General Musharraf has brought about in the democratic polity through such reforms as increasing the number of seats reserved for women and minorities in the assemblies, as well as the measures he has introduced to fight corruption. We also agreed that some measures introduced through the Political Parties Order 2002 should positively improve the institutional structure of the political parties. But General Musharraf's retention of the Presidency was not in the "roadmap" he set out for the restoration of democracy, and amendment of the constitution to allocate powers to unelected and thus unrepresentative bodies was of dubious constitutionality.

President Musharraf has himself referred to the elections as being a transitional stage towards the restoration of full democracy. We have observed an incomplete democratic process. We look forward to the complete restoration of democracy in Pakistan

Our Terms of Reference asked us to consider:

- the various factors impinging on the credibility of the electoral process as a whole;
- whether the conditions existed for a free expression of will by the electors; and
- if the results of the elections reflected the wishes of the people.

We believe that on election day this was a credible election: the will of the people was expressed and the results reflected their wishes. However, in the context of various measures taken by the government we are not persuaded of the overall fairness of the process as a whole.

## **RECOMMENDATIONS**

We offer the following recommendations aimed at assisting in the development of best electoral practice for future elections in Pakistan:

### ***Institutional***

- Steps should be taken to further strengthen the independence of the Electoral Commission and to review the mode of appointment of the Chief Electoral Commissioner and members of the Commission.
- The Electoral Commission should consider setting up its own media-monitoring unit for future elections.
- Legislation and Orders relating to the conduct of elections should be promulgated well in advance of the election date, and should be thoroughly explained to all parties and candidates.
- Political parties and candidates must be allowed greater freedom of assembly and speech through an extended campaign period.
- The period between the announcement of the preliminary election results and the official results should be reduced to counter perceptions of tampering with the results.
- All appropriate authorities and government should take steps to encourage the participation of all sectors of the community, including the civil service, in future elections.
- Encouragement should be given to assist in overcoming cultural practices which restrict the participation of women in politics, and the influence of feudal and tribal leaders in elections.

### ***Procedural***

- Further work needs to be done to update the voters roll and to issue National Identity Cards to all eligible persons.
- No religious minority should be made the subject of a separate voters roll.
- Party agents should be given specific training on their assigned roles.
- Consideration should be given to providing properly screened voting compartments to ensure the secrecy of the ballot.
- The ballots, once counted, should be put back into a ballot box, and resealed with a numbered seal in the presence of polling agents. On the completion of the count, better arrangements should be made for secure transport of ballot boxes and materials to the Returning Officer.

We leave it to Commonwealth leaders to determine whether a limited democratic dispensation, which this is, is consistent with their definition of the Commonwealth's fundamental political values.

The Commonwealth Secretary-General should remain engaged in monitoring the development of democratic processes and institutions in Pakistan and the remaining phases of the transition to full democracy. The Secretary-General should also offer and make available to the appropriate authorities such technical assistance as might be requested for this process.

## **ACKNOWLEDGEMENTS**

We are grateful to the Commonwealth Secretary General, Rt Hon Don McKinnon, for giving us this opportunity to be present at this important point in the restoration of democracy in Pakistan. We appreciate also that the objective observation of the election can play a part in assisting Commonwealth leaders to review the political situation in this country.

We wish to acknowledge the assistance, co-operation and support of the Chief Election Commissioner of Pakistan, the Election Commission and the many officials and party agents associated with the elections. We also appreciate the assistance and advice of the political parties, the Commonwealth High Commissioners, the Pakistan High Commissioner in London and a number of non-governmental organisations and other international observers in Pakistan.

We would specially like to thank the support staff from the Commonwealth Secretariat. They were a credit to the Commonwealth. Without their enthusiasm and experience the Group would not have succeeded in its mission. We worked with all the staff as one team with one purpose. In particular, we would like to thank Mr Jon Sheppard, in the last days of valued service to the Secretariat, for his effort and guidance.

We also wish to record our thanks to the police and the Army and our private security guards from Phoenix Security for their assistance to our teams throughout the country. We acknowledge the assistance of our interpreters, who made a major contribution to the functioning of our mission. We greatly appreciate the financial assistance extended by the Governments of Britain and Canada and the co-operation of the Nigerian, Malaysian, British, Canadian and other High Commissions and the British Council.

Most of all, we would like to express our appreciation to the people of Pakistan. We received a warm welcome wherever we went and will remember for a long time the assistance and many acts of personal kindness shown to us by many individual Pakistanis during our time in their country.

## *ANNEXES*



# Commonwealth Observer

Group

Pakistan National and Provincial Assembly Elections, 10 October

2002

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## NEWS RELEASE

### **Statement by Tan Sri Musa Hitam, Chairman of the Commonwealth Observer Group at the 2002 Parliamentary and Provincial Assemblies Elections, 10 October 2002**

I arrived in Pakistan with the Commonwealth Observer Group on 29 September 2002, to join an advance team who have been in the country since 8 September. The observers are supported by a number of Commonwealth Secretariat staff. On 4 October, we deployed in fourteen teams throughout all four provinces, and have been travelling widely covering both urban and rural areas in the period up to and including election day. I myself have visited the four provincial capitals, and on polling day observed all stages of the process.

We have been operating in the context of the Commonwealth's concern to see the early restoration of democracy in Pakistan, in accordance with the provisions of the Millbrook Action Programme of the Commonwealth Harare Declaration, and the expressed wishes of Commonwealth Heads of Government, who at their most recent meeting in Coolum (Australia) decided that "Pakistan's suspension from the Councils of the Commonwealth should remain unchanged pending the restoration of democratic government." Commonwealth Heads requested the Commonwealth Secretary-General to maintain an active monitoring role in the period leading up to the restoration of democracy, including the deployment of Commonwealth observers at the National and Provincial assemblies elections.

The Commonwealth Secretary-General has been carrying out the monitoring role required. He has closely followed developments such as the local government elections, the April referendum and the constitutional changes introduced in the months before these elections.

Under our Terms of Reference, we are specifically required to observe the relevant aspects of the organization and conduct of the elections, to consider various factors impinging on the credibility of the electoral process as a whole, and to determine in our judgment whether the conditions exist for a free expression of will by the electors, and if the results of the elections reflect the wishes of the people.

This has not been an easy task. I am fully aware of the circumstances surrounding and leading up to these elections. Pakistan is in a unique position in Asia, in the Commonwealth and in the wider international community. I believe General Musharraf has introduced constructive and progressive reforms over the

past three years; but at the same time, it is apparent that certain measures have been enacted which have a limiting effect on the process of restoring democracy, of which these elections are an important part. The Observer Group cannot overlook those measures as they form the framework for the elections.

As for the conduct of the elections on polling day, I consider that they have been well-organised and for the most part transparent. On that day, while our observers encountered a number of irregularities and disturbances, we received no major complaints from polling agents, and on the whole what we observed was orderly and peaceful.

It is significant that Pakistan's political parties have chosen to fully participate in the elections, despite allegations of pre-poll rigging and the fact that major political leaders have been excluded. Of particular concern have been allegations of the widespread use of government influence and resources to favour certain parties and candidates, and conversely to disadvantage others. This has raised doubts as to whether it can be said that the playing field was truly level. I also note that the turnout has again been low, as in the past.

I welcome the fact that the elections have taken place, as promised by General Musharraf, and his assurance that the elections are a transitional step towards a more democratic dispensation in Pakistan. I look forward to further steps to enhance the democratic polity in Pakistan.

The issue of how the Commonwealth will view developments in Pakistan since the Coozemund Heads of Government Meeting is not a matter on which I can pronounce: this will be considered by the Commonwealth Ministerial Action Group (CMAG) at their scheduled meeting early next month, and by Heads of Government themselves.

The full Report of the Observer Group will go further in detailing the findings, conclusions and recommendations we will be conveying to the Commonwealth Secretary-General. We will complete this Report before we leave Pakistan next week.

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Islamabad  
11 October 2002

# **COMPOSITION OF THE COMMONWEALTH OBSERVER GROUP**

## **Hon Tan Sri Dato' Musa bin Hitam (Malaysia) - Chair**

Hon Tan Sri Dato' Musa bin Hitam was Malaysia's Deputy Prime Minister from 1981 to 1986. He held various Cabinet posts including Minister of Home Affairs, Minister of Education and Minister of Primary Industries. Tan Sri Musa has been active in the Commonwealth in different capacities including as Chairman of the Commonwealth Parliamentary Association. From 1995 to 2001 he served as member of the Commonwealth Ministerial Action Group. Tan Sri Musa led the Commonwealth Observer Group at the 1994 Malawi Elections and participated in CMAG Missions to Nigeria, Sierra Leone, Pakistan, Fiji Islands and The Gambia. At the United Nations, Tan Sri Musa was Malaysia's Special Envoy in New York from 1990 to 1991. As Leader of the Malaysian Delegation to the UN Commission on Human Rights from 1995 to 2000 Tan Sri Musa was elected Chairman of the 51<sup>st</sup> Session of the UNHCR.

## **Mr M Irfan Abdool-Rahman (Mauritius)**

Mr Abdool-Rahman has been the Electoral Commissioner of Mauritius since January 1998 and before that was a Returning Officer for twelve years. He worked previously as a Barrister at Law Crown Counsel in the Attorney-General's Office, a Senior District Magistrate and an Intermediate Court Magistrate. Mr Abdool-Rahman was a member of the Commonwealth Observer Group which was present in Nigeria for the National Assembly and Presidential Elections in 1999, - Chairperson of the Francophonie Observer Group for the Seychelles Presidential Election in 2001 and a member of the Francophonie Observer Group in the Comoros in April 2002.

## **Dr Diane Acha-Morfaw (Cameroon)**

Dr Diane Acha-Morfaw is the Vice President of the National Elections Observatory in Cameroon. She has practiced law for twenty years and is Senior Lecturer in Law at the University of Yaounde. She holds various consultancies with the UNDP, the World Bank and other organisations and in 1996 was one of five experts who were called upon to review World Bank policies and regulations in Africa. She is an adviser and founding member of the Cameroonian Chapter of

Transparency International, heads The Cameroon Bar Association Task Force for the fight against corruption and represents the Bar on the National Commission. Since 1987 she has been involved in promoting human rights and poverty alleviation, setting up various national and regional NGOs for this purpose and participating in a number international conferences.

**Mr Mohammed Mokhtar bin Ahmad (Malaysia)**

Mr Mokhtar is the State Election Officer in Penang, Election Commission of Malaysia and is a member of the Malaysian Administrative and Diplomatic Service. Before joining the Election Commission Mr Mokhtar was the Senior Programme Co-ordinator for International Participants at the Institute of Diplomacy and Foreign Relations. He has been an Education Attache and has represented the Malaysian Government on the Joint Border Committee in Manila, Philippines. Earlier in his career he represented Malaysia in negotiations on an air services agreement with the United States of America, the United Kingdom and Japan.

**Mr Richard Bourne OBE (United Kingdom)**

Mr Bourne is Head of the Commonwealth Policy Studies Unit at London University's Institute of Commonwealth Studies. He also chairs the trustee committee of the non-governmental Commonwealth Human Rights Initiative. Before his Commonwealth activities he was a journalist from 1962 to 1982.

**Professor Dilara Choudhury (Bangladesh)**

Dr Dilara Choudhury is a Professor of political science in the Department of Government and Politics at Jahangirnagar University, Dhaka. She is a prolific writer, a columnist and a political analyst. Professor Choudhury is the author of two books - *Bangladesh and South Asian International Systems* and *Constitutional Development in Bangladesh: Stresses and Strains* - and numerous articles in professional journals. Twice (in 1989-90 and 1992-93) she has been a Visiting Scholar at the Southern Asian Institute at Columbia University, New York, USA. From 1996-1997 she was a Senior Fulbright Scholar at the University of Maryland, USA

## **Mr David Connolly AM (Australia)**

Mr Connolly retired from the diplomatic service in 2002, having been High Commissioner to South Africa, Namibia, Botswana, Lesotho and Swaziland since 1998. He was formerly a Member of Parliament from 1974 to 1996 and is currently on the Australia Refugee Review Tribunal and a Director of Superannuation Funds. Mr Connolly was awarded the Order of Australia in 2002.

## **Dr Mrs Nemata Eshun-Baiden (Sierra Leone)**

Dr Eshun-Baiden is an education and training consultant. She is the founder and immediate past president of the 50/50 Group of Sierra Leone, which through training and advocacy empowers women for participation in politics and other decision-making positions. She was an education consultant for the Overseas Development Administration and PLAN International, is a trained teacher and has lectured in Sierra Leone and the USA on education

## **Ms Michelle Falardeau QC (Canada)**

Ms Michelle Falardeau was Chief Commissioner of the Canadian Human Rights Commission from 1997 until her retirement in June 2002, following ten years as Deputy Chief Commissioner. From 1982 to 1988 she was Chairperson of the Immigration Appeal Board. After practicing law for 12 years she was appointed Deputy Chairperson of the Public Service Relations Board in 1975. Ms Falardeau was a member of the bilateral Canadian Government Observers Team for the South African General Election in 1994.

## **Mr Hugh Garland (New Zealand)**

Mr Hugh Garland has been Deputy Chief Electoral Officer of New Zealand since 1986. He has overseen six General Elections including the transition from first-past-the-post to the present Multiple Member Proportional (MMP) system. He also oversaw the organisation of three referenda, including the first national postal referendum in 1997. Mr Garland is also Secretary of the Representation Commission which is responsible for the redrawing of electoral boundaries.

### **Mr Charles Gregoire (Dominica)**

Mr Gregoire is Chairman of the Dominica Association of Local Government Authorities and Vice President of the Caribbean Association of Local Government Authorities. He was the Education Officer in Dominica's Ministry of Education, specialising in adult education and educational technology. He has been elected Chairman of the Grand Bay Village Council for four consecutive terms.

### **Mr Selwyn Jones (St Vincent and the Grenadines)**

Mr Selwyn Jones has been Supervisor of Elections in St Vincent and the Grenadines since 1996. Between 1993 and 1996 he was Deputy Supervisor of Elections, having been seconded from his position as Projects Manager at the Ministry of Education. He has conducted two General Elections and worked previously as Presiding Officer, Registering Officer and Returning Officer. He has attended several workshops sponsored by the Commonwealth Secretariat and the International Foundation for Election Systems and was a member of Commonwealth Observer Group which was present in Cameroon in 1997 and the CARICOM Observer Group in Trinidad and Tobago in 2001.

### **Ambassador M M Rezaul Karim (Bangladesh)**

Ambassador M M Rezaul Karim, a former High Commissioner to the United Kingdom and Secretary to Government, is an advisor to the Chairperson of the ruling Bangladesh Nationalist Party. He was also Ambassador to several other countries and attended a number of UN and international conferences. Ambassador Karim was an international observer at Sri Lanka's parliamentary elections in 1994 and a member of the Commonwealth Observer Group in Cameroon in 1997. He speaks English, French and Bengali and has a working knowledge of Arabic, Persian, Urdu, Hindi, Russian and other languages. He is a columnist and has written several books on contemporary political developments.

### **Hon Douglas L Kidd DCNZM (New Zealand)**

Mr Kidd was Speaker of the New Zealand Parliament from 1996 to 1999, after having been a Cabinet Minister from 1990

to 1996. He retired from Parliament in July 2002 after serving for eight terms (24 years). He was awarded the Distinguished Companion of the New Zealand Order of Merit in June 2000.

### **Mrs Veronica Ayikwei Kofie (Ghana)**

Mrs Veronica Ayikwei Kofie is a veteran trade unionist, an educator, a gender advocate and a human rights activist. She is Head of the International Affairs Department and a Board Member of the Trades Union Congress (Ghana) and Chair of the Women's Committee of the African Region of the International Confederation of Free Trade Unions. Since 1994 Mrs Kofie has also been Vice-Chair of the Ghana Committee on Human and Peoples' Rights. She was a voter educator prior to the 1996 and 2000 General Elections.

### **Mr Russel Kuruppu (Sri Lanka)**

Since 1996 Mr Kuruppu has been a consultant to Sri Lanka's Department of Elections. He is the Founder President of the Association of Election Professionals of Sri Lanka (AEPsL), was formerly a civil servant, and served as special consultant to the National Human Resources Development Council. Mr Kuruppu has been a member of the Commonwealth Human Ecology Council since 1978 and a member of the World Commission on Protected Areas since 1998.

### **Senator LeRoy McClean (Barbados)**

Mr McClean is presently a member of the Senate in the Parliament of Barbados. He was Vice President of the Democratic Labour Party until July 2002 and was formerly Assistant to late Prime Minister, Rt Excellency Errol W. Barrow and former Prime Minister Sir Lloyd Erskine Sandiford. Senator McClean is Assistant Lecturer and Tutor/Demonstrator in Biology at the Cave Hill Campus of the University of the West Indies and is himself a graduate of UWI. He delivered the 2001 lecture for the Sir James Tudor Institute of Politics, later published as *The Impact of Globalisation on Governance in Small Open Economies (The Implications for the Social and Political Environment)*.

### **Ms Michelle Meredith (Samoa)**

Ms Meredith has been a businesswoman for 20 years. She is a founder member and since 1989 President of Women In Business Foundation, a non governmental organisation which focuses on development of entrepreneurship and cottage industries for rural women. She is one of the founding members/shareholders and Company Secretary of the first privately owned indigenous bank in Samoa and the Pacific region, which receives technical assistance support from the International Finance Corporation.

### **Dr Helen Nkandi-Shiimi (Namibia)**

Dr Helen Nkandi-Shiimi is the President of the Association for Local Authorities in Namibia and Vice President of the African Union of Local Authorities. A medical doctor by profession she is employed as a Senior Medical Superintendent at Katutura Hospital in Windhoek, Namibia and is a former Mayor of Tsumeb. She is currently Chairperson of the Board of the Regional Information Centre for local government in SADC, based in Harare, Zimbabwe, which is supported by the Commonwealth Local Government Forum.

### **Mr Joe Billy Oge (Solomon Islands)**

From 1998 to 2002 Mr Joe Billy Oge was the Regional Youth Forum Representative of the Solomon Islands to the South Pacific Commonwealth Youth Forum. He co-chaired the Commonwealth Youth Caucus during the Commonwealth Youth Ministers Meeting held in Honiara in May 2000. He also chaired the National Youth Network in the Solomon Islands which promoted peace and disarmament after the recent ethnic tension there. He is currently the Chief Commissioner for the Solomon Islands Scout Association. Mr Oge is a teacher by profession.

### **Ms Diana Organ MP (United Kingdom)**

Ms Diana Organ has been a Member of Parliament since 1997. She is a former teacher, specialising in children with behavioural and learning difficulties. She has also been a political policy advisor in local government. At present she is a member of the Department of Environment, Food and Rural Affairs Select Committee.

## **Mr Walter Rigamoto (Fiji Islands)**

Mr Rigamoto is the Supervisor of Elections in the Fiji Islands. Prior to this he held the position of Director of the Fiji Law Reform Commission. He was appointed Head of the UN Electoral Expert Technical Observer Mission for the Solomon Islands General Election in 2001 and subsequently as UN International Electoral Commissioner for the Presidential Election in East Timor in 2002.