

Will Pakistan's historic elections be free and fair?

By Huma Yusuf

■ Executive summary

Pakistan's upcoming elections, scheduled for May 11th 2013, are an historic milestone marking the first time that a popularly elected civilian government will transfer power to another through the ballot box. But weeks ahead of polling, concerns about the extent to which the elections will be free and fair are increasing, raising doubts about the incoming government's legitimacy. Historically, Pakistan's security establishment has influenced the electoral process. But this time new factors threaten the neutrality of polls: widespread militancy, judicial activism and biased coverage by Pakistan's proliferating privately owned media outlets.

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The Pakistani army has long been accused of political interference. For example, the Supreme Court last year decided a case against the powerful intelligence agency, the Inter-Services Intelligence, ruling that it bankrolled political parties during the 1990 general elections in order to prevent the re-election of then-prime minister Benazir Bhutto. In the current election cycle, however, the security establishment has refrained from overt or widespread interference in the political process. On April 30th the army chief, General Ashfaq Pervez Kayani, reiterated the army's support for the democratic transition, describing the upcoming elections as a "golden opportunity" (notably, he did not rule out the possibility of future dictatorships,

cautioning voters to support honest candidates in order to prevent such an outcome) (Ali, 2013). However subtle, this shift in Pakistan's civil-military balance has created an opening for other actors to influence the electoral process.

Democracy under attack

By far the greatest obstacle to a fair election is the Tehrik-e-Taliban Pakistan (TTP), an umbrella organisation of militant groups based in the country's tribal belt along the border with Afghanistan. In a letter addressed to Pakistan's media outlets, TTP chief Hakimullah Mehsud explained that the group is focused on "end[ing] the democratic system" in Pakistan (Nasruminallah, 2013). Well before election campaigns commenced the TTP warned that it would attack what it has termed "secular" parties – the Pakistan People's Party (PPP), the Muttahida Qaumi Movement (MQM) and the Awami National Party (ANP), all members of the outgoing coalition that have supported military operations against the TTP.

Since campaigning began in early April more than 60 people have died and over 200 have been injured in election-related attacks by the TTP and its affiliates across the country, with the exception of the central Punjab province. Up to April 24th, 22 violent incidents targeting

candidates had occurred in the north-western Khyber-Pakhtunkhwa province, 21 in Sindh, 19 in Balochistan and 13 in the Federally Administered Tribal Areas (FATA) (FAFEN, 2013).

Political parties and civil society organisations have termed the attacks a form of pre-poll rigging. This is especially true because the TTP has not targeted centre-right or religious parties such as the Punjab-based Pakistan Muslim League-Nawaz (PMLN), cricketer-turned-politician Imran Khan's Pakistan Tehrik-e-Insaf (PTI), the Jamaat-e-Islami or Jamiat Ulema-e-Islam-Fazalur Rehman (JUIF). These parties have publicly supported negotiations with militant groups and, with the exception of the PTI, were identified in February by the TTP as potential interlocutors in the event of peace talks with the Pakistani state.

The attacks have been brutal, forcing the targeted parties to restrict pre-election campaigns to spontaneous "corner" meetings, online video messages, mass SMS appeals and television advertisements. But the extent to which TTP attacks will skew election results remains to be seen. As the incumbents, the PPP, MQM and ANP are likely to suffer at the polls irrespective of militant attacks, owing to their poor performance during a five-year term characterised by corruption, poor service delivery – exemplified by Pakistan's crippling energy crisis – and worsening security.

That said, militant attacks could yield unpredictable results. Some expect the ANP – a Khyber Pakhtunkhwa-based party that has borne the brunt of TTP attacks – to benefit from a sympathy vote. Similarly, the Karachi-based MQM, which has long warned of the "Talibanisation" of Pakistan's financial capital and has lost more than a dozen candidates and party workers in recent gun and bomb attacks, might generate support among voters looking for political reaction against the TTP.

Moreover – and somewhat ironically – the parties that are not being targeted by the Taliban also stand to have their prospects altered. For example, as Moeed Yusuf has pointed out, the PTI and JUIF are hoping to win a significant number of constituencies in violence-hit areas of Khyber Pakhtunkhwa, the FATA and Quetta, the provincial capital of Balochistan. However, the worsening security situation will keep voters away on polling day, giving the PMLN an advantage (Yusuf, 2013).

Indeed, the greatest impact of militancy on the election outcome will result from significantly reduced voter turnout. Pakistan's 2013 elections have until now been fettered because about 40 million young voters are newly eligible to vote; the Election Commission of Pakistan (ECP) is urging and facilitating women to exercise their right to vote; and FATA residents are for the first time able to vote for political parties thanks to the extension in 2011 of the Political Parties Act to the tribal belt (previously, FATA residents could only vote for independent candidates). However, these voters are the most vulnerable to the

fallout of pre-election violence: while youth and women can be ordered by family members and community leaders to stay away from polling booths for their own safety, FATA residents have to brave one of Pakistan's most volatile regions to cast their votes. These first-time voters are thus likelier to stay away from the ballot box on May 11th for fear of militant attacks. Separately, the militant attacks will undermine the electoral process itself, as well as the authority of the ECP: for example, thousands of teachers in Balochistan have refused to work at polling stations on election day owing to militant threats. The logistical challenges this creates could increase the chances of rigging and other irregularities.

While most discussion has focused on the TTP, other violent extremist organisations are also likely to influence electoral outcomes. Anti-Shia groups from the Deobandi subset of Sunni Islam such as the Ahle Sunnat Wal Jamaat (ASWJ) and Lashkar-e-Jhangvi have a history of striking alliances with political parties to guarantee electoral wins. These groups guarantee the support of anti-Shia and Deobandi vote blocs and mobilise voters from the thousands of seminaries in regions like southern Punjab in exchange for political leniency regarding their hate-inciting and other illegal activities. They also field candidates either under their own banner or that of mainstream political parties. For example, Sardar Muhammad Abad Dogar, a candidate from Khangarh in Muzaffargarh, is known for his ties to the ASWJ's militant wing, the Sipah-e-Sahaba Pakistan, and yet is contesting the elections on a PMLN ticket (Jamal, 2013). Such alliances with hardline groups are crucial in hotly contested constituencies of the Punjab province, putting certain electoral outcomes at the mercy of extremist groups.

Judicial interference

Of course, militancy is not the only factor that will sway electoral outcomes. Pakistan's judiciary, which has enjoyed unprecedented independence under Chief Justice Iftikhar Muhammad Chaudhry since his reinstatement in 2009, has also shaped the electoral process to a greater extent than ever before. Firstly, the Supreme Court ordered the ECP to print nomination forms for candidates – which included extremely detailed questionnaires about their wealth and personal lives – without awaiting approval from the constitutional authority, the president.

Judges from lower courts tasked with reviewing the nomination papers of electoral candidates also subjected them to unprecedented scrutiny. Candidates were disqualified for many reasons: forging diplomas, failing to pay utility bills, defaulting on bank loans or holding dual nationalities. The Peshawar High Court imposed a lifetime ban on former president General Pervez Musharraf from contesting parliamentary and provincial assembly seats, pointing to the 1999 coup through which he assumed power as proof of his disregard for the constitution. More absurdly, some candidates were disqualified for demonstrating

insufficient religiosity after they failed to recite particular Koranic verses or perform Muslim rituals. Judges justified their decisions by pointing to Article 62 of Pakistan's constitution, which stipulates that members of parliament should be of good character, trustworthy and knowledgeable about the tenets of Islam. But legal experts widely criticised the scrutiny process, arguing that judges made arbitrary decisions on the basis of a flawed and subjective constitutional clause, and privileged religious credentials over the capacity to govern.

More significantly, the Supreme Court ordered the redrawing of 11 out of 62 constituencies in Karachi, Pakistan's largest city, without making its criteria for doing so transparent (Ashfaque, 2013). The court also rejected the ECP's request that the delimitation process be deferred until an updated census becomes available. Karachi's largest political party, the MQM, which is at a disadvantage in the newly drawn constituencies, has protested the court order, arguing that elected representatives and residents of the affected constituencies were not consulted and that the demarcation seems arbitrary. The party has also argued that it is unconstitutional to redraw constituencies in one city rather than throughout the country. Given the party's tense history with the judiciary – in 2007 the MQM prevented Chaudhry from holding a rally in Karachi to protest his deposal by General Musharraf – the redrawing of constituencies is perceived as judicial interference in the electoral process.

Mediated elections

Pakistan's broadcast media will also influence results on election day. The country is in the midst of a media boom: between 2002 and 2010, 86 privately owned television channels were launched, including those that broadcast in regional languages such as Sindhi, Saraiki and Pashtu and aim to appeal to diverse ethno-linguistic communities. On the radio front, 138 FM radio licences have been granted (PEMRA, 2010), of which 115 were operational by 2012. Owing to the security situation, broadcast media are playing a greater role than ever before in the upcoming elections. Many parties have taken their campaigns to the airwaves, with televised political talk shows and call-in radio spots substituting for public rallies. PMLN head Nawaz Sharif has rightly chided the PPP for only being visible in television advertisements.

This mediated campaigning is not, however, impartial. Pakistan's media have long been vulnerable to co-option by political actors. Since outlets exclusively rely on advertisements to generate revenues – a significant portion of which come from provincial and federal government advertisements – they co-operate with political parties by giving certain candidates favourable coverage or excessive air time in exchange for consistent or increased advertising.

Outright corruption is also prevalent across the media industry. For example, the Ministry of Information and

Broadcasting under the outgoing government admitted to maintaining an unaudited "secret expenditure fund" worth up to \$1.22 million in the 2012-13 financial year (it was worth \$1.56 million in 2011-12). The ministry initially claimed that the fund was used to ensure the "welfare of journalists", but in April 2013 the Supreme Court released a partial list of news anchors, talk show hosts, and reporters who had received payoffs and perks from the government through this fund (a second list of 174 payments has not been disclosed) (Boone, 2013).

Realising the influence that broadcast media wield in a country with a 50% literacy rate and a satellite channel audience of more than 60 million viewers, many political actors have launched or financed media outlets in preparation for the upcoming polls, or used their media access as a segue to politics. For example, the most popular Saraiki-language channel, Rohi TV, is owned by a senior PTI member, Jehangir Tareen. On the other hand, Ali Kazi, the CEO of the highest-rated, Sindhi-language television channel KTN and the editor of the leading Sindhi daily *Kawish*, launched a new political party in January 2012 (Mandhro & Imtiaz, 2012).

Conclusion

In the run-up to the polls the ECP has tried to check the external influences described above by calling for improved security for candidates, challenging judicial pronouncements and outlining a code of conduct for media coverage of the elections. Most of its rules and recommendations have been overruled or ignored. Moreover, the increased intensity of militant attacks in the final days before the elections has once again raised questions about the feasibility of holding elections in Pakistan's fragile security environment. While these circumstances dampen prospects for Pakistan's democratic transition, they offer a clear outline of the pressing challenges that the incoming government will have to tackle.

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