

Teim



TEIM Election Watch Analysis

ELECTORAL REPORT:

PAKISTAN/Presidential elections

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Ana Ballesteros Peiró

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Taller de Estudios Internacionales Mediterráneos
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Background of the elections:

Pervez Musharraf ran for the presidency, presenting himself to a third legislature, despite the fact that the maximum number of legally stipulated terms is two. Furthermore, the fact that he continued to hold the post of head of the army was unconstitutional.

In reality, this was the first time that Musharraf ran in elections with a 'democratic façade'. In June 2001, after the 1999 coup d'état, he proclaimed himself President and in April 2002, he organised a referendum to extend his term for five years.

The elections were marked by the attempts to boycott them by the Alliance of the All Parties Democratic Movement (APDM) and, especially, the United Council of Action (MMA in its Urdu initials), which radically opposed his re-election, despite having been allied with the General and governing the Northwest Frontier Province (NWFP) and Balochistan in a coalition with the governing party. The protests from the opposition parties and their attempts to take the matter to court were fruitless and the elections were neither called off nor postponed. A ten-member bench of the Supreme Court decided to allow the election and consider the 5 cases presented against the legality of Musharraf's candidacy, delaying formal notification of the winner until 17 October. Since then, the verdict has been postponed and the cases are being considered by 11 members of the Supreme Court. Musharraf proclaimed a State of Emergency on 3 November and suspended the Constitution, replacing it with a Provisional Constitutional Order (PCO) for the second time in history. As in 2001, he made this decision before the Supreme Court could deliberate regarding the constitutionality of his candidacy for the Presidency, thus eliminating the possibility of having to comply with a negative verdict.

Quantitative indices of democracy:

Pakistan is classified in the following democratic performance rankings:

Measurement	Name and year of report or database	Institution	Index	Points, ranking and classification
Political rights and freedom	Freedom House Report 2007	Freedom House (FH)	PR: political rights CL: civil liberties	PR: 6, CL: 5 (Scale of 1, free to 7, not free) Classification: Not free
Degree of democracy in earlier elections	Polyarchy 2.0 2004 (referring to 1998 ¹)	Peace Research Institute of Oslo and Tatu Vanhanen	ID: Synthetic democracy index, Part: participation, Comp: competition	ID: 4.70, max. 49 Part: 14.03, max. 70 Comp: 33.80, max. 70 (Democracy minimum: ID: 5, Part: 10, Comp: 30) Classification: Non-democratic

¹ Data after the 1999 coup d'état have not been considered.

Consolidation of authoritarian and democratic institutions	Polity IV 2003	Center for International Development and Conflict Management, Univ. of Maryland	Democracy: consolidation of democratic institutions Autocracy: authoritarian consolidation Polity: synthesis of both	Democracy: 0 Autocracy: 5 Polity: -5 (Scale of +10, very democratic to -10, very authoritarian) Classification: Average authoritarian consolidation
Perception of corruption	Transparency International Corruption Perception Index Nov. 2007	Transparency International (TI)	TICPI: corruption perceptions index	TCPI: 2.4 points out of 10. (Scale of 1, very corrupt to 10, not at all corrupt) Rank: 138 out of 179 countries
Management of political and economic change	Bertelsmann Transformation Index (BTI) 2006	Bertelsmann Foundation	MI: Management Index, quality of transformation management	MI: 4.33 points out of 10, Rank: 76 out of 119 countries Classification: Management with low success
Democracy, including press status and corruption	World Democracy Audit May 2007	World Audit	World Democracy Rank: political freedom (FH) + press and corruption (TI)	World Democracy Ranking: 115 out of 150 countries, division 4 out of 4

Quantitative analysis of electoral democracy:

The elections analysed in this profile produced the following electoral democracy quantitative results:

Degree of democracy in these elections	Measurement of democracy in these elections according to the Polyarchy 2.0 index, calculated by TEIM Election Watch	ID: 0, max. 49 Part: 0 ² , max. 70 Comp: approx. 1.7 ³ , max. 70 (Democracy minimum: ID: 5, Part: 10, Comp: 30)	Classification: Non-democratic, as indirect elections
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Definition of the political system:

Semi-presidential system, dominated by the military apparatus. Currently, the President is simultaneously head of the Armed Forces. He gained both positions in a bloodless coup d'état in October 1999.

Definition of the electoral system and parties:

The presidential elections use a one-round majority electoral system, but being an indirect system, the President was elected by the legislative houses

² Participation was practically equal to 0 since these were indirect elections through the parliament and other regional bodies.

³ Competition is calculated from the votes from the electoral college, once individual votes have been translated from the regional assemblies (Punjab, Sindh and the NWFP) to final votes (a total of 393, of this 386 went to Musharraf).

(National Assembly, Senate and Provincial Assemblies), and not directly by the citizens. Legislative elections, on the other hand, use a two-round parallel (mixed) system. Representatives are elected through two different systems: a proportional representation list system (where the parties present a list of candidates and the people vote for one party which receives seats in proportion to the votes) and a majority/minority system. The calculation of seats in both systems is independent.

Pakistan has a multi-party system with two dominant parties, the Pakistan Peoples Party (PPP) and the Pakistan Muslim League (PML), although the latter has broken into two majority groups, the Muslim League Quaid-i-Azzam faction (LMP-Q, the governing party, named for the founder of Pakistan, Jinnah) and the Nawaz faction (PML-N), named for its leader Nawaz Sharif.

Impact of the electoral process and size of the constituency on the elections:

The candidate who obtains the highest number of votes from the legislative houses wins, with the result from the National Assembly and the Senate being fundamental. A complicated process is used to count the number of votes. While the votes from the National Assembly, the Senate and the Balochistan Assembly are counted normally (one deputy = one vote), this is not the case with the provincial assemblies of Punjab, Sindh and the Northwest Frontier Province. The total number of votes that a candidate receives in these three assemblies cannot surpass 65 (which is the total number of seats in Balochistan) despite the fact that these provinces are much more populated. This is meant to minimise the population disparity and ensure that one province does not have more influence than another. The votes in the electoral colleges of these three provincial assemblies are counted by multiplying the votes received by each candidate by 65 and dividing this by the number of seats in that assembly. Thus, of 702 votes, 442 correspond to the National Assembly and the Senate and 260 to the Provincial Assemblies. Whoever obtains the relative majority of the 702 individual votes (from parliament and the Balochistan assembly) or from the electoral college of the three assemblies is elected President of the country. 702 is, in any case, the maximum number of votes that can be cast, although this number is usually not reached because of abstentions, as seen below.

Election results:

	Votes cast	Musharraf	Wajihuddin	Rejected
National Assembly and Senate	257	252	2	3
Punjab Assembly	257	253/ 44	3	1
Sindh Assembly	104	102/ 39	2	0
Balochistan Assembly	33	33	0	0
NWFP Assembly	34	31/ 18 ⁴	1	2
Total	685	671/ 386	8/ 3	6/ 4

⁴ The numbers in bold refer to the number of votes after making the calculation.

The public results are pending the Supreme Court decision regarding the legality of Musharraf's candidacy. The provisional data indicate that Musharraf won a total of 671 votes between the different assemblies, which translates into 386 in the electoral college.

Evaluative analysis of the election:⁵

Participation:

The election of the President of Pakistan is not done using universal suffrage, but takes place in the national legislative houses and the provincial assemblies. The members of the APDM boycotted the election and did not participate in it and the PPP decided to abstain at the last minute. However, Musharraf was guaranteed the support of the members of the ruling PML-Q party, which added up to a relative majority.

Of the 342 members in the National Assembly, 199 voted (58%). Of the 100 members of the Senate, 58 cast their ballots (58%).

Neither the Federally Administered Tribal Areas (FATA) nor the Northern Areas participated in the election of the President, since these areas are not considered to be provinces in Pakistan.

Competition:

The list of candidates accepted by the Election Commission of Pakistan for the presidential elections was: 1) General Pervez Musharraf; 2) Mr. Wajihuddin Ahmed (retired judge, candidate of the group of lawyers); 3) Mr. Muhammadmian Soomro (retired president of the Senate); 4) Mr. Makhdoom Muhammad Amin Fahim (retired judge, PPP candidate); and 5) Ms. Faryal Talpur (also PPP). The last two candidates did not participate in the elections after the PPP withdrew at the last minute. However, the number of votes that they would have won would not have been significant.

Transparency:

In principal, the elections were not clean, for two main reasons related to the Pervez Musharraf's candidacy. First, he did not comply with the condition that the President cannot hold the post for more than two legislative sessions. Second, he did not comply with the condition that he cannot "hold any office of profit in the service of Pakistan or any body under government control". His candidacy did not meet these two requirements, which were being considered by the Supreme Court until the declaration of the State of Emergency. However, equally important is the fact that the new assemblies chosen after the parliamentary elections must vote within a period of 30 days after being established. Not only was it expected that the President's term would expire, but also that the old assemblies that voted for him would change. These assemblies are dominated by members of the ruling party (PML-Q), elected in the 2002 elections, and widely categorised as corrupt and manipulated.

⁵ This section uses TEIM's 6 election criteria which are: Participation, Competition, Transparency, Representation and Debate, Openness and Significance. See the home page for an explanation of each of these criteria.

Representation and debate:

Musharraf was the presidential candidate from the government coalition, while the rest of the candidates were, for all practical purposes, last-minute choices and did not run a campaign. This improvisation was due to the attempts by the opposition parties to take votes from Musharraf, in view of the difficulties in declaring his candidacy illegal and prevent his participation in the elections.

Openness:

Musharraf's triumph in the elections had been a given for some time, not only because the other candidates were last-minute entries and did not campaign, but because for months, members of the governing party (PML-Q) said as much in the legislative houses. The unknowns became clear over time: 1) the degree of violence that took place before and after the elections; and 2) the level of acceptance of this triumph by political parties, the general population and groups and/or civil associations and professionals. The only pending question is the decision by the Supreme Court regarding the legality of his candidacy.

Significance:

Musharraf managed to sidestep all opposition to his election and showed real nerve in declaring a State of Emergency when the Supreme Court challenged his power. He managed to get the CEP to accept his candidacy, despite the fact that he did not meet the legal requirements. Before the State of Emergency, there was a danger that the Supreme Court would not decide against him, which could have set a precedent and opened the way for future military coups to also hold the position of head of state behind the façade of legality. Similarly, the fact that no obstacles were placed against his third term could serve as a precedent for other figures in the future (President and/or Prime Minister) to acquire power beyond the two terms established by law, thus perpetuating the 'personalisation' of Pakistani politics (as occurred with Nawaz Sharif and Benazir Bhutto).

International political reaction and implications:

There was very little international reaction, since the results were not considered to be official. The United States government declared itself to be in favour of the re-election of the President and congratulated him, despite the fact that the results were not official. Generally speaking, the international community is waiting for the Supreme Court decision. It is interesting that Musharraf received congratulations from Shimon Peres, given that Israel and Pakistan do not have formal relations.

The declaration of the State of Emergency has pitted Musharraf against his allies (USA and UK) and created fear about the stability of the country and future parliamentary elections.

Implications for Spain:

Musharraf's problematic re-election did not mean any change in relations between Spain and Pakistan, bearing in mind that there are almost no consolidated relations between the two states. To begin, Spain did not make any pronouncements in favour of or against the re-election of the President, due to the fact that the results were still not considered to be definitive. Recently, on the occasion of the General's visit to Spain, the government gave the impression

that a 'moderate' dictator is preferable to opposition groups and parties, given fears about Islamist parties. There is some concern that the so-called 'Islamic nuclear bomb' could fall into dangerous hands and therefore, and to prevent any unpleasant surprises, continuity is preferred to change. However, a commitment to maintaining the 'status quo', whatever it takes, could be very dangerous for Spain in the long run.

Nonetheless, events that have occurred in the country, beginning with the attack on Islamabad's Red Mosque and the dismissal of Supreme Court justice Iftiqar Chaudhry and ending now with the declaration of the State of Emergency have increased instability in Pakistan, causing the President's popularity to drop significantly. His image has deteriorated considerably and the fact that certain countries, like the United States, support Musharraf has damaged his image even more so in Spain. His desire to stay in power, as well as the number of times that he let it be known that he would leave his army post before he ran again for the presidency, have cost him some of his credibility. But the most serious matter is his obstinate will to remain in power and thus impede a peaceful transition to democracy.

The Supreme Court's decision with respect to the legality of his candidacy was going to be fundamental in the history of the country, since judicial power has been the only thing that has really challenged executive power in the last few years. The fact that Musharraf did not make any statements regarding whether he would comply with the court's decision (which was very unlikely), caused concern that the declaration of the State of Emergency would only add to more disequilibrium in a country that is experiencing one of its worst and most unstable moments in its history. The eventual outbreak of an armed conflict on a national scale would seriously damage both relations between Spain and Pakistan and the commitment to consolidate and develop them, in addition to worsening the already strained international situation. Pakistan is a symbolic state in the Islamic world and is of great geo-strategic importance because of its location and size of its population (165 million people). An internal conflict would seriously affect neighbouring Afghanistan, where Spain has troops on the ground, as well as neighbouring India, the declared rival of Pakistan, with which Spain has stable and solid relations. But above all, and given the influence of conflicts in Iraq, Palestine and Afghanistan, Spain cannot allow this country to join the list of countries dominated by violence. If, as it appears, Bin Laden is hiding in its territory, Pakistan could well become a worldwide Jihadist battleground.

Looking ahead to the 2008 parliamentary elections, which Prime Minister Shaukat Aziz and Musharraf himself have confirmed (although the United States has clearly positioned itself in favour power-sharing between Benazir Bhutto and Musharraf), Spain must not show sympathy towards any one candidate and must support a government with greater democratic representation, as well as respect for the state of law. The country should not show a preference for any of the candidates, since, despite the fact that the National Reconciliation Order (which the Supreme Court invalidated) granted amnesty to Benazir Bhutto and that the Supreme Court has conceded it to Nawaz Sharif, the situation for both is still unstable and depends on the will of Musharraf or the courts. The best thing would be for a renewal of the leadership to take place in the parties and for both candidates to learn to respect the Constitution (including the regulation that prohibits the same candidate from being re-elected for more than two legislative sessions).

Conclusions:

The results of these elections were as expected, despite that fact that the Supreme Court's decision still remains to be seen. Musharraf has pressured the body to say that the winner of the majority of the votes wins the post and has not shown or indicated his intentions regarding the Court's report. According to the media in the country, he said that 'when the report is made public, I'll decide what to do'. Legally speaking, his current term as President expired on 15 November, and the period granted by the legislative houses for him to hold the two positions ends on 31 December. There was some fear that if the Supreme Court ruled against Musharraf's candidacy, his reaction would be to declare a State of Emergency and postpone the parliamentary elections. It was also noted that if the decision was negative, the elections could be declared null and Musharraf could call presidential elections again after the parliamentary elections, in which case it would remain to be seen if the newly elected houses would support him.

References to other Internet analyses:

"Pakistan: flawed electoral environment" by Samrat Sinha of the Society for the Study of Peace and Conflict, at:

http://www.sspconline.org/article_details.asp?artid=art144

"Results of Presidential Election", The Post, Karachi, at:

<http://www.thepost.com.pk/worldcup.aspx>

"Musharraf steals the show, but victory hangs on court", by Raja Ashgar in Dawn (Karachi) 7 October 2007:

<http://www.dawn.com/2007/10/07/top1.htm>

"The Game Plays Out" by Zahid Hussain (among other analyses) at Newsline (Karachi), October 2007:

<http://www.newsline.com.pk/NewsOct2007/cover1oct2007.htm>