

## Pakistan's Local Polls: Shoring Up Military Rule

### I. OVERVIEW

Pakistan's military government rigged local elections in August and October 2005 to weaken further the mainstream opposition parties and lay the ground for its supporters to dominate forthcoming parliamentary elections. The elections were marred by serious violence, which may well become worse in future polls as ethnic, religious and regional rivalries are stirred up. President Pervez Musharraf's efforts to maintain military control over politics are likely to limit the state's mechanisms for dealing democratically and peacefully with its many internal conflicts -- unless the U.S. and others make clear, as they should, that they will withdraw political, military and financial support in the absence of genuine moves to restore power to civilians.

The government manipulation of the local polls involved gerrymandering of districts to break up support for political opponents of the military; reshuffling of officials to ensure those favourable to the military controlled elections in key areas; rejecting the nominations of opposition candidates; giving direct support to certain candidates in what was supposed to be a non-party election; and direct rigging at the polls, including ballot stuffing, intimidation and seizure of voting stations.

Crisis Group argued in a March 2004 report that the main rationale for President Musharraf's devolution plan was and remains regime legitimacy and survival. As the military-led government enters its sixth year, the imperatives of regime survival have become more pressing. To this end, the Musharraf government distorted its own devolution plan further through the rigged polls. This political engineering is increasing divisions at local and provincial levels, which in turn are producing greater political violence. At least 60 people died, and more than 500 were injured during the local elections.

The military government has presented its plan for devolution as an effort to improve public services, attracting considerable support from donors. But far from being a technocratic solution to the problems of local governance or an effort to empower people, the devolution process is a political project to maintain military power, something further revealed by the extent of rigging of the local polls. In the absence of representative rule,

ethno-regional and political disaffection will continue to pose serious risks to the country's political and economic development and stability.

The election process risks worsening relations between the central government and the four federal provinces, which has already led to a low-level insurgency over political power and resources in Balochistan. Redistricting along ethnic lines in Karachi risks reviving the violence that blighted the country's main city for more than a decade. These elections have left political parties weakened and divided, have reduced political participation by women, and worsened local clan and ethnic rivalries. Limiting the political space for secular democratic parties has always boosted the position of extremist and religious groups in Pakistan.

Putting in place supportive local officials will help Musharraf ensure that his supporters win future parliamentary elections. In the 2002 election, Musharraf's Pakistan Muslim League Quaid-i-Azam (PML-Q) party won only a narrow victory because of opposition from many local officials, who can have a major impact on voting. The rigging of the local elections and the lack of independence of the Election Commission mean that there can be little faith Musharraf will live up to promises to return Pakistan to democracy and allow the next parliamentary polls to be free and fair.

### II. THE LOCAL ELECTIONS IN NATIONAL CONTEXT

Four years after a national devolution plan was implemented,<sup>1</sup> local governments still have only nominal political, administrative and financial autonomy. The military-controlled centre has restricted the scheme to the selective distribution of state resources and authority, which are used to co-opt civilian allies and fragment organised political opposition. While centralised control and interference has fuelled ethno-regional resentment and exacerbated divisions at the local levels, jurisdictional and political conflicts between the provincial and local governments have virtually crippled local governance.

<sup>1</sup> Crisis Group Asia Report N°77, *Devolution in Pakistan: Reform or Regression?*, 22 March 2004, p. i.

The 2005 local government elections were held in three phases from 18 August to 6 October. In the first two, direct elections for union councils were conducted on 18 and 25 August in 110 districts. On 6 October, indirect elections were held for the posts of district nazims (mayors); tehsil (sub-district)/town nazims; and reserved seats for women, peasants, workers and minorities.

The 2005 polls produced an overwhelming victory for the ruling PML-Q and its allies and defeat for the two national-level opposition parties, the Pakistan People's Party (PPP) and Pakistan Muslim League Nawaz (PML-N), as well as most regional opposition parties. With local government now in the hands of his civilian partners and the opposition sidelined, President Musharraf is far better placed to control a future general election through his civilian allies. The stakes for him are high if he wishes to extend his presidential term beyond 2007. If the PML-Q and allied parties obtain a two-thirds majority in the next parliament, he could also amend the constitution further in the direction of a presidential system.

### III. PRE-POLL RIGGING

The Election Commission of Pakistan (ECP) announced the election schedule on 30 June 2005, after which local governments were dissolved.<sup>2</sup> Subsequently, provincial governments appointed administrative officials as caretakers to exercise the functions of district and tehsil nazims during the transition.<sup>3</sup> The announcement ended speculation that the local elections might be delayed.

That speculation had gained momentum in light of a memorandum submitted to President Musharraf and Prime Minister Shaukat Aziz by over 150 legislators from the ruling coalition that demanded the prior investigation of corrupt nazims.<sup>4</sup> One of these legislators said, "the

government has proof that many zila (district) nazims are involved in corruption. If they get re-elected, the elections will be a farce".<sup>5</sup> The auditor general's reports, exposing high levels of misappropriation of public funds in local governments, gave credence to these allegations.<sup>6</sup> Musharraf, however, rejected the demand, despite his stated commitment to promote accountability in government.<sup>7</sup> "Elections should not be delayed, so that the people of Pakistan can exercise their right of vote in a manner which weeds out the corrupt and holds them accountable", he said. "We need to let the process of democratic renewal continue...we must be patient with democracy and what it produces".<sup>8</sup>

An internally divided PML-Q was anxious about its electoral prospects.<sup>9</sup> However, the government's pre-election manoeuvres laid these concerns to rest, ensuring that the ruling party and its allies would emerge victorious.

#### A. SETTING THE STAGE

"If the local government system is to take root and flourish, then the people of Pakistan must be allowed the right to change and modify the system in the manner they see fit...This is a system of the people and they can amend it in accordance with their needs", said General Musharraf.<sup>10</sup>

In June 2005, Musharraf approved sweeping amendments to the Local Government Ordinance 2001, which were duly promulgated by the provincial governments.<sup>11</sup> The Local Government (Amended) Ordinances 2005 (hereafter LGO 2005) empowers the chief minister, who is the provincial chief executive, to suspend the orders and decisions of the district, tehsil and union nazims in the "public interest" and to refer the matter to the local government (LG) commission to overrule such orders.<sup>12</sup>

<sup>2</sup> The first local government elections under Musharraf's devolution scheme were held in five phases from December 2000 to August 2001. Local governments were installed on 14 August 2001. There are three levels of local government: district, tehsil and union, each with a nazim and naib (deputy) nazim, elected bodies (zila, tehsil and union councils) and administrative structures (district, tehsil/town municipal and union). There are 110 districts, of which 35 are in Punjab, 23 in Sindh, 28 in Balochistan, and 24 in NWFP.

<sup>3</sup> District coordination officers (DCOs) and tehsil/town municipal officers (TMOs) were appointed as caretakers at the district and tehsil/town levels. This was done under section 179-A of the Local Government (Amended) Ordinance 2005. Hereafter, LGO 2005.

<sup>4</sup> See "MPs want Local Bodies' Audit before Polls", *The Nation*, 19 June 2005; Shahzad Raza, "80 per cent Ministers Demand Nazims' Accountability", *Daily Times*, 27 June 2005.

<sup>5</sup> Crisis Group interview, Islamabad, 12 August 2005.

<sup>6</sup> See Rauf Klasra, "AGP Detects Rs.5 Billion (\$84,000,000) Fraud in 34 District Governments", *The News*, 23 June 2005.

<sup>7</sup> "Swift and across the board accountability" was one of the seven points on Musharraf's ostensible reform agenda when he took power in October 1999.

<sup>8</sup> "Musharraf Defends Changes", *The News*, 1 July 2005.

<sup>9</sup> See Crisis Group Asia Report N°102, *Authoritarianism and Political Party Reform in Pakistan*, 28 September 2005, pp. 15-16.

<sup>10</sup> "Musharraf Defends Changes", *The News*, 1 July 2005.

<sup>11</sup> Under the 17<sup>th</sup> amendment to the 1973 constitution, passed in December 2003, the provincial local government ordinances were placed in the sixth schedule of the constitution for six years, which makes presidential approval mandatory for amendments.

<sup>12</sup> Under Section 25 of LGO 2001, the commission was entitled to take notice of any decision or order of the district nazim that

Similarly, the chief minister can "suspend" the resolutions of zila, tehsil and union councils if found in contravention of "the law or the interest of the people" and refer them to the same commission for inquiry.<sup>13</sup>

Under Section 129 of LGO 2001, the chief minister could "suspend" the district nazim if in his opinion that official was "deliberately avoiding or failing to comply with" directions regarding threats to public peace, order and national security. The chief executive of the province could also move a resolution in the provincial assembly for the "external recall" or removal of the nazim for misconduct or in the interest of public policy.<sup>14</sup> These powers were, however, subject to ratification by a simple majority of the provincial assembly.<sup>15</sup> That is no longer the case. Under the new Section 129, the chief minister can suspend the district nazim for a maximum of 90 days on similar grounds, and the provincial government is authorised to ask the LG commission to conduct an inquiry; upon its recommendation, the chief minister can remove the nazim.<sup>16</sup>

The motive, Musharraf explained, was "to provide a more balanced approach with respect to the division of powers between the Nazim and the chief minister...as the relationship...was becoming unnecessarily adversarial".<sup>17</sup> Frictions between provincial and local authorities could not be denied but these amendments have made local authority subservient to the provincial chief executive. The legislative check on misuse of executive authority vis-à-vis the nazims has been removed and given to the provincial LG commission, a partisan body responsible to the chief minister. With the local government minister as its chairman, the provincial local government secretary as the ex officio secretary, and three of its remaining four

members nominated by the provincial government,<sup>18</sup> there can be little doubt "they represent and are dependent on the Chief Minister".<sup>19</sup> "The real motive behind these changes", said the leader of the opposition in the Senate, Raza Rabbani of the PPP, "is to establish the dictatorship of the chief minister, who can suspend the nazims whimsically on politically motivated grounds".<sup>20</sup> In countrywide interviews, PPP, PML-N and even PML-Q politicians told Crisis Group the chief minister's new powers would pose a constant threat to nazims, especially those from opposition parties.<sup>21</sup>

Sources in the National Reconstruction Bureau (NRB) said that sustained pressure from the provinces, especially the Punjab, to bolster the chief minister's authority in relation to local governments was the real driving force. "But there is a confluence of interests here", said a senior federal government official, "as increased powers of the chief minister fit well with the Musharraf government's plan to manipulate the next general elections, especially in Punjab and Sindh, through nazims dependent for their survival on the provincial government".<sup>22</sup>

Another amendment criticised by opposition parties and civil society organisations as a recipe for rigging involved the "one-time" powers of the provincial chief secretary, the senior bureaucrat, to appoint "government officers as caretakers to perform the functions and exercise the powers of the nazims till the newly elected nazims take oath of...office".<sup>23</sup> Ostensibly meant to ensure the neutrality of the transitional process, Crisis Group interviews suggested the move was also motivated by the government's need to appease its coalition partners, especially the Muttahida Qaumi Movement (MQM), which feared that its rival Jamaat-i-Islami's (JI) district and town nazims in Karachi could impede its electoral campaign.<sup>24</sup>

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was against "public interest" and could recommend that the chief executive of the province overrule it.

<sup>13</sup> Under Section 45 of LGO 2001, the provincial assembly could, on a motion moved by the provincial government, set aside the resolution of a zila council by simple majority.

<sup>14</sup> Section 24 (4) dealing with "internal recall" of a district nazim by the zila council has been amended so that a two-thirds, instead of a simple majority, is now required. Section 63 (4) and Section 85 (4) have similarly been amended with regard to the internal "recall" of tehsil and union nazims.

<sup>15</sup> Section 129, LGO 2001. In the case of tehsil and union nazims, "external recall" or removal was decided on the basis of a resolution moved in the zila council by the district nazim. If approved by the former with a simple majority, a simple majority of the union councils in the tehsil also had to approve for the tehsil nazim to be removed. In the case of a union nazim, a simple majority of the union council (as well as village and neighbourhood councils) was required to approve the removal.

<sup>16</sup> Section 129, Punjab LGO 2005.

<sup>17</sup> "Musharraf Defends Changes", *The News*, 1 July 2005.

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<sup>18</sup> The LG commission, a provincial agency for inspection of local governments and intra-governmental dispute resolution, comprises the minister of local government as chairman, the provincial secretary of the local government department as ex-officio secretary, two "technocrats" selected by the provincial government and two members from "civil society", one each appointed by the leader of the house and the leader of the opposition in the provincial assembly.

<sup>19</sup> I.A. Rehman, "Local Bodies: Whose Fiefdom", *Dawn*, 1 August 2005.

<sup>20</sup> Crisis Group interview, Islamabad, 8 August 2005.

<sup>21</sup> Countrywide Crisis Group interviews, August-September 2005.

<sup>22</sup> Crisis Group interview, Islamabad, 4 August 2005.

<sup>23</sup> Section 179-A (2), Punjab LGO 2005.

<sup>24</sup> Countrywide Crisis Group interviews, August 2005. See also "Caretakers to Replace Nazims, Musharraf Assures MQM", *The News*, 29 May 2005.

The government also reduced the number of union councillors, who would form the electoral college for the district and tehsil/town nazims from 21 to 13.<sup>25</sup> The reduction in union council seats undermined the government's oft-stated claim of devolution to the grassroots level since the council is the lowest tier of local government. It also had an adverse impact on the representation, even if nominal, of marginalised groups, especially women. The move was justified on financial grounds, to reduce the costs associated with paying honorariums to 21 members while maintaining the proportional representation of women and minority communities.<sup>26</sup> Critics, however, argued that fewer union councillors would be easier to bribe or coerce into voting for government candidates.<sup>27</sup>

Taking no chances, the government decided to hold the local polls on a non-party basis, as in 2000-2001.<sup>28</sup> NRB Chairman Daniyal Aziz claimed this was done to prevent politicisation of "the local government system, which is focused on service delivery".<sup>29</sup> Opposition leaders were strongly critical. "An election", said one, "is inherently a political process and not being allowed to hold a political (party-based) election constituted electoral rigging".<sup>30</sup> PPP and PML-N leaders believed the decision was taken because "non-party" nazims and councillors could be more easily swayed than those subject to party discipline.<sup>31</sup> A ruling-party parliamentarian concurred that "there are

higher chances of horse-trading in a non-party election since technically everyone is an independent candidate". She pointed out that it would particularly facilitate rigging in the indirect phase of the polls since local representatives who would be the electorate for the nazim, the highest local official, could "be drawn into the ruling party's camp".<sup>32</sup>

Yet, the top government leadership including President Musharraf and Prime Minister Shauqat Aziz openly supported PML-Q-backed candidates, ignoring 152 (S) of LGO 2005, which disqualifies "a person from contesting local elections or holding elective office if (s)he...has used, directly or indirectly, for the election, the platform, flag, symbol, affiliation and financial or material resources or support of a political, religious, ethnic or sectarian party, formation or organisation".<sup>33</sup> Several ruling party leaders claimed they would win a majority of seats in the "party-less" election,<sup>34</sup> a situation whose irony was not lost on the acting chief election commissioner (CEC), Justice Abdul Hameed Dogar, who noted, "future local bodies polls should be held on a party basis, as asking political candidates to be non-political is unfair".<sup>35</sup> The decision to deprive the parties of a formal role paid off handsomely for the government. The opposition parties also fielded candidates but with party discipline undermined, many were cajoled or coerced into backing pro-government candidates.<sup>36</sup>

The government also allowed federal and provincial ministers and legislators to contest local elections while retaining their parliamentary seats. Even though no legal bar existed, the decision served as a license for the abuse of public office and resources for electoral gain. The stated desire of many state ministers and legislators to swap national or provincial office for a district nazim post reflected the concentration of state authority in the office of the general-president, from where it flowed directly to the nazim, bypassing the national and provincial legislatures.

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<sup>25</sup> Under section 87 of LGO 2001, the Union Council was comprised of 21 members elected directly: twelve Muslim members (four seats reserved for women); six peasants and workers (including two women); one minority member; and the union nazim and naib nazim elected as joint candidates. There are now six Muslim general seats (including two reserved for women); four seats for peasants and workers (including two seats reserved for women), one seat for minority communities, and one seat each for the union nazim and naib nazim.

<sup>26</sup> Comments made by Riaz Khan, NRB consultant, at the "Future of Local Government" seminar organised by the Liberal Forum Pakistan, Islamabad, 21 July 2005. See also "21,989 Seats Reserved for Women in Local Polls: Ratio of Representation Will Remain the Same", *The News*, 23 June 2005.

<sup>27</sup> Crisis Group telephone interview with Azam Khan Afridi, incumbent Peshawar nazim, 12 August 2005.

<sup>28</sup> Section 153 of LGO 2001 states that local government elections will be held on a non-party basis.

<sup>29</sup> "Removal of Sindh Nazims Not in Accordance with the Law", *Daily Times*, 24 January 2005.

<sup>30</sup> Crisis Group telephone interview with Senator Sanaullah Baloch, Balochistan National Party (BNP), 26 October 2005.

<sup>31</sup> "After party-backed candidates are elected through a non-party election", said an opposition politician, "they would become more responsive to non-party structures such as the office of the President and feel they are only answerable to him". Crisis Group interview with PPP national parliamentarian Sherry Rehman, Islamabad, September 2005.

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<sup>32</sup> Crisis Group interview with PML-Q national parliamentarian Mehnaz Rafi, Islamabad, September 2005.

<sup>33</sup> LGO 2001. The Punjab minister of colonies, Mahazir Ali Ranja, admitted that his party was actively involved in the polls. Crisis Group interview, Sargodha, September 2005.

<sup>34</sup> "PML-Q Hopes to Win 60-70 per cent of LB seats", *The News*, 20 July 2005.

<sup>35</sup> Muhammad Saleh Zafar, "CEC Proposes Party-based Polls", *The News*, 11 August 2005.

<sup>36</sup> Groups backed by various political parties included Khushal Pakistan (PML-Q), Awam Dost (PPP), Jamhooriyat Nawaz (PML-N), Haq Parast (MQM), Watan Dost (ANP), Al-Khidmat (Jamaat-i-Islami). See Crisis Group Report, *Authoritarianism and Political Party Reform in Pakistan*, op.cit.

## B. DIVIDE AND RULE: GERRYMANDERING DISTRICTS

As Crisis Group has pointed out, local governments are a useful tool for the military in what are essentially divide and rule tactics.<sup>37</sup> In the run up to the 2005 local elections, the government took these tactics a step further. In December 2004, the Sindh provincial government split Larkana, Jacobabad, Dadu and Mirpurkhas districts for "administrative reasons", creating new districts of Kamber Shahdodkot, Kashmore, Jamshoro and Umerkot.<sup>38</sup> PPP leaders believed the main aim of the gerrymandering was to divide its vote base and hand the resulting "enclaves" to the government's allies.<sup>39</sup> "Sindh districts", confirmed a senior provincial official, "were divided up to 'deconcentrate' the PPP's support base in order to make electoral manipulation easier for the ruling coalition".<sup>40</sup>

The case of Hyderabad district vividly illustrates this. On 4 April 2005, the four Hyderabad tehsils -- Matiari, Tando Mohammad Khan, Tando Allahyar and Hyderabad -- were declared separate districts. Flanked by the intended beneficiaries of this redistricting,<sup>41</sup> Sindh Chief Minister Arbab Ghulam Rahim defended the decision in a hurriedly called press conference by claiming "it was administratively difficult to manage the affairs of (Hyderabad) district since it had a population of three million".<sup>42</sup> This logic, opposition politicians said, flew in the face of realities. Sindh Taraqi Pasand Party's Qadir Magsi asked, "if five districts of Karachi were merged to create one city district, why was Hyderabad not given a similar status?"<sup>43</sup>

The PPP and Sindhi regional parties believed the district's redrawing was also calculated to partition the province's Mohajir<sup>44</sup> and Sindhi population along ethnic lines.

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<sup>37</sup> Crisis Group Report, *Devolution in Pakistan*, op., cit., pp. 12-13.

<sup>38</sup> Section 7 of the LGO 2001 authorises the provincial government to "...declare Tehsils (Taluqas) and Districts notified under the SBNP Land Revenue Act, 1967 (W.P. Act XVII of 1967), to be Tehsils or, as the case may be, Districts under this Ordinance".

<sup>39</sup> Crisis Group interviews, Karachi, August 2005.

<sup>40</sup> Crisis Group interview, Karachi, 22 August 2005.

<sup>41</sup> These included Irfan Gul Magsi, member of the provincial assembly (MPA) from Tando Allahyar; Mir Ali Nawaz Talpur, MPA from Tando Mohammad Khan; Jalal Shah Jamote, MPA from Matiari; MQM's Sardar Ahmed, Sindh minister of finance; and MQM's Waseem Akhter, the local government adviser to the Sindh government.

<sup>42</sup> "Hyderabad Divided into Four Districts", *The News*, 5 April 2005.

<sup>43</sup> "Division of Hyderabad Criticised", *Dawn*, 13 January 2005.

<sup>44</sup> Mohajirs are mainly Urdu-speaking refugees and their descendants from India. While the Mottahida Qami Movement

"Hyderabad was divided to create ethnic fiefdoms for the MQM and other pro-government politicians", said Qazi Asad Abid, a former PPP national parliamentarian and owner of the Sindhi language *Ibrat* publications group.<sup>45</sup> These fears were not baseless. In the Mohajir-dominated urban centres of Karachi and Hyderabad, which witnessed violent ethnic conflict in the 1990s, local rivalries between the MQM and Sindhi opposition parties have heightened, and the province could again be engulfed in bloody Sindhi-Mohajir violence. The MQM, a coalition partner in the PML-Q-led provincial government, boycotted local elections in 2001 and was, therefore, desperate to wrest back control of Hyderabad district and several town governments from its archrival, the PPP.<sup>46</sup> The Musharraf government was happy to oblige, since this would strengthen its ally and undermine its opposition.

In Punjab, Rawalpindi, Faisalabad, Gujranwala and Multan districts were upgraded to city districts in June 2005, and three more towns (previously tehsils) were added to Lahore city district, raising the total to nine.<sup>47</sup> Opposition politicians claimed the changes were to increase patronage opportunities and accommodate more PML nominees as town nazims.<sup>48</sup> The PML-Q-led coalition government in Balochistan province also created or altered union councils for partisan reasons. And in the North West Frontier Province (NWFP), six new union councils were created in Bannu, the home district of Akram Durrani, the provincial Muttahida Majlis-i-Amal (MMA) Chief minister.

## C. BUREAUCRATIC MANOEUVRES

As in the 2002 national elections, the government relied on its bureaucratic machinery to influence the local polls.<sup>49</sup> This included the transfer of police and district administration officials on the eve of the announcement of the election schedule. District coordination officers

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represents Mohajir interests, the PPP's constituency in Sindh is mainly composed of Sindhis.

<sup>45</sup> Crisis Group interview, Hyderabad, 24 August 2005.

<sup>46</sup> The new district of Hyderabad was divided into Hyderabad city, and Latifabad, Hyderabad (rural) and Qasimabad tehsils.

<sup>47</sup> Under Section 8, Punjab LGO 2001, the government may declare a tehsil or tehsils within one or more adjoining districts as a city district if the population exceeds one million; the economy is largely oriented to commercial, industrial, and services sectors; and the existing administrative and municipal infrastructure has become inadequate for efficient service delivery. Similarly, Section 9 (1) authorises the government "to declare a whole number of contiguous Unions to be a Town in the City District".

<sup>48</sup> Crisis Group interviews, Lahore, September 2005.

<sup>49</sup> Crisis Group Asia Report N°40, *Pakistan: Transition to Democracy?*, 3 October 2002, p. 25.

(DCOs), tehsil municipal officers (TMOs), district police officers (DPOs) and other officials were transferred to and from politically sensitive and crucial districts, especially in Sindh, the PPP's stronghold. Crisis Group was told that the DCO and two TMOs transferred to Hyderabad were "the MQM's men".<sup>50</sup> The night before the first phase of the polls, a district official said the local administration had received "loud and clear" instructions from the provincial government and corps headquarters to extend "full cooperation" to those "committed to General Musharraf's agenda of enlightened moderation...the MQM and the ruling PML".<sup>51</sup>

In Punjab, some district officials in Lahore, Sargodha and Jhelum confirmed they were instructed to "facilitate" the election campaigns of Chief Minister Chaudhry Pervaiz Elahi's handpicked candidates. Other officials disclosed that an attempt to resist political interference had elicited "threats of dire consequences" from provincial authorities.<sup>52</sup> While the LG Election 2005 Code of Conduct disallowed postings of local government officials after announcement of the election date without prior approval of the chief election commissioner, transfers continued well into the campaign.<sup>53</sup> The CEC did cancel several transfers but those related to lower-level officials in the education, revenue and police departments.<sup>54</sup>

Pre-poll rigging also included relocation of polling stations from traditional sites (in some cases used since 1970) to areas hostile to opposition candidates or to unpopulated areas to discourage opposition supporters from voting. This occurred in Dadu, Mirpurkhas and Umerkot districts in Sindh as well as several districts in Punjab and Balochistan. In Hyderabad tehsil, several polling stations for men and women were separated by fifteen to twenty kilometres to discourage women from turning out. A district officer in Jhelum (Punjab) said senior provincial officials had ordered district revenue officials to identify

new sites for polling stations to maximise gains for PML-Q candidates.<sup>55</sup>

#### D. POLITICS OF NOMINATION

The candidate nomination process was marred by malpractice. Nomination papers of many opposition-backed candidates in Punjab were rejected because their names were not on the voter list. Others were turned down for "unspecified defects" in educational certificates.<sup>56</sup> Grounds for rejection also included the candidate's inability to prove "adequate knowledge of Islamic injunctions".<sup>57</sup> Madrassa degrees were accepted in NWFP as equivalent to the required general educational qualification for nazim and naib [deputy] nazim but rejected in Punjab.<sup>58</sup> In the end, the Supreme Court disqualified candidates with madrassa degrees from holding elective office unless they had passed additional examinations in English, Urdu and Pakistan studies.<sup>59</sup>

In many Sindh and Punjab districts, opposition parties claimed their candidates as well as their proposers and seconders were detained by the police or abducted to prevent them from filing papers or to force them to withdraw in favour of government-sponsored candidates.<sup>60</sup>

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<sup>50</sup> Crisis Group interviews, Hyderabad, 24 August 2005.

<sup>51</sup> The official also said that District and Tehsil officers known for their loyalty to the MQM were posted in Hyderabad before and after the announcement of the election schedule. Crisis Group interview, 17 August 2005.

<sup>52</sup> Crisis Group interviews, Punjab, August 2005.

<sup>53</sup> In Mianwali, where his Khidmat Ittehad group contested the polls against the Punjab government-backed Rokhari group, the federal minister for parliamentary affairs, Dr Sher Afghan Niazi, said that the "[d]istrict coordinating officer and district police officer were transferred and brought in just before the elections" and openly influenced the vote under the directions of the Punjab chief minister. Crisis Group interview with Dr Sher Afghan Niazi, Islamabad, September 2005.

<sup>54</sup> The CEC cancelled 63 transfers in August 2005. See Election Commission of Pakistan, "CEC Orders Cancellation of Transfer Orders", press release, 3 August 2005, at <http://www.ecp.gov.pk/content/aug2005press/3-aug-transfer.html>.

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<sup>55</sup> The final decision to designate sites for polling stations rested with election authorities.

<sup>56</sup> See "145 Papers Rejected in Pindi, Attock, Taxila", *Dawn*, 1 August 2005.

<sup>57</sup> Section 152 (d), LGO 2001, states that a person shall be qualified to be elected if he "is of good character and is not commonly known as one who violates Islamic injunctions; has adequate knowledge of Islamic teachings and practices, [and] obligatory duties prescribed by Islam as well as abstains from major sins".

<sup>58</sup> Section 152 (e), LGO 2001, states that a person shall be qualified to run for nazim or naib nazim if he "has academic qualifications of not less than matriculation or secondary school certificate or equivalent from a recognised institution".

<sup>59</sup> See Naveed Ahmed, "Sanad-holders Cannot Contest Local Body Polls: Supreme Court", *The News*, 30 August 2005. The Supreme Court's decision came against the backdrop of pressure by the Musharraf government on the NWFP chief minister, Akram Durrani of the MMA, and Fazlur Rehman, leader of the opposition in the National Assembly, to end their boycott of the military-dominated National Security Council (NSC). The threat of disqualification also hangs over the heads of MMA parliamentarians with madrassa degrees since the Supreme Court is hearing a case for their disqualification on educational grounds. Chief Minister Durrani attended the NSC meeting held in the wake of the 8 October 2005 earthquake, the first time that the MMA participated in NSC proceedings.

<sup>60</sup> Malpractice was also reported in the allotment of election symbols, particularly important because of the ban on party symbols. Opposition PPP and PML-N-backed candidates claimed that pro-government candidates were given preference

Those who refused were reportedly implicated in fabricated police cases such as theft,<sup>61</sup> the aim being to ensure victory without a contest.

The level of intimidation was particularly high in the PPP stronghold of rural Sindh, where a police official said that PML-Q Chief Minister Arbab Ghulam Rahim "was on a military-sponsored mission to have the PPP routed once and for all".<sup>62</sup> Crisis Group was told that PPP-backed "Awam Dost" candidates were kidnapped to prevent them from filling nomination papers, and in at least one case, in Thatta, a letter of withdrawal from an abducted candidate for union naib nazim was produced.<sup>63</sup> According to PPP officials, police threatened Awam Dost candidates for union council nazim and general councillor seats in Jamshoro, Dadu, Mirpurkhas, Thatta, Khairpur and Umerkot districts with prosecution under anti-terrorism laws if they did not withdraw. In Hyderabad, some PPP-backed candidates, their supporters and other party activists said they received death threats from the MQM, and many had been illegally detained by the police to force them to step down. PPP, PML-N and JI-backed candidates said the MQM threat was clear: "*betho or laito*" (withdraw or die).<sup>64</sup>

In Dadu district, the PPP said "law enforcing agencies" had abducted Awam Dost candidates on instructions of the federal minister for water and power, Liaquat Jatoi.<sup>65</sup> Some candidates were recovered from police custody,<sup>66</sup> but many remained illegally detained or in hiding.<sup>67</sup> In Rahim's home district of Tharparkar, intimidation, including abduction of opposition candidates by police and hired criminals, ensured that nazims were elected unopposed from 35 of the 44 union councils who were

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in the allocation of symbols. Countrywide Crisis Group interviews, August 2005.

<sup>61</sup> Such cases were filed against PPP-backed union council nazim and naib nazim candidates in Khairpur, Dadu, Sukkur and Larkana.

<sup>62</sup> Crisis Group interview with a senior police official, Karachi, August 2005.

<sup>63</sup> In Ghotki district, the police reportedly detained a PPP-backed candidate for union council nazim to prevent him from attending the hearing of an appeal challenging his nomination papers.

<sup>64</sup> Crisis Group interviews, Hyderabad, August 2005.

<sup>65</sup> "PPP Says Awam Dost Candidates Being Victimised", *Dawn*, 2 August 2005.

<sup>66</sup> "Three Candidates Recovered from Illegal Police Custody", *The News*, 7 August 2005. See also press release, Election Commission of Pakistan, 4 August 2005, at <http://www.ecp.gov.pk/content/aug2005press/4-aug-suo.html>.

<sup>67</sup> In Jacobabad district, PPP officials disclosed that the police had detained relatives to pressure pro-PPP opponents of Saeeda Soomro, mother of Mohammad Mian Soomro, the senate chairman, to withdraw from the race. Crisis Group interview, Karachi, August 2005.

favourable to the chief minister.<sup>68</sup> Union council nazims were also elected unopposed from other districts.<sup>69</sup>

In Punjab, the government's strategy focused on co-opting as many nazims and naib nazim candidates as possible mainly through *biradri* (clan) networks and the promise of development funds.<sup>70</sup> In Sargodha district, Crisis Group visited two union councils in which the government co-opted two pro-PPP candidates for nazim by offers of development funds. In Gujrat, the home district of PML-Q President Chaudhry Shujaat Hussain and his cousin, Punjab Chief Minister Chaudhry Pervez Elahi, many PPP-backed candidates for union council nazim and naib nazim were coerced into withdrawing.

A case that best illustrates the Punjab government's targeting of opposition candidates is that of the PPP's Nadim Kaira, the former nazim of Tehsil Kharian. He was first jailed on corruption charges and later under anti-terrorism laws to prevent him from contesting the polls.<sup>71</sup> Some candidates who resisted intimidation were accused of violating the LG Election Code of Conduct and booked under charges ranging from illegal display of weapons and use of loudspeakers to threatening rivals.<sup>72</sup> Not surprisingly many union council nazims and naib nazims and general councillors were elected unopposed.<sup>73</sup> The Punjab local government minister, however, justified these uncontested elections on the grounds that the "opposition parties had failed to organise, and the people had reposed confidence in the PML-Q".<sup>74</sup> In Balochistan, too, particularly in Bolan and Jaffarabad districts, the home constituencies of the federal minister, Yar Mohammad Rind, and former Prime Minister Mir Zafarullah Khan Jamali respectively, many candidates for union council nazim and general councillors were elected unopposed.

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<sup>68</sup> Taking notice of news reports, the acting chief election commissioner directed the district returning officer (DRO) to investigate. In his report, however, the DRO claimed that his office had not received any complaints of abduction and that candidates had voluntarily withdrawn, without pressure. See Election Commission of Pakistan press release, 7 August 2005 at <http://www.ecp.gov.pk/content/aug2005press/7-aug-suo%20moto%20notice.html>.

<sup>69</sup> "14 Nazims Elected Unopposed in Thatta", *The News*, 1 August 2005.

<sup>70</sup> Crisis Group interviews with former nazims, district officials and local journalists in Sargodha, Rawalpindi and Lahore, August-September 2005.

<sup>71</sup> Crisis Group interview with Qamar Zaman Kaira, Islamabad, 11 August 2005. See also "PPP Seeks Removal of Police Involved in Rigging", *Dawn*, 23 August 2005.

<sup>72</sup> See, for instance, "Two Nazim Hopefuls Booked", *Dawn*, 12 August 2005.

<sup>73</sup> "1,451 Elected Unopposed in Second Phase", *Daily Times*, 20 August 2005.

<sup>74</sup> "People Repose Confidence in PML: Minister", *Dawn*, 3 August 2005.

Opposition meetings were routinely disrupted by the police in all four provinces but especially in Sindh, where pro-PPP candidates were detained, some under house arrest, to prevent them from addressing their campaign meetings. In Hyderabad, over 400 PPP leaders and workers were arrested for an Independence Day procession.<sup>75</sup> According to Shabbir Ansari, a former PML-N national parliamentarian from Hyderabad, "the Election Commission's code of conduct was enforced in letter and spirit but only in relation to opposition-backed candidates".<sup>76</sup>

## E. PARTISAN ELECTIONEERING

The "non-party" elections existed only as a fiction on paper. Government officials from the provincial level to the presidency were involved in partisan electioneering.<sup>77</sup> This took various forms, including misuse of public resources, initiation of development schemes during the campaign, and ignoring of the code of conduct, which barred federal and provincial ministers, state ministers, advisers and other political office holders from "using official vehicles or any other official facility during [the] election campaign of their own or any other candidates", and stated that "no new development schemes shall be initiated" during that period.<sup>78</sup>

In NWFP, Amir Muqam Khan, the provincial PML-Q president and minister of state for water and power, installed "electricity transformers to woo voters for his favourite candidates".<sup>79</sup> MMA provincial ministers pledged development projects, prompting a warning from the NWFP governor.<sup>80</sup> Federal and provincial ministers, including Rao Sikander Iqbal, the federal minister for defence, violated the code of conduct by using official resources for partisan campaigning.<sup>81</sup> Punjab Chief

Minister Pervez Elahi openly nominated district nazims, welcomed PML-N defectors and promised development funds in Rawalpindi, Multan and Rahimyar Khan districts.<sup>82</sup>

In Karachi and Hyderabad, MQM provincial ministers were active in corner meetings and rallies of Haq Parast candidates. The MQM used government buildings as election offices, hoisted party flags on government vehicles used for election campaigning and put up giant billboards of party chief Altaf Hussain all over Karachi.<sup>83</sup> In Hyderabad, according to local leaders, the MQM used government resources, including development funds, to win votes in opposition strongholds. Addressing a rally of his MQM allies in Hyderabad on 17 July 2005, Prime Minister Shaukat Aziz pledged Rs.1 billion (\$16,789,000) for clean drinking water.<sup>84</sup> Addressing a PML-Q election rally in Swat, President Musharraf explicitly asked voters to support PML-Q nominees while announcing development grants worth Rs.80 million (\$1,340,000).<sup>85</sup> While the president and prime minister blatantly violated the code of conduct, the ECP merely issued verbal reminders on the importance of respecting the law.

## IV. ELECTION DAY RIGGING

Crisis Group informally observed the first phase of polling on 18 August 2005 in the Sargodha district in Punjab and Nowshera district in NWFP.<sup>86</sup> During the second phase on 25 August, Crisis Group visited the districts of Hyderabad in Sindh, Mandi Bahauddin in the Punjab and Chitral in

<sup>75</sup> "Hyderabad: 450 PPP Leaders, Workers Booked", *Dawn*, 16 August 2005. Some 60 were formally charged under the penal code.

<sup>76</sup> Crisis Group interview, Hyderabad, 24 August 2005.

<sup>77</sup> Opposition PPP and PML-N politicians also took active part in the campaigns of their parties' candidates.

<sup>78</sup> Code of Conduct for the Local Government Elections 2005.

<sup>79</sup> See Ahmed Hassan, "Embarrassing Government Defeat in NA", *Dawn*, 30 August 2005.

<sup>80</sup> The district returning officer in Nowshera banned JI's senior provincial minister, Sirajul Haq, from the district for interfering in the election campaign. Election authorities also barred several other MMA ministers from electioneering on the complaints of ANP and PML-backed candidates. "Siraj's Entry Banned", *The Nation*, 17 August 2005; Muqaddam Khan, "DRO Summons Minister on Candidates' Complaint", *Dawn*, 17 August 2005.

<sup>81</sup> See "Minister Accused of Pre-Poll Rigging", *Dawn*, 8 August 2005; "Agriculture Minister Lodhi Blamed for Pre-Poll Rigging", *Dawn*, 12 August 2005.

<sup>82</sup> See "80,000 Acres Being Given to Poor Farmers: Chief Minister Elahi", *Dawn*, 12 August 2005; "Leaguers Can't Harmonise With PPP: Pervaiz", *Dawn*, 8 August 2005; "Chief Minister Violated Code of Conduct in Multan: Qureshi", *Dawn*, 8 August 2005.

<sup>83</sup> Crisis Group observations, Karachi, August 2005.

<sup>84</sup> "Package to Be Implemented without Delay: PM Addresses Hyderabad Meeting", *Dawn*, 18 July 2005. Figures denoted in dollars (\$) in this report are in U.S. dollars.

<sup>85</sup> The district returning officer sent notices to President Musharraf and the PML-Q provincial president and state minister for water and power, Amir Muqam Khan, to respond to allegations of partisan campaigning in a complaint by JI-backed candidates. "President Announces Development Initiatives for Malakand Division", *Dawn*, 30 July 2005; Rahimullah Yousafzai, "Swat Public Meeting Puts PML in Spotlight", *The News*

, 1 August 2005; "President, Minister Served Notice on Polls Plea", *Daily Times*, 17 August 2005.

<sup>86</sup> The first phase of direct elections for the posts of union nazim/naib (deputy) nazim and general councillors (members of union councils) covered 54 districts in all four provinces. Elections in the remaining 56 districts were held countrywide in the second phase.



NWFP. In the third and final phase of indirect elections for nazims on 6 October, Crisis Group informally observed in Lahore, the Punjab provincial capital, and Larkana in Sindh. Crisis Group also visited the districts of Peshawar, Karachi and Lahore either before or after the polls. Observations from several other districts in all four provinces were based on telephone interviews, news analysis and collaboration with domestic and international observers.

The voting process was generally marred by administrative mismanagement. This included poorly trained staff, inadequate arrangements to ensure secrecy of the ballot,<sup>87</sup> shortages of ballots, ballots missing the symbols of some candidates and a scarcity of indelible ink. Instead of using an updated voter list, in many cases, the LG 2000-2001 list was used, disenfranchising many citizens.<sup>88</sup>

There were government-sponsored as well as private violations of the code of conduct, including the widespread use of official vehicles for canvassing votes on polling day and the use of cellular phones inside polling stations. Election officials appeared unwilling or unable to stop voting after a number of stations closed. There was also ballot stuffing, vote buying and multiple voting.<sup>89</sup> In many instances, genuine votes were discounted; names were sporadically crossed off voter lists, while the selective use of indelible ink facilitated multiple voting. Voting for and by women was particularly marred by irregularities. For example, the ECP's decision to allow the use of older versions of national identification cards, which often carried only a woman's thumb impression, created additional opportunities for multiple voting.

While the Musharraf government repeatedly cited the two-thirds representation of women in local government as evidence of its commitment to their participation in governance, this increased presence had not translated into an enhancement of their political role or responsibilities.<sup>90</sup> Instead of remedying this, the government decided instead to reduce the numbers of seats for women in union councils. Not only will fewer women now participate in local government, but women also found themselves marginalised and/or manipulated both as voters and as candidates. They were barred, for

instance, from voting in a number of NWFP and Punjab districts by male local leaders.<sup>91</sup> The ECP did act in some districts where women were excluded but only as the result, an opposition politician pointed out, of "pressure by NGOs, opposition political parties and especially...the European Union. The government only acted when there was an international outcry on the denial of voting for women".<sup>92</sup>

This pressure proved far less effective when it came to Election Commission intervention to prevent the intimidation of opposition women candidates by the ruling party and its allies. For instance, Nafisa Shah, the former nazim of Khairpur district in Sindh, was targeted by the Pakistan Muslim League (Functional). Shah said that "armed gangsters, PML workers and the police" attacked PPP-backed candidates and then "occupied polling stations to stuff ballots". Also, she said, the polling staff rendered some votes for opposition candidates "invalid" by marring them with "thumb impressions, pen marks or by simply tearing them".<sup>93</sup>

Nor did the Election Commission intervene when polling stations for women were targeted for rigging. Voting at one in Sargodha was disrupted amid allegations of rigging by some candidates, only to have the police evict voters.<sup>94</sup> In at least two other female stations in Sargodha district, family members of PML-Q-backed candidates were discovered stamping ballot papers for "old" and "illiterate" women.<sup>95</sup> In those stations, "where government candidates knew they would lose", Federal Minister for Parliamentary Affairs Dr Sher Afghan Khan Naizi said, "polling was delayed and minimal polling was allowed".<sup>96</sup> During the counting process in a female station, the presiding officer requested police guards to participate in the counting to "speed up the process".<sup>97</sup> But despite the "high levels of violence, kidnappings and threats to women, the Election Commission remained mute".<sup>98</sup>

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<sup>87</sup> At a polling station for the indirect nazim elections visited by Crisis Group in Lahore, election staff had an unimpeded view of polling booths.

<sup>88</sup> An additional 1.6 million voters had been added to the electoral roll for the 2000-2001 local body elections electoral roll, which was updated between August 2004 and March 2005.

<sup>89</sup> In at least three urban union councils of Sargodha, Crisis Group heard complaints from voters and polling agents that monetary inducements were being offered by both pro-government PML and opposition-backed candidates.

<sup>90</sup> Crisis Group Report, *Devolution in Pakistan*, op. cit, p. 15.

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<sup>91</sup> According to Nighat Aurakzai, PML-Q MPA, women were not allowed to vote in 40 to 50 union council elections in NWFP. Crisis Group interview, Peshawar, September 2005.

<sup>92</sup> Crisis Group interview with PPP national parliamentarian Sherry Rehman, 27 October 2005.

<sup>93</sup> Crisis Group telephone interview with Nafisa Shah, 25 August 2005.

<sup>94</sup> Crisis Group observations, Sargodha district, August 2005.

<sup>95</sup> Crisis Group witnessed similar rigging in Mandi Bahauddin in the second phase.

<sup>96</sup> Crisis Group interview with Dr Niazi, Islamabad, September 2005.

<sup>97</sup> Crisis Group observation, Sargodha district, Punjab.

<sup>98</sup> Crisis Group interview with PPP national parliamentarian Sherry Rehman, 27 October 2005.

The local polls were even more flawed than the 2002 national elections<sup>99</sup> but with a twist. "The military authorities are in the background", said Qasim Zia, PPP leader of the opposition in the Punjab Assembly. "The strategy is to let the civilian, and political fronts of the military do all the dirty work".<sup>100</sup> "The entire country has been partitioned into 'enemy' and 'friendly' camps", claimed Iftikhar Awan, chief of the PML-N's media and election cell, "and proxy civilians have been selected to bring the election home for the generals".<sup>101</sup>

The partiality of election staff and law enforcement agencies was more than evident and included ballot stuffing and intimidation of opposition candidates by the police; seizure of polling stations by pro-government groups;<sup>102</sup> and open display of arms by candidates and their supporters. Counting irregularities marred the final results that were, in many instances, changed on the instructions of provincial authorities in several Punjab districts, including Rawalpindi, Jhelum and Sargodha, and Hyderabad in Sindh.<sup>103</sup> As one critic put it, "the important thing was not how you voted but how your votes were counted".<sup>104</sup>

In Balochistan, where the chief minister visited numerous districts during the campaign, openly backing candidates and announcing development schemes, opposition voters were detained or simply disappeared, and incorrect lists disenfranchised citizens in anti-government constituencies.<sup>105</sup> In Punjab, Crisis Group witnessed blatant rigging at some polling stations, including official acquiescence, if not connivance, in favour of PML-Q-backed candidates in places like Mandi Bahauddin. An analyst noted that the worst rigging in Punjab was in Gujrat, the home base of PML-Q Secretary General Chaudhry Shujaat Hussain and Punjab Chief Minister Chaudhry Pervez Elahi, where "rival candidates were arrested and armed thugs freely roamed around the polling sites".<sup>106</sup>

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<sup>99</sup> The European Union Election Observation Mission (EUEOM) declared the October 2002 general elections "deeply flawed".

<sup>100</sup> Crisis Group interview, Lahore, 19 August 2005.

<sup>101</sup> Crisis Group interview, Islamabad, 12 August 2005.

<sup>102</sup> Incidents of polling station capture were reported from Karachi, Hyderabad, Khairpur, Dadu and Larkana districts.

<sup>103</sup> Crisis Group interviews with polling officials.

<sup>104</sup> See Farhatullah Babar, "The Three Casualties of Local Polls", *The News*, 2 September 2005.

<sup>105</sup> According to BNP national parliamentarian Sanaullah Baloch, many of his party workers "disappeared or were in jails. Some were jailed on false terrorism charges to keep them away from the elections". Crisis Group telephone interview with Sanaullah Baloch, 26 October 2005.

<sup>106</sup> Zahid Hussain, "The Great Election Farce", *Newsline*, September 2005.

In Karachi, the opposition accused the MQM of intimidating its polling agents, seizing polling booths and stuffing ballot boxes.<sup>107</sup> According to the former Karachi nazim Naimatullah Khan of the JI, "the MQM rigged the elections inside under the shadow of the 'law enforcing agencies' that were patrolling outside".<sup>108</sup> On the eve of elections in Hyderabad district in Sindh, opposition politicians accused the military of giving rigging "permits" to the MQM and pro-government factions of the PML".<sup>109</sup>

The opposition's worst fears were confirmed in the eleven polling stations of Hyderabad city, Tehsil Qasimabad and Latifabad, which Crisis Group visited. According to opposition sources, voting was conducted under the supervision of MQM party workers rather than the Election Commission.<sup>110</sup> MQM activists controlled five "sensitive"<sup>111</sup> polling stations.<sup>112</sup> A presiding officer at one of these disclosed that opposition polling agents had been forcefully evicted, and some were denied entry by "law enforcing agencies".<sup>113</sup> A visibly distraught presiding officer -- later manhandled by MQM activists -- said, "there is intense pressure on me to get out of the way".<sup>114</sup>

At least 60 people were killed and some 550 injured in election-related violence countrywide. On the eve of the elections in Sargodha, Crisis Group saw PML-Q members of the Provincial Assembly and Punjab government advisers using official vehicles and armed guards to intimidate rival candidates. In one of the union councils, open display of automatic weapons and firing into the air continued deep into the night before polling. In Nowshera district, lives were lost in armed clashes between political rivals.

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<sup>107</sup> Crisis Group interviews with PPP national parliamentarian Naveed Qamar and the PML-N leader and former Sindh governor, Mamnoon Hussain.

<sup>108</sup> Crisis Group interview, 23 August 2005.

<sup>109</sup> Crisis Group interview with Afzal Gujjar, district head of the PML-N, Hyderabad, 24 August 2005.

<sup>110</sup> Crisis Group's request for an interview with the MQM local leadership in Hyderabad was turned down on the grounds that the party leadership had already briefed international observers.

<sup>111</sup> Polling stations were so designated based on the police assessment of their potential for "law and order" problems. Category A signified sensitive, Category B less sensitive and Category C the least sensitive. The sensitivity of the polling station was used as an index for deployment of law enforcement officials.

<sup>112</sup> These included polling stations in UC-5 and UC-19 of Hyderabad city and UC-4, UC-5 and UC-13 in Latifabad.

<sup>113</sup> Crisis Group interview, Hyderabad, 25 August 2005.

<sup>114</sup> Crisis Group interview, Hyderabad, 25 August 2005. Crisis Group could not observe the counting process in two "sensitive" polling stations in UC 4 and UC 5 Latifabad that were locked from the inside by the police or MQM activists.

In the third and most crucial phase, the indirect elections on 6 October for nazims, who would head the local governments, intimidation, vote buying and manipulation reached new heights. "This is a deliberate attempt by our rulers to corrupt the electoral process till it is irreversible but the Election Commission is spineless", said Khawaja Asif, a PML-N national parliamentarian.<sup>115</sup> In Lahore, Crisis Group witnessed voters deliberately showing marked ballot papers to candidates and agents to prove they had voted as promised. In at least one polling station there, a returns officer used police to count the votes.<sup>116</sup>

The independent Human Rights Commission of Pakistan (HRCP), which fielded observers countrywide, condemned the government for making a mockery of the electoral process. It stated that:

The blatant subversion of the local government election process [was] proof of the lack of official respect for democratic norms. The re-drawing of constituency lines, widespread harassment of opposition candidates in the pre-poll scenario and the poor arrangements on polling day itself all provide evidence of the reluctance to permit any kind of real democracy....[I]t demonstrates a determination to prevent people from participating in the political process.<sup>117</sup>

## V. AFTER THE RIGGING

### A. PRE-DETERMINED RESULTS

Dismissing all opposition allegations of pre-poll and election-day rigging, the acting chief election commissioner, Justice Abdul Hameed Dogar, described the polls as transparent and fair.<sup>118</sup> Yet delays in the declaration of official results fuelled suspicions that the government was manipulating the outcome. "The Election Commission behaved as if it had no role whatsoever in these elections. It was totally ineffective", said an opposition politician.<sup>119</sup> Another said, "the people in

the Election Commission of Pakistan submitted to any command of the government".<sup>120</sup> Reflecting the internal divisions of the ruling party, the PML-Q leader, Federal Minister for Parliamentary Affairs Sher Afghan Naizi, said, "the rigging was pre-polling, during polling and even after polling".<sup>121</sup>

The manipulation of the polls paid off handsomely for the government.<sup>122</sup> The PML-Q and its allies swept the Punjab, winning all but a handful of district nazim seats. Thanks mainly to the provincial administration, the ruling party and its MQM allies soundly defeated the PPP, which only won two district nazim seats, in its traditional Sindh heartland. The MQM also ousted the JI in Karachi. Even in Balochistan, where the ruling party was in disarray, PML-Q and its allies won fourteen district nazim seats, although voting along ethnic lines helped Baloch and Pashtun regional parties gain some victories. That the MMA lost some ground to the PML-Q, the ANP and other independent groups in NWFP was attributed by analysts to its failure to deliver on electoral promises, intra-party divisions, and a general decline in anti-American sentiments in the region.<sup>123</sup> In Balochistan, however, the JUI-F and its allies won six district nazim seats, mainly in Pashtun-dominated constituencies where they defeated moderate Pashtun parties.

Attributing the PML-Q's success to the popularity of President Musharraf and his local government system, Prime Minister Shaukat Aziz stressed that the results had helped to weaken extremism: "The people have displayed their utmost support to the Musharraf government and his policies of development and enlightened moderation by their votes and made the extremist and democratic forces in the country fall flat".<sup>124</sup> PML-Q leaders also stressed that the outcome strengthened democracy and harboured well for political stability.<sup>125</sup>

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Commissioner have to ignore the plethora of evidence of rigging that was sent to him (by the political parties)", asked PPP MNA Sherry Rehman. Crisis Group interview, 25 October 2005.

<sup>115</sup> Crisis Group telephone interview with PML-N MNA Khawaja Asif, 26 October 2005.

<sup>116</sup> Crisis Group interview with Dr Niazi, Islamabad, September 2005.

<sup>117</sup> The results of the polls are posted on the Election Commission's website at <http://www.ecp.gov.pk>.

<sup>118</sup> Two of the MMA's major parties, the JI and the Jamiat Ulema Islam (Fazlur Rehman-JUI-F), had entered into electoral alliances against each other. See Zahid Hussain, "The Great Election Farce", op. cit., pp. 23-24.

<sup>119</sup> "People Displayed Confidence in LG System: PM Shaukat Aziz", *The News*, 27 August 2005.

<sup>120</sup> Ibid. See also "LB Election Proves Government's Popularity: Pervez", *The News*, 13 September 2005.

<sup>115</sup> Votes were being bought in Sialkot district for Rs.100,000 (\$1,678) or more for a vote, Asif said. Crisis Group telephone interview, 26 October 2005.

<sup>116</sup> Crisis Group observations, Lahore, October 2005.

<sup>117</sup> "Increasing Regimentation Depriving Citizens of Fundamental Rights", HRCP council meeting press release, Peshawar, 12 September 2005, at [http://www.hrcp-web.org/P\\_releases.cfm#HRCP%20to%20attend%20ARD%20meeting%20today](http://www.hrcp-web.org/P_releases.cfm#HRCP%20to%20attend%20ARD%20meeting%20today).

<sup>118</sup> "LB Poll: CEC Terms Opposition Party's Allegations as Baseless", *The News*, 6 October 2005.

<sup>119</sup> Crisis Group telephone interview with Senator Raza Rabbani, 27 October 2005. "What excuse did the Chief Election

The rigged polls have done neither. The report of the Expert Team of the Commonwealth stated: "We found these elections were conducted in an environment of intense mistrust and scepticism on the part of the public, political parties, the media, candidates and civil society. This cannot be healthy for the development of effective local democratic structures".<sup>126</sup> The manipulation of the electoral process not only undermined the legitimacy of the local government system but also threatens to weaken the citizen's faith in peaceful change through the ballot box. Interviews with Sindh and Punjab voters yielded the cynical response: "We are voting but Musharraf is going to win anyway".

By targeting the moderate national and regional parties, Musharraf has, moreover, empowered extremist forces. The local polls have helped extremist organisations penetrate local institutions of government. The president outlawed a number of those organisations and launched a new crackdown against religious extremists after the 7 July 2005 terror attacks in London. During the local elections, he advised voters to pick moderate candidates, and the Election Commission, issuing a list of banned extremist groups, instructed officials to reject any candidate with past or present links to those groups.<sup>127</sup> Yet despite the fact that police and intelligence agencies had sent lists of such political activists to returning officers, many jihadis participated, successfully circumventing the eligibility criteria. In some districts of Sindh and Punjab they even ran in alliance with Musharraf's civilian partners. The Sipah-e-Sahaba Pakistan (SSP), the anti-Shia and anti-West Deobandi party, was most active under its new name, the Millat-e-Islami. According to Qari Shafiqur Rahman, a spokesperson of the banned group, the SSP fielded 190 candidates in Sindh and 370 in Punjab.<sup>128</sup> A significant number of jihadis won at the union council and tehsil levels.

In Jhang, where the interior ministry had given the district government the names of 112 sectarian activists, according to Federal Secretary for Economic Affairs Sheikh Waqas Akram, eight SSP-backed candidates gained seats.

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<sup>126</sup> Text of the "Report of the Expert Team of the Commonwealth Secretariat", at <http://www.thecommonwealth.org/>.

<sup>127</sup> Section 152 of the LGO reads: "This provision prohibits the participation of individuals who at any point of time have been associated with militant organisations". The list of banned organisation issued by the ECP included Sipah-e-Sahaba Pakistan and its renamed organisation, Millat-e-Islami; Jaish-e-Muhammad and its renamed organisation, Khaddamul Islam; Lashkar-e-Tayyaba and its renamed organisation, Jamaatul Dawa; Tehrik-e-Jafria Pakistan and its renamed organisation Tehrik-e-Islami; Sipah-e-Muhammad Pakistan; Tehrik-e-Nifaz-e-Sharia Muhammadi; Lashkar-e-Jhangvi; and Sunni Tehrik.

<sup>128</sup> "SSP Taking Part in LB Polls despite Ban", *Daily Times*, 13 August 2005.

Implying Punjab government complicity, Akram, who had strongly opposed the SSP's hold over Jhang, said, "moderate forces are being crushed. All my business concerns have been sealed by the government, and my security guards have been withdrawn, making me a moving target for SSP terrorists".<sup>129</sup> In Sindh, where the opposition PPP accused the Sindh chief minister of backing jihadi groups,<sup>130</sup> 1,357 nominations were rejected on various grounds, but not one under the section of the LGO which banned jihadis from running. According to the ECP secretary, it was difficult to investigate complaints of partisan links since the elections were conducted on a non-party basis. He added that legal avenues were still available to disqualify elected jihadi counsellors.<sup>131</sup> But this appears unlikely since the acting chief election commissioner and President Musharraf have both stated the elections were free and fair.

## B. COLLATERAL DAMAGE

Crisis Group previously pointed out that the government's decision to sideline party politics through non-party local elections in 2000-2001 weakened the parties and "encouraged the politics of patronage based on tribal, ethnic and sectarian consideration or just monetary considerations".<sup>132</sup> This was equally true in 2005.

Official intimidation and manipulation, combined with the formally non-party basis of the local elections, have fragmented the moderate opposition parties, especially at local levels. With the government systematically targeting the PPP in Sindh and the PML-N in Punjab, those parties have witnessed desertions to the ruling PML-Q. The PPP and PML-N and others share responsibility for this fragmentation, however, because their local leaders entered alliances of expediency regardless of ideological divisions.<sup>133</sup>

Although Musharraf's PML-Q won countrywide, the elections have left the party even more internally divided. In Punjab, for instance, in districts such as Attock, Chakwal, Okara and Narowal, contending party leaders backed rival candidates. This was hardly surprising since the military-created party is composed of quarrelling

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<sup>129</sup> Crisis Group interview, Islamabad, October 2005.

<sup>130</sup> According to PPP sources, the chief minister's brother, Arbab Abdul Khaliq, was an open supporter of the Lashkar-e-Tayyaba, while Chief Minister Rahim's links with extremists groups were also common knowledge. Crisis Group interviews, Karachi, September 2005.

<sup>131</sup> "EC's Whitewash", *The Post*, 25 September 2005.

<sup>132</sup> Crisis Group Report, *Devolution in Pakistan*, op. cit., pp. 12-13.

<sup>133</sup> For instance, the PPP had entered into local alliances with the JI and the ANP with the JUI-F in Peshawar district.

factions and headed by defectors, mainly from the PML-N but also from the PPP.<sup>134</sup> Some ruling party leaders have been critical of Musharraf's decision to hold the polls on a non-party basis. A federal minister said, "political party infighting benefits the military, and it seems that these non-party schemes are actually devised by the GHQ [General Headquarters of the Pakistan Army] to keep politicians and political parties divided".<sup>135</sup>

Divisions along clan, sectarian, ethnic and regional lines have also been exacerbated. *Biradri* (clan) and other communal ties are generally important in local politics and considered by political parties while allotting seats for provincial and national elections, particularly in Punjab.<sup>136</sup> But the sidelining of parties during the local elections has emphasised these identities, leaving the country, as an analyst noted, "even more fragmented, with politics sharply divided on ethnic and caste lines".<sup>137</sup> While the government and the Election Commission have blamed poll-related violence on "old tribal and personal" vendettas, the non-party nature of the elections itself fuelled violence along *biradri*, tribal and ethnic lines.<sup>138</sup>

In particular, the elections have exposed the ECP's lack of autonomy and authority, evident in its failure to control government manipulation.<sup>139</sup> It seemed unwilling or incapable of redressing complaints. With a few exceptions, objections filed by the PPP and other opposition parties pointing to the harassment of their candidates or the government's open violations of the code of conduct were dismissed on the grounds that "97 per cent" were baseless.<sup>140</sup> Instead of investigating complaints, the acting chief election commissioner repeatedly issued "instructions" to public officials to adhere strictly to the code of conduct and then took no action when it was openly violated. The failure to address serious charges of rigging and intimidation has undermined the commission's legitimacy.

That the chief election commissioner, a judge of the Supreme Court, serves in an "acting" capacity is itself

controversial. Article 213 of the 1973 constitution stipulates that an "Election Commissioner shall be appointed by the President in his discretion". In case "the office of the Commissioner is vacant or the Commissioner is unable to perform the functions of his office", Article 217 authorises the chief justice of the Supreme Court to appoint a serving Supreme Court judge to "act" as commissioner. Analysts and opposition leaders claim that the Musharraf government did not appoint a permanent election commissioner because it was easier to manipulate one in an "acting" capacity.<sup>141</sup> Since the officers handling returns, with the exception of those in Balochistan, were drawn from the lower judiciary, the rigging has also further undermined the judiciary's credibility.<sup>142</sup> Commenting on this "collateral damage", a senior official noted that:

The government should simply have ordered the district administration to covertly rig the elections. By implicating the higher and lower judiciary, the government has eroded the writ of the government and seriously shaken public confidence in the rule of law.<sup>143</sup>

### C. PLANNING AHEAD

On the eve of the local polls, HRCP director I.A. Rehman said, "the local elections will not be fair as the government simply cannot afford to take the risk of allowing opposition parties to control districts and tehsils during the next crucial general elections".<sup>144</sup> Musharraf's interest in ensuring that the polls favoured his party is understandable. Opposition-backed district and tehsil nazims (especially in Sindh but also in Punjab and NWFP) refused to support his 2002 presidential referendum and backed opposition candidates in the October 2002 general elections in which the PML-Q and its allied parties secured only a thin parliamentary majority. The government can use the sympathetic nazims now in place to ensure that its candidates win the next general elections.

Musharraf's political survival depends on a parliamentary majority for his PML-Q. The parliament will form the electoral college for the next presidential election,<sup>145</sup> and a

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<sup>134</sup> See Crisis Group Report, *Authoritarianism and Political Party Reform in Pakistan*, op. cit.

<sup>135</sup> Crisis Group interview, Islamabad, 20 August 2005.

<sup>136</sup> Crisis Group Punjab-wide interviews with PPP, PML-N and PML-Q politicians, August-September 2005.

<sup>137</sup> Zahid Hussain, "The Great Election Farce", op. cit.

<sup>138</sup> "Hyderabad: Polling Marred by Violence in Interior of Sindh", *Dawn*, 19 August 2005. "Violence Mars Pakistan Local Elections", BBC News online, 25 August 2005.

<sup>139</sup> The Election Commission's lack of autonomy from the executive branch is not new. Its inability to take action against any official offender of its code of conduct was, however, unprecedented.

<sup>140</sup> "PML Rejects Accusations of Pre-Poll Rigging", *Daily Times*, 13 August 2005.

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<sup>141</sup> "The ECP", said BNP national parliamentarian Sanaullah Baloch, "is a lame institution. The ECP was held hostage during the election and the presiding officers followed the directives of the government, not the ECP". Crisis Group telephone interview, 26 October 2005.

<sup>142</sup> DROs were districts and session judges; returning officers were also judicial officers.

<sup>143</sup> Crisis Group interview, Islamabad, August 2005.

<sup>144</sup> Crisis Group interview, Lahore, August 2005.

<sup>145</sup> Bypassing parliament, the electoral college for the presidency, General Musharraf extended his self-assumed

two-thirds majority is also essential for any constitutional changes to shift the balance of power even further from the office of the prime minister, the head of government, to the president, the head of state.<sup>146</sup> "General Musharraf can only get elected as a legitimate president if a majority of his supporters are elected in 2007 to the national parliament and provincial assemblies", argues an analyst, "a 'positive' result in the local elections is not the only variable for this to happen but it is exceedingly important".<sup>147</sup>

The military's attempts to centralise all power and authority through its control of local government has heightened ethnic and regional tensions in a fragile polity, and its bid in the local elections to neutralise the moderate, mainstream opposition will inevitably empower anti-Western religious extremists. It is in the interests of the international community, in particular the U.S., to press Musharraf and his military commanders to end manipulation of the political process and transfer power to civilians through free, fair and democratic elections.

U.S. policy does appear to be changing slowly from unconditional support for the military-led government to support for a gradual democratic transition. But the Bush administration must realise that Pakistan's military rulers are unlikely to give up power, absent robust international pressure.<sup>148</sup> The U.S. failure to condemn the blatant rigging of the local polls has sent the wrong signal that it is willing to settle for a democratic facade. It is still not too late for the U.S. and other influential actors, including the European Union, to warn President Musharraf that a failure to restore power to civilians would have consequences, including the withdrawal of diplomatic support and military and financial assistance. No amount of closed-door warnings will suffice. The U.S. and the European Union need to condemn the rigging of the local

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post as president for five years through a rigged referendum in April 2002. In a radical revision of constitutional electoral procedures, his presidency was extended until 2007 through a parliamentary vote of confidence on 1 January 2004. Crisis Group Asia Report N°73, *Unfulfilled Promises: Pakistan's Failure to Tackle Extremism*, 16 January 2004.

<sup>146</sup> Chaudhry Shujaat Hussain, the PML-Q president, has already hinted that Pakistan's parliamentary system could be changed into a presidential one if parliament amended the constitution. "Only Parliament Can Change Ruling System: Shujaat on Presidential Form of Government", *Dawn*, 23 September 2005.

<sup>147</sup> Shafqat Mahmood, "Manipulating the Local Elections", *The News*, 12 August 2005.

<sup>148</sup> Addressing a press conference in Islamabad, U.S. Secretary of State Condoleezza Rice said, "we look forward to the evolution of a democratic path towards elections in 2007 for Pakistan". Transcript at <http://usinfo.state.eap/Archive/2005/Mar/17-626121.html>.

elections openly and caution President Musharraf that they will have zero-tolerance for any further attempts to consolidate his regime through such tactics.

## VI. CONCLUSION

In its assessment of the local polls, the Human Rights Commission of Pakistan concluded that "the government tried to manipulate the elections to local government institutions, in some areas to an unprecedented degree, to ensure that these institutions are controlled by the parties and factions constituting the establishment or aligned with it".<sup>149</sup> The government's use of its authority and resources to win has confirmed public perceptions that Musharraf's devolution scheme is mainly meant to bolster authoritarian rule. And is not just the opposition that views the local government project primarily as an instrument of regime survival. Accusing the government of rigging the local elections, a PML-Q parliamentarian said, "Devolution is not about local democracy but about perpetuating General Musharraf in presidential office".<sup>150</sup>

While low levels of domestic ownership have marred the devolution scheme from its inception, the deeply flawed elections have deprived it of even a modicum of legitimacy. All the consequences associated with centralised authoritarian rule in multi-ethnic contexts now seem intrinsic to it: ethno-regional and centre-province tensions, the local fragmentation of political parties, the decrease in women's participation and the reinforcement of ethnic and clan-based rivalries through "non-party" elections. In urban Sindh, for instance, state-sponsored redistricting along linguistic and ethnic lines and the subsequent local rehabilitation of the MQM threaten to reignite the violent ethnic conflict of the 1990s.<sup>151</sup> In Balochistan, strained centre-province relations, resulting from half a decade of authoritarian rule and centralised control over political power and economic resources, have assumed the shape of a low-level, province-wide insurgency.

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<sup>149</sup> "Chaotic and Rigged Polls Ominous Signs: HRCP", press release, 26 August 2005.

<sup>150</sup> Crisis Group interview, Islamabad, 12 August 2005.

<sup>151</sup> Crisis Group interviews with JI, PPP, PML-N leaders and several journalists, Karachi and Hyderabad, 22-24 August 2005. For analyses of ethnic politics in Sindh, see Charles H. Kennedy, "The Politics of Ethnicity in Sindh", *Asian Survey* 31:10, October 1991, pp. 345-362. See also Samina Ahmed, "Centralisation, Authoritarianism and the Mismanagement of Ethnic Relations in Pakistan", in Michael E. Brown and Sumit Ganguly (eds.), *Government Policies and Ethnic Relations in Asia and the Pacific* (Cambridge, 1997).

Local government reform, including the efficient and equitable delivery of public services that remains a donor priority, is not just a technical issue. It is an intensely political process that depends on the institutional context in which it unfolds. The international community must recognise that President Musharraf's local government scheme is a political project designed to shore up centralised military rule and will neither empower the people nor improve service delivery.

Yet, given Musharraf's electoral track record, which includes the rigged presidential referendum and national elections of 2002 and now the local polls, it is unlikely that he and his high command would opt voluntarily for a transfer of power to civilian hands through the ballot box. Critics believe the flawed local body polls indicate the establishment's "contempt for free democratic choice" and that the rigging of the election is cause for "serious misgivings about the possibilities of holding free, fair and democratic elections to federal and provincial legislatures in 2007 or whenever they are held".<sup>152</sup>

As currently composed, the Election Commission cannot be expected to perform its constitutional role of ensuring that elections are indeed free, fair and democratic. Expressing concern that the next general elections will be as flawed as the local ones, the opposition leader in the Senate, the PPP's Raza Rabbani, pointed out, "all major stakeholders feel no amount of reform will improve the current state of the Election Commission".<sup>153</sup> Concurring with his diagnosis, PML-N national parliamentarian Khawaja Asif stressed that the "only cure would be that the Election Commission should be an independent body created with the consensus of all the political parties in parliament and be a permanent institution".<sup>154</sup>

Domestic stakeholders are unlikely to reform the Election Commission without international support, however, and even a reformed body would likely fail to hold an ambitious military at bay unless the international community not only monitored the election but also warned President Musharraf that it would impose diplomatic, military and economic sanctions on his government if it again failed to meet international standards. As an opposition parliamentarian pointed out to Crisis Group, "The government is only responsive if there is international clamour".<sup>155</sup> It is this absence of international pressure that has allowed President Musharraf

to flout democratic norms and process for five years. Constructive international intervention could help to restart the democratic transition and, as a result, prevent Pakistan's downward slide from a dysfunctional to a failed state.

**Islamabad/Brussels, 22 November 2005**

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<sup>152</sup> HRCP press release, 26 August 2005, op.cit.

<sup>153</sup> Crisis Group telephone interview with Senator Rabbani, 27 October 2005.

<sup>154</sup> Crisis Group telephone interview with Khawaja Asif, 26 October 2005.

<sup>155</sup> Crisis Group interview with PPP national parliamentarian Sherry Rehman, 27 October 2005.



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