

**PAKISTAN
LOCAL BODIES ELECTIONS**

18 and 25 August 2005

**REPORT OF THE
COMMONWEALTH EXPERT TEAM**



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*This Commonwealth Expert Team was jointly organised by the Commonwealth Secretariat and the Commonwealth Local Government Forum.

COMMONWEALTH EXPERT TEAM

30 August 2005

Dear Secretary-General

We are pleased to submit our report on Phases I and II of Pakistan's 2005 Local Bodies Elections.

We wish to thank you for inviting us to constitute the Expert Team to observe these important elections. We were greatly helped in our task by the many officials, stakeholders and citizens who we met during our stay in Pakistan, who treated us with warmth and openness.

We have identified some areas where improvement to the electoral process should be addressed. We hope that our recommendations will be taken in the spirit in which they are intended, and that our mission will have made a positive contribution to the future of Pakistan.

H.E. Rt Hon Don McKinnon
Commonwealth Secretary-General
Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1Y 5HX

**Justice Anastasia Msosa SC(Chair)
Chair, Malawi Electoral Commission
Malawi**

**Zulkefli bin Haji Kamaruzzaman
Former State Elections Officer
Malaysia**

**Alison Sutherland
Legal Adviser, Local Government Association
United Kingdom**

**Councillor A W Mohamed Arshad
Colombo Municipal Council
Sri Lanka**

INTRODUCTION

INVITATION AND COMPOSITION OF THE EXPERT TEAM

This report presents the observations, conclusions and recommendations of the Commonwealth Expert Team which was present in Pakistan for the Local Bodies Elections held in two phases on 18 and 25 August 2005.

The Team was organised by the Commonwealth Secretariat and the Commonwealth Local Government Forum and consisted of:

Justice Anastasia Msosa SC (Chair)
Chair, Malawi Electoral Commission

Zulkefli bin Haji Kamaruzzaman
Former State Elections Officer
Malaysia

Ms Alison Sutherland
Legal Adviser, Local Government Association of England & Wales
United Kingdom

Councillor A W Mohamed Arshad
Colombo City Council
Sri Lanka

The Team was assisted by three support staff members from the Commonwealth Secretariat and the Commonwealth Local Government Forum:

Ms Adaora Ikenze
Political Adviser, Political Affairs Division
Commonwealth Secretariat

Ms Julie Broadbent
Political Affairs Officer, Political Affairs Division
Commonwealth Secretariat

Dr. Randal Smith
Research Officer,
Commonwealth Local Government Forum

TERMS OF REFERENCE

The Terms of Reference for the Group were to:

“Observe the preparations for the Pakistan Local Elections, the polling, counting and results process and the overall electoral environment.”

The members of the Team were invited in their individual capacities and it was made clear in advance by means of a Circular to Commonwealth Governments and a press release (see Annex A) that the views they expressed regarding the elections would be their own and not those of their respective Governments, of the Commonwealth Secretariat or of the Commonwealth Local Government Forum.

ACTIVITIES OF THE EXPERT TEAM

The Team began work by holding a series of briefing meetings in the Marriot Hotel Islamabad from 11 – 13 August. These are listed at Annex B. The Team was briefed by the Electoral Commission of Pakistan (ECP), representatives of various political parties, Commonwealth High Commissioners and other diplomats, the media, and civil society. Some of these meetings provided information on the electoral process; others provided background on the overall environment in which the elections were being held.

The Team was also provided with various written briefing materials, including documentation on the electoral laws, the Code of Conduct for candidates and the Manual of Instructions for District Returning Officers, Returning Officers and Assistant Returning Officers.

The Team received their letters of accreditation from the ECP on 13 August.

On Sunday 14 August members of the Team were deployed to each of the four provinces of the country (Punjab, Sindh, North West Frontier and Balochistan). The Team members were thus able to interact with voters and stakeholders, and observe the political environment in several key districts.

During their deployment the teams toured their areas assessing the environment, meeting stakeholders and visiting provincial, divisional and district offices of the ECP, and District Returning Officers (DROs) and Returning Officers (ROs) as well as observing the final preparations for the direct election of Union Council members which was to take place by polling on two days (Phases I and II). On both polling days, 18 and 25 August 2005, they were present at polling stations in time to observe the opening of the poll. They then visited as many stations as possible during the day and observed the closing procedure. The Team then observed

the counting of votes, which was conducted at all polling stations immediately after the closure of the polls. On the two polling days the Expert Team visited a total of 116 polling stations in 14 districts¹.

The teams returned to Islamabad on 27 August. From 28- 30 August the Expert Team prepared its report and held follow-up meetings with the ECP, and with the diplomatic community to exchange information on its observations. The Team departed Pakistan on Wednesday 31 August 2005 and transmitted its report to the Commonwealth Secretary-General and the Commonwealth Local Government Forum.

PAKISTAN AND THE COMMONWEALTH

Pakistan was readmitted to the Councils of the Commonwealth in May 2004 but remains on the agenda of the Commonwealth Ministerial Action Group. Since then, Commonwealth engagement with Pakistan has focussed on helping the country to strengthen electoral capacity and on strengthening the independence of the media. In June 2005 the Commonwealth Secretariat co-funded a *Regional Dialogue on Elections* organised by the Pakistan Institute for Legislative Development and Transparency. In July 2005 the Secretariat, in co-operation with the Commonwealth Broadcasting Association, held a workshop to develop guidelines to help achieve balance in election broadcasting.

POLITICAL BACKGROUND

President General Pervez Musharraf is President of Pakistan and operational head of the army, but has stated that he will step down as military leader by 2007 when general elections are scheduled. The current Prime Minister is former banker Shaukat Aziz, who was appointed in that capacity in late 2004 by President Musharraf.

POLITICAL PARTIES

At national level the ruling party, the Pakistan Muslim League (PML-Q) is led by Chaudhry Shujaat Hussain, who briefly held the post of interim Prime Minister in 2004. The main opposition parties are the Pakistan People's Party (PPP), led by Benazir Bhutto, the Muttahida Majlis-e-Amal (MMA) led by Maulana Fazlur Rahman, and the Pakistan Muslim League-N (PML-N), led by Nawaz Sharif. Ms Bhutto and Mr Sharif lead their parties from exile. Another significant party in Sindh province is the Muttahida Quami Movement (MQM), led from exile by its leader Altaf Hussain.

¹ The following districts were covered by the Team: Karachi City, Thatta, Hyderabad, Tando Muhammad Khan (Sindh Province); Pishin, Mastung, Quetta, Kalat (Balochistan Province); Gujranwala City district, Lahore City district, Kasur, Gujrat (Punjab Province); Peshawar City district, Noshawar District Council (NWFP – Phase I only)

NATIONAL AND PROVINCIAL GOVERNMENT

The 1973 Constitution stipulates the nature and structure of the Federation of Pakistan. The *Majlis-e-Shoora* (Parliament) comprises the President and the two Houses, namely the National Assembly and the Senate.

Each of the four provinces has an elected provincial assembly. Provincial Governors are appointed by the President after consultation with the Prime Minister and hold office at the pleasure of the President. The Constitution prescribes the number of members to be elected for each of the four provinces. As in the case of the National Assembly, the Constitution provides for a number of fixed seats to be reserved for women, and in addition, a number of seats are reserved for non-Muslims.

The Constitution provides for a system of Cabinet government headed by a Prime Minister for the national government and Chief Ministers for the provincial governments. The President (or the Governor in the case of provincial governments) may appoint as Prime Minister (or Chief Minister in the case of provincial cabinets) a person *“who in his opinion is most likely to command the confidence of the majority of its members.”*

THE ELECTORAL COMMISSION

The duty of the Election Commission of Pakistan is to *“organise and conduct elections and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with the law...”*. The Chief Election Commissioner (CEC), a post presently held by Acting CEC Justice Abdul Hameed Dogar, was appointed by the President from recently retired Chief Justices. The Commission is headquartered in Islamabad. Four Provincial Election Commissioners are responsible for the management of elections within their respective Provinces.

LOCAL DEMOCRACY

In 2001 President Musharraf announced the establishment of a new structure of local governance and local bodies elections were held. The Commonwealth, in co-operation with the Commonwealth Local Government Forum (CLGF), observed the 2001/02 local bodies elections. The CLGF subsequently also observed the indirect elections held for the position of *Naib Nazim* (head of the local council). A summary of that teams' main conclusions are at Annex C.

LOCAL GOVERNMENT - ORGANISATION AND ELECTORAL FRAMEWORK

LEGISLATION

The main local government legislation is the Local Government Ordinance (LGO), which was re-enacted by each province in 2001.

- Balochistan LGO 2001
- North West Frontier LGO 2001
- Punjab LGO 2001
- Sindh LGO 2001

The LGO specifies that the Local Bodies Elections will be conducted by the Chief Elections Commissioner (CEC)². There have been a number of amendments since the ordinance was enacted, some relating to elections.

LOCAL GOVERNMENT ORGANISATION

Pakistan has a three tier system of local councils: (1) the *Union Council (UC)* level; (2) the *Tehsil or Taluka* level and (3) the *District (or City District) or Zila* level.

The Union Council comprises of thirteen (13) members³ who are directly elected based on universal adult franchise. Members are elected in the following categories:

- Six (6) muslim members elected to general seats (including two reserved for women)
- Four (4) members elected from peasant and worker classes (including two seats reserved for women)
- One (1) member elected to a seat reserved for minority communities⁴
- One (1) seat each for the Union *Nazim* and *Naib Nazim* (Mayor and Deputy Mayor), elected as joint candidates.

Following the direct elections to the Union Councils, the elected members of the Union Councils form the electoral college for indirect elections of members of the *Tehsil/Taluka*, and the *District (or City district)/Zila* councils in which they are situated.

² Section 150, Local Government Ordinance 2001

³ The number of members has been reduced since the 2001 elections when twenty-one (21) members were elected to each council. Of these, there were 12 muslim general seats of which 4 were reserved for women, 6 for peasants/workers (including 2 seats reserved for women).

⁴ Where the population of minorities exceeds 10% of the Union's population, there is provision for the number of minority community seats to be increased by reallocating muslim general or peasant/worker seats.

Each *Tehsil/Taluka* council comprises of the *Naib Nazim* (Deputy Mayor) of all the UCs in its area, and additional members by reserved category. The number of reserved seats in each is calculated as a percentage of the number of UCs in the district: the number of Women being 33% of the number of UCs in the *Tehsil/Taluka*; Peasants/Workers 5%; Minority communities 5%.

The *Zila/District* Council comprises the *Nazim* (Mayor) of all the UCs in the district, and other members by category, the number in each being similarly calculated as a percentage of the UCs in the area.

The electorate for *Tehsil* and *District* councils are the UC members elected in phases I and II by direct election. Candidates may be UC members, or any other person who is qualified to stand for election under the LGO provisions.

THE 2005 LOCAL BODIES ELECTIONS

The elections were technically held on a non-party basis. The electoral roll was updated between August 2004 and March 2005. The Election Commission stated that around 1.6 million new voters were registered during this process. The new electoral roll contains a total of 63.68 million voters.

KEY ELECTORAL DATES

The Team observed the direct elections of Union Council members. These took place in two Phases, on 18 and 25 August 2005.

In Phase I on 18 August 2005, elections were to be held for 3074 union councils in 54 districts of the four provinces.⁵ In Phase II on 25 August 2005, elections were to be held for 2974 Union Councils in the 56 remaining districts of the four provinces.

The timetable for Phases I and II of the direct elections to Union Councils observed by the Team, and also for the coming indirect elections to *tehsil/taluka* and *zila/district* councils at Phase III is at Annex D

SELECTION AND TRAINING OF ELECTION OFFICIALS

The ECP appoints District Returning Officers (DROs) who are primarily responsible for the conduct of the polls within their jurisdiction, for coordinating and supervising the work of Returning Officers (ROs) and liaising with the Provincial Election Commissioner. DROs were all District and Session judges, and all Returning Officers were judicial officers – judges or judicial magistrates – except in Balochistan where due to lack of

5 17 districts of Punjab Province, 11 of Sindh Province, 12 of the NWFP and 14 of Balochistan.

available judicial officers the role is undertaken by other officials. Most DROs had between seven (7) and twelve (12) ROs within their area, each of whom had responsibility for the election in a number of UCs, each consisting of several polling stations.

The DROs approve the appointment of polling station officials who are all civil servants or teachers. Presiding Officers are selected from civil servants of Grade 18 and 19.

The team were informed that detailed training materials had been compiled for polling officials including CDs, videos and role-play sessions. The team was provided with copies of the manual for Returning, Assistant Returning and Presiding Officers as well as a guide to polling staff. Members of the team had the opportunity to attend three training sessions in the province of Balochistan and noted that the facilities, scope and manner of the training session bore little resemblance to the written materials provided, and left a great deal to be desired.

In other areas team members observed a mixed picture of training. Some officials reported that they had received training or organised it for staff; others that they had received little or no training, and others said that as most officials had previous election experience they did not need training.

NOMINATION OF CANDIDATES

The responsibility for inviting nominations is with each RO who shall give a public notice inviting nominations from the electorate under his/her jurisdiction and give clear indications of the closing time and date for nominations.

The returning officer must inform the electorate through public notice of every nomination paper received and allow twenty-four hours for any objections. With each nomination paper, the nominee should include a candidature fee of 500 Rupees.

The returning officer must decide on the eligibility of each nominee, subject to the qualifying criterion. Nomination papers may be scrutinised by candidates, their agents, proposer and seconder or any persons who files an objections to the candidate's nomination.

For Phase I of the election there were 114,496 contesting candidates, and for Phase II there were 108,287 contesting candidates. For a Province and category breakdown of candidates see Annex E.

Following nomination, there was a period during which candidates could withdraw their nomination. The team noted that in Karachi, 19% of candidates in the seats set aside for women, withdrew their nomination.

In one district of the city, the figure was as high as 29%. Team members were informed of other areas of Sindh Province where there was a high level of candidate withdrawal.

In Phase I of the election 4,136 candidates were elected unopposed and for Phase II, 3174 were elected unopposed. 128 Union Councils were elected wholly unopposed (most of these in districts in Balochistan and Sindh Province). In the Dera Bugti district of Balochistan Province, every UC was elected unopposed so there was no polling in the district.

In four districts of NWFP local male leaders had agreed that women should not stand for election. These decisions were reversed following the CEC's intervention and the period for nominations was extended.

VOTER REGISTRATION

The ECP maintains two electoral rolls of eligible voters in the country. The first roll, for Local Bodies Elections (LBEs), had been updated from two registers originally compiled for the 2001/2 LBEs. For the 2001/2 LBEs, separate rolls had been compiled containing names of Muslim and non-Muslim (minority community) voters respectively, who had attained the age of franchise (18 years). The separate rolls had been combined and updated for the 2005 LBEs.

A second electoral roll was compiled for the national and parliamentary elections of 2002 containing the names of voters who had attained the age of franchise (21 years initially, but was reduced to 18 years in 2002), and was integrated for Muslim and non-Muslim citizens.

The team were informed that both lists are updated annually by the ECP through a door to door exercise. For the purposes of this election, notice was given and the update of the voters' register was held between August and March 2005. During updating for the 2005 Local Bodies Elections, public announcements were made stating the commencement and duration of the exercise and dedicated centres were established where members of the public may apply to register, amend or update their particulars.

VOTER EDUCATION

Voter education is the responsibility of the ECP. The team were informed that public information campaigns were carried out by the ECP through all public and private media channels. The campaign involved information about the update of the voters' roll, the schedule for the elections, explanations on how to vote (including the multiple ballot papers and candidate symbols), and was publicized in all the official languages of the country.

The team was informed that for the purposes of this election, the voter education campaign commenced about two months before the elections were called, and continued throughout the election period.

THE CAMPAIGN

Under the LGO, local government elections shall be held on a non-party basis. One of the criteria for qualification for election, or to hold elected office or membership of a council, is that a person *“has not used directly or indirectly for his election, the platform, flag, symbol, affiliation and financial and material resources or support of a political, religious, ethnic or sectarian party organisation.”*

However the reality was that political party machinery was openly used to support particular candidates or groups of candidates for election to the UCs. Each of the major political parties adopted a parallel name, which was termed a “panel”, and many candidates were associated with, or supported by a Panel. In many areas the team observed extensive displays of party flags, billboard posters and the use of political party colours. Rallies and poster campaigns were also organised to “coincide” with the local bodies elections.

CANDIDATE CODE OF CONDUCT

The Code of Conduct for candidates issued by the ECP on 13 July 2005 reiterates the provision of the LGO prohibiting support of a candidate by a political party⁶.

However, in the team’s assessment, little if any attempt was made to enforce this, or indeed other provisions, of the Code.

The Code of Conduct also prohibited key National and Provincial politicians from using their government or party position or influence in the election campaign of candidates, including announcing development projects. The Team received reports of instances where Ministers had announced development projects, which were widely reported in the media.

CANDIDATE SYMBOLS

Each candidate was allocated a symbol from lists prescribed by the CEC in respect of each category of candidate. The CEC issued 60 symbols for the Muslim general seats and 20 for each other category of union council members. Following representations, prior to the date when symbols were to be allocated to candidates, the CEC instructed that some of the symbols should not be used; in some cases there had been objections

⁶ Paragraph 16 of the Code

that symbols were offensive to female candidates, and in others because the symbol was associated with a political party.

When allocating symbols, Returning Officers were to have regard as far as possible to a candidate's wishes. The team was informed in briefings that candidates supported by particular "panels/parties" sought to obtain specific symbols to assist voter recognition.

MEDIA

The team met with representatives of state and private media which included print, broadcast and television. There was very extensive media coverage of the election campaign. This included substantial coverage of allegations by different political parties and individuals of "pre-poll rigging" and breaches of the code of conduct by parties and candidates.

In the general opinion of the team, media coverage of the elections was vigorous and unhindered.

In July 2005 the Commonwealth Secretariat and the Commonwealth Broadcasting Association facilitated a workshop called "Guidelines for Pakistan media election coverage". The objective of the workshop was to discuss the role of the media in the democratic electoral process. The workshop resulted in the drafting and agreeing of principal guidelines for election coverage to be integrated into the regulatory framework for the 2007 national elections.

THE POLL AND THE COUNT

LOGISTICAL ARRANGEMENTS ON POLLING DAYS

Returning officers were responsible for identifying suitable public buildings as polling stations. These were mostly schools or clinics. Some larger buildings housed two or more polling stations. In some areas with no suitable public buildings, improvised polling stations were erected on open ground, using tents.

Lists of polling stations were to be published four (4) days before the polling days. Many of the buildings had been used as polling stations during previous elections which clearly appeared to assist the population, though the team heard that some stations had been moved and complaints that some had been moved to less convenient locations which caused difficulties for some voters.

Each polling station catered for between 800 – 1500 registered voters, though the team observed that some polling stations had a larger number. Each polling station was headed by a Presiding Officer and was divided into two to six 'booths' depending on the size of the electorate for the station. In this context a booth refers to the breakdown of the electoral roll in order to speed up the process and each booth was assigned a ballot box. Each booth was expected to cater to approximately 300 voters, and was managed by an Assistant Presiding Officer assisted by two polling officers.

Polling facilities for men and women were separate. In most of the country there were separate polling stations for men and women. Where there were combined polling stations, these had separate booths for men and women (the latter usually but not always staffed by female staff).

The CEC announced shortly before Phase I polling day that there would be a public holiday in the districts holding polls on each of the two polling days.

For both phases significant security arrangements were made, coordinated at national, provincial and local levels. Many areas and polling stations were declared "sensitive" due to fears of potential disorder. Rangers or frontier guards (paramilitary forces) were deployed the day before both polling days and were highly visible, as were the police. On polling days, several police and/or military forces were deployed at each polling station.

VOTING PROCEDURE

The voting process was as follows: The polls were to open at 8.00 am and close at 5.00pm. Before commencement of the poll the empty ballot boxes would be shown to observers and candidates' agents. They would then be latched and sealed in full view of all present.

On arrival at the polling station the voter would present his/her national identity card to the first polling officer, who would check it against the voters' register, then drawing a line across the voter's particulars, the officer would call out the voter's name and serial number to the candidates' agents present. This officer would also mark the voter's right thumb with indelible ink, drawing a line just below the nail.

The voter would then move to the second and third polling officers, who each issued three ballot papers where there was a contested election of candidates in each of the six categories⁷.

The back of each ballot paper was stamped by the polling officer with an official stamp, and the voter's thumbprint was also impressed on the counterfoil of each ballot paper. The voter was then directed to a screened off area and directed to cast their vote on each ballot paper with a small rubber stamp. The ballot papers were then folded and deposited in the ballot box in the presence of all the officials. The procedures seemed to the Team to have been largely complied with in the polling stations visited.

THE COUNT AND RESULTS PROCESS

At 5.00pm, the official closing time, any voter on the premises was to be allowed to cast his/her vote. This was the case in all the stations where the team was present. Once voting had ended, the count was to be conducted immediately at the polling station by the presiding officer, assisted by the APO and polling officers in the presence of the candidates' agents and official observers present.

The presiding officer would open each ballot box and separate the ballot papers by category. Ballots were then counted by category with applicable spoilt or rejected papers placed aside. After the count for all categories the presiding officer would announce the result to the agents and observers present. The final results would also be recorded on the official form (Form XIV), which would be co-signed by all candidates' agents present. The Presiding Officer was to post up the results at the polling station, and deliver them to the Returning Officer.

⁷ The six ballot papers were as follows: Muslim (General) – White; Muslim (Women) – Pink; Peasant/Worker (General) – Light Green; Peasant/Worker (woman) – Yellow; Minority Community – Khaki; Naib Nazim/Nazim – Light Blue.

ROs compiled the results from all the polling stations within their area and transmitted the results to their Provincial Election Commission. For Phase II, ROs also transmitted results directly to the ECP in Islamabad. The full results were officially announced by the ECP on 23 August 2005 for Phase I, and 30 August 2005 for Phase II.

The turnout nationally was 46.97% in Phase I, and 48.75% in Phase II.

EXPERT TEAM'S OBSERVATIONS

A synopsis of our team's observations is presented below:

Opening of the Poll:

Polling was scheduled to begin at 8.00am but at a number of polling stations visited this was not the case. While in some polling stations opening procedures ran smoothly and on time, in others the team observed that opening was delayed because polling staff arrived late, or due to the length of time spent on arrangements for seating and layout of materials, authenticating candidates' agents, and opening procedures. Team members observed polling stations that were not ready to begin processing voters until up to an hour or more after the official time.

Candidates' Agents:

The Team observed the presence of representatives and authorised agents of candidates at all polling stations visited. In many stations visited there were several agents, representing both independent or 'Panel'-backed candidates. All had copies of the electoral roll, and marked off voters when the polling staff called their number. The teams observed that in general, agents had little knowledge of their role, and some were even unsure which candidate they were acting for.

Candidate Camps:

A feature of these elections were the "candidates camps" which were established within close proximity to many polling stations. Most of the camps observed by team members were associated with particular political parties. At these camps, voters were assisted with information about their polling stations and/or booths and provided with guidance on the ballot papers and voting procedures. Generally these camps respected the prohibition in the LGO on campaigning within 200 metres of the polling station.

Campaign posters:

Team members observed extensive breaches of the LGO prohibition on having campaign banners or flags within 100 metres of a polling station. In many areas, buildings and surfaces adjacent to polling stations were plastered with posters, and flags flying.

Disenfranchisement of voters:

The team noted that there is no provision to facilitate voting for polling staff, or for police and security forces who were deployed on the polling days and thereby unable to vote in their local area.

Electoral Roll:

The team were informed that the electoral roll used for these local bodies elections was based on two rolls originally compiled in 2000/1 and updated yearly (the last update being between August 2004 and March 2005). The team were briefed that this register had also been consolidated to include members of the minority and general populations. The team observed several instances where voters' names could not be found on the list thus rendering them ineligible to vote.

Minority Communities:

The Team was pleased that members of religious minorities were no longer confined to a separate electoral roll, and were able to vote for all candidates. But the Team received complaints from some minority community members whose names could not be found on the electoral roll. Some polling staff were clearly unaware of changes introduced since the 2001/2 LBEs for minority community voters.

Facilities and Layout:

Many polling stations observed did not have adequate facilities and resources for example, tables, chairs and voting booths. In addition, the layout of the polling stations was poor. In many stations observed, the polling staff were cramped around only a small table with the several books of ballot papers, stamps and electoral roll. In several polling stations, ballot boxes were not placed on a separate table in the polling station, but were situated on a table occupied by polling staff and other sensitive materials.

The secure voting areas were mostly makeshift, with a curtain or cloth hung across a corner of the room. Many of these had no adequate surface on which the voter could rest the ballot papers and stamp, and many were poorly lit. In Punjab Province the team noted that the majority of polling stations visited did not have any form of secure voting booths.

When voters arrived at the polling station the team noted that it was not always clear as to which polling booth the voter should proceed.

Polling staff did not wear identification and it was not always clear who was who in the polling station i.e. whether people were voters, staff, agents or observers.

At different times during each polling day there were crowds at several polling stations, with voters milling around in the polling booths or

corridors. Staff were unable or made little attempt to secure order and an effective flow of voters through the process, in particular at female polling stations.

Polling Staff:

Polling staff were generally enthusiastic and dedicated, but in many areas were clearly lacking in training and ability to effectively manage the polling process or voters. While the team observed instances where polling staff were very competent and fully in charge of their responsible duties, in other polling stations the staff appeared overwhelmed, confused, arbitrary and unable to facilitate smooth running of the voting process.

In 25% of the polling stations visited in NWFP, the Presiding Officers were not giving voters the correct number of ballot papers; in one of these stations, voters had been given two pink ballot papers because the green ones could not be found.

Security Presence:

For both phases of the election, significant security arrangements had been made at national, provincial and local levels. The team observed high levels of police and paramilitary presence throughout the areas visited before and on polling day. Whilst the security presence was generally unobtrusive in most polling stations, in some polling stations, members of the Team observed police officers within close proximity to the voting area and ballot boxes.

Atmosphere at polling stations:

The Team observed considerable variations in the general atmosphere within the polling stations visited. In some stations, polling officials were clearly in control of managing the throughput of electors, with orderly queues or a regular stream of voters. However, in a significant number of the stations visited the atmosphere was decidedly chaotic. Voters crowded the rooms and hallways with no discernable order or direction and the polling officials were ill-equipped to control the environment or restore order. This was particularly evident in several female polling stations (or booths) in both urban and rural areas, and in male polling stations where the voting process was slow and queues had built up.

Women Voters:

The team observed that the polling station facilities for women voters was generally substantially inferior to that provided for male voters; smaller rooms in less accessible or amenable parts of a building.

The team was particularly concerned that in some parts of Balochistan and NWFP, decisions had been made by local male leaders that women would not be allowed to vote. Members of one team observed three

polling stations in one district where no action had been taken by polling staff to set up for female voters, as they had been informed women would not be voting.

In many areas women voters did not understand the voting process.

The Team observed that many female voters were not allowed to vote because of difficulty in reconciling the details on their National Identity card with the electoral roll. Many women had old ID cards which had no photograph, or there was confusion over their name, as they were referred to solely as "wife of ..." or "daughter of...".

Complaints by Candidate agents:

The team received very few complaints from agents of the candidates. The few complaints related to team members involved discrepancies between names present on the copies of the voters' register used by candidates' agents to verify voters and those used by the polling staff.

Complaints by voters:

Complaints by voters were generally similar in most of the polling stations visited by the team. They focused mainly on confusion about the location of polling stations and difficulties in locating names on the voters' register. This was especially encountered in female polling stations and/or booths. Several voters who had been informed of their polling stations and or booths as well as the location of their names on the voters' register by the "candidate camps" proceeded to the polling stations only to discover that the locations were wrong or that their names were not on the indicated list. The team were disappointed to observe that in several instances, polling staff were either unable or unwilling to resolve these complaints due to a lack of training or initiative.

Presence of unauthorised persons:

The Team observed unauthorised persons, including candidates, in some of the polling stations they visited. In one case a candidate was distributing her symbol to waiting voters, and in another a candidate was 'holding court' with a crowd of voters in a polling booth.

Voting materials:

In all stations visited, the team observed sufficient materials provided to the officials for the conduct of the elections. However, the quality of the materials provided was significantly below standard in several instances. Several of the ballot boxes were dented, rusted and difficult to open and close; teams observed cases where it took up to half an hour and use of brute force to open ballot boxes. Most of the inkpads provided were dried out and stamping was barely discernable; in some cases polling officials reported having to go out to buy ink. In one polling station visited, team

members saw ballot papers that had been delivered without serial numbers printed on them.

Ballot papers:

Ballot papers were produced uniformly. For example, in the case of the Muslim general category, the ballot paper included either 10, 15, 20, 25, 30, 40, 50 or 60 symbols depending on how many candidates were contesting. If there were eight candidates a ten symbol ballot paper was used.

The team notes that the printing of ballot papers unique to each Union Council would be cumbersome. However, the current system can cause confusion as ballot papers may have more symbols than candidates.

Also, although some symbols had been withdrawn by the CEC, they remained on the printed ballot paper. The team were informed that this led to instances of ROs incorrectly issuing polling stations with ballot papers with an insufficient number of symbols for all candidates standing, thus depriving some candidates of an opportunity to receive votes.

Secrecy of ballot:

The secrecy of the ballot was highly questionable. The team observed in almost every polling station visited that the voting "booth" was inevitably an improvised covering of fabric erected to provide some measure of privacy. However, in several stations observed, these improvised areas were not available or wholly inadequate, and voters had to cast their votes unshielded and in the presence of all.

Voting:

In the opinion of the team, the voting procedure was extremely slow and posed significant difficulties, particularly for frail and illiterate voters. The number of ballot papers, multiple candidates and symbols and the detailed process of voter verification, ballot paper authentication, issue and selection makes the entire exercise complex and very protracted.

In those polling stations where the process ran efficiently it was taking 3 to 5 minutes for each voter to go through the process. However, despite the best efforts of polling staff in many polling stations observed, the team estimated that each voter took on average a good 10 minutes to cast their vote – a delay which was only exacerbated as the day wore on and the queues of voters became longer. At some polling stations, team members spoke to voters who had waited for 3 hours or more to cast their vote.

Closing of the Poll:

All polling stations visited closed on time and in accordance with the law. In some, the polling process continued for some time after the official

closing due to the large number of voters within the premises who were queuing to cast their vote.

The Count:

The team observed the count in polling stations in both Phases of the election. In both instances, due to the large number of ballot papers and multiple symbols, the process was complicated and very slow. The team observed that some Presiding Officers did not adopt the specified counting procedures, but adopted methods that suited their personal convenience or those of the candidate agents present.

Most polling staff observed were clearly inexperienced, overwhelmed and lacked confidence to handle the counting process. Having been on duty since early morning (and in the case of Presiding Officers since the previous day when materials were distributed from the ROs) many staff were also clearly very tired. In one polling station in Balochistan province, members of the team observed that polling staff were unable to fill in the required forms as they were written in English which they could not read.

Delay in announcing results:

The ECP's timetable stated that the official results would be declared on the Saturday two days after each polling day. The official announcement of the results was delayed after both phases, which generated critical comment and suspicion as to the reasons. Unofficial results were reported promptly in the press.

Turnout:

The turnout nationally was 46.97% in Phase I, and 48.75% in Phase II. The Team observed that turnout varied considerably in the polling stations visited. Turnout in female polling stations seemed generally lower than for men, which was borne out by figures provided by the ECP which indicate that the turnout for women was some 20% lower than that for men. In the stations in Balochistan and Sindh Province where team members observed the count in female polling stations, the turnout was under 10% and 20% respectively.

Two Phase Union Council elections:

There was intense media coverage of the results of Phase I, and of statements made by leading political figures and the political parties in the wake of these. The Team is aware of the logistical difficulties of holding elections for all Union Councils on the same day. However, in the team's assessment, the knowledge and coverage of Phase I results was likely to have affected the landscape for Phase II, and this is a matter of concern.

ISSUES

It was evident from the Team's discussions with stakeholders and voters before, after and on the two polling days, that the following were issues of contention in the processes leading up to the Local Bodies Elections, and on the conduct of the poll and count:

1. Non party elections

Though the LBEs were, by law, held on a non-party basis, in reality the political parties were at the heart of the process. Political parties were openly supporting candidates, and the media was extensively reporting party involvement.

2. Role and Powers of the Election Commission of Pakistan

Concern was expressed to the team by most stakeholders that the current Chief Election Commissioner is serving in an Acting capacity, and had not been confirmed in the substantive position. This serves as a barrier to building confidence in the Election Commission and its activities, particularly as the position is appointed directly by the President.

3. Boundary delimitation

Final decisions on boundary changes lies with the Provincial Government. Many allegations were made of boundaries being changed for political reasons.

4. Gender

There were overwhelming indications that facilities, awareness and traditional values impeded the participation of women in the electoral process.

5. Code of Conduct

Key requirements of the Code of Conduct, particularly those relating to political involvement, were neither observed, nor effectively enforced.

6. Withdrawal of Nominations

Stakeholders reported that many candidate withdrawals resulted from pressure or intimidation from other candidates or their supporters including political parties and traditional elite. Team members met candidates who reported that pressure had been put on them to withdraw. Such pressures clearly undermine a democratic environment.

7. Electoral Roll

The names of many voters who claim to have been registered did not appear on the electoral roll. In other cases voters' details on the roll were incorrect. In addition, the voters register at the polling station was dated 2001, although supplementary names of new registrants had been added. Keeping the old date on the list does not increase stakeholder confidence. Minority community voters were not fully integrated into the electoral roll; their names were all grouped at the end of the list.

8. Voter Education

Voter knowledge of the process was very limited, particularly in rural areas and where the level of illiteracy was high.

9. Selection and training of polling officials

Polling officials were selected according to their grade and civil service position held, and did not undertake the role voluntarily. Some were assigned to polling stations away from their home area.

The quality of training was very mixed, but in general did not adequately equip officers to undertake the full range of their duties efficiently and effectively.

10. District Returning Officers and Returning Officers

In most areas of the country all the DROs and ROs are serving judicial officers. They are effectively taken away from normal judicial duties for the duration of the election period.

11. Complexity

The number of ballot papers and number of candidate symbols made it difficult for many voters to identify the candidates they wished to vote for. This contributed to slow processes and delays in the voting, in particular for old and illiterate voters, and in the count.

CONCLUSION AND RECOMMENDATIONS

The Expert Team has observed preparations for Pakistan's Local Bodies Elections, the polling, counting and results process and the overall electoral environment.

We found that 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 that the Team agrees are a key component to developing democracy in Pakistan. In order to strengthen local democracy and faith in political and electoral processes, the Government of Pakistan needs to address this fundamental mistrust.

The Team believes that its specific recommendations for improving the process and conduct of Local Bodies Elections will improve the environment in which such trust can grow.

The Team recommends:

Non- Party Basis

Amend the law to permit involvement of political parties but take measures to ensure full protection of the rights of independent candidates to stand unhindered.

Election Commission

Steps should be taken to strengthen the independence of the Election Commission. The Commission should not be chaired by an Acting Chief Election Commissioner.

The Election Commission should use its executive powers to enforce its decisions and the code of conduct.

The Election Commission should take appropriate measures to facilitate wide and regular consultation with the Government, political parties, the media and civil society.

The Election Commission should be independently responsible for the delimitation of boundaries.

Code of Conduct

Any future Code of Conduct should be made binding upon candidates. There should be clear procedures governing enforcement of the code

including the procedure for complaints to be made, to which body, and training should be given to staff administering the Code.

Gender

Encouragement should be given to assist in overcoming cultural practices which restrict the participation of women as candidates and as voters, and the influence of traditional leaders in elections.

Polling station facilities for women should be of an equal standard to those of men.

Electoral Roll

A single electoral roll should be compiled for national and Local Bodies Elections.

Voter education

Steps should be taken to improve voter access to information and awareness, taking account of culture and gender needs, and educational attainment. Specifically voters need information on how and where to vote.

Computerisation

We recommend an increased use of information technology systems in the preparation of the electoral roll and compilation of results.

Training

A much higher priority needs to be given to the training of all polling staff. This should include training on procedures and also to assist staff in managing the conduct of a complex election process and busy polling station.

Involvement of the Judiciary

Consideration should be given to widening the pool of Election Commissioners, DROs and ROs to additional suitably qualified persons.

Polling stations

We recommend that an attempt is made to ensure that the number of electors assigned to any given polling station is no more than 1,000.

Forms

Forms should be in Urdu and English.

Disenfranchisement

There should be provision to enable polling staff, police officers and others required for election duty to vote.

TECHNICAL ASSISTANCE

Improving the technical process of the elections will improve transparency and confidence in the system, and will thereby benefit the overall electoral environment.

We recommend technical assistance as follows:

- To strengthen the capacity of the Election Commission
- To devise appropriate grass roots training, including training materials, for polling staff
- To review current IT systems, and the scope for greater use of IT systems in the management of election related data
- To devise appropriate training materials for potential candidates to support their agents in effectively monitoring polling day activities.
- To support local councils in building the capacity of newly elected members.

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We thank the political parties, civil society representatives, Commonwealth High Commissioners and others who briefed us in Islamabad and the Provinces.

The considerable knowledge and support of our local co-ordinators / interpreters, and drivers was essential in contributing to the success of our mission. They all approached their work with enthusiasm and professionalism, and their initiative often went beyond the call of duty. We thank them very sincerely for their input.

We wish to thank the Commonwealth Secretary-General, Rt Hon Don McKinnon, and the Secretary-General of the Commonwealth Local Government Forum, Mr Carl Wright, for inviting us to form the Commonwealth Expert Team for this important mission. We also wish to extend warm appreciation to DFID for the valuable funding support provided.

We are particularly indebted to the staff members of the Commonwealth Secretariat, Ms Adaora Ikenze and Ms Julie Broadbent, and Dr Randal Smith of the Commonwealth Local Government Forum for supporting the Team throughout our mission. We worked as one Team. Their experience, sound advice, energy and enthusiasm was absolutely crucial to the smooth running, and success of our mission. Our thanks and appreciation of their service is immense.

Lastly, but by no means least, we were greatly impressed with the warmth and hospitality of the people of Pakistan who we met wherever we went. We hope that our presence and the outcome of our mission will be a positive contribution to the development of local government in Pakistan.

ANNEX F

BIOGRAPHIES

Justice Anastasia Msosa SC(Chair)

Chairperson of the Malawi Electoral Commission and Judge of the Supreme Court of Appeal, Malawi. Board member of the Electoral Institute of Southern Africa (EISA). Justice Msosa has been a member of observer missions to Namibia, South Africa, Mozambique, Lesotho, Botswana, Nigeria and Norway.

Zulkefli bin Haji Kamaruzzaman

Served in the Administrative and Diplomatic Service of Malaysia from 1974 to 2003 when he retired. He was the Chief Assitant District Officer, North East District, Penang from 1991 – 1995, State Elections Officer of Penang from 1996 – 2001, and State Elections Officer of Kelantan from 2001 to June 2003.

Alison Sutherland

Since 1997, Legal Adviser of the Local Government Association which promotes the interests of local democracy in England and Wales, and represents nearly 500 principal local authorities. She has managed the development of local government policy on reviews of electoral law, procedure and practice. She has served on UK Government Ministerial Advisory Groups on implementing Human Rights legislation and Freedom of Information.

Councillor A W Mohamed Arshad

Abdul Wahid Mohamed Arshad has been an elected member of the Colombo Municipal Council, Sri Lanka, since 1997. He represents the United National Party. Councillor Arshad chairs the Council's Standing Committee on Community Development and Socio-cultural Integration. He is a businessman.

ANNEX H

GLOSSARY OF TERMS

CEC	Chief Election Commissioner
CLGF	Commonwealth Local Government Forum
DRO	District Returning Officer
EC	Election Commissions
ECP	Electoral Commission of Pakistan
LBE	Local Body Election
LGO	Local Government Ordinance
MMA	Muttahida Majlis Ehal
MQM	Muttahida Quami Movement
PML-N	Pakistan Muslim League-N
PMLQ	Pakistan Muslim League
PPP	Pakistan People's Party
RO	Returning Officer
UC	Union Council