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Pakistani elections – timely, perhaps; free and fair is another matter.

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During the last months, Pakistan experienced one of its most severe crises – which was accompanied by violent events against the military itself, thus questioning the current establishment in the South Asian state. As outlined in my last SADF Research Report, both the army and the civilian administration worked closely together to suppress public upheaval against the ruling establishment – also conducting a crackdown on the main oppositional party, including the arrest of thousands supporters, enforced party defections of senior leaders, human rights violations, press censorship, enforced disappearances, and other truncations of political rights. This authoritarianism may gain strength in the context of the upcoming national election, supposed to be held later this year. Considering the level of political instability and the worsening security and economic situation, it does not come by surprise that views on the timing of the upcoming electoral exercise vary widely - from ‘surely soon’ to ‘postponed without certain date’. Some observers hold that a delay is more than likely. The government actually changed the election law regarding who is entitled to set the date for the next elections (now the Election Commission of Pakistan [ECP] instead of the President¹), while also attempting to grant the institution of caretaker governments more decision-making powers². These actions can be seen as solid hints of postponement. Also, during the

¹ On June 25th, the National Assembly passed the Elections Act (Amendment) Bill, 2023. The legislation aims at ‘reducing the period of disqualification of a lawmaker to five years and empowering the Election Commission of Pakistan (ECP) to set the date for polls without consulting the president.’

² According to Mohammad Zubair Umar, a PML-N spokesperson, ‘[t]he interim setup will not be

last year, comments were made by government representatives hinting at a lack of funds available for holding elections. The ECP already complained earlier this year that the government failed to provide funds to hold provincial elections in Punjab and Khyber Pakhtunkhwa (KPK). The government ignored an order by the Supreme Court to hold elections in these provinces according to the constitutional provisions. According to journalist Cyril Almeida, from the domestic English-written newspaper Dawn, the postponement of provincial elections could be used as a pretext for the delay of national elections in October this year. Almeida points out that the ‘non-elections’ in Punjab and KPK ‘have opened a constitutional door to Shehbaz Sharif continuing as prime minister under emergency provisions or an extended caretaker set-up, long beyond the constitutional limit of 90 days.’ Furthermore, he states that ‘[w]ithout the compulsion of the court and in the presence of collusion between the government, the military and the election commission, the exercise of elections could be postponed indefinitely.’

However, according to a Bloomberg report, Prime Minister Sharif announced on July 13th that his government would hand over the power to an interim setup (or caretaker government) before the completion of its tenure in August. This would imply the National Assembly to be dissolved, hence paving the way for the next general election. It would also mean that the Parliament would be dissolved days before the end of its tenure, which would have an impact on the electoral timeframe. According to the constitution, a caretaker government has 60 days to conduct elections if the government has handed over power at the designated time – meaning at the official end of the government’s term³. If the assembly is dissolved earlier – even for just a day-, the interim setup is granted 90 days to hold elections. In consequence, political parties would enjoy an additional 30 days to prepare their electoral campaigns. Such an extension is interpreted as favouring the incumbent ruling parties so far busy with running the affairs of the state, having therefore less time to prepare for their electoral campaigns (unlike the political parties in opposition). Moreover, it is argued here that it would give the state authorities an

confined to day-to-day affairs of the government till elections are held. An amendment is being brought (to the Constitution) to empower the caretaker setup to take important decisions like an elected government does.’

³ The five-year term of the National Assembly commenced under the then-PTI government of Imran Khan on August 12, 2018, and is set to be completed under a PM-Shehbaz-led ruling coalition on August 13th.

additional month to intimidate and weaken the political opposition in case the government intends to respect the constitutional provision for elections.

Following an optimistic interpretation of the PM's announcement, former Pakistani ambassador to the US and UK Maleeha Lodhi states that '[a]lthough a date for the polls has not yet been announced, uncertainty about whether elections would be held on time should now come to an end.' Yet scepticism remains among Pakistan observers.

First, one is naturally suspicious of the incumbent government's sudden determination to hold election in time. It seems like a U-turn in its approach if one recalls earlier statements by representatives of the ruling coalition. The course of events is interesting. On July 11, Saudi Arabia helped out Pakistan financially;⁴ on July 12, the International Monetary Fund (IMF) finally granted another bailout package (\$3bn) – after months of negotiations; on July 13, Shehbaz Sharif's announcement occurred. According to Arifa Noor from Dawn, '[t]he rapidity of the IMF programme and the prime minister's announcement seems to imply that one is connected to the other.' In other words, it appears that the "new government's determination" to hold elections in time derives from some behind the scenes 'pressure' by the international community 'about the need for political stability'. Of course, Sharif's announcement could also be an attempt to maintain the democratic façade of the country so as to obtain further financial concessions from international donors. In this context, Noor wonders how far 'the EU messaging also found fertile ground', particularly considering the country's benefits relating to the GSP+ status and the risk of losing eligibility. That would happen in case of a negative evaluation – which is supposed to take the country's quality of democracy into account. The Pakistani journalist obviously refereed to Brussel's concerns regarding political instability in the country. However, Pakistan's political and military leadership has an extensive record of ignoring promises, even signed obligations, given to the international community – and this despite large-scale financial assistance and other types of aid. Furthermore, the key political parties, namely the Pakistan People's Party (PPP) and the Pakistan Muslim League-Nawaz (PML-N), seem to be on

⁴ On July 11, Riyadh increased Islamabad's low foreign exchange reserves with a \$2 billion deposit.

different pages regarding an early ending of their term. There is no final decision regarding the dissolution of the national assembly or regarding the composition of the caretaker government. Moreover, a political struggle intensified between the members of the coalition government and opposition regarding ‘its plan to grant greater powers to the caretaker government.’ In result to the ‘vociferous opposition,’ ‘a diluted version of amendments which would allow the interim set-up to take major policy decisions regarding multilateral and bilateral projects was approved by Parliament.’ Nevertheless, critics fear that ‘under the cover of the amended law, the caretakers might extend their term and delay the electoral exercise.’ Pakistan has so far witnessed seven caretaker Prime Ministers, of which only two⁵ ‘may be considered neutral – while others had explicit political leanings and did not contribute at all towards making the elections free and fair.’

Against this backdrop, the fact that the ECP has issued a non-bailable arrest warrant⁶ against Imran Khan on July 24th proves that the government -supported by the army- is continuing its efforts to disqualify the former Prime Minister and opposition leader from elections and subsequently to eliminate him and his PTI from the political scene. Thus, even if the election is held in time, one fears for a transparent, free, and fair exercise. State authorities are clearly running a comprehensive campaign to undermine the political opposition in the electoral run-up, even obtain its exclusion from elections.

References:

Ahmed, W. (2023, June 25). NA approves major changes in Elections Act. The Express Tribune.

<https://tribune.com.pk/story/2423537/na-approves-major-changes-in-elections-act>

Ahmed, W. (2023, June 26). Lifelong disqualification comes to an end. The Express Tribune.

⁵ Namely, Moeen Qureshi in 1993 and Mir Hazar Khan Khoso in 2013. Some observers are stating that Justice Nasirul Mulk in 2018 was neutral too but critical voices are stating that the 2018 elections were rigged by the military.

⁶ This arrest warrant, and the respective new law case, must be seen in addition to the more than 150 already existing cases orchestrated by the various state actors against the former Prime Minister and chairman of the political party Pakistan Tehreek-e-Insaf/PTI.

<https://tribune.com.pk/story/2423654/acting-president-signs-elections-act-amendment-bill-2023>

Al Jazeera. (2023, July 24). Pakistan's election body issues arrest warrant against ex-PM Khan.

<https://www.aljazeera.com/news/2023/7/24/pakistans-election-body-issues-arrest-warrant-against-ex-pm-khan>

Ali, S. (2023, March 31). Early elections or delayed elections. The Nation.

<https://www.nation.com.pk/31-Mar-2023/early-elections-or-delayed-elections>

Almeida, C. (2023, May 19). SAV Q&A with Cyril Almeida – Imran Khan's Arrest and Implications for Pakistan's Future. South Asian Voices (SAV). Washington, D.C.: Stimson Center.

<https://southasianvoices.org/sav-qa-with-cyril-almeida-imran-khans-arrest-and-implications-for-pakistans-future/>

Dawn. (2023, July 18). PPP against dissolution of NA before end of term.

<https://www.dawn.com/news/1765322/ppp-against-dissolution-of-na-before-end-of-term>

Dilawar, I., & Haider, K. (2023, July 13). Pakistan's Coalition Government to Step Down Next Month. Bloomberg.

<https://www.bloomberg.com/news/articles/2023-07-13/pakistan-s-sharif-will-handover-power-to-caretaker-government#xj4y7vzkg>

Guramani, N. (2023, July 26). Election Act amended to grant additional powers to interim set-up. Dawn.

<https://www.dawn.com/news/1766930>

Hussain, A. (2023, April 4). Pakistan's Supreme Court orders Punjab election on May 14. Al Jazeera.

<https://www.aljazeera.com/news/2023/4/4/pakistan-top-court-says-punjab-election-delay-unconstitutional>

Iqbal, N. (2023, April 19). No funds provided for polls, ECP tells apex court. Dawn.

<https://www.dawn.com/news/1749931>

Khan, I. A. (2023, July 27). Hue and cry leads govt to dilute powers for caretakers. Dawn.

<https://www.dawn.com/news/1767041>

Lodhi, M. (2023, July 25). Election uncertainties. Arab News.

<https://www.arabnews.pk/node/2343596>

Mehboob, A. B. (2023, July 29). Debating caretaker set-ups. Dawn.

<https://www.dawn.com/news/1767380>

Muzaffar, M. (2023, July 13). IMF approves much-awaited \$3bn bailout for Pakistan, saving it from defaulting on debt. The Independent.

<https://www.independent.co.uk/asia/south-asia/pakistan-imf-bailout-default-debt-b2374470.html>

The National. (2023, July 17). Pakistan's Prime Minister Shehbaz Sharif to step down before term ends next month.

<https://www.thenationalnews.com/world/asia/2023/07/17/pakistans-prime-minister-shahbaz-sharif-to-step-down-before-term-ends-next-month/>

Noor, A. (2023, July 18). To elect or not. Dawn.

<https://www.dawn.com/news/1765410/to-elect-or-not>

Raza, S. I., & Ayub, I. (2023, July 23). Coalition partners apprehend election delays. Dawn.

<https://www.dawn.com/news/1766334>

Reuters. (2023, July 18). Pakistan govt to retire early to move elections ahead - local media.

<https://www.reuters.com/world/asia-pacific/pakistan-ruling-coalition-agrees-dissolve-government-early-aug-8-geo-tv-2023-07-18/>

Wolf, S. O. (2023, July 18). Imran Khan, the Military, and the Future of Pakistan. SADF Research Report, No. 9. Brussels: South Asia Democratic Forum (SADF).

<https://www.sadf.eu/sadf-research-report-9-imran-khan-the-military-and-the-future-of-pakistan/>

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