

COMMENT 266

Pakistan's elections – between delays and engineering

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Elections in Pakistan are now set for 8 February 2024 – national and provincial assemblies simultaneously, as is the country's tradition. Two questions dominate the ongoing political debate: will these elections really take place, and if they will, can they be considered free and fair?

[Haroon Janjua](#), from the Deutsche Welle, considers that if former Prime Minister (PM) Imran Khan leader of Pakistan Tehreek-e-Insaf (PTI) was 'allowed to contest elections, he would easily win a majority in the next parliament'; this is the same line of reasoning as that followed by the [Economist Intelligence Unit](#), among several others. Khan, once the army's preferred choice, turned into enemy number one when his supporters started questioning the army's political role and their socio-economic prerogatives – even assaulting military facilities. As we explained with detail in our [SADF Research Report](#), the military engineered Khan's downfall in April 2023. According to [Fauzia Kalsoom Rana](#), an Islamabad-based political analyst, or Adnan Amir from [Nikkei Asia](#), the Pakistan Muslim League's (PML)-Nawaz or (PML-N) leader Nawaz Sharif, who served already three times as Prime Minister, became the new military favourite.

The military leadership is therefore continuing its long record of [meddling](#) into the country's politics, thereby disregarding the Constitution – now by manoeuvring on the composition and duration of the caretaker government as well on the actions of the Pakistan's Election Commission (ECP¹)

Under Pakistani [constitutional law](#), after a term of government ends or is dissolved, a caretaker government must be set up. According to [S Khan](#) (Deutsche

¹ The ECP is a federal body responsible for organizing and conducting elections.

Welle), the army had a role in the nomination of Anwaar-ul-Haq Kakar as the interim PM. The [journalist](#) further refers to critics stating that Kakar's Balochistan Awami Party (BAP) has close ties with Pakistan's military, with some alleging cabinet members were picked by the army.² This, according to [S Khan](#), raises 'questions about the neutrality of his government and the likelihood of fair and transparent polls.'

According to the [constitution](#), general elections were due within 90 days after Kakar [took charge in August](#) 2023. But elections have been delayed till February due to '[security concerns and protracted economic turmoil](#)'. The ECP, according to analyst [Arif Rafiq](#), is another institution backed by the military. The redrawing of the constituency's boundaries was an additional justification for the election postponement. The decision to undertake this exercise dates from [August 2023](#),³ during the last days of the former government headed by Shahbaz Sharif (Nawaz's brother), who is known for enjoying the goodwill of the army. The real reason for the delay was to give enough time to Nawaz Sharif to return from London and remove all legal hurdles hampering his poll participation. [Aamir](#), like other observers, emphasizes that the interim government favours the PML-N as well.

Constitutionally, the caretaker government is '[barred from taking major policy decisions except on urgent matters](#)'; its sole mission is to insure free and fair elections. For [Cyril Almeida](#) (The Dawn) 'Pakistan is now operating outside constitutional parameters.' A view supported by Maleeha Lodhi, political analyst, and former Pakistani ambassador to the US: '[t]he caretaker government's sole task is to supervise elections but, in many ways, it has acted beyond its constitutional role.' One of the most remarkable examples is the decision to [expel Afghan refugees](#) residing on Pakistani soil. Alleging security concerns, the expulsion hints at the army's influence into the caretakers' affairs.

² According to [Lashkari Raisani](#), a former lawmaker from Baluchistan, 'Kakar was "patronized" and made prime minister by the military establishment.' According to S. Khan, Kakar was able to catch the attention of the top brass through his [patriotic rhetoric](#) defending the armed forces in addresses to the National Assembly (against accusations of human rights violations in Baluchistan). Kakar, a relatively political newcomer, was likely brought into the debate - surrounding the caretaker's appointments - by advocates of the army.

³ The then coalition government of the Pakistan Democratic Movement (PDM) convened the Council of Common Interests [to approve](#) the results of the 2023 digital census. 'The move effectively shut the door on the prospects of elections within the 90-day constitutional limit as the Election Commission of Pakistan (ECP) had to conduct fresh delimitation of constituencies.'

The most obvious pre-electoral rigging concerns the neutralisation of Khan and his political party. Khan is serving a [3 years](#) prison sentence and is banned from politics for [5 years](#). The PTI is persecuted by the law-enforcing agencies and the ECP. In *The Economist*, [Imran Khan](#) states that ‘the PTI is being denied its basic right to campaign’. The PTI petitioned the judiciary on ‘the lack of a level playing field.’ The party complained ‘about the mishandling of its candidates’ and difficulties in getting their nomination papers accepted by the ECP. Some were even rejected, including those of Imran Khan.⁴ The ECP also did [not allow](#) the PTI to use its traditional trademark symbol, the cricket bat, for its electoral campaigning, on the basis of a technicality.⁵ This must be seen as another attempt by the ECP to disrupt the PTI’s electoral campaign. As pointed out by [Aamir](#), all candidates [of the PTI] have to run as independents, each with a [different symbol](#). This is likely to confuse voters.’ Furthermore, the journalist [stresses](#) that ‘since the PTI will not be running as a cohesive unit, it will not obtain any of the 70 national seats reserved for women and religious minorities, which are allotted based on proportional representation. Considering the Parliament 336-members, the number of reserved seats is very significant. The ECP [rejected](#) the claims of a lack of a level playing field for the PTI.

Today, there are new calls for delaying the election again. According to [Aamir](#), the clearest push for a postponement came on Friday, January 5th, ‘when the Senate passed a non-binding resolution urging the government to put off the Feb. 8 vote due to security concerns.’

It seems that whatever it takes ‘[to keep Khan out of power](#)’ and pave the way for the return of Nawaz Sharif will be done. Considering the growing [unpopularity](#) of the caretakers, the apparent eroding support of the army for the [controversial](#) governance of Kakar, and the fact that Nawaz Sharif, unlike Khan, is able to participate in the election, another delay of the elections seems unlikely. The PTI ‘[has practically been forced out of the game](#). For [Imran Khan](#) ‘even if elections were held they would be a disaster and a farce.’ The silence of western governments in the face of electoral rigging by Pakistan’s military supported by civilian

⁴ Initially, the nomination papers of [668](#) PTI candidates, which included most of those belonging to the [party leadership](#), were rejected. Afterwards, appellate courts overturned most of these decisions

⁵ The ECP did not [accept the documents](#) submitted by the PTI to prove that they hold intra-party election sufficiently. The decision was briefly overturned by the [Peshawar High Court](#) but was then [reinstated](#) by the country’s highest judicial bench, the Supreme Court.

institutions. Washington's and Brussels' ignorance of the violations of political freedoms stands in a sharp contrast to the disproportionate criticisms regarding elections in Bangladesh. It is incomprehensible to declare the Bangladeshi elections as not free and fair, while at the same time ignoring the truncation of any democratic norms and procedures in Pakistan. It's time for the West to reassess its distorted approach towards South Asian countries – and analyse its root causes.

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