Policy Briefing

Asia Briefing N°137
Islamabad/Brussels, 16 August 2012

Election Reform in Pakistan

I. OVERVIEW

The stabilisation of Pakistan's democratic transition will depend to a considerable extent on the manner in which the Election Commission of Pakistan (ECP) conducts the next general elections. These are due when the Pakistan Peoples Party (PPP)-led coalition government ends its five-year term in March 2013, or earlier if it so decides. Rigged elections and distortions of the process by military regimes or military-controlled governments have left the ECP in an advanced state of institutional decay. If the next elections are to result in the smooth transfer of power from one elected government to another and be widely perceived as legitimate and democratic by all stakeholders, it is imperative that the ECP be truly independent, impartial and effective.

The PPP-led government has an opportunity, for the first time in the country's history, to ensure that the transfer of power to the next government takes place through a credible electoral exercise. It is a daunting task, given challenges that include insecurity, particularly in the tribal borderlands troubled by militant violence and the declining writ of the state, and the need to ensure participation of more than 84 million voters. In the interests of democratic consolidation, the ruling party and its main parliamentary opposition, Nawaz Sharif's Pakistan Muslim League [Muslim League-Nawaz (PML-N)], should put aside their political differences and focus on empowering the ECP. But empowering that body should also include reforming it, including via parliamentary oversight of a bureaucracy that has helped rigged elections in the past. Moreover, ruling party and political opposition (within and outside parliament) must cooperate to ensure that the ECP's amended code of conduct, based on the Supreme Court's directives, does not curb legitimate political activity and disenfranchise voters.

When provided the political space as now, and despite the challenges posed by an increasingly interventionist judiciary and a perennially intrusive military, Pakistan's elected representatives have enacted tangible measures to consolidate democratic functioning. The eighteenth constitutional amendment, passed unanimously by parliament in 2010, removed General Pervez Musharraf's constitutional distortions and included new provisions to strengthen federal parliamentary democracy. In the specific context of elections, it made the appointment of the chief election commissioner (CEC) more transparent and subject to parliamentary oversight. Instead of the president handpicking the CEC, that official and the other four members of the ECP are now selected through consultations between the prime minister and the leader of the opposition in the National Assembly, then vetted by a joint parliamentary committee, comprising legislators from the ruling party or coalition and an equal number from the opposition, that makes the final decision.

Although their relationship is far from cordial, the PPP and PML-N have put aside major differences to remove political hurdles that could derail the electoral process. The stalled deliberations between the government and the opposition on the appointment of the new CEC were particularly problematic, but they ultimately reached consensus. On 9 July 2012, the joint parliamentary committee unanimously approved a widely-respected former ad hoc judge of the Supreme Court, Fakhruddin G. Ebrahim. They now face the urgent task of reaching consensus on the appointment of impartial caretaker governments in the centre and the provinces. The longer that is delayed, the greater the prospects of the electoral process, and even the democratic transition, coming to a halt.

With its leadership now fully reconstituted in accordance with the eighteenth amendment, the ECP must move quickly to enact major electoral reforms and remove flaws in the electoral process for the next general elections. Voters must be given every opportunity to identify errors and omissions, which must be removed from the electoral rolls. Polling procedures should be improved and accountability mechanisms for candidates and political parties improved; and dysfunctional election tribunals, characterised by excessive delays and widespread corruption, should be urgently reformed.

In May 2010, the ECP, acknowledging its weaknesses, produced a five-year strategic plan that listed fifteen broad electoral reform goals, subdivided into 129 detailed objectives, each with specific timelines for completion. While some targets have been met, many have not; nor, indeed, are they likely to be achieved unless parliament assumes political ownership of the plan and closely monitors implementation. For change to come through the ballot box, and not through the military or the courts, ECP reform is vital. An election administered by an independent, impar-

tial and adequately resourced election management body will be accepted as free and fair by all stakeholders and therefore have the legitimacy needed to deter potential spoilers. A weak and unreformed ECP would raise the risk of a flawed election that the military might use as justification to derail the democratic process, paving the way for yet another indefinite period of unaccountable rule and destabilising a fragile polity.

The main steps required to advance reform include:

- government and opposition should forge a consensus on neutral caretaker regimes at the centre and in the provinces to govern during the election period and resist any military attempts to manipulate the polls;
- the ECP should make every effort to verify, validate, update and augment the final electoral rolls, ensuring that citizens are not disenfranchised. After consulting all relevant stakeholders, it should also immediately prepare a list of permanent polling stations, publish it on its website and then provide reasons in writing for any subsequent changes;
- parties should educate constituents on the need to acquire computerised national identity cards (CNICs), register as voters and verify their entries on the rolls, making amendments where necessary; the ECP should train its officials to vet voter CNICs effectively;
- the ECP should consult parties on the amended code of conduct and incorporate their recommendations; otherwise, parliament should rationalise the code, including more realistic campaign expenditure ceilings and removal of unnecessary restrictions such as the bar on parties, candidates and election agents providing transport to voters;
- immediately post-elections, the government should hold a census, and the ECP should ensure transparent constituency delimitation, sending its report to federal and provincial parliaments for review and approval;
- the ECP should establish permanent polling stations after consulting relevant stakeholders well before the elections, publish locations on its website and provide written reasons for any subsequent changes;
- the ECP should install an effective results-management system to compile results expeditiously and transparently and put the results on its website as soon as available;
- the ECP should put in place a transparent recruitment, hiring and performance evaluation system for staff;
- to prevent disenfranchisement of women, the ECP should monitor electoral turnout and results at both female and combined polling stations and impose penalties on those who prevent women from voting;
- to ensure timely disposition of election petitions, parliament should pass the draft bill to create commissions in each district to vet petitions and send them directly to election tribunals for adjudication instead of through the ECP, which should appoint retired, not busy serving judges to head the tribunals; and
- the international community should engage on electoral reform with not just the ECP but all stakeholders, particularly parliamentarians and political parties, in order to make reform sustainable, and should hold the ECP to its commitment to enhance access to credible election observers, both domestic and international.

II. DEMOCRATIC TRANSITION AND ELECTORAL REFORMS

Pakistan's history is marred by rigged national, provincial and local polls held by military regimes or military-controlled governments. This briefing updates earlier analysis on electoral reforms and focuses specifically on the role of the Election Commission of Pakistan (ECP) in holding free, fair and transparent elections.[1]

The ECP is constitutionally mandated to hold elections to national, provincial and local legislatures, prepare electoral rolls for elections to the National Assembly, the lower house of parliament, and the four provincial assemblies and conduct indirect elections to the Senate, the upper house of parliament.[2] Although all federal executive authorities – which, by some interpretations, include the military – and their provincial counterparts are constitutionally bound to assist it in the discharge of its duties,[3] in practice, the ECP has lacked autonomy and authority, functioning more often than not at the military's behest.

Under the most recent military regime, the ECP, already limited in terms of operational and financial autonomy, was reduced to merely conferring the façade of legitimacy to Musharraf's government. Through handpicked chief

[1] For previous Crisis Group analysis of the electoral process, see Asia Reports N°203, *Reforming Pakistan's Electoral System*, 30 March 2011; N°137, *Elections, Democracy and Stability in Pakistan*, 31 July 2007; N°102, *Authoritarianism and Political Party Reform in Pakistan*, 28 September 2005; N°77, *Devolution in Pakistan: Reform or Regression?*, 22 March 2004; N°40, *Pakistan: Transition to Democracy?*, 3 October 2002; and Crisis Group Asia Briefings N°74, *After Bhutto's Murder: A Way Forward for Pakistan*, 2 January 2008; N°70, *Winding Back Martial Law in Pakistan*, 12 November 2007; N°43, *Pakistan's Local Polls: Shoring Up Military Rule*, 22 November 2005.

[2] Article 219 of the constitution.

[3] Ibid, article 220.

election commissioners, he rigged two local government elections, a presidential referendum and two general elections. Measures to rig the last general election, in 2008, included a subservient ECP, a partial caretaker government, stacked courts, the gagging of the media, curbs on political party mobilisation and association and the use of security agencies against political opponents. Although the polls were conducted through this flawed electoral process, former Prime Minister Benazir Bhutto's assassination in December 2007 transformed the political environment.[4]

Since blatant rigging in the wake of Bhutto's killing would likely have resulted in violent protests, the general elections two months later were freer than others held by the military regime. Selective rigging still occurred, with the ECP failing to act in an impartial and transparent manner in the run-up to, during, and after the elections.[5] Nevertheless, popular resentment against military rule translated into a clear electoral rejection of Musharraf and his political allies in favour of the regime's democratic opponents, the PPP and the PML-N. A PPP-led government was formed in the centre; the PPP formed coalition governments in Balochistan, Northwest Frontier Province (renamed Khyber Pakhtunkhwa-KPK) and Sindh; and the PML-N formed the government in Punjab.

A. ECP Composition and Powers

During the democratic transition, parliament has made the appointment of key elections officials more transparent and open to legislative scrutiny, while enhancing the ECP's autonomy. The eighteenth constitutional amendment, passed unanimously in April 2010, took away the president's discretionary power to appoint the CEC.[6] Instead, it provided for the prime minister, in consultation with the leader of the parliamentary opposition, to forward the names of three candidates to a joint parliamentary committee of the National Assembly, consisting of eight members, four each from the "treasury" (ie, the ruling and coalition parties) and the opposition.[7] The nineteenth amendment, which came into force on 1 January 2011, increased the members of the parliamentary committee to twelve, with one third to be drawn from the Senate.[8] After deliberating on the three names, the parliamentary committee must confirm one. Should the prime minister and the leader of the opposition fail to agree, each would send a list from which the committee would then approve the CEC.

The appointment of the ECP members, one from each of the four provinces, follows the same procedure. Previously the president appointed the members after consulting with the CEC and the chief justice of the relevant provincial High Court. While the CEC could be either a serving or retired judge of the Supreme Court, or a serving or retired judge of a High Court qualified to be appointed as a judge of the Supreme Court, ECP members were required to be serving High Court judges.[9] The eighteenth amendment retains the criteria for the CEC's appointment but mandates that ECP members must be retired High Court judges.[10] By increasing the tenure of the CEC and the ECP members from three to five years, it also has strengthened the body's autonomy.[11] Moreover, the powers and functions previously vested in the CEC's office have now been transferred to the ECP as a whole.[12] "Instead of vesting all powers in a solitary individual, this provision lends stature and strength to the entire institution", said a former ECP secretary, the commission's senior bureaucrat.[13]

In 2011, the PPP-led government and its parliamentary opposition appointed the four ECP members according to the procedure laid down in the eighteenth amendment. The choice of the CEC proved more problematic, as the PML-N refused to consult with Prime Minister Yusuf Raza Gilani following his decision not to resign after the Supreme Court convicted him on 26 April 2012 of contempt of court for failing to open money laundering charges against President Asif Ali Zardari. In the absence of agreement between the prime minister and the leader of the opposition, separate lists were sent to the parliamentary committee, where neither side could muster the two-thirds majority required for the final selection. As a result of the impasse, a serving judge of the Supreme Court, Mian Shakirullah Jan, whom the chief justice of the Supreme Court had appointed acting CEC on 24 March 2012, retained the post.[14]

Gilani was disqualified as prime minister by the Supreme Court on 19 June 2012, and replaced by Raja Parvez Ash-

[4] Crisis Group Report, *Reforming Pakistan's Electoral System*, op. cit., p. 9; Briefing, *After Bhutto's Murder*, op. cit.
[5] Crisis Group Report, *Reforming Pakistan's Electoral System*, op. cit.
[6] Article 213(1) of the constitution, as amended by section 77(i) of the eighteenth amendment.
[7] Sections 2A and 2B of article 213 of the constitution, as inserted by section 77(ii) of the eighteenth amendment.
[8] Article 213(2B) of the constitution, as amended by section 6(i) of the nineteenth amendment.
[9] Article 3(1), sched. item 21(2)(i) of the Legal Framework Order, 2002 (Chief Executive's Order No. 24).
[10] Article 218(2)(b) of the constitution.
[11] Ibid, article 215(1).
[12] Ibid, article 219.
[13] Crisis Group interview, Hassan Bhutto, Karachi, 19 June 2012.
[14] Under article 217 of the constitution, at any time when the office of the chief election commissioner is vacant or the commissioner is absent or otherwise unable to perform his duties, a judge of the Supreme Court chosen by the chief justice is to serve as the acting chief election commissioner. This was done after Justice (ret.) Hamid Ali Mirza completed his tenure as CEC on 23 March 2012.

raf. Despite the new prime minister's insistence that he too would refuse to follow the Supreme Court's insistence on opening the corruption cases, the PML-N agreed to talks on the CEC's selection. On 9 July, the joint parliamentary committee unanimously agreed on the appointment of Justice Fakhruddin G. Ebrahim, a widely respected former ad hoc judge of the Supreme Court who had refused to take a fresh oath under General Zia-ul-Haq's Provisional Constitutional Order (PCO) in 1981.[15] The first appointment in electoral history of a CEC with the consensus of all major political parties bodes well for the next elections, provided, of course, that the ECP performs well.

A non-partisan and credible CEC, heading an independent ECP, is particularly important since the body now has the power, should government and opposition fail to agree, to appoint federal and provincial caretaker governments. Musharraf as president had sole authority to appoint a caretaker government at the centre after expiration of the National Assembly's term or its dissolution. The caretaker government would remain in office until completion of the 90-day election period and subsequent formation of the newly elected government. Provincial governors, appointed by the president, had similar powers in the four federal units. After the eighteenth amendment, the president must consult the outgoing prime minister and the leader of the parliamentary opposition before appointing a caretaker prime minister. Governors must similarly consult outgoing chief ministers and parliamentary opposition leaders before appointing caretaker chief ministers.[16] Federal and provincial caretaker cabinets are then to be formed on the advice of the caretaker prime minister and chief ministers respectively.

The twentieth amendment, passed on 29 February 2012, however, provides remedies in case of a deadlock between the prime minister and leader of the opposition on the choice of a caretaker prime minister. Within three days of the dissolution of the National Assembly, they are to send two nominees each to a committee constituted by the speaker, with equal representation from the treasury and opposition. The eight-member committee, composed of representatives from the outgoing National Assembly and/or Senate, is meant to choose one name within three days. If it fails to do so, the names would be sent to the ECP to take the final decision within two days. A similar procedure would be followed in the provinces for the appointment of caretaker chief ministers, except that the committees would have six members.

The PPP-led government and its parliamentary opposition, spearheaded by Sharif's PML-N, should show the same political maturity in appointing caretaker governments in the centre and provinces that they demonstrated in reaching the consensus that resulted in the CEC's appointment, The leaderships of both parties have expressed their intention to consult all political parties on the formation of neutral interim governments.[17] It is in their interest to reach the earliest possible agreement. Appointed through political consensus, neutral caretaker governments in the centre and the provinces would help reduce political tensions in the run-up to elections and, by resisting interference by the military and civil bureaucracy, ensure that the ECP holds free, fair and credible polls. But failure to reach consensus on their appointment could jeopardise the entire electoral exercise, allowing the military to install political allies as caretakers or even use the impasse between the government and its political opposition to postpone polls and derail the democratic transition in violation of the constitution.

B. Election Laws and Procedures

The parliament has passed a number of laws to remove flaws in electoral procedures and enhance the credibility of the electoral process. The Election Laws (Amendment) Act, 2011, which amended the Electoral Rolls Act, 1974, and the Representation of the People Act, 1976, is particularly important. It makes the possession of a valid computerised national identity card (CNIC),[18] issued by the National Database and Registration Authority (NADRA), mandatory for voter registration and participation.[19] In the 2008 election, the Musharraf regime had allowed NADRA-issued CNICs but also non-computerised identity cards that were particularly vulnerable to misuse. "The old identity cards were easily duplicated and allowed unscrupulous candidates to produce hundreds, if not thousands, of bogus entries", said a senior election official. "On a computerised electoral roll, it will be a lot harder to fabricate voter registration".[20]

Since all voter information is now kept in a centralised computerised database, it is particularly important to prevent the manipulation of data. To ensure the security of the computerised electoral rolls, the Election Laws (Amendment) Act, 2011, mandates that any ECP employee who

[15] The PML-N nominated Justice Ebrahim.
[16] Article 224(1A), as inserted by section 83(ii) of the eighteenth amendment.
[17] "Kaira welcomes Nawaz's caretaker setup", *Dawn*, 18 July 2012; "Nawaz for consultations with all parties", *Dawn*, 19 July 2012.
[18] The CNIC has multiple embedded biometric security data and features, including watermarks, holograms, photographs and fingerprints. Manzoor Qadir, "Government working on formula for interim setup", *Daily Times*, 2 August 2012.
[19] Amended provisions include sections 6 and 18 of the Electoral Rolls Act, 1974, and section 33 of the Representation of the People Act, 1976.
[20] Crisis Group interview, Islamabad, 26 June 2012.

"publishes or communicates to any person, any information or data acquired by him in the course of such employment" without authorisation from the ECP; or "breaches, in any manner, the security or integrity of the information contained in the electoral rolls database"; or communicates information or data in his possession that has been "obtained or disclosed in contravention of the Act" to any other person; or "misuses or abuses, in any manner, the information or data contained in the electoral rolls database" shall be punishable by a term extending to five years or a fine of up to five million rupees ($53,000), or both.[21]

During Musharraf's rule, successive CECs either colluded with the military in gerrymandering constituencies or allowed the regime to do so in support of its political allies. The parliament has now amended the Delimitation of Constituencies Act, 1974, bringing it in line with the eighteenth amendment, which vests responsibility in the ECP as a whole instead of concentrating powers in the CEC's office. According to the Delimitation of Constituencies (Amendment) Act, 2012, when the members of the ECP, including the CEC, overseeing delimitation proceedings are four in number and are equally divided in their opinion, or when, including the CEC, they are three in number, and there is a difference of opinion, the matter shall be placed before all five members of the ECP (the four members and the CEC), and majority opinion will prevail.[22] Previously, when the members were equally divided, the CEC's opinion prevailed and was regarded as that of the ECP as a whole.[23]

Although such reforms are encouraging, much more needs to be done to reform a dysfunctional electoral system. Parliament should transform the existing sub-committee on electoral reform within the National Assembly's committee on law, justice and parliamentary affairs into a full and permanent committee. That committee should amend the diverse legal instruments governing elections to bring them in line with international standards, and then unify them into a single electoral law.

III. INTERNAL REFORM OF THE ECP

On 25 May 2010, the ECP produced a five-year strategic plan (2010-2014), based on extensive consultations over a six-month period with political parties, lawmakers, civil society organisations and international agencies. This set out fifteen major goals, divided into 129 time-bound objectives, and stressed guiding principles reflective of "the overall philosophy of the ECP", including independence, impartiality, transparency, integrity, professional excellence, the inclusion of marginalised groups, conducive working conditions and gender balance.[24]

General elections are fast approaching, and the ECP is moving too slowly in implementing the plan. For instance, the deadline to "verify, validate, update and augment" electoral rolls under the strategic goal of improving voter registration, originally December 2010, has been missed repeatedly. Justifications for the delay have included massive countrywide floods in 2010 and insecurity in most areas of Balochistan and Khyber Pakhtunkhwa. However, because of this delay, the ECP has failed to meet its constitutional obligation, since 2008, of revising the electoral rolls annually in January.

Under the strategic goal of improving election operations, the ECP was to have set up permanent polling stations in June 2011. A year past that date, however, it had only started surveying public buildings that could potentially be used for the next elections.[25] CCTV monitoring of polling stations and creating linkages between polling stations and the computerised electoral rolls database – and thus allocation of each registered voter to a polling station – also originally scheduled for June 2011, can only happen once permanent polling stations are identified. The ECP should immediately prepare a list of permanent polling stations after consulting all relevant stakeholders, publish it on its website and provide reasons in writing for any subsequent changes. It is critical that voters be kept fully informed of where they can vote well in advance of election day, so they can make preparations accordingly.

By December 2010, the ECP was to have established a "transparent" recruitment and hiring system for temporary election staff, along with a staff database and performance review system to "facilitate hiring of well-performing staff for future electoral events".[26] Yet, it admits that it has made little progress in implementing these reforms.[27] The ECP has proposed an amendment to the Representation of the People Act, 1976, to enable it to hire temporary staff during elections, but this has yet to be taken up by parliament. As a result, it will continue to rely in the general election on federal, provincial and local government employees seconded from their parent departments to serve as temporary staff for the duration of the elec-

[21] Section 5 of the Election Laws (Amendment) Act, 2011.
[22] Section 2.
[23] Section 4(3)(a) of the Delimitation of Constituencies Act, 1974.

[24] "Five-Year Strategic Plan, 2010-2014", Election Commission of Pakistan, at: www.ecp.gov.pk/sp/downloads.html.
[25] "ECP begins looking for more government buildings", *Daily Times*, 17 June 2012.
[26] See "Five-Year Strategic Plan, 2010-2014", op. cit.
[27] "Progress Report on Implementation of the Five-Year Strategic Plan", Election Commission of Pakistan, May 2010-December 2011, www.ecp.gov.pk/Reports/SPStrategicPlanProgress.pdf.

toral cycle.[28] There is still no independent mechanism in place to challenge the appointment of these officials, who in the past have been instrumental in overseeing rigging.

Temporary personnel are also often deputed to perform election-related duties in their home districts, increasing the risk of partiality and abuse of office.[29] The ECP should disallow temporary staff from conducting electoral functions in their home districts and instead depute them in adjoining districts to reduce the likelihood of collusion between officials and candidates. Parliament must amend the existing legislation to empower the ECP to determine the conditions under which temporary staff is recruited and to investigate misconduct and take punitive measures against errant officials. Temporary personnel drafted from the civil bureaucracy should be placed under the ECP's exclusive control, and not under their parent departments, during the electoral period. Moreover, instead of confining the selection of temporary personnel only to members of the federal, provincial and local bureaucracies, the ECP should be authorised to recruit competent and qualified people from the private sector through a transparent recruitment process.

In addition to internal capacity-building through improved infrastructure, a streamlined and merit-based recruitment and promotion system, better salaries and more advanced training at all levels of the hierarchy, the ECP should make every effort to meet a number of targets and deadlines, stipulated under the strategic plan, to ensure that the next election is free, fair and transparent. These include:

- permanent polling stations established and publicised well before the election (originally scheduled for June 2011);
- a transparent recruitment, hiring and performance evaluation system for temporary staff (originally scheduled for December 2010);
- an effective results-management system to compile results expeditiously and transparently (scheduled for December 2012);
- publication of the results on the ECP website immediately after they are available (scheduled for June 2013);
- complaint management committees at district level for disposal of complaints (originally scheduled for June 2012) and a complaint tracking system at district level by setting up an appropriate information technology (IT) infrastructure (scheduled for December 2012);
- enhanced access for election observers (scheduled for December 2012); and
- training of political party representatives and candidates on their roles and responsibilities (scheduled for November 2012) and training of polling officials, political party agents and security personnel (scheduled for December 2012).

Election officials maintain that timely implementation of the strategic plan has been hindered by lack of parliamentary ownership of the reform process.[30] The ruling party and the opposition must urgently prioritise electoral reform by immediately appointing a full and permanent parliamentary committee to handle electoral issues. The committee should undertake a detailed review of the strategic plan and make amendments to objectives and timeframes where necessary. It should then submit the revised plan to a vote, first within the committee and then before the National Assembly. The committee should continuously monitor the plan's implementation to make sure that targets are met by their stipulated deadlines. The committee should also have the authority to summon and hold ECP officials accountable for failing to implement the plan.

IV. ADMINISTERING ELECTIONS

A. ELECTORAL ROLLS

Under article 219(a) of the constitution, as revised by the eighteenth amendment, the ECP is responsible for preparing electoral rolls for the national and provincial assembly polls, a function that it has not performed in the recent past with any distinction. The rolls used for the 2008 elections, in particular, were marred by widespread errors, inconsistencies and duplications, partly because of Supreme Court directives. After a flawed draft electoral roll prepared by the ECP in 2007 excluded over twenty million potential voters, the Supreme Court ordered an urgent revision. Lacking the time or the means to improve the rolls, the ECP, without any verification, added 25 million names to the equally flawed rolls used in the 2002 elections, the first held on Musharraf's watch.[31] During the hearing of a Supreme Court petition by Pakistan Tehreek-e-Insaaf (PTI) chairman Imran Khan in April 2011, seeking a revision of the electoral rolls used in the 2008 elections, the ECP admitted to identifying as many as 37 million duplicate,

[28] The ECP had set up 64,176 polling stations for the 2008 elections, with some 552,000 government employees deployed, including returning officers for each constituency and presiding officers at every polling station, each with an average team of nine persons. Tahir Mehdi, "The mechanics of an election", *Dawn*, 4 August 2012.

[29] Crisis Group Report, *Reforming Pakistan's Electoral System*, op. cit., p. 16.

[30] Crisis Group interviews, Islamabad, May-July 2012.

[31] Crisis Group Report, *Reforming Pakistan's Electoral System*, op. cit., p. 8.

bogus or multiple entries out of a total of 81.2 million on those rolls.[32]

Following the restoration of democracy, the ECP has taken steps to improve the accuracy and credibility of the electoral rolls, primarily through collaboration with NADRA. After successful completion of a joint ECP-NADRA pilot project in 2010 that added new voters and authenticated existing and eliminated bogus entries through cross-checking with NADRA's database, parliament passed the Election Laws (Amendment) Act, 2011, which makes the possession of a valid NADRA-issued computerised national identity card mandatory for voter registration and vote-casting. This is an important step towards reducing electoral fraud by preventing bogus voting and multiple entries.

The ECP has launched another major service by which voters can confirm their inclusion on the electoral rolls and obtain information on their electoral address, electoral area, block code and sub-district/district by sending their CNIC number through SMS to a number provided by the ECP. By 31 July, 7,800,000 voters had verified voting details via this service. Cellular technology should prove far more efficient in a country where mobile telephone use has mushroomed than the earlier practice of providing voters their electoral information manually.[33]

In July 2011, ECP Secretary Ishtiaq Ahmed Khan disclosed that some 35 million fraudulent entries were deleted and 36 million new voters, verified through the NADRA database, were added. In February 2012, the ECP placed its draft electoral rolls in over 50,000 display centres countrywide to give voters the opportunity to examine them.[34] As many as a half million anomalies were subsequently detected, mostly from districts in Balochistan and Sindh.[35] "The credibility of the next election will be gravely undermined if the ECP and NADRA do not produce an accurate voters' list", warned a PML-N member of the Punjab provincial parliamentarian.[36]

After fake, duplicate and multiple entries were deleted and the names of missing voters included, following door-to-door verification by 200,000 enumerators, the final computerised electoral rolls were released on 31 July; they will be placed at all district elections offices and on the ECP website.[37] Describing the new rolls as a "clean document", CEC Ebrahim admitted that human error could not be ruled out. Emphasising that the rolls were open to change until the announcement of the election schedule, he asked political parties and the electorate to go through them so that any anomalies could be removed.[38]

The voter list includes 1.58 million individuals who attained the age of eighteen in the first six months of 2012. According to NADRA chairman Tariq Malik, some 15,000 reaching that age were obtaining CNICs from NADRA each week and so could register as voters.[39] The NADRA chairman also disclosed that of the 92 million adults who had been issued CNICs, some 84.3 million were registered as voters. Those not registered were either dead, lacked proof of residency in any electoral area, had dual or multiple nationality or were issued CNICs after 1 June 2012. He asked all political parties to mobilise citizens both to obtain CNICs and register as voters.[40]

[32] "35 million bogus voters removed from electoral rolls", *The Express Tribune*, 5 July 2011.
[33] Mumtaz Alvi, "Public wants change which should only come through vote: CEC", *The News*, 1 August 2012. According to the Pakistan Telecommunications Authority, the country currently has 131 million mobile phone users, with ten million connections added in 2011 alone. "Pakistan fifth in Asian mobile phone use", *The Express Tribune*, 28 July 2012.
[34] "Voter verification: 4.5 million citizens verify records over SMS", *The Express Tribune*, 15 March 2012; "Poll preparations: ECP sets up display centres for electoral rolls", *The Express Tribune*, 20 February 2012.
[35] Irfan Ghauri, "'Error-free' lists: Over 0.5 million errors identified in electoral rolls", *The Express Tribune*, 18 April 2012.
[36] Crisis Group interview, Lahore, 6 June 2012.
[37] The electoral rolls contained 84.36 million eligible voters, 3.33 million more than the rolls used for the 2008 elections. The numbers of eligible voters in Punjab increased from 44.64 to 48.30 million and in KPK from 10.79 million to 12.06 million. In Sindh and Balochistan, where the most flaws had been detected, eligible voters declined from 19.53 million to 18.43 million and from 4.29 million to 3.27 million respectively. "EC releases new voters' list", *Dawn*, 1 August 2012; "ECP unveils new and 'clean' electoral lists", *Daily Times*, 1 August 2012.
[38] The CEC said, "the process of registration would continue until and unless all are enlisted". Saifullah, "Transparent electoral rolls top priority, says CEC", *Daily Times*, 2 August 2012. Voters who have not been registered or whose entries are incorrect can have their information added and/or corrected through the ECP. Corrected entries in the rolls would be published as supplementary lists by NADRA every month, a process to continue till the election schedule was announced. "Verification of Sindh voters under way", *Dawn*, 1 August 2011.
[39] Almost 40 million of the 84.3 million registered voters fall between the eighteen to 35 age group. The voting age was lowered from 21 to eighteen in 2002. "Teenagers in voters' list", *Dawn*, 19 July 2012"; "A young electorate", *Dawn*, 6 August 2012.
[40] Malik said he would extend its Data Acquisition Units to the doorstops of citizens. It currently has 452 national registration centres, 252 mobile registration vans and 70 semi-mobile units countrywide. Mumtaz Alvi, "Final. EC lists register 50 per cent increase in voters", *The News*, 5 August 2012; "NADRA urges political parties to mobilise unregistered voters", *The News*, 7 August 2012.

Because citizens can demand changes until the announcement of the election schedule, political parties have an opportunity to educate their constituents on the process, and ensure that potential voters acquire the CNIC that is now mandatory for registration and voting. Parties must understand that it is in their interest to ensure that their constituents are registered and that anomalies in the rolls are corrected. They should mobilise workers and use volunteers to go through the electoral rolls in their constituencies, which are now publicly available.

No electoral roll is completely devoid of errors, not even in established democracies. In the U.S., for example, a February 2012 Pew Center report found that "disarray" in the national voter registration rolls could affect results of local, state and federal elections.[41] What Pakistan requires is a roll that is as free of errors as possible and effective mechanisms for flaws to be systematically removed. Parliament, by introducing the CNIC requirement, has ensured that the current list will be far less flawed than in the past. It is now the responsibility of the ECP staff to ensure that each voter is matched to his/her identity card. The ECP should train all polling staff on how to carry out this responsibility.

B. Delimitation of Constituencies

Under Section 3 of the Delimitation of Constituencies Act, 1974, the ECP is charged with demarcating territorial constituencies for elections to the national and provincial assemblies. Delimitation must be on the basis of "the distribution of population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors" in order to "ensure homogeneity in the creation of constituencies". The ECP must also ensure, "as far as may be possible", that each constituency in a province is equal in terms of population.[42]

National and provincial legislative constituencies must be delimited after every national census.[43] However, the last census was in 1998, on the basis of which the 2002 and 2008 general elections were conducted. With a fresh census to be held every decade, the next was due in 2008 but has been repeatedly postponed, most recently in April 2012 due to a deeply flawed housing census run as a precursor to the population census scheduled for August-September 2011. In April 2011, the Population Census Organisation launched a national house-listing operation, a mandatory pre-census requirement, but it compiled data with significant anomalies. For instance, it showed an 84 per cent increase in households in Sindh between 1998 and 2011, but just 32 per cent in Punjab, the most populous province.[44] Briefing the National Assembly committee on economic affairs and statistics, the chief census commissioner admitted that the results in Sindh (particularly Karachi and Hyderabad), showed a 3-6 per cent higher population growth than trends in previous demographic studies, and Punjab was "under-covered".[45]

Since the Population Census Organisation believes that the census report cannot be published before mid-2013, ECP Secretary Ishtaq Ahmed Khan has said that the next general elections, due no later than March 2013, when the government completes its five-year term, would be held under the existing delimitation of constituencies. As a result, constituencies will fail to reflect demographic changes that have taken place since the 2002 and 2008 elections. The failure to demarcate constituencies is also problematic because Musharraf's gerrymandering, prior to national elections in 2002 and local government polls in 2005, will remain untouched.[46]

In Sindh province, for instance, that gerrymandering aimed primarily at empowering his predominantly Mohajir[47] Muttahida Qaumi Movement (MQM) allies at the cost of his predominantly Sindhi PPP opponents and fuelled ethnic

[41] According to the report, "one of eight active registrations is invalid or inaccurate. At the same time, one in four people who are eligible to vote – at least 51 million potential voters – are not registered". The report found some 1.8 million dead people listed as active voters. Another 2.8 million have active registrations in more than one state and twelve million registrations have "errors serious enough to make it unlikely that mailings based on them will reach voters". Adam Liptak, "Voters rolls are rife with inaccuracies, report finds", *The New York Times*, 14 February 2012. However, the U.S. does use a number of measures, varying between states, to allow voters whose names do not appear on lists to vote provisionally. Pakistan, like most transitional democracies, does not. Hence omissions can be more significant

[42] Section 9(1) and (2) of the Delimitation of Constituencies Act, 1974.

[43] Ibid, section 7(2).

[44] "Population census delayed for flaws in house listing", *Dawn*, 24 October 2011. While Hyderabad, Jacobabad, Jamshoro and Karachi districts in Sindh recorded increases of 129 per cent, 111 per cent, 102 per cent, and 114 per cent respectively, the country's second most populous city and Punjab's provincial capital, Lahore, showed an increase of only 0.94 per cent.

[45] Shahbaz Rana, "2011 Housing census results: Over-counting in Sindh, undercounting in Punjab", *The Express Tribune*, 11 January 2012.

[46] "Next election to be held under old delimitation of constituencies: ECP", *Daily Times*, 31 July 2012. For more on the gerrymandering of districts and other electoral malpractices by the Musharraf regime, see Crisis Group Report, *Reforming Pakistan's Electoral System*; and Briefing, *Pakistan's Local Polls*, both op. cit.

[47] Mohajirs are Urdu-speaking migrants or their descendants from India.

conflict. In the lead-up to local government elections in 2005, Sindh's second largest city, Hyderabad, was carved into four districts – Matiari, Tando Mohammad Khan, Tando Allahyar and Hyderabad – as part of what the PPP and Sindhi regional parties believed to be an attempt to divide the province's Sindhi and Mohajir populations along ethnic lines. The bifurcation of a predominantly Mohajir, pro-MQM urban centre, Hyderabad city, from its predominantly Sindhi, pro-PPP periphery sparked major clashes between the two communities and continues to bedevil ethnic relations.[48]

In Karachi, Sindh's capital, political, ethnic, religious, terrorist and criminal violence has claimed hundreds of lives. Competition for resources and links between criminal elements and mid- to low-level leaders of the PPP, MQM and the Pashtun-dominated Awami National Party (ANP) are largely responsible for this violence.[49] An estimated 5,100 people were killed in Karachi from 2008-2011;[50] another 1,150 were killed in the first seven months of 2012 alone.[51]

PPP sources in Sindh privately acknowledge the need for a fresh redrawing of constituencies in Karachi and elsewhere in Sindh but are concerned that this would mean the end of their alliance with the MQM, potentially sparking, as in the past, even more ethnic violence.[52] "The policy of reconciliation pursued by President Asif Ali Zardari necessitates that we tread carefully when it comes to sensitive issues such as constituency delimitation that could further inflame tensions in Karachi and other parts of Sindh", said a PPP provincial parliamentarian.[53]

In its judgment on a *suo motu*[54] case on Karachi's violence in October 2011, the Supreme Court recommended that the boundaries of administrative units such as police stations and revenue estates should be changed, to "break the cycle of ethnic strife and turf war" and to prevent various political/ethnic groups from turning parts of the city into "no-go" areas for their rivals. Demanding that a fresh delimitation of constituencies should also be undertaken with "the same object and purpose", the ECP was authorised to initiate the process.[55] Neither the ECP nor the PPP-led Sindh government has, however, taken meaningful steps towards implementation, blaming each other for procrastinating. The ECP also justifiably argues that conducting such a delimitation exercise in Karachi would require a new census.[56]

The steady influx of hundreds of thousands of jobseekers, particularly from Pashtun-majority provinces and regions but also from interior Sindh and Punjab, into Karachi underscores the importance of a new census in one of the world's most populous cities.[57] But with elections fast approaching, that will have to wait until the next government takes office. A fresh census should then be held without delay so the gerrymandering of Musharraf's regime can be removed. Because the delimitation of constituencies would take place on the basis of fresh census data, a credible and transparent process would also help depoliticise the exercise, depriving spoilers of an opportunity to fuel ethnic strife in ethnically divided cities such as Karachi and Hyderabad. The ECP should hold public hearings about the delimitation process, and its final report should be placed before the National Assembly and the four provincial assemblies for review and approval before being voted upon.

V. OVERSEEING ELECTIONS

A. ACCOUNTABILITY OF CANDIDATES AND POLITICAL PARTIES

For the 2008 elections, the ECP promulgated a detailed code of conduct for candidates, political parties, election officials and the administration, but it seldom responded to complaints and instances of violations. As a result, candidates routinely violated the code of conduct by buying votes, harassing voters and displaying weapons at

[48] Crisis Group Briefing, *Pakistan's Local Polls*, op. cit., p. 5; Report, *Reforming Pakistan's Electoral System*, op. cit., p. 18.
[49] The PPP, MQM and ANP are partners in Sindh's coalition government.
[50] Atif Raza, "176 fall victim in Karachi violence in May", *Daily Times*, 4 June 2012.
[51] Amir Zia, "Karachi: Harder times ahead", *The News*, 25 July 2012.
[52] During the democratic transition of the 1990s, the deterioration of law and order in Karachi, forcing governments to call in the military and paramilitary forces, was largely attributed to MQM violence. See Naeem Ahmad Goraya, "And now, General Janjua", *Newsline*, July 1992, p. 42; Mohammad Hanif, "MQM: The Hour of Reckoning", *Newsline*, June 1992, pp. 30-32.
[53] Crisis Group interview, Karachi, 19 June 2012.
[54] Article 184(3) gives the Supreme Court the power to take *suo moto* (on its own motion) action and to pass enforceable orders on "a question of public importance with reference to the enforcement of any of the Fundamental Rights" conferred by the constitution.
[55] Suo Motu Case no. 16 of 2011 and Constitutional Petition no. 61 of 2011, Supreme Court of Pakistan, www.supremecourt.gov.pk/web/user_files/File/SMC16of2011_detailed_judgment.pdf.
[56] "SC verdicts on Karachi totally ignored by Sindh government (Part one and Part two)", *The News*, 5 April 2012.
[57] Growing at around 5 per cent annually, Karachi's population is estimated by NGOs at around 20 million. "Karachi's population explosion far greater than experts' calculations", *Pakistan Today*, 6 December 2011.

public meetings.[58] The ECP was equally ineffective in enforcing bans on the abuse of office and state resources for political ends and on the transfer of civil servants after the announcement of the election schedule. Its capacity to enforce the electoral code of conduct, which includes punishments that could lead to disqualification of violators, remains limited. ECP officials believe that so long as it is not part of the electoral law, the code will lack sufficient legal force to deter violators.[59]

The ECP amended the code of conduct in June 2012, following the directives in the Supreme Court's disposition of a petition that month against the "wealth, power and influence" in prevailing electioneering practices.[60] The amended code directs National Assembly and Provincial Assembly candidates to open a bank account for electioneering purposes with a maximum limit of 1.5 million rupees (approximately $15,790) and 1 million rupees (approximately $10,526) respectively. Every candidate will have to maintain a daily record of election expenses and submit a weekly record to the concerned returning officer until the end of the election campaign.[61]

Other rules in the amended code prohibit car rallies over long distances except for pre-arranged meetings at designated places, notified to the public by the local administration; posters, hoardings, banner and leaflets beyond specified dimensions; hoisting of party flags on public properties or public places without the written permission of the concerned authorities; "wall-chalking" (graffiti) in any form; and the use of loudspeakers except at election meetings. Parties, candidates and election agents are barred from using any vehicle to transport voters to and from a polling station, except their immediate family members. They are also prohibited from establishing election camps within a 400-yard radius of a polling station on election day.[62]

Politicians across the political divide have criticised the low ceilings on election expenditures, given rampant inflation and a constantly growing population, as impractical. "How on earth can one run an effective election campaign in Karachi, for instance, where there are generally around 200,000 votes per constituency, on the shoestring budget that the ECP has set?", questioned a PPP provincial parliamentarian. "Inevitably, you are going to find candidates circumventing the system, such as by channelling expenditure through their supporters instead of through their ECP-mandated bank accounts".[63]

Commenting on the amended code of conduct, a major newspaper editorialised: "High campaign costs make it impossible for those without means to contest elections but the fact is that such a low limit will only lead candidates to find ways around it, which in turn will diminish the ECP's authority". Describing a number of other regulations as also "overly restrictive, such as the complete ban on wall chalkings and very limited use of loudspeakers", and calling the code overall "unrealistic", it added, "what this reflects is that the code will simply be disregarded".[64]

Politicians also criticise the ban on candidates, political parties and election agents transporting voters to and from polling stations as likely to reduce voter turnout.[65] The ECP does not have the capacity or the financial resources to provide transport to voters in every district on polling day. Since public transport is poor or even non-existent, particularly in rural areas, voters will be disenfranchised if the ECP provides no transport to voters and prevents candidates and their supporters from doing so. During the by-election in Multan in July 2012 for the seat vacated by former Prime Minister Gilani, the first after the announcement of the amended code, the ECP provided transport facilities to voters at only 29 of 245 polling stations, leading candidates to violate the ban.[66] Accusing elections official of bias, PPP's South Punjab vice president, where Multan is located, said that the amended code of conduct was "only geared to minimise the voter turnout" in the city, since a high turnout would have benefited the PPP candidate, Gilani's son, who won but by a very narrow margin.[67]

This measure certainly increases the potential for rigging, since it gives ECP bureaucrats, particularly at the district and sub-district levels, too much say in where transport is provided and which citizens are in effect deprived of their right to vote. A major newspaper commented:

[58] Crisis Group Report, *Reforming Pakistan's Electoral System*, op. cit., p. 21
[59] Crises Group interviews, serving and retired ECP officials, May-June 2012.
[60] In its judgment, the Supreme Court wrote: "We direct the Election Commission to frame rules and issue instructions to provide legal sanction to these measures, and to implement the same to achieve the ultimate objective of fair, free and just elections". Constitution Petition no. 87 of 2011 (*Workers Party Pakistan and others vs. Federation of Pakistan and others*), Supreme Court of Pakistan, www.supremecourt.gov.pk/web/page.asp?id=1083.
[61] "Election Rules", *The Express Tribune*, 28 June 2012.
[62] Constitution Petition no. 87 of 2011, op. cit.
[63] Crisis Group interview, Karachi, 19 June 2012.
[64] "Election regulations", *Dawn*, 29 June 2012.
[65] Crisis Group interview, PML-N provincial parliamentarian, Lahore, 8 June 2012.
[66] "Multan By-Election: ECP offer transport to voters", *The Express Tribune*, 18 July 2012; "ECP rules violated in NA-151 by-polls", *The News*, 19 July 2012; Shakeel Ahmed, "Qadir Gilani scrapes through in neck and neck fight", *Dawn*, 20 July 2012.
[67] "Acting CEC, Punjab accused of influencing NAT-151 poll", *Dawn*, 19 July 2012.

> Allegations of favouritism may crop up "if one candidate's supporters are given access to transport while those of another are denied the privilege …. [What is] actually needed is a clearer, more transparent electoral system that not only minimises the chances of fraud but also ensures that all voters have equal access to polling stations and that they are free to exercise their right to adult franchise.[68]

While the Supreme Court can argue it is directing the ECP to enforce the law, and the ECP can insist it is following that court's directives, both should acknowledge electoral processes are inherently political matters better left to elected representatives. The ECP had decided to consult with political parties and candidates, as well as polling officials, election observers, security personnel and media, to discuss the amended code in June. This was postponed to mid-July,[69] another deadline the ECP missed. Now that the ECP's composition is complete, that consultation must be held at the earliest possible time. The ECP should then incorporate amendments suggested by political parties, the electoral process' main stakeholders. Should it disregard those suggestions, parliament must assume its constitutional responsibility to legislate amendments to rationalise the code,[70] including by placing realistic ceilings on campaign expenditure, in line with inflation, and eliminating unnecessary restrictions on campaigning. In particular, political parties must insist that the bar on party transport of voters should be removed.

While the code of conduct gives the ECP punitive powers against those committing election-related offences, there are no provisions to discipline parliamentarians who submit false statements of assets and liabilities or do not submit a statement before the mandatory 30 September deadline every year.[71] In 2011, the ECP suspended the membership of 222 legislators, including several federal and provincial ministers, for failing to submit their statements in time but could take no further action other than barring them from attending legislative proceedings until they filed.[72] "Such suspensions are an eyewash, since they do not prevent ministers from running their ministries while remaining suspended from the legislature nor prevent suspended legislators from continuing to enjoy official privileges", said a former CEC.[73]

Although the ECP publishes the annual statements of assets and liabilities filed by lawmakers in the official gazette, copies of which can be purchased, it has yet to place them on its website, where they can be accessed free of cost, despite its stated intention to do so by October 2010.[74] To hold representatives accountable, parliament should give the ECP the powers to punish lawmakers who fail to submit their statements within the stipulated timeframe. In the interest of transparency, the ECP should also post these on its website, along with details of electoral expenses.

B. Protecting Women's Voting Rights

Instead of devoting time and energy to measuring the distance of political party meetings from polling booths and policing the placing of political posters and hoardings, the ECP should focus on issues more deserving of action, such as punishing political parties and candidates that collude to prevent women from voting. For instance, in a by-election in KPK's Shangla district in 2011, only around 100 of a registered 59,177 women managed to vote. Women were prevented from voting at 69 combined polling stations and fourteen exclusively female stations as part of an agreement among the contesting parties, including such moderate parties as the ANP and PPP.[75]

ECP officials attempted but failed to convince parties and local elders to allow the women to vote. Despite this blatant violation of electoral norms, as well as Pakistan's obligations as a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the ECP declined to cancel the election. It has the power to do so in any constituency if the fundamental principle of fair voting is violated. However, according to a leading human rights practitioner, "the ECP cancels polling only when violence disrupts peaceful voting or in the event of booth-capturing but never when women are not allowed to cast their votes".[76]

The ECP must use its punitive powers under the Representation of the People Act, 1976, to prevent the exclusion of women voters. Under Section 78, a person is guilty of corrupt practice and therefore liable to be imprisoned for three years or required to pay a fine of five thousand rupees (around $52), or both, if he uses undue influence to manipulate voter behaviour. Examples of undue influence,

[68] "Transporting voters", *Dawn*, 19 July 2012.
[69] "ECP postpones consultative meeting of political parties", *Daily Times*, 19 June 2012.
[70] Under article 222(d) of the constitution, parliament can make laws with respect to "the conduct of elections" and under article 22(e) on "matters relating to corrupt practices and other offences in connection with elections".
[71] Section 42A of the Representation of the People Act, 1974, and Section 25A of the Senate (Election) Act, 1975.
[72] Irfan Ghauri, "Suspension: 222 lawmakers penalised for withholding asset records", *The Express Tribune*, 22 October 2011.
[73] Crisis Group interview, Sardar Fakhar-e-Alam, Haripur, 29 June 2012.
[74] "Five-Year Strategic Plan, 2010-2014", op. cit.
[75] Zia-ur-Rehman, "The right not to vote", *The News*, 21 February 2011.
[76] I. A. Rehman, "Not by code alone", *Dawn*, 5 July 2012.

laid out in Section 81, include when a person, in order "to induce or compel another to vote or refrain from voting … a) makes or threatens the use of any force, violence or restraint; or b) inflicts or threatens to inflict any injury, damage, harm or loss". Undue influence also comes into play when a person, "by abduction, duress or any fraudulent device or contrivance", either "a) impedes or prevents the free exercise of the franchise by an elector; or b) compels, induces or prevails upon any elector to vote or refrain from voting".[77]

In May 2012, as part of an electoral reform package to be submitted to parliament by the law ministry, the ECP recommended that it be empowered to deal more effectively with disenfranchisement of women voters, including the right to nullify elections where local parties have agreed to exclude women or where less than 10 per cent of eligible women have voted. Moreover, it proposed that presiding officers should be required to provide separate data on the turnout of male and female voters.[78] The subcommittee on electoral reforms submitted the draft to the National Assembly standing committee on law, justice and parliamentary affairs, which approved it and sent it back to the ECP for comments. Once those are received, the draft bill will be introduced in parliament, which should approve it.[79] While parties should understand that it is in their interest to ensure that women obtain CNICs[80] and are registered as voters, the ECP should monitor turnout and results at both exclusively female and combined polling stations and hold its staff accountable if it colludes with parties in excluding women from the process.

C. Resolving Electoral Disputes

Election tribunals are headed by a serving or retired judge of the relevant provincial High Court or a district and sessions judge who, at the time of retirement, was qualified to be a High Court judge. These tribunals adjudicate electoral disputes. While the CEC previously had sole authority to appoint election tribunals, the eighteenth amendment has transferred this to the ECP as a whole.[81] Each tribunal possesses the powers of a civil court trying a case under the Code of Civil Procedure, 1908. It must decide a petition within four months. An appeal against a tribunal's decision can be made to the Supreme Court within 30 days.[82]

Despite the legal requirement to dispose of petitions within four months, there are excessive delays. Petitions from one election frequently remain undecided till the next election. Out of 221 petitions from the 2002 elections, 39 were still pending when the 2008 elections took place.[83] Of the 107 petitions filed after the 2008 National Assembly and Senate elections as well as by-elections, 29 were undecided in November 2011.[84] Causes for protracted delays include complicated bureaucratic procedures in receiving, approving and forwarding petitions to the election tribunals; the competing workloads of serving High Court judges; and widespread collusion and corruption on the part of both judges and lawyers that result in frequent adjournments.[85]

The original draft of the Election Laws (Amendment) Bill, 2011, had authorised election tribunals to appoint local commissions to record evidence within ten days of the filing of a petition, which would then be forwarded to the relevant election tribunal for speedy disposal. However, the final amendment made no mention of the commissions, which could play an important role in eliminating bureaucratic roadblocks by reducing the scores of administrative personnel tasked with processing electoral petitions.

It is encouraging that the parliamentary sub-committee on electoral reforms is currently reviewing a draft bill that envisages the establishment of such commissions in districts countrywide to decentralise and streamline the timely resolution of election-related complaints. "This bill is a sincere effort on the part of parliament to improve the credibility of the electoral process by empowering tribunals to resolve petitions within the stipulated timeframe", said a senior member of the electoral reforms sub-committee.[86] According to the draft bill, the commissions, composed of district election officers, permanent officials of the ECP, the heads of the district bureaucracy and police, contesting candidates, nominees of all political parties and media and civil society representatives, would vet electoral complaints. Complaints would no longer be routed through the ECP but would be sent directly from the commissions to the relevant election tribunals.[87]

[77] Section 81(4) of the Representation of the People Act, 1976.
[78] Sumera Khan, "Electoral reforms package: 'If less than 10% vote, nullify poll result'", *The Express Tribune*, 22 May 2012.
[79] "50 amendments on poll law proposed", *Dawn*, 29 May 2012.
[80] NADRA has registered over 80 per cent of women countrywide, with some centres reserved only for women; see www.nadra.gov.pk.
[81] Section 57 of the Representation of the People Act, 1976; article 219(c) of the constitution, as amended by the eighteenth amendment.
[82] Section 67(1A) and (3) of the Representation of the People Act, 1976.
[83] Crisis Group Report, *Reforming Pakistan's Electoral System*, op. cit., p. 22.
[84] "Election tribunals yet to give verdict on 29 petitions against MNAs, senators", *Pakistan Today*, 11 November 2011.
[85] Crisis Group Report, *Reforming Pakistan's Electoral System*, op. cit., p. 22.
[86] Crisis Group interview, Karachi, 18 June 2012.
[87] "Pre-elections: Panel to review crucial electoral law reforms", *The Express Tribune*, 28 May 2012.

The ECP should abide by its 2011 decision to appoint retired High Court or district and sessions judges to head election tribunals and so end the practice of appointing serving judges with competing workloads.[88] It should ensure that the tribunals attach equal importance to every petition and resolve them within the mandated period. Additional reforms are needed to delineate roles and responsibilities in the complaints process, particularly with regards to investigations. The complaint tracking system also needs to be improved and made more transparent. A full record of complaints filed, responses made, decisions taken and outcomes reached should be made and placed on the ECP website. A central complaint tracking system exists only at the federal level and should be extended to the provinces and districts.

VI. THE ROLE OF THE INTERNATIONAL COMMUNITY

Over the last decade, donors and international agencies have provided significant financial and technical assistance for electoral reform, but the results have been disappointing. That donor assistance failed to reform the electoral system was unsurprising during the Musharraf regime, since the vast majority of influential international actors accepted the military's rigged elections and refused to acknowledge that a functioning democracy was an essential prerequisite for meaningful electoral reform. Since the international community, despite the millions of dollars in aid it gave, was unable or unwilling to push for substantial changes to a corrupt and inefficient electoral management body for fear that the military would push back, the ECP's capacity to conduct free, fair and credible elections remained questionable at best.[89]

Donor support, leading up to the 2008 elections, came through two basket funds: the first, managed by the UN Development Programme (UNDP), which supported the ECP and voter education; the second, administered by the Asia Foundation, which oversaw a network of local NGOs promoting voter mobilisation and election monitoring. The U.S. provided separate support to the International Foundation for Electoral Systems (IFES) and to political parties through the National Democratic Institute (NDI), the International Republican Institute (IRI) and Democracy International (DI).[90]

The UNDP-managed Electoral Cycle Support to the ECP (2012-2014) is the primary source of international electoral reform aid. It has a $25.56 million budget,[91] with $8.52 million in donor money received thus far.[92] The main focus is on technical help for needs identified by the ECP. It is divided into two phases, the first covering the pre-electoral and the second the post-election period. Activities for the pre-electoral period include creation of an "enabling environment through proper legal framework, rules, procedures and overarching policies for electoral events", followed by "planning and training periods along with election management".[93] This preparatory period would set the stage for polling and results verification. The post-electoral period would be devoted to strengthening institutional mechanisms, such as auditing and updating the electoral rolls. The expected end results include increased ECP capacity to deliver its strategic plan; strengthening of electoral laws and procedures for enhanced administrative effectiveness; and improved engagement of citizens, particularly women and youth.[94]

International financial assistance and technical support can be instrumental in achieving many of the objectives of the ECP's strategic plan, including improvements in the computerisation of electoral rolls, the creation of a secure database for maintaining voter information and linkages both between polling stations and between polling stations and the computerised voter list. Donors should help the ECP develop a comprehensive IT infrastructure that links the central ECP secretariat with its provincial and field offices. To help the ECP reverse the military's gerrymandering of electoral districts and to prevent manipulation after the next census, donors could also provide geographical information systems to digitally map electoral areas and to ensure that constituency delimitation takes place along credible, scientific lines.

UNDP's electoral support program targets a number of areas in need of urgent reform. Proposed activities include training the ECP's 1,800 permanent employees and estimated 500,000 temporary personnel, recruited for election-related duties, in electoral management; and strengthening the capacity of the Federal Election Academy, the ECP's sole training institution, by training instructors in

[88] Irfan Ghauri, "14 parties registered but Musharraf has to wait", *The Express Tribune*, 16 June 2011.
[89] Crisis Group Report, *Reforming Pakistan's Electoral System*, op. cit., p. 24.
[90] "Pakistan Election Support Program", U.S. Agency for International Development, http://transition.usaid.gov/pk/sectors/democracy/pesp.html.
[91] "Electoral Cycle Support to the Election Commission of Pakistan", UNDP-Pakistan, 2012, http://undp.org.pk/electoral-cycle-support-to-the-elections-commission-of-pakistan-2012-2014.html.
[92] "Electoral Cycle Support to the Election Commission of Pakistan, 2012-2014", UNDP-Pakistan, monthly bulletin no. 1, May 2012, p. 2.
[93] Electoral Cycle Support to the Election Commission of Pakistan, 2012-2014", UNDP-Pakistan, 11 January 2012, p. 12.
[94] Ibid, p. 2.

best electoral practices and modernising the curriculum.[95] Donor aid should also be directed at helping the ECP create more effective and responsive electoral dispute resolution mechanisms, including a computerised system for tracking complaints at central, provincial and district levels.

Financial and technical support for the ECP's strategic plan will, however, go to waste if donors fail to institute effective accountability mechanisms. Moreover, while the technical aspects of the reform effort are important, the international community's earlier neglect of the wider political implications of elections in favour of a much narrower technical approach should not be repeated. The democratic transition provides an enabling environment in which even technical assistance can play a meaningful role in reforming the ECP. But the international community should seek the input of all stakeholders, especially parliamentarians and parties, in determining as well as exercising oversight over the reform agenda, instead of confining such efforts to the ECP bureaucracy.

For instance, membership of the Strategic Plan Management Committee (SPMC) and the Review, Assistance and Facilitation Team (RAFT) – intended to monitor the implementation of the ECP's five-year strategic plan and to plan further reform measures – is currently confined only to ECP officials and donor representatives. It should be extended to include nominees of political parties, professional associations, reputable civil society organisations and the media. To increase parliamentary scrutiny of the overall reform process, national and provincial public accounts committees should hold regular hearings in which ECP, SPMC and RAFT members should participate.

Previous donor-funded programs, such as the Support for Democratic and Electoral Processes in Pakistan (SDEPP) project (2000-2009) and the Support for National Elections in Pakistan (SNEP) project (2006-2008), focused on the ECP and other non-governmental actors and excluded political parties on the grounds that they were corrupt and internally undemocratic.[96] UNDP's current program, however, aims to "assist the ECP in developing and implementing a systematic programme of regular meetings with stakeholders in the media, political parties, and civil society", thus "strengthening participation of political parties and candidates, building trust in electoral processes and improving public awareness", a key goal of the ECP's strategic plan.[97] Such measures should be vigorously pursued. Without broader engagement, particularly with political parties and parliament, donor-assisted electoral reform efforts are unlikely to be sustainable.

Finally, external electoral observation can play a crucial role in gauging the ECP's performance in the next general election. In 2002, the European Union's (EU) election observation mission produced a report that proved particularly useful in identifying the manner in which Musharraf's military regime manipulated the electoral process. The EU 2008 observation mission helped identify the ECP's internal weaknesses and suggest remedial measures.[98] The presence of international observers in the next general election would serve two purposes: first to send a strong signal of support for a democratic transfer of power and secondly to help identify the flaws in the electoral system and suggest remedial measures. The ECP has made a commitment under the strategic plan to enhance access to election observers. The international community should hold it to this commitment.

VII. CONCLUSION

With the next election just months away, the PPP-led government and its parliamentary opposition should immediately implement the reforms needed to ensure a peaceful and widely accepted political transition. Transfer of power through the ballot box would consolidate the gains made by the return to civilian rule in 2008. The appointment through unanimous parliamentary consensus of a chief election commissioner, a first in Pakistan's electoral history, is encouraging, but more needs to be done to enhance the ECP's capacity to hold free, fair and credible elections. The new CEC, Justice Fakhruddin G. Ebrahim, rightly noted that "free and fair elections will change the fate of the county", and added "I want to hold such elections to which no one can raise objection".[99] The government, political opposition and international community alike need to help him in that.

Pakistan's history over the last two decades has been marked by elections selectively rigged by the military with the ECP's connivance. The next election could be similarly manipulated, or perhaps not held at all, particularly if the PPP and the PML-N fail to agree on a caretaker government. That could give the military, as in the past, the opportunity, potentially with the support of the superior judiciary, to disrupt the democratic process by postponing the polls and rule indirectly through a handpicked caretaker

[95] Ibid, p. 6.
[96] Crisis Group Report, *Reforming Pakistan's Electoral System*, op. cit., p. 25.
[97] "Electoral Cycle Support", 11 January 2012, op. cit., p. 13.
[98] "Final Report of the European Union's Observation Mission to Pakistan: National and Provincial Assembly Elections", 10 October 2002; ibid, 18 February 2008.
[99] "Free, fair, transparent elections will be ensured at all costs: CEC", *Daily Times*, 27 July 2012; "'Litmus test': CEC wants to set precedent by holding free, fair elections", *The Express Tribune*, 27 July 2012.

regime. Elections could then be postponed further and/or selectively rigged.

Flawed elections in the 1990s followed the dismissal of successive PPP and PML-N elected governments before they completed their terms of office. Mindful of these dangers, the PPP-led government and the PML-N should urgently reach a consensus on a neutral caretaker government in the centre and non-partisan interim governments in the provinces. The international community should lend its support to democracy by making it clear to the military that it would not favour a postponement or any other steps to derail the election process. All stakeholders, particularly the political parties, the ultimate stakeholders in the electoral process, must work together to ensure that the democratic process continues and is sustainable. The transfer of power from one elected government to another, for the first time in Pakistan's history, through free, fair, transparent and democratic elections is the only way to stabilise this fragile polity.

Islamabad/Brussels, 16 August 2012

APPENDIX A

MAP OF PAKISTAN

Map No. 4181 Rev. 1 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section

APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by former U.S. Undersecretary of State and Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters is in Brussels, and the organisation has offices or representation in 34 locations: Abuja, Bangkok, Beijing, Beirut, Bishkek, Bogotá, Bujumbura, Cairo, Dakar, Damascus, Dubai, Gaza, Guatemala City, Islamabad, Istanbul, Jakarta, Jerusalem, Johannesburg, Kabul, Kathmandu, London, Moscow, Nairobi, New York, Port-au-Prince, Pristina, Rabat, Sanaa, Sarajevo, Seoul, Tbilisi, Tripoli, Tunis and Washington DC. Crisis Group currently covers some 70 areas of actual or potential conflict across four continents. In Africa, this includes, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Sierra Leone, Somalia, South Sudan, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Malaysia, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, North Caucasus, Serbia and Turkey; in the Middle East and North Africa, Algeria, Bahrain, Egypt, Iran, Iraq, Israel-Palestine, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia, Western Sahara and Yemen; and in Latin America and the Caribbean, Colombia, Guatemala, Haiti and Venezuela.

Crisis Group receives financial support from a wide range of governments, institutional foundations, and private sources. The following governmental departments and agencies have provided funding in recent years: Australian Agency for International Development, Australian Department of Foreign Affairs and Trade, Austrian Development Agency, Belgian Ministry of Foreign Affairs, Canadian International Development Agency, Canadian International Development and Research Centre, Foreign Affairs and International Trade Canada, Royal Danish Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, European Commission, Finnish Ministry of Foreign Affairs, German Federal Foreign Office, Irish Aid, Principality of Liechtenstein, Luxembourg Ministry of Foreign Affairs, New Zealand Agency for International Development, Royal Norwegian Ministry of Foreign Affairs, Swedish International Development Agency, Swedish Ministry for Foreign Affairs, Swiss Federal Department of Foreign Affairs, Turkish Ministry of Foreign Affairs, United Kingdom Department for International Development, U.S. Agency for International Development.

The following institutional and private foundations have provided funding in recent years: Adessium Foundation, Carnegie Corporation of New York, The Charitable Foundation, The Elders Foundation, Henry Luce Foundation, William & Flora Hewlett Foundation, Humanity United, Hunt Alternatives Fund, John D. & Catherine T. MacArthur Foundation, Open Society Institute, Ploughshares Fund, Rockefeller Brothers Fund and VIVA Trust.

August 2012

APPENDIX C

CRISIS GROUP REPORTS AND BRIEFINGS ON ASIA SINCE 2009

Central Asia

Tajikistan: On the Road to Failure, Asia Report N°162, 12 February 2009.

Women and Radicalisation in Kyrgyzstan, Asia Report N°176, 3 September 2009.

Central Asia: Islamists in Prison, Asia Briefing N°97, 15 December 2009.

Central Asia: Migrants and the Economic Crisis, Asia Report N°183, 5 January 2010.

Kyrgyzstan: A Hollow Regime Collapses, Asia Briefing N°102, 27 April 2010.

The Pogroms in Kyrgyzstan, Asia Report N°193, 23 August 2010.

Central Asia: Decay and Decline, Asia Report N°201, 3 February 2011.

Tajikistan: The Changing Insurgent Threats, Asia Report N°205, 24 May 2011.

Kyrgyzstan: Widening Ethnic Divisions in the South, Asia Report N°222, 29 March 2012.

North East Asia

North Korea's Missile Launch: The Risks of Overreaction, Asia Briefing N°91, 31 March 2009.

China's Growing Role in UN Peacekeeping, Asia Report N°166, 17 April 2009 (also available in Chinese).

North Korea's Chemical and Biological Weapons Programs, Asia Report N°167, 18 June 2009.

North Korea's Nuclear and Missile Programs, Asia Report N°168, 18 June 2009.

North Korea: Getting Back to Talks, Asia Report N°169, 18 June 2009.

China's Myanmar Dilemma, Asia Report N°177, 14 September 2009 (also available in Chinese).

Shades of Red: China's Debate over North Korea, Asia Report N°179, 2 November 2009 (also available in Chinese).

The Iran Nuclear Issue: The View from Beijing, Asia Briefing N°100, 17 February 2010 (also available in Chinese).

North Korea under Tightening Sanctions, Asia Briefing N°101, 15 March 2010.

China's Myanmar Strategy: Elections, Ethnic Politics and Economics, Asia Briefing N°112, 21 September 2010 (also available in Chinese).

North Korea: The Risks of War in the Yellow Sea, Asia Report N°198, 23 December 2010.

China and Inter-Korean Clashes in the Yellow Sea, Asia Report N°200, 27 January 2011 (also available in Chinese).

Strangers at Home: North Koreans in the South, Asia Report N°208, 14 July 2011 (also available in Korean).

South Korea: The Shifting Sands of Security Policy, Asia Briefing N°130, 1 December 2011.

Stirring up the South China Sea (I), Asia Report N°223, 23 April 2012 (also available in Chinese).

Stirring up the South China Sea (II): Regional Responses, Asia Report N°229, 24 July 2012.

North Korean Succession and the Risks of Instability, Asia Report N°230, 25 July 2012.

South Asia

Nepal's Faltering Peace Process, Asia Report N°163, 19 February 2009 (also available in Nepali).

Afghanistan: New U.S. Administration, New Directions, Asia Briefing N°89, 13 March 2009.

Pakistan: The Militant Jihadi Challenge, Asia Report N°164, 13 March 2009.

Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province, Asia Report N°165, 16 April 2009.

Pakistan's IDP Crisis: Challenges and Opportunities, Asia Briefing N°93, 3 June 2009.

Afghanistan's Election Challenges, Asia Report N°171, 24 June 2009.

Sri Lanka's Judiciary: Politicised Courts, Compromised Rights, Asia Report N°172, 30 June 2009.

Nepal's Future: In Whose Hands?, Asia Report N°173, 13 August 2009 (also available in Nepali).

Afghanistan: What Now for Refugees?, Asia Report N°175, 31 August 2009.

Pakistan: Countering Militancy in FATA, Asia Report N°178, 21 October 2009.

Afghanistan: Elections and the Crisis of Governance, Asia Briefing N°96, 25 November 2009.

Bangladesh: Getting Police Reform on Track, Asia Report N°182, 11 December 2009.

Sri Lanka: A Bitter Peace, Asia Briefing N°99, 11 January 2010.

Nepal: Peace and Justice, Asia Report N°184, 14 January 2010.

Reforming Pakistan's Civil Service, Asia Report N°185, 16 February 2010.

The Sri Lankan Tamil Diaspora after the LTTE, Asia Report N°186, 23 February 2010.

The Threat from Jamaat-ul Mujahideen Bangladesh, Asia Report N°187, 1 March 2010.

A Force in Fragments: Reconstituting the Afghan National Army, Asia Report N°190, 12 May 2010.

War Crimes in Sri Lanka, Asia Report N°191, 17 May 2010.

Steps Towards Peace: Putting Kashmiris First, Asia Briefing N°106, 3 June 2010.

Pakistan: The Worsening IDP Crisis, Asia Briefing N°111, 16 September 2010.

Nepal's Political Rites of Passage, Asia Report N°194, 29 September 2010 (also available in Nepali).

Reforming Afghanistan's Broken Judiciary, Asia Report N°195, 17 November 2010.

Afghanistan: Exit vs Engagement, Asia Briefing N°115, 28 November 2010.

Reforming Pakistan's Criminal Justice System, Asia Report N°196, 6 December 2010.

Nepal: Identity Politics and Federalism, Asia Report N°199, 13 January 2011 (also available in Nepali).

Afghanistan's Elections Stalemate, Asia Briefing N°117, 23 February 2011.

Reforming Pakistan's Electoral System, Asia Report N°203, 30 March 2011.

Nepal's Fitful Peace Process, Asia Briefing N°120, 7 April 2011 (also available in Nepali).

India and Sri Lanka after the LTTE, Asia Report N°206, 23 June 2011.

The Insurgency in Afghanistan's Heartland, Asia Report N°207, 27 June 2011.

Reconciliation in Sri Lanka: Harder Than Ever, Asia Report N°209, 18 July 2011.

Aid and Conflict in Afghanistan, Asia Report N°210, 4 August 2011.

Nepal: From Two Armies to One, Asia Report N°211, 18 August 2011 (also available in Nepali).

Reforming Pakistan's Prison System, Asia Report N°212, 12 October 2011.

Islamic Parties in Pakistan, Asia Report N°216, 12 December 2011.

Nepal's Peace Process: The Endgame Nears, Asia Briefing N°131, 13 December 2011 (also available in Nepali).

Sri Lanka: Women's Insecurity in the North and East, Asia Report N°217, 20 December 2011.

Sri Lanka's North I: The Denial of Minority Rights, Asia Report N°219, 16 March 2012.

Sri Lanka's North II: Rebuilding under the Military, Asia Report N°220, 16 March 2012.

Talking About Talks: Toward a Political Settlement in Afghanistan, Asia Report N°221, 26 March 2012.

Pakistan's Relations with India: Beyond Kashmir?, Asia Report N°224, 3 May 2012.

Bangladesh: Back to the Future, Asia Report N°226, 13 June 2012.

Aid and Conflict in Pakistan, Asia Report N°227, 27 June 2012.

South East Asia

Local Election Disputes in Indonesia: The Case of North Maluku, Asia Briefing N°86, 22 January 2009.

Timor-Leste: No Time for Complacency, Asia Briefing N°87, 9 February 2009.

The Philippines: Running in Place in Mindanao, Asia Briefing N°88, 16 February 2009.

Indonesia: Deep Distrust in Aceh as Elections Approach, Asia Briefing N°90, 23 March 2009.

Indonesia: Radicalisation of the "Palembang Group", Asia Briefing N°92, 20 May 2009.

Recruiting Militants in Southern Thailand, Asia Report N°170, 22 June 2009 (also available in Thai).

Indonesia: The Hotel Bombings, Asia Briefing N°94, 24 July 2009 (also available in Indonesian).

Myanmar: Towards the Elections, Asia Report N°174, 20 August 2009.

Indonesia: Noordin Top's Support Base, Asia Briefing N°95, 27 August 2009.

Handing Back Responsibility to Timor-Leste's Police, Asia Report N°180, 3 December 2009.

Southern Thailand: Moving towards Political Solutions?, Asia Report N°181, 8 December 2009 (also available in Thai).

The Philippines: After the Maguindanao Massacre, Asia Briefing N°98, 21 December 2009.

Radicalisation and Dialogue in Papua, Asia Report N°188, 11 March 2010 (also available in Indonesian).

Indonesia: Jihadi Surprise in Aceh, Asia Report N°189, 20 April 2010.

Philippines: Pre-election Tensions in Central Mindanao, Asia Briefing N°103, 4 May 2010.

Timor-Leste: Oecusse and the Indonesian Border, Asia Briefing N°104, 20 May 2010.

The Myanmar Elections, Asia Briefing N°105, 27 May 2010 (also available in Chinese).

Bridging Thailand's Deep Divide, Asia Report N°192, 5 July 2010 (also available in Thai).

Indonesia: The Dark Side of Jama'ah Ansharut Tauhid (JAT), Asia Briefing N°107, 6 July 2010.

Indonesia: The Deepening Impasse in Papua, Asia Briefing N°108, 3 August 2010.

Illicit Arms in Indonesia, Asia Briefing N°109, 6 September 2010.

Managing Land Conflict in Timor-Leste, Asia Briefing N°110, 9 September 2010.

Stalemate in Southern Thailand, Asia Briefing N°113, 3 November 2010 (also available in Thai).

Indonesia: "Christianisation" and Intolerance, Asia Briefing N°114, 24 November 2010.

Indonesia: Preventing Violence in Local Elections, Asia Report N°197, 8 December 2010 (also available in Indonesian).

Timor-Leste: Time for the UN to Step Back, Asia Briefing N°116, 15 December 2010.

The Communist Insurgency in the Philippines: Tactics and Talks, Asia Report N°202, 14 February 2011.

Myanmar's Post-Election Landscape, Asia Briefing N°118, 7 March 2011 (also available in Chinese and Burmese).

The Philippines: Back to the Table, Warily, in Mindanao, Asia Briefing N°119, 24 March 2011.

Thailand: The Calm Before Another Storm?, Asia Briefing N°121, 11 April 2011 (also available in Chinese and Thai).

Timor-Leste: Reconciliation and Return from Indonesia, Asia Briefing N°122, 18 April 2011 (also available in Indonesian).

Indonesian Jihadism: Small Groups, Big Plans, Asia Report N°204, 19 April 2011 (also available in Chinese).

Indonesia: Gam vs Gam in the Aceh Elections, Asia Briefing N°123, 15 June 2011.

Indonesia: Debate over a New Intelligence Bill, Asia Briefing N°124, 12 July 2011.

The Philippines: A New Strategy for Peace in Mindanao?, Asia Briefing N°125, 3 August 2011.

Indonesia: Hope and Hard Reality in Papua, Asia Briefing N°126, 22 August 2011.

Myanmar: Major Reform Underway, Asia Briefing N°127, 22 September 2011 (also available in Burmese and Chinese).

Indonesia: Trouble Again in Ambon, Asia Briefing N°128, 4 October 2011.

Timor-Leste's Veterans: An Unfinished Struggle?, Asia Briefing N°129, 18 November 2011.

The Philippines: Indigenous Rights and the MILF Peace Process, Asia Report N°213, 22 November 2011.

Myanmar: A New Peace Initiative, Asia Report N°214, 30 November 2011 (also available in Burmese and Chinese).

Waging Peace: ASEAN and the Thai-Cambodian Border Conflict, Asia Report N°215, 6 December 2011 (also available in Chinese).

Indonesia: From Vigilantism to Terrorism in Cirebon, Asia Briefing N°132, 26 January 2012.

Indonesia: Cautious Calm in Ambon, Asia Briefing N°133, 13 February 2012.

Indonesia: The Deadly Cost of Poor Policing, Asia Report N°218, 16 February 2012.

Timor-Leste's Elections: Leaving Behind a Violent Past?, Asia Briefing N°134, 21 February 2012.

Indonesia: Averting Election Violence in Aceh, Asia Briefing N°135, 29 February 2012.

Reform in Myanmar: One Year On, Asia Briefing N°136, 11 April 2012 (also available in Burmese).

The Philippines: Local Politics in the Sulu Archipelago and the Peace Process, Asia Report N°225, 15 May 2012.

How Indonesian Extremists Regroup, Asia Report N°228, 16 July 2012.

Myanmar: The Politics of Economic Reform, Asia Report N°231, 27 July 2012.

Indonesia: Dynamics of Violence in Papua, Asia Report N°232, 9 August 2012.

International Crisis Group
WORKING TO PREVENT CONFLICT WORLDWIDE

International Headquarters
149 Avenue Louise, 1050 Brussels, Belgium · Tel: +32 2 502 90 38 · Fax: +32 2 502 50 38
Email: brussels@crisisgroup.org

New York Office
420 Lexington Avenue, Suite 2640, New York 10170 · Tel: +1 212 813 0820 · Fax: +1 212 813 0825
Email: newyork@crisisgroup.org

Washington Office
1629 K Street, Suite 450, Washington DC 20006 · Tel: +1 202 785 1601 · Fax: +1 202 785 1630
Email: washington@crisisgroup.org

London Office
48 Gray's Inn Road, London WC1X 8LT · Tel: +44 20 7831 1436 · Fax: +44 20 7242 8135
Email: london@crisisgroup.org

Moscow Office
Kutuzovskiy prospect 36, Building 41, Moscow 121170 Russia · Tel: +7-926-232-6252
Email: moscow@crisisgroup.org

Regional Offices and Field Representation
Crisis Group also operates out of over 25 different locations in Africa, Asia, Europe, the Middle East and Latin America.

See www.crisisgroup.org for details.

www.crisisgroup.org