

Summary of Conclusions and Suggestions

The following conclusions and suggestions emerge from the body of this Report:

Conclusions

- that this general election was credible and that the conditions existed for a free expression of will by the people of Pakistan;
- that the Caretaker Government should be commended for the decision to extend the universal franchise to those in the Federally Administered Tribal Areas;
- that the Election Commission should be congratulated for its preparations for the elections and for the strengthening of the Code of Conduct;
- that while there were shortcomings these were not such as to affect the integrity of the process as a whole or the validity of the outcome;
- that there was no evidence of systematic or widespread abuse of the electoral process;
- that the procedures were generally understood and respected;
- that in most parts of Pakistan the parties were able to campaign freely, that they generally conducted themselves responsibly and that their agents made an important contribution to the electoral process;
- that the introduction of arrangements for parties to buy airtime on state broadcasting for the first time was an important step forward;
- that security arrangements for the poll and count were good;
- that domestic observers played an important role which we hope will be built on for the future.

Suggestions

- consideration might be given to setting specific limits under the law to the scope of activities of a caretaker government;
- Parliament might review Ordinances and decisions taken under the Caretaker Government, including the establishment of the Council for Defence and National Security and may also consider, as appropriate, the Ordinances amending The Representation of the People Act;
- to protect the independence of the judiciary it may be worth considering a more flexible system in which arrangements for appointing judges to the superior courts will involve not only the Prime Minister and the Chief Justice but also the Leader of the Opposition;
- the powers of the President under Article 58(2)(b) should be significantly curtailed and the opposition should focus its attention on Parliament rather than on the dismissal powers of the President: it may be worth considering limiting the power of dissolution to matters where there is a deadlock in the Parliament and where the Prime Minister refuses to recommend an election;
- the power to legislate by Ordinance should be limited to those circumstances which require the proper implementation of legislation already passed through the Parliament;
- the new Parliament may wish to consider the establishment of a Parliamentary Ethics Committee to provide an additional safeguard for the integrity of Parliament;
- the new Parliament may also be well advised to preserve the powers of the Accountability Commission and the more stringent provisions which are the responsibility of the Election Commission;
- special seats for women (directly elected) should be restored and women should continue to have the right to vote in their own constituencies;
- the Government of Pakistan may wish to consider the urgent need to hold a census at the earliest opportunity, to enable constituency demarcation to be brought fully up to date;

- some mechanism, such as an independent commission, should be considered which would guide state-owned TV and radio: such a mechanism would be independent of government direction and control;
- the Election Commission may wish to consider:
 - preparing one register for each constituency, to include the names of all those registered in that constituency, for use before the general election and at each polling station on election day itself;
 - whether there was any foundation to allegations that names were missing from certain of the polling station registers;
 - whether there is a method of producing more robust and durable registers for use at polling stations;
 - whether there is a means of ensuring that ID cards and registers carry the same names.

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