

[Interim Report Series: Vertical Accountability in Asia]

Vertical Accountability in Pakistan

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1. Background

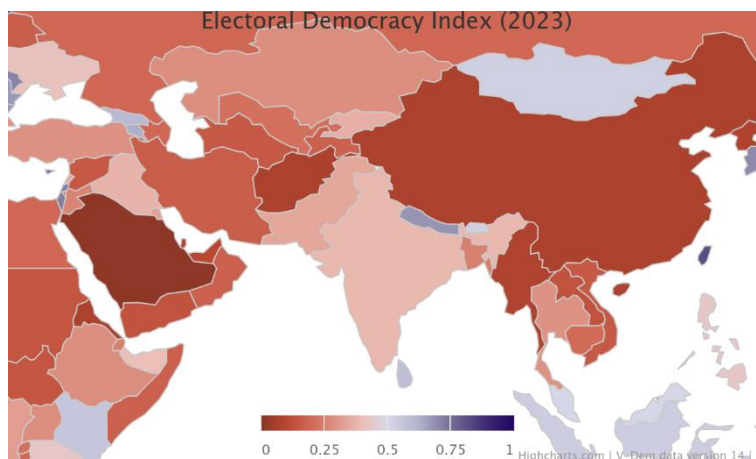
When reviewing academic literature on the subject, it becomes apparent that researchers have worked diligently to refine the definition of accountability in the political and governmental spheres. For the purposes of this paper, we define accountability as “the de facto constraints on the government’s use of political power through requirements for justification of its actions and potential sanctions by both citizens and oversight institutions” (Lührmann, Marquardt, and Mechkova 2020). Further, we define vertical accountability as “the ability of a state’s population to hold its government accountable through elections and political parties” (Plattner, Diamond, and Schedler 1999). Meanwhile, horizontal accountability refers to state institutions keeping each other in check, while diagonal accountability involves non-state actors such as civil society organizations and the media.

While the research on vertical accountability specific to Pakistan is limited, academics and journalists have written extensively on the state of democracy and elections in Pakistan. Historical evidence, the aforementioned research on democratic institutions and election indices can be used to assess Pakistan’s level of vertical accountability. During 76 years since its independence, Pakistan has seen more than three decades of military dictatorships. Even during democratic periods, while there has not been overt military rule, it is widely understood that the seat of power has been Rawalpindi, where the military is headquartered, rather than Islamabad, the nation’s capital.

The Varieties of Democracy (V-Dem) Institute at the University of Gothenburg measures democracy in countries across the world, using multiple indicators and indices. In its 2024 report, it evaluated countries’ democratic standing based on their performance on its Liberal Democracy Index (LDI), which includes the electoral democracy index as well as indicators for institutional checks and balances and respect for civil liberties. Thus, inexplicitly the LDI assesses vertical, horizontal and diagonal accountability respectively. As per the V-Dem LDI, South and Central Asia is the second most autocratic region in the world, with India, Pakistan and Bangladesh all qualifying as electoral autocracies. In the report, an electoral autocracy is defined as a country that holds multiparty elections for the executive but has insufficient levels of fundamental freedoms including the freedom of expression, freedom of association and free and fair elections. The V-Dem Institute has forecast further autocratization in both India and Pakistan.

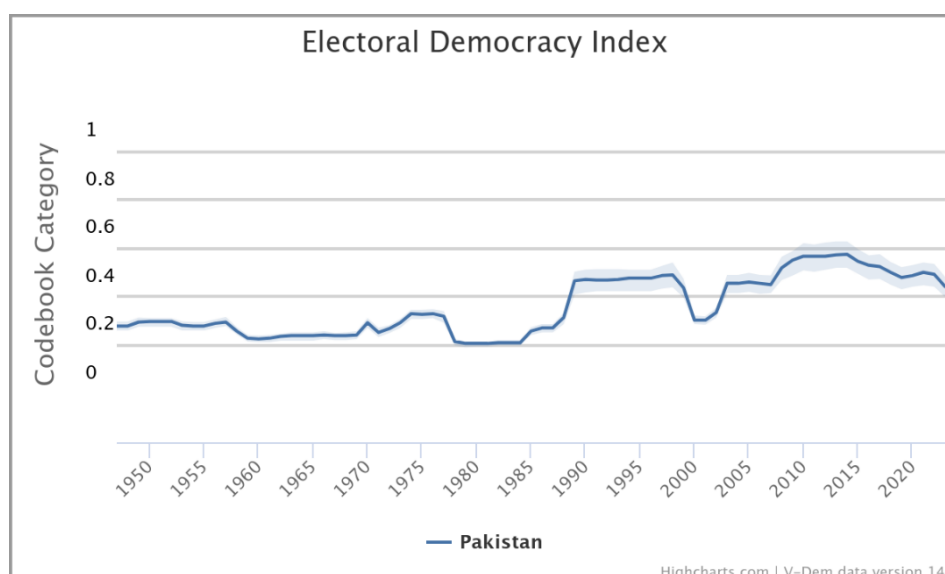
Mechkova et al. (2019) found that strong vertical accountability is often a precursor to horizontal and diagonal accountability (Walsh 2020). The yardsticks of vertical accountability are specifically gauged by the V-Dem Electoral Democracy Index (EDI), which consists of indicators such as free and fair elections, freedom of expression and suffrage. According to the V-Dem report, the quality of elections has worsened globally, and the autonomy of Election Management Bodies is under attack. The Institute contends that elections are often the last institution that is autocratized, which could mean that the weakening of democracies is at an advanced stage globally.

Figure 1. Electoral Democracy Index 2023 (V-Dem)



Pakistan ranked as the 118th country on the Electoral Democracy Index 2023, out of a total of 179 countries. Looking at the historical graph, Pakistan's score plummeted during periods of military rule: 1958-1971, 1977-1988, 1999-2008. After the election victory of opposition parties and the resignation of military dictator Pervez Musharraf as president in 2008, there was an upward trend in Pakistan's scores until about 2014. From 2014 to the present, the trend has largely been downward, specifically over 2023.

Figure 2. Electoral Democracy Index for Pakistan (V-Dem)



The V-Dem 2024 report classifies Pakistan as a country that has witnessed a bell-turn episode on the liberal democracy index, “where democratization turns into autocratization within a maximum of five years after the end of democratic advances.” The events of 2023, which saw increasing levels of political repression as well as delayed elections, lend credence to this claim. While Pakistan’s 12th general election was finally held on February 8th, 2024, that is not necessarily positive on its own. As the V-Dem report states, elections are “critical events” that can be the decisive factor in a country’s trajectory towards democratization or autocratization. In the following sections, we assess whether Pakistan’s trajectory for vertical accountability post-2024 election is headed in a positive or negative direction.

2. Mechanisms of Vertical Accountability in Pakistan

There are two broad measures of vertical accountability. The first measure is elections – whether they are free and fair, whether executives are directly elected, whether there is universal suffrage and whether the election management body is autonomous and performs its role adequately. The second measure is political parties – whether there is a diversity of political parties, whether barriers exist to forming or joining a party and whether all parties are given a level playing field. The legal and institutional framework for both these measures in Pakistan is described below.

2.1. The Electoral System and the Election Management Body

Pakistan has a federal system, with two houses of parliament and four provincial assemblies. In 2024, there are 266 constituencies in Pakistan’s National Assembly (the lower house of parliament) and 593 constituencies in the four Provincial Assemblies. These 859 constituencies should be filled by directly elected representatives for a term of 5 years. Additionally, there are 60 seats reserved for women and 10 for non-Muslim minorities in the National Assembly, while there are 132 seats reserved for women and 24 for non-Muslim minorities in the Provincial Assemblies. These reserved seats are allotted to political parties based on the proportion of general seats that they win. The Senate (the upper house of parliament) is elected indirectly by the members of provincial assemblies. According to Article 224 of the Constitution of Pakistan, a general election must take place within 60 days of an assembly completing its term, or within 90 days if an assembly is dissolved prematurely.

The Election Commission of Pakistan (ECP) is the election management body of Pakistan. The ECP Secretariat is in Islamabad, but it has offices at the provincial, divisional and district level. Article 218 of the Constitution of Pakistan tasks the Election Commission with conducting “election to both Houses of Majlis-e-Shoora (Parliament), Provincial Assemblies and for election to such other public offices as may be specified by law.” The ECP consists of the Chief Election Commissioner and four additional members representing each province. Other than holding elections, the ECP is also responsible for preparing electoral rolls, appointing election tribunals and delimiting constituencies. Under Article 220 of the Constitution of Pakistan, all executive branches of government are required to assist the ECP in performing their duties. With the passage of the Elections Act, 2017, not only was the ECP made more autonomous, but also more checks and balances were built into the system.

2.2. Political Parties and Freedom of Association

Pakistan's two legacy political parties are the Pakistan Peoples Party and the Pakistan Muslim League (Nawaz). These two dynastic parties have been in power for the majority of Pakistan's democratic years. However, in the last decade a new force has emerged and effectively forced a tri-party system. This third party is former Prime Minister Imran Khan's Pakistan Tehreek-e-Insaf (PTI). In each province, there are also additional regional parties that continue to secure a sizable mandate in the general elections.

Article 17 of the Constitution of Pakistan grants the fundamental right of forming or joining a political party to all citizens. The Elections Act 2017 further lists the requirements for a political party, including having a distinct structure and name. It also prohibits political parties from acting against the Constitution of Pakistan, undermining the sovereignty of Pakistan, promoting hatred, giving members military training and receiving foreign funding. The Elections Act 2017 also lays out the requirements to enlist a party with the ECP to participate as a political party in general elections.

3. The Performance of Mechanisms of Vertical Accountability in Pakistan

Despite a comprehensive legal framework governing electoral processes and political parties, the practical reality is starkly different. Freedom House's analysis of political rights and civil liberties in Pakistan underscores this incongruity. Freedom House categorizes Pakistan as a "partly free" country. Pakistan received a score of 15 out of 40 on political rights, which was based on an analysis of the electoral process, political pluralism, and the participation and functioning of government. This low score, despite strong legal provisions, is emblematic of the inherent challenges within Pakistan's electoral framework and political dynamics.

3.1. Performance Case Study: 2024 General Election

This incoherence between the legal framework and ground realities becomes abundantly clear when analyzing the most recent general election held on February 8, 2024. The fairness of elections in Pakistan is undergoing a concerning decline, as corroborated by Pakistan Institute of Legislative Development and Transparency (PILDAT)'s report on the most recent general election. The 2024 general election had a 49% score on their fairness assessment. This can be compared to 52% in 2018, 57% in 2013 and 40% in 2008. PILDAT analyzed the election in a segmented fashion, giving scores to the pre-poll, polling day and post-poll phases.

In the pre-poll phase, despite clear constitutionally mandated time limits, considerable delays occurred in scheduling the election. There was also increased political repression and lack of impartiality from state institutions. These institutions included the judiciary, the caretaker governments and the military establishment. The PTI was the prime target, facing media censorship and legal battles. The party's leadership as well as grassroots members were arrested and detained. Additionally, worsening law and order in Khyber Pakhtunkhwa and Balochistan impeded on electioneering and voting activities.

On polling day, the most controversial event was the caretaker government's decision to suspend mobile phone and internet services, which created problems for public participation in the

electoral process and made it difficult for election observers and the media to monitor and report on the polling processes. Additionally, the shutdown compromised the ECP's Election Management System (EMS), introduced to digitally deliver each constituency's results to the ECP. The failure of the EMS created a déjà vu moment, reminding voters of the 2018 general election, which became contentious when the ECP's Result Transmission System (RTS) allegedly failed, and election results stopped coming in from across the country.

This delay in reporting results, and the lack of any comprehensive explanation from the ECP as to why they were unable to meet result reporting deadlines set out in the law, have further damaged the integrity of the 2024 general election. There is a widespread perception amongst the electorate that it was not the EMS that became inoperable; rather, pre-planned irregularities took place in the polls to ensure certain candidates' victory. In the post-poll phase, many parties have also alleged rigging. With every election, the public's confidence in their own ability to hold governments accountable through voting appears to weaken.

The low voter turnout in Pakistan's general elections is indicative of the deteriorating state of vertical accountability in Pakistan. Turnout in the 2024 election was 48%, even worse than 2018's 52%. Meanwhile, public confidence in the institution conducting the elections is also low. In Gallup's most recent survey before the elections, only 42% of Pakistanis approved of the ECP.

Despite the provision of universal suffrage in Pakistan, significant barriers persist in registering women voters. Possession of a computerized national identity card (CNIC) is required for registration as a voter. However, women are less likely to possess CNICs and are also subject to familial restrictions in getting a CNIC or registering to vote. While the gender gap in registered voters has shrunk, the percentage of women who voted in the 2024 general election was less than that in the 2018 election, underscoring persistent challenges in achieving equitable electoral participation.

3.2. Shrinking Space for Political Parties

As political parties are increasingly sidelined and marginalized, the military establishment consolidates its influence, perpetuating a vicious cycle. Freedom House contends that in recent years, a political party's ability to prosper in Pakistan is directly linked to the quality of their relationship with unelected military elites "which have used legal and extralegal means to sideline figures they object to." This means that not only is the electorate unable to hold the government to account, but political parties are also constrained in their abilities to hold the government of the day accountable.

Presently, the PTI is at the receiving end of state repression, which is very similar to the treatment received by the PML-N during the 2018 general election cycle. Additionally, nationalist parties from Balochistan and political movements like the Pashtun Tahafuz Movement (PTM) are also deprived of political space. Moreover, the use of the anti-state label against anyone with a different worldview has stunted diversity of views and political pluralism. There is little tolerance or space for parties that do not conform to a certain worldview or are not right-leaning. In this repressive environment, democratic governance within political parties is also decreasing. They are becoming more dynastic as they rely on trusted family members to run amidst intense state pressure and crackdowns.

4. Recommendations for Improving Vertical Accountability in Pakistan

While the gap in the institutional ideals and the political realities appears to have widened in the last few years, there are short-term remedies and long-term solutions that can strengthen democracy and vertical accountability in Pakistan. These measures would seek to strengthen the integrity of the electoral process, renew public trust, and increase public participation. At the same time, there is a need for political parties to unite and set the agenda for a political path forward. As long as military intervention from behind the scenes continues, there cannot be a flourishing democracy or robust vertical accountability in Pakistan.

In the short term, the Election Commission of Pakistan and the newly elected government must work to restore public confidence in the election process. This can be achieved by expediting the resolution of electoral disputes through increased resources for election tribunals. Additionally, parliament can deliberate on forming an independent inquiry commission, akin to the one formed to probe the 2013 elections, to investigate any allegations of electoral wrongdoing, specifically focusing on the performance of the ECP and the wrongful involvement of any state institutions. It is imperative that any actors found responsible for wrongdoing face accountability, and that electoral and legal reforms are implemented to prevent such malpractices from recurring.

In the long term, there is a need to strengthen democratic norms and practices across state institutions. A clear delineation of powers is required among the military establishment, the judiciary, and the executive to prevent unconstitutional interference. Political parties must unite around the agenda of democratic principles, prioritizing the collective interests of Pakistani democracy over short-term individual gains. Without political actors making a long-term and steadfast commitment to strengthening vertical accountability — i.e., elections and political parties — Pakistan's democracy will remain fragile and vulnerable to autocratic tendencies. Through a vibrant political party landscape as well as free and fair elections, the Pakistani electorate can hold governments accountable and begin to build further accountability structures such as horizontal and diagonal accountability measures. ■

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