

## An Update on Gilgit-Baltistan Elections

### Background

Gilgit-Baltistan, formally known as Federally Administered Northern Areas (FANA), is an autonomous region in the north of Pakistan. It is internationally contested by Pakistan, India and the native inhabitants and was a part of the former princely state of Jammu and Kashmir. In 1970, the region became a single administrative unit under the name Northern Areas under the administrative control of the Ministry of Kashmir Affairs and Northern Areas, and was, formed from the amalgamation of the Gilgit Agency, the Baltistan District of the Ladakh Wazarat, and the states of Hunza and Nagar. The region is administratively divided into two divisions: Gilgit and Baltistan Skardu. Gilgit-Baltistan covers an area of 72,971 km<sup>2</sup> and its population is estimated at 1.3 million. Gilgit-Baltistan Empowerment and Self-Governance Order 2009

On 29 August 2009, the Government of Pakistan announced the “Gilgit-Baltistan Empowerment and Self-Governance Order 2009.” The Order, officially published on 9 September 2009, introduced administrative, political, financial and judicial reforms and built upon the previous reforms of 1970, 1975 and 1994.

The 2009 Order establishes the following system of government for Gilgit-Baltistan:

- a Gilgit-Baltistan Council;
- a Legislative Assembly;
- the Government, consisting of the Chief Minister (elected by the Legislative Assembly from among its members by majority vote), and the Ministers; and
- a Governor, appointed by the President of Pakistan on the advice of the Prime Minister .

The Gilgit-Baltistan Council shall have 15 members. Members of the Council shall be from Gilgit-Baltistan, such as Governor and Chief Minister; and from among federal ministers and parliamentarians recommended by the Prime Minister of Pakistan. Elected representatives of the Legislative Assembly shall also on the Council, selected in accordance with the system of proportional representation by means of a single transferable vote. The Prime Minister of Pakistan shall be the Chairman of the Council and the Governor shall be the Vice Chairman of the Council. The Council has the powers to address 55 subjects and make laws thereupon, including the power to adopt any amendment to the law.

The Legislative Assembly shall have a total of 33 members: 24 members elected directly (by first past the post – FPTP) by the people of Gilgit-Baltistan from single member constituencies; and 6 women and 3 technocrats elected indirectly. The women and technocrats shall be elected through party list proportional representation system. The Legislative Assembly shall have powers to make laws on selected 61 subjects.

There shall be a Gilgit-Baltistan Consolidated Fund and the annual budget shall be presented to the Assembly and voted upon as per practice in other Provinces in the country.

Gilgit-Baltistan will also now have its own Public Service Commission, a Chief Election Commissioner and an Auditor General.

### Elections to the Legislative Assembly

The Chief Election Commissioner (CEC) of Gilgit-Baltistan headed the conduct of the November elections, and most of the election officials were seconded from the District Management Services of Gilgit-Baltistan. Previously, elections in the region were conducted by the Ministry of Kashmir Affairs and Northern Areas, with the assistance from the local executive and judiciary. Mr. Rahim Nawaz Durrani (ex Provincial Election Commissioner, Punjab, and member of the Provincial Election Authority of Punjab) was named as CEC by the Government of Pakistan. He took up his duties on 9 October 2009. He was selected from among a panel of three retired election officials from the Election Commission of Pakistan. The Election Commission of Pakistan supplied translucent ballot boxes and tamper-proof plastic ballot box seals for the elections.

Conduct of the Elections:

The key events of the election schedule announced by the CEC of Gilgit-Baltistan were as follows:

**Voter registration** was conducted from 1-18 September 2009, using house-to-house enumerators, followed by a week-long period of display of the list. Citizens of 18 years and above were not required to possess the Computerized National Identity Card (CNIC) to register. The CEC reported that 717,286 persons were registered – 46% female and 54% male.

**Candidates:** Two hundred and sixty-four candidates registered to contest the 24 seats. Of these, 99 were from ten parties: PPP (23 candidates); MQM (20); PML(N) (15); PML(Q) (14); Gilgit-Baltistan Democratic Alliance (10); JUI (6); BNF (4); Awami National Party (3); Jamaat-e-Islami (2); and Pakistan Tehreek-e-Insaf (2). There were 165 independent candidates.

**Polling Stations:** The CEC established 1022 polling stations, of which 253 were reserved for women. On 12 November, polling was conducted from 8:00am to 4:00pm in 23 of the 24 constituencies. Polling in GBLA-19 was postponed due to the death of a candidate before the election; a fresh date for polling has not yet been announced for this constituency. Each polling station was staffed by one Polling Officer and two Assistant Polling Officers. There was one Returning Officer for the constituency, charged with announcing the constituency results and overseeing the conduct of the poll. The CEC directed that registered voters must present a CNIC to be able to vote.

**Domestic Observers:** The CEC accredited two domestic observer organizations: the Free and Fair Election Network (FAFEN), which reportedly fielded 150 observers, and the Human Rights Commission of Pakistan (HRCP), which reportedly deployed 70 observers.

**Election Results:**

ECGB has so far announced the results for 22 of the 24 constituencies (as noted above, elections in GBLA-19 were not held), as follows:

Pakistan Peoples Party (PPP)	12 seats
Independents	4 seats
Pakistan Muslim League (N)	2 seats
Pakistan Muslim League (Q)	2 seats
Muthida Quami Movement (MQM)	1 seat
Jamiat Ulema-e-Islam (JUI)	1 seat

Results of two constituencies – GBLA-3 and GBLA-17 – were withheld by the Chief Election Commissioner after he decided to hold re-polling in some of the polling stations in both constituencies, where polling had to be stopped due to a law and order situation on 12 November.

**Re-polling** at four polling stations in GBLA-3 was conducted on 18 November. PML(Q), MQM, ANP and the independent candidate boycotted the vote. There were violent disturbances at the polling stations. A number of people, including the MQM candidate and an independent candidate, were arrested. Re-polling in GBLA-17 has been postponed for an indefinite period owing to law and order problems.

### Gilgit-Baltistan Legislative Assembly Elections 2009

Constituency	Winner			Runner-Up		
	Name	Party	Votes	Name	Party	Votes
GBLA-1 Gilgit 1	Syed Razi Uddin	Ind	10012	Jaffer Ullah	PML-N	8858
GBLA-2 Gilgit 2	Deedar Ali	Ind	4535	Jameel Ahmed	PPP	2774
GBLA-3 Gilgit 3	Aftab Haider	PPP	6006			
GBLA-4 Gilgit 4	Muhammad Ali Akhtar	PPP	5024	Muhammad Ali	Ind	3194
GBLA-5 Gilgit 5	Mirza Hussain	PML-Q	1859	Zulfiqar Ali Murad	PPP	1666
GBLA-6 Gilgit 6	Wazir Baig	PPP	3571	Kamil Jan	MQM	2240
GBLA-7 Skardu 1	Syed Mehdi Shah	PPP	5595	Wazir Wilayat	PML-Q	2270
GBLA-8 Skardu 2	Shikh Nisar Hussain	PPP	7793	Syed Muhammad Ali Shah	Ind	4701
GBLA-9 Skardu 3	Wazir Shakil Ahmed	PPP	6432	Haji Fida Muhammad Nashad	PML-N	2592
GBLA-10 Sakrdu 4	Wazir Hassan	PPP	3578	Hussain Khan	Ind	3473
GBLA-11 Sakrdu 5	Syed Muhammad Ali Shah Rizvi	PPP	3145	Fouzia Saleem	Ind	2208
GBLA-12 Sakrdu 6	Raja Azam Khan	MQM	9316	Imran Nadeem	PPP	7125
GBLA-13 Astore 1	Abdul Hameed Khan	Ind	3771	Farman Ali	PML-N	3342
GBLA-14 Astore 2	Muhammad Naseer	PPP	1915	Mehboob Ali Khan	Ind	1760
GBLA-15 Diamir 1	Bashir Ahmed	PML-Q	2356	Ashiq Ullah	ANP	182
GBLA-16 Diamir 2	Janbaz Khan	PML-N	2403	Muhammad Merajan	PPP	1500
GBLA-17 Diamir 3				Polling Postponed		
GBLA-18 Diamir 4	Gulbar Khan	JUI-F	2797	Malik Muhammad Miskin	Ind	1535
GBLA-19 Ghazar 1				Polling Postponed		
GBLA-20 Ghazar 2	Ali Madad Sher	PPP	3206	Sultan Madad	PML-N	2064
GBLA-21 Ghazar 3	Muhammad Ayub Shah	Ind	5246	Ghulam Muhammad	PPP	4903
GBLA-22 Ghanche 1	Muhammad Jaffer	PPP	3772	Muhammad Ibrahim Sanai	PML-N	1741
GBLA-23 Ghanche 2	Muhammad Abdullah	PML-N	4240	Amina Bibi	PML-Q	3963
GBLA-24 Ghanche 3	Muhammad Ismail Engineer	PPP	2770	Muhammad Shafiq	PML-N	1811

Syed Medhi Shah of the PPP has been nominated as leader of the parliamentary party, thus paving the way for his election as the first Chief Minister of Gilgit-Baltistan.

The CEC is now planning to conduct the elections for the six seats reserved for women and the three seats reserved for technocrats. The PPP is likely to win four women seats and two technocrat seats and will thus have a clear majority in the legislature.

#### **Electoral Complaints:**

The Election Tribunals have been appointed, composed of District and Sessions Judges. Some parties are demanding appointment of Tribunals from amongst judicial officers outside Gilgit-Baltistan.

## **Election Observations**

Following are the election observation by FAFEN:

### **1. Erroneous Voter Lists**

Erroneous or missing entries on the Voter Lists remained one of the major issues at most polling stations across Gilgit-Baltistan. These issues arose due to clerical errors, missing names of voters, wrong parentage, etc. At some polling stations (such as Boys High School, Jagir Basin in GBLA-1) scuffles broke out between agents of opposing candidates and polling staff because of problems with the voter lists. At Jagir Basin, the Assistant Election Commissioner had to intervene and appeal to voters to stay calm.

The Voter Lists were prepared in haste in only 18 days in September 2009, followed by a week-long Display Period to allow public scrutiny, and were sub-standard. People of age 18 or above were not required to possess Computerized National Identity Cards (CNICs) for registration as voters, although they would be required to show their CNICs to vote. The ECGB was aware of the errors and mistakes in the voter lists and had therefore allowed the Typed as well Enumerator's Copy of the Rolls to be available at the polling stations for the Election Day. Nevertheless, there were significant problems on Election Day because of the flawed lists.

### **2. Procedural Irregularities**

Rules for various steps of voting and counting remain vague and unclear to polling officials, which led to irregularities that had implications for the quality of the election. Some major irregularities included:

2.1. Requiring Voters to Sign Ballot Receipts: Many polling officials did not understand that voters should put their thumb mark on the ballot paper counterfoil (receipt). Instead, at many polling stations voters were being asked to sign their names on the ballot counterfoil, which interferes with voting secrecy.

2.2. Too Few Booths for Voters: At many polling stations, polling officials set up only one booth despite a high number of voters, slowing down voting. FAFEN observers in Ghanche reported that at many polling stations, all required staff did not turn up, causing chaos and delay as voters had to wait much longer than would have been the case if more booths had been set up.

2.3. Voting Secrecy Compromised: The right of voters to stamp their ballots in complete secrecy was breached, particularly at female polling stations, where FAFEN observers reported that women voters were stamping their ballots in front of polling officers.

2.4. Photocopies of CNICs Accepted: Polling officers were also not trained to distinguish between photocopy and original Computer National Identity Cards (CNICs). At many polling stations, FAFEN observers saw polling officials allowing voters to cast ballots if they only had color photo copies of CNICs, rather than the original, which is contrary to the election law. This flaw in the procedures might have allowed many fake voters to cast votes using photocopies of CNICs.

Before Election Day, FAFEN observers reported that polling officials had varied interpretations of clear instructions from the ECGB that CNICs were required for voting, notified by the CEC on November 5, 2009. Just one day before elections, FAFEN observers in Skardu reported that the DEC said the token for the CNIC is admissible proof of identity for voting.

2.5. Indelible Ink not Applied: FAFEN observers noted that indelible ink was not being applied on every voter's thumb, especially at female polling stations, as required by election procedures.

2.6. Police in Polling Booths: Police officers were standing inside the polling booths where ballot papers were being issued, according to FAFEN observer reports.

2.7. Closing Polling Early: At many polling stations, particularly in Skardu and Ghizer, polling officers counted the ballots before the close of the official voting time period, which is contrary to election

procedures and disenfranchises potential voters who might still have arrived before the stipulated polling station closing time.

2.8. Obstructing Election Observers: Polling officials were also not clear about the kind of cooperation they were required to offer to independent election observers. At many polling stations, FAFEN observers were stopped from entering either by security or polling officials on the pretext that the Election Commission of Gilgit-Baltistan (ECGB) Accreditation Card was not sufficient and that observers required a letter from the Deputy Commissioner.

2.9. Unauthorized People in Booths: Polling officers also did not keep control on the movement of unauthorized persons inside polling stations, according to many FAFEN observers. The presence of persons other than voters, polling staff and accredited political party agents inside polling places is contrary to election law and has the potential to intimidate voters and prevent people from voting freely. In some polling stations, unauthorized persons and agents were also seen watching voters stamping their ballots.

### **3. Election Administration**

Elections to Gilgit-Baltistan Legislative Assembly were held under Gilgit-Baltistan Legislative Assembly (Elections) Order 1975 (Amended up to 2009). The primary responsibility for the conduct of elections lies with the Election Commission of Gilgit-Baltistan (ECGB) headed by the Chief Election Commissioner (CEC), who was appointed less than a month before the elections. The following are some of the issues that must be addressed before the next elections in Gilgit-Baltistan.

3.1. Vague Electoral Procedures: Electoral rules pertaining to preparation of Voter Lists, election complaints, role of government, voting and counting, and consolidation of votes need to be clarified in order to enhance enforcement and ensure equitable implementation of all election rules.

3.2. Understaffed ECGB: The ECGB is under-staffed and lacks financial and technical resources to carry out the electoral exercise in 23 constituencies on short notice. With 13 staff, including support staff, and un-defined management structure, the ECGB had to rely on the assistance of government officials to conduct the elections. The Deputy Election Commissioner, who had been supervising the election administration, was posted out as Deputy Commissioner of Hunza, leaving the important position vacant at a critical stage two days before elections. Deputy Commissioners have been co-opted to act as District Election Commissioners (DECs) without being under the direct supervision of the CEC, compromising uniform implementation of the election law.

3.3. Shifting Polling Stations: Despite publication of the list of polling stations by the ECGB, election authorities at district level shifted the venues of polling stations a night before elections. Reports from Sihgar area of Skardu, Diamer and Gilgit suggested such last minute changes in the venues of some polling stations. The last minute changes are against the election law, cause problems for voters and candidates, and raise questions about the motives of such changes.

3.4. Absence of Polling Schemes: The ECGB did not release the polling schemes, which also include the names of polling staff to be deputed at various polling stations. As a result, candidates from almost all constituencies reported to FAFEN that polling officials were being changed until a day before elections. While such changes are occasionally necessary, they are contrary to election procedures and compromise the integrity of the process.

3.5. Mismanaged Postal Ballots: Despite assurances to FAFEN by the ECGB, the number of postal ballots issued and received before elections were not made public before the Election Day. There were also confusions about the procedures and deadline for casting postal ballots, leading to arguments at the offices of many Returning Officers. Postal ballots can change the results of elections and must be handled according to official procedures in order to count every vote and protect the process.

### **4. Government Interference**

Despite legal restrictions on the use of state and government resources in favor of a party or a candidate in any election, functionaries of the federal government, including the Prime Minister and more than 10 other Ministers, not only campaigned for the Pakistan People's Party (PPP), but also used state resources and authority to make policy-decisions that had election implications.

Promises of development funds and schemes, incentives to government employees, and announcement of administrative up-gradation of remote areas supported the election campaign of candidates fielded by the PPP in 23 constituencies of seven districts, creating an un-level playing field for other political contestants. The Prime Minister's public speech in Skardu two days before elections was a clear case of political influence over the vote in favor of his party's candidates.

Similarly, Baitul Maal and Benazir Income Support Program Funds were used by candidates of a party to woo voters. Hundreds of thousands of forms for these programs, in original and photocopies, were found circulating in Gilgit-Baltistan during the election campaign.

Senior leaders from Punjab and NWFP governments also used official resources to travel and campaign for the candidates of their respective parties. The Governor also sided with the candidates of his party at a time when he had the official responsibility to protect the neutrality of the elections.

#### The Election Commission Gilgit-Baltistan MUST:

1. Instruct all Returning Officers, Assistant Returning Officers, Polling Officers and Assistant Polling Officers to strictly enforce the condition of the Computerized National Identity Card for voting in order to ensure that only genuine voters are using their right to adult franchise;
2. Instruct all Returning Officers, Assistant Returning Officers, Polling Officers and Assistant Polling Officers to strictly enforce a complete ban on unauthorized persons inside the polling stations;
3. Instruct government and security officials to not enter polling stations unless their assistance is specifically solicited by Returning Officers, Assistant Returning Officers or Polling officers;
4. Ban announcement of results for constituencies with more than 100 percent voter turn out in any polling station until re-polling at such polling places;
5. Ensure women are not prevented from voting in any polling station, and female polling stations and booths are set up and functioning as specified in Polling Schemes;
6. Issue categorical instructions to all Returning Officers, Assistant Returning Officers, Polling Officers and Assistant Polling Officers to allow independent election observers to monitor the voting and counting;
7. Ensure all candidates get gazetted Polling Schemes as early as possible;
8. Announce the constituency-wise details of the Postal Ballots cast before the polling day and ensure that postal ballots arriving later than the deadline are not counted;
9. Instruct all Polling Officers to clear the area within 100 yards of polling stations of all campaign materials;
10. Instruct all polling and security officers to ensure that no party or candidate is campaigning or making other attempts to influence voters within 400 yards of polling stations;
11. Instruct all Polling Officers to make adequate arrangements to ensure that voters are stamping ballots in complete secrecy;
12. Instruct all Polling Officers to show empty ballot boxes to all polling agents before the start of polling and seal each ballot box in line with ECGB instructions;
13. Instruct all Assistant Polling Officers to apply indelible ink to each voter's thumb in order to minimize the incidence of multiple voting;
14. Instruct all Polling Officers to disallow polling agents from communicating with voters inside polling stations in order to ensure that voters are casting ballot in an atmosphere free of coercion and influence;
15. Instruct all Polling Officers to keep and count challenged ballots separately;
16. Instruct all Returning, Assistant Returning and Polling Officers to follow ECGB rules for counting and consolidation of votes;
17. Instruct all polling officers to display a copy of the Statement of the Count at each polling station as soon as it is finalized and signed by polling agents present.

Following are the findings of Gilgit-Baltistan Elections by HRCP as per its preliminary report:

### **Pre-Poll Assessment**

HRCP noted with satisfaction that the main political parties in the country had shown tremendous interest in the Gilgit-Baltistan elections. The HRCP observer mission met with all stakeholders to ascertain their points of view. The chief election commissioner, appointed barely a month before the election, mentioned many difficulties the Election Commission (EC) faced in organizing the elections at short notice, such as finalization of electoral rolls in a mere 18 days which resulted in many inaccuracies in the lists, inadequacy of the polling stations and the polling booths therein, insufficient polling staff and a severe lack of security arrangements. The observer mission received numerous complaints that the federal government representatives – including the prime minister, members of his cabinet and the acting governor of Gilgit-Baltistan – tried to woo voters at government cost and a with string of financial incentives. The PML-N, PML-Q, MQM and the independent candidates expressed serious reservations about the role of the Gilgit-Baltistan Governor who actively campaigned for the PPP candidates. Reservations were also expressed about the Prime Minister's speech at Skardu on November 10 in which he appealed to the people to vote for PPP. The manner in which the Benazir Income Support Programme and to some extent the Benazir Tractor Scheme were implemented was also criticized. The PPP refuted the allegation that the Governor campaigned for it and stated that the Governor had every right to hold meetings and announce development schemes. All political parties complained about the flawed voters' list, one political party demanded the deployment of the army to oversee the polls. Objections were raised regarding the manner in which postal ballot papers had been issued. In the EC brochure giving the statistics for the region the number of the registered voters in the various constituencies of Diامر, Gilgit and Skardu is only marginally less than their entire population e.g. in GBLA-I (Gilgit) the population is cited as 56,641 and the number of voters is 48,574; in GBLA-VII (Skardu) the population is given as 35,310 and the number of voters is 27,833; the population of GBLA-XV (Diامر) is mentioned as 40,680 and the number of voters is 39,249. Such incredible statistics by the EC could hardly inspire confidence in the fairness of elections.

### **Polling Day Assessment**

HRCP observers monitored election activity on polling day in all seven districts of the region and noted:

- A heavy turnout despite harsh weather conditions was heartening but it was disappointing to find that a large number of voters could not cast their votes on account of flaws and deficiencies in the electoral rolls and inadequate polling and security arrangements.
- At most polling stations visited by HRCP observers, polling started at the scheduled time, but there were reports from some polling stations of a delayed start.
- At a number of polling stations even the voters who were present within the polling stations' compounds at the end of polling time were not allowed to vote.
- A few violent incidents were reported to HRCP, in which two people lost their lives and another 40 were injured in election-related violence. The security arrangement left a lot to be desired. The polling staff seemed to be intimidated and harassed at many polling stations.
- An almost complete absence of women police at polling stations for women resulted in disorder and that slowed down voting.
- At a number of polling stations arrangements for secrecy of ballot were either absent or inadequate.
- At many polling stations during suspension of electricity supply no proper arrangements were made for emergency lighting. At many polling stations for men, HRCP found old iron ballot boxes instead of the new transparent plastic ones.
- The Presiding Officers exercised a lot of discretion in allowing or disallowing voters on account of deficiencies in the electoral rolls, which led to quarrels and delays.
- There were reports of agreements among some of the candidates to bar women from voting. Worse, the Election Commission did not intervene.
- HRCP observers found that the ink claimed to be indelible was easily removable.

### **The HRCP mission recommends:**

1. The CEC should be given independence and security of tenure.

2. The CEC should have adequate power to stop government officials and the public office holders from interfering in the electoral process.
3. Voters' list should have the NIC number of each voter.
4. The law should be amended to ensure that any elections where women are systematically excluded from voting shall be declared void.
5. Adequate time must be provided to the CEC to update and finalize electoral rolls and make other polling arrangements.
6. Elections in Gilgit-Baltistan must not be held later than the first week of October, in view of the harsh weather conditions.
7. There should be more than one polling booth for every polling station where the number of voters exceeds 500.

***The update is based on secondary data collection by 'The Researchers' from number of sources.***