

# Local imperatives

**Published in The News International on November 07, 2013:**

The Supreme Court of Pakistan instructed the provincial authorities in April 2012 to hold local government elections “without delay”. The reason was simple. The provinces had long been delaying the legislative process and the holding of local government elections.

As the order showed, the Supreme Court had enough of the excuses presented by provincial officials and ordered the Election Commission of Pakistan (ECP) to conduct elections, maintaining that this constitutional requirement needed to be met one way or another.

Subsequent to this, however, an issue emerged as the dates for the polls were set according to the statements of provincial officials, who when pressed for a date of elections, provided random dates, disregarding the electoral schedule. By doing this, the provinces ignored the ECP’s warnings that the electoral schedule should be based on legal and operational timelines for the electoral process, which includes delimitation, registration of candidates, objections, campaign, finalization of the voters list etc.

In the past, the ECP stated repeatedly that it needed certain time to conduct elections, but it never published the electoral schedule, partially because the provinces failed to create it in the law or in the regulations.

As a further response to the Supreme Court order, the Election Commission made a two-fold announcement. On the one hand, an electoral schedule for local elections in Balochistan was announced whereas on the other, the ECP admitted that the date of elections in Punjab and Sindh given by the Supreme Court was “impractical”. Even after this announcement, however, there could be problems at two levels which need to be

carefully examined.

First, with respect to Balochistan, even a cursory review of the electoral schedule reveals immense challenges. The ECP has committed to register candidates on November 6-7, leaving no time to properly instruct and train Returning Officers who are yet to be appointed. The Balochistan government has not even made borders of the constituencies (wards) public yet, so the voters and candidates do not know which areas are part of their councils.

Are a few days plausible for the level of preparation that is necessary? It appears that under the current conditions, even if the electoral process doesn't grind to a halt because of the unrealistic schedule, it will result in deeply divisive and challenged elections which could undermine trust in the ECP and the provincial authorities in an already deeply polarised and volatile environment.

Second, in the case of Punjab and Sindh, any reply to the Supreme Court without providing a clear electoral schedule could also result in random dates which could undermine elections in those provinces.

Instead of knee-jerk reactions, the ECP should approach the Supreme Court with a pragmatic solution-oriented response and present a clear, realistic electoral schedule for which it can be held accountable. A polling date in March or April 2014 appears feasible and can provide space and time for the necessary arrangements to be put in order.

When I offered to appear before the Supreme Court as a caretaker federal minister on the issue of e-voting to explain the nature of constraints, I found the Supreme Court very receptive to factual details and honest admissions. I believe that various pillars of the state need to function together and that in order to do this there is a need for effective and timely communication. Many problems in the state system arise

simply because of the inability to do so. There is a similar communication gap in the case of the local government elections; and this gap needs to be bridged urgently.

There is also another long-term policy paradox, which the parliament may consider exploring once this local government election is over. Under Pakistan's constitution, our local government system is under authority of the provinces; the provinces have the responsibility to create laws for local elections. To complete the electoral framework, in addition to the Local Government Act, the provinces must also create election rules, which are administrative regulations.

However, the responsibility to implement provincial laws and election rules is given to the federal Election Commission of Pakistan, which is an unusual setup for a federal state, where usually provincial-level election management bodies implement elections according to their respective legal framework.

Within this broader context, it is already evident from recent experience that the current setup for local government elections in Pakistan has resulted in an unclear legal framework and ambiguous hierarchy of law, which is contributing to the current problems with local elections. This needs to be addressed as we move ahead.

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