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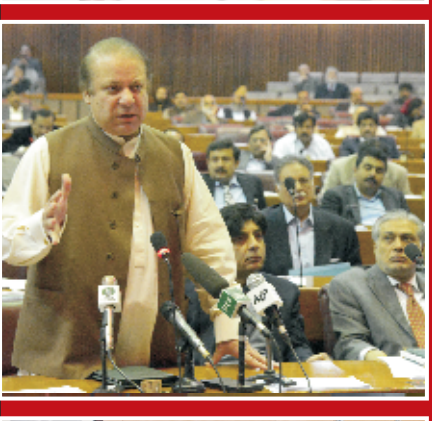

Citizen-led Assessment of Democracy

Local and Global Contexts in Pakistan

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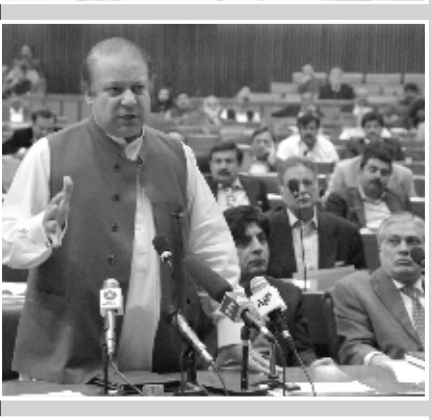

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Local and Global Contexts in Pakistan

PILDAT
Pakistan Institute of Legislative Development And Transparency

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PREFACE

Although many parts of the world have not experienced democracy until recently, successive waves of democratization throughout the 20th century have meant that more countries have now adopted the democratic form of Government in opposition to non-democratic ones. That is why the International Institute for Democracy and Electoral Assistance (IDEA) argues that democracy has now become the predominant form of Government in the world today.[1]

Pakistan has been subject to military rule for major part of its life since the country's independence in 1947. However, more recently, democratic form of Government has started to take root with the continuation of two successive democratic regimes since 2008. Therefore, considering the novelty of the phenomenon, it becomes important to take stock of the quality of democracy in the country and to assess its growth or decay. PILDAT has been doing the very same with its successive, yearly assessments of the quality of democracy in Pakistan since 2002. In order to facilitate a comparison of the indigenous assessment of quality of democracy with other such assessments around the world, PILDAT has used the State of Democracy (SoD) framework, developed by the International Institute for Democracy and Electoral Assistance, which has been adopted in other countries as well.

In this publication, **Mr. Andrew Ellis**, who has years of experience in assessing the quality of democracy and of working with International IDEA, dilates upon the various aspects of the assessment of the quality of democracy in Pakistan, as carried out by PILDAT, through the use of the SoD framework. Along with outlining the key features of an effective assessment of the quality of democracy and the SoD framework, he highlights some of the major points of the democracy assessment in Pakistan along with gauging the impact such an assessment has had in the country. This also includes the results that the SoD framework has garnered over the years along with comments on the future of the assessment in Pakistan.

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The views expressed in this paper belong to the author and do not necessarily represent the views of PILDAT.

Islamabad
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1. For details, please see International IDEA's website section on Democracy and Development, as accessed on January 08, 2015 at: http://www.idea.int/development/index.cfm

ABOUT THE AUTHOR

Mr. Andrew Ellis

Mr. Andrew Ellis is a senior consultant on the design and implementation of electoral systems and processes and of constitutional frameworks, the facilitation of political dialogue and other aspects of support for democratic transition and democracy building, resident in Falmouth, Cornwall, UK.

He was until early 2014 the Director for Asia and the Pacific for International IDEA, a global intergovernmental organisation whose mission is to support locally owned and sustainable democratic change worldwide. In this role he was responsible for all aspects of the design, funding and implementation of IDEA's regional programme in Asia and the Pacific, including projects and activities in Nepal, Myanmar, Indonesia, Thailand, the Philippines, Vietnam, Bhutan, and Mongolia; for diplomatic and representational aspects of IDEA's work in the region; and for establishment of the IDEA regional office in Canberra, Australia. He previously served as IDEA's Director of Operations and as Head of the Electoral Processes Programme. He is the co-author of many IDEA knowledge resources, including 'Electoral System Design: The New International IDEA Handbook', the 'Electoral Management Design Handbook', the 'Voting Abroad Handbook', the 'Direct Democracy Handbook', the 'Electoral Justice Handbook' and of papers on constitutions and institutional framework design questions, and was for several years the IDEA representative on the Steering Board of the ACE Electoral Knowledge Network.

Mr. Andrew Ellis has wide experience as a technical adviser on electoral and institutional matters in democratic transitions. He acted as Senior Adviser for the National Democratic Institute (NDI) in Indonesia from 1999 to 2003, working with members of the Indonesian legislature dealing with constitutional amendment and reform of electoral and political laws, on gender representation issues, and on the practicalities of decentralisation. Other major assignments have included acting as Chief Technical Adviser to the Palestinian Election Commission for the first Palestinian elections in 1996, heading the OSCE Office for Democratic Institutions and Human Rights observation of electoral registration in Bosnia and Herzegovina in 1997, and designing the European Commission's electoral assistance programme in Cambodia for the 1998 elections.

Andrew is a former Vice Chair and Secretary General of the UK Liberal Party and Chief Executive of the UK Liberal Democrats, stood four times for the UK Parliament, and served as an elected member of a major UK local authority. He was awarded the honour of Officer of the Order of the British Empire (OBE) by the UK in 1983.

IIDEA State of Democracy (SoD) Framework

Introduction to the IIDEA State of Democracy (SoD) Framework

The impulse to assess the quality and strength of democracy and democratisation is both natural and valuable. However, as Larry Diamond and Leonardo Morlino wrote in 2005,[2] it poses questions that are both value-laden and controversial. Who is to define a 'good' democracy, and how can the efforts to avoid deficiencies in democracy avoid becoming paternalistic exercises in which the established democracies take themselves as models and thus avoid scrutiny? How can assessments of democratic quality go beyond analytics and be useful to those who seek to improve the quality of democracy?

These questions firmly underline the limitations of one frequently used approach, that of external evaluation. Freedom House, for example, annually analyses and rates countries around the world. The resulting 'league tables' can provide easily accessible news stories and mounds of data for statisticians and political scientists, both of which may have some value. They may also be simple and convenient for development agencies and similar in defining priorities and considering programmes for support of democracy building. They do not, however, necessarily contribute directly to democratic change on the ground, in that the methodology does not address the political processes of discussion and dialogue that are a fundamental part of democratic change.

Only those who know a country's culture, traditions and aspirations are properly qualified to assess its democracy. Intrinsic to this kind of democracy assessment is the contribution it makes to public debate, consciousness raising and skill building

An alternative approach starts from the premise that democracy cannot be imported or exported, only supported - and can only be built from within a country or a society. Only those who know a country's culture, traditions and aspirations are properly qualified to assess its democracy. Intrinsic to this kind of democracy assessment is the contribution it makes to public debate, consciousness raising and skill building. Popular understanding and perception is every bit as important as elite consensus, and the assessment process is designed primarily to assist local actors in identifying reform agendas and priorities and in monitoring their progress.

This approach is encapsulated in the global citizen-led democracy assessment framework known as State of Democracy (SoD), developed by the International Institute for Democracy and Electoral Assistance (IDEA), an intergovernmental institution with 29 member countries from all parts of the world, in partnership with the University of Essex in the UK. As encapsulated by IDEA following a global discussion of ten years' experience of the use of the framework: 'Assessment as Reform: Assessment for Reform'. The SoD framework is set out in depth in a Handbook.[3]

The emphasis on local ownership of democracy, democratic institutions and democracy building processes as fundamental must not however be taken to mean that democracy is whatever a country or a community defines it to mean – or indeed that anything which contains the word 'Democratic' in its title is democratic in practice. It does however make it essential to isolate those core common principles which define democracy independently of culture and context – which will however be realised in a wide variety of ways resulting from specific culture and specific

2. Larry Diamond and Leonardo Morlino, *Assessing the Quality of Democracy*, Johns Hopkins University Press (2005)
3. *Assessing the Quality of Democracy – A Practical Guide*, International IDEA, Stockholm (2008)

context.

Democracy is at heart a political concept. It concerns the collectively binding decisions of a society, a community or indeed of any group. Its definition includes two universal and central principles. The first is popular control: the recognition of the rights of citizens to control the process of decision-making and the decision makers who act on their behalf. The second is political equality: the principle that all citizens are considered as equal in exercising that control. The effective realisation of these two principles depends on the existence of free association, free expression, free dialogue and the free flow of information, which are thus implicit within the principles.

The assessment of democracy is thus an assessment of the extent to which these two principles shape and are reflected in the institutions, processes and practice of Government. This is not a single question capable of a single, clear, black or white answer. Different aspects of institutional framework and practice may give very different shades of grey. The same aspect of institutional framework and practice may give different shades of grey at different times – either because of the impact of specific decisions to implement change, or because even without formal changes in framework and practice, the way that they work changes in response to developments externally in the society or even outside the society.

These two principles enshrined in the definition of democracy require fleshing out to give a sufficient skeleton to define any process of assessment. To do this, the global SoD framework defines seven (7) 'mediating values' through which people have sought to realise these principles in the design and functioning of their institutions and their societies: participation, authorisation, representation, accountability, transparency, responsiveness and solidarity. Many of these are reasonably self-explanatory: it is however perhaps worth noting that authorisation refers to the giving of authority to elected representatives and executive officials through legitimate and credible electoral processes, that representation refers both to different tendencies in public opinion and to the social mix of the citizen body as a whole, and that solidarity refers both to recognition of diversity at home and to international interactions.

Each of these values will be realised to a greater or lesser extent by the institutional framework contained in the Constitution and the law, different aspects of the design and operation of which may facilitate or hinder democratic principles.

The global SoD framework defines seven (7) 'mediating values' through which people have sought to realise the principles in the design and functioning of their institutions and their societies

i . **Participation** is reflected in the definition and exercise of civil and political rights and of economic, social and cultural rights, in the framework of elections, political parties and movements, and civil society organisations, and through civic education.

ii . **Authorisation** is reflected through electoral processes – elections and referendums – and through the subordination of executive officials to elected representatives.

iii . **Representation** is reflected through electoral systems and party systems and is demonstrated by the empowerment of women and of marginalised communities.

iv . **Accountability** is based on the rule of law, legally enforceable standards, scrutiny and audit. Transparency is achieved through open debate, freedom of information, and independence of the media.

v . **Responsiveness** is based on systematic acceptance of the norm of consultation, of effective redress under the rule of law, and supported by devolution and decentralisation of decision-making.

vi . **Solidarity** is reflected by active engagement in international forums and by support for the integrity and development of international law.

vii . **Transparency**, i.e. without openness and transparency in the Government, no effective accountability is possible.

This leads to the detailed definition of the SoD framework, which takes the form of a series of

questions grouped under four (4) pillars.

a . The **citizenship, law and rights** pillar addresses nationhood and citizenship, rule of law and access to justice, civil and political rights, and economic and social rights.
b . The **representative and accountable Government** pillar covers free and fair elections, the democratic role and functioning of political parties, effective and responsive Government, the democratic effectiveness of the Legislature, civilian control of the military, police and security services, and integrity in public life.
c . The **civil society and popular participation** pillar looks at the functioning of media in a democratic society, at political participation, and at decentralisation.
d . Finally, the **democracy beyond the state** pillar considers external influences on democracy and democratic impact abroad.

All assessment questions are open-ended: democracy is rarely if ever susceptible to yes/no judgments or answers. There is no perfect democracy, and indeed strength in reflecting one mediating value may be accompanied by relative weakness in another. The design of an electoral system, for example, can emphasise popular representation, accountability of the Government, accountability of individual elected members, stable Government, political competition, effective opposition and oversight, effectiveness of political parties, sustainability, and other possibly desirable things. It cannot however emphasise all of these at once, and the process of electoral system design involves political choices as to which are priorities in each individual context.

If what the assessors call standards of good practice do not command ready acceptance within the community, there is an immediate issue with the ownership and relevance of the assessment

Crucially, the questions are asked and the discussion and dialogue facilitated by citizens themselves – sometimes by civil society actors working independently of the state, sometimes encouraged and supported by Government (in **Mongolia**, for example, democracy assessments have led to the formal adoption of Millennium Development Goal 9, Democracy, and its presentation at the UN).

The legitimacy of the team who conduct the assessment is critical: any assessment team needs to be seen as professional, objective, and politically broadly based if it is to be effective. These criteria are essential in enabling the assessment team to establish and retain the credibility and legitimacy to be able to defend its findings when they are politically controversial or critical – as it is inevitable in such circumstances that some of those criticised will seek to 'play the man and not the ball'. The composition and qualifications of the assessment team, however, are only half the story: *Effective citizen-led assessment involves the widest possible input and engagement of the public, with a commitment to inclusion and transparency*.

Asking questions and facilitating dialogue intrinsically requires some yardsticks for responding to the answers generated. If what the assessors call standards of good practice do not command ready acceptance within the community, there is an immediate issue with the ownership and relevance of the assessment – and a debate that is desirable on how a common understanding on the appropriate standards of democracy (and any timetable for progress towards them) is reached.

There are several possible ways to develop such standards: historic levels of achievement, Government or other official targets, promises made during elections, and well enough defined popular expectations are all possible avenues for the internal generation of standards. In addition, international standards may be appropriate – especially if they have developed and been agreed through global bodies such as the UN or regional bodies such as SAARC (for example the principles declared in the SAARC Charter for Democracy), or are reflections of specific treaty commitments and obligations to which a country has subscribed.

The answers that emerge from an assessment are likely to be predominantly qualitative in form.

They may however at the same time be capable of comparison and ranking – and are likely to be more valuable if they are. Questions that facilitate such answers need to address the degree to which each factor is realised in practice.

The additional value that the quantitative component can bring has increasingly been recognised as experience has been gained around the world using the assessment framework. It has led IDEA to reach an agreement with V-Dem, the Varieties of Democracy project, which has developed a graphic database charting different democratic factors in countries around the world, and is designed to enable its users to visualise not only the measurements of these factors but the sequencing and the relationships that may be associated with them.

PILDAT's Assessments of Pakistan's Democracy

Some Major Features of the Pakistan Assessments

Citizen-led assessments of the quality of democracy have been undertaken in Pakistan by PILDAT since 2002, and a Pakistani contribution was also integral to a wider comparative assessment of democracy in South Asia published in 2008. [4]

From the beginning, the assessments originated by PILDAT have sought to cover the whole canvas of the assessment framework, considering the institutions of Government at national level and recently also at the provincial level. The annual assessment reports have come to include a valuable summary of the major events in the course of the year that might be thought to have a bearing on the quality of democracy. The findings have consistently echoed a number of major themes, including the performance and delivery of both Executive and Legislative Government, corruption and accountability, civilian and military relations, and the independence of the Election Commission of Pakistan.

Political parties and the Depth of the Political Divide

Lack of trust in political parties is a well-worn theme in discussions across the world. There is little current sign that political parties as institutions anywhere in the world being able to reverse this: where widespread political mobilisation is taking place, it often now takes the form of citizens' movements or of interest in direct democracy processes. This lack of trust is replicated in the Pakistan assessments, but with an interesting additional factor: when asked about trust in the specific political party that they support, Pakistanis give a much more positive response. People display a fair level of confidence in their own side, but not in the political system as a whole.

This finding is undoubtedly a trigger for debate. Does it reflect a very deep divide in society resulting in a rejection of the 'other side'? Is it perhaps a cultural issue, linked to a weak acceptance of the concept of opposition? Is it an illustration of a Pakistani concept of political identity?

From the beginning, the assessments originated by PILDAT have sought to cover the whole canvas of the assessment framework, considering the institutions of Government at national level and recently also at the provincial level

Targeting the Assessment to Pakistan

Since the SoD framework was derived from the general principles of democracy, it is designed for universal global use. Inevitably, however, there are areas in any particular country or local context which are not covered in sufficient depth by the global framework of questions, and areas which are perhaps of limited relevance.

Effective citizen led assessment of democracy involves not only citizen ownership of the process of assessment, but citizen ownership of its content.

Most of the country level citizen led assessments that have been undertaken in the last ten years have responded to local contexts with a degree of customisation of the questions and the analysis. Pakistan is no exception. The Pakistan assessments have used both the IDEA general framework and in addition, from 2012 onwards, the customised and Pakistan specific framework developed by PILDAT. The parallel use of both a global and a Pakistan specific framework has two benefits: the ability to compare outcomes and identify any glaring divergences, and the retention and continuation of the time series of findings generated from the beginning. A further dimension has been given to information gathering by PILDAT in 2014 by the conduct of opinion polling designed to complement the assessment exercise itself.

The PILDAT approach makes a specific distinction between the institutional frameworks and processes themselves, and the performance of democratic institutions and the effectiveness of governance. It thus addresses the mediating values in just two clusters. Overall, the effect is a greater emphasis on Provincial and Local Government, public spending and service delivery than that contained in the global SoD framework (although these are included in more

4. *State of Democracy in South Asia*, Oxford University Press and CSDS, Delhi 2008

depth in the IDEA State of Local Democracy framework, one of the complementary tools to the SoD framework). In contrast, there is a lighter emphasis on nationhood and citizenship, on issues external to Pakistan which affect the quality of democracy, and on the impact of Pakistan's democracy outside Pakistan. This may reflect the salience of these issues within Pakistani political discourse: which may in itself be a finding worthy of reflection!

In the context of a federal system in which each of the four provinces has a very different local constellation of parties and political forces, the provincial level assessments and interprovincial comparisons introduced in 2013 are of great interest. The distinction that emerges between strengthening institutions and strengthening democracy is a fascinating finding. In the 2013 report, the Government of the Punjab gains positive ratings for many aspects of strengthening institutions – but comes firmly third in strengthening the overall quality of democracy. In contrast, the Governments of Khyber Pakhtunkhwa and Balochistan fare less well in relation to institutions, with a majority of negative ratings, but considerably better than Punjab in relation to the quality of democracy overall.

The assessment process has also given considerable attention to detailed perceptions of the Provincial Legislatures. Working hours, the attendance (or otherwise) of Chief Ministers and opposition leaders, passage (or otherwise) of legislation, budget debate and scrutiny, and communications with the public are issues which attract considerable media comment and discussion, and are among the issues analysed by the PILDAT assessments. Interestingly, the analysis of assessment question responses of overall comparative performance of the Provincial Assemblies shows Sindh and Khyber Pakhtunkhwa in the top two places – in contrast to the findings of the poll conducted at the same time, in which public satisfaction with the performance of the Provincial Assemblies showed Balochistan first and Punjab second both in relation to legislation and in relation to oversight.

The PILDAT team have also sought in recasting the questions to promote dialogue and media debate most effectively. One issue which emerges very clearly is that of elite capture of political parties, with the associated weakness of the concepts and mechanisms of internal democracy within parties. The consequent question to what extent the choice and control offered by democracy is real or illusory is not unique to Pakistan – it is a theme that emerged strongly in the 2013 global review of democracy assessment – but it shows up in Pakistan in particularly clear relief. The customised framework has also spotlighted the role and functioning of legislative committees and at the slow rate of progress in establishing democratic structures of Local Government, both of which emerge as significant weaknesses.

The PILDAT approach makes a specific distinction between the institutional frameworks and processes themselves, and the performance of democratic institutions and the effectiveness of governance

Scoring: the Quantitative Element to Assessment in Pakistan

The scoring methodology of the Pakistan framework is interesting in that questions are asked both about particular aspects of the practice and performance of democracy, and then about its practice and performance taken as a whole. For example, between 2012 and 2013, the ratings on eleven different aspects of the practice of democracy show on average a tiny increase, of less than 1%: the overall rating of the practice of democracy shows an almost identical increase. On performance of democracy, the average of the ratings for the six indicator aspects increases from 24.2% to 26.3% (that is, 2.1%) between the same two years: yet the increase in the overall assessment of the performance of democracy is almost four times this amount, from 20.9% to 29.1% (8.2%). While there are several possible explanations for this, including the weighting of the importance of each indicator aspect and the possibility that an important aspect is missing. The methodology enables these issues to be identified, reflecting the fact that there are elements to overall perceptions which may not be fully explained by detailed components.

After ten years' experience of citizen led assessment, the Pakistan assessments now provide much more than a snapshot and a platform for debate and dialogue. The consistency of approach combined with the quantitative element of the assessments means that time series have been created. Progress – or the lack of it – on the issues identified by the assessments can be tracked over a sequence of years. It is possible not only to identify strengths and weaknesses of Pakistan's democracy and to facilitate debate towards change, but also to distinguish areas in which change happens and areas in which, for whatever reason, putting an issue on the agenda is resisted or is ineffective.

The Impact of Democracy Assessment in Pakistan

A ladder or hierarchy of assessment impacts can be perceived. At its first level, citizen led democracy assessment can be a process which gives voice to a community, identifying and formulating concerns. Beyond voice, assessment can lead to advocacy – in which the findings of the assessment encourage both political and civil society actors to advocate and campaign for political change. The ultimate achievements of effective assessment may be seen both in particular changes to the democratic framework which may result, and in the growth of skills and organisation – both in the formal institutions of politics and within civil society – which raise the level of future debates and discussions.

The series of democracy assessments conducted by PILDAT have come a long way up this ladder. Legislators and Government members use the reports as source material, and their findings are quoted and debated in the course of Parliamentary debate. The reports and accompanying analysis also have an impact in triggering mainstream media discussion and editorial, with the 2013 analysis of the comparative performance of the four Provincial Assemblies being a particularly strong recent example.

The series of democracy assessments conducted by PILDAT have come a long way. Legislators and Government members use the reports as source material and their findings are quoted and debated in the course of Parliamentary debate

Citizen-led Assessments: Pakistan and Globally

While many democracy assessments using the SoD framework have used entirely qualitative methodologies, the Pakistan assessments are not alone in including both qualitative and quantitative components in their work: Bosnia and Herzegovina, Latvia, and Mexico have also taken this track. In all three of these countries, issues related to governance and the performance of democracy emerged from the quantitative scoring as most problematic. The Mexican team, based at the Autonomous Metropolitan University of Mexico, published their report in 2009 and stated:

> *'The laws and the institutional design are in most cases acceptably good, but implementation often lags way behind, and additionally some legacies of an authoritarian past have yet to be removed from them. Public institutions have reasonable operational capabilities to fulfil their duties, but many are neither effective nor efficient*.'

In Bosnia and Herzegovina, issues related to Government responsiveness yielded the lowest scores. In Latvia, the lowest scoring issues were access to justice, protection of health, political party finance, public trust in Government, and the influence of corporations – a group of issues with a strong governance dimension.

A common thread emerging from all four of these assessments – reinforced by other assessments which do not contain the formalised quantitative element, such as those in the Philippines – is the importance of democratic accountability. This includes good governance, but is more than good governance. A new addition to the IDEA democracy assessment toolbox, the State of Democratic Accountability (SoDA) tool, is currently in an advanced stage of testing. It enables in-depth investigation of the match - or mismatch – between the structures for delivery of services, primarily at local level, and the structures for holding those who deliver them

accountable.

The SoD Framework after Ten Years

A review of global experience using the SoD framework took place in 2013, and identified a number of themes which have emerged from the variety of assessments which have taken place over ten years which can extend and augment the basic framework. Foremost among these were questions related to service delivery and to the relationship between democracy and development, with good political institutions always seen as necessary, but not sufficient in themselves for progress in development. At the same time, different teams of assessors around the world suggested that issues of political culture and tolerance might usefully be addressed in the assessment framework, sought to capture the reality of inclusion in more depth, identified the need for a stronger element of questioning and analysis in relation to gender issues, and considered that the relationship between traditional practices and institutions and the development of democracy would often be a useful field to explore.

The Future of Democracy Assessment in Pakistan: Some Points to Ponder

Pakistan is no exception to the explosive growth of internet access worldwide: penetration reached 30 million, or 16%, in 2013,[5] half of whom were using mobile phones for the purpose. The consequent burgeoning availability and flow of information will undoubtedly have an impact on political debate. It can also be used as a tool to strengthen the democracy assessment process, both in deepening the reach of the assessment and gathering information from a wide range of sources and locations, and through the enhanced potential for dissemination and interactive discussion of assessment findings.

A particular strength of the Pakistan assessments is one of the leading global records in continuing and repeating the assessment process. With the series of reports and findings that has been compiled, it is likely to be preferable to respond to new issues by making changes to the Framework by addition rather than amendment. Unless the salience of an issue declines drastically, there is value in maintaining a consistent time series of assessment findings. At the same time, as the assessments home in on key questions for debate, it will be important that the soundness of new questions is evaluated early: for example, the difference between the scorecard and the poll findings on the performance of the Provincial Legislatures may be identifying a real issue, or may be pointing to the need for a revision of the detail of one or other approach before it becomes fully established.

A common thread emerging from quantitative assessments – reinforced by other assessments which do not contain the formalised quantitative element, such as those in the Philippines – is the importance of democratic accountability

Looking to the future, the next round of PILDAT assessments will be particularly interesting, both at national level and at province level, in the light of the major events which have taken place in Pakistani politics in the period from August to October 2014.

Pakistan's democratic institutions and frameworks have been severely tested by the marches and demonstrations of the PTI and PAT in Islamabad and the responses of the Government and the Parliamentary Opposition parties. In addition, the floods of September 2014 have tested the effectiveness of service delivery by the Government in the extreme conditions of natural disaster. The changes in perceptions that result will be a highly important contribution to debate and dialogue about the development and robustness of Pakistan's democracy.

5. For details, please see 30m internet users in Pakistan, half on mobile: Report, Express Tribune, October 27, 2014 as accessed on December 19, 2014 at: http://tribune.com.pk/story/567649/30m-internet-users-in-pakistan-half-on-mobile-report/

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