

Civic Brief:

Nurture democratic future: A case for National Democracy Commission

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Context:

Democracy as a new global common in the contemporary world has resulted in creation of a new breed of institution like democracy promotion foundations, specialized institutes and think-tanks. Ostensibly these institutions and structures appear to be beyond traditional children of democracy - political parties and their global solidarity instruments or the political party internationals like Socialist International, Liberal International etc, but in practical terms they bring in many complimenting elements like research, skills training and development of innovative ideas. In some countries the political science academies have expanded the scope of their degrees by combining practice and theory of politics, polity and policies. Democracy assistance has also found its place in global development cooperation and democracy promotion has become an essential contour of foreign policy of many countries. The creation of United Nations Democracy Fund also certifies increasing global democratic interdependence.

Democracy as an aspiration could be regarded as the largest national enterprise in Pakistan. Empirically, eighty million plus voters in a society where 'voter's registration' is not an automatic phenomenon reflect the desire to participate in nation's democratic electoral processes. In Election-2008, out of the total registered voters 45.6 percent voters actually participated and brought a silent democratic revolution through the power of their vote.

Secondly, Pakistan is perhaps the only country in the world where thousands of valiant democracy activists and political leaders have sacrificed physically and economically by enduring exiles, executions, persecutions, public floggings, prolonged imprisonments and survived smear campaigns during four military rules and by the hybrid regimes engineered by the military establishment. (1958-1969 General Ayub introduced Basic democracy, 1969-1971, 1977-1988 General Zia played on the idea of Islamic democracy, and 1999-2008 General Musharraf coined Sustainable democracy)

Another important aspect of Pakistani democracy is that almost all shades of public opinion (left, right, centre, religious, progressive) have their political parties that operate within the constitutionally defined parameters and try their electoral luck at polling booths. Democracy, its corresponding institutions and the Constitution could be regarded as a unique unifying force in a federation that otherwise has many fault lines.

The political culture has flourished and the political parties have successfully managed to continue their struggle. This has happened despite the fact that there is an under-developed democratic culture where political parties are weak and have been disabled by design. Conducive intellectual structures for democracy are also missing and discursive public spaces are squeezing amid fear of terrorism. Textbooks taught in the nations' classrooms militate against democratic ideas and the corresponding normative institutions and organic political processes. Citizens' historic refusal to de-learn their incremental

understanding of democracy as a legitimate interest articulation mechanism sparks amazing confidence.

The idea of National Democracy Commission:

The Charter of Democracy (2006) inked by Shaheed Mohtarma Benazir Bhutto and Mian Mohammad Nawaz Sharif and the outcome of 2008 Election provided sufficient imputes to create a National Democracy Commission (NDC). According to Article 25 of the Charter, “National Democracy Commission shall be established to promote and develop a democratic culture in the country and provide assistance to political parties for capacity building on the basis of their seats in parliament in a transparent manner.” Earlier, a similar idea also figured in the 2002 Election Manifesto “Pledge with Pakistan” of Pakistan Muslim League-Nawaz.

The Centre for Civic Education Pakistan in its proposals had suggested to the Parliamentary Committee on Constitutional Reforms (PCCR) to include a new Principle of Policy in the Constitution aimed at promoting culture of democracy in Pakistan and advocated for the creation of the National Democracy Commission. The Centre also drafted a National Democracy Commission Act and offered research inputs about similar traditions in other countries. However, this idea was not able to attract the attention of the Committee.

A private member bill to establish NDC:

On May 3, 2010, fourteen days after the enactment of the 18th Constitutional Amendment on April 19, 2010 an honorable member of the PCCR and Leader of Opposition in Senate Senator Wasim Sajjad (Pakistan Muslim League-Q) tabled a private member bill in the Senate to establish National Democracy Commission. The bill was forwarded to the Senate’s Standing Committee for Law and Justice for vetting and deliberations.

While presenting the bill in the Upper House, Senator Wasim Sajjad said that the bill was aimed at promoting democracy and democratic culture in the country. He suggested that under National Democracy Commission bill the government should financially assist the political parties to strengthen the political culture at grass roots level in the country. Leader of the House in the Senate, Syed Nayyar Hussain Bukhari didn’t oppose the bill and asked to forward it to the Senate’s Standing Committee of Law and Justice saying that the bill has been drafted on a good issue as frequent military intervention had fatal consequences for democratic system in the country. Senator Haji Mohammad Adeel of Awami National Party and member of the PCCR opposed the bill on the grounds that the movers had not taken all the senators on board and the Commission will put extra burden on public exchequer. Senator Professor Khurshid Ahmed of Jama’at-i-Islami and member of the PCCR appreciated the bill and asked for a special committee to further deliberate on it. Senator Maulana Ghafoor Haideri of Jamiat Ulema-i-Islam remained apprehensive about the benefits for smaller provinces and smaller political parties. The bill was endorsed by majority of members of the House and the Chair referred it to the concerned Standing Committee.

In Pakistan the tradition of successfully piloting a private member bill is rare. The fate of this important bill was not different. On May 21, 2010 i.e. only after seventeen days, the Senate's Standing Committee of Law and Justice under the Chairmanship of Senator Muhammad Kazim Khan (Pakistan Peoples' Party) rejected the 'National Democracy Commission Bill-2010.' According to a media report the Committee termed the introduction of this law as disgraceful to the Parliament and that it amounted to limit the Parliament's objectives as well as its scope.

We, at the Centre, were astonished over the haste and hollow arguments pleaded to reject the Bill as its underlying idea had already been agreed upon by the leadership of two major political parties; Pakistan Peoples' Party and Pakistan Muslim League-Nawaz in Charter of Democracy. Senator Wasim Sajjad by presenting this bill not only referred to the Charter of Democracy rather practically broadened its political ownership as he hails from the third largest political party in the Parliament. The Standing Committee of Law and Justice is dominated by the Pakistan Peoples' Party (five out of eleven members). The entire episode portrays that there is a very little institutionalized political memory and that the coordinated policy articulation forums and mechanisms within political parties are missing.

The rejection of the Bill on the pretext that it will put an extra burden on public exchequer is quite interesting as in the same meeting the said Committee considered a bill on "The Parliament and its Member's Privileges Bill." And instead of out-rightly rejecting the Committee asked the ministry concerned to collect relevant information from other parliamentary democracies on this subject. Secondly, the idea of NDC in no way limits the powers of the Parliament to promote and vanguard democracy rather it seeks to compliment it. Thirdly, no critique or an informed analysis was offered on the contents of the Bill. Quite surprisingly the media and civil society also failed to notice this odd development.

Access to public funds for nation building democratic political processes is not a new innovation. It happens in many developed and developing democracies. In Pakistan intelligence outfits have already doled out millions for their puppet political parties. Asghar Khan Case in the Apex Court amply testifies this. Therefore it will be prudent to ponder on this proposition more seriously, realistically and above all futuristically. Perhaps time has arrived to deepen democracy in Pakistan by creating enabling structures and systems to expand democratic understanding among the people of Pakistan and facilitate political parties to organize themselves as dynamic institutions to nourish and nurture democratic values and culture. We are confident that any investment to strengthen democracy in the country is bound to yield the dividend which will help nurture vibrant democracy in Pakistan.

Title: National Democracy Commission Act

Purpose: The purpose of this Act is to facilitate the development and promotion of democracy by establishment of National Democracy Commission with main goal to preserve and commemorate historical struggle for democracy, to promote democratic culture in the country and succession of its spirit through political parties, civil society and engaged citizenry.

Objectives:

- 1 Support/provide public funding to political parties with parliamentary representation (at least with 5 seats in the Parliament i.e. the National Assembly and the Senate or at least 10 seats in any Provincial Assembly) to establish Policy Think Tank, Training Academy and Citizenship Education Programmes.
- 2 Collect/maintain/computerize/preserve materials and articles relevant to historical democratization movements in Pakistan, conduct research and studies on them. To arrange exhibition and publicity activities to make them known to people.
- 3 Activities supporting development of democracy and civic participation in Pakistan.

Proposed Structure:

- 1 The Commission should be comprised of Secretary Generals of all political parties represented in the Parliament
- 2 Secretary Generals of Provincial parties, if they are not represented in the Parliament, but having representation in the provincial assembly.
- 3 Ex-officio representation of the Election Commission of Pakistan.
- 4 Representation of Civil Society working in the field of democratization
- 5 Secretariat of the Commission should be run by professional staff.
- 6 Head of the Commission shall be appointed by the Standing Committee on Parliamentary Affairs.

Resources:

The Commission shall be allocated annual budget through the Parliament in the National Budget, with additional possibilities to raise funds through un-conditional grants and the revenues generated through sale of publications, souvenir/mementos.

[Draft law proposed by the Centre for Civic Education Pakistan]

Global Democracy Promotion Initiatives:

While examining the rationale and methodologies of global democracy promotion initiatives one can classify following main trends and approaches;

Supply side of Democracy

- 1 Political party focused (within this category there are examples of single party institutions and multi-party initiatives. Political party Internationals like the Socialist International, Liberal International etc)
- 2 Parliament focused (example: Pakistan Institute of Parliamentary Services <http://www.pips.org.pk> established under an Act of the Parliament in December 2008. Hansard Society United Kingdom a political research and education charity to strengthen parliamentary democracy and encourage greater public involvement in politics. www.hansardsociety.org.uk)

Demand side of Democracy

- 3 Combined for political and civil society (The Westminster Foundation,
- 4 Citizen focused

The United Nations Democracy Fund was established by Secretary-General Kofi Annan in 2005 and was endorsed by Member States at their 2005 September Summit. The United Nations has also declared September 15 as the International Democracy Day. <http://www.un.org/democracyfund>

United States of America

Established on November 13, 1983 (under the Reagan administration) by the “National Endowment for Democracy Act,” the **National Endowment for Democracy** is a non-profit, private organization established to further the proliferation of democratic ideology throughout the globe, particularly to countries hostile to such ideology.

The purposes of this organization are:

- (1) to encourage free and democratic institutions throughout the world through private sector initiatives, including activities which promote the individual rights and freedoms (including internationally recognized human rights) which are essential to the functioning of democratic institutions;
- (2) to facilitate exchanges between United States private sector groups (especially the two major American Political Parties, labor, and business) and democratic groups abroad;
- (3) to promote United States nongovernmental participation (especially through the two major American political parties, labor, business, and other private sector groups) in democratic training programs and democratic institution-building abroad;

(4) to strengthen democratic electoral processes abroad through timely measures in cooperation with indigenous democratic forces;

(5) to support the participation of the two major American political parties, labor, business, and other United States private sector groups in fostering cooperation with those abroad dedicated to the cultural values, institutions, and organizations of democratic pluralism; and

(6) to encourage the establishment and growth of democratic development in a manner consistent both with the *broad concerns of United States national interests (emphasis mine)* and with the specific requirements of the democratic groups in other countries which are aided by programs funded by the Endowment.

The NED has four core institutions namely: National Democratic Institute for International Affairs (NDI), International Republican Institute (IRI), Solidarity Center and Center for International Enterprise.

United Kingdom:

The Westminster Foundation for Democracy (WFD), the United Kingdom's democracy-building foundation was established in 1992 and registered as a Company Limited by Guarantee. The WFD is an independent public body sponsored by the Foreign and Commonwealth Office, from which it receives annual funding of £4.1 million.

Working with and through partner organisations, the WFD seeks to strengthen the institutions of democracy, principally political parties (through the work of the UK political parties), parliaments and the range of institutions that make up civil society – non-governmental organisations (NGOs), trade unions and free media, among others. The WFD believes that, for a democracy to flourish, all of these institutions must be strong.

According to the mandate of the WFD properly functioning political parties are the key to an effective pluralist democracy. This is recognised in WFD's mission statement, which cites the development of political parties as one of the key areas for our support and assistance. This pledge is underpinned by a financial allocation, amounting to half of WFD's project budget, to the Westminster-based political parties. Democracy works best when political institutions – parties, parliaments, local government – are close to voters. This requires that voters are able to make their needs understood; elected representatives explain what they are doing to meet those needs; and mechanisms are in place to make this communication possible.

Germany:

In Germany, political foundations such as Stiftungen play an important role in shaping civil society. The Stiftungen, however, has also committed itself to strengthening democratic political and societal structures abroad. This and other similar foundations are

closely linked to the political parties and the parties become entitled to receive government grants for these foundations if they secure minimum 5 percent votes.

Major German political foundations are: Konrad Adenauer Foundation (loosely connected to the Christian Democratic Party), Heinrich Boll Foundation (associated with the Green movement, Friedrich Ebert Foundation (loosely connected to the Social Democratic Party), Rosa Luxemburg Foundation (associated with the German Party of Democratic Socialism), Friedrich Naumann Foundation (loosely connected to the Liberal Party of Germany) and Hanns Seidel Foundation (connected to the German Christian Democratic movement).

The Netherlands:

The Netherlands Institute for Multiparty Democracy (NIMD) is a democracy assistance organization of political parties in The Netherlands for political parties in young democracies. Currently working with more than 150 political parties from 17 programme countries in Africa, Latin America, Asia and Eastern Europe, NIMD supports:

1. Joint initiatives by parties to improve the democratic system in their country
2. The institutional development of political parties
3. Efforts to improve relations between political parties, civil society and the media

In several countries where NIMD operates, political parties have established Centres for Multiparty Democracy. These centres provide a neutral setting where political adversaries have the opportunity to discuss how they can work together to strengthen democracy. The NIMD encourages political parties to organize exchanges with counterparts from neighbouring countries. In these regional programmes, democratic politicians from various countries convene in order to learn from each other, share experiences and help others promote democratic reforms.

Founded in 2000 by seven Dutch parties (CDA, PvdA, VVD, Groenlinks, D66, Christen Unie and SGP), the NIMD programmes draw on the expertise of political practitioners. In addition, NIMD has engaged youth branches of the Dutch political parties in its work. Organized within Young NIMD, these youth teams have developed initiatives to exchange their knowledge and experience with young politicians in NIMD programme countries.

South Korea:

The Korea Democracy Foundation was created with the legislation of the Korea Democracy Foundation Act, which was passed by the National Assembly in June 2001, with the belief that the spirit of the democracy movement should be extended, developed and acknowledged as a critical factor in bringing democracy to Korea. The foundation is a not-for-profit organization set up for the purpose of enhancing Korean democracy through a variety of projects aimed at inheriting the spirit of the movement.

Taiwan Foundation for Democracy

The Ministry of Foreign Affairs initiated the Taiwan Foundation for Democracy project in 2002. After much research and careful evaluation, the Ministry integrated the required resources from many sectors of society. In January 2003, the Ministry obtained the support of all political parties to pass the budget for the Foundation in the legislature. The TFD formally came into being on June 17, 2003, with its first meeting of the Board of Trustees and Supervisory Board. According to its By-laws, the TFD is governed by a total of fifteen trustees and five supervisors, representing political parties, the government, academia, non-governmental organizations, and the business sector.

There is a culture of individual party institutes in Austria, France, Sweden, and Spain.

Mapping Pakistani situation:

Presently political parties in Pakistan have their own study circles. However they do not have any proper training institutes which can help them in developing more effective, inclusive and transparent political organizations. In the wake of recent drive for democratization which began after 2008 Elections, the people of Pakistan are found looking for more responsive parliament and well-organized political parties. That cannot be ensured unless the parties are reorganized transparently and strengthened along modern lines.

The establishment of National Democracy Commission is also important to make the political parties vibrant and the parliamentarians more assertive and to become in-charge of democratic governance. The lack of assertiveness is primarily because most of the political parties and the parliamentarians don't enjoy full control over public policy articulation. Most of the policies and draft laws emanate from the bureaucratic realm. The establishment of Pakistan Institute of Parliamentary Strengthening (PIPS) is a first step towards the culture of politics-led governance.

Moreover, there is a lack of active citizenry exercising their right of 'informed political choices' and 'effective accountability of elected representatives'. For the citizens to participate in nations' democratic processes and to monitor the performance of the elected representatives and elected bodies are integral part of the democratic system. The creation of NDC is also important to fill this gap and to create an active citizenry which will catalyze transformation of democratic institutions in Pakistan.

In Pakistan, many international organizations like National Democratic Institute, International Republican Institute (both party focused), International Foundation for Electoral Systems (election focused), are working to achieve these ends since 2002. Indigenous initiatives or organizations with support from international donors are also working in the field of democratization such as Aurat Foundation, Centre for Civic Education, Human Rights Commission of Pakistan, Pakistan Institute of Legislative Development and Transparency, Free and Fair Election Network and the Election

Commission of Pakistan also conducts civic/voter education and work to support political parties and the legislative institutions.

Another challenge while creating the NDC remains revisiting the Political Parties Order-2002. In order to offer financial support to political parties, the Political Party Order 2002 has to be amended. Presently, it allows only individual donations and prohibits any kind of associational or international assistance. Therefore it is crucial to evolve an enabling legal regime and create indigenous support base for the nations' democratic pursuits.

Annex-I

[This private member bill was tabled by Senator Wasim Sajjad, leader of the opposition in the Upper House on May 3, 2010. It was referred to the Standing Committee on Law and Justice where it was killed on May 21, 2010].

National Democracy Commission Act, 2010

WHEREAS it is expedient to form Commission to promote democracy and democratic institutions in the country and to strengthen political parties.

It is hereby enacted as follows:-

- 1 Short title, extent and commencement:-
 - (1) This Act may be called the National Democracy Commission Act, 2010.
 - (2) It extends to the whole of Pakistan.
 - (3) It shall come into force at once.
 - (4) The Federal Government shall constitute the National Democracy Commission as follows: -

i. Prime Minister of Pakistan	Chairman
ii. Leader of the Opposition in the National Assembly	Vice Chairman / Member
iii. Leader of the Opposition in the Senate	Member
iv. Leader of the House in the Senate	Member
2. The Commission shall nominate the following as associate members:
 - a. 4 representatives from the Civil Society for a period of two years at a time.
 - b. 2 eminent journalists including at least one woman for a period of two years at a time.
 - c. 4 representatives of the major political parties which shall mean the parties which secured the highest number of votes in the last general elections.
 - d. The President of the Supreme Court Bar Association.
3. The purpose of the Commission will be as follows:-
 - a. to promote democracy and to strengthen democracy institutions in Pakistan.
 - b. to prevent unfair pressures and illegal acts on the political parties.

- c. to strengthen political parties, political and democratic system and to educate the people about the functioning of political parties.
4. The Federal Government shall provide adequate funds for the Commission.
5. The Commission shall have a permanent secretariat.
6. The Commission shall have an office at each provincial capital in the country.
7. Resources will be provided to each political party on the basis of its votes in the last general elections.
8. The Commission may make rules not inconsistent with this Act for the performance of its functions.
9. The Commission may employ such officers and staff for the performance of its functions as it may deem fit.
10. The meeting of the Commission shall be held once every 3 months.
11. The directions and recommendations of the Commission shall be binding on the Federal and Provincial Government and all other Authorities in the country.
12. Any person or authority violating the directions recommendations of the Commission shall be liable to imprisonment for a term which may extend to one month or with fine which may extend to Rs. 5 lacs or with both.

OBJECTS AND REASONS

Democracy, democratic institutions and political parties need to be strengthened in Pakistan. Frequent military interventions have not allowed democracy to function in a consistent manner and take roots amongst the people of Pakistan. For democratic culture to succeed it is extremely important that political parties and democratic institutions be encouraged to perform their proper functions.

It is therefore, proposed that a National Democracy Commission be formed under an act of Parliament. It may be noted that such a proposal was agreed in the Charter of Democracy signed between two major political parties but no steps have been taken to fulfill this task. The present bill is being moved to achieve the aforesaid objectives.

Annex-II

Analysis of Senator Wasim Sajjad Bill

- By including the Prime Minister, Leader of the Opposition in the National Assembly, Leader of the House and Leader of the Opposition in the Senate as the members, the proposed Commission will become 'top heavy.' Our experience

with Pakistan Environment Protection Council headed by the Prime Minister and mandated to meet once a year reveals that it couldn't hold its meeting regularly, whereas the frequency of meetings suggested for the proposed Commission is once every three months. It will be like over stretching the commitment of otherwise highly busy mandate bearers. Therefore it will be prudent that the Secretary Generals of the political parties with a parliamentary representation shall be included in the Commission as member. Secondly the frequency of the Commission's meeting shall be twice a year.

- The proposed bill offers seven seats to representatives of civil society, media and Supreme Court Bar Association and only four to political parties as associate members. This sounds bit tilted towards 'non-political' actors, whereas the mandate of the proposed Commission is pretty political party focused (*that too is not fair*). The proposed composition also ignores the representation of provincial political parties.
- The purpose of the Commission offers a very narrow mandate and ignores the established tradition of democratic civic education (formal at schools, colleges, and universities, informal through Public Service Broadcast) in developed and developing democracies. People need to know about democracy, democratic institutions, and democratic practices besides political parties to make informed decisions and choices.
- Preventing unfair pressures and illegal acts on political parties will require judicial and administrative powers for the Commission. Some legal remedies already exist in normal laws and need to be further strengthened. However monitoring of unfair pressures and illegal acts and publication of periodic reports and case studies will be useful.
- The Bill proposes resources for the political parties on the basis of their votes in the last general election. The countries with such provisions often put some benchmarks (Germany at least 5% votes).
- The proposed Bill (*clause 12*) specifies punitive actions that sound contrary to the spirit of the Commission as it is supposed to be a 'facilitator' and not a 'regulator' of political parties. However it will be prudent to put any clause that deters/restricts the abuse or misuse of provided resources other than their specified/allowed use.
- The objective of the proposed Bill talks about democracy, democratic institutions and democratic culture besides political parties, but offers very little how to institutionalize these objectives in terms of democratic institutions and democratic culture.

Annex-III

Senate Standing Committee on Law, Justice and Human Rights and Parliamentary Affairs

Chairman:

Senator Muhammad Kazim Khan (Pakistan Peoples' Party-P)

Members:

Senator Abdul Haseeb Khan (Muttahida Qaumi Movement)
Senator Dr. Zaheeruddin Babar Awan (Pakistan Peoples' Party-P)
Senator Mian Raza Rabbani (Pakistan Peoples' Party-P)
Senator Muhammad Jehangir Bader (Pakistan Peoples' Party-P)
Senator Syed Nayyer Hussain Bokhari (Pakistan Peoples' Party-P)
Senator Muhammad Azam Khan Swati (Jamiat Ulema-i-Islam-F)
Senator Prof. Muhammad Ibrahim Khan (Jama'at-i-Islami Pakistan)
Senator Wasim Sajjad (Pakistan Muslim League-Q)
Senator S. M. Zafar (Pakistan Muslim League-Q)
Senator Syed Zafar Ali Shah (Pakistan Muslim League-N)

About the author:

Mr. Zafarullah Khan is Islamabad based Political and Media analyst and Civic Educator with interest in political communication, political parties and democratic development. Mr. Khan has moderated number of workshops/courses on democracy, civic education and communication arranged by national, regional and international organizations. Mr. Khan has worked as journalist for country's leading newspapers and electronic media. Presently he is working as Executive Director of Center for Civic Education Pakistan. Mr. Khan holds a masters degree in Media and Communication from London School of Economics in the United Kingdom.