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OPEN DEMOCRACY INITIATIVE

This policy brief addresses the capacity and need of Pakistan's parliament to adapt to an evolving set of issues based on its central constitutional role in making the country's democracy work.

Parliament and the Pandemic

by Sherry Rehman

Introduction

Parliament's role in managing, scrutinizing and leading Pakistan's fight against COVID-19 and its potential dangers is critical to coherent outcomes. With the situation in Pakistan still at a stage where the virus is spreading without knowledge or capacity to test, isolate, treat, the necessity of different levels of responses confronts every sector of the economy and every aspect of human life, heavily dependent on social activity for everything including the business of government. At many levels, urgent choices have to be made, with limited resources. This policy brief addresses the capacity and need of Pakistan's parliament to adapt to an evolving set of issues based on its central constitutional role in making the country's democracy work.

Life in the times of Corona for Pakistan, like other countries, has forced adaptation, improvisation and change. As part of an ongoing lockdown amid domestic air-travel bans, Pakistan's parliament has been in forced recess, understandably missing scheduled calendar dates for sessions. Yet as policy decisions unfold from Islamabad as well as provincial capitals, the need for parliament to exercise oversight on emergency measures, fiscal re-prioritisation, revenue disbursements, social transfers to the immediately vulnerable, and health support, as well as other priorities, re-emerges as essential. Secondly, with the provinces seeing mitigation and containment goals as differently placed

on their scale of responses, an acute and unprecedented emergency has triggered a great national debate on how to balance the saving of lives versus livelihoods across the federation. Parliament could set the tone for clarity and coordinated responses if time-lined public safety objectives were to be goal-posted in a safe space. Thirdly, parliament through its committees should resume the crucial task of navigating emerging competition among different groups, lobbies and interests, which left on their own, create a de-stabilising bandwidth for social discontent. Fourthly, a possible crisis of public finances, driven by Pakistan's fiscal deficits, rising debt exposure and low growth will need a retooling of the economy before the national budget is passed in June. International debt renegotiations need both parliament's scrutiny and input. Fifthly, given that Parliament is a key institution for promoting health equity, it must activate its representative, legislative and oversight roles specifically to fund this sector and its pressing needs. There is no longer any vestige of doubt about the need for strategically addressing Pakistan's deteriorating health sector and parliament must play a leading role in revamping it. Lastly, parliament's role in building policy inclusion and transparency in government dealings, including foreign policy in a troubled region, must stand restored.

This policy brief argues that for democracy to be meaningful all the pressing policy issues at stake must be addressed by parliament, which at present are being handled only by the executive branch. It also focuses on learnings from other parliaments on how to adapt to the mandatory need for social distancing while remaining functional, and points to the framing of new rules for testing times.

What is at Stake

As it stands, political confusion about a coherent national policy, and the absence of a powerful narrative, has bogged large swathes of the population in confusion, leading to sub-optimal acceptance of the existential nature of this crisis. Refusal to understand the magnitude of the pandemic ability to transmit exponentially and silently has led to disincentives to build capacity to absorb shock.

With its bicameral structure, Pakistan's parliament can be at the centre of the search for solutions, yet it has been slow in rising up to the challenge.

Parliament's urgent role of scrutinizing government, authorizing spending, making laws, and providing leadership during difficult times cannot be pushed aside. As it stands, MNAs, MPAs, Senators are swamped for distress relief provision, health assistance and other queries from an anxious public, which also suggests that physical sittings in some remote future cannot be the only way out. Parliament must rise to the challenge and channel technology in its path to serving the people's needs. Time is of the essence in shaping responses. The provinces too may need to follow suit. Calls for debating, discussing and innovating in this ongoing emergency are growing.

Cohesion and Clarity

Parliament's first job, especially the Senate of Pakistan, is to provide cohesion and unity in times of crisis, while ensuring no province is left behind in the decision-making process. This, so far has only been done in government-executive meetings, without institutional inputs from key constitutional forums such as the Council of Common Interests. Relevant standing committees have not been able

to provide advice or audit to decisions made in crisis, which has raised an ongoing controversy in the country over transparency of data collected by the governments across the country. Interprovincial differences based on absence of real-time knowledge, inexperience of health crises, absence of viable infrastructure and idea-based gaps are clouding a public discourse that is in need of clarity, direction and leadership. Controversies about politicization over volunteer cohorts being mobilized for relief-delivery, as well as a daily public battle over competing coping mechanisms between the leadership of provinces have also muddied waters in need of coherent policy. This has led to a sharpening of belief-faultlines between science and faith as well, which is dangerous for a population that can turn volatile over state regulations on prayer congregations as possible sites for high transmission of the virus.

Knowledge Transmission

Health data, with its current institutional and financial gaps, has become a bone of contention between provinces and even districts. With parliament forcing an alignment of knowledge at one forum, the transmission of regular information to stakeholders will clear decision-pipelines of confusion. Institutions, both public and private, and provincial governments are attempting to align decisions and planning with each other, often in the absence of informed opinion, leading to poor technical vigilance in areas such as quarantine and border-management. This has led to public questioning of policy and its management in a divisive debate over testing, provision of protective gear to doctors, supervision of public congregations and state instruments to impose some level of uniformity in containing transmission of the disease.

Social Protection in Lockdown

Like most countries, Pakistan is facing key challenges in charting policy which negotiates a workable balance between saving lives and managing a lifeline to livelihoods, with huge impacts for the vulnerable informal sector, daily wage-labour and SMEs. The design, delivery and even branding of social protection packages driven by federal and provincial governments, including public philanthropy and state relief in terms of ration-delivery to vulnerable households has raised several issues that should have been directed past parliament.

The UN's warnings about food security for developing countries, as well as widespread concern for sustainability of disease containment-driven lockdowns have spurred acute concerns for Pakistan's rural economy, while urban centres have already registered "epicentre" transmission concerns for provincial governments. The dangers to lives and public order are grave. The formal economy as well as supply chains in an interconnected world, have to be managed in a situation where the need to socially distance have created unprecedented bottlenecks in every part of the economy. Population densities and clusters of poverty and cramped housing have to be considered. For a country with one of the highest levels of water usage-per capita in the world, impacts on water and food security, as well as availability of potable water and low-cost soap has to be made part of national development fund goals for the medium-term plan.

Public Finances

Parliament needs to provide inputs as well as mandatory recommendations on the planning and budgeting process, as fiscal space for unexpected expenditures and crisis management needs to be

created. At the same time, growing calls for oversight on public spending and PSDP need to be addressed via their relevant committees. The crisis in public finances is especially acute as public debt continues to rise and alarming multilateral predictions of negative growth surface for contracting economies,¹ where resources are too stretched to provide stimulus packages across the board. Terms of renegotiating Pakistan's rising debt with the IMF are concerns many parliamentarians have voiced, especially after red flags raised by the World Bank² point to serious downturns in projected growth. Given that Pakistan's total debt and liabilities stand at Rs 41 trillion, which is almost 94 % of the country's GDP,³ the magnitude and gravity of public finances merits a clear need of scrutiny. Now that the IMF's \$1.38 billion⁴ emergency loan has been approved, parliamentary supervision has now become more imperative than ever. Policy makers must be given some economic models to debate a funding strategy and introduce a robust policy to mitigate the pandemic's adverse impact on our economy. Furthermore, in the light of the G-20 debt relief programme, policy makers could also collaborate with the donor community to come up with a strategic debt relief plan for our worsening fiscal condition.

Healthcare Gaps

In response to COVID-19, parliament must not only take measures to bolster our public health systems, fast-tracking urgent protection of frontline healthworkers, but should also start debating emergency health packages that will be of critical importance to people's immediate livelihoods and health. In South Asia, Pakistan has the lowest health spending ratio in terms of its GDP. We spend less than 1% of our GDP⁵ on health which needs to be immediately revised. Parliamentarians have a crucial role to oversee the health response, as well as evaluate and swiftly pass emergency legislation to approve national funds to meet the needs of the population they serve. As part of a broader social audit, parliament through its scrutiny can attempt to ensure transparency, which is key in maintaining the public's trust during the pandemic.

Regional Tensions

The risk to Pakistan is compounded by rising tensions in the region. At a time when SAARC meetings have suddenly been called after the forum gathered dust for years, Pakistan's readiness to discuss paths to regional confidence building are not in question. What is worrying is the ongoing tension between India and Pakistan, particularly with Indian shelling on the Line of Control, and PM Modi's exclusionary policies as well as his unacceptable abuse of population in IHK, where risk of disease is clearly high with no transparency or access to fundamental rights. Equally on parliament's docket is flux in Afghanistan, and Kabul's ability to manage both Covid-trauma while pushing for crucial intra-Afghan policy decisions on its peace deal in the context of an American withdrawal. Both issues, along with quarantine arrangements along the Iran border, need to be addressed in parliament urgently.

Way Forward

Although Pakistan's parliament has not been a big innovator, both Speaker Asad Qaiser and Chairman Sanjrani are quite open to ideas at this point. Despite not having the initial capacity to host web meetings, they have gone further than Pakistan's neighbours in instituting special committees and creating common ground in crisis. So far, in the SAARC region only Pakistan, Bhutan and the Maldives are taking the lead in convening online meetings. If the pandemic continues to rage through South Asia, with low health infrastructure and high poverty indices, a

round of essential committee meetings such as Rules, Health, Finance, Planning, IT, Interior, Law and others must be convened online to plan for contingent futures.

So far, one specially notified committee of parliamentary leaders from both the Senate and NA has met to discuss the Corona crisis, and shape shared responses. The Senate has begun its House Business Advisory meetings, while the NA too prepares for improvisations. The coordination so important between provinces and the federal government can be bridged transparently in such meetings, where provincial representatives can be patched in to state their asks, provide crucial data, best practices. social distancing and innovations needed in coping with the emergent risks. All provinces and the federal government should be geared to work in lockstep with another, which is essential. The coronavirus emergency is a national challenge and must be treated as such.

Capacity for Online Work

What can be done to plan ahead? Parliament should urgently ramp up its e-tech capacity by seeking changes in its internal budget. All members of the budget committees can be mobilised on the web, and there is little likelihood of any political party objecting to diverting resources for urgent staff training and higher internet coverage. This will have to be done separately by both National Assembly and Senate web hosting such meetings. This will entail an enhancement of the technical capacity of the Committee rooms used by both Houses, as well as the plenary halls. Next, permissions needed by the Rules Committee of both Houses will have to be addressed. This can be done by convening a physical-cum-virtual meeting of the Rules Committee, which can then discuss options, including the creation of ways and means, on ratification of its proposals by the whole House (plenary). To make committee-work productive, and given that all planning for the near and medium-term must take place on the basis of data, standing committees should be provided information well before online meetings, so time is better managed in terms of outputs and joint decisions

Lessons from Other Parliaments

The European Parliament has trial-run email voting already, while in Spain, which has been hit hard by crisis, a remote voting infrastructure has been set up even before the pandemic to ensure participation to reduce legislators' travel load. The UK, on which Pakistan and India's Westminster system of government is modelled, has just decided to institute virtual parliament by the end of the month after a strong intervention by Speaker Hoyle after opposition demands for scrutiny of the government's response to COVID-19. The Clerk of the House of Commons, has sought, for example to move rapidly to ensure that Select Committees can go digital in order to pass crucial legislation to meet emergency needs.⁶

Resistance to years of tradition is found among new and old parliaments, including even the American Senate. Objections everywhere, including Pakistan, typically fall into the same two categories, which are mainly logistics and adherence to constitutional norms. How will members register their vote, and how will remote debates work? These include ensuring members' freedom from coercion or being put under duress in a remote environment. Many parliaments have found solutions to this, including the "Mother of all Parliaments", the UK's Westminster. The issue of ensuring compliance to the constitution is clearly not insurmountable. In America, while there was some discussion on constitutional references to "meeting" and "attendance" meaning strict physical

attendance, advocates of parliamentary oversight noted that the framers of the constitution explicitly left it up to each chamber to “determine the rules of its proceedings”.⁷ Other parliaments also sought a change in rules to enable parliament’s functioning.

Many parliaments are struggling with framing rules for legal voting to take place. In Indonesia, the parliament held a meeting on March 30th, with most members using a video-conferencing application. In the Maldives, the People’s Majlis continues its sittings via web conferencing, with members remotely joining from their homes. The first online plenary met on March 30th, where a motion to support the government’s Covid-19 financial support program was debated.

For other parliaments, security issues for remote voting, to ensure votes are cast legitimately with identification, are being overcome through biometric applications or device-registration. In Brazil, for instance, a full remote plenary session has already taken place on March 20, after the parliament passed a full resolution allowing parliament to function regularly in a public health emergency. To secure the identity of voters, Brazilian parliament asked for a device to be registered with MPs, with an internal application for voting.

Another common worry among traditionalists is that once it becomes possible to conduct voting remotely, it will be hard to herd legislators back to the capital, especially given the deliberative nature of debates in all parliaments. To overcome such a slide into voting remotely even in non-emergency times, a resolution could be moved to re-authorize remote legislation over a fixed period of time. The rules that would allow for remote voting in Committee or plenary, could conceivably be framed for being applicable only in national emergencies.

New Rules for Testing Times

For legislation, rules will have to be made to allow online voting, which parliaments are testing. To facilitate this in Pakistan, a joint rules committee meeting of both Houses can be called online immediately. In Pakistan, Article 55 of the Constitution of Pakistan, read with Article 61 (which makes NA provisions applicable on the Senate of Pakistan), can also be interpreted for unusual, emergency circumstances to include the meaning of “present and voting” in order to fulfil the more fundamental requirement of legislators fulfilling their first responsibility to the people of Pakistan, which is recognized as sovereign. Under general procedure, the Constitution also authorizes, under Rule 67 1) the parliament “to make rules for regulating its procedure and the conduct of its business.”

In any case, the Constitution of Pakistan is a living document that evolves in response to the needs of its people, as per international and past practices. The Corona emergency as we have come to see it has taken on the magnitude of the Second World War in its scale and impacts of all activity, including the business of adapting democracy to unprecedented crisis.

In its tech-initiatives, the Senate of Pakistan, unlike the NA, is already using e-notices to circulate business, while the Secretariat keeps recorded with it authorized addresses and signatures of members.

Staff Protection

Although Pakistan's parliament runs without the same level of staffing for legislators that other parliaments do, core staff for legislative, committee, secretariat and other branches is needed to make the wheels turn for both Houses. This means resources and fresh protocols for protecting parliament's staff will have to be created. Senate staff runs at 1115 people, while 2200 NA staff including CDA officials are posted during sessions. They are extremely vulnerable to infection in cramped quarters due to low office space in parliament building, which means a version of telework facilities will have to be organized for them. According to the International Parliamentary Union, this is the path the EU is taking. Health staffers must be ramped up for mandatory temperature-screening facilities for all staff as they enter the parliament building. The same must apply to legislators and restricted-entry visitors.

Tech Options

For web hosting large numbers, many Parliaments are turning to commercial providers offering cloud-based solutions such as Office 365, including UK, Netherlands Senate, the Danish Folketing, and Norway's Stortinget. Bhutan is using G-Suite from Google Cloud, while Cisco Webex was used by Pakistan's parliamentary committee for monitoring Corona.

Pakistan's parliament will have to invest in a system that can carry the bandwidth in times when web services are under sudden load, and also ensure that each member of parliament is able to function from an environment where the internet connection is fast and reliable.

For essential committees like the Coronavirus Monitoring Committee that already meets part-virtually, part physically, transparency can be ensured by the live broadcast infrastructure which is already in place, easily tweaked by PTV.

Conclusion

For democracy to be meaningful, its institutions must adapt to the future and to public needs in real time. Pakistan's economy is on ventilator, and little coordination is visible from Islamabad. Our informal sector and daily wagers are in urgent need of social protection, while health professionals are in desperate need of equipment. Parliaments must seek answers on economic transparency and aid inflows while ensuring the delivery of government benefits with both care and compassion. Questions about which sector gets what percentage of exemptions have already been broadcast as working-policy by the federal and provincial governments, but tensions across the federation continue to simmer over resource-distribution as well as evolving plans to contain the disease while it continues its upward curve in Pakistan. Public representatives need to be able to shape policy at such key historic intersections.

There is much work to be done in the days ahead. Pakistan will need to pass a budget in June, which is one of the most crucial sessions of the parliamentary year, and head counts as well as complex discussions are needed. At a minimum, voting and debate by the National Assembly, and recommendations by the Senate Finance Committee, adopted by the whole House, have to be relayed to the NA for the process to be institutionally complete. Special arrangements will have to

be made, which are constitutionally viable. If rules for fool-proof full-house online voting cannot be made until then, nothing should be off the table, including special flights and special seating arrangements, with safety measures taken for staff.

Nothing is certain anymore, and a changed world will require new ways of working, travelling, and the questioning of orthodoxies, both economic and otherwise. Parliaments all over the world cannot be exempt from exploring urgent innovations to conduct crucial business. Our task as representatives has become even more acute in times of crisis and legislators must continue to be answerable and available to the public.

Sherry Rehman is Chair Jinnah Institute, Parliamentary Leader of the PPP in the Senate, and former Leader of the Opposition in the Senate of Pakistan. Rehman has served as Pakistan's Ambassador to the United States and Federal Minister for Information

REFERENCES

¹ IMF has said that Pakistan's economy will fall into recession in this fiscal year, with growth expected to contract by 1.5 %

² According to the WB report, regional growth could fall to anywhere from 1.8 % to 2.8% in 2020, down from 6.3 % projected six months ago.

³ Hussain, Zahid. "Pandemic's Economic Impact", April 16, 2020, Dawn

⁴ IMF <https://www.imf.org/en/News/Articles/2020/04/16/pr20167-pakistan-imf-executive-board-approves-disbursement-to-address-covid-19>

⁵ Ministry of Finance http://www.finance.gov.pk/survey_1819.html

⁶ "Update on work to ensure Commons scrutiny continues." UK Parliament website www.parliament.uk

⁷ "What if Congress Cannot Assemble", April 7, 2020. Editorial, The New York Times