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Tehseen Khalid

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Editorial

Dear Readers,

The Pakistan Institute for Parliamentary Services (PIPS) continues to offer research, parliamentary development, legislative, capacity building and public outreach initiatives to serve the individual MPs and committees both anticipatedly and on demand. We take this opportunity to offer heartiest congratulations and welcome on behalf of all members of team PIPS to the Honourable Chairman Senate of Pakistan on assuming the charge of office of the President PIPS Board of Governors on September 03, 2024.

The Institute held numerous capacity building activities that included three days Orientation of Members of Khyber Pakhtunkhwa at PIPS Islamabad on House Business and Committees in addition to workshop on committee business for Hon MPs as well as promotional tests for officers of the Senate of Pakistan. PIPS Parliamentary Development Programme & Coordination wing also held one day orientation on social media challenges for MPAs of the Provincial Assembly of Sindh.

This September 2024 Issue of the PIPS Parliamentary Research Digest includes absorbing write-ups on unregulated migration, role of party whips in working of Parliament and a parliamentary paper on Parliamentarians for Global Action (PGA), a global network of parliamentarians from over 130 countries, founded in 1978 and working together to promote democracy, human rights, and the rule of law. The Issues also have imperative Resolutions passed at both Houses of the National Parliament on Kashmir and Palestine. Please feel free to send your feedback and/or contact the team for any of our services at research@pips.gov.pk

Muhammad Rashid Mafzool Zaka
Director General (Research)



Group Photo of Honorable Members and functionaries of Provincial Assembly of Khyber Pakhtunkhwa during a three day workshop on "House and Committee Business" organized by PIPS on September 18-20, 2024

ANALYSIS

Navigating Social Impact of Unregulated Migration

Tehseen Khalid

Director (Research), PIPS

1. Introduction:

International migration is a highly debated topic and has become critical part of the global security agenda in the recent years due to the growing fear of terrorism. The migration issues have become more pervasive and pressing due to the stark differences between and within nations in real wages, labor market opportunities, demographic trends, and climate costs. Migration is a strong catalyst for economic growth, dynamism and understanding. Although migration contributes significantly to economic development and poverty reduction, it also presents challenges and threats. Destination economies benefit greatly from the skills, dynamism, and resources that migrants frequently bring. In many cases, they also help strengthen the country of origin by sending remittances as a lifeline to their families, particularly during times of chaos. However, unregulated migration via increasingly dangerous routes continues to impose a terrible cost. There are 184 million migrants globally, including 37 million refugees, with 43% living in low- and middle-income countries.¹ At the EU's external borders, Frontex recorded 327,131 illegal crossings between January and December 2022. Since 2016, this number has been the highest. It is equivalent to a 64% increase over 2021 and a 162% increase over the year-end figure for 2020, when containment measures associated to COVID-19 had restricted all types of mobility, including irregular migratory movements.²

Unregulated population migration is often viewed as an outlier issue or a possible threat that does not require policymakers' immediate attention. However, non-traditional security concerns do not arise in isolation, and many are linked to unregulated population migration. Non-traditional security issues like as changing environmental and climatic conditions, food and water scarcity, disaster management and pandemics are all factors driving unregulated population migration. Other factors include man-made tensions such as civil war and fragile or unstable regimes, growing interest from external parties, instability, economic imbalances, and organized crime. When numerous causes come together, they serve as a multiplier, generating instability among nation states as affected populations seek alternative sources of food, resources, stability, and safety which leads to irregular movement across borders and applications for protection.

2. Unregulated Migration-Defining the concept:

There are no specific definitions of unregulated migration; the term irregular migration³ is generally used to identify persons moving outside regular migration channels. However, according to IOM irregular migration is the “movement of persons that takes place outside the laws, regulations or international agreements governing the entry into or exit from the state of origin, transit or

¹ World Bank, *World Development Report 2023: Migrants, Refugees, and Societies*. (Washington, DC: World Bank. 2023), doi:10.1596/978-1-4648-1941-4. License: Creative Commons Attribution CC BY 3.0 IGO

² ICMPD, *Migration Outlook 2023*, (ICMPD, 2023).

³ In this paper, the terms unregulated migration and irregular migration have been used interchangeably as per global practice.

destination.”⁴ The relationship between entry, stay, and work-related status is of complex nature. The following list highlights the several irregular statuses that migrants may encounter.⁵

- *“Persons with forged papers or persons with real papers but assuming false identities;*
- *Persons with seemingly legal temporary residence status. The so-called working tourists (entered on a tourist visa and working irregularly) are assumed to be the majority of irregular migrants in some countries. Migrants with a temporary conditional permit such as seasonal and contract workers may likewise be liable for expulsion if they break their contract terms (e.g., if working for a longer period than permitted);*
- *Persons who lose their residence status because they no longer satisfy the conditions that initially granted the permit (unemployed, no longer able to demonstrate employment relationship to obtain a work permit, student whose course of study has ended, expiration of family permit for young adults coming of age, etc.);*
- *Persons who never had a regular status because they entered illegally and could not find a way of regularising their status;*
- *Persons who entered illegally but are registered with public authorities. E.g. they have been denied protection after lodging an asylum application;*
- *Tolerated persons without a regular status, with or without a document to prove the suspension of their removal and thus their semi-legal residence status: e.g. when return is not possible because there is no agreement with the country of origin or transit, or it is not possible to establish the nationality of the migrant;*
- *Children born to parents who are unlawfully residing and hence without fully documented status.”*

3. Social Impact of Unregulated Migration

Migration should not only be viewed as an economic issue. At its core the issue is deeply intertwined with the social fabric of a country, which cannot be overlooked. The first and foremost issue is social integration of irregular migrants due to their legal status. There is heterogeneity in the status and origin and of migrants, leading to serious integration challenges for vulnerable groups such as immigrant youth, women and refugees with limited educational backgrounds. These challenges can stem from a lack of basic or linguistic skills, difficulties in recognizing foreign diplomas and work experience, and instances of discrimination. This can lead to social exclusion, isolation and difficulties in accessing essential services such as healthcare and education. The challenge of integration becomes more complex when migration flows exceed the capacity of the labor market to absorb new entrants. Many countries struggle with integrating foreigners, facing issues that go beyond labor market regulations. Irregular migrants may be more vulnerable to exploitation in the labor market, facing lower wages, temporary contracts, longer hours, and unsafe working conditions. This can put pressure on other workers, especially in cases of high unemployment. This can have negative impacts on local workers as well, leading to tensions and competition for jobs.

The presence of irregular migrants can put pressures on public services such as education, healthcare and housing, especially in regions with large migrant populations. This is also true in the cases of lack of access to social safety net support than do the national workers. In Karachi, Pakistan’s largest metropolitan city, for example, irregular migration has led to the significant pressure on resources including housing and water supply. Most of the city's informal settlements are inhabited by migrants who often lack access to basic amenities and face overcrowding issues. According to official data, District East is home to around 75,734 foreigners, with 9,527 in District Central, 7,007 in District South, 13,139 in District Malir, and 8,946 in District Kemari. Notably, over 65,888 foreigners have settled in Gulzar Hijri, by forming illegal settlements.⁶

⁴For further details please see: The International Organization for Migration (IOM), “Key Migration Terms,” available at: <https://www.iom.int/key-migration-terms>

⁵ Triandafyllidou, A., & Bartolini, A, *Understanding irregularity* In S. Spencer & A. Triandafyllidou (Eds.), *Migrants with irregular status in Europe: Evolving conceptual and policy challenges*, (Springer, 2020).

⁶ “Karachi launches full-scale operation against illegal immigrants,” *Pakistan Today*, November 01, 2023.

Irregular migration can sometimes strain social cohesion in host communities, leading to tensions and conflicts, particularly when there are perceived cultural differences or competition for resources. Irregular migration can also impact community dynamics, leading to changes in cultural norms, values and traditions, as well as increasing diversity and multiculturalism in host communities. It can disrupt family and social networks, as migrants may be separated from their families for long periods or may have to leave loved ones behind in their home countries. The stress and uncertainty associated with irregular migration can have significant psychological impacts on migrants, including anxiety, depression and other mental health issues.

One of the negative consequences of Irregular migration is that it can also increase the risk of human trafficking and exploitation, as migrants may be more vulnerable to traffickers and smugglers who exploit their precarious legal status. Irregular migrants can be exploited by criminal networks involved in human trafficking, smuggling, and other illicit activities, posing security risks. The transnational crimes go past the domains of the states and hence demand countermeasures. The complexity of the activity domains (illegal drugs, weapons and strategic material trafficking, human trafficking, illegal migration, money laundering, etc.) and the potential social impact of transnational organized crime, which can also exist in trans-regional forms, pose a risk to the security of any state.⁷ Unfortunately, Pakistan's biggest human trafficking problem is bonded labor. According to estimates 4.5 million workers nationwide are trapped in bonded labor, primarily in Sindh and Punjab provinces.⁸ The government has increased its efforts to prevent trafficking. In November 2022, the Government has acceded to UN TIP Protocol, which is a significant step in this regard due to which Pakistan remained on Tier 2⁹ during the year 2023.¹⁰

Another critical aspect of unregulated migration is that it can directly affect the ability of a government to expand its regular channels. If unregulated channels exist and the government is unable to control them, it would be difficult for governments to argue why more migration is necessary through legal and regulated means. Overall, while irregular migration does not inherently threaten state sovereignty or security, it can contribute to a range of social, economic, and health-related challenges that require careful and objective analysis to address effectively.¹¹

International law protects the right of individuals to leave and return to their home country. But it does not establish a right of entry into another country; rather, states are free to choose the conditions under which non-citizens, including those with irregular status, are admitted or expelled. Their prerogative is, however, subject to human rights duties and any agreements that limit their sovereignty in this sphere, such as participation in regional mobility regimes. "The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" (ICRMW), reflects the principle of state sovereignty and its application to international migration.¹² Under the International Convention on the Protection of the Rights of All Migrant Workers:

- i. "States have the right to control their borders.

⁷ Ovidiu Moşoiu, Eduard Mihai, and Ion Bălăceanu, "Illegal Migration, The Current Issue of the Security of Nations," (International Conference RCIC'19, Vlora, 2-4 May 2019).

⁸ US Department of State, "2023 Trafficking in Persons Report-Pakistan," available at: <https://www.state.gov/reports/2023-trafficking-in-persons-report/pakistan>

⁹ Tier 2: not fully compliant, but making "significant efforts" to be compliant with the minimum standards

¹⁰ US Department of State, *Trafficking in Persons Report 2023*, (US Department of State, June 2023) available at: https://www.state.gov/wp-content/uploads/2023/05/Trafficking-in-Persons-Report-2023_Introduction-Additional-Pagesv4_FINAL.pdf

¹¹ Khalid Koser, "Irregular migration, state security and human security" (Policy Analysis and Research Programme, Global Commission on International Migration, September 2005), University College London.

¹² IPU, ILO, OHCHR, *Migration, human rights and governance*, (IPU, ILO, OHCHR, 2015).

- ii. Under Article 34 of ICRWM, migrants also have a duty to comply with the laws and regulations of the states of transit and destination.
- iii. States have no legal obligation to regularize the irregular status of migrant workers.¹³
- iv. All states including the state of origin have an obligation to address irregular migration in cooperation with states of transit and states of employment.
- v. The Committee of Migrant Workers frequently oversees the implementation of ICRMW by its State Parties and inquires about the steps taken by the State Parties to prevent irregular migration by their nationals.¹⁴

Moreover, "Article 1 of the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 obliges States Parties to respect the basic human rights of all migrant workers, including those in an irregular status. Article 9(1) of the ILO Convention stipulates that migrant workers in an irregular status who cannot be regularized are entitled to equal treatment in respect of rights arising out of past employment as regards remuneration, social security and other benefits."¹⁵

While there are obvious threats of irregular migration, addressing the root causes of migration can help maximize the benefits of migration while minimizing the risks to international security.

4. Policy Considerations

The existence of irregularity is challenging for both the migrants themselves and the countries that host them, even though many of the negative effects of irregular migration may be overstated. Tolerating a large irregular migrant population, with the negative consequences for vulnerable migrants and society as a whole, does not appear to be a credible policy. The existence of hundreds of thousands of marginalized and extremely vulnerable people inside their borders is something that civilized countries cannot ignore. On the other end, it is also not practical to eliminate the issue entirely, as some governments wish to do. The better way of dealing with the issue of irregular migration could be to minimize the cost of irregularity and maximize contributions of irregular migrants.¹⁶

Since the mid-1990s, the state policies concerning the control of irregular migration have evolved. These policies mostly include various migration stages: pre-frontier, border and post entry. Most of the policies include return as an integral part of most of the states' approaches.¹⁷ Policies aiming at controlling irregular migration can be divided into those that focus on border control and those that address the factors that influence migrants' decisions. Border control policies seek to limit the scale of irregular migration by imposing more stringent border controls. Policies that influence the geography and direction of irregular migration, on the other hand, frequently include visa restrictions. Furthermore, certain measures, such as carrier sanctions, have a direct impact on irregular migration, whereas others have an indirect effect by restricting access to welfare benefits, making the country a less attractive destination for migrants.¹⁸

There is a growing consensus that policies alone can't prevent irregular migration. The major reason of failure of such policies is that some factors shaping the migration are beyond the control of direct state intervention. These include conflicts, globalization and widening economic disparities around

¹³ ICRMW Article 35, 69(1), 69(2)

¹⁴ IPU, ILO, OHCHR, *Migration, human rights and governance*, (IPU, ILO, OHCHR, 2015).

¹⁵ IPU, ILO, OHCHR, *Migration, human rights and governance*, (IPU, ILO, OHCHR, 2015)

¹⁶ Laura Chappell et al, "The impacts of irregular migration," *Background Paper*, (London: Institute for Public Policy Research, 2011).

¹⁷ Koser, "Irregular migration," 2005.

¹⁸ De Haas, Hein, Katharina Natter, and Simona Vezzoli. "Growing restrictiveness or changing selection? The nature and evolution of migration Policies1." *International Migration Review* 52, no. 2 (2018): p348.

various parts of the world. Furthermore, because of social networks, chain migration and a thriving migration industry, once migration patterns are established, they are hard to break. In this industry, there are illegitimate players like human traffickers and migrant smugglers, in addition to legitimate ones like travel agents and lawyers. Thirdly, control measures may have unforeseen implications that encourage migrant smuggling and force migrants to use dangerous methods of crossing the border. Furthermore, asylum policies are becoming more control-oriented, thereby compromising genuine refugee applications and confusing asylum seekers with irregular migrants in the public view.¹⁹

5. Unregulated Migration and Pakistan

Pakistan is amongst the countries that has been facing the issue of unregulated migration since decades. Pakistan is a source, transit and destination country for international migration. Around 11 million Pakistani nationals are employed in the foreign labor market. There are three main smuggling routes through Pakistan, leading to three destinations: Europe, Australia and the Gulf States. Amongst all these routes, the most common well documented route is land route to Europe. Last year in 2023, an estimated 540,000 Pakistanis left their home country to work abroad, primarily to Saudi Arabia, the United Arab Emirates, Oman and Qatar. European countries are also key destinations, although due to a lack of legal migration pathways, they are frequently reached irregularly. The exact number of illegal migrants from Pakistan is not known. However in 2023, Pakistanis ranked 10th among all people caught crossing a Schengen border illegally and 8th among all asylum seekers in the EU.²⁰

Pakistan is also facing the issue of irregular incoming migrants. The irregular migrants include people or individuals who are neither Pakistani citizens nor legal foreign residents. An estimated 3.7 million Afghan immigrants, refugees, and undocumented migrants reside in Pakistan; 600,000 of these arrived after the Taliban took over Afghanistan in August 2021.

The Pakistani Government in the year 2022 has registered “1.3 million Afghan refugees with Proof of Registration cards, 129,703 unregistered members of registered families, 840,000 Afghan nationals with Citizen Cards and approx. 775,000 undocumented migrants from Afghanistan”.²¹ In October 2023, the government after taking a decision of repatriation of over one million Afghan nationals ordered all irregular immigrants to leave the country, as a result of which, approximately 531,400 persons have returned to their home land.²² These include those Afghan refugees who were staying in Pakistan without valid documentation.

Pakistan has taken effective measures to combat crossborder illegal migration, primarily through the Federal Investigation Agency (FIA). The FIA has established 26 Anti Human Trafficking Circles and Police Stations, along with collaborating with other agencies through the Inter Agency Task Force to investigate and prosecute irregular migrants. Legislations such as the ‘Prevention of Trafficking in Persons’ Act and ‘Prevention of Smuggling Migrants’ Act, along with a National Action Plan (2021-2025) developed with the UNODC, underscore Pakistan's commitment to combat human smuggling and trafficking. The country is improving border control with biometric identification and fencing, nearly completing the Afghan border and 40% of the Iranian border. FIA has established link offices in Oman, Iran, and Greece to facilitate regional cooperation and assist victims of trafficking, particularly women and children. The government has also launched programs for reintegration of irregular deported migrants through the assisted repatriation programs by organizations like the

¹⁹ Koser, "Irregular migration," 2005.

²⁰ ICMPD, *Migration Outlook 2024*, (ICMPD, 2024).

²¹ Curtis, J., *Expulsion of Afghans from Pakistan and Iran*, Research Briefing, House of Commons Library, 8 December 2023, Number 09905, <https://commonslibrary.parliament.uk/research-briefings/cbp-9905/>, p. 4.

²² UNHCR Regional Bureau for Asia and Pacific (RBAP), External Update: Afghanistan Situation #30, as of 07 March 2024, <https://data.unhcr.org/en/documents/details/105578>.

International Organization of Migration (IOM). A victim reception center like the one in Taftan provide shelter and aid to return to their country of origin and also to identify traffickers.²³

6. Way forward

Parliamentarians have a crucial role in promoting a balanced and informed response to irregular migration. They can mitigate the social impact of migration through legislation, policy making and oversight of the executive. They can implement comprehensive migration laws and policies that deter irregular migration. They are also responsible for shaping the agenda related to migration at the national level as well as enacting relevant legislation that align with international obligations, particularly human rights and labor standards. Parliamentarians and governments may encourage fair and effective migration policies that maximize advantages while addressing obstacles for host, transit, and origin countries and migrants. Parliamentarians from across the countries, and regions can foster cooperation on measures to stop illegal migration and cross-border crime in line with national law, improve asylum and migration policies, manage the external border security in an integrated manner and continue within the community space by enhancing intelligence-driven search, control and surveillance.

The fundamental responsibility of all countries is to ensure fair and equitable sharing of responsibility and enhance international cooperation in managing refugee and displaced populations. One effective strategy to prevent trafficking and smuggling is to provide regular mobility options, which reduces the demand for illegal border crossings and access to exploitative labor practices. Universal protection and enforcement of human rights and labor rights are crucial in reducing incentives for migrants to enter undocumented or irregular situations, making them less vulnerable to exploitation. Developed countries should assume a significant share of this responsibility by providing protection to refugees and supporting countries hosting large numbers of refugees and displaced persons.

In the recent years, there has been a proliferation of regional consultative process. Regional Consultative processes can create space for governments to engage in informal and non-binding dialogues and exchange of information. Parliamentarians must be aware of the regional consultative process in which their government is involved. This will enable them to provide appropriate oversight of the participation of relevant officials.²⁴ For instance, the Bali Process is a prominent example of a regional consultative process aimed at addressing irregular migration in the Asia-Pacific region. Established in 2002, the Bali Process brings together more than 45 member countries, international organizations, and non-governmental entities to enhance regional cooperation on issues such as people smuggling, human trafficking, and irregular migration.

Regulating immigration outside of a region is a corollary of allowing free mobility inside it and this is where regional approaches to irregular migration can be applied. Parliaments can thus steer the policies on the free movement of workers within a region. This can be seen as a way to promote economic development and integration within the region, similar to the principles underlying the European Union's free movement of people. For example, Pakistan is an active member of SAARC. Pakistan can engage with other SAARC member states to develop cooperative frameworks for addressing migration issues, including irregular migration. Regional policies can encompass measures such as harmonizing labor policies, recognizing qualifications and skills across borders and facilitating the movement of workers to where labor demand is high. In order to controlling irregular migration the policy can also include implementing joint border control measures, establishing mechanisms for identifying and processing migrants and cooperating on repatriation and reintegration efforts.

²³ CIMARD, *Pakistan Migration Report 2022*, (Lahore: Lahore School of Economics, 2022)

²⁴ IPU, ILO, OHCHR, *Migration, human rights and governance*, (IPU, ILO, OHCHR, 2015)

Parliaments can share responsibility for managing borders to enhance international security by enacting legislation that supports effective border management, including the use of technology and intelligence-sharing to detect and prevent threats such as terrorism, trafficking, and illegal migration. They cannot only allocate resources for border security measures and oversight to ensure accountability and compliance with international standards but also promote regional and international cooperation on border management through agreements and partnerships, fostering mutual trust and information exchange to address common security challenges. Parliamentarians can use international forums to enhance international cooperation on law enforcement particularly in the context of unregulated migration across borders.

Parliamentarians from different countries can cooperate in crafting migration and asylum agreements/pacts just like the European model.²⁵ This collective endeavor can effectively address irregular migration, streamline asylum processes, facilitate repatriation, and ensure fair distribution of asylum responsibilities. The New Pact on Migration and Asylum of Europe covers five key proposals for adoption²⁶:

- a) **Screening Regulation:** Creating uniform rules concerning the identification of non-EU nationals upon their arrival, thus increasing the security within the Schengen area.
- b) **Eurodac Regulation:** Developing a common database gathering more accurate and complete data to detect unauthorised movements.
- c) **Asylum Procedures Regulation:** Making asylum, return and border procedures quicker and more effective.
- d) **Asylum Migration Management Regulation:** Establishing a new solidarity mechanism amongst Member States to balance the current system, where a few countries are responsible for the vast majority of asylum applications, and clear rules on responsibility for asylum applications.
- e) **Crisis and Force majeure Regulation:** Ensuring that the EU is prepared in the future to face situations of crisis, including instrumentalisation of migrants.”

Although the European Pact on Migration and Asylum is facing criticism by many segments of the society,²⁷ through in depth research, identification of common ground and consultation with stakeholders, this working group can draft a comprehensive pact that balances the interests of all involved while upholding human rights and international obligations. Negotiation, adoption, and implementation of the pact, followed by monitoring and assessment, are critical stages in the process. Continued collaboration among lawmakers after the pact is adopted ensures its long-term effectiveness, fostering a more cohesive and humanitarian approach to migration and asylum around the world.

There is an urgent need of direct engagement of parliamentarians in international dialogues of parliamentarians among themselves. Such platforms can serve as a nexus for international collaboration between parliamentarians for passing resolutions on irregular migration and serving as a forum for examining the intricacies of irregular migration viz a viz national and international security.

²⁵ The New Pact on Migration and Asylum of Europe is a set of regulations and policies to create a fairer, efficient, and more sustainable migration and asylum process for the European Union. It also establishes a common approach to migration and asylum that is based on solidarity, responsibility, and respect for human rights.

²⁶ European Commission, “What is new pact on Migration and Asylum in Europe?” (Accessed on April 02, 2024), available at: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/new-pact-migration-and-asylum_en

²⁷ Judith Sunderland, “EU’s Migration Pact is a Disaster for Migrants and Asylum Seekers,” Human Rights Watch, December 21, 2023, <https://www.hrw.org/news/2023/12/21/eus-migration-pact-disaster-migrants-and-asylum-seekers>

The platform can be utilized to establish a permanent committee on the issue of unregulated migration.

Parliamentarians can seek to establish a return fund based on the model of the European Union²⁸ to support the efforts of hosting countries in returning irregular migrants to their countries of origin. Such a fund could be established to provide financial assistance to hosting countries for the implementation of return programs, support for cooperation between countries for management of return.

Managing irregular migration requires international cooperation and diplomacy, which can enhance security relations between countries. While states have no legal obligation to regularize the irregular migrants, under article 69(1) of ICRMW states can do effective measures to ensure such situation do not persist. “They should also consider the possibility of regularizing the situation of such persons in each individual case, in accordance with applicable national legislation and bilateral or multilateral agreements, taking into account the circumstances of their entry, the duration of their stay and other relevant considerations, in particular those relating to their family situation (Article 69(2))”.²⁹ Part VI of the ICRMW mandates that all States Parties, including those serving as states of origin, are obligated to collaborate in promoting sound, equitable, humane and lawful conditions for international migration (Article 64(1)). States of origin are further required to address irregular migration in cooperation with states of transit and states of employment.

In such cases, Parliaments (from both state of origin and transit) can play a pivotal role, especially by taking measures including legislative reforms and parliamentary diplomacy to facilitate the dialogue on integration of irregular migrants, where applicable including through bilateral agreements, policies and programs aimed at enhancing regular migration channels. Parliamentary diplomacy can be leveraged to promote international cooperation and exchange best practices on integration policies. Parliamentarians can enact laws that provide a legal framework for the integration process, ensuring that irregular migrants have access to essential services such as healthcare, education, and employment. While addressing the issue of integration, the vulnerabilities of irregular migrants should also be addressed through protection mechanisms and legal pathways. This can include providing access to legal aid, protection from exploitation, and establishing clear pathways to regularize their status. Furthermore, parliaments can ensure that regular labour channels match demand at all skill levels, thereby reducing outgoing irregular migration. Migrants who are already in the country but have an irregular situation may be given the opportunity to regularize their status on case to case basis.

7. Conclusion

Parliamentarians play a crucial role in advocating for and implementing policies that ensure the protection and rights of migrants. They can work together to prioritize a human rights-based approach to migration governance in the post-2015 development agenda. While international agreements frequently promote the movement of goods and capital, regulations regarding cross-border movement are frequently inadequate. The need for irregular migration and the risk of being exploited by traffickers and other abusive actors can be reduced by providing adequate pathways for regular migration. Furthermore, such measures may enhance international security through promoting safer and more orderly migration flows. Initiatives such as establishing a fund for the repatriation of irregular migrants, drafting migration and asylum pacts and fostering international cooperation can all contribute to reduce irregular cross-border migration.

²⁸ The EU has developed return fund that supports the efforts of EU Member States to return irregular migrants to their countries of origin, particularly where the return is a voluntary return or effected with other Member States.

²⁹ IPU, ILO, OHCHR, *Migration, human rights and governance*, (IPU, ILO, OHCHR, 2015).

PARLIAMENTARY PAPER

Parliamentarians for Global Action: An Introduction

Kamran Ali

Assistant Coordination officer, Research Wing, PIPS

The Parliamentarians for Global Action (PGA), a non-governmental organization dedicated to advancing human rights, democracy, peace, and development on a global scale, was founded in 1978 in Washington, D.C. PGA comprises approximately 1,200 lawmakers from 152 multiparty parliaments worldwide.

The secretariat, headquartered in New York with an office in The Hague, provides technical and legal support under the political guidance of the Executive Committee and the International Council. Utilizing a peer-to-peer methodology and country-specific strategies, the PGA Secretariat and leading members collaborate to educate, sensitize, build technical capacity, and strengthen the political will of parliamentarians. This approach empowers parliamentarians to take ownership, initiate concrete actions, and pursue legislative measures to achieve PGA’s campaign objectives.

PGA works with individual parliamentarians in their national contexts and parliaments and leverages this capacity through international networking to support democracy, human rights, and peace. Additionally, PGA benefits from the assistance of the United Nations Advisory Committee and the Development Advisory Committee.

The PGA Executive Committee consists of 15 member-parliamentarians elected by the International Council, adhering to a 40:60 gender ratio. The committee meets twice a year and is responsible for policy and fiduciary oversight, including the approval of PGA’s strategic plan. PGA is supported by foundations, governments, co-donors, and other private organizations.

The PGA group offers a platform for lawmakers to collaborate beyond national boundaries, address global issues, and work toward common objectives of creating a fairer and more equitable world. This paper aims to provide a general overview of PGA by describing its goals, organizational structure, salient features, and accomplishments.

PGA Achievements:

The National Assembly of Pakistan is proud to host the 45th Annual Forum and the 13th Consultative Assembly of Parliamentarians on the International Criminal Court and the Rule of Law (CAP-ICC). This important event will take place on October 28-29, 2024, at the Pakistan Institute for Parliamentary Services.

Key Areas	Achievements
Adoption of International Binding Treaties	PGA has developed expertise over years of mobilizing its global membership to support international binding treaties. Successful campaigns include: -Comprehensive Test Ban Treaty (CTBC)

	-Arms Trade Treaty (ATT) -International Criminal Court (ICC) -Chemical Weapons Convention (CWC)
Cold War: Disarmament & Peace Negotiations	In 1984, PGA played a key role in the Five Continents Nation Peace Initiative, led by state and government leaders from Argentina, Greece, India, Mexico, Sweden, and Tanzania.
Non-Proliferation & Disarmament of WMDs	In 2015, launched a campaign to make the Convention against Biological and Toxin Weapons universally applicable and in effect. In 2019, released a parliamentary handbook to support a global legislative framework addressing WMD threats and advancing best practices in bio-risk management.
Illicit Trade in Small Arms & Light Weapons	In 2012, the Global Parliamentary Declaration for the Adoption of an Arms Trade Treaty (ATT) was signed by more than 2,000 MPs from around the world.
Abolition of the Death Penalty	Rep. Renny Cushing, a PGA member, succeeded in a protracted legal struggle to declare New Hampshire the 21 st US state to outlaw the death penalty.
Child, early & forced marriage	In 2015, PGA's Global Parliamentary Declaration to End Child Marriage was signed by 774 MPs representing 80 nations.
Democratic Renewal & Human Right	In response to the global decline in Democracy; the PGA launched its Campaign for Democratic Renewal and Human Rights in 2019.
International Criminal Justice	In 1990, PGA members proposed a resolution on the establishment of an international criminal court with permanent jurisdiction in their legislatures and congress.
HIV/AIDS and Sexual & Reproductive Health	In 1994, at the International Conference on Population and Development in Cairo, Egypt, PGA helped to facilitate the adoption of a global accord on family planning concerns. The PGA members helped the National Assembly of Pakistan develop and pass three bills: on workplace harassment (2010), domestic abuse (2009), and preventing anti-women activities (2011).
Migration & Development	PGA Members attended the inaugural UNGA High-level Dialogue on international Migration and development in 2006.

Source: PGaction¹

Role of Parliamentarians For Global Action

The work of PGA is multifaceted and includes lobbying among politician capacity building and advocacy. In this the, organization is essential.

¹ Action, Parliamentarians for Global. "Our History and Achievements." Parliamentarians for Global Action - Mobilizing Legislators as Champions for Human Rights, Democracy and a Sustainable World., May 23, 2024. <https://www.pgaction.org/about/history-and-achievements.html>.

- i. **Advocacy in for international law and justice:** The PGA is in favor of the ratification and execution of international treaties and conventions, especially those that concern international justice and human rights.
- ii. **Capacity building and serving as a technical assistance:** PGA equips law maker with the knowhow and abilities required to tackle intricate worldwide issues. By means of conferences, seminars and technical support programs, the PGA enables legislature to craft and enact efficient legislation that conforms to global standards and optimal methodologies.
- iii. **Facilitation on inter - parliamentary Discourse:** PGA `S primary duty is to promote corporation and Dialogue amongst lawmakers from other nations. Bilateral interaction, regional gatherings and international conferences are used to accomplish this.
- iv. **Promoting inclusion and Gender equality:** PGA is steadfastly dedicated to promoting inclusion and gender equality in all of its endeavors. The organization `s goals include integrating gender considerations into legislative frameworks and ensuring that women parliamentarians participate actively in decision-making processes. The PGA `S Gender Equality and inclusion program addresses issues like violence against women, discrimination based on gender, and women `s political participation.

OPINION

Parliamentary Whips: Roles and Responsibilities

Manahil Naik

PIPS Summer Intern /

Student of Political Science at Kinnaird College University, Lahore

1. Introduction

Party discipline is necessary for the routine operations of parliaments. It assists in forming unified voting blocs within legislatures, thereby ensuring the accountability of the executive to both the parliament and the voters. The maintenance of a majority voting bloc also allows parties or coalitions to influence the legislative process, which is fundamental to the success of parliamentary politics. Essentially, party discipline consists of two key aspects: 1) members of the party consistently act upon the directives issued by party leaders, and 2) the possession by party leaders of means to coerce defiant members into compliance.¹ Herein lies the critical role of parliamentary whips.

A parliamentary whip is an official of a political party exclusively responsible for maintaining party discipline within the parliament. The term ‘whip’ also connotes the issuance of voting directions to party members.² Ideally, party leaders seek to maintain a parliamentary majority, composed of individuals willing to vote according to the leaders’ wishes. However, once elected, members of the parliament assume an egalitarian status, and it is a challenge to get party members to act in unison. In this context, the prime responsibility of the whip is to manage members’ voting behaviour and ensure their attendance for important meetings and roll calls. Indeed, it is accurate to assert that the conduct of parliamentary business is unattainable without the organisational effort of the whips.

2. Origins of Parliamentary Whips

The origins and roles of parliamentary whips are a much-neglected subject within the academic disciplines of political science and history. There are several plausible explanations for the difficulty in pinning down the origins of the office of parliamentary whips. Firstly, parliamentary organization usually occurs forthwith through verbal communication, leaving few, if any, traces in written records. Moreover, the institutional and functional role of whips has evolved with time which makes it challenging to recognize a definite origin or consistent practice.

Nevertheless, the origins of parliamentary whipping are generally attributed to the later seventeenth and eighteenth centuries. The title ‘whip’ derives from the English hunting term ‘whipper-in’—the huntsman’s assistant chiefly responsible for keeping the hounds organized during a foxhunt. Whipper-ins led the hounds in the right direction and ensured none strayed from the pack. Over time, the term entered parliamentary parlance, first recorded in a parliamentary context in the Annual Register of 1772, a British publication that has documented significant yearly events since 1758.³

¹ Shaun Bowler, David M. Farrell, and Richard S. Katz, *Party Discipline and Parliamentary Government*, 2020, <https://doi.org/10.2307/j.ctv177tghd>.

² Martin Westmacott, “Whips and Party Cohesion,” *Chicago Parliamentary Review*: Autumn 6, no. 3 (1983): 14, <http://www.revparl.ca/english/issue.asp?param=106&art=544>

³ House of Commons Library, *The Whip’s Office*, October 10, 2008, 2, <https://researchbriefings.files.parliament.uk/documents/SN02829/SN02829.pdf>

The role of the Government Chief Whip is associated with the office of Parliamentary Secretary to the Treasury. Initially, this role was of a personal servant to the Treasurer, who served as a scribe and confidential secretary. By the Restoration period, it evolved into an important administrative position. These secretaries, skilled in parliamentary procedures, managed votes and member attendance. By the eighteenth century, the role of whips expanded to include the distribution of political offices, earning the title "Patronage Secretary". This system led to the formalization of the Chief Whip's office in the early nineteenth century. By the late nineteenth and early twentieth centuries, the whips' roles in organizing parliamentary business and management of party members were fully established and recognized as sine qua non for parliamentary function.

3. Parliamentary Whips in Westminster Democracies

The role of parliamentary whips is fundamental to governance in Westminster-style democracies. In these systems, whips maintain party discipline, ensure the smooth operation of legislative processes, manage voting behavior, and secure the presence of party members during votes. They also constitute communication channels between party leadership and members as well as between the government and the opposition. Each parliamentary system has its own set of challenges which has resulted in the evolution of the role of whips to suit the political environments of different countries.

In the United Kingdom, India, and Pakistan, the Westminster tradition forms the basis of the whipping system; however, variations exist, influenced by each nation's environment, challenges, and requirements. The British Parliament has a highly institutionalized whipping model with established practices that date back centuries. On the other hand, India has adopted additional measures, such as the anti-defection law, to strengthen the whipping system and improve party discipline. Pakistan, also influenced by these models, faces challenges and holds potential for further growth and development.

It is important for several reasons to improve the role of parliamentary whips in Pakistan. In Pakistan, coalitions are a norm which often leads to unstable governments. Increased party discipline can regulate voting behavior and reduce the frequency of defections which can provide such coalitions with stability.

Furthermore, the relationship between political parties suffers from historical rivalries. Such an adversarial environment within the parliament hinders development of consensus on important legislations. Governments frequently resort to the use of presidential ordinance in such situations. Parliamentary whips can perform an important role in improving legislation by constituting communication and negotiation channels between the political parties. They can create a spirit of consensus among these parties, especially for laws that require bipartisan support.

In the given context, this research aims to explore the roles and responsibilities of parliamentary whips in the UK, India, and Pakistan, conducting a comparative analysis to understand their impact on party discipline and legislative efficiency. The article will draw from the practices of other democracies and provide a detailed analysis and recommendations to improve the functioning of whips in Pakistan.

3.1. United Kingdom

The whipping system in the Parliament of the United Kingdom has served as a necessary cog in the parliamentary machine for centuries. Whips are Members of the House of Commons or House of Lords appointed by each political party in the Parliament to maintain party discipline and organize the conduct of parliamentary business. The House of Commons has a well-organized and effective whipping system. On the contrary, the role of whips in the House of Lords is minimal as the need for party discipline is less intense; in the upper house, whips mostly act as spokespersons for the government and maintain members' attendance for serious matters.

3.1.1. Structure of Whipping System in the UK Parliament

The whipping system in the UK follows a hierarchical structure led by the Government Chief Whip whose official title is Parliamentary Secretary to the Treasury. Naturally, the most important duties are vested in the office of the Government Chief Whip who is directly appointed by the Prime Minister. The Chief Whip then appoints and administers an entire team of whips including the Deputy Whip and other junior whips. The post of Private Secretary to the Government Chief Whip was established in 1919; the Private Secretary is a civil servant who supports the Chief Whip in communicating with the whips of opposition parties. A special advisor also assists the Chief Whip by advising on general matters pertaining to the House of Commons.

For government and opposition whips, individual duties are divided on a regional basis; each whip oversees matters related to a particular region of the country or supervises a specific department. This breeds organization and responsibility within the whipping system and also ensures all departments and regions are monitored equitably. Whips responsible for a particular region make certain backbenchers of their region are present during divisions. Moreover, whips overseeing matters of a specific department are vested with the responsibility of securing the passage of legislation of the concerned department.⁴

3.1.2. Ensuring the Smooth Conduct of Government Business

The first and foremost responsibility of the Government Chief Whip is to ensure the smooth conduct of government business. This is best achieved when the government acquires majority votes on its proposed legislation. The Chief Whip employs the following strategies to secure a majority and get the government's business through Parliament.

3.1.3. The Whip

To ensure the attendance of backbenchers for important votes and to get them to vote according to the party line, whips of each party issue a weekly document called 'the Whip' to all party members. This document informs members of the upcoming business for the week as well as the expected date for when MPs will be required to vote. Whips also often act as "tellers" during divisions, responsible for counting votes.

Conventionally, an item's importance in the Whip is expressed through the number of times it has been underlined. A "one-line whip" is merely a suggestion that members may or may not act upon. On the other hand, a "three-line whip" is the most urgent business in the document for which party members cannot afford defiance.

Defying a three-line whip may result in the concerned MP or Lord losing the whip. In other words, such members face expulsion from the party and are required to sit as independents until the whip is restored or they are voted out in the next elections.⁵ This mechanism not only maintains party discipline but also achieves the active participation of party members in the parliament.

3.1.4. Political Patronage

Another way for whips to ensure party members', especially backbenchers', support for the government is to resort to political patronage. In fact, the title of Patronage Secretary was used in the eighteenth century for Chief Whips in reference to their authority of distributing political offices to loyal members. If certain party members pose the risk of disloyalty in division lobbies, Chief Whips can

⁴ House of Commons Library, *The Whip's Office*, 7-8.

⁵ Robert Rogers and Rhodri Walters, *How Parliament Works*, Fifth Edition. (London: Routledge, 2006).

ameliorate this concern by offering them important positions in the government or select committees in exchange for their loyalty.

However, in an attempt to ensure members' compliance, whips may not always act as a benevolent patron. On several occasions, MPs have levelled charges against whips of their own parties of blackmail, bribery and bullying. Despite such accusations, whips, owing to their status as ministers, have never been held to the Ministerial Code.⁶ This is an alarming instance of an oppressive party control system which must be discouraged. As asserted by Rogers and Walter, whips must act as good personnel managers who understand the needs of the party members and resolve disputes through dialogue instead of resorting to bullying and coercion.

3.1.5. Advising the Party and Constituting Communication Channels

To minimize communication gaps, the Chief Whip acts as a link not only between the government and party members but also between the opposition and the government. This private and informal communication network is referred to as the “Usual Channels” and allows for mutual consultation between all parties regarding business arrangements.

These communication channels are also used for regular interactions between important leaders to discuss current agenda and any issues that may arise during the making of the timetable. Moreover, government and opposition whips utilize the usual channels for discussions during the passage of legislation to resolve any differences between the minister in charge and the opposition over amendments of the proposed legislation.⁷

Most importantly, the usual channels are regularly constituted by the whips for “pairing” of MPs. Pairing refers to an informal convention in the House of Commons that allows for two MPs of different political parties to refrain from casting votes in a division. Thus, MPs who cannot attend voting get themselves paired with an opposing party's MP which allows both of them to remain absent as their votes are effectively cancelled out without impacting the overall result.

3.2. India

The whipping system in India is certainly a vestige of British colonial rule, yet it upholds distinct features borne out of the particular socio-political environment of the country. Party discipline has always remained highly important in the Indian Parliament; however, the need to take additional measures to strengthen party control and discipline was especially realized during the late 1960s and 70s when the practice of renouncing party loyalty in exchange for monetary incentives or political offices became increasingly common. This phenomenon gave rise to party defections and floor crossing (defying party line during divisions) which threatened political stability within and beyond the parliament.

When independent candidate Gaya Lal, of the Haryana Legislative Assembly (1967), joined the Indian National Congress and then proceeded to change political parties three times in the span of two weeks, the expression “Aaya Ram, Gaya Ram (Ram Comes, Ram Goes)” became the buzzword in political discourse across India. Such a volatile political environment eventually culminated into the fifty second amendment to the Indian Constitution wherein the Tenth Schedule was inserted to delegitimize party defections once and for all.

⁶ Tabitha Troughton, “Cracking the Whip: The UK's Party Control System,” *The Constitution Society* (2023), <https://consoc.org.uk/wp-content/uploads/2023/05/Cracking-the-Whip.pdf>

⁷ Erskine May, *Parliamentary Practice*, 23rd edition. (2004), 250.

Under the Tenth Schedule, elected representatives could also be disqualified from the parliament upon defiance of the orders issued by the party whips. This is when the significance of the role of party whips increased and the character of India's whipping system diverged from its British equivalent.⁸

3.2.1. Structure of Whipping System in Indian Parliament

The Indian Constitution makes no explicit mention of whips, however the convention of whipping is deeply embedded within the parliament. All parties in the House can appoint and issue whips to members of their respective parties. Both the government and the opposition parties appoint a chief whip who is a Member of the Parliament or State Assembly and the senior-most official in the whipping structure.

The office of the government's chief whip is held by the Minister of Parliamentary Affairs in Lok Sabha and the Minister of State for Parliamentary Affairs in Rajya Sabha. The chief whips are assisted by a team of deputy whips and regional whips whose number depends upon the size of the political party. The Leaders and Chief Whips of Recognized Parties and Groups in Parliament (Facilities) Act was passed in 1999 to acknowledge the important role of Chief Whips and assist them through provision of secretarial and telephone facilities.

3.2.2. Responsibilities of Party Whips

The roles and responsibilities of party whips in India are more or less similar to the functions of whips in the UK. Whips of each political party play an important role in maintaining the quorum in the House especially at the beginning of the session and post lunch break. This is done to prevent adjournment of the session and ensure the completion of the scheduled parliamentary business on time.

Besides maintaining attendance and issuing voting directions to members, it is also the responsibility of party whips to convey dissatisfaction of members to party leaders. If a member does not agree with any policy or legislation proposed by their party, party whips conduct negotiations between them and the leadership to prevent the member from defying the party line during division. This preventive measure helps avoid chaos in the House and reduces the risk of defection or floor crossing.

Chief whips are responsible for planning, coordinating, and managing the session to ensure the government's business is conducted without any obstructions. They also maintain a strong link with the Speaker of the house. It is the role of the chief whip to maintain decorum and prevent party members from disrespecting the Speaker and his rulings. If any member of the opposition holds the opinion that the Speaker's rulings are unjustly tilting in favour of the government, the chief whip of the opposition party directly takes up the matter with the Speaker.

Opposition whips also maintain the standard of debates in the Parliament by making sure members do not exploit the use of "Point of Order" or use unparliamentary language. Moreover, government chief whips remain in contact with whips of their party in state assemblies to coordinate the government's efforts across the country.⁹

⁸ Dhiyaaneswar, "The Role of Political Whips under the Tenth Schedule," Indian Legal Solution Journal or Criminal and Constitutional Law, October 15, 2020, <https://journal.indianlegalsolution.com/2020/10/15/the-role-of-political-whips-under-the-tenth-schedule-dhiyaaneswar/>

⁹ K. V. Viswanathaiah, "Place and Role of Party Whips in Democratic Legislatures in India," *The Indian Journal of Political Science* 28, no. 4 (1967), <https://www.jstor.org/stable/41854233>

3.2.3. Party Whips and Anti-Defection Law

The Anti-defection law (52nd Constitutional Amendment) was passed in 1985 to stabilize governments by prescribing punitive measures for defecting legislators. According to the law, members of the Parliament or State Legislatures were to be disqualified if they resigned from their parties on a voluntary basis or voted against the orders of their party whip on any bill or other matters put forth in the house.

However, it is to be noted that in certain cases, such as presidential elections, whips are not issued and legislators are allowed to vote freely. Any legislator who wins the election from one party's mandate but joins another party after the election would also face disqualification. The final decision of a legislator's disqualification rests with the Speaker; however, if needed, his decision may be subjected to judicial review.¹⁰

Anti-defection laws are instrumental for limiting unjustified defections and floor crossing done for personal incentives that can severely destabilize governments, impair the spirit of democracy, and breach the trust of the electorate. Yet, a certain school of thought asserts laws that bind members to the directives of their parties' leadership renders legislators mere agents of the political party instead of representatives of their constituencies.¹¹ If a member's vote on a bill or any other matter is solely to be decided by the leadership, not only does this discourage legislators from reading through and deliberating on the proposed legislation, but it can also be considered a breach of their conscience.

According to Basic Law, the German Constitution, Members of the Parliament are representatives of the whole people who are responsible only to their conscience and are not bound to follow orders.¹² This draws attention towards the risk of regimented party systems to the spirit of democracy. It also points toward the need for whips to constitute effective consultative forums between party members and leadership wherein members are given opportunities par with the leaders to express their opinions, negotiate, and exercise judgment on important issues so they can fulfill their roles as representatives of their constituencies.

3.3. Pakistan

Like India, the Parliament of Pakistan also follows the Westminster tradition and retains the offices of Chief and Party whips. Since the role of whips constitutes the internal organization of the Parliament, it is always a challenge to scour details about the subject. Even in the United Kingdom, the office of whips and their activities are generally shrouded in mystery as most of the whips' work is conducted behind closed doors; however, to a certain degree, the age of mass media and freedom of expression has reduced the disconnect between the government and the people, and encouraged legislators to be more open about parliamentary affairs.

In Pakistan, whips perform the usual duties of maintaining discipline among party members, organizing the business of the house, maintaining quorum, and ensuring members vote according to the party line and are present during voting. Each political party has a Chief Whip assisted by junior party whips. As whips are expected to serve as experts on all matters pertaining to the Parliament, they also attend meetings regularly and brief party members about bills and other such matters.

¹⁰ Sumit Vashishtha and Dr. Bhoomanna Reddy, "A Critical Analysis of Anti-Defection Laws in India," *International Journal of Law and Social Sciences* 9, no. 1 (2023), <https://doi.org/10.60143/ijls.v9.i1.2023.86>

¹¹ M. R. Madhavan, "The absurdity of the anti-defection law," PRS Legislative Research, February 26, 2021, <https://prsindia.org/articles-by-prs-team/the-absurdity-of-the-anti-defection-law>

¹² Christina Iglhaut, "How German politics decides," Deutschland.de, May 26, 2020, <https://www.deutschland.de/en/topic/politics/ethics-in-politics-how-german-members-of-parliament-make-decisions>

3.3.1. Article 63 A: Anti-Defection Law

Pakistan's anti-defection clause was introduced in 1997 as the Fourteenth Constitutional Amendment, i.e. Article 63-A, for the purpose of inculcating stability in the making and functioning of the government. Pursuant to the relevant provisions, a parliamentarian shall be deemed to have defected if they vote against, abstain from voting, or contravene party directives on specified legislative matters outlined in subsequent paragraphs.

The party head was vested with the responsibility of taking up the defection case to the Speaker of the National Assembly, Chairman of the Senate or Speaker of the concerned Provincial Assembly who would then transmit his final decision to the Chief Election Commissioner (CEC). CEC was bound to declare the member's disqualification within a week period.

However, in 2004, certain changes were introduced to the anti-defection law through the Seventeenth Constitutional Amendment which limited the scope of defection. Defection would take place if 1) a member resigns from their political party to join another party; or 2) voted against party directives in case of a confidence motion, money bill, election of the Prime Minister, or in the case of constitutional amendment bills.¹³ This implies that members are not bound by their party's whip in the case of voting in non-money bills.

This provision gives more power to MPs as compared to India where party whip's directive is applicable for all bills tabled before the house.

4. Way Forward

Going back to the question of party discipline, it remains clear that the parliamentary system of Pakistan is evolving and needs to commence reforms as per developed parliaments and international best practices. Considering the issues at hand—coalition governments, excessive reliance on presidential ordinances to bypass the regular legislative process and undermine the role of the opposition, and floor crossing—an impenetrable whipping system along with strong parliamentary principles and morals are required. Drawing from the examples set forth by the whipping systems of the UK and India, Pakistan can go a long way in achieving bipartisanship and government stability, and establish the true spirit of consultative democracy.

4.1. Improving the Structure of the Whipping System

To improve the function of whips and party discipline in Pakistan, formalization of the role of parliamentary whips in the Constitution or rules of procedure is required that can emulate the well-structured whipping system of the UK. A clear definition of the roles and responsibilities of whips would go a long way in increasing their effectiveness within the parliament. Moreover, arrangements should be made to provide training programs for whips that equip them with the skills required in conflict resolution, maintaining party discipline, and negotiation.

4.2. Improving Legislative Efficiency

Since whips are required to act as experts on parliamentary procedure and often play the role of briefing party members about a particular bill that is to be tabled before the Parliament, it is pertinent for the whips to be involved in the early stages of legislation. This will allow whips to gauge the response of party members toward the proposed legislation and resolve any possible disagreements on the subject that party members may have amongst each other. When whips will address dissent within

¹³ Ishwah Abbas Khwaja and Usama Jamil, "An Extensive Evaluation of the Anti-defection Clause in Pakistan: A Cursive Strategy," *International Research Alliance For Sustainable Development* 2, no. 1 (2022), <https://doi.org/10.52131/clts.2022.0201.0008>

the party before the bill is put to vote, it will minimize the chances of members defying party directives during division.

The practice of issuing “the Whip” in the parliaments of UK and India is another efficacious way to improve party discipline and one which should be adopted in Pakistan. This document should be issued on a weekly basis to not only inform party members of the upcoming agenda in the house but to also make clear voting directions on important matters in order to prevent floor crossing.

4.3. Improving Communication Between the Government and Opposition

As in the case of UK, whips constitute the “Usual Channels” which serve as informal communication links between the government and party members as well as between the government and the opposition. It is through these channels that negotiations can be conducted and conflicts can be resolved. Improved communication and consultation between all parties has a positive impact on the process of legislation.

Disagreement in a parliamentary system is only inevitable; however, the spirit of democracy calls for the willingness to tolerate opposing perspectives. Whips can play an important role in establishing strong communication forums where party members, especially opposing parties, can come together to express their concerns and arrive at decisions mutually and respectfully.

The “pairing system” as adopted in the UK is also an appreciable practice that the whipping system in Pakistan can benefit from. Communication channels can be used to pair parliamentarians with other parliamentarians who are to be absent during voting in order to ensure that their absence does not skew voting results.

4.4. Improving Accountability of the Parliamentarians

As enforcers of party discipline, it is the duty of parliamentary whips to hold party members accountable for their misconduct. In India, whips prevent unnecessary adjournment of the session by ensuring members’ attendance at all times. Moreover, they maintain a close link with the Speaker to avoid the possible neglect of opposition members during parliamentary debates. Maintaining decorum of the house, including respecting the Speakers’ rulings and upholding the standard of debates are also duties vested in the office of the party whip.

In conclusion, the party whip's role is instrumental in promoting inclusivity and fostering collaboration between both sides of the aisle, thereby facilitating effective day-to-day operations in Parliament. By doing so, the party whip plays a vital role in maintaining parliamentary decorum, upholding the tradition of constructive debate, and ensuring a seamless legislative process.

RESOLUTION

2-8-24

Condemnation of Israeli Oppression and Brutality against people of Palestine

The National Assembly of Pakistan in its session held on 2nd August 2024, hereby resolves as follows:

Whereas the atrocities by Israel on Palestinians have escalated, causing immense suffering and loss of over 40,000 innocent lives so far, including women and children;

Whereas all Parliamentary Parties in the National Assembly express their unified grief and anger over the ongoing Israeli oppression and brutality against people of Palestine for the past nine months;

Whereas the assassination of Hamas leader Ismail Haniyeh in Tehran has added to the angst and grief, and such incidents are seen as deliberate conspiracies to sabotage efforts to stop the ongoing oppression and brutality against Palestinians, and to establish peace in the region;

Whereas the Israeli leadership is intent on expelling the population of Palestine from their homeland, and despite clear verdicts of the International Court of Justice (ICJ) and resolutions of the United Nations General Assembly, the UN Security Council, Organization of Islamic Cooperation (OIC) and calls by the UN Secretary General, Israel has not stopped the indiscriminate violence and attacks against innocent Palestinians;

Whereas Pakistan condemns terrorism in all its forms and manifestations, including extrajudicial and extraterritorial killings irrespective of the motives, and views with serious concern the growing adventurism in the region; and

Whereas such incidents not only destroy the peace of the world but also constitute a dangerous escalation in an already volatile region and undermine efforts for peace;

Therefore, this House:

1. **Strongly condemns** the ongoing state oppression and brutality by Israel in Palestine as a tragedy for the Muslim Ummah and the World.
2. **Expresses complete solidarity** with the Palestinian brothers and sisters and extends condolences to the family of Ismail Haniyeh and the people of Palestine.
3. **Calls** for an immediate and comprehensive ceasefire, and the provision of sustainable and unhindered humanitarian assistance to the beleaguered

- Palestinians, and immediate withdrawal of Israeli occupation forces from Gaza in accordance with UN Security Council Resolution 2735 (2024).
4. **Decides** that Pakistan will continue to supply aid to Palestine and take effective measures for medical assistance to the oppressed Palestinian brothers and sisters, including medical treatment in Pakistan.
 5. **Resolves** that Palestinian medical students will be given admission in Pakistan's medical colleges on gratis basis to complete their education.
 6. **Decides** to observe a day of mourning across Pakistan on 2nd August as a mark of solidarity with our Palestinian brothers and sisters, and to unequivocally condemn Israeli brutality.
 7. **Decides to hold a funeral prayer in absentia** for martyr Ismail Haniyeh across the country after Friday prayers today.
 8. **Calls** on the United Nations Security Council to take effective measures to impose its call for a ceasefire in Gaza in order to stop the genocidal war being waged against Palestinian people and hold Israel accountable for its war crimes and crimes against humanity inflicted upon the Palestinians.
 9. **Calls** on the international community to take effective collective action to halt Israel's oppression and brutalities, and deliver justice to the Palestinian people.
 10. **Calls** for the immediate admission of the State of Palestine as a full member of the United Nations.

Sd/-

Mian Muhammad Shehbaz Sharif,
Prime Minister of Islamic Republic of Pakistan
Senator Mohammad Ishaq Dar, (Mover)
Deputy Prime Minister and Minister for Foreign Affairs,
Mr. Ahsan Iqbal Chaudhary,
Minister for Planning Development and special Initiatives,
Mr. Khalid Maqbool Siddiqui,
Minister for Science and Technology,
Senator Azam Nazeer Tarar,
Minister for Law and Justice, Human Rights
and Parliamentary Affairs,
Syed Naveed Qamar,
Mr. Gohar Ali Khan,
Mr. Asad Qaiser
Mr. Ali Muhammad,

Malik Muhammad Aamir Dogar,
Mr. Khalid Hussain Magsi,
Mr. Tariq Fazal Chaudhary,
Mr. Mehmood Khan Achakzai,
Mr. Malik Shah,
Mr. Muhammad Ijaz ul Haq,
Mr. Pullain,
Mr. Muhammad Awan Saqlain,
Ms. Zartaj Gul,
Moulana Abdul Ghafoor Haideri,
Mr. Hameed Hussain,
Members National Assembly



RESOLUTION NO. 571

This Session of the Senate of Pakistan:

Noting that the fifth of August is annually observed as "Youm-e-Istehsal", following India's illegal and unilateral actions of 5 August, 2019 to further consolidate its control over Indian Illegally Occupied Jammu and Kashmir (IIOJK).

Expressing solidarity with the oppressed Kashmiri people in their just struggle for the realization of their right to self-determination,

Recalling that the Jammu and Kashmir dispute remains on the of the oldest unresolved international disputes on the United Nations' agenda,

Mindful of numerous United Nations Security Council Resolutions on the Jammu and Kashmir dispute adopted since 1948,

Reaffirms Pakistan's unstinting moral, diplomatic and political support to the Kashmiri people's struggle for the realization of their right to self-determination;

Pays rich tribute to the courage and sacrifices of the people of IIOJK;

Reiterates its rejection of India's unilateral and illegal actions since 5 August 2019 and expresses grave concern over the continued attempts, aimed at changing the demographic structure and political landscape of IIOJK;

Emphasizes that any political process, subservient to the Indian Constitution, cannot be a substitute to the exercise of the right to self-determination by the people of Jammu and Kashmir as enshrined in the relevant UNSC Resolutions;

Expresses serious concern over the presence of hundreds of thousands of Indian forces that has turned the IIOJK into one of the most militarized regions of the world;

Condemn the decades of continuous oppression, torture, arrest, rapes, genocide and killings of the people of Jammu & Kashmir, the excessive and disproportionate use of force by Indian forces in IIOJK resulting in the loss of countless lives, injuries and widespread destruction and the flagrant violations of human rights and international law;

Denounce the illegal and forcible dispossession of the people of Kashmir from their own land and the repeal of articles 35A and 370 of the Indian constitution which is contrary to UN resolutions and international law;

Deplores the impunity with which the Indian forces continue their human rights violations in IIOJK, under draconian laws that defy the norms of justice;

Rejects the irresponsible statements of the Indian leaders regarding Azad Jammu and Kashmir and Gilgit-Baltistan, threatening regional peace and stability; and reaffirms the unshakable resolve of the Pakistani nation to thwart any aggressive act;

Demands that India must release the Kashmiri political prisoners; halt the ongoing human rights violations;

and earnestly implement the relevant UN Security Council Resolutions so as to enable the Kashmiri people to determine their future through the democratic method of a fair and impartial plebiscite under UN auspices;

Demands that the human rights of the population of IIOJK be respected, protected, and promoted;

Confirms that we will continue to raise our voices against injustice and oppression until the Kashmiri people achieve their inalienable right to self-determination.

Moved by Senator Syed Ali Zafar on his behalf and on behalf of Senators Dost Muhammad Khan, Manzoor Ahmed, Irfan ul Haque Siddiqui, Syed Shibli Faraz and Sherry Rehman Unanimously Passed by the Senate of Pakistan Islamabad, Monday, the 5th August, 2024.



PIPS Workshop on “Digital Democracy” for the MPs of Sindh Assembly, September 18, 2024.



PAKISTAN INSTITUTE FOR PARLIAMENTARY SERVICES

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