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Multi-Level Governance and Local Government Reform in Pakistan

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Abstract

Local government reform in Pakistan's Khyber Pakhtunkhwa province between 2001 and 2009 is examined through the lens of multi-level governance. The reforms were initiated by the military-led government of Pervez Musharraf and entrenched the power of the federal government. The reforms of 2001 - 2009 were similar to the reforms implemented by the governments of Ayub Khan in the 1960s and Zia-ul-Haque in 1979. The paper argues that three different military governments pursued similar programs of constitutional reform to secure themselves in power. We conclude that devolution may not always enhance democracy.

Key words: Governance, Reform, Pakistan, Hybrid States

Introduction

The devolution of power to local government is often seen as critical to improving the performance, accountability and legitimacy of government (Grindle, 2007). Tomaney (2016) is less optimistic and observes that efforts to decentralize may not be motivated by a desire to increase democratic accountability or the quality of governance. In authoritarian regimes, governments may be seeking to develop controllable clients or fragment the body politic in an effort to secure their rule. Many authoritarian governments operate within polycentric or 'hybrid' states (Booge et al. 2009) where they have to accommodate a range of subnational actors and alternative power structures in the process of governance. Understanding the factors that shape

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the design and operation of government reform programs in hybrid states remains an important task for development scholars. We argue that the concept of multi-level governance is particularly useful as it can provide nuanced insight into the political dynamics and processes within hybrid state. Pakistan can serve as a useful case study.

In Pakistan, the military government of Pervez Musharraf (1999 – 2008) reorganized the Pakistani state and devolved power to local government. As part of this reorganization, three hierarchical tiers of local government were created - Districts, Tehsil (or towns), and Union Councils (UC) with the intention of weakening of provincial governments and regional political parties. The responsibilities of each layer of government did not follow a clear hierarchy and significant power was retained by the central government. The Musharraf era reforms were strikingly similar to previous reforms enacted by the military government of Ayub Khan in the 1960s and Zia-ul-Haque in 1979. Following the restoration of democracy in 2008, the task of designing and implementing local government reform was assigned to provinces through the 18th Constitutional amendment in 2010 (see Adeney, 2012). However, the structures created by the Musharraf government have remained at the heart of Pakistani local government.

We examine the devolution reforms under the Musharraf government and consider why they followed a similar pattern to local government reform instigated by previous military governments. It is notable that three different military governments pursued similar reform programs and we attribute this similarity to the interaction between government objectives and the composition of Pakistani society. In our analysis, we are informed by the concepts of hybrid political orders and multi-level governance which consider how governments respond to,

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accommodate, and otherwise work with a variety of subnational actors to produce a particular pattern of governance (Boege, Brown and Clements 2009, Ongaro 2015).

To illustrate our arguments, we present an illustrative or exemplar case study of the Khyber Pakhtunkhwa (KP) province to show how the concept of multi-level governance can offer insights into devolution processes in a country where the writ of central government is not unchallenged. We show that successive waves of devolution in Pakistan did not actually devolve power until the restoration of democracy and the enactment of the 18th Amendment in the Pakistani Constitution in 2010. This was because the intention of successive military governments was not to devolve power but to secure centralized control. This offers the opportunity to highlight the dynamics and potential pitfalls of institutional reforms in a diverse and politically fragmented country under military rule.

The paper is composed of four sections. The first explores how hybrid political orders can be considered through the lens of multi-level governance. In particular, we respond to the criticism that multi-level governance is a descriptive framework before presenting a framework for analysis. The second section discusses the research design and the qualitative methodology used in the data collection. The third section begins with an overview of devolution reforms in Pakistan during the military government of Ayub Khan and Zia-ul-Haque followed by a detailed analysis of the devolution reforms in Pakistan under the Musharraf regime. The fourth and final section offers a discussion of the case and its implications for the future study of multi-level governance and political hybridity.

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Hybrid Political Orders and Multi-Level Governance

Boege, Brown and Clements (2009) observe that in many countries, the state is not the only actor invested with or able to claim authority (see also Nay, 2013). As such, classic Weberian notions of government exercising the untrammelled and unchallenged powers of the state do not apply.

Raleigh and Linke (2018) explain that in many countries, governments often have to compete or negotiate with a range of subnational actors in the process of governing. As such, the state exists as a hybrid arrangement or order that incorporates both public bureaucracies and policy making forums *and* a variety of societal groups. Boege et al. (2009 p. 17) are clear that "...in this environment the state has no privileged monopolistic position..." The notion that government operates within an environment that has multiple centers of authority is strikingly similar to the concept of multi-level governance which has long stressed that governments 'share' power with a range of actors across space and time (Skelcher, 2005; Ongaro, 2015).

Discussions of multi-level governance first emerged in the early 1990s as a way of examining European integration. The concept borrowed liberally from established literatures on intergovernmental relations, federalism and polycentric governance to explore how a range of national and sub-national actors interact within a decentered polity (Hooghe and Marks, 2003, Piattoni, 2009). A popular framework for describing multi-level governance was first proposed by Marks and Hodge (2004) who distinguished between Type I and Type II forms of multi-level governance. Type I arrangements are similar to federal governance structures and are characterized by a limited number of a hierarchically tiered general-purpose jurisdictions. The analysis of Type I arrangements focus on the configuration of governing agencies and the means of mechanisms of government control. In contrast, Type II arrangements are networked and non-

hierarchical. They are characterized by heterarchy and frequently organized around specific problems or tasks. These arrangements often emerge as a consequence of public sector reform programmes that have fragmented state capacities or have created obligations to respond to particular policy problems (Skelcher, 2005). Studies of Type II multi-level governance are often concerned with the democratic accountability of networks, institutional design, or interagency coordination (Klijn and Koppenjan, 2015).

Although the two types of multi-level governance differ in their focus, they share a common concern with understanding the processes and impacts of inter-agency coordination in a dynamic, pluralistic environment where authority is diffuse or contested. This makes the concept particularly apt for studying hybrid states. Piatonni (2009) argues that multi-level governance arrangements can be understood in terms of three interrelated dimensions: *polity restructuring*, *polity-mobilization* and *policy-making*. This framework and how it applies to Type I and Type II multi-level governance is summarized in Table 1 below:

Table 1: The Dimensions of Multi-Level Governance

	Type I	Type II
Polity Restructuring	Boundaries and spheres of competency are contested and established between formally designated agencies. This may produce or reinforce a hierarchy.	Organisations become involved in policy due to lack of capacity within existing institutional arrangements. A heterarchy emerges as part of a decentred, fragmented environment.
Polity Mobilisation	The polity consists actors authorised and empowered by the institutional design of the governance structure.	Self-motivated actors seek to build cooperative relationships or address resources scarcities to advance shared goals. Self-

		governance arrangements may be created.
Policy Making	Institutionally privileged actors may be in a position to exercise influence and play games successfully.	Interdependent actors embedded in self-organising networks must bargain and negotiate with their peers at different levels of government.

Polity restructuring considers how the relationships between different actors within a multi-level environment are organised. Skelcher (2005) observes that Type II arrangements emerge when organisations embedded in Type I arrangements lack the competencies or capacities needed to address an issue. This encourages third party or civil society actors to become involved in the policy process. Conversely, Type I arrangements may be created when the institutions and their associated polities are restructured to establish clear boundaries, assign authority, delimit responsibilities or establish accountability relationships.

The restructuring of polities also occurs with polity mobilisation. In Type I multi-level governance, mobilised polities tend to consist of the actors authorised by government and empowered by the institutional design of the governance structure. This can be contrasted with Type II multi-level governance arrangements where a mobilised polity is composed of self-motivated actors who cooperate to address resource scarcities or advance shared objectives. This often produces self-governance arrangements operating in the shadow of the formal hierarchy. Finally, Piatonni (2009) argues that multi-level governance is conducted in an environment that is characterised by blurred boundaries. This complicates policy-making as governments must

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take into account a wide range of actors who operate at different spatial and jurisdictional levels. The relationships between different levels of government are often characterized by negotiation and gamesmanship (Pierre and Peters, 2004). However, the extent to which different actors can play games or control boundaries is dependent on their circumstances and structural position. In Type I arrangements, actors who control significant resources and occupy a privileged position within a hierarchy may be able to exercise considerable influence and can police their boundaries. Actors embedded in Type II arrangements may be subject to pronounced interdependencies and may have to bargain with peers or negotiate their boundaries (Skelcher 2005). The identification of three dimensions of multi-level governance offers an effective framework to consider the concept in practice. The next section of this paper presents the research design and outlines the qualitative methodology that was used in the study.

Methodology

The Khyber Pakhtunkhwa province in Pakistan offers an illustrative or exemplar case study for examining local government reform. Pakistan itself has a history of authoritarian government and has struggled with the transition to democracy. Moreover, the Pakistani state cannot claim unchallenged power and authority and must co-exist with a wide variety of subnational actors which have come to prominence as a result of previous reform effort. This makes Pakistan suitable for studying hybrid political orders. The Khyber Pakhtunkhwa province is an ethnically diverse region that runs the gamut from large urbanised areas to sparsely populated rural locales. Moreover, all the major political parties are represented in Khyber Pakhtunkhwa's local government politics. The data collection took place in the four sub-Districts of Khyber

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Pakhtunkhwa - Peshawar, Swabi, Abbottabad, and Mansehra. Peshawar is the provincial capital and the largest city in Khyber Pakhtunkhwa. In contrast, District Swabi comprises mostly of rural areas and is one of the poorest Districts in Khyber Pakhtunkhwa. Abbottabad is a major urban hub in Hazara Region and is home to Pakistan's leading military academy. This gives the area a different ethnic and political composition to the rest of the KP province due to the presence of Punjab dominated military establishments and educational institutes. Finally, Mansehra is also a rural and relatively underdeveloped District. As such, it is possible to control for variations in governance that might be associated with ethnicity, urbanisation, and social infrastructure.

Semi-structured interviews were used to carry out an in-depth exploration of how the devolution reforms had affected governance in the KP province. Officials from the provincial and all three tiers of local government (District, Tehsil and Union Council) were interviewed; these officials were in a position to comment on the devolution reforms. The lead author was born and has lived in Khyber Pakhtunkhwa and was aware of the nuances of local culture, social norms, and language. Local connections also permitted access to local communities and interviewees. In Pakistan, many local officials do not speak English and personal contacts are vital in establishing the credibility of a would-be-interviewer. The interviewees were generally identified through a 'snowball' sampling methodology (SSM) which relied on personal contacts and recommendation. In total 46 people were interviewed in two phases between June - August 2008 and December 2009. Each interview lasted about an hour and the majority of the interviews were recorded. A breakdown of the interviewees is shown below in Table 2:

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Table 2: Interviewees and Level of Government

	District Officials	Tehsil (Town) Officials	Union Council Officials
Peshawar	8	8	6
Abbottabad	6	1	1
Mansehra	3	2	2
Swabi	4	2	3
			Total 46

In using an SSM, we were guided by Cohen and Arieli (2011) who have argued that this approach is appropriate for use in unstable environments where personal contacts allow access to hard-to-reach populations and can overcome any reticence to speak (see also Clark 2006).

Indeed, in November 2009, just prior to second the phase of the data collection, several major terror attacks took place and security concerns came to the fore. The interviews were conducted in government offices, which were the main target of terrorist attacks. As such, very real safety concerns and travel restrictions limited the size of the sample to 46. Whilst this may pose a challenge to the external validity of the sample, we argue that the themes we highlight were discussed by multiple interviewees. Moreover, the governance and institutional structures described in this paper remain central to the functioning of Pakistani local government (Murtaza and Rid 2016). Furthermore, as the interviews were carried out several years after the reforms began (during both the Musharraf administration and after the restoration of democracy), the observations will reflect established practices and allow for the entirety of the reform process to be studied.

The data was analysed through process tracing and a category sort. This approach seeks to infer that a particular outcome was produced by a particular sequence of events (George and Bennett,

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2005). To conduct the process tracing, the interviewees were asked to describe the governance structures they were embedded in and were then questioned as to how the devolution reforms had contributed to the emergence of these structures and the overall functioning of the governance arrangements. The responses of the interviewees were sorted into categories based on the three elements of multi-level governance identified by Piatonni (2009). By considering a predominance of the evidence (based on *both the* quality and quantity of data), it was possible to determine which type of multi-level governance the reforms were consistent with and the extent to which polities had been restructured and mobilised and how policy-making had changed. The next section of the paper presents an over view of local government reform in Pakistan in the 1960s, 1970s, before proceeding with our empirical study of governance reform under the Musharraf government.

Local Government Reform in Pakistan

At independence in 1947, Pakistan's governance was organized around the colonial era viceregal state in which power was heavily centralised and local institutions were weak (Talbot, 2005). A peculiarity of the Pakistani state is the existence of a deeply intertwined civil-military bureaucracy and the growth of powerful actors at the subnational level. These subnational groups have produced the hybrid character of Pakistan's body politic and they have posed a consistent challenge to executive power (Synnott, 2009, Lieven, 2011). During the three major military regimes, the army created a new class of competing, collaborative local politicians (Jalal, 1995). These local government representatives have been used by military dictators to secure the reins of political and administrative power at central, provincial and regional levels. Domination of the

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executive arm of state over the democratically elected institutions has been one of the key features of Pakistan's political order. These factors have led Pakistan to become a security state where a civil-military bureaucracy takes the lead in running the government and state's affairs at all levels (Talbot, 2005; Jalal, 1995; Ali, 2008; Synnott, 2009). The civil-military bureaucracy's dominance has been catalytic in undermining elected governments not only at the federal and provincial level but also in diminishing local government's spheres of functions and influence. Although, the entrenchment of the dominant civil bureaucracy has proved to be a constant obstruction to the establishment of local governments as an institution of local governance, sporadic experimentation with local government reforms also resulted in another predicament i.e. the inter-governmental and inter-institutional tensions. Pakistani governments have periodically experimented with local government reforms. Major reforms took place during the government of Ayub Khan in 1962, Zia-ul-Haque in 1979, and the government of Pervez Musharraf (1999 – 2008). These reforms sought to weaken challenges to executive authority through the creation of Type I multi-level governance regimes to force a reordering of the polity.

Local Government Reform in 1959 and 1979

In 1959, the regime of General Ayub Khan initiated a series of reforms called the 'Basic Democracies' (BD) reforms. The Khan regime argued that enhancing social and political awareness whilst improving economic stability was a necessary prerequisite for the transition to democracy. Pakistan obviously lagged behind in this regard (Khan, 1967). The BD reforms established a four-tier hierarchical governance structure. This arrangement consisted of the Union (the lowest or village level), Tehsil (Town), District, and Division (the highest tier). At

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first glance, the Khan era reforms have some resemble to a system of Type I multi-level governance in that they attempt to establish clear jurisdictional and spatial boundaries between tiered authorities. However, Cheema et al. (2005) argued that BD System was actually informed by the idea of 'controlled democracy' - a legacy of the colonial concept of 'guardianship' in which local politicians were subject to oversight by a centrally controlled bureaucracy. Consequently, senior bureaucrats were able to manipulate the political process and policy formation at the local level (Nadvi and Sayeed, 2004).

The centrally managed, four-tier system offered plentiful opportunities for patronage and allowed the regime to build a dependable constituency of local politicians (Burki, 1980). To use Piatonni's (2009) terms, the restructuring of the polity served to limit opportunities for polities to mobilise by building local clients and imposing hierarchical control. As such, the BD system can be understood as the antithesis of multi-level governance – a system designed to enhance the central government's span of control rather than one that is tolerant of local variation. Khan's presidency received a popular mandate in 1960 when, following a referendum, a surprisingly high percentage of votes were cast in his favour i.e. 96.6 % (ICG, 2004). The outcome of the referendum owed a great deal to patronage politics (Gauhar, 1996), weaknesses in the administration of the election (to the advantage of the regime) and extensive central control (Friedman 1960, 1961) which limited opportunities for local politicians to demonstrate the viability of alternative political agendas.

In 1971, General Zia-ul-Haque suspended the constitution and took full control of Pakistan in 1977. Zia claimed that political parties were divisive, counterproductive and inappropriate in an Islamic state. This argument sought to legitimise military government through an appeal to

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religion. The Zia regime also attempted local government reform and introduced a three-tiered local government system through the Local Government Ordinance (LGO) in 1979 (Ziring, 1988). The new system consisted of Unions at the village level, the Tehsil at the town level, and the overarching administrative District. Authority remained centralised in the civil-military bureaucracy.

The three-tier system was cumbersome and was characterised by a lack of coordination between Union Councils and District Councils in particular and service delivery was poor (Khan and Shah, 2007). The Union and District Councils did not have the financial, project planning, or implementation capacity and central control made it difficult to advance local projects. State institutions continued to dominate the elected local governments in policy making and implementation. Moreover, provincial governments could overrule any proposal by the local governments. Military officers were usually appointed as provincial governors. Taj et al. (2014) note that the cosmetic set up of Zia's local governments was also aimed at securing a local supportive political base.

A feature of the Zia regime was the exclusion of opposition political parties from the electoral process. In February 1985, a general election was held on a non-party basis. Jalal (1995 p.103) notes that "...the holding of non-party elections to local bodies in September 1979 [was] aimed at driving a wedge between different levels of political system, making the twin task of militarisation and Islamisation of society [by Zia] much easier to accomplish." The elections had the effect of preventing the emergence of alternative polities that could be incorporated into Pakistani governing institutions. Rizvi (1986) argues that the non-partisan elections discouraged aggregation and accommodation of differences amongst politicians at the national levels. In turn,

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this produced the fragmentation and regionalisation of politics as politicians sought to legitimise themselves by satisfying local groups. Cheema et al. (2005 p. 24) comment that: "Legitimacy has been sought by creating a localised patronage structure that produces a class of collaborative politicians who act as conduit between local constituencies and the non-representative centres." This helped to create the hybrid political order than characterises modern Pakistani politics. The 1985 elections, coupled with the dominance of military at the provincial level, entrenched the Zia regime (Wilder, 1999). Legislators at provincial and federal level increasingly began to claim the functions of local government and to view local politicians as their competitors. According to Taj et al. (2014), this provincial-local rivalry diminished the authority and domain of local governments and adversely affected the effectiveness of legislative bodies overall. Zia-ul-Haque was killed in a plane crash in 1988 and following his death, Pakistan held partisan elections and some semblance of democracy was restored.

Local government Reform in Pakistan under the Musharraf Government

In October 1999, General Pervez Musharraf toppled the elected government of Nawaz Sharif. Shortly after the coup, the Musharraf government announced a plan to devolve power to the local level through a comprehensive program of reform. The reforms aimed to reorder the governance structure of Pakistan from the top-down and establish a new set of relationships between different tiers of government (The World Bank 2004). The reforms are consistent with the emergence of Type I multi-level governance and this can be analysed by applying Piatonni's (2009) typology.

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Polity Restructuring: As part of the reorganisation, local governments were established at three tiers in 2001. In descending order of institutional importance, the reorganised levels of local government are: Districts, Tehsil [or town], and Unions Councils (UC). Although a Union Council is the lowest tier of government, it represents a large geographic area. A series of non-party elections were held in 2001 and 2005 for the representatives to be elected to the relevant tier of local government for a four-year term. Elected officials are known as 'Nazim.' This term can be roughly translated as Mayor. At the District and Tehsil level, the Nazim and the deputy mayor- the 'Naib Nazim' - were indirectly elected. In contrast, at the UC level, the Nazim and Naib Nazim were directly elected by popular vote. A vast range of functions and services were devolved from provincial to the District governments. This included responsibility for taxation, finance and planning, health, education, agriculture, works and services, and public health engineering. Other functions such including municipal services, roads and street maintenance, fire-fighting, public parks, physical infrastructure and land planning, and building control were devolved to the Tehsil Municipal Administrations (TMA).

Cheema et al. (2005) observe that some public functions, such as the department of irrigation and Police Services were not devolved to the District level. These departments remained under the administrative domain of provincial bureaucracy. This is consistent with a legacy of centralised control through a civil military bureaucracy. In addition, certain other functions were also retained under the purview of provincial bureaucracy. Higher education, teaching hospitals (Health department), agricultural research and development, supervision of foreign funded projects (Planning and Development department), and regulation of medical standards (Health department) were not devolved. The retention of key services under provincial control continues

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to give the higher levels of government a powerful mechanism to enforce control. The ability of central government, through the provincial governments, to direct local government was also advanced through a complex financing structure.

Although an individual District government has the authority to raise local taxes, they largely depended on the provincial government for funding. Provincial government itself was heavily dependent on allocations or subsidies from the federal government, which were sourced through general taxation. Federal subsidies were split between two accounts – the Provincial Allocable Fund and the Provincial Retained Fund. Responsibility for the Provincial Retained Fund was given to the Provincial Assembly through the normal budgetary process. However, the allocation of funds to individual Districts was given to an organization known as the Provincial Finance Commission (PFC) which controlled the Provincial Allocable Fund. The ten-member PFC in the KP province consisted of the Provincial Finance Minister, three senior federal bureaucrats (provincial secretaries), three professional members from the private sector (appointed by the provincial Governor), and three members from the elected local governments. This gave the federal government control over the financial management of local governments because the representation of provincial and local government in PFC was negligible. The Provincial Secretary of the Local Government[s] Department in Peshawar (the provincial capital) explained:

Take the very critical example of [the] PFC (Provincial Finance Commission) which, on the face of it, has been introduced to ensure that there is a transparent mechanism of fiscal transfers to the District local government but in reality, it is

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an encroachment upon the mandate of the provincial assembly... The funds that come to [the] province is part of the provincial consolidated fund and the Constitution [of Pakistan] prescribes that you cannot appropriate this fund without the concurrence of provincial assembly but the PFC divides that fund into two accounts (provincial retained fund and provincial allocable fund) before the budget is presented in the assembly.... This is an encroachment upon the jurisdictions of provincial assembly, which should not have happened ... Why should we place the local governments in adversarial relations with provinces?

In transferring revenue directly to the Districts, the provincial government was marginalised in the budgetary process. This was viewed as an infringement upon the autonomy of provincial legislature and as a way for the federal government to assert control over District fiscal management. Moreover, the involvement and *de facto* autonomy of the local government representatives in the expenditure of funds received via the PFC, was very limited; a large chunk (more than 80%) of the funds received by the District governments were earmarked for salaries and administrative expenses.

Prior to devolution reforms, the provincial funds were presented in the form of a budget in provincial assembly for approval. Since there were no local governments, the expenditure of public funds (both developmental and administrative) was solely done through the provincial administration and civil bureaucracy. After the devolution reforms, the provincial bureaucracy and the provincial governments considered the local governments to be their rivals in the fiscal

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and administrative matters. The provincial governments have become preoccupied with the notion that local governments have the potential to become their political rivals.

As part of the devolution reforms, the positions of District Deputy Commissioner (DC) and the Executive District Magistrate were also abolished and their powers distributed amongst the Tehsil and District Nazim. The Nazim were tasked with securing and maintaining law and order but were not given authority over the police and local paramilitary forces. In particular, the Nazim were tasked with enforcing section 144 of the Criminal Procedure Code, which bans public assembly among other civil right restrictions. This administrative aspect of reforms was justified on the basis of Pakistan's Constitution, which requires a separation of powers between the executive and the Judiciary [Art. 175(3)]. The pre-devolution Executive Magistracy system was a clear infringement upon the autonomous status of the judiciary. However, as the Tehsil and District Nazim were not given the ability to enforce their decisions, they became incapable of maintaining law and order. This problem was compounded by the fact that an unfavourable judgment by a Nazim may result in family feuds and could potentially undermine the Nazim's electoral prospects. Many of the civil administrators interviewed were very sceptical of these reforms and highlighted the inability and unwillingness of local politicians to maintain civil order. The comments of a senior officer from Works and Services Department in Peshawar are representative:

Local Government cannot maintain a sound law and order situation the way army or law enforcement agencies do.... Local Governments have been given the authority (for law and order maintenance) which they cannot exercise... they cannot initiate any punitive proceeding against a person belonging to his/her

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area because other than expectation of vote in future, s/he is a native, belonging to that very community and in case of any unpleasant event, things might lead to family feuds.

It seems likely that decision to transfer some functions away from the provincial level (the drawing of jurisdictional boundaries) was intended to neutralise potential sources of opposition.

In requiring that local politicians make potentially unpopular decisions and demanding they maintain civil order whilst removing their ability to enforce these decisions, local politicians were rendered entirely dependent on the provincial government which is responsible for collecting and distributing revenues. The devolution reforms of 2001 appear to have been introduced by an authoritarian government at federal level to establish a subordinate political structure across the whole country.

Polity Mobilisation: The devolution reforms created an opportunity for a local polity to emerge at local level particularly in the form of the Union Councils. The members of the Union Council were elected on a direct popular vote. In many cases, several villages are included in the one Union Council constituency. A member of the Union Council for the Swabi District commented that: *"A Union Council Nazim is, on an average, a representative of around 30-35 thousand people... That is why the new (provincial) government consider local government as rivals."*

Although the functional sphere of a Union Council Nazim was different from that of an MPA (Member of Provincial Assembly), a UC's election via direct popular vote was a daunting signal for the political future of candidate or member of the provincial assembly. Elections for provincial assemblies do not coincide with local government elections. In separate elections,

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candidates for provincial assembly compete for direct popular voting in a constituency that includes several Union Councils. If a Union Council Nazim could secure a mandate from his/her UC constituency, s/he could possibly run for the provincial assembly seat in the next election against any traditionally elite provincial assembly candidate. That is why the members of provincial assembly considered the local politicians at UC level as potential political rivals. This is consistent with a mobilised polity in a Type I multi-level governance arrangement where government entities at higher levels of government are forced to respond to the demands and mandates of entities at lower levels.

At an interview, a District official explained that Provincial Assembly Members tend to be elected on the basis of very low turnouts (<30%). Therefore, if Union Councils mobilised, it could make a significant difference to the electoral prospects of a candidate for the Provincial Assembly. However, another District official explained how decisions makers at the District provincial level exploit the possibility of Union Councils mobilisation. Through the strategic allocation of public funds, reliable voting constituencies can be cultivated and clients developed:

“None of the MNAs (Member of National Assembly) and MPAs (Member of Provincial Assembly) in the past 60 years was bothered to spend money in those UCs (Naranjay and ‘Purmalo) because the population of these UCs is meagre and the vote bank insignificant however, I focused mainly on the deprived areas and we do this in expectation of expanding our vote bank and because we are concerned with the people of the area where we live.” Overlaying the relations between different layers of government are the relations between the individual District officials and the federal government. The District official interviewed above also explained that his personal connections with the federal government allowed him to divert

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federal funds to secure gas and electricity supplies and build a client base amongst his District and associated Union Councils. The devolution reforms created a series of institutional incentives that directly encouraged political actors to be strategic in the distribution of public funds to exploit the newly mobilised polities at the local level. In addition, the reforms also had the unforeseen consequence of promoting improper relationships between the federal government and the Districts outside of the governance structure.

Policy Making: Multi-level governance argues that the nature of policy-making has changed as a wide range of actors must be incorporated into the process. Moreover, policy-making now takes place in an environment characterised by game-playing between different levels of government and social actors. The empirical data indicates tensions between the different levels of governments. These tensions manifested themselves in a lack of capacity to realise policy and advise policy makers, lack of coordination between different agencies and an attempt by the provincial government to subordinate the District level by exploiting the institutional configuration of government.

The Pakistani civil service system is based on the British administrative-generalist tradition. The bureaucrats are supposed to provide advice to elected representatives and oversee the implementation of policy. A glimpse of the generalist nature of civil service was observed during an interview where a senior bureaucrat working in finance in Peshawar explained that he holds a postgraduate degree in English literature and had learned financial management and accounting following his appointment. Formally, Pakistani civil servants are supposed to be appointed by competitive examination and on the basis of person-skill match. However, it was observed that

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many employees at the District and Tehsil level routinely performed functions beyond their formal competence and these bureaus were often understaffed. This was largely due to funding and recruitment restrictions imposed by the supervising provincial departments. In order to compensate for the understaffing, makeshift arrangements emerged. The lack of training is compounded by the fact the public sector in Pakistan is often used by office holders to provide patronage employment to their supporters. The understaffing and lack of expertise made it difficult for inter-governmental projects to be coordinated but more seriously deprived local representatives of the expertise necessary to develop and implement policy.

At interview, a senior official in the Finance and Planning Department of Abbottabad highlighted the lack of coordination between different agencies at different levels of government. The official recounted how the National Highway Authority spent public funds on widening a road by 3 feet and failed to coordinate with the local Water and Power Development Authority. As a result, the electricity poles still remained fixed on the same place. The road was now built around the electricity poles. In another interview, a Naib Nazim from Peshawar explained that: *“Usually when we make a road and a huge amount of money is spent on it, it is then dug (and abandoned broken) by the Telephone or Gas department (for maintenance and Development works).”* At interview, a local official argued that the lack of coordination was often due to the inability of the different agencies to understand each other's roles and responsibilities and overall lack of expertise. *“There is absolutely no coordination among the public sector departments [within the same and across different level of government], however, [town administration's] coordination with the representatives of local government is relatively better. We have, at times, problems but we try to convince them and we often resolve issues with them.”* However, a second explanation

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is simply that the different levels of government have different priorities and the mechanisms that permitted coordination prior to the reforms have been fragmented.

The elected officials tasked with coordinating the different agencies at different levels of governance generally lacked managerial skills and the legal authority necessary for the assigned tasks. The reforms were introduced and implemented haphazardly in 2001. This was a sudden and drastic change that produced massive upheavals in local governance. When the untrained representatives started working with appointed public officials, their lack of experience and authority was compounded by understaffing at the local level. This resulted in elected representatives falling under the sway of the career bureaucrats at the provincial level. The provincial secretariats retained considerable administrative authority over District bureaucrats. All major decisions regarding appointment, promotions, and transfers of public sector employees continued to be made by provincial secretariats. This allowed the provincial bureaucracy to hinder the wishes of politicians at the District and Tehsil level.

The elected representatives also found it difficult to 'learn by doing'. Although the federal government nominally supported the reforms, the elected local representatives found their prospects for developing political and managerial skills obstructed. However, a senior provincial official in Peshawar defended the limitations imposed upon politicians because elected officials cared only for electioneering rather than governing:

Local Government should have not been given these administrative responsibilities.... How can they do it? If there is a procession protesting against WAPDA (federal agency for water and power) how is he (local representative)

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going to ask the police to baton charge the procession. Rather he'll lead that procession because he's their political representative.

Although the expressed distrust of elected officials and campaign groups would be familiar to public administrators everywhere, the issue is particularly acute in Pakistan due to the weakness of institutions and the existence of entrenched ethnic divisions. The integration of diffuse range of actors into policy making is likely to produce zero-sum politics. A Union Council Nazim observed that the delivery of benefits to specific villages was hugely important and expressed the fear that “...when there'll be no one elected from my village's constituency in future, constituents won't be able to influence politicians (from other villages) to initiate developmental schemes for my area.” The hallmark of the Pakistan's pre-devolution bureaucracy was lack of democratic accountability and rule by administrative fiat, which was endangered when the elected representatives were given some of the civil administration responsibilities. Most of the civil administrators opined that since the local governments were incapable of civil administration, their sphere of functions should only be limited to the provision of municipal services.

An additional mechanism that entrenched power at the provincial level was the drafting of the Annual Confidential Report(s). These documents are a performance evaluation system inherited from the British Colonial era which are written by supervisors – senior appointed head of the concerned department. However, the person on whom the report is written remains oblivious of the nature and content of report. The reforms of 2001 allowed the District Nazim to write the Annual Confidential Report for senior District officials but this provision was conditioned i.e. the document must be countersigned by the Chief Secretary (the senior most bureaucrat of a

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province and appointee of the federal government) and Chief Minister of the province. In similar vein, the District Coordination Officer (an elected official) is the principal accounting officer of the District government. However, s/he reports to the Public Accounts Committee within the Provincial Assembly in the financial matters of the District, and not to the Nazim or the elected District council. As a result, District officials tended to ignore the instructions of local government politicians because the politicians did not possess any oversight authority with the minor exception of being a co-signatory to an annual performance assessment. Taken together, the exploitation of the reporting arrangements effectively brought District governments under the control of the provincial governments and reduced local politicians to a largely nominal role.

Discussion and Conclusion

The Musharraf era reforms sought to establish a Type I multi-level governance arrangement in that they were largely concerned with restructuring government and establishing a tiered jurisdictional hierarchy. However, the case study observed that the newly devolved governments had considerable trouble policing their jurisdictional boundaries. This problem resulted from the institutional design of the reforms and the political norms and practices of Pakistan. In terms of institutional design, the reforms were designed and implemented abruptly. Elected into an entirely new system, the incumbents of local government were lacking in terms of experience in a political role and training that was imperative for the assigned official responsibilities. The newly elected local representatives were ill prepared for working in a complex administrative system. As such, the local representatives came to rely on provincial bureaucracy, provincial

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government, and in some cases on federal government for advice, support and the resources necessary to secure support in a political system still prone to clientalism.

The capture of the local representatives by higher levels of government was compounded by the fact that the federal government continued to exercise considerable control of the provincial bureaucracy through the performance management system. Moreover, the federal government, through its control of the distribution of fiscal resources, reduced the ability of Provincial governments to serve as the intermediary between the central government and the District level. In terms of the political norms and practices, elected officials still made use of interpersonal contacts and personal networks to secure resources and services for their Districts and build voting bases. Politicians throughout the world seek to secure benefits for their constituents but in Pakistan, this is particularly pernicious because of the tendency of elected officials to see the delivery of public goods as a strictly zero-sum game and their role as to secure benefit for their town or village in isolation.

Although Type I multi-level governance is sometimes described as multi-level government, the implicit assumption of such arguments is that the reassertion of central control takes place in a democratic system of government. In fact, multi-level governance itself tends to assume the existence of a democratic system. In Pakistan, it is military governments that have pursued the reorganization of government. The reforms in 2001 were the most comprehensive attempt to devolve power in Pakistani history but were implemented by a military government. Two complementary explanations exist. The first is that the military government of Pervez Musharraf was viewed as illegitimate and could not draw on the sources of support possessed by the previous government and sought to legitimate itself through the system of governance that it has

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created for itself. As such, the Musharraf government may have sought to bolster itself by empowering local governments who would then lend their support to the regime. Second, the Musharraf government might have sought to entrench the power of the federal governments through the bureaucracy (which it could control). As the government had oversight of the funds necessary to deliver public goods, it was in a position to manipulate the elected representatives who were supposed to hold executives to account. As such, the reforms allowed the federal government to secure greater control of Pakistan.

The reforms of the Khan, Zia and Musharraf sought to restructure the Pakistani polity in an effort to sustain themselves in power. In all three cases, the institutional design of local governance was informed by a desire to build local clients and impose central control. The Zia regime was explicit in this objective and whilst the Musharraf regime was subtle, the empirical case study suggests that the intention remained the same. One possible explanation for the actions of the Musharraf regime is that during the Zia regime and during the period of democratic governance (1988 – 1999), politicians had developed local power bases and were difficult to control.

Moreover, as local and national boundaries had been blurred, there was considerable opportunity for opposition to military rule to manifest itself and thwart the Musharraf regime. The imposition of Type I governance reforms allowed these arrangements to be bypassed or swept aside. In addition, the Musharraf regime exploited established patterns of behaviour to maintain itself. Multi-level governance points to the importance of understanding how policy-making changes in an environment where polities have become mobilised and the established political order has been reconfigured. In Pakistan, multi-level governance and devolution was intended to secure a military government. The case of Pakistan suggests that the intent of government should be

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carefully considered and that reform of governing structures may not change underlying practices. It should not be assumed that government is benign and its motives for reform are driven by the desire to serve the public good.

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