



## In this Issue

Why governance and civil service reform have become matters of crucial significance for the Pakistani state

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## Governance and Civil Service Reform in Pakistan

The horrendous and unforgivable attack on Army Public School in Peshawar on December 16, 2014 has not only pricked national conscience but also exposed governance and security vulnerabilities of the Pakistani State and its citizens. The incident appears to have roused a sense of urgency among the civil and military leadership, resulting in the National Action Plan to combat, dismantle and disrupt terrorism and its network in the country. Despite a promising awakening, deep-rooted governance failures, which have led to deterioration in services and writ, demand serious review and reform of key institutions of governance. It needs to be underscored that the edifice of democracy, representative government and good governance is built on the twin pillars of sustainable democratized political parties and modern, efficient, professionally competent and depersonalized bureaucracy. The purpose of this Policy Brief is to provide a framework for initiating discussion on the concept of governance and issues of civil service reform in Pakistan in general and Punjab in particular. The paper attempts to offer context of why governance and civil service reform have become matters of crucial significance for Pakistani state. It propounds that at the political and elite institutional level governance and reform issues are not getting the attention they deserve; therefore, a bottom's up approach may be pursued to induce behavioral and structural change. It argues that following the implementation of the 18th Amendment, provincial and local governments should be the pivot for improving governance and pushing civil service reform.

### What is Governance?

Governance is a multifaceted concept generally defined as requiring an understanding of interrelationships among social, economic, political and cultural variables and all that within the institutional setting of the country. The meaning that these variables bring to the governance enterprise is profound. Governance work can most effectively occur when there is solid understanding and knowledge of local conditions. The principal components of governance are politico-cultural, institutional and to some degree technical (which increasingly involves imparting IT and others skills to bureaucracies) and revolve around distribution, exchange and regulation of authority and power sharing mechanisms between the state and citizens. The [World Bank](#) provides a definition which, underplays the politico-cultural variables but emphasizes the institutional and regulatory dimensions;

*"Governance consists of the traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them."*<sup>1</sup>

## **Governance: Pakistani Predicament**

Given this definitional context we may examine the dynamics of governance in Pakistan. Governance in Pakistan, like most developing countries, is a complex issue. It is like a concentric circle, each circle is tangled with the other – touching one means, opening the other. It is not simply a three Es' issue – Economy, Efficiency and Effectiveness. It has cultural and political manifestations – that have social costs, reflected in the patronage, lack of consensus among political leaders and various types of elites, ethnic/religious cleavages, polarized political parties, absence of continuity in policies and increasing personalization of institutions. In short the paradox is how to steer through centralized state institutions and fragmented societal structures? It is pertinent to remember that in the past three and half decades state-society relations have undergone enormous transformation, citizens do not trust the state, and there is skepticism about its institutions and ability to provide security, justice and development.

The fabric of societal value structure has undergone convulsions. Zia-ul-Haq (1977-1988) institutionalized hypocrisy. The Benazir Bhutto and Nawaz Sharif rivalry (1989-1999) squandered an opportunity for party development, representative government and promoting norms of good governance and constitutional liberalism—respect for rule of law, protection of minorities and freedom of expression and association. Pervez Musharraf (1999-2008) converted the very idea of national sovereignty into organized hypocrisy. We reached a point where Pakistani leaders could communicate with each other only through an 'international broker'. The installation and successful completion (2008-2013) of term by one civilian government and handing over power to another party led government, roused a lot of expectations about electoral outcomes and democratic processes. However, political parties and their leadership have not yet demonstrated the kind of vision and commitment that can sustain representative government and build public's faith in party system. Citizens have begun to question the very purpose of the Pakistani state. The state-society disconnect has reached a point where faithlessness about state is pervasive and this demands re-imagining the state. Under these conditions restoring respect for rule of law and promoting compliance of law among the people is a daunting task.

### ***Fixing the State***

First, can the state mediate between competing interests that constantly put demands on it? Leadership at the national level seems incapable of performing this role of mediation and developing a shared vision on managing these competing interests. This would happen by restoring the respect of constitutional offices—the president, chief justice, chief election commissioner and chairman Federal Public Service Commission (FPSC), to name a few. If the constitutional offices are not seen as independent and impartial, institutional integrity will continue to be at stake. Constitutional office bearers must be seen as neutral arbiters of conflict/dispute resolution. Of course this is easier said than done, but must be said.

Second, what are the sovereign functions of the state? Does it have legitimate 'monopoly of coercion'? Any and all governance reform effort should take account of that. For example our defense capability is built around conventional warfare, not designed for fighting the insurgency and counter insurgency and the asymmetric war the Taliban and other militant groups are waging against the state. The hastily built twenty point National Action Plan agenda is overshadowed by the urgency to establish military courts. This has further eroded credibility and cast aspersions on the capacity of political leadership to establish supremacy of the parliament, which has reinforced the perception that inadequacies of political leadership and political parties continue to perpetuate military hegemony. Delineating the police and security functions of the state could arrest this process, but the pretext of 'extra-ordinary conditions' continues to be used to give carte blanche to the military. The adoption and approval of the 21st Constitutional Amendment clearly extends military role, promoting the over militarization of society instead of sustaining democratic norms, values and procedures.

Thirdly, how can policing be improved and who should manage it? Citizen security and law and order have become issues of primary concern. In this context, police reform has frequently been

debated. However, it needs to be underscored that law and order is a provincial subject and restructuring the role and relationship between provincial and district governments will be of equal importance under the current dispensation where provinces are in agreement to alter the provisions of LGO 2001. However, the Local Government Acts (LGA)2013 passed by the provincial assemblies do not rouse much confidence in empowering the community and local governments.<sup>2</sup>Contrarily, these reflect the mindset of controlling fiscal and administrative authority of the local governments. If the LGO 2001 constricted the functioning of local governments through central government, the 2013 LGA's retain that role with the provincial governments.

Fourth, how is training imparted? Training in the first instance is not valued in the civil services but more importantly is designed in manner that it focuses only on the higher bureaucracy (that is the Central Superior Services—CSS). For example, the National Management College (NMC) and National Defense University (NDU) spend millions of rupees to expose senior civil servants and military officials to foreign travels, training and exposure, while at the middle and lower tiers, such trainings are enviously coveted and there is little sense of ownership of this training tourism; it is also not clear if such an expensive exposure promotes proficiency in policy formulation, improvement in delivery of services or effective and judicious policies—what is obvious that it does brighten the prospect of promotion to the highest position in civil-military bureaucracy. On the other hand, in the higher bureaucracy, a class war prevails; where Police, Audit & Accounts, DMG (now PAS), Foreign Service and OMG – to name a few services appear to be contesting rather than working harmoniously to pursue policy formulation. That implies careful scrutiny of role and relationships between different services, differentiation in their functions and responsibilities and assuring career progression for the budding provincial cadre.

Finally it must be put upfront that no governance reform is possible without serious effort towards political reform and the political parties are the linchpin for any representative and democratic order. Pakistan suffers not only from a credibility crisis of political leadership but also their inability to democratize political parties. Increasingly, political parties are becoming dynastic and less democratic in their decision-making and selection of leadership. Given this trend, political reform should be given top priority. Deepening credibility crisis of political leadership, decay of political parties and low credence of military rule is encouraging extremist forces to capture power and provide an alternate model. Unless the political leadership becomes cognizant that they need to build a party system which exudes rule of law; supports respect for dissent, shows determination and seriousness of purpose to fight terrorism, combat corruption and has the capacity to initiate institutional revival, governance would not improve.

Political reform is a prerequisite for fixing the state. In the context of 7th NFC Award, 18th Amendment and now 21st Amendment, a paradigm shift in governance is unavoidable and the focus of reform must be on the provinces.

### ***Perceived and Real Governance Issues***

A description of governance issues can be summarized from *three perspectives*. First, what are the public perceptions on governance? Second, what kinds of issues are identified in the literature on Pakistan on the subject? Third, how do the public officials and policy makers look at the issues of governance? What should be the priority areas of reform to improve governance?

In *public perception civil servants* are corrupt, inefficient, arrogant and not pro-people. Government offices are unresponsive to public needs, procedures are tedious, because of lack of redressal of grievances, citizens have little or no control over policies and service deliveries, insufficient investment in development(particularly, housing, health, sanitation, roads etc., people's welfare needs) and rise in concern about personal insecurity.<sup>3</sup>

The *literature on Pakistan* identifies governance issues as: over centralization, lack of participation, weak political institutions, bloated bureaucracy, ad-hoc or isolated policy

formulation, corruption. No clear vision of state's role, weak capacity for regulation and growing gap between the state and civil society. <sup>4</sup>

From the public officials and policy formulator's perspective, as reflected in various institutional reform commission reports, the governance issues are *Non-adherence to procedures, absence of rule of law and accountability, departmental weaknesses, over staffing of the departments, inadequate incentives for the civil servants, inter departmental frictions, lack of adequate, authentic and timely information, and inaction on corrective reports.*<sup>5</sup>

Given these perceptions and realities, the real test for Pakistan is to create/promote a civil service that has the expertise and sophistication to manage decentralized administrative and political centers of authority. Simultaneously it should have the capacity to comprehend the forces that influence the shaping up of an open economy. The civil service must have the ability to facilitate privatization and corporatization and also be capable of mitigating the adverse environmental impacts of such processes. This requires a governance capability, which can create and maintain stable, yet adaptive systems of law, which can regulate a dynamic society where knowledge and its effective application become the primary tools of governance. In contemporary world of technology, policy formulation and delivery of services both require greater reliance and proficiency in technology; its application and retooling of government functionaries can no longer be further delayed. Pakistan has no choice except to improve its governance by redefining the mission and tasks of the civil service (higher bureaucracy).

### **Redesigning the Framework of Civil Services Reform**

To achieve this goal, there is a need to evolve an integrated and holistic approach that covers reform at all levels; federal, provincial and local. At the federal level the challenge is to build capacity in policy formulation on major macro- economic and macro politico-strategic issues. The federal bureaucracy must be recruited and trained with the goal that it becomes the champion of harmonizing provincial interests with federal interests. Council of Common Interest (CCI) could serve as the forum for shared and consensual national vision and in that spirit federal bureaucracy acts as pivot of policy formulation. Therefore, at this level the need is to build capacity of higher bureaucracy on two levels; first, macro-economic, social sector, infrastructure development (Engineering Transport Communications, Agriculture resource mobilization). Second level, security, defense and foreign policy arenas; thus, developing strategic thinking and innovation in ideas on policy formulation. Towards this end, a strategy could be devised to produce a critical mass of 250-350 officers who have expertise and competence in these areas. The focus ought to be officers between BPS 18-20. It is at this level that retaining competent officers in the federal civil service is emerging as a serious challenge. If immediate and appropriate policy measures are not devised to retain officers in this grade bracket we could face a serious dearth of competent officers in the coming five years and the provinces would be adversely affected. That means carefully re-designing the recruitment process and strengthening the autonomous status of the Federal Public Service Commission (FPSC). Second level of reform has to be at the provincial level, where policy formulation and implementation capacity needs to be redesigned and strengthened. For the provincial governments, the key issue is: how to provide security, justice, and protection of life to the citizens, besides sound and judicious socioeconomic policies. It is at the provincial level that the functioning of bureaucracy has been most adversely affected, by recruitment through patronage, posting transfers and lack of accountability. At this level there is need to revamp, redesign and strengthen the Provincial Public Service Commission (PPSC), so that recruitment both at the officer and subordinate level is merit based, transparent and competitive. In all above-mentioned ideas of a critical mass, there is a need to select and integrate officers from the provincial services, so that the benefits of professionalism and expertise are distributed among the provinces.

Third tier of administration is Local government and that is most crucial. At this level the need is to radically restructure the administrative set up. The Local Government Acts 2013 provide little room for empowering citizens and the local government; in fact they have resurrected the

Commissionerate system. This is the level of government, which affects the citizens most; here redressal system is in disarray, and enforcement of rule of law is ineffective. Police is an instrument of extortion and suppression rather than protection of the citizens; Civil/Criminal Magistrates lower courts are weak, corrupt and politicized. Thus justice is sacrificed and reform of the subordinate structure of administration remains illusory.

The performance appraisal of subordinate government functionaries is rarely done. Based on how these public officials conduct themselves in public affairs people form an opinion about the government. Revenue collection, speedy and fair justice, citizen security (policing), prevention of crime/detection and maintenance of law and order the much emphasized operational areas of public concern and reform. If these public officials fail to exhibit good behavior, the reputation of corruption, inefficiency ineffectiveness spreads like wild fire. The arrogant and coercive behavior of the Subordinate Public Officials is an equal contributor in bringing bad name to bureaucracy, as has been the ineffectiveness of senior bureaucracy to control and regulate the behavior and performance of those under them. Therefore, performance appraisal mechanism must be built for all the levels of the bureaucracy.

### **Province: Where governance and reform matters?**

From the above review and analysis of the various reports it becomes clear that there is growing consensus and realization that improving service delivery, performance management, civil service reform, government policy management, streamlining implementation machinery and organization of Provincial governments are the key sectors to move forward. Three recent Punjab focused civil service reform reports Kardar (2007)<sup>6</sup> Laking (2007)<sup>7</sup> and ADB (2009)<sup>8</sup> clearly provide the direction and recommendations that need to be pursued more rigorously and systematically. In that spirit public financial management is an area that deserves greater attention.

As noted above ideally reform effort must be holistic and start from the top but there is serious lack of will, vision and commitment at the political level. That goal should not be abandoned and efforts must continue to bring to the attention of political leadership that political reform is in their enlightened self-interest and that administrative and management reform is one large and important component.

The chief minister and chief secretary do govern the province but the above-mentioned tier of government rules it. The 18th Amendment has further enhanced the authority and power of the chief minister, who in return has become more dependent on the chief secretary. Although, the chief ministers, increasingly govern through the CM Secretariat, yet for overall supervision and coordination they find Chief Secretary as the nerve Centre for provincial administrative control. To combat terrorism, promote development and empower citizens, the responsibility sharing mechanisms between provincial and local government must be redesigned constitutionally, politically, administratively and fiscally. The 18th Amendment provides a clear direction on these matters. In the existing arrangements of governance, we need to review the recruitment, conduct and training of 1-16 Grade public officials, with particular focus on 7 - 16 grades.

The citizen's initial contact with government is through three functionaries of the State i.e. the Station House Officer (SHO) of the Police, the Patwari (Revenue Collector), the lower courts – session and civil (Judiciary). These three officials have enormous powers in public perception and in reality. They have also become the primary instruments of corruption, misrule and abuse of authority. The provincial government operates through these functionaries, whose authority is ingrained in public mind. Over the years these offices have become oppressive, anti people and provide little relief to citizens. The redressal of grievance against these offices has also become weak over the years. The democratically elected governments since 1985-1999, 2002-2008 and 2013 have made large scale patronage appointments in bureaucracy and lower judiciary ignoring rules, merit or imparting any training (not to mention the violent behavior and constitutional/political havoc that president Musharraf created in 2007 alone). Thus in the past 20

plus years some of these political appointees have attained mid management positions. A large number of these appointees have become Tehsildars, Police Inspectors, Deputy Superintendent of Police, Extra Assistant Commissioner and officers in other branches of government. The subordinate bureaucracy is not only politicized but also inadequately trained, ill mannered and corrupt. Therefore, the need is to adopt a bottom's up approach to introduce reform at grass root level so that the ordinary citizen is able to see the benefits of reform.

First option is that through community participation oversights are developed to monitor and regulate the functions of these subordinates. Second is to improve mechanism through which they can be monitored effectively, as Kardar, Laking and ADB CSR Reports point out and strongly recommend. Third is to replace them that would mean first developing an alternate office. It would also mean rethinking district as a unit of administration. However, short of replacing them by effective, efficient, and adequately trained functionaries, good governance is unlikely to emerge. Devolution of power without radically transforming the character and power of these three subordinate offices is not likely to bring much relief to the people. The reports cited above have glossed over this reality. These reports have also ignored the growing tensions between the federal and provincial cadre officers (DMG vs. PCS). Devolution process (LGO 2001 and subsequent amendments) has stumbled because the provinces never owned it; today they are resisting and want to reverse devolution with vengeance not reason. Kardar, Laking and NCGR reports provide enough reason and logic on how to constructively think on province-district government relationship. This also implies that the focus of reform has to shift to the province because that is where power resides and that is where the re-engineering and rearrangement of local and provincial relations is occurring. Re-designing and reform of power sharing mechanisms at the province – district level could open up window of opportunity to combat terrorism, improve governance and delivery of services and empower the citizens. Through policy dialogue, civic engagement and further actionable policy research the findings and recommendations of the some of the above mentioned reports can be pursued and fresh research agenda designed so that the Punjab Government serves as model of governance and reform for opportunities that the second decade of 21<sup>st</sup> Century offers to Pakistan.

## References

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