Status of Implementation of Eighteenth Amendment in KPK in Health, Education and Agriculture Sectors

Baseline Report on Eighteenth Amendment in KPK

Citizen's Oversight of Federalism in the Context of Eighteenth Amendment in KPK
Centre for Peace and Development Initiatives (CPDI) would welcome reproduction and dissemination of the contents of the report with due acknowledgments.

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Introduction

The present study is a baseline research conducted in connection with gauging the present status of implementation of eighteenth amendment and its associated devolution in the province of KPK. The study looks into the process of implementation of eighteenth amendment in KPK since 2010 and makes an effort to judge the present status of devolved portfolio. The study reviews this theme in the specific context of three sectors, viz, health, education and agriculture. An effort has been made to assess the existing status of implementation in terms of institutions, organizations, resources and legislation. The objective is to provide a snapshot of what was originally planned during eighteenth amendment during 2010-11 and what is the existing status of implementation in three selected sectors in KPK as of 2013-14. The findings of the study are designed to serve as a baseline to gauge the progress made from now onwards and provide a critical analysis platform in the near future. The study is based upon existing research, review of official documents, key informant interviews, media reports and primary research.
Background:

Eighteenth amendment to constitution was passed after introduction of democratic governments in 2008 as a major step towards redefining federal-province relations in Pakistan’s constitutional history. The amendment was finalized by Special Parliamentary Committee on Constitutional Reforms (SPCCR) having representation from all major political parties as well as independent groups. Constitution (Eighteenth Amendment) Act 2010 received the assent of the President on April 19, 2010 and was promulgated in the form of 102 amendments (including substitution, additions or deletions) to various provisions of the 1973 Constitution. These amendments also included abolition of concurrent legislative list, additions in federal legislative list, Council of Common Interest and National Finance Commission. After eighteenth amendment, exclusive purview of federal government has been retained over Federal Legislative List I while Federal Legislative List II required all provinces to be on board. For the purpose of formulation and regulation of policies in Federal Legislative List II, Council of Common Interests has been accorded exclusive jurisdiction as a means to promote participatory federalism.

The actual implementation of eighteenth amendment was steered by Implementation Commission which was established in terms of clause 9 of article 270 AA of the constitution on 4 May 2010 for spearheading the process of devolution following passage of eighteenth amendment to the constitution. Implementation Commission comprised ten members in addition to coopted members and was led by Senator Raza Rabbani. Implementation Commission actively led the process of implementation of eighteenth amendment as it held as many as eighteen meetings over a period of eleven months. Four of these meetings were chaired by the prime minister and were also participated by the Chief Ministers. Decision to devolve federal ministries to the provinces in a phased manner was arrived at during one of these meetings held on 5 October 2010. An important aspect of deliberations of Implementation Commission pertained to decisions regarding fiscal side of devolution in terms of providing finances for the devolved subjects and functions after completion of devolution process. As a result, federal government agrees to provide funding for devolved projects till end June 2011. It was also agreed that federal government shall provide funding for health sector vertical programs till next NFC award but no such commitment was provided for projects in other sectors including agriculture.

As already mentioned, eighteenth amendment devolution was completed in three phases. In the first phase, five ministries were abolished on 7 December 2010 including Ministry of Local Government and Rural Development, the Ministry of Population Welfare, the Ministry of Special Initiatives, the Ministry of Youth Affairs and the Ministry of Zakat and Ushr. As a result of first phase of devolution, eight functions and 15 institutions/organizations were devolved or re-allocated within federal and provincial governments. In the second phase of

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1 Final Report of the Implementation Commission, Inter-Provincial Coordination Division, 2011
devolution, another five ministries were devolved including Ministry of Culture, the Ministry of Education, the Ministry of Livestock and Dairy Development, the Ministry of Social Welfare and Special Education and the Ministry of Tourism. During this phase, 98 functions and organizations were devolved or re-allocated including 51 institutions and projects which were transferred to the provinces. The third and final phase of devolution was completed on 29 June 2011, abolishing another seven ministries including Ministry of Environment, the Ministry of Food and Agriculture, the Ministry of Health, the Ministry of Labour and Manpower, the Ministry of Minorities Affairs, the Ministry of Sports and the Ministry of Women Development. As a consequence of this third phase of devolution, a total of 179 functions including 116 institutions and organizations were devolved to provinces or re-allocated within federal government. Amongst these, a total of 45 institutions or projects were transferred to the provinces. As a result of these three phases of devolution, a total of seventeen ministries were abolished at the federal level and their functions devolved to the provinces or re-allocated within federal government. Devolution of these ministries also resulted in relocation of over 61000 employees to the provinces or within federal government².

² ibid
Implementation Mechanism of Eighteenth Amendment in KPK:

Process of devolution, following introduction of eighteenth amendment was managed in KPK province through putting in place a three-tiered mechanism. Highest level lead was provided by Chief Minister himself who personally participated in several of Implementation Commission meetings besides leading the process of devolution at the provincial level. Similarly, provincial Chief Secretary also participated in many meetings of Implementation Commission besides leading the process in the province at the secretariat level. As already mentioned, a three-tiered arrangement was put in place in KPK province for smooth implementation of eighteenth amendment-related devolution process. At the highest level, a dedicated cabinet committee was established including senior ministers and key provincial government officers. This cabinet committee was mandated to take key policy-level decisions related to eighteenth amendment so that a smooth mechanism for implementation of devolution is put in place. The other important committee was established at the secretariat level which was headed by provincial Chief Secretary and included administrative secretaries of all key departments relevant to devolution and eighteenth amendment. This committee was tasked with completing the requisite ground work for devolution in addition to working out nitty gritty of the whole change management process. Dedicated teams were also constituted in each relevant department for steering the process of devolution within each organization. Last but not the least, Inter-Provincial Coordination Department of KPK was designated as the key department for ensuring smooth inter-agency coordination during the whole process. Inter-Provincial Coordination Department was also tasked with provision of technical backstopping services for smooth progress on devolution. This focal department ensured inward coordination with provincial government organizations besides establishing coordination and liaison mechanism with federal government including Implementation Commission. Even today, Inter-Provincial Coordination Department is keeping track of the implementation and re-adjustment process, following eighteenth amendment.

Following is a diagrammatic expression of the above-referred implementation mechanism for eighteenth amendment in KPK province.
Hectic activities were undertaken at the provincial level for smooth implementation of eighteenth amendment and consequent devolution. A clear roadmap was laid down during 2010 which formed the basis of well-designed activities for the coming years. To begin with, a major consultative workshop was held during July 2010 which involved participants from all key sectors from throughout the province. The event was exceedingly successful in sensitizing and providing orientation to all concerned agencies and individuals on importance and fall-out and consequential issues related to eighteenth amendment in the province. All these agencies and organizations were provided an opportunity to thoroughly debate devolution within their specific organizational context and come up with solid implementation proposals. The event provided a collaborative platform where all concerned agencies were able to clearly see their individual and collaborative responsibilities for smooth implementation of the devolution process in KPK. As a result of this workshop, a comprehensive position paper was developed through a consultative process, facilitated by Inter-Provincial Coordination Department. Another important exercise undertaken at the provincial level pertained to a thorough review of provincial rules of business in respect of all departments which were likely to be affected by the eighteenth amendment. Thorough analysis and review of rules of business was critical in view of the re-assigned functions and responsibilities within the provincial government of KPK. Alongside initiation of the process of review of rules of business, a large number of notifications and amendment packages were also issued by each relevant department with an objective to ensure smooth implementation of devolved portfolios. An ambitious package of legislative amendments, especially in the health and education sectors was also developed and placed before legislature for its concurrence. All these measures and steps were undertaken in the province of KPK in a well-designed and deliberate manner for ensuring the fulfillment of objectives of the eighteenth amendment in KPK province.
**Sectoral Synopsis of Eighteenth Amendment in KPK**

**Health Sector:**

Prior to eighteenth amendment, health was largely a residual subject. However, specific entries in concurrent legislative list enabled federal government to perform its role in health sector even at the provincial level. These entries pertained to Drugs and Medicines, Poisonous and Dangerous Drugs, Prevention and Extension of Contiguous Diseases from one to other province and Mental Illness and Mental Retardation. In addition to these entries, federal government (prior to eighteenth amendment) was also implementing a large number of huge vertical programs in promotive and preventive healthcare which provided it direct access in health sector even at the provincial level. However, after abolition of concurrent legislative list, all these areas were brought under the direct responsibility of KPK provincial government. Similarly, inclusion of several new items under Federal Legislative List II (including regulatory authorities established under a federal law, planning and coordination of scientific and technical research and legal, medical and other professions) has also enhanced the responsibility of provincial government of KPK in health sector to the extent of these functions. In summary, out of 16 functions, being performed by erstwhile health ministry at the federal level, the following four have been devolved to health department of KPK province.

- International aspects of medical facilities and public health: International Health Regulations: Port health; health and medical facilities abroad
- Medical, nursing, dental, pharmaceutical, paramedical and allied subjects
- Prevention of the extension from one Province to another of infectious and contagious diseases
- Lunacy and Mental deficiency

In addition to these specific entries, the following vertical programs have also been devolved to the government of KPK in the health sector.

| 1. National Program for Family Planning and Primary Health Care |
| 2. National Maternal Newborn and Child Health (NMNCH) Program |
| 3. Expanded Program of Immunization (EPI) |
| 4. HIV/AIDS Control Program |
| 5. TB Control Program |
| 6. Blindness Control Program |
| 7. Influenza Control Program |
| 8. Hepatitis Control Program |
| 9. Roll Back Malaria (RBM) Program |

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3 Information / Interviews in KPK Secretariat
Education Sector:
Prior to eighteenth amendment, education was largely a provincial subject but federal government enjoyed substantial role in areas such as higher education, curriculum, syllabus, planning, policy, centres of excellence and standards of education. However, eighteenth amendment has brought about substantial changes in this scheme of things in many ways. Needless to say that introduction of eighteenth amendment has also brought about significant changes for education sector in KPK province. Most important of these pertains to introduction of article 25-A, rendering provision of education as a justiciable fundamental right and responsibility of the provincial government. This would require establishment of requisite legislative and institutional structures by KPK education department. Additionally, abolition of concurrent legislative list has also brought the following important mandates within the jurisdiction of KPK education department.

- Curriculum, syllabus, planning, policy, centres of excellence and standards of education
- Islamic education

Similarly, the following three additions in federal legislative list have also enhanced the responsibility of provincial education department within these sectors.

- All regulatory authorities established under a federal law
- Standards in institutions of higher education and research
- Scientific and technical institutions

Last but not the least, as a result of eighteenth amendment, a number of higher education institutions has also been devolved to the provincial government of KPK. These institutions include National Centre of Excellence in Geology, Area Study Centre, and National Centre for Excellence in Physical Chemistry, Pakistan Study Centre and Sheikh Zayed Islamic Centre

Agriculture Sector:
Prior to introduction of eighteenth amendment, agriculture was neither part of federal legislative list nor it appeared on concurrent legislative list. As such agriculture had the status of a residuary subject, wholly within the jurisdiction of the provincial government. Even then, erstwhile ministry of food and agriculture was performing 39 diverse functions in agriculture sector alongside handling 12 organizations or departments all across Pakistan. Last but not the least, it was also implementing 59 projects at a cost of Rs. 65.4 billion. As for the attached departments of erstwhile Ministry of Food and Agriculture, the agriculture grading and marketing department, agriculture policy institute, department of plant protection, directorate general of food and agriculture, federal seeds certification and registration department, SSoP, Pakistan agriculture research council (PARC) and national agriculture research council, Pakistan central cotton committee, Pakistan oilseeds development boards (PODB) were devolved to provinces, adjusted in other federal ministries or wound up.
After introduction of eighteenth amendment, the following functions have been devolved to Government of Khyber Pakhtunkhawa.

- Economic studies for framing agriculture policy
- Farm Management Research
- Crop Forecast & Estimation; Crop Insurance
- Marketing Intelligence
- Agricultural Commodity Research
- Soil Survey
- Introduction of Special Crops like Jute, Tea, Olive etc
- Standardization of Agricultural Machinery
- Agriculture in under-developed areas
- Economic Planning & Coordination with regard to agriculture cooperatives
- High level manpower training for agriculture research

In terms of PSDP portfolio in agriculture sector, the following three projects have been devolved to KPK agriculture department.

- National Program for Improvement of Water Courses
- Program for High Efficiency Irrigation
- Crop Maximization Project

Similarly, Pakistan Oilseed Development Board has also been wound up and its functions devolved to KPK province. However, institutions such as Tea and Tobacco Research Institute as well as PARC have also been retained at the federal level.
Current Status of Eighteenth amendment-related legislation in health, education and agriculture sectors in KPK:

One of the prime responsibilities of provincial governments after passage of eighteenth amendment was enactment of new laws in the light of devolution of additional mandate. In case of KPK province, law and inter-provincial coordination departments have been working with departments of health, education and agriculture for introducing amendments/enactments wherever needed in the context of eighteenth amendment.

Following is the status of progress on post-eighteenth amendment legislation in various departments in KPK as of end 2013.

Health Department:

Following is a list of pending provincial laws on devolved subjects, pertaining to KPK Health Department.

- Epidemic Diseases Act 1958
- The Transplantation of Human Organs and Tissues Act, 2010
- Protection of Breast Feeding and Child Nutrition Ordinance, 2002
- Mental Health Ordinance, 2011

In addition to these laws, the following health-related laws are also yet to be framed/reviewed/provincialized.

- The Poisons Act, 1919
- The Dangerous Drugs Act, 1930
- The Drugs and Medicines (Indemnity) Act, 1957
- The Pharmacy Act, 1967
- The NWFP Juvenile Smoking Ordinance, 1959
- The NWF Prohibition of Smoking Ordinance, 1960
- The Cigarettes (Printing of Warning) Ordinance, 1979
- The Prohibition of Smoking Ordinance, 2002
- The Allopathic System Ordinance, 1962
- Unani, Ayurvedic and Homeopathic Practitioners Act, 1965
- The National Institute of Cardiovascular Diseases Act, 1979
- The National Institute of Health Ordinance, 1980
- Transfusion of Safe Blood Ordinance, 2002
- The Injured Persons (Medical Aid) Act, 2004

Education Department:

Following is a list of pending laws in elementary & Secondary as well as Higher Education department, in the wake of eighteenth amendment.

- Compulsory Secondary Education Law
- Area Study Centre Law
• Centre of Excellence Law

**Agriculture Department:**

Following is a list of provincial laws on devolved subjects which need to be amended/reviewed/provincialized in the wake of devolution.

• Agriculture Pesticides Ordinance, 1971
• Seed Act, 1976
• Plant Breeders’ Rights Act
• Fertilized Control Act, 1999
• Agriculture and Livestock Produce Markets Act, 2007
Comparison of Current and Development Budget for 2012-13 & 2013-14 in Health, Education and Agriculture Sectors:

The following section provides a comparison of budgetary and revised estimates for the current and development budget of KPK for the financial years 2012-13 and 2013-14. The comparison has been carried out for the health, education (elementary, secondary and higher) and agriculture sectors. Data has been compiled both for development as well as current side for providing a comprehensive picture of the sectors. The purpose of this comparison is to give an idea of any changes in allocation of resources from provincial government after incorporation of changed mandates during 2011-12.

Comparison of development budget 2012-13 and 2013-14
(Rs. In Million)

<table>
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<tbody>
<tr>
<td>Agriculture</td>
<td>1470.300</td>
<td>1060.016</td>
<td>1532.204</td>
<td>471.748</td>
<td>2003.952</td>
</tr>
<tr>
<td>Education</td>
<td>22152.889</td>
<td>16356.113</td>
<td>13829.686</td>
<td>15969.286</td>
<td>29798.972</td>
</tr>
<tr>
<td>Health</td>
<td>9933.277</td>
<td>5736.113</td>
<td>7998.077</td>
<td>2090.149</td>
<td>10088.226</td>
</tr>
</tbody>
</table>

The above comparison clearly depicts that developmental allocation has shown a substantial enhancement in agriculture sector between 2012-13 and 2013-14. A similar hike is also visible in case of education sector although the increase in case of health sector is surprisingly modest. The above table also clearly reveals that foreign assistance has been maximum in case of education sector, followed by health and education sectors.
Comparison of current budget 2012-13 and 2013-14
(Rs. In Million)

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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Salary</td>
<td>Non Salary</td>
</tr>
<tr>
<td>Agriculture</td>
<td>1,238,666,000</td>
<td>1,198,405,000</td>
<td>6259</td>
<td>2,116,062,000</td>
<td>797,867,000</td>
</tr>
<tr>
<td>Education-Elementary &amp;</td>
<td>681,068,000</td>
<td>945,297,000</td>
<td>184248</td>
<td>56,440,559,000</td>
<td>4,112,378,000</td>
</tr>
<tr>
<td>Secondary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Higher Education</td>
<td>5,390,615,000</td>
<td>5,444,445,000</td>
<td>10494</td>
<td>5,424,128,000</td>
<td>630,965,000</td>
</tr>
<tr>
<td>Health</td>
<td>10,330,374,000</td>
<td>10,797,888,000</td>
<td>45948</td>
<td>16,933,682,000</td>
<td>5,873,323,000</td>
</tr>
</tbody>
</table>

The comparison of ADP figures indicate that development budget of health department has shown only a nominal increase for financial year 2012-13 to 2013-14. However, in case of education and agriculture departments, this increase has been decently substantial. Similarly, the comparison of current budget for the same years reveals that substantial enhancement has been registered in the current budget of elementary & secondary education as well as health departments. However, the increase has been modest in case of higher education department as well as agriculture departments. Another point needing close scrutiny pertains to gap between budgetary estimates and revised estimates. Typical pattern of development allocation in the three sectors reflect a tendency whereby budgetary allocations are downward revised at the time of revised allocation in development outlays. This tendency has potential of frustrating the very objectives of ensuring enhancement in sectoral allocation for development purposes.

The tables produced above clearly indicate that there is a generalized trend of upward enhancement in budgetary allocations in health, education and agriculture sectors. However, two points need to be kept in mind while making these assessments. Firstly, these budgetary estimates pertain to election years and were developed by political government barely days after taking over new governments. Secondly, these estimates relate to first year after completion of transfer of federal mandates from federal to provincial level as a result of eighteenth amendment. The real test of provincial government will be to ensure that trends of enhanced allocations are sustained in the coming years in line with additionally devolved mandates as a consequence of eighteenth amendment. There is an apprehension that provincial government may not be willing to allocate as liberally for the devolved sectors when such allocations would need to be made from provinces’ own resource base. As a matter of fact, the challenge of sustained enhanced allocations in health

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5 2013-14, White Paper, KPK Finance Department
and education sectors would become more serious as these sectors are responsible for
direct service delivery for common citizens. It will therefore be interesting to note the real
change on the basis of revised estimates of current expenditure which will be available at
the time of presentation of budget 2014-15.
**Stakeholder Feedback:**

As part of the current exercise, stakeholder consultations were held in various cities of KPK province including Abbotabad, Mardan and Peshawar. These consultations were held in the form of “Focus Group Discussion” sessions and included politicians, students, labour, teachers, lawyers as well as some other representative sections of civil society. The consultations were meant to elicit stakeholder perception about the eighteenth amendment, its implications for improved governance and service delivery, likely pitfalls that could adversely impact its benefits and recommendations for future. The detailed findings of these stakeholder FGD sessions are attached as annex with this department. However, the following section provides a summary of the deliberations held during these sessions.

One of the points which came repeatedly during these focus group discussions pertained to a general lack of information amongst key stakeholders about the incorporation of eighteenth amendment in constitutions. An understanding about the contents as well as direct and indirect implications of eighteenth amendment was found to be extremely limited amongst majority of stakeholders of FGDs. This may seem a little surprising that such an event of national importance may have gone unnoticed amongst the common citizens.

The second point that was made forcefully was a mixed reaction to the current status of effectiveness of services in health, education and agriculture sectors in KPK by various government agencies. With a few exceptions in some areas of education and health, it was argued that performance of public sector in these areas was generally lacking, both in terms of outreach as well as quality. The expression of dissatisfaction was almost similar both regarding the provincial as well as local governments which were seen generally ineffective in fulfilling their mandated responsibilities as per citizen expectations.

12. Participants of these FGDs also expressed mixed views about the capacity of provincial governments in performance of their mandated service delivery responsibilities. It was informed that lack of capacity in provincial governments represented a mixture of human and physical resources shortfalls. In areas such as agriculture or health, government lacked the financial resources for meeting the demands of common citizens in service delivery satisfaction. Similarly, in other sectors such as education, the capacity of human resources acted as a major stumbling block in performance of laid down responsibilities. Officials in health and education departments were rarely provided opportunities of capacity building and trainings which meant that their performance lacked in terms of expected quality. These issues have a direct bearing on level of performance of government organizations in these sectors. It was expressed that issues of capacity were more grave and alarming at the level of district governments and tehsils. As a consequence, the level of service provisions in sectors such as health, education or agriculture was far from satisfactory at field level in most areas of KPK province. In addition to human resource capacity constraints, the district governments also suffered in terms of resource dearth more than provincial governments.
The participants of Focus Group Discussions were also asked about their opinion in terms of desirability of allocating functions in health, education and agriculture sectors from federal to provincial level. Some of the participants expressed the view that transfer of service delivery functions from federal to provincial level may not be desirable due to better implementation capacities within federal government. Federal Government due to better resource position is always in a better situation to perform its responsibilities. On the other hand, resources with provincial or local governments are always limited, thereby causing problems in service delivery functions. However, this viewpoint was challenged by several participants who expressed the opinion that majority of service delivery functions needed to be performed at grass roots level. For this reason, provincial governments have been rightly empowered through eighteenth amendment for performance of service delivery functions in health, education and agriculture sectors.

13. Another area of discussion pertained to the existing and proposed role of civil society and media in smooth implementation of eighteenth amendment. On this issue, there was a general consensus that civil society and media had not been very effective in communicating and highlighting the importance of eighteenth amendment and its implications from the perspective of a common citizen. It was for this reason that many participants of FGDs had very little idea of true nature of eighteenth amendment. Participants were of the opinion that media and civil society had a dual role to perform in terms of eighteenth amendment in KPK. On the one hand, it was their responsibility to intimate the common citizens about the importance of eighteenth amendment and devolution of authority to the provinces. On the other hand, they should also be working for ensuring a watchdog role during actual implementation of the provisions of eighteenth amendment. This should include a constant dialog amongst all stakeholders on the importance of empowerment of the provinces so that the true objectives of eighteenth amendment could be achieved in as short a time span as possible. Last but not the least, opinion was also expressed that media and civil society should make special measures for constant monitoring and holding of policy dialogue so that the process of implementation of eighteenth amendment is kept on track.
Key Informant Interviews:

In addition to having detailed Focus Group Discussions, personal interviews were also held with important stakeholders in KPK Government in various departments. These included Secretary Agriculture, Secretary Education, Chief, and Health Reform Unit. The objectives of these interviews were to have a first-hand feedback from important policy leaders, having a hands-on experience of working in health, education and agriculture sectors. Following is a summary of the discussions held during these interviews.

a) Secretary Agriculture: He was all praise for the notion of eighteenth amendment and allied devolution in principle. However, he expressed his serious reservations on the role of federal government in terms of implementation of eighteenth amendment. To begin with, he highlighted the incidence of re-establishment of another ministry in agriculture sector with the title of Ministry of Food Security after abolishing the ministry of food and agriculture after eighteenth amendment. In his view, this was effectively an effort by the federal government to wrestle back the devolved mandates in agriculture sector from provinces on one or other pretext. In his view, there was hardly any justification for establishing this new ministry as almost all its functions stood devolved to the provinces. The second area of concern pertained to the manner in which PSDP projects were devolved to the KPK agriculture department. While devolving these on-going projects in agriculture sector, the physical assets including machinery, equipment or vehicles etc. were not fully transferred to the KPK government. Half-hearted transfer of on-going projects resulted in inevitable disruption in implementation resulting in non-achievement of desired goals of formulating these projects. Another point raised by Secretary Agriculture pertained to limited fiscal space with provincial government for funding these additional mandates. He was of the view that while federal government had vast resources for implementing PSDP projects, provincial Annual Development Program had very limited space for funding these on-going initiatives. As a result, several badly-needed sectoral initiatives have already come to a halt. It is therefore vital that federal government should re-consider financing key development initiatives in agriculture sector at the provincial level. Secretary also raised the issue of greater role of provincial government in entities such as Pakistan Tobacco Boards, Oilseeds Development Board and research organizations such as NARC and PARC.

b) Secretary Education: Secretary Education explained various aspects of eighteenth amendment and referred to it as a step in right direction. He referred to the areas in education sector which have now become exclusive responsibility of provincial government. These include curriculum, syllabus as well as standards in education. All three areas are of vital importance for the future of education promotion in the province as these would be forming the
basis of quality in education sector. He expressed the opinion that provincial government needed to urgently boost its capacity for taking up its responsibility in critical education sector areas such as curriculum development and syllabus revision. Both these interventions needed to be undertaken in sync with long-term vision of provincial government in education sector besides ensuring that provincial priorities and peculiarities are also incorporated. Similarly, the issue of standard setting and benchmarking represented yet another area of vital importance having direct implications on quality of education and learning outcomes. Provincial education department needed to urgently come up with a comprehensive system of quality benchmarks covering all aspects of primary and secondary as well as higher education for meaningful progress on objectives of education promotion in the province.

Another important area highlighted by Secretary education in the wake of eighteenth amendment pertained to introduction of Article 25-A. Inclusion of this article in the constitution has assigned exclusive responsibility to the provincial government for ensuring availability of basic education for all its citizens as a matter of citizen rights. Secretary Education was of the view that the challenges for provincial government were manifold in this regard. Provincial Education Department first needed to put in place a robust mechanism for estimating eligible age population which needed to be educated in terms of article 25-A. Subsequently, provincial government needed to allocate dedicated resources for implementing universal education provision all through the province. Last but not the least, provincial education department needed to build its capacity for imparting education to additional numbers in the coming years. In view of Secretary Education, meaningful implementation of mandate assigned by article 25-A represented the most crucial responsibility of provincial education department in the wake of eighteenth amendment.

c) **Chief, Health Reform Unit, KPK Health Department:** After eighteenth amendment, a number of additional health-related mandates have been assigned to provincial health department. These responsibilities included professional bodies in health sector, health regulation, promotive and preventive healthcare areas. Additionally, a large number of vertical programs, earlier implemented by federal government, have also been transferred to the provincial health department. Chief, Health Reform Unit explained in details the perspective of provincial health department for undertaking additional mandates after eighteenth amendment. She expressed the view that existence of Health Sector Reform Unit within provincial health department provided the institutional interface for undertaking devolved portfolio in KPK after eighteenth amendment. She
explained the progress made in the province on enactment of new laws and consequential legislation required in the wake of eighteenth amendment at the provincial level. Most of this legislative work has already been completed and is presently with law department for vetting and subsequent placement before the legislature.

The progress made by KPK provincial government on continuous implementation of health sector vertical programs was also shared by Chief Health Reform Unit. It was explained that implementation of these vertical programs has already been taken up by KPK health department. As agreed the funding for these initiatives shall continue to be provided by federal government till next NFC, however, the on-ground execution and implementation supervision role has already been taken by provincial health department. Provincial Health Department is also undertaking concerted efforts for strengthening KPK Health Regulatory Authority and KPK Health Foundation. Health regulation, enforcement and fulfillment of quality regime in health service delivery represented the core areas where provincial governments have been assigned responsibilities in the wake of eighteenth amendment. It was informed that provincial health department is in the process of developing a long term policy and implementation strategy for satisfactory performance of these devolved mandates.
During course of this research, an effort has been made to analyze the print media in terms of its coverage of eighteenth amendment and devolution in the specific context of KPK province. Several trends can be identified in terms of media coverage of eighteenth amendment in recent months. Firstly, it has been seen that after the completion of process of abolishing federal ministries and transfer of these functions to the provinces, the level of coverage of eighteenth amendment has registered a downward trend. Secondly, it has been noted that a greater emphasis has been made on political aspects of eighteenth, amendment as compared to the operational and service delivery areas. With the installment of new political governments after 2013 elections, a sense of *fait accompli* seems to have prevailed over political forces as well as media as lesser prominence of devolution seems to be the case.

However, several recurrent themes can be highlighted in recent media coverage of eighteenth amendment. Foremost amongst these is a critical analysis of tendency in federal government to recreate the devolved institutions with different names. Media reports and articles have highlighted the likely pitfalls which may result from federal bureaucracy’s contrivances in bringing back abolished ministries with different nomenclature at the federal level. Media coverage has usually held this as a retrogressive step, clearly meant to frustrate the very spirit of eighteenth amendment. Alongside this, print media has also highlighted the tendency in federal government to hold back on judicious resource transfers to provinces, especially in the areas of devolved PSDP projects in health and agriculture sectors. There are clear signs that various federal government entities have held back lot of resources which were originally meant to be transferred to the provincial governments including KPK. Another area, amply covered in media reports pertains to importance of unhindered implementation of health sector vertical programs in KPK. Given the local unstable conditions in much of KPK, it has been highlighted that implementation of preventive healthcare programs (such as polio eradication) may become major challenge for the provincial government. Media coverage has highlighted the importance of urgent steps for ensuring that transfer of implementation responsibilities in case of health sector vertical programs should not be allowed to slacken the level of coverage and outreach from these initiatives.

16. Another issue pertaining to devolution in KPK which has been often highlighted in media pertains to the role of provincial government in ensuring provision of compulsory education. This issue has been taken up in the context of introduction of article 25-A in the constitutions which guarantees the provision of compulsory education for all as part of state responsibility. KPK government is in the process of augmenting and mobilizing resources for ensuring implementation of this mandatory provision of the constitution. However, the media reports have highlighted several challenges which may thwart the efforts of provincial education department in KPK in this regard. Alongside compulsory education, the issue of the role of provincial government in ensuring quality of higher education has also been highlighted in the media. The issues of retention of Higher Education Commission at
the federal level and possibilities for provincial governments for making meaningful interventions in higher education sector in the wake of eighteenth amendment have also been widely discussed in print media. It has been argued that provincial education department shall need to boost its capacity for taking care of devolved portfolio in higher education sector including universities and centers of excellence.

Reference may also be made to another media related challenge highlighted in focus group discussions held under this research. During these discussions, it was pointed out that print media had not fully performed it role regarding dissemination of awareness about eighteenth amendment in common citizens and amongst key sections of society. The level of coverage of policy issues pertaining to enhanced role of provincial government in service delivery after eighteenth amendment has been usually minimal. It was strongly recommended that print media need to play a more focused and vibrant role in keeping track of progress on eighteenth amendment in future especially in KPK.
Challenges of Implementation in KPK:

In order to have a clear idea of the existing status of implementation of eighteenth amendment in KPK in education, health and agriculture sectors, reference of implementation challenges also needs to be made. These implementation challenges represent the hurdles and bottlenecks which would need to be overcome in the coming days for actualizing the true promise of eighteenth amendment in the province. These challenges include legislative, operational and budgetary/fiscal.

Following section provides a summary of these challenges in these three categories.

*Legislative:* Devolution of additional mandates in KPK after eighteenth amendment has necessitated a wide range of fresh legislation as well as amendments in existing pieces of legislation. These legislative changes would need to be developed by respective provincial government departments in the light of assigned mandates and after stakeholder consultation. Similarly, these legislative changes would also need to respond to policy priorities of the provincial government in different sectors. However, it has been seen that in many cases, the provincial government departments lack sufficient capacities for coming up with requisite legislative changes in the light of provincial policy priorities. It is for this reason that many pieces of essential primary as well as consequential legislation pertaining to health, education and agriculture departments in still pending in law department or provincial assembly secretariat. In order to ensure meaningful implementation of eighteenth amendment, it is crucial that imminent progress may be made on completing this legislative transformation process. Provincial Government shall need to boost the requisite capacities with respective provincial government department as well as provincial law department for speedy progress in this core area.

*Operational:* After completion of three phases of devolution, the issue of eighteenth amendment and its allied follow up at the federal level appears to have been assigned a back seat. Between 2010 and 2012, many meetings of Implementation Commission were held to work out the Nitti gritty of devolution in minutest details. However, after devolution of federal ministries in three phases, Ministry of Inter-Provincial Coordination in federal government took up the task of settling the residual issues of devolution pertaining to provincial governments. Similarly, in case of KPK province, department of Inter-Provincial Coordination was assigned the task of coordination with federal government in this regard.

However, the actual experience in KPK over last one and half year has highlighted several operational level issues in taking eighteenth amendment-related devolution to its logical conclusion. To begin with, the issue of human resources, allocated to KPK government from abolished federal ministries still needs a permanent solution. A large number of officials from defunct federal ministries were placed at the disposal of provincial government as stop gap arrangements under Section 10 of Civil Servants Act. The issue of their permanent absorption was left to the provincial government for settlement in due course of time. However, transitory nature of this stop-gap arrangement has resulted in an air of
uncertainty, adversely impacting the performance of these employees. Federal and Provincial Government need to settle this issue once for all so that the performance of these relocated employees may be improved.

The second operational level issue in KPK pertains to distribution of assets, resources, equipment etc in respect of devolved PSDP projects. In several erstwhile PSDP initiatives in agriculture sector, defunct federal government entities dragged their feet in equitably transferring these resources to KPK government. These include building, infrastructure, machinery etc associated with devolved PSDP projects and transferred institutions. Such half-hearted transfer of resources pertaining to on-going projects and institutions has resulted in a situation where operational efficiency has been adversely impacted. On its part, KPK provincial government is finding it difficult to fund these additional mandates from its own resource bases as earlier these were being financed from resources mobilized at the federal level.

The third level of operational issues pertains to the situation in devolved institutions, especially in education and health centres. These include centres of excellence, academic institutions, training institutions and devolved vertical programs of vital nature. Although these institutions and programs have been transferred to KPK government, the relevant provincial government departments still lack the technical and professional capacities to run these satisfactorily. Ideally, federal government should have contemplated a capacity building regime with regard to these transferred institutions so that no voids in service delivery are allowed to happen. However, the hasty manner in which most of these institutions and programs have been off-loaded to KPK government has led to operational level constraints at least in short to medium term.

**Fiscal:** The third area posing problems for smooth implementation of devolution menu in KPK pertains to the whole gamut of fiscal and resource-related challenges. These challenges imply that provincial government in KPK is now required to make financial allocation and resource mobilization for devolved portfolio from its own budgetary resources. In theory, it should not be a problem as share of provinces in federal divisible pool has registered an increase after latest finance commission award. However, in actual terms, this enhancement is not sufficient to fully discharge resource liabilities in terms of newly transferred institutions or projects. Funding the devolved projects from erstwhile PSDP from within provincial ADP is really constraining the provincial resource base in KPK. Although, federal government has committed to continue resource provision in case of some of the devolved programs (e.g. health vertical programs), it is not the case in other sectors such as agriculture of higher education.

A perusal of budgetary estimates for 2013-14 reflects that provincial government in KPK has made some efforts to enhance sectoral allocations in health, education and agriculture sectors. However, the real challenge in this regard would be two-pronged for the provincial government. On the one hand, provincial government shall need to mobilize concomitant resources for funding the additionally devolved portfolio in its provincial budget. On the
other hand, provincial government will need to ensure that enhanced budgetary allocation in real terms is actually sustained even in the coming years. KPK Government shall need to be extra careful in case of health and education sectors. In case of former, continued implementation of national-level preventive and promotive healthcare initiatives would need to be ensured through constant provision of adequate resources. Similarly, in the later case, provincial government shall need to make substantial allocations for implementation of compulsory education-related provisions of the Pakistani constitutions. In short, a true measure of success or otherwise of KPK government in sustaining the devolution process would be reflected by its resolve as well as ability to provide requisite financial resources from its own provincial resource base in the coming years.
Way Forward and Proposed Interventions:

18. Previous sections have provided a detailed account of the present status of eighteenth amendment-related devolution in KPK in the specific context of health, education and agriculture sectors. Implementation situation has been reviewed at several levels including organizational, institutional, legislative and program/projects. It has been shown that eighteenth amendment entailed devolution of mandates from federal to the provincial government across a wide range of sectors. Such transfer of responsibilities from federal to provincial level covered institutions, laws, manpower, projects and programs. All this process was completed between 2010 and 2011 through a well-designed implementation schedule laid down by implementation commission. Like other provinces, this process has completed its initial phases in KPK province. Devolved portfolio from defunct federal government ministries have been re-allocated to relevant departments and organizations in health, education and agriculture sectors in KPK. However, the present research has shown that this process of re-allocation of mandate has so far completed only initial phases. A lot of work and effort is still needed to ensure comprehensive performance of these devolved mandates in KPK in the true spirit of eighteenth amendment.

Following are the key areas which can be monitored to see whether any progress is made over the baseline in the coming months and years in KPK, especially in health, education and agriculture sectors.

- Progress on legislation and consequential rule-making: The project would need to monitor the progress made by the provincial government in completing the task of revision of laws and consequential legislation in the wake of eighteenth amendment in KPK. This activity would need to cover all three sectors including health, education and agriculture.

- Smooth and continued implementation of ADP projects: The project would need to liaise with provincial P&D department for keeping track of progress on devolved projects. At present, many of these devolved projects in agriculture and education sectors are in a status of stand-still but in coming months, progress on these interventions are likely to be taken up.

- Permanent settlement of HR issued related to devolved portfolio: This is another area, critical for success of eighteenth amendment in KPK. Project would need to track the progress made in this regard through establishment and inter-provincial coordination departments in KPK. Unless the fate of devolved human resource is finally settled on permanent basis, any expectation of performance standards from these staff and relevant organizations would be hardly justified.

- Sustained increase in Sectoral allocation in health, education and agriculture sectors both for development as well as current budget. This represents another critical area for monitoring under the project. The whole idea of devolution and assignment of additional mandates to provinces was based on expectation that provincial government shall mobilize resources for funding these mandates. It is therefore
important that provincial budgets in health, education and agriculture sectors are closely monitored and scrutinized during 2014-15 to see whether any meaningful enhancement in sectoral allocation is made or not. Such an enhancement shall need to cover both the development as well as current side of departmental budgets. Similarly, a critical monitoring of Annual Development Program in the coming years will also be required to see whether devolved PSDP interventions are being sustained or not in key service delivery areas.

- Sustained political ownership of spirit of eighteenth amendment. In the final analysis, the true success or otherwise of devolution experience would be determined by the level of political ownership for this historic reform. Role of bureaucracy will no doubt be instrumental but the true challenge would be the sustained interest and leadership provided by provincial political forces for strengthening the cause of federating unit. For this purpose, the project would need to enter into a continuous dialogue for eliciting support of provincial political forces for the cause of success of eighteenth amendment in KPK.

- Enhanced role of media in educating masses about responsibilities of federating units in ensuring fulfillment of spirit of eighteenth amendment. Reference has already been made to the role which media needs to play to keep the importance of eighteenth amendment at the center stage. Media will need to play a two-pronged role in the coming years for success of eighteenth amendment in KPK. On the one hand, it will need to inform and educate common citizens about the importance of this landmark intervention for strengthening the role of provinces within federation. On the other hand, media will also need to act as a watchdog in coming months and years to ensure implementation of requisite steps for the success of eighteenth amendment in KPK. Through its efforts, media will need to bring about conducive environment in which no back-tracking on promise and potential of eighteenth amendment is allowed.

- Evidence of civil society proactivism in playing watchdog role for ensuring smooth service delivery from devolved portfolio. The true evidence of success of eighteenth amendment for common citizens would lie in its ability to enhance the level of service delivery satisfaction at the local level. This would require immense role of civil society organizations who would need to constantly lobby and advocate for success of historical experiment of eighteenth amendment in Pakistan. Civil society organizations would also need to pursue a two-pronged strategy for success of eighteenth amendment in KPK. Firstly, they would need to develop pressure and lobby groups at the provincial level for entering into a multi-stakeholder dialogue for actualizing the promise of eighteenth amendment in KPK. This would entail talking to politicians as well as government actors in relevant sectors for reiterating the importance of unhindered progress on eighteenth amendment in health, education and agriculture sectors. The second and equally important role for civil society would be required to be performed at the district level where they would need to act as
watchdog over quality and outreach of service delivery for common citizens. By combining provincial level advocacy role and a district level service delivery watchdog function, civil society can make truly meaningful contribution to the cause of eighteenth amendment in KPK in the coming months and years.

- A close watch over federal government for guarding against reversal of eighteenth amendment and devolution through revival of dissolved ministries. In addition to many province level interventions, the project will also need to put in place a robust mechanism for keeping track of eighteenth amendment progress (or reversal) at the level of federal government. As has been pointed out by recent experience, there is a dominant tendency in federal government ministries to get back the devolved functions under different names and pretext. This is something which can seriously hamper the true potential of eighteenth amendment and would need to be closely monitored in the coming months and years.
Conclusion:
The baseline research conducted for assessing the current implementation status of eighteenth amendment in health, education and agriculture sectors in KPK has highlighted a number of pertinent issues. To begin with, it is obvious that KPK government has been fully on board during the early phases of implementation of eighteenth amendment. It has been constantly coordinating with Implementation Commission as well as with federal ministry of Inter-Provincial Coordination during 2010, 2011 and 2012 for smooth transfer of devolved portfolio. However, instances of reduced ownership from federal government and revival of dissolved ministries at the federal level seems to have dealt a blow to the cause of eighteenth amendment. Similarly, unsettled issues of resource redistribution, unclear future of devolved HR and disruption in PSDP projects has brought about serious challenges for smooth operation of devolution in KPK in health, education and agriculture sectors. In order to ensure fulfillment of the promise of improved service delivery for common citizens, the politicians, bureaucracy, civil society as well as media will need to play a robust role in coming months and years in KPK. It will only b through collaboration amongst these stakeholders and a series of well-designed collaborative efforts that the process of devolution unfurled by eighteenth amendment can be taken to its logical success in KPK province.
Names of Persons Met/Interviewed

1. Mr. Afzal Latif, Secretary, Education Department, KPK
2. Mr. Mussarat Hussain, Special Secretary, Education Department, KPK
3. Mr. Hussain Zada, Secretary, Agriculture Department, KPK
4. Mr. Humayun Khan, Additional Secretary, Agriculture Department, KPK
5. Ms. Shabina Raza, Chief, Health Reform Unit, Health Department, KPK
6. Dr. Akhtar Syed, Deputy Chief, Health Reform Unit, Health Department, KPK
7. Secretary, Inter-Provincial Coordination Department, KPK
8. Mr. Waqar-Ul-Hassan, Secretary Finance, FATA Secretariat
9. Dr. Muhammad Khurshid, Joint Secretary, Planning Division, Government of Pakistan
Centre for Peace and Development Initiatives (CPDI) is an independent, non-profit civil society organization working on issues of peace and development in Pakistan. It is registered Under Section 42 of the Companies Ordinance, 1984 (XLVII of 1984). It was established in September 2003 by a group of concerned citizens who realized that there was a need to approach the issue of peace and development in an integrated manner. CPDI is a first initiative of its kind in Pakistan. It seeks to inform and influence public policies and civil society initiatives through research-based advocacy and capacity building in order to promote citizenship, build peace and achieve inclusive and sustainable development. Areas of special sectoral focus include promotion of peace and tolerance, rule of law, transparency and access to information, budget watch and Legislative Watch and Development.