



Citizens' Oversight of 18th Amendment in Khyber Pakhtunkhwa

October 2014

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About CPDI

The Centre for Peace and Development Initiatives (CPDI) is an independent, non-partisan and a not-for-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 issues of peace and development in an integrated manner. The 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.

Acknowledgment

The present study is based on citizens, public officials, development practitioners, and representatives of various civic networks' feedback on the status and progress on implementation of 18th constitutional amendment in Khyber Pakhtunkhwa. The CPDI, in collaboration with USAID, conducted this study to measure subjected progress in three areas – health, education, and food & agriculture. Feedback for the study was collected from respondents in Peshawar, Mardan, and Abbottabad.

The study involved a consistent effort on part of senior researchers, field investigators, and data analysts whose industrious efforts under the supervision of Mr. Amer Ejaz –Executive Director of CPDI, made this vigorous task possible. We are also indebted to the Citizen Voice Project, and its team, who not only provided financial support for implementation of the project, but also extended their expertise in order to overcome the technical glitches that emerged during course of the study.

We would like to thank provincial secretaries for health, education, and food & agriculture, Deputy Commissioners of respective districts, lawyers' networks, and inhabitant of the targeted districts who cooperated in extracting the required information during Focus Group Discussions and Key Informant Interviews. The CPDI hopes that findings of this report will enable them to develop better understanding of the 18th constitutional amendment, and to demand for the provisions that are ensured under this much longed for legislative development.

Executive Summary

Passed in April 2010, the 18th constitutional Amendment in Pakistan was heralded as the most comprehensive reform package after the 1973 constitution. Prior to the passage of the amendment, marred by 17th Amendment and Legal Framework Ordinance (LFO), the constitution of Pakistan was de-shaped and mirrored more of a quasi-presidential rule where all the constitutional and administrative powers were centered in the (dictatorial) president. Thus, after return of the civilian rule in 2008, the political forces in Pakistan unanimously demanded to repeal the 17th amendment and bring about a balance between powers of the President and the Prime Minister, and in authorities of the center and the provinces.

Responding to the demand for constitutional reforms, the 18th amendment introduced 102 amendments in the 1973 constitution and did a good job in transferring a large number of powers, responsibilities, and institutions to the provinces; enabling them to effectively and efficiently respond to the development needs of the masses without getting into the rigmarole of plethora of approvals from the Federal Government. The reforms introduced by the 18th amendment were widely appreciated, particularly by the smaller and less developed provinces of the country; unbeknown to the fact that there was little capacity to comprehend and utilize the authorities on part of provinces to deliver on the increased expectations.

In this backdrop, the present study was carried out in three districts of Khyber Pakhtunkhwa with a focus on education, health, and food and agriculture. The objective of the study was to assess the status of implementation of 18th amendment in the given sectors and to see what significant changes the implementation has brought into the policies of the respective departments and subsequently to the lives of the common people. Moreover, if the implementation of the amendment faced any challenges, what were those challenges, and how could they be mitigated.

Findings of the study suggested that ever since passage of the 18th amendment, no significant progress has been made on policy formulation for any of the 17 ministries and departments that were devolved to the provinces. Moreover, the politicians, senior bureaucrats, citizen networks, civil society representatives, and common people alike lacked understanding of what the subjected amendment entailed; weakening the accountability mechanism that was required to follow up with its implementation status.

The study, in its conclusion, suggests that unless 18th amendment is implemented in its letter and spirit, the dream of efficient service delivery to the masses and empowerment of federating units cannot be achieved.

Introduction

The 18th constitutional amendment, passed in 2010, was a landmark achievement in the history of Pakistan. It was introduced with an objective of restructuring the Federal and Provincial administration comprehensively. The amendment resulted in the devolution of legislative and executive authorities of many sectors including education, health, and agriculture. About 17 ministries were devolved and 102 changes were made in the 1973 constitution to overcome the articles introduced by General Zia-ul-Haq, and General Pervez Musharraf that ensued centralization of powers into dictatorial heads.

An essential and encouraging initiative in its mandate, even after over four years of its passage, complete implementation of 18th amendment faces numerous governance, administrative, financial, and capacity challenges. On top of these is people's unawareness about the amendment and how was it supposed to improve and ease their access towards service deliveries, and on inclusion of their input into policy formulation.

In this backdrop, the Centre for Peace and Development Initiatives (CPDI) in collaboration with the USAID took the initiative of measuring, assessing, and reporting on the status of implementation of 18th amendment in Khyber Pakhtunkhwa province. For a sample, three essential areas of health, education, and food and agriculture were selected. In order to triangulate its findings, qualitative data was collected from senior district and provincial public officials, citizen groups, lawyers and farmers forums, civil society representatives, and common citizens.

During the study, it emerged that although 35 laws have been passed in KPK including laws for education (curriculum) and local government, yet there exist many unfulfilled agendas that hamper the subjected amendment's implementation in the province. The major challenges facing complete implementation of the 18th amendment in Khyber Pakhtunkhwa include lack of political will, lack of capacity of senior bureaucracy, absence of oversight mechanisms from the civil society, non-clarity on mandate of various institutions (many of devolved ministries and departments have now parallel structures created at the federal level), and similar other issues. The present report discusses the details.

Methodology

The present study was conducted in three districts of Khyber Pakhtunkhwa province; Peshawar, Mardan, and Abbottabad, focusing on three thematic areas of education, health, and food and agriculture. For data collection, the study relied on responses of higher public officials (including deputy commissioners, executive district officers, provincial secretaries, department heads), lawyers, educationists, journalists, citizen groups, farmers' networks, and representatives of civil society networks among others.

The study relied on qualitative data that was gathered through 27 key informant interviews (KIIs – nine in each district, three each with respective public officials of health, education, and food and agriculture departments), and nine focus group discussions (three in each district, one for each thematic focus) conducted with rest of the stakeholders mentioned above. The qualitative data collected through these exercises was augmented and aided by the media reports on status of implementation of 18th amendment in the province and various research reports, policy briefs, and articles published by concerned organizations such as UNDP, PILDAT, Heart File and others, on the subject.

The key thematic areas that formed context of investigation included; policy making, legislation, transfer of institutions and organization, transfer of relevant officials, records, assets and properties, along with oversight of Khyber Pakhtunkhwa's government on performance of these devolved institutions and organizations.

Education

With a literacy rate of 50¹ percent, Khyber Pakhtunkhwa significantly falls behind Punjab and Sindh in terms of educating its masses, and only equals a Balochistan that suffers from acute shortage of educational infrastructure. Yet, with these conditions, the province has paid little head towards improving the situation as according to a report² released by Alif Ailan in May 2014, literacy rate in Khyber Pakhtunkhwa province has declined by two percentage points during one last year.

The phenomenon reveals the educational emergency that prevails in the province and that calls for immediate actions from the concerned department and respective government. In response to this grave social issue, the responsibility to act becomes twofold in context of the 18th amendment which has granted all the political, administrative, and financial autonomy to the province to form and implement the required policies.

Passage of 18th amendment delegated a number of authorities of federal ministry of education to the provinces. A comparison on division of pre and post 18th amendment authorities are elaborated in the below mentioned table.

Old Status	New Status
Curriculum, syllabus – federal and province joint function	Transferred to the province
Planning and policy – federal and province joint function	Transferred to the province
Centre for Excellence, Area Study Centre, Pakistan Study Centre, and Sheikh Zaid Islamic Centre - Federal	Transferred to province
Standard of Education – Federal and Provincial joint function	Transferred to provinces. Beyond grade 12 transferred to part II of FLL Entry 12 (CCI)
Islamic Education – federal and provinces joint function	Transferred to provinces

As the table states, under 18th amendment initiative, the delegated responsibilities included curriculum development, syllabus, planning, policy, standards of education and provision of compulsory education to all children of five to sixteen years of age, Centre of Excellence, Islamic Education, Area Study Centres, Pakistan Study Centres and Higher Education.

As soon the 18th amendment was passed, immediate response of newly ascribed constitutional and institutional powers was heartening as the concerned department in Khyber Pakhtunkhwa had the realization of the capacities that it needed to build to respond to the changed scenario, and was encouraged and motivated to deliver on the updated terms of references.

¹ Please see: <http://www.brecorder.com/general-news/172:pakistan/1167782:literacy-rate-in-khyber-pakhtunkhwa-is-50-percent-minister-told?date=2013-03-27>

² Please see http://www.alifailaan.pk/may_26_2014

Therefore, when the provincial education department was given with additional responsibilities back in 2011, it devised a comprehensive strategy to cope with the renewed expectations and decided to expand its capacity on curriculum development, in drafting the laws to provide free and compulsory education, and to provide its input for essential legislation that was needed for modernizing the curriculum development³. An overwhelming start at the beginning, however, did not last for long and soon after the concerned department fell prey to technical glitches that continue to linger on even today.

Presently, hindrances in the implementation of the 18th amendment in Khyber Pakhtunkhwa are threefold. Firstly, the policy makers and elected representatives of the province are not fully aware of the attributes and socio-economic advantages of the legislative development, and thus, they are playing no role in expediting the process of its implementation to the desired spirit. Secondly, the public officials themselves lack understanding of what the amendment entails and how should it be affecting their roles and responsibilities. There lacks a clear understanding on what should be done to grasp and respond to the additional obligations. And thirdly, common people, including civil society, know little as to how the implementation of 18th amendment will affect their lives and why they should care about it.

Under the current study, responding to the Key Informant Interviews, senior public officials of the education department – both sitting at the district and provincial level, agreed that there were no mentionable achievements with regard to the implementation of the 18th amendment. The only achieved target was the promulgation of Right to Education act, under which efforts were being made to enroll every school-going aged child into the schools.

Implementation of article 25A, which ensures provision of free and compulsory education to all children aged 5-16 years, offers an opportunity to develop a legislative framework for education sector that would provide the basis of accountability of responsible authorities who may be involved in denying this basic right to education. However, in absence of a comprehensive and updated education policy, 25-A has also become an initiative in isolation and is unable to exhibit the desired results in increasing students' enrollment in the province.

According to a senior education official in Peshawar, the province had not revised its education policy in light of the 18th amendment. However, to keep a check on functionality of public schools, and to ensure presence of public school teachers, the province had established independent education monitoring units, and was conducting periodic enrollment campaigns, teachers up gradation, and teachers' trainings.

The citizens' response on implementation of 18th amendment in the education sector of the province was unclear and contradictory. Upon sharing their view point, most of the respondents related implementation of 18th amendment to better public education infrastructure and improved education quality, availability of teachers, presence of essential facilities such as toilets, libraries, laboratories, playgrounds etc., and availability of better trained and more educated teachers. Others saw it

³ Please see <http://www.dawn.com/news/597581/devolution-of-education-sector-strategy-devised-to-shoulder-new-responsibilities>

translating into improved service and salary structure of the teachers. Very few of the respondents overviewed the amendment in terms of improved education policy, updated and modernized curriculum, and better planned syllabus.

The visible dis-link between the understanding of the civil society members and citizen groups of the 18th amendment emanates from the fact that despite proclaiming to empower the provinces (and subsequently the people), the respective and successive governments in Khyber Pakhtunkhwa did little to build understanding of the people on the subject. This was precisely caused by a lack of political will, inability to foresee the wider implications of not adopting to a changed constitutional framework, and centralization of powers with the political representatives rather than its devolution to the respective departments.

This was evident from the data as responding to the Key Informant Interviews, all the public officials agreed that the provincial government had not started working on any new provincial education policy, and rather, the government was still following the education policy of 2009. In this regard, the respective political representatives had not even started the process of consultation with the stakeholders on receiving and discerning their feedback for the province's education policy needs.

While assigning the right to formulate education policies to the provinces, a primary motive was that the legislators in every province will assess their social and economic needs, and in order to meet their future human resource requirements, they will shape and prepare adequate labour force through tweaking provincial education policies. The provincial government's failure to start the policy formulation shows that either the province does not have any specific education needs that may require revising and updating the existing education policy, or it does not have the required capacity to do so.

On legislation fronts too, the respective respondents shared that the existing government has not yet started the process of reviewing education laws – except for the promulgation of article 25-A that guarantees free education to every school going aged child (5-16 years of age).

The situation with regard to determination and transfer of institutions and organizations to provincial government is not different from policy making and legislation. According to the respondents of this study, the government and respective departments are yet to determine as to how many institutions and organizations are to be transferred to the provinces after the 18th amendment. With Higher Education also being a federal subject, there might ensue a conflict in transfer of a number of institutes; and to solve this amicably, the province should initiate the process as soon as possible.

After transfer of institutions and organizations, another important milestone is the transfer of personnel. However, understandably, since the decisions on transfer of respective institutions and organizations are yet to be taken, the matter of transfer of personnel is also pending. An important hurdle in transfer of the subjected staff is that the federal employees are reluctant to join the provincial departments, while the provincial departments simply don't have the capacity to do the job.

Other important matters in transfer of authorities concerning the education department in Khyber Pakhtunkhwa related to transfer of relevant records. Unfortunately, transfer of records has not taken

place either since the provincial government could not work out the details of nature and types of records that it will require from the federal government for a smooth functioning of devolved institutions.

The final agenda point that marks completion of implementation of the 18th amendment concerns the transfer of relevant assets and properties and provincial government's oversight of the functioning of transferred institutions and organizations. In this regard too, the provincial government has not been able to make any progress so far. In fact, it has not even enumerated the number and type of assets/properties that are to be acquired from the federal government for smooth functioning of the departments and ministries that have been transferred to the provinces. Similarly, no progress has been observed on the progress of establishing an oversight mechanism that will ensure seamless functioning of the concerned departments under new laws and regulations.

Health

Pakistan is among the very few countries in the world where 'right to health' is not recognized constitutionally. Prior to the passage of 18th amendment, the right to health was partially covered under some of the fundamental rights that fell under the domains of civil and political rights. While amendment did a great deal in getting the 'right to education' formally recognized, it did not accord a similar attention to the right to health.

The 18th amendment introduced six health relevant changes to the constitution of Pakistan; resultantly, the national subjects in health now only deal with four general and broader sectors of a) health information, including research in health, b) health regulation, c) international commitments, and d) national health policy.

With health sector related constitutional, legislative, administrative, political, and financial autonomy conferred to the province, there were expectations of significant improvement in functioning and delivery of services of the department. However, contrary to the expectations, the sector remains devoid of initiatives that could have improved quality of health amenities for the people of the province. A closer investigation of on-ground situation reveals that the public hospitals in Khyber Pakhtunkhwa continue to be deprived of basic facilities, doctors, nurses, medicines, and medical machines for essential tests.

Let alone the people, amid absence of clear fee and service structure, even doctors' careers in the province hang in balance and they are uncertain about their future. Demotivated by the situation, many of them are abandoning public jobs and opting for private clinics, or still worst, they are migrating to other countries. On top of these issues is the concern about their security as many a doctors have been abducted for ransom during past few months and the provincial government failed to protect them.

The discussions with respective policy makers and public officials from health department revealed that they do not have the capacity to comprehend the needs of the masses and of their own staff members, and thus, they are unable to respond to such needs via suitable policy responses. One of the major reasons behind this inability is the state's inefficiency on collecting the relevant data and information that is essential for policy formulation as the health department does not have a standardized information gathering mechanism.

On people's front, during data collection through focus group discussions in Peshawar, Mardan, and Abbottabad, it prevailed that the people in general did not have an understanding of what 18th amendment was all about, and what affects it was supposed to have on ordinary peoples' lives with respect to provision of health services in the province. While responding to the questions, they shared that they were unbeknown of any new health policy that had been introduced after the passage of 18th amendment; all they knew was that there was no significantly visible change in the functioning of public hospitals or in terms of improvement in quality of services. The common complaints that were shared with regard to status of health services included absence of doctors at the hospitals, unavailability of medicines, harsh and non-cooperative behaviors of nurses and paramedical staff, and lack of cleanliness at the hospitals.

Responding to the key informant interviews, senior public officials, both at the provincial and district level unanimously agreed that the province hadn't yet formed new health policy in light of the

provisions of the 18th amendment. In fact it had not even started consulting stakeholders about laying down the broader contours of a provincial health policy.

Since there have been no provincial health policy formulation related initiatives so far, the respective government has not yet started reviewing the health related laws which previously had a federal legislative cover, but following 18th amendment, they fell within the provincial mandate. Since the review process hasn't started as yet, matter of faculty there is no progress on introducing the desired amendments; let alone their effective implementation. Finally, amid delay on policy discussion and formulation fronts, the issue pertaining to regulation of drugs is still being overseen by the Federal government and the delegation to provinces, as desired under Article 144 of the constitution, hasn't taken place as yet.

On transfer of institutions and organizations to provincial government there has been some progress in the province. For instance, the provincial government has already determined how many health institutions and organizations are to be transferred to the provinces. In this regard, programs such as TB control, Polio Control, and services of lady health workers have been transferred to the province. There is also some progress on transferring major health programs to the province by the end of 2015.

Regarding transfer of personnel, though initial negotiations are under way between the provincial and federal government, they have yet to come up with a figure on how many federal employees are to be shifted to the province under 18th amendment. Thus, under this indicator too, little progress has been documented so far.

In order to complete the transition of authorities of health department to the provinces, transfer of records is also a fundamental prerequisite as the transfer of records will enable the provincial public officials to comprehend context of various policy proposals, decision on them, and their status of implementation. However, similar to the case of other indicators mentioned above, the transfer of records from federal to the provinces has not taken place as yet. In fact, so far, the province has not even shared an inventory of the records and documents that it will receive from the federal government for complete transition of the authorities of health department.

Another important indicator that measures the status of implementation of 18th amendment relates to the transfer of related assets and properties. According to the public officials interviewed for this study, the provincial government has not determined the nature and types of assets and properties that must be transferred to the province for efficient functionality of the health department after the 18th amendment. Since the process of identification of relevant assets and properties has not started yet, matters related to consensus and disagreements on transfer of these assets are a far cry.

Finally, the last leg of the study investigated whether the institutions and organizations transferred to the provinces are functioning well and whether the provincial government is reviewing their progress in a timely and efficient manner. The insight of the public officials on achievement of this milestone was obvious; since the process of transfer of institutions and organizations has not properly begun, the provincial government has not designed any mechanism that may oversee and assess the progress of these institutions and organizations.

Food and Agriculture

Agriculture is one of the main contributors towards Khyber Pakhtunkhwa's economy and labor employment. Also, it is the primary source of food for the residents of the province. While Khyber Pakhtunkhwa is rich in production of cash crops such as tobacco and sugarcane, its production of staple foods such as wheat, rice, and maize is significantly low. Low production of food not only affects the economic conditions of those employed in the sector but also to those who are dependent on it for meeting their food needs for their food security.

Food security has three pillars, which relate to food availability, socio-economic access to food, and food utilization. Thus, importance of the ministry of food and agriculture is twofold for the policy makers – to meet out the food needs of the population, and to enhance employment and productivity of the sector.

Agriculture production in Malakand is particularly low as the region hardly grows enough food items that should be adequate even for its own consumption. Even in the food-surplus districts of the province, amid deteriorated socio-economic conditions, access to food is restricted by the income levels.

Food insecurity finds its roots in poverty as the poor households usually lack the essential resources that are required to meet out the dietary needs of the family. This is vetted by the recent findings⁴ according to which about half of the Pakistani population is caloric energy deficient, that is, they consume less than adequate calories that are required for a healthy living. This is on top of the fact that Khyber Pakhtunkhwa province has been marred by natural disasters and conflicts that generated various kinds of shocks for the local populations, curbing their capacity to afford food items and meet their nutritional needs.

The ministry of food security takes a center stage on the discussion of 18th amendment as there is a close link between food security status of the households and their ability to attain health services. Contrarily, better educated mothers have better knowledge of the nutrients, food preparation, and hygienic conditions of food preparation and they are more likely to improve the nutritional situation of their families.

Given these, when asked citizens' stance over the implementation of 18th amendment in food and agriculture department, though they had plethora of issues to share that they wanted the government to address concerning the food and agriculture department, none of them knew about what the 18th constitutional amendment entailed and how should it be affecting the performance of the concerned department.

Sharing their response on any policy initiatives taken after April 2010, i.e. after the passage of the 18th amendment, they said that there wasn't any difference between policies of pre or post 18th amendment; for there were issues of water scarcity, which lingered for decades and which stood unresolved, prices of fertilizers and other agriculture inputs were as high as ever, and still increasing

⁴ Please see: <http://tribune.com.pk/story/781498/dealing-with-food-insecurity/> Please also see the detailed Food Security Analysis 2013 report at <http://documents.wfp.org/stellent/groups/public/documents/communications/wfp252355.pdf>

with an increasing trend, and there was no program to educate and aware farmers on increasing their crop yields with modern farming methods. They also faced problems related to lack of roads from the fields and rural areas to the markets, absence of a permanent support price mechanism and other host of issues.

A respondent in the FGD shared that he, along with other people of his village had approached their political representative, sharing with him some of the needs of the farmers that demanded a policy response, to which the political representative replied that this was not the right time to float any policy suggestions, and when the time will be suitable, he would share the same with the people concerned. Later on, on various reminders, they were told that the policy formulation was in process, and it would take time.

The respondents said that the best mechanism to solve their problems was the local government system, where they could easily approach their representatives, and get their problems solved. They were of the view that the policy formulation mechanism should follow a bottom up approach, and view point of those concerned should also be taken into account before such policies are drafted. The people currently believe that the 18th amendment seems to be only for the politicians, and not for the common people.

When approached for response, the respective public officials of the food and agriculture department did accept that most of the complaints of the people were justified, and there indeed was no significant progress on implementation of 18th amendment in the given sector. Also there wasn't any clear road map as to when the implementation will start.

Talking in policy making context, the higher officials of the department from Peshawar shared that the provincial government had already started working on the provincial food and agriculture policy, and in this regard, they had also held some meetings with respective stakeholders. They said that the first draft of the policy was ready and will be available for review and public comments in a fortnight. He, however, admitted that the draft had not been shared with the provincial assembly as yet, and thus, no debate on pros and cons of the proposed policy had started. Another official of the department shared that CSOs working on agricultural issues and the farmers' networks and organizations were consulted in formulation of the policy draft.

Discussing developments on essential legislations that were supposed to take place after the 18th amendment, all nine top public officials consulted at district and provincial level accepted that the government hadn't reviewed the existing laws governing food and agriculture issues which previously lied under federal legislative purview. Since any such process had not initiated at the first place, matter of fact, it did not ensue any debate in the assembly over the proposed amendments.

During the key informant interviews with respective officials, it also prevailed that the provincial government had not made any progress on transfer of institutions and organizations to provincial governments either. In this regard, the respective authorities had not started even the preliminary work related to determining the federal public institutions and organizations that would be required for a

proper functionality and deliver of renewed responsibilities in the provincial food and agriculture department.

Since the transfer of respective institutions and organizations has not taken place, lack of progress on transfer of respective personnel from federal to the provincial department is understandable. This, unfortunately, only confirms that after over four years of passage of the 18th amendment, the provincial government has not gone beyond preparing first draft of the food and agriculture policy. This draft is also yet to be shared with the provincial assembly and respective stakeholders. Once the draft is out, only then it can be determined whether it takes into account the food security needs of the province or not, and whether it offers a detailed framework on account of increasing agriculture output and facilitating the farmers or not.

With regard to transfer of essential records from formerly federal food and agriculture department to the province, no progress has been observed on this front either. Neither the respective government has determined the nature and types of records which must be transferred to the provinces for smooth functioning of the devolved functions, nor had a process of discussion between the federal and provincial authorities been initiated to discuss the nature of these records. Understandably, once discussion on transfer of records will start, amid political differences between the two different political parties governing in the center and in the province, it may turn out to be a renewed confrontation that may take time before its resolution.

During the key informant interviews with the respective public officials, the CPDI research team came to know that just like other indicators, no progress was made on transfer of assets and properties, and on establishing an oversight onto the institutions and organization that (if any) have been transferred from the federal government to the province.

Conclusion and Recommendations

18th amendment was an important and crucial milestone in devolution of power to the provinces, and resultantly, towards significant improvement in availability, access, and quality of the public service deliveries to the masses. However, even after over four years of its passage, the subjected constitutional amendment awaits its effective implementation.

The problems that hinder implementation of 18th amendment in Khyber Pakhtunkhwa are many, and require a holistic approach from the concerned government to deliver on devolution promise. Some of these problems include a lack of political will, lack of capacity of the respective policy makers, legislators, and public officials, and the confusion that have been created by ministries that have been devolved but that still have their parallel bodies at the federal level.

On top of these, there prevails the issue of unawareness among the almost all the stakeholders – public officials, legislators, journalists, members of citizen networks, farmers, civil society representatives, and the common citizens. This was evident during Key Informant Interviews and Focus Groups discussions that many of them were unable to comprehend and respond to very simple and basic questions related to the status of implementation of 18th amendment. Those who understood the questions well, they had no or very little information about progress on the subjected matter. It was through triangulating these general responses with answers from higher public officials that the study could record and document the gaps that exist in policy implementation.

The biggest drawback of the prevalent lack of awareness is that none of the stakeholders is capable of holding the policy makers and top bureaucracy accountable on a slowed process of implementation of the 18th amendment. Some of the suggestions to expedite the implementation of the subject constitutional amendment are given below.

- Respective policy makers, public officials, journalists, civil society representatives, and citizens should be aware about the contours of 18th development; how does it empower them, and what they should do to expedite its implementation in the province
- A formal consultation process should be started where input from respective communities and other stakeholders should be solicited and documented. This input should serve as guiding principle for policy formulation in the province.
- Capacity of the political representative and higher public officials should be built to help them comprehend and carry forward the process of 18th Amendment implementation.
- The federal government should prepare modules and booklets that may serve as reference points for the public officials and policymakers alike to facilitate them in leading the 18th Amendment implementation process
- An annual scorecard should be conducted to measure progress on implementation of the respective amendment

Annexure

Overview tools

Education:

Education Sector: Citizens' Oversight Tool for Implementation of 18th Amendment			
#	Indicator	Yes/ No	Comments*
A	Policy Making		
1	Provincial government has started working on the provincial education policy		
2	Provincial government has consulted or is consulting stakeholders about the provincial education policy		
3	Provincial government has drafted a provincial education policy		
4	Provincial government has publicized the draft provincial education policy for public comments		
5	Provincial government has presented the draft education policy in the provincial assembly for debate		
6	Provincial government has adopted a provincial education policy		
7	Provincial government is tracking/ monitoring the implementation of its provincial education policy		
B	Legislation		
1	Provincial government has reviewed or is reviewing the education related laws, which had earlier been enacted as Federal laws but, following 18th amendment, fall within the provincial mandate**		
2	Provincial government has presented education related laws in the Assembly for debate**		
3	Provincial government has drafted amendments to improve or update the hence to Federal laws, which have now become provincial laws in view of 18th amendment**		
4	Provincial government has got the relevant laws amended or enacted through the provincial assembly to ensure effective implementation of laws devolved through the 18th amendment**		
5	Provincial government has got a law enacted on free and compulsory education, as required under Article 25-A of the Constitution		
C	Transfer of Institutions and Organizations to provincial government		
1	Provincial government has determined how many educational institutions and organizations are to be transferred to the province after the 18th amendment***		

2	Institutions and organizations about whose transfer there was consensus between the Federal and provincial governments have already been transferred***		
3	Are there institutions and organizations about whose transfer there is disagreement between the Federal and provincial governments?***		
4	If the answer to the above question is Yes, is the provincial government vigorously pursuing the controversial matters with the Federal government to seek early resolution?		
D	Transfer of Personnel		
1	Provincial government has determined how many government employees are to be shifted to the province after the 18th amendment		
2	Government employees about whose shifting there was consensus between the Federal and provincial governments have already been shifted to the province		
3	Are there government employees about whose shifting there is disagreement between the Federal and provincial governments?		
4	If the answer to the above question is Yes, is the provincial government vigorously pursuing the controversial matters relating to the shifting of employees with the Federal government to seek early resolution?		
E	Transfer of Records		
1	Has the provincial government determined the nature and types of records, which must be transferred to the province for smooth functioning of devolved functions?		
2	Is there a consensus between the Federal and the provincial governments about the nature and types of records which should be transferred to the province?		
3	If the answer to the above question is No, is the provincial government making vigorous efforts to resolve the disputed matters about the records?		
4	All the records about whom there is no dispute between the Federal and provincial governments have been transferred to the province		
F	Assets and Properties		
1	Has the provincial government determined the nature and types of assets and properties, which must be transferred to the province after the 18th amendment?		
2	Is there a consensus between the Federal and the provincial governments about the nature and types of assets/properties which should be transferred to the province?		

3	If the answer to the above question is No, is the provincial government making vigorous efforts to resolve the disputed matters about the relevant assets/properties?****		
4	All the assets/properties about whom there is no dispute between the Federal and provincial governments have been transferred to the province		
G	Functioning of Transferred Institutions and Organizations		
1	Is the provincial government regularly reviewing the performance of devolved institutions and organizations?		
2	Has the provincial government ensured that all the teething problems of devolved institutions and organizations are efficiently addressed?		
3	Are the devolved institutions and organizations generally functional and performing their assigned tasks?		
H	Miscellaneous (Please add as needed)		
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Health

Food and Agriculture Sector: Citizens' Oversight Tool for Implementation of 18th Amendment			
#	Indicator		
A	Policy Making	Yes/ No	Comments*
1	Provincial government has started working on the provincial food and agriculture policy		
2	Provincial government has consulted or is consulting stakeholders about the provincial food and agriculture policy		
3	Provincial government has drafted a provincial food and agriculture policy		
4	Provincial government has publicized the draft provincial food and agriculture policy for public comments		
5	Provincial government has presented the draft food and agriculture policy in the provincial assembly for debate		
6	Provincial government has adopted a provincial food and agriculture policy		
7	Provincial government is tracking/ monitoring the implementation of its provincial food and agriculture policy		
B	Legislation		
1	Provincial government has reviewed or is reviewing the food and agriculture related laws, which had earlier been enacted as Federal laws but, following 18th amendment, fall within the provincial mandate**		
2	Provincial government has presented food and agriculture related laws in the Assembly for debate**		
3	Provincial government has drafted amendments to improve or update the hence to Federal laws, which have now become provincial laws in view of 18th amendment**		
4	Provincial government has got the relevant laws amended or enacted through the provincial assembly to ensure effective implementation of laws devolved through the 18th amendment**		
C	Transfer of Institutions and Organizations to provincial government		
1	Provincial government has determined how many institutions and organizations related to food and agriculture sector are to be transferred to the province after the 18th amendment***		
2	Institutions and organizations about whose transfer there was consensus between the Federal and provincial governments have already been transferred***		
3	Are there institutions and organizations about whose transfer there is disagreement between the Federal and provincial governments?***		

4	If the answer to the above question is Yes, is the provincial government vigorously pursuing the controversial matters with the Federal government to seek early resolution?		
D	Transfer of Personnel		
1	Provincial government has determined how many government employees are to be shifted to the province after the 18th amendment		
2	Government employees about whose shifting there was consensus between the Federal and provincial governments have already been shifted to the province		
3	Are there government employees about whose shifting there is disagreement between the Federal and provincial governments?		
4	If the answer to the above question is Yes, is the provincial government vigorously pursuing the controversial matters relating to the shifting of employees with the Federal government to seek early resolution?		
E	Transfer of Records		
1	Has the provincial government determined the nature and types of records, which must be transferred to the province for smooth functioning of devolved functions?		
2	Is there a consensus between the Federal and the provincial governments about the nature and types of records which should be transferred to the province?		
3	If the answer to the above question is No, is the provincial government making vigorous efforts to resolve the disputed matters about the records?		
4	All the records about whom there is no dispute between the Federal and provincial governments have been transferred to the province		
F	Assets and Properties		
1	Has the provincial government determined the nature and types of assets and properties, which must be transferred to the province after the 18th amendment?		
2	Is there a consensus between the Federal and the provincial governments about the nature and types of assets/properties which should be transferred to the province?		
3	If the answer to the above question is No, is the provincial government making vigorous efforts to resolve the disputed matters about the relevant assets/properties?****		
4	All the assets/properties about whom there is no dispute between the Federal and provincial governments have been transferred to the province		
G	Functioning of Transferred Institutions and Organizations		
1	Is the provincial government regularly reviewing the performance of devolved institutions and organizations?		

2	Has the provincial government ensured that all the teething problems of devolved institutions and organizations are efficiently addressed?		
3	Are the devolved institutions and organizations generally functional and performing their assigned tasks?		
H	Miscellaneous (Please add as needed)		
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Food and Agriculture

Health Sector: Citizens' Oversight Tool for Implementation of 18th Amendment			
#	Indicator	Yes/ No	Comments*
A	Policy Making		
1	Provincial government has started working on the provincial health policy		
2	Provincial government has consulted or is consulting stakeholders about the provincial health policy		
3	Provincial government has drafted a provincial health policy		
4	Provincial government has publicized the draft provincial health policy for public comments		
5	Provincial government has presented the draft health policy in the provincial assembly for debate		
6	Provincial government has adopted a provincial health policy		
7	Provincial government is tracking/ monitoring the implementation of its provincial health policy through periodic reports		
B	Legislation		
1	Provincial government has reviewed or is reviewing the health related laws, which had earlier been enacted as Federal laws but, following 18th amendment, fall within the provincial mandate**		
2	Provincial government has presented health related laws in the Assembly for debate**		
3	Provincial government has drafted amendments to improve or update the hence to Federal laws, which have now become provincial laws in view of 18th amendment**		
4	Provincial government has got the relevant laws amended or enacted through the provincial assembly to ensure effective implementation of laws devolved through the 18th amendment**		
5	Provincial government has resolved the issue of regulation of drugs/ medicines on its own or in partnership with the Federal government in accordance with Article 144 of the Constitution?		
C	Transfer of Institutions and Organizations to provincial government		
1	Provincial government has determined how many health institutions and organizations are to be transferred to the province after the 18th amendment***		
2	Institutions and organizations about whose transfer there was consensus between the Federal and provincial governments have already been transferred***		

3	Are there institutions and organizations about whose transfer there is disagreement between the Federal and provincial governments?***		
4	If the answer to the above question is Yes, is the provincial government vigorously pursuing the controversial matters with the Federal government to seek early resolution?		
D Transfer of Personnel			
1	Provincial government has determined how many government employees are to be shifted to the province after the 18th amendment		
2	Government employees about whose shifting there was consensus between the Federal and provincial governments have already been shifted to the province		
3	Are there government employees about whose shifting there is disagreement between the Federal and provincial governments?		
4	If the answer to the above question is Yes, is the provincial government vigorously pursuing the controversial matters relating to the shifting of employees with the Federal government to seek early resolution?		
E Transfer of Records			
1	Has the provincial government determined the nature and types of records, which must be transferred to the province for smooth functioning of devolved functions?		
2	Is there a consensus between the Federal and the provincial government about the nature and types of records which should be transferred to the province?		
3	If the answer to the above question is No, is the provincial government making vigorous efforts to resolve the disputed matters about the records?		
4	All the records about whom there is no dispute between the Federal and provincial governments have been transferred to the province		
F Assets and Properties			
1	Has the provincial government determined the nature and types of assets and properties, which must be transferred to the province after the 18th amendment?		
2	Is there a consensus between the Federal and the provincial government about the nature and types of assets/properties which should be transferred to the province?		
3	If the answer to the above question is No, is the provincial government making vigorous efforts to resolve the disputed matters about the relevant assets/properties?****		

4	All the assets/properties about whom there is no dispute between the Federal and provincial governments have been transferred to the province		
G	Functioning of Transferred Institutions and Organizations		
1	Is the provincial government regularly reviewing the performance of devolved institutions and organizations?		
2	Has the provincial government ensured that all the teething problems of devolved institutions and organizations are efficiently addressed?		
3	Are the devolved institutions and organizations generally functional and performing their assigned tasks?		
H	Miscellaneous (Please add as needed)		
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Notes			
*	Comments section may be used to elaborate and provide additional information in relation to the question. The additional information may include specific numbers, dates, references or sources of information etc.		
**	Please use extra pages, if you have specific information about such laws.		
***	Please use extra pages to provide lists of relevant institutions or organizations.		
****	Please use extra pages to provide lists of disputed assets and properties, and then track progress in terms of resolution of disputes.		

Centre for Peace and Development Initiatives, (CPDI) is an independent, non-partisan and a not-for-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, legislative watch and development.



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