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Governance and Militancy in Pakistan's Khyber Pakhtunkhwa Province¹

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Introduction and Background

The province of Khyber Pakhtunkhwa (KPK), formerly known as the North-West Frontier Province (NWFP), comprises the districts of Abbottabad, Bannu, Battagram, Buner, Charsadda, Dera Ismail Khan, Hangu, Haripur, Karak, Kohat, Kohistan, Lakki Marwat, Mansehra, Mardan, Nowshera, Peshawar, Swabi, Tank, and Tor Ghar. In addition to these settled areas, KPK has direct administrative control over the Provincially Administered Tribal Areas (PATA), which includes the district of Malakand as well as parts of the districts of Buner, Chitral, Kala Dhaka, Lower Dir, Shangla, Swat, and Upper Dir. According to the most recent census, in 1998 the population of KPK was approximately 17.7 million, with an annual growth rate of 2.82 percent and a gender ratio of 1.05 men to every woman. PATA's population in 1998 stood at 831,000.² The people of KPK and PATA are predominantly Pashtuns. However, these areas are home to other ethnic groups and languages as well. Languages spoken in KPK and PATA other than Pushto include Hindko, Kaghani, Kalasha, Khovar, Kohistani, and Seraiki. As for religion and sects, the majority of the population is Sunni, followed by Shi'a and other sects.

KPK consists of four categories of areas with distinct legal and administrative statuses. The first category comprises more than two dozen settled districts. The citizens and political parties in these areas enjoy the same rights as those in other parts of the country. The second category is PATA, which represents a unique administrative subdivision based on provisions of Article 246 (b) of Pakistan's constitution. The PATA areas are essentially former "princely states" (small independent states that became part of Pakistan during the twentieth century) as well as tribal areas within the settled districts. Laws made in the provincial assembly do not apply to PATA. The provincial chief minister exercises control over PATA; the provincial governor can only change or extend laws to PATA with the approval of the president of Pakistan. In terms of a legal framework, the national Criminal Procedure Code is not applicable to PATA, but PATA is subject to the usual jurisdiction of the regular courts. The third category is the tribal areas within the settled districts, where the Frontier Crimes Regulation (FCR) of 1901 is applicable. The fourth category, the Federally Administered Tribal Areas (FATA), is not described in this paper.³

The settled districts, in the first category, are governed under the legal framework applicable to other parts of Pakistan. Political parties, which are active, are represented by elected members of the provincial and federal legislatures. The settled districts are also part of the legal framework provided by the Local Government Ordinance of 2001. These districts were given a three-tiered local governance system—district governments, subdivision (*tehsil*) municipal administrations, and union councils. As in the rest of Pakistan, these local governments were made responsible for service delivery and development.

The rights and entitlements of the residents of the PATA and FCR areas, the second and third categories, are governed by the Frontier Crimes Regulation of 1901, a special-status arrangement based on collective responsibility, collective punishment, and indirect governance. A political agent (a civil servant of the provincial government) exercises vast authority. Influential tribal members or elders serve as points of contact with the state for all governance matters. Individual rights and entitlements are extremely limited and subject to the arbitrary discretion of the political agent. Individual citizens do not enjoy the protection of common law. These governance systems were

¹ This background paper was prepared as part of a research project on subnational governance and militancy in Pakistan. This research would not have been possible without the generous support of the Ploughshares Fund, the Henry Luce Foundation, and the Carnegie Corporation of New York. The views expressed in this background are those of the author alone.

² Pakistan Ministry of the Interior, Pakistan Census Organization, Statistics Division, "Statistics," <http://www.census.gov.pk/Statistics.php>. Another census is scheduled for 2012.

³ For some background on FATA, see Mehlaqa Samdani, "Governance and Militancy in Pakistan's Khyber Agency," background paper, Center for Strategic and International Studies, Washington, D.C., October 2011.

designed primarily to preserve law and order and tribal loyalties and not to deliver services. As a consequence, service delivery is extremely poor. With the rise of militancy and terrorism in the region, individual or collective rights that did exist have been further constrained.

History of Governance Reforms

The history of governance reforms in KPK helps to map the development deficit in the region. Even before the present disturbances arising from militancy and the fallout from the Afghan war, the majority of socioeconomic indicators in the province clearly pointed to developmental and governance challenges. As of 2008–2009, the growth rate of the gross domestic product (GDP) in the province stood at 4.6 percent compared with 5.8 percent for the country as a whole. Similarly, the percentage of population below the poverty line was 38.1 percent compared with the national rate of 34 percent. A similar pattern emerges for the literacy rate (47 percent), attended births (51 percent), and road density per square kilometer (0.16). The respective rates for Pakistan are 55 percent, 61 percent, and 0.32.⁴

A limited resource base, slow or stagnant growth, pervasive poverty, service delivery gaps, and a growing population with an influx of cross-border migrants and internally displaced persons (IDPs) have greatly stressed provincial capacities to address this wide range of challenges.

The last decade has seen ambitious attempts to reform governance in KPK. The first phase of a Provincial Reforms Program was implemented between 2001 and 2004 under the World Bank's Country Assistance Strategy through its First and Second Structural Adjustment Credit projects (SAC I and II). These reforms were managed by the Reform Management Unit housed in the Department of Finance of the provincial government. This reform focused on improved fiscal and financial management, along with human resource development, improved social service delivery, private sector development, good governance, and devolution. The second phase of these reforms, implemented between 2005 and 2008, were predicated on four pillars: (1) improved development through investments in health and education; (2) removal of development disparities (gender, urban-rural divide, missing social safety net, etc.); (3) private sector development; and (4) enhanced public sector efficiencies. The third and current phase of these reforms began in 2008. It is being implemented with technical assistance from Great Britain's Department for International Development (DFID). The expenditure for this phase is estimated at 6.8 million pounds. Once again, the focus of reforms in this phase is public financial management, human resource development, improved and informed policymaking, and better monitoring, evaluation, and impact assessment.

Implementation of the completed or ongoing reforms has produced mixed results. Progress has been made on fiscal management and public resource mobilization. Some of this success may be linked to an improved national finance commission award, thereby providing more resources for the provinces. Other elements of public financial management have also shown some promise, and some improvements in social service delivery have been evident, at least up to 2008. Perceptible improvements have also been reported in enabling private sector growth and development. Preliminary work has also been completed on the medium-term finance framework, value-added taxation (an enhanced provincial receipts framework), human resource management information system, and improved human resource development. A major milestone is the finalization and approval at the highest governmental and political levels of a comprehensive development strategy. KPK is the only province in which such a detailed and forward-looking development road map has been finalized.⁵

Another area of governance reform during the last decade revolved around strengthening decentralization policies following introduction of the Local Government Ordinance of 2001 (LGO 2001). Implementation of LGO 2001 led to the creation of 24 districts, 22 urban areas, and 826 union councils across the province.⁶ Governance reforms aimed at decentralization were supported by the two large-scale, province-wide initiatives described more fully later in this paper: Essential Institutional Reforms Operationalization Program (EIROP) and Decentralization Support Program (DSP). Under EIROP, a large number of training sessions, workshops, and research studies were undertaken in support of decentralized governance. Similarly, the DSP, which was supported by the Asian Development Bank

⁴ North West Frontier Province, "Comprehensive Development Strategy: 2009–2015," draft final report, Peshawar, April 2, 2009, 5, http://www.pdma.gov.pk/PaRRSA/documents/Comprehensive_Development_Strategy.pdf.

⁵ Ibid.

⁶ Government of Pakistan, National Reconstruction Bureau, "NWFP Local Government Ordinance, 2001," no. 14, Islamabad, 2001, http://www.nrb.gov.pk/publications/NWFP_Local_Government_Ordinance_2001.pdf.

(ADB), was intended to strengthen local government systems and structures, improve accountability and transparency, and promote political voices, along with the overall capacity building of major actors across different tiers of local governments in the province.

Brief Critique of Governance Reforms in KPK

The implementation of governance reforms in KPK has been fraught with challenges. First, nearly all of the major governance reform initiatives recently implemented in KPK originated as national-level balance of payment support programs. Typically, the federal government entered into policy reform programs with international financial institutions or donor agencies in order to obtain balance of payment support. For example, in the Access to Justice Program (AJP), the federal government received US\$350 million in balance of payments support for agreeing to reforms that were essentially province-based. However, the original reform framework of the program was based on deliberations between donors and federal agencies in which the provincial governments played a minimal role. Thanks to the balance of payments support, the federal government agreed to undertake a wide range of governance reform initiatives in the areas of fiscal management, decentralization, and rule of law. However, the commitment to or ownership of provincial governments of these policy reform initiatives has typically been minimal and partially or completely divorced from local realities.

Second, most of the larger governance programs in KPK (e.g., Decentralization Support Program, Access to Justice Program, and EIROP) frequently had problems with their cash flow. Very often, federal or provincial finance organizations failed to ensure the timely release of program resources. This problem was more pronounced in cases requiring the assistance of the provincial governments. For example, during implementation of the AJP between 2002 and 2007, there was almost always a long delay between disbursements from the ADB to the federal government and the subsequent disbursements to the provincial governments.

Third, in several cases the technical assistance loan or grant was not made available for the activities for which it was earmarked. A somewhat related constraint was lack of the appropriate international, and even domestic, consulting experts to advise on the technical support and assistance framework. For example, implementation of the ADB's Decentralization Support Program was never smooth, because very few technical experts on decentralization were available in Pakistan. Rather, project implementers were forced to rely on expatriate experts, which led to higher costs and procurement delays.

Fourth, the local ownership and even implementation capacities within counterpart government agencies were either limited or missing altogether for these complex governance reforms. This problem was severer for EIROP and the DSP because the partner local government tiers were expected to perform critical functions during and after implementation.⁷ Although the provincial government departments possessed varying degrees of capacity depending on their previous experience, local governments often lacked the capacity and ownership to meaningfully implement these initiatives. Another area of concern was the less than wholehearted acceptance by provincial governments of subnational governance reforms.

Fifth, the parallel administrative layers in government structures diluted the impact of these initiatives. The federal government viewed KPK Province as a single unit. However, within KPK there were ordinary or settled areas and FATA, PATA, and FCR areas. Although these territorial entities formed part of KPK, the administrative peculiarities of each made uniform implementation of governance reforms a huge challenge. Each of these peculiarities in terms of administrative arrangements required massive tweaking and readjustments in the design of the initiatives.

Yet another area of concern has been the primary focus on “supply side” as opposed to “demand-led” or locally owned strategies. The missing elements of demand mobilization for governance reforms before 2008 have been evident in other provinces, but the jurisdictional peculiarities of KPK have exacerbated the consequences. The lack of demand mobilization has led to situations in which the implementers or target communities lacked ownership of the reforms.

The history of governance reforms in KPK also reflects the usual program implementation pitfalls or hazards that are common in Pakistan. Briefly, these problematic areas include inefficient government systems, red tape, negative politicization, weak donor coordination mechanisms, few technical experts, lack of transparency, and corruption.

⁷ Planning and Development Department, Khyber Pakhtunkhwa Province, Pakistan.

KPK also has been the prime target of militancy and extremist violence, which has further exacerbated the challenges to governance reforms.

Formal Governance

National-level policies have affected the direction of policies and execution strategies in KPK. Governance and development policies have been largely contextualized within the policy framework provided by “Vision 2030,” a document prepared by the Planning Commission of Pakistan in 2007. “Vision 2030” is intended to promote socioeconomic development, with the active participation of the provincial governments, in order to increase access to basic social services such as health care, education, water, and sanitation.⁸

The federal government’s Poverty Reduction Strategy Paper (PRSP) identifies specific areas for poverty alleviation. For KPK, these include enhancing agricultural productivity, improving the energy sector, developing infrastructure through public-private partnerships, expanding housing, and improving governance. All federating units are required to align their provincial and subnational policies in accordance with this policy framework. Accordingly, KPK has developed a “Comprehensive Development Strategy,” which has received the approval and buy-in of the highest political tiers in the province.⁹

KPK, with its parallel systems of administration, is a curious case among Pakistan’s federating units. Even after the introduction of LGO 2001, this anomaly continued uninterrupted. The disparate models are confusing, especially the nature of the basic administrative units and the corresponding local bodies responsible for local governance reforms. These peculiarities have significant effects on KPK politics. Meanwhile, every successive governance reform initiative has attempted to grapple with the challenges posed by these parallel structures. Despite a somewhat impressive menu of governance reforms at the provincial level during the recent decade, actual reforms have been elusive in many parts of KPK.

Education

KPK has one of the lowest literacy rates in Pakistan: 64 percent for males and 30 percent for females. The gross enrollment rate stands at 83 percent compared with a national average of 87 percent. As of 2008–2009, the student-teacher ratio was 1 teacher to 40 students. Accessibility beyond primary school is also a serious problem, because there is one middle school for every nine primary schools (ratio for girls, 1:8), one high school for every 1.6 middle schools (ratio for girls, 1:2), and one higher secondary school for every 5.8 high schools (ratio for girls, 1:4.5).¹⁰ The availability of basic facilities and infrastructure is a further challenge—190 schools have no buildings, and more than 10,000 schools have no electricity. Moreover, out of the 19,677 schools in KPK, 7,392 have no drinking water facilities, 5,195 have no latrines, and 6,161 have no boundary walls.¹¹

Health Care

The public health care sector in KPK, as in other provinces, consists of a series of health facilities: district headquarters hospitals (DHQs), rural health centers (RHCs), and basic health units (BHUs). In addition to the one district headquarters hospital in each district, there are 132 RHCs and 1,500 BHUs (as of 2009–2010). There are also several tertiary hospitals. However, an estimated 70 percent of the population uses private health care facilities, a consequence of both the lack of public sector facilities and their poor quality.¹² Although health care was recently made a provincial responsibility with passage of the eighteenth amendment to constitution, the federal government

⁸ Government of Pakistan, Planning Commission, “Vision 2030,” Islamabad, 2007, <http://www.pc.gov.pk/vision2030/Pak21stcentury/vision%202030-Full.pdf>.

⁹ North West Frontier Province, “Comprehensive Development Strategy: 2009–2015.”

¹⁰ Pakistan Ministry of Education, Academy of Educational Planning and Management, National Educational Management Information System, “Pakistan Educational Statistics 2007–08,” Islamabad, 2009, <http://www.moe.gov.pk/Pakistan%20Education%20Statistics%202007-08.pdf>.

¹¹ *Ibid.*, tables 4.10–4.13.

¹² U.S. Agency for International Development, “Annexes: Mid-Term Evaluation of the USAID/Pakistan Maternal, Newborn and Child Health Program,” Global Health Technical Assistance Project, USAID, Washington, D.C., September 2008, 2.

has been implementing a number of vertical health sector programs in KPK Province. Some of these vertical programs are critical to ensuring the provision of health services, but a lot of wasteful duplication is apparent as well.

In terms of major health indicators, KPK presents a mixed picture. Its infant mortality rate (63 deaths for every 1,000 live births) and under-5 mortality rate (75 per 1,000) compare favorably with the national figures, which stood at 78 and 94, respectively, for 2006–2007.¹³ Similarly, the maternal mortality rate is 275 per 100,000 births, which is on a par with the national figure of 276.¹⁴ But other indicators do not compare as favorably with the national figures. For example, in KPK the percentage of births attended by skilled attendants, 51 percent, is much lower than the national average, 61 percent.¹⁵

KPK's health department has taken various steps to improve the delivery of health services. In the early 2000s, a massive reform program was initiated with the assistance of the Asian Development Bank. As a corollary to this initiative, the Health Regulatory Authority was established in KPK in 2002. In 2006 it defined the minimum health service delivery standards.¹⁶ KPK was also a participating federating unit in the People's Primary Healthcare Initiative (PPHI) implemented by the federal government. The program was designed to improve basic health service delivery for hygiene, maternal and child health, nutrition, immunization, and health awareness, along with a wide range of preventive health services. Activities undertaken through the PPHI included improving facilities in the BHUs, recruiting staff, clustering the BHUs, providing medications and equipment, creating a health management cadre, strengthening stewardship functions, strengthening the monitoring and evaluation capacity, and enhancing the private sector health capacity.¹⁷ Other important programs being implemented by the federal government in KPK are aimed at controlling tuberculosis, HIV/AIDS, and malaria; maternal neonate and child health; family planning; and immunization.

Development Initiatives

A vast range of medium to large-scale development interventions has been implemented in KPK to support subnational governance.¹⁸ The most significant was the Social Action Program (SAP) launched in the mid-1990s to improve the delivery of basic services at the local level. This initiative, which received financial assistance from the World Bank, ADB, DFID, and the Netherlands, covered a wide range of social sectors, including elementary education, primary health care, rural water supply and sanitation, and population welfare.¹⁹ Community involvement was encouraged through the Participatory Development Program. However, the results were less than desired because the exact relationship between the program and local councils and nongovernmental organizations (NGOs) was never fully defined.

Another major initiative, the Malakand Rural Development Project, was implemented in the districts of Buner, Malakand, Shangla, and Swat between 1998 and 2008. The total outlay of the project was 3.79 billion rupees (about US\$45.7 million), 70 percent of which was provided by the ADB and the rest by the provincial government and local communities. The project supported activities in a range of sectors, including agriculture, horticulture, livestock, rural finance, roads, community infrastructure, and gender mainstreaming programs.²⁰ Between 2001 and 2008, the Barani Area Development Project was also implemented. With a price tag of US\$73 million financed by the ADB (53 percent), International Fund for Agricultural Development (IFAD), and the provincial government, the project was implemented in 10 KPK districts—Abbotabad, Bannu, Battagram, Hangu, Haripur, Karak, Kohat, Kohistan, Lakki Marwat, and Mansehra—plus Orakzai

¹³ Zulfiqar A. Bhutta, Anne Cross, Farrukh Raza, and Zafar Zahir, "Infant and Child Mortality," in *Pakistan: Demographic and Health Survey 2006–2007* (Islamabad: National Institute of Population Studies and Macro International, 2008), 90–91, <http://www.measuredhs.com/pubs/pdf/FR200/FR200.pdf>.

¹⁴ Farid Midhet, Sadiqua N. Jafarey, Dr. Azra Ahsan, and Aysha Sheraz, "Adult and Maternal Mortality," in *Pakistan: Demographic and Health Survey 2006–2007* (Islamabad: National Institute of Population Studies and Macro International, 2008), 178–79.

¹⁵ North West Frontier Province, "Comprehensive Development Strategy: 2009–2015," 5.

¹⁶ North West Frontier Province, Health Regulatory Authority, "Primary Care Standards for Quality Health Services in NWFP—Version 1," Peshawar, January 2007, <http://www.healthnwfp.gov.pk/hra.asp>.

¹⁷ Government of Pakistan, Special Initiatives Division, Provincial Support Unit, Khyber Pakhtunkhwa/FATA, "People's Primary Healthcare Initiative," <http://pphikp.org/>.

¹⁸ Author interviews and document review, Planning and Development Department, Khyber Pakhtunkhwa Province, Peshawar.

¹⁹ World Bank, "Implementation Completion Report, Pakistan, Social Action Program Project," Report No. 18043, Poverty Reduction and Economic Management Division, South Asia Region, June 22, 1998, http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2009/02/04/000334955_20090204024923/Rendered/PDF/180430Replacem1Accession0A199810011.pdf.

²⁰ Asian Development Bank, "Pakistan: Malakand Rural Development Project," ADB Completion Report, December 2010, <http://www.adb.org/documents/TACRs/PAK/29603-01-pak-tcr.pdf>.

Agency in FATA. It also focused on agriculture, livestock, rural infrastructure, village development, and forestry. The project yielded positive results in the short term. However, the initial successes of the project could not be sustained because of the sociopolitical disturbances in the area during and toward the end of the project.²¹

In addition to these local development projects, two province-wide initiatives were implemented in KPK: the Decentralization Support Program and Essential Institutional Reforms Operationalization Program.²² The primary financial support for these programs was provided by the ADB; the KPK government provided counterpart support. The programs were primarily intended to lend technical and institutional development support to the different local government tiers in the settled districts following passage of LGO 2001. The DSP was mandated to strengthen local accountability and enhance the quality and efficiency of local service delivery. The DSP and EIROP also contributed to capacity building for the huge cadre of elected councillors at the different tiers of KPK's elected governments. The DSP supported process development and institutional development initiatives through technical assistance investments. The resources from these initiatives were also used to strengthen fiscal decentralization to ensure the financial sustainability of local governments.

The menu of initiatives is impressive and as wide in scope as in coverage. Almost all areas related to local service delivery were covered through these initiatives. And the number of KPK districts included is also impressive. Almost all of these initiatives had community mobilization and participation components and addressed several cross-cutting themes such as gender mainstreaming, rural finance, and institutional regeneration.

However, several challenges can be identified, especially in terms of implementation. First, most of these initiatives were implemented as stand-alone development initiatives through project management units. Consequently, the sustainability and continued ownership of these initiatives by the relevant government organizations appear to have been a big challenge. Second, in many cases the division of labor between various tiers of local governments and local NGOs was not clearly defined or explained. This problem contributed to a perception of duplication and territory encroachment among local governments (who saw themselves as the true repositories of subnational governance). Third, little to no effort was made to link these scattered initiatives with the overarching provincial development frameworks. Rather, these investments appear to have had limited effects on development prioritization and planning within provincial governments. Finally, the majority of these initiatives were complete or near completion when violence began to escalate in KPK. The fallout from the militancy constrained the ability of the provincial government to fully replicate or build on the initial successes. Although it would be unfair to term these initiatives failures because of the security situation, much of the hard work and impact appears to have already eroded.

Informal Governance

Compared with other provinces in Pakistan, KPK is peculiar in terms of its informal governance entities. KPK has been home to a diverse conglomeration of informal structures and processes with varying degrees of relevance and clout in local decisionmaking and service delivery. The social structure of KPK has historically revolved around traditional and community-owned institutions and processes that have played an important role in the everyday lives of local communities and tribes across KPK. Often, these social constructs took on the role of governance entities or institutions, especially in the areas of decisionmaking and dispute resolution. Traditional institutions such as the *maliks* (elite landowners), *hujrahs* (social gathering points), and Pashtunwali (Pashtun code of conduct) dominated the social landscape in most rural areas of KPK for centuries.

Although they are typically employed for dispute resolution or dispensation of justice, these informal governance structures may also provide community platforms for political or social issues of local relevance. *Jirgas* (customary councils) have been sanctioned by the formal justice sector and legislative framework. Provisions of the Frontier Crimes Regulation of 1901 as well as other local and special laws accept the existence and decisions of jirgas. Even though jirgas may be of greater relevance in FATA, their importance within the PATA region is also substantial.

In a way, the existence of these institutions has ensured a semblance of social cohesion and order that local or provincial governments cannot replicate. However, the deliberations or outcomes of these traditional structures have

²¹ Asian Development Bank, "Pakistan: North-West Frontier Province Barani Area Development Project, Phase II," ADB Completion Report, December 2010, <http://www.adb.org/Documents/PCRs/PAK/29586-01-pak-pcr.pdf>.

²² See Government of Pakistan, Decentralization Support Program, "What Is the Decentralization Support Program?" <http://www.decentralization.org.pk/whatisdsp.asp>; North West Frontier Province, "Comprehensive Development Strategy: 2009–2015," 24.

often been far from equitable or just, and yet their presence has helped KPK societies sustain themselves, at least until the last decade or so. As for the role of the *mullah* (local religious clergy), traditionally it has been marginal at best, because the mullah has rarely enjoyed the kind of sociopolitical clout enjoyed by the maliks or tribal leaders.

The system of maliks, hujrahs, and Pashtunwali continued in many parts of KPK until recently. This code of conduct governed individual or collective responses in a wide range of political and social transactions in the local communities. Hujrahs and maliks acted within the Pashtunwali framework, which set expectations for hospitality, honor, revenge, asylum, forgiveness, truce, and other values and concepts. This notion of collective social behavior defined the conduct of individuals in society.

However, this informal system of governance was not free of faults or contradictions. There was abundant discrimination against vulnerable members of society, especially women. In fact, women were almost completely marginalized as a social group and had minimal rights. This traditional system also worked against the underprivileged because the landed classes usually enjoyed higher status. This system of social governance was supported by the weak and overtly discriminatory legal framework found in FATA and PATA through the FCR. Strictly speaking, this system of governance was specifically designed for the tribal regions, but nonetheless had implications for the sociopolitical relationships in the settled areas as well.

The adverse effects of these informal governance systems and structures in KPK (and their inevitable clash with formal governance regimes) were visible long before the advent of militancy and terrorism. A sense of political alienation was felt by many in large parts of KPK as a result of the discrimination that characterized informal governance and the dysfunction of formal governance structures.

Although the settled districts were home to mainstream political systems and processes, very few earnest attempts were made to improve the informal governance regime. The following conclusions can be drawn about informal governance structures:

- The traditional or informal governance systems and structures historically provided limited social services.
- Discrimination and social alienation were exacerbated by gradual corruption and lack of transparency, which sapped any social dividends that society at large might have enjoyed from these traditional institutions.
- Weak informal governance structures created a void that was gradually filled in some places by extremist and militant elements.

During the last decade, two developments shook the governance apparatus in many parts of KPK. First, in its zeal to introduce local governance reforms in the province, the federal government weakened the already precarious structures of political agents in the FATA region, including the role of the traditionally influential maliks. These events in FATA resulted in negative fallout for the adjoining settled districts in KPK. Second, the growing militancy posed serious challenges to established social and political norms, which further weakened the writ of government.

Meanwhile, a large presence of NGOs at work on social mobilization also became a prominent feature in KPK. Social activism and a greater role for NGOs in KPK began during the 1980s and 1990s, particularly in response to the actual and perceived failures of formal and tribal governance structures. In some areas of KPK (such as Chitral), social activism was a consequence of the success of community mobilization strategies introduced through rural support organizations such as the Agha Khan Rural Support Program.²³ Another driver of social activism was the willingness of government and international development organizations to partner with local communities or NGOs. One result was the implementation of area development programs in a large number of districts of KPK between 1990 and 2010.

Militancy and Subnational Governance

In KPK in recent years, a whole range of pro-Taliban movements and organizations has been challenging the established formal and informal systems of governance through propaganda, militancy, and outright subversion

²³ See World Bank, *The Next Ascent: An Evaluation of the Aga Khan Rural Support Program* (Washington, D.C.: World Bank, 2002); and Danny Cutherell, "Governance and Militancy in Pakistan's Chitral District," CSIS background paper, Center for Strategic and International Studies, Washington, D.C., October 2011.

activities. In some areas such as Swat and Buner, these organizations made concerted efforts to take over the local state apparatus or functions.²⁴ Often, these entities actually strive to disrupt or even demolish the formal governance structures and systems in an attempt to carve a niche for themselves. In the meantime, these organizations or groups are frequently perceived to be providing speedy justice, helping the poor and vulnerable, or reviving moral codes of conduct through use of force.

Militancy in KPK has a wide range of causes and manifestations. It began mainly among the Pashtuns during the anti-Soviet “jihad” in Afghanistan following the Soviet invasion in 1979. After the Soviet withdrawal and the civil war that followed, some Pashtun-Afghan war veterans realigned under the Taliban government until they were ousted from Afghanistan in 2001. Subsequently, local Pashtun fighters and Taliban sympathizers joined ranks with foreign elements seeking refuge in the tribal belt of KPK and began organizing through local and national movements. These militant organizations were quick to identify several sectarian organizations inside and outside KPK to exploit as instruments of violence. In terms of subnational governance, some of these movements were strengthened to a degree by a long history of dissatisfaction with the state apparatus.

Militancy related to events in Afghanistan found more enabling circumstances in the wake of the near collapse of KPK’s governance systems. Various government organizations partially or completely failed to meet the expectations of common citizens. Corruption, inefficiency, and lack of transparency permeated government institutions. Meanwhile, huge gaps persisted in the delivery of essential social services. In most rural areas of KPK, the provision of health or education services usually stayed well below the minimum service delivery standards. Another area of perceived or actual hardship was public safety and the rule of law; the structures were mired in inefficiencies, insufficient resources, and corruption. Similarly, access to justice services, rights, and entitlements was unsatisfactory and typically biased against the vulnerable.

In addition to fulfilling religious and ideological objectives, these militant organizations exploited geopolitical dynamics as a means of gaining support. They or their close followers became more active during crises such as the 2005 earthquake and the floods of 2010. After these events, many militant organizations were able to muster varying degrees of support and public sympathy because of their humanitarian relief work. However, the support provided by militant groups was a very small portion of the total relief effort, and what support they gained in the short term dissipated as time went on.²⁵

It was a mix of these governance gaps, institutional failures, and underdevelopment that gave militant groups an opening in KPK. Using a combination of force, economic incentives, and faith-based indoctrination, they began operations in FATA, eventually spilling over into some settled areas such as Swat and Buner. This phenomenon culminated in Swat, where the Tehrik-i-Taliban Pakistan (TTP, Student Movement of Pakistan) temporarily replaced the provincial government between 2008 and 2009, prompting a massive military operation that largely ejected them.²⁶

Strictly speaking, with only a few exceptions militant organizations in KPK have not tried to provide alternative models of service delivery. In Swat, parallel systems of justice were provided by the local Taliban when they took over. Initially, organizations such as Tehrik-e-Nifaz-e-Shariat-e-Mohammadi (TNSM, Movement for the Enforcement of Islamic Law) provided some economic incentives to woo unemployed and disenfranchised individuals to join them. And many militants recruited poor students from certain kinds of madrassas (religious schools) that indoctrinated them in a style of belief that predisposed them to see association with militant organizations as a viable option for the future. Some religious political parties offered overt or implied support to such groups based on common policy positions related to the actions of foreign forces in Afghanistan or in Pakistan’s tribal belt. However, the majority of mainstream political parties in KPK openly distanced themselves from the militants.

²⁴ See Justine Fleischner, “Governance and Militancy in Pakistan’s Swat Valley,” CSIS background paper, Center for Strategic and International Studies, Washington, D.C., October 2011.

²⁵ See Stacey White, “The 2010 Flooding Disaster in Pakistan: An Opportunity for Governance Reform or Another Layer of Dysfunction?” CSIS background paper, Center for Strategic and International Studies, Washington, D.C., September 2011.

²⁶ Fleischner, “Governance and Militancy in Pakistan’s Swat Valley.”

Recommendations

The traditional weaknesses in service delivery within Pakistan's provincial and district governments have arisen from the complex interplay of several factors. Resource mobilization for essential services has always been a challenge for provincial governments, which typically have been dependent on federal handouts. International development partners and donor agencies have regularly supported KPK, supplementing the limited own-source revenues of the provincial government. The introduction of LGO 2001 provided a window of opportunity to address local needs, but these organizations and others did not capitalize appropriately on this opportunity. Moreover, a series of crises and destabilizing factors in recent decades appears to have further deepened the actual and perceived failures of governance in KPK. For example, the influx of Afghan refugees during the 1980s and 1990s placed stress on systems and structures in many areas of KPK. Similarly, the fallout in Afghanistan from the post-2001 terrorist events in the United States, the growing militancy, the violence in Swat and the tribal areas, the earthquake of 2005, and the floods of 2010 further pressured an already overstressed system.

In view of this situation, the following steps are recommended:

- *In the face of the alarming pattern of violence and militancy in KPK, encourage the major political parties in the province to assume a critical role in directing political opinion toward accommodation and peaceful coexistence.* Through elected assemblies, initiate a constructive and mutually beneficial dialogue among all political groups (including the right-wing and religious parties) to identify commonalities. Political mobilization at the grass roots could also help safeguard against regressive or disruptive tendencies by providing viable instruments of political participation, bringing diverse and conflicting voices or tendencies within the mainstream of social and political consensus.
- *Address militancy more systematically.* The mass media could be used to counter militant rhetoric and promote accommodation and peaceful coexistence. Messages of tolerance and peace could be disseminated in schools, including madrassas and religious seminaries. The spread of hate and sect-based politics could be stanching through increased citizen involvement in mainstream political parties at the national, provincial, and local levels.
- *Enhance democratic participation.* Enhancement could occur through public discussions on governance, peace, militancy, and terrorism in KPK that involve political activists at the district level; the standing and steering committees of the provincial assemblies; and the political parties, including the mainstream religious parties.
- *Promote rule of law, public safety, and administrative reforms.* Develop detailed time-bound strategies to gradually replace and modernize administrative structures and systems in PATA and the settled districts; continue justice sector reforms initiated under the Access to Justice Program and extend them to more districts; provide police and civil public safety actors with equipment and capacity building specifically for tackling militancy and terrorism; and undertake a comprehensive as well as inclusive review of the outdated legal frameworks that are applied to different parts of KPK Province.
- *Reform governance structures in PATA and FATA.* However, extreme care must be exercised when dealing with these centuries-old administrative structures. The recent experience of tweaking FATA's administrative structures—whereby the existing system of political agents and maliks was weakened without a viable replacement—should be kept in mind because any void created in governance structures risks providing militant organizations with space. Thus any proposed reforms to existing administrative structures should fully reflect the realities on the ground as well as the capacity constraints within government agencies.
- *Amicably resolve the apparent conflict between the local governance systems and the provincial political apparatus.* Promoting and strengthening local government institutions can contribute to a degree of local-level accountability and better service delivery. Efforts should be made to hold elections to local bodies and to establish fully functional local administrative structures. The provision of basic social services should be subject to minimum service delivery standards set at the provincial level to provide a benchmark against which district needs can be measured in resources, capacities, and gaps.
- *Adopt long-term rehabilitation and revival strategies that will address the livelihoods destroyed by the recent natural disasters and internal conflicts in KPK.* The floods in 2010 and 2011, which caused massive damage to infrastructure and property, appear to have had far-reaching impacts. Long-term rehabilitation and revival

strategies could focus on generating employment, especially for young people; seeking investments for vocational and technical training for the unemployed in less developed areas; promoting small business; reviving the productive sectors (including agriculture and livestock); and encouraging the development of special economic opportunity and revival zones as hubs of growth and development, especially in KPK's most volatile areas.

None of these recommendations will be easy to implement, but it is worth making the effort to build on some of the reforms that have succeeded and the “bright spots” that, despite KPK's reputation to the contrary, do exist in the province:

- Many important political parties in KPK have liberal outlooks and emancipated political ideologies. The mainstream political parties in the province—Awami National Party, Pakistan Peoples Party, Pakistan Tehrik-i-Insaaf (PTI), and Pakistan Muslim League—N&Q—deplore what they consider to be the regressive and violent policies of militant and extremist groups. These parties, then, might prove to be the best bulwarks against militancy in the province, and they could prevent the yielding of political and institutional space to militant organizations.
- KPK's jirgas, despite a degree of inequality, have been more egalitarian than jirgas in other parts of Pakistan. Historically, it was no surprise to find a landlord and an ordinary cultivator sitting side by side in a hujrah in rural areas of KPK. Reviving this sentiment through the combination of political liberalism and social equality can mitigate the adverse effects of many destabilizing forces. One way to realize this goal is to promote party-based, or, at the very minimum, representative local governance systems.
- After the introduction of LGO 2001, for the first time in the history of KPK three independent tiers of financially and politically empowered local governments were formally established in all the settled areas. Some cadres of locally elected councillors used this opportunity to strengthen citizens' sense of participation and inclusiveness. And totally unprecedented was the phenomenon of greater political participation by women in this extremely conservative and traditional society.
- Civil society organizations have matured in KPK. They were most vocal and proactive during the 1990s and early 2000s in areas of livelihood improvement, environmental conservation, and improved service delivery. Advancements in social mobilization in KPK were essentially motivated by deeply rooted frustration with the government's service delivery failures. To their credit, many international development partners and the provincial government were prompt in targeting this window of opportunity. Thus many of the donor-assisted initiatives in recent decades included community participation as an integral component. Local communities were encouraged to organize and develop a collective voice for local development. The community-led activism witnessed in KPK during the late 1990s could be called a success story in terms of both social mobilization and improved service delivery.

However, a number of challenges persist. Pervasive inefficiency and outright corruption within political institutions have stalled progress, and the inherent weaknesses of systems and institutions within KPK have diluted some of the positive outcomes. But mainstream political activism and local governance reforms have created a sense of inclusion among the citizens and have offered some visible improvements in service delivery over time. All this suggests that progress is possible.

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