SDC Support to Accountability: The Case of the Federally Administered Tribal Areas in Pakistan

1. **Social Accountability in the Federally Administered Tribal Areas**

   a.) Introduction

The social accountability architecture historically in Pakistan has been weak. The repeated shifts between civilian and military rule has impeded the development of social accountability structures in the country. The military coups weakened the key process citizens use to hold the state to account: elections. In addition to political instability and the dominant role of the military in political and economic space, the social accountability structure in Pakistan is also characterized by a weak social contract between the state and citizens. The citizens have limited expectations of state performance and support, and also have limited capabilities to promote change. The low public participation of citizens is evident by the low voter turnout: Pakistan ranks 164th out of 169 countries in the Voter Turnout Ranking[1].

The feudal class and industrialists maintain their influence through their positions in the Parliament and have been able to resist changes that might reduce their influence and wealth, such as land reform or tax on agricultural income.

Besides elections, the mechanisms that allow citizens to directly influence, participate in, and supervise service delivery are limited. On the government's side, the citizens can lodge complaints with the different Ombudsman's offices. On the policy side, legislations such as the Right to Information laws have been introduced recently. Many donors in the last two decades have directed resources towards promoting social accountability processes such as participatory budgeting, citizen report cards, and social audits, but these interventions were often one time projects and did not sustain. Many social accountability initiatives were resisted by the government. For instance, when the Sustainable Development Policy Institute-a Pakistani think tank-were undertaking Citizen Report Card survey in two of the slums in Islamabad to assess the quality of education being provided to students in public schools, the Federal Directorate of Education tried to hinder the process by initially not allowing the schoolteachers to cooperate with the organization's research teams[2].

There have been improvements in the social accountability architecture in Pakistan over the last decade. The liberalization of the media in 2002 by the then President Musharraf resulted in the emergence of the media as an alternative political force that aired stories on government corruption and poor service delivery. This perception was cemented during the pro-democracy lawyer's movement (a civil society agitation between 2007 and 2009 that called for an independent judiciary and return to civilian rule). In March 2007, facing calls for his own resignation, General Musharraf fired the chief justice of the Supreme Court which resulted in a movement that called for his restoration. With growing support among students, middle-class professionals and civil society groups, the lawyers' protest quickly escalated into a pro-democracy movement witnessed by anyone with access to a television screen. The lawyers' movement, buoyed by media support, was a catalyst in the General's expulsion from power and the general elections in 2008.

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1 Gratschew M, Pintor R, and Sullivan K, 2002, *Voter Turnout Rates from a Comparative Perspective*, International Institute for Democracy and Electoral Assistance, Stockholm.
2 Yaseen, F. 2013, *Social Accountability in Pakistan: Challenges, Gaps, Opportunities and the Way Forward, Sustainable Development Policy Institute*, Pakistan.

b.) The Marginalization of the Federally Administered Tribal Areas

The Federally Administered Tribal Areas (FATA), situated midway along Pakistan's north western border with Afghanistan, is one of the most underdeveloped areas in Pakistan. The area is characterised by widespread poverty, lack of access to basic facilities such as sanitation and water, a high rate of maternal and child mortality and very few employment opportunities. The region was thrust into the international sphere as a haven for militants-more specifically the Taliban-to regroup and launch cross border attacks on international and Afghan troops.

The FATA has faced instability and disorder for the last three decades-starting with the 1979 invasion of Afghanistan by Russia to the ongoing operations by the Pakistani military. The region is cut off from the rest of the country. The FATA are governed through a colonial-era political, administrative and judicial system, the Frontier Crimes Regulation (FCR) 1901, that denies basic constitutional rights and political representation to the population in the FATA. The jurisdiction of the Supreme Court does not extend to the FATA. Under the FCR, the federally appointed political agent exercises extensive executive, judicial and revenue powers. The FCR allows the political agent to carry out pre-emptive arrests and punish an entire tribe for crimes committed on its territory through fines, arrests, property seizures and blockades. Adult franchise was introduced in 1996 in the FATA, while the first party based elections happened in 2013.

The military is averse to changing the status of the FATA due to its geo-strategic position. The FATA have been used as a base 'to promote perceived interests in Afghanistan through local and Afghan proxies'[3]. The bureaucracy is reluctant to give up the current perks and privileges associated with the weak governance structure in the FATA, e.g. the Political Agent's funds are not subject to a federal audit.

2. **Rational of the SDC's Engagement**

a.) Pakistan Hindukush Programme

In 2012, the SDC initiated the Pakistan Hindukush Programme (PHP). The overall goal of the PHP was to contribute to development in the region and to the peaceful coexistence of the people through (1) improving the resilience of the most vulnerable population (especially women/children, marginalized groups and disaster or conflict affected people) to cope with climate or conflict related stress and (2) enhancing local governance and human rights to stimulate socially inclusive development. The geographic focus of the programme was on Khyber Pakhtunkhwa and the Federally Administered Tribal Areas.

b.) Local Governance and Social Accountability

Under the local governance and human rights domain, the idea behind the promotion of local governance was that local governments deliver services effectively in response to the needs and demands of the most vulnerable people. It implies that (1) local governments (and local institutions) have the capacity to respond to such demands, and that (2) citizens are empowered to demand better local service delivery. Empowering citizens[4] is critical as citizen's political participation is required to push equitable public goods provision, pro-poor policies and realization of their rights. Powerlessness that stems from unaccountability is a constitutive element of poverty.

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3 International Crises Group, 2009, *Pakistan: Countering Militancy in FATA*, Page 2, Brussels.

4 Due to the presentation's focus on social accountability, this section focuses on the citizen empowerment component.

3. **How Do We intervene: Citizen's Actions for Peace and Development.**

The Citizen's Action for Peace and Development (CAPD) project improves the living conditions for the people of the FATA through strengthening local conflict resolution processes, improving service delivery, and strengthening civil society to advocate for reforms. The social accountability component of the project works with communities (right holders) to make them aware of their rights and enhance their dialogue with government officials to improve service delivery.

As mentioned earlier, the FATA are a challenging context. The region is characterized by widespread poverty, lack of access to basic facilities such as sanitation, low literacy levels, and very few employment opportunities. Only 13% of the households in the FATA own a television[5]. Similarly, the region is governed a different set of laws than the rest of country. Until 1997, the population of the FATA did not have the right to vote. The region had its first party based elections in 2013 after the Political Parties Order was extended to the region in 2012. In a difficult context like this, there is a huge State-citizen divide with many citizens unware of what the State's responsibilities are. The activities of the project under this project are highly relevant.

The relevant outcomes and outputs that contribute to improved social accountability are:

1. **Outcome:** Citizens (especially women, youth, religious minorities) have better access to basic services (education, water, health) and economic opportunities through their effective dialogue with government line agencies.

    a. **Output:** The citizens of the FATA have improved capacity to negotiate with government line agencies.

2. **Outcome:** The civil society (political parties, media, local networks) have enhanced capability to advocate for the establishment of an inclusive and accountable local governance system in the FATA.

    a. **Output:** Civil society groups and networks have enhanced skills to advocate for their rights and contribute to local development policies, plans, and community based governance.

Under the first outcome, the project facilitated the formation of village groups and trained them on the government's responsibilities towards the citizens, the State services available, and the accountability mechanisms available. The village groups facilitated similar sessions within their villages and also connected citizens individually to government services such as free health services and public agriculture extension services.

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5 FATA Planning and Development Department, UNICEF, World Food Programme. 2009. *Multiple Indicator Cluster Survey.* UNICEF

Under the second outcome, the project worked with existing local civil society networks such as local press clubs, traders unions, and local representatives of political parties to support advocacy for reforms in the region.

4. Success Elements, Challenges, and Way Forward

a. Success Factors

One of the main factors of success of the project is the frequent and detailed monitoring of the context which allows the project team to identify drivers of change or windows of opportunity. In 2013 when the region was about to have their first party based elections, the project organized information sessions with the local representatives of the political parties on party manifestos, etc. for the local population.

Similarly, the project was able to capitalize on the improving political landscape of Pakistan. The 2007 successful march by the lawyers for the restoration of the Chief Justice, the 2013 elections which were historic due to the first transition in Pakistan's history from one civilian government to another, and the emergence of the media as a powerful actor after it was liberalized in 2001 had improved social accountability and initiated discourse on policy reforms.

Other success factors include targeting both the right holders and duty bearers under the same outcome.

b. Challenges

The primary challenge associated with working in the FATA is the volatile security situation. This affects access of the region and it also means that the military closely monitors and at times controls the activities of NGOs implementing projects in the region.

Similarly, as with any social accountability project, especially within a region such as the FATA where the civil administration benefits substantially from the current administrative set up, there can be resistance to the project from government employees who feel that they may lose their power. Working closely with the relevant government line agencies can reduce this risk to a certain extent.

c. Way Forward

The second phase of the project was initiated in October 2015. The second phase consolidates the results of the first phase and is replicating the activities in more villages in the same agency. In the first phase, the project had limited success with working with the civil administration. The civil administration has a limited role when it comes to introducing reforms in the region. Similarly, it was challenging to engage the civil administration for the reasons mention in the earlier section. Hence in the second phase, the focus was on working more with parliamentarians and political parties who were more suitable actors with respect to policy reforms.

For Further Reading:

https://www.fdfa.admin.ch/countries/pakistan/en/home/news/news.html/content/countries/pakistan/en/meta/news/2015/july/together-we-can--and-together-we-will

https://www.fdfa.admin.ch/countries/pakistan/en/home/news/news.html/content/countries/pakistan/en/meta/news/2015/july/investing-in-people--is-investing-in-the-future