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POLITICAL PARTIES AND DECENTRALIZATION IN PAKISTAN

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Abstract: Why do politicians vote to decentralize power and resources? Drawing on structuralist and voluntarist approaches, we investigate why national party elites in Pakistan voted to devolve power to the provinces under the 18th Amendment to the 1973 Constitution but are hesitant to devolve meaningful fiscal and administrative power to the local level. We argue that the explanation for this disjuncture lies in Pakistan's history of military experiments with local government, its candidate-centered party system, and the re-election incentives of politicians at the national, provincial and local levels. Using interviews with local government representatives, politicians, and bureaucrats, and archival research through National Assembly, Senate debates and newspapers, we show that devolution to the provinces was a means of holding a fragile federation together. However, Pakistan's political parties, unable to elicit credible commitment from their legislators, feared that devolving power further could result in party defections, the rise of regional leaders, and inevitably, party fragmentation.

Since the 1980s, the third wave of democracy unfolded alongside the enthusiastic promotion of decentralization reforms by politicians and policymakers. Faletti (2005, 328) defines decentralization as “a process of state reform composed by a set of public policies that transfer responsibility, resources or authority from higher to lower levels of government.” Within the concept of decentralization three different approaches have been distinguished: deconcentration, delegation and devolution (Bird and Vallaincourt 2006, 5). This paper is concerned with devolution, which entails the central government transferring decision-making, finances and management to local governments.

The question, why decentralize, has had both normative and empirical responses. Normatively, the public administration and economics literature has focused on social welfare gain (Oates 1972); efficiency and enhanced service delivery (Tiebout 1956); reduced corruption and accountability (Bardhan and Mookherjee 2008; Rodden 2006); and participatory democracy (Fung 2004; Grindle 2007). Empirically, however, decentralization, in many developing contexts has not yielded the anticipated improvements (Prud’homme 1995; Grindle 2007; Koelble and Siddle 2013; Faguet 2017) and recently many countries have attempted to roll-back decentralization reforms (Malesky and Hutchinson 2016; Dickovick 2011; Eaton 2004). At the heart of whether to laud decentralization or not is another unanswered question: why do governments make the decision to decentralize and cede power to lower levels of government in the first place? After all, the impulse to decentralize goes against the rational assumption that politicians act to increase their own access to political office and fiscal resources. This puzzle has been addressed in the work of Willis, Garman and Haggard (1999); O’Neill (2003, 2005); Faguet and Pöschl (2015); Montero and Samuels (2004) on decentralization experiments across presidential democracies in Latin America and by Montero (2005) and Leon (2014) in Spain.

Another empirical observation by the same authors is the immense variation in the extent and timing of decentralization across regions.

This article engages with the same puzzle, but in Pakistan, which is a federal parliamentary democracy. This is a challenging case because national level elites devolved power to the provinces under The Constitution (Eighteenth Amendment) Act, 2010 (Act X of 2010) (hereafter referred to as the 18th Amendment). Yet, provincial elites that typically take their cues from national party elites delayed the devolution of power to the local (municipal) level until they were mandated by the Supreme Court in 2015 to hold elections and form functioning local governments.¹ Therefore, the central question posed by this article is why were national elites willing to decentralize and devolve power to the provinces, but unwilling to do so to the local level? We argue that in Pakistan's candidate-centered party system the reason why national party elites devolved power to the provinces but resisted decentralization to the local government level (despite passing a constitutional amendment to do so) is embedded in the incentive structures of individual politicians at the national, provincial and local levels of government, specifically the structure of the federation, political career advancement and re-election, the country's political history of repeated military interventions and experiments with local government and its fiscal position, and inter- and intra-party dynamics. We structure our investigation around three critical elements of the 18th Amendment: devolution to the provinces, the establishment of local governments (exploring the impact of devolution under military rulers and the more recent local government system introduced by an elected government in Punjab), and fiscal transfers to the provinces.

Devolution to the provinces was made a priority first and foremost as part of a national consensus on removing the remnants of military rule from Pakistan's constitution and political

structures and preventing further disruptions to the political system. This consensus was used to cement a federation weakened by repeated interruptions due to military coups (in 1958; 1969; 1977; and 1999) through an emphasis on provincial autonomy and by establishing local governments, with both these demands being articulated most strongly by Pakistan's smaller regional parties. However, since the larger national political parties are unable to elicit credible commitment from their legislators, they feared, as Hankla and Manning (2017) find in Mozambique, that devolving resources to the local level could result in party defections, the rise of local leaders, and inevitably, party fragmentation. Therefore, these parties were unwilling to devolve power to the local level even as they voted for devolution to the provinces. There was limited belief in the good of decentralization *per se*—instead, support for the notion was, at the time, politically strategic.

Methodology and Context

This article is the culmination of qualitative fieldwork conducted in Punjab, Pakistan between 2018 and 2020. A total of forty-nine interviews were conducted in three stages (see the Appendix), using purposive and snowball sampling to contact interviewees. The first set of interviews (April to July 2018) involved telephone conversations with bureaucrats, elected local government representatives in Punjab, and political observers in various districts. These interviews laid the groundwork for the paper and for the second set of telephonic interviews (August and December 2018). In choosing interviewees for this stage, we focused on districts where one of two things was true: either the local government was led by a chairperson whose political loyalties did not lie with the ruling party—e.g. Pakpattan, or a district where our previous interviews had identified instances of party factionalism, e.g. Jhelum and Gujranwala. We triangulated our findings by speaking to local government representatives from other districts

such as Vehari, Hafizabad, and Sahiwal. A third round of interviews was conducted in 2020 with senior members of the main political parties, especially those who had been part of the committee that drafted the 18th Amendment Bill, senior bureaucrats and political observers. In the first two rounds, we questioned respondents on their experience implementing the 18th Amendment and establishing local governments. In the last round of interviews, we focused our questions on the drafting and passing of the bill and the context of inter- and intra-party interactions at the time. Interviews were conducted by telephone due to resource constraints. However, we struggled to make contact with some individuals either because no contact details were available or because there was no response. We addressed this problem by casting the net as widely as possible, speaking to not only local government representatives but also to both serving and former legislators, bureaucrats, journalists and political observers.

Our desk research involved developing data sheets for each of Punjab's districts detailing the key players in the provincial and local governments using online newspaper archives in both English and Urdu. We also drew on legislative debates from the National Assembly and the Senate, and documents related to the 18th Amendment bill including the minutes of parliamentary committee proceedings and the committee's report including the notes of dissent by each of the parties, and newspaper coverage of the drafting, passing, and implementation of the 18th Amendment Bill and Act.

The Enactment of the 18th Amendment:

The impetus for constitutional reform in Pakistan coincided with the turbulent transition to democracy in 2008 (Shah 2008), rapid rates of urbanization causing major demographic shifts, a struggling economy, religious militancy and insurgency in Balochistan presenting a serious

threat to the federation's stability. Its roots, however, lay in the experience of yet another spell of authoritarian rule following General Musharraf's declaration of martial law in 1999. In 2006, Benazir Bhutto and Nawaz Sharif, the exiled leaders of the Pakistan People's Party (PPP) and Pakistan Muslim League-Nawaz (PML-N) respectively signed the Charter of Democracy, an extra-constitutional declaration to set aside their differences for the good of Pakistan's democracy and restore civilian supremacy. At the heart of this pledge was the desire to prevent future military interruptions to democratic rule by repealing constitutional amendments from the Musharraf era, especially the Constitution (Seventeenth Amendment) Act, 2002 (Act No. III of 2003), and specifically the removal of Article 58 2 (b) of the Constitution, which empowered the President to dismiss elected governments. Both parties also committed to increasing provincial autonomy to accommodate the smaller provinces, particularly Balochistan where an insurgency had reignited (Shah 2014, 1017). In 2009, the Parliamentary Committee for Constitutional Reform (PCCR) was formed with consensus and reconciliation as its key principle such that all members "agreed not to oppose the Committee's decision" but could "reiterate their stated position without prejudice to the Committee decision, through a note to be called, 'a Note of Reiteration'" (Report on the 18th Amendment Bill, para 17). As an indication of their commitment to the federation, the larger parties agreed to weight the committee such that they did not outnumber the smaller nationalist parties.

The 18th Amendment Act made sweeping changes to the 1973 Constitution, amending 102 out of 280 articles—about 36 percent of the constitution. Most significantly, it got rid of the president's power to dissolve the national assembly enshrined in article 58 2(b). And more relevant for this article, it abolished the concurrent list and devolved 17 federal ministries including local government and rural government to the provinces.² Increased fiscal transfers to

the provinces as determined by the 7th National Finance Commission Award 2010 were locked in by inserting Article 160 (3A) which states that the provincial share of the Award cannot be less than their share the previous year. Under Article 140A it mandated that each province should establish a local government system and devolve political, administrative and fiscal powers to the elected officials of the local government.

Why Decentralize?

Decentralization is driven by a diverse set of structural factors and in the developing world, is particularly influenced by economic development and the forces of globalization. The push for decentralization has coincided with neoliberalism which seeks to curb the role of the central state in the economy as a means of achieving greater efficiency and accountability (Grindle 2007; Bahl 2008; Rodden 2006; Faguet 2014). Beyond that, democratization and the imperative to modernize, “state-building or state-preserving motivations” (Wainfan 2018, 5), and the delineation of responsibilities and powers across different tiers of government to prevent abuses of power have all been important drivers of decentralization.

Alfred Stepan (1999) highlighted the cases of the United States, Australia and Canada as models of “come together” federalism due to the unification of previously sovereign units. Spain and Belgium resorted to decentralization as a compromise between unionists and separatists. In Uganda and South Africa, decentralization has been the means to post-civil war reconstruction. On the other hand, decentralization has also been a strategy used by national elites to quell popular discontent with government performance and temporarily shore up legitimacy (Busygina, Filipov and Taukebaeva 2018). In Pakistan and Nigeria, military regimes have used decentralization to win over sub-national elites to counter opposition forces in the center (Aslam

2017), while in China, economic decentralization has not yielded any democratization outcomes (Landry 2008).

Two approaches—structuralist and voluntarist—have been predominantly used to explain the drive for decentralization. Structural approaches view the “identities and interests of individual actors as defined by positions within social structures” (Mahoney and Snyder 1999, 5). On the other hand, voluntarist approaches emphasize “ongoing interactions among purposeful actors” (5) and by deemphasizing social structures, focus on individual politicians at all levels of government and their incentives to decentralize.

Generally speaking, politicians are motivated by career advancement, re-election, or the growth of the political party to which they belong. Hence, the decision to decentralize is dependent on the importance ascribed to multi-level governance in advancing these goals but also to electoral institutions, internal party structures and strategic competition (Montero and Samuels 2004). Drawing on Riker’s (1964) contention that the form of a party system determines whether federalism is self-reinforcing, Willis, Garman and Haggard (1999, 9) hypothesize that the “greater the political sensitivity of central level politicians to sub-national political outcomes, the more decentralized the system is likely to be.” They measure sensitivity by determining to whom politicians owe their loyalty. They argue, therefore, that internal party structures and the identity of party brokers—those who comprise the selectorate for candidate-selection—are key to decentralization processes. If party selectorates are comprised of party elites at the national level, individual politicians would take their cues from the national party and would be less interested to decentralize. However, if selectorates are comprised of sub-national party elites, then individual politicians would be more supportive of decentralization.

Though Willis, Garman and Haggard's voluntarist framework can be critiqued on the grounds that party organizations are not subject to rapid change and therefore cannot capture shifts in intergovernmental relations over time and across different countries, it is useful to study the impact of persistently weak and centralized parties on decentralization. At the same time, recognizing that different political parties may have different motivations and "dynamically changing expectations" (Montero and Samuels 2004) is also important. Mazzoleni (2009) finds that opposition parties in the national government might support decentralization to undercut the support of regional parties in regions where these parties are electorally strong. However, it is not clear if this strategy pays off given that decentralization has also been found to boost the electoral prospects of regional parties and secessionist movements (Brancati 2008). The explanation offered by O'Neill (2005) is more compelling—she contends that political parties with regionally concentrated vote blocs and low expectations of winning at the national level are more likely to decentralize. Therefore, politicians are more likely to favour decentralization when their party is likely to benefit from electoral contests for subnational political offices.

Decentralization in Pakistan:

In Pakistan's case, decentralization is shaped by a number of interlinked factors: the country's federal structure, a history of military interventions and experiments with local governance, weak party organization, and the candidate centered party system (Cheema, et al. 2005). Despite a constitutional commitment to federalism, legislative, fiscal and administrative power has remained heavily concentrated at the center (Adeney 2012). Fiscally, Pakistan's four provinces are reliant on the federation (Pasha and Pasha 2015). Of Pakistan's four provinces, Punjab is the political and ethnic core, its sizeable population allows it to appropriate a

significant proportion of the country's budget and dominate the National Assembly such that a political party desirous of forming the government must garner a substantial share of seats in the province. Though Pakistan's legislature is bicameral with a "demos-constraining" (Stepan 1999) upper house in which smaller provinces are overrepresented in spite of their smaller populations, Punjab's dominance prevails since the National Assembly has the sole prerogative over money bills and fiscal allocations.

It is no surprise, therefore, that devolution from the federation to the provinces has been a long-standing demand of parties based in the smaller provinces, like the Awami National Party (ANP) and Muttahida Qaumi Movement (MQM), the Baloch nationalist parties, and the religious parties (Jammat-e-Islami and Jamiat Ulema-e-Islam). Of particular urgency at the time of the drafting of the 18th Amendment Act was the need to address the historic deprivation of the smaller provinces (Presidential address 28 March 2009; Assembly and Senate debates, April 2009; 2010). The Notes of Reiteration record that while the religious parties demanded that all lawmaking conform to Islamic principles, the MQM, ANP, and other nationalist parties demanded greater devolution to the provincial and local levels, and the recognition of regional languages. Though it is beyond the scope of this paper to debate whether such demands were fueled by voters' interest (or lack thereof) in devolution, there is no doubt that smaller parties tend to be more sensitive to voter demands. Smaller parties in Pakistan like the Awami National Party (ANP) and Muttahida Qaumi Movement (MQM) and the religious parties, have competed with the larger, catch-all parties in a First Past the Post electoral system because of their geographically-concentrated support base. Unlike the catch-all parties these parties have used ethnicity and religion to build party identification with voters. Consequently, their candidates

tend to have stronger party affiliations but they also have territorially-rooted linkages with voters based on identity politics (Mufti 2016).

However, in Brazil, Montero (2001; 2005) finds that strong subnational elites in a weak party system were unable to prevent recentralization, while in Spain a strong party system with weak subnational elites decentralized over time. Willis, Garman and Haggard's framework overlooks this, but it is an important argument in the Pakistani context. Smaller parties like the MQM and ANP pursue decentralization to the provincial and local level as a means of cementing their hold in particular regions. However, the PPP, PML-N, and now the Pakistan Tehreek-e-Insaf (PTI)—catch-all parties competing for federal power in a weak party system, stunted by repeated military interventions and a lack of investment in, and commitment to nurturing local party organizations—seek to consolidate power at the centre or in “provincial strongholds” (Javid 2019, 5) where they then recentralize power.

Perhaps the greatest disservice to party politics, and by extension to the cause of decentralization in Pakistan, have been the repeated attempts to establish local governments by military-led governments, supposedly to enhance democracy: Basic Democracy in 1962 by Field Marshal Ayub Khan; Local Government Order in 1979 by General Zia-ul Haq; and the Local Government Ordinance by General Pervez Musharraf in 2001 (Aslam 2019; Cheema, Khan and Myerson 2014; Cheema, Khwaja and Qadir 2006). These experiments in decentralization delegitimized politics at the national and provincial level in three crucial ways. First, military rulers planned for decentralization as a means for co-opting politicians at the local level through the distribution of state patronage to enhance their stature in local politics. In return, these local leaders threw their political weight in support of the military regime, giving it a façade of legitimacy. Second, political parties and their leaders were purposefully excluded from politics

by military rulers and were replaced by local-level politicians who were elected in non-partisan contests. Third, in all three periods of military experiments with devolution, political power was devolved directly from the national level to local governments, thereby circumventing provinces such that “districts were looking more towards Islamabad than toward Lahore, Karachi, Peshawar or Quetta” (Interview 48), further centralizing power in the hands of military-led governments. Party leaders we interviewed acknowledged that these factors have made political parties in Pakistan deeply suspicious of local government and fearful of its ability to undercut their base.

Weakened by repeated military interventions, constitutional engineering to empower the president’s office, and the systematic persecution of party leaders and politicians, party leaders have a short-term mindset and a tendency to centralize power (Waseem and Mufti 2012). The main incumbent political parties, PPP and PML-N were severely enervated during Musharraf’s tenure. Therefore, when it came to the 18th Amendment re-establishing themselves in politics was the primary focus while provincial autonomy to preserve the federation took a backseat. For these parties, the political consensus over the 18th Amendment was fundamentally shaped by their experience of military intervention and formed primarily to reverse amendments to the 1973 Constitution by military dictators (Interviews 38, 39, 40, 43, 47, and 49) and putting an end to the “periodic derailment of the political system and the democratic process” (Interview 48). For the PPP, the amendment was the fulfilment of Zulfikar Ali Bhutto’s vision for the 1973 Constitution and Benazir Bhutto’s commitment to the Charter of Democracy (Rabbani 2011). For the PML-N though, members of the PCCR from the PML-N, PPP, ANP, and MQM all noted that the greatest motivation was the repeal of the 17th Amendment and the removal of the bar on third terms for the executive which would allow Nawaz Sharif to return as Prime Minister

(having served previously 1990-1993; 1997-1999). In fact, a senior member of the PML-N stated that concessions on provincial autonomy were a means to “pacify the smaller parties” and “the cost of strengthening the federation” (Interview 43). The PML-N’s own view was “that devolution does not end the federation’s coordinating role” and that certain functions should not be devolved from the centre (Interview 43). However, it was the PML-Q—the faction of PML-N coopted by Musharraf, that clung most strongly to what Senator Raza Rabbani referred to as the “centrist mindset” (Interview 48). They vehemently opposed the abolition of the concurrent list, and their representative on the PCCR almost resigned until he was reminded of political exigencies by his party leader (Interview 42): “At one stage when I found that the majority was sure to omit the concurrent list, I spoke to my party’s president, Shujaat Hussain and asked him to relieve me of responsibility and substitute another member. His response was that if I were to resign, I would harm the party in the next elections as all the provinces would assume that PML-Q was opposed to increased provincial autonomy.”

Like the PML-Q, national elites from other parties also perceived, in line with O’Neill’s (2005) argument, that devolution of power was a way to strengthen “provincial strongholds” such that if they lost the federal election, they could remain in power provincially (Javid 2019, 5; Waseem 2015; Adeney 2012; Interviews 38 and 44). Though party leaders from the PPP and PML-N reject this as a reason for pushing devolution (Interviews 43, 47, and 48), the strategic benefits are clear. In Sindh, the PPP sought to cement its control over the province to the exclusion of the MQM (Mahmood 2016) and the Sindhi nationalist parties (Interviews 38, 40, and 45), limiting the power of local governments to centralize power in its hands at the provincial level (Ali, S.M. 2018). In Punjab, the PML-N designed a local government system that purposefully allowed provincial governments to control district governments to consolidate

power (Javid 2019; details below) and to limit party fragmentation due to the fear that “local government elections would create a whole crop of opponents for upcoming elections” (Interview 41; see also Hankla and Manning 2017).

Despite the consensus on the 18th Amendment, Senator Raza Rabbani acknowledges that “political expediency” soon became the predominant consideration for the PPP government and its successors and they proceeded to roll back devolution (Interview 48). The 18th Amendment Implementation Commission faced considerable pressure from ministers, politicians, and even donors to make exceptions so that select ministries could be controlled from the center and ministers and bureaucrats could hold on to the perks and privileges of their posts (Interviews 48 and 49). When the PML-Q joined the PPP as a coalition partner in 2012, more ministries were set up at the center to accommodate its members (Pasha and Pasha 2015, 139) and the PML-Q, which controlled the Ministry of Labour, resisted devolving the Employees Old Age Benefits Institution to the provinces (Interview 48).

Decentralization, therefore, was the outcome of structural and voluntarist factors drawing on both inter- and intra-party dynamics and party competition. It was a strategic decision by party leaders to return to power, insulate themselves from future military interventions, and then to preserve the federation by enhancing provincial autonomy and local government. But the question remains as to how party leaders were able to convince individual legislators in a candidate-centred party system in which party switching is rampant and political office is sought in order to gain access to state resources, to willingly give up their power, first to the provincial and then to the local level. In the next section, we delve further into the strategic choices made by party elites and legislators with regard to three critical elements of the 18th Amendment Bill:

devolving legislative and administrative powers to the provinces, the creation of local governments, and fiscal transfers to provinces.

Why Did National Legislators Agree to Devolve to the Provinces?

The enactment of the 18th Amendment Act ran counter to the interests of party legislators. Not only did they stand to lose out on both non-discretionary and discretionary access to fiscal resources of the state to invest in their constituencies, but they would also be replaced by a new crop of politicians at the provincial, and later potentially at the local level, who would be better positioned to mediate citizens' access to the state. How did national party elites convince their legislators to toe the line and vote in favor of devolving power?

Candidate-selection and Political Competition:

Decision-making in the larger parties in Pakistan is the prerogative of party leaders and their closest advisors (Waseem and Mufti 2012). Consultative processes are limited, and legislators may not be aware of the contents of a bill until it is tabled in the House. This was also the case with the 18th Amendment bill. Though widely discussed within the PPP as per a senior party member, a senior PML-N leader explained that discussions on the 18th Amendment bill in their party were held only amongst the party leader and a few of his trusted allies within the party while the rest of the parliamentary party did not read the bill at all before it was tabled, by which point it was too late to object to any clause (Interview 39). In Pakistan's parliamentary system, legislators are bound to toe the party line in voting on constitutional amendments or they may be disqualified from holding legislative office, as per the anti-defection clause in Article 63A of the constitution. However, this clause lacks teeth as many instances of defection and party-switching have been overlooked by party leaders and have gone unpunished (Zhirnov and Mufti 2019).³

Therefore, the more compelling reasons for legislators to fall in line with their parties on the 18th Amendment Bill were the prospects of re-election and career advancement that hinge on party support. Re-election is contingent on being selected as a candidate by a political party. However, since most legislators view their work as being the distributor of patronage to their constituents (Mohmand 2019; Mufti 2016), it is their primary aim to contest elections on the ballot of a party poised to win and form the government. Therefore, to understand why legislators are inclined to vote in line with their party it is necessary to understand how their incentives to get reelected and advance their careers are structured.

The process of selection is quite centralized and exclusive, with committees comprising trusted advisors handpicked by the party leader (Waseem and Mufti 2012). Aspirants to the party ticket ingratiate themselves with party leaders and their inner circle instead of engaging the wider party organization. Post-election, having the ear of the national party leadership is even more crucial if a candidate aspires to attain a prestigious ministerial appointment, or the allocation of discretionary funds for their electoral district (Ali, S.A.M. 2020). Calculations of this nature were crucial to the decision to vote for the 18th Amendment, particularly for legislators from the larger parties. Though provincial devolution was the main demand of the smaller parties, the PML-N and the PPP were most invested in reversing constitutional amendments that restricted their ability to compete in elections or endangered the democratic process. Therefore, loyalty to party elites meant supporting the 18th Amendment as a way to consolidate the rule of those elites who would then dispense patronage through ticket selection.

At the same time, parties lacking effective local organizations and resources court ‘electable’ candidates to win seats on the basis of their personal wealth and support networks (Javid and Mufti 2020). Morgernstern and Siavelis (2008, 171) observe that “the path of money

and the path of loyalty usually run parallel.” If a party controls the purse strings it can use this as a mechanism to induce party discipline. Conversely, candidates who raise their own funds are less likely to be beholden to their parties. In Pakistan, we find that the larger political parties like the PPP, PML-N and PTI are reliant on wealthy candidates with independent sources of wealth, while the MQM’s candidates are entirely beholden to their party for success in their careers (Mufti 2016).

For the MQM, therefore, provincial devolution was of great consequence—it meant that by helping their party members, they would be supporting empowered office holders. But for the larger parties, devolution to the provinces made little difference since candidates continued to finance their own campaigns. Therefore, voting for the 18th Amendment Act was palatable for all legislators, whichever party they belonged to.

In the 13th National Assembly, when the 18th Amendment Act was passed, margins of victory indicate that 18 percent of the seats were safe because of the party, 19 percent seats were safe because of the candidate, and the remaining 63 percent of the seats were competitive.⁴ In competitive electoral districts, where multiple parties have a significant vote share and can field strong candidates, a candidate is likely to be more responsive to the political party because the party’s strength combined with the candidate’s vote base would be decisive in winning the seat. In these districts, legislators belonging to the ruling party voted for the 18th Amendment to maintain uninterrupted access to state resources for the remainder of their term, while politicians from the opposition parties sought to secure the possibility of winning the ‘right’ party ticket in the next election.

Conversely, in safe electoral districts where a party can confidently repeat electoral victories regardless of the candidate selected, candidates depend on voters’ party identification to

augment their personal vote and are therefore highly responsive to the party. These party loyalists predictably voted in line with their parties on the 18th Amendment. However, a seat may also be safe because the candidate chosen by the party continues to win on the basis of their personal vote alone. These electables also voted for the 18th Amendment, a natural consequence of catch-all parties eliciting credible commitment from their legislators by promising access to state resources to invest in their constituencies for the maintenance of personal support networks, thereby giving them a stake in the success of the regime.

Overall, legislators voting for the 18th Amendment calculated that devolution to the provinces would not substantively impact their standing in their constituencies or their prospects of being selected as party candidates in the next election.

Local Governments and Maintaining the Status Quo:

At the provincial level, politicians were dependent on national party elites for reelection and career advancement for three reasons. First, provincial elections occur at the same time as the national elections, and therefore provincial seat candidates often ride on the coattails of the national seat candidates' campaign. Second, the national party leadership selects candidates for provincial assembly elections (Waseem and Mufti 2012), therefore provincial legislators owe the longevity of their political careers to the national party. Third, and perhaps most importantly, provincial governments are dependent on the federal government for resource transfers (Adeney, 2012) and administrative capacity (Ali, S.A.M. 2018).

Since provincial elites take their cues from national party elites, with little room to act independently, theoretically, the passing of the 18th Amendment should have constituted a signal from the national party elite to the provincial elite to follow their cue and devolve power to the

local level as the logical next step. However, both provincial and national elites were well aware that to form a new tier of government at the local level would disrupt status quo, introduce a new layer of party competition, open the door to party fragmentation at the district level, and further devolving scarce fiscal resources (Hankla and Manning 2017, 6). It was critical, therefore, to design local governments such that they concentrated power at the provincial level. In this, national and provincial elites were aided by the paucity of detail on the subject in the 18th Amendment Act. In the Notes of Reiteration, only one party demanded that the Article be substantiated further—the Pakhtunkhwa Milli Awami Party (PKMAP). A senior PML-N leader (Interview 39) noted that this was the major flaw that prevented the creation and implementation of empowered local government systems.

According to Shahid Khaqan Abbasi of the PML-N (Interview 39), the main hindrance to meaningful devolution to local governments were party legislators at the national and provincial levels. These politicians perceive the most important aspect of their job to be the performance of constituency service, mostly fulfilling requests for public goods and services such as access to utilities, schools, and hospitals—all municipal functions falling under the jurisdiction of the local government. To devolve these powers to elected local governments would therefore be a direct threat to the power and resources of national and provincial level politicians. In this section, we examine how the design and implementation of the Punjab Local Government Act (PLGA) 2013 allowed national and provincial legislators to control candidate selection and how the PML-N dealt with party factionalism. This was a convenient case to examine because the federal and provincial ruling party—PML-N—was the same, allowing us to examine the incentives of national, provincial, and local politicians from the same party and to “factor in the national scene for understanding local politics” (Jaffrelot 2020, 3).

Although the PML-N benefitted from devolved powers to the provincial government since it was able to consolidate itself in Punjab (Javid 2019; in line with O'Neill's [2005] argument), senior party leaders acknowledge their fear that empowered local governments would result in the emergence of new local leadership whose proximity to voters could threaten the existing leadership of the party and make it vulnerable to party fragmentation. Furthermore, a centralized local government system was a means of countering the rising popularity of the PML-N's main opponent, the PTI, especially in urban centers. If PTI candidates won seats in the district and union councils, the PML-N provincial government would be able to control the flow of resources and powers to these politicians. However, the PTI barely won 10 percent of seats because voters were well aware that the provincial ruling party's candidates would have the best access to state resources and patronage (Javid 2019, 7; see Online Appendix Table A1; also see Magaloni and Krichelli 2010 on 'tragic brilliance').

Though we do not engage in detail with the Local Government Acts of the other provinces, it is pertinent to briefly reflect on whether Sindh, Balochistan, and KP followed the same path as Punjab. In Sindh, Balochistan, and Punjab, local government systems were designed from the start to entrench power at the provincial level (Ali, S.M. 2018). In Khyber Pakhtunkhwa, the PTI government introduced an ambitious local government law that committed to devolving 30 percent of the provincial development budget to elected local governments. However, the party was soon caught up in placating MPAs who objected to giving up development funds to local governments (Khan 2017). Therefore, Punjab is not an exception in terms of limiting the powers of the local government.⁵

The PLGA 2013 made a distinction between urban and rural areas and provided for a two-tiered organization. Rural areas were divided into union councils, each consisting of eight

directly elected members including a chairperson and vice chairperson who contested elections on a joint ticket. Therefore, voters cast a vote for the chairperson's panel and one other general member of the union council (Ghauri 2015). The chairpersons of all union councils in a district formed the membership of the second tier known as the *zila* (district) council. Members of the district council formed the Electoral College to elect the *zila chairperson* (district mayor) and the *zila vice chairperson* (deputy mayor). In urban areas, the two tiers of local government were the union councils and the municipal committee.

The joint candidacy of the chairperson and vice chairperson at the union council and district levels created the incentive for aspiring candidates to form panels to contest elections. In the absence of robust grassroots party organization, the formation of these panels was on the basis of *biraderi* (primordial kinship networks) and *dhara* (factional networks), backed by influential local politicians who were serving or had served as members of the national and provincial legislative assemblies. Political parties had to conduct candidate-selection but catch-all parties like the PML-N, which rely on political heavyweights with independent sources of power to win seats at the national and provincial levels, lacked the critical grassroots intelligence and networks needed to select candidates (Mufti 2016). Therefore, the PML-N in Punjab was compelled to solicit recommendations from district elites that is the elected members of provincial and national assemblies.

For these legislators, this was an excellent opportunity to manipulate the recruitment and selection process to ensure that party tickets were awarded to close allies and loyal supporters. For example, in district Jhang, prominent politicians fielded friends and relatives for the union council elections with the objective of winning the top position of district mayor (Islam 2015). The panel of union council chairpersons formed the Electoral College for the district mayor and

their vote was dictated by the national or provincial legislator to whom they were beholden for selecting them as union council chairperson candidates and advancing their political career (Javid 2019). In this way, national and provincial legislators further entrenched themselves into the local politics of their electoral riding by manipulating district-level elections: not only did they have the ear of the national party leadership, union councilors were indebted to them, and not the party, for their tickets to contest elections. Consequently, councilors were expected to be responsive to the development priorities of higher-tier politicians instead of responding to local needs and their dependence was further underscored by two points. First, fiscal transfers were controlled by the Provincial Finance Commission and local governments were not empowered to generate their own revenue (Ali, S.M. 2018, 6). And second, voters preferred local government candidates who had personal and political connections to national and provincial politicians because they were seen to be more effective deliverers of patronage and development (Liaqat et. al. 2017). A member of the national assembly from district Gujranwala, Khurram Dastgir explained the value of a hierarchical relationship between higher-tier politicians and local government officials: “Where legislators backed panels of union councilors (in a local government election), councilors benefitted because they had someone to give voice to their issues in Lahore and Islamabad, someone who can advocate about their issues which get stuck—whether it is about funds, permissions or some sort of paperwork. Frankly, another problem is that provincial government departments treat local government officials as ‘third-grade citizens’” (Interview 26).

Gujranwala’s District Chairperson, Mazhar Qayyum Nagra, corroborated this finding by explaining, “Bureaucrats do not cross me because they know I have access to the Chief Minister through my brother Azhar Qayyum Nagra who is a member of the national assembly. Although I

run the local government, my brother got more funds to carry out developmental work in Gujranwala” (Interview 1).

In other words, the effectiveness of a local government representative and their ability to be heard by the bureaucracy is dependent entirely on their connections to provincial and national party elites. However, such dependence is the gateway to party fragmentation at the district level. If legislators switch parties prior to an election, their network of union councilors are also likely to switch, upending a political party’s local organization. Therefore, if political parties were to devolve meaningful fiscal, administrative, and political powers to local governments, the risk of those resources being used against the party are quite high. For example, in Gujranwala district, a PML-N stronghold, when MNA Tariq Mehmood switched to PTI, several union councilors followed suit. Former Union Council chairperson Tahir Hanjra explained, “I had very good relations with our MNA Mehmood and when he left the party, I followed him and did the same thing” (Interview 28). In Rahimyar Khan district, not a PML-N stronghold district, former deputy mayor Mobeen Ahmed explained that the loyalty of local government officials does not lie with the ruling provincial party, even if they contest on that party’s ticket. He said, “I was not formally part of the PML-N, but we made an alliance with the ruling provincial party. When I switched to PTI, many of the union councilors did not support my decision, but when they saw the public supporting my bid for the National Assembly seat in 2018, they also switched” (Interview 31).

An extreme case of party fragmentation was experienced in district Jhelum where the PML-N’s lack of influence in local government elections in the face of local factions was revealed. Two prominent factions were vying for the position of district mayor and deputy district mayor—one backed by MNA Nawabzada Raja Matloob Mehdi from riding NA 63

Jhelum II and the other by MNA Chaudhry Khadim Hussain from riding NA 62 Jhelum I.

Unable to reach a compromise with either faction and unwilling to offend either MNA and their supporters, PML-N decided to bifurcate the four-year term of the district mayor with each faction's nominee getting a two-year term. Before the election however, PML-N nominated a third candidate, who was reportedly recommended by former Senator Ishaq Dar (ex-Minister of Finance, and Nawaz Sharif's daughter's father-in-law) (Interviews 34, 35, and 36). This last-minute party decision rankled PML-N's elected councilors who, instead of backing their party candidate, supported an independent candidate. This example reveals how influential politicians' personal networks and independent bases of support can destabilize the ruling party's leadership and hold it hostage to their demands. From the perspective of the national party elite, therefore, devolving power to local government representatives not credibly committed to the party can potentially cost the party seats at all tiers of government. This perpetuates a candidate-centered party system and a preference for centralizing power at the provincial level even in designing and implementing a local government system.

Fiscal devolution and the Federal Deficit

The centralization of power at the provincial level was aided significantly by the 7th NFC Award which improved the provinces' fiscal position by increasing their share of the divisible pool of tax revenues (Pasha and Pasha 2015). For the members of the PCCR, the debate over finances was a technically difficult one but the basic premise that guided them on fiscal matters was that an increase in provincial responsibilities must be matched by increased fiscal resources (Interviews 47 and 49). Therefore, Article 160(3A), which states that the provincial share of the NFC Award cannot be less than their share the previous year, guaranteed that federal

governments would not be able to “arbitrarily cut back on resources to the provinces” as they had done in the past (Interview 48). However, increased transfers to the provinces always carried the risk of increasing the fiscal deficit in the absence of greater effort to generate revenue at both the federal and provincial levels. Ten years later, this has become the basis for a significant challenge to the 18th Amendment as provincial transfers are blamed for the rising deficit.

In 2010, legislators voting for the 18th Amendment in the National Assembly were assured of the viability of fiscal devolution when they were told that transfers to the provinces would be offset by enhancing revenues at both the federal and provincial levels, as per senior leaders of the PPP and PML-N (Interviews 39 and 47). This was important to legislators as it would allow them continued access to funds for development projects. In Pakistan’s candidate-centered party system, the candidate-voter linkage is embodied by clientelism wherein legislators act as patrons of their constituencies, providing material gain (developmental works), personal gain (employment, postings, and transfers), or access to justice by dealing with local police on behalf of voters (Jaffrelot 2020; Martin 2020). This transactional relationship was further encouraged by the state by providing legislators with equal-access, federal, constituency-development funds (CDF), a program that ran from 1988-2013. This non-discretionary fund, overseen by the federal Ministry of Local Government and Rural Development, allocated the same amount of money to each legislator for small development projects to be undertaken in their constituency (Malik 2019). This policy gave credence to the idea that legislators were elected not just to represent the interests of voters in a legislative assembly but also fulfilled the responsibility of “*tarakiaati qaam*” (development works) and municipal governance. In addition to these funds, legislators also have access to the Public Sector Development Fund (PSDP), a discretionary development fund for projects approved by the federal and provincial Ministries of

Planning and Works, Finance and the Cabinet (Rasool 2018). Governing parties have used these funds to strengthen party strongholds (Rasool 2018)—confirming that belonging to the governing party is essential for a legislator to wield power locally.

However, legislators could not have predicted that in the ten years since they voted for the 18th Amendment Bill, federal and provincial revenues would fail to show the required growth to meet expenditures (Online Appendix Table A2). As a result, the CDF was cancelled in 2013 (Malik 2019) and federal PSDP allocation declined considerably (Rasool 2018). Declining revenues and a ballooning deficit in fiscal year 2018-19, further exacerbated by the COVID-19 pandemic, reignited a charged debate over the 18th Amendment. However, there has been little attempt to substantively debate these issues in Parliament or the Council of Common Interests. The members of the PCCR we interviewed agreed that criticism of the 18th Amendment overlooks the need for the government to enhance revenues and is driven by the military's desire for a greater share of resources. As one PCCR member pointed out, “when the pie gets smaller, more questions are raised about where the money is going” (Interview 49).

Conclusion

We contribute to theoretical and empirical debates on decentralization by arguing that devolution is unlikely to succeed in candidate-centered political systems where personal ambition, career advancement, and re-election are the primary markers of success in politics and therefore, the main drivers of elite decision-making. Devolving power endangers clientelist linkages between voters and politicians and can therefore, be allowed and supported only so far and no further.

The 18th Amendment is touted as Pakistan's greatest legislative achievement since 1973. Although it was a transformative act, the implementation of the Amendment has been fraught

from the start. While academic attention with regard to the Amendment has concentrated largely on the dynamics between the federal and the provincial tiers of government in Pakistan, we shift the focus to the interplay of structural and voluntarist factors shaping the devolution of power. We investigate the political calculations and incentive structures that led to national legislators voting for devolution from the federation to the provinces but which held them back from devolving meaningful power to the local level. We find that devolution to the provinces was a concession made by the larger parties to the smaller ones in exchange for their support for constitutional changes designed to remove avenues for military-led disruptions to the democratic system. Elites in these larger parties did not perceive provincial devolution to be a threat to the centralized candidate-centered status quo and were able to design local government systems so as to minimize the risk of factionalism and party-switching, believing that empowered local governments would be more trouble than they were worth. However, national legislators did not foresee the fiscal crunch that would shrink the funds available to the federation and eventually rob them of funds to implement development projects. These fiscal issues are currently fueling the debate around devolution.

Ultimately, we provide an explanation for why governments might resist devolution that is tied directly to prospects for career advancement and re-election, and therefore the most important finding of our research is that devolution is unlikely to succeed in candidate-centered political systems where personal ambition is a hindrance to the success of local governments.

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APPENDIX

List of Interviews

No.	Interviewee	Date
1	Mazhar Qayyum Nahra, District Chairman Gujranwala	5-Apr-2018
2	Deputy Secretary Local Government Punjab	25-Apr-2018
3	Deputy Director Local Government Okara	25-Apr-2018
4	Anwar Hussain, Chairperson, Local Councils Association Punjab	23-May-2018
5	Hina Arshad, Chairwoman District Council, Sialkot	5-Jun-2018
6	Sajid Zia, political observer, Lahore	26-Jun-2018
7	Naeem Khalid, political observer, Vehari	26-Jun-2018
8	Sajjad Naqvi, political observer, Dera Ghazi Khan	26-Jun-2018
9	Azhar Baloch, journalist, Muzaffargarh	17-Jul-2018
10	Ashiq Bhutta, journalist, Multan	16-Jul-2018
11	Anwar Gondal, journalist, Sargodha	16-Jul-2018
12	Qammar Zaidi, journalist, Jhang	16-Jul-2018
13	Rafiq, journalist, Mianwali	16-Jul-2018
14	Afaan, journalist, Rahim Yar Khan	16-Jul-2018
15	UC Chairman, Hafizabad	17-Aug-2018
16	Chaudhry Zahid Iqbal, Chairman District Council, Sahiwal	20-Aug-2018
17	Malik Ali Qadir, Chairman District Council, Okara	20-Aug-2018
18	Mian Muhammad Aslam Sukhera, District Council Chairman, Pakpattan	25-Sep-2018
19	Peer Ghulam Mohiyuddin Chishti, District Council Chairman, Vehari	15-Oct-2018
20	Deputy Commissioner, Sahiwal	8-Nov-2018
21	Raja Qasim Ali Khan, Chairman District Council, Jhelum	13-Nov-2018
22	Akmal Saif Chattha, former MPA, Gujranwala	24-Nov-2018
23	Rafaqat Hussain Gujjar, former MPA, Gujranwala	24-Nov-2018
24	Bilal Farooq Tarar, MPA, Gujranwala	24-Nov-2018
25	Ahmad Ali Kamboh, former DCO Narowal	24-Nov-2018
26	Khurram Dastgir, MNA, Gujranwala	27-Nov-2018
27	Former Secretary Local Government	28-Nov-2018
28	Tahir Iqbal Hanjra, UC Chairman, Gujranwala	7-Dec-2018
29	Zahid Cheema, Member District Council, Gujranwala	4-Dec-2018
30	Ashraf Warraich, MPA, Gujranwala	4-Dec-2018
31	Syed Mobeen Ahmad, MNA, Rahim Yar Khan	8-Dec-2018
32	Syed M Akbar Shah, General Councillor, Rahim Yar Khan	8-Dec-2018
33	Additional Secretary, Local Government and Community Development Dept, Punjab	10-Dec-2018
34	Qadeer Ahmad, UC Chairman, Jhelum	11-Dec-2018
35	Zafar Gill, Member District Council, Jhelum	11-Dec-2018
36	Abdul Latif, Member District Council, Jhelum	11-Dec-2018
37	Additional Secretary Local Government, Finance Department Punjab	14-Dec-2018
38	Ahmed Bilal Mehboob, Political observer, Lahore	13-Aug-2020

39	Shahid Khaqan Abbasi (PML-N)	13-Aug-2020
40	Farooq Sattar (former MQM)	17-Aug-2020
41	Former District Chairman Narowal	21-Aug-2020
42	S.M. Zafar (PML-Q)	25-Aug-2020
43	Ahsan Iqbal (PML-N)	31-Aug-2020
44	Member, PM Strategic Reform Unit	31-Aug-2020
45	Former Secretary to PM Yousaf Raza Gilani	9-Sep-2020
46	Former Secretary to PM Nawaz Sharif	14-Sep-2020
47	Syed Naveed Qamar (PPP)	25-Sep-2020
48	Mian Raza Rabbani (PPP)	12-Oct-2020
49	Afrasiab Khattak (former ANP)	20-Oct-2020

NOTES

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¹ See “Delay in Local Government Elections irks Supreme Court”, *Dawn*, February 13, 2015.

² Other ministries included culture, education, special initiatives, environment, health, labor and manpower, minority’s affairs, population welfare, social welfare and special education, sports, tourism, women development, youth affairs, zakat and ushr.

³ An egregious example of party-switching dates back to 2002 when after having contested the elections and winning on the PPP’s ballot, ten members defected to join the winning the party, the PML-Q.

⁴ A seat is deemed safe if the winning party’ margin of victory is less than the 15th percentile of fluctuation in the margin of victory

⁵ In all four provinces, local government are currently suspended (Balochistan’s, Khyber Pakhtunkhwa’s, and Punjab’s since 2019), ostensibly due to the fear that conducting elections will be a lightning rod for anti-incumbent sentiment.