

Choked Pipes on a popular TV show

April 27, 2010: 'Choked Pipes' featured in Kamran Khan Show, a popular primetime programme aired on Geo TV. The programme is reputed for the cutting-edge investigative journalism and unearthing stories of corruption in the country. The five-minute documentary, which can be [accessed here](#), uses Choked Pipes as a peg to highlight pervasive corruption in the health sector.

Viewpoint 76: Parliamentary empirics

April 24, 2010: A viewpoint titled 'Parliamentary empirics' by Sania Nishtar has been published in The News International. Full text is accessible at [Viewpoints](#)

Context: There is an expectation that the Parliament will perform better after introduction of the 18th Amendment. This comment reflects on the important role of parliamentary performance on state functioning and therefore the health sector.

Parliamentary Empirics

Published in The News International on April 24, 2010:

The 18th Amendment to the Constitution is being hailed on a two-fold premise: one, that it will proclaim and empower the Parliament as supreme; and two, that it will fundamentally redress the basic anomaly of Pakistan's parliamentary system of government, which has been presidential in substance after the 17th Amendment and, therefore, configure its true parliamentary form.

It is acknowledged that the Amendment has rectified a fundamental distortion in the Constitution. Its importance notwithstanding, the Amendment does have its limitations in upholding parliamentary supremacy in a context where distortions are pervasive. A snapshot of available empirical details about parliamentary performance can be insightful in this regard.

Pakistan's bicameral federal legislature comprises the president, the National Assembly and the Senate. The National Assembly has technically been fulfilling the constitutional requirement of holding sessions for a certain number of days per year for sometime now. However, as the key institution of democracy, it has not performed optimally in relation to some of its key functions, particularly with regard to holding the government accountable for actions, scrutinizing its performance, monitoring the expenditure of public funds, and providing an effective forum for deliberations on matters of national interest and for addressing substantive grievances.

The assemblies have had almost no role in deliberating upon, scrutinizing, and therefore holding the government and its policymakers responsible for decisions in some key public policy domains and the impact as a result thereof. Foreign policy and substantive economic issues are seldom the subject

of debate in the assemblies. Fiscal policy is discussed as part of the budget deliberations, where a complex package of policy decisions are bundled in a single cumbersome instrument which is conventionally scurried through the process in an unnecessarily tight timeline. The recent change in the budget time cycle is positive but given the limited analytical ability of parliamentarians, lack of indigenous research and technical capability and disconnect from policy agencies outside the state sector, it is unlikely to transform the process outright. In any case, the frameworks that determine fiscal directions and planning at an overarching level—Poverty Reduction Strategy Paper, Medium Term Development Framework, the International Monetary Fund frameworks and agreements, and stipulations of bilateral and multilateral agency grants and loans—are never placed in the parliamentary domain for discussion, nor are their implications highlighted in layman's terms for public representatives to comprehend. These have a huge immediate and long-term impact, both within and outside of the fiscal rubric, but are never the subject of public scrutiny.

Similarly, whilst it is acknowledged that policymaking is the government's mandate, there is a lot of value to be added when policy positions are deliberated upon in the Parliament. This becomes all the more important when the executive is drawn from the legislature, and also since laws can be instruments of policy in their own right. However, that is seldom the case and formal policies are usually channeled from the executive to the Cabinet for approval, bypassing the assemblies.

The parliamentary committees, where the Parliament is meant to be 'at work,' have limited capacity and no substantive research fall back. Hence, one of the potential strengths of the Parliament, which has to do with providing a platform for deliberations, oversight, and scrutiny, is not being appropriately harnessed in Pakistan's parliamentary system. As a result, the executive remains largely unchecked in its

decision making prerogatives.

These anecdotal insights and observations have been substantiated by evidence from a recent study conducted by the Pakistan Institute of Legislative Development and Transparency (PILDAT). The evaluation of the Parliament in Pakistan was based on an analytical framework developed by the International Parliamentary Union, the international apex body of parliaments of sovereign states and was centered on six domains. In the 'representativeness' domain, the study results show that the weakest aspect of representation of the National Assembly is the near impossibility of a person of average means to get elected to the Parliament. In the 'effectiveness' stream, the weakest aspect of parliamentary oversight over the executive is reported to be related to its inability to scrutinize executive appointments. With reference to the 'effectiveness of legislation,' the capacity of the National Assembly and weak processes for consulting various interest groups are highlighted as the main constrains. The weakest aspect of 'transparency' is related to lack of opportunities for citizens' involvement in legislation through citizen-based initiatives. In the domain of 'accountability,' gaps in transparency of procedures to prevent conflict of interest in the conduct of parliamentary business and limited oversight of funding to candidates and political parties have been flagged as issues. In terms of 'effectiveness of the National Assembly's involvement in international policy', the following constraints have been highlighted: limitations of the Parliament to scrutinize and contribute to the government's foreign policy; lack of availability of information to the Parliament on ongoing negotiations with international entities; and inability of the Parliament to influence the government's development policy as a donor and recipient, and international relations in general. However, the report also acknowledges some plus-points with reference to representation of women in the Parliament and freedom to journalists in reporting on the National Assembly and its members.

Despite many constraints, some recent improvements in parliamentary performance must be acknowledged. These include the Prime Minister's respect for parliamentary etiquette, appointment of the leader of opposition as chair of the Public Accounts Committee and increase in the time-cycle of the budgetary debate, as already mentioned. Similarly, the Acts to Ordinance Ratio has been improving. In the 12th National Assembly, the Acts to Ordinance Ratio was 42:73. In the first year of the 13th National Assembly, the ratio remained likewise, 4:17, but an improvement has been evident in the second year with an Acts to Ordinance Ratio of 29:27. The recent constitutional amendments impose a limit on the number of times an Ordinance can be renewed and hence there will be safeguards against a pattern that was established earlier—three Ordinances were re-promulgated 10 times during the tenure of the 12th National Assembly.

Whilst these changes are welcome, we must be realistic about our expectations in view of what has been stated previously. The reform process, which has begun with constitutional amendments, has a very long way to go. It is imperative that we mitigate the influence of feudal and business interests in the Parliament, counter the role of big money in politics, and prevent conflict of financial or other interests. This is a huge Pandora box in its own right as it has to do with reform of the political process itself. The unfinished business of 17(4) and 63(A) does not inspire confidence in this respect. It also requires a transformation in the capacity of the Parliament and its institutional culture with reference to transparency, openness, disclosure and harnessing the capacity of the non-state sector.

It must be recognized that the problems in the Parliament are not amenable to technocratic fixes but are related to some deep-seated problems in the manner in which the executive operates in relation to legislature, particularly with reference to the latter's scrutiny-related function. Many

loopholes exist to bypass processes and protocols, as and when the need arises. With the President as head of the ruling party, the avenue to wield influence over the executive remains open even after the 18th Amendment. Only time will tell if that power is exploited or not. Meanwhile, we have to be cautious about our expectations of the Parliament in a very complex space.

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Invited editorial on Choked Pipes

April 20, 2010: The author of 'Choked Pipes – Reforming Pakistan's Mixed Health System' was invited to write an editorial on the book in the Journal of Pakistan Medical Association in its April issue. The editorial is accessible at [Choked Pipes](#)

Book Review of 'Choked Pipes' by Dr. M Javaid Khan

April 11, 2010: Review of 'Choked Pipes' by Dr. M Javaid Khan, published in The News International. The author drew an analogy with an anecdote relating to a British field commander's strategy in the 1800s to drive home a point

emphasized in the book 'stagnation leads to ruin'—therefore the rationale for reform. Full text is [available here](#).

The WHO Consultation on the Review of International Experience in NCD Prevention and Control

April 10, 2010: Sania Nishtar attends the WHO Consultation on the Review of International Experience in NCD Prevention and Control as an expert and speaker in Geneva, Switzerland, on April 8-10, 2010



Heartfile and NADRA sign data sharing contract (April 2010)

April 10, 2010: The National Database Registration Authority has agreed to provide data verification services to Heartfile for ascertaining poverty status of patients applying for financing through Heartfile Health Financing. NADRA has developed a poverty verification system, which uses unique features of the national identity card to ascertain the status of poverty, based on a set of predetermined criteria, which are being nationally used in social protection programs.

Viewpoint 75: Sanitizing the Constitution;

April 09, 2010: A viewpoint titled 'Sanitizing the Constitution' by Sania Nishtar has been published in The News International. Full text is accessible at [Viewpoints](#)

The comment has been written in the context of the recent 18th Amendment to the Constitution of Pakistan, which can create the right framework for better functioning of the state and hence better health delivery.

Sanitising the constitution

Published in The News International on April 09, 2010:

The 18th Amendment Bill is being widely hailed for repealing some of the distortions introduced in the Constitution in previous years under military rule and for returning the parliamentary form of democracy closer to its truer shade in Pakistan. A multi-partisan consultative process has enabled a consensus over a set of provisions amongst political actors, who came to the negotiating table with diverse ideologies and motivations. Commendations are, therefore, due to the team that led the process. However, there are many caveats in relation to the way forward. Significant as it may be, the amendment is not a panacea for the country's ailing governance. It is critical that the quantum of changes in the structure of the state envisaged through the amendment and the imperatives that these create for follow-up actions needed for transforming the style of governance, are appreciated. I have attempted to flag six points in this regard.

First, with the 18th Amendment, the pendulum of power will move from the presidency towards the prime minister, as it should indeed be the case in a parliamentary system of government. However, it would be critical to ensure that there are institutional checks on the prime minister's powers. As 'fusion of powers' is characteristic of parliamentary systems—in the sense that the executive, which consists of the prime minister and the cabinet, are drawn from the legislature—the need for institutional checks and balances becomes all the more important. We must also recall the generic weaknesses of the parliamentary form of government and examine if/how they are impacting our parliamentary system. Although the latter is widely recognized as being both responsive and responsible, some internationally recognized weaknesses of the parliamentary form of government should be brought to bear. The parliamentary system runs best in a two

party-system. However, when no party commands an absolute majority and when coalitions are formed—as is presently the case in Pakistan—governments are seen fire-fighting most of the time. Lack of the needed far-sighted and consistent stance on many policies is, therefore, not just a limitation of capacity within Pakistan's system and shortsighted motivations of its policymakers, but also a limitation of its parliamentary system—a weakness the pendulum swing cannot address. There are many dire imperatives for ensuring consistency in policy direction in Pakistan, particularly from a national security standpoint—a point I have attempted to highlight in these columns on April 3. Now that the sword is no longer hanging on the parliament, it should turn its attention to these substantive issues and the constraints implicit in party antagonism and tenuous coalitions. It is imperative to create space for a working relationship within the current political and democratic dispensation that can work in the interest of the state and its people.

Secondly, the government appears to accord high priority to provincial autonomy on its agenda. After pronouncing the Balochistan package, carving Gilgit-Baltistan as a separate province and negotiating the National Finance Commission Award, the 18th Amendment Bill has abolished the Concurrent List and has revitalized the Council of Common Interests. The government uses the jargon 'participatory federalism' for its policy stance in this area. There is no denying that provincial autonomy can be the foundation of a strong federation and the government's policy, in principle, is the correct stance. However, attention should be paid to reservations being mooted with regard to the implications of this for governance at the provincial level, in view of their limited capacity, at least in two of the provinces. The cost of making drastic changes in the functioning of the state without appropriate analysis and evidence has already been evidenced in the devolution debacle. Drastic changes in federal-provincial relationships can be exploited by non-bona

fide entities in today's environment with an adverse fall-out on the functioning of provincial administrations at a time when terror, ethnic strife and ideological differences have been whipped-up to unprecedented levels. In some provinces, the risk related to blurring of the difference between autonomy and mutiny cannot be ignored anymore. The impact of waning federal oversight on collusive behaviors in the provinces also merits careful analysis. The government must, therefore, develop a phased, incremental and prudent approach towards provincial autonomy.

Additionally, abolition of the Concurrent List in toto will limit opportunities for legislation of a normative nature—particularly norms which relate to the fundamental ethos of the Federation. Similarly, domestic legislation as a follow-up to international commitments need not be a provincial prerogative, where capacity constraints can cause delays and duplications would be inevitable. The Charter of Child Rights bill—currently in the pipeline—illustrates both the cases. The ten year-overdue domestic legislation as a follow-up to the United Nations Convention on the Rights of the Child is both normative in nature and in compliance with an international norm; it can be federally enacted and have the same meaning for each of the provinces.

In the third place, the 18th Amendment Bill attempts to address some of the processes that have the potential to make governance 'participatory' and 'efficient'. The former is evident in the stipulated procedures for appointment of superior court judges and the chief election commissioner and the latter in the provisions, which limit the size of the cabinet and the number of advisors. Whilst these changes are welcome, there are many other things that need to be initialized as a follow-up to improve governance. The civil service reform agenda awaits implementation. The accountability law, the pulse of good governance, is on the backburner; the competition commission law is on hold; the

National Anticorruption Strategy has remained shelved; opportunities to use e-governance to promote transparency in governance remain untapped; conflict of interest within the policymaking ranks continues to be pervasive and administrative norms within the bureaucracy have been unchanged. Holistic reform in these areas should now be the next step.

Fourthly, the bill introduces free and compulsory education up to the age of 16 years. This is a significant step towards recognizing the right of a child to education. But this stance has implications for resource allocations and institutional frameworks. The government currently does not have the structures to enable that. With education predominantly in the hands of the private sector, a quantum shift is needed on the policy stance towards 'purchasing services' from the private sector. This has implications in turn for regulatory capacity of the government with resource requirements being a corollary. Admirable as it may be, this commitment will have to be followed up with some serious reorganizing in-house. In the same vein, however, health has not been regarded as a right, which is disappointing and the expectation that the amendment would pay heed to social rights holistically has not been fulfilled.

In the fifth place, with regard to renaming the NWFP, the connotations of the new name vis-à-vis the events surrounding partition of the sub-continent should be brought to bear. It is unfortunate that this move is inadvertently sowing the seeds of discord in the province with calls for the creation of another province echoing loud even before the bill is debated.

Finally, in relation to high treason, the expanded definitions will hopefully block ad hoc adventurism in the future. I wish there could also be constitutional mechanisms to label those that sacrifice vital interests of the state on altars of personal interests as committing high treason as well.

To conclude, the bill is indeed an achievement in terms of having sanitized the constitution; but as far as governance is concerned, there is a long way to go. Lasting solutions demand integrity and unwavering resolve in an environment where the strong tide of political point-scoring and short-sighted public policy orientation will risk rocking the boat at every stage.

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Viewpoint 74: On national security policy

April 03, 2010: A viewpoint titled 'On national security policy' by Sania Nishtar has been published in The News International. Full text is accessible at [Viewpoints](#)

Context: National security is a holistic concept that also includes health security—something which the public health system has limited capacity to cope with. This comment analyzes how lack of policy continuity, amongst other factors, has eroded Pakistan's efforts towards achieving sustainable state security.

National Security Policy

Published in The News International on April 03, 2010:

Pakistan's prevailing situation should lend impetus to strategic thinking about a holistic vision for a National Security Policy. The imperative to do so is two-fold: one, the contemporary understanding of security within the context of a nation state has broadened from one centered on territorial sovereignty and therefore, military and political prowess, to one encompassing a holistic vision. The latter enables addressing both, factors upon which territorial sovereignty is dependent as well as human security—economic security, environmental security, food security, demographic security, and health security assume importance in this respect. Two, because sustainable state security is dependent on human security.

A review of several decades shows that some key solutions, which had the potential of securing sustainable economic security for the country have not been effectively deployed. Ensuring economic security is key to maintaining security systems and ensuring people's welfare. Pakistan debt burden, dire conditions of its balance sheet and reliance on development assistance to finance vital areas does not inspire confidence in that respect.

The water crisis has remained unresolved and has become a subject of political point scoring; as a result an energy crisis has become deeply entrenched. Pakistan's 3000 MW shortfall in the context of the estimated 40,000 MW potential is a stark reminder of institutional and political impediments, which have played to the detriment of needed investments in infrastructure vital for ensuring energy security—the lifeline of economic development and a prerequisite for ensuring economic security.

Measures to mobilize revenues by widening the tax net have remained stalled because of vested interests of the elite, which have captured the public policy process. Curtailment of expenditure has also not been possible for the same reason. The balance sheet, therefore, provides very little space and

the realization that Pakistan's fiscal equation can be hit hard by an external factor in a globalized world—such as international oil prices and another financial downturn—is a cause of great concern.

Lack of consistency of policy direction, the internal security environment and pervasive power shortages are leading to under-performing industrial and business sectors and are hurting investments and employment as a consequence. All these considerations do not auger well for ensuring economic security. In addition weaknesses in governance are leading this country with an agrarian economy towards food insecurity.

With virus entrenchment in Asia now well established and past experience with the havoc disease pandemics can cause, health security has become a genuine cause of concern—something the public health system has limited capacity to cope with.

To add to these security concerns are internal security threats. Pakistan's unique pattern of conflict and ethnic and religious divides have paved the way for unprecedented violence and terrorism. These threats are being compounded by two factors: one economic hardship and two, rapidly growing impoverished populations, vulnerable to exploitation. Both of these are the result of poor governance. The cost of inattention to these is precisely the reason why FATA is such a hotbed of trouble today.

High unemployment rate, inflationary pressures, escalating tariffs and limited opportunities for fall back on welfare services have pushed the poor and even the middle cases to unprecedented levels of economic hardships. People are additionally being drawn to the limits of tolerance with the prevailing commodity shortages, which can be easily prevented and averted with careful economic management. With the eroded capacity of the state to dispense justice at the level of subordinate judiciary people are out on the streets and are taking law enforcement in their own hands. The parading of

'thieves' is a proxy indicator of impending anarchy and spells widespread unrest. These circumstances are the perfect breeding ground for ingraining extremist ideologies—a situation the extremist elements in the society are exploiting to the core. With a burgeoning population and failure to ensure demographic security as a result thereof, the quantum of these internal security threats will unfortunately increase over time and will continue to challenge the writ of the state and terrorize and demonize its populace. This situation has not developed overnight. 'Strategic' mistakes of several governments are contributory to what prevails today.

One can almost pull a thread through the causes of these manifestations. Although weak governance, limited accountability, pervasive corruption, inefficiencies, lack of democracy in previous years can all be blamed for these trends, there is one determinant, whose relative contribution in the prevailing mayhem is most salient particularly with respect to economic and human security—lack of policy consistency and the absence of an accountability framework to monitor how policies are followed through. Nowhere is this more damaging than in areas, which are of vital security interests of the country.

For developing countries lack of policy continuity can be most damaging. Continuity of policy direction has been the key determinant of the growth, development and prosperity that many countries in Asia now experience, weakness in their democratic credentials notwithstanding.

In Pakistan's 63 year history, except for certain elements of our foreign policy, there has been no consistency of policy direction particularly with reference to macroeconomic and social sector management. Governments have adopted policies and subsequent governments have disregarded them, have sidestepped, detracted or retracted.

Every incoming government aspires to have its 'own' policy on every issue and deems it necessary to re-pronounce or

repackage an existing policy regardless of the time implications and without consideration for the value of time, intellectual input or resources lost in changing course. Technical input is often overlooked in the process, feasibilities are set aside, negotiated plans remain unhonored, projects funded with loans to be repaid with tax payer's money don't come to fruition in the process. The fixation to show that new policies have been enunciated and the motivation for new contractual agreements are grounded either in gaining shortsighted political mileage or opportunities for markups in new arrangements. In such an environment, strategic decisions are held hostage to political point scoring. With a style of governance characterized by ministers focused on these objectives and with technical capacity of ministries eroded, majority of bureaucrats politicized and credible ones sidelined or disempowered there are very few custodians of state interest in the decision making hierarchy who want the pendulum of decision making to swing in favor of national security interest, defined in holistic terms.

It is within the context of this vacillating stance on policies and politically expedient decisions that I would like to pose a question: is there a need to enunciate a National Security Policy as 'state policy' so that there is a fundamental multi-partisan broad-based consensus on a set of policy measures that need to be protected from ad hoc whims and need to be implemented regardless of the government in power. Although many things come within the rubric of security outside of what is included in the traditional security sphere, consensus should be garnered on some key projects and plans of strategic interest to the country and its people—water reservoirs, plans for ensuring energy and food security, resource mobilization plans, curtailment of expenditure, policies to signal confidence to potential investors and key directions with regard the state's redistributive role.

Pakistan's unique problems demand equally unique solutions that have to be indigenously driven and led by credible leadership. There isn't a multilateral cookie cutter approach to such changes, neither is there a comparable precedent which can be mirrored. Beyond tinkering at the margins, one of the tests of Pakistan's leadership today is to enable a consensus on a holistic National Security Policy and use its strategic leverage in a globalized world to secure support for its implementation.

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