Disaster Management and Governance Framework: A case study of Pakistan

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New Constitutional Arrangement for Devolving Powers from Center to Provinces: Background and Constitutional Amendments/Process
18th Constitutional Amendment: Operational Framework

Intent
- Reconciliatory
- Redistributive
- Reconstructive
- Reformative

Interpretation
- Participatory Federalism

Implication
- Transfer
- Transition
- Transformation

Implementation
- Mandate
- Domain

Federation to Province
- Province to District
- District to Tehsil
- Tehsil to UC
- UC to Village
- Village to Neighborhood
- Neighborhood to Citizen

Tool of Analyses

Instruments of Implementation

Key Performance Indicator
Key Facts

1. Total No of Articles in 18th Constitutional Amendment: 100
2. Amendments: 69
3. Substitutions: 20
4. Insertions: 7
5. Omissions: 3
6. Repeal: 1
7. Bodies Devolved: 100
8. Ministries devolved: 20
9. Subjects: 40 of 47
New Administrative and Legislative Arrangement
Constitution

Substantive Part

Articles 142(c), 70(4)

CCI

Federal List
• Part I

Federal List
• Part II

Concurrent List

NEW

NEW

Provinces

Criminal Laws

Boilers
Some of Devolved Subjects

<table>
<thead>
<tr>
<th>No</th>
<th>Department</th>
<th>Subjects</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Agriculture Livestock &amp; DD</td>
<td>Prevention of the extension from one Province to another of infectious or contagious diseases or pest affecting plants/animals</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Board of Revenue</td>
<td>(i) Wills, intestacy and succession (ii) Bankruptcy and insolvency, (iii) Trusts and trustees (iv) Transfer of property (v) Evacuee property (vi) Duties in respect of succession to property (vii) Estate duty in respect of property (viii) Capital gains on immovable property</td>
</tr>
<tr>
<td>4</td>
<td>Environment</td>
<td>Environmental Pollution &amp; Ecology</td>
</tr>
<tr>
<td>5</td>
<td>Health</td>
<td>(i) Drugs and medicines (ii) Poisons and dangerous drugs (iii) Prevention of the extension from one Province to another of infectious or contagious diseases or pests affecting men (iv) Mental illness and mental retardation, including places for the reception or treatment of the mentally ill and mentally retarded</td>
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### Devolved Subjects

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<tr>
<th>No</th>
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<tbody>
<tr>
<td>8</td>
<td>Higher Education</td>
<td>Curriculum, syllabus, planning, policy, centers of excellence and standards of education except standards in institutions for higher education and research, scientific and technical institutions</td>
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<tr>
<td>9</td>
<td>School Education</td>
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<tr>
<td>10</td>
<td>Literacy &amp; NFBE</td>
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<tr>
<td>11</td>
<td>Special Education</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Information, Culture &amp; Youth Affairs</td>
<td>(i) Newspapers, books and printing presses (ii) Ancient and historical monuments, archaeological sites and remains</td>
</tr>
<tr>
<td>13</td>
<td>Labour &amp; Human Resources</td>
<td>(i) Welfare of Labour; condition of labour, provident fund, employer’s liability and workmen compensation, health insurance including invalidity pensions, old age pensions (ii) Trade Union, industrial and labour disputes (iii) Setting up and carrying on of labour exchanges, employment information bureaus and training establishments (iv) Regulation of labour and safety in mines, factories and oil fields</td>
</tr>
<tr>
<td>14</td>
<td>Population Welfare</td>
<td>Population Planning</td>
</tr>
<tr>
<td>15</td>
<td>Social Welfare &amp; Women Dev.</td>
<td>(i) Social Welfare (ii) Infants and minors adoption (iii) Unemployment insurance</td>
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<tr>
<td>16</td>
<td>Tourism</td>
<td>Tourism</td>
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###... Devolved Subjects

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<th>Subjects</th>
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</thead>
<tbody>
<tr>
<td>17</td>
<td>Zakat &amp; Ushr</td>
<td>Zakat</td>
</tr>
<tr>
<td>18</td>
<td>Transport</td>
<td>(i) Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers and goods on inland waterways  (ii) Mechanically propelled vehicles</td>
</tr>
<tr>
<td>19</td>
<td>Local Govt. &amp; Community Development</td>
<td>Marriage &amp; Divorce</td>
</tr>
<tr>
<td>21</td>
<td>Auqaf</td>
<td>(i) Islamic education (ii) Auqaf</td>
</tr>
</tbody>
</table>
Implications of 18th Amendment on Disaster Management

a) Legislative – NDMA Ordinance 2006 - NDMA Act 2010

b) Institutional – NDMC /NDMA, PDMCs/PDMAs

c) Case study of Flood 2010
Case Study of Pakistan Floods 2010

New Institutional Arrangements have been made as follow:
• NODMC
• Flood Reconstruction Unit in Planning Commission
• Special Reconstruction Cell Punjab,
• Steering Committee in Sindh,
• Flood Cell in Baluchistan,
• Provincial Rehabilitation and Reconstruction and Settlement Authority in Khyber Pakhtoon Khawa
New Institutional Structure

Council of Common Interest (Policy)

National Oversight Disaster Management Council

Economic Affairs Division (Foreign Aid/Negotiation)
Finance Division (Financing)
Planning Commission (Planning, Coordination, Approval, Monitoring & Evaluation)
Line Ministries/Dept /Implementation
AJK, FATA, GB (Implementation)

Province Provincial Planning and Development Departments (Coordination)
Provincial Line Departments and Executing Agencies (Implementations)
Auditor General Office NDMA Pakistan Procurement Regulatory Authorities
Conclusions

• Disaster Management Actors have not bothered to understand the new constitutional and institutional arrangements. These actors are knocking at the wrong doors. This has led to impairment of flood relief and reconstruction process in Pakistan

• Disaster Management needs to be brought in line with new constitutional and devolution arrangements
... Conclusions

• Neither old nor new institutional arrangement clearly elaborate the role of civil society organizations and communities in the overall disaster management.

• Even the role of elected representatives and forums like parliament, provincial assemblies and local level representatives has not been elaborated.
...Conclusions

• The new devolution arrangement has a big gap: the power from provinces to local governments has not been transferred since provinces are still to make their own legislations. The districts now do not have an elected setup while the district administrations are being run through ad-hoc arrangements. The financial, planning and law making powers have been taken back from the districts. In the presence of local government a true decentralized disaster risk management is literally not possible.