



## *Multi-Level Government and COVID-19: Lessons from Pakistan's experience*

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The COVID-19 emergency significantly strained Pakistan's federal structure, highlighting how a contested constitutional distribution of power and bitter political rivalries can significantly undermine efforts to develop a coordinated response to an emergency. In this paper, I first provide some background on Pakistan's federal structure and political history for context. I then briefly discuss two aspects of the state's response to the pandemic: public health measures and economic measures. I then discuss how tensions between a central government seeking to impose its preference for a swift resumption of economic activity, and provincial governments preferring more stringent containment measures to protect public health, led to significant inter-governmental tension, political mudslinging and policy dysfunction that undermined a coordinated response. Finally, I outline how the emergency response has cemented the Federal Government's commitment to centralizing authority at the expense of provincial autonomy, with the civilian government, military and Supreme Court broadly aligned around this centralizing agenda. I argue that this may have problematic consequences, not just for future emergency responses, as the last few months demonstrated that the state responded better when provincial and local authorities had more discretion, but for national politics, as further centralization would destabilize this diverse multi-ethnic state.

### **Pakistan's contested federal structure**

Pakistan is a federation comprised of four provinces: Sindh, Punjab, Balochistan and Khyber-Pakhtunkhwa. The federal civil-military bureaucracy dominated Pakistan's politics for most of its history and ensured the balance of power between Pakistan's centre and four provinces tilted decisively towards the centre. In 2010, in a landmark legislative achievement, Parliament passed the 18th constitutional amendment, that turned previously federal subjects of governance into provincial subjects, expanding the policymaking and financial autonomy of the provinces. This decentralisation created more room for provincial governments to craft their own policies to deal with governance challenges, including health and policing, two areas of policymaking critical to the coronavirus response.

However, there were also institutions established to ensure inter-provincial coordination, particularly in confronting emergencies and developing public health strategies across the provinces, including the National Disaster Management Authority and its accompanying provincial disaster management authorities, and the Federal Ministry of National Health Service Coordination and Regulation. Beyond these, the Council of Common Interest was designed for provinces and the Federal Government to develop a consensus on national policy questions and implement coordinated policies. Thus, in the Pakistani federation, while fiscal and economic planning is handled by the Federal Government, health policy is managed by the provinces, and there are several institutions coordinating policy across the provinces.

However, political rivalries have been mapped onto Pakistan's political structure in ways that undermined the effective functioning of this federal structure, and this became especially apparent in the state's response to the Covid-19 emergency. Since 2018, Pakistan has been ruled by the Pakistan Tehreek-e-Insaf (PTI) led by Prime Minister Imran Khan. Under PM Khan's Government, Pakistan's military is playing a significant role in governance, with retired and serving military officers [integrated into policymaking structures](#), leading scholars to label the current political structure a [civil-military hybrid regime](#). The military steadfastly opposed the 18<sup>th</sup> Amendment and the redistribution of power and revenue to the provinces.

PTI, along with coalition partners, is in power in the Federal Government, and three provinces. However, the province of Sindh, which includes the country's largest city and financial capital, Karachi, has been ruled by the opposition party, the Pakistan People's Party (PPP). Since PTI came to power, its relations with opposition parties have been particularly strained. The Government, backed by the military, launched corruption investigations against the leadership of opposition parties, and even [arrested and detained](#) opposition party leaders.

### Public Health Response

Initially, the Federal Government was indecisive and suffered from inertia. The Federal Government wanted to avoid a country-wide lockdown, and the Prime Minister publicly [played](#) down the threat from the virus, comparing the virus to the flu, and [refusing](#) to wear a mask himself. Educational institutions were closed mid-March but the Government was [unwilling and unable](#) to convince clerics to shut down mosques or religious gatherings. However, health policy was primarily a provincial subject, and provincial governments were more proactive. The PTI-run Khyber Pakhtunkhwa Government [declared](#) an emergency as early as February. The PPP-run Sindh Government announced a full province-wide lockdown on [March 23rd](#), and the other provinces followed suit. Working with the National Health Service, the provincial governments set up task forces and designated hospitals for testing and treatment, expanded testing capacity and set up emergency hospitals and quarantine centers. Even with these efforts by provincial governments, Pakistan's health sector was woefully unprepared to confront the pandemic, with serious limitations in testing, beds and equipment. At the end of February, the country could only test [6,500 samples](#) of the virus a day, in a country of almost 200 million, and even by the end of June this capacity was 32,000 tests.

### Economic Policy Response

PM Khan was, from the start, opposed to the lockdown, [voicing](#) his concerns about the economic hardships the lockdown would create for the poor. The Federal Government acted early to provide some relief, announcing a Covid-19 relief package of PKR 1.3 trillion, which included PKR 150 billion for cash transfers to the poor. The Government cut interest rates, provided tax refunds and released funds for food supplies, electricity bills payment relief, and a reduction in fuel prices. It also announced a [program](#) to employ daily wage workers to plant trees. Thus, the Government did make significant initial efforts to provide economic relief, although a more expansive, and sustained relief policy was required. But the Government's priority soon switched to resuming business activity to offset its burden of providing relief.

### Reversing the Lockdown and 'Smart' Lockdown

In mid-April, the Federal Government [decided](#) to reopen mosques for communal prayers based on terms of social distancing, without consulting provincial governments, and also [reopened](#) several non-essential industries, including construction. On 9 May, the Federal Government ended the lockdown.

All markets resumed operating and restrictions on many non-essential businesses were removed. Provincial governments sought to maintain some restrictions, which led to tensions between the Federal Government and provincial governments, especially the Opposition-run Sindh government, which preferred a strict lockdown. However, the Supreme Court [intervened](#) in May in favour of the Federal Government, ordering the lifting of any remaining lockdown restrictions across the provinces. Thus, by mid-May, the country was effectively reopened, just in time for the religious festival of Eid-ul-Fitr. The result of the premature end to the lockdown was devastating. Cases and deaths [surged](#) as people flocked to markets to shop for Eid and to attend religious gatherings. By the first week of June, the test positivity rate rose to 23% and hospitals soon reached [capacity](#). The Federal Government had not prepared procedures to ensure the supply of drugs or plasma or medical equipment, as cases rose dramatically. By 9 May, when the lockdown was lifted, the total number of cases was around 29,000 and the death toll was 637. About six weeks later, the [total](#) number of cases were more than 175,000 and the death toll stood at over 3,000.

In the face of the rapid surge in cases, with the health sector stretched past breaking point, the Federal Government still refused to impose a national lockdown, but instead, it [introduced](#) a 'smart' lockdown policy. These limited lockdowns applied only to specific localities within cities or rural districts where positive cases are high. One advantage of the smart lockdown strategy was that it actually gave provincial governments and disaster management authorities more discretion. Rather than relying on national plans for containment, the 'smart lockdown' strategy allowed provincial governments to target hotspots and enforce lockdowns, without appearing to defy the Federal Government's opposition to a lockdown. In Mid-June, a [report](#) noted that between 12 and 13 June, 1,292 neighbourhoods had been locked down under this strategy. However, the strategy faced significant challenges, given that targeting hotspots was difficult in the absence of adequate testing and tracing.

Today, cases in Pakistan have unexpectedly significantly declined, although by how much is unclear, given the limited testing in the country. The Federal Government claims its 'smart lockdown' strategy has worked. If it has worked, this may be because it gave provincial governments some leeway in selecting and targeting areas for containment. As the Federal Government starts to remove even the limited lockdown measures remaining, there is some indication that the virus may be on the rise again, but the puzzle of the dramatic decline persists.

### Covid-19 and the Federation

When Covid-19 hit Pakistan, the Federal Government had the option to use the established forums for inter-provincial coordination and deliberation to evolve a consensus-based response to the emergency. However, instead it [convened](#) a new National Coordination Committee (NCC) and established a National Command and Operations Center (NCOC) to handle the emergency. In the NCC, provincial ministers were outnumbered by federal ministers and leading military officers, and the NCOC primarily comprised members from the federal interior ministry and the military. This structure was designed to privilege the Federal Government (especially the military) over the provincial governments in designing and enforcing the state's response to the pandemic. This approach had significant consequences.

First, it furthered the involvement of the military leadership in governing the country, further reversing limited gains that had been made in democratizing the country since 2008. Serving military officers were [appointed](#) to the NCC and NCOC, and serving and retired military officers now ran the National Institute of Health and National Disaster Management Authority.

Second, it led to increased political friction between the center and the provinces. When the Federal Government decided to lift the lockdown, all the provincial governments, including the ones ruled by the PTI, [warned](#) against lifting restrictions. However, the NCOC pushed the provincial governments to fall in line. The provinces ruled by the PTI fell in line with their party leadership at the center. But the PPP Provincial Government in Sindh protested the Federal Government's actions. Over the course of the summer, tensions grew between the Federal Government and the Sindh Government, as each government would hold press conferences calling the other's handling of the pandemic into question. The PPP leadership questioned federal decision-making and accused the Federal Government of [undermining](#) Sindh's response to the pandemic. The Federal Government consistently [criticised](#) the Sindh's Government, with the Prime Minister [claiming](#) that they were spreading panic. Rather than seeking cooperation, in a visit to Sindh during the pandemic, the Prime Minister [refused](#) to meet Sindh's Chief Minister to discuss the province's pandemic response. Thus, the Federal Government showed little interest in building consensus across parties and provinces, which contributed to political clashes, mixed messaging and policy dysfunction.

### Long-Term Effects of the Pandemic Response

Rather than recognizing the need for a more collaborative consensus-based approach to governing, the Federal Government seemed to be more interested in weakening opposition parties, and centralizing power. The Prime Minister stated in June that the 18<sup>th</sup> Amendment has to be ["reviewed,"](#) and commented that the fiscal transfers from the federation to the provinces were driving the Federal Government's deficit. The military has also historically opposed the 18<sup>th</sup> Amendment, since it takes power away from the federal level and thus threatens the military's ["power and finances."](#)

The Supreme Court also intervened to tip the constitutional balance of power in favour of the Federal Government. During the coronavirus hearings, the Court strongly emphasized uniform policies across the country, criticizing provincial governments for acting independently. The Chief Justice also [observed](#) that the 18<sup>th</sup> Amendment did not give provincial governments the power to regulate activities of business entities that pay federal taxes, without the consent of the President. These observations from the Court helped chipped away at provincial discretion in critical policy areas.

Thus, the experience of dealing with this emergency has contributed to a centralization of authority and an undermining of provincial autonomy, that has become a cornerstone of the political contract underlying Pakistan's federal structure today. Given the current configuration of power in Pakistan, the barriers to reversing the constitutional amendment are currently too high for a legislative overhaul. However, this emergency has provided opportunities to rollback decentralization in practice, as well as in principle. In practice the development of the NCOC has increased the role of the military, in core decision-making and given the federal civil-military bureaucracy an opportunity to direct policy and override provincial discretion in public health policy, in the name of national coordination. In principle, as the interpreter of the constitution, the Supreme Court can reinterpret the 18<sup>th</sup> Amendment, and has shown a willingness to reduce the level of autonomy and policymaking discretion afforded to the provinces. Thus, in the name of uniformity and coordination, the elected and unelected institutions of the federal government seem to be keen on incrementally rolling back provincial autonomy, which could undermine the project of building a more representative political and policymaking system.

### Lessons from Pakistan's Covid-19 experience

The Federal Government has arguably learned the wrong lessons from the Covid-19 emergency. On balance, it is clear that when and where the provinces were given more discretion, both in the early

lockdown phase, and in the 'smart' lockdown phase, the state proved more adept in responding to the pandemic. Compared to the Federal Government, provincial governments are operationally less distant from the affected communities, and thus are in a better position to design public health and economic responses that fit the needs of affected communities. This does not mean there was no need for federal co-ordination, particularly on questions of procurement, capacity-building and data-sharing. However, the greater the ability of the state to target and tailor responses to the needs of affected areas and communities, the better the response seemed to be. In fact, ideally there should have been a three-tier government approach, where local governments and municipal authorities also had discretion to develop strategies specific to the communities that fell within their jurisdictions. Unfortunately, the local government tier has been entirely absent from plans for responding to Covid-19. Elected local representative bodies have been suspended or disbanded in three of four provinces. In Sindh, the only province that still has elected local government representatives, the local government law does not devolve powers meaningfully to local representatives. Just as the Federal Government sought to centralize its authority, provincial governments also resisted devolving powers to the local level, even where there were clear policy benefits. As a result, local authorities are limited in the role they can play in the pandemic response, although the grounded knowledge and adaptability of empowered local authorities would be invaluable, especially in Pakistan's metropolitan areas.

A coordinated response requires building a political consensus. Unfortunately, the pandemic hit Pakistan during a time of strained relations between the ruling party and opposition parties. Trying to unilaterally impose a pandemic policy is impossible in a multi-level federation with a multi-party-political system, since it is unlikely that one political party will monopolize political authority at all tiers of government. As long as there are opposition parties in positions of provincial or local authority, the Federal Government must be willing to work *with* the opposition parties to develop and enforce policy, rather than attempting to override and undermine opposition parties. As Pakistan's example shows, this approach led to policymaking dysfunction, poor messaging and inconsistent enforcement.

In states like Hungary and Philippines, where their governments stressed the gravity of the threat from the virus, it was easier for the central government to appropriate powers. But when the government's policy is premised on downplaying the threat and prioritizing a return to normalcy, the federal government cannot exploit the language of an emergency to compel deference from all branches and tiers of government. In such contexts, provincial governments and local governments are likely to act independently, and sometimes in opposition to, the edicts of the central government. And if the government wants a coordinated uniform response, the ruling party should have sought to build consensus with other political parties. Thus, the experience of the last few months has shown that in a diverse, multi-level federation like Pakistan, the most pragmatic approach is one that affords provincial and local authorities more discretion and flexibility, while building meaningful consensus-based coordination at the national level.

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