Gender, Local Governance, and Culture[1]
Jawziya F Zaman

Introduction

The need for 'governance,' as distinct from government, manifests itself when the latter functions as an establishment apart from citizens rather than as a process.[2] The concept of governance pertains to the interaction between structures and traditions that determine how power is exercised, how decisions are taken, and how citizens or other stakeholders have they say.[3] Therefore, underpinning the overall strategy of *local* governance is the hope that by bringing citizens and institutions closer to one another and allowing the former more agency in decision-making processes, there will be improved service delivery, social services, primary health, education, and municipal services, to name a few. This view assumes that devolution is taking place within an environment that provides clear political, administrative, and fiscal authority to local governments and effective channels of accountability.[4] Critics, however, are quick to point out that local governments are deeply embedded within the cultural context from which they arise, and they operate along the fault lines of race, gender, caste, and class.[5] This paper examines some of the ways in which Pakistan's local governance system attempts to produce legal and political stability by streamlining administrative procedures, and the creation of legitimate spaces for women's political participation. It highlights both, areas in which potential opportunities have been created and obstacles resulting from an interaction of maladministration, legal ambiguities, and local customs have arisen.

Theory versus Practice: Some Examples from the UC Level

The Local Governance Ordinance 2001, which has constitutional protection, divides local governments on three levels, the District, Tehsil, and Union Council levels and this has resulted in over six thousand new local governments. This arrangement aims to devolve political power, administrative authority, management functions, and finally, facilitate the distribution of resources at different levels. The lowest tier of local government is the union, which is also the smallest in size. The union administration consists of the Union Nazim, the Union Naib Nazim (deputy mayor), and a council, all of whom coordinate community development and service delivery. There are also provisions for structures and mechanisms that are meant to monitor service delivery and the performance of relevant offices at each tier of local government. If functioning

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[2] Governance and Good Governance: International and Aboriginal Perspectives, p.2. Plumptre & Graham. Institute on Governance, Dec. 1999. http://www.iog.ca/publications/govgoodgov.pdf

[3] Ibid.

[4] Devolution Plan in Pakistan: Context, Implementation, and Issues, p.42 Saad Paracha. Open Society Institute, Budapest. International Policy Fellowship Program. August 2003.

[5] Independent Mapping Research conducted by Shirkat Gah.

properly, monitoring committees would create linkages between government forces, service providers. However, evidence suggests that officials in charge are completely unaware of such committees, as a result of which most exist only on paper.[6] Even the ones that have been physically formed complain that members are unclear of their roles and responsibilities, have no means for travel to the facilities they are supposed to be monitoring, and have had training to help them understand their role. While proper functioning and transparent selection of these bodies could potentially create a space for the participation of not just of citizens, but women and other disadvantaged groups in particular, this space has been distorted due to lack of awareness and proper enforcement mechanisms. There is also little uniformity in the implementation of new rules ushered in by the LGO and this is a perennial source of confusion for officials. An illustration of this can be seen in the government's attempt to use the local government system to regulate and standardise the certification of births, deaths, and marriages of the population.

The responsibility of registering all marriages has been passed on the Union Council, where Nikah Registrars are supposed to ensure, through the registration process, that marriages taking place are in line with existing laws. This is potentially a means of preventing the frequent exploitation of women – or girls, as is often the case – in customary marriages that are in violation of the law. Reality, however, remains largely unchanged. In many Union Councils, Nikah Registrars are appointed prior to Local Government elections 2001 and have never been issued licenses afterwards.[7] Some UCs do not have Nikah registrars and secretaries are made responsible for registering marriages, which is not part of their defined responsibilities. Often, even in places where Nikah Registrars do exist, they are under the impression that the secretary has registration authority. It has further been found that there are variations in the licenses for Nikah Registrars. While some Union Councils issue it on an annual basis, others do so only once and this has resulted in hereditary licensing instead of legitimate appointments of qualified persons. These are all indications of deep-seated organisational weakness and poor communication between different levels of local government and information transfer from the federal to the provincial levels. While administrative failure is one manifestation of the stark difference between the rules on paper and their implementation, the tension between local customs and governance is another. It is common for Nikahnamas to be purchased from the market and not from Government Press. This usually results in modification of Nikahnama forms, for instance, the sections (section 17) that refer to women's protection[8]. There are areas in the NWFP where there is simply no column for the bride's signature. In fact, some Nazims oppose the entire marriage registration process, as a result of which, Nikahs are not registered but solemnised verbally according to village customs, which places women in a particularly vulnerable position[9]. Even when Nikahs are registered, many have provided evidence of girls below the age of 16 being married, as well as watta satta marriages.[10]

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[6] Assessment Report: Pakistan Devolution Support Project. p.46 Nayyar-Stone, Ebel, Ignatova, Rashid. USAID, Feb 2006.
[7] Independent District Mapping Research conducted by Shirkat Gah, 2006. Analysis in progress.
[8] Ibid
[9] Ibid
[10] Watta-Satta, the practice of bartering one bride for another, happens frequently in rural areas of Pakistan. At the time of marriage, two families trade brides.

Since the exercise of power is central to the concept of governance, there is no inherent guarantee that localised forms of governance will be more equitable and inclusive of women.[11] Advocates, however, continue to assert that it is precisely at the local level that women can enter the political sphere with relative ease, and that women in decision-making positions in governments and legislative bodies provide opportunities for "transformative leadership" by redefining political priorities and placing new items on the political agenda that reflect and address women's gender-specific concerns.[12] In Pakistan, for instance, 33% of all seats have been reserved for women in order to ensure equal representation, thereby changing for the first time the political landscape in all three tiers of local government. This has led to inclusion of over 30,000 women in decision-making positions at the grass-roots level. In turn, it is hoped that the significant presence of women councillors will create new channels of communication for women citizens.

Women's Political Representation at the UC Level

The Union Council, due to its accessibility, is the level of government that is expected to have the most impact on peoples' lives and offers the greatest hope for social change. Women constitute one-third of council seats. Union councils are supposed to ensure that the municipal needs of villages are being met adequately and that citizen's rights are being protected. UCs work closely with village councils and citizen community boards with the aim of promoting direct citizen involvement in developmental activities, including support for their micro-projects.[13] The presence of an unprecedented number of women councilors is expected to make a difference in setting and implementing the agenda of local governments. With limited access to the judicial system and usually no direct access to traditional non-formal dispute resolution forums, women are approaching female councilors on a diverse range of issues they would not take to male councilors. Unfortunately, the inclusion of women in the political sphere does not automatically translate to their meaningful engagement.

A host of problems plague women councilors. From the legal perspective, there are gaps in the Ordinance itself. There are no provisions for women's rights committees at the district level to monitor women's work and deal with problems as they arise.[14] The role of women councilors who are members of district and tehsil councils on reserved seats is not clear because although they have the same membership status as Union Nazims in district councils and Naib Nazim in Tehsil Councils, their position is weak as

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[11] Decentralisation and Gender Equity in South Asia: An Issues Paper. p.4 Maitrayee Mukhopadhyay, 2005.

[12] Country Reports on the State of Women in Urban Local Government, Introduction. UNESCAP. http://www.unescap.org/huset/women/reports/

[13] Government of Pakistan website, NRB publications, 2000. www.nrb.gov.pk/publications/LG_Final_Plan_2000.pdf

[14] Training of Women Councilors in Pakistan: A Review. Rukhshanda Naz, Aurat Foundation. 2005

compared to Union Nazim and Naib Nazims, since they are elected indirectly.[15] In addition, most women do not have the luxury of unrestricted mobility and the distribution of honorariums is entirely at the discretion of the Nazim. While there are scattered instances of honorariums being distributed, most women councilors have not been given funds, and this remains a significant obstacle in the way of their participation. The law also does not make it mandatory to include women in the committees formed by the councils at each level. For instance, this manifests itself in Citizen Community Boards (CCBs) that are formed voluntarily by citizens and have legal claim on the local government planning and budgeting process.[16] CCBs are responsible for community development, management, and service delivery, and serve as an excellent way for people to mobilise around community problems and solutions. While recently the government has introduced a rule to encourage women's CCBs – wherever there are two male CCBs, at least one female CCB must be established – there is little information about whether women have been able to make use of this opportunity. There have also been complaints from women councilors that they have not been provided with specific guidelines for the preparation of schemes.[17]

Problems that arise as a result of the vagueness in the Ordinance are further compounded by the social obstacles that women have to face, such as the lack of cooperation of their male colleagues. Since the Ordinance does not have accommodations for ensuring that women participate, men often show up in place of their female relatives to take part in council sessions and nothing has been done about this practice to date. Many women councilors' lack of public experience and education poses a significant problem, particularly given the complex, technical nature of the Ordinance's text. Women also have little prior knowledge about budgets, electoral procedures, and obligations as candidates, voters, and elected members. Since the inception of local governments, both state and non-state actors have attempted to address political illiteracy and the lack of legal knowledge through capacity-building programs such as the nation-wide Women's Political Participation Project (W3P) launched by the Ministry of Women's Development and the United Nations Development Program (UNDP). Programs such as the W3P have attempted to equip women with the tools and knowledge they require to understand the nature of their roles and the duties these entail. However, as it was pointed out by one female councilor, social realities will always dictate the nature of women's participation in local government forums.[18] While gender-sensitisation training and political awareness programs are theoretically useful, these do not take into account the enormous political pressure that women councilors are under in both, urban and rural settings. In the former, the political party with which one is aligned holds all coercive decision-making power, and in the latter, it is the khan or the wadera of the feudal system.[19]

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[15] Ibid

[16] Devolution in Pakistan Annex 1: Recent History. pp.11-12. DfID, WB, ADB. July 2004.

[17] Training of Women Councilors in Pakistan: A Review. Rukhshanda Naz, Aurat Foundation. 2005.

[18] Interview with Muzfira Jamal, Woman Councilor. Karachi, 15th Nov 2006. Shirkat Gah.

[19] Ibid

There are also many cases of female councilors being denied access to important information, not being informed of meeting times, and denied copies of the budget.[20] The general feeling among male councilors is that women do not belong in pubic office, and if they do, then they should be restricted to dealing with women's issues.[21] As a result of this, decisions are frequently made without consulting female representatives. It has been reported that in one instance, a district Nazim clearly asked women councilors to remain silent during the council sessions.[22] Another example comes from Dir, where the Nazim segregated the male and female councilors by putting a curtain in the assembly hall.[23] The same Nazim also stopped women from attending capacity-building training sessions.[24]

Conclusion

Pakistan's local governance plan has been in place for approximately five years now. The conceptual and legal framework for the development of an effective system of local governance is in place, but this has been enough to ensure quality service delivery to the public, and meaningful inclusion of women in political spaces[25]. The problems highlighted briefly in this paper point towards a problem that comes up frequently in gender and governance discourse. Just as it is often assumed that decentralisation provides greater opportunities for citizen participation in governance, it is also assumed that the local arena of governance is best suited to women's participation because local government is closest to women's sphere of life and easier to combine with other elements of a woman's life.[26] However, empirical evidence on women's participation in local governments suggests the opposite precisely because of the extension of private gender relations into the public authority and decision-making sphere.[27] Second, there is evidence that local governments are often more hierarchical and embedded in local social structures than national government and so it is harder for women to come in as independent political actors.[28] There seems to be a tendency on the part of governments to assume that governance stands separate from culture, and that once the institutions of governance have been brought closer to the people, participation and "voice" will follow.[29] However, institutions are fundamentally embedded within the contexts from which they arise. In South Asia, there is an emphasis on gender difference or activities that are unique to females and males, on divisions and segregations, and on

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[20] Gender & Governance Issues in local Government: Regional Report of Technical Assistance in Bangladesh, Nepal, and Pakistan, p23. ADB 2004

[21] Gender & Governance Issues in local Government: Regional Report of Technical Assistance in Bangladesh, Nepal, and Pakistan, p23. ADB 2004

[22] Training of Women Councilors in Pakistan: A Review. Rukhshanda Naz, Aurat Foundation. 2005.

[23] Ibid

[24] Ibid

[25] Assessment Report: Pakistan Devolution Support Project. p.46 Nayyar-Stone, Ebel, Ignatova, Rashid. USAID, Feb 2006.

[26] Decentralisation and Gender Equity in South Asia: An Issues paper. Maitrayee Mukhopadhyay, 2005.

[27] Ibid

[28] Ibid

[29] Ibid

complimentary rather equity.[30] This attitude manifests itself in every sphere of life, be it private or public.

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[30] Amartya Sen's 100 Million Missing Women. Elisabeth Croll. Oxford Development Studies, 29(3), 2001.