

Strong Institutions on paper, Weak Justice in Practice: The NGO-Implementation Gap in Governance Reforms in Pakistan

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ABSTRACT

Governance reforms in Pakistan present a chronic anomaly where strong legal institutional frameworks exist on paper but bad governance is reflected in poor justice delivery on the ground. This article questions this disconnect by representing it as NGO Implementation Gap. Moving away from the narrow individual state capacity or political will approach to examining state reform often found in conventional diagnosis, the analysis highlights the important, yet under examined, role of non-governmental organizations (NGOs) as the architects and intended drivers of reform. Employing a multi method qualified approach providing a synthesis of legal doctrinal research, case study data on both the police and Right to Information reforms, as well as insights from a professional legal and international relations working practice, this article argues that a strategic and structural disjuncture is a feature of NGO engagement. Although NGOs have access to technical expertise and advocacy skills, they tend to have a donor proposition that is project oriented, creating rationales for formal institutional creation rather than building sustainable political constituencies and negotiating entrenched informal power structures. Consequently, as NGOs draw up complex legal blueprints, their efforts are routinely defeated by bureaucratic inertia, patronage networks and lack of embedded societal accountability. The article concludes that overcoming the implementation gap requires a fundamental reorientation of reform strategies from technical assistance to politically engaged, long term coalition building with

theoretical and practical implications for the reconceptualisation of the institutional strengthening in hybrid governance contexts.

Keywords: Governance Reforms, Implementation Gap, Non-Governmental Organizations (NGOs), Rule of Law, Pakistan, Institutional Effectiveness, Legal Formalism, Justice Delivery, Development Aid, Political Will, Bureaucratic Inertia, Access to Justice, Police Reforms, Right to Information, Hybrid Governance

1. Introduction

The landscape of governance reform in Pakistan is riddled with a huge contradiction. Over the past two decades, the state has implemented a series of legislative and institutional measures with the goal of strengthening the rule of law, increasing transparency and improving the delivery of justice. From the Police Order (2002) to the Right of Access to Information Act (2017), to the creation of specialised anti-corruption commissions and judicial reforms under successive programmes for Access to Justice, Pakistan has a legal institutional architecture that looks, on paper, modern and comprehensive and is in line with global governance rules. The aspirational edifices written on parchment are painfully contrasted with the tiresome reality of governance deficits, where citizens are often confronted with a schema of justice gone into deep delay, a bureaucracy gone into deep obstruction and a public sphere where accountability is non-existent. The gap between *de jure* authority and *de facto* weakness of institutions in terms of delivering concrete justice is the central problem of the present inquiry.

1.1. The Puzzle, Strong Legal Institutional Frameworks and Weak Governance Deficits

This conundrum of administration and rule, however, is not simply an institutional failure but one that poses a systemic problem in challenging conventional theories of institutional development. International indices routinely reflect this duality though. Pakistan may earn points for having the relevant laws down, and yet its performance on indicators related to implementation, enforcement and public trust are held chronically low. The World Justice Project's Rule of Law Index for example, repeatedly places Pakistan quite low in terms of factors such as constraints on government powers and civil justice despite recognition of statutory frameworks. This gap seems to indicate that the prescription of getting the institutions right is not

enough. The problem is not with the design of the blueprint, but the complex socio political process of bringing the blueprint to life. It is at the amorphous juncture of translating formal to functional that the reform project in Pakistan remains invariably fractured.

1.2. Research Question & Core Argument, The NGO Implementation Gap as a Critical Intervening Variable

This article thus asks a core research question, Why do governance reforms in Pakistan, often formulated with and through the use of non-governmental organisations (NGOs), not convert from formal legal structures into effective and just outcomes? In addressing this question, the analysis stretches beyond the usual suspects of lack of political will or weak state capacity to concentrate on a key intervening variable the NGO Implementation Gap. The main argument can be expressed by the idea that NGOs understood as major players in the reform process are frequently caught in the cycle of perpetuating the very gap that they are going about closing. NGO engagement, although of paramount importance, has often been marked by a donor dependent, technocratic and project based mode of action that is exceptionally good at inciting laws and organising training workshops, but structurally out of line with the task of challenging the entrenched political economies, bureaucratic inertias and informal patronage networks that dominate the Pakistani state. Consequently, they become expert in creating institutions on paper, but systemically constrained in producing the practice of justice, and thereby an unwitting part of the problem they are tasked with solving (implementation).

1.3. Significance

Theoretical Contribution: This investigation contributes to interrelations between the fields of International Relations (thematic issues of norm diffusion and local power agency), Comparative Law (thematic issues of legal transplants and functionalism) and Development Studies (thematic issues of the limits of the paradigm of good governance). It criticises linear and technocratic models of institutional transfer and argues for a more politicised and hybrid conception of governance.

Practically: The findings are urgent for policymakers, donors and NGOs practitioners. For Pakistani state and its international partners, the article highlights the futility of

investing in institutional hardware, but no parallel strategies to address the software of political incentives. For NGOs, it requires a process of critical introspection of the strategy it calls for a change from short term implementation of projects to horizontal, long term and politically savvy engagement based on grassroots coalition building and strategic litigation.

1.4. Methodology

An approach using multi methods qualitative approach is used. First, legal doctrinal review of important reform legislation and policy documents provides the formal framework of the paper. Second, a comparative case study analysis is concentrated on the trajectories of police reforms and Right to Information laws (RTI) laws areas with great NGO involvement and explicit implementation failures. The cases in the citations provide a granular and nuanced understanding of the dynamics that underlie the gap. Third, the analysis is enriched by semi structured elite interviews with policymakers, high level NGO officials, lawyers and journalists who are engaged in such processes so as to provide an insider view on constraints and strategies. This triangulated methodology gives this argument the security of been based on both textual evidence and experiential reality.

1.5. Roadmap

Section 2 develops the conceptual framework, deconstructing concepts of institutional strength and theorising the implementation gap. Section 3 gives the required background and history of the reform of governance and the development of the NGOs sector in Pakistan. Section 4 describes the empirical arch of the paper, the case studies of police and RTI reforms. Section 5 synthesizes the findings in a multilevel explanatory framework where the interactions between NGO, state and socio structural factors are analyzed. Section 6 draws general implications and makes specific recommendations. The conclusion restates the argument, recognises limitations and possible directions for future research relating to the hybrid governance in comparative contexts.

2. Conceptual Framework

The paradox of governance reforms witnessed in Pakistan is not an isolated pathology but it is symptomatic of an overall disconnection in the conceptualisation of

institutions, law, and development. In order to go beyond the level of description to a causal explanation, this section develops a multi layered conceptual framework. It problematises the very idea of strong institutions in the first place, and then reframes the analysis not in terms of the rule of law as a legal ideal, but justice as an experience. Building on this foundation it theorises the generic phenomenon of the implementation gap before finally introducing and defining the article's central analytical construct, the NGO Implementation Gap. This framework is relevant to provide the theoretical scaffolding required to deconstruct the systemic failure of formally sound reform blueprints to materialise into functional governance.

2.1. Dissecting Strong Institutions, The Legal Formalist vs. The Functional Effective

The discourse of governance reform is full of references to strengthening institutions. However, this article argues that this ubiquitous phrase tends to conflate two different and often distinct concepts that are legally formalism and functional effectiveness. Legal formalism resounding Max Weber and the modern legal positivists, equating institutional strength with having a coherent and written body of rules, hierarchical and specialised bureaucracy and formalised procedures. It is an internalist view, which takes as its measure of an institution the logic and the completeness of its own legal text.

Functional effectiveness, on the other hand, is an externalist and sociological measure. Drawing from the new institutionalism of Douglass North and the realist school of comparative law, it defines strength not based on design, but outcome. A functional effective institution is one that is successful to produce predictable, legitimate and binding rules that influence behaviour of actors and resolve societal conflicts. It can be seen that its strength is not only regarded in the sophistication of its charter, reflected in high levels of compliance, and in public trust, but it can also constrain power.

In the Pakistani case, as in many post colonial states, reforms have in large part favoured the former. Donor funded technical assistance often funneled through NGOs produces, often very astutely, polished legislation, organisational charts and procedural manuals that make up the facade of a strong institution. However repeatable or replicable that formal shell may be, there may be a hollow core within it, where the institution lacks authority, resources, political embeddedness, or social

legitimacy to fulfil its prescribed functions. The apparent disjuncture is a pretense of reform directed towards satisfying international benchmarks and reporting requirements as well as the underlying structures of governance.

2.2. From Rule of Law to Justice in Action, A Socio Legal Perspective

The critique of institutional formalism needs to go hand in hand with a reckoning with a different way of thinking about the middle or ultimate occupation of the reform project. The dominant paradigm particularly in international development circles has been the promotion of the rule of law with a universalising, liberal paradigm, based on legal certainty, equality before the law and procedural fairness. While normatively powerful, such formulation can be abstract, state centered and insensitive to local pluralism. It runs the risk of becoming an end in itself, just a checklist of laws and courts that have to be created as a substitute for a more fundamental end.

This article takes a socio legal approach (represented by for example Sally Engle Merry, Boaventura de Sousa Santos), which shifts the analytical perspective from the rule of law to justice in practice. In this context justice is thought of as a substantive and experiential outcome. It is not simply a question of whether there is a law in place but whether an ordinary citizen and especially a citizen from a marginalised community can access a forum, have a timely and fair hearing and can secure a meaningful remedy which is enforced. This perspective puts the experience of the user at the forefront and recognizes the complex and often pluralistic landscape in which formal state law is co existent and produces competition with informal, customary and religious justice systems. In Pakistan, for example, where disputes are frequently settled by jirgas and panchayats in a way that's often expeditious to parties compared to the overtaxed civil courts (without necessarily being anything more than just), a real search for justice requires an appreciation of this hybrid legal reality that is so often ignored for its pure rule of law orthodoxy.

2.3. Theorizing the Implementation Gap in Governance Reforms

The gap between the formal enactment of a reform and its embodiment as justice in practice is what makes up the implementation gap. This phenomenon goes beyond the simple failure of administration; it is a multifaceted political and sociological process. Scholars of policy implementation, typified by Michael Lipsky's conceptualization of the street level bureaucrats, and experts on state capacity such as Merilee Grindle do

light on this terrain. The cause of the implementation gap is a confluence of factors active resistance or passive non-cooperation by bureaucrats who both have their informal power and rent seeking opportunities threatened; the lack of material and human resources allocated to operationalising the new rules; the lack of political will of elites who benefit from the status quo; and a lack of buy in by the public, of whom the new rules are intended to benefit.

Within the framework of externally induced governance reforms that are prevalent in the Global South, this gap is further compounded by the difficulties of the legal transplantation. When international best practices are conceived of and applied without sufficient adaptation to local political economies, social norms and historical institutional legacies, they are illegible to the local context, in the words of James Scott. As a result, there are on the paper reforms owned by no one either within the state itself or within the society leading to ritualistic compliance or outright neglect.

2.4. Defining the NGO Implementation Gap Capacities, Strategies and Structural Disconnects

Within this larger context of failure in implementation, this article presents and defines the more specific analytical category of failure the NGO Implementation Gap. This concept is based on the premise that the actors non commercial organisations recruited for the generic implementation gap often work in ways that inadvertently create or widen this gap. This criticism is more aimed at structure and strategy; not intent.

The three root disconnects in the NGO Implementation Gap

1. **A Capacity Disconnect:** NGOs often have world class expertise in legal draftsmanship, advocacy, and project management, but these are often accompanied by limited knowledge of the relevant local political economy, patronage networks, informal bureaucratic incentives, and the nuances of provincial federal tensions required to take reform processes through to enforcement. Their capacity is analytical and normative and not always political and relational.
2. **A Strategic Disconnect:** Driven by funding cycles for donor funding and log frame accountability, NGO strategy is often project based and output focused. But

success is measured by workshops held, laws written or officials trained. This creates a perverse incentive to produce the formal outputs of reform while being structurally discouraged from doing the long term messy and politically risky work of making sure that it is working. The strategy is focused on the completion of a discrete intervention as opposed to shepherding an enduring institutional change.

3. **A Structural Disconnect:** Many governance NGOs, particularly those that are international funder dependent, are living in a transnational loop of accountability. Their prime responsibility is upward to donors, rather than downward to the Pakistani citizenry whom they seek to serve. This in turn may result in the setting of priorities in Washington or London or Geneva rather than Lahore Quetta Lahore or Larkana. Further, their largely elite staff may be operating at a social and geographic remove from marginalized communities whose deficits of justice they seek to address, leading to a misdiagnosis of problems and inappropriate solutions.

3. Context, The Pakistani Game on Governance, The Wheel Within a Wheel

In order to understand the current NGO Implementation Gap, it is necessary to first locate it within the peculiar historical institutional trajectory of Pakistan and the particular reform cycles that marked the Pakistani post 2000 governance agenda. The present analysis does not look at the present disjunction as an anomaly but as the most recent manifestation of an uninterrupted pattern in which ambitious formal restructuring too often clashes with entrenched informal power structures. The scene was thus set for today's implementation failures by a colonial legacy of bureaucratic control, the acceleration of state bureaucracy by rising inflows of donors in the post 9/11 era, who supported a new wave of reform legislation and provided the impetus for the legion of advocacy NGOs, all this against the backdrop of persistently bleak empirical indicators of justice.

3.1. Historical Legacy, Colonial Bureaucracy and the Legal Pluralism of the Federal Government and the Centralized Power

The governance architecture of contemporary Pakistan has foundations laid during the British Raj which has three everlasting features. The colonial bureaucracy, bent on revenue collection and law and order, advocated the wellness of the hierarchical command and scrupulous adherence to procedure at the cost of being responsive to people in public service delivery. This created a powerful administrative set who were

part of a very powerful administrative elite, the so-called steel frame, the post colonial product of which, the Civil Service of Pakistan, in many cases, still has an ethos of rule bound authority rather than facilitative governance. Second, the British engaged a system of legal pluralism in which they superimposed upon a variety of customary and religious systems a formal legal system of a different stamp drawn from that of the United Kingdom. Although administratively convenient, this has created a sort of a fracture in the legal system between the formal equality under state law and the frequent subversion of such equality by informal, community based mechanisms of dispute resolution, which are jirgas and panchayats. Third, the state inherited and then reinforced a model of a highly centralized executive power. Whether under military or civilian rule, power became concentrated in the top of the executive the Presidency, Prime Minister s Office, or Army GHQ and legislative oversight and judicial independence were marginalized for decades on end. This historical trinity rigid bureaucracy, pluralistic but stratified legal order, and centralised and personalised executive authority produced a state that is strong in its capacity to coerce and extract, but weak in its distributive, participatory, and legitimating functions. It set the default position, in which formal rules tend to be seen as instruments of control, hardly as anything but the means of governing equitably.

3.2. Post-2000 Reforms in the sphere of Governance, Key Initiatives

The turn of the twenty first century, particularly Pakistan s involvement in the U.S. led War on Terror, marked the beginning of a period of donors financed intensive governance reform. This era was defined by the projectization of state building in which complex political problems were redefined as technical problems that could be tackled with discrete fundable interventions. The modern movement of reform consists of four main initiatives

- **Programmes of Access to Justice (A2JP):** Funded mainly by international donors such as the Asian Development Bank and DFID, these multimillion dollar initiatives were aimed at decreasing case backlogs, expanding court administration and offering legal aid. They emphasized infrastructure (court buildings), technology (case management software), and training for judges and court staff, and embody a sort of technocratic approach to an immensely sociopolitical problem.
- **Police Reforms (Police Order 2002):** A military government promulgated law

is an paradigmatic attempt to institutional redesign. It suggested depoliticisation by independent oversight commissions, operational autonomy, and a service mindedness. In writing, it seemed to represent a radical departure from the colonial Police Act of 1861; in application, its implementation was almost immediately challenged, diffused and selectively disregarded by provincial governments which were not keen to surrender control over an important instrument of political patronage and coercion.

- **Anti-Corruption Commissions:** The creation of the National Accountability Bureau (NAB) and the subsequent set up of provincial institutions such as Sindh Anti-corruption Establishment established specialised institutions with sweeping powers. However, they have been used selectively by consecutive Governments against opponents to considerable detriment to their legitimacy and instead of being tools of impartial accountability have become tools of political warfare.

- **Right to Information or RTI Laws:** Following years of NGO advocacy, federal (2017) and provincial RTI laws followed that were hailed as landmark transparency tools. They set in order the formal mechanisms for the citizens to ask for information from public bodies, a significant de jure commitment to open government.

These reforms shared a common DNA they were often conceived with significant external technical input, enshrined sophisticated formal mechanisms, and created new institutional acronyms. They were quintessential products of the good governance toolkit.

3.3. The proliferation of NGOs, From service delivery to advocacy in the governance sector

This reform moment was fuelled and fuelled by a transformation in the civil society landscape in Pakistan. The 1980s and 1990s saw NGOs largely oriented towards service delivery in areas that include health, education, and microfinance and are often oriented towards filling in gaps left by the state. Post 2000 there was a large segment that moved towards governance advocacy and the implementation of reform. Funded by donor allocations aimed at democracy, governance and rule of law, a new type of professional, legally oriented NGOs developed. Organisations like the Justice Helpline, the Centre for Peace and Development Initiatives and the Human Rights Commission of Pakistan became key partners. Their role changed from that of the peripheral critic to that of the embedded consultant, who took part in the drafting of legislation, the

training of state officials, compliance monitoring and public awareness campaigns. This shift gave them access and influence on the design phase of reform to an extent never previously seen. However, this also made their operations dependent on the priorities and log frames of donors which dragged them into the very projectised cycle of reform in which formal outcomes trumped transformative outcomes.

3.4. The Persistent Justice Deficit, Some Empirical Indicators

Despite this flurry of activity and institution creation, however, quantitative and qualitative measures consistently demonstrate a persistent justice deficit, the yawning implementation gap. The World Justice Project's Rule of Law Index always places Pakistan in the bottom quartile of countries in the world, with particularly low scores on Constraints on Government Powers, Absence of Corruption, and Civil Justice. Transparency International's Corruption Perception Index keeps Pakistan in the category of the most corrupt countries. More telling than these external metrics are internal citizen perception surveys, such as those undertaken by Pakistan Institute of Legislative Development and Transparency or the Social Policy and Development Centre, which show very low levels of public confidence in police and courts and a sense of naked elite capture, along with a preference for informal justice mechanisms by reason of the cost, delay and perceived bias of the formal justice system. Empirical evidence supports a key observation while measures of legal institutional form (e.g. laws enacted, commissions established) have improved, measures of functional justice and perceptions of quality of governments have been regressive or stagnant. It is within this persistent deficit that the NGO Implementation Gap plays out and will be the core of our following case study analysis.

4. Case Studies, Looking at the NGO Implementation Gap

The theoretical framework and the historical context are brought together in lived experience with certain governance reforms. To move from abstract conceptualising to grounded analysis this section uses comparative case studies methodology to unpack the NGO implementation gap in practice. By analyzing three standard bearers of reform Police Reforms, Right to Information Laws, and Access to Justice Programmes the life cycle of each one is described from the lofty goal to the grim reality. Adopting a constant analytical structure (Reform Objective, Designed NGO Role, Implementation Challenges, Outcome/Divergence) the cases bring out the

existence of systemwide disconnections between NGO strategy and the on the ground political reality. A cross-case analysis at the end of the paper synthesises patterns that are an essence of the gap across sectors, thus providing solid, empirical evidence for the core argument.

4.1. Case-1: Police Reforms Training vs. the Political Economy of Power

- **Reform Objective:** The aims of the Police Order (2002) were to bring about a fundamental change in the nature of policing, from a colonial force based institution to a modern service oriented and accountable policing service. Its core objectives were depoliticization (through independent oversight commissions), operational autonomy and community policing, aiming at breaking with the intimate nexus between political elites and police as an instrument of coercion and patronage.
- **NGO Role Designed:** With donor support, a consortium of national and international NGOs was involved in making the reform operational. Their mandate was overwhelmingly technical and capacity focused. This included designing and conducting massive training programs on investigative techniques, human rights and gender sensitivity; development of new procedural manuals; as well as assisting in the (limited) set up of complaint authorities and public liaisons. The NGO role was conceived as that of a technical assistant to the state with the building of professional skills of the force.
- **Immediate Impact and Implications:** Implementation Challenges This technical approach ran into an immovable political economy right away. What did not exist was political intention, but a lack of political intention, an active and structural opposition. Provincial governments, who were in charge of the police by virtue of the 18th Amendment, systematically declined to provide adequate oversight commissions that would make the police forces independent, as this would deny them a key lever of power. Senior police appointments were still highly politicized. NGOs, which are focused on train mid level officers, had no mandate and no leverage to deal with this political capture. Furthermore, their project based engagement meant there was little follow up to determine behavioural change and systemic integration, training was delivered in an isolated time bound manner during workshops. The reforms addressed the skills of the police personnel but left the incentive structure that governs their careers and conduct under control by politicians and a powerful internal bureaucracy

completely untouched.

- **Outcome/Divergence:** The outcome is sheer divergence between form and function. A generation of police officers have been intensively trained in terms of human rights protocols, even though the institution is still notorious for extrajudicial activities, custodial torture and partisan enforcement. The sophisticated oversight architecture exists on paper, more practically, however, political control is entrenched as it was ever. The technical intervention by NGOs, though resulting in measurable outputs (e.g. number of officers trained), had not resulted in systemic accountability because strategic misalignment hindered effective change in an unaccountable police force. The gap here is one of scope NGOs tackled symptoms (lack of skills) whilst the reform called for surgery on the power structure itself which was beyond their designed remit and political capacity.

4.2. Case-2: Right to Information (RTI), Laws Drafting Excellence vs. Bureaucratic Fortresses

- **Introduction & Objective:** The promulgation of Federal (2017) and Provincial RTI laws had the objective of revolutionising the state citizen relations by giving citizens the power of accessing information held by public bodies, thus increasing transparency and limiting corruption and fostering informed civic participation. It was questionnaires aimed at reforming culture in bureaucracies from being characterized by secrecy and opacity to proactive disclosing and accountability.
- **Role of NGO Designed:** In this domain NGOs were not mere implementers but primary architects. Through the application of international expertise and comparative models, coalitions of advocacy NGOs were instrumental in the process of crafting legislation, lobbying of parliamentary representatives and in the public discourse. Their knowledge of legal design was prime. Post enactment, their role went on to be that of capacity building for newly mandated Information Commissioners, as well as limited public awareness campaigns about the existence of the law.
- **Implementation Challenges:** Ship building, repaired, disassembled, and reassembled at Whitechapel Station. Ship building, repaired, disassembled, and reassembled at Whitechapel Station. While NGOs had been successful at the high level advocacy game, the implementation battle was fought in the trenches of

government departments. The legislation called for a fundamental behavioural shift for a historically information hoarding bureaucracy. The officials used all sorts of tricks to deny requests on pretexts such as national security, the claim of privacy rights, excessive fees, complicated appeal processes, or simply ignoring requests. Crucially, the strategy of NGOs suffered from the huge awareness and usage gap. Their campaigns primarily succeeded in reaching urban, educated elites and journalists, but did not penetrate rural and marginalised communities who stood to benefit from exposures on local patronage par excellence. Furthermore, the project cycle did not provide for sustained, long term hand holding needed to change the bureaucratic culture. After the law was passed and preliminary training was done, donor projects were often over.

- **Outcome/Divergence:** Pakistan has RTI legislation that has been praised by international experts as one of the most progressive in South Asia. Yet, sporadic in its use and marginal in its impact is its utilization. Information Commissions tend to be under resourced and have no teeth when it comes to enforcement. The vast majority of citizens living out there do not know their rights under the law. The bureaucracy through passive aggressive non compliance has done well to contain its disruptive potential. Here, implementation gap of NGO is of depth and endurance. NGOs won the legislative battle, but did not have the strategy and resources for the war of attrition of bureaucratic and cultural change. Their focus was on making a perfect tool (the law) but not focused on getting a critical mass of users and breaking the resistance of the gate keepers.

4.3. Case-3: Access to Justice Programme(s), Project Outputs vs. Institutional Transformation

- **Reform Objective:** Successive donor funded Access to Justice Programmes (A2JP) to address the fundamental dysfunction within the justice system massive delays to justice, long delays, excessive expenditure and inability of access to physical facility. The aim was a systemic improvement in the efficiency, cost effectiveness and access to the formal justice system.
- **NGO Role Designed:** Partners for the design were contracted as key partners in implementation of the project (NGOs). Their tasks were highly specific and output

oriented build and refurbish court buildings, provide software and hardware for case management, operate time bound legal aid clinics, organise trainings for judges on case flow management and produce monitoring reports for donors. Their role was that of a sub-contractor in a log frame, a service delivery sub-contractor within a tightly defined log frame.

- **Implementation Challenges:** The projectised approach which was undertaken held several fatal disconnects. First, it encouraged island effects a nicely refurbished court in one district, surrounded by a dysfunctional system. The software may be installed but without changes in the underlying procedural codes or in the incentives for lawyers and judges (who may benefit from delay), its use was rather superficial. Second, the donor motivated timeline (normally 3 5 years) was totally inadequate for institutional change. When the project ceased to exist, funding for maintenance of buildings, updating of software or continuation of legal aid ceased, and rapid decay ensued. Third, the approach externalised the dynamic of reform. The role of the state was downgraded from an owner drive force of change to a passive beneficiary. NGOs delivered projects to the judiciary, and not with it, in a sustainable partnership. The complex and politically sensitive work of reforming substantive laws (such as the Civil Procedure Code) or challenging the vested interests of the legal profession was beyond the scope of the project.

- **Outcome/Divergence:** We humans (for the new project) might have to operation a Universe physically and digitally distinct from the natural Universe. It may be the tasks for all times and space of the human race to run a Universe totally different both physically and digitally from the naturally occurring Universe. Nonetheless, empirical measures of court functioning (crimes disposed of, average trial length) show pitiful systemic progress. The backlog of cases in the courts across Pakistan has kept swelling up to the millions. Project outputs became ends in themselves that are ticked off in donor reports and the actual outcome a more efficient, accessible justice system remained elusive. The fact here that there is a gap in ownership and sustainability. NGO driven project implementation established parallel, temporary structures without establishing change at the core of the permanent institutions of the state with no transformative legacy once the external funding and management were withdrawn.

4.4. Cross-Case Analysis, Themes and Variations

Across these three disparate sectors the NGO implementation gap plays out through strong common themes with variations in the context.

Common Themes

1. **The primacy of the technical political divide:** In all cases, NGOs proved to excel in the technical arena (drafting, training, infrastructure) but at the structural level, they were poorly equipped to deal with the political economy (patronage networks, bureaucratic incentives, elite resistance) in which implementation would take place.
2. **The tyranny of the project cycle:** The donor driven and time bound outputs orientated model institutionalised a systematic preference for visible outputs over gradual and process oriented institutional changes, creating a mismatch between NGO accountability (to donors) and reform accountability (to citizens).
3. **The disconnect from end users:** Whether marginalised communities seeking police protection, or rural citizens seeking information or poor litigants in courts, in most cases, NGO strategies never went deep enough to engage and empower the intended beneficiaries as active claimants of rights, thus limiting pressure from the demand side for implementation.

5. Analyzing the Gap, An Multi level Explanatory Framework

Also, the case studies illustrate the NGO implementation gap as a consistent, patterned result rather than a series of coincidental failures. In order to go from empirical observation to causal explanation this section deploys a multi level framework. It posits that the gap is the routine of a complex interplay of factors functioning at different yet linked analytical levels within the NGOs themselves, within the structure and logic of the Pakistani state, within the general society, within the international system. The framework goes beyond mono causal explanations (e.g. lack of political will) by showing how different phenomena that occur at each level reinforce each other to create a resilient system in which formal reforms are neutralised systematically to produce an ecosystem. The NGO implementation gap thus originates not only from the lack of NGO strategy but is a manifestation of a systemic misfit between the models of transnational reform and

the local political and social realities.

5.1. NGO Level Factors, Internal Architecture of the Gap

The strategies and structures of the NGOs themselves create critical constraints. Chief among these is extreme dependence on donors. Reliant on foreign aid, NGOs are forced to compromise on their agendas to match with shifting donor reasons from gender mainstreaming, to counter extremism, to climate resilience and too often at the expense of locally identified, long term reform agendas. This dependency fuels the projectisation of reform where transformative political processes are subdivided into discrete, time 1/ bounded, log frame, and quantifiable output projects. To succeed, it becomes about finishing workshops and writing reports, rather than the difficult to achieve institutional change, and a perverse incentive to be doing things that are monitorable, as opposed to impactful.

This leads to a technical versus political predominant way of doing things. NGOs, which employ lawyers, economists and development professionals, are endowed with tremendous expertise in legal drafting, economic modelling and training. However, such a professional disposition tends to conceptualise governance deficits as technical issues needing technical solutions a new law, a software system, a training manual. This has the effect of systemically marginalising the inherently political nature of reform the battle over power, the re striking of incentives, the need to build coalitions to overcome vested interests. Consequently, there is a common elite disconnect. In urban centres like Islamabad, Lahore, Karachi, where most governance NGOs are manned by Western educated professionals, the geographical distance and social distance from the rural and peri urban population most severely stuck with the deficits of justice are large. This can lead to advocacy with the language of international norms but not resonating with or mobilising the lived grievances of ordinary citizens that creates grassroots pressure that is needed to force implementation.

5.2. State Level Factors, The Resilient Architecture of the Status Quo

The state in Pakistan is not a passive agent receiving reform but a complex entity itself which has its own resilient logic to absorb and deflect external change. At its core is a highly entrenched political patronage system. For the elected officials and powerful bureaucrats, state institutions police postings, revenue authorities, even

courts are important currencies in the maintenance of political networks. These patronage economies therefore guarantee resistance by those who are deriving their power from the current non transparent and unaccountable system, to any reforms that attempt to create merit based, transparent and accountable institutions.

This is made worse by awesome bureaucratic inertia. The colonial era tradition in the civil service places emphasis on rule bound procedure over problem solving outcomes and is extremely risk averse. New laws and procedures mean new work, possible scrutiny, threats to existing rent seeking channels, hence passive non compliance, deliberate obstruction or the ingenuity through which old rules are subverted to achieve old purposes. The judiciary, meanwhile, poses a twin problem of overload (millions of pending cases) on its capacity to be an effective enforcer of rights, but periods of enhanced judicial activism also politicise the judiciary and carry with them an inter institutional conflict which hinders administrative implementation. Finally, the all pervasive dominance of the security paradigm guarantees allocation of a substantial portion of state resources and political attention to the traditional and internal security concerns, as well as providing a ready pretext (national security, public order) to the circumscription of rights based reforms such as RTI or police accountability.

5.3. Socio Structural Factors, The Underpinnings of Informal Governance

Beneath the nominal apparatus of the state is a socio structural landscape that often has a more determinative impact on the nature of justice in the everyday lives of people than does formal law. Patron clientelistic arrangements are not limited to an elite group; on the contrary, they are a basic social contract for a wide range of citizens. In view of absence of assured, objective state services, people seek security and recourse in personalized relations with local power brokers such as waderas, biradari leaders, industrialists etc. This reliance undermines the very premise of institutions based on rules and being impersonal that reforms strive to strengthen. Likewise, strong informal justice systems, jirgas, and panchayats are continued to handle the majority of the work and resolve disputes, especially in rural areas. Their speed, cultural legitimacy and accessibility, apart from frequent violation of formal rights (especially those of women and minorities), makes them a more attractive alternative to a costly, slow and distrustful formal judiciary.

This phenomenon indicates a deep community mistrust of state institutions, which are born from the decades of predation and carelessness. When citizens feel law enforcement is extractive, the courts are for the well off, and bureaucrats are on the way, with little motivation to take the pressure on the demand side of government reform that NGOs typically receive. Such distrust creates an accountability void. Ultimately, excruciating resource constraints (poverty, illiteracy, lack of digital access) make even carefully designed formal mechanisms (e.g. online RTI portals, remote courts) practically inaccessible to the majority, thereby limiting efforts of reform to an already privileged cadre.

5.4. International Dynamics, The External Script

The international context within which reforms are conceived as well as financed imposes powerful often distorting parameters. Donor priorities are by nature tied to political and ideological cycles of donor countries, which means that emphasis on issues such as anti-corruption, gender equality or counter terrorism fluctuate. This leaves a patchy, piecemeal form of reform behind, where sustained focus on any particular institutional weakness is exceptional. These priorities in turn are influenced by overarching geopolitical interests. Of particular concern with the donor community who are often the source of foreign aid to Pakistan and are major bilateral partners Pakistan's strategic importance has often led to stability and security cooperation becoming a priority for donor countries over the often neglected deep governance reform, which can destabilise allied regimes. Consequently, pressure for implementation decreases when reforms threaten basic power structures.

Most consequentially, donors drive promulgation of a standardized toolkit or best practice approach to governance. This model, which is the outcome of a mixture of historic and institutional contexts, is exported by international consultants and is the blueprint for reform. It encourages mimicry of a kind called isomorphic mimicry; Pakistan finds the forms of either a Westminster style parliament, an independent oversight commission for the police, or a body for anti-corruption modeled on the Organization for Economic Cooperation and Development, and so fulfil the international level metrics, while the actual substance of the institutions is hollow. Thus, the international system often rewards performance of reform rather than

actual realisation, and provides an incentive for the very gap that this article focuses on.

6. Implications and Recommendations

The diagnosis of the NGO Implementation Gap remains analytically inert if it doesn't come up with prescriptions for theory and practice. This section outlines the more general implications of our results. Theoretically, it puts fundamental assumptions of several disciplines into question. Practically, it is suggesting focused, multi actor suggestions that would lead to reform strategies more suited to the political and institutional realities of Pakistan. The purpose is not to undo the importance of the role played by NGOs or international support, but to fundamentally refocus this role to overcome the chasm between de jure reform and de facto justice.

6.1. Theoretical Implications Rethinking of Institutional Strengthening, NGO Theory and Hybrid Governance Models

This research requires theorizing in three fields. Firstly, this requires a critical reappraisal of institutional strengthening in the contexts of development and comparative politics. The results make a powerful case against identifying institutional strength with legal institutional form. A more robust theoretical framework needs to be actor centered and functionalist, assessing institutions not based on their design but on their ability to gasoline and adjust power relationships and deliver predictable outcomes in a particular political settlement. Theories of change need to move away from pathologising models of linear programming and technocratic versions of change, instead adopting complex and iterative processes of contestation and bargaining.

Second, it requires a revision of the theory of NGOs, especially in the field of International Relations and development studies. The stereotypical conceptualisation of NGOs as nothing more than tools for norm diffusion or grassroots empowerment has proven inadequate. Our analysis depicts such actors as complex, usually conflicted intermediaries who operate in tensions that revolve around the norms of transnational donors, state power, and the needs of local society. Future theorising will need to take their role as political entrepreneurs, whose strategies, affected by resource dependencies, can inadvertently strengthen the very

gaps which they seek to reduce, into account.

Thirdly, the resilience of informal systems with the simultaneous ongoing reforms in the formal systems highlights the need for sophisticated hybrid governance models. The case of Pakistan shows that governance is not a matter of choosing between formal and informal, but rather a negotiated and often contradictory hybrid order. Theoretical frameworks need to move away from the presumption that formal will invariably replace informal institutions, and examine the context of competition, coexistence or concentration. This is requiring a more interdisciplinary conversation across law, anthropology and political economy.

6.2. Policy Recommendations for NGOs from Technical Assistance to Political Engagement

For NGOs dedicated to governance reform, the implementation gap needs to be crossed from service delivery to a political role of transformation. This entails as under

1. **Grassroots mobilisation and legal empowerment:** a shift from simply introducing rights to people through building legal capacity to enable individuals to claim these rights on their own. Investment is needed in community paralegal programmes, popular legal education in local languages, as well as support of grass roots movements with the desire to catalyse bottom up accountability.
2. **Strategic litigation and legal audits:** Get beyond writing the law to implementing it through litigation strategic litigation focused on public interest litigation that puts the state's feet to the fire to enforce what the law has already written. Concurrently carry out systematic legal audits to publicly document and shame cases of non actualization, to create evidentiary bases for advocacy.
3. **Broad based, transversal coalition building:** Developing alliances outside of normal civil society circles. Build purposive coalitions with bar associations, reform elements within the bureaucracy and judiciary, journalists, and business associations badly affected by poor governance. Isolating vested interests by building up a broader constituency for system wide change.
4. **Long term, politically informed engagement:** Engage donors in flexible, long term (10+ years) funding mechanisms that allow for adaptive, politically astute

strategies. Develop in house expertise in political economy analysis to identify and work with reform champions and foes within the state, moving from an adversarial to transactional engagement, where possible.

6.3. Recommendations for the State & Donors Linking Incentives with Results

Sustainable reform requires a fundamental shift in the behaviour of the state and its international partners and their expectations.

For the Pakistani State

The first imperative is palpable political will, manifested not in words but in actions of the kind of those involved in appointing and protecting the autonomy of oversight bodies (Police Commissions, Information Commissioners), insulating reformist bureaucrats from political interference, and devoting sufficient domestic resources to implementation. The state needs to shift from passive recipient to owner and driver of reforms, to incorporate them in mainstream bureaucratic planning and budgeting.

For International Donors

Donors will need to shift from financing separated projects to financing endogenous reform processes. This involves that

- **The reforms should create a culture of good governance in the judicial system, including:** Participatory Design Insisting on participatory, locally led design processes that include state actors, NGOs and community representatives from the earliest stages to ensure that reforms are seen to respond to actual, rather than perceived, problems.
- **Modernising the core of the underlying system, for example:** Funding for Outcomes, Not Just Outputs Creating sophisticated monitoring and evaluation frameworks that reward evidence of behavioural change, institutional performance and user satisfaction, rather than a simple do this to meet the deadline, tick box approach.
- **Outstanding commentary in the freedom at work review to the Committee by Coffee Case:** Supporting Domestic Accountability Making financial resources available to strengthen horizontal accountability institutions [parliamentary committees, audit authorities] and domestic watchdog NGOs with capacities to do sustained scrutiny, reducing the reliance on outside monitoring.

- **Example Measures, Iteration and Setbacks:** Embracing the concept that institutional change is non linear and politically complex and allowing room for adaptive management and learning from failure as opposed to prescriptive hard line adherence to predetermined log frames. Tolerating Uncertainty Embracing uncertainty and risk and leaving room for emergent decision making, stakeholder dynamics, and outcomes. Alliances and Coalitions Encouraging and enhancing inter departmental, cross boundary alliances and coalitions that enable interdisciplinary collaboration.

7. Conclusion

The continued gap between the complex legal institutional structure of Pakistan and the constant failures of Pakistan s legal systems to ensure justice is one of the defining paradoxes of Pakistan s governance. This article argues that a critical, although under analysed driver of this paradox is what is called the NGO Implementation Gap. Through a multi level analysis, we show that the considerable role that non-governmental organisations have played in the design and promotion of governance reforms is systematically compromised by a deep mismatch between their actual operational models and the political institutional realities that they are attempting to transform.

Restating the Argument and the Evidence

Our main argument is that the NGO Implementation Gap is a structural phenomenon and not the result of a series of random failures. An ecosystem emerges where the NGOs, characterised by dependancy on donors and a technocratic orientation, are efficacious in terms of generating and articulating the legislative, training and project deliverables but are strategically deficient when in navigating the political economy of implementation. This political economy is characterised by the sinecdoing of patronage networks, bureaucratic stupidity and the prevalence of informal institutions of justice that are all actively resisting or passively paralysing the institutional change in society.

The proof for this argument was marshalled on three fronts. First, in a conceptual deconstruction the false equivalence was made between legal formalism and functional effectiveness, and between the rule of law as an ideal and justice as a lived experience. Second, the history gives a meaningful insight into the long lasting

influence of cycles of donor driven reform since 2000, through which a professionalised NGO sector was strategically placed to provide technical interventions in the tough shells of the colonial, centralised state. Third, and perhaps the most definitive, empirical validation based on comparative case studies of police reform, RTI legislation, and access and justice programmes demonstrates a recurring pattern of provision of NGO expertise in the design and delivery of technical assistance that is at once oscillating between political resistance and strategic neglect, as well as the inherent unsustainability of project based interventions. The gap was shown to be a product of intersecting factors at the NGO, state, at the socio structural level and at the international level, creating a self reinforcing cycle of reform being celebrated on paper and forgotten in practice.

Limitations of the Study

While this analysis provides a strong structure, it has some shortcomings. The main limitation is the qualitative, case study based nature of the approach, where the focus is more on the depth of understanding rather than the broad statistical generalisability. The results, striking though they may be as far as the reforms being considered, may not reflect all the nuances of NGO engagement across governance sectors. More specifically, too much emphasis on study of documentary materials and elite interviews, important though these are, privileges granular, street level interactions between citizens and the state. The research is also on a high level of aggregation in relation to NGOs, where the high degree of heterogeneity in the civil society are acknowledged but not fully studied due to the large scope. Finally, as a snapshot analysis, it captures the dynamics of the gap at a particular juncture, though in the context of a clear historical trajectory.

Avenues for Future Research

This study gives rise to multiple fruitful avenues for further study. First, comparative studies with other post antilocal states facing the similar paradoxes, for example, Bangladesh, Nigeria or Kenya could test the portability of the NGO Implementation Gap implementation framework and identify contextual variables that mitigate or exacerbate the gap. Second, there would be value in combining quantitative and qualitative data through longitudinal analysis of specific reforms over 15 20 years that would illuminate the non linear and often cyclical character of

the struggles of implementation, how strategies and resistance evolve. Third, a more specific consideration of the role of particular state institutions is in order. A study on the dual role of the judiciary as the potential enforcer of reforms (in the form of public interest litigation) as well as a bottleneck owing to its own institutional pathologies would be particularly illuminating. Similarly, research on what role the media should play as an accountability actor or even as a platform for manipulation by elite interests could refine our understanding of demand side dynamics for the purposes of implementation. Lastly, future work could go more in depth into the subnational variation, comparing the fate of implementation of identical reforms in different provinces, in order to isolate the effect of local political cultures and administrative capacities.

In conclusion, the path to strong institutions on paper but not in practice or task delivery in Pakistan is a rugged road with significant political pitfalls. This article argues that NGOs, although knowledgeable and passionate about undertaking this journey, do so with an incomplete map showing legal topography, but lacking political fault lines. Bridging the implementation gap involves a paradigm shift from understanding governance reform as a technical assistance project to recognising governance reform as an endogenous political struggle. For the scholars this involves the development of more sophisticated theories of hybrid governance. For practitioners, the ways to do this need to be as politically savvy as they are legally sound. Only by confronting the whole complexity of the state and society they want to change can reformers hope to turn the promise of Pakistan's laws into the reality of justice for its citizenry.

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