

THE TRANSNATIONAL SANCTUARY OF INTERNAL PARALYSIS: PROCEDURAL OVERLOAD, FEDERAL FRAGMENTATION, AND THE IMMOBILISED CAPABLE GUARDIAN IN PAKISTAN'S COUNTER-NARCOTICS REGIME

Arshid Jan* & Ahmed Farhan Saeed**

Abstract

The present research study undertakes a critical examination and attempts to an in-depth analysis that has been observed in Pakistan's counter-narcotics legal regime failure. The main concern of this paper is thus on the domestic institutional dysfunction of Pakistan. The dysfunction is in a state that has been singled out as a key north-south conduit for opiates and synthetic narcotics. But the study questions the explanatory power of exogenous geopolitical causes of the dysfunction. It has also tried to answer one of the main paradoxes surrounding the existence of severe and punitive laws and ongoing, large-scale trafficking. The researcher analysed around 14 expert responses from interviews that were taken. Issues of fragmented governance, inter-agency coordination failures and resource limitations stood out as key themes. A porous border with Afghanistan and coordination challenges among agencies were often mentioned by respondents as significant challenges. Many commented that although there are new provincial laws (e.g. Khyber Pakhtunkhwa Act, 2019 Sindh Act 2024, and Punjab Act 2025) which address synthetic drugs, the fragmented authority (federal Control of Narcotic Substances Act (CNSA) 1997 vs. provincial Acts) and limited capacity of enforcement are challenges. There are different roles of the institutions, Pakistan Anti Narcotics Force (ANF) has quality training and few manpower, police and excise have wide reach but low technical capacity. Issues with investigation and prosecution (such as

* Ph.D Scholar, Area Study Center (Russia, China, and Central Asia) University of Peshawar, Peshawar, Pakistan. arshidjan.gvca@gmail.com

** Assistant Professor, Area Study Center (Russia, China, and Central Asia) University of Peshawar, Peshawar, Pakistan. drfarhan@uop.edu.pk

evidence chain problems, judicial bias on seizures) were also mentioned. On the demand side, only a few mentions and very few emphases of rehabilitation and/or awareness programs. The results of the study show a structural paradox at the heart of the notion of the “Capable Guardian.” This paradox is visible in Pakistan in the presence of an advanced punishment law system, namely the Federal Control of Narcotic Substances Act (CNSA), 1997. While this legal framework may seem robust, its true implementation has been rather insufficient at several key points. This institutional paralysis stems from what could be called the “Legal Rigor Paradox.” The elements of procedural safeguards are elements of a relatively well-developed legal system, but the mechanisms for enforcement are not strong and durable. The study also documents a process of “jurisdictional cacophony” which is increasingly occurring due to fragmentation of institutional and administrative systems. Pakistan’s 18th Constitutional Amendment, 2010 devolving most of the legislative responsibilities and powers to the provincial units is an opportunity and challenge in itself. As an opportunity the amendment has empowered the provinces but as challenge it has created a wider gulf between center and provinces in conceptualising legislation, and the ideological and political differences between ruling political parties. This has also created a continuous rift between the federal and provincial authorities asserting powers and jurisdictions.

Keywords: Pakistan, Narcotics Control, CNSA 1997, Procedural Overload, Federal Fragmentation, 18th Amendment, 2010, Capable Guardian, Routine Activity Theory, Institutional Pathology, Legal Rigor Paradox, Afghan Illicit Drugs Economy, Absence of Strong State Institutions

Introduction

Illicit narcotics markets are among the most adaptive forms of transnational organised enterprise. They grow more quickly than the institutional structures that can control them, take advantage of the gaps between institutional jurisdictions, the opacity of financial systems, and the unevenness of state control.¹ Drug trafficking is a criminal phenomenon, but also a governance challenge, especially in geopolitically conflictual areas with porous borders and informal economies, where the harm to public health meets risks of corruption, fiscal losses, violent coercion and financing of armed actors.² Pakistan’s geographical location and its position as a transit and destination area in the regional drug trade, given its close

¹ Alexander Bogner, Beate Littig, and Wolfgang Menz, *Interviewing Experts* (Basingstoke: Palgrave Macmillan, 2009)

² A. Jamshed and K. Bakhsh, “Judicial Efficacy in Narcotics Cases: An Analysis of Pakistan’s Special Courts,” *Pakistan Journal of Criminology* 16, no. 1 (2024): 45–62

proximity to Afghanistan and Iran, and maritime routes linking South Asia with markets in the Gulf and around the world, are further complicating the challenge.³ Pakistan for decades has been reportedly served as the primary transit route for Afghan illicit drug economy.⁴ Pakistan is facing a high-volume trafficking of narcotics from Afghanistan. Pakistan in the context, however, represents a complex case study in narcotic regulatory failure. This failure, moreover, is a tremendous paradox. This paradox has become a central issue for scholars and policy makers alike.⁵ This paradox has emerged as a central concern for both scholars and policymakers. Prevailing explanations have largely attributed this contradiction to macro-level exogenous factors.⁶ Such perspectives, however, tend to conceptualise the state as a unified and monolithic actor. This externalist orientation has consequently attracted considerable criticism. By concentrating primarily on external determinants, these explanations frequently overlook the intricate internal institutional dynamics, interactions, and constraints that ultimately shape policy outcomes.⁷

The focus of the analysis lies in the “capable guardian”, which is inspired by the “capable guardian” theory in crime prevention⁸ and emphasises the importance of having effective guardianship over targets and disrupting and preventing offenders from committing crime. In Pakistan's counter-narcotics regime, there are several agencies that are supposed to act as guardians, investigators, prosecutors, enforcement agencies, financial intelligence units and regulators of the border and maritime domain.⁹ But when the very design of it that is supposed to foster accountability, legality and intergovernmental balance creates too much procedural complexity and

³Adil, Kamran, “Reviewing the Legal Framework on Control of Narcotic Substances in Pakistan” *Research Society of International Law (RSIL)*, (2022) <https://rsilpak.org/2022/reviewing-the-legal-framework-on-control-of-narcotic-substances-in-pakistan/>

⁴*International Narcotics Control Strategy Report, Volume I: Drug and Chemical Control* (Washington, DC: U.S. Department of State, 2024).

⁵ A. Shah, *Narcotics and Security in Pakistan*, (Cambridge: Cambridge University Press, 2022).

⁶ Vanda Felbab-Brown, *Shooting Up: Counterinsurgency and the War on Drugs* (Washington, DC: Brookings Institution Press, 2010).

⁷ Jamshed and Bakhsh, “Judicial Efficacy in Narcotics Cases,” 50; Hassan Abbas, *Pakistan's Drift into Extremism: Allah, the Army, and America's War on Terror* (Routledge, 2019), 75.

⁸ S. J. A. Khan, R. Zafar, and M. U. Mairaj, “Strengthening the War on Drugs: A Jurisprudential Analysis of Acquittals in Narcotics Cases in Pakistan,” *Pakistan Research Journal of Social Sciences* 3, no. 3 (2024).

⁹ N. Sadiq, *Procedural Justice and State Efficiency: The Pakistani Dilemma*, (Cambridge University Press, 2025).

ambiguity of authority, guardianship becomes “immobilised”.¹⁰ This is not an argument for lack of due process or oversight. Instead, it poses an acute institutional question: under what circumstances do procedures that are intended to prevent trafficking in high-harm, actually end up hindering action against such networks? The governance of counter-narcotics has a multi-layered and overlapping authority in Pakistan.¹¹ Other federal institutions such as the Federal Investigation Agency (FIA), customs and border functions, provincial police organisation and prosecution services operate on the same field of operation, but have their own legal and organisation motivations. It does not constitute a neat model for organisation, but an institutional environment and a complicated turf war over who owns the jurisdiction, the intelligence, the powers of disposition on evidence and who has an interest in the decision on prosecution.¹² In this ecosystem, coordination is more of a political and administrative negotiation, and in each operation, each case file, this negotiation must be re negotiated. The negotiation itself, which is repeated especially when faced with risk, publicity and external pressure, may be a source of delay and hesitation.¹³

Fragmentation is aggravated by procedural overload. The enforcement against narcotics is very legalistic and evidence-based and this process involves a lot of documentation, evidence of contraband safe handling and storage, credible witnesses, proper search, seizure and investigation and sound investigation narratives that can meet cross examination by the adversary.¹⁴ This type of protection is necessary. But if procedures are interdependent and interwoven between agencies, without common standards, or compliance relies on approval and sign-off from several agencies, and each agency reports on a different time frame, then the pace of activities is reduced. More, if there are too many procedures, everyone will take the responsibility, and it will be difficult to determine who is responsible.¹⁵ If the payback for “getting it wrong” is personal and

¹⁰ Barnett R. Rubin, *Afghanistan from the Cold War through the War on Terror* (Oxford University Press, 2013).

¹¹ Dvora Yanow and Peregrine Schwartz-Shea, eds., *Interpretation and Method: Empirical Research Methods and the Interpretive Turn*, 2nd ed. (Routledge, 2015).

¹² T. Khosa, *Drug Trafficking in Pakistan: An Analysis* (Islamabad: National Initiative Against Organized Crimes, 2020).

¹³ T. Maqbool, “Drug Trafficking: A Non-Traditional Security Threat to National Security of Pakistan,” *ISSRA Papers* 7, no. 1 (2015): 99–120.

¹⁴ Hassan Abbas, *Pakistan’s Drift into Extremism*

¹⁵ M. A. Cheema and M. Waseem, “The 18th Amendment and the Futures of Pakistani Federalism,” in *Federalism in Pakistan: The Regional Dynamic*, ed. M. Waseem (Oxford University Press, 2021), 45–67

immediate and the payback for "getting it right" is long-term and distant, it might be rational for decision makers not to do anything. Next, institutional rationality turns towards risk-aversion, resulting in paralysis even when nominal capacity exists.¹⁶

In this regard, this paper aims at going beyond the analytical externalism that has been characterizing much of the previous literature. The present study makes an attempt to make a systematic diagnosis of the functional effectiveness of the domestic counter narcotics Guardian of Pakistan. Thus this paper therefore advances a structural explanation of underperformance: Pakistan's counter-narcotics regime can function as an "immobilised capable guardian" because its guardianship is trapped between (a) fragmentation across federal and provincial authority, mandates, and incentives, and (b) procedural density that increases transaction costs, dilutes accountability, and slows the conversion of intelligence into convictions. The study is designed to examine how these mechanisms operate across the lifecycle of counter-narcotics work—information collection, inter-agency coordination, raid and seizure operations, investigation and charge framing, prosecution, and adjudication—while also considering the transnational adaptations of trafficking networks that learn and exploit institutional patterns. In this paper, the core research question that forms the main inquiry for the present study: "how do the internal pathologies of procedural overload and federal fragmentation interact to explain the operational immobilisation of Pakistan's domestic Capable Guardian against narcotics trafficking?"

Theoretical Framework: Diagnosing the Internal Pathologies of a Consolidated Guardian

The "Capable Guardian" concept is the intellectual structure of the present study. A diagnostic perspective is used to further develop and critically explore this idea. The analysis is specifically directed towards identifying "Internal Pathologies" associated with a classically consolidated state. The main analytical tool of the study is this synthesis. It is also intended to shed light on the phenomenon of enforcement paralysis as an endogenous condition that emerges as a result of the internal structure and functioning of the state. The Capable Guardian theory is based on Routine Activity Theory which suggests that predatory offenses are more likely to occur when effective guardianship is lacking and more likely to be deterred when there is an actor capable of intervening to prevent the offense¹⁷. Consolidated state

¹⁶ A. Hussain, S. Akhtar, and M. Hassan, "Studying the Causes of Delay in Criminal Trials under the Criminal Justice System of Pakistan," *Global Sociological Review* VI, no. II (2021): 52–58

¹⁷ L. E. Cohen and M. Felson, "Social Change and Crime Rate Trends: A Routine Activity Approach," *American Sociological Review* 44, no. 4 (1979): 588–608.

like Pakistan has formalized guardianship in a comprehensive institutional framework including law enforcement agencies, prosecutorial agencies and specialized judicial institutions.¹⁸ It is not the formal existence of the Guardian which is a question of the analytical problem, but the quality, coherence and operational capacity of the institutions where guardianship takes place.

The original formulation of the Capable Guardian is not very explanatory in complex institutional settings. As mentioned by Leukfeldt and Yar¹⁹, the concept was primarily designed to describe a situational condition that represents a criminal opportunity. The current research work aims to overcome this limitation using the framework of 'Internal Pathologies'. Enforcement weakness can occur even in a consolidated State, due to legal complexity, to multiple jurisdiction, to insufficient human resources and to the lack of institutional capacity. Such weakness is an indicator of internal contradictions and dysfunctions in the formal rules and organizations of the state.²⁰ This basis has led the study to find two inter-reinforcing pathologies that can limit the capacity of Pakistan's domestic Guardian – procedural overload and federal fragmentation.

Procedural Overload refers to a situation where the Guardian's legal obligations and institutional processes hinder responsiveness. But for the protection of rights in a free society, due process, the integrity of the evidence, and fairness in procedure, are indispensable. But strict procedures can put a strain on investigative, forensic and prosecutorial facilities of enforcement institutions, where resources might be limited. Well-resourced criminals might also resort to procedural delays, or to presenting evidentiary challenges and technical objections.²¹ This may result in acquittal of narcotics cases, procedural errors and delays in proceedings²². The paradox of institutions is, therefore, that while they are doing their best to be 'legitimate' in the eyes of the law, they may be doing less to ensure their own effectiveness as a means to ensure effective enforcement. It therefore represents a disease of the response mechanism of the Guardian.

The weakening of coordinated enforcement, as a result of political and jurisdictional decentralisation, is instead the subject of Federal

¹⁸ Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978).

¹⁹ E. R. Leukfeldt and M. Yar, "Applying Routine Activity Theory to Cybercrime: A Theoretical and Empirical Analysis," *Deviant Behavior* 37, no. 3 (2016): 263–80.

²⁰ Douglas C. North, *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press, 1990).

²¹ Leukfeldt and Yar, "Applying Routine Activity Theory to Cybercrime."

²² Richard A. Posner, *How Judges Think*, (Cambridge, MA: Harvard University Press, 2008).

Fragmentation. Institutional seams in MLG can occur when there are multiple agencies with different mandates, lines of authority and political centres.²³ After the 18th amendment and the restructuring of the constitution in Pakistan, the provinces have been granted substantial delegated powers for legislation and administration and the federal-provincial relations have undergone certain changes. This has been due in part to the presence of a number of enforcement bodies with multiple structures and reporting to multiple political jurisdictions.²⁴ The existence of several enforcement agencies operating under various legal structures and reporting to different political jurisdictions has been a factor of this²⁵. Whilst decentralisation can improve local autonomy, it can also help to stifle joint intelligence sharing, operational coordination and a coordinated response to mobile narcotics networks. The function of the Guardian, as such, is still there but it is no longer able to act as a deterrent actor. Federal fragmentation is therefore a malady of the guardian's role as a deterrent.

The focal theoretical issue for this paper is that these internal illnesses will have an impact on the ability to be a Capable Guardian practically. The framework results in three propositions that are interdependent: procedural overload reduces and reduces the Guardian's responsiveness; federal fragmentation reduces deterrence by diffuse power; and both combine to create a vicious circle of enforcement weakness²⁶. This is important because the weak institutional links are unable to satisfy the rather wide-ranging requirements for procedure without the equivalent mechanisms for coordination and consolidation of resources. This is an opportunity for organised narcotics networks to take advantage of both gaps in the jurisdictions and in the processes. This might consequently be a practical burden, because the internal structure and processes of a consolidated state can shape its use of power in its operations.

Methodology: An Interpretivist Approach to Institutional Pathology

The present paper has applied a qualitative methodology. It has been structured on a single-case study. The research is also set in an interpretivist methodological framework, where significant focus is given to the meanings

²³ Liesbet Hooghe and Gary Marks, "Unraveling the Central State, but How? Types of Multi-Level Governance," *American Political Science Review* 97, no. 2 (2003): 233–43.

²⁴ Cheema and Waseem, "The 18th Amendment and the Futures of Pakistani Federalism."

²⁵ Adil, Kamran, "Reviewing the Legal Framework on Control of Narcotic Substances in Pakistan" Research Society of International Law (RSIL), (2022) <https://rsilpak.org/2022/reviewing-the-legal-framework-on-control-of-narcotic-substances-in-pakistan/>

²⁶ Peter Andreas, *Border Games: Policing the U.S.-Mexico Divide*, 2nd ed. (Ithaca, NY: Cornell University Press, 2009).

and practices and institutional interpretations that influence the implementation of legal rules.²⁷ It is particularly suitable for the study of the perception, negotiation and implementation of legal obligations by institutional actors in the broader framework of counter-narcotics enforcement. The role of institution friction in the actual operation of the Capable Guardian is thus uniquely covered by it, allowing the study to go beyond the formal substance of law. This interpretive view is significant because enforcement failure can occur not just on the level of the abstract rules of the law, but on the level of the varied institutional interpretations and different administrative practices, as well as the varying visions of enforcement. The study also uses triangulation methods, which involve using three different types of evidence to support the methodological reliability of the study. By using more than one source, findings can be cross-checked and analyzed from other perspectives, minimizing reliance on one type of evidence and improving overall credibility of the research results.²⁸ The scholar analysed 14 transcripts of expert interviews (some conducted jointly) on narcotics control. (Respondents include former police, prosecutors, lawyers, and United Nations (UN)/ United States (US) officials.) All quotes below are from these transcripts; respondents are anonymized as R.1, R.2, etc. while regarding coding approach an inductive thematic analysis was conducted. Transcripts were read in full to identify recurring ideas, which were coded into *initial codes* (Table 1). These codes were iteratively grouped into broader themes and subthemes. Multiple transcripts were cross validated for assessing consistency of major concepts. To achieve anonymity, each individual responding is referred to by a respondent number (e.g. “(R.3)”). There is no sharing of personal or sensitive information from the transcript. No information was given regarding the number of participants and their demographics. We assume that the respondents are representative experts (mostly male, senior officials) in the context of the narcotics policy in Pakistan. Interview questions and context are not known and analysis is limited to what is given. This is a qualitative analysis and an interpretive. Small sample size, and the sample doesn't necessarily represent views of the community or of marginalised groups. In some cases, the text of the transcript was not fully completed (ellipsis “...” means that the text has been omitted). Themes are ranked by their frequency of occurrence, but these are only approximate judgements, and do not constitute quantitative indicators.

²⁷ Yanow and Schwartz-Shea, eds., *Interpretation and Method*.

²⁸ Robert K. Yin, *Case Study Research and Applications: Design and Methods*, 6th ed. (Thousand Oaks, CA: SAGE, 2018)

Analysis

Key Themes

Fragmented Governance and Inter-Agency Coordination

Fragmentation of authority and lack of coordination amongst agencies was a common thread. The overlapping jurisdictions and lack of trust were mentioned by respondents. One official noted that there was a “*severe lack of real time intelligence sharing between ANF, Customs, Frontier Corps and Police/Excise*” (R.14). Another noted “*coordination between agencies, and reporting have been serious concerns*” (R.1). Partly it was attributed to the jurisdictional conflict (between the federal and provincial levels) and partly to the institutional culture (in which each agency goes out of its way to get credit). A senior police official said, “*Coordinating is a big problem... there is [a] trust-deficit between agencies*” (R.12). It limits the ability of a coordinated response: border monitoring, investigations and prosecutions are fragmented. Attendees pointed out that there was a lack of robust inter-agency processes and directives, making efforts disjointed without them.

Border and Trafficking Context

Almost all respondents identified Pakistan's porous border with Afghanistan (and Iran) as a critical problem. Large-scale flows of drugs are possible in long and hard to secure frontiers. As mentioned by one interviewee, *the long border with Afghanistan and Iran, despite the fence, is still porous and allows smuggling to take place in Pakistan* (R.6). A lawyer said that *the physical sealing of this border was almost impossible because of geopolitical reasons such as the long border length of 2600 kilometers* (R.14). This geography, together with high trafficking profits, makes trafficking profitable. Some pointed to the impact of the internal dynamics of Afghanistan on its post-conflict development (such as the sudden ban on opium by the Taliban), which have secondary effects: the shock to the economy “*forced the dealers to seek new ways of doing business*” (R.11). Control of precursors was also an issue in this border setting. A U.S. Embassy official said Pakistan did not have strong mechanisms in place to monitor chemicals such as ephedrine (R.2) that worsen the issue. In the overall picture, it was observed that the dynamics of the borders were external factors which were not easily in Pakistan's control, thus underscoring the importance of cooperation among the countries and border management.

Enforcement Capacity and Resources

Capacity issues in law enforcement were cited over and over again. The Anti-Narcotics Force (ANF) was commended for its special training and considered as “too small” in terms of manpower. One respondent commented, “There is a lack of manpower for ANF which affects its

operational capability” (R.6). Provincial police and excise officers were again said to be “exceptional volume and reach” (made lots of arrests at street level) but short of technical resources. For instance, the lack of adequate technology for detection and interception (R.6) was mentioned and there are long backlogs of laboratory studies. Personal restrictions were cited: “Lack of budget for information gathering or for high-tech investigation tools” (R.14) hinders in the gathering of intelligence and evidence. Lack of specialist experience and job specialisation was also mentioned: there is a “lack of job specialisation and experience to deal with complex narcotics cases” (R.6). Overall, there was a perception that limited personnel and outdated resources were a problem for effective enforcement.

Legal and Judicial Processes

Issues of legal framework and prosecution were another theme. The interviewees noted that there is a change in the laws in Pakistan regarding narcotics, but the enforcement and prosecution have lagged behind. The new KP, Sindh and Punjab narcotics laws were praised for their explicit criminalisation of modern drugs: “The post-2019 [KP] Act was commended for explicit criminalisation of modern drugs with harsher, scaled sentences” (R.14). But this legal advancement is counterbalanced by a lack of coordination in authority. One expert commented that “Pakistan's CNS [Control of Narcotics Substances] Rules 2001 are detailed but the enforcement is weak” (R.11). In practice, investigations are often inadequate: A criminal lawyer stated tartly “the key issue is the investigation” (R.5), and if evidence is not collected well, then cases will fail to come together. In line with this, prosecutors mentioned technical issues in trials (sub-theme below). Moreover, the cross border cooperation is untrustworthy, as Afghanistan's legal system is “outside a reliable legal jurisdiction” (R.10), the cooperation with the legal system is often inefficient in the implementation of Mutual Legal Assistance. To sum up, good laws alone cannot be effectively enforced without effective institutions and investigators.

Investigation and Prosecution Challenges

Capacity was related to case building and court issues. Some of the respondents provided examples of lapses in procedure which lead to acquittals. For instance, “defective chain of custody results in failure to prove who had the sample at each moment” (R.14) and evidence is often presented late – delayed lab testing (more than 72 hours) degrades the case. Emphasis was also placed on witness management – courts are regularly faced with hostile witnesses (due to fear). Judges were alleged to have a “physical bias”, by “over emphasising” the physical recovery of drugs (R.14) while “undervaluing” digital or financial evidence. This is unfairly

targeting “small mules” and allowing organisers to get away with it, one respondent commented. For heavier seizures, more will be required in bail hearings. In general, respondents expressed that these judicial practices add to enforcement issues. The remedies that were recommended included investment in forensic labs, training on the chain of evidence, and sensitizing judges on trails of money laundering.

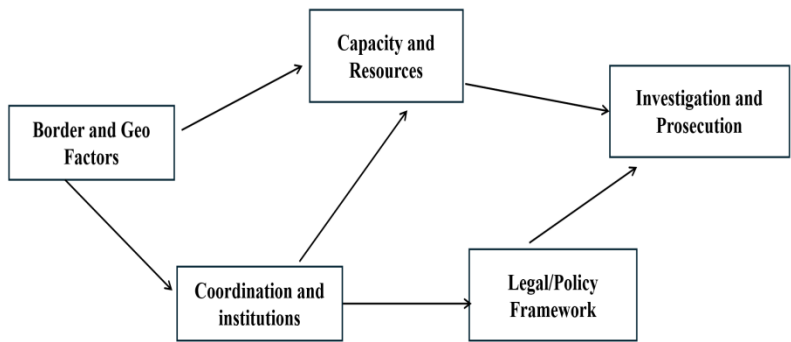
Public Health and Demand Reduction (Less Emphasised)

Few of the respondents referred to demand side and social interventions which were not as prominent. For example, the KP government has already begun some “great work” in terms of rehabilitation of the addicts (R.1) and has carried out awareness campaigns. A public health analyst also commented that “the legal framework is not suited to the nature of trafficking in synthetic opioids, which is fast paced” (R.11). But most of the focus was on enforcement of supplies. This indicates that although there is rehabilitation and prevention programming, it was less discussed in these expert interviews.

Table 1: Summarises major themes, and a mermaid flowchart illustrates their inter-relationships

Theme	Subtheme	Representative (R.No)	Quote	Prevalence
Coordination & Institutions	Inter-agency coordination; silo mentality	“Lack of real-time intelligence sharing between ANF, Customs, FC, and Police/Excise” (R.14)		High
Border & Trafficking	Porous border; economic incentives	“Over 3,600 km long border with Afghanistan and Iran makes physical sealing nearly impossible” (R.14)		High
Capacity & Resources	Manpower shortage; technical/training gaps	“ANF faces a shortage of manpower, which constrains its operational capability” (R.6)		High
Legal/Policy Framework	CNSA vs KP laws; fragmented authority	“Post-2019 KP Act specifically criminalises synthetic drugs with harsher, scaled penalties” (R.14)		Medium
Investigation & Prosecution	Evidence handling; judicial processes	“Defective Chain of Custody leads to failure to prove who held the sample” (R.14)		Medium
Public Health & Rehab.	Addiction rehab; awareness initiatives	“KP Government started some great work on rehabilitation of the addicts” (R.1)		Low

Theme Relationships



This flowchart illustrates that border and geographic factors (e.g. porous border) impact both institutional coordination and enforcement capacity. Coordination failures feed into and are fed by capacity/resource limitations. The legal/policy framework influences both enforcement capacity and prosecution processes, forming a loop of institutional interdependence.

Results

The thematic analysis identified six interconnected findings concerning the performance of Pakistan’s counter-narcotics regime. Fragmentation of institutions was the significant point that was found. Overlapping federal and provincial duties, limited real-time information sharing, inter-agency conflicts and ongoing trust issues between the Anti-Narcotics Force, Police Departments, Excise Departments, and customs were identified as issues by participants. These vulnerabilities hampered efforts to conduct investigations, prosecutions and border surveillance as parts of a comprehensive enforcement approach. The border with Afghanistan and Iran were also highlighted as significant indicators of risk for trafficking in the region, as they are long, mountainous, unstable, and are home to highly mobile trafficking networks. Lack of control over precursor chemicals also further added to the risks of synthetic-drug manufacturing and trafficking.

The second group of findings related to operational and judicial capacity. While the ANF was regarded as specialised and professionally trained, respondents felt its manpower and technology resources were not adequate to address the problem. The provincial agencies were bigger with more territorial jurisdiction, but many were lacking in specialist training, modern detection systems, reliable forensic facilities and budgets for investigations. These deficiencies presented themselves during the judicial process as well. Participants linked acquittals to the chain of custody, lab reports that were

too late, inadequate evidence collection, oppositional witness, and an overly “physical” focus by the judge on recovery instead of digital and financial evidence. The reforms in the law that have taken place in recent years were welcomed, especially in relation to synthetic drugs, under the KP CNSA 2019, Sindh CNSA 2024 and Punjab CNSA 2025). Respondents asserted that better legislation would not be an adequate substitute for poor implementation, however. There was only a slight mention of demand reduction, rehabilitation and prevention in the interviews, reflecting the fact that Pakistan's response is largely enforcement focused, and also because the focus of the research is on supply side of the narcotics.

Discussion

The findings indicate that the lack of law is not the problem in the Pakistani counter-narcotics regime, the problem is the weak implementation of law due to lack of coordination and coordination issues among the institutions. Weak intelligence sharing, competing mandates, competitive agendas between agencies and federal-provincial jurisdiction were consistently cited by respondents. This is consistent with Hussain's²⁹ conclusion: institutional competition hampers the coordinated counter-narcotics enforcement in Pakistan. It mirrors the concerns regarding Pakistani federalism as in this system, devolution has resulted in several centres of responsibility but has not sufficiently led to proper coordination institutions³⁰. The issue at a multi-level governance level is not institutional plurality as such, but rather the lack of clear relationships, accountability and information-sharing processes between government levels³¹. In routine activity theory this is called fragmentation and lowers the presence of capable guardians³².

The border-based findings confirm previous studies, which have established Afghanistan-based production, porous frontiers and regional instability as factors contributing to trafficking through Pakistan. Usman and Khan³³ reported that difficult topography, poor law enforcement and cross-border networks are the factors that enable the movement of narcotics across Afghanistan-Pakistan border. Likewise, drug trafficking was considered as a major non-traditional security threat, backed by organised criminal groups

²⁹ A. Hussain, S. Akhtar, and M. Hassan, “Studying the Causes of Delay in Criminal Trials under the Criminal Justice System of Pakistan,” *Global Sociological Review* VI, no. II (2021): 52–58

³⁰ Cheema and Waseem, “The 18th Amendment and the Futures of Pakistani Federalism.”

³¹ Hooghe and Marks, “Unraveling the Central State, but How?”

³² Cohen and Felson, “Social Change and Crime Rate Trends.”

³³ T. Usman and M. M. Khan, “Drug Trafficking from Afghanistan to Pakistan and Its Implications,” *Journal of the Research Society of Pakistan* 50, no. 2 (2013): 25–43.

and geographical location of Pakistan, by Maqbool³⁴ and Khosa³⁵. The present study builds on these observations and demonstrates that geographical exposure is particularly detrimental when domestic agencies are compartmentalised. Borders are not just physical boundaries, but institutional spaces created through particular enforcement capacity, political priorities, and adaptation by smugglers as Andreas³⁶ notes. The respondents' descriptions of the innovation of crime after the changes in Afghanistan support Felbab-Brown's³⁷ claim that trafficking networks respond to enforcement and political change.

The identified weaknesses are in line with the reported weaknesses in investigation, forensic processing, chain of custody and prosecution in previous Pakistani studies. According to Jamshed and Bakhsh³⁸, the issues in narcotics trials are due to procedural shortcomings and impartiality of the judges, whereas Khan³⁹ attribute the acquittals to the lack of evidence, investigative flaws, and the failure to follow the mandatory procedures. Structural issues identified by Hussain⁴⁰ are reflected with the delays in laboratory examination and criminal proceedings. The findings indicate that when procedural overload takes over, some institutions can become paralysed and lose their capacity to function because formal compliance becomes more significant than coordinated case-building. In institutional terms, poorly coordinated and/or inconsistently applied rules can actually diminish state effectiveness, rather than enhance it⁴¹.

Lastly, rehabilitation and demand reduction receives only little emphasis, suggesting a supply bias. This is different from studies that focus on integrated prevention, health and enforcement responses⁴². Beletsky⁴³

³⁴ Maqbool, "Drug Trafficking: A Non-Traditional Security Threat to National Security of Pakistan."

³⁵ T. Khosa, *Drug Trafficking in Pakistan: An Analysis* (Islamabad: National Initiative Against Organized Crimes, 2020), URL.

³⁶ Andreas, *Border Games*.

³⁷ Felbab-Brown, *Shooting Up*.

³⁸ Jamshed and Bakhsh, "Judicial Efficacy in Narcotics Cases."

³⁹ Khan, Zafar, and Mairaj, "Strengthening the War on Drugs."

⁴⁰ Hussain, Akhtar, and Hassan, "Studying the Causes of Delay in Criminal Trials."

⁴¹ North, *Institutions, Institutional Change and Economic Performance*.

⁴² Z. El-Khatib et al., "The Role of Law Enforcement Officers/Police in Drug Prevention within Educational Settings—Study Protocol for the Development of a Guiding Document Based on Experts' Opinions," *International Journal of Environmental Research and Public Health* 18, no. 5 (2021): 2613, <https://doi.org/10.3390/ijerph18052613>

⁴³ L. Beletsky et al., "Police Encounters among Needle Exchange Clients in Baltimore: Drug Law Enforcement as a Structural Determinant of Health," *American Journal of Public Health* 105, no. 9 (2015): 1872–79, <https://doi.org/10.2105/AJPH.2015.302681>

caution that a law enforcement approach to drug policy can have negative impacts on public health. This imbalance produces a very limited range of policy choices and a lack of prevention, treatment, and community resilience throughout the nation. In general, the study shows that, despite having capable guardians in Pakistan to tackle the problem, they are hindered due to fragmentation, procedural failures and lack of integration of public-health approaches.

Assumptions and Limitations

- **Coding Reliability:** As an individual analysis, coding is subjective. A larger team or participant validation could refine themes.
- **Generalizability:** Findings reflect elite/policy perspectives and cannot be generalised to the general population or traffickers. Nonetheless, the analysis offers a structured overview of issues raised by key stakeholders.

Implications for Policy and Theory

The results of the present research study contradict the prevalent story on narcotic control. The problem of drug trafficking in Pakistan is not merely an imported one but it is also a result of the lack of drug enforcement mechanism in the country⁴⁴. The resulting loopholes provide safe harbors for criminal activities that are locally created by design defects in the rules of the game. Hence, there is a need to shift the paradigm in counter narcotics discourse and policy making. This shift in approach is significant in the process of policy-making: rather than drafting punishment laws, focus should be on building and rebuilding systems for their implementation.

Thematically, the paper helps to develop the framework of the “Capable Guardian” which can be applied to complex and consolidated states⁴⁵. On the theoretical level, the paper goes beyond the binary assessment, which is often used in the academic and policy debates, and introduces the concepts of “procedural overload” and “federal fragmentation” as a potentially transferable diagnostic toolkit for identifying weaknesses in enforcement systems⁴⁶. The policy implications for Pakistan should, accordingly, be technical and political obstacles to narcotics control. In the near term, efforts must be focused on minimizing institutional friction, enhancing inter-agency coordination and the development of information sharing mechanisms.

In order to tackle the core pathologies, medium-term reforms should be initiated. To address procedural overload, a dedicated “Schedule of Special

⁴⁴Felbab-Brown, *Shooting Up*

⁴⁵ Cohen and Felson, “*Social Change and Crime Rate Trends.*”

⁴⁶ North, *Institutions, Institutional Change and Economic Performance.*

Procedures” should be annexed to the FCNSA 1997⁴⁷. Furthermore, in addressing federal fragmentation, the role of a functional national level body with statutory powers to make federal and provincial agencies control alike becomes critical⁴⁸. This body exists in the shape of Federal Ministry of Narcotics Control however it remains but fully effective in forming a unified front to control the problem of narcotics by bringing together federal, provincial enforcement and international partners⁴⁹.

Furthermore, changing metrics of success and performance indicators to be considered in long-term shifts. In this respect, performance indicators must shift from quantity and seizure(s) weight to metrics. In the context it should reflect strategic network disruption⁵⁰. Furthermore, legislative harmonisation among the provinces and federal agencies should translate through a “model narcotics control law”. This should replace the current paralysing legal patchwork.

Conclusion

Finally, the interviews have consistently identified three cross-cutting issues: the difficult border context, the lack of agency resources and of a legal and organisational fragmentation. This will involve new legislation or serious participatory amendment in the existing federal and provincial laws focusing on (e.g. legislation on synthetics) as well as better coordination, investment in training/technologies and judicial process reform. Future studies may be able to draw a more complete picture by comparing these with the data provided by frontline officers, communities or traffickers affected.

Acknowledgements

I owe Almighty Allah a debt of gratitude for providing me with the strength, wisdom, patience and perseverance to undertake this research. He blessed and directed me throughout this academic path in so many ways. I would like to express my special gratitude to my research supervisor Dr. Ahmed Farhan Saeed, Assistant Professor, Area Study Centre, and Professor Dr. Suhail Shahzad, University of Peshawar, for their valuable guidance, thoughtful feedback and constant encouragement. Their valuable inputs, guidance and positive feedback were instrumental in the development and enhancement of this research paper. I also would like to thank everyone from the Area Study Centre, University of Peshawar who helped me and

⁴⁷ Sadiq, *Procedural Justice and State Efficiency*.

⁴⁸ Cheema and Waseem, “The 18th Amendment and the Futures of Pakistani Federalism.”

⁴⁹ Government of Pakistan, The Control of Narcotic Substances Act, 1997 (Islamabad: Government of Pakistan, 1997).

⁵⁰ Andreas, *Border Games*.

cooperated in completing this study and provided a supportive academic atmosphere. I am also sincerely proud and thankful to my wife whose support gave me the strength and energy to complete my research. I would also like to express my gratitude to all the learned respondents, friends and colleagues for their time, encouragement, useful discussions, moral support and motivation. They were both kind and confident in my work and helped me to stay focused and committed throughout the research process. I will definitely not forget to mention my core organization United Nations Development Programme Pakistan and the US Embassy team, working on their counternarcotics projects gave me the idea to conduct my research on counternarcotics.

Abbreviations:

ANF	Anti-Narcotics Force
CNS	Control of Narcotic Substances
CNSA	The Control of Narcotic Substances Act, 1997
FC	Frontier Corps
INCSR	International Narcotics Control Strategy Report
ISSRA	Institute for Strategic Studies, Research and Analysis
KP	Khyber Pakhtunkhwa
MLA	Mutual Legal Assistance
NAP	National Anti-Narcotics Policy
NIOC	National Initiative against Organised Crime
UN	United Nations
U.S.	United States

References:

- Abbas, Hassan. *Pakistan's Drift into Extremism: Allah, the Army, and America's War on Terror*. Routledge, 2019.
- Andreas, Peter. *Border Games: Policing the U.S.-Mexico Divide*. 2nd ed. Ithaca, NY: Cornell University Press, 2009.
- Beletsky, L., J. Cochrane, A. L. Sawyer, C. Serio-Chapman, M. Smelyanskaya, J. Han, et al. "Police Encounters among Needle Exchange Clients in Baltimore: Drug Law Enforcement as a Structural Determinant of Health." *American Journal of Public Health* 105, no. 9 (2015): 1872–79. <https://doi.org/10.2105/AJPH.2015.302681>

-
- Bogner, Alexander, Beate Littig, and Wolfgang Menz. *Interviewing Experts*. Basingstoke: Palgrave Macmillan, 2009.
- Cheema, M. A., and M. Waseem. "The 18th Amendment and the Futures of Pakistani Federalism." In *Federalism in Pakistan: The Regional Dynamic*, edited by M. Waseem, 45–67. Oxford University Press, 2021.
- Cohen, L. E., and M. Felson. "Social Change and Crime Rate Trends: A Routine Activity Approach." *American Sociological Review* 44, no. 4 (1979): 588–608.
- El-Khatib, Z., C. Herrera, G. Campello, E. Mattfeld, and W. Maalouf. "The Role of Law Enforcement Officers/Police in Drug Prevention within Educational Settings—Study Protocol for the Development of a Guiding Document Based on Experts' Opinions." *International Journal of Environmental Research and Public Health* 18, no. 5 (2021): 2613. <https://doi.org/10.3390/ijerph18052613>
- Felbab-Brown, Vanda. *Shooting Up: Counterinsurgency and the War on Drugs*. Washington, DC: Brookings Institution Press, 2010.
- Government of Pakistan. *The Control of Narcotic Substances Act, 1997*. Islamabad: Government of Pakistan, 1997.
- Adil, Kamran, "Reviewing the Legal Framework on Control of Narcotic Substances in Pakistan" Research Society of International Law (RSIL), (2022) <https://rsilpak.org/2022/reviewing-the-legal-framework-on-control-of-narcotic-substances-in-pakistan/>
- International Narcotics Control Strategy Report. Volume I: Drug and Chemical Control. Washington, DC: U.S. Department of State, 2024.
- Jamshed, A., and K. Bakhsh. "Judicial Efficacy in Narcotics Cases: An Analysis of Pakistan's Special Courts." *Pakistan Journal of Criminology* 16, no. 1 (2024): 45–62.
- Khan, S. J. A., R. Zafar, and M. U. Mairaj. "Strengthening the War on Drugs: A Jurisprudential Analysis of Acquittals in Narcotics Cases in Pakistan." *Pakistan Research Journal of Social Sciences* 3, no. 3 (2024).
- Khosa, T. *Drug Trafficking in Pakistan: An Analysis*. Islamabad: National Initiative Against Organized Crimes, 2020. <http://www.globalinitiative.net/wp-content/uploads/2020/07/Drugs-Trafficking-in-Pakistan.pdf>
- Hooghe, Liesbet, and Gary Marks. "Unraveling the Central State, but How? Types of Multi-Level Governance." *American Political Science Review* 97, no. 2 (2003): 233–43.
- Hussain, A., S. Akhtar, and M. Hassan. "Studying the Causes of Delay in Criminal Trials under the Criminal Justice System of Pakistan." *Global Sociological Review* VI, no. II (2021): 52–58.

- Leukfeldt, E. R., and M. Yar. "Applying Routine Activity Theory to Cybercrime: A Theoretical and Empirical Analysis." *Deviant Behavior* 37, no. 3 (2016): 263–80.
- Maqbool, T. "Drug Trafficking: A Non-Traditional Security Threat to National Security of Pakistan." *ISSRA Papers* 7, no. 1 (2015): 99–120.
- North, Douglas C. *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press, 1990.
- Sadiq, N. *Procedural Justice and State Efficiency: The Pakistani Dilemma*. Cambridge University Press, 2025.
- Usman, T., and M. M. Khan. "Drug Trafficking from Afghanistan to Pakistan and Its Implications." *Journal of the Research Society of Pakistan* 50, no. 2 (2013): 25–43.
- Posner, Richard A. *How Judges Think*. Cambridge, MA: Harvard University Press, 2008.
- Rubin, Barnett R. *Afghanistan from the Cold War through the War on Terror*. Oxford University Press, 2013.
- Shah, A. *Narcotics and Security in Pakistan*. Cambridge: Cambridge University Press, 2022.
- Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Edited by Guenther Roth and Claus Wittich. Berkeley: University of California Press, 1978.
- Yanow, Dvora, and Peregrine Schwartz-Shea, eds. *Interpretation and Method: Empirical Research Methods and the Interpretive Turn*. 2nd ed. Routledge, 2015.
- Yin, Robert K. *Case Study Research and Applications: Design and Methods*. 6th ed. Thousand Oaks, CA: SAGE, 2018.