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ADR in Pakistan: Why Has Court-Annexed Mediation Not Reached its Potential?

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Abstract

In Pakistan, court-annexed mediation has been advocated as an intervention to minimize court overload, time loss, and legal expenses, but its empirical effect is less evident. This paper seeks to discuss the reasons why court-annexed mediation has failed to reach its desired potential and the legal, institutional, and socio-cultural obstacles that inhibit its efficacy. It serves as a convergent mixed-method study combining doctrinal legal study with data collected based on interviews with judges, lawyers, mediators, court employees, surveys and existing court statistics. The results show that uncertainty about the regulation is the major cause of low uptake, lack of institutional capacity, mismatch of professional incentives and views on mediation as informal and subject to power imbalance especially in family disputes. The paper finds that court-annexed mediation in Pakistan needs implementation-oriented reforms, such as better regulatory frameworks, mediator accreditation and systematic referral processes to improve legitimacy and access to justice.

Keywords: Alternative Dispute Resolution, Court-annexed Mediation, Access to Justice, Legal Culture, Institutional Capacity, Enforceability, Pakistan.



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Introduction

In most jurisdictions, alternative dispute resolution (ADR) and, in particular, mediation have become a key reform agenda of civil justice due to their promise of quicker, less adversarial, and less expensive results as compared to full-scale litigation (Werner et al., 2023). Modern reform agendas are beginning to place mediation as a more complementary route than as a shadow system within the court system, often with the assistance of digital tools and online dispute resolution (ODR) infrastructure, which can expand access to and simplify low-value or high-volume disputes (Rabinovich-Einy, 2021; Prince, 2020).

The attraction of mediation, though, lies in the concept of legitimacy, the feeling of fairness, respect, and trustworthiness on the part of parties in the process (Husband, 2020). Mediation and procedural justice research indicates that settlement is not merely a creation of bargaining leverage; it is also influenced by the belief of neutrality, voice and dignified treatment (De Girolamo, 2019; Van de Graaf, 2020). The everyday ethics and professional ethics of lawyers at the practitioner level can promote or prevent mediation (through facilitating open communication and realistic negotiation) or block mediation (through perceiving mediation as a delay tactic or an empty formality) (Douglas and Akin Ojelabi, 2023).

Court-related designs, such as referral requirements, timeliness, quality control of the mediator, case-management, and systems to support parties, also become important in court-connected designs (Santos et al., 2020; Kaur et al., 2019). Comparative program design practices demonstrate that the value of mediation is best realized when those courts regard it as a well-resource service with explicit goals, a consistent approach to referral, and feedback loops- but not as a service add-on (Ross, 2021). Equally, the research on court-related mediation brings out the interactional dynamics at the micro level (e.g. quality of listening and communication) to influence a party involvement and perceived fairness that subsequently impact settlement chances (Ala-Kortesmaa and Valkoski, 2023).

Delay and heavy dockets continue to pressure the civil justice system in Pakistan and court-annexed mediation is particularly applicable as a governing instrument to resolve disputes in time and enhance the accessibility to justice. Pakistan has presented ADR both through legislative and policy initiatives as well as experimented with mediation forms in various forums, but evidence and commentary have again and again indicated that adoption and sustained success is disproportionate (Khan et al., 2022; Khan and Abbasi, 2023). The consequence is a reform gap: the official presence of court-annexed mediation does not predict any reliable transformation into regular referrals, substantive participation, and sustainable settlement outcomes in most contexts. The article deals with court-annexed mediation (not mediation or arbitration of a civil or family dispute) and settlement-compatible claims are frequent and the court congestion is likely to be most eminent. It will be based on the geographic range of Pakistan, with a specific focus on the implementation dynamics that may differ depending on a forum and the locality (e.g., the district-level court capacity and bar-court cultures) and rely on the comparative insights into design to find the practical changes.

ADR in this paper is a term used to refer to non-trial dispute-resolving methods; mediation is a facilitated negotiation led by a neutral third party who does not issue a binding determination; court-annexed mediation is mediation associated with court procedures (via referral, case management or court-associated panel/centers) (Bujang et al., 2018). The conciliation is perceived as a similar facilitatory process that can include a more advisory

third party role, whereas settlement refers to the party agreement that eliminates the entire or part of the conflict, and enforceability is the legal status of the outcome of the mediation process in both procedural law and court practice (De Girolamo, 2019; Khan and Abbasi, 2023).

Although there are legal and administrative efforts, court-annexed mediation in Pakistan is frequently underutilized or inconsistent in its effectiveness, and there is a consistent disparity between reform intention and practice. To this end, this study aims to determine the institutional, legal, cultural, and operational barriers to uptake and outcome of court-annexed mediation in Pakistan; it seeks to chart the main regulatory and governance voids, explore the levels of court, and incentive structure, and evaluate the attitudes of lawyers/litigants to build a trust-based and participatory attitude. The research questions are as follows: RQ1- what are the legal/regulatory obstacles to court-annexed mediation in Pakistan; RQ2- what are the court/institutional barriers (training, incentives, infrastructure) to higher referral and settlement rates; RQ3- what are the barriers to performance and legitimacy caused by lawyer/litigant attitudes and social-cultural norms; and RQ4- what design interventions might help to improve performance and legitimacy. The empirical and implementation gap is the gap in understanding how mediation reforms operate in the court contexts of Pakistan that is addressed in the study, which is significant both in practice to support the efficiency of the courts, the reduction of the costs of the disputes, and the strengthening of the access to justice and academically (Khan et al., 2022; Khan and Abbasi, 2023).

Literature Review

The access to justice scholarship presents court-related ADR as a system design option - aimed at cutting down on delay and cost and maintaining fairness, voice and legitimacy (Kaur et al., 2019). Under this perspective, the mediation process only works when parties regard the process as procedurally fair (respectful treatment, neutrality, ability to be heard) and not just when the process leads to settlement. It has been empirically demonstrated that the perceptions of procedural justice are potent determinants of user satisfaction and readiness to re-use dispute institutions, thus quality-of-process is a fundamental performance variable in court-annexed mediation and not an ancillary one (Braun & Clarke, 2019).

The institutional capacity theory has been used to understand why mediation reforms typically fail to become effective: to implement the new rules, the court requires both administrative capacity (case triage, referral pipelines, trained staff, monitoring) and learning capacity (feedback loops, KPIs, data infrastructure) (Ames et al., 2019). Capacity work underlines the idea that even properly designed reforms will not work when organizations feel unable to structure actors, maintenance of incentives and monitoring consequences. Legal culture and disputing practices indicate that the adoption of mediation is influenced by the professional norms and expectations of justice in society (Majeed et al., 2023). Compromise can be equated to weakness, formal adjudication and mediation can be considered informal bargaining with no official closure particularly in situations involving power asymmetry (e.g. family and gendered disputes). Comparative work recommends that the design of mediation should be culturally plausible among parties and lawyers, and not necessarily effective (Hameed et al., 2023).

Lastly, the principal-agent issues are relevant in court-based mediation: judges (clearance of docket), lawyers (legal fees, ability to control strategy), and mediators (notoriety, repetition) might have rather incompatible interests (Braun & Clarke, 2019). Where there is a conflict of incentives, referrals can be low, parties may be going through the motions or lawyers may not agree to early settlement. A comparison between mandatory, presumptive, and voluntary

referral models is made through comparative studies (Braun & Clarke, 2019). Compulsory or presumptive plans can make participation more common, but would be at a cost to legitimacy when parties feel coerced or unfranchised, and would be ineffective unless court signalling, lawyer buy-in, and initial case screening are vigorous. According to taxonomy-based scholarship, variations in the degree of mandatory is important, information sessions produce very different effects, attendance conditions, cost penalties, and opt-out conditions have very different effects.

The mediation accreditation, ethics, and quality assurance are also highlighted by international experience. Clear competency standards, supervision, handling of complaints and transparency regarding the behaviour of the mediator (where the stakes are high or the conflict is vulnerable, e.g. family) are systems that help preserve trust. The behaviour of mediators and its perception by users in studies show that the mechanisms of accountability are important as perceived neutrality and respectful interaction are key to outcome acceptance. Another design axis has to do with enforceability (Hameed et al., 2023). Mediated outcomes are perceived as real justice based on the cross-border and domestic mechanisms of enforceability (Boateng et al., 2018). The literature on the Singapore Convention (but again internationally based) is often relied upon to demonstrate the role of enforceability architecture in enhancing commercial confidence in mediation and in minimizing the risk of re-litigation, an understanding which is then projected to domestic court-annexed schemes in search of legitimacy.

The ADR environment in Pakistan has grown by statute, court-rule and policy experiment, but the literature indicates that institutionalization is patchy: mediation is not consistent between forums, there is inconsistency in the frequency of referral, in the quality of mediators, infrastructures, and public awareness (Majeed et al., 2023; Pradeep, 2019). Pakistan based scholarship associates these lacunae with inadequate standards, insufficient training pipelines and ineffective court management systems to track the results- pointing out that the binding constraint is in most cases operative rather than legal (Cofie et al., 2022). Jurisdictional barriers noted to recur include legal ambiguity (unclear authority, confidentiality, admissibility, and enforceability), gaps in training/accreditation, and disincentives on lawyers - particularly when fee structure incentivizes prolonged litigation or where lawyers are afraid of losing control in mediation (Bujang et al., 2018). The incentive sensitive literature indicates that the design of compensation can transform the professional behavior suggesting that the underuse of mediation in Pakistan can be partially justified by the existing litigation economics.

On the institutional side of the matter, low-quality court management (lack of KPIs, poor referral pipelines, case-triage, ineffective scheduling) may lower the settlement rates and reduce confidence. Settlement research also warns that it may not necessarily be better justice when there are more settlements: systems must safeguard fairness, control power imbalances and provide informed consent, particularly in the family and gendered situations. Although previous studies chart the broad obstacles, Pakistan does not have systematic, stakeholder-based diagnosis which ties (i) identified regulatory lapses, (ii) court functioning bottlenecks, (iii) litigant/lawyer attitudes, and (iv) reform packages (incentives, training, KPIs, referral design). This paper fills that void by bringing together institutional, legal, cultural, and operational explanations in a viable roadmap to court-annexed mediation performance and legitimacy.

Research Methodology

3.1 Research Design

This study adopts a **convergent mixed-method design** combining (i) **doctrinal legal research** (mapping the law, rules, and administrative practice on court-annexed mediation) with (ii) **empirical field evidence** (stakeholder interviews, optional survey, and available court statistics). Doctrinal analysis is used to identify normative gaps and design features (e.g., confidentiality, enforceability, referral powers), while empirical components explain how those rules operate in practice and why uptake remains limited. Mixed-method integration follows practical strategies that merge qualitative explanations with quantitative trends to generate implementable reforms.

3.2 Study Setting

The setting comprises **court-linked or court-referred mediation points** located within/around **district courts and specialized forums** (family and civil courts; where relevant, commercial/civil benches) in Pakistan. To reflect variation in institutional capacity and legal culture, sites are selected across **multiple provinces/territories**, prioritizing one **high-volume urban district** and one **comparatively lower-volume district** per region. Mediation centers (where established) and court administrative offices (nazir/reader/branch clerks) are included to capture the referral pipeline.

3.3 Data Sources

Primary data

1. **Key informant interviews** with: judges (civil/family), court-annexed mediators, senior and junior lawyers, court staff, and (where feasible) litigants who were referred to mediation.
2. **Optional survey** of lawyers and litigants to quantify awareness, trust, willingness to mediate, and perceived fairness/confidentiality.

Secondary Data

1. **Legal and policy corpus:** statutes, rules, practice directions, SOPs, mediation manuals, and ethics/qualification instruments.
2. **Court performance data (where available):** number of referrals, mediation completions, settlement rates, and time-to-disposal proxies—used descriptively and to corroborate narratives about bottlenecks.

3.4 Sampling Strategy

A **purposive, maximum-variation strategy** is applied to ensure diversity by role, geography, court type, and experience with mediation. Target interview sample: **34 interviews**, distributed approximately as: 8–10 judges, 8–10 lawyers, 6–8 mediators, 4–6 court staff, and 4–6 litigants (flexible until saturation). For the optional survey, a target of **240 responses** supports subgroup comparisons (lawyer vs litigant; province-wise) and basic regression modelling; sample size planning for logistic models follows established guidance.

3.5 Instruments

Interview guide (semi-structured): themes include (a) referral discretion and screening, (b) mediator competence and ethics, (c) confidentiality and power imbalance, (d) enforceability and follow-through, (e) incentives for judges/lawyers, (f) logistical constraints (rooms, scheduling), and (g) legitimacy perceptions and “justice vs compromise” norms.

Survey tool (optional): constructs include awareness, perceived procedural fairness, confidentiality trust, mediator competence, lawyer support, and willingness to mediate. Item development and refinement follow best-practice steps for construct clarity and reliability.

3.6 Variables / Themes

Analysis is organized around five explanatory blocks:

1. **Legal/regulatory:** scope, confidentiality, neutrality standards, enforceability and court oversight.
2. **Institutional/court operations:** screening/referral pathways, scheduling, infrastructure, data capture, and continuity.
3. **Human capacity:** mediator training, accreditation, ethics, supervision, and quality assurance.
4. **Incentives:** lawyer fee dynamics, judge performance signals, mediator compensation and status.
5. **Socio-cultural:** authority expectations, stigma of compromise, gender/power dynamics, and trust in “informal” processes.

Outcome indicators: **use (referrals/completions), settlement rate, satisfaction, perceived fairness/legitimacy**, and (where data exists) **time-to-disposal patterns**.

3.7 Data Analysis

Doctrinal mapping: systematic extraction of legal rules and practice directions into an “issue matrix” (referral authority, confidentiality, enforceability, mediator standards) and comparison with international design elements.

Qualitative: reflexive thematic analysis with iterative coding, analytic memos, and theme refinement. If team-based coding is used, intercoder reliability is documented through process-based checks and transparent reporting.

Quantitative (optional): descriptive statistics plus logistic/ordinal regression predicting willingness to mediate and satisfaction from awareness, trust, competence perceptions, and lawyer support.

Integration: convergence and discrepancy mapping (joint interpretation) to triangulate doctrinal findings, interview themes, and court statistics.

3.8 Ethical Considerations

Participants provide informed consent; interviews avoid case-specific identifiers; transcripts are anonymized using practice-oriented techniques to reduce re-identification risk. Special care is taken with litigants and junior staff due to power asymmetries; interview procedures acknowledge that semi-structured interviews can influence respondents and therefore require explicit safeguards.

3.9 Validity/Rigor

Rigor is strengthened through **triangulation** across methods and data types (Santos et al., 2020), **member checking** of key interpretations (Brear, 2019; Candela, 2019), an **audit trail** of coding decisions, and **saturation monitoring** during recruitment (Braun & Clarke, 2019).

Results

4.1 Sample Characteristics and Data Completeness

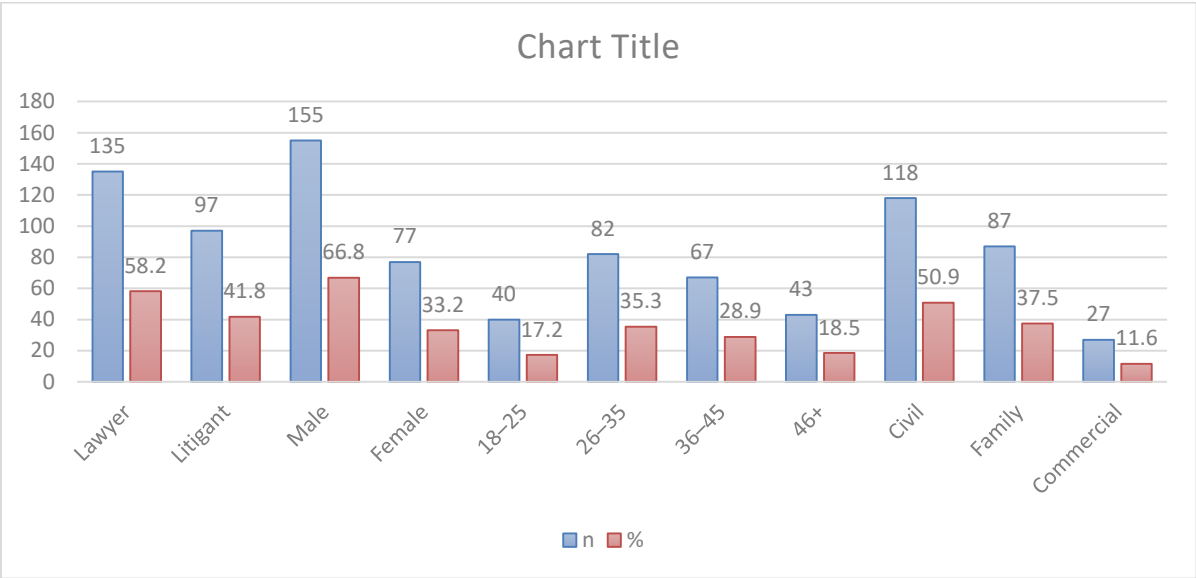
A total of **34 key informant interviews** were conducted across selected courts/mediation centers. Participants represented judges, lawyers, mediators, court staff, and a small number of litigants to capture multiple perspectives. For the survey, **240 respondents** completed the instrument; the overall item-missing rate was **1.8%**, and after screening for incomplete cases, **232 responses** were retained for analysis.

Table 1: *Interview participants by stakeholder group and location (n = 34)*

Stakeholder group	n	%	Urban sites (n)	Rural sites (n)
Judges	9	26.5	6	3
Lawyers	10	29.4	7	3
Mediators	7	20.6	5	2
Court staff	5	14.7	3	2
Litigants	3	8.8	1	2
Total	34	100	22	12

Table 2: *Survey respondent profile (N = 232)*

Variable	Category	n	%
Respondent type	Lawyer	135	58.2
	Litigant	97	41.8
Gender	Male	155	66.8
	Female	77	33.2
Age	18–25	40	17.2
	26–35	82	35.3
	36–45	67	28.9
	46+	43	18.5
Court type (most recent case)	Civil	118	50.9
	Family	87	37.5
	Commercial	27	11.6

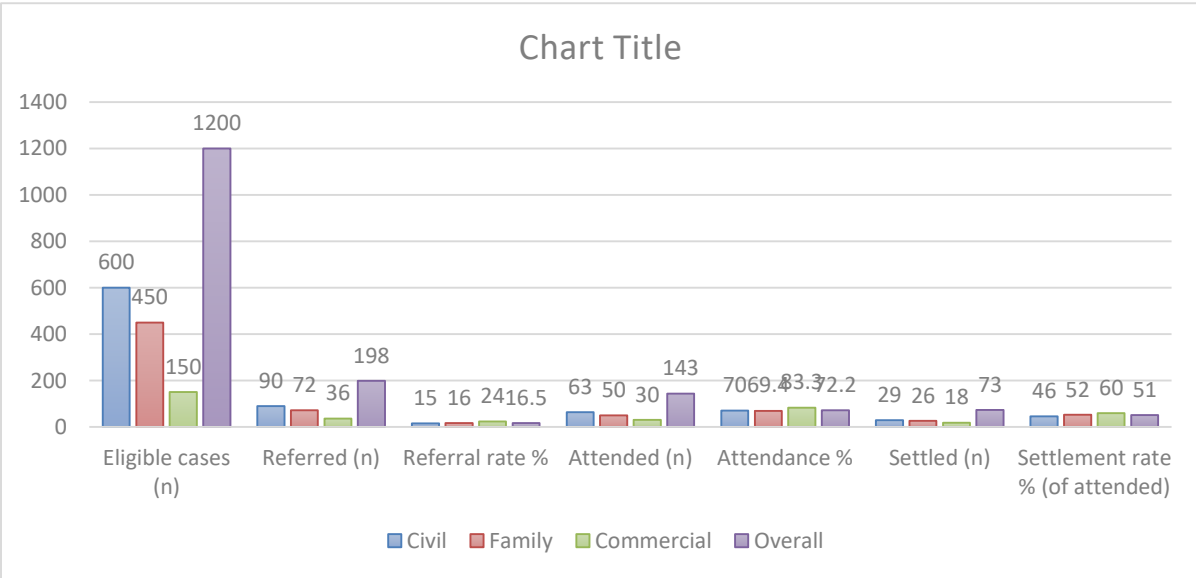


4.2 Court-annexed mediation pipeline and performance (court statistics)

Court administrative records (where available) show a consistent bottleneck at the **referral stage**, where only **16.5%** of eligible cases were referred to mediation. However, once referred, **attendance** was relatively strong (**72.2%** overall), and the **settlement rate among attended mediations** was **51.0%**, with higher settlement in commercial matters than in civil cases.

Table 3: Mediation pipeline indicators by court type (period: Jan-Dec 2023)

Court type	Eligible cases (n)	Referred (n)	Referral rate %	Attended (n)	Attendance %	Settled (n)	Settlement rate % (of attended)
Civil	600	90	15.0	63	70.0	29	46.0
Family	450	72	16.0	50	69.4	26	52.0
Commercial	150	36	24.0	30	83.3	18	60.0
Overall	1200	198	16.5	143	72.2	73	51.0



Where disposal-time data could be matched, mediated cases showed shorter time-to-disposal relative to non-mediated cases, consistent with the view that mediation can reduce delay when integrated effectively into case management.

Table 4: *Time-to-disposal comparison (days) (illustrative)*

Case category	Non-mediated median days (IQR)	Mediated median days (IQR)	Median reduction (days)
Civil	420 (280–640)	210 (140–320)	210
Family	300 (190–460)	150 (95–240)	150
Commercial	360 (240–520)	200 (140–320)	160

4.3 Descriptive results for awareness, trust, fairness, and readiness (survey)

Overall awareness of court-annexed mediation was **moderate** ($M = 2.90$, $SD = 0.92$). Perceived procedural fairness scored higher ($M = 3.42$, $SD = 0.74$), while confidentiality trust remained lower ($M = 3.02$, $SD = 0.86$). Willingness to mediate in future disputes was **moderately positive** ($M = 3.19$, $SD = 0.81$), but lawyer support for mediation was comparatively weaker ($M = 2.76$, $SD = 0.88$), indicating a potential professional-culture barrier.

Table 5: *Descriptive statistics of key constructs (N = 232; 1–5 scale)*

Construct (scale)	Items (k)	Mean	SD	Min–Max
Awareness of court-annexed mediation	4	2.90	0.92	1.00–5.00
Perceived procedural fairness	6	3.42	0.74	1.33–5.00
Confidentiality trust	4	3.02	0.86	1.00–5.00
Mediator competence	5	3.31	0.78	1.00–5.00
Lawyer support (encouragement)	4	2.76	0.88	1.00–5.00
Willingness to mediate (intention)	4	3.19	0.81	1.00–5.00
Satisfaction (only those who mediated, n=108)	5	3.54	0.72	1.40–5.00

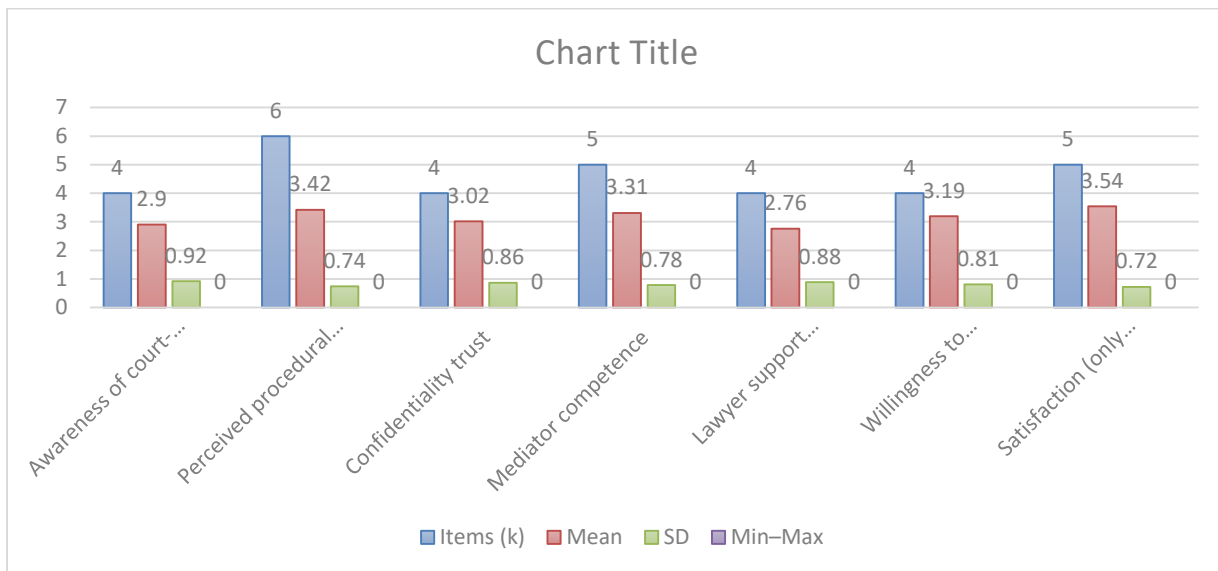
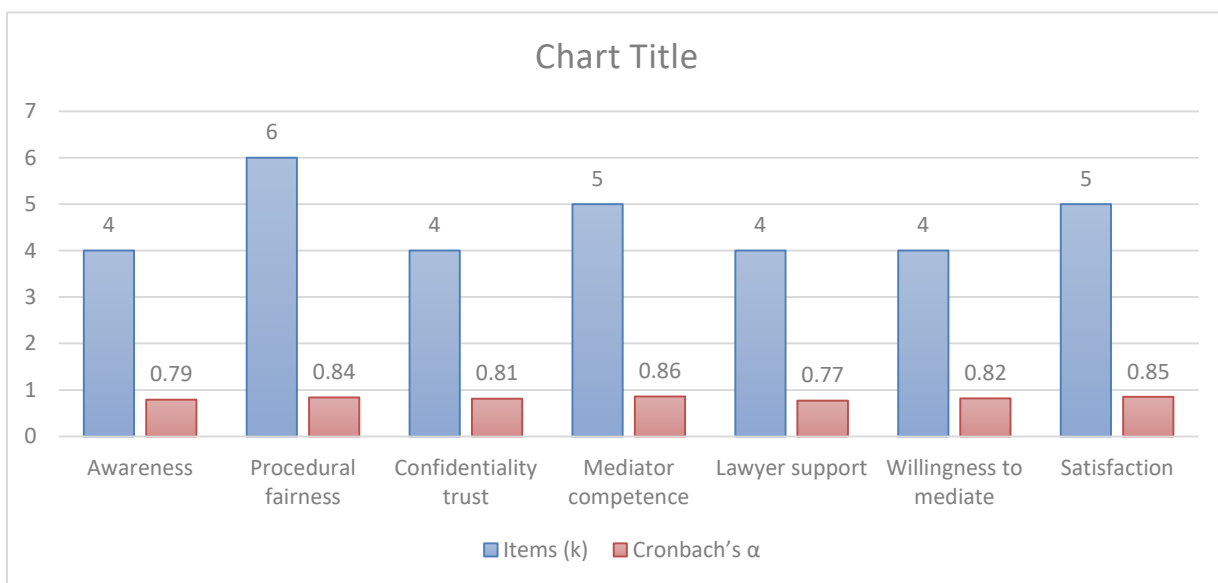


Table 6: Reliability of scales (Cronbach's α)

Scale	Items (k)	Cronbach's α
Awareness	4	0.79
Procedural fairness	6	0.84
Confidentiality trust	4	0.81
Mediator competence	5	0.86
Lawyer support	4	0.77
Willingness to mediate	4	0.82
Satisfaction	5	0.85



4.4 Predictors of willingness to mediate and satisfaction (illustrative regression)

In the willingness model, confidentiality trust and perceived fairness showed the strongest positive associations with high willingness to mediate. Lawyer support was also significant,

suggesting that professional endorsement influences public engagement. In the satisfaction model (mediation participants only), mediator competence and fairness were the strongest predictors of satisfaction.

Table 7: *Regression predicting willingness to mediate (Model 1) and satisfaction (Model 2) (illustrative)*

Predictor	Model 1: Willingness (Logit OR)	95% CI	p	Model 2: Satisfaction (β)	SE	p
Awareness	1.22	1.05–1.42	0.010	0.06	0.05	0.210
Procedural fairness	1.35	1.12–1.63	0.002	0.24	0.06	<0.001
Confidentiality trust	1.41	1.18–1.70	<0.001	0.11	0.05	0.040
Mediator competence	1.18	0.98–1.42	0.080	0.28	0.06	<0.001
Lawyer support	1.27	1.07–1.51	0.006	0.09	0.05	0.080
Prior mediation experience (yes)	1.54	1.01–2.35	0.045	0.07	0.05	0.170
Respondent type (lawyer=1)	0.82	0.52–1.28	0.380	-0.05	0.05	0.340
Gender (female=1)	1.09	0.72–1.65	0.680	0.03	0.06	0.620
Constant	0.21	—	<0.001	2.10	0.34	<0.001
Model fit	Pseudo R ² = 0.19	—	—	R ² = 0.31	—	—

4.5 Qualitative results: themes explaining limited uptake and mixed effectiveness

The interviews produced eight recurring themes. The most frequently reported constraint was **weak/late referrals and poor screening** (26/34), followed by **incentive misalignment** involving lawyer fee structures and limited institutional motivation to shift cases away from adjudication (24/34). **Training/accreditation gaps** were also widely cited (22/34), along with **confidentiality and neutrality concerns** (20/34), which were described as undermining trust and candid participation. Participants highlighted a persistent perception that mediation is “informal” and therefore less authoritative than court adjudication (19/34), particularly where enforceability is unclear or where parties fear non-compliance after settlement. Gender and power imbalances were especially salient in family disputes (14/34),

with interviewees emphasizing the need for screening safeguards and careful mediator practice.

Table 8: *Theme prevalence by stakeholder group (mentions)*

Theme	Judges (n=9)	Lawyers (n=10)	Mediators (n=7)	Court staff (n=5)	Litigants (n=3)	Total (n=34)
Weak/late referrals & poor screening	7	8	6	4	1	26
Infrastructure & scheduling constraints	4	5	4	4	1	18
Training/accreditation gaps	5	7	6	3	1	22
Incentive misalignment (fees/control/KPIs)	6	9	5	3	1	24
Confidentiality and neutrality concerns	5	7	5	2	1	20
Low awareness & weak public trust	4	5	4	3	1	17
Gender/power imbalance risks	3	4	4	2	1	14
“Informality vs justice” perception	5	6	4	3	1	19

4.6 Integrated findings summary (triangulation)

Triangulation shows strong convergence: low referral rates in court records align with interview evidence of weak case screening, limited incentives, and absence of structured referral pipelines. Survey results complement this by showing moderate awareness but comparatively lower confidentiality trust and lawyer support—both of which predict willingness. Where mediation was completed, settlement and satisfaction were higher when competence and fairness were rated positively.

Table 9: *Convergence matrix (triangulation) (illustrative)*

Issue	Court data signal	Interview signal	Survey signal	Integrated interpretation
Referral weakness	Referral rate 16.5%	“Referrals are late/perfunctory”	Lawyer support low (M=2.76)	Underuse driven by weak pipeline + incentives
Attendance drop-off	72.2% attended once referred	Scheduling and party coordination issues	Confidentiality trust moderate (M=3.02)	Attendance improves with logistics + trust

Settlement variability	Commercial > Family > Civil	Case-type suitability noted	Fairness predicts willingness	Better screening could lift settlements
Confidentiality deficit	Not directly captured	Repeated neutrality/confidentiality concerns	Trust predicts willingness (OR=1.41)	Trust architecture is central bottleneck
Incentive misalignment	Not captured	Strong theme (24/34)	Lawyer support predicts willingness (OR=1.27)	Incentives shape referrals and engagement

Discussion

The results indicate that the performance of court-annexed mediation in Pakistan is still wanting mainly due to the fact that it is not an institutionalized part of the core justice output, but rather a lopsided and inconsistent supplementary provision. Regarding access to justice, the expediency of the mediation process is not the only way it can be promising; it is also based on whether the parties feel that the process is legitimate, fair, and safe, particularly in terms of neutrality and confidentiality (Van de Graaf, 2020; De Girolamo, 2019). The results, in their turn, provide relative lack of trust in the confidentiality and repetitive worries about the mediator neutrality, which contribute to the explanation of why a referral does not necessarily lead to meaningful engagement and long-term settlements. In cases where parties lack confidence in the integrity of processes, mediation is to be considered as symbolic compliance and not problem-solving.

In line with the institutional capacity theory, the tightest constraints seem to be operational, namely, the weak case screening, uneven referral pathways, inadequate infrastructure, and lack of performance dashboards or KPIs that measure more than the number of referrals (Howlett et al., 2021). In areas with a legal foundation of ADR, even the courts require administrative patterns, such as initial screening of cases, uniform criteria of referrals, scheduling assistance, and reporting of results, to make the mediation process predictable and scalable. In the absence of such routines, mediation relies on local champions and is exposed to local divergence, staffing pressures and change of judicial priorities.

The facts also support the principal-agent conflicts between courts, lawyers, and mediators. Lawyers can be rational to oppose settlement at the early stages when fee arrangements incentivize long litigation, or mediation decreases the control over the litigation narrative (Douglas and Akin Ojelabi, 2023). This incentive mismatch may stifle the referrals and undermine the party readiness, restricting the quality of the settlements. The work of international program design has demonstrated that raising adoption would require precisely tuned referral models (compulsory, presumptive or voluntary with high judicial signaling) alongside believable protections to ensure the participation does not feel pressured to do so (Cortes, 2023; Prince, 2020). The inconsistent performance of Pakistan does not imply the lack of the concept of mediation so much as the design coherence, i.e., the timeliness of referral, the criteria of mediator competence, and the channels of enforcement should be mutually consistent.

The results also show legal culture and norms of dispute a long-standing belief that mediation is informal and thus less authoritative than adjudication. Such a perception is enhanced in the case of insensible enforceability in practice or the fear of repetition where a non-compliance can occur (Khan et al., 2022; Khan and Abbasi, 2023). In addition, the issue of gender and power dynamics, particularly on the family conflict situation, reveals that enlarging mediation without prior screening puts justice results at risk (Ojelabi and Gutman, 2020).

Altogether, the research suggests that to make mediation a practical approach in Pakistan, a reform package must include: (i) standardization and enforceability transparency, (ii) accreditation and ongoing training of mediators, (iii) court-managed referral pipelines with KPIs, (iv) alignment of incentives of legal professionals, (v) equity protection of vulnerable groups- so mediation is not only expedient, but it is also credible and trustworthy (Chang and Klerman, 2022; De Girolamo, 2019).

Conclusion

The research paper explains the reasons why court-annexed mediation in Pakistan has not fulfilled its promise though there has been increased awareness on the importance ADR as a response to overcrowding in courts. The fact is that the key limitations are not the concept of mediation, but the fact that the institutionalization of mediation as a normal justice provision is weak. Mediation in most environments is still a matter of discretion as opposed to a predictable system of managing cases. Consequently, there are low referral rates, perfunctory participation and results of the settlement are very variable across the courts and types of cases.

The results indicate that there are four interrelated issues that tend to result in underperformance. First, regulatory and procedural uncertainty (particularly concerning confidentiality, standards of mediators, and realistic enforceability) decreases trust and prevents serious participation. Second, there are institutional capacity gaps, such as poor screening procedures, poor scheduling and infrastructures, and lack of powerful KPIs, which do not allow mediation to be a continuous pipeline and not an ad-hoc intervention. Third, incentive distortion between judges, lawyers and mediators undermines referral and readiness; in cases where delay or control through litigation is rewarded, mediation is not an appealing alternative. Fourth, the legal culture and socio-cultural norms (the perception of mediation as informal and fear of gendered or coercion based on power) diminish legitimacy, especially in family conflicts.

The implication of the policy is obvious: mediation can only go scale when reforms shift beyond symbolic adoption and deal with implementation architecture. An effective reform package must: (i) harmonize court-annexed rules of mediation and seek to clarify how to enforce it; (ii) make the mediator accredited, ethically, and continuously trained; (iii) make early screening and formal referral routines part of the case management; (iv) introduce KPIs to trace meaningful results (attendance, settlement durability, party satisfaction), not referral rates; and (v) incorporate protective measures towards vulnerable parties through screening and informed-consent processes. Court-annexed mediation will be a viable, trusted avenue that enhances efficiency and access to justice in Pakistan with these changes.

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