1. Introduction

In 2011, the Global Integrity released an index that scores the anti-corruption measures of countries. A country stands out remarkably in Asia. It scores an admirable 86.9 on its legal framework (for reference, Germany stands slightly lower at 81.0). It boasts a nearly perfect score on anti-corruption law, which criminalize bribery, extortion, and misuse of public assets. Better yet, the country has established a host of supporting, including a national ombudsman that is protected by law against political interference (The Central Vigilance Commission Act of 2003 cvc.nic.in/cvcact.pdf)—something that is left for citizens to desire in even the United States. On top of that is an independent agency with the legal mandate to address corruption. The vigilance commissioner tenure is ensured by law; he can only be removed by the head of a democratically elected government, based on an inquiry by the Supreme Court.

The Asian country that is so exemplary in its anti-corruption effort is India, of course. A comparably high performer in having a developed legal framework is Indonesia, with a near perfect overall score of 94.6, leaving both the Germany and the United States, two only OECD countries included, lagging behind. And this pattern extends well beyond Asia to all corners of the developing world, including Uganda (97.8) and Kenya (83.2). These developing countries all possess, on paper at least, world-class legal and bureaucratic systems. The intensive effort by the international development community to spread knowledge and tout models, to either push or cajole countries into adopting best practices, has certainly paid off in this regard.

But we—as committed organizations and passionate professionals—care not about laws on paper but lives on Earth. Does the experience of corruption improve? Does the implementation of these flawless laws also flawless? Unfortunately, the rate of improvement of governance on the ground has been glacially low. Even if we use an optimistic estimate of country’s rate of progress (by assuming that they have the lowest possible starting point, equals to that of Somalia today), calculations have shown that it will take these countries hundreds, even over a thousand of years, in order to catch up with the standard of today Singapore. Our intensive effort to promote best practice and good institutional form has led to improvement, but only in the sense that a new anti-corruption law passed with little real effect is an improvement, and only in the sense that development achieved over hundreds of years is a success.

Of course, that is not to say that all technical assistance or knowledge solution are not valuable. Certainly, if there is a new and affordable drug it should not be held back from citizens of developing world. Or if there is engineering expertise that improves the quality and efficiency of infrastructure, it should not remain out of the country’s reach. Yet, in many areas of development we have to work with people instead, people with agency, goal, and improvisation whose behaviors we can anticipate much less than we do that of concrete and viruses.

The distance between law and implementation is certainly obvious to any practitioner and perhaps needs no more belaboring. In recent years, the phenomenon of failed implementation has been baptized by Pritchett and Andrews with a catchy name of “isomorphic mimicry,” referring to governments adopting the forms of model governance, of best practices, without actually having the functions. They then focus on the question *how* do countries remain in these capability traps, instead of *why* they are in these traps. Using the analogy of a bank robbery, they say that “while there are a few ways a bank can be robbed, there are as many reasons as there are robbers.” Or, perhaps, there is only one reason that unifies all of them: their want for money. Just as there may be only one reason why implementation always fall short of the law: that is because there are vested interests who resist the encroaching laws.

Thus, this paper will look at the reason behind the gap between law and implementation. When we discuss governance, it is about the relationship between officials and citizens, a topic that fundamentally concerns the power relation in the society. This is a deeply political question, thus it hardly makes sense that we do not address politics while crouching entirely in the sanitized language of technical assistance. Of course, it is understandable why development agencies like the ADB must do so—it is questionable whether it is advisable or ethically acceptable for the ADB to engage in the politics of the country. (Even though the movement of demand-side program is essentially about empowering the citizens, an issue that quintessentially political). Thus, the second part of this paper will propose sensible ways to shift the focus away from a relentless promotion of “best practices,” into a policy of nurturing local innovations, and does so in a tactful way.