Center for Global & Strategic Studies
Islamabad

Understanding Pakistan's Need for Counter Lawfare Strategy

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Published on 6th January 2021

Abstract:

The following article attempts to analyze and understand the concept of counter lawfare which has gained doctrinal status during the past couple of decades. The term lawfare has been used in wide-ranging contexts since 9/11. When it comes to

Pakistan's counter lawfare strategy, not much work has been done for promoting it because of the relatively new nature of this concept. However, in light of the ever-changing geopolitical circumstances and dynamics of the contemporary era, it is the need of the hour that Pakistan rapidly adopts the modern counter lawfare strategy to counter conflicting narratives from its archrivals in this region and beyond. There is necessity of an efficient and peaceful counter lawfare strategy for Pakistan.

Introduction:

Counter lawfare has evolved a long way from implying legal fights on domestic legal issues to the level of "the strategy of using, or misusing, law as a substitute for traditional military means to achieve an operational objective" [1] at the beginning of the 21st century.

In other words, 'Lawfare' is essentially the use of the law (both international and domestic) by a state as a tactical ally, as a strategic asset and even as an instrument of war, and has since gained doctrinal status.[2] Although this term was primarily supposed to be used for the fulfillment of military objectives through the application of law, yet

[1] Dunlap, Charles J. "It Ain't No TV Show: JAGs and Modern Military Operations." *Chicago Journal of International Law* 4, no. 2 (2003): 480. https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1224&context=cjil

[2] Soofi, Ahmer Bilal. "Lawfare versus Warfare," October 25, 2014. https://www.dawn.com/news/1140168

many other legal and extra-legal issues like the war on terror, issues of human rights NGOs vis-à-vis various domestic and international conflicts across the globe and regarding US detention facilities in Guantanamo Bay.[3]

Even though the terms 'law' and 'warfare' are more or less at loggerheads with each other, yet it has become the preferred silent strategic tool for Pakistan's enemies in the evolving domain of foreign affairs against it as the 21st century has progressed.[4] Pakistan needs an effective counter lawfare strategy owing to the changing dynamics of the modern era.

Lawfare Strategy by Pakistan's Enemies during recent times:

According to Professor David Kennedy of the Harvard Law School, lawfare "can often accomplish what might once have been done with bombs and missiles.…" [5] This quotation can perfectly be applied to the lawfare which has been going on against Pakistan for quite some time now by its archrivals after it became a nuclear power in 1998 and it became impossible for the enemies of Pakistan to breach its defenses.

During such times when India cannot overpower Pakistan, it has gone on a course of following a radical lawfare strategy by alleging Pakistan's involvement in the 2008 Mumbai attacks and by its ill-motivated attempts to associate IIOJK's freedom struggle

[3] Bilsborough , Shane. "Counterlawfare in Counterinsurgency." Counterlawfare in Counterinsurgency | Small Wars Journal. Accessed December 30, 2020. https://smallwarsjournal.com/jrnl/art/counterlawfare-in-counterinsurgency

[4] Mehbub, Humza. "Bullying through Lawfare." The Express Tribune. Tribune, March 1, 2018. https://tribune.com.pk/story/1648434/6-bullying-through-lawfare

[5] Soofi, Ahmer Bilal. "Lawfare versus Warfare," October 25, 2014. https://www.dawn.com/news/1140168

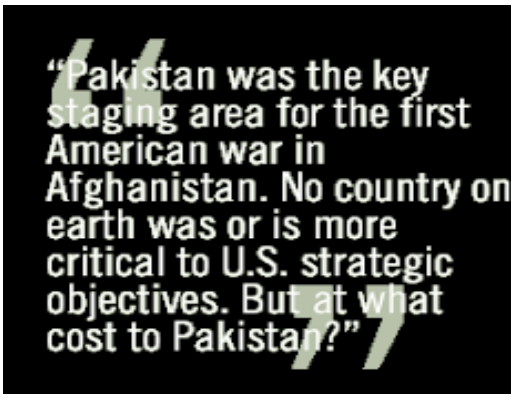
with global terrorist networks and has even gone to UNSC to get Pakistan sanctioned. Similarly, the USA, India and other rival players against Pakistan have persistently maligned Pakistan′ s image by calling it a facilitator of terrorism through their large networks of lobbies and media outlets. Consequently, Pakistan has been pushed away from the Financial Action Task Force's white list.

These are just a few glaring examples that elaborate on why Pakistan needs a proactive counter-lawfare strategy to defeat the propaganda of enemy and defend its policies and decisions both inside and outside Pakistan.

How a vigilant Counter Lawfare Strategy can help Pakistan?

Even though the aforementioned lawfare strategies by Pakistan's enemies during the past decades were quite eye-opening, yet we been ignoring the importance of a vibrant counter lawfare strategy for the country. Pakistan can benefit from a well-devised counter lawfare strategy in the following ways:

a. To show the factual picture of Pakistan's policies:



With the help of a vigilant counter lawfare strategy, Pakistan can showcase a pragmatic side of its policies on various issues like its reforms for de-radicalization and minimizing corruption. For example, Pakistan has been asked to do more by many western countries during the now concluding Afghan war even though its resources and manpower were overstretched on both its eastern and western borders.

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Pakistan lacked a counter lawfare strategy to tell the world about the efficacy of a broader intra-Afghan dialogue for lasting peace which rapidly tarnished Pakistan's reputation before the world community.

The government is trying its best to highlight Pakistan's efforts for peace since the past. It is doing a far better job for establishing lasting peace in Afghanistan and by exposing regional players like India who want to spoil this peace initiative

b. For protecting Pakistan's socio-economic interests:

For decades, Pakistan's economy has remained immensely under pressure because it participated in the USA's war against terrorism. Despite this, the USA has mostly abstained itself from initiating any long term investment initiatives with Pakistan.

USA and India have continued to object and criticize Pakistan's attempts to stabilize its economy through trade and commerce projects under BRI and CPEC which speaks volumes about their ulterior motives regarding an economically strong Pakistan. Moreover, these countries have also tried their best to put Pakistan under pressure before the Financial Action Task Force.[6]

[6] Shah, Sikander Ahmed, and Uzair J. Kayani. "'War to Lawfare: Spotlighting the India-Pakistan Conflict' - A Policy Brief by Prof. Sikandar Ahmed Shah and Prof. Uzair Kayani," Page 5. May 17, 2019.

Under these circumstances, the Pakistan government and its institutions must create a unanimous counter lawfare strategy which should be capable of putting assertions of Pakistan's enemies to rest.

c. To force Pakistan' s enemies to go on the back foot:

Pakistan's government's recent steps to unveil India's far-right terrorist activities in the region have initiated a new era of effective counter lawfare to make the Indian government self-conscious about its misdeeds instead of interfering in Pakistan's internal issues. This strategy must be kept alive to keep Pakistan's enemies on their toes for keeping their own house in order. This goal can be achieved by going to relevant international legal forums, fact-based lobbying and by propagating expos é s about anti-Pakistan illegal activities by its enemies. Pakistan's most recent attempt in this regard was giving the UN a dossier on India.

d. To show Pakistan's true image and contribution to world peace:

The assertions that Pakistan has been involved in financing and harboring terrorism because of the widespread malicious and concocted propaganda by India are prevalent in the West. However, the reality is far cry from this malicious propaganda as Pakistan is one of the most affected countries by terrorism during the past two decades and has laid thousands of lives to neutralize these situations. Similarly, Pakistan's peace

https://sahsol.lums.edu.pk/research-publications/war-lawfare-spotlighting-india-pakistan-conflict-policy-brief-prof-sikandar

missions to various parts of the world have also worked tirelessly and have laid their lives to make the world a better place.[7]

Although these realities have been presented before the domestic and international media occasionally, yet there is a dire need to spread these facts far and beyond which cannot be done without a vigilant counter-lawfare strategy.

e. To keep Pakistan's population informed about ground realities:

In the modern age of social media and numerous other such modes for spreading information, an important part of the lawfare strategies of Pakistan's enemies is to spread disinformation and concocted news about Pakistan through these mediums. Many of these rival countries have gone as far as publishing anti-Pakistan news in Pakistan's national and regional languages on these platforms.

To counter such measures, Pakistan needs to form an aggressive and pragmatic counter lawfare strategy to annul these fictitious narratives and inform its population about the malaign nature of such propaganda to keep our national fabric intact.

Conclusion:

Pakistan has suffered a lot from the overt and covert lawfare strategies of its enemies and the time is ripe to start a peaceful and factual counter lawfare strategy against its enemies. Even though the Pakistani government and its institutions have taken many

[7] Ahmad, Zeeshan. "Green, White and Blue: Pakistan on the Front-Lines of UN Peacekeeping," February 16, 2020. https://tribune.com.pk/story/2157873/green-white-blue-pakistan-front-lines-un-peacekeeping

right steps in this direction during the past couple of years, yet we must keep following and implementing the right counter lawfare strategy by understanding and analyzing all important aspects in this regard.

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