

**Lawfare and Countering Terror Finance - The Case of FATF
Obligations and Impact on Pakistan**



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A thesis submitted in partial fulfillment of the requirement for the
Degree of MS Peace and Conflict Studies

Supervisor

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THESIS ACCEPTANCE CERTIFICATE

It is certified that the contents and Form of the Thesis titled “**Lawfare and Countering Terror Finance - The Case of FATF Obligations and Impact on Pakistan**” written by **Verda Ahmed** (Registration No: 00000319670), of Centre for International Peace and Stability has been vetted by undersigned, found complete in all respects as per NUST status/regulations, is free of Plagiarism, errors and mistakes and is accepted as partial fulfilment for the award of MS/MPhil Degree. It is further certified that the necessary amendments as pointed out by the GEC members of the scholar have also been in cooperated in the said thesis and have been found satisfactory for the requirement of the degree.

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Dedication

This study is dedicated to my family without whose moral support and guidance I would not have been able to complete it.

Abstract

In very broad terms Lawfare can be defined as the theory and practice of using international law as an instrument to advance one's interest. These could primarily be advanced by entities in the international system, entities such as 1) states 2) it could be commercial entities 3) it could be certain NGOs, which use states as fronts. It is not just restricted now to state entities alone, it is inclusive of all the other entities in the international system to bear respective advantage. When observing what is been happening in the last 10 years, Pakistan has been a subject of many Lawfare strategies, whether it is strategic litigation, strategic recourse to international courts and tribunals against Pakistan by other states or adversaries. This study aims to investigate the most recent manifestation of Lawfare i.e., FATF (Financial Action Task Force) used against Pakistan, which issues the pressing narrative of Pakistan hosting Terrorism and Terrorism financing. The study intends to assess how Pakistan's state rhetoric and tactic is responding to this form of economic Lawfare. Through the lens of State responsibility and Lawfare as a preventive security method, the following research aims to determine the significance of Pakistan's need to adopt such strategies as a tool kit.

Keywords; Lawfare, Terrorism Financing, International Law, Preventive Security, FATF

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Introduction

Legal warfare, popularly coined as 'Lawfare' in 2001 has become the new essential addition to the 21st-century interstate combat. Used as a substitute for kinetic warfare, Lawfare aims to achieve the same strategic and tactical state interests through the use of the law, which one would achieve through conventional military warfare and active combat (Logan, 2017). Defining law as the weapon of war (Dunlap, 2008), this approach towards warfare allows the engagement of international law and treaties to induce pressure on counter forces and adversaries to attain political advantages. Using or misusing laws to gain state objectives is increasingly being observed by multiple nations (Dunlap, 2010) such as the United States of America (USA), the People's Republic of China (PCR) and India. Pakistan, in many cases being on the receiving end of it, has suffered multiple international and political losses. This study aims to investigate the most recent manifestation of Lawfare i.e., FATF (Financial Action Task Force) used against Pakistan. This form of diplomatic warfare is leveraging Pakistan into international isolation and economic blockade. Issuing the pressing narrative of Pakistan hosting Terrorism and Terrorism financing has built negative foreign direct investments and IMF policies, therefore forcing Pakistan's strategic choices to align with external states. The study intends to assess how Pakistan's state rhetoric and tactic is responding to this form of economic Lawfare.

Statement of Problem

The disastrous impacts of World Wars have urged states to design new ways of engaging in conflict. Aiming to avoid similar damage as seen in history yet to achieve equal or more amounts of operational and strategic goals has led to the creation of legal warfare (Heng, & McDonagh, 2008). The development of using laws and treaties to neutralize the opposing forces has marked its territory in the 21st Century. The Financial Action Task Force (FATF) is the form of economic Lawfare heavily imposed on Pakistan. Unable to hold a strong legal narrative against terrorism Financing Pakistan is under great turmoil of the economic limitations and sanctions it may face under FATF. India on the other hand has developed a year-long legal narrative of state-sponsored terrorism against Pakistan. Accusations such as the Indian Parliament Attack in 2001, then Mumbai attacks in 2008 and later another attempt during the Kalbhushan Yadav case, shows India's persistence in continuing the narrative against Pakistan.

Pakistan fails to dissolve this narrative as it lacks legal substance and reasoning in its rhetoric. The international coverage given to Pakistan's negative image has led to hostility from international agencies. While assessing Pakistan's State Policy rhetoric, Pakistan is under great turmoil of the economic limitations and sanctions it may face under FATF. It is a campaign of weaponizing the international legal system against Pakistan. Part of the problem starts due to Pakistan's failure to come to grips with a rapidly evolving global order. Pakistan needs to understand that its adversaries are engaged in 'war by other means'. It further needs to accept that the world is speaking the language of law and Pakistan must respond in the same coin. The following research is based on the assumption that having a full grip and understanding of international law will allow actors to use the visibly objective and technicalities of international agreements and laws to be used as a political tool to achieve national interests.

Conceptual Framework

The undertaken conception of international law has considerably noteworthy ramifications for international relations theory as well as for military and legal ethics. Law is a way of authorizing and channelling conflict (Parker, 2019)

Completion or conflict amongst states nowadays, whether militarily strategic or politically strategic, is now conducted based on legal terms. States pursue their interests and invalidate the interest of their adversaries through the use of the law (Mckeown, 2017). Mckeown in his work calls this phenomenon 'legalpolitik'.

The nexus between law and power calls for a reassessment as the world's security environment changes its meanings, the sudden increase in humanitarian sentiments and the need to 'legalizing' everything (Abbott, et al, 2000). International law was seen as a failure in past, as observed in the humanitarian violence during World Wars, and Hiroshima events, today, however, international law stands in a different light. Today it is deemed as ubiquitous, it is a key device between interstate interactions but it also gives this interaction legitimacy (Sinclair, 2010). To understand the importance of international law in real politics and its effects, it can be observed through one example of Israeli Prime Minister Benjamin Netanyahu speech given in 2009, 'There are three primary threats facing us today: the nuclear threat, the missile threat and what I call the Goldstone threat' (Israeli Ministry of Foreign Affairs, 2009). Goldstone here

refers to the time Israel was accused of war crimes during its 2008-2009 conflict against Hamas, understanding here that this isn't a simple accusation but an act of delegitimizing Israel through the use of 'Lawfare'.

According to Kittrie, the introduction and wide spreading of legal technicalities have now offered the global system immense opportunities to instrumentally use the tools of law to pursue multiple ranges of international political objectives (Kittrie, 2016). This formulates the point that international law can be used or interpreted against an adversary or bring disadvantage to other states or favor/legitimize self-interest. This can be observed by multiple powers such as China and its aims towards the South China Sea. The shift to globalization has increased the non-kinetic control of other states by increasing economic dependence (Bower, 2017), giving leverage for one party to exploit the other through legal means. This suggests that Lawfare can indeed be used as an effective tool to achieve strategic objectives.

The following research will be based on the understanding of a conceptual framework, formulated on the basis of the following three concepts: 1) Preventive Security, 2) Transnational Security and 3) State Responsibility.

Understanding Pakistan's Grey listing in the FATF despite its efforts of countering terrorism one cannot help but see this as a political agenda. The use of finance Lawfare against an adversary (in this case, the adversary being Pakistan). The research will evaluate the link between FATF used in the case of Pakistan and its constructed narrative.

Within the realms of internationalist failures of the interwar period, assuming any law to hold any power would be illogical; however, in the present day, the law is embraced universally in all legal and authentic international systems. It is said that law provides assets to formulate concepts, albeit rhetoric, about the entrapment of a state by deterring freedom of expression, ingraining cognitive discord among state authorities and, eventually, change thought processes. A legitimized world presents extensive opportunities for the correct and instrumental usage of law to manage foreign policy issues, such as, using the interpretation of law to put an adversary at a disadvantage.

The following article will bring into understanding the concept of employing Lawfare as a strategic international tool through the case study of FATF. How Pakistan for future prospects can use Lawfare as both offensive and defensive preventive security method. Given that the case study used to understand FATF, the research will be using the argument of Countering Terrorism Financing (CTF) to understand its implications of Transnational Security and the State's responsibility. Through this, the following research will highlight the legal binding Pakistan has in the international forum regarding terrorism financing, and what the FATF requires. The correlation of the two will help in developing a bridge between international responsibility, FATF and the politicization of FATF and the ability of agencies of using FATF as a Lawfare tactic against Pakistan. The nexus of the three above mentioned concepts will form a framework for how Pakistan too needs to develop a Lawfare directorate and fully adopt Lawfare as a state strategy in its international affairs.

Literature Review

The events lead by Al-Qaeda during 2001, 9/11 has sparked the creation of new rules and regulations related to counter terrorism in the international arena. The development of these new international norms and the international community has made immense progress towards the way of fighting and demobilizing the financing of terrorist actions and attacks (Myers, 2005). Helping to achieve these new goals Terrorist Financing Tracking Program (TFTP) is one of the many success factors. TFTP was introduced soon after the 2001 incident by the US government as a tool in the 'Global war against Terrorism' which trails financing between terrorist cells (Amicelle, 2013). However, as it may seem that conventional tools of counter-terrorism would be enough to combat terror financing but with the constant evolving of these groups, it seems highly unlikely that the traditional seizing and freezing would be enough to save the international community from terrorist threats (Levi, 2010).

Adjusting to these new evolvments by the terrorist agencies, a new international watchdog of terrorism financing namely, the Financial Action Task Force (FATF) was introduced by the G-7 states. Initially, it was created to cater to Money laundering but soon after the 9/11 incident, the mandate encompassed terrorism financing as well (Gardner, 2007). The demand for a global uniform process for assessing terrorism financing was also called by the United Nation's Security Council (UNSC) instigating the implementation of FATF, which was

further introduced in the 1617 Security Council resolution (UNSC 1617, 29th July 2005). FATF partnering with the International Monetary Fund (IMF) and the World Bank in 2004 charted a series of systematic levels of assessments that would allow states to enact measures needed for Anti Money Laundering (AML) and Counter-Terrorism Financing (CTF). These methodological measures developed in 2004 paved the way for these international watchdogs to not only keep track of state financing but also to assess needs and provide relevant sort of assistance that may be considered necessary in the fight against terrorism financing under internationally set standards (Tsingou,2010).

Any act of terrorism, any form of greater threat to the international order that may cause harm to the peace and security of humanity is highly condemned by the Security Council in its 2232/2016 resolution (Vlcek, 2008). The implementation of this resolution requires solid steps to be taken by the state. The resolution further talks about the affirmation of territorial integrity and political sovereignty. The UNSC resolution umbrellas the protocols of international human rights law, international humanitarian law, and more so specifically, in-cooperates in this the UNSC Resolution of 2178 of 2014 which talks about the Foreign Terrorist Fighters (FTF) (Carducci, 2006).

FATF in many ways has undertaken its measures and tried to acclimate in its procedures to be best in a way that they may meet the demand of the international financial system while that of transnational terrorist threats. The FATF, providing leadership in the international community, in its agenda provides in the Nine Special Recommendations standard steps to fight against terrorism financing and created practices that may be induced to avoid the mobility of terrorism financing (Doyle, 2001).

Being under the constant radar of international agencies, Pakistan has personally taken self-initiated measures and agreed to the international responsibilities to fight against the crime and terror nexus. Being a signatory to multiple conventions countering this nexus in the international arena, Pakistan has proven to show its consistency in fighting the war against terrorism financing. Pakistan being a member of multiple regional cooperation, like the Asian Association of Regional Cooperation (SAARC), Shanghai Cooperation Organization (SCO) and

Economic Cooperation Organization (ECO) further shows Pakistan's interstate willingness to curb terrorism financing (Zahid, 2018).

To efficiently combat terrorism financing, on a domestic level, Pakistan has taken several initiatives, in alliance with the internationally set standards. Pakistan's efforts begin from establishing a principal body, The National Counter Terrorism Authority (NACTA) which coordinates with the state's efforts towards counter-terrorism (Afridi, 2016). Established under this Premier body is the National Task Force constituting an amalgamation of 27 stakeholders of intelligence bodies, law enforcement (federal and provincial) and other relevant bodies (Aslam, 2018).

With time it is observed that the merging of terrorism and crime is increasing. This, however, is particularly a natural process any terrorist activities would be unable to take place without the backup of financing. In fact, any sort of operational exercise done by a terrorist group would initially require collaboration with domestic gangs or agencies, without which any terrorist action wouldn't run smoothly (Duff, 2011). Therefore, making it essential for any state dealing with terrorism financing to adjust legal frameworks which rule out black economies. Being so, Pakistan and countries alike with struggling economies deem these adjustments to be a challenge as they lack the resources to be at war with terrorism financing (Zahid, 2018). Grey Listing of Pakistan in the FATF is not only quite alarming but also a huge hurdle towards the developing economy.

Pakistan despite having been grey listed by the FATF, and being under the constant scrutiny of international agencies, has more often than so constantly shared material and information with the international community helping in keeping a check in balance of the raising scales of terrorism like a responsible state (Mukhtar, 2019). Pakistan has always been at the forefront when it comes to the acknowledgement of international norms and cooperation with internationally assigned legalities. The same applies to the case of combating terrorism financing.

However, the approach Pakistan takes is quite opposite of that of its neighbor. India being the emerging power in the South Asian region has a history of consecutively discrediting international policies and institutions. Keeping a very potent example in mind, India despite the

high rate of its international human rights violations was not accounted for any of those actions by the international arena for taking unlawful unilateral action as India itself doesn't agree nor acknowledge a multilateral legal framework (Adil, 2020).

Research Objective

In the context of Pakistan, literature based on Pakistan's terrorism financing and its Lawfare state policy are a little close to none. Despite it being one of the most pertinent issues in contemporary Pakistani politics. The purpose of the formulated study is to understand the gravity of the use of Lawfare through Pakistani perspective. To understand Pakistan's efforts in countering the attempt of legal warfare against its state. In the light of the produced research, the study also aims to suggest recommendations that may help in being useful for future ramifications.

- To explore whether Pakistan is not cognizant of the nuances of International Law and hence fails to adopt the responsibilities that come with it.
- To study the significance of Pakistan's need to adopt such strategies as a tool kit.
- To Study how the FATF framework was exploited to falls under the paradigm of Lawfare.

Research Questions

The proffered study intends to answer and explicate the following questions:

1. Does the structure of International Law allow the law to be used in such a political/strategic way, how does FATF fit in the Lawfare paradigm?
2. Does Pakistan face difficulties to understand the nuances of International Law and hence is not able to adopt the responsibilities that come with it?
3. Has Pakistan been successful in dealing with its responsibilities towards the FATF listing?

Research Methodology

To examine the efficacy of the economic Lawfare strategy used against Pakistan one needs to understand how this campaign under the umbrella of international institutions was carried out and how Pakistan has been strategically responding to it. The proposed study thereof will be qualitative research. The Methodology to conduct this research will primarily be focusing on Primary sources of research.

The Primary Sources of research would include open-ended discussion interviews taken from Pakistani international legal experts and experts on Countering Financing of Terrorism. The selection of individuals for the interview will be based on their expertise and relevance to the given topic. The selected experts will also include individuals from research organizations following up on the latest strategic development. The researcher aims to conduct 7 interviews that will help in defining the Pakistani stature against the FATF struggle. The interviewees will be identified as, 'Expert 1... Expert 2... Expert 3... Expert 7'.

In addition to this, other primary sources will include official legal documents; FATF guidelines regarding terrorism financing, Pakistan's official Policies against terrorism financing and UNSC Resolutions 1267 and 1373 in particular. Secondary research sources will include online analytical research on counter-terrorism financing accessed through online libraries and resource centers.

Chapter 1

Conceptual Framework

For many centuries, the concept of security has been undermined and limited within the scope of conservation. It was only after the cold war that a concept of 'Nonkinectisism' was introduced regarding security. Multiple times, Buzan (Buzan & Little, 2002) has advocated reviewing and revisiting the concept of security that prevails amongst scholars and academia. Buzan describes the literature prior to the 1980s as an 'underdeveloped concept' of security (Buzan & Little, 2002). Even though he does agree that a little progress was made during the 1980s, he continues to underscore and place emphasis on the fact that there are still strong indicators in the conceptual literature on security that highlight the negligence of the word and its meaning.

Walt (1991) in his book, 'The Renaissance of Security Studies' illustrates a redundancy in the entire concept of security. Although security is an important concept that requires a certain level of liberty for exploration. The scholarly attention given to the concept in the previous years has been rather diminutive. For decades governments have allocated and relocated their resources solely for the purpose of security, albeit, only in the form of the conventional, 'kinetic' understanding of security, which is limited to war and armed conflict. Therefore, within the framework of kinetic security, actions that prevent or assist in limiting any given danger are adopted.

Therefore, there is a dearth of literature that may present a more thorough corpus on its conceptual analysis. As the current state is void of crucial concepts of security such as fluctuations in economic and political scenarios, freedom of states and social interactions, and an ever-growing critical need for cyber security, are among many other concerns being faced in a rapidly changing and globalized world (Baldwin, 1997).

Buzan in, 'Security: A new framework for analysis' (2002) continues to exemplify the fact that security studies over the past decades have been more military-centric. In other words, the morphology of 'security' is rather ignored and is replaced with 'military'. This is also

depicted in the literature produced during the Cold War era; while discussing security studies, intellectuals or scholars focused mainly on military statecraft. As a result, security is quite an ignored concept within the analytical concept of security.

Consequently, it is equally paradoxical and ambiguous when one tries to determine the difference between two independent and individual concepts (Swanton, 1985). The neorealist scholars who dominated the understanding of world politics during the Cold War era did not leave much contestation in defining the concept of security. In fact, by reproducing this one military-centered concept of security they managed to set a radicalistic and nihilist concept for the world to debate over. Neorealists implied that the only thing important to a state was to provide and safeguard itself through kinetic security. Gallie (2019) labels this concept as a 'championship', according to the understanding provided by the neorealists of the 1940s, that the goal of each state is to compete in security with other states.

Western scholars deeply invested in world politics of the Cold War era, dominated their understanding and strongly adhered to their convictions that states are always involved in a game of power politics which can only be won by waging war or attaining military dominance.

The post-cold war era and the increase in globalization brought with it an essentially contested concept of security. Not only international scholars but also policy makers, economists and critics began to dissect and create a discourse over the traditional concept of military-centric security (Smith, 2005). As a result, multiple new and non-orthodox approaches overhauling the concept of security began to emerge.

Globalization, which has led to a string of continuous interactions among states, has demonstrated that states are interdependent and intertwined. Hence, every state plays a part in influencing and contributing to global human security. The introduction of supranational organizations has changed the paradigm and nature of dealing with conflicts (Javed, 2008). The Changing Trends of Security: Influence on South Asia. Rapid globalization and advancements in information technology have blurred the division of international borders. States are now cognizant of the fact that globalization and an increase in interdependence requires a new and more evolved approach to dealing with non-kinetic security measures and statecraft. This post-cold war era has dissolved the power hegemony of states into non-state actors, while the

emergence of geo-political and geo-economic security has opened an entirely new realm of interstate relations.

Ergo, this includes all the magnitudes of non-kinetic statecraft security measures, e.g., diplomacy, human security, economic developments, cyber and information technology, and human resources. These new elements of statecraft have evolved a new narrative of state security, subsequently, causing a ripple effect in changing the offensive and defensive mechanisms of states. Non-kinetic methods used for the dissolution of another state now revolve around information warfare, media warfare, cyber warfare, etc.

Incidentally, this was also observed during the Cold War. The USSR's disintegration was a product of psychological and informational warfare. It was a product of gradual isolation and diplomatic intimidation. Many states have learned lessons from these historical events and China, for example, is at the forefront of evolving its non-kinetic measures as a national objective (Malik, 2014).

Since independence in 1947, Pakistan has primarily maintained itself within the kinetic security domain and possesses an active role in it. However, in terms of non-kinetic measures, Pakistan greatly falls behind. In recent decades, Pakistan has faced multiple non-kinetic threats which only emphasize the need to be aware of the increasing globalization and interdependence. There are far greater threats that need to be catered to through nontraditional measures; tools like information, media, cyber, and diplomacy can result as a greater threat to national security rather than traditional war. A country's own domestic issues, its intrastate faults and its lack of legislative powers can be a hazard as it adds to the vulnerabilities of a country.

In the twenty-first century, a state's security survival depends on a defensive approach rather than an offensive approach. Interstate dependency and globalization has obligated states to shift from traditional security measures.

In the following section, terming the word, security and what it means to securitize a nation against nontraditional threats are discussed. The following discussion forms the conceptual analysis of this research; it aims to help in determining factors that can be utilized in

calibrating a response mechanism to aptly handle threats generated through nontraditional domains.

Preventive Security

Risks to security features result from multiple platforms which include premeditated targets, technical difficulties, and human errors. Preventive security, as the name indicates, includes intelligent strategies, security mechanisms and practices which aim to search and mitigate undesired events or actions.

These preventive security measures are characterized by resiliency in their designs. Therefore, through early risk detection, certain indicators are identified as potentially threatening, which are observed in real-time, while simultaneously identifying and categorizing new threats. This model evaluates indicators as situational representations that supplement the goal of inspecting vulnerabilities and developing customized and sustainable security measures.

Based on this intelligent, preventive method, assaults can be distinguished and prevented without requiring delayed response time or intervention. At the state level, national institutions can share information regarding any new threats, thus enhancing collective immunity. However, at this stage catering to the influx of information or highlighting possible threats by different national institutions can be evaluated to filter out real, targeted threats using minimum human resources. This intricate yet simple manner in which states function to prevent threats presents a stronghold for gaining long-term funding for the sustainability and maintenance of constructing a barrier against international or domestic threats a state may confront (Garcia, 2016).

In the recent past with the increase in globalization and the authority given to international institutions over states, such as the United Nations Security Council or other intergovernmental institutions such as the FATF or the Asia Pacific Group, states have deduced that the continued advancement in prevention-based security is the preferred approach; and it is effective in many contexts as compared to detection-based security measures. Specifically in the case of Pakistan, which has been caught up in multiple international arbitrations over the last decade. By deploying preventive measures such as vulnerability identifiers and Lawfare itself, a wide variety of organizations from national security to provincial security (as observed in the

Rego Diq case, in which Pakistan was found guilty of breaching an Australian-Pakistani Bilateral Treaty) to small businesses have been able to significantly reduce the likelihood of being victims of successful attacks. This method of prevention is also more economical and easier to maintain as prevention-based security focuses on constantly improving existing measures of defense (Carter & Perry, 2000).

However, with this advancement and intricate complexity in the international legal framework, a wide array of threats and security pitfalls have also come to the surface including new methods of warfare, which in many cases the international security governance struggles to manage. Considering this state of affairs, preventive security governance is a significant, possible solution to reduce vulnerability and prevent grounds for instability within the international order.

By employing the same strategy, preventive security governance is characterized as a set of specific and new, innovative global standards, emerging from existing global law, which will determine the course of action to be taken in unstable regions. Presently, peaceful measures on a global scale have a trend towards quick military intervention to resort to order and stability. The incorporation of preventive security governance may bring about a more sustainable trend of diplomacy and negotiation. Given the state of current global security, one can question the limitations and constraints of the existing laws whilst understanding that self-preservation can not only be exploited to prevent an actual attack but also and as a tool for retaliation.

The proposition of accommodating the ever-evolving field of the international order within the present structural framework of international law poses a multi-fold of challenges. Acknowledging this factor, the use of Lawfare in both offensive and defensive terms will be discussed in Chapter 4. Consequently, understanding that Pakistan has been a victim of international law, as this by no means is a secret, it will therefore be elucidated how Pakistan can employ the use of Lawfare as a preventive security tool, in both offensive and defensive terms.

State Responsibility

Legal obligations encompass a multitude of questions pertaining to the law.

The preliminary International Law Commission's draft articles, the first three to be precise, lay down the general principles relating to the internationally wrongful acts committed by a state (Morton, 2000) as enumerated below.

1. Every internationally wrongful act committed by a state triggers the international responsibility of the said state.
2. It is considered an internationally wrongful act on part of a state when an omission or action:
 - a. is associated with the state being under international law
 - b. consists of any violation of an international agreement of the said state.
3. The categorization of an act being considered internationally unlawful is governed by international law and thus, it is not affected by the categorizations of internal law, even in cases where an act is considered unlawful by international codes of conduct and lawful by national/internal law.

Only in recent times has international law been modified to reflect its present-day, advanced structure; as there had been a risk of mistaking international responsibility with interventional liability or the responsibility to intervene on a national law-making policy level, and in recent years, even transnational policy making systems. Therefore, it is of utmost importance to clarify the terms, and subsequently, the conditions, that any international responsibility only emerges from violation of international law and not from violation of national-level laws, including transnational (International Law Commission, 2001).

Hence, on the basis of transnational and other legal systems, the importance of establishing foundational values and laws is essential.

Article 1 of the draft articles on the responsibilities and liabilities of a state which has been adopted by the International Law Commission asserted that 'every internationally wrongful act of a state entails the international responsibility of that state.'(International Law Commission, 2001)

Thus, presented below are proposed standards of duties which may be identified as fundamental rules:

1. International responsibility only arises when international law has been violated by an international, legal person.
2. In any given scenario, who or what is an international, legal person is exclusively determined by international law.
3. The act of any violation of international law by an international, legal person, in terms of its legitimacy and whether it has even taken place is to be exclusively verified by international law.
4. International law is also to determine if any violation of international law has been committed by the relevant international, legal person.
5. International law is to determine both the primary and secondary rights and obligations pertaining to the violation of any given international law.

Although decisions under points 2 to 5 (as stated above) are to be made exclusively by international legal frameworks and do not involve national or transnational determinators, the latter two legal bodies do become relevant once invoked by the international law to govern certain matters and make certain judgments.

To resume legality is a definitive motive of the above-quoted Article 1 (Kelsen, 1966), within which infringement of legality and its restoration are exemplified, respectively. To expand on this further, responsibility epitomizes reparation, where reparation and injury are indistinguishable. However, it is to be understood that any form of legal injury is indistinguishable from the infringement of any legal obligation.

To simplify, a breach of any legal obligation perpetually results in a legal injury, and the latter requires reparation. This interconnectedness within the system is the logic of legal responsibility. Although, it was quite different in the past, i.e., any legal injury had the margin of being changed by a combination of compensation (reparation) and retaliation (retribution), according to a significant doctrine current. In any case, over the years, the law of state has progressively removed reformatory elements and has been associating responsibility with reparation (Schwebel, 2007).

The last century saw the classification of international law, within which, the broader section of state responsibility has been the last section anticipating such a change. Two

significant steps in this direction have been the adoption of the articles on state responsibility by the International Law Commission in 2001 and the observation of the said articles undertaken by the General Assembly.

Transnational Security Issues

As suggested by the title, transnational security issues are nonmilitary threats that undermine the security of a nation, its citizens and social integrity more than the collective existence of a state; although, these cross-border phenomena can also threaten the political and governance institutes of a state as well. In addition, such phenomena may be considered as a threat that is likely ‘to degrade the quality of life for the inhabitants of a state.’(Lynn Jones & Miller, 1995). These non-traditional, ‘new’ insecurities, sometimes, show up in the host state because of their inherent nature such as air pollution which can cross international borders due to wind directions. This can also translate into spillover of government policies where borders are considered ‘porous’, and the policies are reflective of an inability to better manage and regulate cross-border inflow. Furthermore, transnational security threats are distinctly different from more traditional security challenges by not limiting or defining their manifestation within a single timeframe. Whereas, in more traditional security challenges and threats, such as the nuclear standoff between Pakistan and India, transnational security issues do not have a focal point upon which governments can direct their attention and energies (Li & Schaub, 2004).

What further complicates matters is the fact that almost all transnational security threats are guided and steered by non-state actors, such as smugglers of drugs, arms, and people, international criminals, and terrorists, who are entirely unconcerned about legal obligations and international law and order. Additionally, these non-state actors spend a considerable amount of time and resources simply to evade and elude governments and legal consequences of their actions, hence, essentially making any dialogues and reprimands practically nonexistent. As transnational issues are not confined to a single period of time and buildup to reflect their full impact gradually and subtly over a long time, governments find it particularly challenging to focus on such issues as they are more short-term goal-oriented. Environmental concerns, the spread of infectious diseases and even natural disasters are examples of transnational issues which have long-lasting implications and require extensive planning and budgeting (for example,

infrastructural changes to manage earthquakes) which may take longer than a government's term in office. Thus, governments that are focused on preparing for their next elections may neglect and overlook signs of such transnational issues and leave the challenges for the next generation or governments (Midlarsky & Yoshida, 1980).

Nevertheless, the rise of transnational security threats echoes the advancements and changes, both positive and negative, that have been brought about since the end of the Cold War on economic, social, and political fronts. One of the most unprecedented changes has been fast-paced international migration, which although has helped in economic and commercial growth and has brought about numerous social benefits has also opened gateways to extraordinary feats of crimes and terrorism. From grand heists to multinational drug chains, globalization and mass migration has brought to international notice a grand set of ever-evolving crimes which require international governing forces. The upheaval seen during the breakup of the former Soviet Union introduced prominent political pluralism but also introduced fertile grounds for the growth and promotion of criminal activity from abroad. Similarly, China's exceptional economic growth and cross-border trade, especially in the southwest region, has not only brought about a massive influx of economic wealth but also crimes of illicit nature from drugs to people trafficking. Notwithstanding the financial sector, in the future, it is predicted that large-scale migrations might be brought about by climate (Li & Schaub, 2004).

International terrorism presented itself to be of significant concern in the last century and has gone on to be a greater concern in the twenty-first century. Regardless of the reasons which propel terrorist organizations from differences in political ideologies to religious fanaticisms, the terrorists of the present century have shown to be more determined than ever to reach their goals and causes by any means possible, irrespective of the cost of human life and mass level destruction. Previously, extremists practiced 'constrained terrorism' which focused more on publicity without losing popular support rather than actual destruction and carnage. However, the unfortunate change which has been noted time and time again are acts of violence for the sake of violence. Although media is still used by terrorists to promote their agenda, causing havoc, brutality and annihilation of people and property have become the goal itself. For example, the 1993 World Trade Center bombing and the release of sarin gas on the Tokyo subway in 1995 exhibit an intent to kill thousands of people, although the actual causality numbers were small in

both cases. As a growing number of terrorists are becoming mass destruction oriented, the possibility of atomic and chemical warfare raises the stakes of terrorism to unforeseen levels (Verdier & Mirza, 2007).

Much like international criminal groups, be it drug cartels or illegal arms sellers, terrorists have greatly benefitted from globalization through mass communication, advancement in technology and the provision of covert financial services. Any terrorist or criminal's ability to move across international borders is based on their knowledge and capability of evading a country's immigration control system, where such financial provisions have been known to play exceptional roles. For example, the LTTE (Tamil Tigers) of Sri Lanka have been known to receive covert financial support from the UK, Canada, and South Africa (Smith, 2000).

In conclusion, it is evident that transnational terrorism poses a genuine and immediate threat to nation-states. Terrorists tend to aim at key infrastructure to hasten the collapse of the region they are targeting and unwittingly bring about a civil breakdown in areas far beyond the site of the target. For example, taking a financial hub would wreak havoc not only on a national level but could trigger a financial alarm in the international market. If the present trend of 'catastrophic terrorism' continues and keeps up with global growth then human carnage, the usage of intergovernmental institutions, international agreements, as a weapon could considerably increase resulting in absolute annihilation of the international order.

Chapter 2

Counter Terrorist Finance - Overview

The literature argues that financial fraud has existed since the invention of currency and some argue that it most likely originated with the advent of trade. Incidents from the dead sea scrolls and biblical references are, thus, used commonly. However, with the advancement in the type and global scale of currency transfer, terrorist financing (often referred to as reverse money laundering) has become a transnational security issue and ultimately a global threat.

Terrorist financing, on a small or large scale, has been a common financial crime. It has become a global political problem. Financial institutions are obligated to monitor customers' transactions and behavior, do necessary due diligence and keep suitable records.

What is terrorist financing?

Terrorist financing is characterized by illegal exchange of assets to support terrorist organizations. Terrorist financing is often associated with money laundering, where the latter mostly takes place across international lines. For the United States, a growing number of research have shown that there is a direct link between organized crime and terrorist financing, and both topics are interdependent on each other (Hamin & Selamat, 2016).

Difficulties of Counter-Terrorist Financing

As terrorist financing is the unlawful exchange of cash and is frequently associated with money laundering, it often occurs across international borders. By choosing to not send large sums of money through banks and other means, terrorist financiers avoid attracting immediate government attention. Hence, to transfer money, they make use of trade-based money laundering operations (Tham, 2007).

How it Works

This occurs in various ways:

Illegal activities: Terrorist groups primarily rely on the illegal drug trade to support their operations. The proceeds from the drug transaction may subsequently be laundered, making it impossible to trace the finances. For example, the Colombian Revolutionary Armed Forces (FARC) are known to trade cocaine to fund their operations (Greenberg & Wolosky, 2002).

Front companies: Terrorist groups may use legitimate enterprises to raise funds for their terrorist actions and launder money.

Who are Combatting the Financing of Terrorism?

The Financial Action Task Force, or FATF, was established to assist in the battle against financial crimes, especially terrorist financing. Banks and other monetary institutions are obligated to extensively run background checks on their clients and collect as much information regarding their financial sources as possible. This assists these legal organizations in ensuring that their clientele is not directly or indirectly involved in financial crimes such as terrorism financing or money laundering out of the nation.

State Obligations When It Comes to Counter-Terrorism Financing

Terrorism directly impacts the people's freedom of exercising their basic of human rights, thus, it is a direct responsibility of governing bodies to implement effective counterterrorism measures. The link between counter-terrorism and human rights will be the emphasis of this chapter. It will focus on the State responsibilities (as discussed in the previous chapter) to guarantee that all counter-terrorism measures adhere to human rights principles.

The Promotion and Protection of Human Rights while Countering Terrorism

Terrorism has a significant impact on a number of essential human rights, including human rights protection. Following the terrorist attacks of September 11, 2001, the Security Council moved quickly to improve the legal foundation for international cooperation and unified approaches to the threat of terrorism. Since the adoption of Security Council Resolution 1373 (2001), there has been a proliferation of security and counter-terrorism legislation around the world, much of which influence the enjoyment of human rights. Most countries have had severe

implications for civil liberties and human rights in general as a result of rushing through legislative and practical measures to meet their duties to combat terrorism (Foot, 2007).

The Central Role of Human Rights and State Obligations When Countering Terrorism

The international community has committed to taking steps to guarantee that all people's human rights are respected and that the absolute law is upheld as the cornerstone of the battle against terrorism. In its resolution 60/288, the General Assembly adopted a resolution in which Member States agreed to take concrete, sustainable steps to address the conditions that encourage the growth of terrorism, such as the absence of law abiding and Human Rights violations. States must ensure that any measures adopted to combat terrorism conform with their commitments under International Human Rights Law, according to the General Assembly and the Commission on Human Rights. The Security Council has done the same, beginning with a declaration in Resolution 1456 of 2003. Human rights are crucial to the implementation of all parts of a counter-terrorism policy, and as aptly put by the Secretary General's report 'Uniting Against Terrorism' (Margulies, 2013).

The Global Counter-Terrorism Strategy of the United Nations stresses the relationship between Human Rights and security. It prioritizes the rule of law and respect for human rights in national and international counter-terrorism efforts. Since December 1972, the United Nations General Assembly has passed several resolutions on terrorism, including steps to combat international terrorism and the nexus between terrorism and Human Rights violations. The primary duty for maintaining international peace and security rests with the UN Security Council. It has adopted many counter-terrorism measures, including imposing penalties on countries suspected of being involved in terrorist acts (primarily in 1990s). The Counter-Terrorism Committee reinforced this recommendation in the report to the Security Council (2005/800). President Barack Obama has stated that the US is dedicated to a 'zero-tolerance' policy to terrorism and that no kind of prejudice or interference in the conduct of US-led operations against terrorists will be tolerated. According to the State Department, there are no plans to amend the anti-terrorism statute, which compels it to follow International Human Rights Law (Cortright, Millar & Gerber-Stellingwerf, 2007).

Terrorism and Other Aspects of International Law

1. Terrorism and International Humanitarian Law: A set of laws on the protection of people in ‘armed conflict’ can be found in International Humanitarian Law. According to Secretary-General Ban Ki-Moon Jaemoon, many of these articles are now recognized as Customary International Law. He claims that attacks that are not focused on a clear military target use a tactic, or use a weapon may be classified as war crimes. According to the Red Cross, international humanitarian law outlaws ‘means of terrorism’ and ‘any methods of intimidation or terrorism’. However, international human rights legislation only applies in armed conflicts, notes Andrew Hammond. International humanitarian law, according to the Human Rights Committee, applies to all countries embroiled in armed conflict. He believes it is critical to emphasise that both areas of law are complimentary rather than mutually exclusive (Gasser, 2002).

The Civil and Political Rights is upheld by the International Court of Justice, especially during armed conflicts. has been upheld by the International Court of Justice. In the armed war between the Democratic Republic of the Congo and Uganda, the Court likewise established the applicability of Human Rights legislation in times of armed conflict. It was established arbitrarily that a right to one’s life stands in stature during hostilities as well. The Court further stated the applicability of Human Rights legislation in its advisory opinion on the construction of a wall within the Occupied Palestinian Territories and its legal consequences (Saul, 2014).

2. Terrorism and international criminal law: Thirteen conventions dealing with the prevention and suppression of terrorism have been developed by the international community. They require states to take certain steps to prevent terrorist activities and to make terrorist-related offences illegal. The UN believes the situation in Syria is ‘extremely concerning’ and urges for a halt to the United Nations’ efforts to impose sanctions on Iran (Stephens, 2004).

The ratification and efficient implementation of universal anti-terrorism tools is a high priority for the Security Council. All States are also required to prohibit terrorist crimes, punish all acts that in support of terrorist offences, including its preparation, and depoliticize terrorist offences, according to the resolution. The failure of the United Nations to address the issue of terrorism definition has the State Department ‘seriously concerned.’

The Rome Statute does not define ‘terrorism’ as a distinct crime, although it does encompass offences that may incorporate terrorist behavior. A terrorist attack could be considered a crime against humanity, as defined under the Rome Statute’s Article 7. For the first time in 2003, the International Criminal Tribunal for the former Yugoslavia convicted an individual for his role in terror-based war crimes against Sarajevo’s civilian population (Arsanjani, 1999).

3. Terrorism and International Refugee Law: The 1951 Convention on the Status of Refugees and its 1967 Protocol deal with the issue of refugee status. Both include a system of checks and balances that balances the security needs of states and host communities while safeguarding asylum seekers’ rights. The 1951 Convention also addresses topics such as border restrictions and identity papers that are relevant to immigration and refugee status. Based on the 1951 Convention, the status of international refugee must not be given to anyone who has directly or indirectly instigated, facilitated, or conducted terrorist attacks. According to the UNHCR, the structure of international refugee law upholds precautions against any misuse of laws and can respond to probable exploitation of refugee tactics by terrorists (Gilbert, 2020).

According to the Universal Declaration of Human Rights, everyone has the right to seek asylum. Article 32 of the 1951 Convention allows for the possibility of expulsion to a third country for national security reasons, although, any limitations in Article 32 can only be exercised after a designated authority has provided a verdict in accordance with the law (Assembly, U.G, 1948).

On the other hand, if an individual has been granted a refugee status (under the 1951 Convention), then this title may be revoked in light of information that the individual has direct or indirect ties to reasons upon which such a status must not be awarded. This is when there are signs that the applicant did not match the inclusion requirements at the time of the initial judgment. States’ counter-terrorism and national security policies have had a negative influence on refugee protection in some situations (Gilbert, 2020).

The United Nations and Counter-Terrorism

What are the key United Nations institutions active in the field of counter-terrorism?

United Nations established on October 24, 1946, came into effect as an international organization when the UN Charter was released. This Charter is a multilateral treaty and serves as the UN constitution. Currently, there are 192 countries that make up the UN body.

The UN system comprises of numerous organs, entities, and specialized agencies, each holding its own purpose and powers. In the subsequent sections, a short list of entities that are directly active in counter-terrorism activities are presented.

What Role Does the General Assembly Play in Counter-Terrorism?

The United Nations General Assembly plays a critical role in developing an international legal framework that encourages collaboration in the fight against terrorism. As no agreement on the breadth of applicability is present, the General Assembly is unable to develop a consensus on the defining terms of terrorism. According to Secretary of State John Kerry, the Security Council and the United Nations must work together to combat the menace of terrorism (Boulden, 2020).

Third Committee (Social, Humanitarian and Cultural Committee). This committee is responsible for various social, humanitarian, crime prevention (including terrorism), criminal justice, and human rights issues. However, the assessment of human rights issues holds precedence with the Committee's activities.

Sixth Committee (Legal Committee). This is tasked with deliberating on legal issues. In 1994, the Committee adopted the landmark declaration measures put in place for the elimination of international terrorism, which defined terrorism as 'unjustifiable criminal acts' done 'wherever and by whomever.'

2. The Security Council

The primary purpose of the Security Council is to maintain international peace. For such a duty, it is made up of fifteen members. This includes five permanent members (China, France,

Russia, the United Kingdom of Great Britain and Northern Ireland, and the United States of America), and ten members who are elected on two-year term-basis, through meticulous selection which ensures an equitable geographic distribution (Kato, 2017).

The Security Council's functions and powers are defined in the Charter. The United Nations General Assembly is meeting in New York to examine the organization's future. The meeting is scheduled till the end of the day, and there are no plans to convene any additional sessions after that.

Following articles 25 and 48 of the United Nations Charter, the Security Council may pass resolutions that are binding on all UN Member States.

How can the Security Council contribute to countering terrorism? Under Chapter VII of the United Nations Charter, the Security Council has passed several resolutions against terrorism, some of which are listed below. The Security Council also established three committees to oversee the implementation of specific terrorism-related decisions. The mandates of the three committees varied significantly, as stated below. All 15 members of the Security Council are members of the Committees. The 1540 Committee, as well as the Counter-Terrorism Committee (CTC), both have their own mandates (Kato, 2017).

(i) The Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaeda and Taliban and associated individuals and entities (1267 Committee)

Resolution 1267 (1999) established the 1267 Committee to oversee the implementation of sanctions against Taliban-controlled Afghanistan. Following resolutions, including 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2007), and 1822, the sanctions regime has been modified and enhanced (2008) (van Nunen, n.d).

(ii) The Counter-Terrorism Committee and its Executive Directorate

The Security Council passed Resolution 1373 (2001) during the aftermath of the 9/11 terrorist attacks. This entailed the Executive Directorate of the Counter-Terrorism Committee (CTED), which was fully staffed in September 2005 and formally declared operational in

December 2005. The fundamental goal of CTED is to help the Committee improve its ability to help the Member States improve their counter-terrorism capabilities.

The UNSC urges all countries to criminalize incitement to commit terrorist acts. Thus to implement this, the Counter-Terrorism Committee maintains constant communication and checks with the Member States regarding their efforts to implement the resolution since September 2005.

(iii) The 1540 Committee

Resolution 1540 (2004) established the 1540 Committee, tasked with monitoring Member States' adherence to the resolution's duties. The Committee's work agenda includes gathering information on the status of the States' implementation of all parts of Resolution 1540.

3. The Secretariat

The Secretariat carries out all decisions made by the General Assembly and the Security Council and comprises of the UN Secretary-General and any other person which the organization may require. The General Assembly elects the Secretary-General for a five-year term based on the recommendations of the Security Council. The Secretary-General, in accordance of the UN Charter, has the authority to 'bring to the attention of the Security Council any situation which, in his judgment, threatens the maintenance of international peace and security'.

What is the Counter-Terrorism Implementation Task Force?

The Counter-Terrorism Implementation Task Force (CTITF) was established by former Secretary-General Kofi Annan in July 2005. It works on the premise of information sharing with the concerned counter-terrorism parties and coordinating between the said parties across the UN system on the implementation of any action plan. It acts as a platform for identifying and pursuing strategic topics and methods, as well as fostering coordinated action within the UN system (Blanco & Webster, 2014).

What is the role of the Terrorism Prevention Branch?

The Vienna-based United Nations Office on Drugs and Crime (UNODC Terrorism)'s Prevention Branch (TPB) is a primary provider of counter-terrorism technical support in legal and related areas. Its specialist services for bolstering the legal framework against terrorism react to several specific mandates (Blanco & Webster, 2014).

4. The International Court of Justice

The International Court of Justice (ICJ) is the United Nations' main judicial body. As per the rules of the ICJ, all Member States must accept to the Court's jurisdiction before it is obligatory for them to participate in any disputes. Individuals and non-state entities are not eligible to bring cases before the ICJ.

Other entities and specialized agencies may only seek counsel on 'legal matters arising within the scope of their work,' but the Security Council and General Assembly may seek assistance on 'any legal question.'

What are the key elements of the United Nations legal framework in the field of counter-terrorism?

The United Nations is at the vanguard of the global fight against terrorism. A comprehensive convention on international terrorism is now being drafted. It would offer a broad international definition of 'terrorism' as a crime. For the present being, there is no treaty or formal definition of terrorism. A number of international treaties compel countries to prohibit specific forms of terrorism.

State Practices when it comes to counter-terrorism:

Counterterrorism: Terrorism is being combated in a variety of ways in the Netherlands. It, for example, keeps an eye on potential terrorists, quickly detects those who may be on the verge of getting radicalized, and provides extra security to people and buildings that are at risk (Jackson, 2005).

Security of potential targets: The Dutch government takes security precautions to protect people and organizations that may be targeted by terrorists. This lowers the likelihood of a terrorist assault. However, in the event of an attack, the Netherlands is prepared to mitigate the damage (Ballin, 2012).

Recognizing radicalization: Terrorists go through a radicalization process before resorting to violence. Teachers and youth workers try to see it and, if necessary, report their suspicions to the police and criminal justice system. It is possible to halt radicalization and prevent it from escalating into terrorism (Jackson, 2005).

Punishing terrorists: Terrorist offences are crimes committed with the goal of instilling fear. Terrorist intent is a circumstance that increases the severity of the punishment. As a result, a sentence for an offence committed with terrorist purpose will be heavier than a penalty for the fundamental offence. This is true not only for individuals who carry out assaults but also for those who plan to do so. Planning an attack or completing a terrorist training program, for example, are both criminal acts (Jackson, 2005).

General counterterrorism measures

To combat terrorism, the Dutch government has adopted several steps. Consider the following scenario (Trouw, 2010):

- The Counterterrorism Alert System issues terrorist threats to the government and essential industries (such as drinking water corporations and the energy sector).
- The Royal Netherlands Air Force keeps a constant eye on Dutch airspace.
- In the Special Intervention Service, armed troops and police special units work together (DSI). This service is in charge of apprehending and detaining people suspected of becoming terrorists. It eliminates them in the most extreme circumstances.
- The cops keep an eye on anyone who could be a terrorist threat.
- To counteract terrorist financing, the government has taken steps.
- The capacities of the intelligence and security services have improved. The new Intelligence and Security Services Act (WIV) contributes to the safety of the Netherlands and Dutch military troops deployed abroad.

- Individuals and organizations implicated in terrorist actions are listed on the national terrorism list. These individuals' and organizations' assets have been frozen.

Specific Issues for Counter-terrorism Strategies

Those establishing human rights-compliant counter-terrorism strategies must address a number of specific challenges related to human rights and international law in addition to implementing basic human rights principles. These are some of them:

- Equal rights and non-discrimination (Silke, 2010)
- Human rights in times of emergency; (Borelli, 2017)
- International criminal law (Stephens, 2004)
- State accountability for non-state actors' activities (Tan, 2018).

The purpose of this chapter is to provide general policy recommendations on these issues as well as to show how they apply in practice to counter-terrorism concerns.

Nondiscrimination and equal treatment before the law are key features of democracy. Any counter-terrorism policy must properly incorporate these guiding concepts.

Conclusion

Given the increasingly worldwide nature of terrorism, understanding the legal basis for counter-terrorist actions necessitates a grasp of international public law. The preceding chapters were written similarly, with the goal of giving the reader a rudimentary grasp of the most significant components of international criminal law, humanitarian law, refugee law, and human rights law as they relate to counter-terrorism.

Outside of the area of peremptory rules, some of the conceptions described have implications for both treaty and customary law, influencing a State's substantive human rights duties. Only by recognizing that genuine security can only be maintained through the promotion and protection of human rights will a successful counter-terrorism policy be developed. According to Secretary-General Ban Ki-moon, human rights principles have been ignored far too often in favor of illegal detentions, renditions, torture or inhumane treatment, discrimination, and other human rights breaches (Boyle & Freestone, 2001).

A General Introduction to the International Law Framework of Counter-Terrorism has been released by the United Nations Office on Drugs and Crime. The purpose of this wide overview was to give a broad understanding of counter-terrorism legislation (Porret, 2014).

Governments might use a variety of arguments to justify unilateral exceptions to international human rights legislation in the name of combating terrorism. None of the conceptions described has any bearing on a state's obligations under international law's peremptory rules.

Finally, there is no legal justification, either under treaty or customary law, for efforts to exclude suspected terrorists from all categories of protected persons under international humanitarian law (such as civilians, wounded and sick, or prisoners of war) after they have been captured and disarmed.

Chapter 3

Counter-Terrorist Finance and the Responsibilities of Pakistan

Pakistan as a member of the international community is obligated to abide by United Nations Security Council Resolutions. This is part of Pakistan's law and domestic legal framework. Therefore, being a responsible member of the international community, there is no question to it; Pakistan has to abide by UNSC resolutions.

How Does Combating the Financing of Terrorism Work?

Terrorist organizations use different ways to masquerade the way they obtain their funds and how they utilize the funds for their activities, and with technology developing at a rapid and drastic rate, law enforcement has had to create new and ingenious ways to catch these criminals and terrorists.

The funds may come from legal sources such as legitimate business, religious or cultural organizations amenities, and even government funding, or it can come from illegal sources such as human and drug trafficking, kidnapping and even government corruption, eventually laundered so it may look like it is coming from a legal source (*Expert 6, Personal communication, 24th August 2021*).

International Laws, Treaties, Conventions, and Protocols

One important international convention on the suppression of terror financing,

The International Convention for the Suppression of the Financing of Terrorism: 'Money laundering' is not a legal term in international law but is used to loosely describe the 'turning of dirty money into clean money.' The act by which illicit funds are made to appear legitimate (which the term refers to) is defined in key international instruments, most notably the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and the UN Convention Against Transnational Organized Crime. The latter defines money laundering as:

The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal

consequences of his or her action; or the concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to the property, knowing that such property is the proceeds of crime (Article 6, UN Convention Against Transnational Organized Crime), (Walters & Rees, 2011).

- UN Legislative Guide to the Universal Anti-Terrorism Conventions
- and Protocols -Draft, February 2003.
- Financial Action Task Force

International Laws, Treaties, Conventions, and Protocols Binding To Pakistan

FATF: ‘The Financial Action Task Force (FATF) is the global money laundering and terrorist financing watchdog. The inter-governmental body sets international standards that aim to prevent these illegal activities and the harm they cause to society. As a policy-making body, the FATF works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas (De Londras, 2019).

The Financial Action Task Force was established in 1989, by the G-7 at a summit in Paris. It focused on the examination and development measures to combat global money laundering. By 2001, the FATF had expanded its mandate into efforts to combat terrorist financing and the proliferation of weapons of mass destruction.

The primary objectives of FATF are to set standards and promote the implementation of legitimate legal, regulatory, and operational measures that help to combat money laundering, and terrorist financing along with other such threats, which diminish and threaten the various aspects of the international financial system. When the FATF places a jurisdiction under increased monitoring of a country, it provides a time-bound target for the said country to resolve its financial deficits, with consent. However, if the country fails to do so then it is put in gray list resulting in heightened monitoring.

Since June 2018, Pakistan has made a high-level political commitment to work with the FATF and APG to strengthen its AML/CFT regime, while addressing its strategic counter-terrorist financing-related insufficiencies. Pakistan continues to adhere to its political

commitment, which has led to significant and drastic progress across a comprehensive CFT plan of action (*Expert 6, personal communication, 24th, August 2021*).

As per the FATF, Pakistan's progress has been recognized and its efforts to address the CFT plan of action agenda and points since Feb 2021. With significant progress made, Pakistan has managed to complete two of the remaining major actions on showing that *'effective, proportionate and dissuasive sanctions are imposed for TF convictions and that Pakistan's targeted financial sanctions regime was being used effectively to targeted terrorist assets'* (FATF-GAFI – 2021).

In compliance to the 2018 action plan, Pakistan has officially completed 26 of the 27 action items. The FATF continuously encourages Pakistan to gradually and sustainably make progress to address the remaining CFT concern through TF investigations and prosecutions of UN targeted terrorist groups, leaders, commanders.

In light of further inadequacies later distinguished in Pakistan's 2019 APG Mutual Evaluation Report (MER), Pakistan has gained ground to address some of the suggested activities in the MER and gave further undeniable level responsibility in June 2021 to address these essential lacks according to another activity plan that fundamentally centers on battling illegal tax avoidance (FMU. n.d). Pakistan should keep on attempting to address its deliberately significant AML/CFT inadequacies.

Responsibilities of Pakistan

At national level, Pakistan has established the Pakistan Anti-Terrorism (Amendment) Ordinance, 1999, which states (*Molaw.Gov.2021*):

'A person is said to commit a terrorist act if they,

- (a) if the effect of their actions will be to, strike terror or create a sense of fear and ins.
- (b) security in the people, or any section of the people, does any act or thing by using bombs, dynamite or other explosive or inflammable substances, or such fire-arms or other lethal weapons as may be notified, or poisons or noxious gases or chemicals, in such a manner as to cause, or be likely to cause, the death of, or injury to, any person or persons, or

damage to, or destruction of, property on a large scale, or widespread disruption of supplies of services essential to the life of the community, or threatens with the use of force public servants to prevent them from discharging their lawful duties; or

(b) commits a scheduled offence, the effect of which will be, or be likely to be, to strike terror, or create a sense of fear and insecurity in the people, or any section of the people, or to adversely affect harmony among different sections of the people; or

(c) commits an act of gang rape, child molestation, or robbery coupled with rape as specified in the Schedule to this Act; or

(d) commits an act of civil commotion.’

Pakistan and Al-Qaeda

Not long ago, Pakistan’s government expressed support for Afghanistan’s Taliban government in international forums; however, it took President Musharraf as well as his team of Corps Commanding officers only a few days to decide to support the US against the Taliban and to begin considering the latter as a threat to national security instead of a source of strategic depth. In truth, the United States limited Pakistan’s options: it could either support or oppose them, with no space for neutrality. Pakistan would have faced an Indian threat if it refused to cooperate with the USA and India did not. Ultimately, Pakistan delivered on its promise to provide unprecedented support to US soldiers.

It was first used in the Afghan war against the Taliban, and then subsequently in the prolonged campaign against al-Qaeda militants. Pakistan’s government’s efforts remain debatable in terms of their efficacy. However, it has been successful for the Pakistani government in its efforts to contain the threat posed by al-Qaeda. Pakistan aided in the freezing of al-Qaeda as well as its associated welfare groups’ financial accounts. Additionally, the government has begun an operation in the Federally Administered Tribal Areas of Pakistan. Moreover, The United States of America has recognized Pakistan’s contribution to the battle against terrorism. Pakistani forces are stationed in the FATA and maintain access to all previous ‘no-go zones’ (Imran & Idrees, 2020).

The Pakistani government has sought to control Islamic extremism coming from Pakistan as well as prevent it from presenting a global danger, but the global network has proven to be stubborn. This underscores, among other things, not only the importance of a concerted global effort to combat radical terrorism, as well as the critical role that Pakistan must perform in such an approach. This has become extremely critical in recent years to strengthen the security system of Pakistan (*Expert 6, personal communication, 24th August 2021*).

Pakistan and Domestic Terrorists

Apart from al-Qaeda agents and overseas sympathizers, the Pakistani government has dealt with sectarian terrorist groups including a few jihadi groups operating within the country with intensity. Since 2002, many members of the infamous Lashkar-e-Jhangvi have been assassinated as well as imprisoned, notably Riaz Basra and Asif Ramzi. In the face of the threat such organisations posed to Pakistan's internal security and stability, the government was forced to take action against them. Each terrorist act carried out within Pakistan by Lashkar-e-Jhangvi simply intensifies the government's counter-terrorism efforts. Asif Zaheer, the head of Harkat-ul-Mujahedin al-Alami, has been condemned to death by the court of appeals in Pakistan. Additionally, there have also been arrests made among the leaders and cadres of Jundullah (Fayyaz, 2008).

Consequently, although if terrorist activity continued within Pakistan, the government's performance was not utterly hopeless. The police's often ruthless pursuit of terrorists has shown tangible results, with authorities preventing terrorist attacks in Pakistan on a number of occasions by extracting information from terrorist suspects captured as well as kept in prison (*Expert 5, personal communication, 16th August 2021*).

As terrorism destabilize Pakistan on an internal level and put the country in a disadvantageous regional and international position. Terrorism has halted at the central government level, as well as the administration has made steps to build laws on secular principles. This in its entirety affects Pakistan's transnational security and therefore ultimately places Pakistan as an irresponsible state in the international arena. This calls for inter-institutional as well as inter-provincial unity, to form and follow a structured framework that allows Pakistan to follow an international counter-terrorism mechanism, fulfilling its state

responsibility and ultimately getting rid of the negative narratives that Pakistan's adversaries have mediated for decades against Pakistan.

Chapter 4

Lawfare and FATF-Analyzing the Role of Pakistan

The previous two chapters have thoroughly elucidated the concept of Countering Financing of Terrorism and the Financial Action Task Four as the international monitoring body. The following chapter will bring forth the understanding of Pakistan's position in FATF and how FATF was employed as a Lawfare tool against Pakistan.

Let us begin with observing the measure required of Pakistan and the legislative measures undertaken Countering Financing of Terrorism. Countering terrorism financing is something that requires a holistic and coordinated approach. This is not only a prerequisite for Law Enforcement Agencies to counter and investigate and prosecute effectively but also requires legislative reforms so that the predicate offenses that lead to Terrorism Financing can be catered to. When observing and looking at FATF recommendations, it is noted that a lot of these recommendations pertain towards simplistic elements such as customer due diligence, making sure that customer or any business entity is not involved in any criminal activities or any other predicate offenses, this includes, record-keeping, correspondence banking relationships, ensuring that politically exposed persons are not involved in such offences or if they are involved in which they are conducting such transactions then there should be certain controls placed for scrutiny.

When we look at the Terrorism Financing scenario in Pakistan it is observed that our legal frameworks to counter such acts only came into existence or in motion after Pakistan faced a penalty from FATF. We have the Anti-Terrorism Act 1997 (Pervez & Rani, 2015). Until FATF targeted Pakistan on its lack of countering terrorism financing Pakistan did not work or place much heed to it. Similarly, over time, FATF's own assessment procedures have evolved in the last ten years, which Pakistan continues to respond to. However, Pakistan finds itself coming up short every time, first in 2015 and then in 2018. Although with June 2018, it is critical to note that it was a point of no return for Pakistan, following up with this, Pakistan worked on and passed around 15 laws (*Expert 4, personal communication, 23rd August 2021*), including wholesale changes to our anti-terrorism frameworks, and multiple ways through which Pakistan has regulated its banking sector and companies. This is critical as Pakistan is becoming compliant

with not just the FATF recommendations as they stand, but also the specific action plan that was handed to Pakistan by FATF (Amin, Khan, Naseer, 2020) to remove itself from the Grey List.

As previously mentioned, FATF has been evolving itself as an organization and so are its evaluation mechanisms, this is one of the reasons why Pakistan despite its progress is still on the grey list, with FATF evolving, how could Pakistan get itself off the list, is Pakistan chasing unachievable goals? From a technical perspective, FATF comes up with a methodology that is updated regularly; the last time this was updated was in late 2020 (Expert 5, personal communication, 16th August 2021). Some new elements that were added to the specific 40 recommendations included new aspects such as protecting data rights and privacy of individuals whose data is being used in investigations and prosecutions. It needs to be noted that, when the term 'FATF is evolving' is used, it means that it started as a very specific mandated body with a year's worth of mandate, after which is expanded from that. This expansion originally occurred after the incident of 9/11 attacks and the introduction of the UNSC resolutions 1267 and 1373.

Resolution 1267: requires all states to place sanctions and freeze accounts, assets and funds of all the entities as well as individuals designated by the UNSC and found to be involved in any acts of terrorism or financing of terrorism. It obligates financial institutions of a state to monitor and have measures in place for immediate freezing of assets suspected to be taking part in acts of terrorism or financing of terrorism (FIA, n.d).

Resolution 1373: mandates all states, at a national level to designate individuals and entities, identified as partaking in terrorist activities or financing/funding terrorism. To have competent authorities to freeze the economic resources of any such entities (FIA, n.d).

FATF particularly got a bigger role, when it started looking into the areas of terrorism financing in a lot more detail. FATF was the first international organization that was actively engaged on such matters, apart from UNSC sanctions committees that is. Therefore, in such a case scenario, Pakistan needs to keep up with the FATF, it cannot consider itself isolated from the functioning of global governance,

Therefore basically, as observed, FATF the mandate is growing, the members it has also grown over time, currently, there are 39 members of the FATF (*Expert 2, personal*

communication, 21st August 2021). It also has associated regional bodies, which are also known as FATF style regional bodies. There is the Asia Pacific Group of which Pakistan is a member. Pakistan is undergoing two FATF processes, and two FATF evaluations at the same time. Concurrently, this needs to be understood that there are two action plans that Pakistan needs to Fulfill,

- 1) 27 Point Financial Action Plan
- 2) Asia Pacific Group (APG) mutual evaluation report

Pakistan must come up with certain technical compliance and certain effectiveness measures. The overall FATF Action Plan, ‘mutual intervention’ is focusing on areas, which are, money laundering and terrorism financing. However, the 27 Point FATF Action Plan particularly focuses on the financing of terrorism. On a broad spectrum, the financing of terrorism is a challenge for every jurisdiction, including Pakistan. The 27-point Action Plan has multiple issues in technicalities; it has issues of interpretations as to how a certain point has to be met. The FATF Action Plan can be divided into four broader categories (*Expert 5, personal communication, 16th August 2021*):

- First, is concerning the financial institutions, for example, which are supervised by the State Bank of Pakistan
- Second is the area of border control
- Third is the terrorist financial investigations prosecutions and convictions
- Forth is concerning targeted financial sanctions whether that be under UNSC 1267 or 1373.

Pakistan, as of June 2021, has achieved substantial progress on 26 out of 27 points of the FATF Action Plan. Although now, FATF has added another additional plan consisting of 6 points for Pakistan to work on. As mentioned previously, some of these points are quite simple to execute whereas some of the points require some time. For example, there is a point which states that Pakistan needs to demonstrate convictions of designated individuals and entities on terrorism financing and money laundering charges. In simpler words this is to say that Pakistan is required to first catch these individuals or entities, then place a charge on them – as appropriate, carry out

a successful investigation, then carry out successful prosecution and finally, successfully convict these individuals. After doing so the list of individuals or entities convicted should be submitted to the FATF. So technically speaking such action plans to become a little problematic as they require time to ensure that all these steps have been carried out effectively (Aziz & Fatima, 2021).

It is important to also note here that this is the first time an additional 6 points have been added to an already existing action plan by the FATF. This despite Pakistan's efforts and accomplishment of 26 out of 27 points keeps Pakistan in the FATF Grey List. The 6 additional points pertain to the areas Pakistan has historically been weak in, such as areas of international cooperation, that is, point No. 1 'enhancing international cooperation by amending the MLA law' or such as areas of ensuring compliance amongst DNFBP's (*Expert 7, personal communication, 20th August 2021*). Pakistan has historically lacked in these things, and the laws now created very new ones to produce an effective and reasonable result. Pakistan's financial system is currently under regulation, for the FATF to question at this stage the 'effectiveness' and 'implication' so early on in stage is indeed a challenge.

This brings into question the precedent FATF is setting as an international monitoring body. This allows one to question the structure of International Law and how the structure allows the law to be used in such a political/strategic way and does, therefore, FATF fit in the Lawfare paradigm?

To answer this question, firstly, it is important to understand where FATF is positioned in the international Framework. To begin with, Public International law is the law that applies between states. So, if states have a dispute, they can have different recourse to judicial forums where they can assert their legal rights, with a hope of getting some sort of a remedy that is applicable in the circumstances of the dispute. The United Nations system provides a space in which countries have relinquished part of their sovereignty, by giving the UN System certain powers, which it uses through the UNSC, depending upon the circumstances, and also depending on if one of the five members do not VETO it (*Expert 2, personal communication, 21st August 2021*). So basically, the enforcement body present in the international system is the body of the UNSC, it enforces the directives of the United Nations Resolutions. However, what has happened over

time is that certain institutions have derived powers; FATF is one of those institutes. The FATF is an intergovernmental organization that has a plethora of duties that it performs. Two areas fall into its domain: 1) Anti-Money Laundering (AML), 2) Counter Financing of Terrorism (CFT), as mentioned earlier.

Over the years there are certain Security Council Resolutions passed, specifically after the incident of 9/11 attacks in the United States. After the incident, the UN Security Council required countries to take certain steps to eradicate terrorism from their territories. Also, to make sure that those who were sponsoring terrorism or were responsible for the financing of terrorism were brought to justice. All this has given certain powers to FATF because the FATF mandate of Anti-Money Laundering and Countering of Terrorism has allowed FATF to broaden its power through the UN resolution of 1267 and 1373.

These resolutions have required states to make sure that there is no financing of terrorism occurring within their given territories. As these resolutions gave certain authority to FATF, this allowed countries with political clout or a certain heft (*Expert 3, personal Communication, 20th August 2021*). This gave way to certain states to start using FATF as a Platform for asserting their own political agenda. Over the years the rule of law which gave power to FATF has been corroded by politics. There will always be the politicization of international law because international law applies to sovereign states, and every sovereign state has its own interest (Peters, 2017). Ultimately it would always fight for its own rights. Therefore, technically, it is by default that international law becomes political.

There is an internationally constructed disparity amongst states, with the present disparity in the international system, there are certain countries that have assumed powers over the years because of their economic heft and because of their political connections (Zurn & Ecker-Ehrhardt, 2012). International law is only based on sovereign equality when it comes to theory, in practice the situation is quite different (*Expert 1, personal communication, 23rd August 2021*). This doesn't only apply to Pakistan, or Pakistan is the victim. If Africa is looked upon, there are constant Human Rights violations, there are constant armed conflicts and other humanitarian breaches at a very large scale. International law is inertly unequal because of the political clout and heft of certain countries this also trickles down to FATF (*Expert 7, personal communication*

20th August 2021). Since FATF is an intergovernmental organization that has been given certain powers and those powers have been abused by certain countries which hold a certain advantage over other countries.

Therefore, ultimately, understanding and defining Lawfare as a way of using law as a weapon of war. It is important to differentiate Lawfare and 5th Generation warfare. 5th Generation warfare is usually only limited to propaganda, on the other hand, Lawfare is the proper leveraging of political and economic instruments by countries against other countries (*Expert 2, personal communication, 21st August 2021*). Lawfare, could primarily be advanced by entities in the international system, entities such as 1) states 2) commercial entities 3) Non-Governmental Organizations, which use states as fronts. Hence, it is not just restricted now to state entities alone, it is inclusive of all the other entities in the international system to bear respective advantage (*Expert 1, 23rd August 2021*).

There are states in the world that have formalized this concept and doctrine in their national security policies and strategies such as China and the US. The foundational workings of FATF are based on Lawfare because the US Treasury Department is the key player of FATF laws (*Expert 2, personal Communication, 21st August 2021*). The US financial system is leveraged against its foes. Similarly, all the sanctions the US applies against Iran, originating from the US Treasury Department. This is an example of financial Lawfare that has been used against Iran by the US. China is one of the biggest proponents of lawfare, ‘Falu Zhan’ legal warfare in Chinese (Cheng, 2012). These states have a huge team of lawyers and professionals working towards achieving their national interests and implementing them in different parts of the world. Now if one looks at what is been happening in the last 10 years, Pakistan has been a subject of many Lawfare moves against us, whether its strategic litigation, strategic recourse to international courts and tribunals against us, by other states or adversaries, such as India in the Kalbushan Jadhav’s case (Wasilewski, & Żenkiewicz, 2018).

Politicization in FATF + 6 Points Action Plan

Now seeing what is left of FATF points, the international organizations are satisfied that Pakistan has changed its laws. FATF in its last plenary (FATF-GAFI, 25th June 2021)

acknowledged the fact that Pakistan has brought in regulations. Pakistan is now developing institutions and is also training personals. Building regulations regarding international law is not just about passing laws, it is also about building capacity. Pakistan has been building the capacity of personals as well. However, now with the additional six points (which again has never happened before), the FATF is requiring Pakistan to show the effectiveness of its laws passed. Effective essentially means that one needs to produce results. The state of Pakistan has to convict these UN-sanctioned terrorists all of those present within the territory of Pakistan. Pakistan has already convicted 60-70 of them. It has also have brought 100 plus prosecutions against them (*Expert 4, personal communication, 23rd August 2021*).

Now think about this, what is slightly bizarre is that FATF expects the Pakistani Executive Authority to interfere in the workings of the judiciary, whether it is going to convict individuals or not. The state can only prosecute and then the judge has to decide based on a place before them. Without a doubt, historically, Pakistan has had an abysmal record of convictions, which is also the reason behind the state's reason to set up military courts. Pakistan has made good progress since then, such as the fact that Pakistan has, convicted Hafiz Saeed, who is a longstanding demand of the international community (*Expert 1, personal communication, 23rd August 2021*). Despite all this, to Pakistan to dictate its judicial system, which is supposed to be independent under any global standard is a little harsh and unfair. This highlights the pertaining question of whether FATF is being objective or whether it has now become a political tool in the hands of regional and other international entities aiming to target Pakistan.

Hence, the point here is that the FATF is a global governance institution and within the paradigm of Lawfare, it can be and has been used as a forum to advance political aims and agendas, Pakistan, unfortunately, has been under the scanner for many years, earlier than 2018, which is something many tend to forget that Pakistan was in the grey list prior to 2018, i.e., 2015.

There are two types of methods when employing the use of Lawfare as a strategic tool.

Defensive Lawfare: Defensive Lawfare talks about the use of media training on selected topics, safeguarding of inquiry processes, information liaison with courts (Mosquera, & Bachmann, 2016). Examples of defensive Lawfare include the use of human shields by ISIS to

exploit Western countries' compliance compulsion with International Humanitarian Law (IHL). In this case, Pakistan can use defensive Lawfare in FATF where Pakistan has been bludgeoned by international requirements.

Offensive Lawfare: Offensive Lawfare is the use of sanctions, targeting recording and international arbitrations and the use of law in a malevolent and exploitative way (Holzer, 2011). Pakistan has been on the receiving end of offensive Lawfare multiple times. Many of these offensives have been targeted by India, such as the Kalbushan Jadhav case of the International Court of Justice or calling the Kashmir Liberation Movements Pakistani terrorists. In most recent acts, FATF has also proven to be an offensive Lawfare strategy against Pakistan as the Indian Foreign Minister openly agreed to the fact that India was behind Pakistan's placement in the grey list.

Offensive Lawfare as a Preventive Security Method

In international law, States cannot afford to let any issue fester. The Reko Dec (italw, n.d.) case has been festering for years now and Pakistan still hasn't been able to find any way out of it yet. Similar is the case with the GSP Plus again, Pakistan is forced to act any time there is a warning from the European Union, which perhaps will also review status (*Expert 7, personal communication, 20th August 2021*). In terms of Lawfare as a Preventive Security Method, it is not just about capacity building within the State, it is also about developing a need for better coordination, so considering GSP Plus, when it comes to implementation of these treaties, the State's primarily responsible for international law obligations i.e., the Federal Government but in the case of Pakistan, those treaties cannot be fully implemented especially after the 18th amendment. The regulations cannot be fully implemented until unless the provinces are also coordinated (*Expert 3, personal communication, 2021*).

Pakistan Using Lawfare as a Preventive Security Method

Pakistan has multiple opportunities to use Lawfare to its political-strategic advantage. Regarding FATF, India is in line with its FATF review, scheduled in 2022. Much like India, which has for the past many years, run narratives of Pakistan as an irresponsible State that hosts terrorist and terrorist financiers. Pakistan needs to launch a sustained diplomatic effort, to impress upon the world that the Indian financial system is under threat of money laundering and

countering terrorism financing. FinCEN files determine and have demonstrated the scale of money laundering and the number and the Indian Banks that were involved in money laundering transactions. This shows that there were suspicious activity reports sent by American banks such as JP Morgan City Group, Deutsche Bank, to FinCEN whereby 44 Indian Banks including State Banks, Private Banks, totally transactions over 1 billion, these transactions were of money laundering and terrorist Financing based on 2007-2017 (*Expert 2, personal communication, 2021*). This emerged in September 2020, establishing that a lot of money laundering and terrorist financing has been emanating from the Indian financial system, which is a risk as far as practical standards of international obligations are concerned. Pakistan can produce a robust narrative that should demonstrate why India needs to be under enhanced monitoring of FATF, which is they gray list. Similarly, FATF has also recently prepared counter-violent extremism (FATF, GAFI, June 2021), thus the focus now is on domestic violence and extremist organizations. Think of the Indian Rashtriya Swayamsevak Sangh (RSS), the RSS falls within these parameters, Pakistan needs to again update itself. This development in FATF only took recently, this is the first time FATF has engaged with countering violent extremism. Pakistan needs to be proactive; it needs to constantly be on the lookout, create opportunities for the state. There are these organizations in the US as well, for example, 'Proud boys' (Laguardia, 2019).

Pakistan needs to look at the concept of Lawfare through not only a defensive lens but more from a proactive, offensive lens. Treat this by a means of pro-active fashion rather than in a reactive manner. Pakistan has let go of many opportunities of practicing offensive Lawfare against our adversaries, to advance our interests. When speaking about FATF, whether FATF strictly represents itself as a technical and very objective forum for assessing compliance and evaluation reviews or whether it is a political forum at the end of the day. When FATF talks about 'how effective' a country's compliance is, this obviously cannot be judged in objective terms, 'effectiveness is bound to have subjectivity' and this is where politics creeps in (*Expert 3, personal communication, 20th August 2021*). This establishes the fact that despite irrespective of the forum suggesting how technical and objective it is the reality is that it enters the political process. Pakistan needs to be mindful of these things, in order to respond to them accordingly in diplomatic terms.

International laws applicability is selective and those who enforce international law are the biggest players, they can choose when to enforce something. The UNSC resolutions are mandatory and binding. All the resolutions that are passed by the UNSC apply unless they are targeted at specific areas or regions in the world. If they are passed with specific reference to Pakistan then they are binding to Pakistan (*Expert 2, personal communication, 21st August 2021*). However, can a country set its reservations? yes, the Vienna Convention on the laws of treaties (Sinclair & Sinclair, 1984), that gives states the right to object to certain provisions, clauses and modify them, and even say that they are not bound by certain terms of that treaty. International law is a compromise, of all states. This is another way to employ the use of offensive Lawfare, State place reservations or implement their understanding of international law clauses.

Conclusion

'War is the continuation of politics by other means.' - Carl von Clausewitz

The concept of Lawfare, which falls under the domain of hybrid warfare, grey zone warfare. There are states in the world that have formalized this concept and doctrine in their national security policies and strategies such as China and the US. They use Lawfare as part of their comprehensive national power. Therefore, Lawfare very much these days is an element of state power. Thus, in the international system, which is inherently anarchic, states always try to seek comparative advantages over other states in the international system. International law overtime, especially in the last decade has also become an instrument and tool, which states use in order to advance their political agenda, with the intention of advancing their foreign policy ambitions. Therefore, it is the larger framework in which we need to think about this issue, now within this larger framework, states use international law and international governance institution to advance their agendas and to advance their foreign policy ambitions. The FATF, which was originally established in 1989, was formed by the G-7, a group of developed economies. It has grown its mandate over time. The initial intended version of FATF was to cover and combat money laundering.

How did Pakistan become a victim of lawfare?

It is important to understand that Lawfare cannot happen in a vacuum, Pakistan also had certain deficiencies, in its local laws or in its regulations which made it vulnerable to the international order, which hostile states used to target Pakistan. Pakistan's weaknesses were essentially exploited and amplified as a result of a sustained campaign against it (Expert 7, personal communication, 20th August 2021).

Limited Understanding of International Law: Lawfare requires a basic understanding of international law and how the world works. Lawfare is a form of instrumentalist approach to international law, the structure and nature of international law allow it to be used in such a manner. There is a need to understand the fact that international law is radically different from domestic law, so one has to conceive law very differently than what one generally conceives it to be as (Expert 1, personal communication, 23rd August 2021). International law is not just about law, to fully grasp it one also needs to understand international politics, international economics,

and international finance. There is a definite need to understand global geopolitical trends and the trend lines, for a state to fully be able to practice Lawfare (Expert 2, personal communication, 21st, August 2021).

Limited Understanding of international Conventions and Agreements: Acting in the international legal system requires excellent communication, and vigilance; to not only understand the legal texts but also know when to use them as a tool. The texts of international law are by nature quite nuanced and sophisticated. Therefore, if a state cannot understand the international treaties or agreements that it is signing in to, then it becomes problematic. For instance, in the past for example Pakistan has made the mistake of signing on to several bilateral investment treaties, and one consequence of that was Pakistan did not understand what it was getting into until there were these investment arbitrations that were filled against Pakistan. Such examples constitute the ‘Karkey Dispute’ and ‘the Rejo Dic Case’. In regard to the Rejo Dic case, Pakistan is still held accountable. There is an outstanding Six billion Dollar penalty on Pakistan only because it needlessly signed on to these investment agreements in the 1990s (*Expert 1, personal communication, 23rd August 2021*).

Lack of enforcement of international law in domestic law: These issues would make any state and Pakistan in this case vulnerable to external challenges, especially when there are gaps in terms of domestic enforcement of international law. Every time a state accepts itself as an international law obligation, it is also supposed to give effect to those international obligations in its domestic laws. Oftentimes, developing states or states which do not have the requisite capacity or understanding of the nuances of international law tend to sign on to many international law obligations tactlessly, and resultantly do not come up with the required domestic frameworks to give effect to those obligations (*Expert 4, personal communication, 23rd August 2021*). Similarly in the case of FATF, since 2008, then in 2015 onwards, there has been this gap in our domestic administrative and legal frameworks. Pakistan has to ensure that there is domestic compliance with our international obligations (*Expert 3, personal communication, 20th August 2021*). Otherwise, Pakistan’s adversaries exploit these gaps present and hold Pakistan accountable and burden Pakistan through international frameworks, like FATF. Another example of such would be the GSP Plus, which also demands Pakistan to fulfill international obligations domestically.

Lack of Institutional Capacity: One of the things that make a state vulnerable to Lawfare Challenges is that there is no appreciation or little appreciation of public international law within that state. That would of course lead to issues of capacity within that state, meaning that there isn't enough institutional capacity in that state, there is not enough coordination with different agencies and units, not enough coordination between provinces and coordination (*Expert 5, personal communication, 16th August 2021*).

Using Lawfare to Depict Pakistan as A Responsible State

In the last year and a half, Pakistan has been insisting that it is a responsible state. To be a responsible state, the state must be respectful of international law. Currently, looking at what India has been doing, it has been acting highly irresponsibly when it comes to Kashmir when it comes to fundamental rights of the citizens of its minorities and the way it is using international forums like FATF against Pakistan the way they have engaged in a disinformation campaign against Pakistan, so all of this portrays India as a rouge state, but at the same time. Pakistan needs to stop taking India as a measuring stick, in its accomplishments and its failures. Pakistan when entering into an international agreement or when dealing with international affairs should very well keep its actions in line with the international order. The way to simply do that is to follow international law obligations. Pakistan is making a conscious effort, for example giving effect to the Kalbushan Jadhav's ICJ's judgement. Pakistan has even introduced a law to abide by our legal obligations (*Expert 1, personal communication, 23rd August 2021*).

State Responsibility: When it comes to State Responsibility and following international law. Pakistan really wouldn't have suffered any actionable consequences if it chose to ignore it. However, considering the inter-governmental system the world now exists in it following or being vigilant at the least of international law is the right thing. In the last 10-15 years, India has been able to portray Pakistan as an irresponsible state, a state sponsoring terrorism and previously Pakistan didn't really have any counter-narrative to that all these years and resultantly it has hurt the political stature of Pakistan. Now, Pakistan needs to develop and build on a conscious effort to integrate international law into its global narrative. The Pakistani state should now be extremely conscious of its reputation with regards to internalizing the need to be respectful and compliant to international law obligations.

Recommendations

Pakistan needs to develop coordinating mechanisms between the Federal Government and the different provincial Governments that is if Pakistan wants to fully implement our international law obligations.

Pakistan should not only attempt to get off the grey list but also use its experience of becoming greylisted and then getting off the grey list by using its legal frameworks by using its regulatory frameworks by coordinating law enforcement actions, by harmonizing and institutionalizing sectors of the economy that were previously without any supervision at all, and then building a narrative around these things and that narrative needs to be communicated to global governance organizations such as the FATF, IMF or the World Bank (*Expert 4, personal communication, 23rd August 2021*). The aim should be to capitalize on Pakistan's successes and most importantly, communicate them so that Pakistan can also establish itself and its reputation as a responsible member of the international community.

For the future, Pakistan needs to understand that Lawfare as a strategy can only be implemented if Pakistan has a centralized body that is in coordination with other intergovernmental organizations and ministries and bodies on what needs to be done. The Centralized body should also have the power to enforce its decisions, Power to ensure decisions comes with sanctions, the centralized body should have some sort of authority in order to ensure that agencies that do not comply with the directives will be taken to task (*Expert 2, personal communication, 21st August 2021*). It is not the last time Pakistan has landed on the wrong side of international law compliance. Pakistan needs to anticipate different scenarios to plan accordingly, all of this come under Lawfare, which is through:

- 1) Understanding the Challenges;
- 2) Institutionalizing the framework in which Pakistan will operate.

To conclude, Pakistan has made enormous mistakes in the past, in terms of not appreciating international law as it should be. At the same time, Pakistan is slowly stepping on the right path and has learned its lesson. Pakistan needs to evolve its structure and mechanisms so that there

could be a more structured policy input so that the policymakers' decisions are in line with international law implications. That is what happens in the US, every major policy decision which the president of the US takes is vetted by a team of lawyers, the white house has its own lawyers, State Department has its own lawyers, and similarly, Department of Defense have their own lawyers for example, before raiding Abbottabad for Osama bin laden Obama was given multiple legal opinions, whether it would be legal under international law or not only after taking into account the legalities of the action did the US go ahead and conducted that operation (*Expert 1, personal communication, 23rd August 2021*). This is where Pakistan should ideally try to move towards. The majority of institutions in Pakistan are insular, taking little to no external support or external advice, this model could have worked in the past but now the world is too complex, the challenges are becoming more and more technical, therefore require technical expertise. Unless Pakistan has the capacity, unless Pakistan has the expertise, it cannot be proactive, it will inevitably always be lagging just as observed with FATF. The reason has to do with general institution insularity. The regulatory authorities and institutions of Pakistan need to mature up their capacity, or if not then they should rely more on external input.

The prospects of Pakistan exiting the Grey list of FATF are still quite meager. The international institutions and organizations welcome Pakistan's efforts of complying with the most strict action plan given to any state. However, the addition six points are tricky to bring effective results as they require on-sight visits by the FATF evaluator. Another point is that FATF now requires that Pakistan should also seek mutual, legal assistance other states in convincing, prosecuting these UN-sanctioned individuals. This is another challenge that awaits Pakistan. Nonetheless, in some cases, FATF may have come as a blessing in disguise for Pakistan, as now Pakistan is working towards its regulation bodies that had been forgotten for the last many years. This may also help in bring inter-provincial and inter-institutional connectivity in Pakistan and help move Pakistan forward in the international order as a responsible state.

References

- Abbott, K. W., Keohane, R. O., Moravcsik, A., Slaughter, A. M., & Snidal, D. (2000). The concept of legalization. *International organization*, 401-419.
- Afridi, S. A. (2016). Pakistan's Counterinsurgency. *Strategic Studies*, 36(3), 21-37.
- Amicelle, A. (2013). The EU's Paradoxical Efforts at Tracking the Financing of Terrorism: From criticism to imitation of dataveillance.
- Amin, M., Khan, M., & Naseer, R. (2020). Pakistan in the FATF grey-list: challenges, remedies and international response. *Margalla Papers*, 1, 31-43.
- Aslam, T. (2018). Pakistan's Counter Terrorism Narrative: Evaluating Nacta And The Way Forward. Ichrcp, Academic session-10.
- Assembly, U. G. (1948). Universal declaration of human rights. *UN General Assembly*, 302(2), 14-25.
- Arsanjani, M. H. (1999). The Rome Statute of the international Criminal court. *American Journal of International Law*, 93(1), 22-43.
- Aziz, J., & Fatima, N. (2021). Measuring Pakistan's Technical Compliance with FATF Recommendations. *Available at SSRN 3857976*.
- Baldwin, D. A. (1997). The concept of security. *Review of international studies*, 23(1), 5-26.
- Ballin, M. F. H. (2012). *Anticipative criminal investigation: Theory and counterterrorism practice in the Netherlands and the United States*. Springer Science & Business Media.
- Blanco, S., & Webster, D. (2014). An assessment of the global counter-terrorism system through the CTC, CTED and CTITF. *Retrieved January, 25, 2020*.
- Borelli, M. (2017). ASEAN Counter-terrorism weaknesses. *Counter Terrorist Trends and Analyses*, 9(9), 14-20.

- Boulden, J. (2020). The United Nations General Assembly and Terrorism. In *Research Handbook on International Law and Terrorism*. Edward Elgar Publishing.
- Bower, A. (2017). Norms Without the Great Powers: International Law and Changing Social Standards in World Politics. Oxford: Oxford University Press.
- Boyle, A. E., & Freestone, D. (Eds.). (2001). *International law and sustainable development: past achievements and future challenges*. Oxford University Press.
- Buzan, B., & Little, R. (2002). Remaking the study of international. *Historical Sociology of International Relations*, 200.
- Carducci, G. (2006). The growing complexity of International Art Law: Conflic of Laws, Uniform Law, Mandatory Rules, UNSC Resolutions and EU Regulations. In ‘ Art and cultural heritage: law, policy and practice’ (pp. p-68).
- Carter, A. B., & Perry, W. J. (2000). *Preventive defense: A new security strategy for America*. Brookings Institution Press.
- Cheng, D. (2012). Winning without fighting: Chinese legal warfare. *Backgrounders*, (2692).
- Cortright, D., Lopez, G. A., Millar, A., & Gerber-Stellingwerf, L. (2007). Global cooperation against terrorism. Evaluating the United Nations counter-terrorism committee. *Uniting against terror: Cooperative nonmilitary responses to the global terrorist threat*, 23-50.
- De Londras, F. (2019). The transnational counter-terrorism order: A problématique. *Current legal problems*, 72(1), 203-251.
- Doyle, T. (2001). Cleaning up anti-money laundering strategies: current FATF tactics needlessly violate international law. *Hous. J. Int'l L.*, 24, 279.
- Duff, D. G. (2011). Charities and terrorist financing. *University of Toronto Law Journal*, 61(1), 73-117.
- Dunlap Jr, C. J. (2008). Lawfare today: A perspective. *Yale J. Int'l Aff.*, 3, 146.

Dunlap Jr, C. J. (2010). Does Lawfare need an apologia. *Case W. Res. J. Int'l L.*, 43, 121.

Fayyaz, S. (2008). Responding to terrorism: Pakistan's anti-terrorism laws. *Perspectives on Terrorism*, 2(6), 10-19.

FIA: [https://www.fia.go.ug/unsc-1267-](https://www.fia.go.ug/unsc-1267-list#:~:text=United%20Nations%20Security%20Council%20Resolutions,person's%20%2F%20entity's%20connections%20with%20terrorism)

[list#:~:text=United%20Nations%20Security%20Council%20Resolutions,person's%20%2F%20entity's%20connections%20with%20terrorism](https://www.fia.go.ug/unsc-1267-list#:~:text=United%20Nations%20Security%20Council%20Resolutions,person's%20%2F%20entity's%20connections%20with%20terrorism) (extracted on 17th July, 2021)

FIA: <https://www.fia.go.ug/unscr-1373-list> (extracted on 17th july, 2021)

FATF-GAFI: (Located on)

<https://www.fatf-gafi.org/publications/fatfgeneral/documents/outcomes-fatf-plenary-june-2021.html>

FATF, GAFI, nd, june, 2021:

<https://www.fatf-gafi.org/publications/methodsandtrends/documents/ethnically-racially-motivated-terrorism-financing.html>

FMU: <https://www.fmu.gov.pk/second-follow-up-report/>

Foot, R. (2007). The United Nations, counter terrorism, and human rights: Institutional adaptation and embedded ideas. *Human Rights Quarterly*, 489-514.

Gallie, W. B. (2019). *Essentially contested concepts* (pp. 121-146). Cornell University Press.

Gardner, K. L. (2007). Fighting terrorism the FATF way. *Global Governance: A Review of Multilateralism and International Organizations*, 13(3), 325-345.

Garcia, D. (2016). Future arms, technologies, and international law: Preventive security governance. *European Journal of International Security*, 1(1), 94-111.

Gasser, H. P. (2002). Acts of terror, "terrorism" and international humanitarian law. *International Review of the Red Cross*, 84(847), 547-570.

Gilbert, G. (2020). Terrorism and international refugee law. In *Research Handbook on International Law and Terrorism*. Edward Elgar Publishing.

Greenberg, M. R., Wechsler, W. F., & Wolosky, L. S. (2002). Terrorist financing. *New York Council on Foreign Relations*.

Hamin, Z., Othman, R., Omar, N., & Selamat, H. S. (2016). Conceptualizing terrorist financing in the age of uncertainty. *Journal of Money Laundering Control*.

Heng, Y. K., & McDonagh, K. (2008). The other War on Terror revealed: global governmentality and the Financial Action Task Force's campaign against terrorist financing. *Review of International Studies*, 553-573.

H. Kelsen, *Principles of International Law*, 2nd ed., R. W. Tucker, ed. (New York, Holt, Rinehart and Winston, 1966), p. 22.

Holzer, M. W. (2011). *Offensive Lawfare*. Army War Coll Carlisle Barracks Pa.

Imran, M., & Idrees, R. Q. (2020). Anti Terrorism Legal Framework in Pakistan and Challenges before the Criminal Justice System. *Pakistan Journal of International Affairs*, 3(2).

International Law Commission. (2001). Draft articles on responsibility of states for internationally wrongful acts. *Yearbook of the International Law Commission*, 2(2), 49.

Investigating state sponsored terrorism under international law, November 24, 2020, Kamran Adil: <https://rsilpak.org/2020/investigating-state-sponsored-terrorism-under-international-law/>

Israel Ministry of Foreign Affairs. December 23, 2009. Exerts from PM Netanyahu's Speech at the Knesset's Special Session. <http://mfa.gov.il/MFA/PressRoom/2009/Pages/PM-Netanyahu-addresses-%20Knesset-Special-Session-23-Dec-2009.aspx>.

Italaw; <https://www.italaw.com/sites/default/files/case-documents/italaw10738.pdf>

Jackson, R. (2005). Security, democracy, and the rhetoric of counter-terrorism. *Democracy and Security*, 1(2), 147-171.

Kato, A. (2017). *The Security Council of the United Nations and Chapter VII of the UN Charter: The Evolving Development of the Collective Security and the Challenges to It*.

Kittrie, O. (2016). *Lawfare: Law as a Weapon of War*. Oxford: Oxford University Press.

Laguardia, F. (2019). Considering a domestic terrorism statute and its alternatives. *Nw. UL Rev.*, 114, 1061.

Levi, M. (2010). Combating the financing of terrorism: A history and assessment of the control of 'threat finance'. *The British Journal of Criminology*, 50(4), 650-669.

Li Q. and D. Schaub (2004) "Economic Globalization and Transnational Terrorism", *Journal of Conflict Resolution*, 48(2), 230-598.

Logan, T. M. A. (2017). *International Law and the Use of Lawfare: An Argument for the US To Adopt a Lawfare Doctrine*.

Lynn-Jones, S. M., Lynn-Jones, S. M., Miller, S. E., & Miller, S. E. (Eds.). (1995). *Global dangers: Changing dimensions of international security*. mit Press.

Malik, M. B. (2014). Pakistan and India Cyber Security Strategy. *Defence Journal*, 17(11), 59.

Margulies, P. (2013). The NSA in Global Perspective: Surveillance, Human Rights, and International Counterterrorism. *Fordham L. Rev.*, 82, 2137.

McKeown, R. (2017). The power and perils of international law: A review essay on Lawfare, constructivism and international lawpower. *International Politics Reviews*, 5(2), 105-119.

Midlarsky, M. I., Crenshaw, M., & Yoshida, F. (1980). Why violence spreads: The contagion of international terrorism. *International Studies Quarterly*, 24(2), 262-298.

Molaw.Gov.Pk. <http://www.molaw.gov.pk/molaw/userfiles1/file/Anti-Terrorism%20Act.pdf>

Morton, J. S. (2000). *The International Law Commission of the United Nations*. Univ of South Carolina Press.

- Mosquera, A. B. M., & Bachmann, S. D. (2016). Lawfare in hybrid wars: the 21st century warfare. *Journal of International Humanitarian Legal Studies*, 7(1), 63-87.
- Mukhtar, A. (2019). Money Laundering, Terror Financing and FATF: Implications for Pakistan.
- Myers, J. M. (2005). The Silent Struggle Against Terrorist Financing. *Geo. J. Int'l Aff.*, 6, 33.
- Parker, J. E. (2019). Sonic Lawfare: On the jurisprudence of weaponised sound. *Sound Studies*, 5(1), 72-96.
- Res, U. N. S. C. 1617 (29 July 2005) UN Doc S. RES/1617.
- Parvez, T., & Rani, M. (2015). *An Appraisal of Pakistan's Anti-Terrorism Act*. United States Institute of Peace.
- Peters, A. (2017). The refinement of international law: From fragmentation to regime interaction and politicization. *International Journal of Constitutional Law*, 15(3), 671-704.
- Porret, M. (2014). The role of the United Nations Counter-Terrorism Implementation Task Force and the United Nations Counter-Terrorism Centre. In *Research Handbook on International Law and Terrorism*. Edward Elgar Publishing.
- Saul, B. (2014). Terrorism and international humanitarian law. In *Research Handbook on International Law and Terrorism*. Edward Elgar Publishing.
- Schwebel, S. M. (2007). International Responsibility Today: Essays in Memory of Oscar Schachter. Edited by Maurizio Ragazzi. Leiden, Boston: Martinus Nijhoff, 2005. Pp. lxxiv, 472. Index. \$197,€ 146. *American Journal of International Law*, 101(1), 237-241.
- Silke, A. (2010). The psychology of counter-terrorism: critical issues and challenges. In *The psychology of counter-terrorism* (pp. 15-32). Routledge.
- Sinclair, A. (2010). *International Relations Theory and International Law: A Critical Approach*. Cambridge: Cambridge University Press.

- Sinclair, I. M., & Sinclair, I. R. (1984). *The Vienna Convention on the law of treaties*. Manchester University Press.
- Smith, S. (2005). The contested concept of security. *Critical security studies and world politics*, 27, 62.
- Stephens, T. (2004). International criminal law and the response to international terrorism. *University of New South Wales Law Journal*, 27(2), 454-481.
- Swanton, C. (1985). On the "essential contestedness" of political concepts. *Ethics*, 95(4), 811-827.
- Tan, A. T. (2018). Evaluating counter-terrorism strategies in Asia. *Journal of Policing, Intelligence and Counter Terrorism*, 13(2), 155-169.
- Tham, J. C. (2007). A risk-based analysis of Australia's counterterrorism financing regime. *Social Justice*, 34(2 (108)), 138-152.
- Trouw, H. J. (2010). *Developments in terrorism financing and Dutch government policy* (Master's thesis, University of Twente).
- Tsingou, E. (2010). Global financial governance and the developing anti-money laundering regime: what lessons for international political economy?. *International Politics*, 47(6), 617-637.
- van Nunen, W. Sanctions and al-Qaeda. (n.d)
- Verdier, T., & Mirza, D. (2007). International Trade, Security and Transnational Terrorism: Theory and Empirics.
- Vlcek, W. (2008). A leviathan rejuvenated: Surveillance, money laundering, and the war on terror. *International Journal of Politics, Culture, and Society*, 20(1-4), 21-40.
- Walt, S. M. (1991). The renaissance of security studies. *International studies quarterly*, 35(2), 211-239.

Walters, J., Budd, C., Smith, R. G., Choo, K. K. R., McCusker, R., & Rees, D. (2011). Anti-money laundering and counter-terrorism financing across the globe: a comparative study of regulatory action. *AIC reports. Research and Public Policy series.*, xvii.

Wasilewski, T., & Żenkiewicz, M. (2018). The Jadhav case, India v. Pakistan (ongoing case at the International Court of Justice, 2017).

Zahid, F. (2018). Crime-Terror Nexus in Pakistan. *Counter Terrorist Trends and Analyses*, 10(9), 18-23.

Zürn, M., Binder, M., & Ecker-Ehrhardt, M. (2012). International authority and its politicization. *International Theory*, 4(1), 69-106.



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