

## **NATURE OF LAWFARE: AN ANALYTICAL STUDY FOR ANALYZING LAWFARE IN INTERNATIONAL DOMAIN**

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### **Abstract**

*This paper examines the lawfare, by analyzing its nature and impact within the international domain. Lawfare or the tactical application of legal procedures and frameworks to accomplish military or political goals, has become a key instrument in modern geopolitics and conflict resolutions. This study tries to clarify the different aspects of lawfare, including its legal, political, and ethical ramification by a thorough review of case studies and theoretical frameworks. In order to provide light on the opportunities and problems presented by lawfare in influencing the dynamics of global governance and security, this research will look at the tactics used by both state and non-state actors as well as the changing role of international law and institutions across the international borders. This study also advances the knowledge of how conflict and diplomacy are changing in the twenty-first century and*

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*provides significant information in fields of lawfare in international domain.*

**Keywords.** *Lawfare, lawfare in international domain, strategic use of law, legal framework, political and military objectives, international law.*

### **Introduction**

*The lawfare is a mean for gaining political and military objectives. Where law is utilized as a tool. The application of legal means to accomplish political objectives, such as harming an adversary via unnecessary or aggravating litigation, is referred as lawfare. The notion and practice of using international law as a tool to furtherance of one's own interest is lawfare. According to Aurel Sari, major power camp politics have replaced Kantian multilateralism in the world. The kinetic utilization of force in conflicts has been substituted by hybrid warfare in this era of geo-economics competition for regional and global dominance (F.Kittrrie, 2016).*

*Living in the era of lawfare, where international law is utilized by state and non-state actors. It is used either in good or bad motive or in constructive or destructive form. The term is mostly associated with armed conflicts or political means. The lawfare has evolved with times in periods of armed conflicts between states and states in conflict with non-state actors. Dunlap Jr currently a professor has defined the concept of lawfare in twenty-first century however previously law has been utilized for political means (Kittrrie O. F., 2016). Dunlap has provided three major definitions of lawfare which covers lawfare wholly. His definition of lawfare is that it "is the application of law as a tool of weapon; is the most recent aspect of twenty-first century strategy where law is utilized as a method of obtaining military objectives." And the policies of utilizing law as a weapon of war. The employing or abusing legislation in place of more conventional military methods to accomplish a warfighting goals. Lawfare has also been described as a "nebulous zone" in which measures are taken or considered for defending the country through or with its legal and institutions (Bodnieks, 2023). Lawfare, to put it simply is the application of "the law as a weapon of war." In the twenty-first century, it is crucial tool of statecraft. It is a philosophy that Pakistan's framework for national security and foreign policy must incorporate.*

*Aims of research*

### **The aim of research is as:**

*The researcher aims at understanding the nature of lawfare, and what is the relation between law and war.*

*The researcher also aims at understanding the strategies utilized in lawfare against the opponent for gaining political and military objectives.*

*The aim of research is to find how lawfare in international politics shapes opinions*

*of opponents.*

### **Research Objectives**

*The research objective include*

- 1- Examining and defining the nature of lawfare.*
- 2- Examine well-known case studies of recent lawfare incidents, such as cyberwarfare, territorial disputes, economic sanctions, and human rights abuses, to gain insight into strategies, intentions, and results.*
- 3- Define the relation of law and warfare. And identify the state and non state actors in building lawfare strategies and policies.*

### **Statement of problem**

*The research aims at understanding the concept of lawfare. The Lawfare refers the concept of utilizing legal means to achieve political and militarily objectives. The lawfare is non-kinetic warfare and utilized against opponent. Lawfare changes the political opinion. The problem lies in understanding the policies and strategies applied against opponent for gaining political and military objectives. And how lawfare changes political opinion.*

*Research Question and topic*

*This research will answer the following questions.*

- 1- How lawfare has evolved?*
- 2- What is relation of law and war? And what strategies are applied in lawfare?*
- 3- How utilization of lawfare changes opinions in international politics.*

*Rationale of Study*

*Lawfare is a concept that is usually discussed in academics, governments, and in media circles. Various works have been conducted to produce an authentic literature on understanding the basic concept of lawfare, and policies that have been accompanied for utilization of lawfare. From these works a basic idea of lawfare has been understood which has been used against rival states. Literature is accessible to understand lawfare in international political domain.*

*This is a law-related issue, and a significant area to be researched on. Most of legal paternity and state-crafters are estranged with lawfare and its strategy. The significance of the study lies to develop a basic understanding regarding lawfare and nature of lawfare.*

### **Theoretical Framework**

*The theoretical framework of research title "Nature of lawfare: An analytical study for analyzing lawfare in international domain. The theoretical framework is political warfare theory, human rights law, and strategic studies. These all elements are strategically used by states and non-state actors to manipulate, intimidate, and entrap each other to gain war-like objective. The combination of all can be regarded as use of lawfare.*

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*In the book "On Political War" Mr. Paul A. Smith Jr, the political warfare is the use of political ways to suppress an adversary to do one's will. "Through political ways means purposeful intercourse between government and peoples affecting national survival and relative advantage." The political war can be employed through economic pressure, violence, diplomacy, foreign alliances, and subversion (Smith, 1991).*

*Carl Von Clausewitz in his book on war that "war is the continuation of politics by other mean." According to Congressional Research Service the political warfare theory is the coincide utilization of diplomatic relations, alliance building, financial tools, information, and technologies in-order to achieve state objectives (Theohary, 2023).*

*Linda Robinson in his work: "Modern Political Warfare: Current practices, possible responses," provides the key attributes of modern political warfare as such: State employing different elements of power, financial leverage and economic coercions are important tools preferred. Information and technological techniques are significant because cyber tools accelerate social division, extend traditional conflicts, are the major attributes of political warfare (Robinson, 2022).*

*This theory of political warfare relates to the concept of lawfare. Where the state utilizes all their possible strength and design their strategies and policies to dominate their adversaries. From this domination they try to suppress the opponent and fulfil their desire's objective. The time has changed, now in 21st century states and non-state uses law to counter the other. International law which has evolved from times is being used for state interest. Law is a tool, a weapon so used to gain war like objectives.*

*Political warfare in context of "lawfare is the use of legal framework to achieve strategic advantages." The political warfare is a psychological warfare which may or not in the larger context includes physical violence. Lawfare can be theorized into political warfare. where in both place strategies are used for larger interests.*

*The arms of political war, their creation and development to battle are functions of statecrafts and high commands. Distinct from kinetic/military forces, these arms include civil persons other than uniform men. However, every one of States are not in all times concerned with these kinds of warfare strategies to counter others. But most of the state's crafters are or in other ways always preparing and funding to political wars. In the constitution of democratic states, it provides preparation and fundings for such wars, the legislator may or may-not consciously be into it. All the states in one or other means uses political warfare (Smith, 1991).*

*Legal warfare is a constituent portion of political warfare. According to Dean*

Cheng in his analysis adheres that “political warfare includes legal warfare is seen as a combat.” To him military conflicts arrangements includes innovation of military political work (Cheng, 2023).

The theory of lawfare also comes within the framework of political warfare theory. Where strategies are made by states and non-state to obtain their desired interests. The attributes contain in Political warfare are in variously propaganda against adversaries for breach of any international law, using the technological tools in-order to draw a conclusive image before the world to gain their concentration and support, using diplomatic relations as an asset, and other means which includes threatening to bring criminal case or civil litigations against other.

These all are means of lawfare, law as a tool. This is called non-kinetic war but the out-comes are sometimes same as kinetic war. The lawfare is emerging as the political warfare theory.

Political warfare and lawfare are closely inter-related to one another, both use non-military objects to gain strategic objectives. In political warfare, to advance political ambitions and impact public opinion law and legal system are used as tools. On the contrary lawfare utilizing the legal system to gain either military or political objective. Political warfare includes a wide range of elements for instance, public diplomacy, alliances with other allies, propaganda regarding disinformation campaigns, which aims to distort public opinion and decision making.

Lawfare is a portion of political warfare which includes distortion/exploitation of legal system to obtain upper hand over his adversary. This can be done by using international laws and conventions, filing lawsuits (SLAPP Suit) or giving legal threats for the actions of an opposing force. These both can be utilized by state or non-states actions to in non-kinetic for the mean of strategic goals. Lawfare and warfare are part of spectrum of conflict, that includes financial, military, and diplomatic measure.

### **Literature review**

Major General Charles J. Dunlap Jr in his paper presentation in ‘Military intervention conference Washington DC,’ (Dunlap, 2001) in which lawfare came into modern usage. Charles Dunlap defines lawfare as a weapon of war is the latest content in times of combats. This is the basic documents defining the lawfare and it has been used since 1990s. However, for him lawfare is as old as law and society. Further adds that law and lawyers are key element in planning and execution of American air operations. This paper further provides a uniform perspective of impacts of selected international conventions. He quotes the example of fourth Geneva convention 1949 as law for lawfare. There is

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*interrupting evidence that the rule of law is being commandeered into just another method of conflict (lawfare). This is employed to extend of humanitarian values and its violation. The international law is a significant factor for military intervention. Creation of international laws has provided more space for the use of lawfare to gain militarily objectives.*

*Bijal P. Trivedi in "US buys up Afghanistan Images from Top Satellite" (2001) writes that United States to avoid the lawfare from his adversaries bought the images of his militant's activities in Afghanistan. (Trivedi, 2001). These images according to Trivedi were bought so that the opponent could not substitute lawfare methodologies against USA. Major General Charles J. Dunlap Jr in "Lawfare Today: A perspective" further has argued on the same point that after 9/11 incident the US Military started war against terrorism in Afghanistan. The US military launched a legal weapon (a contract) to buy all the exclusive rights of satellite images. There were bought for the reason, that the images of USA militants would not come in hands of adversaries. Because these images will be used to gain world opinion and will increase possibilities of lawfare against USA. Strategically lawfare has been used buy states and non-states.*

*Charles Dunlap Jr in "Lawfare: A Decisive Element of 21st century conflicts (2009)" provide, that lawfare intends to infiltrate law into military strategies. Lawfare in 21st century has substituted kinetic warfare. lawfare is employed for political and militarily objects. Clausewitz famous dictum "war is the continuation of political intercourse, carried on with other means." This dictum of Clausewitz directly relates to theoretical basis of lawfare. The law in twenty-first century is an essential tool for mission accomplishment for political and military nature.*

*Dale Stephens in his journal article "The Age of Lawfare" (2021) reveals that Dunlap's definition of lawfare reveals a neutral perspective. He believes that the State military legally employ law as a tool to gain military outcome. (Stephens, 2011). Lawfare is a substitution for application of force. UN Charter, Chapter seven, provides "All necessary means" manifest in it, and the security council which shapes strategies and policies in shape of resolution. These all means are utilized for lawfare. The article examines the strategies that are used by state and non-state actors. Lawfare has strategically replaced kinetic warfare for military gains. The international laws are used to achieve military objectives and political outcomes.*

*Another prominent writer Mr. Ordie F. Kittrick in his book "law as a weapon of war: Lawfare" (2016) provides that how the political forces in the 21st century have employed lawfare to achieve their objectives. Lawfare is replacing the*

traditional battlefield tactics. The nature of lawfare is transcending from traditional war such as kinetic to non-kinetic warfare (lawfare). Mr. Kittrie quotes many strategies and policies which have been employed by the states and non-states actors to achieve their desired objectives. For instance, case of American and Afghanistan (Taliban) lawfare; the South China Sea conflict between China and Philippines are discussed, that how Philippine has employed lawfare against China using the international laws and Court. Kittrie provides two forms of lawfare: "Instrumental lawfare" and "Compliance leverage disparity law." instrumental lawfare is the instrumental use of legal means to achieve same nature of objective as in traditional military action. The "compliance leverage disparity lawfare" is where an actor with less potential of law and affinity with laws conflicts with a more powerful actor who is in compliance with laws, in-order to avoid any lawfare. Case of Israel and Hamas is quoted where Hamas used lawfare strategies but Israel being more powerful used defensive-lawfare to counter Hamas. This lawfare conceptualized in this form helps in under the future conflicts.

Another Pakistani intellectual Mr. Ahmer Bilal Soofi in his research work on lawfare titled as "The Doctrine of Lawfare" (2021) discuss the lawfare issues in Pakistan. Barrister Bilal Soofi quotes that lawfare is emerging a recent coined concept in the international political discourse. It is a strategic tool to break the will of opponent. In context of Pakistan international laws are employed by adversaries to develop political pressure and obtain their political will. From his point of view international laws are main assets for employing lawfare strategies. Pakistan rectifying international treaties and convention and not domestically implement such laws are the biggest issues in Pakistan which has entrapped Pakistan. The adversaries often point the weak zones of every nation. Pakistan who lacks an understanding of international law and non-implementation of these international rectified laws has bogged her in lawfare.

Hassan Aslam who is an international law specialist in his work on lawfare title as "Pakistan's Biggest Lawfare Challenge Is Understanding Lawfare" (2021) assert that lawfare is unavoidable. The task for a state is to understand lawfare and lawfare strategies engaged against them. Lawfare can be engaged in social and legal political spectrum. At domestic and foreign level, lawfare is being employed by states to counter Pakistan. Strategies have been employed by international like-minded states group in alliance using lawfare. Pakistan has invariably faced lawfare challenges. The statecrafts require to understand this situation. The paper discusses the sum of major factors which has bogged Pakistan into financial crises. For instance, cases of Iran being sanctioned by U.S and its

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ultimate impacts on Pakistan financial situation. Financial Action Task Force strategies in some ways has also impacted Pakistan. In view of Mr. Hassan Aslam Pakistan requires to understand the major factors of lawfare and sooner shall act upon them.

Cadet Jessica William in his article “Legitimizing and operationalizing US Lawfare” (2021). The states have used lawfare for generations, but it has just been legalized in last decade. Although his study as a concept is relatively new in the United States. But is becoming increasingly popular. Many contemporary experts argues that China has been more effective in utilizing lawfare methods. This article contends to recognize, define, and legalize its own use of lawfare through a comprehensive strategy to earn revenue. This article provides a viable strategic choice for legitimization as well as implementation of lawfare.

Valerijs Bodneiks in his journal published in National Defense Academy “Defensive lawfare and deterrence: Analysis of Latvia’s approach to legal bases in the context of hybrid warfare (2014-2022).” Affirms that the national legal framework is a deterrence strategy against the aggressor and can be termed as defensive lawfare. For him lawfare has two form, offensive and defensive lawfare. Mr. Bodneiks analysis lawfare using the Latvia’s approach. He has taken example of Russia and Ukraine conflict to add further in this knowledge of lawfare. By analyzing how Russian has utilized offensive lawfare strategies of passportization to intervene in Ukraine on legal grounds. The concept of law and lawfare is developing to this day. The States to counter their adversaries should develop their defense and national security laws in compliance with international law. Bodneiks discusses defensive lawfare in context of hybrid warfare.

Mr. Michael Dressler in his writings entitled “Lawfare: Both an Existential Threat to the International Rule of Law and an Indispensable Tool of American Foreign Policy in the Twenty-First century”. Discusses the possible strategies that may be utilized to neutralize and counter lawfare by adversaries. The strategies of lawfare employed by America in various states such as in Afghanistan, and other Islamic states to eradicate terrorism and terror financing. The law in this era is not less than a weapon. Mr. Dressler provides ways for countering lawfare, building constructive and destructive of lawfare.

### **Methodology**

This research containing the problem is conducted by using qualitative research methodology. Qualitative method is undertaken to insight into the research problem and to reach the research objectives. The research methodologies used are analytical and descriptive. By using the theory of lawfare issues and challenges in Pakistan. And in the framework of available literature on the thesis



will be in-sighted to deduct a conclusive answer to research problem. The descriptive method is drawn-in to describe the lawfare problems presently existing in Pakistan. No surveys, questionnaires, or interviews would be conducted by researcher. Only secondary literature will be analyzed.

In this research 'lawfare challenges in Pakistan' is studied basing upon the political warfare theory. Using the qualitative method so that there is no limitation being faced to the researcher in limit of examining literature over the subject. This method will help the researcher to insight into the matter and get a conclusive result upon the issue.

### **Research strategy**

The research strategy for exploring the nature of lawfare by analyzing various case study in domain of lawfare. The strategy includes literature review to understand the existing knowledge on lawfare. Selective case studies are studies and quoted to dissect the strategies employed in each case. The selective case studies are utilized by researcher to understand the nature and strategies of lawfare in international domain. The research strategy also includes to analyze how lawfare will be used for shaping international political opinion and gaining political support.

### **Ethical Consideration**

The research is un-biased. The researcher has been neutral and no personal knowledge or biasness is having been made a part. The research is completely based on findings by research. There has not been any sort of discrimination either of race, nation, language, etc. The researcher has not infringed any copy right.

#### *Development of lawfare*

The lawfare is as old as law itself. The states have been utilizing the strategies of lawfare. But the concept of lawfare theorized in conceptual discipline in twenty-first century. Lawfare has been conceptualized after the works of Professor Dunlap Jr. In 2009 article 'lawfare: A decisive element of 21st century conflicts.' This article remains as the base for modern concept of lawfare. Dunlap in the paper overviews lawfare related issues that have arisen for times. Around periods a new concept/relationship has evolved between war and law.

According to Professor Dunlap Jr, the use of lawfare can be for good and bad and can reduce the destructiveness of traditional kinetic wars. According to him when Americans after 9/11 incident to avoid the adversaries use of lawfare; through a contract bought the imagers of operational areas. Americans launch of contract is a legal method where He did not allow the images to get in the hands of his enemies (Dunlap, 2007).

Law strategies have been a core policy of American military. United States (US) has used these strategies in case of Hamas and Israel conflict. US accused

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*Hamas of violence and casualties of American citizens settled in Israel. The case was instituted in 2014 in Eastern District of New York and was titled as 'Linde V. Arab Bank Plc.' The case was filed under "broad antiterrorism statute." Court held the Hamas militant liable of violence against the American civilians and an Arab Bank "Jordian Institute", for financing Hamas militants. This case may be quoted as a case of lawfare against terrorism to obtain finance. Deterrence lawfare strategies are of same nature, where lawfare is utilized by states so that to deter anybody to harbor anyone.*

*The 2009 essay, among other things, emphasized legal matters connected to the 2008-9 conflicts between Israel and Hamas. This dispute flared up again in 2014, showing that lawfare is still a key component of both sides' strategies. Both blames the other side for the number of civilian casualties and trying to convince the world for the act of other. By skillfully Publicizing the casualties of civilians because of premediated Israeli strikes. Hamas engages in effective lawfare. In response, Israel claims that Hamas is to be blamed because it engages in operation near population in violation of international law (Dunlap, July 2014).*

*Although Hamas first appeared to have the advantage in lawfare, Israel obviously had the upper hands when it came to conventional combat tactics. However, before that battle was over, Israeli counter-law enforcement tactics (and Hamas overreaching) may have restored the equilibrium. Israeli law enforcement advances whatever the case, the conflict in 2014 demonstrates that lawfare is still relevant in modern era (Dunlap, August 2014).*

*Lawfare has changed through-out time. While it still fits the definition given in the 2009 at first, "The strategy of using or misusing law as a substitute for traditional military means to achieve an operational objective." Lawfare's most active growing sector is, in fact, less closely related to conventional battlefields than the terms original definition might imply. Juan Zarate, for instance describes how Treasury Department of US employed numbers of laws to "attack" the financially infrastructure of terrorists and other twenty-first century opponents in his Book "Treasury war: The Unleashing of a New Era of Financial Warfare."*

*The concept of counter lawfare techniques was developed in 2010 by supreme court of United States in case of "Holder V. Humanitarian Law Project" (Holder Vs Humanitarian Law Projects, 2010). The court held that anyone trying to provide law assistance and law techniques to any terrorist organization falls in giving material assistance to terrorist in violating the United States Code (USC) 2339 laws. However, it does not matter that the intention of party is bonafide rather humanitarian law project intended that these terrorists shall abandon*

violence and use amicable ways to resolve the dispute. But giving legal assistance is violation of US.C 2339 laws. And held, "A terrorist organization assisted in international structure of legal system and laws might misuse them to disrupt and threats opponent", and thus uses the law to manipulate others.

Charles Dunlap in his book provides those technologies also has impacted lawfare. The growing number of Cyber incidents has taken center stage and has taken importance in evolution or development of international law (Dunlap, Lawfare: A decisive element of 21st century conflict, 2015). Taking cyber operations as an example, State practice which is so crucial to the development in the field, creating a perplexing lawfare dilemma. Many countries do hesitate to specify for a variety of reasons. Due to difficulty to specify in determining precise attribution and in part due to their desire to keep their capabilities or vulnerabilities from being made public, many cyber actors have been slow to respond to various cyber occurrence. The song corporation hack in late 2014, which was allegedly carried out by North Korean agents could be significant for the growth of international law, and accordingly, lawfare. President Barack Obama called the incident "cyber vandalism" with great caution. In contrast to a "act of war"-the latter term is sometimes regarded as being like a military attack within the parameters of Article 51 of United Nation (UN) Charter, which could justify the utilization of force in self-defense.

### **Concept of lawfare**

The concept of lawfare used in 21st century first evolved in authors Kim Gamel one of essay in Harvard University Carr Centre (Dunlap, Lawfare: A decisive element of 21st century conflict, 2015). The term was defined as the mean "the use of law as a weapon of war and a method of warfare where law is used as a means of realizing a military objective" (Gamel, 2016). Lawfare had been the academic part of Lexicon since 2001. The term has been coined by Charles Dunlap Jr (Kittrie O. F., 2016) Casey and Rivkin states: "The term lawfare describes the growing use of international law claims, usually factually or legally meritless, as a tool of war. The goal is to gain a moral advantage over your enemy in the court if world opinion, and potentially a legal advantage in national and international tribunals" (Scheffer, 2010).

The most refined definition of lawfare is that of who states that "lawfare is a strategy of using or misusing law as a substitute for traditional military means to achieve an operational objective" (Dunlap, Lawfare: A decisive element of 21st century conflict, 2015). The concept of lawfare is emerging as a concept of warfare strategy which is used by States and non-states actors to achieve the desired outcomes or compel anybody or authority to do or refrain them for doing any act. As Dunlap in his works has clearly aforesaid that to think law in the lawfare

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context of warfare which both can be utilized for “good” or “bad” purposes (Scheffer, 2010).

Orde F. Kittrie in his book *lawfare: law as a weapon of war*, reviewed by Mather Welch, provides that political forces in the twenty first century uses law as a strategy to gain war-like objective. “For him lawfare is set of policies which can be employed to all conflicts, those can be just or unjust, hot or cold, large or small, declared or undeclared.” Exercised by both states and non-states actors. The policies of lawfare in cold or hot wars is replacing the traditional form of kinetic wars (physical violence). That can be said, the nature of war is transcending from traditional war such as kinetic to non-kinetic (Bodnieks, 2023).

Kittrie breaks the concept of law into two: “Instrumental Lawfare” and “compliance-leverage disparity.” Instrumental lawfare apply to State who has the capabilities to wage war and both sides (states or non-states) may have balance of power and shall use offensive and defensive lawfare against each other. The other compliance-leverage disparity includes (non-state or State actor) who may have limited military capabilities and limited affinity to rule of law. Such cases of compliance leverage disparity may include Taliban and Hamas. In this case the adverse party has military capabilities and affinity to rule of law. Such adversary quoted as United States or Israel (Kittrie O. F., 2016).

*Usage of lawfare in international domain*

Lawfare refers to the use of legal system or rule of law for furtherance of political or ideological goals. Which includes the use of frivolous litigation to launch assaults against specific people or organizations. Legal tools, approaches and tactics all influence how it affects the target.

It also connate as a “strategy of using or misusing law as a substitute for traditional military means to achieve an operational objective. Lawfare be the use of law for achieving what would otherwise necessitate a conventional application of military forces.”

Aggressive lawfare, on contrary is an effort to dominate and control using coercive legal methods, and it is employed as a tool to achieve military objectives. Two directions are covered by both versions: Positive and negative lawfare. Positive lawfare enforcement is the use of law to uphold moral principles, defend rights for humanity and defend the innocents. On contrary the negative lawfare, which is the misuse/abuse of the law or its employment for political or military ends (Bodnieks, 2023).

For instance, when it comes to lawfare, the United States is perceived of being more self-protective/defensive and ruled based, but Chines officials “should not

considers themselves wholly obliged by international law that is injurious to Chinese national interests according to the laws" (Williams, 2020). China engages in hybrid lawfare and intimidation to advance its own armed forces and political goals.

The organized refugee movements by Russia and Belarus are one among best example in contemporary history how the law is utilized as a way of accomplishing military goal. According to Mathew Andersons research, Belarus actions against Latvia Lithuania and Poland are referred to as "lawfare" which is mostly depicted through the lens of abuses of human rights (2021). During the hybrid war against Ukraine, Russia employed a variety of military and non-military tools, as well as covert operations involving the department of armed organizations (Dunlap, *Lawfare: A decisive element of 21st century conflict*, 2015).

Russia utilized lawfare tactics against Georgia in 2008 and Ukraine in 2014 for justifying its invasion and with globally defending Russia Speaker (Voyger, 2019). Mark Voyger emphasizes that Russian opposes the current international order and asserts its right to intervene; furthermore, law is applied in many contexts. The passportization is one the Russian foreign police practice where Russian federation provided citizenship to peoples who have been residing in USSR and after the disintegration of it, are now Stateless. After providing citizenship so they were declared as Russian Citizens and then Russia claimed that in Donetsk and Luhansk the Russian citizens living there are facing severe human right violation. And made his intervention in Ukraine as legal. This was done using lawfare strategies and making their intervention legal ( (Kittrie O. F., 2016).

Kittrie expands on Dunlap's definition by adding two standards that he employs to decide whether a certain action qualifies as lawfare:

1-The actor uses the law to produce outcomes that are identical to or like those normally sought from

2- One of the actor's motives is to degrade or demolish their opponent against whom lawfare is accustomed. This includes having an influence on the targets critical armed decision-making and capabilities. (Kittrie 2016).

In other words, lawfare needs two elements that are comparable to the actus and mens-rea notions in criminal common law. An international actor's motives if "guilty minded" will be significant for Kittrie as the real practice for applying law to pursue aggressive strategic goals. Kittrie selects many case studies based on these characteristics, which serve as the framework enhances Dunlap's notion of lawfare and produce a colorful collection of case studies that cover various

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*international conflicts.*

*One such case study is of United States (US) and Iran lawfare strategy: US foreign policy strategy for preventing Iran from acquisition of nuclear weapons. The US has been waging lawfare against Iran for the past few years with two goals in mind: To halt "Iran's nuclear" programs growth and to thwart Iran's support for extremist or terrorist organization (Bodnieks, 2023). To do this, the US department infamous Treasury investigation which finally resulted, in Al-Capone, pursuing national security policy and criminal law goals.*

*The US Treasury department was executing US domestic laws on US land, which distinguished Iran from ordinary policy applications by utilizing the economic might of the US, which is based on the US Dollar as the reserve currency (Bodnieks, 2023). The Treasury was successful to exert a substantial amount of influence on the global financial industry. Financial firms have an option between the US and Iran as markets, according to the treasury. The choice provided by world's largest economy US, in which Iran was stark.*

*This law strategically utilized by US in respect of Iran is called lawfare. US to deter Iran to work upon the Nuclear Program imposed various sanction to Iran. Here US provided a choice to the rest of world either to boycott Iran and break diplomatic relations with Iran or to do business with US. US dollar being the monopoly currency in the world through which trading is being done. So, the world was with US and Iran was strake. US being a permanent member of security council of United Nation imposed sanctions on Iran. Here us deterred Iran to work in its atomic program through lawfare.*

*In this democratic world, the armed conflicts also require the support of general public. The support can be gained or eroded by use of law. The parties may by use of lawfare can gain support. This may be done by showing incidents relating to degrading and crimes against humanity. The civil causalities may be shown before international powers or into his own public to gain their support.*

*For instance, in the conflict of Hamas and Israel, Hamas initiated lawfare against Israel to gain the support of the world (Dunlap, lawfare, 2017). Hamas has alleged in his publishing that the civil causalities being caused within their public is due to Israel military attacks. This methodology of lawfare being used is done in-order to gain the support of public and convince the world that unlawful acts are being done by Israel.*

### **Relation of law and warfare**

*Over centuries of human history military strategy, legal philosophy and international diplomacy have advanced alongside the complex interplay between law and combat. The relationship fundamentally captures the struggle between*

*the demands of armed conflict and the ideals of justice. Throughout history, civilizations have attempted to control the conduct of war by enacting laws designed to lessen the harm and destruction that come with armed conflict. The foundation for the later codification of rules of war was laid by ancient societies like the Greeks and Romans, who created crude standards of behavior for combat. Religious theories and chivalric codes that attempted to impose moral obligations on fighters emerged during the medieval era, though to varied degrees of success. But attempts to control warfare on a worldwide scale did not really take off until the modern age, with the emergence of nation states and the creation of international law.*

*The term lawfare describes the application of legal frameworks and procedure of legal frameworks and procedures as a weapon of war or as a way to accomplish tactical objectives in times of conflict. It entails using institutions, laws, and legal procedures to further political or military goals. There are many ways that lawfare and war interact. Lawfare can be employed in addition to conventional military operations, on the one hand. This include taking legal action against the opponent, using international legal frameworks to support military operations, and prosecuting enemy combatants. (Moore, 2007)*

*Strategies and policies Used in Lawfare*

*The application of legal systems to bring charges against war criminals, hold governments responsible for committing human rights abuses, and advancing the accessibility of justice is also known lawfare. Lawfare has invariable strategies or methodologies. Methods of lawfare are either Civil litigation or criminal litigation by states or non-states actor.*

### **Civil and Criminal litigations**

*This concept is known has Strategic lawsuit against public participation (SLAPP Suits). This is usually filed by plaintiffs to intimidate, suppress, and silence the other party or until the other party abandons his act. SLAPP suit is both defensive and offensive lawfare. This strategy is utilized to gain some outcomes or the desired outcomes from the other party. In this the plaintiff goals are gained if the opponent fears or does the desired act. This is usually also done by the party so that the other party shall bear some financial loss. This SLAPP suit can also be utilized within states for public participations. This concept has recently been referred in lawfare and bringing claim against military (lalic, 2022). On the contrary, anti-SLAPP suit is also filed by the opponent to set aside the case at the early stages where significant costs have not been accrued.*

*Using international organization against others rivalry state*

*The alliance like-minded states employ lawfare against their rival states. That alliance can be in shape of international organization/intergovernmental body.*

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Financial Action Task (FATF) Force being an intergovernmental body aims to fight against terror-financing and money-laundering. The basic works related to FATF are to promote effective and efficient implications of "legal", "regulatory, and "operational measures to hinder/counter terror-financing and money laundering. FATF has two kinds of list Black and Grey list (Tookitaki, 2020).

Lawfare cannot be avoided. Countries that do not incorporate lawfare into their statecraft run at risk of losing kinetic, non-kinetic, and psychological wars. As well as, most crucially suffering severe financial repercussions. Throughout the legal social, and political spectrums, lawfare is evident (Observer, 2021). Courtroom conflict between nation is the most blatant example of lawfare; establish "strategic space" via the use of legal means to organize and carry out military and non-military campaigns. Utilizing legal mean to coerce or persuade their opponents, both domestic and foreign (lawfare theme that is becoming more popular). At the international level, alliances like-minded states routinely employ lawfare to trap their rivals or to put them under pressure for goals.

### **Conclusion**

In conclusion, this research works sheds light on the nature of lawfare in international domain. Through a comprehensive analysis it has been evident that lawfare is a broad category of legal strategies used by both state and non-states actors to accomplish strategic goals. The application of lawfare presents difficult challenges to conventional ideas of conflict resolution and international relations, from taking advantage of legal loopholes to weaponizing international legal systems. The state in order to neutralize lawfare, its policy makers, legal scholar, and practitioners must have a comprehensive grasp of lawfare in order to negotiate and limit its effects on international security and stability.



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