



POST SEMINAR REPORT

Pathways to Progress: Strengthening Pakistan's International Law Capacity for National Development

6 JULY 2023



Institute of Strategic Studies, Research and Analysis (ISSRA)
National Defence University, Islamabad

Table of Contents

Concept Note	1
Recommendations	3
Opening Session	8
Opening Remarks – Lieutenant General Rahat Naseem Ahmed Khan, HI (M), President, NDU	10
Embracing International Law in a Changing World Order – Mr. Ahmer Bilal Soofi	12
Session I – Navigating Great Power Rivalry Through the Lens of International Law	15
Overview: Global Escalation of ‘Lawfare’ in Great Power Rivalry – Barrister Asad Rahim Khan	17
Use of Export Controls by the US to Deny Access to Technology to China – Mr. Ali Sultan	20
Global Lawfare in the Fallout of the Ukraine War – Mr. Alex Lawson	23
India & Iran’s Engagement with International Law – Ms. Maham Naweed	25
Session II – Panel Discussion: Relevance of International Law to Pakistan & Roadmap for Structural Reform	27
Overview: Pakistan’s International Law Challenge – Mr. Jamal Aziz	29
Leveraging International Law for Comprehensive National Security – Dr. Saadia Zahoor	32
Relevance of International Law to Pakistan: Case Study of IWT – Mr. Feisal Hussain Naqvi	35
Improving Institutional Capacity in International Law in Pakistan – Mr. Syed Haider Shah	37
Roadmap for Developing Indigenous Capacity in International Law in Pakistan – Mr. Muhammad Oves Anwar	40
Closing Remarks	42
Strengthening Pakistan's International Law Capacity for National Development – Mr. Mansoor Usman Awan	44
Vote of Thanks – Major General Muhammad Raza Aizad, HI (M), Director General Institute for Strategic Studies, Research and Analysis (ISSRA)	46
Annexures	48
Annex A – Programme	50
Annex B – Speakers Profile	52
Annex C – Gallery	58

Concept Note

International Law must be understood dynamically by the State. It underpins nearly all acts of State policy, its expertise facilitates a 360-degree concept of foreign relations, and crucially, it constrains or empowers a State in the domestic realm as much as it does in the international one. Importantly, international legal developments and the pace of change are not slowing down anytime soon as Great Power rivalries escalate in a multi-polar world and are in fact expected to accelerate in the areas of artificial intelligence and emerging technologies, cyberspace, climate change, human rights, intellectual property, and international trade. For Pakistan, the requisite technical know-how to navigate future developments is, therefore, all the more necessary.

The seminar aimed to shed light on the critical role of international law in Great Power relations, the importance of international law to Pakistan's strategic objectives, and the need to evaluate and develop an international law ecosystem in Pakistan. The seminar provided a platform for discussions, knowledge sharing, and the formulation of a roadmap for enhancing Pakistan's international law capacity to enable the country to navigate complex international challenges and contribute to its national development.

The seminar focused on the following areas:

Navigating Great Power Rivalry through the Lens of International Law

This was a 90-minute session which examined the global fault lines in contemporary great power rivalry between the US, China, Russia, and the EU and highlighted how international law is being weaponized by 'lawfare' in great power rivalry. The session had three sub-themes presented as case studies by experts in a panel format:

- i. Use of Export Controls by the US to deny access to technology to China.
- ii. Global Lawfare in the fall-out of Ukraine War.
- iii. India and Iran's engagement with International Law.

Relevance of International Law to Pakistan & Roadmap for Structural Reform

This was an 80-minute session that first highlighted the opportunities that engagement with international law will bring to Pakistan, including in territorial disputes, economic security, trade and investment, regional cooperation, and connectivity. It also highlighted Pakistan's vulnerability to lawfare maneuvers in realm of terrorism, national security, human rights, and international criminal law.

This session also aimed to provide an accurate overview of the current structures of international law in State institutions and the state of international law expertise in Pakistan's private sector and

academic institutions. This session also laid out a roadmap for Pakistan on how to develop indigenous capacity in international law by creating an international law 'eco-system' within the country.

The session had four sub-themes presented as case studies by experts in a panel format:

- i. Leveraging international law for comprehensive national security
- ii. Relevance of International Law to Pakistan: Case Study on Indus Waters Treaty
- iii. Institutional Frameworks for International Law in Pakistan
- iv. Roadmap for developing indigenous international law capacity in Pakistan

Recommendations

Developing Indigenous International Law Capability in Pakistan

Pakistan's effective engagement with international law hinges on having qualified experts in key State institutions. Indigenous capacity is vital for informed decision-making in international law matters. The following avenues are proposed for developing immediate and long-term international law capacity in Pakistan:

Identify immediate threats in International Law and rapidly upgrade existing capacity in these domains:

1. **Horizon Scanning & Threat Identification:** The State should scan for international law threats in areas like counter-terrorism, international cooperation, investor-state disputes, human rights, and watercourses law. Specialized teams should prepare for various outcomes, with the Ministry of Foreign Affairs leading this initiative. Legal War Gaming & Crisis Simulation exercises may be instituted in key training institutions including National Defence University, Civil Services Academy, Foreign Services Academy, National Intelligence Academy etc.
2. **Training & Capacity Building:** Core groups of civil servants and military officials should receive specialized training on these issues and posted with longer tenures in key departments. Effective inter-departmental coordination is crucial, possibly requiring MoUs and rules of business amendments. Pakistan's recent FATF experience is a good example of the effectiveness of this approach.
3. **Induction & Upgradation:** Induct international law specialists from the private sector and create sanctioned posts for legal advisors in key departments. Existing legal advisors should receive training, especially in treaty negotiation and dispute resolution. There needs to be an enhanced focus on archiving legal documents relating to key areas, disputes and previous and pending cases so that institutional memory is preserved.
4. **Support for Foreign Missions:** Legal support should be provided to Pakistan's Missions in foreign capitals housing strategic international institutions such as the Egmont Group, Basel Banking Committee, IMF, World Bank, WTO, UNCTAD, UNODC, IAEA, FATF/APG.
5. **Strategic Focus:** Emphasize sustained technical compliance with international frameworks and create counter-narratives through quality, fact-based engagement with international organizations, academia and thinktanks.

Enhancing Treaty Negotiation & Implementation:

1. **Upgrade Negotiation Capability:** Pakistan must actively participate in evolving international frameworks such as cyberspace, artificial intelligence, emerging technologies and climate liability etc. At the regional level, the ECO, SCO, and SAARC frameworks offer unique opportunities for integration and cooperation with neighbouring states. Geopolitical realities have hindered the effective operationalization of these frameworks but do not prevent Pakistan from developing the internal technical capacity to better leverage these frameworks to promote its economic, security and diplomatic objectives.
2. **Key Areas in International Law:** Given the rapidly changing global landscape, Pakistan needs to prioritize areas such as water & climate change, security and defense cooperation, transit and trade facilitation, human rights, environmental conservation, and technological partnerships. Bilateral negotiations, especially with neighboring countries, are of paramount importance. For instance, water-sharing agreements, trade pacts, and regional security arrangements require careful, informed negotiations.
3. **Strengthening Ministries and Departments:** A robust internal legal capacity across key ministries is essential. These include the Ministry of Foreign Affairs, Ministry of Law & Justice, Attorney General's Office, Ministry of Commerce, National Security Division and other key ministries and departments to improve Pakistan's international engagement on technical matters.
4. **Participation in International Rulemaking:** The Foreign Office must receive legal support on strategic areas including at its key missions in New York, Geneva, Vienna and Bangkok. Pakistan legal expertise in the nuclear domain is a successful model which can be replicated in other key areas.
5. **Engagement with International Ratings/Index:** It's vital to actively engage with international mechanisms that evaluate countries on various parameters. By providing accurate information and challenging evaluations where necessary, Pakistan can ensure a fair representation in global indices related to human rights, rule of law, trade, governance, and more.

Fostering an International Law Ecosystem for Sustainable Capability:

To ensure a sustainable and robust international law capability, Pakistan needs to cultivate an integrated ecosystem that promotes indigenous expertise, encourages public-private partnerships, and fosters academic excellence. This ecosystem should be dynamic, responsive, and tailored to Pakistan's unique challenges and opportunities.

1. **Promote International Law Teaching and Research at Universities and Research Institutes:**

- a. **Academic Base:** Pakistan must prioritize the establishment of a strong domestic legal academic foundation. This involves providing targeted research grants, scholarships, and capacity-building measures for faculty at universities, research institutes, and think tanks.
- b. **Advanced Degree Programs:** Universities, both public and private, should introduce advanced degree programs focusing on international law disciplines. Specialized diplomas can be developed to delve deep into the workings of international bodies and to conduct cutting-edge research tailored to Pakistan's challenges.
- c. **Linking Academia with Legal Chambers:** There is a need to link academia with legal chambers to facilitate a dynamic exchange of knowledge and experiences. This approach would create synergies between academic research and practical legal matters.
- d. **Revise Governance Structures of Training Institutions:** The governance of government training institutions should be re-evaluated. Recommendations from the Prime Minister's Institutional Reform Cell (IRC), such as making training institutions autonomous with their own boards of directors consisting of eminent persons in the field and mandating them for policy research, should be considered for adoption.

2. **Encouraging the Private Sector to Develop International Law Capacity:**

- a. **Private-Public Partnerships:** Collaborations between key ministries and think tanks, law schools, and strategic advisory firms can promote private sector participation on strategic issues. Encouraging a range of perspectives and involving think tanks and experts in policy discussions can lead to more comprehensive and effective solutions. Coordination mechanisms need to be developed/improved between public sector legal departments and the private sector so that specialist legal advice from the private sector can be readily available in specialized cases.
- b. **Promote Regional Connectivity:** Private and public sector think tanks and universities should be encouraged to establish connections with regional counterparts with facilitation by the State. This can lead to joint research initiatives, exchange programs, and shared solutions to common challenges.
- c. **Strengthen Academic Linkages:** Robust academic connections with regional and friendly country think tanks and university departments are essential. Pakistan's missions abroad

and the Defence/Air/Technical Attaché Network can play a pivotal role in fostering these relationships.

- d. **Induction in International Legal Institutions:** Pakistan should aim to have a significant representation of its nationals in international legal institutions and academia abroad. Identifying and grooming domestic talent for these roles is crucial.
- e. **Pool of Indigenous Legal Experts:** Several speakers emphasized the need to cultivate a pool of local legal experts. This would reduce reliance on foreign firms in international dispute settlements. A group of leading Pakistani lawyers should be identified to work alongside international experts, building capacity in handling international legal disputes.
- f. **Political Party Think Tanks:** Political parties in Pakistan should consider establishing think tanks on international law. This would enhance understanding and expertise in international law among policymakers, leading to a more strategic, long-term approach to international legal challenges.

Financing Capacity Building in International Law

Public Sector Financing: The state should explore financing options for legal capacity building. This could include allocations from the Planning Commission, the Federal Consolidated Fund, provincial government grants, and the National Economic Council (NEC). Establishing a dedicated subcommittee within the NEC or the Council of Common Interests (CCI) for legal capacity building is also worth considering.

Regulatory Climate: An enabling regulatory environment is crucial for private sector organizations and educational institutions focusing on international law and strategic legal issues. This includes facilitating applications for non-profit status, offering tax concessions, providing research grants and making them eligible to apply for land at concessionary rates to promote sustainability. An indifferent (and often hostile) regulatory environment and lack of remunerated engagement by the State is causing the private sector to rely on international donor funding to fulfil its funding requirements, which distorts priorities in favor of donor programming agendas. It also means that vital strategic areas requiring focused attention remain ignored and unexplored by an otherwise dynamic and increasingly capable private sector.

Endowment Funds: The government, in collaboration with private sector stakeholders, can establish endowment funds dedicated to international law capacity building. The interest generated from these funds can be used to finance research, training, and other initiatives.

Corporate Social Responsibility (CSR) Initiatives: Encourage corporations to fund international law initiatives as part of their CSR activities. This can be done by offering them tax incentives or recognition for their contributions.

Diaspora Engagement: Engage the Pakistani diaspora, many of whom are professionals in the field of law, to contribute financially and intellectually. They can be incentivized through tax breaks or other benefits for their contributions.

Specialized Bonds: The government can issue bonds specifically for the development of international law expertise. The proceeds from these bonds can be exclusively used for this purpose.



Opening Session

Opening Remarks

Lieutenant General Rahat Naseem Ahmed Khan, HI (M), President, NDU

Embracing International Law in a Changing World Order

Mr. Ahmer Bilal Soofi, Advisor, CEIL

Opening Remarks



Lieutenant General Rahat Naseem Ahmed Khan, HI (M), President, NDU

In his opening remarks, Lieutenant General Rahat Naseem Ahmed Khan, HI(M), President NDU, extended a warm welcome to the distinguished guests, speakers, and participants at the National Seminar on Strengthening Pakistan's International Law Capacity for National Development. He underscored the immense importance of the issue at hand, given the evolving international legal landscape with significant, multifaceted implications for Pakistan.

The President of the NDU addressed the changing international legal landscape and its implications for Pakistan. He noted the increasing strain on the post-World War II order, characterized by the United Nations Charter and its dispute settlement mechanisms, as evidenced by ongoing conflicts in Yemen and Syria, and unresolved disputes in Kashmir and Palestine. He also highlighted the rise of multipolarity, particularly with China's ascent, challenging the previous unipolar moment and reshaping the global order.

He emphasized the impact of the US-China rivalry across various domains and the emergence of lawfare, the strategic use of law as a substitute for traditional military means, as a potent tool in interstate relations. He pointed out that Pakistan has experienced significant lawfare maneuvers in areas such as counter-terrorism, human rights, terrorist financing, and international trade

concessions, and anticipates additional pressure points in the future, including climate change, global health security, intellectual property, economic law, and technology transfer.

However, he noted that Pakistan lacks the requisite capacity in its state institutions to effectively respond to these threats, compromising its foreign policy and national security interests. To address these challenges, he underscored the need for Pakistan to develop indigenous capacity in international law, enhance its diplomatic capabilities and analytical abilities, and effectively engage with international frameworks to foster national development and economic progress.

He stressed the crucial role of academia and think tanks in fostering an effective international law ecosystem in Pakistan. He lauded the efforts of the Centre of Excellence for International Law (CEIL), established in March 2019, in developing indigenous capacity through research, capacity building, and policy engagement. He commended the CEIL team, including its Advisor, Mr. Ahmer Bilal Soofi, and Director, Mr. Jamal Aziz, for their commendable efforts in promoting international law capacity in Pakistan.

The President of the NDU encouraged attendees to actively participate in the discussions, share their knowledge, and contribute to strengthening Pakistan's international law capacity. He emphasized that with concerted effort, strategic planning, and collective will, Pakistan can navigate complex international challenges and contribute to its national development. He expressed confidence that this seminar is an essential step in that direction, and the insights and strategies developed will significantly contribute to progress.

Embracing International Law in a Changing World Order



Mr. Ahmer Bilal Soofi, Advisor, CEIL

This session provided a comprehensive overview of various aspects of international law and its implications for Pakistan. Mr. Soofi emphasized that international law issues are 'state specific' in nature and not 'regime specific' meaning that they transcend the tenures of governments and hence must always be approached with a long-term view. He referred to the broad definition of a treaty according to the Vienna Convention, which can include any international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.

During the session, Mr. Soofi underscored the vastness and complexity of the international legal landscape, pointing out that there are over 200,000 international treaties and more than thousands of international organizations. He emphasized that international law, or lawfare, presents both vulnerabilities and opportunities for Pakistan.

Mr. Soofi provided examples of countries that strategically leveraged international law to their advantage. Notably, he mentioned China's study of the World Trade Organization (WTO) in 1993, which allowed the country to align its economic policies prior to formally joining the WTO and

extract maximum benefit from the new legal order on trade. This example illustrated the benefits of understanding and effectively engaging with international legal frameworks.

Mr. Soofi also highlighted specific areas within international law that offer opportunities for Pakistan. For instance, the regulations of the International Seabed Authority on deep-sea mining, as outlined in the 1982 Law of the Sea Convention, were mentioned as an area where Pakistan could explore potential benefits. Additionally, the international regime relating to intellectual property laws was identified as another key avenue which requires focused engagement by Pakistan since it can promote foreign investment by creating a domestic environment that protects and rewards innovation and facilitates technology transfer by foreign firms to local entities.

Mr. Soofi highlighted the increasing global tendency invoke judicial forums for dispute resolution, citing examples such as Iran approaching the International Court of Justice (ICJ) against the United States, Qatar seeking recourse at the ICJ and WTO against Saudi Arabia and the Gulf States, and India and Bangladesh successfully utilizing the International Tribunal for the Law of the Sea to settle disputes. Furthermore, several recent complaints of geopolitical significance have been filed before the International Criminal Court (ICC).

Mr. Soofi highlighted the significance of collaborative efforts among nations to shape the development and interpretation of international law, referencing the 2016 Joint Declaration of Russia and China on International Law.

With respect to Pak-India relations, Mr. Soofi highlighted a long list of legal challenges across a broad spectrum, from the fallout of 5 August 2019, recent notice by India with respect to the Indus Water Treaty, issuance of new maps and the specter of 'Akhand Bharat' to trade challenges and mistreatment of minorities. However, international law also offers significant areas for constructive engagement for both countries, from climate change mitigation to transit from Central Asia to Bangladesh and management of western sanctions on Iran and Afghanistan.

Mr. Soofi emphasized the importance of establishing international law think tanks within political parties in Pakistan. This approach would enhance understanding and expertise in international law among policymakers and contribute to a more informed and strategic, long-term approach to international legal matters.

The session also discussed financing options for legal capacity building, suggesting the allocation of a budget specifically for young lawyers. Possible sources of funding explored include the Planning Commission, the Federal Consolidated Fund, provincial government grants, and the National Economic Council (NEC). The establishment of a subcommittee within the NEC or the Council of Common Interests (CCI) dedicated to legal capacity building was proposed.

In summary, the session highlighted the importance of embracing and effectively engaging with international law in a rapidly changing world order. It emphasized the significance of recognizing

international treaties, utilizing judicial forums, addressing future legal challenges, and investing in legal capacity building to enable Pakistan to navigate international legal issues more effectively and protect its interests on the global stage. Mr. Soofi's recommendations provided a clear roadmap for policymakers and practitioners, stressing the importance of increased awareness and education on international law. The session underscored the significance of fostering partnerships to amplify Pakistan's influence and effectively safeguard its interests within the international community.



Session I

Navigating Great Power Rivalry Through the Lens of International Law

Overview: Global Escalation of ‘Lawfare’ in Great Power Rivalry

Barrister Asad Rahim Khan, Partner, Ashtar Ali LLP

Use of Export Controls by the US to Deny Access to Technology to China

Mr. Ali Sultan, International Law Expert/Visiting Faculty, Lahore University of Management Sciences (LUMS)

Global Lawfare in the Fallout of the Ukraine War

Mr. Alex Lawson, Director, Centre for International Law and Constitutional Law

India & Iran’s Engagement with International Law

Ms. Maham Naweed, Chair, Lawfare and International Law, Islamabad Policy Research Institute (IPRI)

Overview: Global Escalation of 'Lawfare' in Great Power Rivalry



Moderator: Barrister Asad Rahim Khan, Partner, Ashtar Ali LLP

Barrister Asad Rahim Khan delivered a compelling and thought-provoking opening presentation on the global escalation of 'lawfare' in the context of great power rivalry within the realm of international law. He shed light on how this phenomenon has emerged as a significant aspect of modern geopolitical interactions, capturing the attention of policymakers, legal experts, and scholars alike.

The world has witnessed unprecedented technological advancements, economic interdependence, and the rise of non-traditional threats. In such a dynamic environment, the traditional use of armed conflict has been on the decline, giving way to more nuanced and unconventional strategies.

Barrister Khan noted that even in exceptional cases, such as the recent conflict between Russia and Ukraine, traditional military confrontations are not the predominant mode of engagement among major powers. Instead, an increasing number of nation-states have turned to lawfare as an alternative method to pursue their strategic interests and objectives. Lawfare, as Barrister Khan explained, is a strategic combination of legal and economic measures to achieve favorable outcomes in the international arena while maintaining legitimacy.

Diving deeper into the concept of lawfare, he identified two distinct categories: kinetic and non-kinetic. The primary focus of the discussion was on non-kinetic lawfare, which involves employing legal tools and mechanisms to attain objectives that might not be achievable through armed conflict. This aspect has garnered considerable attention as countries seek to exploit loopholes in international law, bending its principles to serve their interests.

To illustrate the various manifestations of non-kinetic lawfare, Barrister Khan provided insightful examples. One such instance was the strategic exploitation of international humanitarian law on the battlefield. He highlighted the case of Israel, where civilian areas were transformed into legitimate military targets by arguing that those present were not merely civilians but human shields, thus blurring the lines between civilian and military assets.

Another facet of lawfare discussed was instrumental lawfare, where a country uses legal instruments to influence the behavior of another state. One prominent illustration was the United States' approach towards Iran, wherein the US aimed to achieve traditional military objectives by persuading Iran to abandon or scale back its nuclear program through legal and economic pressures.

Informational lawfare, as another dimension, came into focus during the discussion. Barrister Khan cited the illegal annexation of Indian-occupied Kashmir by India after August 5, 2019, as a pertinent example. By manipulating information and narratives, India transitioned its occupation into an annexation in a bid to legitimize its actions.

The implications of lawfare were discussed in the context of major fault lines involving global powers, including the US, China, Russia, Ukraine, India, Pakistan, and Iran. Barrister Khan urged the audience to recognize the critical importance of equipping Pakistan with the necessary capacity to engage effectively in lawfare, aligning it with the country's national objectives. He emphasized that this capacity must transcend individual governmental transitions, advocating for a consistent and forward-looking approach that is not subject to ad-hoc-ism.

However, Barrister Khan also cautioned against viewing international law purely through the lens of 'lawfare'. While understanding lawfare is important for Pakistan for horizon scanning of future/emerging threats and neutralizing them before they become a reality, it is important to remember that lawfare is not something to be lauded. Instead, we need broad engagement and capacity building in public international law so that we can use it for making Pakistan a more responsible and prosperous State and engage better with the world through it.

The opening talk by the moderator provided the audience with a comprehensive understanding of how lawfare has emerged as a crucial means of influencing geopolitical dynamics within a legitimate framework. As participants absorbed the insights shared by Barrister Asad Rahim Khan, it became evident that the landscape of international relations has evolved, and a keen appreciation

of lawfare is vital for countries like Pakistan to navigate the complexities of the global stage successfully.

Use of Export Controls by the US to Deny Access to Technology to China



Speaker: Mr. Ali Sultan, International Law Expert/Visiting Faculty, Lahore University of Management Sciences (LUMS)

Mr. Ali Sultan delivered an insightful presentation on the use of export controls by the US to deny China access to crucial technology, shedding light on the complexities of this key 'lawfare battleground' in the ongoing US-China rivalry and the implications and consequences of this strategic competition on the global stage.

Mr. Sultan's discussion began with several key observations which offered a nuanced understanding of the issues at hand. Firstly, he highlighted the 21st-century phenomenon of global hegemony, where the US and China find themselves enmeshed in the Thucydides Trap, a term popularized by Graham Allison, which describes the tendency towards conflict when an emerging power threatens to displace an existing great power as a regional or international hegemon. This heightened rivalry has led to a political consensus in Washington and a broad consensus in the US defense establishment to contain China's rise as a global superpower.

Furthermore, both the US and China, alongside their respective allies, are leveraging all elements of national power, including lawfare, in their quest for supremacy. The era of free trade liberalism and globalization is witnessing a transformation, as both countries increasingly resort to economic

nationalism by adopting restrictive trade and investment measures, often entwining national security concerns with trade and investment flows. The global architecture of free trade, including the World Trade Organization (WTO) and other trade agreements, is facing strain in the face of these evolving dynamics.

Mr. Sultan emphasized the distinctive nature of the US-China rivalry, which differs from the ideological contest of the first Cold War between the US and the USSR. Rather, today's world is characterized by intricate economic and trade interdependence, with global supply chains serving as the backbone of the global economy. This is especially evident in the trade volume between the US and China, which stands at around \$600 billion annually, with a trade deficit of approximately \$300 billion every year for the US. The reliance on global supply chains to meet the demands for high-end technology, particularly semiconductor chips, showcases the significance of this contest for economic and military supremacy in the modern age.

The contest between the US and China for artificial intelligence supremacy further reinforces the focus on technological edge and control of critical technologies. Both countries have unabashedly declared their ambition to become artificial intelligence superpowers of the 21st century, and this pursuit shapes their respective national security strategies.

Amid this evolving landscape, Mr. Sultan delved into the pivotal role of semiconductor chips in modern society. These chips, often referred to as the "oil of the 21st Century," are a scarce resource on which the world heavily depends. They form the foundation of military, economic, and geopolitical power, being integrated into a myriad of products, from advanced weaponry to everyday consumer goods.

The complexity of chip manufacturing involves various stages, including raw material mining, chip design, and manufacturing using specialized equipment. While no single country possesses the complete indigenous capacity to produce chips, the industry is characterized by an oligopoly, with a handful of companies dominating various chip-making processes. Notably, Taiwan's Taiwan Semiconductor Manufacturing Corporation (TSMC) holds a significant position, with a market share of nearly 60% of the world's advanced chips. TSMC's role becomes critical in the context of US-China rivalry and Taiwan's complex relationship with both major powers.

The strategic significance of the semiconductor industry is such that it is entangled with not only wealth and economic prosperity but also military superiority for the US. To maintain technological superiority, the US has adopted lawfare as a key strategy, aiming to choke China's chip manufacturing capacity. This has been accomplished through sweeping export controls on chip technology transfer to China, with such technology classified as dual-use, potentially applicable to the Chinese military sector. Additionally, Chinese chip-dependent companies, such as Huawei, have been placed on the US entities list, restricting their business operations with US companies.

In response, China has employed its own lawfare countermeasures, asserting control over foreign technological companies doing business in China by enacting a new anti-espionage law. The ensuing tit-for-tat moves have heightened tensions and added complexity to the already delicate US-China rivalry.

On the international front, China has challenged the US export controls on semiconductor chips and other technological products through the World Trade Organization's dispute settlement mechanism. However, this mechanism faces a crisis due to the non-functioning appellate body, casting doubts on its effectiveness and the ultimate resolution of disputes.

Mr. Sultan's presentation emphasized the far-reaching implications of the US-China rivalry on a global scale. Experts in this space warn of a looming "technology curtain", a divide that could separate China and the US as their race for semiconductor dominance intensifies. It is a scenario where pivotal technologies like AI, 5G, and quantum computing could be siloed into two different ecosystems, hampering collaboration and global progress.

As citizens of Pakistan, the escalating tension between these two major powers warrants concern, as it may impact the pursuit of balanced and friendly relations with both China and the US. Furthermore, the implications of technological competition between the US and China on strategic stability in South Asia cannot be overlooked, given Pakistan's national security compulsions. A technology curtain between the US and China could also cast shadows over Pakistan's private and strategic sectors, from telecommunications to defence capabilities. Mr. Sultan's presentation concluded by stressing the need for foresight and strategic action by Pakistani stakeholders to navigate this shifting landscape rather than 'firefighting' responses to unfolding events.

Global Lawfare in the Fallout of the Ukraine War



Speaker: Mr. Alex Lawson, Director, Centre for International Law and Constitutional Law

Mr. Alex Lawson's talk provided in-depth insights into the complexities and implications of lawfare in the context of the Ukraine war. He skillfully navigated the historical, cultural, and geopolitical nuances that have shaped the conflict, shedding light on the evolving nature of warfare and the strategic importance of lawfare in contemporary international relations.

Mr. Lawson began by emphasizing the tragedy of the Ukraine war and highlighting the historical connections between Russian and Ukrainian cultures, which were once considered the same people for several centuries during the Soviet Union era. However, he pointed out that the situation has undergone significant changes since then, leading to a more complex and contentious relationship between the two nations.

One critical aspect of the discussion focused on the numerous cases of human rights violations, by Russian forces in Ukraine which have come under global spotlight. The speaker noted that Russia, in particular, has a deplorable human rights record, with a staggering number of outstanding cases against the country. Interestingly, Ukraine also possessed a similarly bleak human rights record, sparking debates on whether they were truly a victim under attack or not.

Delving into the concept of lawfare, Mr. Lawson presented various definitions, drawing attention to its evolution over time. While traditional perspectives once considered lawfare to be primarily used by powerful actors against weaker ones, the speaker underscored that recent events have shown the effectiveness of lawfare by weaker entities like Ukraine. Through strategic utilization of international institutions and fora, Ukraine demonstrated its ability to influence the global narrative in its favor.

However, in contrast, the speaker criticized Russia's response to Ukraine's lawfare efforts, characterizing it as lackluster and uncoordinated. Russia seemed ill-prepared to engage in the propaganda battle or present a coherent plan in international forums. Moreover, the portrayal of the war in the western media was also noted for its biased perspective, adding further complexity to the unfolding conflict.

Mr. Lawson also examined the transformation of warfare itself in light of the developments in Ukraine. Citing Russia's military campaign in Syria as an example, he pointed out its flawed execution and questioned its effectiveness in achieving strategic objectives. Importantly, it was highlighted that Syria was not a principal combatant, leaving room for ambiguity in explaining its position and engaging in the propaganda battle.

Throughout the presentation, the recurring question revolved around whether the international community was fully aware of the significance of lawfare unfolding in Ukraine. Lessons learned from previous conflicts, such as Syria, were considered insufficiently applicable to the Ukraine war, prompting the audience to reflect on the importance of adopting tailored and dynamic approaches to lawfare in response to specific crises and conflicts.

Mr. Lawson's session proved to be an enlightening exploration of the multifaceted dimensions of lawfare and its profound implications in the context of the Ukraine war. Alex Lawson's expertise and deep understanding of the subject encouraged participants to consider the strategic value of lawfare in shaping international relations and navigating global crises. As the world faces ongoing challenges in the realm of geopolitical conflicts, the presentation underscored the importance of strategic communication, proactive engagement, and an adaptive approach to lawfare in the pursuit of peaceful resolutions and diplomatic solutions.

India & Iran's Engagement with International Law



Speaker: Ms. Maham Naweed, Chair, Lawfare and International Law, Islamabad Policy Research Institute (IPRI)

Ms. Maham Naweed presentation shed light on how both India and Iran have utilized lawfare and international law to pursue their respective national agendas. The speaker began by highlighting India's consistent use of lawfare to further its interests, even at times in violation of international human rights and humanitarian law.

Ms. Naweed elaborated on India's institutional setup for dealing with international law, identifying three key government departments: the Legal and Treaties Division in the Ministry of External Affairs, the Parliamentary Standing Committee on External Affairs, and the Department of Legal Affairs at the Ministry of Law and Justice. Additionally, India's civil society has played a crucial role in increasing domestic international legal capacity, with organizations like the Indian Society of International Law and the Indian Council for World Affairs actively engaged in this endeavor.

India's exploration of international law has been both theoretical and practical, evident in the numerous publications, including the Indian Journal of International Law, covering various aspects of international law, such as arbitration, commercial law, criminal law, and territorial sovereignty.

These publications showcase India's increasingly active approach to international law capacity building.

The presentation then delved into practical examples of India's use of lawfare against Pakistan. Instances such as the Kulbhushan Jadhav case, the Indus Water Treaty, portrayal of Pakistan as a state sponsor of terrorism, and actions related to the illegal occupation of Kashmir were cited as manifestations of India's lawfare strategy.

The Financial Action Task Force (FATF) was another arena where India used lawfare against Pakistan, pushing for Pakistan to remain on the grey list through subjective requirements. The speaker highlighted India's role in shaping FATF's decisions and statements.

Shifting focus to Iran, Ms. Naweed discussed the country's government departments and civil society organizations dealing with international law issues. The Department of International Legal Affairs, the Department of Legal Affairs, and the Centre for International Legal Affairs of the Presidency were identified as key governmental players. On the civil society front, Iran has organizations like the Tehran Regional Arbitration Centre, Iran Association of UN Studies, and Iranian Analysis of International Law.

Similar to India, Iran's legal scholarship reflects an intersection of international law with geopolitical issues, enabling a more consolidated international law landscape. The government actively supports various legal journals and facilitates attendance of Iranian citizens at The Hague Academy for capacity-building in international law.

The presentation then highlighted examples of Iran's use of lawfare to further its own geo-political agendas, including the Iran-Pakistan Gas Pipeline case, where Iran threatened to submit an international claim for damages against Pakistan. Another instance was the Oil Platforms case, where Iran used lawfare to hold the US accountable for violating its sovereignty. Additionally, Iran has recently filed a case against Canada in the International Court of Justice (ICJ), alleging violations of its state immunity in regard to terrorism.

Ms. Naweed's session provided valuable insights into how India and Iran have strategically engaged with international law and lawfare to pursue their national interests and address geopolitical challenges. The comprehensive understanding of international law has equipped both countries to effectively navigate the complexities of global relations and employ lawfare tactics to further their strategic goals. The presentation prompted attendees to recognize the significance of international law in shaping diplomatic strategies and creating new avenues to resolve disputes on the international stage.



Session II

Panel Discussion: Relevance of International Law to Pakistan & Roadmap for Structural Reform

Overview: Pakistan's International Law Challenge

Mr. Jamal Aziz, Director CEIL

Leveraging International Law for Comprehensive National Security

Dr. Saadia Zahoor, Policy Expert, National Security Division, Government of Pakistan

Relevance of International Law to Pakistan: Case Study of IWT

Mr. Feisal Hussain Naqvi, Senior Partner, Bhandari Naqvi Riaz (BNR)

Improving Institutional Capacity in International Law in Pakistan

Mr. Syed Haider Shah, Additional Secretary (UN), Ministry of Foreign Affairs

Roadmap for Developing Indigenous Capacity in International Law in Pakistan

Mr. Muhammad Oves Anwar, Director Research, Research Society of International Law (RSIL)

Overview: Pakistan's International Law Challenge



Moderator: Mr. Jamal Aziz, Director CEIL

Mr. Jamal Aziz, Director of the Centre of Excellence for International Law (CEIL) at ISSRA, NDU served as the moderator for the second session on the "Relevance of International Law to Pakistan & Roadmap for Structural Reform". In his opening remarks, he set the stage for the discussion by emphasizing the increasingly significant impact of international legal frameworks on Pakistan's domestic governance, national security, and foreign policy.

Mr. Aziz noted that many of the significant challenges faced by Pakistan in recent years have a strong underpinning in international law. These include, inter alia, drone strikes, large-scale counter-terrorism and counter-insurgency operations, and the fallout from incidents such as Mumbai, Samjhauta Express, Pathankot, Uri, and Pulwama. He also highlighted the implications of major international awards and decisions in cases such as Reko Diq, Kishenganga, Marshall Islands, and Kulbhushan Jadhav.

Furthermore, Mr. Aziz pointed out how Pakistan has been forced to rapidly transform its domestic frameworks to comply with international standards and treaties through mechanisms like the Financial Action Task Force (FATF) or the Generalized System of Preferences Plus (GSP+) regime.

He also drew attention to the unlawful annexation of Kashmir by India and the acute threat to the Indus Water Treaty, which he described as "big ticket" international law issues for Pakistan.

Thus, it was clear that most of the major contemporary challenges facing Pakistan today – ranging from economic security, climate change or relations with its neighbors, feature a very strong international law undercurrent. The experience of the last decade has shown us that we are acutely vulnerable to foreign pressure because we lack people with the requisite expertise at key institutions who can effectively coordinate efforts with a whole of state approach.

However, there was cause for some optimism since considerable efforts have silently taken place in recent years beyond the public spotlight to improve the structural capacity of the State in international law. Several proposals have been developed across state institutions and departments which now require political and bureaucratic will to effectively execute.

At the same time, there are some domains in international law where the threat is particularly acute, with a massive potential impact on our national security. Perhaps there is no bigger example than the Indus Water Treaty which today faces an existential challenge from a Hindutva dominated, economically strong India. These domains require the deployment of our best assets and an overhaul of how we engage with legal counsel.

Mr. Aziz highlighted how all over the world, the focal point for international law affairs is usually housed at the Foreign Affairs ministry. Pakistan has a diplomatic service with a strong pedigree and a proud tradition. However, a rapidly developing, interconnected world necessitates the development of highly technical frameworks which are based on standard setting. From cyberspace, artificial intelligence and emerging technologies to the High Seas, Outer Space and climate liability – we are seeing an intense legal battle between Great Powers to assert early advantage in rule making and institutional development. For this, Mr. Aziz stressed the need for specialist internal legal capacity at the Ministry of Foreign Affairs and key ministries to improve Pakistan's international engagement on technical matters.

Finally, Mr. Aziz noted that even if we create official structures or dozens of new legal positions, Pakistan will not be able to effectively leverage international law until we develop an effective indigenous 'eco-system' for international law in the country. He said that Pakistan suffers from an acute shortage of trained international lawyers. This requires an overhaul of how international law is taught at universities and how it is practiced in the private sector. Thinktanks can also play a key role by providing clarity on policy direction in different fields or by promoting Pakistan's narratives through international engagement.

Mr. Aziz stressed that responding to these challenges for Pakistan's national security and development requires effectively navigating the constantly evolving international legal landscape. He emphasized the need for a comprehensive approach to international law, one that goes beyond

the traditional security paradigm and takes into account the interconnectedness of today's global challenges.

With these introductory remarks, Mr. Aziz formally commenced the panel discussion by introducing the esteemed Panelists.

Leveraging International Law for Comprehensive National Security



Speaker: Dr. Saadia Zahoor, Policy Expert, National Security Division, Government of Pakistan

Dr. Saadia Zahoor, a leading international law academic and policy expert at the National Security Division, Government of Pakistan, delivered her presentation on the role of international law in comprehensive national security. She began her talk by highlighting the shift in the understanding of national security, which has evolved from a traditional, military-focused concept to a more comprehensive, citizen-centric approach that acknowledges interconnected challenges. These challenges span traditional security threats, economic security, climate change, energy and food security, and critical technologies, among others.

Dr. Zahoor emphasized that international law plays a pivotal role in this comprehensive national security framework. She pointed out that the national security policies of countries like Germany and Japan explicitly reference an international order based on international law. Similarly, contemporary Chinese and Indian doctrines have emphasized the need for better indigenous capacity in international law to navigate global challenges and multipolarity.

She then turned to the concept of 'lawfare' and its impact on Pakistan's national security over the past two decades. She highlighted instances of hostile actions by India in Kashmir, the Indus Water Treaty, the Kulbhushan Jadhav case, and efforts to label Pakistan as a state sponsor of terrorism or lobby against Pakistan before the Financial Action Task Force (FATF). She also noted that Pakistan has faced a number of commercial and investment state disputes which have directly impacted the country's economic security.

Drawing from her presentation, Dr. Zahoor proposed several key solutions to enhance Pakistan's capacity in international law. She suggested the creation of a new international law cell under the direct supervision of the Prime Minister of Pakistan. This cell would play a crucial role in international commercial and investment arbitration, international strategic dispute resolution, coordination between federal and provincial entities in Pakistan, the negotiation and implementation of international treaties, and research and training. Some of the proposed roles of this cell would include:

- 1. International Commercial and Investment Arbitration:** The cell would be responsible for managing and coordinating Pakistan's approach to international commercial and investment arbitration. This would involve developing strategies to defend Pakistan's interests in arbitration proceedings and working with external counsel to ensure effective representation, with the aim of developing indigenous capacity to represent Pakistan independently at international arbitration forums in the future. Importantly, it would also aim for dispute *prevention* by addressing core issues faced in commercial and investment matters before they formalize into a dispute. The Cell would also be responsible for reviewing bilateral investment treaties (BITs), commercial agreements and other treaties with investment provisions (TIPs).
- 2. International Strategic Dispute Resolution:** The cell would play a crucial role in managing strategic disputes that have international implications. This could include disputes related to territorial issues, human rights, trade, and other areas of international law. In this regard, the cell would also be involved in sanctions monitoring, particularly relating to counter-terrorism and terrorism financing, and representation before judicial and other dispute resolution forums.
- 3. Coordination between Federal and Provincial Entities:** A key challenge to implementing our international obligations under international treaties or MoU's is the lack of coordination between federal and provincial entities which has been exacerbated by the 18th Amendment. The cell would serve as a central point of coordination between various federal and provincial entities as well as inter-institutional coordination on matters related to the implementation of international law. This would ensure a unified and coherent approach to international legal issues. The cell can also play an important coordinating role

in the selection of Ad Hoc Judges & Arbitrators as well as in the hiring & performance management of law firms in international disputes.

4. **Negotiation and Implementation of International Treaties:** Pakistan must urgently upgrade its expertise in international, regional, and bilateral treaty negotiations. The cell would play a key role in the negotiation and implementation of international treaties. This would involve providing expert advice and advisory opinions on treaty negotiations, ensuring that treaties are implemented in accordance with international law, and monitoring compliance with treaty obligations. There is also a need for better record keeping of the negotiation history of international treaties and the proposed cell could serve as a custodian of such a record.
5. **Research and Training:** The cell would be responsible for conducting research on various aspects of international law and inter-disciplinary issues and providing training to relevant stakeholders. This would help to build capacity in international law within Pakistan and ensure that decision-makers are well-informed about international legal issues. The cell should have active engagement with international and domestic thinktanks and play a key role in communicating legal narratives of the State.

To lead this cell, Dr. Zahoor proposed the creation of a new post of 'International Law Advisor' under the direct supervision of the Prime Minister of Pakistan. The input from this cell would be provided to all federal and provincial ministries, divisions, and autonomous bodies of the Government of Pakistan. This structure would ensure that Pakistan has the necessary capacity to navigate the complexities of international law and safeguard its national interests effectively.

Before concluding her presentation, Dr. Zahoor noted that there is a consensus among key stakeholders across the government that new structures are required for specialist international law capacity in the country. She acknowledged that considerable efforts have taken place in recent years to move in this direction. However, she emphasized that such initiatives require political and bureaucratic will to execute. She expressed hope that this will materialize soon, enabling Pakistan to effectively leverage international law to promote its comprehensive national security.

In conclusion, Dr. Zahoor's presentation underscored the importance of international law in shaping comprehensive national security. She highlighted the need for Pakistan to develop its capacity in international law, not just to counter 'lawfare', but to use it as a tool for making Pakistan a more responsible and prosperous State and engage better with the world through it. Her insights and recommendations provided a clear roadmap for enhancing Pakistan's capacity in international law and using it as a strategic tool to safeguard national interests and promote national development.

Relevance of International Law to Pakistan: Case Study of IWT



Speaker: Mr. Feisal Hussain Naqvi, Senior Partner, Bhandari Naqvi Riaz (BNR)

Mr. Feisal Hussain Naqvi, Senior Partner, Bhandari Naqvi Riaz (BNR), in his presentation focused on lessons learnt from the dispute settlement mechanisms under the Indus Water Treaty (IWT) in recent years. He began his remarks by outlining three fundamental points.

Firstly, he emphasized that the IWT holds unparalleled significance for Pakistan's national security and is perhaps the most critical document the country has ever signed. Secondly, he pointed out that India is fully aware of the treaty's importance and is now openly attempting to undermine or nullify it. This poses a grave threat to Pakistan's water security. He strongly believed that the treaty is currently facing more danger than ever before.

Thirdly, Mr. Naqvi expressed deep concern over Pakistan's handling of IWT issues in the past decade. The IWT is a product of meticulous negotiations that took place over many years. However, certain crucial aspects, such as the potential effect of sedimentation on reservoirs, were not fully examined during its negotiation. This has led to disputes arising in recent years as Pakistan has challenged India's designs on the basis that those designs provide too much control over water flows to India, thereby affecting Pakistan's water security. In response India has argued that Pakistan's concerns are unwarranted and that an approach which does not take sedimentation issues into account is outdated and environmentally unfriendly.

Mr. Feisal raised questions about Pakistan's strategy to convert technical questions into legal disputes. The Indian side is increasingly claiming that the IWT is becoming unworkable and that it requires 'an update'. He referred to a recent article co-authored by the former Indian Indus Water Commissioner and former Indian Deputy National Security Advisor which openly calls for modifying the treaty or taking steps to relegate it to the 'dustbin of history'. Disputes under the IWT therefore need to be approached strategically and Pakistan must take a prudent approach which does not play into the Indian narrative.

Mr. Naqvi also stressed the importance of experienced litigators in international law to effectively represent Pakistan's interests. However, he pointed out that the country lacks sufficient local lawyers with expertise in international litigation since they do not get exposure to international cases. In recent years, the State has opted to generally rely on foreign counsel with no domestic intermediary, which has had a negative impact on the handling of disputes while hindering indigenous capacity development in international dispute settlement.

To address this gap, Mr. Naqvi proposed the creation of a pool of leading Pakistani lawyers who could work alongside international experts to build capacity and knowledge in handling international legal disputes.

In conclusion, Mr. Naqvi emphasized the urgent need for Pakistan to develop a robust indigenous ecosystem for international law. This ecosystem should include capable legal experts, experienced litigators, and a comprehensive understanding of international legal processes. Building this capacity is crucial to protect Pakistan's interests in international disputes and ensure its effective engagement on the global stage. He underscored that addressing these challenges would require proper planning, coordination, and collaboration to strengthen Pakistan's position in dealing with international legal issues, particularly those related to the IWT.

Improving Institutional Capacity in International Law in Pakistan



Speaker: Mr. Syed Haider Shah, Additional Secretary (UN), Ministry of Foreign Affairs

Mr. Syed Haider Shah, Additional Secretary (UN), Ministry of Foreign Affairs, focused on the urgent need to enhance institutional capacity in international law in Pakistan. His remarks emphasized the significance of bolstering expertise and capabilities across various facets of international law due to its far-reaching impact on the country. Furthermore, he outlined the reasons for the existing lack of capacity and presented a set of strategies to achieve robust institutional capacity in international law.

The Need for Institutional Capacity in International Law

Mr. Shah highlighted the myriad of issues faced by Pakistan, ranging from state-level matters to complex international issues. Recognizing the far-reaching influence of international law, he stressed the need to build capacity and expertise in multiple domains, enabling the country to effectively navigate the global landscape. The ability to comprehend and respond to international law becomes even more critical when Pakistan is influenced by treaties it has not yet signed, primarily driven by international pressures. Additionally, the establishment of norms and rules in

international law necessitates a strong institutional framework to participate actively in shaping global policies at the formative as well as in its implementation stages.

Factors Contributing to the Lack of Institutional Capacity

Mr. Shah identified several key reasons for the current lack of institutional capacity in international law in Pakistan. First and foremost, constraints arising from the fragmented mandates of institutions dealing with international law including the Attorney General's Office, Ministry of Law and Justice, MOFA and others hamper coordination efforts. Furthermore, an ad hoc approach and short-term vision have led to impulsive reactions, undermining the country's ability to develop a comprehensive, long-term strategy for capacity building. Moreover, the relative underdevelopment of the private sector along with low quality of legal education, advocacy and international legal jurisprudence has contributed to the lack of robustness in this area. Insufficient human resources, particularly experts in international law, pose a significant challenge as well. Additionally, a lack of legal culture, where legal research is often pursued out of compulsion rather than conviction, further hampers the development of institutional capacity. Finally, limited dialogue on the broad spectrum of international law limits the scope for growth and improvement in this crucial area.

Strategies to Develop Institutional Capacity

To address the current lack of institutional capacity in international law, Mr. Shah proposed several strategic approaches.

- Diversifying human resources and recruiting experts from various thematic areas would strengthen institutional capacity.
- Investing in comprehensive training and skill development programs would attract capable individuals and enhance expertise in international law.
- Effective coordination and collaboration mechanisms within institutions are essential to facilitate seamless cooperation and knowledge sharing. This may require suitable amendments in the rules of business.
- Encouraging private sector engagement and fostering a supportive ecosystem in partnership with the state can further enhance capacity-building efforts.
- To promote a strong legal culture, the importance of legal research, quality legal advice, and effective implementation of legal principles should be emphasized. Implementing good governance practices in institutions would enhance their overall effectiveness and efficiency.
- Finally, achieving long-term success in developing institutional capacity requires unwavering commitment and support from political leaders and society.

By understanding the reasons for the existing lack of capacity and adopting a patient and comprehensive approach, Pakistan can gradually develop a robust institutional framework. The

successful implementation of the proposed strategies will require concerted efforts from various stakeholders, including the government, private sector, academia, and civil society. Only through sustained commitment and collaboration can Pakistan build the necessary expertise and capabilities to actively participate in shaping international law and safeguarding its interests on the global stage.

Roadmap for Developing Indigenous Capacity in International Law in Pakistan



Speaker: Mr. Muhammad Oves Anwar, Director Research, Research Society of International Law (RSIL)

Mr. Muhammad Oves Anwar, Director Research, Research Society of International Law (RSIL), emphasized the importance of developing indigenous capacity in Pakistan to effectively deal with international issues. He highlighted the consequences of lacking such capacity, including an inability to identify and address emerging threats, resulting in conservative policies that hinder active participation on an international level.

Mr. Anwar reiterated the points highlighted by Mr. Shah in the previous discussion that lack of international law capacity further affects policy development, especially in foreign policy. Countries that lack the ability to handle international issues tend to adopt overly conservative policies, avoiding active participation with other countries. Consequently, they may find themselves excluded from critical developments and decision-making processes in international matters.

Mr. Anwar pointed out that the absence of international capacity leads to an inability to foresee emerging threats and identify solutions to address them effectively. A pertinent example is Pakistan's experience with the Financial Action Task Force (FATF) grey-listing, which occurred multiple times, indicating a failure to meet its requirements and proactively tackle the situation.

The positive aspect out of all this, however, is the growing realization of the importance of international law capacity in Pakistan. The country is making slow but steady progress in enhancing its capacity to deal with international legal issues. To strengthen the country's indigenous capacity, Mr. Oves proposed several key strategies. Firstly, he stressed the need to revise the university curriculums to include comprehensive coverage of contemporary international law. Increasing exposure to international law at educational institutions would better equip future generations to engage in global affairs.

Mr. Anwar emphasized the importance of promoting open discussions on issues of national security and other international concerns. Encouraging a diverse range of perspectives and involving think tanks and experts in the process would lead to more effective and well-rounded solutions. Drawing inspiration from practices abroad, Mr. Anwar suggested linking academia with legal chambers to facilitate a dynamic exchange of knowledge and experiences. This approach would create synergies between academic research and practical legal matters.

Finally, Mr. Anwar commended the role of think tanks, such as RSIL and other entities, in providing a platform for free debate and uncensored discussions. Such open discussions contribute to regional development and strengthen Pakistan's position in international affairs. A collaborative approach involving academia, think tanks, legal chambers, and the government is essential for achieving better outcomes in diplomacy and public policy.



Closing Remarks

Strengthening Pakistan's International Law Capacity for National Development
Mansoor Usman Awan, Attorney General for Pakistan

Vote of Thanks

Major General Muhammad Raza Aizad, HI (M), Director General Institute for Strategic Studies, Research and Analysis (ISSRA)

Strengthening Pakistan's International Law Capacity for National Development



Speaker: Mr. Mansoor Usman Awan, Attorney General for Pakistan

During the final session, the Attorney General for Pakistan, Mr. Mansoor Usman Awan, initiated a conversation regarding the need for a national oversight department to address international legal matters. Recognizing the importance of an additional layer to effectively handle these complex issues, he voiced his concerns about the existing bureaucratic structure, outdated rules of business and the potential strain on government spending. In the short term, he proposed a practical approach by focusing on specific disputes that Pakistan is currently facing, such as commercial disputes and water disputes and working towards urgent solutions for these pressing matters.

To implement this short-term strategy, the Attorney General suggested identifying individuals from the market who exhibit promise and investing in their training to form dedicated teams on strategic issues. In the long term, the Attorney General emphasized the critical need for specialized degrees in international law beyond the theoretical descriptions offered in LLB programs. He stressed that an emphasis on practical implementation, coupled with extensive research, would be essential to effectively address and navigate international legal issues. By providing comprehensive education and training, Pakistan can develop a pool of skilled professionals capable of handling international disputes competently.

The Attorney General also underscored the significance of having experts in key ministries such as energy and petroleum, interior, climate change and commerce. He emphasized the importance of investing in their training and retention to build long-term institutional capacity. Furthermore, he highlighted the challenge of coordination between provincial and federal governments in implementing international commitments, especially those regarding investment agreements with foreign entities.

In order to reduce reliance on foreign firms, the Attorney General emphasized the importance of building the capacity of technical and legal experts within Pakistan. He emphasized the value of developing Pakistani lawyers who possess the necessary skills and knowledge to handle international disputes with minimal external assistance. Highlighting critical issues such as the Indus Waters treaty, he stressed the need for experts who possess a deep understanding of the technical aspects and national significance of such matters.

Expressing a sense of concern over the historical neglect of Pakistan's international capacity, the Attorney General expressed hope that CEIL at ISSRA, NDU would play a key role in developing skillsets on international law matters for the public sector. He called for capacity building of legal advisors working for key ministries and institutions such as foreign affairs, climate change, trade and commerce, petroleum, energy, and interior. These individuals should be trained and actively engaged in the process of treaty negotiation, implementation and resolving international disputes. Despite the limitations of resources, the Attorney General offered the assistance of his office to provide the necessary impetus to effectively address these international issues.

In conclusion, the Attorney General's closing remarks highlighted the need for comprehensive measures to enhance Pakistan's capacity in handling international legal matters. Better federal structures for national oversight, rapid capacity building in key areas and specialized education curriculums with the aim of developing internal expertise, were identified as key steps to strengthen Pakistan's position in the international legal arena. Through strategic investments and collaboration, Pakistan can effectively protect its interests and navigate complex international legal challenges.

Vote of Thanks



Major General Muhammad Raza Aizad, HI (M), Director General Institute for Strategic Studies, Research and Analysis (ISSRA)

Director General ISSRA, Major General Muhammad Raza Aizad thanked the distinguished speakers and the participants for their active participation and valuable comments, recognizing the significance each attendee brought to the table.

DG ISSRA appreciated the Attorney General's presence and dedication to the event, highlighting the importance of such gatherings that bring professionals from diverse fields together for enlightening discussions. He also acknowledged the efforts of the Centre of Excellence for International Law at ISSRA, led by Mr. Jamal Aziz, in organizing such a significant event. He emphasized that the purpose of ISSRA's seminars and workshops is to bridge the gap between academia and practitioners across various domains, including both military and non-military aspects of national security.

He highlighted an important question that emerged during the seminar: who will step forward to implement the solutions identified to address each problem? DG ISSRA stressed the need for a focused approach to executing identified solutions. He outlined two contrasting problem-solving

approaches: a passive one that waits for ideal circumstances and a proactive one that capitalizes on available resources and initiates action with resolve. Advocacy and sustained engagement with policymakers and decision-makers were emphasized as critical in addressing national security challenges effectively and urgently.

Looking ahead, DG ISSRA stressed the importance of involving the younger generation in decision-making processes, as their fresh perspectives and forward-thinking outlook are valuable assets in shaping robust policies. DG ISSRA ended his remarks, by recognizing that the current geopolitical situation should be viewed as an opportunity rather than a hindrance, encouraging a mindset of anticipation and seizing opportunities.



Annexures

Annex A – Programme

Annex B – Speakers Profile

Annex C – Gallery

Annex A – Programme

Time (Hrs)	Activity	Speaker	Venue
Opening Session			
1315–1345	Arrival/Registration of Guests		In front of JS Hall
1345–1350	Recitation of Holy Quran		JS Hall
1350–1400	Welcome Remarks	President NDU/DG ISSRA	JS Hall
1400–1415	Embracing International Law in a Changing World Order	Ahmer Bilal Soofi Advisor, CEIL	JS Hall
Session – I Panel Discussion: Navigating Great Power Rivalry Through the Lens of International Law Moderator: Barrister Asad Rahim Khan, Partner, Ashtar Ali LLP			
1415–1420	Overview: Global Escalation of 'Lawfare' in Great Power Rivalry	Barrister Asad Rahim Khan, Partner, Ashtar Ali LLP	JS Hall
1420–1430	Use of Export Controls by the US to deny access to technology to China	Ali Sultan International Law Expert, Visiting Faculty, Lahore University of Management Sciences (LUMS)	JS Hall
1430–1440	Global Lawfare in the Fallout of the Ukraine War	Alex Lawson, Director Centre for International & Constitutional Law, Ziauddin University	JS Hall
1440–1450	India & Iran's Engagement with International Law	Maham Naweed, Chair, Lawfare and International Law, Islamabad Policy Research Institute (IPRI)	JS Hall
1450–1545	Interactive Session		
1545–1600	Break		ISSRA Lounge

Session – II Panel Discussion: Relevance of International Law to Pakistan & Roadmap for Structural Reform Moderator: Jamal Aziz, Director CEIL			
1600-1610	Overview: Pakistan's International Law Challenge	Jamal Aziz Director CEIL	JS Hall
1610-1620	Leveraging International Law for comprehensive national security	Saadia Zahoor, Policy Expert, National Security Division	JS Hall
1620-1630	Relevance of International Law to Pakistan: Case Study of IWT	Feisal Hussain Naqvi, Senior Partner, Bhandari Naqvi Riaz (BNR)	JS Hall
1630-1640	Improving Institutional Capacity in International Law in Pakistan	Syed Haider Shah, Additional Secretary (UN), Ministry of Foreign Affairs	JS Hall
1640 – 1650	Roadmap for developing indigenous International Law capacity in Pakistan	Muhammad Oves Anwar, Director, Research Society of International Law (RSIL)	JS Hall
1650-1720	Interactive Session		
Closing Session			
1720-1730	Closing Remarks –Strengthening Pakistan's International Law Capacity for National Development	Mansoor Usman Awan, Attorney General for Pakistan	JS Hall
1730-1740	Vote of Thanks and Shield Distribution	President NDU/DG ISSRA	JS Hall
1740-1745	Group Photo		Colb Wall
1745 Onwards	Tea and dispersal		Banquet Hall

Annex B – Speakers Profile



Ahmer Bilal Soofi
Advisor, CEIL

Ahmer Bilal Soofi is an Advocate of the Supreme Court of Pakistan. He is the Founding President of RSIL, Managing Partner of ABS & Co and Advisor to the Centre of Excellence for International Law at ISSRA, NDU. He has played a pioneering role in the promotion and implementation of international law in Pakistan since the past three decades, providing advisory and capacity building services to dozens of national institutions, private sector entities and academic institutions. He has authored multiple books on Pakistan's state practice relating to counter-terrorism and nuclear law and has published over 300 papers, policy briefs and articles on a broad spectrum of topics involving international law and Pakistan. Mr. Soofi served as a Federal Law Minister in 2013 and has chaired the Advisory Committee of the United Nations Human Rights Council in Geneva. He has also successfully defended Pakistan before the International Court of Justice. Mr. Soofi holds an LL.M. from the University of Cambridge.



Barrister Asad Rahim Khan
Partner, Ashtar Ali, LLP

Asad Rahim Khan is a barrister and constitutional lawyer based in Lahore, Pakistan. He is a partner at Ashtar Ali LLP, where he focuses on constitutional law and commercial litigation. He has been appointed amicus curiae by the Lahore High Court on constitutional matters. He previously represented the Office of the Attorney-General, where he helped draft the Twenty-Fifth Amendment to the Constitution, merging the Federally Administered Tribal Areas with Khyber Pakhtunkhwa.

In 2021, he represented Punjab's local governments seeking to serve out their complete tenure after being unlawfully dissolved. In 2020, he was included in the Prime Minister's Working Group of Experts on international investment treaty reforms. He is currently an adjunct faculty member at LUMS, where he teaches constitutional law. Before entering practice, he clerked for Justice Syed Mansoor Ali Shah at the Lahore High Court. He read law at the London School of Economics, and was called to the bar at Lincoln's Inn.



Ali Sultan

International Law Expert/Visiting Faculty,
Lahore University of Management Sciences
(LUMS)

Ali Sultan is an international law and policy advisor. He regularly advises public stakeholders on international law matters. Notably, he advised the Government of Pakistan on the Marshall Islands case at the International Court of Justice. Mr Sultan remained Executive Director of the Research Society of International Law Pakistan for over five years, and an Honorary Consultant at the National Security Division, Government of Pakistan. Currently, he teaches law at LUMS and the Foreign Service Academy. He frequently delivers lectures at Command and Staff College Quetta and Pakistan Navy War College Lahore.

Mr Sultan received his initial education from Aitchison College Lahore. Subsequently, he graduated cum laude with Bachelor's in Economics and Political Science from Middlebury College USA, before graduating with a Juris Doctor (JD) from the University of Virginia Law School. At law school, he was the senior editor of Virginia Journal of Law and Politics. Mr. Sultan is also a Business Bridge Program graduate of the Tuck School of Business at Dartmouth.



Alex Lawson

Director, Center for International and
Constitutional Law at Ziauddin University

Alexander Lawson the Director of the Center for International and Constitutional Law at Ziauddin University in Karachi. He has an LLB and LLM from Durham University and has taught various law subjects at Durham, before moving to BPP University, where he created and ran various modules on their LLB, LLM and Graduate Diploma in Law programmes.

Between 2018 and 2021, he worked at Pearson College London and is also currently a Lecturer at the Open University. Alex is an expert in Public International Law, Constitutional and Administrative Law, European Union Law, and Jurisprudence, amongst other subjects. His research interests lie within the fields of international law, human rights and the law of resource use.



Maham Naweed

**Chair, Lawfare and International Law, Islamabad
Policy Research Institute (IPRI)**

Ms. Maham Naweed is an international lawyer who completed her Bachelor of Laws from the Lahore University of Management Sciences (LUMS) and her Master of Laws from Yale Law School, USA. Previously, she was working as a Consultant (MP-III) at the International Dispute Unit of the Office of the Attorney-General for Pakistan. She has been a part of the team that has represented the Federal Government of Pakistan in historic international legal cases such as the Karkey arbitration, Reko Diq Arbitration, and national security issues with India. She has also worked at the Paris office of the international law firm, Shearman & Sterling LLP in the public international law and international arbitration group. She has taught as an Adjunct Professor at the Lahore University of Management Sciences and the Institute of Law. Her areas of interest and research expertise include public international law, particularly international human rights law, laws of conflict, and national security laws.



Jamal Aziz

Director, CEIL

Jamal Aziz is a recognized international law expert in Pakistan and has been working at the forefront of major international law issues faced by Pakistan in the past decade. He currently serves as Director of the Centre of Excellence for International Law (CEIL) at the National Defence University (NDU), Islamabad. He is also the Executive Director of the Research Society of International Law (RSIL), Pakistan. At CEIL, NDU and RSIL, Jamal leads Pakistan's largest law and policy research team, carrying out cutting-edge research and providing specialized legal advice to a wide range of Government ministries, state institutions and international organizations.

Jamal is actively involved in global and domestic think tank engagement, Track 1.5 and 2 diplomacy at the Chao Phraya Dialogue and Wilton Park, and represented RSIL at international institutions including before the ECOSOC Committee at the United Nations Headquarters in New York, World Meeting of the Societies for International Law at the Hague Peace Palace, ICRC Headquarters Geneva, and the Pentagon.



Saadia Zahoor
Policy Expert, National Security Division

Dr. Saadia Zahoor is an international law expert. She has worked as a policy expert at the Strategic Policy Planning Cell and assisted the Office of the National Security Adviser on matters related to international law and non-traditional security.

Earlier, she worked at the ICRC as a Legal Consultant, at the Ministry of Foreign Affairs of Pakistan as an Assistant Legal Adviser and as an Assistant Professor at Bahria University, Islamabad. She has also taught at the International Islamic University, Islamabad.

She received her LLB (Hons), LLM (International Law), and PhD (Law) from International Islamic University. She is a LSE IDEAS Jinnah Fellow 2023. She has attended the Centre for Studies and Research in International Law and International Relations at The Hague Academy of International Law, Netherland. She holds a diploma in Investor State Arbitration from the College of Law, American University, Washington. She also attended the Singapore International Arbitration Academy 2022 and earned her Humanitarian Response to Conflict and Disaster Certification from Harvard University.



Feisal Hussain Naqvi
Senior Partner, Bhandari Naqvi Riaz (BNR)

Feisal Hussain Naqvi is currently a Senior Partner at Bhandari Naqvi Riaz. He was appointed by the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation (OIC) to examine the legality under international law of the use of shotguns for crowd control by Indian forces in occupied Jammu and Kashmir. He was also a member of the ICCA Task Force on Standards of Practice in International Arbitration. He holds an undergraduate degree from Princeton University and a graduate degree from Yale Law School. He is also a member of the New York Bar Association and a member of the panel of arbitrators of the Singapore International Arbitration Center, the Hong Kong International Arbitration Center and the Asian International Arbitration Center.



Syed Haider Shah

Additional Secretary (UN), Ministry of Foreign Affairs

Syed Haider Shah has been a member of Foreign Service of Pakistan since 1995, having served in Islamabad, New York, New Delhi, Kathmandu and now based in Islamabad, Pakistan.

Mr. Shah has worked extensively on UN, legal and counter terrorism issues as Afghanistan and South Asia. From 2008-2013, he served as Legal Officer at the United Nations Counter-Terrorism Committee Executive Directorate (CTED), New York, a special political mission created in 2004 by the UN Security Council dealing with, inter alia, facilitation of counter-terrorism technical assistance, and legal and human rights issues in the context of counter-terrorism.

Mr. Shah also served at the Permanent Mission of Pakistan to the UN, New York from 2002-2006 covering the Sixth Committee of the UN General Assembly, as well as the Counter Terrorism Committee and 1267 Sanctions Committee against Al Qaida, Taliban and their associates. He has participated in the negotiations of a number of Security Council and General Assembly resolutions.

Mr. Shah received LL.M (1998) from Harvard Law School and LL.B (1993) from Khyber Law College, Peshawar University.



Muhammad Oves Anwar

Director, Research Society of International Law (RSIL)

Muhammad Oves Anwar is Director of Research at the Research Society of International Law. He is also a Senior Fellow at the Centre of Excellence for International Law at the National Defence University, Islamabad.

He was the founding director of RSIL's Conflict Law Centre (CLC) and has helped found the Centre on Criminal Justice Reform and Capacity-building (C3) as well as the Centre for Human Rights (CHR). Mr. Anwar's research has informed the drafting of several federal and provincial statutes including amendments to the Anti-Terrorism Act 1997, the Investigation for Fair Trial Act 2013, the KP Probation and Parole Act 2021, amendments to the Anti-Money Laundering Act 2010, among others.

Mr. Anwar is an Eisenhower Global Fellow and holds an LL.B (Hons.) from the University of London, an LL.M with Distinction from the School of Oriental and African Studies, an LL.M in International Legal Studies from the University of Vienna, and a Diplôme d'université in International Nuclear Law from the International School of Nuclear Law, University of Montpellier.

Annex C – Gallery











Centre of Excellence for International Law (CEIL) Institute for Strategic
Studies, Research and Analysis (ISSRA) National Defence University,
Islamabad – Pakistan
+92-51-9260651-52 | www.ndu.edu.pk