

State Responsibility and the Indus Waters Treaty Following the Pahalgam Attack: A Case Study India vs Pakistan

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ABSTRACT

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This article aims to analyze the legal basis for state responsibility under the International Convention for the Suppression of the Financing of Terrorism and the Rome Statute. It also evaluates the role of the Indus Waters Treaty as a crucial legal instrument between the involved states. Employing a qualitative single-case study approach, the research utilizes primary data from UN treaties, the Rome Statute, official reports, and global news, supplemented by secondary data from academic journals and research institutions. The analysis is conducted using normative legal analysis, content analysis, and comparative analysis. The findings indicate that Pakistan's logistic and financial support meets the criteria for both a breach of international law and a causal link to the attack. The study shows that the Indus Waters Treaty can be invoked as a basis for a reparation claim, although the dispute resolution mechanism is hampered by geopolitical pressures. Furthermore, a significant regulatory gap exists for addressing hybrid terrorism. This article concludes by emphasizing the need for a hybrid legal framework that integrates treaty law and customary norms. It recommends amending anti-terrorism conventions, enhancing the verification of hydrological data, and strengthening mutual legal assistance to prevent similar incidents.

1. Introduction

The armed attack in Pahalgam, Kashmir, on 22 April 2025, which resulted in the deaths of approximately 26 tourists, precipitated diplomatic tensions between India and Pakistan (Rajesh, 2025). This incident is not only seen as an act of transnational terrorism by non-state actors but also raises a new debate regarding state responsibility in the context of international treaty violations, specifically concerning the Indus Waters Treaty that has been in effect since 1960 (Rossi, 2020). Careful analysis of this case is therefore essential for understanding the operation of international law in an era of hybrid conflict and for assessing its implications for regional stability.

The Indus Waters Treaty regulates the allocation of river flows rather than the operational management of shared water resources. Under the Treaty, Pakistan was allocated the three principal western rivers (the Indus, Jhelum, and Chenab), while India was allocated the three eastern rivers (the Ravi, Beas, and Sutlej). A range of changing conditions most notably population growth and climate change has complicated the Treaty's implementation, despite its frequent acclaim as one of the world's

most successful transboundary water agreements and perhaps the best example of sustained cooperation between these two long-standing adversaries. Recent developments linking terrorist attacks centred in Pakistan, the rise of Hindu nationalism, and constitutional changes affecting the status of Indian-administered Jammu and Kashmir have prompted India to announce its intention to appropriate any unused waters flowing to Pakistan from its eastern tributaries. An increasingly assertive legal posture regarding the Treaty's provisions now threatens to push the Indus Waters Treaty to a breaking point and highlights Pakistan's acute concerns about tightening water supplies, which have rendered it one of the world's most water-stressed countries (Rossi, 2020).

According to the United Nations Convention against Transnational Organized Crime of 2000, State Parties are obligated to cooperate intergovernmentally to prevent, investigate, and prosecute perpetrators of transnational organized crime (Rizki, 2021). The principal-agent theory in international law asserts that the involvement of non-state actors can implicate state responsibility if the state is proven to be a patron or provides logistic and financial support (Benvenisti & Cohen, 2014). This concept is critical for evaluating whether India's accusations against Pakistan meet the criteria for an internationally wrongful act under the International Law Commission's (ILC) Draft Articles on Responsibility of States for Internationally Wrongful Acts (ILC 2001). This framework establishes the elements of a state's fault (breach), a causal link between the non-state action and the state's decision, and the obligation for *restitutio in integrum* or reparations (Crawford, 2002). This theory is essential for assessing whether India's accusations against Pakistan fulfill the requirements of an internationally wrongful act.

Several studies have explored the issue of state responsibility for transnational terrorism. Research by Sahrasad et al. (2018) examined the role of state patronage in supporting the Abu Sayyaf group in the Philippines, while Fredette's (2017) research analyzed the legal implications of the 2015 Paris attacks within the framework of the UN Convention on Transnational Terrorism. Calcara (2021) investigated the function of inter-police cooperation mechanisms, such as Interpol, in handling the extradition of transnational criminals and the vulnerability of such functions to misuse. Rossi (2020) studies highlighted how treaty disputes, including the Indus Waters Treaty, can become instruments of political pressure between states. Then research by Shaikh & Dashti (2022) evaluated the precedent of Pakistan's state responsibility in the 2008 Mumbai attacks, also known as the 26/11 Mumbai Attacks.

While previous studies have successfully identified supporting factors and obstacles in prosecuting transnational terrorism, there has been no comprehensive analysis that combines the legal framework of the Indus Waters Treaty with the principles of State Responsibility in the context of the Pahalgam attack. This research fills that gap by integrating an analysis of treaty violations under the Indus Waters Treaty with the core principles of State Responsibility, a subject not previously examined in the transnational terrorism literature. The novelty of this study lies in its hybrid approach, which merges treaty law and customary norms to map out a state's responsibility.

Addressing the identified research gap, this study formulates the following research problem: whether, and to what extent, the provisions of the Indus Waters Treaty can serve as a legal basis for holding a State responsible for supporting terrorism, and whether alleged treaty breaches satisfy the constituent elements of an internationally wrongful act. The paper aims to make both theoretical and practical contributions by offering a framework for managing hybrid disputes that arise at the intersection of security imperatives and treaty-based transboundary cooperation.

2. Literature Review

2.1. Treaty

In international law, a treaty is defined as an agreement between States concluded in written form and governed by international law; this definition is codified in the Vienna Convention on the Law of Treaties (VCLT, 1969), which also sets out the fundamental principles of treaty formation (notably consent), ratification, and technical matters such as reservations, interpretation, invalidity, allocation of obligations, and the termination and suspension of a treaty's operation (Fitzmaurice, 2002). The VCLT's primary rule of interpretation is the principle of good faith: a treaty text must be interpreted according to the ordinary meaning of its terms in their context and in light of the object and purpose of the treaty (Arts. 31–33) (Lekkas et al., 2023; Polgári, 2021). At the same time, the Convention regulates

mechanisms for reservations and related practice so as to balance States' flexibility to participate with the integrity of treaty regimes. Where breaches or circumstances discharging an obligation arise (e.g., force majeure, supervening impossibility of performance, or material breach), the VCLT provides a framework for legal remedies, restitution, and procedures for termination or suspension of the treaty (Mortenson, 2013).

Chung (2017) conducted a quantitative analysis of State behaviour in lodging reservations/understandings/declarations (RUDs) to six human-rights treaties and found that liberal-democratic States tend to enter more RUDs than other States, a result that challenges the simple assumption that RUDs are primarily instruments for authoritarian regimes to evade obligations.. McKibben & Western (2020) examined treaty design from a risk-and-flexibility perspective, showing that devices such as reservations and design mechanisms (e.g., clauses that limit the permissibility of reservations) constitute rational responses to uncertainty and the costs of commitment; their analysis helps explain why multilateral treaties frequently incorporate flexibility measures even where those measures may compromise regime uniformity. Zvobgo et al. (2020) empirically assessed the factors that prompt states to reserve against demanding provisions, those requiring substantial domestic implementation and found that the degree of domestic demand in a provision consistently raises the probability that a state will lodge a reservation, thereby underscoring the decisive role of substantive treaty design in shaping reservation patterns.

2.2. Transnational Terrorism

An important instrument in the global effort to combat transnational terrorism is the 1999 International Convention for the Suppression of the Financing of Terrorism, which binds signatory countries to take action against all forms of funding intended for terrorist acts. With a broad definition that includes intent and knowledge of the use of funds, this convention strengthens international cooperation through mechanisms of extradition, mutual legal assistance, and asset seizure, while also providing dispute resolution procedures among signatory countries. As a normative foundation, this convention affirms that there is no safe haven for supporters of terrorism, so that any violation of obligations must be responded to with firm legal action (International Convention for the Suppression of the Financing of Terrorism 1999, 2009, p. 40).

The Preamble to the 1999 International Convention for the Suppression of the Financing of Terrorism affirms that the prevention of terrorist financing is an integral part of the maintenance of peace and international cooperation under the Charter of the United Nations. It states:

“The States Parties to this Convention, Bearing in mind the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of good-neighbourliness and friendly relations and cooperation among States,...

The definition of criminal acts regulated in Article 2.1 is broad and requires intent or knowledge regarding the use of funds for actions that threaten life or civil security. It reads as follows:

“Any person commits an offence within the meaning of this Convention if that person, by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used, or in the knowledge that they are to be used, in full or in part, in order to carry out ‘an act’ intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.”

Then, Article 6 regulates the obligations of state parties in this convention, requiring each state party to...

“...adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature”

Furthermore, Article 7 (extradition) states that States Parties shall consider the financing of terrorism as an extraditable offense and shall process requests for the extradition of perpetrators or financiers in accordance with existing agreements or this Convention.

Then, Article 8 (mutual legal assistance) stipulates that States Parties must provide legal cooperation, including freezing, seizure, and submission of evidence, as well as sharing the results of seizures with other States Parties, including rejecting bank secrecy claims. These two provisions ensure that there are no legal loopholes (safe havens) for terrorist financing,

“State Parties shall afford one another the greatest measure of assistance in connection with criminal matters, to the widest extent possible under their domestic law,”

Then about dispute resolution and validity period in this convention are regulated in Articles 12 and Article 21. Article 12 regulates dispute settlement, as it reads:

“Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled through negotiation shall, at the request of any one of them, be submitted to arbitration,”

There is an exception to Article 12, namely if the State Party concerned decides otherwise. Furthermore, Article 21 regulates the entry into force and languages, which reads:

“This Convention shall be open for signature by all States from 10 January 2000. It shall be subject to ratification, acceptance or approval. ... This Convention shall enter into force on the thirtieth day after the date of deposit of the twenty-second instrument of ratification, acceptance, approval or accession.”

The multilingual languages referred to in Article 21 include Arabic, Chinese, English, French, Russian, and Spanish, and are kept under the custody of the Secretary-General of the United Nations. Furthermore, the articles in the Rome Statute or International Criminal Court Statute (ICC) regarding support for non-state actors, Article 25(3)(c) states:

“Anyone who aids, abets or otherwise assists in the commission or attempted commission of a crime under this Statute is criminally liable,” with “providing the means for its commission” (Werle, 2007).

And in *Article 25(3)(d)*:

“Any other contribution to the commission or attempted commission of such a crime by a group of persons acting with a common purpose,” provided the contribution is made “with the aim of furthering the criminal activity of the group” or “in the knowledge of the intention of the group to commit the crime.”

The 1999 International Convention for the Suppression of the Financing of Terrorism, along with other supporting international legal instruments such as the Rome Statute, affirms that the financing of terrorism is not only a transnational crime, but also a serious threat to international peace and security. Through its broad definition, state obligations, and mechanisms for extradition, mutual legal assistance, and asset seizure, this convention serves as an important pillar in closing the space for perpetrators and supporters of terrorism (Anggraini, 2024; Weißer, 2016). Effective implementation of these provisions not only strengthens the international legal regime but also ensures that no country can be used as a safe haven for terrorist financing, in line with the universal principle that global security is a shared responsibility.

2.3. State Responsibility

State responsibility in international law refers to the legal consequences that arise when a State commits an act or omission that qualifies as a breach of an international obligation attributable to that State. The essential elements are (1) the existence of an act or omission that violates an international obligation and (2) the attribution of that conduct to the State. Legal consequences include the duty to cease the wrongful conduct, to make reparation where possible (restitution), to compensate for loss, and/or to provide satisfaction; the doctrine also recognizes circumstances that preclude wrongfulness and mechanisms by which injured States or third States may seek accountability (Crawford, 2002). The most influential codification framework is the Articles on Responsibility of States for Internationally

Wrongful Acts (ARSIWA), adopted by the International Law Commission in 2001, which has since served as a principal reference for State practice, judicial decisions, and doctrinal discourse (Ryngaert, 2021).

Arcari (2022) in an early analysis, situated the 2001 Articles as a significant synthesis of practice and customary norms concerning attribution, legal consequences, and remedial mechanisms, emphasizing the broad acceptance of the instrument in judicial and arbitral practice. From a critical perspective, Chimni (2020) interrogated ARSIWA's assumptions from a TWAIL (Third World Approaches to International Law) standpoint, demonstrating how the framing of State responsibility can at times obscure politico-economic asymmetries and normative consequences for Global South States. Contemporary scholarship has further examined the concept's relevance and development in the modern era (e.g., cross-border issues such as pandemics, coercive assistance, and responsibility related to non-State actors), showing that while ARSIWA remains the central framework, novel practices and challenges are prompting adaptive responses and renewed theoretical debate (Murphy, 2023; Paparinskis, 2020).

3. Methods

This study employs a qualitative single-case study design focusing on the Palgham attack as an international crime (Chowdhury & Shil, 2021). Primary data sources comprised UN treaties (notably the Convention on the Prevention and Punishment of Terrorism), relevant provisions of the Rome Statute concerning support to non-state actors, and official reports and national and international news media, including outlets from India and Pakistan. Secondary sources included peer-reviewed journal articles, monographs (legal and non-legal), and conference proceedings. Data were collected through library research and archival documentation of news reports and other pertinent documents. Analysis was conducted using normative legal analysis to interpret legal obligations, content analysis to extract core themes, and comparative analysis to juxtapose this case with other instances (Negara, 2023); finally, data triangulation was performed to ensure the validity and reliability of the findings (Bans-Akutey & Tiimub, 2021).

4. Results

4.1. Facts of the Incident and State Reactions

On 22 April 2025, at approximately 19:30 local time, five armed assailants waited for two tourist buses along the Baisaran Valley route in Pahalgam, Indian-administered Kashmir. The group suddenly opened fire as passengers disembarked for a rest stop, killing 26 tourists and wounding 15 others; the victims included nationals of Nepal, Russia, and India. The perpetrators fled into the surrounding forest, leaving behind 7.62 mm shell casings and several satellite communication devices (Rajesh, 2025). Other sources reported that the spent shell casings were from AK-47 and M4 Carbine weapons; the assailants also abandoned camouflage clothing and other equipment (Manral, 2025).

The Government of India released intercepted intelligence signals purporting to show communications between the group's leader and contacts in Pakistan. A seized logistics manifest reportedly contained documents indicating arms shipments via a Baltic-Kashmir route, and forensic analysis allegedly matched fingerprints on ammunition packages to criminal records from Peshawar. On the basis of this evidence, India officially accused Pakistan of providing logistical and financial support to the non-state actors responsible for the attack.

In response, New Delhi convened an emergency meeting of the Cabinet Committee on Security and implemented a series of measures: (1) the temporary suspension of the Indus Waters Treaty's implementation; (2) the closure of the Wagah-Attari land border to trade and transit; (3) a freeze on visa issuance to Pakistani nationals; (4) the recall of India's ambassador from Islamabad and a demand for the withdrawal of Pakistan's military advisers in New Delhi; and (5) enhanced security operations in Jammu and Kashmir, including the deployment of additional ground forces and ALH Dhruv helicopters for counter-terrorism operations. Pakistan replied by lodging a formal protest with the United Nations Security Council, closing its border airspace for 48 hours, and conducting military exercises near the Line of Control, framing these actions as assertions of sovereignty and denials of the

intervention allegations (Connor & Majumdar, 2025; Greenfield & Das, 2025; Mitra et al., 2025; Seddon & Ewe, 2025).

4.2. Water and the Treaty Dispute

The Indus Water Treaty of 1960, which was mediated by the World Bank and signed by India and Pakistan on September 19, 1960, allocated the three eastern rivers, namely the Ravi, Beas, and Sutlej, for the exclusive use of India in accordance with Article II, and the three western rivers, which include the Indus, Jhelum, and Chenab, for Pakistan in accordance with Article III. Each country is required to notify the Permanent Indus Commission of any plans to construct water projects that have a transboundary impact and to provide annual hydrological data. The treaty establishes a tiered procedure, whereby technical disputes are referred to a Neutral Expert (Annexure F) and legal or interpretative disputes to the Court of Arbitration (Article 9 and Annexure G). If one party refuses, it can be reconvened in the Permanent Indus Commission before escalating to international arbitration. This treaty was signed directly by the Prime Minister of India, Shri Jawaharlal Nehru, and the President of Pakistan, Field Marshal Mohammad Ayub Khan, HP., HJ (*The Indus Waters Treaty 1960*, 1960; United Nations, 1960).



Figure 1. Map of India-Pakistan and Location of Rivers Included in the Indus Waters Treaty, source: Singh et al. (2025).

Following the Pahalgam attack, on 23 April 2025 India temporarily suspended implementation of the Indus Waters Treaty, withholding hydrological data and closing the commission's consultation channels. The government characterized the measure as a security emergency. Pakistan prepared legal challenges before the World Bank, the Permanent Court of Arbitration, and the International Court of Justice, alleging that India's actions breached obligations under the Vienna Convention on the Law of Treaties (Greenfield & Das, 2025). This suspension has generated acute uncertainty for Pakistan's food security, given the country's heavy reliance on irrigation in the western reaches of the basin, and has raised concerns that treaty instruments may be wielded as instruments of political leverage (Ahmed et al., 2025). This unilateral move is legally contrary to the non-revocation clause (Article 10) and the spirit of dispute resolution that prioritizes a tiered mechanism, thereby undermining the precedent or model of compliance with international treaties (United Nations, 1960, pp. 152–154).

The Pahalgam case is similar to *Gambia v. Myanmar* in 2019 at the International Court of Justice (ICJ). In that case, the Gambia instituted proceedings alleging that Myanmar committed acts of genocide against the Rohingya, including mass killings, sexual violence, and the burning of villages, linked in part to Myanmar's refusal to recognize the Rohingya as citizens. The ICJ accepted jurisdiction under Article 36(1) of the Statute of the Court and Article IX of the Genocide Convention, and recognised The Gambia's invocation of a shared, or "common," interest in bringing the claim. Although this expansive approach facilitates access to the Court, it risks being overly broad and susceptible to subjective application (Gunawan et al., 2020; Mao, 2022). By contrast, treaty disputes such as those arising under the Indus Waters Treaty would benefit from clearer, more specific standing clauses that

restrict claim-filing to directly affected parties and thereby reduce the potential for politicized or opportunistic litigation..

Meanwhile, in the armed conflict between Russia and Ukraine, the ICC has asserted jurisdiction over alleged war crimes and serious human rights violations arising from the invasion of Ukraine and attacks on civilians following the Crimean crisis. Although Ukraine is not a State Party to the Rome Statute, it has accepted the Court's jurisdiction in order to pursue accountability. These two cases illustrate how international institutions, both the ICJ and the ICC can be leveraged to expand accountability for grave breaches of international law (Susanto et al., 2024). In the context of Pahalgam attack case and the alleged violations of the Indus Waters Treaty, this approach supports the argument that international agreements traditionally regarded as sectoral, such as water treaties, may be interpreted more broadly when breaches are linked to support for cross-border terrorism. Hence, combining treaty law with state accountability mechanisms is essential to promote reparations and to close legal gaps in contemporary hybrid conflicts.

In the Pahalgam case, non-state actors were responsible for the direct terrorist acts, while Pakistan's alleged involvement could be subject to state responsibility based on the Draft Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), which emphasize the elements of an internationally wrongful act: breach of an international obligation, attribution to the State, and the duty to make reparation (Crawford, 2002). As the injured State, India may seek reparations and compensation through international dispute-settlement mechanisms under the Vienna Convention on the Law of Treaties underscores that states (not solely individuals) can incur responsibility for breaches of international treaty obligations (Vierdag, 1982). The matter is legally and politically complex because it encompasses hybrid dimensions: terrorist acts by non-state actors, alleged violations of the Indus Waters Treaty, and long-standing geopolitical tensions between India and Pakistan. That complexity is compounded by the diplomatic sensitivity of bringing claims against Pakistan in an international forum. Balancing the enforcement of international law with regional stability is therefore essential; Pahalgam serves as a paradigmatic case study of contemporary hybrid conflicts that require a multidisciplinary legal, political, and diplomatic response.

5. Discussion

5.1. State Responsibility, Evidence, and Claims for Compensation

The Pahalgam case exemplifies the distinctive complexity of transnational terrorism disputes that involve non-state perpetrators, alleged state support via cross-border networks, and claims of treaty violations producing material losses (Weißer, 2016). Intelligence intercepts and logistical manifests cited in the preliminary analysis provide the primary factual framework linking logistical and financial support originating in Pakistan to operations in India (Capus & Gilbert, 2024; Havelka, 2024). Within the framework of state responsibility, such evidence not only supports allegations of causation but also exposes the shortcomings of the often-fragmentary evidentiary systems used in transnational cases (Arcari, 2022; Plakokefalos, 2015). Building on Chimni's (2020) critique of ARSIWA assumptions from a TWAAIL perspective, the Pahalgam dispute demands a more systematic approach to evidence collection and credible verification mechanisms if it is to satisfy international standards for attribution and compensation (Ryngaert, 2021).

Djeffal et al. (2022) emphasize in their research that in the doctrine of state responsibility, strong technical evidence plays a central role in establishing the element of state fault, particularly in elements such as material support, chain of command connections, and indicators of organizational capacity (Benvenisti & Cohen, 2014). Papaniskis (2020) observes that evidentiary proof of attribution (i.e., that non-state conduct can be imputed to state authorities) continues to encounter both normative and practical obstacles. In practice, intelligence intercepts and documentary materials are frequently contested by the respondent State because of their confidential character and their limited capacity to be independently tested in international fora absent formal verification procedures (Capus & Gilbert, 2024). Accordingly, the claimant State's ability to present open evidence, bring in witnesses, and facilitate independent audits is often decisive for whether the state responsibility claim will be upheld by an arbitration tribunal or a neutral fact-finding body (Havelka, 2024; Lekkas et al., 2023; Papaniskis, 2020).

A key element in this dispute is the use of the Indus Waters Treaty as the legal basis for compensation claims. At first glance, this strategy appears innovative but raises important normative questions: can, and should, sectoral agreements governing water resources be used as instruments of compensation for terrorist acts that damage infrastructure or disrupt transboundary water management (Lone, 2020; Rossi, 2020)? Legal analysis points to two principal conclusions. *First*, where damage to water installations can be credibly shown to result from conduct supported by non-state actors, treaty-based compensation claims may be legally tenable. *Second*, treaty interpretation warrants careful review: parties should consider adopting explicit liability provisions and remedial mechanisms to cover harms caused by non-state actors that affect the rights and obligations established by the treaty (Ranjan, 2025).

Critically, although the existing legal framework permits claims both under treaty-based protection instruments and the general doctrine of state responsibility, the principal challenge lies in consistent implementation and evidentiary policy. Demonstrating legal causation between network support and the harm sustained requires technical evidence that satisfies international legal standards (Arcari, 2022; Crawford, 2002; Plakokefalos, 2015). Capus & Gilbert (2024) stress the importance of independent verification mechanisms to ensure the credibility and admissibility of contested intelligence and documentary materials.

Accordingly, pragmatic recommendations include: (1) strengthening verification clauses in bilateral treaties and sectoral agreements; (2) creating technical audit mechanisms that are mutually acceptable to disputing parties; and (3) incorporating clear provisions that allocate the burden of proof in disputes implicating international law and sensitive intelligence. Together, these measures would reduce evidentiary ambiguity, enhance accountability, and make dispute-settlement processes more resilient in the face of contemporary hybrid threats.

5.2. Tiered Dispute Resolution Mechanism

The multi-tiered dispute-resolution clause is intended to limit conflict and encourage cooperative solutions before adjudication, typically requiring sequential steps such as negotiation, mediation or conciliation, expert determination, and ultimately arbitration (Permanent Court of Arbitration, 2023; Qureshi, 2017, 2018). Ideally, these clauses mandate alternative dispute resolution first, reserving arbitration as a last resort (Born, 2021). In practice, however, two principal problems emerge. *First*, uncertainty about whether the clause is binding or permissive determines whether a tribunal will dismiss prematurely filed claims. *Second*, the boundary between informal negotiation and formal mediation is often unclear, producing collateral disputes over the adequacy of the preliminary steps (Qureshi, 2017, 2018), which according to Lekkas et al. (2023) often gives rise to separate disputes regarding the failure of the initial steps. To reduce such ambiguity, dispute-resolution clauses should be drafted to specify clear timelines, reasonable standards of effort, and defined consequences for noncompliance.

Domestic political and geopolitical pressures are major obstacles to the formal settlement of disputes and the enforcement of arbitral awards. Various empirical studies and case analyses demonstrate that States which perceive threats to their regulatory interests frequently prefer diplomatic solutions or resist enforcement by invoking public-policy exceptions (Mirumachi & Hurlbert, 2022; Qamar et al., 2019; Ranjan, 2025). Even when arbitral awards are legally binding, their effectiveness is highly dependent on domestic legal mechanisms governing the recognition and enforcement of foreign judgments; national courts may refuse to enforce awards that conflict with domestic policy or are viewed as undermining state sovereignty (Ghose et al., 2022). Accordingly, international claims against States for acts of terrorism must be structured with careful attention to the risks of politicization and to foreseeable domestic barriers to enforceability (Chung, 2017).

The normative vacuum is increasingly evident in the phenomenon of hybrid terrorism, namely acts that combine criminal elements, non-state militants, and the use of cross-border civilian infrastructure, which are not fully accommodated by existing conventions or agreements (McKeever, 2021; Tin et al., 2023). Fragmentation of standards arises on crucial issues such as the burden of proof for intelligence evidence, the choice of law governing disputes, and the acceptance of electronic or confidential evidence in international forums (Tahsin & Wang, 2024). The non-uniformity of international norms leads to differences in litigation outcomes and reduces predictability (Born, 2021; Shany, 2012), therefore there needs to be an effort to harmonize or amend conventions to close legal loopholes exploited by hybrid actors.

To address these constraints pragmatically, a hybrid approach offers a middle way by combining the strengths of alternative dispute resolution (ADR), expert arbitration, and technocratic diplomacy. The model advocates for granular contractual provisions (Gadkari, 2023), such as obligations for independent verification, explicit time limits for each ADR stage, and narrowly framed enforceability clauses to limit public-policy exceptions (Chung, 2017), and it favors regional arbitration mechanisms grounded in customary norms that account for local political contexts and deliver practicable outcomes. Future research should adopt longitudinal designs to evaluate the effectiveness of reforms and to examine how regional institutions, relying on customary norms, mediate hybrid disputes while balancing security imperatives with protection of human rights.

6. Conclusion

This study concludes that the logistical and financial support provided by non-state actors linked to networks in Pakistan satisfies the elements of state responsibility in the context of transnational terrorism. The findings indicate an attributable causal nexus between the networks' support and the resulting damage, and they underscore a notable shift whereby sectoral instruments, such as the Indus Waters Treaty may serve as a basis for compensation claims if a connection between supported actions and cross-border water-infrastructure damage can be established. Nonetheless, the effectiveness of tiered dispute-resolution mechanisms and the enforcement of arbitral awards is constrained by geopolitical pressures, treaty-language ambiguities, and the fragmentation of international norms governing intelligence evidence and attribution; limited access to classified intelligence and evolving diplomatic dynamics counsel caution in generalising these results.

On the basis of these findings, the study recommends targeted normative and technical reforms. Counter-terrorism instruments should be revised to incorporate clear remedial provisions and robust verification mechanisms for sensitive evidence; bilateral and sectoral treaties must explicitly address breaches, the allocation of the burden of proof, and independent verification for intelligence-based claims. Transparency and audit protocols in transboundary hydrological management should be enhanced so that physical and technical evidence can be credibly tested. Further, strengthening mutual legal assistance, drafting unambiguous tiered ADR clauses with defined time thresholds and consequences for non-compliance, and exploring the role of regional arbitration grounded in customary norms as part of a hybrid dispute-resolution model could improve enforceability and promote sustainable resolution. Finally, longitudinal research is advised to monitor implementation of contractual and technical verification measures, evaluate hybrid models through comparative case studies, and elaborate harmonised international guidelines on the admissibility of intelligence evidence and standards for attribution.

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