

Pakistan's Anti-Terror Resolution And The Legal Limits Of Cross-Border Action

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The unanimous adoption of a resolution by Pakistan's National Assembly urging the government to combat terrorism "in an earnest manner" is politically significant. It reflects domestic consensus against militancy and signals institutional support for a stronger national security posture.

The resolution's emphasis on coordinated efforts across politics, diplomacy, armed forces, intelligence, law, and media also suggests a whole-of-government strategy. Yet, while such declarations carry weight within Pakistan's internal political order, their relevance under international law is far more limited, particularly if interpreted as endorsing action beyond Pakistan's borders.

At its core, a parliamentary resolution is a domestic political instrument. It may guide executive policy, express national sentiment,

or establish legislative priorities. However, it does not by itself create binding international obligations or authorise conduct that would otherwise contravene international law. This distinction is foundational to the modern international legal system, which is structured around sovereign equality, treaty obligations, and the constraints imposed by the United Nations Charter.

Under Article 2(4) of the UN Charter, states are prohibited from using force against the territorial integrity or political independence of another state. This rule is widely regarded as a cornerstone of international law. There are only two established exceptions: first, when the United Nations Security Council authorises the use of force under Chapter VII of the Charter; and second, when a state acts in self-defence pursuant to Article 51 in response to an armed attack.

If Pakistan's resolution were interpreted as supporting cross-border military action against alleged external supporters of terrorism, its legal permissibility would depend not on the resolution itself, but on whether the circumstances satisfy one of these exceptions. A domestic parliamentary vote cannot expand the scope of Article 51 nor create an independent legal basis for the use of force.

The principle that domestic law cannot justify a breach of international obligations is codified in Article 27 of the Vienna Convention on the Law of Treaties. A state "may not invoke the provisions of its internal law as justification for its failure to perform a treaty." By extension, internal political measures—resolutions, executive orders, or legislative enactments—cannot override the Charter framework. In this sense, the resolution is an internal articulation of policy, not an international authorisation.

From India's perspective, the legal response to any suggestion of cross-border force would likely centre on reaffirming these same principles. India would argue that any military action directed against its territory, sovereignty, or political independence must comply

strictly with the UN Charter. In the absence of Security Council authorisation, India would likely contest the legality of any unilateral use of force unless Pakistan could clearly establish that it was acting in self-defence against an armed attack attributable to India under international law.

Attribution is critical in this context. The International Court of Justice (ICJ) has consistently held that for actions of non-state actors to justify self-defence against another state, there must be sufficient evidence that those actions are attributable to that state, or that the state is unwilling or unable to prevent its territory from being used for attacks.

Moreover, India could invoke its own right of self-defence if it perceives an unlawful use of force. Under Article 51, the right of self-defence is inherent and reciprocal. Should Pakistan undertake military measures inconsistent with the Charter, India would be legally entitled to respond, provided its response also meets the criteria of necessity and proportionality.

Diplomatically, India might also seek recourse through international forums, including the United Nations Security Council, to challenge the legality of any unilateral measures. By framing the issue as one of Charter compliance and regional stability, India could position itself as defending the integrity of international law rather than merely engaging in bilateral dispute.

Importantly, nothing in international law prohibits Pakistan's parliament from adopting strong internal measures against terrorism within its own territory. Indeed, states have not only the right but the obligation to prevent terrorism emanating from their soil.

Pakistan's National Assembly resolution is best understood as a political declaration rather than a legal instrument with international effect. Its legitimacy domestically does not translate into automatic

permissibility internationally. Any action flowing from it must conform to the UN Charter, customary international law, and applicable treaties. For India, the likely response would be a firm insistence on these constraints, coupled with a readiness to assert its own rights under international law.

The broader lesson is that parliamentary unanimity, while a powerful symbol, does not alter the architecture of the international legal order. Sovereignty remains bounded by shared rules. In a region marked by historical tension and nuclear capability, adherence to those rules is not merely a legal requirement, it is a strategic necessity.

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