



## Role of International law in Addressing Transnational Threats: A Case Study of Pakistan

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### ABSTRACT

In recent times transnational threats have posed serious concerns to the international community as the world is proceeding towards globalization. These impacts are huge, especially as advancing globalization and information technology innovations continue to rise. Since the humble musketeers who formed the precursor of today's Intergovernmental Armed Forces are no more, the trend of cross nationality movements has diminished; however, the barriers to cross national movements have decreased, consequently inciting manifold increased risk for transnational crimes that has not only affected the domestic security of any nation, but has made the entire international community vulnerable. Unfortunately Pakistan is one of the countries which have suffered due to these threats of terrorism, cyber, crime, trafficking including human trafficking and drug trafficking, and environmental degradation. In this paper the author tries to analyze the role of international law in facing these transnational threats especially in Pakistan. The relevant international legal instruments and frameworks have been analyzed that have been developed to combat transnational threats using a qualitative research method and analyzing relevant literature on the subject matter. Furthermore, this paper also assesses the degree to which these instruments have succeeded at tackling the problems Pakistan has encountered. Ultimately, the research paper finds the international law can be powerful in the fight against transnational threats, but only where states are prepared to implement and enforce legal tools.

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## 1. Introduction

The modern world poses a great transnational security challenge for the international community because the world is progressing every day (Memon, Bozdar, & Ahmed, 2024). Among these threats are: terrorism, organized crime; drug trafficking; human trafficking; cybercrime; piracy and smuggling; nuclear proliferation; environmental degradation; infectious diseases, and so forth. Transnational threats are crucial urgencies due to which not only a single nation but also for the world community, which cannot be tackled by the acts of one nation or a specific region but curtail it intimately needs international coordination and cooperation. International law has an important role in the tackling of the afore-mentioned borderless and heinous issues in effective and efficient way (Ahmed & Rasool, 2023). Moreover, you find in International Law an operative field for cooperation of states in which participation is not limited to the promotion of the rule of law and protection of human rights, but also the creation of a safe and progressive environment on this planet (Memon, Bozdar, & Ahmed, 2024). The main scope and objective of International law in the context of mitigating such transnational threats that are somewhat peculiar to Pakistan, forms the main subject of this paper. In recent years, transnational threats are becoming more pervasive, precarious and sophisticated, and must be

handled with comprehensive, robust; result oriented and well informed approach. To quote, mention it is pertinent to point out that Pakistan is located in South Asia, one of the countries that have been badly touched by transnational threats (Ahmed, Baloch, & Abbas, 2023). Added to these other socio economic, political, and administrative threats are these transitional threats, and strong enough to exacerbate Pakistan's vulnerability (Rasool & Ahmed, 2023).

Transactions threats that exist in Pakistan are, among other things, terrorism, cybercrime, organized crimes, piracy and smuggling, human and drug trafficking, infectious diseases and environmental degradation. Pakistan is more vulnerable to the above said threats due to the country's strategic location and porous borders, and Pakistan has been fighting against them alone for decades (Al-Ahsan, 2018). This research critically analyzed the role of international law in the resolution of these challenges and proposed measures to effectively screen the hitherto issue (Rasool & Ahmed, 2023). We must bear it in mind, also, that the current but most dreadful transnational threats are addressed within International Law to abundant prominence. These terrible threats have been combatted everywhere in the world all over the world through the efforts of the United Nations through its main and some of its conventions (Ali, 2009). The same can be said with regard to the organizational organs of the United Nations too which are hosting the postulated menace of the transitional crimes. Terrorism and related crimes are in the United Nations Security Council (UNSC) deal. So, various measures taken by UNSC include resolutions to combat with terrorism (Ali, 2009). One of the most well-known resolutions of the UNSC is 1373 (2001) requires all the states to take required steps to prevent and combat terrorism as well as connected crimes (Rasool & Ahmed, 2023). Secondly, the UNSC has set out a number of sanctions that the states, entities and individuals included in the terrorism or related activities are subjected to. Hence, the only organization that has the representation of all states is trying by the help of its member states to fight with the modern day threats (Ahmed & Memon, 2024).

However, it is to be noted that among the developing countries, Pakistan, too, has been struggling to combat the number of transnational threats such as corruption, poverty, the absence of domestic infrastructure, political and economic instability (Altaf, Israr, & Khan, 2024). In the same way, challenges at regional and international level include jurisdiction issues, interstate rivalry, poor intelligence sharing and cross border crimes. Economic constraints, political issues and security threats coupled together create the problem for Pakistan on the level of facing the problems in transnational threats that affect peace and progress of Pakistan (Altaf, Israr, & Khan, 2024). In conclusion, Pakistan lies vulnerable to tackle the transnational threats of which its geopolitical position, geostrategic location, domestic issues and internal challenges, and regional tensions and external pressures contribute in manifold ways. International law is so important in helping Pakistan to deal with these issues. International law helps Pakistan achieve international cooperation, safeguard the human rights, ensure the sustainability of environment, serve internal and external security and increase the economy (Calder, 2019). Therefore, Pakistan's transnational challenges can be better countervailed by tapping into regional and international legal construct. This strand provides Pakistan with no way to sharply reduce its financial and economic position, but helps it also to make a contribution towards global peace and stability (Bassiouni, 2012).

## **2. Literature Review**

Today, one of main security threats that the nations have to confront is transnational threats. These threats are to all and sundry of the nations in the world today, irrespective of the distinction. These threats have major effects in the domestic and the international perspective of nations (Ahmed, Baloch, & Abbas, 2023; Ahmed & Memon, 2024). Consequently, the United Nations have formulated International laws to handle these issues until date. Therefore, in the modern age, the role that international law plays in effective contesting these intimidations is of the highest importance. It is worth mentioning that the subject matter has been much focused on during the recent period as it is parts of widespread efforts of the International community to tackle these difficult and alarming threats. The researcher has tried to examine the available literature on the subject matter, starting with Pakistan in light of the importance of the subject matter. The last 20 years i.e., (2000 to 2020) articles relevant to the subject have been reviewed and specific suggestions were made to be utilized for upcoming suggestions. In this paper it is important to note that literature review comes up with a detailed description of the spectrum of issues relating to the utility of the international law on counteraction to transnational threats

such as the proliferation of weapons of mass destruction, terrorism, piracy, smuggling, human and drug trafficking and drone attacks.

David P. Fidler in article "International Law and Weapons of Mass Destruction: "Do we end of the Arms Control Approach?" Critically examining the arms control approach within the framework of international law, published in 2004 by the Indiana University Maurer School of Law, this work has critically examined the effectiveness of the arms control approach in regulating weapons of mass destruction (WMD). Joyner (2009) has illustrated in his book "International Law and the Proliferation of Mass Destruction" the legal provisions governing the proliferation of mass destruction weapons. The significance of International Law in regularization of the weapons, their usage and hoarding is what he has highlighted. In the book "International Law", Cassese (2005) has clearly described the role of International Law in maintaining global cooperation, peace and resolving conflicts of the states. The author is of the view that International Law through International norms and institutions address the transnational threats in the world. Similarly, Khan (2015) in "Going tactical: Pakistan's nuclear posture and implications for stability. In H. Sokolski (Ed.), Pakistan's nuclear future: Worries beyond war" discussed Pakistan's nuclear posture and the challenges that Pakistan faces in order to maintain the credibility of the nuclear capabilities when there is a threat of terrorism. The author also talks about the effect nuclear posture of the country has on its security and foreign policy.

Farwell (2011) in the book "The Pakistan cauldron: Conspiracy, assassination & instability" has done the comprehensive analysis of the security and political problems which the Pakistan is facing these days. It is stated that Pakistan's internal instability and the corresponding effects on the country's entire economic and political conditions have been outlined. Pakistan and US relationship and its effect on counter terrorism measurement have been discussed. Ehteshami and Rienner (2002), in the "The Foreign Policies of Middle East States" has highlighted the foreign policies of the Middle East States and Pakistan, and has discussed how the regional dynamics and impact of external factors affect the development of foreign policy in these states. K. J. Heller in his article "the Hidden Histories of War Crimes Trials", discusses the hidden histories of the war crimes, trial of war crimes and their significant role in the progress of international laws and related regulations. According to the author, fair accountability, transparency, justice and rule of law can be the best tools that can solve the transnational crimes in the world. Pierre Hauk and Sven Peterke likewise in their book "International law and transnational organized crimes" over the spotlight the requirements of International Law in dealing with issues like organized crime. About the author say there are main causes behind these crimes and are mainly to do with jurisdiction limitations and poor coordination and cooperation among states. Fawad Ali in his article "the Role of International Law in Combating Terrorism: The issues highlighted in this case study of Pakistan are how the issues of Pakistan cannot be combated without the implementation of the International Law. The author is very clear on legal and political issues that stand in the way of applying international laws in the country.

In addition, Dellal (2017) in the book "Cyber security and international law: Legal perspectives, challenges, and prospects" has highlighted the role of international law in combating cybercrimes/threats, and the legal and policy frameworks to fight these issues are discussed. The article, however, indicates that it is an urgent need to international cooperation in tackling cyber threats. Broadhurst, R. G. (2013, July) in the "Transnational organized crime in East and South-East Asia" has provided insight on the transnational organized crimes in these regions. The literature focuses on Southeast Asia and East Asia and also highlighted Pakistan's issues of the organized crimes. This literature has pointed out major hurdles which these countries including Pakistan is facing in curbing the transnational organized crimes and the duties of the international community in implementing the crime in underdeveloped countries like Pakistan. Shah (2007) in the book "Pakistan and the war against terrorism" has highlighted the issues of Pakistan and its role in Global War on terrorism. The author correlates the performance of Pakistan with the conflict of interests of the main super powers and relates that the diminished capacity of Pakistan to tackle the menace of terrorism and its corollary crimes primarily arise due to conflicted goals of the super power stakeholders. The work of Transnational Corporations (TNCs) on Public International Laws and how they are used towards the developing nations was introduced and key point to Jonathan I. Charney in the "Transnational Corporations and Developing Public International Law" 1983 in the Duke Law Journal. In the author's view, the most powerful actors involved in the law making are the TNCs, who have a huge effect on the legal systems of the country. In terms of what they've featured, responsibilities of the

corporation, jurisdictional disputes amongst states, and state vs. global economic interests, the author has put forth. Chertoff (2009) in "The Responsibility to Contain: This report contains an analysis of the most significant relationship between sovereignty of the states and their wide involvement in the International Law and global political processes that are under way. According to the author, International Threats have the following challenges: terrorism, cyber security, infectious diseases, and sovereign states, regional unions, multi-national organizations and non-state actors have vital role in making peace, developing atmosphere of prosperity and collective security.

In his article, "International law and drone strikes in Pakistan: The legal and socio-political aspects" by Shah (2014) entitled Legal and Policy Implications of Drone Attacks in Pakistan, wrote an overview of and analysis that is comprehensive of how drone attacks in Pakistan have implications with regards to the legal and policy matters of the country. According to it, drone attacks are according not only to International law but also hurt the sovereignty of the state. Barnidge Jr (2016) in his book "International law and drone strikes in Pakistan: The legal and socio-political aspects", published in Journal on the Use of Force and International Law, has provided an analysis of legal and political perspective of the drone attacks in Pakistan and how it's impacting the security of the country has been described in the paper 'Legal and Political Considerations'. Zondi (2016) uses the 'Assessing policy responses of African and international actors on the threats of transnational terrorism to Africa's security and stability' to analyse the policies of African countries working with the International community in the fight of prevailing threat of transnational terrorism in Africa. Bueger and Edmunds (2020) in the "Blue crime: This thesis evaluates transnational organized crimes on the sea floor, in this conceptualizing transnational organized crime at sea." The author named these crimes as blue crimes and remarked that these crimes get less attention than maritime security and piracy related crimes. Pumphrey (2000) in the book "Transnational threats: Blending law enforcement and military strategies" has provided an analysis of US strategies in transnational threats. The book is well-scripted and presents the US strategies to address the transnational threats, as well as the US approaches to the transnational crimes.

Khalil et al. (2017) in article "Emerging viral infections in Pakistan: Issues, concerns, and future prospects" provides a complete overview of some immediate major health issue caused by the real infection in Pakistan and their historical influx into the country like dengue, Congo fever, hepatitis, measles, polio, among others. Sheikh, A. T. (2022, January 20) in his article "The other security threats" published in the Dawn newspaper has critically analyzes Pakistan's national security policy and the implications with it to deal with the traditional and non-traditional security concerns. This article discusses security discourses of nonmilitary threats and transnational challenges. In a similar fashion, Khosa (2022, February 10) in article "Threats from within" published in the Dawn newspaper has highlighted the internal problems of Pakistan along with the problems such as climate of bigotry, corruption, impunity and violation of human rights. The author in this article has covered the rise of extremist groups, enforced disappearances, media censorships and violence towards religious minorities, as well as women. In summing up the literature review it is noted that the above mentioned articles plus many others have been studied extensively so as to discuss the part played by International Law in dealing with transnational threats with special reference to Pakistan.

### **3. Research Methodology**

Not only that, in this research paper, the author has relied upon the secondary source of data, through the case study method of the qualitative research analysis. Some of the relevant academic books and journals, the most popular national and international magazines, the most prevalent journal and research articles as well as the published news reports of national and international levels appeared in newspaper for last ten years relevant to the subject matter have been consulted. Further, the literature review was also carried out through this electronic database like Google Scholar, Academia, JSTOR, Research Gate, Science Direct and Pakistan Review using the particular key words. However, before we elaborate more about the research gaps for future works on the subjects, it is important to note that basically the effort was aimed at gaining a complete understanding of the subject as well as the present status of the subject matter for future research on the subject.

#### 4. Role of International Law in Addressing Transnational Threats

The one of the most deadly and complicated threats that states in the world has to face is transnational threats, which requires efforts of states collectively for its solution. Ahmed and Rasool (2023); Ali (2009) states the United Nations developed several International Laws which give legal and advisory frameworks for the member states to help liaise with and cooperate in combating of such transnational threats (Zondi, 2016). The most important global community steps to respond to such transnational threats are resolutions by the UN Security Council, adoption of the UO Counterterrorism Strategy, the UN Convention on Cybercrimes, the creation of the UN Office of the Drugs & Crimes (UNODC), the UN International Criminal Court (ICC), etc. With increasing transnational threats, there is dire necessity to implement well structured, practical strategies to combat the same (Memon, Bozdar, & Ahmed, 2024). In this regard what is important to note is that there are very serious international laws at the global level, such as International Trade Law, International Human Rights Law, International Criminal Law and International Environmental Law , which have been created to deal with the transnational dangers (Yousaf, 2017). The brief comparative analysis of given below:

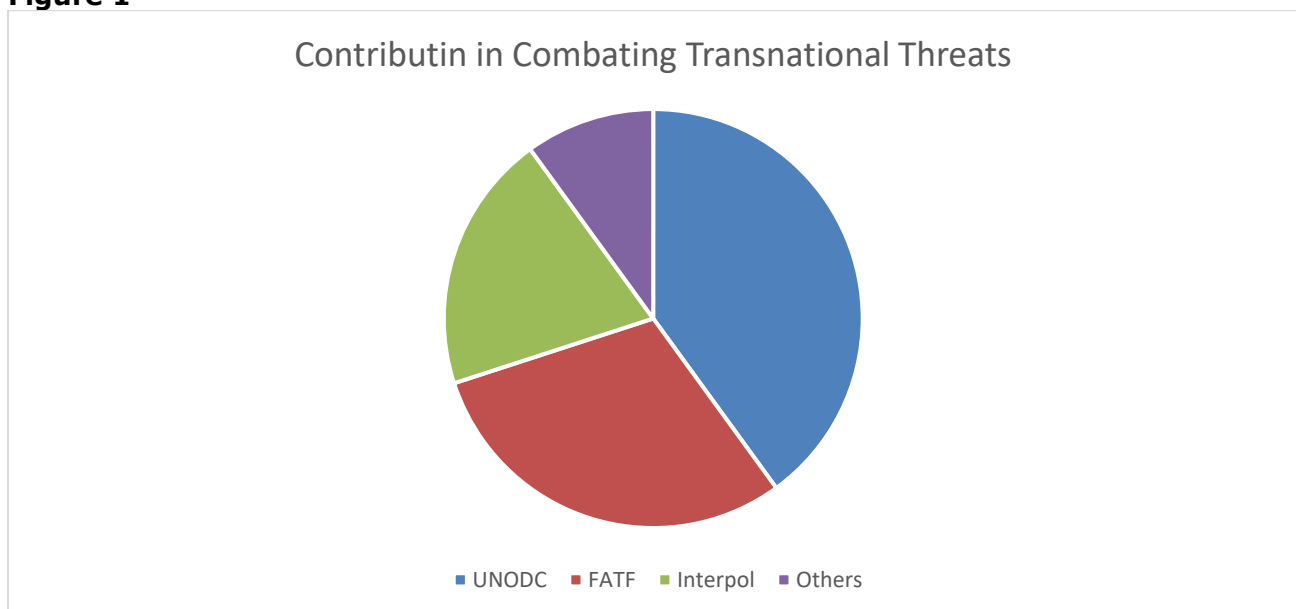
**Table 1**

S. No	Aspect/ Features	International Trade Law	International Human Rights Law	International Criminal Law	International Environmental Law
1	Primary Objectives	To regulate Trade relations between states, ensure competitiveness & fairness, and promote global trade & economic integration.	To protect individual & collective rights, and ensure freedom globally.	To prosecute individuals for crimes of international nature (for example crimes against humanity, war crimes, genocide etc)	To protect environment, and promote sustainable development through International collaboration and partnerships.
2	Major Instruments	WTO Agreements, Regional and Multilateral Trade Agreements, Bilateral Treaties, PTAs/ FTAs/ RTAs etc	Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social & Cultural Rights (ICESCR), African Charter on Human & Peoples' Rights (Banjul Charter), American Convention on Human Rights (Pact of San Jose), ASEAN Human Rights Declaration (AHRD), European Convention on Human Rights (ECHR), Arab Charter on Human Rights, and other regional human rights treaties	Rome Statute of the International Criminal Court (ICC), the Geneva Conventions & Protocols, and Adhoc Tribunal Statutes.	UN Framework Convention on Climate Change (UNFCCC) 1992, Kyoto Protocol 1997, Paris Agreement 2015, Convention on Biological Diversity (CBD) 1992, Montreal Protocol 1987, UN Convention to Combat Desertification (UNCCD), etc.
3	Governing Bodies	WTO, Regional Trade Organizations (NAFTA, USMCA, MERCOSUR, EU, EFTA, AfCFTA, ECOWAS, SADC, ASEAN, APEC, SAARC, GCC, AMU, etc.	UN Human Rights Council, Regional Courts such as AfCHPR, EACJ, ECOWAS court, IACTHR, CCJ, AICHR, ECHR, CJEU, EFTA Court, GCC Court of Justice, etc., Treaty Monitoring Bodies such as CCPR, CESC, CERD, CEDAW, CAT, CRC, CMW, CRPD, CED, among others	International Criminal Court (ICC), ad hoc tribunals (e.g. ICTY, ICTR, SCSL, ECCC, STL), hybrid courts.	United Nations Environment Programme (UNEP), IPCC, Conference of the Parties (COP) under the UNFCCC, IUCN, CBD, GEF, IMO etc.

4	Enforcement Mechanisms	WTO Dispute Settlement Body, Arbitration under FTAs or BITs.	State reporting, Individual complaints to treaty bodies, Regional human rights courts, sanctions etc.	Trials at the ICC or ad hoc tribunals, national courts under universal jurisdiction.	Compliance mechanisms under treaties, peer reviews, and public accountability reports.
5	Scope of Jurisdiction	Trade in goods, services and Intellectual property among member states.	Universal and regional, covering both civil and political as well as economic, social, and cultural rights.	Universal for international crimes, but jurisdiction often limited to signatory states or UNSC referrals.	Global environmental issues with trans boundary impacts, climate change, biodiversity.
6	Major Challenges	Trade imbalances, protectionism, enforcement of dispute resolutions, and compliance by developing nations.	Noncompliance by states, balancing sovereignty with universal enforcement, addressing emerging human rights.	State cooperation, political influence, slow judicial processes, limited resources for investigations.	Weak enforcement mechanisms, conflicting national interests, lack of funding for global initiatives.
7	Emerging Trends	Digital trade, e-commerce regulations, environmental provisions in trade agreements.	Rise of technology in monitoring abuses, focus on rights for vulnerable groups (e.g., refugees, indigenous).	Increased use of hybrid courts, expanding definitions of crimes (e.g., ecocide).	Focus on climate change mitigation, carbon trading, and green finance.

There is however the fact that several international organizations have made notable contributions towards fighting the transnational threats. Below in chart is given the contribution in percentage form of major organizations.

**Figure 1**



Ironically, developed countries are more compliant in international laws for handling transnational threats when compared to developing and underdeveloped countries. We observed that the level of international laws' compliance in North American region is High, Medium in South Asia and Low in Sub-Saharan Africa (Zondi, 2016).

### 5. Mechanism of Implementation of International Law in Pakistan

In Pakistan like the rest of world, international cooperation has been realized and hence by incorporating these international laws it has been made part of the domestic laws. The Article 247 of the Constitution of Pakistan recognizes the importance of International law and implies these laws after incorporating them in domestic laws by Parliament. The Judiciary of Pakistan too follows international conventions like the Universal Declaration of Human Rights (UDHR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in domestic proceedings, government has proposed national laws for harassment against women and other gender related initiatives (Bassiouni, 2012). On a similar note, once you have ratified the UN Convention on the Rights of Child (UNCRC), both Pakistan passed the Juvenile Justice System Act and the National Commission on the Rights of Child Act (Cassese, 2005). In addition to the above, Pakistan has incorporated domestic anti-corruption laws at the principles of the UN Convention against Corruption (UNCAC) (Saul, 2017). Likewise, various Pakistani laws related to freedom of expression, fair judicial trials, and labor rights are taken from the International laws related to the Civil and Political Rights, and International Covenant on Economic, Social and Cultural rights. Pakistan Climate Change Council and Pakistan Climate Agency Authority have also been established keeping in view the Paris Agreement and the UNFCCC agreements (Ahmed, Baloch, & Abbas, 2023). Pakistan has not implemented many international treaties in his domestic laws or international community supported him in doing so. Implementation of the Convention against torture (CAT) is one of the most prominent examples (von Lampe, 2023). Though Pakistan is a party to the Convention against Torture (CAT), Pakistan has not yet enacted anti-torture legislation. Like in Pakistan, there are many laws on domestic violence against women and workplace harassment but these laws are poorly implemented in written and spirit (Ahmed & Memon, 2024; Ahmed & Rasool, 2023; Memon, Bozdar, & Ahmed, 2024). This is the same picture with the domestic environmental laws that are poorly developed and not enforced at all in the country. For this reason, it is of dire need of the hour that Pakistan must give high priority to passing legislations for incorporating International laws and treaties into the domestic laws and policies of the country to meet the international obligations and better the domestic policies and legal frameworks. Below are some tables to help make reference of the ratified International legal instruments of some of the most important by Pakistan (Ahmed, Baloch, & Abbas, 2023).

**Table 2**

S. No.	Legal Instrument	Adopting Body	Purpose	Global Members (as of 2024)	Ratified by Pakistan in Year
1	United Nations Convention against Transnational Organized Crime (UNTOC)	United Nations	Combat organized crime such as human trafficking, drug smuggling, and money laundering	190	2010
2	United Nations Framework Convention on Climate Change (UNFCCC)	United Nations	Framework to combat climate change through International cooperation and emissions reduction	198	1994
3	Paris Agreement	United Nations	Global commitment to limit global warming to below 2°C and enhance climate resilience	195	2016
4	Kyoto Protocol to the UNFCCC	United Nations	Legally binding commitments for industrialized countries to reduce greenhouse gas emissions	192 (parties to UNFCCC)	2005
5	United Nations Convention	United Nations	Combat corruption globally through preventive	189	2007

	against Corruption (UNCAC)		measures, enforcement, and international cooperation			
6	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	United Nations	Promote gender equality and eliminate discrimination against women	189	1996	
7	United Nations Convention on the Rights of the Child (UNCRC)	United Nations	Ensure children's rights to survival, development, protection, and participation	196	1990	
8	International Covenant on Civil and Political Rights (ICCPR)	United Nations	Protect civil and political rights such as freedom of speech, religion, and fair trials	174	2010	
9	International Covenant on Economic, Social and Cultural Rights (ICESCR)	United Nations	Promote rights related to work, education, health, and an adequate standard of living	171	2010	
10	World Trade Organization (WTO) Agreements	World Trade Organization	Promote free and fair trade, settle trade disputes, and regulate international trade policies	164	1995	(Founding Member)
11	ILO Convention on Labor Rights (Forced Labor, Child Labor)	International Labor Organization	Protect workers' rights, promote safe working conditions, and prohibit child and forced labor	187	Various 1947)	(Since 1947)
12	Basel Convention on the Control of Trans- boundary Movements of Hazardous Wastes and their Disposal	United Nations	Regulate the movement of hazardous waste and prevent its disposal in countries unable to manage it safely	190	1994	
13	Stockholm Convention on Persistent Organic Pollutants (POPs)	United Nations	Eliminate or restrict the production and use of persistent organic pollutants	185	2001	

## 6. Transnational Challenges Faced by Pakistan and its Response

In Pakistan several organizations and departments are working in collaboration or with the International Partners and UN Agencies to deal with the transnational threats (Ahmed & Faisal). Below is given the brief of them:



**Table 3**

<b>S. No.</b>	<b>Department/Organization</b>	<b>Areas in focus</b>	<b>International Partners</b>
<b>1</b>	National Counter Terrorism Authority (NACTA)	Counter-terrorism, extremism, and sectarianism	UN, FATF, Regional Intelligence sharing partners
<b>2</b>	Federal Investigation Agency (FIA)	Cybercrimes, Money Laundering, Terror Financing, Human Trafficking, Organized Crimes etc	Interpol, UN Office on Drugs & Crimes, Cyber security agencies
<b>3</b>	Anti-Narcotics Force (ANF)	Narcotics Control & Smuggling prevention	UN Office on Drugs & Crimes, Regional Partners eg. Iran, Afghanistan, China, CARs etc. for joint anti-drug operations
<b>4</b>	Pakistan Customs	Cross border smuggling, Illicit trade, violations of IP rights	World Customs Organization, TIR Conventions etc
<b>5</b>	Pakistan Maritime Security Agency (PMSA)	Maritime Security, Human & Drug Smuggling, Illegal Fishing, Maritime Border Management & Surveillance	International Maritime Organization, Regional partners for maritime patrols
<b>6</b>	National Disaster Management Authority (NDMA)	Disaster risk reduction and management, climate change, humanitarian crises	UNDP, UNICEF, SAARC Disaster Management Center
<b>7</b>	Pakistan Telecommunication Authority (PTA)	Data Privacy, Digital threats, cyber security etc	Global Forum on Cyber Expertise (GFCE), other regional and global partners
<b>8</b>	Ministry of Climate Change (MOCC) Pakistan	Climate Change, Environment protection and security	Green Climate Fund (GCF), UNFCCC, World Bank, Asian Bank

Although the government and the international partners had made serious efforts to combat these transnational threats but still the country have challenges to dwell with the transnational threats. Below are the most significant of them.

### **6.1. Terrorism and Insurgency**

Terrorism is one of the most serious and prevalent transnational threat for Pakistan and for the other all countries likes Pakistan, which has not only harmed our country's economy, but also destroyed the lives and image of the country (Khah, 2023). Since the start of the US war on terror, Pakistan has suffered heavily as a frontline state on war against terrorism (Ahmed & Memon, 2024; Tellis, 2008). National Counter Terrorism Authority Pakistan (NACTA) report "Pakistan's national narrative against terrorism and extremism" shares that have faced such a large menace of terrorism and extremism for over the past twenty years. The report says that from 2001 to 2022, "Pakistan lost 83 thousand lives and suffered financial losses of more than 35 trillion rupees"(CHAUDHRY, ABBAS, & YUAN, 2020; Memon, Bozdar, & Ahmed, 2024). This has, therefore, increased the connected threats to terrorism which include extremism, sectarianism, intolerance and insurgency in society (Ahmed, Baloch, & Abbas, 2023; Khah, 2023). Besides, it has, directly and indirectly, touched the country's economy (Smith, 2000). It imposes also huge cost on economy, including on effect on investment flows, business and trade relations with other countries. Further, terrorism has very ugly social impacts too as it increases crime rates all across country and it has disastrous psychological impacts on civilians causing direct impact on the country (Calder, 2019; Syed, Saeed, & Martin, 2015).

A word on country's traditional security concerns on India, Iran, Afghanistan has to be made here, given that country's interest in terrorism is intertwined with it. According to media reports many terrorist groups operating from Balochistan, Punjab, Sindh, KPK and Kashmir have financial and military support from India and Afghanistan (Shaw & Akhter, 2014). More importantly, the anti-state groups like Tehreek-e-Taliban Pakistan (TTP), Tehreek-e-jihad (TJP), Baloch insurgent groups and Al Qaida have often claimed or blamed for the violence in Pakistan (Saul, 2017). More than the above mentioned terrorist groups and many other fugitive militants increasingly and freely carried cross border attacks from Afghanistan, India and Iran (Saxena & Kumar, 2023). They went to say that the terrorist groups facilitated and participated in militant assaults on Pakistani security forces and civilians (Memon, Bozdar, & Ahmed, 2024). To counteract the transnational threat of terrorism and its associated crime, Pakistan has taken various steps and adopted a great number of counter terrorism policies (Rasool & Ahmed, 2023). National Counter Terrorism Act (NACTA) is one of the prominent steps in countering terrorism,

which is charged to formulate and coordinate national counter terrorism policies and strategies (Qadri, 2012). Along with that, Pakistan took several military operations against insurgency and terrorist groups all across country trying to tackle the issue of terrorism (Narang, 2010). Likewise government has also given death sentences to the convicted terrorists, set special military trial courts, banned on activities of various military outfits and armed groups, and enforced anti money laundering laws (Mushtaq, Akhtar, & Shahab). In addition, the country began programs of establishment of the de-radicalization centers and banning of extremist and radical madrassas in country. To counter religious based violence it promoted Paigham-e-Pakistan initiative (Khah, 2023). Moreover, Pakistan in collaboration with the NATO's International Security Assistance Force (ISAF) in Afghanistan has done many operations against cross-border activists and has dismantled many terrorist safe heavens and also improved the cross border security arrangements. Pakistan has also taken serious measures against banned organizations within Pakistan in cooperation with its International partners. Due to these measures, Pakistan existed from the "Grey List of FATF" in October, 2022, and has improved the International confidence in economy of the country.

## **6.2. Organized Crimes**

Organized crimes are one of the worst and insecure crimes in south and central Asia especially in Pakistan and of course this is connected with other socio economic crimes in south Asia like terrorism (Bueger & Edmunds, 2020). The multinational sources support and back these criminal groups on a variety of levels. It has not been limited to support on weapon procurement and supplies, shared routes, ease of weapons supply and human resources, training, and ideological overlap with relevant combatants. According to these groups, they have refuge in countries at war such as Afghanistan and in order to operate in different areas. Some countries have allowed the presence of such forces tactically, and provide them trainings, asylum to them in their own country so that they may work in the neighboring country like Pakistan. One among the running examples of the organized crimes and which Pakistan has been facing as a transnational threat include smuggling, human and drug trafficking to money laundering and terror financing (Bueger & Edmunds, 2020). Drug trafficking is one of the most threatening issue in the world and one of the main type of organized crime. This transnational threat is not exception to Pakistan. The country is trying to curb drug trafficking. Here, Pakistan's Anti-Narcotics Force (ANF) is working first and foremost to tackle organized crime and drug trafficking (Ahmed & Memon, 2024). Additionally, Pakistan entered a Country Program in 2016 with the United Nations Office on Drugs and Crimes (UNODC) 2016-2019 for Pakistan and UNODC to work in the areas of illegal trafficking, border security and control, law reforms and the criminal judicial system, prevention of drug abuse and drug smuggling.

Besides entire world, Pakistan has been an active member of the UN Commission on Narcotics Drugs (CND) against drug abuse at the International level. It also has played a significant part in global discussion on World Drug abuses. Pakistan is the first country in the region to develop an implementation roadmap of the UN General Assembly Special Session (UNGASS) because of the effective support of the UNODC. In addition, Pakistan has also undertaken such additional measures with the UN Office of Drugs and Crime (UNODC) in fighting drug trafficking including the setting up of specialized anti-narcotics units and strengthening of the border management system from Afghanistan as well as Iran and work on developing the Automated Border Control System (ABCS) to monitor the cross border traffic. Overall, Pakistan performed joint operations with the neighboring counties, such as Iran and Afghanistan, to seize on the drugs and trafficking networks (Memon, Bozdar, & Ahmed, 2024). Noting this, Pakistan has also put into place important legal measures against human trafficking and its related crimes. Another example are the 'The Prevention of Smuggling of Migrants Acts, 2018' and 'The Prevention of Trafficking in Persons Acts, 2018'. Pakistan's law enforcement agencies are aware that the country can use these laws to protect victims and arrest organized crime and gangs. In addition to the others mentioned Chertoff (2009), Pakistan is a part of the United Nations Convention against Corruption (UNCAC), which is the sole legally binding international instrument against corruption (Ahmed & Rasool, 2023). One of the recent most update on Pakistan's initiative is release of a significant report on organized transnational threats, which was issued in collaboration with the Global Initiative against Transnational Organized Crime (GI-TOC), Pakistan's Centre for Governance Research (CGR) released a significant report titled "Pakistan UNTOC Review Process 2022: Civil Society Perspective". This is our second global and first in Asia report to civil society on the implementation reviews of the United Nations Convention

against Transnational Organized Crime (UNTOC). Also, the CGR discusses that work with the GI-TOC and with the UNODC's Civil Society Unit to create sure the nationwide evaluation includes enough process for civil society to be significantly engaged in the nation's assessment method (Ahmed & Rasool, 2023). On this note, I want to point out that Pakistan is mentioned to have made major advances in the review process. These included:

- The formation of Pakistan's cross-sectorial Civil Society Alliance.
- The first "pilot initiative" gathering in Asia under the UNODC's "Stakeholder Engagement 4 U" program, which brought together representatives from the UNODC, the GI-TOC, the Civil Society Alliance, and the Pakistani government and law enforcement.
- The approval of the UNTOC's Trafficking in Persons Protocol and associated policy steps, including meetings with the Pakistani government and civil society to provide input on the self-assessment questionnaire.
- Participation in the 2022 Conference of Parties in Vienna and the international Constructive Dialogues of the UNTOC review process.

### **6.3. Money Laundering and Terror Financing**

Terror financing and money laundering are the serious transnational threats that Pakistan as well as other states of the world are facing. But it is important to note that transnational money laundering networks have proved a menace to Pakistan for there are no scales of the transactions involved. As such, Hawala gets widely used by the criminals and terrorist groups within and outside the country. Moreover, Pakistan has promulgated the anti-money laundering act that incorporates the obligation of the DNFPBs to comply with the requirements of the anti-money laundering and counter financing of terrorism (Chertoff, 2009). Regardless, Pakistan has taken actions like formation of financial monitoring cell, making new legislations and enhancing law enforcing agencies, and however, there is dire need to apply effective measures to deal with such issues (Rasool & Ahmed, 2023).

### **6.4. Drug and Human Trafficking**

As Pakistan's continuous borders with Afghanistan and Iran are porous, drug trafficking is one of the most severe issue they encounter. I should state at the outset that Pakistan's mammoth coastline is largely unprotected, making it possible for the international drug cartels to exploit the routes and use it as a transit route for international drug trafficking. According to the World Drug Report 2021 of the UN Office of Drugs and Crime (UNODC), Pakistan is a major transit country of drug trafficking around the world, because it is situated at the crossroads of drug trafficking routes between Afghanistan and the rest of the world. Just like, the country is strategically located and so it is the key transit point for opiates destined for the markets of Asia, Europe and North America (Altaf, Israr, & Khan, 2024). But Pakistan's government has made its policy against the Narcotics on the demand and supply side of the drug trafficking business in the country from internal and external sources. Moreover, the country adopts a zero tolerance approach to the cultivation of poppy in the country as well as drug abuse in the country. The country as well has passed the Prevention of Trafficking in Persons Act 2018 and Prevention of Smuggling of Migrants Acts in 2018 to tackle issues pertaining to it (Abbasi, 2021).

### **6.5. Environmental degradation**

Environmental degradation being one new and most complex transnational threat in the world that Pakistan is also experiencing these days (Cassese, 2005). The threats include deforestation, water and air pollution, sanitation problems, salinization of land, scarcity of water, mis-management and misuse of water and water reservoir, drastic climate change etc. From the Environmental Performance Index (EPI) 2020 where Pakistan has been ranked 120th country out of 180 countries in the world we see that Pakistan's record of environmental protection and sustainability is relatively poor (Chertoff, 2009; Mushtaq, Akhtar, & Shahab). At this juncture it is important to mention that Pakistan is a formal member of International Agreements such as the Paris Agreement and the UNFCCC which gat mechanism to address transnational threats of environmental nature (Ahmed, Baloch, & Abbas, 2023; Ahmed & Faisal). In exchange for reduced carbon emissions and increase in its adaptation efforts, this commitment under these initiatives, Pakistan will receive technical and financial benefit to combat the effects of global climate change (Ahmed & Memon, 2024; Al-Ahsan, 2018). But its irony that compliance to these mechanisms is not good enough or not started at all. The above statement can be verified with the best example of Kyoto Protocol which is a signatory but almost not complying with the carbon reduction initiatives and these initiatives are also underfunded and have no clue monitoring mechanism.

But Pakistan has been trying hard to minimizing these impacts by working with international community and its regional partners. Under partnership, Pakistan has initiated project devising projects related to the generation of renewable energy and climate resilient infrastructure with International Organizations like the World Bank, International partners like Germany and others (Altaf, Israr, & Khan, 2024; Bassiouni, 2012; Calder, 2019).

## **6.6. Cyber Crimes**

Cybercrime is taking a turn out to be the most toughed concern that the world faces including Pakistan with the exponential house of digital structure (Ahmed & Memon, 2024). Cybercrimes have multiple forms such as unauthorized data access, breach of privacy, online fraud, hacking, cyber harassment and malware (Ehteshami & Rienner, 2002). The government of Pakistan has many times taken steps to combat cyber-crimes (Ahmed & Memon, 2024; Chertoff, 2009). Prevention of electronic crimes act is one of them. Pakistan criminalized the cybercrimes in 2016 through Prevention of Electronic Crimes Act with an aim to curtail this problem. FIA has cybercrime wing that has cyber security and cybercrimes related matters in Pakistan. In addition, Pakistan Telecommunication Authority (PTA) also takes the charge of regulating the cyber services in the country (Ahmed, Baloch, & Abbas, 2023; Davis, 2011). On the other hand, Pakistan also has made the Prevention of Electronic Crimes Act 2016 for the maintenance of cybercrime. It criminalizes a whole range of cyber activities including but not limited to unauthorized access to computers and data, cyber stalking, online harassment etc. However, what needs to be said is that cybercrimes have been on the rise in Pakistan for the last few years. Around 83 per cent of cybercrimes, including financial frauds, harassments, fake profiles, defamation and hacking, surged in the last three years (2017 to 2020), revealed a 2021 report by the Federal Investigation Agency (FIA) (Ahmed & Memon, 2024). Furthermore, social media were found to be the main vehicles for cyber-attacks found in the report and the increased connectedness of governmental institutions to cyberspace, especially in the context of opening the same governmental institutions' social media accounts, made the situation worse already.

The member states have legal framework to address the cybercrimes through the Budapest Convention of Cybercrimes (Ibrar et al., 2024). However, the Budapest Convention on Cybercrimes is the first binding international treaty that addresses computer network and internet system crimes. This is made up of 67 member states plus EU as a participant (Davis, 2011). Although Pakistan is not a party of this convention, it has indicated its keen interest in improving both Pakistani cyber security laws and frameworks with the assistance of other member states (Ehteshami & Rienner, 2002). Moreover, the international cooperation and protocols for international related work in cybercrime investigation should be strengthened in Pakistan by strengthening cooperation with international bodies such as International INTERPOL to fill this gap in meeting national and international cyber security (Ibrar et al., 2024).

## **6.7. Economic Risks**

One of the transnational threats for developing countries like Pakistan is economic threat (Jabeen & Khan, 2022). Pakistan has huge reliance over its international partners the trade that the country has with its international partners is one of the economic risks (Ahmed & Memon, 2024). Now Pakistan's economy is vulnerable to external shocks owing to the increase and decrease of foreign dependent currency-US Dollar. Thus, Pakistan is exposed to several probable risks such as currency fluctuation, trade wars, banking crises and stock market crashes.

## **6.8. Infectious Diseases**

The infectious diseases that affect Pakistan include, but not limited to, dengue, measles, polio, Crimean-Congo virus, HIV AIDS, Swine Flu, Hepatitis, and the recent Covid-19. It is to note that most of these diseases do not originate in the country, but their sources originate from the other countries. Rana et al. (2023) in "Changes in the prevalence of infectious diseases before and after the COVID-19 pandemic in Pakistan" has highlighted the infectious diseases are one of the main leading cause of morbidity and mortality in the world and around 52 million people die annually. There is risk of emerging and re-emerging infectious diseases, and Pakistan faces this risk from neighboring countries.

## **7. Conclusion and Recommendations**

International law is an indispensable tool for measures at the global level in the face restraint transnational threats. Specific transnational threats include terrorism, cybercrime,

smuggling, drug and human trafficking, infectious diseases, among other. As is the case of other developing countries, Pakistan is faced with problems of capacity and resources dearth, lack of infrastructure, coordination and cooperation amongst institutions and political will and administrative planning. While Pakistan has also stepped into various bounds, however still more is needed. Strengthening Pakistan's legal framework, building capacity and resources, and increasing regional and international cooperation, however, must be taken by Pakistan. Additionally, it demands a multitier approach of government and private sector stakeholders. Therefore, below they suggest some important measures to combat transactional threats in Pakistan.

1. It is dire need to adopt strict and strong financial regulations that will implement and promote stability in the financial sectors of the country. This way, Pakistan can prevent the financial crimes in particular, money laundering, terror financing.
2. To this end, Pakistan shall work with the International Organizations like United Nations (UN) that are undertaking the tasks of combating the transnational threats and with the Regional bodies such as the European Union (EU), Association of the Southeast Asian Nations (ASEAN), and South Asian Association for Regional Cooperation (SAARC) in India and China who have the consensus policy mandates for addressing the threats in the region and its formulation in accordance with common standards and practices, which are eventually meant to be implemented by the Regional
3. Training of Pakistan's law enforcement and intelligence agencies, modernizing their resources, and technology to make them more effective will be investment of Pakistan. Moreover, it must stimulate cooperative actions among agencies that are working to mount a coordinated response to the transnational threats.
4. Pakistan shall formulate powerful laws and rules for cyber security and related cyber threat like data breach or cyber-attack. Despite having Prevention of Electronic Crimes Act (PECA), 2016, Pakistan's implementation is required both in spirit and letter.
5. Pakistan usually works to establish proper data sharing and intelligence channels with counterpart stakeholders / countries to detect and respond to transnational threats as soon as possible.
6. It is our responsibility that Pakistan should work towards establishment of a joint intelligence center with its neighboring countries like China, India, Iran, Afghanistan and others, where the representatives of these countries work together to deal with the transnational threats.
7. Pakistan will keep close coordination with the neighboring countries to make sure that there are no safe havens across borders for terrorists and criminals.
8. Although Pakistan has competition laws promoted fair competition and prohibited anti-competitive activity, these laws need to be strictly implemented. In this respect, the power the government should delegate more power to the Competition Commission of Pakistan (CCP) in the order to prevent abuse of dominance or some other illegal activities, which may damage the citizens and other businesses.
9. Some of such laws and regulation include which must be implemented by Pakistan in order to protect intellectual property rights and encourage innovation, which can contribute to economic and stability growth. In this regard, the Intellectual Property Organization (IPO) of Pakistan can do well. Yet, there is a strong need for upgrading or modernizing practices and procedures involved in protecting and promoting the property rights and innovations the country.

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