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## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# **EX FACTO JUS ORITUR: LEGAL DIPLOMACY IN INDIA'S ALL-PARTY DELEGATIONS AFTER OPERATION SINDOOR**

AUTHORED BY - VANA RAMANAMURTY\* & DR. ANANT D CHINCHURE\*\*

## **Abstract**

Integrating legal diplomacy with international law becomes a key aspect of modern statecraft, where not just the success of strategy but also justification in law is used to quantify legitimacy. The adage “*Ex Facto Jus Oritur*” summarises the adaptive process by which states rationalise their conduct and shape international norms. In the backwash of Operation Sindoor, India explicitly leveraged legal diplomacy and firmly framed its cross-border military action as a legal exercise of self-defence under Article 51 of the UN Charter. By the appeal to standards such as “proportionality, necessity and state responsibility” designed to legitimise India’s actions, which were not interpreted as unilateral aggression but as keeping with the established legal paradigm. Invoking all-party delegations was also a diplomatic innovation that reconciled bipartisan political consensus with legal argument. These delegations were messengers of India’s unified narrative, presenting legal objections and democratic legitimacy to the international community. Situated in the broader framework of the Vienna Convention on Diplomatic Relations (1961), this strategy emphasises that diplomacy is both a political and legally required process for facilitating states to protect sovereignty while shaping perceptions within international forums. A comparative study of other powers, including the United States, Israel, Russia and China, demonstrated that legal diplomacy has become a standard instrument of post-crisis normative management. However, India’s approach is defined by the inclusion of parliamentary legitimacy and legal advocacy, stating itself as a responsible actor conducting its affairs based on a rule-based international order. The study concludes that institutionalising legal diplomacy is essential to India’s future strategic design. India by integrating legal arguments with diplomacy has the potential to convert reactive explanations into proactive norm-setting, enhancing its sovereignty and status as an emerging international power within the changing paradigm of international law.

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\* Research Scholar, Department of Law, Central University of Karnataka.

\*\* Assistant Professor, Department of Law, Central University of Karnataka.

**Keywords:** Legal Diplomacy, Operation Sindoor, Ex Facto Jus Oritur, UN Charter, All-party delegation, State responsibility.

## **I. Introduction: Law after Action and the Rise of Legal Diplomacy**

International politics has substantially evolved regarding how states convey their actions, navigate diplomatic tensions, and rationalise their behaviour in the post-conflict phase. In the modern world, where diplomacy and international law are closely linked, states are assessed by the outcomes of their actions based on legal and moral justifications for them. As a result, legal diplomacy became an essential tool of statecraft, especially for democratic countries that need to balance hard power with a claim to political and moral legitimacy. It may involve articulating, presenting and negotiating legal arguments in diplomatic settings to change the international opinion by making alliances to mitigate the legal consequences. Legal diplomacy is not a new phenomenon, but it has become more critical now that international law is used not only in treaties and courtrooms but also in press conferences, parliamentary resolutions and global forums. It represents how diplomats strategically use legal reasoning to justify a state's actions regarding security and the use of force. Legal diplomacy tries to shift the attention from "why a state acted" to "why the action is legally justifiable", a distinction that may significantly influence the international community's response.

The Latin maxim "*ex facto jus oritur*" means "law arises from the fact"<sup>1</sup>, which helps in understanding the mechanism of legal diplomacy. According to this theory, novel situations frequently give rise to creative legal interpretations and aid in forming customary international law. It signifies that military operations, humanitarian interventions or strategic conflicts are not outside the legal framework; instead, they are the basis for the legal arguments. International law is dynamic, reflecting ongoing changes in "state behaviour, necessity and normative advocacy". Indian foreign policy has always been grounded in non-alignment, strategic restraint and normative engagement. However, it has recently started using legal arguments significantly in its international outreach, especially during security crises. After Operation Sindoor, all-party delegations deliberately attempted to combine legal diplomacy with democratic legitimacy. These delegations were composed of members from all the political parties and served as messengers of political unity and emissaries of India's legal narrative. The legal dimension of their mission was precise: to explain, justify and normalise

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<sup>1</sup> Aaron X. Fellmeth and Maurice Horwitz, *Guide to Latin in International Law* 93 (Oxford University Press 2009).

India's actions under international law, thereby countering any negative perception or legal scrutiny.

Operation Sindoor was accurate from a military perspective but also sparked curiosity and legal debate worldwide. Except in self-defence situations, the use of force against another state's territorial integrity is prohibited by international law, especially the UN Charter.<sup>2</sup> India's action is proper even if the force is aimed at non-state actors. India's response is not quiet in the face of such scrutiny; instead, it engaged in structural diplomatic engagements that clearly framed legal reasoning based on the doctrines such as self-defence, proportionality, necessity and state responsibility for harbouring terrorism. Legal diplomacy became essential in projecting India's legal arguments across multiple platforms to ensure its actions were not illegal.

The global order after 9/11 has changed drastically, and legal justifications are constructed for using force.<sup>3</sup> States like the US, Israel and Russia have all developed legal narratives to support their overt actions that go beyond what is usually considered legal. India has also employed this form of legal diplomacy, through operationalising principles like "unable or unwilling" in cross-border counter-terrorism operations by interpreting Art 51 of the UN Charter. Though these frameworks are analysed in view of a legal lens, they became acceptable norms of customary international law, reinforced by recurrent state practice and *opinio juris*.<sup>4</sup>

Legal diplomacy is also important for preventing issues by articulate the legal grounds of its actions. A state can avert possible international litigations in order to mitigate the risk of sanctions by retaining the moral high ground in global politics. Additionally, legal diplomacy also serves the purpose in the sphere of domestic politics, where legal reasoning provides the governments with constitutional and democratic legitimacy. In the case of India, the legal posture taken post Operation Sindoor fulfills its constitutional mandate to defend its sovereignty and security by ensured that its actions are perceived to be legally political in

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<sup>2</sup> UN Charter arts. 2, ¶ 4, 51.

<sup>3</sup> Harold Hongju Koh, Legal Adviser, U.S. Dep't of State, Address at the Annual Meeting of the Am. Soc'y of Int'l Law: *The Obama Administration and International Law* (Mar. 25, 2010).

<sup>4</sup> Ashley S. Deeks, "Unwilling or Unable": Toward a Normative Framework for Extraterritorial Self-Defense, 52 Va. J. Int'l L. 483, 487-88 (2012).

international arena.<sup>5</sup> Legal diplomacy operates on different tiers and international, regional and domestic levels in fulfilling strategic and normative objectives. It remains indispensable in the society today where the legal implications of state actions are treated with the same importance as the strategic implications. Employing all-party delegations to advance the legal normative after Operation Sindoor, by India, marks a deep shift in foreign policy practice, where law has become a factor from consideration to central tool of diplomacy.

This paper examines India's implementation of legal diplomacy in the aftermath of Operation Sindoor, emphasising the doctrine of *ex facto jus oritur*, the strategic utilisation of legal arguments and the distinctive role of bipartisan political engagement. The study includes a comparative examination of other states to contextualise India's strategic approach within the paradigm of international legal diplomacy. This paper contributes to a growing dialogue about the legal dimensions of modern statecraft after war by depicting how legal narratives can shape diplomacy.

## **II. The Theoretical Framework Of Legal Diplomacy And Doctrine Of Ex Facto Jus Oritur**

According to the 1961 Vienna Convention on Diplomatic Relations, a diplomat's duties include "representing the sending state in the receiving state, negotiating with the government of the receiving state, protecting the interests of the sending state and promoting friendly relations between them".<sup>6</sup> In the fast-paced world of international relations, this emphasizes that diplomacy is not only political persuasion but also a legally bound process, emphasising the notion that states such as India utilise legal reasoning in their foreign policy tools. The legal principles together with diplomatic strategy, refers to as legal diplomacy, have been an integral tool in a state's foreign policy. In this complex area, the Latin maxim "*ex facto jus oritur*" serves as both a theoretical foundation and a strategic mechanism for states to justify their conduct after significant events. This section discusses the theoretical framework between legal diplomacy and the doctrine of *ex facto jus oritur*, particularly among significant state actors such as India that increasingly uses legal reasoning to legitimise post-crisis diplomacy.

Legal diplomacy connects normative international law and realpolitik diplomacy by

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<sup>5</sup> India Const. art. 75(3).

<sup>6</sup> Vienna Convention on Diplomatic Relations art. 3(1), Apr. 18, 1961, 500 U.N.T.S. 95.

providing states with the means to justify contentious actions, defend sovereignty and promote legal interpretations that align with national interests.<sup>7</sup> In this regard, legal diplomacy acts as a protective mechanism and a narrative tool for a country like India to deal with its geopolitical competition. Legal diplomacy translates military or political actions such as cross-border operations, sanctions or humanitarian interventions into a legalistic response. Legal diplomacy allows a state to assert observance of international standards but validate its sovereign behaviour. Legal doctrine *ex facto jus oritur* means that legal rules are not invented in an abstract space but emerge from practical context and changing facts. State practice and *opinio juris* in customary international law make new legal rules through conduct.<sup>8</sup> States participate in law making, consciously or unconsciously, through their actions. The practical application of this doctrine occurs when one state engages military force or diplomatic actions against another state, subsequently providing a legal justification for the action, which can influence the global legal discourse.<sup>9</sup> In this process, facts precede law, and there is a debate over how to interpret the facts that will determine the future of the law.

India's approach to post-Operation Sindoor exemplifies the legal diplomacy based on *ex facto jus oritur*, which enables a kind of post-event legal rationalisation that explains things and advances to achieve normative objectives. All party delegations and coordinated outreach to foreign countries were not just political moves but also instruments of legal persuasion. India characterised Operation Sindoor as a valid operation under international law, highlighting Art. 51 of the UN Charter and the concepts of sovereignty and state responsibility rather than as a unilateral act of aggression. The power of legal diplomacy comes from more than just its content, but also from its form and timing. Legal explanations offered after an action can often be more persuasive than *ex-ante* justifications when clearly and coherently presented. This is not necessarily a deficiency in the international legal system, but it is how international law operates in a decentralised manner. International law does not possess a single declarative voice to be interpreted but rather is composed of networks of state practice, soft law, *opinio juris* and institutional responses. States shape the law as far as they comply with it, making *ex facto jus oritur* a doctrine of explanation and formation.

Additionally legal diplomacy adds a performative legitimacy in showing that the state is

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<sup>7</sup> Eyal Benvenisti & Amichai Cohen, *War Is Governance: Explaining the Logic of the Laws of War from a Principal-Agent Perspective*, 112 Mich. L. Rev. 1363, 1370 (2014).

<sup>8</sup> Michael Wood, *Second Report on Identification of Customary International Law*, U.N. Doc. A/CN.4/672 (2014).

<sup>9</sup> Yoram Dinstein, *War, Aggression and Self-Defence* 197-204 (6<sup>th</sup> ed. 2017).

not acting solely in power politics but trying to convert power into law. This conversion is important for rising powers such as India in order to be accepted into global governance institutions. As India also strives to become a permanent member of the UN Security Council and increases its role in multilateral institutions, it needs to be able to legally legitimise its actions as not an exercise of image but strategic congruence with the international rule-based system. More importantly, the growing interaction between media, public diplomacy and international law implies that legal diplomacy is now also aimed at non-state audiences. The dissemination of legal reasoning via press conferences, social media and international platforms shapes global perception. After Operation Sindoor, Indian officials carefully constructed the operation as a necessary and proportionate response to persistent threats across the border. They used words like “active defence”, “measured retaliation” and “legal recourse”, which have legal meanings that are meant for both domestic and international audiences.

Ex Facto Jus Oritur does not exclude prevalent legal principles but only supports the notion that law is dynamic rather than static. A few academicians have termed legal justifications by their ex post facto nature opportunistic. Conversely, others assert that such narratives are part of the stability of the international system through facilitating peaceful resolution of disputes and reducing escalations.<sup>10</sup> Thus, legal diplomacy is not merely an instrumental means to the protection of national interests but part of a larger discourse that has a direct correlation to the scope of international law. The theoretical framework between legal diplomacy and the doctrine of ex facto jus oritur defines the interrelatedness of action and law, fact and norm and state behaviour and legitimacy. With international law developing continuously through practice, states like India increasingly resort to legal diplomacy to champion their rights and interpretations of the law. The doctrine enables states to modify the international legal landscape in real time by making new laws after political or military decisions. In the 21<sup>st</sup> century, integrating law and diplomacy is not an option but a necessity for international interaction.

### **III. Operation Sindoor: Strategic Context and Legal Consequences**

Strategic deployment of Operation Sindoor was a new chapter in India’s recent security and diplomatic policy. Following a series of coordinated cross-border attacks on Indian infrastructure and civilians, credible intelligence indicated that transnational terror networks

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<sup>10</sup> Koh, supra note 3, at 2.

were operating with the tacit support of hostile neighbouring elements. The invasion of Indian land for notional reasons in a peaceful tourism created an emergent response from a strategic perspective. This section outlines the geopolitical situation that led to the operation and the legal consequences following the operation. Beyond tactical success, it is a vivid empirical proof of how military actions can trigger legal ripples in the global diplomatic arena. That a state can be forced to marshaling law as an ex-post jurisdiction is protected by the *ex facto jus oritur* principle.

The Indian security establishment saw the Pahalgam attack on 22<sup>nd</sup> April, 2025, as a grave violation of territorial sovereignty. Indian military forces launched Operation Sindoor on 7<sup>th</sup> May, 2025, as part of pre-emptive and retaliatory actions needed to protect its national interests, based on past events like the surgical strikes followed by the Uri attack in 2016 and the Balakot air strikes followed by the Pulwama attack in 2019. In a policy statement released by the Ministry of Information and Broadcasting, it declared the operation was a “measured and precise action undertaken to dismantle active terror infrastructure” that was threatening the civilian population.<sup>11</sup> The goal of this operation was to make it clear to the world that India would no longer stand for proxy conflicts passed off as legitimate militancy. To change the narrative of the people to think about India’s response and whether the operation was legitimate, India deployed all-party delegations to various countries, claiming that their actions purely abided by the customary principles of international law. Since Art. 2(4) of the UN Charter expressly forbids states from threatening or employing force against the political independence or territorial integrity of another state, any extraterritorial use of force against that state can only be justified under international law on the grounds of *jus ad bellum*.<sup>12</sup> However, Art. 51 of the UN Charter provides a notable exception, asserting an inalienable “right of individual or collective self-defence if an armed attack occurs”.

In order to justify Operation Sindoor, India appealed to Article 51 of the UN Charter, describing that an invasion constitutes a legal act of self-defence to avert an imminent armed intrusion. India focused on the attack was ongoing to place the proxy terrorist activities under the rubric of a continuing campaign. This hermeneutic approach conforms to larger patterns in international jurisprudence, when the legal community came to embrace a broader construction

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<sup>11</sup> Press Info. Bureau, Ministry of Info. & Broad., Gov’t of India, *Operation Sindoor: Forging One Force* (May 18, 2025), <https://pib.gov.in/PressReleasePage.aspx?PRID=2129453>.

<sup>12</sup> Malcolm N. Shaw, *International Law* 891 (Cambridge University Press 2017).

of “armed attack” that includes persistent threats from non-state actors. According to customary international law, India has the right to use anticipatory self-defence, especially when a threat seems imminent and the host state is unable or unwilling to stop such acts of aggression. Although this is a contentious notion in international law, the US and Israel have previously employed similar legal defences in previous circumstances. India’s legal diplomacy sought to normalise and legitimise a particular interpretation of law that sovereign self-defence encompasses actions targeting non-state actors where a real, immediate and persistent threat was intended. This is the central legal argument in India’s diplomatic mission.

An important legal aspect of India’s diplomacy after the operation is the “unwilling or unable” test. This test examines the ability and willingness of the state where the attack originates to eliminate the threat. If the host state cannot or will not act, the victim state can contest that the right of self-defence needs to override sovereignty. In diplomatic briefings, Indian representatives stressed that they had used all diplomatic means available to them with the neighbouring country in question, showing proof of previous notices, intelligence exchanges and formal requests for cooperation. The lack of an actionable response gave the operation the legal and moral basis to proceed as an act of self-defence.<sup>13</sup> The primary focus of the legal argument remained on who was accountable for the state’s actions. India tried to demonstrate that the host state was indirectly responsible for the attacks by connecting non-state actors to particular components of the neighbouring state’s military and intelligence infrastructure. Such indirect support may be adequate to substantiate attribution under Articles 4 and 8 of the ILC Draft Articles on State Responsibility if shown.<sup>14</sup>

India used a carefully planned diplomatic campaign to spread its legal reasons to others. Sending delegations from all parties showed a political consensus, which made the legal reasons even more believable. These delegations’ job was to persuade politicians and present evidence, legal memos and briefings from diplomats, who trained them. The message stressed proportionality, necessity and limited goals, which are important when judging whether someone follows international legal norms. India didn’t ask for any formal UN Security Council resolution because it may have expected some permanent members to be against it. Instead, it focused on persuading other countries through legal means, a key part of modern

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<sup>13</sup> Deeks, *supra* note 4, at 2.

<sup>14</sup> Int’l Law Comm’n, *Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries*, U.N. Doc. A/56/10 (2001).

legal diplomacy that values decentralised legal interpretation over reliance on formal adjudication. From a legal perspective, this diplomatic balance attained through law-centric narrative construction illustrates how the post-facto legal justifications helped to mitigate criticism and facilitate norm development. India used legal arguments to neutralise a controversial act into a more legitimate reaction through the practical application of *ex facto jus oritur* in global norms.

#### **IV. All-Party Delegations: India's Legal Diplomacy in Action**

India was challenged to respond to instant geopolitical consequences and the necessity to frame public opinion through a collective national voice. India dispatched all-party parliamentary delegations to realise this objective, a unique method of employing legal diplomacy that integrates national political accord and foreign strategic communication. India's all-party delegation has historical origins in its parliamentary style of democracy, but its deployment following Operation Sindoor was a more refined evolution. These were not simply political rituals or goodwill visits. Yet, they were active missions of diplomacy with a legitimacy based on law, common official stories and attempted to influence foreign parliaments, international institutions and the media to favor India.

The all-party format added an aura of national unity to India's diplomatic messaging. States that might have been sceptical of India's actions were more open to them when they were told that all major political players, both in the government and in the opposition, supported the legal and moral reasons for Operation Sindoor. For instance, when the Indian delegation met counterparts in European and Asian parliaments, they presented India's security concerns and also showed the official documents detailing India's adherence to international law. Before they left, the Ministry of External Affairs and legal experts briefed them to ensure they could clearly and consistently explain India's legal justification. In the meantime, they are familiar with the rules of law, particularly the notions of "anticipatory self-defence" in customary international law, "self-defence" within Article 51 of the United Nations' Charter, and the "state responsibility" principle established by International Law Commission.<sup>15</sup> Operation Sindoor was described as a reasonable and legally required response to a persistent transnational threat posed by non-state actors that the host state failed to neutralise.

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<sup>15</sup> Louis Henkin, *The Reports of the Death of Article 2(4) Are Greatly Exaggerated*, 65 Am. J. Int'l L. 544, 544-48 (1971).

The inclusion of multi-party leaders not only made the delegations more legitimate, but it also calmed down partisan criticism, both at home and abroad. This contributed to the view that India's response was not just a chance to take advantage of the situation but a broad, legally sound action meant to protect national sovereignty and prevent future actions. Foreign policy experts said that India's message had a democratic and institutional backing that resonated with foreign lawmakers because it was presented by parliamentarians instead of just diplomats. So, all-party delegations served two purposes: they were ambassadors of national unity and legal messengers in India's global legal diplomacy effort.

### **V. Diplomatic Messaging and the Legal Narrative in International Forums**

After Operation Sindoor, India's foreign policy approach changed from being passive rhetoric in the silos of multilateral dialogue to a cogent, well-planned, structured legal narrative. Legal diplomacy here was not merely official speeches at the United Nations; it was a coalition, multi-platform effort where law, legitimacy and national interest meet. India's well-choreographed messaging was to establish that its actions were legal according to international law on the principle of *ex facto jus oritur* and mandated by the Constitution as well as worldwide norms. India's legal framework rested upon four main pillars: sovereignty, self-defence, proportionality and responsibility. In accordance with Article 51 of the UN Charter, India asserted that Operation Sindoor was a measure of self-defence. It was justified by a continuum of hostile acts from foreign territory compounded by tacit support from hostile non-state actors.

Rather than making vague declarations referencing national interest or strategic necessity, diplomats had intentionally isolated more specific legal doctrines, such as the Caroline test for anticipatory self-defence and the principles of necessity and proportionality. By doing so, India aimed to influence how international bodies, mainly neutral and undecided states, perceived the operation, reframing it not as aggression but as a lawful and necessary defensive action.<sup>16</sup> The Indian diplomats explicitly stated that Operation Sindoor was a last resort, given that all other peaceful avenues by the government of India on multilateral platforms had failed, and on-record intelligence reports about threats on the cross-border front were taken into account. It's noteworthy that India's Permanent Representative to the UN has forwarded an official letter to the Secretary General justifying the reasons under customary

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<sup>16</sup> Matthew C. Waxman, *The Caroline Affair in the Evolving International Law of Self-defence*, (Columbia Law Sch., Pub. Law Research Paper No. 14-573, 2018).

international law and the UN Charter for taking action. India used this method to back up its position, which was similar to what other countries had done, especially the communication by the United States after the raid on Osama bin Laden in 2011.

India used media diplomacy in addition to formal diplomatic channels to craft op-eds, host interviews, and depute legal panels at international forums. These were not public attention campaigns but exercises in setting norms that used academic and policy disclosure to explain India's actions within the framework of existing international law. Several Indian legal experts and former diplomats were strategically positioned to address international legal conferences. They are equating the operation's legality with NATO's intervention in Kosovo and the US intervention in Syria. This extended India's legal diplomacy from state actors to epistemic communities that influence international legal opinion. The selection of diplomatic language was a form of subtle legal signalling. India's speeches and communications included phrases like measured defensive act, internationally accountable governance and sovereign necessity within law meant to tie India's strategic act to legal norms, even among critics and those who were unsure. The validation of Operation Sindoor did not occur spontaneously; it resulted from persistent legal framing, strategic advocacy and consistent messaging, which converted the geopolitical incident into an international legal discourse.

## **VI. Comparative Approaches: Global Experiences in Legal Diplomacy**

Legal diplomacy has been a significant element of foreign policy, especially for states engaged in post-conflict security situations. The concept is to make legal strategic choices by employing international law as a shield and narrative. India's strategy following Operation Sindoor is not exceptional, but several global powers have employed legal diplomacy to enhance their legitimacy, control narratives and counter political opposition.

Following the 9/11 attacks, the United States converted its counter-terror operations into an international legal enterprise. The domestic law of the US's Authorization for Use of Military Force, 2001, provides the use of force, but internationally, they construed their actions under Article 51 of the UN Charter.<sup>17</sup> The 2003 invasion of Iraq caused a diplomatic and legal crisis. The US did not get formal UN Security Council approval but acted on its own interpretations of Resolution 1441 and earlier Gulf War Resolutions.<sup>18</sup> Many people criticised

<sup>17</sup> Authorization for Use of Military Force, Pub. L. No. 107-40, 115 Stat. 224 (2001).

<sup>18</sup> S.C. Res. 1441, U.N. Doc. S/RES/1441 (Nov. 8, 2002).

this action, but the legal impact of Iraq's serious violation of its disarmament obligations was at the heart of the diplomatic effort, even as it lacked broader legitimacy. US legal diplomacy also included disseminating information through think tanks like Brookings, conducting media outreach, and sending legal experts to defend their actions. India's diplomatic delegations use similar tactics in more multilateral and less coercive ways after Operation Sindoor.

Israel's "legal operationalism" embeds legal justifications at every level of strategic communication. Before the UN debates as part of "Operation Cast Lead" (2008) and "Operation Protective Edge" (2014), the Israeli government released legal white papers with extensive details, ascertaining that their military activities complied with international humanitarian law, particularly the principles of proportionality and distinction.<sup>19</sup> The Ministry of Foreign Affairs of Israel partnered with military legal experts to ascertain legal narratives were deployed immediately after operations, which were used to inform international opinion. It also used diaspora legal networks and discourses such as the International Association of Jewish Lawyers and Jurists to disseminate such messages globally. This tactic demonstrates the effectiveness of active legal diplomacy in influencing world opinion even for contentious military actions.

Rather than operating transparently, Russia's legal diplomacy takes place in a world of legal pluralism and ambiguity. For example, in its attempt to justify its actions during the 2008 Georgia incident and the 2014 annexation of Crimea, Russia used NATO's intervention in Kosovo to ground their use of the doctrine of protection of nationals abroad.<sup>20</sup> In Crimea, Russia used constitutional referenda, recognition of doctrines and interpretation of the principle of self-determination to legitimise their territorial claims; the legal diplomacy complicated things more than clarified them by identifying loopholes in international law. These actions came along with formal legal papers submitted before the UNSC and ICJ, demonstrating legal framing is still required despite wide disagreement. India's approach, however, is closer to international community opinion in conformity with norms, focusing on a pledge to peaceful resolution of conflicts and mutual assistance in the presence of unilateralism.

China's legal diplomacy is not so much about legitimacy after a dispute as about

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<sup>19</sup> Israel Ministry of Foreign Affs., *The Operation in Gaza: Factual and Legal Aspects* (July 29, 2009).

<sup>20</sup> Andrew W. R. Thomas, *Doctrine of the Protection of Nationals Abroad: Rise of the Non-Combatant Evacuation Operation*, 11 Wash. U. Global Stud. L. Rev. 639, 639-68 (2012).

constructing a norm. For instance, during its conflict with the Philippines over the South China Sea, China issued a series of position papers, including its 2016 White Paper, which rejected the arbitral award in favour of the Philippines.<sup>21</sup> Beijing stressed historical rights and non-intervention and challenged complaints by other countries regarding jurisdiction under Articles 298 and 299 of UNCLOS. What sets China apart is that it uses institutional diplomacy, shaping the membership and procedures of international institutions such as the International Telecommunication Union and the World Trade Organisation to suit its legal priorities. It also sponsors legal aid, training sessions and conferences in the Global South, engaging in long-term legal diplomacy campaign to drive the two sides closer to each other.

All of these states employ legal diplomacy to serve a distinctive imperative: the US employs legalism to underwrite extraterritorial operations, Israel incorporates legal advice into operational practice and diplomatic deployment, Russia takes advantage of legal uncertainty to legitimate power projection, and China promotes legal norms through institutional and strategic norm-setting. India's response to Operation Sindoor combines Israel and US frameworks, with legal justification drawn from constitutional and international sources and strong diplomatic warrant from party missions and international legal forums. This comparative perspective underscores the growing intersection of lawfare and diplomacy, emphasising that contemporary strategic legitimacy encompasses both military triumph and the dominance of legal narrative in global perception.

## **VII. Conclusion: Institutionalising Legal Diplomacy for Strategic Objectives**

The emergence of legal diplomacy in India, although recent, is a promising time for international strategic relations in India. Historically, India has relied on traditional diplomacy based on statecraft, economic pressure and regional alliances. The renewed significance of legal justification as a key tool of diplomacy demonstrates the manner in which international strategic narratives are coded into international law. The all-party delegations sent after Operation Sindoor were not simply a method whereby politicians were sending feelers to each other; they were also evidence of the way in which law can be used in foreign affairs as both a shield and a sword. The ex-facto jus oritur's operationalisation constitutes both a theoretical

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<sup>21</sup> Ministry of Foreign Affs. of the People's Republic of China, *China Adheres to the Position of Settling Through Negotiation the Relevant Disputes Between China and the Philippines in the South China Sea* (July 13, 2016).

pivot and pragmatic stance. It demonstrates that India is willing to premise its defensive or preemptive action on a clear legal framework, which gives credibility to its action in the eyes of multilateral institutions, strategic partners and the public. India is not merely reacting to a crisis but also shaping norms, a hallmark of a rising global power.

Using legal narrative by multi-party delegations shows how domestic agreement and international legal projection can work together. This perspective changes India's diplomatic outreach by allowing voices from parliament to cross borders and make unified legal claims based on national interest and international norms. These delegations combine legal advocacy with political representation, giving facts and a sovereign legal interpretation of events. India's legal diplomacy should now be changed from an ad hoc reactive mechanism to a systematically institutionalised foreign policy tool at a structured level. Several steps can be undertaken:

- Like the Cyber Diplomacy and Economic Diplomacy divisions, the Legal Diplomacy division has to be established under the Ministry of External Affairs, composed of experts in international law, former judges and diplomats with enough legal expertise in international law and relations.
- The legal diplomacy modules should be integrated with foreign service training so diplomats know how to use international legal principles in bilateral and multilateral negotiations.
- Systematic use of parliamentary committees and legal experts to strategically write detailed white papers in case of international conflicts or military actions.
- Create an international legal forum led by India to discuss the evolving legal doctrines and their strategic application.
- Digital and media strategy units should turn complicated legal arguments into stories that the public can understand and defend, making India's position clear and firm in international opinion corridors.

These proposals are not for improvements in bureaucracy, but they are necessary to transform episodic legal diplomacy into a doctrine-driven, institutionalised system. In an international landscape where information warfare, hybrid conflict and competing narratives are the norm, legal diplomacy provides a stabilising, normative-based framework with accompanying texts and treaties. Furthermore, institutionalising legal diplomacy as a permanent part of the system means acknowledging that international law is a place where rules are followed. India must therefore make strong efforts to shape the development of

international law in areas like cyber law, the law of the sea, law of space and counter-terrorism modalities.

Finally, India's legal diplomacy seeks to advance constitutional morality and democratic norms in favour of the sake of its success. India not only mimics rhetorical legalism of power politics but also stands for an ethos of principled commitment where in power is drawn from its rule of law credentials. In doing so, India can demonstrate that it is a regional power with right strategic interests and a responsible global player that is responsible enough to guard international law by protecting its own interests. Operation Sindoor and the current legal and diplomatic strategy have laid the foundation for an astute and self-assured India. Through the inclusion of legal diplomacy as an institutional foundation, India has the ability to transform reactive justifications into proactive norm-building, wherein not only its strategic interest is projected but also it molds the future shape of international law.

