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LAWFARE: A STRATEGIC IMPERATIVE FOR INDIA AND INDIAN DEFENCE FORCES

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“Law has become a weapon on the modern battlefield.”

Charles Dunlop

Introduction

The idea of lawfare—a term combining law and warfare—has roots that stretch back to the earliest forms of organised conflict. The use of legal or quasi-legal reasoning to justify military action while simultaneously delegitimising an opponent can be traced to ancient Rome, where Roman law distinguished between citizens (*jus civilis* or civil law) and foreigners (*jus gentium* or the law of nations)¹. Certain groups, particularly pirates, were classified as *hostis humani generis*—enemies of all humanity—and were therefore denied the protections normally afforded under Roman law, providing a legal pretext for extreme violence.² During the colonial period, European powers often relied on treaty frameworks and legal instruments to legitimise territorial expansion and assert authority over indigenous populations. Hugo Grotius’ legal treatise, *Mare Liberum* ("The Free Sea"), argued that the sea was common to all

nations, providing a legal foundation for Dutch naval and commercial expansion.³ The twentieth-century Soviet Union, as per historian Christi Scott Bartman, repeatedly manipulated international law to justify military interventions.⁴ Examples include creating false justifications for violating non-aggression pacts with its neighbours and leveraging its influence on the definition of aggression to justify invasions, such as in Finland (1939), Hungary (1956) and Afghanistan (1979).

Lawfare may be understood as the deliberate use of legal frameworks, institutions and processes to shape political or military outcomes in both domestic and international arenas, as a more peaceful and rational alternative, or as a less benign adjunct to warfare. The modern academic usage of the term gained prominence in 2001 when anthropologist John Comaroff used it to describe efforts to dominate indigenous populations through the coercive deployment of legal mechanisms.⁵ In his later work, the definition of the concept was broadened to encompass, more generally, "the resort to legal instruments, to the violence inherent in the law, to commit acts of political coercion, even erasure". Major General Charles J. Dunlap Jr, who popularised the concept in strategic studies literature, described lawfare as "the strategy of using, or misusing, law as a substitute for traditional military means to achieve an operational objective."⁶

In modern conflict environments, legal contestation increasingly influences events even before and during military operations rather than merely after hostilities conclude. Legal narratives, norms and institutional processes increasingly shape the strategic environment in which conflicts unfold, especially in the domain of public opinion. It can manifest at two levels:

- **Compliance-Leverage Disparity.** At this level, the weaker player uses his adversary's own commitment to the rules-based order and the laws relating to it against him. Housing troops or placing military equipment in a hospital or a school is a method that has been employed to avoid military action by the adversary.
- **Strategic Instrumentalization.** In such cases, one adversary creates, interprets or manipulates international law to either justify its actions or limit the options available to the other.

Lawfare, unlike traditional diplomacy, is inherently adversarial. It does not seek a 'win-win' compromise. Rather than seeking compromise, lawfare often aims to undermine and invalidate an adversary's position through legal and institutional means.⁷

Why Lawfare?

Contemporary strategic competition now extends beyond the classical domains of land, sea and air into additional arenas such as cyberspace, space, the electromagnetic spectrum, economic networks, the cognitive domain and, most critically, the legal frameworks. These emerging domains, together with technological advances and the high costs of conventional war, have contributed to the increasing prevalence of undeclared, hybrid, proxy, and grey-zone conflicts.

In many ways, this transformation reflects the enduring observation of Carl von Clausewitz that “war is not merely an act of policy but a true political instrument.” In the contemporary strategic environment, legal instruments increasingly function as part of this broader political toolkit through which states pursue national objectives.

The United States has cleverly employed the domestic legal power of the Treasury (under the International Emergency Economic Powers Act) to cripple its adversaries economically through the ‘sanctions regime’⁸. The dollar clearing system was also weaponised, thus giving the United States the effect of a naval blockade without any mobilisation or deployment.⁹ Ukraine had commenced a massive lawfare campaign against Russia in 2014. Cases in the International Court of Justice and the European Court of Human Rights are still ongoing. The intent was to isolate Moscow diplomatically through international arbitration.¹⁰

Of particular concern to India is the fact that China has often displayed a sophisticated propensity to employ legal narratives and selectively beneficial interpretations of international law in pursuit of its broader strategic and military objectives, as well as to justify its actions like salami slicing along the Line of Actual Control (LAC) and in the South China Sea. The use of domestic legislation, specifically the 1992 Law on the Territorial Sea, the 2021 Coast Guard Law and ‘historical’ maps, is leading its assertion of sovereignty over the nine-dash line. Beijing is oblivious to the fact that this directly contradicts the United Nations Convention on the Law of the Sea (UNCLOS). They used repetitional lawfare to deny the 2016 ruling of the Permanent Court of Arbitration.¹¹

Pakistan also, for more than the last four decades, has been utilising non-state actors to ‘bleed India through a thousand cuts’, thus complicating attribution and justification under

international law for a response. In addition, Pakistan has used (or attempted to use) lawfare, legal and quasi-legal processes and forums to gain strategic diplomatic advantage against India. The denial of consular access to Kulbhushan Jadhav and the highlighting of alleged Indian “LoC violations” at the UN, OIC and with “friendly countries,” seeking to internationalize the issue through legal-diplomatic channels after Balakot, are some recent examples. Even when not a formal lawsuit, this is often treated as lawfare because it uses international institutional processes and legal claims to impose political costs and constrain escalation space.

For India, as it modernises and transforms, with its peculiar and ever-expanding two-front threats from China and Pakistan, with whom we have active boundary and territorial disputes, and the outstanding issues with Nepal, Bangladesh, Myanmar and Sri Lanka, legal preparedness is not an option but a strategic necessity. The recent ‘new normal’ as declared by India has to some extent sought to address the issue, but the changing nature of warfare, with modern conflicts unfolding in ambiguous areas like hybrid, cyber, information and proxy domains, to name a few, makes deniability and lack of attributability highly possible. These tactics blur the lines between war and peace, making legal clarity and institutional support essential for both deterrence and response. India needs to counter this with robust legal frameworks, proactive diplomacy and strategic litigation.

Lawfare today can constrain military strategies and tactics. Adherence to international conventions, rules on the use of force – jus ad bellum, and the conduct of hostilities (jus in bello) influences how a military operates. Battles today are also fought in the media and the perception or cognitive domain. Laws that govern propaganda, human rights abuses and international legitimacy have a direct impact on the strategic environment. The application of sanctions, diplomatic pressure and resolutions by using legal frameworks through the United Nations or the International Court of Justice is becoming more relevant than ever before.

The Lawfare Battlespace

In order to better comprehend the impact of legal instruments and their influence in modern strategic competition, it is useful to conceptualise the emerging “lawfare battlespace”. Lawfare operates across a complex strategic environment that extends far beyond traditional

courtrooms. In contemporary geopolitical competition, legal instruments interact with diplomatic processes, economic networks and information narratives to shape the broader battlespace. This “lawfare battlespace” can be understood as comprising several interconnected arenas: international legal institutions, domestic legislation, economic and regulatory frameworks, and the global information environment. Actions taken in one arena frequently influence outcomes in the others. For instance, litigation in international courts may shape diplomatic negotiations, while sanctions regimes or regulatory measures may reinforce legal narratives concerning state behaviour. In this sense, lawfare does not function merely as a legal process but as a multidimensional instrument of strategic competition through which states seek to shape legitimacy, constrain adversaries and influence global perception. The lawfare battlespace therefore operates across four principal arenas:

- **International Legal Institutions** – courts, arbitration tribunals and UN mechanisms. States often use these forums to challenge adversarial actions, shape legal interpretations and build international legitimacy for their positions.
- **Domestic Legal Instruments** – national legislation used to assert territorial or regulatory claims. Such instruments allow states to translate strategic objectives into legally defensible policy instruments.
- **Economic and Regulatory Frameworks** – sanctions regimes, financial compliance mechanisms and trade regulations. These enable states to impose legal and economic pressure on adversaries without resorting to kinetic force.
- **Narrative and Cognitive Space** – legal narratives used to shape international opinion and legitimacy. Allegations of human rights violations, interpretations of international humanitarian law and strategic litigation can shape international perception, delegitimise adversaries and constrain their operational freedom.

Threat Scenario: Indian Context

India’s security challenges arising from China and Pakistan are further complicated by the evolving geopolitical dynamics in its immediate neighbourhood. Political instability and strategic developments in countries such as Bangladesh, Sri Lanka, the Maldives, and Nepal underscore the importance of India developing a deeper understanding of lawfare as a tool in managing and negotiating future conflicts.

China's growing power and its strategic use of legal mechanisms have significantly influenced the regional security environment. Beijing's "Three Warfares" strategy—comprising psychological warfare, media warfare, and legal warfare—demonstrates the deliberate integration of non-kinetic instruments in strategic competition. In contemporary discourse, the first two elements are often considered components of the broader domain of cognitive warfare, which itself is closely intertwined with the strategic use of law and legal narratives.

India's unresolved border dispute with China, along with recent confrontations in Doklam and Galwan, highlights the limited effectiveness of the confidence-building and peace mechanisms established through the 1993 and 1996 bilateral agreements. China's enactment of the 2021 Land Border Law, the systematic renaming of locations in Arunachal Pradesh, and the issuance of stapled visas to residents of the state instead of standard visa endorsements illustrate attempts to exert diplomatic pressure and reinforce territorial claims without direct military escalation. Given China's broader Indo-Pacific strategy and its expanding presence in the Indian Ocean Region, India must strengthen its legal and diplomatic responses to counter Beijing's expansive claims.

Pakistan also represents a significant challenge, particularly due to its longstanding reliance on proxy warfare, its claims over Jammu and Kashmir, and its persistent nuclear signalling. Cross-border terrorism supported by Pakistan constitutes not only a violation of India's sovereignty but also a breach of international legal norms. Such activities contradict the principles outlined in the 1994 United Nations General Assembly Declaration on Measures to Eliminate International Terrorism, which calls upon states to refrain from organizing, supporting, or encouraging terrorist acts within or against other states.

Pakistan's nuclear weapons programme, its declared red lines, and the doctrine of Full Spectrum Deterrence further complicate India's strategic calculus. These policies project an image of unpredictability and low thresholds for escalation. Nevertheless, India has demonstrated the ability to conduct limited conventional operations below the nuclear threshold, as illustrated by military responses following the attacks in Uri and Pulwama. Recent political and military developments within Pakistan, including constitutional changes and the restructuring of its military command system under the leadership of Field Marshal Asim Munir, may have broader implications. However, these developments do not significantly alter the fundamental requirement for India to understand and incorporate lawfare within its strategic planning and operational frameworks.

India's legal strategy should enable it to hold Pakistan accountable in international forums while supporting diplomatic efforts to designate Pakistan as a state sponsor of terrorism. Achieving such outcomes within the United Nations system remains challenging due to the complexities associated with the Permanent Five members and the veto mechanism. Consequently, India must pursue alternative legal and diplomatic pathways while strengthening international frameworks that criminalise terrorism and facilitate the extradition of wanted individuals. In parallel, India must also examine the legal ramifications associated with potential nuclear use while reinforcing the credibility of its own nuclear deterrence posture.

Considerations in Modern Wars

Future conflicts are likely to expose India to hostile actions conducted across emerging domains such as cyberspace, outer space, the electromagnetic spectrum, and the cognitive domain. While established international legal frameworks—particularly the Geneva Conventions and their Additional Protocols—provide guidance on the treatment of civilians, combatants, and prisoners of war in traditional domains of warfare,¹² comparable clarity is largely absent in these newer domains. Ambiguities regarding attribution, thresholds for hostile activity, and the prevalence of plausible deniability significantly complicate the legal and strategic management of such conflicts.

Cyberspace. Cyber operations present unique legal and strategic challenges. Cyber operations present major attribution challenges because they can be conducted remotely, routed through multiple jurisdictions and masked by technical anonymity. Not all cyber incidents meet the legal threshold of an “armed attack,” thereby complicating the application of the right of self-defence under international law. Despite the increasing frequency of cyber operations, there is no universally accepted legal framework governing state behaviour in cyberspace. Proposals for a global “Cyber Geneva Convention” remain largely aspirational. Divergent interpretations of international law are reflected in discussions within the United Nations. While the Group of Governmental Experts (GGE) has affirmed that existing principles of international law—including non-intervention, the prohibition on the use of force, and peaceful dispute resolution—apply in cyberspace,¹³ the Open-Ended Working Group (OEWG) has been more cautious in its conclusions.¹⁴ Regional initiatives, such as NATO's Tallinn Manual and the European Union's Cyber Diplomacy Strategy, emphasise the applicability of international law and the importance of responsible state conduct in cyberspace.

However, these frameworks remain largely non-binding and lack effective enforcement mechanisms.

Space. Space-based systems have become indispensable to modern military operations, supporting communication, navigation, surveillance and targeting functions, thus providing advantages across both traditional and emerging domains of warfare. Contemporary military capabilities increasingly rely on space-based systems for communication, navigation, surveillance, missile warning, targeting, and secure command and control. Satellites deliver real-time intelligence and precision timing that significantly enhance operational effectiveness. However, the legal framework governing space activities remains incomplete. The Outer Space Treaty, while foundational, does not explicitly address the deployment of conventional weapons, cyber capabilities, or counter-space systems in orbit. Key principles such as “peaceful purposes” and “non-appropriation” remain open to interpretation. The dual-use nature of many space technologies further complicates regulation, as assets labelled as civilian or commercial may also support military operations. For example, China’s 2007 anti-satellite test generated thousands of debris fragments but was presented as a scientific experiment. More broadly, states increasingly attempt to secure strategic orbital positions through legal filings and regulatory mechanisms, effectively using legal processes to shape the space environment. As space becomes increasingly congested, contested, and competitive, the absence of clear enforcement and accountability mechanisms creates significant strategic and legal challenges.

Electro-Magnetic Domain. The electromagnetic spectrum forms a critical foundation for modern military operations and supports activities across cyber, space, and conventional domains. Despite its strategic importance, the legal frameworks governing electromagnetic activities remain fragmented and outdated. Neither the Law of Armed Conflict nor International Humanitarian Law provides explicit guidance regarding the use of electromagnetic capabilities during hostilities. Much of the spectrum is regulated in peacetime by the International Telecommunication Union, an organisation whose mandate does not extend effectively into wartime conditions.¹⁵ Determining whether actions in the electromagnetic spectrum constitute an “attack” or a “use of force” is often difficult. Activities such as jamming, interference, or spectrum manipulation are typically temporary and difficult to trace to a specific actor. Moreover, apparent disruptions may arise from hostile electronic warfare, technical malfunction, or natural atmospheric conditions. This ambiguity complicates attribution and creates significant challenges for states seeking to respond in accordance with international law.¹⁶

Cognitive Domain. There are several structural and psychological shortcomings that make the cognitive domain particularly susceptible to lawfare. Democracies may be especially vulnerable to lawfare because their governance systems emphasise transparency, judicial oversight and adherence to international legal norms. Adversaries can exploit these characteristics by framing military or security actions within legal and human rights narratives that generate domestic scrutiny, international criticism and judicial intervention. Such strategies may not necessarily aim to win legal cases outright; rather, they seek to delay decision-making, constrain operational freedom and shape global perception in ways that impose political costs on democratic governments. The openness of democratic institutions, coupled with active media environments and strong judicial oversight, can therefore create opportunities for adversaries to use legal processes and normative arguments as instruments of strategic pressure.¹⁷ The employment of complex legal processes and international litigation can mask adversarial intent, creating hesitation within the target society to interpret these measures as components of hostile statecraft. Another issue that needs focus is the variance in the timeline of the cognitive cycle, which is in seconds, and the timeline of the legal processes, which takes years.¹⁸ The absence of clearly defined proportionality thresholds creates interpretive ambiguity, potentially constraining battlefield decision-making as commanders weigh operational necessity against the prospect of later prosecution. Moral delegitimization, decision-making paralysis as an outcome of the ‘chill effect’ resulting from personally directed legal attacks, truth decay as an impact of fabricated, skewed or manufactured evidence and domestic political paralysis are some tools which can be employed towards cognitive lawfare.¹⁹

Offensive Lawfare Opportunities for India

Much of the existing discourse on lawfare focuses primarily on defensive measures against adversarial legal tactics. However, legal instruments can also be employed proactively as tools of strategic statecraft. For India, the deliberate and calibrated use of legal mechanisms could help shape the international environment in ways that reinforce national interests, constrain adversarial behaviour and strengthen the legitimacy of India’s security responses. When employed alongside diplomatic engagement and credible military capability, such an approach allows law to function as an instrument of national power rather than merely a regulatory constraint.

One important avenue for offensive legal strategy lies in systematically exposing and documenting Pakistan's support for cross-border terrorism. By building comprehensive evidentiary records and engaging international institutions through coordinated diplomatic and legal initiatives, India can reinforce the principle of state responsibility for aiding or harbouring non-state violent actors. The experience of Pakistan's inclusion on the Financial Action Task Force (FATF) "grey list" between 2018 and 2022 illustrates how multilateral regulatory mechanisms can impose reputational, economic and diplomatic costs on states accused of tolerating or facilitating terror financing. Sustained engagement with institutions such as FATF, combined with the use of international counter-terrorism conventions and bilateral legal frameworks on extradition and financial transparency, can therefore form part of a broader strategy aimed at constraining transnational networks that support militant activity against India.²⁰

Legal strategies can also be applied in relation to China's expanding territorial and maritime assertions. Beijing has increasingly relied on domestic legislation, historical narratives and cartographic claims to reinforce its geopolitical positions. In this context, India could adopt a more structured legal approach that documents violations along the Line of Actual Control, challenges unilateral legal measures such as China's 2021 Land Border Law through diplomatic and legal channels and reinforces the historical and legal foundations of India's territorial claims. Cooperation with other states that face similar challenges in the Indo-Pacific region may also help generate broader international support for rules-based interpretations of territorial and maritime norms.²¹

Maritime law offers another domain in which India can utilise legal mechanisms more assertively. As a major stakeholder in the Indian Ocean Region, India possesses significant interests in safeguarding freedom of navigation, protecting sea lines of communication and ensuring the lawful exploitation of maritime resources. By developing a clearer legal doctrine regarding the enforcement of rights within its Exclusive Economic Zone and by articulating legal justifications for maritime interdiction or enforcement operations when necessary, India can reinforce its position as a responsible maritime power while safeguarding its strategic interests under the framework of the United Nations Convention on the Law of the Sea (UNCLOS).²²

Legal strategies can influence international perception, reinforce legitimacy and create normative constraints that shape the behaviour of competing states. In this respect, the integration of legitimacy and coercive power echoes ideas found in classical Indian strategic thought. Kautilya's Arthashastra, for instance, emphasised the interplay between danda (force), niti (statecraft) and dharma (legitimacy) in the conduct of interstate relations. In contemporary strategic competition, lawfare may therefore be understood as a modern expression of the longstanding principle that political authority and strategic power are strengthened when they are exercised within a framework that commands legitimacy.²³

The centrality of authority and legitimacy in governance was emphasised in the *Arthashastra*, which observes that the authority of the state governs and protects society; it remains vigilant even when others sleep, and wise men recognise disciplined power as the foundation of order.

“दण्डः शास्ति प्रजाः सर्वाः दण्ड एवाभिरक्षति। दण्डः सुप्तेषु जागर्ति दण्डं धर्मं विदुर्बुधाः॥”

Institutionalising Lawfare: The Way Ahead for India and the Indian Defence Forces

Legal warfare can be effectively utilised against India in multiple ways. Constraining India's military actions, delegitimising operations diplomatically, triggering sanctions or legal isolation and shaping global narrative are some of the means through which India can be harmed.²⁴ It becomes even more critical in a two-front scenario where China and Pakistan could together coordinate lawfare through UN forums, human rights accusations, nuclear escalation narratives and sanctions diplomacy. India, therefore, needs to prioritise addressing these vulnerabilities.

Recommendations for the Government of India.

- Strengthen legal frameworks against state-sponsored terrorism by ensuring that such frameworks clearly define and criminalise state-sponsored terrorism. It should pursue formal UN Security Council resolutions that push for the global recognition of Pakistan's sponsorship of terrorism and develop legal strategies to impose international sanctions against all such actors. India must also advocate for the adoption of an international treaty that criminalises state-sponsored terrorism and facilitates the extradition of terrorist leaders. India should leverage its international

standing and role in international bodies to push for a global anti-terrorism convention that supports its stance on cross-border terrorism.

- India should enhance its public diplomacy efforts to shape the global narrative and counter the use of lawfare by adversaries like China and Pakistan. This includes active engagement in UN forums, international media and legal diplomacy to challenge adversarial legal claims and highlight India's legal arguments. This can be achieved by setting up a dedicated lawfare division within the Ministry of External Affairs (MEA) that works alongside Indian diplomats and media strategists to counter any legal and diplomatic challenges posed by adversaries, particularly regarding territorial disputes, cyber warfare and human rights issues.
- India needs to work towards strengthening its international legal position by being more proactive when it comes to international legal reforms, especially in emerging domains like cyberspace, space and the cognitive arena. India should push for the development of legal frameworks that address state behaviour in these domains during armed conflict. Active engagement in UN and multilateral forums to develop binding international legal norms that regulate cyber operations, space-based weapons, and electromagnetic and cognitive warfare will safeguard India's interests and offer legal recourse if it is targeted in future conflicts. This would ensure that India is not caught in a situation where legal ambiguity hinders its ability to act decisively and to ensure that India's actions in these domains are legally justified.
- The Indian Government must ensure that lawfare awareness is part of its national security strategy, especially as the country increasingly faces adversarial tactics that blend legal, diplomatic and military pressure. Integrating lawfare principles into national security policy and defence strategy, creating a legal think tank under the Ministry of Defence to assess vulnerabilities in Indian military actions, planning counter-lawfare measures and developing legal counter-narratives in the media are actions that will enable progress in this direction.
- India must continue to engage diplomatically and legally with the United Nations and other international platforms to challenge China's territorial assertions, particularly in Arunachal Pradesh and the South China Sea, by using international law (UNCLOS, etc.) to build global support for India's legal stance. Challenging China's land border laws and territorial claims at international forums such as the UN and the International

Court of Justice (ICJ), strengthening legal evidence against China's violations of the UN Convention on the Law of the Sea (UNCLOS) and building alliances with like-minded countries that have legal disputes with China are some actions that India needs to pursue.

- Focus needs to be paid to strengthening resilience by preparing to counter economic sanctions, legal isolation and diplomatic pressure from adversarial states by building domestic capacities and international alliances that can help India withstand these tactics.
- India must develop domestic legal instruments that facilitate quicker responses to international legal challenges and align with national security objectives. This would include domestic laws that allow India to leverage international law in its favour, especially regarding counter-terrorism, military operations and cyber responses. India should seriously consider developing a National Lawfare Doctrine that integrates legal strategy into its broader national security and military planning.

Recommendations for the Indian Defence Forces.

- India's military doctrine must be revised to integrate lawfare strategies alongside traditional military operations. The Armed Forces should view lawfare as a complementary tool to kinetic operations, focusing on using legal narratives to achieve strategic goals, especially in non-kinetic domains like cyberspace and media. The establishment of specialized cyber-lawfare cells and specialised cyber-lawfare units within the Armed Forces that work with legal experts and in tandem with traditional military operations to pre-emptively identify legal vulnerabilities in adversary strategies and counter them effectively using international law is a step that needs immediate attention. These units should be adept at leveraging international laws related to cyberattacks, attribution and self-defence. The National Cyber Security Policy should be further expanded to integrate lawfare strategies for attribution, response, and cyber diplomacy.
- The Indian Defence Forces should invest heavily in training military personnel on the principles of international humanitarian law (IHL), human rights law and lawfare techniques. Initiating joint training programmes between the military, the Ministry of External Affairs (MEA) and legal experts on strategic litigation, international forums

and the legal implications of military actions, especially in regions of conflict, needs specific focus.

- The Indian Defence Forces, in conjunction with the Government of India, need to create the capability to coordinate the use of international legal forums (such as the International Court of Justice, UN Security Council or Permanent Court of Arbitration) as a tool of strategic deterrence and pressure. We must establish a strategic litigation cell within the Armed Forces that collaborates with diplomats, legal experts and intelligence to prepare for potential international legal cases related to border disputes, terrorism or unlawful military actions by adversaries.
- Civil-Military cooperation in lawfare is another area that the Indian Defence Forces need to focus on. We must strengthen cooperation between military strategists, legal advisors and diplomats to ensure that any military action is accompanied by a robust legal narrative that can counter adversary attempts at delegitimization in international forums.
- Structural Reforms.
 - ⇒ Create a Permanent Lawfare and Legal Strategy Cell, preferably under HQ IDS, so it can address the issue across all domains: traditional, new and emerging.
 - ⇒ Embed legal officers in operational planning at all levels- from a battalion deployed in a counter-insurgency operations environment to a naval ship sailing in waters where it may encounter a PLA Navy vessel.
 - ⇒ Reform Rules of Engagement for Hybrid & Grey-Zone Warfare by clearly defining the thresholds and red lines for attacks in the cyber and space domains. Attribution standards and proportionality benchmarks need to be enunciated, with a suitable response doctrine being prepared.
- Traditional Domain Preparation.
 - ⇒ In the land domain, particularly so while troops are deployed for counter-insurgency operations, digital equipment like body cams and digital documentation of operations should become a must. Actions must ensure that adequate evidence exists to counter allegations.

- ⇒ Understanding the United Nations Convention on the Law of the Sea in the correct sense is mandatory. India also needs to develop a strong maritime legal doctrine for EEZ disputes, pre-draft legal justification for blockades or interdictions and clarify its legal position on grey-zone tactics at sea.
- ⇒ A legal doctrine on cyber retaliation needs to be written to clarify aspects like what exactly constitutes use of force, armed attack and self-defence. This will lead to not just legal clarity but also permit strategic credibility, escalation control and operational freedom in an era where conflict increasingly unfolds below the threshold of armed war. It will ensure that no one attacks below a threshold and then blames India for an overkill. Attribution credibility and evidence preservation systems will assist in gathering international support.
- ⇒ In the space domain, India must develop a legal doctrine for space self-defence. This should include the decided responses to satellite interference and also spell out the red lines when it comes to denial of service- through kinetic or non-kinetic means. This becomes mandatory, as the Outer Space Treaty is silent on cyberattacks, electronic interference, anti-satellite and proximity operations-capabilities that our adversaries possess.
- ⇒ The cognitive domain must witness the formalising of rapid legal response communication teams. UN bodies need to be engaged proactively through well-trained diplomatic teams who are fully legally aware. We need to strengthen our domestic laws towards transparency and proportionality.
- Misc Aspects.
 - ⇒ Change in Mindset. Armed Forces personnel need to understand and accept the importance of lawfare in modern conflict. They need to devote due focus and attention to it and ensure that it is not lost sight of.
 - ⇒ Training. Lawfare should form part of the academic curriculum in the pre-commission training academies. Mid-career or senior-level legal education must be formalised for the existing generation of officers, who have not had exposure to this earlier. Joint military–law workshops, red teaming on legal vulnerabilities and legal escalation scenarios forming part of all war games should be incorporated as a sine qua non.

- ⇒ Develop Offensive Lawfare Capabilities. To ensure that we have a level playing field in the international arena, we need to utilise law strategically. Personnel need to be inclined towards filing cases where beneficial, utilising sanctions and the loopholes prevalent within them, smartly, and leveraging frameworks that finance terror and support friendly legal interpretations internationally with the intent of confirming the narrative.
- ⇒ Whole of Nation Approach. India needs to build a kind of framework where military planning, foreign policy, legal scholars and technology experts are all integrated and working in unison towards a common legal outcome.

Conclusion

The growing contestation across cyber, space, electromagnetic and cognitive domains suggests that conflict in the twenty-first century will increasingly unfold within legal and normative grey zones rather than on clearly defined battlefields. In such an environment, the absence of comprehensive regulatory frameworks does not eliminate conflict; rather, it creates opportunities for states to manipulate legal ambiguity in pursuit of strategic advantage. Law is therefore no longer merely a framework governing the conduct of war—it has become an arena in which strategic competition itself is contested.

Future conflicts are likely to be shaped as much by legal narratives, institutional processes and the battle for legitimacy as by kinetic force. Courtrooms, international organisations, regulatory bodies, economic networks and the information ecosystem are rapidly emerging as extensions of the strategic battlespace. States that are able to employ legal instruments effectively can shape diplomatic outcomes, constrain adversaries' freedom of action and influence global perception even before military power is brought to bear.

For India, the challenge lies in moving beyond a reactive legal posture towards one that actively anticipates and shapes the legal environment in which strategic competition unfolds. This requires the development of coherent legal doctrines across emerging domains, the integration of legal expertise into operational planning and the cultivation of institutional capacity capable of engaging international legal processes with strategic clarity. The formulation of a national lawfare doctrine, supported by closer coordination between the armed forces, diplomatic institutions and legal scholarship, would represent an important step in this direction.

Ultimately, military power in the modern era derives not only from technological capability or battlefield success but also from the ability to sustain legitimacy in the international system. A nation that prevails militarily but loses the legal and normative contest risks strategic isolation. In an era where law increasingly functions as an instrument of power, India must therefore ensure that it is not merely compliant with international norms but also capable of shaping them. Preparing for this reality is not simply a matter of legal preparedness—it is an essential component of national security strategy.

DISCLAIMER

The paper is the author's individual scholastic articulation and does not necessarily reflect the views of CENJOWS, the Defence forces, or the Government of India. The author certifies that the article is original in content, unpublished, and it has not been submitted for publication/ web upload elsewhere and that the facts and figures quoted are duly referenced, as needed and are believed to be correct.

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