

**When Diplomats Become Unwelcome:
The India-Pakistan 2025 *Persona Non Grata***

Nurul Adzkie, M. Riezky Putra Pratama, M. Ilham Adepio

^{1,2,3}Faculty of Law, University of Bengkulu, Bengkulu, Indonesia

*nurulaadzkie@gmail.com,

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ABSTRACT: The 2025 diplomatic tension between India and Pakistan, culminating in the mutual expulsion of diplomats under *persona non grata* status following a terrorist attack in Kashmir, highlights the use of diplomatic law as a political tool in strained bilateral relations. This study aims to analyze the regulations concerning *persona non grata* under the 1961 Vienna Convention on Diplomatic Relations (VCDR) and their application in the India-Pakistan case. Employing a normative legal research method with a statutory approach, data from primary, secondary, and tertiary legal sources is descriptively analyzed. The findings reveal that Article 9 of the VCDR grants the receiving state full discretionary authority to expel a diplomat without justification, a right exercised in this instance for political retaliation. Both nations justified their actions by alleging violations of Article 41 of the VCDR, which obligates diplomats to respect the laws of the receiving state. This case demonstrates that diplomatic immunity is not absolute and is subject to national security interests. The implication is that a legally sanctioned *persona non grata* action can be instrumentalized for political retribution, thereby undermining the very channels essential for communication and peaceful conflict resolution.

Keywords: *Persona Non Grata; Diplomatic Agents; VCDR*

INTRODUCTION

The modern framework for international relations, institutionalized through organizations like the United Nations (UN), emerged from centuries of global interaction to foster peace and cooperation.¹ Central to this framework is diplomacy, conducted by diplomatic agents who represent their state's interests abroad.² Initially, diplomatic ties were based solely on international custom among the global community. As it developed, this customary was codified in the Vienna Convention on Diplomatic Relations in 1961 (VCDR), which the Vienna Convention on Consular Relations then followed in 1963 (VCCR).

The establishment of diplomatic missions requires mutual consent and operates on the principle of reciprocity.³ To function effectively, diplomatic agents are granted specific immunities and privileges designed to protect them from interference by the receiving state. Key among these protections are the inviolability of diplomatic premises and the safeguarding of communication channels, ensuring envoys can perform their duties without impediment.⁴

Immunities and privileges are granted to facilitate the effective execution of diplomatic functions for the benefit of the sending state.⁵ These rights are provided by reciprocity principle and mutual agreement to encourage amicable relations between states, despite differences in political or social systems. However, diplomatic representatives must not abuse these rights to engage in actions that violate the national laws of the receiving state, as this would contradict their functions and duties. In the practice of international relations, it is not uncommon for diplomatic agents to be involved in criminal activities in the receiving state, whether intentionally or unintentionally.

Diplomatic agents serving in the receiving state have limitations on their actions. Throughout hundreds of years, diplomatic missions have become the primary means of conducting relations between states. Currently, diplomatic representatives are appointed on behalf of the head of state to represent their state in another state.⁶ Every state that cooperates with another state must place an official representative in the destination state. The existence of diplomatic representative institutions gave rise to the principles of diplomatic law, which regulate the rights, immunities, and privileges of diplomatic agents as they carry out their duties in the receiving state.

¹ Boer Mauna, *Hukum Internasional: Pengertian, Peranan, Dan Fungsi Dalam Era Dinamika Global* (Bandung: PT. Alumni, 2008): 505.

² J.G. Starke, *Pengantar Hukum Internasional (Jilid 2)*, 10th ed. (Jakarta: Sinar Grafika, 2010): 563.

³ Sumaryo Suryokusumo, *Hukum Diplomatik Dan Konsuler Jilid I* (Jakarta: Tatanusa, 2013): 53.

⁴ Article 22 Paragraph (1) of the Vienna Convention on Diplomatic Relations 1961 (VCDR).

⁵ Ananda Surya Kinanti, "Hak Kekebalan Diplomatik Seorang Diplomat Dalam Menjalankan Tugas Di Negara Penerima," *Unes Law Review* 5, no. 3 (2023): 925.

⁶ Sharon Jeanete Kalengkongan, Michael G. Nainggolan, and Revy S. M. Korah, "Penerapan Persona Non Grata Terhadap Pejabat Diplomatik Yang Melakukan Pelanggaran Hukum," *Lex Crimen* X, no. 10 (2021): 30.

Additionally, there are other rules established by various international institutions and subsequently ratified in a convention known as the VCDR.

In case of a breach of the receiving state's national law, diplomatic agents remain protected from the jurisdiction of the receiving state.⁷ However, this immunity and privilege are not absolute.⁸ The receiving state has the right to declare a diplomat persona non grata if their behavior is deemed unacceptable. In practice, the government of the receiving state has the authority to declare a diplomat persona non grata, requiring the diplomat to leave the state of accreditation.⁹ The receiving state may designate a diplomat persona non grata if their behavior is considered intolerable or improper.

This measure is generally applied to diplomats who are proven to be involved in espionage activities that potentially threaten the stability and national security of the receiving state.¹⁰ In addition, this measure may also be applied to those who protect foreign secret agents and facilitate their activities, provide protection to individuals who are serving sentences, interfere in the internal affairs of the receiving state, engage in smuggling, or make statements that are detrimental to the receiving state. Political or subversive activities carried out by a diplomat may also serve as grounds for declaring them persona non grata, especially if such actions not only harm national interests but also violate the sovereignty of the receiving state.¹¹

The declaration of *persona non grata* is a frequent practice in international relations, often employed during periods of heightened political tension.¹² A prominent example occurred in 2025 amid escalating conflict between India and Pakistan. Following a terrorist attack in Kashmir, which India attributed to Pakistan-backed militants, both nations engaged in retaliatory expulsions of diplomats.¹³ Pakistan denied the allegations and accused Indian diplomats of espionage, leading to a severe degradation of bilateral relations and an increased risk of military confrontation.¹⁴

In the context of international law, particularly based on the VCDR, the receiving state has the right to declare a diplomat persona non grata at any time and

⁷ Windy Lasut, "Penanggalan Kekebalan Diplomatik Di Negara Penerima Menurut Konvensi Wina 1961," *Lex Crimen V*, no. 4 (2016): 85.

⁸ Lucia Ch. O. Tahamata, "Suaka Diplomatik Dalam Kajian Hukum Internasional," *Jurnal Sasi* 17, no. 2 (2011): 5, <https://doi.org/10.47268/sasi.v17i2.356>.

⁹ Tahamata.

¹⁰ Amanda Eugenia Soeliongan, "Legal Opinion : Peracunan Eks Spionase Rusia," *Jurnal Hukum Lex Generalis* 1, no. 1 (2020): 20.

¹¹ Soeliongan.

¹² Ahmad Sandy Dewana and Akbar Kurnia Putra, "Pertanggungjawaban Hukum Terhadap Tindakan Agen Diplomatik Dari Negara Pengirim Yang Melakukan Spionase Di Negara Penerima," *Risalah Hukum* 17, no. 1 (2021): 56, <https://referensi.elsam.or.id/2015/05/konvensi-wina-tahun-1961-tentang-hubungan-diplomatik/>.

¹³ Ade S, "Sejarah Konflik India-Pakistan: Dimulai Dari Kegamangan Maharaja Kashmir," National Geographic Indonesia, 2025, <https://nationalgeographic.grid.id/read/134248146/sejarah-konflik-india-pakistan-dimulai-dari-kegamangan-maharaja-kashmir?page=all>.

¹⁴ A. Syalaby Ichsan, "Kembali Memanas, India-Pakistan Saling Usir Diplomat," Republik, 2025, <https://khazanah.republika.co.id/berita/sw8s6y483/kembali-memanas-indiapakistan-saling-usir-diplomat>.

without having to provide a reason, as stipulated in Article 9 of the VCDR.¹⁵ As a result of this declaration of *persona non grata*, the sending state is required to either bring back the diplomat or discontinue their service in the receiving state. Such reciprocal expulsion of diplomats is typically taken as a strong protest against alleged violations or activities inconsistent with diplomatic status, while also reflecting the deterioration of bilateral relations. The mutual declaration of *persona non grata* between India and Pakistan in 2025 illustrates how the principles of reciprocity and diplomatic immunity can be leveraged as political tools in the context of international relations, while also marking a decline in trust and communication between the two states.

Based on the background explanation above, the essential points to be discussed in this article are how the regulations regarding *persona non grata* are based on the VCDR and how the principle of *persona non grata* is applied in the India-Pakistan case in 2025. The purpose of this article is to provide a comprehensive understanding of the regulations regarding *persona non grata*, as stipulated in the VCDR, and the mechanisms for applying the *persona non grata* status in diplomatic relations between states, particularly in the India-Pakistan case in 2025.

PROBLEM

How does the Vienna Convention on Diplomatic Relations (VCDR) govern the process from the establishment of diplomatic relations to the emergence of a *persona non grata* declaration?

How was the principle of *persona non grata* applied in the diplomatic case between India and Pakistan in 2025?

RESEARCH METHODS

This article employs the normative legal research method. This type of legal research focuses on understanding law as a rule-based structure embedded in society and serves as a guideline in daily activities.¹⁶ This study aims to identify the relevant legal regulations, principles, and doctrines in resolving legal issues related to *persona non grata*.¹⁷ Using a normative method with a regulatory approach, this study relies on international regulations as primary sources, supplemented by articles and literature as secondary sources, and tertiary sources, including encyclopedias and digital sources.¹⁸ Data was obtained from academic publications, official reports, and institutional documents. Through descriptive analysis, this study examines the regulations, policies, and practices of applying the *persona non grata* principle in the India–Pakistan case of 2025, providing a comprehensive overview of the applicable legal framework and its analysis.

¹⁵ Yulifia Serafina Refra, Irma Halimah Hanafi, and Veriana Josepha Batseba Rehatta, “*Persona Non Grata Dalam Praktek Negara Rusia Dan Ukraina Beserta Implikasi Hukumnya*,” *TATOHI: Jurnal Ilmu Hukum* 2, no. 11 (2023): 1114, <https://doi.org/10.47268/tatohi.v2i11.1449>.

¹⁶ Miftahul Ulum, *Modul Metode Penelitian Dan Penulisan Hukum* (Jember: UIN Khas Jember, 2022).

¹⁷ Peter Mahmud Marzuki, *Penelitian Hukum*, 13th ed. (Jakarta: Kencana, 2008).

¹⁸ Marzuki.

DISCUSSION

The Establishment of Diplomatic Relations Until the Emergence of Persona Non Grata based on the VCDR

The implementation of diplomacy by diplomatic agents is regulated by international law in the VCDR. Article 2 of this Convention states, diplomatic relations and permanent missions between states are established only through mutual agreement.¹⁹ This provision clarifies that forming diplomatic relations and establishing permanent missions requires the approval of both states involved.²⁰ Therefore, before diplomatic relations can be established, the two countries concerned must first reach an agreement based on reasonable and appropriate principles.²¹

Diplomats have the functions mentioned in Article 3 paragraph (1) of the VCDR. This article explains that diplomatic agents have the function of:²²

- a) acting on behalf of the sending state within the receiving state (representation);
- b) upholding the interests of the sending state and its nationals in the receiving state, to the extent permitted by international law (protection);
- c) managing diplomatic dialogue with the Government of the receiving state (negotiation);
- d) gathering information lawfully on the circumstances and changes in the receiving state and communicating them to the sending state (observation);
- e) encouraging positive diplomatic relations and strengthening collaboration in areas such as the economy, culture, science, etc (progression and mutual friendship).

Diplomatic agents are considered representatives of the countries they represent, and they hold a status comparable to that of the sending state's head within the receiving state. International law has provided guidelines with several obligations imposed by the sending state on permanent representatives and other official diplomatic representatives. It is the responsibility of the receiving state to provide diplomatic immunities and privileges as a form of respect and goodwill in relations between the two states.²³ Immunity rights are regulated in the VCDR in groups as stipulated in Articles 29, 30, 41, and 31 regarding the immunity of diplomatic agents from the administrative jurisdiction of the receiving state. Regarding the immunity of the residence of diplomatic agents, other property therein,

¹⁹ Article 2 of the VCDR.

²⁰ Dewa Gede Sudika Mangku, "Persona Non Grata Sergei P . Egorov Terkait Kegiatan Spionase Di Indonesia Tahun 1982," *Pandecta* 15, no. 1 (2020): 145.

²¹ Mangku.

²² C.S.T. Kansil, *Hubungan Diplomatik Republik Indonesia* (Jakarta: Balai Pustaka, 1989): 267-268.

²³ Winanda Kusuma, Ave Agave Christina Situmorang, and Bunga Permatasari, "Kekebalan Diplomatik: Kendaraan Diplomatik Dalam Tugas Perwakilan Diplomatik," *Tirtayasa Journal of International Law* 3, no. 1 (2024): 75-76.

and means of transport in Article 22, diplomatic agents and their families enjoy immunity rights.²⁴

To guarantee the effective performance of diplomatic functions, the VCDR outlines the immunities and privileges diplomats are entitled to in the receiving state. One necessary provision is Article 22, which stipulates that the authorities of the receiving state may not enter diplomatic premises without the permission of the head of mission.²⁵ The receiving state must ensure the protection of the mission's premises from disruption or intrusion or damage and to grant immunity from search or seizure. Additionally, Article 29 affirms that diplomatic agents enjoy personal immunity, which bars any form of arrest or detention against them.²⁶ The receiving state must treat diplomats with respect and protect their freedom and dignity.

Furthermore, Article 30 provides immunity for the private residences of diplomats, meaning that their documents, correspondence, and property cannot be interfered with, similar to the protection afforded to mission buildings.²⁷ Moreover, diplomatic agents are protected from the criminal, civil, and administrative laws of the country they are serving in, as stated in Article 31, except in some instances, such as the ownership of personal property or professional activities outside their official functions, in which case a violation of the law may occur.²⁸

The receiving state has the absolute right to declare the diplomatic agents as *persona non grata*.²⁹ It is regulated in Article 9 paragraph (1) of the VCDR which stipulates that the receiving state may, at any time and without providing reasons, inform the sending state that the head of mission or any diplomatic staff member is *persona non grata*, or that another mission staff member is not acceptable. In such cases, the sending state must either recall the individual or end their duties with the mission, as appropriate. This designation may also be made prior to the individual's arrival in the receiving state's territory.³⁰ This article stipulates that a state may declare a diplomat *persona non grata* at any time without providing an explanation for its decision.³¹ It shows that the decision is discretionary and reflects the sovereignty of the receiving state in regulating the presence of foreign diplomats in its territory.³²

A diplomat may be declared *persona non grata* for various reasons related to national security or actions deemed detrimental to the receiving State. As stipulated in Article 41 paragraph (1), diplomatic agents must comply with the legal framework

²⁴ Kusuma, Situmorang, and Permatasari.

²⁵ Article 22 of the VCDR.

²⁶ Article 29 of the VCDR.

²⁷ Article 30 of the VCDR.

²⁸ Article 31 of the VCDR.

²⁹ Kalengkongan, Nainggolan, and Korah, "Penerapan *Persona Non Grata* Terhadap Pejabat Diplomatik Yang Melakukan Pelanggaran Hukum."

³⁰ Article 9 paragraph (1) of the 1961 VCDR.

³¹ Sherly Bengi, "Persona Non Grata Dalam Hubungan Diplomatik Ditinjau Dari Konvensi Wina 1961 Pengesahan," *Lex Et Societatis* VII, no. 7 (2019): 10.

³² Bengi.

of the receiving state and avoid any interference in its internal affairs, even while protected by diplomatic privileges.³³ This article outlines two key points: the obligation to uphold the receiving state's laws and regulations, and also the prohibition on involvement in the internal affairs of the receiving state, as such actions may be considered a violation of the state's sovereignty.³⁴ Additionally, there is a prohibition on using diplomatic premises for purposes other than diplomatic activities and performing work outside the scope of diplomatic duties.³⁵

In addition, *persona non grata* measures are typically taken against diplomats who have been proven to have committed espionage that could disrupt the stability and national security of the state that received them. It includes protecting foreign secret agents and allowing them to use diplomatic facilities, engaging in smuggling, or making statements that are detrimental to the state. Furthermore, such actions also encompass political or subversive activities that not only harm national interests but also violate the sovereignty of the relevant state.

According to Article 9 paragraph (2) of the VCDR, if the sending state fails or refuses to act within a reasonable time as required under Article 9 paragraph (1), the receiving state has the right to deny recognition of the individual as a member of the mission.³⁶ It is emphasised that one of the conditions under which a diplomatic agent ceases to function is in cases where the receiving state, in accordance with Article 9 paragraph (2), notifies the sending state of its refusal to acknowledge the individual as a mission member. Legal protection for diplomats only applies while they still hold a valid diplomatic status. Therefore, diplomatic rights and privileges are not absolute but depend on compliance with international regulations and agreements between states.

Based on the above description, the legal consequence of this status is that the sending state is obliged to withdraw the diplomat who has been declared as *persona non grata* and terminate their diplomatic function. While the diplomat remains receiving, they cannot be arrested or prosecuted, as they are still protected by diplomatic immunity, unless the sending state refuses to comply with the decision and fails to recall the diplomat within the specified timeframe. In such a situation, the receiving state may request the waiver of the diplomat's immunity and privileges to enable further legal action.

The Application of Persona Non Grata in the India-Pakistan Case of 2025

India and Pakistan began with the partition of British colonial territory in 1947, which created two distinct states based on dominant religions.³⁷ India with

³³ Article 41 paragraph (1) of the VCDR.

³⁴ Chris Joshua N. Laoh, "Akibat Hukum Atas Status Persona Non Grata Seorang Pejabat Diplomatik Oleh Negara Penerima," *Lex Et Societatis* III, no. 4 (2015): 178.

³⁵ Article 41 paragraph (3) and Article 42 of the VCDR.

³⁶ Article 9 paragraph (2) of the VCDR.

³⁷ Dirham Asese, "Konflik India Pakistan; Mengulik Konflik Agama Dalam Konstelasi Kenegaraan," *MUSHAF JOURNAL: Jurnal Ilmu Al Quran Dan Hadis* 4, no. 2 (2024): 191.

Hindu population and Pakistan with Muslim population. This partition process led to widespread sectarian violence, resulting in millions of deaths and massive population displacement. The primary source of tension is the dispute over the Jammu and Kashmir region, a state with a Muslim majority but led by a Hindu Maharaja who chose to join India after an attack by Pakistani forces. Since then, Kashmir has become a flashpoint that has triggered three major wars and numerous military confrontations between the two states. The tensions have been exacerbated by religious differences, conflicting claims of sovereignty, and recurring military incidents and acts of terrorism, making the India-Pakistan relationship one of the most complex and protracted bilateral conflicts in the world to this day.³⁸

The India–Pakistan conflict of May 2025 marks a significant episode in the already volatile history of India–Pakistan relations. What began as a counterterrorism initiative by India quickly evolved into a high-risk, multi-day armed engagement between two nuclear powers. Given the history of disputes over the Kashmir region and the persistent accusations of state-sponsored terrorism, this conflict raises critical questions about the right to war (*jus ad bellum*) and conduct during war (*jus in bello*), as well as the role of international diplomacy in de-escalating modern-day flashpoints.

The 2025 conflict started with the Pahalgam terrorist attack on April 22, 2025, in India’s Jammu and Kashmir region. Twenty-six (26) civilians died in the attack, drawing sharp national and international condemnation.³⁹ The Indian government attributed the attack to Pakistan-based militant organizations, specifically Jaish-e-Mohammed (JeM) and Lashkar-e-Taiba (LeT), groups historically alleged to have received covert support from elements within the Pakistani state. Pakistan, however, categorically denied any involvement in the attack or sponsorship of these groups.

In retaliation, on 7 May 2025, India initiated Operation Sindoor, a targeted military campaign involving precision missile strikes aimed at alleged terror infrastructure located within Pakistan and Pakistan-administered Azad Kashmir. Indian authorities asserted that the strikes were meticulously executed to avoid civilian or Pakistani military targets, framing the action as a rightful act of self-defense under Article 51 of the United Nations Charter.⁴⁰ In stark contrast, Pakistan accused India of violating its sovereignty and international law, claiming that the Indian missile strikes resulted in civilian casualties, including the destruction of religious sites such as mosques. Pakistan's narrative painted the operation as a disproportionate response that endangered civilian life and regional stability.

³⁸ Fahri Zulfikar, “Konflik India-Pakistan, Begini Sejarah Sejak 1947,” Detik Edu, 2025, <https://www.detik.com/edu/detikpedia/d-7905485/konflik-india-pakistan-begini-sejarah-sejak-1947>.

³⁹ “Pahalgam Terror Attack,” The Hindu, 2025, <https://www.thehindu.com/infographics/2025-04-24/pahalgam-terror-attack-victims-tribute/index.html>.

⁴⁰ Asif Shahzad and Shivam Patel, “Pakistan Vows Retaliation After Indian Strike Over Tourist Deaths,” Reuters, 2025, <https://www.reuters.com/world/asia-pacific/multiple-loud-explosions-heard-pakistani-kashmir-reuters-witness-2025-05-06/>.

Retaliation by Pakistan was swift. Later on 7 May, the Pakistani military responded with mortar shelling across the Line of Control (LoC), particularly in the Poonch sector of Jammu, which reportedly caused additional civilian deaths and damage to residential and religious properties.⁴¹ These actions escalated the situation into an active, albeit limited, armed conflict.

By 10 May, the conflict had intensified dramatically. India alleged that Pakistan launched missile attacks on multiple Indian air bases, including the Sirsa Air Base.⁴² In response, Pakistan accused India of carrying out strikes on key Pakistani military installations, such as Nur Khan, Rafiqi, and Murid air bases.⁴³ Both sides denied targeting civilian infrastructure, yet the strategic nature of the targets marked a dangerous shift from counterterrorism operations to overt interstate warfare.

Pakistan declared the launch of Operation Bunyan-un-Marsoos, aimed at neutralizing Indian military capabilities. It signaled Pakistan's intent to engage in a more symmetrical military response, contrary to previous doctrines that emphasized restraint in the face of provocation.⁴⁴ After four days of military confrontation, both nations agreed to a ceasefire on 10 May 2025, following a critical hotline communication between their respective Directors General of Military Operations (DGMOs). The restoration of diplomatic communication channels played a pivotal role in averting further escalation.⁴⁵

On May 21, 2025, India's government declared a Pakistani diplomatic official from their High Commission in New Delhi persona non grata because the individual had allegedly engaged in conduct inconsistent with the accepted norms of diplomatic behavior. The official was ordered to leave Indian territory within 24 hours. The Indian Ministry of External Affairs concurrently issued a demarche to the *Charge d'Affaires* of the Pakistan High Commission, reiterating the necessity for full compliance with diplomatic norms, and urged that no diplomat or official from the Pakistani mission should exploit their immunities in a manner detrimental to India's national security interests.⁴⁶

In a reciprocal move, the Government of Pakistan responded by declaring a staff member of the Indian High Commission in Islamabad persona non grata, citing

⁴¹ Fayaz Wani, "31 Schools Damaged in Pak Shelling in Poonch, Rajouri," *The New Indian Express*, 2025, <https://www.newindianexpress.com/nation/2025/May/24/31-schools-damaged-in-pak-shelling-in-poonch-rajouri>.

⁴² Hannnah Ellis-Petersen and Shah Meer Baloch, "India and Pakistan Accuse Each Other of Cross-Border Attacks on Military Bases," *The Guardian*, 2025, <https://www.theguardian.com/world/2025/may/09/pakistan-accuses-india-targeting-three-military-bases-tensions-escalate>.

⁴³ Ellis-Petersen and Baloch.

⁴⁴ Abid Hussain, "Pakistan Launches Operation Bunyan Marsoos: What We Know So Far," *Aljazeera*, 2025, <https://www.aljazeera.com/news/2025/5/10/pakistan-launches-operation-bunyan-marsoos-what-we-know-so-far>.

⁴⁵ Johanna Chisholm and Rorey Bosotti, "India and Pakistan Accuse Each Other of 'Violations' After Ceasefire Deal," *BBC*, 2025, <https://www.bbc.com/news/live/cwy3jnl3nvt>.

⁴⁶ "Pakistani Official Declared Persona Non Grata," Ministry of External Affairs Government of India, 2025, https://www.mea.gov.in/press-releases.htm?dtl/39512/Pakistani_official_declared_persona_non_grata.

allegations of conduct incompatible with their diplomatic status. The Indian official was instructed to leave Pakistan within 24 hours, echoing the same timeframe imposed by New Delhi. The Indian Charge d'Affaires was summoned to Pakistan's Ministry of Foreign Affairs, where the decision was formally conveyed along with a stern warning that no member of the Indian diplomatic mission should misuse the privileges or immunities granted under diplomatic law.⁴⁷

According to Article 3 paragraph (1) of the VCDR, the functions of a diplomatic agent are strictly defined and include: representation, protection, negotiation, observation, and promotion of mutual friendship. These enumerated functions not only describe the purpose of a diplomatic mission but also act as legal limitations on the conduct of diplomatic agents, confining their activities to those consistent with their official role. In this India–Pakistan case, both governments accused officials from the opposing missions of engaging in conduct that was incompatible with these prescribed functions, thereby constituting a misuse of diplomatic privileges and immunities.

Article 41 paragraph (1) of the VCDR imposes a clear obligation on diplomatic agents to respect the laws and regulations of the receiving State, notwithstanding their privileges and immunities. This provision functions as a foundational norm that balances diplomatic inviolability with the sovereignty of the host State. In the context of India and Pakistan, both parties alleged violations of this principle. The Government of India accused a Pakistani diplomat of engaging in activities that were inconsistent with his diplomatic functions, allegedly linked to support for militant groups suspected of involvement in cross-border terrorism. Conversely, Pakistan rejected these claims and retaliated by declaring an Indian official persona non grata, accusing him of espionage and misconduct within Pakistani territory. These mutual accusations suggest conduct that, if proven, would constitute a breach of Article 41 paragraph (1), as the individuals in question were purportedly acting beyond the legal and diplomatic limits set by international law.

The reciprocal expulsion of diplomats by India and Pakistan on 21 May 2025 illustrates the exercise of a core sovereign right under Article 9 paragraph (1) of the VCDR. This article grants the receiving State complete discretion to declare any member of a foreign mission persona non grata “*at any time and without having to explain its decision.*” India declared a Pakistani diplomat persona non grata for alleged misconduct, directing the official to leave within 24 hours, and issued a demarche to the Pakistani mission warning against the misuse of diplomatic privileges. In response, Pakistan expelled an Indian official under similar allegations and summoned India's *Charge d'Affaires* to convey the decision.

Both actions are legally justified under Article 9 paragraph (1) and reflect a broader diplomatic strategy often used in politically tense situations. While diplomatic immunity protects foreign envoys, Article 41 paragraph (1) of the VCDR

⁴⁷ “A Staff Member of The Indian High Commission, Islamabad, Declared Persona Non Grata,” Ministry of Foreign Affairs - Pakistan, 2025, <https://x.com/ForeignOfficePk/status/1925284752111595602>.

obliges them to respect the laws of the receiving State, and violations may lawfully result in expulsion. This case underscores how international law balances diplomatic protection with national security interests.

CONCLUSION

The simultaneous declaration of persona non grata by Pakistan and India in 2025 illustrates the complex interaction between international diplomatic law and geopolitical competition within modern state relations. The episode illustrates that Article 9 of the VCDR serves not only as a safeguard for diplomatic conduct but also as a means of political communication during times of bilateral tension. The analysis discovers that under the VCDR regime, receiving states are accorded full discretionary powers to expel diplomatic agents as persona non grata without being required to justify such measures. The above sovereign prerogative, as exercised by Pakistan and India on May 21, 2025, demonstrates the state's ability to control foreign diplomatic presence within its jurisdiction. The two expulsions illustrate how political retribution can be pursued under diplomatic law during periods of intense political tension, thereby rendering the safeguard provisions offered by law into instruments of political retribution. The India-Pakistan case illustrates the slender balance drawn by Article 41 paragraph (1) of the VCDR, obliging diplomatic agents to comply with the receiving state's laws while at the same time remaining under diplomatic immunity. Both states justified their respective expulsions by arguing violation of this provision themselves; India alleged that Pakistani Mission officials were involved themselves in fomenting militant activities, while Pakistan retaliated by charging Indian officials with espionage themselves. Both such charges reflect the need to balance valid security concerns with the diplomatic immunity that serves as a protective shield. Furthermore, this case shows that diplomatic protection is limited in situations where there are tense political relations. While diplomatic immunity provides considerable protection to diplomatic agents while they perform their official duties, such as representation, protection, negotiation, observation, and fostering friendly relations, this immunity can be affected by political tension, as host states can perceive such activities as not constituting legitimate undertakings. The transformation of this original act of terrorism into subsequent military endeavours and finally to resolute diplomatic expulsions serves to demonstrate that diplomatic relations are both a tool and a victim of deeper bilateral tensions. The overlap of this conflict with the world of diplomacy, as it has the potential to reduce the chances of a new war escalating, simultaneously weakens the institution required for further communication and peaceful conflict resolution.

REFERENCES

- Asese, Dirham. "Konflik India Pakistan; Mengulik Konflik Agama Dalam Konstalasi Kenegaraan." *MUSHAF JOURNAL: Jurnal Ilmu Al Quran Dan Hadis* 4, no. 2 (2024).
- Bengi, Sherly. "Persona Non Grata Dalam Hubungan Diplomatik Ditinjau Dari

- Konvensi Wina 1961 Pengesahan." *Lex Et Societatis* VII, no. 7 (2019).
- Chisholm, Johanna, and Rorey Bosotti. "India and Pakistan Accuse Each Other of 'Violations' After Ceasefire Deal." BBC, 2025. <https://www.bbc.com/news/live/cwy3jnl3nvwt>.
- Dewana, Ahmad Sandy, and Akbar Kurnia Putra. "Pertanggungjawaban Hukum Terhadap Tindakan Agen Diplomatik Dari Negara Pengirim Yang Melakukan Spionase Di Negara Penerima." *Risalah Hukum* 17, no. 1 (2021). <https://referensi.elsam.or.id/2015/05/konvensi-wina-tahun-1961-tentang-hubungan-diplomatik/>.
- Ellis-Petersen, Hannnah, and Shah Meer Baloch. "India and Pakistan Accuse Each Other of Cross-Border Attacks on Military Bases." *The Guardian*, 2025. <https://www.theguardian.com/world/2025/may/09/pakistan-accuses-india-targeting-three-military-bases-tensions-escalate>.
- Hussain, Abid. "Pakistan Launches Operation Bunyan Marsoos: What We Know So Far." *Aljazeera*, 2025. <https://www.aljazeera.com/news/2025/5/10/pakistan-launches-operation-bunyan-marsoos-what-we-know-so-far>.
- Ichsan, A. Syalaby. "Kembali Memanas, India-Pakistan Saling Usir Diplomat." *Republik*, 2025. <https://khazanah.republika.co.id/berita/sw8s6y483/kembali-memanas-indiapakistan-saling-usir-diplomat>.
- Kalengkongan, Sharon Jeanete, Michael G. Nainggolan, and Revy S. M. Korah. "Penerapan Persona Non Grata Terhadap Pejabat Diplomatik Yang Melakukan Pelanggaran Hukum." *Lex Crimen X*, no. 10 (2021).
- Kansil, C.S.T. *Hubungan Diplomatik Republik Indonesia*. Jakarta: Balai Pustaka, 1989.
- Kinanti, Ananda Surya. "Hak Kekebalan Diplomatik Seorang Diplomat Dalam Menjalankan Tugas Di Negara Penerima." *Unes Law Review* 5, no. 3 (2023).
- Kusuma, Winanda, Ave Agave Christina Situmorang, and Bunga Permatasari. "Kekebalan Diplomatik: Kendaraan Diplomatik Dalam Tugas Perwakilan Diplomatik." *Tirtayasa Journal of International Law* 3, no. 1 (2024): 70-84.
- Laoh, Chris Joshua N. "Akibat Hukum Atas Status Persona Non Grata Seorang Pejabat Diplomatik Oleh Negara Penerima." *Lex Et Societatis* III, no. 4 (2015).
- Lasut, Windy. "Penanggalan Kekebalan Diplomatik Di Negara Penerima Menurut Konvensi Wina 1961." *Lex Crimen V*, no. 4 (2016).
- Mangku, Dewa Gede Sudika. "Persona Non Grata Sergei P . Egorov Terkait Kegiatan Spionase Di Indonesia Tahun 1982." *Pandecta* 15, no. 1 (2020).
- Marzuki, Peter Mahmud. *Penelitian Hukum*. 13th ed. Jakarta: Kencana, 2008.
- Mauna, Boer. *Hukum Internasional: Pengertian, Peranan, Dan Fungsi Dalam Era Dinamika Global*. Bandung: PT. Alumni, 2008.
- Ministry of External Affairs Government of India. "Pakistani Official Declared Persona Non Grata," 2025. https://www.mea.gov.in/press-releases.htm?dtl/39512/Pakistani_official_declared_persona_non_grata.

- Ministry of Foreign Affairs - Pakistan. "A Staff Member of The Indian High Commision, Islamabad, Declared Persona Non Grata," 2025. <https://x.com/ForeignOfficePk/status/1925284752111595602>.
- Refra, Yulifia Serafina, Irma Halimah Hanafi, and Veriana Josepha Batseba Rehatta. "Persona Non Grata Dalam Praktek Negara Rusia Dan Ukraina Beserta Implikasi Hukumnya." *TATOHI: Jurnal Ilmu Hukum* 2, no. 11 (2023). <https://doi.org/10.47268/tatohi.v2i11.1449>.
- S, Ade. "Sejarah Konflik India-Pakistan: Dimulai Dari Kegamangan Maharaja Kashmir." *National Geographic Indonesia*, 2025. <https://nationalgeographic.grid.id/read/134248146/sejarah-konflik-india-pakistan-dimulai-dari-kegamangan-maharaja-kashmir?page=all>.
- Shahzad, Asif, and Shivam Patel. "Pakistan Vows Retaliation After Indian Strike Over Tourist Deaths." Reuters, 2025. <https://www.reuters.com/world/asia-pacific/multiple-loud-explosions-heard-pakistani-kashmir-reuters-witness-2025-05-06/>.
- Soeliongan, Amanda Eugenia. "Legal Opinion : Peracunan Eks Spionase Rusia." *Jurnal Hukum Lex Generalis* 1, no. 1 (2020).
- Starke, J.G. *Pengantar Hukum Internasional (Jilid 2)*. 10th ed. Jakarta: Sinar Grafika, 2010.
- Suryokusumo, Sumaryo. *Hukum Diplomatik Dan Konsuler Jilid I*. Jakarta: Tatanusa, 2013.
- Tahamata, Lucia Ch. O. "Suaka Diplomatik Dalam Kajian Hukum Internasional." *Jurnal Sasi* 17, no. 2 (2011). <https://doi.org/10.47268/sasi.v17i2.356>.
- The Hindu. "Pahalgam Terror Attack," 2025. <https://www.thehindu.com/infographics/2025-04-24/pahalgam-terror-attack-victims-tribute/index.html>.
- Ulum, Miftahul. *Modul Metode Penelitian Dan Penulisan Hukum*. Jember: UIN Khas Jember, 2022.
- Wani, Fayaz. "31 Schools Damaged in Pak Shelling in Poonch, Rajouri." *The New Indian Express*, 2025. <https://www.newindianexpress.com/nation/2025/May/24/31-schools-damaged-in-pak-shelling-in-poonch-rajouri>.
- Zulfikar, Fahri. "Konflik India-Pakistan, Begini Sejarah Sejak 1947." *Detik Edu*, 2025. <https://www.detik.com/edu/detikpedia/d-7905485/konflik-india-pakistan-begini-sejarahnya-sejak-1947>.