

Abuse of Diplomatic Privileges and the Balance between Immunities and the Duty to Respect the Local Laws and Regulations under the Vienna Conventions: The Recent Indian Experience

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Abstract

The successful adoption of the Vienna Convention on Diplomatic Relations is hailed as the ‘landmark of the highest significance in the codification of international law’. It represented the first significant codification of any international instrument since the United Nations was established. However, despite the codification of the above rules, which is largely based on the pre-existing customary international law, the scope of diplomatic protection was not free from issues and controversies. In recent times, unfortunately, there is a growing tendency amongst the diplomats to abuse their diplomatic status to commit acts prohibited by law and still claim immunity from legal process. The States-parties also aggravate this situation by selectively interpreting the rules in their favor, ignoring the fact that reciprocity is the basis for the successful functioning of the diplomatic protection. In this connection, this paper addresses the problem of abuse of immunities and privileges and its adverse implications on the balance between immunities and the duty to respect the local laws and regulations, especially with special reference to the recent Indian experience. It explores the two recent Indian diplomatic confrontations, namely, the arrest of Devyani Khobragade and the travel ban on Daniele Mancini. Based on the study, it highlights the need for a well-balanced and equitable enforcement of the Vienna Conventions in the interest of maintenance of cordial diplomatic relations in the international community.

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The Abuse Of Diplomatic Privileges And Immunities A Necessary Evil

Hilary Charlesworth, Christine Chinkin



The Abuse Of Diplomatic Privileges And Immunities A Necessary Evil:

The Abuse of Diplomatic Privileges and Immunities J. Craig Barker, 1996 Draws together many of the arguments for and against a reduction in diplomatic privileges and immunities to determine whether such privileges and immunities are a necessary evil It focuses on the problem of abuse and gives an explanation of the rationale of diplomatic privileges and immunities

The State Immunity Controversy in International Law Ernest K. Banks, 2005-06-30 The author shows through a careful analysis of the law that restrictive immunity does not have vox populi in developing countries and that it lacks *usus* He also argues that *forum law* i.e. the *lex fori* is a creature of sovereignty and between equals before the law only what is understood and acknowledged as law among states must be applied in as much as the international legal system is horizontal

The Protection of Diplomatic Personnel J. Craig Barker, 2016-02-24 The recent emergence of many new states and the creation of a large number of international institutions have resulted in considerable growth in the number of persons having diplomatic status However an unfortunate side effect of this growth has been a corresponding increase in the number of attacks on diplomatic personnel as symbolic figures diplomats are targets for all types of political violence This book provides an in depth examination of the legal and non legal regimes directed towards the protection of diplomatic personnel around the world It examines the theoretical and practical justifications for the granting of special protection to such personnel and also particular recent developments in international law relating to the prevention of terrorism and the development of international criminal law including the International Criminal Court

Diplomatic Law in a New Millennium Paul Behrens, 2017-08-04 The granting of diplomatic asylum to Julian Assange the dangers faced by diplomats in trouble spots around the world WikiLeaks and the publication of thousands of embassy cable situations like these place diplomatic agents and diplomatic law at the very centre of contemporary debate on current affairs Diplomatic Law in a New Millennium brings together 20 experts to provide insight into some of the most controversial and important matters which characterise modern diplomatic law They include diplomatic asylum the treatment and rights of domestic staff of diplomatic agents the inviolability of correspondence of the diplomatic bag and of the diplomatic mission the immunity to be given to members of the diplomatic family diplomatic duties including the duty of non interference but also the rise of diplomatic actors which are not sent by States including members of the EU diplomatic service This book explores these matters in a critical yet accessible manner and is therefore an invaluable resource for practitioners scholars and students with an interest in diplomatic relations The authors of the book include some of the leading authorities on diplomatic law including a delegate to the 1961 conference which codified modern diplomatic law as well as serving and former members of the diplomatic corps

International Law and International Relations J. Craig Barker, 2000-01-01 This text examines key concepts in international law in order to illuminate them in the context of international relations The first part of the book covers theoretical issues The second part examines international law in context including case study material and the Pinochet

litigation *An Introduction to International Criminal Law and Procedure* Robert Cryer, Håkan Friman, Darryl Robinson, Elizabeth Wilmshurst, 2007-06-14 International criminal law has developed considerably in the last decade and a half resulting in a complex and re invigorated discipline This has impacted directly on the popularity of the study of the subject particularly on postgraduate law degrees This textbook serves these courses by providing an introduction to the principles of international criminal law and processes Written by four international lawyers with experience of teaching international criminal law it is accessible yet sophisticated in its approach It covers substantive international criminal law the institutions designed to enforce it and their procedures and the international law applicable to domestic prosecutions of international crimes It will be essential reading for students and teachers of international criminal law In addition practitioners and researchers in the field and in related fields such as criminal law students of international law and international relations will find this introduction invaluable Parry and Grant Encyclopaedic Dictionary of International Law John P Grant, J. Craig Barker, 2009-10-02 For nearly thirty five years the international legal community has relied on one ambitious yet humble volume as a starting point for legal questions This classic red volume is a one of a kind reference tool that brings together both terminology and pertinent descriptive information on international law This book will also be available online as an e reference on the Oxford University Press Digital Reference Shelf Now in its third edition The Parry and Grant Encyclopaedic Dictionary of International Law is completely updated and expanded to include increased coverage in growing areas of international law including diplomatic law criminal law human rights and more Over 2 500 entries over a 20% increase in content from the previous edition provides the reader with copious references for further research including cases treaties journal articles and websites Its alphabetically arranged entries allow the reader to form a deeper understanding than a mere definition could supply and offer concise but substantial information on such essentials of international law as Legal terms as used in international law Significant doctrines Prominent cases decisions and arbitration Important incidents Judicial and literary figures Treaties and conventions Organizations and institutions Acronyms

International Peacekeeping Boris Kondoch, 2017-05-15 Peacekeeping has been the technique most frequently used by and associated with the United Nations to end conflicts and to preserve peace In addition international and regional organizations have also performed peacekeeping functions Since the establishment of the first UN peacekeeping mission UNEF I in 1956 international lawyers have raised questions about the legal aspects of these operations Traditionally they analyzed the constitutional basis for peacekeeping and tried to allocate the authority under the UN Charter for peacekeeping among the Security Council the General Assembly and the Secretary General They discussed the use of force by peacekeepers the applicability of international humanitarian law as well as the responsibilities and liabilities of peacekeepers Since the end of the cold war peacekeeping operations have become more complex In the first forty years peacekeepers functioned mainly as buffer zones between warring parties and monitored cease fires Nowadays they are increasingly

engaged in internal rather than international conflicts and perform a multitude of tasks Among others they act as civilian administrators oversee elections and monitor human rights These changes have raised new legal problems Which human rights obligations exist for peacekeepers Do peacekeepers have to intervene if they witness war crimes and acts of genocide How are they protected under international law What is the legal framework of UN administrations like in Kosovo and East Timor In order to enhance a better understanding of these legal issues arising from peacekeeping operations a collection of articles written by the leading experts in the field have been compiled in the volume International Peacekeeping

International Law and Diplomacy Charles Chatterjee, 2013-10-31 In this work the author explores the subjects of sovereignty diplomacy and the function of diplomats diplomatic missions protocol ethics in diplomacy the role of Ministries of Foreign Affairs intergovernmental conferences and the United Nations It includes a useful glossary of over sixty essential terms such as Calvo Doctrine Extradition Rapporteur and Uti Possidetis Juris clearly relates the conduct of diplomacy to the principles of international law This volume will appeal to graduate and undergraduate students studying diplomacy public administration and international relations courses as well as practising diplomats international organization and foreign ministry officials and those who have regular dealings with them The boundaries of international law Hilary Charlesworth, Christine Chinkin, 2022-04-19 In the first book length treatment of the application of feminist theories of international law Charlesworth and Chinkin argue that the absence of women in the development of international law has produced a narrow and inadequate jurisprudence that has legitimated the unequal position of women worldwide rather than confronting it The boundaries of international law provides a feminist perspective on the structure processes and substance of international law shedding new light on treaty law the concept of statehood and the right of self determination the role of international institutions and the law of human rights Concluding with a consideration of whether the inclusion of women in the jurisdiction of international war crimes tribunals represents a significant shift in the boundaries of international law the book encourages a dramatic rethinking of the discipline of international law With a new introduction that reflects on the profound changes in international law since the book's first publication in 2000 this provocative volume is essential reading for scholars practitioners and students alike

The Abuse Of Diplomatic Privileges And Immunities A Necebarry Evil Book Review: Unveiling the Power of Words

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