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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

S. Subramanian¹

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... [Show more](#)

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The Abuse Of Diplomatic Privileges And Immunities A Necessary Evil

Ernest K. Bankas



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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. Bankas, 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.

The Human Rights Challenge to Immunity in International Law Selman Özdan, 2022-02-12 This book focuses on the tension between the protection of human rights recognised as jus cogens peremptory norms on the one hand and the bestowal of immunity on the state and its representatives on the other to ascertain how these immunities can be eroded if not

fully abolished to maintain full protection of jus cogens human rights under international law The book argues that immunity should not equate to impunity when violations of jus cogens human rights are committed by States Heads of State or diplomatic agents To make the case the organic structures of the concepts of sovereignty and fundamental human rights are examined Then the human rights based challenge to immunity is presented with respect to State Head of State and diplomatic immunity and the transition from a state centric system to a human centric system is explored Jus cogens norms are at the centre of the impunity versus immunity debate

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

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 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

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International Criminal Law and Procedure Robert Cryer, 2010-05-27 This market leading textbook gives an authoritative account of international criminal law and the investigation and prosecution of crime and guides the reader through controversies with an accessible and sophisticated approach Now covers developments in the ICC victims rights alternatives to international criminal justice and has extended coverage of terrorism *Russia and Courtly Europe* Jan Hennings, 2016-10-27 In this book on early modern diplomacy Jan Hennings explores the relationship between European powers and Russia beyond the conventional East West divide from the Peace of Westphalia to the reign of Peter the Great He examines how at a moment of new departure in both Europe and Russia the norms shaping diplomatic practice emerged from the complex relations and direct encounters within the world of princely courts rather than from incompatible political cultures He makes clear the connections between dynastic representation politics and foreign relations and shows that Russia despite its perceived isolation and cultural distinctiveness participated in the developments and transformations that were taking place more broadly in diplomacy The central themes of this study are the interlocking manifestations of social hierarchy monarchical honour and sovereign status in both text and ritual Related issues of diplomatic customs institutional structures personnel negotiation practice international law and the question of cultural transfer also figure prominently

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