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## **The Evolution of Diplomatic Immunity: A Jurisprudential Analysis**

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### **ABSTRACT**

The concept of diplomatic immunity has evolved over centuries as an essential element of international relations, safeguarding diplomats and envoys to facilitate peaceful interactions between states. This research explores the historical development of diplomatic immunity, from its rudimentary beginnings in ancient civilizations to its formal codification in modern international law. Early customs and legal frameworks, such as those found in the *Institutes of Manu*, Homeric poetry, and Kutilya's *Arthashastra*, laid the groundwork for diplomatic protection, reflecting the need to secure envoys in their duties. The study also examines the transformation of the roles and responsibilities of diplomats, from messengers to negotiators, and how the legal foundation for their immunity adapted accordingly. The codification of diplomatic immunity in the Vienna Convention on Diplomatic Relations of 1961 marked a turning point, establishing a comprehensive framework that governs diplomatic privileges and immunities. Despite its critical role in promoting international diplomacy, diplomatic immunity remains a subject of debate, particularly regarding its potential for misuse and the ongoing need to balance state sovereignty with diplomatic protections. This research provides a comprehensive understanding of the evolution, legal framework, and contemporary relevance of diplomatic immunity in international law.

**Keywords:** Diplomatic Immunity; International Relations; Vienna Convention on Diplomatic Relations; Evolution of Diplomacy.

### **INTRODUCTION**

Diplomatic immunity, a fundamental principle of international law, has a long and intricate history rooted in the development of diplomacy itself. Described as a "game of angels and devils" by Robert H. Ferrell in his book *American Diplomacy*, the practice of diplomacy evolved as societies began to establish rules to facilitate communication and negotiations between states. Early forms of diplomatic engagement can be traced back to ancient civilizations, where messengers and envoys served as intermediaries between rulers and nations, often under the protection of unique customs and protocols that safeguarded them from harm.

The origins of diplomatic immunity are intertwined with the need to ensure the safe conduct of envoys across different territories. This was especially critical when states within a geographic region shared commonalities in language, culture, and religion, which necessitated ongoing dialogue and the exchange of information. To prevent unnecessary conflicts and promote peaceful interactions, early societies developed norms that protected

foreign envoys, laying the foundation for what would eventually become codified diplomatic privileges.

As the character and roles of diplomats evolved from mere messengers to representatives and negotiators, the legal basis for their protection also expanded. Historical texts, such as the *Institutes of Manu*, Homeric poetry, and Kutilya's *Arthashastra*, provide insight into the early recognition of the need for diplomatic immunity. These documents highlight that even in ancient times, the protection of diplomats was seen as crucial for achieving satisfactory negotiations and maintaining peaceful relations.

In the modern era, the concept of diplomatic immunity has become formalized through international conventions, most notably the Vienna Convention on Diplomatic Relations of 1961. This convention codified the rights and privileges of diplomatic personnel, ensuring their protection and enabling them to perform their functions without interference from the host state. However, as diplomatic practices continue to adapt to contemporary challenges, the principle of diplomatic immunity remains a subject of debate, particularly regarding its misuse and the balance between state sovereignty and the rights of diplomats.

This research delves into the historical evolution of diplomatic immunity, exploring its theoretical foundations, legal developments, and practical implications in international relations. It traces the transformation of diplomatic practices from ancient times to the present, examining how the protection of envoys has been essential for maintaining peace and stability among nations. By understanding the origins and evolution of diplomatic immunity, this study provides a comprehensive view of its role in shaping the landscape of international diplomacy and law.

## **HISTORY OF DIPLOMATIC IMMUNITY**

In Ancient Greece, the oldest evidence of organised diplomatic immunity lies. Diplomatic missions were carried out mostly ad hoc, and diplomatic tasks and immunity came to an end before the 15th century, after the diplomat finished his duties at international level (Satow, 2017). The "Greek city-states" and, finally, all cultures understood that all involved benefited from the tradition of shielding foreign diplomatic staff. Total immunity was conferred on envoys. Reciprocity has continued across the years and is best described as "do to their leaders as you would have them do to yours" (Bjola & Murray, 2016).

From the beginning of documented history, foreign relations between friendly states have been distinguished by the need for special contact bodies. These bodies, such as ambassadors or foreign agents, were not regular participants for decades, but only occasionally used to carry out a mission. These ambassadors would be sent to a nation to establish an alliance, to conclude commercial deals and to protect the hand of princess to its governor, provide for a marriage dowry or serve a special role. He returned home once he had achieved or failed his quest.

For example Physicists who have now reached the nuclear bomb and overtook the moon, starting from the trigger, have made the profession of the past not the same measures. In reality, diplomacy has not yet arisen from its stone age in many ways, as is sometimes seen by the rock barriers of one government crowds from another's embassy windows. This lack of change is not only due to the backwardness of underprivileged negotiators, as is frequently claimed. The groups of persons that diplomacy interacts with are noticeable but less predictable than electron groups. The nations of Europe have used gunpowder for a long time than diplomatic representatives have exchanged, as we all know them. Maybe it is rational that the series could replace the art of negotiation with the usage of strength by the negotiators. The so-called ambassadors were almost exclusively negotiators until the advent of a permanent diplomatic representative in the international capital who from time to time had been sent by a king to discuss a specific matter with another dictator.

Clay tablets from 1350 BC were discovered carrying reports of an Egyptian widowed

queen with no men. She gave the King of the Hittites a letter showing her distress to give her a married son who would become Egypt's Pharaoh to make sure his heirs eventually take the throne. The Hittite King, vigilant about this, sent a messenger (Hoffner, 2009). The ambassador discovered that the agreement was legitimate. Thus he sent a son, but when he went into Egypt, he was assassinated. The Hittites responded by marching to Syria, caught the killers and denounced them, and followed the diplomatic procedure.

### **DIPLOMACY AS AN ART**

The term diplomacy might be new; the thing itself has existed from the dawn of humanity, or perhaps before that of civilization. In order to avoid violence, a party of men agreed however harsh or inexperienced, to make deals with another community. It was a conference. Diplomatic art was brought to life. Babylon's nationalities and language blend helped to gain a wider outlook on themes. The king Hammurabi of Babylon is without a question the world's oldest rule book.

We learn of Niram-Sin, King of Sargon's descendant, with Princes in the Avan around 2500 years B.C., drawn in Elamite, in the Akadian era after the Kid State. The earliest history around 2850 B.C., a territorial dispute between the city states of Lagash as well as Unna on the other side of the river She-el-Hai in Babylon resulted in a settlement for which we have a very comprehensive history (Aruz, et al., 2008). During their voyages, messengers and envoys were frequently exposed to danger. The penalty was presumably not just for immediate jail, but also for blocking or capture and murder of prisoners and sometimes even of rulers in the enemy region through which they were travelled. They were then secured and tried by transmitting and receiving States to ensure their protection. Refugee safety in ancient Rome was a conventional route. To guarantee secure travel, the states from which the ambassador must travel must gladly include a hostage. The hostage had been handled well and would have been freed at the border. The hostage could be killed if the ambassador was targeted.

Envoy defence has been accomplished in a number of ways. The dispatcher then sent a personal message to the receiver (Moutzouris, 2008). In general, this was accomplished by sending a letter to the receiving State asking the appointment of a person to supervise the Envoy so that no one interfered with his or her mission. Secondly and more threateningly, the defence that the arrest or death of the ambassador would result in the cancellation of international arrangements could be accomplished by international negotiation and the recipient State would bear the consequences. Thirdly, as a way of protection, that should be achieved by providing escorts. In order to shield the messengers, the receiving state issued escorts.

Many kings and queens sent messengers through large geographical regions to enemies, and if they were relaying unwanted news, immunity was required. Envoys would have been expected to plan, discuss and arrange the visit for such an important diplomatic, cultural and economic occasion. It can also be claimed that God's ambassadors were "Moses", "Aaron", "Jonas", "John the Baptist" and even "Jesus", suggesting the stature of ambassadors as sacrosanct (Foster, 2014). Whether messengers in the Ancient Near East enjoyed unrestricted freedom of travel has been questioned. According to Elgavish, without authorization from the receiving states, messengers were not allowed to return home. In addition, Frey and Frey note that for offences that they were accused of committing, envoys could be arrested (Elgavish, 2004).

The Montesquieu principle 'the voice of nature that reclaims its freedom,' that is to say, these partnerships are the product of the unknown emotion of the participating party and the consequent urge to encourage intercourse (Elgavish, 2000). As a result, the formation of big communities is centred on more significant linkages inside these groupings than on single families developing as local tribes, clans, hordes, or countries, rather than on single families forming as local tribes, clans, hordes, or countries. These classes have been brief in their early relation and the process is tedious and time intensive. Intertribal ties

among these citizens' groups have led to the establishment of international relations between countries.

Although they seem similar, ambassadors, attorneys and overseas public servants have distinct rights and immunities. Because man has registered his interaction with groups other than his own, ambassadors have been deemed inviolable. Ambassadors are considered as inviolable by Biblical Israel. In all things affecting the government and the administrative functions the ancient Greeks found the heroes, diplomats and their minions to have sacrosanct consequences. They must fly either by land or by sea through both law and order proceedings.

Thucydides says of the trace between Athens and "Lacedaemonians", which in Article V provided the heralds and envoys as well as as the amount of assistants determined by them for a good path by land and sea. The protections of diplomatic immunity were not always respected in the fifth century B.C. Herodotus writes of Spartans' remorse and atonement for the mistreatment of the king of Persia, Darius. The messengers were dispatched to Athens and Sparta, where Persian control had been established on land and sea, or, to put it another way, "earth and water" (Kennelly, 1994). The emissaries were thrown into the fire by the Athenians, and Spartan had thrown them into a tub by Spartan. Herodotus subsequently speculates that the Athenians may have paid their crime by sacrificing their town. Spartan nobles gave Persia their life to pay for the violence of the Persian kings. Interestingly enough, the son of Darius, Xerxes, "repealed that he would not act like the Spartans, who had defied the rule that the whole world held sacred by killing the ambassadors of a foreign power." Thus, by breaking the universal laws of humanity, he refused to taint Persian diplomatic activity.

Ancient history reports few cases of bribery of diplomats, even when the envoys performed their own offences. Abuse against an "ambassador" was deemed an offence and a trigger of war against a higher rule. The Greeks are associated with organising conferences on dispute settlement. These individuals were then called Amphictonics or Regional Councils (Puckett, 1994). There was a permanent secretariat for every Council that often included facilities for pilgrims to holy sites, their budgets.

### **GREECE PROSPECTIVE (18<sup>TH</sup> CENTURY)**

The graduation may be traced back to the Greek era, between 700 and 100 B.C. Political philosophers such as Plato as well as Aristotle made significant contributions to the "political conspectus" of the "city state" as well as its "external connections" with neighbouring countries (Griffith, 2001). Links between several city states were dynamic and competitive in neighbourhood with the evolution of Greek society; thus, the art and practise of negotiations needed men who were smart, articulate, and polite in their temper and who were willing to persuade their own policy of concern to the neighbouring state assembly.

The first historical account of the Greeks' diplomacy also indicates that not all the illnesses they had at the time had been destroyed. The "ancient Greeks" had merit of having given protection and were being granted heralds (kerykes) (Rawlings, 2013). Only heralds who were the start of the present concept of international diplomatic law were treated as absolutely inviolable. Envoys were not inviolable insofar as they were the heralds; they were punished, but they could not be destroyed if envoys performed crimes.<sup>59</sup> The ancients agreed and implemented precautionary measures to protect sentences and alarms, and the value of contact among States. Severe punishment was enforced on anybody who injured a herald or interfered in his company. More specifically, immunity from disciplinary tribunals was allowed, as is the case today, in order to avert interruption to the execution of the official duties of envoys.

During the "classical era," the "Greek city" states were constantly at odds (750-350 BC). In order to foster alliances, the heralds were sent to the states. Their successes were against their mutual rivals. The ambassadors discuss the recipient nation when they come home and are told regarding their security. Legislation on diplomatic protection has not grown

beyond rather basic guidelines. This is the consequence of an inherent mistrust or the distances that hindered good interactions with the robust terrain. Domestic rule, practicality, and defence policy concerns dominated affairs between the district of Sparta, Athens, as well as Thebe from the start (Berkey, 2001). Contemporary diplomatic interference will concentrate on religious leagues like the Delphic amphicyon and the confederations of politicians like the Delian Confederate and the Achaean and Aetolian league.

Trade needs between nations contributed by sending messengers to other governments to address foreign policies. The old states of Sparta and Athens had the habit of sending negotiators to each other to determine their foreign policy. The remarkable reform during this time consisted of the diplomats' being able to talk there in the assembly. Megara and Corinthian diplomats were given the chance of delivering the longest speeches against Athens at the Lacedaemonia Assembly. Thucydides' documents do not only contain the international relations in the region, but they also indicate that the city governments offer immunities and privileges to diplomats. There were found to be the oldest diplomatic immunities in the Greek time, including inviolability of envoys, the right to refuge, truce burials and cessation of hostility in significant festivities, such as Olympics and religious meetings. In the city state legislatures, Thucydides gave lengthy and excellent speeches. The codes suggest that, by meeting, strategic approaches were introduced and conflict mediation resolved politely (Ross, 1989).

International law can be contained in a microscopic way inside ties between Greek countries that have become an international, separate and distinct circle around the world connected through common beliefs, popular culture, religion and ethnicity. Diplomats also played an interesting, yet vital function in managing the Greek State's foreign ties right from the outset. Special envoys in other areas of the planet have represented their rulers' needs for decades. A contract supposedly written about 800 B.C. in the third century B.C. Famous assemblies of representatives of the respective political parties appointed the former Greek diplomats (Larsen, 1976). Many parties have often focused on representing a single embassy, which implies that certain diplomats have represented a regime, a practise sometimes confusion.

The Mediterranean sovereign states grew in numbers and languages, compounded their negotiations and increased their ability to compromise. With some of the most professional Greek state men cultivating persuasion and numerous diplomatic protocols, the Greeks began coming periodically to the scheme. The Romans followed the Greek style less than in many other artistic fields, but in their ties with Greek and with Egypt they successfully took part in negotiations (Freeman, 2014). However, it was used largely to isolate and monitor barbarists around it, until diplomacy was established in full in the Roman Empire. As the empire fragmented, owing to the loyalty to an emperor and a pope, the West became a commonwealth of the Christians, and although diplomacy between its warring representatives was important and always guided by church dignitaries, it was not only occasional but there was a call to superior officers over anyone concerned. However, these superiors' power was still limited, and the Papal Court aided in the development of diplomatic organisations through legates.

In general, the contribution of the Romans to foreign affairs was smaller than that of the Greeks. Romans did not treat other nations on grounds of freedom in any treaty, even though immigrants were treated more leniently in Rome than under any Greek administration. Diplomacy as well as statehood were key factors in the Roman state's transformation into a massive, thousand-year-old country. In the defence of the empire, power and military strength have played a complex role. Nevertheless, there were no flaws in Rome's diplomacy. For the organisational improvement of Greek practise, Rome, which pursued conquest rather than diplomacy, was necessary. More formalised were ambassadorial assignments, orders, and rank. Diplomatic immunity has become more generally accepted.

"The Second Punic Battle has fulfilled the envoy's oath: "This blood will clear up the stem! The Byzantine Dynasty was renowned for its origins as "professional" and it existed until the fall of Rome. Diplomats were first taught as negotiators, as well as the first department of international relations was established (Freeman, 2014). The Byzantines underlined the darker elements of the era of chaos and the deep primitive enemies of diplomacy, including disappointment and espionage. The evolution of Rome from a city state to a universal empire required its messengers to play a bigger role than in ancient Greece. During the reigns of Romulus and Tadius, Rome's ambassadors were untouchable (about 700 BC) (Liddell, 1871). Alliances and delegate commerce with neighbouring countries were essential to Rome's survival. As ambassadors, Rome dispatched distinguished senatorial officials known as nuntii or orators. The nuns were chosen by the Senate and were given criteria. An organisation named the College of Fetialis, whose practise contributed to jus fetial foreign ties, regulated by the government? Your defence has to do with democratic need and divine retribution, with concepts of common representation and practical need articulated. The Defender of the Conventions Fetialis vowed an oath to Jupiter. Any allegation presented against a diplomat alleging violations of diplomatic immunity was also reviewed by the College (Liddell, 1871). They will expel or surrender him to the wronged State until the fetialis find a man guilty. Contemporary international practise following a common strategy requires an offending officer to lose his privileges.

An assault on an enemy diplomat is an offence against "*Jus Gentium*", according to the Law Digest. In the 17th century, Thomas Hobbes made it known that justice gentium was introduced in foreign affairs and through conforming nation law to the laws of nature (Rech, 2013). The delegates undertook a variety of industries throughout the Roman Empire, including negotiating commercial arrangements, partnerships and finding compensation if they were unwilling to comply with treaties. What are the greatest duties of today's diplomats? Before coming to the Senate, however, envoys had to clear a "suspicious examination" that asked them to wait silently for the Senate to speak as well as wait a lengthy time for an answer before being banished from their territory. The Envoy, moreover, concurrently represented the prestige of the State and has thus been called a Senate guest. The emissary was viewed as a threat to not just the gods' rules, but also the laws of the nations.

Rome and her Empire had a superior rather than equal relationship, which is why these fundamental ideas were not developed further. By being cruel and violent, Romans often abused protection against the Barbarian territories. In situations where both states are not granted fair stature, international law does not thrive. It has been claimed that the Byzantine Dynasty may be accredited as a first indication of professional diplomacy. Though Persia and the modern Islamic Empire tried to gain influence in the East, Byzantines expanded dominance by negotiation instead of war. The value of diplomatic immunity was recognised by the Roman law, barbaric code and church canon in the Middle Ages. Ambassadors were politely received and accepted, and honorary receipts and guests were given also to those who had rendered war resolutions.

Around this time there has been a spike in papal legacies. This is because of the notion that the Christianity is the domain of the Pope, in order to govern the entirety of Christianity. The formation of these diplomatic networks influenced the structure and composition of the diplomatic corps. It is necessary to remember that the envoys were not liable for any crimes before the trip nor for any crimes during the embassy. They broke the rules of Heaven and man when a crime was committed. Of paramount significance are the laws of God. China was also viewed as a civilised country, but the participation of other civilised nations was not acknowledged. He felt no reason to embark on diplomatic negotiations due to the fact that the Chinese assumed that their own society was superior over others.

It was not just the Chinese who thought they were a superior culture, Frey and Frey observe; the same may be said for Christians and Muslims, with respect to each other during

the Middle Ages. The "barbarians" were regarded with disrespect in both of these cases because each method was established strictly according to their own beliefs. Language and religion were the basic relations between Greeks; faith, as with Muslim countries, was in Christianity, the cultural connection between Japan and China. As commerce by sea between Europe and the East acquired importance, things began to change.

The diplomacy of the Italian city-states is renowned for improving the Byzantine tradition of cunning and artifice, starting in the fifteenth century. Italy's citystates have also contributed positively to the growth of diplomacy. The first permanent embassies were established in London, Paris, as well as in the Holy Roman Empire's court. Treaties were improved in the formulation and procedure. Summit sessions were also adopted as a diplomatic activity by the Italians.

The advent of independent states in the 13th and 14th centuries called into question both the concept of mediaeval universality and diplomatic intervention. Rather than depending on Christianity alone, the laws remained in the control of government officials. The role of the diplomat was expanded by the growth of state authority following the reduction of theological tensions around the 15th century. Diplomats' expanded position involved the concept of their protection and privileges. Scholars and others recognised throughout the Renaissance era that natural law established a strong case for diplomatic right in the performance of official responsibilities to safeguard envoys. Francisco de Victoria established one of the finest diplomatic immunity cases in common law in 1532 (Fedele, 2016). The point was posed as to how the Spaniards could realise they had succumbed to and breached the law of nations by killing a French ambassador intended to terminate a perpetual conflict between them. This subject was to decide if the rule of nations is covered by natural or positivist law. The Diplomat's stance about its inviolability is mentioned in his address to De Victoria. The first was a shared understanding between all societies and countries and the second was constructive acknowledgment. The ambassador was proclaimed inviolable to all nations by a broad consensus.

The central "principle of the doctrine of naturalism" was that of stipulation; the value of their duties was to defend ambassadors. Ayrault made an early application of necessity as he clarified that there was a more significant basis for diplomatic protection than extraterritoriality and that it was appropriate to guarantee the agent's inviolability (Fedele, 2016). In addition, it has been pointed out that the Ambassador receives his security from three sources, namely from the one to which he is sent, from those to which he is accredited, and from the essential essence of the agreement to be carried out by him. In *De Jure Belli ac Pacis*, Grotius often dreamed of wars that would begin because of envoys' mismanagement. He wrote that the two rights of the foreign ambassadors were inherent: the ability to enter and protection from abuse. Grotius disagreed with other ideas of academics that immunity was simply a question of natural law. He argued, however, that security was based on the common law. Grotius argued that any benefit which could have been gained from punishing his crimes outweighed the welfare of ambassadors. His life would be jeopardised, for anyone other besides the state who sends him has prosecuted him. The opinions of the transmitting nation that differentiates from the receiving State and the diplomat for the crime he was convicted of could be detrimental. There are inconveniences in both law of life and constructive hypotheses. The natural law school has mistaken doctrine or religion with international law, whilst the positivists also failed to examine the political and legal considerations behind the activity. In other words, immunity from the rule of nature or Deity was established by naturalists and from practise within states by positivists (Murphy, 2003).

Securing the role of the diplomat is one major rationale of need. Samuel Pufendorf says that in order to sustain peace or win the war, ambassadors are required. Natural law politely accepts this. In other words, the message of confidence or defeat, or even war on an alien state, is essential for ambassadors. Pufendorf points out, furthermore, that those who are sent to another country as a spy are not covered by natural law but are "merely generous

and indulgent." In view of the accusations, it is important to make aware that the ambassador has not been permitted to conduct offences against the State without punishment.

The French Revolution was the most widespread diplomatic right during the time 1648-1789, but later the most blatant malpractice was contained. The practise tended to reinforce the perception of personal freedom, such as the protection from criminal competence. Natural law diminished in the 19th century, but was re-established in the 20th century. Positive legislation has taken effect. Van Bynkershoek was the leading positivist theorist claiming that the law of nations was centred by international norms or treaties on the collective agreement of nations. In saying that a diplomat behaved "through wine and women, through favours and foul instruments," he broadened the definition and defended protection, whether it be from questionable actions or not (Richardson, 2007). Economic peace needs to be maintained by the importance of an envoy.

This "colonial" kind of diplomatic immunity took existence only after permanent ambassadors were established. "A regularly accredited envoy with full diplomatic status sent...to remain at his position until recalled, in general charge of his principal's interests," as the idea is understood. In the mid-15th century in Italy, the first record of a resident ambassador appeared. The main powers had already exchanged resident diplomats between their courts by the 1500s. Diplomacy seems to have been guided by fear of conflict, which has contributed to resident embassies being created. Resident ambassadors have developed themselves as a symbol of goodwill and knowledge gained and exchanged abroad (Sowerby, 2016). The 16th and 17th century inventions were immunities and protections for the resident ambassadors. During those years, the possibility of limiting diplomatic immunity was a major subject, and there were numerous discussions, particularly over the three theories' foreign supremacy.

Other, mutually exclusive, colonial and military systems were debated under the European law of the States in the 19 and early 20th centuries (Benton, 2002). The change was largely focused on Western thought because, as a Western house, developing countries disrespected international law, the diplomatic protocol and immunity. Which enabled Western powers to exercise influence over them by adopting "European Law." Despite the strong attacks on it, the structure of diplomatic privileges continued because of its need.

Furthermore, the rise in the diversity of diplomatic roles has made the diplomatic corps get bigger and bigger. This is perceived by many to be a "outmoded and unnecessarily entitled elite" and still today much of the laity believe so. For e.g., if the offending ambassador will not be punished, what sense of justice does a survivor have; this was also reiterated as freedom and democracy became gradually recognised. Terrorists masquerade as ambassadors, or even ambassadors violating their authority, made matters worse for the diplomatic agency. Two World Wars and numerous revolutions happened in the 20th century, disrupting conventional international culture. The breakdown of domestic homogeneity and globalisation, economic changes and military capability growth contributed to a "diplomatic transition". Also after the two World Wars, administrations have largely valued diplomatic immunity amid all these negative changes. The interests of leaders of Nazi Germany and Japan were honoured by the "Allied powers". Similarly, the members of the US overseas were not immune (Sowerby, 2016).

### **EUROPEAN PROSPECTIVE (19<sup>TH</sup> CENTURY)**

In the Greek culture, the roots and growth of diplomacy can be traced, but Europe's contribution is diplomacy as it is performed today. Is worth mentioning. In 1496 A.D. the father of modern structured diplomacy. Italy then sent a delegation to London to launch diplomatic ties with other EU countries. Because of these acts, some EU countries established diplomatic ties at the end of the 16th century (Johnston.2008). Machiavelli was the character of this time. He talked thoroughly of diplomacy in his role "The Prince." He refused to accept a diplomat as an unbiased broker of ideas. He shifted the state's defence



to something else. He warned the ambassador in his book that *"You must know that there are two ways of combat, one by statute, the other by coercion, the first tactics are of man, the other of beasts, but because the first technique is always ineffective, the second must be used"* (Pape, 1996, p.32).

The development of technology has simplified the interests of nations so much that bilateral diplomacy is quite insufficient. Instead, at an international meeting, multilateral diplomacy is practised where participating countries are encouraged to send delegates. Diplomacy is being rapidly widespread in Europe and worldwide. We know that diplomacy arrived just at the start of the present day, The term "diplomats," since their papers were literally named diplomas, letters, etc., when Venice send permanent ambassadors with an Italian descent to court of other princes, the history to the permanent sending of Venice to the western Europe of emerging nations-states. By the end of Napoleon's wars it had been so essential to create the diplomatic structure, the order of which was so central, that a list of diplomats had to be drawn up under the Vienna Grand Congreso decree. The second was to set up extraordinary envoys and full-power ministers. The Vienna Congress also stopped the unseemly push and shots that took place in the royal vestibules as diplomats established a reception line and other opportunities; they first went ahead of ambassadors representing the most distinguished nation on the continent and the other envoys rushed to the position; the dean, after the Congress.

Following Napoleon, the Viennese (1815) as well as Aix-la-Chapelle (1818) foreign conferences were crucial in codifying ambassadors' grades and responsibilities. In continuously observing the changes in the capital of other nations, the princes of each state became vitally involved. Permanent diplomatic missions were present in this setting and covert diplomacy became a regular function. As a result of France's and other European nations' positions, these traits became ubiquitous across Europe and other parts of the world in the nineteenth century. They participate in a group or convention where a host of governments have figured out about a variety of problems. Especially significant were the Vienna Congress in 1815, the Paris Convention in 1857 and the Berlin Congress in 1878. Diplomatic conferences have been more common since and since the First World War, in the present century. Conference diplomacy has arisen as a recent trend.

In the 18th century it was historically changing that the rights, duties and privileges of ambassador envoys were evolving and the time for a common description of the issue that was held at the Vienna Congress in 1815 was ready by the first decade of the 19th century. After 1815 the change from diplomatic to the Diplomatic Relations Convention of Vienna of 18 April 1961 culminated in the updated and comprehensive codification of the laws and regulations and uses for diplomatic envoys. The other treaties introduced after 1961, such as the 1973 Agreement on the Security of Ambassadors, were the 1979 Agreement against the Taking of Captives, which codified diplomatic law. The Vienna Congress of 1815 reflected on the criteria for engagement in foreign diplomacy (Urrestarazu, 2015). Thus, the majority of the European States have set up mutually compatible structures regulating their international affairs. Historically regarded diplomacy as a much discredited activity, it was increasingly seen as an organisation of great hope. Preventive diplomacy was seen as not inherently a vehicle that interrupts conflict and serves the international community's long-term goals.

The term "democratic diplomacy" was first coined in the early 19th century. It appears to be the start of a new world order in which governments swiftly remove their aristocracies and aloofism, and citizens communicate with the public through democratic legislation and informal networks. The new system resembled the old one that had been created in the hoe country of this century. While diplomacy was still a rather esoteric discipline among wealthy men and prestigious men, and authority, the Elite Diplomatic Guard was exercised with the assistance of an increased number of experts and continually enhancing its degree of knowledge and readiness. Diplomacy has since been put on a more general technological and non-political framework. The draughtsman of the Vienna Convention played an

extremely burdensome position to incorporate in the early 1960s, particularly the past of the first civilised settlements, into the priorities and suggestions of all the countries involved. It was necessary to avoid the various views and traditions in the light of this overwhelming mission.

### **MODERN DEVELOPMENT**

It was generally accepted that rudimentary diplomatic privileges and immunities had been shared in the early days. There is evidence to point out that the apparent inability to trade commodities under which the essential messengers would hope that they are murdered or punished contributed to such clear conventions that punishments or ostracism arose, if they were flouted. The position of a delegate was so important that, before “Roman times”, the immunities needed had been obtained for religion rather than legal reasons. The Roman Empire, eventually, inevitably modified the balance and the Justinian Code and the Corpus Juris Civilis eventually produced necessary material to build the new law on diplomatic immunity (Mousourakis, 2015). Immunities and protection for diplomatic representatives are not based solely on the “principle of par in parem non habet imperium,” as they are for sovereign Heads of State, but must be independent of the receiving State's authority, control, and likeness in order to satisfy their duties.

Parallel to international diplomacy, modern diplomatic immunity has grown. European diplomats learned in the 16th century that immunity from persecution was necessary for their function, and that a variety of laws were established ensuring diplomats' privileges. They also were limited to Western Europe and tightly linked up with the nobility's prerogatives. Then an emissary of the Ottoman Empire should anticipate the eruption of violence between his state and the empire to be imprisoned and incarcerated. Only amongst civilised nations was international justice. The French Revolution also undermined the regime, with a number of ambassadors suspected of acting against France detained by the new state and Napoleon. More recently, a breach of diplomatic immunity has become the Iranian recovery crisis. On the other side, diplomatic immunity was maintained after the Second World War and embassies were evacuated by neutral nations.

### **Vienna Convention on Diplomatic Relation 1961**

Over the years, the establishment of “diplomatic immunity” allowed the Vienna Agreement, which became a universal Agreement and its terms, to explicitly mark the evolution of tradition into established law and to address places of dispute where traditions were in dispute. The first meeting place for diplomatic officers was Vienna in 1815. The first overseas attempt in 1895 was to codify diplomatic security rules in the drawn-up Convention of the International Law Institute. The resolution states that ambassadors warrant alienation. In 1929 this separation was prohibited. This is the foundation of the Convention of Vienna (Arsanjani, 2011).

Study of customary rule of diplomacy and immunity was conducted in 1927 by the “League of Nation's International Law Codification Committee of Experts”. In 1928, the “Havana Convention on Diplomatic Officers” bring Latin American countries collectively under a single umbrella. Before detailed codification may be performed, the article was meant as a preliminary instrument. Diplomats may not actually claim immunities in the "Havana Convention provisional" in order to carry out official duties. The functionalist approach was thereby popularised. The Harvard research draught conference on diplomacy and immunity in 1932 was another important document ("the Harvard Convention").

The “Vienna Convention” was deemed a victory since 145 Member States had acceded to it by 1985; the figure had risen to 174 Member States ten years later. The "Vienna Convention" refers to diplomats' absolute security throughout the ages. Furthermore, diplomatic officials and missions in the receiving country should follow the same procedures. Furthermore, the Vienna Convention's preamble says that one of the priorities of immunity and rights is "not to favour persons, but to make sure that the roles of

diplomatic missions as serving States are carried out effectively," and the concept of functional need is embraced as the preamble's dominant doctrine. The focus is turned away from the diplomat's personal life and toward his mission. It is a source of worry that diplomatic officials adhere to this view, particularly when other requirements of the Vienna's treaty are challenged. The VC transforms the notion of personal representation into practical criteria, which can also be separated.

The preamble is supplemented by all these thoughts. The Vienna Convention similarly rejects the concept of extraterritoriality and notes that it was a 'unfortunate term' principle which had to have culminated in various errors and legal consequences that were 'totally unreasonable.' The Vienna Convention clarifies that ambassadors are only removed during their assignment from the authority of municipal courts, but are not removed from state law. In addition, it provides certain fiscal benefits, but also restricted customs allowances, which are exploited and used by certain envoys as a means to raise their pay. Other nations designated the customs exemption as being depend on "international comity" instead of statute about the same period. The Vienna Convention explicitly declared the present laws and procedure concerning diplomatic immune and non-discriminatory rights provided by States. As a result of territorial security, freedom and integrity in states and partly as a condition indispensable to the international community, special protections for diplomatic employees have been created. The primary explanation why State immunities should be expanded and the rights of its diplomatic officials is that their official duties should be carried out separately. The Vienna Convention was then adopted in 1961, and ceremonial rules, practises and international treaties have systematically been codified and extended. For the purposes of compliance, the Convention defines "diplomats as a 'diplomatic delegate,' who is either the head of mission or a member of the diplomatic personnel of the mission". The Convention has also addressed international connections between States as well as the creation of permanent diplomatic posts with mutual consent. It also requires the sending State to ensure that the person to be accredited as the sending State's head of mission has received authorisation from the receiving country and that the receiving State is not obligated to disclose grounds for rejecting the sending State.

"Two or more States may, unless a recipient State objects, accredit the same person as the head of mission to another State," was according to Article 6. The recipient nation has the power for deny the accreditation given to one individual by the two sending states for whatever reason it believes will influence diplomatic ties among the other nations of the international community. Furthermore, Article 8 of the Convention does not authorize sending States to appoint the receiving State as the sending State's Diplomatic Missionaries; sending States may do so only if the receiving State is free to wave at any moment without giving any cause.

According to Articles 5, 8, 9, and 11 of the 1961 Diplomatic Relations Convention, representatives of the Mission staff may be openly chosen by the sending State. In the event of political, marine, or air attachments, the host state might request that their names be submitted in advance for approval. The sending country is prohibited under the Convention from identifying such dual nationals or people of a race other than the sending country's. Any permanent mission diplomatic representative should recall the individual non grata sending State as well as shall be allowed to leave the nation at any time without cause. The convention not only oblige the accepting nation to respect the interests of the recipient State in its international activities, except it also provides the sending State the authority to refuse or authorise the diplomat.

In order to properly identify envoys and workers, Article 14 was formulated. The explanation for this paper is that only the ruling states sent diplomats, who were higher rated than other envoys, before the First World War. While the number of ambassadors increased during World War II, the number of deployed personnel dropped. As a result of the Vienna Convention, mission leaders have been given precedence.

Article 22 safeguards the inviolability of the mission premises. In particular situations,

the treaty doesn't denote the essence of mission inviolability nor does it mention the ramifications of inviolability of missions, disasters or violation clauses that warrant access in the receiving State's premises. The defence of all foreign communication types is addressed in Article 27. Examples involve the use of wireless contact and an unable to scan for diplomatic baggage by the receiving State. The settlement of civil authority exemptions to minimise the harassment of ambassadors is protected in Article 31. In some other situations, in comparison to taxation on private income and land incurring in the receiving jurisdiction, Article 34 deals with the statutory notion of exemption from domestic taxation, with indirect taxation and charges on services rendered. In the context of the broad variety of methods followed by the Parties to the Convention, the care of young diplomatic mission employees and families found it more difficult to address Article 37. It restricts civil authority while enabling complete exemption from criminal competence. Article 38 shall deal with the refusal of all citizens' rights and immunities, as well as with the permanent residents of the accepting nation.

The Convention has outlined the feature that since time immemorial has guided the creation of diplomat security. The Convention allows the recipient State to offer complete operating resources to the mission. The missionary may still grant freedom of movement to the responsive State area, but can only regulate freedom of movement in the national security interests.

Moreover, the diplomatic immunity of the ancient ages has been well maintained in compliance with the modern convention. Moreover, as soon as diplomatic couriers can be named ad hoc by the sending state mission, the Convention provides protection from seizures of diplomats' bags and it provides immunity to persons carrying diplomatic message. The missionary is removed from all human or actual, state, regional and municipal dues and charges in the course of his official service. The Convention exempts the missionary from collecting fees and charges. In legal suits that may be initiated against them in the receiving nations, the Convention has granted the missionary full protection. That lets diplomats do their job without fear in the reception of the state and for their home country, but the receptionist state may render diplomats liable for civil litigation under some circumstances. This may only be achieved towards private property held by the receiving diplomats not for the benefit of their work against their state.

### **Vienna Convention on Consular Relations Of 1963**

It must be clarified that it is different from the ambassadors and that it is relevant in international law. Ambassadors and consuls are required to fill the same office. Although diplomats and consuls operate side by side to develop international ties between nations, their roles and rights are not just distinct. Their primary role is to safeguard the commercial interests and all trading ties of sending and receiving countries. These consular tasks include issuance by the crews of vessels that are part of the sending state, birth certificates and wedding ceremonies, actions and administrative authorisation. Because the receiving state is hesitant to ensure that its government has access to its citizens and can communicate with them as part of an action filed against it, such as in Germany and Paraguay, shielding those nationals in distress is a vital duty. McClanahan shall create three provisions covering mail and contact with residents of the issuing State. Secondly, consuls must be promptly aware of all their nationals that have been detained and incarcerated by the receiver State authorities and nationals must be told of those rights; and thirdly, consuls are allowed to communicate and schedule nationals for consultation and consulting.

Consuls are often dispatched (as compared to diplomatic missions), and therefore differ from diplomatic negotiators, in more than one state of dispatch city or district. In Pretoria as well as in Cape Town, international embassies are based in "South Africa", while "Johannesburg", "Durban", "Cape Town" as well as "Port Elizabeth" consular facilities are situated. The first effort to codify consular privileges and responsibilities was made at the inter-American conference held in 1928 in Havana (Ronning, 2012). As a Consulate Agents

Pact was ratified by the American States. By 1932, Harvard International Law Studies had concluded an abbreviated draught agreement with detailed notes in this region that had contributed to a 1950 consular review by the ILC. A study was prepared by the Special Reporters on this issue, and in 1963 the Vienna Convention was introduced and signed in consular relations. This provided that all other diplomatic arrangements between parties will be interfered with or influenced by the Consular Convention (Ronning, 2012).

The assigned individuals will be liable for carrying out consular duties would be consulate officers. A "wide set of consular responsibilities" and other functions are incorporated into "Article 5" of the treaty in response to the "Brazilian delegate" who requested that the word "official functions" be replaced with "consular functions." The U.S. libel suit was brought in *Arcaya v Paeza* against the Venezuelan consul general Paez. What is the nature and effect of consular immunity according to customary international law on an action taken against a consul?? There have been two important challenges. According to Article 5 of the Consulate Convention, all rights, privileges as well as immunities necessary for the coherent presentation of their responsibilities are consular rights. This presents a first obstacle. As a result, only official operations are included in the scope. P ez was then designated Extraordinary Special Envoy and Plenipotentiary Minister, and as a result, he was protected from participating in the process, allowing him to remain in his position, as argued by the Department of State.

The heads of consulates are divided into four by Article 9 of the 1963 Convention:

- (1) "Consuls-general";
- (2) "Consuls";
- (3) "Vice-Consuls";
- (4) "Consular agents".

Consuls have less powers than ambassadors & less security. You are not diplomatic agents and you are not excluded from municipal control even when rights are accorded under the agreement of two States or where, contrary to international law, the consul falls below his official capacity and outside the bounds of consular authority. Consular and employee immunity is very small since it is excluded from public consular activities only. Consequently, the judicial or regulatory authority shall exclude them from the receiver state's jurisdiction.

The question in the South African case of "*S v/s Penros*", was whether an honorary consul from Colombia had been penalised for reckless driving in Road "Traffic Order No 26 of 1956" (McCormick, et al., 2020). The Court decided that a consul is not a diplomatic officer under foreign law. Only the Diplomatic Rights Act grants immunity to persons with ordinary diplomatic consul levels. In *Parkinson v. Potter*, Wills J held that a Consul General's immunity should be based on his behaviour as a Consul General rather than his diplomatic responsibilities. Consulate officers who work entirely in their governments and honorary consular officers who operate in part-term and non-work positions are split into two groups. If a state has little interest in another, it may try to nominate a local businessman, who may or may not be a national of the sending state, to serve as the honorary consular officer for that state. Honorary Consulates and their immunity are not explicitly acknowledged. Moreover, non-career consuls are not protected as protected like their workers. The inviolability of consular premises not accessible without the receiving control shall also be a significant immunity. The grounds remain protected from interference or lack of integrity even after the dissolution of the consular relationship, and this inviolability refers to all records and documentation by the consular mission. The Consular Convention is tougher than its predecessor despite its personal protection.

Article 40 stipulates that consular personnel must be treated with esteem through the accepting nation, who must take every reasonable step to protect their persons, privileges, and dignity. In line with Article 40, the Convention has a major role in the development and restoration of existing laws, and it brings consuls closer to diplomatic authorities

(McCormick, et al., 2020).

### **Convention on Special Missions 1966**

The CSM was created as well as presented to the United Nations General Assembly to ensure global harmony as well as safety as well as cordial relations and also collaboration among nations. The Convention became part of international law in 1963 to complement the existing 1961 diplomatic immunity provisions with the 1963 Councillor's Immunities in order to foster good relations between nations, regardless of their constitutional as well as socioeconomic systems (Elias & Akinjide, 1988). The 1969 Convention has defined straight-cut regions to the degree that it influences the realistic policy of diplomats in the receptive nations. The Convention expands its hands to all citizens who are an integral part of the international mission, in addition to guaranteeing immunities and embassy privileges. The Convention will appoint the Special Mission's representatives to the transferring nation, particular officer mission officers and members of special mission personnel, diplomatic staff, administrative and facilities officers, service employees, and private staff for its submission. The delegation from that country will be designated by the Convention. All immunities against persons specified in the receiving State by a permanent diplomatic missionary are guaranteed by the Convention.

It was protected by a Convention which requires immunity for some individuals to create diplomatic ties between States. In compliance with the 1961 Vienna Convention on Foreign ties the extent of protection and privileges are guaranteed. The convention of 1969 has a grey area of touch, which is ignored by the convention of 1961; the position of a specific missionary who has no previous diplomatic relations as the State delegate (Elias & Akinjide, 1988). The Convention lifted the limit to international ties in order to establish diplomatic protection between nations. In order to recognise and secure specific missions the Convention does not intend to create diplomatic or consular ties between states.

The Convention states that mission activity begins as soon as it is formally shared to the Foreign Ministry or another body of the receiving nation, as agreed, in accordance with a realistic protection strategy for special missionaries. Until an official contract with the receiving country is finalised, the missionary provides cover under the Convention's clothing. The immunities and privileges granted by this Special Missions Convention concern to the entire officer of the recipient state's diplomatic service and are consistent with the "Vienna Convention on International Relations of 1961", but application flaw was removed and the scope of the application expanded.

This treaty includes specific privileges and rights designed to protect and guarantee the health of the Particular Missionary in the host country. The sole missionary in the receiving State who fulfils the envoy State flag and symbol shall be authorize to the right granted under this Convention. Under Article 24(2) of the Convention, the grounds for a separate mission are not liable to any taxation, and thus, the Convention applies to the exemption from tax provided for in Article 24 for a sole missionary, not individuals engaged with a sending State or individual mission holder (1).

The Convention obligates the receiving State to avoid interference or interruption on the basis of the unique mission, as well as to discourage mission breakdown and damage of reputation. By breaching the documents and papers of a specific project, the Convention protects transactions carried out on respect of the receiving State by the missionary, and should remain inviolable if and whenever apparent exterior identification markers are observed.

Not only has the 1969 Convention extended the scope of adoption; it has also filled the void of the Vienna Convention of 1961. To the sense that it impacts on the activities of a special missionary and involves an ambassador, the convention offers full security. The 1969 Convention guarantees freedom of travel and freedom of expression while also prohibiting the receiving state's permanent diplomatic mission and special mission equipment, such as the bag and messenger, from being opened or detained. The diplomatic

mission and its personnel are immune from arrest or incarceration in the receiving state. Furthermore, the Convention gives immunity to the mission director, and also to diplomatic employees, which is as safe and inviolable as the mission's distinctive premises.

The Convention of 1969 guarantees the representatives of the issuing State and its diplomatic employees full protection and cannot be compelled to testify as witnesses from the legal with secretarial criminal authorities of the “receiving state” (Brown, 1988). The Convention not only grants the receiving State the mandate to take action against special priests, diplomatic personnel, in law, civic and administrative situations, but it also applies to the receiving country, where the receiving country is prepared to take such steps under its law if the requirement is infringed. In the other hand, it provides the capacity to overturn the immunity granted by the Convention and to operate against a specific mission or diplomatic staff:

- In the case of individual, immovable objects beyond the Receiver State's competence, the missionary operation of the awarding State shall not take effect.
- An activity relating to the estate of an individual engaged as a private resident, trustee, successor or legatee, not on behalf of a sending power.
- Rather than the official duties of the receiving State, whether in an activity relevant to some scientific or commercial procedure carried out by the person concerned.
- Or an application for negligence resulting from an accident by a car which is operated outside the person's official activities.

In addition, Article 35 of the Convention allows for immunity from customs tariffs, fines and related taxes on importations or the export of missionary goods. The Convention also allows the receiving State not to search the missionary's or his family's personal luggage upon joining or leaving or during their period in the receiving State. It not only granted diplomatic employees protection, but also used their immunity to live with diplomatic staff of the representatives of the diplomatic family. The host country, but also the third country from which the diplomat travels, is bound by the Convention.

The Convention grants such missionaries or diplomats Immunities during a duration of “peace between nations”, but also obliges the “receiving State” not to provide them any nationality but, with the case of an outbreak of war, to guarantee and ensure a peaceful transition. Chapter 4 of this thesis will be addressed in detail on the same subject.

### **Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, 1973**

The Permanent Representative of the Netherlands, in a letter to the President of the U N Security Council on May 5, 1970, expressed concern about the rising number of diplomats in various regions of the world (Lowe, et al., 2010). The letter was addressed to the President of the International Court of Justice as well as the Chairman of the Committee on International Rule. The President responded that the issue had been revisited by the Committee on International Law.

In 1971 the Committee formed a working group with drawn-out papers. The working group created three papers on violations against diplomatic officials and other persons with a claim to exclusive international protection. These contained articles. It was proposed in Resolution 2926 to send the countries, specialist entities and intergovernmental organisations concerned written comments on the prevention and investigation of crimes against diplomats and other defensive individuals. UNGA, by consensus, adopted Resolution 3166 on 14 December 1973, which formed the Diplomatic Officers' Foreign Violence Prevention Treaty. Annexed to the 1973 World Peace Convention and the Fostering of Good Ties and Cooperation between Nations, the General Assembly embraced the Convention, taking into consideration the significant danger of the continued offences against diplomatic officers & other globally confined people, compromising the welfare of the residents (Lowe, et al., 2010).

Several foreign personalities interested in international affairs was listed in the

Agreement on the Prevention and Judicial Prosecution of Constitutionally Covered Persons (1973). The Convention includes all citizens in international countries who share their concern in the State. Article 1(b) of the Convention of 1973 specifies that, at the moment and when a crime is perpetrated against him or her, his or her official property, private lodging or travel and an employee of a foreign intergovernmental body entitled to particular protection in accordance with international law.' In terms of protection, the 1973 convention expanded, but it narrowed its scope to families and other authorities, the Vienna Convention giving protection to ambassadors. The 1973 Convention provides extra safeguards for all its private lodging, transport, etc., not only for the official residence. The Convention provides the receiving State with utter inviolability against globally armed diplomats.

The accepting nation is obligated under the treaty to take the necessary steps to establish its expertise in regard to crimes committed on its territory or in connection with ships or aircraft registered in its jurisdiction. The "Convention" not only requires the "receiving State," but also the "receiving State" to take real steps to prevent those who have committed crimes against internationally protected individuals from committing those crimes on or beyond its authority in their respective territories.

### **International Convention against the Taking of Hostages 1979**

Several hundred students from Iran infiltrated the US embassy and kidnapped a party of hostages on 4 November 1979, and requested a return of the Iranian expelled shah from the U.S. Iranian fanatics have embarked on a dangerous plan. The inviolability of diplomats and diplomatic officials and kidnapping of embassy personnel cannot be clarified by any explanation except that it can be reminded of feudalism and barbarism is a vital value of law of nations. The Security Council adopted a resolution asking Iran to urgently identify the reconstruction of the US embassy in Tehran. The US has appealed the matter with sadness to the ICC (Shahmohammadi, 2008).

In diplomacy and international relations, she practically purchased anarchy, taking people as captives are an open contravention of human rights. For this purpose, the UN on 17 December 1979, The General Assembly overwhelmingly ratified a convention to make the take-over of foreign crime and authorised governments to prosecute anyone who took their custody. Captives became an agreed function of the ancient ritualised War law as a form of safe enforcement of armistice and other negotiations or as a means of coercion and repression. But only in the twentieth century was the arrest and killing of civil reconstruction a traditional military tactic. The Nazis are famous because of their oppressive policies against citizens. The execution of human prisoners was ruled a war crime by the Nuremberg Tribunal Charter. "Article 34" of the "Fourth Geneva Convention" of 1949 forbids the taking of political captives. In recent years, recovery has arisen as a favoured weapon for attackers in a different way. The capturing of hostages was common and sporadically began in the late 1960s and eventually rose. One more prominent case was the detention and assassination of Israelis after the 1972 Munich Olympics; 60 OPEC officials were detained in Vienna in 1975; Air France flew to Entebbe hijacking and Jewish passengers were imprisoned in 1976; US embassy personnel in Tehran was imprisoned on a prolonged basis from 1979 to 1981; the Dominican embassy was captured in Bogota after that. At the Embassy in Lima, Peru several diplomats were retained for a week in a hostage by terrorists.

### **UNITED NATIONS INTERNATIONAL IMMUNITIES**

The welfare of foreign organisations and their staff is the topic of 'international immunities'. UN officials in New York are committing several abuses. The explanation New York is the city with the highest amount of harassment by UN officials is because the UN headquarters are headquartered in New York, though diplomats are given international customary protection by international treaties and conventions. However, the 1931 concept



of Suzanne Bastid was agreed by most historians, but the Charter and Convention does not describe "International officers." She defines them as "persons nominated by or under the authority of this international community, whose functions are in the interests of that specific international community on the basis of the International Treaty that establishes that particular international community" (Ludi, 2019). Ambassadors are not representatives of foreign governments. It does not represent a city, but rather a global corporation. From human rights defence to peacekeeping, trade, and the environment, government agencies play an essential role. At first when global organisations had no government jurisdiction, they had not had privileges or immunities, but international immunities first appeared as early as the 19th century, but only after the "Second World War" international organisations began to increase. And there was no protection and privilege provisions in Dumbarton Oaks' UN Charter scheme, when it became apparent that not all officials needed protection (Simpson, 2000). When multinationals with a political mandate started emerging as a comfortable and stable model, many officials obtained diplomatic immunity. The abuse of protection contributed to confusion because the official was the organisation and its country of origin.

The UN Preparatory Committee suggested that the UN Agreement on Rights and Immunities be prepared. If the UN Charter's Art 105, which allows for immunities as well as rights, was to be enforced, this Convention was necessary. Four parts of immunity have been shattered. The first group consists of "highlevel people" "(Secretary-General & Assistant Secretary-General)", whereas the 2<sup>nd</sup> class consists of United Nations representatives and project specialists themselves. The protection provided to organisational authorities is outlined in Article 18 of the UN Convention. It's worth noting that there's still a distinction to be made between permanent delegates at UN's headquarters all over the year and "temporary representatives" allocated to various UN meetings and conferences. Permanent representatives have the same rank as designated ambassadors to the sending nation, according to Section 15 of the UN Headquarters Contract. Temporary representatives, on the other hand, have a limited immunity from criminal law in the receiver state; they are limited to official responsibilities and do not have the ability to defend civil jurisdiction.

Contrary to the Vienna's treaty, the rights as well as immunities of the United Nations officials are limited to those qualified to conduct their operational activities individually. A chauffeur from the UN Secretary-General was detained for speed at the UN official meetings in Westchester County v. Ranollo (Preuss, 1947). At that point, the court ruled that the Ranollo did not assume office. However, the UN Convention would accept its behaviour as part of its official position if it were now tried to do so. The immunities of UN representatives and diplomatic employees are the same, in particular as regards personal inviolability, arrest and detention. Further immune systems have the official duty protection from criminal authority. The United Nations Convention offers two avenues for the disabled to get remedies by an officer breaching his jurisdiction. The first is the Secretary-General's removal from immunity. The exclusion is only issued if it would not harm the company's interests. The second strategy is to address the UN with the applicants. The United Nations permits the arbitration of plaintiffs harmed by officials whose protection has been maintained.

## **CONCLUSION**

The evolution of diplomatic immunity is a testament to the enduring need for structured, protected channels of communication in international relations. From its nascent roots in ancient civilizations to its formalization in modern international law, diplomatic immunity has played a pivotal role in ensuring the safety and effectiveness of diplomatic agents. The codification of these protections in the Vienna Convention on Diplomatic Relations of 1961 established a robust legal framework that continues to underpin diplomatic interactions globally. Despite occasional controversies and concerns over potential misuse, diplomatic

immunity remains a cornerstone of international diplomacy, balancing the sovereignty of states with the necessity of unhindered diplomatic engagements. As the global political landscape evolves, so too must the mechanisms that govern diplomatic privileges and immunities, ensuring that they remain relevant and effective in fostering peaceful and cooperative international relations.

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