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DIPLOMATIC LAW

Commentary on the Vienna Convention on Diplomatic Relations

THIRD EDITION

EILEEN DENZA

David Spence, Jozef Bátora

Diplomatic Law Eileen Denza, 2016-01-14 The 1961 Vienna Convention on Diplomatic Relations has for over 50 years been central to diplomacy and applied to all forms of relations among sovereign States Participation is almost universal The rules giving special protection to ambassadors are the oldest established in international law and the Convention is respected almost everywhere But understanding it as a living instrument requires knowledge of its background in customary international law of the negotiating history which clarifies many of its terms and the subsequent practice of states and decisions of national courts which have resolved other ambiguities Diplomatic Law provides this in depth Commentary The book is an essential guide to changing methods of modern diplomacy and shows how challenges to its regime of special protection for embassies and diplomats have been met and resolved It is used by ministries of foreign affairs and cited by domestic courts world wide The book analyzes the reasons for the widespread observance of the Convention rules and why in the special case of communications where there is flagrant violation of their special status these reasons do not apply It describes how abuse has been controlled and how the immunities in the Convention have survived onslaught by those claiming that they should give way to conflicting entitlements to access to justice and the desire to punish violators of human rights It describes how the duty of diplomats not to interfere in the internal affairs of the host State is being narrowed in the face of the communal international responsibility to monitor and uphold human rights Research Handbook on Law and Diplomacy Margaret E. McGuinness, David P. Stewart, 2022-12-08 This timely Research Handbook examines the dynamic and interdependent relationship between law and diplomacy in the contemporary international system Through accounts of the actual practice of international law and diplomacy it provides insights into how international law and relations operate and examines the complex relationship Diplomatic Theory from Machiavelli to Kissinger G. Berridge, M. Keens-Soper, T. Otte, 2001-03-23 This book offers an introductory guide for students to four centuries of diplomatic thought Since diplomacy as we know it was created during the Renaissance in Italy a number of major figures have reflected on the place of diplomacy in foreign affairs and the problems associated with its pursuit These include statesmen international lawyers and historians most of whom had experience as diplomats of the first or second rank This book examines the thought of some of the most important of them from Niccol Machiavelli in the early sixteenth century to Henry Kissinger in the late twentieth century

<u>The European External Action Service</u> David Spence, Jozef Bátora, 2015-08-18 This book questions whether the institutions and practices of the emerging EU diplomatic system conform to established standards of the state centric diplomatic order or whether practice is paving the way for innovative even revolutionary forms of diplomatic organisation

The Global Prosecution of Core Crimes under International Law Christopher Soler, 2019-09-18 This book deals with the prosecution of core crimes and constitutes the first comprehensive analysis of the horizontal and vertical systems of

enforcement of international criminal law and of their inter relationship It provides a global jurisprudential exposition in assessing the grounds for refusal of surrender to the International Criminal Court and of extradition to another State It also offers insights into legal perspectives which improve the prevailing enforcement regimes of various models of criminal justice including hybrid criminal tribunals special criminal courts judicial panels and partnerships and other budding sui generis judicial and or prosecutorial institutions. The book espouses a human rights law oriented critique to the enforcement of domestic regional and international criminal justice and is aimed at legal practitioners prosecutors defence lawyers magistrates and judges jurists criminal justice experts penologists legal researchers human rights activists and law students Christopher Soler lectures Maltese criminal law international criminal law and public international law at the University of Malta He obtained his Ph D from the University of Amsterdam in The Netherlands Nigerian Yearbook of International Law 2017 Chile Eboe-Osuji, Engobo Emeseh, 2018-05-12 This book is the inaugural edition of the Nigerian Yearbook of International Law The Yearbook is a necessary and timely publication that provides a forum for critical discourse on developments in international law particularly where this has relevance for Nigeria Africa and its people including those in the diaspora The articles in this first volume explore topics under the following themes International Law and Regional Systems Contemporary Challenges Emerging Issues Criminal Law and Natural Resources Environmental Law There is also a section which provides a comprehensive review of key decisions in African and International Courts Tribunals Contributors to this edition are international law jurists from across the world including eminent judges of international tribunals leading academics and an international diplomat Between Immunity and Impunity Yuliya Zabyelina, 2023-12-21 How do top level public officials take advantage of immunity from foreign jurisdiction afforded to them by international law How does the immunity entitlement allow them to thwart investigations and trial proceedings in foreign courts What responses exist to prevent and punish such conduct In Between Immunity and Impunity Yuliya Zabyelina unravels the intricate layers of impunity of political elites complicit in transnational crimes By examining cases of trafficking in persons and drugs corruption and money laundering that implicate heads of state and of government ministers diplomats and international civil servants she shows that despite the potential of international law immunity to impede or delay justice there are prominent instruments of external accountability Accessible and compelling this book provides novel insights for readers interested in the close knit bond between power illicit wealth and impunity Modification of Treaties by Subsequent Practice Irina Buga, 2018 This book explores the process of treaty modification by subsequent practice explaining how such practice can significantly revise treaty obligations or even create new ones allowing evolution of the law Research Handbook on the International Court of Justice Achilles Skordas, Lisa Mardikian, 2025-03-12 This Research Handbook presents an in depth examination of the International Court of Justice ICJ and its jurisprudence Contributing authors dissect the global governance functions of the ICI and its impact on national legal orders worldwide Vienna Convention on Diplomatic

Relations of 18 April 1961 Christian Oelfke, 2018-12-10 Even over 50 years after its entry into force the Vienna Convention on Diplomatic Relations of 1961 remains as important as ever and enjoys a high level of acceptance worldwide Over 190 states have acceded to the Convention and apply its provisions in their daily diplomatic work. These comprehensively revised and updated commentaries provide those who apply the law with practical explanations on the Vienna Convention's provisions Key topics such as diplomatic immunity the inviolability of the diplomatic mission and the protection of diplomatic couriers are addressed here in detail with particular regard to German legislation and jurisprudence on such issues The commentaries are rounded off by comprehensive information derived from the day to day work of the Federal Foreign Office and other **Diplomatic Law in a New Millennium** Paul Behrens, 2017-08-04 The granting of diplomatic asylum to foreign services Julian Assange the dangers faced by diplomats in troublespots 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 the Principle of Non-Intervention Marco Roscini, 2024-05-22 The principle of non intervention is one of the most venerable principles of international law Although not expressly mentioned in the Charter of the United Nations at least as an inter state prohibition the principle currently appears in a plethora of treaties and UN

General Assembly resolutions and has been invoked by states of all geographical and political denominations Despite this the determination of its exact content has remained an enigma International Law and the Principle of Non Intervention History Theory and Interactions with Other Principlessolves this enigma by exploring what constitutes an intervention in international law and when interventions are unlawful These questions are approached from three different perspectives which are reflected in the book s structure historical theoretical and systemic Through a comprehensive survey of primary documents and of over 200 cases of intervention from the mid 18th century to the present day as well as an extensive literature search this work provides an in depth analysis of the principle of non intervention which links it to fundamental notions of international law including sovereignty use of force self determination and human rights protection **Espionage and International Law** Russell Buchan, 2018-12-27 The advent of cyberspace has led to a dramatic increase in state sponsored political and economic espionage This monograph argues that these practices represent a threat to the maintenance of international peace and security and assesses the extent to which international law regulates this conduct The traditional view among international legal scholars is that in the absence of direct and specific international law on the topic of espionage cyber espionage constitutes an extra legal activity that is unconstrained by international law This monograph challenges that assumption and reveals that there are general principles of international law as well as specialised international legal regimes that indirectly regulate cyber espionage In terms of general principles of international law this monograph explores how the rules of territorial sovereignty non intervention and the non use of force apply to cyber espionage In relation to specialised regimes this monograph investigates the role of diplomatic and consular law international human rights law and the law of the World Trade Organization in addressing cyber espionage This monograph also examines whether developments in customary international law have carved out espionage exceptions to those international legal rules that otherwise prohibit cyber espionage as well as considering whether the doctrines of self defence and necessity can be invoked to justify cyber espionage Notwithstanding the applicability of international law this monograph concludes that policymakers should nevertheless devise an international law of espionage which as lex specialis contains rules that are specifically designed to confront the growing threat posed by cyber espionage International Criminal Law Roger O'Keefe, 2015 International Criminal Law provides a comprehensive overview of an increasingly integral part of public international law It complements the usual accounts of the substantive law of those international crimes tried to date before international criminal courts and of the institutional law of those courts with in depth analyses of fundamental formal juridical concepts such as an international crime and an international criminal court with detailed examinations of the many international crimes provided for by way of multilateral treaty and of the attendant obligations and rights of states parties and with sustained attention to the implementation of international criminal law at the national level Direct concise and precise International Criminal Law should prove a valuable resource for scholars and practitioners of the discipline of

international criminal law **International Law Immunities and Employment Claims** Pierfrancesco Rossi, 2021-12-02 This book provides the first comprehensive analysis of the international law regime of jurisdictional immunities in employment matters Three main arguments lie at its heart Firstly this study challenges the widely held belief that international immunity law requires staff disputes to be subject to blanket or quasi absolute immunity from jurisdiction Secondly it argues that it is possible to identify well defined standards of limited immunity to be applied in the context of employment litigation against foreign states international organizations and diplomatic and consular agents Thirdly it maintains that the interaction between the applicable immunity rules and international human rights law gives rise to a legal regime that can provide adequate protection to the rights of employees A much needed study into an under researched field of international and employment law Apuntes básicos de Derecho Internacional Público Efrén Guerrero Salgado, 2025-05-09 Este libro ofrece una introducci n esencial al Derecho Internacional abordando sus fundamentos fuentes sujetos responsabilidad internacional y mecanismos de soluci n de controversias centrado en el contexto ecuatoriano Analiza la jurisprudencia de cortes internacionales la responsabilidad tanto estatal como individual y la aplicaci n del Derecho Internacional Humanitario en conflictos armados Adem s examina la cooperaci n y el cumplimiento de las normas internacionales explorando su impacto en desaf os contempor neos como el cambio clim tico la protecci n de los derechos humanos la lucha contra el crimen transnacional organizado y los conflictos por recursos naturales Handbook of New Human Rights Andreas von Arnauld, Kerstin von der Decken, Mart Susi, 2020-01-02 The book provides in depth insight to scholars practitioners and activists dealing with human rights their expansion and the emergence of new human rights Whereas legal theory tends to neglect the development of concrete individual rights monographs on new rights often deal with structural matters only in passing and the issue of new human rights has received only cursory attention in literature By bringing together a large number of emergent human rights analysed by renowned human rights experts from around the world and combining the analyses with theoretical approaches this book fills this lacuna The comprehensive and dialectic approach which enables insights from individual rights to overarching theory and vice versa will ensure knowledge growth for generalists and specialists alike The volume goes beyond a purely legal analysis by observing the contestation rhetorics the struggle for recognition of new human rights thus speaking to human rights professionals beyond the legal **Diplomatic Interference and the Law** Paul Behrens, 2016-05-05 Diplomatic interference carries considerable sphere potential for disruption In this context diplomats have been accused of insulting behaviour the funding of political parties incitement to terrorism and even attempts to topple the host government Reactions can be harsh expulsions are common and occasionally diplomatic relations are severed altogether But an evaluation under international law faces challenges Often enough charges of interference are made when legitimate interests are involved for instance when diplomats criticise the human rights record of their hosts In such cases diplomats may be able to invoke grounds which are recognised under

international law On the basis of more than 300 cases of alleged diplomatic interference and the practice of about 100 States and territories Diplomatic Interference and the Law provides an examination of the main areas in which charges of meddling have arisen such as lobbying activities contacts with the opposition propaganda the use of threats and insults and the granting of asylum It analyses situations in which the sovereignty of the receiving State meets competing interests and offers solutions which avoid a conflict of norms It concludes with useful advice for foreign offices and diplomatic agents and underlines the most efficient ways of dealing with situations of alleged interference A book that is here to stay It is essential reading for diplomats academics journalists students and everyone who has an interest in international law and justice Based on rigorous research Paul Behrens book offers new and thoughtful perspectives on the Vienna Convention on Diplomatic Relations which we drafted in 1961 It demonstrates just how important it is to have a lawyer of his impartiality and integrity if we want to reach peaceful and lasting solutions in international relations Diplomatic Interference and the Law has the makings of an instant classic and I have no doubt that it will pave the way for the sorely needed reform of diplomatic law Dr Nelson Iri iz Cas s Vice President of the Committee of the Whole of the Vienna Conference on Diplomatic Relations in 1961 former Head of the diplomatic missions of Uruguay to Austria Czechoslovakia Hong Kong Denmark and Sweden author of Corrupci n en la ONU Dr Behrens s book rigorously analyses the legal doctrine of non interference by diplomats in their hosts internal affairs and how it may conflict with legal obligations to combat for example denial of self determination and breaches of human rights Exhaustively researched and in accessible language with copious often entertaining examples it will be an indispensable guide for diplomats Behrens on diplomatic interference will be cited as the definitive authority on the matter for the foreseeable future I recommend this book to diplomats lawyers and the general reader they will all read and refer to it with profit and immense pleasure Sir Brian Barder KCMG BA Cantab is a former British ambassador to Ethiopia B nin and Poland and High Commissioner to Nigeria and Australia Paul Behrens book breaks new ground It is the first study to focus on the vexed question of diplomatic meddling in the domestic affairs of the receiving State It has heightened topicality as many Western governments in their concern to promote human rights and democracy urge their diplomats to be active in their support of civil society particularly in countries with authoritarian governments This book is replete with case studies covering the 50 years since the signature of the Vienna Convention and provides an invaluable pathway through this legal minefield Sir Ivor Roberts KCMG FCIL President of Trinity College Oxford Former British Ambassador to Yugoslavia Ireland and Italy The EU Charter of Fundamental Rights Steve Peers, Tamara Hervey, Jeff Kenner, Angela Ward, 2014-12-01 The Charter of Fundamental Rights of the European Union enshrines the key political social and economic rights of EU citizens and residents in EU law In its present form it was approved in 2000 by the European Parliament the Council of Ministers and the European Commission However its legal status remained uncertain until the entry into force of the Treaty of Lisbon in December 2009 The Charter obliges the EU to act and legislate consistently with

the Charter and enables the EU s courts to strike down EU legislation which contravenes it The Charter applies to EU Member States when they are implementing EU law but does not extend the competences of the EU beyond the competences given to it in the treaties This Commentary on the Charter the first in English written by experts from several EU Member States provides an authoritative but succinct statement of how the Charter impacts upon EU domestic and international law Following the conventional article by article approach each commentator offers an expert view of how each article is either already being interpreted in the courts or is likely to be interpreted Each commentary is referenced to the case law and is augmented with extensive references to further reading Six cross cutting introductory chapters explain the Charter's institutional anchorage its relationship to the Fundamental Rights Agency its interaction with other parts of international human rights law the enforcement mechanisms extraterritorial scope and the all important Explanations

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