



KAMARAJ IAS ACADEMY
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Vienna Convention on Diplomatic Relations

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Why is in news? Canada recalls 41 diplomats from India: What is the 1961 Vienna Convention, why it was invoked

Amid the ongoing standoff between India and Canada, the Canadian government announced it has recalled 41 diplomats posted in India, and their family members, on Friday (October 20). Canada's Foreign Minister Melanie Joly said this was because they were "in danger of having immunity stripped on an arbitrary date" and that would have "put their personal safety at risk".

About the convention:

The Vienna Convention on Diplomatic Relations (VCDR) is an **international treaty** that was **adopted on April 18, 1961**, in Vienna, Austria, and entered into force on April 24, 1964.

It is considered a **cornerstone of modern diplomatic law and practice**.

The treaty **sets out the rights and responsibilities of diplomatic missions and their personnel**, as well as the principles governing diplomatic relations between states.

The Vienna Convention aims to codify and clarify the rules and customs of diplomatic law. It provides a comprehensive framework for diplomatic relations to ensure the smooth conduct of diplomacy and the protection of diplomatic agents and missions.

The convention applies to diplomatic missions, which include embassies and legations, as well as to diplomatic agents, such as ambassadors, chargés d'affaires, and other accredited representatives of a sending state in a receiving state.

Today, **193 countries** have ratified the convention, meaning they agree it should be legally binding on them. Ratification means that a country should seek approval for the treaty on the domestic level and enact a law in their country to give effect to it.

India **ratified** it through **the Diplomatic Relations (Vienna Convention) Act of 1972**.

Features of the convention:

Inviolability:

One of the core principles of the VCDR is **the inviolability of diplomatic agents and missions**.

This means that diplomatic agents and their premises are immune from the jurisdiction of the host state.

The receiving state must protect the premises and agents against intrusion, search, and arrest.

Diplomatic Immunity:

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040

Phone: **044 4353 9988 / 98403 94477** / Whatsapp : **09710729833**

Diplomatic agents enjoy various forms of immunity, including personal inviolability, exemption from taxes, and immunity from civil and criminal jurisdiction.

This immunity facilitates their role in representing their home country and conducting diplomatic business.

Freedom of Communication:

Diplomatic agents have the right to communicate freely with their government.

The VCDR ensures that diplomatic bags, documents, and communications are protected and not to be opened or detained.

Non-Interference in Internal Affairs:

The Vienna Convention explicitly states that diplomatic agents must not interfere in the internal affairs of the host state.

They are expected to conduct their diplomatic activities in a manner consistent with the laws and regulations of the receiving state.

Duty to Respect Laws and Regulations:

Diplomatic agents are obligated to respect the laws and regulations of the host state.

They must not abuse their privileges and immunities.

Termination of Diplomatic Relations:

The convention outlines the procedures for the termination of diplomatic relations between states, including the withdrawal of a diplomatic agent and the closure of a diplomatic mission.

Consular Relations:

The Vienna Convention on Consular Relations, adopted in 1963, complements the VCDR by establishing rules for consular relations between states.

While the VCDR primarily deals with diplomatic missions, the Convention on Consular Relations focuses on consular missions and officers.

Optional Protocols:

The VCDR has optional protocols, which include additional provisions and reservations.

States may choose to adopt these protocols to modify certain aspects of the convention to meet their specific needs.

Other laws govern international diplomatic relations:

Vienna Convention on Consular Relations (1963):

Similar to the Vienna Convention on Diplomatic Relations, this treaty governs the establishment and conduct of consular relations between states.

It outlines the rights and duties of consular officers and the consular premises' inviolability.

Vienna Convention on the Law of Treaties Between States and International Organizations or Between International Organizations (1986):

This convention governs treaties between states and international organizations or between international organizations.

It sets out the rules and procedures for the formation, amendment, and termination of treaties among states and international organizations.

Customary International Law:

Customary international law consists of long-standing practices and norms accepted by states.

It plays a crucial role in diplomatic relations, as some diplomatic practices have developed over centuries and are considered customary.

Bilateral and Multilateral Agreements:

Many countries establish diplomatic relations through bilateral agreements, outlining the specifics of their diplomatic ties. Multilateral agreements, such as the United Nations Charter, can also influence diplomatic relations.

State Sovereignty:

The principle of state sovereignty is a foundational concept in international relations.

It asserts that each state has the right to conduct its affairs without external interference.

This principle is central to diplomatic relations.

Recognition of States:

The recognition of a state's sovereignty and territorial integrity is a critical aspect of diplomatic relations.

States formally recognize each other, indicating their willingness to engage in diplomatic relations.

Customary Courtesy:

Diplomatic relations are also guided by the principles of good faith and customary courtesy. States are expected to engage with each other respectfully and cooperatively.

International Organizations:

Various international organizations, such as the United Nations and regional organizations, play roles in facilitating diplomatic relations, especially in conflict resolution and peacekeeping efforts.

Treaties and Conventions:

International treaties and conventions, such as those related to human rights, environmental protection, and trade, can influence diplomatic relations.

States may engage in diplomatic efforts to negotiate, implement, and comply with these agreements.

Diplomatic Protocols:

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Specific protocols and guidelines govern diplomatic practices, including the presentation of credentials, the exchange of diplomats, and diplomatic ceremonies.

These are often rooted in tradition and international norms.

Various Vienna Conventions:

Vienna Convention on Diplomatic Relations (1961)

Vienna Convention on Civil Liability for Nuclear Damage (1963)

Vienna Convention on Consular Relations (1963)

Vienna Convention on Road Traffic (1968)

Vienna Convention on the Law of Treaties (1969)

Vienna Convention for the Protection of the Ozone Layer (1985)

Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations (1986)

United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)

Conclusion:

The Vienna Convention on Diplomatic Relations has been ratified by a large majority of countries and is recognized as customary international law.

It has greatly contributed to the orderly conduct of international diplomacy, the prevention of diplomatic disputes, and the promotion of peaceful relations between states.

The Vienna Conventions on Diplomatic and Consular Relations provide a comprehensive framework for diplomatic conduct, but diplomacy also relies on state practice, customary international law, and evolving global norms.