

Vienna Convention on Diplomatic Relations

The Vienna Convention on Diplomatic Relations (1961) is a treaty that defines the framework for the conduct of diplomatic relations between countries. This is an important [United Nations](#) convention and one that finds mention in the newspapers quite often. In this article, you can read all about the Vienna Convention for the [UPSC exam](#) international relations segment.

Vienna Convention

The Vienna Convention on Diplomatic Relations was adopted in 1961 by the United Nations Conference on Diplomatic Intercourse and Immunities held in Vienna, Austria.

- This treaty lays down the rules and regulations of diplomatic relations between countries and also the privileges that diplomats enjoy in other countries.
- The treaty entered into force in April 1964 and currently, there are 192 parties to the convention.
- The Vienna Convention applies not only to diplomats but also to both military and civilian personnel from the military departments, who are present in the country under the authority of the chief of the diplomatic mission.
- Although this convention formalizes diplomatic immunity and codifies rules for diplomatic relations between nations, informally these regulations were in practice for at least 200 years.
 - In ancient times, the Indian, Greek and Roman civilizations had privileges for diplomats of foreign countries.
 - The first attempt in modern times to codify diplomatic immunity occurred in 1815 at the Congress of Vienna.
- An important aspect of the treaty is the provision of legal immunity for diplomats so that they don't have to face prosecution according to the laws of the host country.
- The Vienna Convention holds that persons working as diplomats are “inviolable” and therefore cannot be detained or arrested.
- Host nations are also obliged to protect diplomats from attacks on their freedom and dignity.
- Another related treaty is the Vienna Convention on Consular Relations, adopted in 1963 and effective from 1967.

Vienna Convention Important Features

Some of the important features of the Vienna Convention on Diplomatic Relations are described in this section.

- Article 9 of the convention states that the host country can declare any member of the diplomatic staff of a mission **persona non grata** at any point in time and for any reason. Such a person must be recalled by the home country of the person within a stipulated time period, or else he stands to lose his diplomatic immunity.
 - In May 2020, two Pakistani officials from their mission were declared persona non grata by the Indian Government for indulging in activities incompatible with their status as members of a diplomatic mission.
- The convention contains provisions that bar the host country from searching the premises of the diplomatic mission and seizing its property or documents. This extends to the private residences of the diplomats also. It also prohibits the host country from entering the premises of the mission or embassy, which is considered inviolable.
- Free communication should be allowed between the mission and the home country. No diplomatic bag or courier should be seized or opened.

- The treaty says that foreign envoys cannot be prosecuted or punished by the host country for actions carried out in the line of duty. This diplomatic immunity can be waived only by the home country.
- The treaty gives host countries the right to expel envoys.
- The convention also mentions professional activities that are not covered under diplomatic immunity.

Diplomatic Immunity

Diplomatic immunity refers to the principle of international law that allows diplomats to function and carry out their official duties without fear of being arrested or facing legal charges according to the host country's laws.

- This principle puts limits on the authority of police officers and judges of the country of assignment of the diplomats.
- It does not mean that the diplomats are free to do what they want without the fear of any reprisal.
- It is not an absolute license and its basis is expediency and reciprocity.
- A diplomat can be charged with all offences committed, except that he may not be arrested, held in legal custody, or made a defendant in a court case. Instead, he should be deported through the due process to his home country to face prosecution under its laws.
- Serious offenders can be declared persona non grata as mentioned above.
- No immunity applies to individuals and their families who are nationals of the host country who work in foreign country embassies or missions.
- Host countries can also request that home countries waive a crime suspect's immunity.
- There are various levels of diplomatic immunity. Highest immunity is applicable for diplomatic agents (high ranking officials like ambassadors) and their families.
- Some embassy personnel enjoy immunity from criminal courts and the police but a lesser degree of immunity from civil suits.

India and Vienna Convention

India acceded to the Vienna Convention on Diplomatic Relations in 1965. India enacted the Diplomatic Relations (Vienna Convention) Act, 1972 to give effect to the Vienna Convention.

In the Kulbhushan Jadhav case, the [International Court of Justice \(ICJ\)](#) informed the United Nations General Assembly that Pakistan violated the Vienna Convention on Consular Relations by not granting consular access to Jadhav. In the case, Pakistan had wrongly stated that the convention does not apply to persons suspected of espionage. The ICJ also noted that Pakistan informing the Indian consulate of the arrest of Jadhav some three weeks after the arrest was in violation of the provisions of the convention.

