

## THE RIGHT TO DIPLOMATIC IMMUNITY AND ITS MODERN INTERNATIONAL SIGNIFICANCE.

Rakhimova Muhayyo <sup>1</sup>

<sup>1</sup> Tashkent State University of Law Public Law, Stream A, Group 3  
rahimovamuhay.yo@icloud.com

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*This article analyzes the right to diplomatic immunity and its role in modern international law. The main focus is on the 1961 Vienna Convention, which defines the legal status of diplomats and the limits of their immunity. Additionally, the study examines Uzbekistan's international legal practice and the key national legislative acts regulating diplomatic immunity. Using examples from international and national court decisions, the article explores legal issues related to diplomatic immunity and its potential misuse. Furthermore, it discusses judicial precedents that highlight the necessity of either limiting or expanding diplomatic immunity. The role of Uzbekistan in international relations is assessed, and recommendations for improving legal regulation in this area are provided.*

**INTRODUCTION.** The right to diplomatic immunity and its significance in international law hold great importance today, as global political changes and the increasing complexity of diplomatic relations make the protection of diplomats' security and personal rights even more relevant. International law, particularly key documents such as the **1961 Vienna Convention**, guarantees diplomatic immunity to ensure the safety of diplomats and prevent disruptions in diplomatic relations between states.

At the same time, diplomats may sometimes abuse their privileges or act against national interests, raising issues that call for the limitation or expansion of diplomatic immunity. The relevance of this topic is especially linked to Uzbekistan's international

legal practice, the compatibility of diplomatic immunity with national legislation, and its role within the modern global political landscape.

The right to diplomatic immunity is one of the most significant and complex institutions of international law, serving as a fundamental element of interstate diplomatic relations and international dialogue. This right ensures the inviolability of diplomats, protecting their personal freedom and security while they fulfill their official duties. The relevance of diplomatic immunity has grown even more in today's world, as interstate relations become increasingly complex and global challenges and crises continue to rise. In particular, legal and political measures aimed at ensuring the safety of diplomats play a crucial role in the modern development of international law.

Diplomatic immunity holds great significance in Uzbekistan's international legal practice. As the country actively engages in the global arena and expands its relations with diplomats and international organizations, ensuring the protection of its diplomatic representatives becomes increasingly important. This, in turn, necessitates strengthening the legal safeguards for Uzbekistan's diplomatic personnel and ensuring their proper legal protection within the framework of international treaties and agreements.

One of the most important legal issues related to diplomatic immunity concerns its scope and application. The debate over whether immunity should be limited solely to diplomatic duties and whether it should exclude involvement in criminal activities often leads to controversies in international and national court decisions. This issue brings about legal and political conflicts related to the protection of diplomatic representatives from legal proceedings, creating a complex debate on the balance between immunity and accountability.

There are also numerous discrepancies in interstate agreements regarding diplomatic immunity, which directly affect its application, particularly concerning the issue of prosecution of diplomatic representatives. These differences influence the practical enforcement of immunity and the extent to which diplomats are protected from legal action. In Uzbekistan's international legal practice, these issues must be carefully examined, as the country's growing role in the global community increasingly requires the proper implementation and alignment of international legal standards.

The objective of this research is to analyze the importance of the right to diplomatic immunity in modern international law, examine its practical application, and identify its role in Uzbekistan's international legal practice. The research will analyze interstate agreements, normative international legal documents, and decisions of judicial bodies

concerning diplomatic immunity. The research methods will include legal analysis, comparison, historical methods, and the study of legal documents. Through the examination of decisions from international and national courts regarding diplomatic immunity, the study aims to conduct both scientific and practical analysis and identify central legal issues.

### **The right to diplomatic immunity and the concept of international law.**

The term “**diplomacy**” comes from the Greek word “diploma,” meaning a document folded in half, and refers to a specific area of state activity.<sup>8</sup>

In a narrow sense, diplomacy is the art of conducting international negotiations. The scope and form of diplomacy are defined in international law. At the same time, diplomacy also serves as a means of creating and implementing international legal norms.

Diplomacy is carried out based on a state’s external functions, which define the core content of its foreign policy. Foreign policy refers to the set of methods and tools used to implement a state’s external functions.

For a state to develop as a full-fledged subject of international law and relations, it must establish interactions with other subjects. Each state advances its interests by fostering international relations. The significance of these relations requires the creation of special mechanisms for conducting foreign affairs and their regulation under international law.

Foreign policy and diplomacy are closely related concepts. Their relationship is so intertwined that they are often seen as equivalent. However, there are notable differences between them. Diplomacy is not the content of foreign policy; rather, it is the set of methods and tools used to implement it.

**Diplomatic law** is a relatively independent system of international legal norms that regulates the representation of states in international relations. In these relations, the participants are the states themselves, and the legal nature of these international relations is established. The function of the relevant diplomatic relations is to protect the state’s interests in various international relations in which it participates.<sup>9</sup>

The source of diplomatic law primarily includes customary norms, which have been widely recognized. These norms are codified and supplemented in several universal conventions, including the 1961 Vienna Convention on Diplomatic Relations, the 1969

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<sup>8</sup> “Diplomatik va konsullik huquqi; darslik” by G. Yuldasheva. - Tashkent: Tashkent State University of Law, 2024.

<sup>9</sup> [Diplomatik va konsullik huquqi](#)



Convention on Special Missions, and the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents.<sup>10</sup>

International law regulates relations between states. Unlike national law, international law has several distinctive characteristics. In international law, there is no supreme body like in national legal systems, and relevant international matters are regulated by the consent of the participants in international relations.

International law is a system of legal norms and principles created by international legal subjects, aimed at maintaining peace and security between states, developing international relations, and promoting cooperation.

This definition highlights the following unique features of international law:

- **International law is a system of norms based on unified goals and principles.**
- **International law regulates interstate relations.**
- **The primary goal of modern international law is to ensure international peace and security, promote state cooperation, and protect and uphold human rights.**

In international law, the general will of the subjects, primarily the states, is expressed. That is, states act according to their own will and desires when creating a specific international legal norm. The object of international law includes specific international relations, most notably the relations between sovereign states.<sup>11</sup>

There are various opinions regarding the role of diplomatic immunity in international law. Some legal scholars view this right as a guarantee for maintaining peace between states, while others criticize it as a system that is often abused. For example, throughout history, there have been instances where diplomatic representatives have misused their immunity to engage in illegal activities. Despite this, the right to diplomatic immunity remains significant and continues to hold importance in the international community.<sup>12</sup>

An example of this can be found in the diplomatic disputes between the United States and Russia. Russian diplomats have been suspected of engaging in illegal activities in the U.S. on several occasions, relying on diplomatic immunity. These incidents have sparked debates within the international community about the boundaries of diplomatic immunity.<sup>13</sup>

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<sup>10</sup> [5b45af71147f6.pdf](#)

<sup>11</sup> Saidov.A.X Xalqaro huquq. T. "Adolat", 2001y

<sup>12</sup> Saidov.A.X. Xalqaro huquq sxemalarda. T. "Adolat", 2001y.

<sup>13</sup> [Principles of public international law : Brownlie, Ian : Free Download, Borrow, and Streaming : Internet Archive](#)

In my opinion, while the right to diplomatic immunity is essential and necessary, it is crucial to strengthen international cooperation and trust to prevent its abuse. At the same time, there is a need to revisit the norms established by the Vienna Convention and to monitor their practical application.

In recent years, in addition to traditional diplomatic activities, diplomatic services have also been evolving. This is primarily a strategy aimed at engaging various social groups and the public in interstate relations and international affairs. Diplomatic services include information and cultural exchanges, scientific and educational programs, as well as activities aimed at shaping the global image of states through social media platforms.

Since the Republic of Uzbekistan gained independence, it has established its place in the international arena, adhering to international legal principles. Uzbekistan's role in international legal practice is of particular importance in fulfilling and improving its international obligations regarding the protection of diplomats' inviolability. Therefore, this topic is highly relevant in international law and Uzbekistan's diplomatic practice.

The right to diplomatic immunity is an international legal principle established to facilitate diplomatic services. It aims to ensure the freedom and safety of diplomatic representatives and missions in interstate relations. Thanks to this right, diplomats operate under international norms, exempt from domestic legislation while carrying out their duties. Due to the immunity of diplomatic missions and their personnel, the use of force or coercion against them is prohibited, ensuring the continuity of diplomatic services. Diplomatic agents are not restricted by immunity when defending their state's interests, conducting negotiations, and implementing interstate agreements.

The United Nations Convention on Diplomatic Privileges and Immunities is the primary document that regulates the legal status of diplomatic representatives. This convention obligates all states to ensure the inviolability and protection of diplomatic representatives. International law, especially key documents like the Vienna Convention (1961), guarantees diplomats' immunity to ensure their security and prevent interference in diplomatic relations between states. However, there are cases when diplomats may abuse their powers or harm national interests, raising issues that may require the limitation or extension of diplomatic immunity.

The relevance of this issue is particularly tied to Uzbekistan's international legal practice, the alignment of diplomatic immunity with national laws, and its position in the context of modern global political circumstances.

Before World War II, diplomatic and consular law was mainly based on customary norms. The only comprehensive document was the 1815 Vienna Protocol (Regulations) on the ranks of diplomatic representatives. Over time, the provisions of this protocol became universally recognized norms. After World War II, in order to promote the progressive development and codification of diplomatic and consular law, several international conventions were established. These include: the 1961 Vienna Convention on Diplomatic Relations, the 1969 Convention on Special Missions, the 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations of Universal Character, and the 1963 Vienna Convention on Consular Relations. Additionally, the relevant provisions concerning the privileges and immunities of international organizations are typically found in the charters of these organizations. Two main conventions related to the United Nations and its specialized agencies are the 1946 Convention on the Privileges and Immunities of the United Nations and the 1947 Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations. Many countries have legislation on diplomatic and consular missions. In the Republic of Uzbekistan, laws such as the "Law of the Republic of Uzbekistan on the Establishment of Diplomatic Ranks and Titles," the "Law on the Procedure for the Appointment of Heads of Diplomatic Missions," and the "Consular Charter of the Republic of Uzbekistan" are part of this framework.<sup>14</sup>

The 1961 Vienna Convention on Diplomatic Relations clearly defined these principles. Article 22 guarantees the inviolability of diplomatic missions, while Article 29 ensures the personal inviolability of diplomats.<sup>15</sup> These norms establish the legal foundations of inter-state relations, and their full implementation contributes to ensuring international stability.

The convention consists of 53 articles. The preamble of the Vienna Convention emphasizes that the status of diplomatic agents has been recognized by all nations since ancient times. This approach is historically grounded, and the preamble stresses that the purpose of such an agreement is to promote friendly relations between states. The

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<sup>14</sup> Abdug'affarov. Sh. K. Xalqaro huquq va diplomatiya [10721](#)

<sup>15</sup> [Vienna Convention on Diplomatic Relations, 1961](#)



Convention also notes that in the absence of specific rules within the document, customary international law can be used as a source of diplomatic law.<sup>16</sup>

**The 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character.**<sup>17</sup> The convention consists of 92 articles and regulates the establishment of state missions, the powers of the head of mission, the functions of permanent missions and permanent observer missions, as well as the immunities and privileges of such representatives. The convention also defines the status of delegations sent as observers by international organizations. An important legal aspect is that the convention consolidates the functions of permanent missions, while granting diplomatic immunities and privileges to representatives of special missions.

The position and activities of the Republic of Uzbekistan in international law are also of particular importance in ensuring diplomatic immunity. At the same time, the main scientific issue related to the immunity and legal protection of diplomats concerns the limitation or expansion of diplomatic immunity, as well as how it is regulated under current international legal norms. Similar to other countries, the Republic of Uzbekistan has legislation concerning diplomatic and consular missions, including the resolution of the Cabinet of Ministers of the Republic of Uzbekistan, No. 207, dated May 8, 2001 the document regulates the activities of diplomatic missions and consular institutions. It outlines their operational procedures, the rules for conducting activities, the accreditation process, and the interactions with state institutions.

According to the Vienna Convention, diplomats enjoy immunity, which exempts them from criminal, civil, or administrative liability. This immunity also extends to their personal inviolability, which can include their biological data. In cases where crimes are committed in the host country, there may be a need to collect biological samples from diplomats during an investigation. However, according to the Vienna Convention, such actions would violate a diplomat's personal inviolability. Article 29 of the Convention states: "The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom, or dignity. Furthermore, every diplomatic mission shall have the right to communicate with its

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<sup>16</sup> Diplomatiik va konsullik huquqi; darslik. G. Yuldasheva. -T; TDYU, 2024

<sup>17</sup> Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character 1975

government by means of secure communication and to receive diplomatic correspondence that cannot be intercepted.”<sup>18</sup>. Similarly, in Uzbekistan, there is also the Presidential Decree dated November 24, 2020, titled “On the State Registration of Genomic Data.”<sup>19</sup> The law was adopted, and according to it, genomic data is an important source for national security and combating crime. However, the diplomat’s immunity status may limit the collection or processing of such data, ensuring the confidentiality of genomic information. At the same time, the diplomat’s immunity right may restrict the collection and processing of this data based on international legal requirements.

One of the characteristics of the diplomatic service of the Republic Uzbekistan is that this service is carried out exclusively by employees working in state bodies. Diplomatic staff are assigned diplomatic ranks (class ranks) based on their position, work experience, and professional achievements. In terms of legal regulation, in addition to the legislation of the Republic of Uzbekistan, international legal norms, especially documents such as the 1961 Vienna Convention (on Diplomatic Relations) and the 1963 Vienna Convention on Consular Relations, also apply to diplomatic staff. Diplomatic service staff must also comply with the laws and customs of the host country, as well as restrictions related to entry, exit, and other activities.

Thus, the diplomatic service consists of the central organs of the state’s foreign relations (in Uzbekistan, the Ministry of Foreign Affairs) and diplomatic missions abroad. A diplomatic mission is a permanent organ of the state in the field of foreign relations, located in the territory of another state. In establishing diplomatic relations with another country, the rank of the diplomatic mission is of particular importance.

**Examples of diplomatic immunity practices in international and national courts, significant court decisions, and their legal outcomes include:**

The emergence of international judicial bodies in international relations has impacted the responsibility and accountability of states under international law. International courts issue binding legal documents, such as decisions and judgments, that hold significant weight. These decisions are mandatory for the states involved, as well as for international organizations. Furthermore, the matters discussed by the courts and their practices can serve as precedents in diplomatic law.

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<sup>18</sup> [Vienna Convention on Diplomatic Relations, 1961](#)

<sup>19</sup> [O‘RQ-649-сон 24.11.2020. Genom bo‘yicha davlat ro‘yxatiga olish to‘g‘risida](#)



For example, national court decisions regarding the judgments of international courts can be significant. In such cases, national courts may either recognize or reject international law norms, reflecting the state's stance on the content of these norms. International law, alongside national law, is considered a distinct legal field with its own characteristics, which include:

1. International law regulates social relations of an international nature, within the borders of states and beyond their internal jurisdiction.

2. International law norms are created by international law subjects based on the equality of all participants in the international community.

3. The enforcement of international law norms is carried out by the international law subjects themselves, either individually through specific responsibility or collectively through bodies like the UN International Court, the UN Security Council sanctions, or various committees and commissions.

4. Sources of international law are created through international treaties and customary international law by the coordination of the will of international law subjects.

5. International law subjects include sovereign states, nations and peoples struggling for independence, international intergovernmental organizations, and state-like entities.

These features distinguish international law from domestic law systems. Another distinguishing characteristic of international law is that its norms are specifically created by international law subjects. International treaties and customary international law are the main sources of international law. International law norms are enforced through various sanctions, such as prohibitions or coercive measures. For instance, according to Article 41 of the UN Charter, various sanctions may be applied to violators, including the suspension of economic relations, transport (rail, sea, air), mail, telegraph, radio, and other forms of communication, as well as the severance of diplomatic ties.<sup>20</sup>

Each state has its own laws aimed at ensuring diplomatic immunity. For example, some states, based on their domestic legislation, provide special privileges to diplomats. However, these privileges must align with international standards and the requirements of conventions.

In recent years, there have been some changes in the legal norms and practices regarding diplomatic immunity. Specifically, the changing geopolitical situation and the complexity of international politics have led to an increase in violations of diplomatic

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<sup>20</sup> Abdug'affarov. Sh. K. Xalqaro huquq va diplomatiya [10721](#)

immunity. For instance, some states have introduced new legal rules to prevent the abuse of diplomatic immunity. Among these measures are the imposition of certain restrictions on diplomatic representation and the development of new mechanisms based on intergovernmental agreements and decisions.

Additionally, these changes require adaptation to new demands and a more precise approach to diplomatic immunity, which can be seen through the decisions of international and national courts. In this process, it is crucial to strike a new legal balance, ensuring the preservation of diplomatic immunity while serving international security.

When studying diplomatic immunity and its significance in international law, the role of judicial practice is essential. International and national courts play a crucial role in making decisions related to diplomatic immunity, as their rulings guide international relations and diplomatic practices. This section will analyze some key judicial practices and decisions concerning diplomatic immunity.

- **Equatorial Guinea and France:** In 2016, an international legal dispute between Equatorial Guinea and France was discussed. In this case, Equatorial Guinea filed a complaint against France with the International Court of Justice (ICJ), arguing that France's seizure of property (42 Avenue Foch, Paris), recognized as a diplomatic mission, violated international law. The Court ruled in favor of protecting the immunity of the property, referencing Article 22 of the 1961 Vienna Convention on Diplomatic Relations. Furthermore, the case highlighted issues surrounding the use of diplomatic immunity in criminal matters and raised concerns about combating international corruption.<sup>21</sup>

- **The Pinochet Case in the Human Rights Court (2000):** The British court's decision regarding former Chilean President Augusto Pinochet is a significant judicial precedent related to diplomatic immunity. Pinochet was arrested in the United Kingdom and resisted extradition. The court denied recognition of his diplomatic immunity and ruled that he should be tried for his crimes. In this case, it was emphasized that diplomatic immunity does not provide exemption from criminal responsibility,

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<sup>21</sup> [INTERNATIONAL COURT OF JUSTICE](#)

illustrating a limitation on the scope of diplomatic immunity in cases involving serious international crimes.<sup>22</sup>

In our opinion: This case reveals the limitations of diplomatic immunity, as it is tied solely to the free exercise of diplomatic functions and does not guarantee exemption from criminal responsibility. The court emphasized that diplomats should only be protected while performing their duties, and that legal accountability and interstate relations should be governed by clear regulations.

**National law**, consisting of the internal regulations of each state, must align with international law when it comes to the protection of diplomatic representatives. However, each country has its own laws regarding the assurance of diplomatic immunity. For example, in some states, diplomats are immune only in cases related to their diplomatic functions, but they may be held accountable for personal crimes or illegal activities. National laws also govern the monitoring of diplomats' actions and security within the state, but this process must be based on respect for international law.

Here, we will compare how different countries regulate diplomatic immunity, considering their national legislation and compliance with international law requirements.

➤ **The United Kingdom** ensures diplomatic immunity based on the Vienna Convention, as well as the 1951 United Nations Convention. These conventions serve as the primary mechanisms for safeguarding the security and immunity of diplomats.

The United Kingdom ensures diplomatic immunity based on its **Diplomatic Privileges Act 1964**. However, in certain cases, the UK government can revoke diplomatic immunity and allow diplomats to be prosecuted if it is done without violating international law. For instance, in 2011, when a UK diplomat was involved in a criminal case, their immunity was lifted, and they were subjected to legal proceedings.<sup>23</sup>

➤ France protects diplomatic immunity based on the **Vienna Convention** and strictly monitors compliance with international agreements. Through international treaties, it ensures the protection of its diplomats.

➤ In France, diplomatic immunity is also reinforced in national laws, but it is limited to diplomatic duties. While France provides legal protection to diplomats, they can be

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<sup>22</sup> [In the matter of the applications by McQuillan, McGuigan and McKenna for Judicial Review \(Northern Ireland\) \(Nos 1, 2 and 3\)](#)

<sup>23</sup> [Diplomatic-Privileges-Act-1964.pdf](#)



held accountable for criminal offenses. For instance, in 2007, in a case involving theft, a diplomat's immunity was lifted, and they were prosecuted in court.<sup>24</sup>

Each country regulates diplomatic immunity based on its national laws and international legal obligations. While international law serves as the primary normative document for protecting diplomatic agents, each state has the right to limit or expand this immunity based on its own legal framework. These differences illustrate the complex relationship between the influence of international law and the domestic policies of states.

**In conclusion**, the most important legal issues regarding diplomatic immunity primarily relate to its scope and application. The issue of immunity being limited only to diplomatic duties and not extending to criminal activities has led to numerous debates in international and national court decisions. This issue brings about legal and political conflicts regarding the protection of diplomatic agents from legal proceedings.

Additionally, there are many discrepancies in international agreements concerning diplomatic immunity, which influence its application, especially regarding the accountability of diplomatic agents. These matters should also be studied within Uzbekistan's international legal practices, as the country's position in the global community continues to strengthen. International and national courts play a role in reinforcing international law when applying the principles of diplomatic immunity. Uzbekistan's national legislation aligns these principles with national interests while fulfilling international obligations.

This essay focuses on the boundaries and application of diplomatic immunity in modern international law. The main objective of the research is to explore the scientific and practical aspects of this right, analyze the approaches in international and national legislation, and draw conclusions based on judicial practice. During this process, key contradictions in scholarly debates are identified, and an independent stance is taken on these issues.

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<sup>24</sup> [CONVENTION DE VIENNE SUR LES RELATIONS DIPLOMATIQUES, 1961](#)

### References:

1. Diplomatiq va konsullik huquqi; darslik. G. Yuldasheva. -T; TDYU, 2024.
2. Lukashuk I.I., Saidov A.X. Hozirgi zamon xalqaro huquq nazariyasi asoslari. Darslik. - T. "SHarq", 2004,
3. [Diplomatiq va konsullik huquqi](#)
4. Saidov.A.X Xalqaro huquq. T. "Adolat", 2001y
5. Saidov.A.X. Xalqaro huquq sxemalarda. T. "Adolat",2001y
6. [Principles of public international law : Brownlie, Ian : Free Download, Borrow, and Streaming : Internet Archive](#)
7. Abdug'affarov. Sh. K. Xalqaro huquq va diplomatiya [10721](#)
8. [Vienna Convention on Diplomatic Relations, 1961](#)
9. Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character 1975
10. [207-coH 08.05.2001. Xorijiy davlatlar diplomatiq vakolatxonalari, konsullik muassasalarining, xalqaro tashkilotlar vakolatxonalarining hamda ular xodimlarining O'zbekiston Respublikasidagi faoliyati to'g'risida](#)
11. [O'RQ-649-coH 24.11.2020. Genom bo'yicha davlat ro'yxatiga olish to'g'risida](#)
12. [INTERNATIONAL COURT OF JUSTICE](#)
13. [In the matter of the applications by McQuillan, McGuigan and McKenna for Judicial Review \(Northern Ireland\) \(Nos 1, 2 and 3\)](#)
14. [Diplomatic-Privileges-Act-1964.pdf](#)
15. O'zbekiston Respublikasi Konstitutsiyasi.- T.: O'zbekiston ,2023.17-modda
16. [{\\$Title} ning ko'rinishi | ЮРИСТ АХБОРОТНОМАЦИ](#)