Critical Analysis of 1961 Vienna Convention on Diplomatic Relations

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Abstract: The paper critically analyzed the 1961 Vienna Convention on Diplomatic Relations in the light of how it has affected the nature of relations amongst States in the international system today. The work basically focused on exploring the articles of the 1961 Vienna Convention with the objectives of finding the strengths, weaknesses, the extent of abuse, response of the United Nations to its abuses, and solutions to make it more meaningful to diplomatic relations amongst States. This work applied Realism theory as it is based on rationality and state-centrism. Hence, what is referred to as diplomatic relations hover around the protection of the interests of a State in relation to other States in the international system. It is the finding of this work that the poor application and interpretation of the 1961 Vienna Convention on Diplomatic Relations has always caused some conflicts that necessarily demand some befitting solutions. Consequently, this study recommended the employment of diplomats based at all times on merit for us to avoid the pitfall of novices or ill-trained personnel going to disgrace countries abroad; well-balanced and equitable enforcement of the Vienna Conventions in the interest of maintenance of cordial diplomatic relations in the international community; ensuring that diplomats that contravene the conducts stipulated for them by the Convention should be decisively dealt with to deter others; countries that use their embassies in other countries as sources of espionage and other nefarious practices should be punished; there is the need for periodic appraisal of the 1961 Vienna Convention on Diplomatic Relations to make it be responsive of any emerging issues in diplomatic relations; and the United Nations should show more commitment and ensure that the 1981 Vienna Convention Diplomatic Relations stipulations are enforced on all States for global peace and security.

Keywords: Convention, Diplomacy, Relations

INTRODUCTION

Diplomacy is the means by which States throughout the world conduct their affairs in ways to ensure peaceful relations. The main task of individual diplomatic services is to safeguard the interests of their respective countries abroad. This concerns as much the promotion of political, economic, cultural or scientific relations as it does international commitment to defend human rights or the peaceful settlement of disputes (Bern, 2008, pp. 1-2).

Murty (1989, p. 115) points out that diplomacy takes place in both bilateral and multilateral contexts. Bilateral diplomacy is the term used for communication between two States, while multilateral diplomacy involves contacts between several States often within the institutionalised setting of an international organisation. Negotiation is the one of most important means of conducting diplomacy, and in many cases results in the conclusion of treaties between States and the codification of international law. The aim of such international treaties is primarily to strike a balance between State interests.

Diplomacy has existed since the time when States, empires or other centres of power dealt with each other on an official basis. Numerous diplomatic archives have been found in Egypt dating back to the

13th century BC (Young, 1964, p. 141). Permanent diplomatic missions, that is, representations set up by one country in the territory of another, date back to the Renaissance in the 15th century (Constantinou, 1996, p. 71). Switzerland set up its first permanent legations in its neighbouring countries around 1800 (Frey and Frey, 1999, p. 16). At the time, international relations were mostly conducted through honorary consuls, who carried out these functions in parallel with their professional activities and in a voluntary capacity. The modern Swiss Confederation, which was founded in 1848, first began to build up a network of professional diplomatic missions and consular posts towards the end of the 19th century (Frey and Frey, 1999, p. 16-17.

Multilateral diplomacy in the context of international organisations started to gain importance after the First World War and especially following the Second World War. In the second half of the last century the number of sovereign States in the world grew very fast, in particular in the wake of decolonisation, and with this the complexity of relations between them. In addition, the number and diversity of tasks taken on by the international community have increased at an exponential rate, which is a reality that calls for proper diplomatic relations in the international system.

The successful adoption of the Vienna Convention on Diplomatic Relations is hailed as the 'landmark of the highest significance in the codification of international law' (Barker, 2006, p. 63). McClanahan (1989, p. 44) posits that "it represented the first significant codification of any international instrument since the United Nations was established." However, despite the codification of the above rules, which is largely based on the pre-existing customary international law, the scope of diplomatic protection was not free from issues and controversies. The1961 Vienna Convention on Diplomatic Relations is known its high amount of ratifications and the influence that it has on day-to-day conduct of diplomatic relations.

However, despite the codification of the above rules, which is largely based on the pre-existing customary international law, the scope of diplomatic protection offered has not been free from issues and controversies. In recent times, unfortunately, there has been a growing tendency amongst diplomats to abuse their status to commit acts prohibited by law and still claim immunity from legal process. These have included reports suggesting the involvement of diplomats in the commission of international crimes, such as drug trafficking, organized crime and terrorism (Bassiouni, 2008, p. 23). The States-parties have also aggravated this situation by selectively interpreting the rules in their favor, ignoring the fact that reciprocity is the basis for the successful functioning of diplomatic protection.

The Vienna Convention on Diplomatic Relations (VCDR) of 1961 is the most global and universally accepted instrument ever instituted to regulate diplomatic conduct. This diplomatic law has facilitates bilateral diplomatic interaction for over sixty years but there has been a discrepancy between the stipulations of the Convention and general practice in the field (University of Nairobi Research Archive, 2021, p. 39). This discrepancy could be attributed to the weak provisions of the Vienna Convention on Diplomatic Relations which provides room for rogue diplomats to either engage in criminal activities or even personal aggrandizement ventures, which necessarily calls for an up close examination of the Convention for appropriate measures to be put in place to ensure that it properly regulates diplomatic relations for global peace and security.

Conceptual Clarification

Concept of 1961 Vienna Convention

The Vienna Convention on Diplomatic Relations of 1961 is an international treaty that defines a framework for diplomatic relations between independent countries. Its aim is to facilitate "the development of friendly relations" among governments through a uniform set of practices and principles (Bruns, 2014, p. 51). Most notably, it codifies the longstanding custom of diplomatic immunity, in which diplomatic missions are granted privileges that enable diplomats to perform their functions without fear of coercion or harassment by the host country. The Vienna Convention is a cornerstone of modern international relations and international law and is almost universally ratified

and observed; and it is considered one of the most successful legal instruments drafted under the United Nations (Bruns, 2014, p. 51-52).

Throughout the history of sovereign states, diplomats have enjoyed a special status. Their function to negotiate agreements between states demands certain special privileges. An envoy from another nation is traditionally treated as a guest, their communications with their home nation treated as confidential, and their freedom from coercion and subjugation by the host nation treated as essential.

The present treaty on the treatment of diplomats was the outcome of a draft by the International Law Commission. The treaty was adopted on 18 April 1961, by the United Nations Conference on Diplomatic Intercourse and Immunities held in Vienna, Austria, and first implemented on 24 April 1964. The same Conference also adopted the Optional Protocol concerning Acquisition of Nationality, the Optional Protocol concerning the Compulsory Settlement of Disputes, the Final Act and four resolutions annexed to that Act. One notable aspect which arose from the 1961 treaty was the establishment of the Holy See's diplomatic immunity status with other nations (Catholic News Agency, 2019, p. 9).

The Vienna Convention is an extensive document, containing 53 articles. United Nations (2010) points out that the following is a basic overview of its key provisions:

➢ The host nation at any time and for any reason can declare a particular member of the diplomatic staff to be *persona non grata*. The sending state must recall this person within a reasonable period of time, or otherwise this person may lose their diplomatic immunity (Article 9).

➢ The premises of a diplomatic mission, diplomatic premiers are the houses of ambassadors and are inviolable and must not be entered by the host country except by permission of the head of the mission; likewise, the host country must never search the premises, may not seize its documents or property, and must protect the mission from intrusion or damage (Article 22). Article 30 extends this provision to the private residence of the diplomats.

➢ The archives and documents of a diplomatic mission are inviolable and shall not be seized or opened by the host government (Article 24).

➢ The host country must permit and protect free communication between the diplomats of the mission and their home country. A diplomatic bag must never be opened, even on suspicion of abuse, and a diplomatic courier must never be arrested or detained (Article 27).

➢ Diplomats must not be liable to any form of arrest or detention, and the receiving state must make all efforts to protect their person and dignity (Article 29).

➢ Diplomats are immune from the civil and criminal jurisdiction of the host state, with exceptions for professional activities outside the diplomat's official functions (Article 31). Article 32 permits sending states to waive this immunity.

➢ Diplomatic missions are exempt from taxes (Article 34) and customs duties (Article 36).

➢ Family members of diplomats living in the host country enjoy most of the same protections as the diplomats themselves (Article 37).

Critically exploring some of the provisions of the 1961 Vienna Convention on Diplomatic Relations, it is proper to say that the Article 9 that demands that the sending nation should recall a diplomatic that has been declared *persona non grata* has been used to throw out some outspoken diplomats that have tried to speak up in the face of injustice in some countries of their posting. This reality has been exemplifies in some American diplomats being asked to leave Nigeria because they were on the path of democracy was upheld in this country.

Furthermore, Article 22 and 30 that talk about the protection of the residences premises of diplomats have been largely abused, too. In the Arab world, they are often quick to go and destroy the residences of some American diplomat in the event of a face-off between the United States and the Arab world. This has often sparked off lots of consequences that have tended to make insecurity to flourish in many

parts of the world today. The same goes for the inviolability of the archives and documents of a diplomatic mission as upheld by Article 24. In the event of there not being a backup file, there used to be a lot of problem for diplomats to relate to their past activities, which can largely affect the progress of the foreign mission.

The issue of protection of the diplomatic bag which the 1961 Vienna Convention on Diplomatic Relations upholds that must never be opened in Article 27 has served as grounds for some States to infiltrate others with espionage tools and devices to pry into the secrets of the receiving States. This has often caused lots of conflicts that have lingered over the years in the international system. To that effect, it is proper for the Vienna Convention on Diplomatic Relations to be reviewed for the real contents of a diplomatic bag to be stipulated for strict compliance.

Article 29 that stipulates that a diplomat must not be liable to any form of arrest or detention, and the receiving state must make all efforts to protect their person and dignity has prompted a situation that some diplomats now think that they can behave as they please in any country with the feeling that they would not be arrested. This kind of situation has led to the undermining of the internal security of some States to the point of conflicts. To that effect, this area has to be carefully revisited for the activities of diplomats not to run contrary to the internal security of their host countries for no one would like to have its security or defense system to be compromised in the international system. This is equally about the Article 31 that points out that diplomats are immune from the civil and criminal jurisdiction of the host state, with exceptions for professional activities outside their official functions. In largely globalised world in which cross country crimes have increased so much, some diplomats have been used to traffic contraband goods that are outlawed in certain countries. When this happens, are such countries expected to be quiet about it? If this trend is not controlled or checked, it would only lead to a situation in which many criminal gangs might be ensuring that their cronies are employed in diplomatic mission for the sole purpose of carrying out nefarious and lucrative criminal activities.

Articles 34 and 36 that look into exemption from taxes (Article 34) and customs duties (Article 36) have proven to be widows for some diplomats to be peddling certain goods and services, which have in some cases proven to be against the national security of some receiving States. There is the need for the Articles to be reviewed and the specific items that should attract the exemptions to be specified.

Article 37 specifies that members of diplomats living in the host country should enjoy most of the same protections as the diplomats themselves. This reality has made some diplomats to be housing some criminals that ensure undue immunity, which helps them to perpetuate certain high level crimes. Besides, it has led to the ever bourgeoning size of the family of some diplomats. This has had some adverse effects on the economies of some receiving countries. All of these realities point to the need to proper reappraisal and review of the 1961 Vienna Convention on Diplomatic Relations.

Diplomatic Relations

A proper understanding of the concept of diplomatic relations will necessarily emanate from first explaining what diplomacy means. Etymologically, the term *diplomacy* is derived from the 18th-century French term *diplomate* ("diplomat" or "diplomatist"), based on the ancient Greek *diplōma*, which roughly means "an object folded in two" (Trager, 2016, p. 205). This reflected the practice of sovereigns providing a folded document to confer some sort of official privilege; prior to invention of the envelope, folding a document served to protect the privacy of its contents. The term was later applied to all official documents, such as those containing agreements between governments, and thus became identified with international relations.

Diplomacy comprises spoken or written speech acts by representatives of states (such as leaders and diplomats) intended to influence events in the international system (Trager, 2016, pp. 205-228). Barston (2006, p. 1) points out that diplomacy is the main instrument of foreign policy which represents the broader goals and strategies that guide a state's interactions with the rest of the world. International treaties, agreements, alliances, and other manifestations of international relations are

usually the result of diplomatic negotiations and processes. Diplomats may also help to shape a state by advising government officials.

Modern diplomatic methods, practices, and principles originated largely from 17th-century European custom. Beginning in the early 20th century, diplomacy became professionalised; and the 1961 Vienna Convention on Diplomatic Relations, ratified by most of the world's sovereign states, provides a framework for diplomatic procedures, methods, and conduct. Most diplomacy is now conducted by accredited officials, such as envoys and ambassadors, through a dedicated foreign affairs office. Diplomats operate through diplomatic missions, most commonly consulates and embassies, and rely on a number of support staff. The term diplomat is thus sometimes applied broadly to diplomatic and consular personnel and foreign ministry officials (Winter, 2014, p. 68).

Several scholars have defined the concept of diplomatic relations in different ways over time. Adams (2021, p. 1) posits that "diplomatic relations refers to the customary diplomatic intercourse between nations. It involves permanent contact and communication between sovereign countries. As a part of the diplomatic relations two countries send diplomats to work in each other's country and to deal with each other formally." However, the issue of cordiality has been largely relative in the international system today. Some states are obviously hostile to each other, like it is the case between the United States and North Korea today due to some realities in the Korean Peninsula. Besides, whereas the 1961 Vienna Convention on Diplomatic Relations has stipulated how States are supposed to send and receive diplomats amongst themselves, some have been violating these conditions, which make this exposition a timely response to a current global reality.

Diplomatic relations are themselves the object of a series of international conventions. At the Vienna Congress in 1815, the first attempt was made to codify diplomatic law at the international level. The rules which today apply throughout the world for the conduct of diplomatic affairs between States are set out in the Vienna Convention on Diplomatic Relations of 1961 (Duquet and Wouters, 2015, p. 6). In 1963, the international community also agreed at a conference in Vienna to a set of common rules on the conduct of consular relations (Denza, 2016, pp. 1-2). This body of law governs in particular the protection of individual States' citizens abroad. In addition to legal standards, many unwritten rules, customs and conventions exist that date back to the very early days of diplomacy. Their purpose is not to perpetuate traditions and formalities for their own sake but rather to ensure the smoothest possible communication between States.

Theoretical Framework

A theory is necessary to guide this study because "Theories are beacons, lenses or filters that direct us to what, according to the theory, is essential for understanding some part of the world" (Burchill et al, 2005, p. 3). Consequently, this study is to be guided by the theory of Realism as applied in International Relations; and incidentally is one of the oldest and most frequently adopted theories in this area of study.

Some proponents or exponents of this theory include George F. Kennan, Hans Morgenthau, Reinhold Niebuhr and Kenneth Waltz E. H. Carr, Nicholas Spykman, and Herman Kahn.

Although definitions of Realism differ in detail, Cusack and Stoll (1990) and Donnelly (2000) agree that they share a considerable resemblance, which Garnett (1984, p. 110) refers to as 'a quite distinctive and recognizable flavour'. Realists emphasize the constraints on politics imposed by human selfishness ('egoism') and the absence of international government ('anarchy'), which require 'the primacy in all political life of power and security' (Gilpin 1986, p. 305). Rationality and State-centrism are frequently identified as core realist premises (Keohane 1986, pp. 164-165). However, no (reasonably broad) theory of International Relations presumes irrationality. And if we think of 'States' as a shorthand for what Gilpin (1986, p. 7) calls 'conflict groups', State-centrism is widely (although not universally) shared across international theories. Burchill (2005, pp. 1-2) stresses that "the conjunction of anarchy and egoism and the resulting imperatives of power politics provide the core of

Realism." In the history of Western political thought, Niccolo Machiavelli and Thomas Hobbes are usually considered realists.

Realists, although recognizing that human desires range widely and are remarkably variable, emphasize 'the limitations which the sordid and selfish aspects of human nature place on the conduct of diplomacy' (Thompson, 1985, p. 20). Tellis (1996, pp. 89-94) adopts realism as a general theory of politics. Most, however, treat realism as a theory of international politics. This shifts our attention from human nature to political structure. Butterfield (1949, p. 31) maintains that "The difference between civilization and barbarism is a revelation of what is essentially the same human nature when it works under different conditions." Within States, egoism usually is substantially restrained by hierarchical political rule. In international relations, anarchy allows, even encourages, the worst aspects of human nature to be expressed.

Statesmanship thus involves mitigating and managing, not eliminating, conflict; seeking a less dangerous world, rather than a safe, just, or peaceful one. Ethical considerations must give way to 'reasons of State' (raisond'état). Morgenthau (1973, p. 9) stresses that "Realism maintains that universal moral principles cannot be applied to the actions of States." Some realists, without denying the centrality of anarchy, also emphasise human nature. For example, Morgenthau (1973, p. 7) argues that "the social world [is] but a projection of human nature onto the collective plane." Such realists "see that conflict is in part situationally explained, but ... believe that even were it not so, pride, lust, and the quest for glory would cause the war of all against all to continue indefinitely."

Realism is a school of thought in international relations theory, theoretically formalizing the Realpolitik statesmanship of early modern Europe. Although a highly diverse body of thought, it can be seen as being unified by the belief that world politics ultimately is always and necessarily a field of conflict among actors pursuing power.

Jonathan Haslam from the University of Cambridge characterizes Realism as "a spectrum of ideas" (*Goodin, 2010, p. 132*) Regardless of which definition is used, *Goodin (2010, p. 133) posits that* the theories of Realism revolve around four central propositions:

➢ That States are the central actors in international politics rather than individuals or international organizations;

➢ That the international political system is anarchic as there is no supranational authority that can enforce rules over the States;

➢ That the actors in the international political system are rational as their actions maximize their own self-interest; and

➢ That all States desire power so that they can ensure their own self-preservation (*Goodin, 2010, p. 133*).

Realists believe that there are no universal principles with which all States may guide their actions. Instead, a State must always be aware of the actions of the States around it and must use a pragmatic approach to resolve problems as they arise.

Relating this theory to this study, it is proper to say that it has exposed a lot of reality in the global system today. This theory clearly upholds the message that given that diplomatic relations and conflicts are related to certain situations, such variables as egotism, human selfishness, pride, lust, and the quest for glory and the absence of international government and universal moral principles cannot be applied to the actions of States, which spells anarchy, are driving forces of diplomatic relations and conflicts in the international system.

Besides, States actions are self-interest based and deserve power for self-preservation, which to a large extent determine what forms the nature of diplomatic relations in the international system. The foregoing considerations informed the choice of Realism as the theoretical framework to guide this study.

Critical Analysis of 1961 Vienna Convention on Diplomatic Relations

Prior to the 1961 Vienna Convention on Diplomatic Relations, there had been different forms of relations amongst states in different parts of the globe. In Western Asia, some of the earliest known diplomatic records are the Amarna letters written between the pharaohs of the eighteenth dynasty of Egypt and the Amurru rulers of Canaan during the 14th century BCE. Peace treaties were concluded between the Mesopotamian city-states of Lagash and Umma around approximately 2100 BCE. Following the Battle of Kadesh in 1274 BC during the nineteenth dynasty, the pharaoh of Egypt and the ruler of the Hittite Empire created one of the first known international peace treaties, which survives in stone tablet fragments, now generally called the Egyptian–Hittite peace treaty (Barston, 2006, p. 5).

The ancient Greek city-states on some occasions dispatched envoys to negotiate specific issues, such as war and peace or commercial relations, but did not have diplomatic representatives regularly posted in each other's territory. However, some of the functions given to modern diplomatic representatives were fulfilled by a *proxenos*, a citizen of the host city who had friendly relations with another city, often through familial ties. In times of peace, diplomacy was even conducted with non-Hellenistic rivals such as the Achaemenid Empire of Persia, through it was ultimately conquered by Alexander the Great of Macedon.

Relations with the Ottoman Empire were particularly important to Italian states, to which the Ottoman government was known as the Sublime Porte (Goffman, 2001, pp. 61-74). The maritime republics of Genoa and Venice depended less and less upon their nautical capabilities, and more and more upon the perpetuation of good relations with the Ottomans (Goffman, 2001, pp. 61-74). Interactions between various merchants, diplomats and clergymen hailing from the Italian and Ottoman empires helped inaugurate and create new forms of diplomacy and statecraft. Eventually the primary purpose of a diplomat, which was originally a negotiator, evolved into a persona that represented an autonomous state in all aspects of political affairs. It became evident that all other sovereigns felt the need to accommodate themselves diplomatically, due to the emergence of the powerful political environment of the Ottoman Empire (Goffman, 2001, pp. 61-74). One could come to the conclusion that the atmosphere of diplomacy within the early modern period revolved around a foundation of conformity to Ottoman culture.

In East Asia, one of the earliest realists in international relations theory was the 6th century BC military strategist Sun Tzu (d. 496 BC), author of *The Art of War*. He lived during a time in which rival states were starting to pay less attention to traditional respects of tutelage to the Zhou Dynasty (c. 1050–256 BC) figurehead monarchs while each vied for power and total conquest. However, a great deal of diplomacy in establishing allies, bartering land, and signing peace treaties was necessary for each warring state, and the idealised role of the "persuader/diplomat" developed (Loewe and Shaughnessy, 1999, p. 587).

Long before the Tang and Song dynasties, the Chinese had sent envoys into Central Asia, India, and Persia, starting with Zhang Qian in the 2nd century BC. Another notable event in Chinese diplomacy was the Chinese embassy mission of Zhou Daguan to the Khmer Empire of Cambodia in the 13th century. Chinese diplomacy was a necessity in the distinctive period of Chinese exploration. Since the Tang Dynasty (618–907 AD), the Chinese also became heavily invested in sending diplomatic envoys abroad on maritime missions into the Indian Ocean, to India, Persia, Arabia, East Africa, and Egypt. Chinese maritime activity was increased dramatically during the commercialized period of the Song Dynasty, with new nautical technologies, many more private ship owners, and an increasing amount of economic investors in overseas ventures (Loewe and Shaughnessy, 1999, p. 587-588).

During the Mongol Empire (1206–1294) the Mongols created something similar to today's diplomatic passport called *paiza*. The paiza were in three different types (golden, silver, and copper) depending on the envoy's level of importance. With the paiza, there came authority that the envoy can ask for food,

transport, place to stay from any city, village, or clan within the empire with no difficulties (Loewe and Shaughnessy, 1999, p. 588).

As European power spread around the world in the 18th and 19th centuries so too did its diplomatic model, and Asian countries adopted syncretic or European diplomatic systems. For example, as part of diplomatic negotiations with the West over control of land and trade in China in the 19th century after the First Opium War, the Chinese diplomat Qiying gifted intimate portraits of himself to representatives from Italy, England, the United States, and France (Koon, 2012, pp. 131-148).

Ancient India, with its kingdoms and dynasties, had a long tradition of diplomatic relations. The oldest treatise on statecraft and diplomacy, *Arthashastra*, is attributed to Kautilya (also known as Chanakya), who was the principal adviser to Chandragupta Maurya, the founder of the Maurya dynasty who ruled in the 3rd century BC. It incorporates a theory of diplomacy, of how in a situation of mutually contesting kingdoms, the wise king builds alliances and tries to checkmate his adversaries. The envoys sent at the time to the courts of other kingdoms tended to reside for extended periods of time, and *Arthashastra* contains advice on the deportment of the envoy (Gabriel, 2002. p. 281).

New analysis of Arthashastra brings out that hidden inside the 6,000 aphorisms of prose (sutras) are pioneering political and philosophic concepts. It covers the internal and external spheres of statecraft, politics and administration. The normative element is the political unification of the geopolitical and cultural subcontinent of India. This work comprehensively studies state governance; it urges non-injury to living creatures, or malice, as well as compassion, forbearance, truthfulness, and uprightness. It presents a rajmandala (grouping of states), a model that places the home state surrounded by twelve competing entities which can either be potential adversaries or latent allies, depending on how relations with them are managed. This is the essence of realpolitik. It also offers four upaya (policy approaches): conciliation, gifts, rupture or dissent, and force. It counsels that war is the last resort, as its outcome is always uncertain. This is the first expression of the raison d'etat doctrine, as also of humanitarian law; that conquered people must be treated fairly, and assimilated (Gabriel, 2002. pp. 281-282).

The key challenge to the Byzantine Empire was to maintain a set of relations between itself and its sundry neighbors, including the Georgians, Iberians, the Germanic peoples, the Bulgars, the Slavs, the Armenians, the Huns, the Avars, the Franks, the Lombards, and the Arabs, that embodied and so maintained its imperial status. All these neighbours as at the time lacked a key resource that Byzantium had taken over from Rome, namely a formalised legal structure. When they set about forging formal political institutions, they were dependent on the empire. Whereas classical writers are fond of making a sharp distinction between peace and war, for the Byzantines diplomacy was a form of war by other means. With a regular army of 120,000-140,000 men after the losses of the seventh century, the empire's security depended on activist diplomacy (Gabriel, 2002. pp. 281-282).

Byzantium's "Bureau of Barbarians" was the first foreign intelligence agency, gathering information on the empire's rivals from every imaginable source (Haldon, 1999, p. 1). While on the surface a protocol office—its main duty was to ensure foreign envoys were properly cared for and received sufficient state funds for their maintenance, and it kept all the official translators—it clearly had a security function as well. *On Strategy*, from the 6th century, offers advice about foreign embassies: "[Envoys] who are sent to us should be received honourably and generously, for everyone holds envoys in high esteem. Their attendants, however, should be kept under surveillance to keep them from obtaining any information by asking questions of our people" (Haldon, 1999, p. 13).

In medieval and early Europe, early modern diplomacy's origins are often traced to the states of Northern Italy in the early Renaissance, with the first embassies being established in the 13th century (Chaplais, 2003, p. 1). Milan played a leading role, especially under Francesco Sforza who established permanent embassies to the other city states of Northern Italy. Tuscany and Venice were also flourishing centres of diplomacy from the 14th century onwards. It was in the Italian Peninsula that many of the traditions of modern diplomacy began, such as the presentation of an ambassador's credentials to the head of state.

From Italy, the practice was spread across Europe. Milan was the first to send a representative to the court of France in 1455. However, Milan refused to host French representatives, fearing they would conduct espionage and intervene in its internal affairs. As foreign powers such as France and Spain became increasingly involved in Italian politics the need to accept emissaries was recognised. Soon the major European powers were exchanging representatives. Spain was the first to send a permanent representative; and it appointed an ambassador to the Court of St. James' (i.e. England) in 1487. By the late 16th century, permanent missions became customary (Chaplais, 2003, p. 1-2).

In 1500-1700 rules of modern diplomacy were further developed (Zeller, 1961, pp. 198-221). French replaced Latin from about 1715. The top rank of representatives was an ambassador. At that time an ambassador was a nobleman, the rank of the noble assigned varying with the prestige of the country he was delegated to. Strict standards developed for ambassadors, requiring they have large residences, host lavish parties, and play an important role in the court life of their host nation. Even in smaller posts, ambassadors were very expensive. Smaller states would send and receive envoys, which were a rung below ambassador. Somewhere between the two was the position of minister plenipotentiary. Ambassadors were often nobles with little foreign experience and no expectation of a career in diplomacy. They were supported by their embassy staff. These professionals would be sent on longer assignments and would be far more knowledgeable than the higher-ranking officials about the host country. Embassy staff would include a wide range of employees, including some dedicated to espionage. The need for skilled individuals to staff embassies was met by the graduates of universities, and this led to a great increase in the study of international law, French, and history at universities throughout Europe.

At the same time, permanent foreign ministries began to be established in almost all European states to coordinate embassies and their staff. These ministries were still far from their modern form, and many of them had extraneous internal responsibilities. Britain had two departments with frequently overlapping powers until 1782. They were also far smaller than they are currently. France, which boasted the largest foreign affairs department, had only some 70 full-time employees in the 1780s (Zeller, 1961, pp. 198-221).The elements of modern diplomacy slowly spread to Eastern Europe and Russia, arriving by the early 18th century.

The sanctity of diplomats has long been observed, underpinning the modern concept of diplomatic immunity. While there have been a number of cases where diplomats have been killed, this is normally viewed as a great breach of honour. Genghis Khan and the Mongols were well known for strongly insisting on the rights of diplomats, and they would often wreak horrific vengeance against any state that violated these rights. Diplomatic rights were established in the mid-17th century in Europe and have spread throughout the world (Zeller, 1961, pp. 198-221. These rights were formalized by the 1961 Vienna Convention on Diplomatic Relations, which protects diplomats from being persecuted or prosecuted while on a diplomatic mission. If a diplomat does commit a serious crime while in a host country he or she may be declared as persona non grata (unwanted person). Such diplomats are then often tried for the crime in their homeland.

Diplomatic communications are also viewed as sacrosanct, and diplomats have long been allowed to carry documents across borders without being searched. The mechanism for this is the so-called "diplomatic bag" (or, in some countries, the "diplomatic pouch") (Zeller, 1961, pp. 198-221. In times of hostility, diplomats are often withdrawn for reasons of personal safety, as well as in some cases when the host country is friendly but there is a perceived threat from internal dissidents. Ambassadors and other diplomats are sometimes recalled temporarily by their home countries as a way to express displeasure with the host country. In both cases, lower-level employees still remain to actually do the business of diplomacy.

Diplomacy is closely linked to espionage or gathering of intelligence. Embassies are bases for both diplomats and spies, and some diplomats are essentially openly acknowledged spies. For instance, the job of military attachés includes learning as much as possible about the military of the nation to which

they are assigned. They do not try to hide this role and, as such, are only invited to events allowed by their hosts, such as military parades or air shows. There are also deep-cover spies operating in many embassies. These individuals are given fake positions at the embassy, but their main task is to illegally gather intelligence, usually by coordinating spy rings of locals or other spies. For the most part, spies operating out of embassies gather little intelligence themselves and their identities tend to be known by the opposition. If discovered, these diplomats can be expelled from an embassy, but for the most part counter-intelligence agencies prefer to keep these agents *in situ* and under close monitoring.

Mohammad (2010, pp. 45-47) explains that the information gathered by spies plays an increasingly important role in diplomacy. Arms-control treaties would be impossible without the power of reconnaissance satellites and agents to monitor compliance. Information gleaned from espionage is useful in almost all forms of diplomacy, everything from trade agreements to border disputes.

No matter how well intentioned the 1961 Vienna Convention on Diplomatic Relations has been, there have been circumstances in which some States have had to run into serious conflicts, sometimes even from the nature of the drafting and implementation of the articles of the Convention. However, various processes and procedures have evolved over time for handling diplomatic issues and disputes, which include arbitration and mediation; conferences; negotiations; appeasement; counterinsurgency; science diplomacy, soft power, debt-trap; economic diplomacy is the use of aid or other types of economic policy as a means to achieve a diplomatic agenda; gunboat diplomacy, which is the use of conspicuous displays of military power as a means of intimidation to influence others (Rowlands, 2012, p. 5); humanitarian diplomacy that involves the set of activities undertaken by various actors with governments, (para)military organizations, or personalities in order to intervene or push intervention in a context where humanity is in danger. Nuclear diplomacy is the area of diplomacy related to preventing nuclear proliferation and nuclear war. One of the most well-known (and most controversial) philosophies of nuclear diplomacy is mutually assured destruction (MAD) (Jervis, 2002, pp. 40-42).

There is also preventive diplomacy that is carried out through quiet means (as opposed to "gun-boat diplomacy." There is also public diplomacy, which is the exercise of influence through communication with the general public in another nation, rather than attempting to influence the nation's government directly. This communication may take the form of propaganda, or more benign forms such as citizen diplomacy, individual interactions between average citizens of two or more nations. Technological advances and the advent of digital diplomacy now allow instant communication with foreign citizens, and methods such as Facebook diplomacy and Twitter diplomacy are increasingly used by world leaders and diplomats (Tutt, 2013, p. 1). There is also quiet diplomacy, which is also known as the "softly softly" approach. It is the attempt to influence the behaviour of another state through secret negotiations or by refraining from taking a specific action (Dlamini, K. (2003, pp. 171-172). All these measures and their merits and demerits only rush to the mind the faith of the underdeveloped countries that do not have the financial muscle to carry out some of the complexities of modern diplomatic relations. It is at this point that it is highly necessary to make all States to conform to the dictates of the 1961 Vienna Convention on Diplomatic Relations for all international actors to be on the same pedestal for us to avoid a milieu in which some States would be exploiting or intimidating others in the international system, which is a recipe for global chaos that we all loath and concertedly need to end at all costs for global peace.

Conclusion

The issue of proper diplomatic relations amongst States in the international system has always inspired concern as the nature of its operation has always caused conflicts amongst some nations. This largely informed the 1961 Vienna Convention on Diplomatic Relations that came up with over fifty salient articles. Irrespective of this Convention, there has been a poor state of relations amongst some States, which has contribute significantly to the spiraling rates of conflicts in many parts of the world. This is a trend that the United Nations that instituted the Convention has not been able to control. Consequently, it has become academically expedient to explore the entrails of the 1961 Vienna Convention on Diplomatic Relations, find out its strengths, weakness, applicability, grounds for

reappraisal and of course how it has actually influenced diplomatic relations amongst States in the international system in this exposition.

Realizing the dangers posed by poor diplomatic relations amongst States, especially amongst the superpowers, the United Nation needs to put a number of measures in place to address issues of diplomatic relations beyond the 1961 Vienna Convention on Diplomatic Relations based on current realities. This paper therefore focused on the blue-print recommendations and other alternative options to address the bottlenecks of poor diplomatic relations for global peace and security.

Recommendations

The recommendations of this paper are as follows:

1. The employment of diplomats in Nigeria should be based at all times on merit for us to avoid the pitfall of novices or ill-trained personnel going to disgrace us abroad by not adhering to the dictates of the Vienna Convention on Diplomatic Relations.

2. There is the need for a well-balanced and equitable enforcement of the Vienna Conventions in the interest of maintenance of cordial diplomatic relations in the international community.

3. Diplomats that contravene the conducts stipulated for them by the Convention should be decisively dealt with to deter others from acting similarly.

4. Countries that use their embassies in other countries as sources of espionage and other nefarious practices should be punished in line with the weight of the offence.

5. All the States in the international system need to do a regular appraisal of the 1961 Vienna Convention on Diplomatic Relations to make it be responsive of any emerging issues in diplomatic relations.

6. The United Nations should show more commitment and ensure that the 1981 Vienna Convention Diplomatic Relations stipulations are enforced on all States.

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