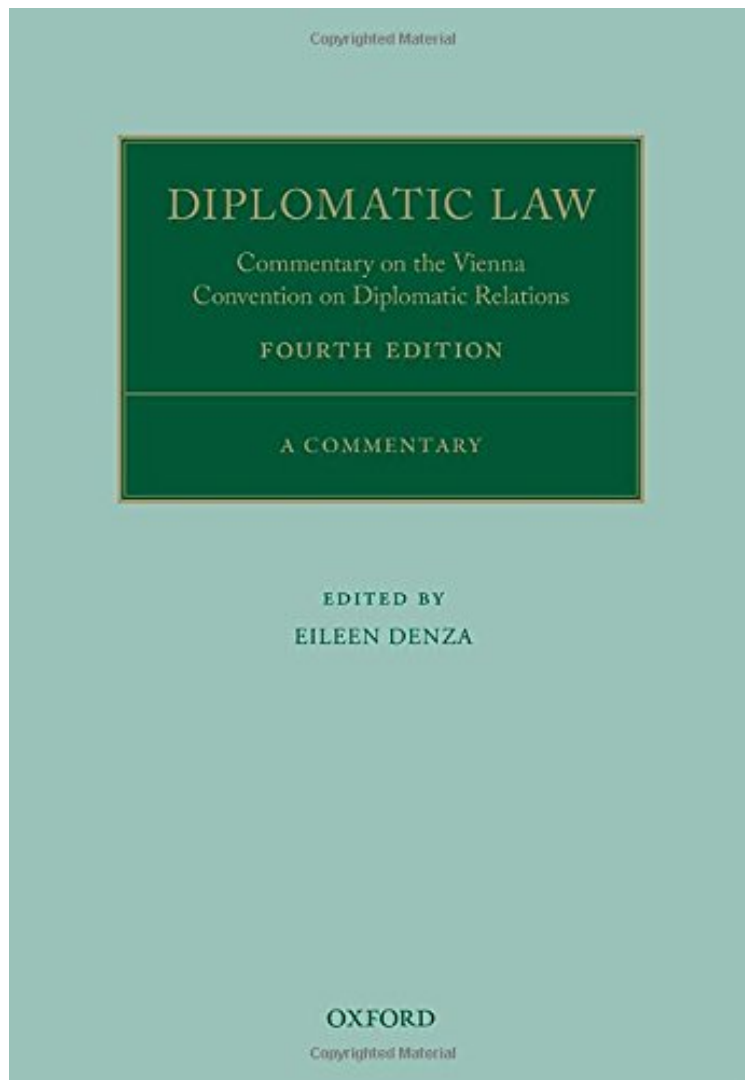


[Download] Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations (Oxford Commentaries on International Law)

Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations (Oxford Commentaries on International Law)

Eileen Denza

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MODERN INTERNATIONAL LEGAL ORDER By Phillip Taylor MBECOMMENTARIES ON THE CORNERSTONE OF THE MODERN INTERNATIONAL LEGAL ORDER NOW IN A NEW FOURTH EDITION

An appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers You don't necessarily have to be a legal advisor within the diplomatic community to find this book rather an enthralling read. As author Eileen Denza explains, the Vienna Convention on Diplomatic Relations, on which this book provides informed and detailed commentary, codifies those rules which are instrumental in protecting the sanctity of ambassadors, enabling them to carry out their functions. These rules, she stresses, are the oldest established and the most fundamental rules of international law. The Convention is a cornerstone of the modern international legal order. Recently published in a new fourth edition by the Oxford University Press, this highly regarded and well established work is intended to function as a practitioners handbook and therefore will be especially useful for international lawyers. Denza's authoritative commentary and analysis follows each article, or group of articles within the convention, with clear discussion and explication of, say, ambiguities and problems in interpretation. Commentary is inevitably weighted in favour of UK and US practice says the author, although there is much material dealing with practice in other States. There are a number of historical notes and perspectives as well, reminding us that diplomacy, diplomats, diplomatic traditions and diplomatic law go back a long time. Did you know as explained in the commentary on *Persona Non Grata* (Article 9 of the Convention) -- that in an early and celebrated case, Queen Elizabeth I ordered the Spanish Ambassador, one Don Bernadino de Mendoza, to leave the country within fifteen days when it was discovered that he was involved in a plot to depose the Queen and replace her with Mary Queen of Scots. Elizabeth, who was a consummate diplomat herself and fluent in a number of languages, apparently deemed Don Bernadino's duplicity as merely personal and not attributable to the sending State! Whilst friendly relations with Spain were not restored, this particular matter set an important precedent which allowed erring diplomats to be expelled for ostensibly personal reasons, thus presumably avoiding unnecessary conflict between states. On examining the articles of the Convention throughout, any number of international legal issues emerge. From diplomatic immunity to the inviolability of the diplomatic bag, there are certain diplomatic niceties that have become controversial, having been either ignored or violated all too often by all too many diplomats, some of whom have exploited their diplomatic immunity to get away with serious crimes. Instances of such defiant and unruly behaviour either in receiving States or on the world stage are discussed, often in detail, including for example, the Iranian hostage crisis of 1979 in which the US embassy in Tehran was attacked by Iranian students. Eventually, that difficult and protracted crisis was resolved by a judgment of the International Court of Justice, (ICJ) which, among other results, served to clarify the Convention. Certainly this book is an erudite and impressive statement of what diplomatic law actually is and what, presumably, it may become, bearing in mind such ongoing controversies as the tension between the principle of non-interference in the affairs of a particular country -- and the duty to promote and champion the basic tenets of human rights. Note, finally, that the book contains the text of the Vienna Convention on Diplomatic Relations in Appendix 1, followed by a list in Appendix 2, of the 190 countries which are parties to the Convention. This, if anything, demonstrates that despite problems, the Vienna Convention has elicited a high degree of solidarity and rapport among nations. The publication date of this new edition is cited as at September 2015.

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.

"This book is an erudite and impressive statement of what diplomatic law actually is and what, presumably, it may become, bearing in mind such ongoing controversies as the tension between the principle of non-interference in the affairs of a particular country - and the duty to promote and champion the basic tenets of human rights." - Phillip Taylor MBE and Elizabeth Taylor, Richmond Green Chambers
About the Author Eileen Denza, Formerly Legal Counsellor, FCO; Counsel to EC Committee, House of Lords; Visiting Professor, University College London
Eileen

Denza is a former Legal Councillor to the Foreign and Commonwealth Office. She was a visiting professor at University College, London from 1997 to 2008. She was the legal advisor to the UK representation to the European Community from 1980 to 1983, and was Council to the EC Committee in the House of Lords from 1987 to 1995.