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Ethics in Diplomacy

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Ethics in Diplomacy

A diplomat serves one country but works in another. That creates real tension. The diplomat must protect national interest. The same diplomat must also act honestly and respect the host country's laws.

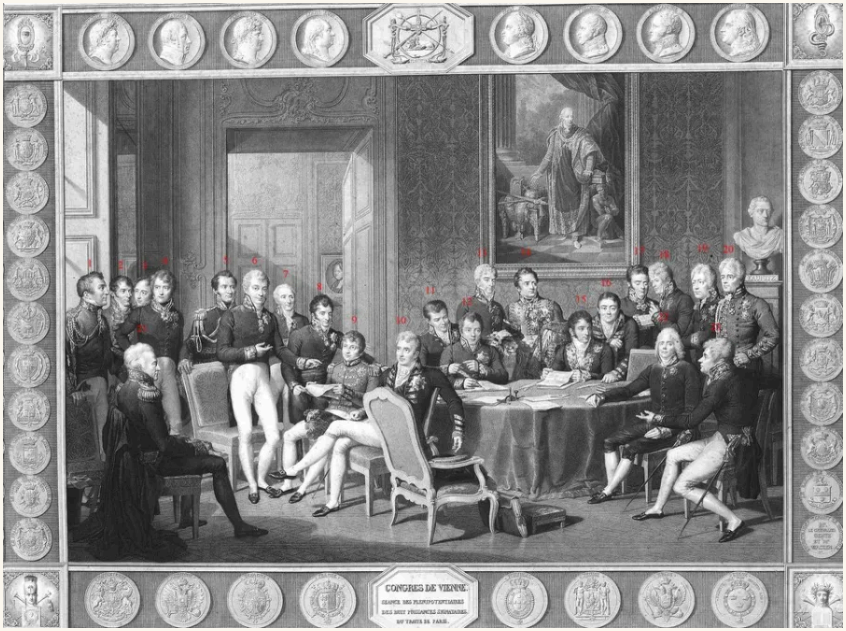
This lesson shows how that balance works. It starts with the rules on immunity. It then looks at back-channel talks, and ends with a recent case that tested the rules.

Diplomatic immunity: protection that stops a host country from arresting or trying a diplomat. Think of a visiting referee who cannot be sent off by the home team. The rule exists so envoys can work without fear of pressure. It also raises hard questions when a person misuses it.

Waiver: a decision by the diplomat's own country to give up that protection. It is like a guest allowing the host to look inside a locked room. Only the sending state can do it. Without a waiver, the host cannot prosecute.

Persona non grata: a Latin phrase for a person who is not welcome. A host country can use it to reject a diplomat without giving reasons. It is the main tool of a host that has no power to punish. The diplomat must then be recalled.

Track II diplomacy: informal talks between people who are not official negotiators. Scholars and retired officials often take part. They can speak freely because nothing they say binds a state. Their ideas can later help the official talks.



The Congress of Vienna, 1814-15. Photo: After Jean-Baptiste Isabey, Wikimedia Commons, CC BY-SA 3.0.

Why Does Diplomatic Immunity Raise Ethical Questions?

What does immunity actually protect?

The main treaty is the **Vienna Convention on Diplomatic Relations**, signed in 1961. Under it, a diplomat cannot be arrested or detained. A diplomat also has immunity from the criminal courts of the host country.

The family is covered too. A family member who lives in the diplomat's household has the same protection, if they are not citizens of the host state.

The reason is simple. A host could otherwise threaten an envoy with charges to force a policy.

Sources: legal.un.org

> **Quick check 1.** A diplomat can be arrested or detained by the host country. *(True or False?)* See answer ↓

What are the limits on that protection?

Immunity is not a licence to break the law. Every protected person must still obey the laws of the host. They must also stay out of its politics.

The host has two tools. It can declare a diplomat **persona non grata** at any time, without giving reasons. The sending state must then recall the person or end their duties.

The sending state has one tool. It can **waive** immunity, but the waiver must always be express. Silence does not count as a waiver.

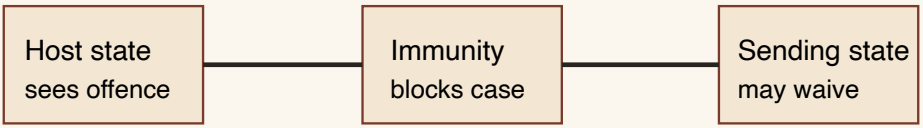
Sources: legal.un.org

> **Quick check 2.** A diplomat's immunity can be waived only by the host country. *(True or False?)* See answer ↓

How do the ethical tensions show up?

Three tensions appear again and again.

- **Accountability:** immunity can shield serious wrongdoing.
- **Honesty:** a negotiator may keep some aims unstated, which can slide into deception.
- **Fairness:** a strong state may press a weak one in unequal talks.



The host can only ask. The sending state alone decides whether the case can go ahead.

How Do Informal Talks and Whistleblowing Fit In?

What is Track II diplomacy?

Track I talks are official, held by governments through formal channels. **Track II** talks are informal and held outside government. Scholars, former officials and community leaders usually take part.

The term was first used in 1981 by Joseph Montville. The aim is to build trust and test ideas that officials cannot try openly.

Sources: thediplomaticinsight.com

> **Quick check 3.** Track II diplomacy means formal talks held by governments. *(True or False?)* See answer ↓

Why do human rights and whistleblowing matter here?

Human rights now shape ties between states. A state may want trade or defence links with a country that abuses rights. The diplomat must decide how much pressure is right.

Whistleblowing is a related dilemma. A diplomat may know of wrongdoing inside their own service. Loyalty to the government pulls one way. The public interest pulls the other.

Track I

Official, formal

Governments sign deals

Track II

Unofficial, informal

Ideas, trust, new options

Track II cannot sign treaties. It prepares the ground so Track I talks have a better chance.

Why Is Self-Interest Versus Shared Norms a Practical Problem?

What does a civil servant take from this?

National interest and shared ethical norms do not always point the same way. Treaties set common standards. Yet states must choose to follow them.

Power is now spread across many states. Each may hold its own view of fair conduct. So a civil servant must weigh both sides in every case.

> **Quick check 4.** Treaty norms are enforced automatically by a world authority. *(True or False?)* See answer ↓

What should you remember for exams?

Keep these points ready.

- The **Vienna Convention on Diplomatic Relations** dates from **1961**.
- Only the **sending state** can waive immunity, and it must do so expressly.
- The host's remedy is declaring the person **persona non grata**.
- **Track II** is informal and non-governmental.

What Did a Recent Case Show About Immunity and Accountability?

What happened in the Kenyan diplomat case?

A Kenyan diplomat's son was accused of a serious offence against a young child at a school in Delhi. The family was covered by **Article 37**, so Indian police could not act against the accused.

In February 2025, India asked Kenya to waive the immunity. That would have allowed a trial. Reports in April 2025 said the diplomat and his son had left India without any trial. They also said Kenya had been reluctant to waive.

The case shows the core problem clearly. The system protects envoys, but it can leave victims with no remedy.

Sources: kenyans.co.ke

> **Quick check 5.** India asked Kenya to waive the immunity of the diplomat's son. *(True or False?)* See answer ↓

Practice MCQs

1. Which treaty is the main source of diplomatic immunity?

A. Geneva Convention 1949

B. Hague Convention

C. Treaty of Westphalia

D. Vienna Convention on Diplomatic Relations

See answer ↓

2. Who can waive a diplomat's immunity?

A. The host country's police

B. The host country's court

C. The sending state

D. The UN Secretary-General

See answer ↓

3. A diplomat is not liable to which of these in the host country?

A. Arrest or detention

B. Paying a parking fee as a courtesy

C. Respecting local laws

D. Recall by their own state

See answer ↓

4. Which duty applies even to persons who have immunity?

A. To pay local taxes only

B. To respect the host state's laws

C. To lead the mission

D. To avoid all contact with citizens

See answer ↓

5. Immunity under Article 37 also covers whom?

A. Any visitor to the embassy

B. Only the ambassador

C. Family members in the diplomat's household who are not host-state nationals

D. Only embassy guards

See answer ↓

6. What did India ask Kenya to do in the diplomat's son case?

A. Pay compensation

B. Recall its ambassador

C. Waive the immunity so a trial could proceed

D. Close its mission

See answer ↓

Answer Key

1. **D.**
   The 1961 Vienna Convention on Diplomatic Relations sets out diplomatic immunity.
   Sources: UN, Vienna Convention (1961) · Kenyans.co.ke, Feb 2025.
   ↑ Q1
2. **C.**
   Only the sending state can waive, and the waiver must be express.
   Sources: UN, Vienna Convention (1961) · Kenyans.co.ke, Feb 2025.
   ↑ Q2
3. **A.**
   The convention says a diplomat is not liable to any form of arrest or detention.
   Sources: UN, Vienna Convention (1961) · Kenyans.co.ke, Feb 2025.
   ↑ Q3
4. **B.**
   Immunity does not remove the duty to respect the laws of the receiving state.
   Sources: UN, Vienna Convention (1961) · UN, Consular Convention (1963).
   ↑ Q4
5. **C.**
   Article 37 extends the protection to household family members who are not nationals of the host state.
   Sources: UN, Vienna Convention (1961) · Kenyans.co.ke, Feb 2025.
   ↑ Q5
6. **C.**
   India asked Kenya to waive the immunity so a prosecution could go ahead.
   Sources: Kenyans.co.ke, Feb 2025 · Kenyans.co.ke, Apr 2025.
   ↑ Q6

Quick-check answers

1. **False.** Article 29 says a diplomat is not liable to any form of arrest or detention.
   ↑ 1
2. **False.** The sending state decides to waive. The host country has no such power. ↑ 2

3. **False.** That is Track I. Track II is informal and outside government. ↑ 3

4. **False.** Enforcement depends on states choosing to comply. ↑ 4

5. **True.** India requested a waiver so that a prosecution could go ahead. ↑ 5

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