The application of rules of diplomatic law to digital diplomacy

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Abstract

Digital diplomacy is a vital part of modern international law, influencing communication and decision-making between states and international organizations. Through digital media such as social media and email, digital diplomacy opens up new channels of communication and information exchange between countries. The use of digital diplomacy contributes to expanding international communication and strengthening diplomatic relations, which enhances mutual understanding and reduces the likelihood of conflicts. In addition, digital diplomacy plays a role in addressing global security challenges such as terrorism and cybercrime, facilitating the exchange of information and enhancing international cooperation in these areas.

Keywords: Digital Diplomacy – Cybersecurity – Internet – Cyber Espionage.

Introduction

Diplomacy is one of the main means of preserving international interests, its role has evolved to go beyond presenting wars as a means to achieve the goals of states. In fact, diplomacy has come to play a vital role that can transcend all other means of power. As a result of the development of international rules governing diplomatic relations, diplomacy has become considered an independent subject, as it has its own laws known as "diplomatic law".

Diplomacy is no longer limited to managing political relations between states, but its tasks have extended to many other aspects such as economic, scientific, cultural and humanitarian relations. Even in situations of armed conflict, diplomacy still has a crucial role, especially when it comes to the application of international humanitarian rules.

When wars occur between states, diplomatic channels become a tool for reaching agreements regulating the conduct of land, sea and air wars, regulating

the use of weapons, exchanging prisoners, ceasing hostilities, reaching agreements for armistice and reconciliation, and other rules relating to armed conflicts. These issues can only be reached through the use of diplomatic means, and States have long used diplomacy as an instrument of both war and peace. But she found through her experiences that achieving goals and interests through war diplomacy increases conflicts, and that peace diplomacy establishes lasting relations between countries for long periods and helps to establish friendly relations that stabilize relations, which in turn is reflected in the establishment of a global peace based on stability.

With the rapid development of technology, digital diplomacy has become an essential part of the political decision-making process and the implementation of foreign policy of nations. This development raises new challenges related to the adaptation of existing rules of diplomatic law to the digital environment. This section aims to explore how these transformations are reflected in diplomacy practices and their impact on international relations. We will analyze how traditional rules of diplomatic law apply to digital diplomacy and examine the need to develop a new legal framework that regulates the use of technology in relationships. Diplomacy. We will also address the importance of international cooperation in setting standards and controls governing the use of digital diplomacy, which contributes to achieving a balance between security protection and privacy rights in the digital age.

The impact of digital diplomacy on the 1961 Vienna Convention on Diplomatic Relations (VCDR) is an update of international laws and standards to ensure the effective and safe use of digital technology in the field of diplomacy.

First: The importance of research:
The importance of the research appears through the statement of the legal adaptation of digital diplomacy within the scope of the Vienna Convention on Diplomatic Relations of 1961, where this topic represents a set of important factors that must be carefully studied due to its great importance in modern international relations , international law and the application of foreign policy between countries.

Second: Research Problem:
The research problem arises through the following questions:
1- What methods has the international community followed in developing digital diplomacy?
2- What is the development of the 1961 Vienna Convention on Diplomatic Relations in the field of digital diplomacy?

Third: Research Methodology:
In order to reach the desired goals and objectives of the research, we will rely on the analytical approach by analyzing the articles of the Vienna Convention

on Diplomatic Relations of 1961, and clarifying and analyzing the most important jurisprudential opinions and proposals related to the subject of this research.

Fourth: Research Structure:

To address this topic, we will divide this research into two requirements, where we will address in the first requirement the legal adaptation of digital diplomacy in the field of representation and negotiation, while in the second requirement we will address the legal adaptation of digital diplomacy in the field of diplomatic sanctity and immunity.

The first requirement: the legal adaptation of digital diplomacy in the field of representation and negotiation

ICT has brought about significant changes to diplomatic functions and practices in two different forms, first, changes to traditional functions, and second, the creation of new jobs for diplomats and diplomatic services or the creation of new forms or methods for diplomats.

When studying the concept of digital diplomacy, an important question arises: What is the legal basis that can be adopted by countries to implement digital diplomacy?

To answer this question, reference should be made to the preamble to the 1961 Vienna Convention on Diplomatic Relations (VCDR), which affirms that: "The rules of international law must continue to apply in matters not expressly elaborated on in the provisions of this Convention[1]".

Through this preamble, it becomes clear to us that it stressed the need to continue the rules of customary international law to fill the deficiencies that were not explicitly addressed by the provisions of this convention, and therefore it emphasizes the need to accommodate cases that may appear in the future and to consider digital diplomacy as one of these cases, through which this modern concept can be consistent with the aforementioned agreement , and that the use of digital diplomacy has led to the emergence of some legal problems on some aspects of diplomatic work, some emerging legal issues have been raised. About the use of modern technology. This had repercussions on the rules of diplomatic work regulated by the Vienna Convention on Diplomatic Relations of 1961 (VCDR), and therefore it may be necessary when talking about the effects of modern technology and advanced means of communication on diplomacy to refer to some of the legal aspects of the use of modern technology in diplomatic work and life in general. **From here, we focus on these two parts of the changes by dividing this requirement into two sections, where we will deal in the first**

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[1] **Preamble to the 1961 Vienna Convention on Diplomatic Relations (VCDR).**

section with digital diplomacy in the field of representation, and in the second section we will address digital diplomacy in the field of negotiation.

Section One: Digital Diplomacy in the Field of Representation

The function of representation in diplomacy involves representing the interests of a state or organization in the international arena through negotiation and effective communication. Diplomats build positive relationships with representatives of other countries and international organizations, and participate in conferences and meetings to promote the interests of their country. This role also requires strong analytical skills to assess policy and international affairs and provide accurate reporting to decision-makers. In addition, adherence to diplomatic values and norms is essential to ensure international cooperation and peace. [1].

Item (a) of Article 3 of the Vienna Convention on Diplomatic Relations of 1961 (VCDR) affirms that: "The work of the diplomatic mission shall include the following [2]:

(a) Representation of the receiving State to the receiving State", and it is clear from the text of this article that the representation of the receiving State is one of the main roles of the diplomatic mission. This means that the members of the mission represent the country to which they belong formally and symbolically before the government, institutions and people of the host country.

The members of the mission are responsible for the implementation of the foreign policies of the host State. They must interact with host-country politicians and government officials to promote these policies and achieve the goals set.

The Internet and contemporary means of communication have changed the way governments choose other diplomats to represent them by changing the way the international community views them. The way they communicate has also changed; ICT has changed the way international players communicate by changing available communication channels such as satellites, satellite TV, social media.... This is in addition to the change in the speed of communication, as the speed at which the connection is made and the choices through which it is made (such as hotlines, teleconferencing, e-mail, etc.) have changed.[The3] Optional Protocol to the Convention on the Elimination

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[1] **Abdul Fattah Ali Al-Rashdan, Muhammad Khalil Al-Moussa, The Origins of Diplomatic and Consular Relations, Scientific Center for Political Studies, Jordan, 2015, p. 126.**

[2] **Article 3 (a) of the 1961 Vienna Convention on Diplomatic Relations (VCDR).**

[3] **Jeffrey Pegman, Contemporary Diplomacy, translated by Mohamed Safwat Hamad, Dar Al-Fagr for Publishing and Distribution, Egypt, 2014, p. 22.**

We note here the text of item (2) of Article (41) of the Vienna Convention on Diplomatic Relations of 1961 (VCDR), which affirms that: "All official matters entrusted to the mission of the receiving State with the receiving State must be discussed with the Ministry of Foreign Affairs of the receiving State through it or with any agreed ministry."[1]

This item specifies the official procedures to be followed in diplomatic communication between diplomatic missions. According to this item, the diplomatic mission of the accredited State shall communicate with the Ministry of Foreign Affairs of the host State, or with any other agreed ministry, to discuss and resolve all official matters related to diplomatic relations between the two countries.

This item aims to guide diplomatic missions on how to coordinate their work with the local authorities of the host country, and to ensure that official procedures are carried out correctly and regularly. Under this item, diplomatic missions are required to cooperate with and communicate with local authorities on all official issues, such as arrangements for official visits, exchange of diplomatic documents and important diplomatic negotiations.

The practice of virtual representation, or the use of modern technology to exchange information and conduct formal conversations via the Internet, may contribute to the repeal of some or all of the provisions set out in this item. This is because most diplomatic systems were not designed to deal with modern technological transformations, and their laws or guidelines may not include details on how to deal with virtual diplomatic practices. Hence, the use of virtual representation can raise legal and political issues related to the powers of diplomatic missions and official dealing. Inter-State[2].

Article 2 of the 1961 Vienna Convention on Diplomatic Relations (VCDR) affirms that: "Diplomatic relations shall be established between States and permanent diplomatic missions shall be dispatched on the basis of mutual agreement between them[3]".

It can be understood from this article that diplomatic relations are established between states when they agree to develop formal relations with each other, whether for political, economic, cultural or other cooperation. This is usually done through the signing of international agreements defining areas of cooperation and exchange between the two countries.

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[1] **Article 41, paragraph 2, of the 1961 Vienna Convention on Diplomatic Relations (VCDR).**

[2] **Jeffrey Biggman, Contemporary Diplomacy, op. cit., p. 23.**

[3] **Article 2 of the 1961 Vienna Convention on Diplomatic Relations (VCDR).**

Some argue that these items are obsolete through modern diplomatic practice, in which diplomats communicate directly with the various ministries and individuals of the receiving State;[1]

Here we take the example of the virtual US embassy in many countries that are hostile to their policies, such as the virtual US embassy in North Korea , Iran and Syria, which exist only on the electronic network and have no basis on the ground, and from here it turns out that digital diplomacy has disrupted the text of Article 41 and the text of Article 2 and allowed countries to carry out some actions that are illegal from the perspective of international law.

Instead of negotiating on behalf of his country, he should be a communicator and mediator of his country's position on key public issues with key actors in the host country, the ambassador's main work is no longer focused on covert dealings with his country's foreign ministry, but through continuous efforts to explain his country's foreign policy objectives in the host country to all official and non-official actors and the public. ICTs play a pivotal role in facilitating interactive relationships for missions with Both representatives and stakeholders in the host country[2].

With the increase in the number of actors in the international arena; with the increase in the number of multinational corporations, non-governmental organizations, intergovernmental organizations, as well as non-national media companies, international relations have become complicated and the issue of diplomatic representation of non-state actors has emerged; as the increase in the number of non-state actors affects the nature of diplomacy. New diplomacy can involve state and non-state actors at the same time. In this case, the diplomat must be prepared to negotiate with Diplomats of actors such as diplomats of multinational corporations, non-governmental or intergovernmental organizations as a result of the increasing number and participation of such diplomats in foreign policy processes at the national, regional and international levels[3].

2Jovan Kurbalija, E-diplomacy and Diplomatic Law in the Internet Era Katharina Ziolkowski (ed.), Peacetime Regime for State Activities in Cyberspace. International Law, International Relations and Diplomacy, NATO CCD COEPublication, Tallinn- Estonia, 2013, p 403.

Vladimir3 Radunovic, The Role of Information and Communication Technologies in Diplomacy and Diplomatic Service, Master Thesis, the Faculty of Arts in the University of Malta, Belgrade, Serbia, 2010, p. 35.

4Ehiane, Osezua Stanley and Mosud, Yinusa Olumoye, Information and Communication Technology (ICT) and Diplomacy: A Conceptual Overview, International Affairs and Global Strategy, Vol. 17, 2013, p. 40.

In this context, we find that some countries have offices and working bodies dedicated to carrying out communication and diplomatic tasks with major international companies. Although diplomatic representation between multinational corporations and Governments is virtually different, the diplomatic representation of such corporations vis-à-vis States is not much different from the representation of States vis-à-vis each other, as some of these companies tend to establish large offices for government relations[1].

Hence, we can say that the method of representation has changed in terms of tools, as well as in terms of speed and in terms of communicators, but the change is not fundamental in the sense of the word, although representation as a main task of the diplomatic mission is no longer as in the past because heads of state and senior officials are able to communicate continuously through communication technology, and some presidents have become friends on social networking sites, and senior officials easily visit other countries to represent their countries on official occasions. and nationalism. This affects the importance of the representation function carried out by the diplomatic mission.

Section II: Digital Diplomacy in the Field of Negotiation

The negotiating function of diplomacy involves working to reach agreements and compromises between different states or parties through dialogue and negotiation. This role requires strong analytical and communication skills to understand common interests and make effective proposals. It is the duty of a diplomatic officer to protect and promote the interests of their country while maintaining stable and fruitful international relations. Diplomatic negotiation involves dealing with issues as diverse as trade, security, and environmental policy. Success in this role depends on the ability to persuade and build trust with international partners[2].

Article 3, item (c), of the 1961 Vienna Convention on Diplomatic Relations (VCDR), which stipulates that: The work of the diplomatic mission shall include the following: (c) Negotiation with the Government of the receiving State."[3] This item provides for one of the main actions of the members of the diplomatic mission, which is to negotiate with the Government of the receiving State. In the

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[1] **Jeffrey Pegman, Contemporary Diplomacy, op. cit., pp. 105-109.**

[2] **Article 33 (a) of the Charter of the United Nations of 1945 (CUN) states: "The Parties to any dispute the continuation of which endangers the maintenance of international peace and security shall, first of all, seek its resolution by negotiation, investigation, mediation, conciliation, arbitration and judicial settlement, or resort to regional agencies and arrangements or other peaceful means of their choice."**

[3] **Article 3, paragraph (c), of the 1961 Vienna Convention on Diplomatic Relations (VCDR).**

diplomatic context, negotiation is a key tool for achieving the national goals and interests of the receiving State.

The importance of this item includes several points such as achieving national interests, where diplomats use negotiation as a means to achieve the national interests and objectives of the accrediting country. This is done through negotiating political, economic, cultural and security issues of interest to the two countries, and building bilateral relations where negotiation can contribute to building strong and sustainable relations between countries, by enhancing mutual understanding and trust and cooperation in various fields, and protecting national interests where negotiation allows the dependent state to protect its national interests. And defend them in the international arena, through the conclusion of agreements and treaties and take decisions in their favor, and the development of policies and agreements where negotiation contributes to the development of diplomatic policies of the adopted state and the formulation of agreements and treaties that determine relations with other countries.

Thanks to the Internet, the negotiator can easily obtain huge amounts of information about the counterparties, such as political, cultural, and economic background, statistical indicators, external relations and internal structures, as well as information about the main negotiators and the negotiating team, their personal backgrounds and experiences. Exploring online space also helps to hear internal public opinion and relations in the opposite country: Public Blogs for VIP Discussion forums for intellectual elite Internet magazines and newspapers[1].

The pre-negotiation phase required agreement between the parties concerned on the agenda and procedures; in traditional diplomacy, this was often done through a series of face-to-face meetings, but now some of these meetings can be conducted electronically.

While Internet tools cannot change actual negotiating methods, they can change the environment in which negotiations are prepared and conducted. The Internet was introduced during the World Summit on the Information Society (WSIS[2]) in 2003 and 2005 and made international negotiations more inclusive and open through the participation of an increasing number of civil society and business[3] representatives.

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[1] **Vladimir Radunovic, The Role of Information and Communication Technologies in Diplomacy and Diplomatic Service, op-cit, p57.**

[2] **A series of United Nations-funded conferences on information and telecommunications in the information society. Held in Geneva in 2003 and in Tunis in 2005, it aims mainly to bridge the digital divide by spreading Internet access in the developed world, Moved from the official United Nations website at the following link: https://2u.pw/eUxXS9es Date of visit: 11/6/2024.**

[4] **Jovan Kurbalija, op-cit, p406.**

On the other hand, ICT has made negotiations easier in part, as immediate decision-making has become easier for negotiators consulted by relevant agencies, relevant information has become easier and faster to access, and the negotiating text can be drafted in a more practical way[1].

The main advantages of online negotiation can be summarized in the following points: focus on content and content, clarity of wording, and less misunderstanding; Facilitate comparison of proposed texts Transparency and ease of keeping a record of proposals submitted and added revisions Time factor Each delegation can work according to its own field and mode of work, i.e. the time difference can turn into an advantage An easy and reliable way to write and create the final text; [2]

We must not forget that in cases where face-to-face mediation is not possible, ICT can contribute to the achievement of "shuttle diplomacy".[3] ICT creates a secure and non-confrontational channel for dialogue between warring groups. Information sharing also serves as a key to conflict resolution, reconciliation and preventive diplomacy. ICTs across mainstream media platforms and new media can play a big role in supporting diplomats. In conflict resolution, reconciliation and prevention efforts, information and communication technologies are used to create awareness, publicity, initiatives and policies to address key issues, open discussions and receive feedback[4].

Negotiations also include building knowledge and framing speeches about key events. Digital technologies have created more opportunities for external influences on interstate talks. The distinction between online diplomacy and

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[1] Asanga Abeyagoonasekera and Thilanka Ranasinghe, ICT for Diplomacy in the 21stCentury Information Society, LKIIRSS. April 2012, on the website: https://www.lankaweb.com/news/items/2012/04/30/ict-for-diplomacy-in-the-21st-century-information-society-speech-by-mr-asanga-abeyagoonasekera-executive-director-lkiirss-26th-april-2012/ time of visit: 17/4/2024.

[Said3] Saddiki, Diplomacy in a Changing World, Alternatives; Turkish Journal of International Relations, Vol.5, No.4, 2006, p100.

[4] This shuttle diplomacy can be defined as the work of an external party acting as a mediator between (or between) two key managers in the conflict, without direct contact between the main managers, which is the mediation between two countries or parties to a political dispute shuttle trips back and forth to carry messages between the two sides and propose a method to resolve the dispute and the most prominent organizers of this diplomacy former US Secretary of State Henry Kissinger, Abdul Hamid Jaafar, From "shuttle" to the art of political realism. What is Kissinger's School of Diplomacy?, Published Article On the following link: https://2u.pw/hnZYEqW Date of visit: 15/5/2024.

[5] Asanga Abeyagoonasekera and Thilanka Ranasinghe, ICT for Diplomacy in the 21stCentury Information Society, previous website.

offline diplomacy and negotiations is clear. Diplomats can now send strong diplomatic signals or messages, whether during negotiation processes or otherwise, that reach within seconds the largest number of audiences both internally and externally, and these signals have become essential for diplomacy that resembles a crowded airport[1].

While tweeting was previously a feature of conversations, the main role of social media was to disseminate 2 the results of the negotiations to local audiences . However, communicating online for negotiation reduces the ability of negotiators to recognize the credibility or seriousness of the other party, because it does not provide adequate follow-up of the body language of negotiators negotiating online without physical contact, which reduces trust and reduces the likelihood of quick access to an agreement.

In the end, we find that in some cases the technology may conflict with the original text of item (c) of Article (3) of the 1961 Vienna Convention on Diplomatic Relations (VCDR), which states that it includes among the acts of a diplomatic mission "negotiation with the government of the receiving country."

We conclude from this that the use of technology and the Internet in negotiation and diplomatic communication enhances the ability to negotiate remotely and exchange information between countries effectively. But at the same time, electronic communication and remote negotiation can raise security and privacy issues related to sensitive communications between diplomatic missions and state governments, and accurate interpretation and sound understanding can be affected by the loss of human elements of diplomatic communication, such as body language and non-verbal communication, which can negatively affect situational understanding and understanding. between the sides. In addition, it can be difficult to verify the identity of the parties involved in online negotiations, which can open the door to manipulation and fraud, and the ability to build trust and serious and constructive communication may be hampered by the challenges associated with electronic communication, which can sometimes make it difficult to reach effective agreements. Therefore, it is essential that digital diplomacy adopts strict standards and procedures to ensure the security and reliability of online communication, which contributes to

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[2]Jennifer Cassidy, Digital Diplomatic Crisis Communication: **Reconceptualising Diplomatic Signalling in an age of Real Time Governance, DigDiploROx, Working Paper, Oxford Digital Diplomacy Research Group No 3, 2018, https://www.qeh.ox.ac.uk/sites/default/files/2023-08/DigDiploROxWP3.pdf** time of visit: 17/4/2024.

[2] **For example, the 2013 talks were marked by the adoption of social networks by Iranian Foreign Minister Mohammad Javad Zarif and the creation of a new website called Nuclearenergy.ir, with the aim of explaining the history and motives of Iran's nuclear program, quoted from Abdolrahman Momayez, Javad Zarif. The nuclear negotiator, article published on the following link: https://2u.pw/kPt2gm9v Date of visit: 15/5/@025.**

enhancing the effectiveness of negotiation and diplomatic exchange at the global level.

However, after we have given examples of conferences that have greatly helped in the field of diplomacy, especially in the period of the Corona pandemic, digital diplomacy is of great importance, as digital diplomacy allows effective interaction and communication between diplomats and participants from all over the world without the need for international travel, which saves time and effort and reduces costs.

The second requirement: the legal adaptation of digital diplomacy in the field of diplomatic inviolability and immunity

The legal adaptation of digital diplomacy in the field of diplomatic inviolability and immunity presents a challenge with the development of technology and the increasing spread of electronic communications. The international system based on ancient treaties and conventions that were agreed upon in eras that did not rely on modern digital technology, diplomatic inviolability refers to the protection of diplomatic premises and its property from inspection and interference by the host authorities. While diplomatic immunity means protecting diplomats and staff of a diplomatic mission from arrest or Trial in the host country.

To address this issue, we will By dividing this requirement into two sections, we will deal in the first section with digital diplomacy and the inviolability of the headquarters and facilities of the diplomatic mission, and in the second section we will address digital diplomacy and criminal and civil immunity for diplomats.

Subchapter One: Digital Diplomacy and the Inviolability of Mission Headquarters and Facilities

Under the provisions of international law, the premises and facilities of diplomatic and consular missions enjoy a range of immunities and privileges provided for in the provisions of the Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations (VCCR). In this regard, reference may be made to some of the legal aspects that have resulted from the use of the Internet on the subject of immunity of the premises and facilities of diplomatic and consular missions.

One of the immunities enjoyed by diplomatic premises is that they are not subject to the jurisdiction of the host country, since such premises are inviolable, and members of the public authority of the host State may not enter them, unless this is with the approval of the head of the mission. The host State also has a special obligation to take all appropriate measures to prevent intrusion into or

damage to mission premises, breach the security of the mission or diminish its prestige[1].

Consular buildings enjoy the inviolability of diplomatic buildings similar to those of diplomatic buildings, with some difference, as the authorities of the host country may enter them only with the consent of the head of the consular post or his deputy or the head of the diplomatic mission of the sending State. The other among the immunity of diplomatic and consular premises lies in the possibility of access to such premises by the authorities of the host country in the event of a fire or other disaster requiring immediate preventive measures, in which case the authorities of the host country may assume the approval of the head of the diplomatic mission of the sending State. The premises, furnishings, property and means of transport of the Consulate must be immune to any form of appropriation for the purposes of national defense or public benefit[2].

Since the above-mentioned Vienna Conventions are widely regarded as codification of customary international law in this area, it can be argued that diplomatic and consular missions enjoy immunity and inviolability in all States even if those States are not party to these Conventions[3].

The question that comes to mind here is: how can digital diplomacy affect the issue of immunities of mission premises? Diplomacy and consular? Can a cyberattack, the spread of a particular virus, or cyberterrorism, be interpreted as an attack that the host State must intervene with and try to protect through the text of Article 22 of the 1961 Vienna Convention on Diplomatic Relations (VCDR)?

To answer this question, it can be assumed that the premises of a diplomatic or consular mission are used to commit a cybercrime, such as using the mission's computer to produce viruses or attack a website in the host country. Such crimes may be detected by the intelligence services of the host country, however the authorities of that country cannot enter these premises without the approval of the head of the diplomatic mission.

If cybercrime occurs in a consular building, the host country authorities have more than one option, for example to access parts of buildings that are not consular. In this case, it is possible to enter these buildings and collect information related to cybercrime. Another option is the possibility of entering parts of a

[1] **Article 21 of the 1961 Vienna Convention on Diplomatic Relations (VCDR).**

[2] **Article 31 of the 1963 Vienna Convention on Consular Relations (VCCR).**

[4] **won mog choi diplomatic and consular law in the internet age Singapore Year Book of International Law and Contributors, 2006, p120.**

consular building, but only with the approval of the head of consular post or his deputy or the head of the diplomatic mission in the host country[1].

This means that access to the consular building is possible if the head of the diplomatic mission agrees, even if the head of the consular post does not agree. The other and most difficult option in such a case is the possibility for the host country to declare the consular officer concerned or accused persona non grata and therefore must leave the country. The authorities of the host country may also close the consulate concerned, which is the most difficult option that the authorities of the host country may resort to in such a case[2].

It is more likely that such crimes do not represent a "catastrophe" in the sense referred to, which may be intended as a "natural disaster", since the Internet was not invented at the time of the drafting of this convention. In such cases, it is the duty of the authorities of the host country to protect the consular post from any attack or cyber attack, but the question that may arise here is: should the authorities of the host country seek permission from the head of the mission before entering the mission building?

It is clear that such issues provoke controversy between supporters and opponents, as some argue that a cyberattack can be a disaster because it disrupts consular work, and therefore there is an urgent need for rapid intervention to stop this attack, and this requires entering the consulate building. According to the proponents of this view, the definition of disaster as described in some dictionaries includes not only natural disasters, but also man-made disasters in which man has a role, which applies to Cyber attack for example [3].

The famous case of the "American hostage crisis" in Iran began on [October 4, 4 1979], when Iranian students stormed the U.S. Embassy in Tehran and took 52 diplomats and U.S. citizens hostage. The crisis lasted for 444 days and was the result of deteriorating relations between the United States and Iran after the Iranian revolution and the overthrow of the Shah. The crisis has greatly affected American and Iranian policy .

In a decision of the International Court of Justice on this case, the Court affirmed that Iran had flagrantly violated Iran's obligations to the United States under articles 22, 24, 25 and 29 of the 1961 Vienna Convention on Diplomatic

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[1]Jennifer de Bourguignon, The Future of Diplomacy, Atlantik-Brucke E.V. (ND) https://www.atlantik-bruecke.org/w/files/dokumente/the-future-of-diplomacy.pdf time of visit: 24/4/2024.

(2) Radwan Ben Sari, Diplomatic and Consular Immunities and Privileges, Al-Manar Journal for Research and Legal Studies, No. 1, Algeria, 2017, p. 267.

(4) won mog choi diplomatic and consular law in the internet age, op-cit, p121, 122.

4 Haidar Ali Khalaf Al-Uqaili, Negotiations for the Release of American Hostages in Iran, Journal of International Studies, No. 85, Iraq, 2021, p. 190.

Relations (^{VCDR1) by failing to fulfil its obligations to protect the premises and inviolability of the mission from attacks by Iranian students}.

We can measure here that the inviolability of the mission's headquarters is now with regard to the inviolability of the official website of the mission because it represents an entity in the cyberspace of these countries and embassies, which states must protect, based on their obligations under the Vienna Convention on Diplomatic Relations of 1961 (VCDR) and the Vienna Convention on Consular Relations of 1963 (VCCR).

It is clear from this that the text of Article 22 of the Vienna Convention on Diplomatic Relations of 1961 (VCDR) applies in the case of the inviolability of buildings and facilities of the diplomatic mission and the importance of this, through the text of this article, the host country must protect the buildings of diplomatic missions and facilities through its international obligations, and with the development of technology and the emergence of digital diplomacy, this protection has expanded to include cyberspace. The websites of diplomatic missions have become a digital extension of the mission's buildings and facilities, forcing The host country has an obligation to protect it from cyberattacks and intrusions. This is a natural evolution of existing legal texts, as contemporary circumstances require adapting international obligations to protect diplomatic missions to include the digital world, for example, host countries can provide advanced security measures to protect the websites of diplomatic missions from cyberattacks, just as they provide physical protection for embassy buildings. This includes the use of advanced encryption technologies, intrusion detection systems, and other cybersecurity measures that ensure the safety of sensitive data and information.

Section Two: Digital Diplomacy and Criminal and Civil Immunity for Diplomats

The diplomatic envoy shall enjoy exemption from criminal justice in the receiving State. It also enjoys exemption from civil and administrative justice, except in certain specific cases[2]. Diplomatic envoys and their family members therefore enjoy immunity from criminal justice if they commit a cybercrime punishable by law in the host country.[3]Even if the diplomatic envoy or a member of his family commits a civil offense, such as defamation or slander through a

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⁽²⁾ **Decision of the International Court of Justice of May 24, 1980, Case concerning United States Diplomatic and Consular Personnel, published at the following link: https://www.icj-cij.org/sites/default/files/summaries/summaries-1948-1991-ar.pdf Date of visit: 15/5/2024.**

² **Article 26 of the 1961 Vienna Convention on Diplomatic Relations (VCDR).**

³ **Article 29 of the 1961 Vienna Convention on Diplomatic Relations (VCDR).**

social media, for example, they all enjoy immunity from civil justice in such cases.

Consular members and officers shall also enjoy immunity from the criminal and administrative jurisdiction of the receiving State in respect of acts performed by them in the exercise of their consular functions[1] (1) The civil action results from a contract concluded by a member or a consular officer and such a contract is not expressly or implied in his capacity as an agent of the State. Applicant (2) Claim brought by a third party for damage caused by an accident in the receiving State caused by a boat, ship or aircraft [2]In the event of an accident involving a diplomatic vehicle driven by a consular officer, the damage resulting from such an accident shall be borne by him.

With regard to the beginning and date of expiry of this immunity, the text of article 39 states that when a diplomat is appointed, he shall enjoy privileges and immunities as soon as he arrives in the receiving State for the purpose of work or from the moment the Ministry of Foreign Affairs is informed of his appointment. Upon termination of his duties, his privileges and immunities shall cease as soon as he leaves the State or after a reasonable period allowing him to leave, and immunity shall remain in force even in cases of armed conflict for acts performed during his tenure. Enjoy privileges and immunities for a reasonable period that allows them to leave the State. If a member who is not a national or does not have permanent residence in the receiving State dies, the State shall permit the export of his or her property except where export is prohibited in accordance with its laws, and shall not levy inheritance taxes on property that existed because of the deceased's employment as a member of the mission or as a member of his or her family[3].

Cybercrimes and civil offences committed by consular officers are subject to criminal or civil immunity if the offence is related to consular official functions. Consular members who commit cybercrime or civil offences shall not be subject to arrest or imprisonment except in the case of a serious felony and after a decision by the competent judicial authority[4]

With regard to exemption from customs duties, the Vienna Convention on Diplomatic Relations of 1961 (VCDR) affirms in Article 36 that the receiving State grants diplomats customs exemptions and other fees, with the exception of storage and transportation fees and expenses resulting from similar services, on items imported for the official use of the mission and personal effects of the

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[1] Article 43 of the 1961 Vienna Convention on Diplomatic Relations (VCDR).

[2] Article 43, paragraph 2, of the 1961 Vienna Convention on Diplomatic Relations (VCDR).

[3] Article 39 of the 1961 Vienna Convention on Diplomatic Relations (VCDR).

[4] Article 41, paragraph 1, of the 1961 Vienna Convention on Diplomatic Relations (VCDR).

diplomatic representative and his family. Diplomats are exempt from the search of their personal effects unless there are substantial grounds to believe that they contain items not covered by the exemptions or prohibited by law, in which case the search is carried out in the presence of the diplomat or his representative[1].

In terms of digital diplomacy, the United Nations General Assembly has addressed this issue through its Third Committee. It adopted a resolution entitled "The Right to Privacy in the Digital Age", in which it affirmed that the right to privacy does not allow anyone to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence. The resolution also affirms that the same rights enjoyed by persons outside the Internet must also be protected online, including in that right to privacy." The resolution further requires States to review their procedures and legislation relating to communications control and the collection of personal data in order to bring them into compliance with international human rights law[2].

Undoubtedly, this resolution also applies to diplomats as private individuals entitled to privacy in the affairs of their families, homes and correspondence. The resolution speaks of the right of any person without limiting to any category and not another. Diplomats have the right to enjoy that privacy away from the control of the host State, and it is well known that some States exercise some kind of censorship over correspondence, which is contrary to the spirit of this resolution, as well as the Vienna Convention on Diplomatic Relations.

A related issue is in 2002, when US President Bush Jr. allowed the National Security Agency to spy on the communications and electronic correspondence of Americans and others, including diplomats. This was done without prior authorization, which at the time sparked legal controversy and sharp criticism of this as a violation of the right of individuals to privacy, even if it was aimed at combating terrorism, as the US administration was claiming at the time[3].

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[1] **Article 36 of the 1961 Vienna Convention on Diplomatic Relations (VCDR).**

[2] **United Nations General Assembly Resolution 68/167, The Right to Privacy in the Digital Age, 18 December 2013, in which the United Nations affirmed that the United Nations is generally aware of the rapid development of technology, which can be used in two ways, whether for the benefit of humanity or to increase terrorism in the world. During eavesdropping and violation of the human right to privacy, and this is what the United Nations showed through this resolution that the human right to privacy follows to the digital world as well, published on the following link: https://www.un.org/ar/ga/68/resolutions.shtml Date of visit: 15/5/2024.**

[James4] **Risen and Eric Lichtblau, Bush tets U.S spy on callers without courts, The New York. Times, December 2005.**

In 2010, Wikileaks released a secret cable dated July 2009 on behalf of then-Secretary of State Hillary Clinton, who instructed to spy on senior diplomats accredited to the United Nations (UN) in New York, especially permanent members of the Security Council, as well as the United Nations (UN) offices in Vienna and Rome and 33 other embassies and consulates in London, Paris, Moscow and other countries.

The cable noted that the private information that was being spied on included information about information technology such as the secret numbers and postal addresses of diplomats as well as other information such as mobile phone numbers, their daily work schedules and information related to their credit cards, and even information related to the DNA of those diplomats, who included UN Secretary-General Ban Ki-moon. It is clear from this issue that modern technology may be misused. They are harnessed To violate the rights of diplomats recognized by the Vienna Convention on Diplomatic Relations and international law, including their right to privacy[1].

With the advancement of technology and widespread use of the Internet, diplomatic immunity is facing new challenges. It is possible that sensitive information exchanged over the Internet is at risk of leakage or penetration, which may affect diplomatic security and weaken confidence between countries, and according to the text of Article (37) and Article (30) of the Vienna Convention on Diplomatic Relations, the diplomat enjoys immunity and maintains it in person . But this immunity can disappear in some cases and therefore it can be said that diplomatic envoys and consular officers can be held accountable for their cybercrime or irregularities.

The Conclusion

At the end of this research, through which we studied an important topic, which is the application of the rules of diplomatic law to modern digital diplomacy through the technological developments that the world is witnessing in this period, and from here we will review the most important results and proposals that we have reached, which are as follows:

First: Results:

1- The way of representation has changed in terms of tools, as well as in terms of speed and in terms of communicators, but the change is not fundamental in the sense of the word, although representation as a main task of the diplomatic mission is no longer the same as before because heads of state and senior officials are able to communicate continuously through communication

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[8] Hillary Clinton ordered U.S. diplomats to spy on UN leaders, Mail on line, 29 Novem– IN leadership', The Telegraph ber 2010; Wikileaks: US diplomats have been spying November 2010.

technology, and some presidents have become friends on social networking sites, and senior officials easily visit other countries to represent their countries on official and national occasions.This affects the importance of the representation function carried out by the diplomatic mission.

2- The use of technology and the Internet in diplomatic negotiation and communication enhances the ability to negotiate remotely and exchange information between countries effectively. But at the same time, electronic communication and remote negotiation can raise security and privacy issues related to sensitive communications between diplomatic missions and state governments, and accurate interpretation and proper understanding can be affected by the loss of human elements of diplomatic communication, such as body language and non-verbal communication, which can negatively affect the understanding of the situation and understanding between the two sides. In addition, it can be difficult to verify the identity of the parties involved in online negotiations, which can open the door to manipulation and fraud, and the ability to build trust and serious and constructive communication may be hampered by the challenges associated with electronic communication, which can sometimes make it difficult to reach effective agreements. Therefore, it is essential that digital diplomacy adopts strict standards and procedures to ensure the security and reliability of online communication, which contributes to enhancing the effectiveness of negotiation and diplomatic exchange at the global level.

3- Digital diplomacy represented by the technological development taking place in the world and its impact on the diplomatic functions found in the Vienna Convention on Diplomatic Relations of 1961 (VCDR), modern technology has affected the functions of diplomacy in representation and negotiation as modern technology has not only changed how diplomats perform their functions, but also expanded their capabilities significantly. Through Effective representation, rapid negotiation, diplomacy has become more dynamic and responsive to global developments. However, this technological transformation requires updating the current legal and regulatory framework to ensure adaptation to new challenges and opportunities, and this is what we addressed when we explained Article No. 3 of the Vienna Convention of 1961 and analogy with it with regard to modern technological development, but with this development the importance of traditional methods in the functions of diplomacy cannot be overlooked, as although modern technology provides powerful and effective tools for diplomacy, it cannot replace the human value of personal interaction and direct contact. Traditional methods remain essential for building trust, deep understanding, and long-term relationships. The combination of traditional and technological methods allows diplomats to achieve the best results in representing their country, effectively negotiating.

4- The text of Article 22 of the Vienna Convention on Diplomatic Relations of 1961 (VCDR) applies in the case of the inviolability of buildings and facilities of the diplomatic mission and the importance of this, through the text of this article, the host country must protect the premises of diplomatic missions and facilities through its international obligations, and with the development of technology and the emergence of digital diplomacy, this protection has expanded to include cyberspace. The websites of diplomatic missions have become a digital extension of the premises and facilities of the mission, imposing the obligation of the host State to By protecting it from cyberattacks and intrusions.

5- With the advancement of technology and the widespread use of the Internet, diplomatic immunity is facing new challenges. It is possible that sensitive information exchanged over the Internet is exposed to the risk of leakage or hacking, which may affect diplomatic security and weaken confidence between countries, and according to the text of Article (37) and Article (30) of the Vienna Convention on Diplomatic Relations , the diplomat enjoys immunity and maintains it in person. But this immunity can disappear in some cases and therefore it can be said that diplomatic envoys and consular officers can be held accountable for their cybercrime or irregularities.

Second: Proposals:

1- Countries need to develop policies and a legal framework that regulates the use of digital diplomacy effectively and balanced, ensures freedom of communication and the protection of sensitive data and information, propose a comprehensive security framework that includes policies and procedures that protect diplomatic data and enhance cybersecurity , such as the use of encryption, enhancing security awareness, and developing standards to protect digital communications.

2- Develop specialized training programs for diplomats and diplomatic staff on how to deal with cyber threats, as well as enhance immediate response skills to cybersecurity incidents, and support international cooperation to counter cyber threats, including the exchange of information and experiences between countries to enhance security capabilities and address joint cyberattacks.

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