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The role of digital technologies in modern diplomatic practice

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Аннотация. Ushbu maqolada zamonaviy diplomatik amaliyotda raqamli texnologiyalarning o‘rni xalqaro huquq nuqtai nazaridan tahlil qilinadi. Maqolada an'anaviy diplomatik vositalardan raqamli vositalarga o‘tish jarayoni, 1961- yilgi Diplomatik munosabatlar to‘g‘risidagi Vena konvensiyasi va 1963 -yilgi Konsullik munosabatlari to‘g‘risidagi Vena konvensiyasining raqamli vositalar orqali amalga oshiriladigan diplomatik va konsullik aloqalarni qay darajada qamrab olishi, shuningdek diplomatik missiyalarning kiberxavfsizligi, raqamli konsullik xizmatlari va ijtimoiy tarmoqlar orqali olib boriladigan diplomatiya bilan bog‘liq maxsus huquqiy muammolar o‘rganiladi. Raqamli tarzda saqlanadigan diplomatik arxivlarning xalqaro huquqiy maqomi, ijtimoiy tarmoq hisoblari orqali berilgan rasmiy bayonotlarning davlatga nisbatlanishi hamda Tallin qo‘llanmasi 2.0 doktrinasining diplomatik aloqalarga tatbiq etilishi masalalariga alohida e’tibor qaratiladi. Shuningdek, maqolada O‘zbekiston Respublikasining milliy amaliyoti, xususan “Raqamli O‘zbekiston 2030” strategiyasi va tegishli elektron hukumat qonunchiligi, rivojlanayotgan davlat o‘z diplomatik apparatiga raqamli vositalarni qanday integratsiya qilayotganiga misol sifatida ko‘rib chiqiladi. Muallif bir qator huquqiy bo‘shliqlarni aniqlaydi va ularni xalqaro hamda milliy darajada bartaraf etish yo‘nalishlarini taklif qiladi.

Калит сўзлар. raqamli diplomatiya, xalqaro huquq, Diplomatik munosabatlar to‘g‘risidagi Vena konvensiyasi, kiberdiplomatiya, diplomatik immunitet, kiberxavfsizlik, ijtimoiy tarmoq diplomatiyasi, konsullik xizmatlari, davlat javobgarligi.

Аннотация. В настоящей статье анализируется роль цифровых технологий в современной дипломатической практике с точки зрения международного права. Рассматривается эволюция от традиционных к цифровым дипломатическим инструментам, а также то, в какой мере Венская конвенция о дипломатических сношениях 1961 года и Венская конвенция о консульских сношениях 1963 года охватывают дипломатическую и консульскую коммуникацию, осуществляемую с помощью цифровых средств. Особое внимание уделяется специфическим правовым проблемам, связанным с кибербезопасностью дипломатических представительств, цифровыми консульскими услугами

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и дипломатией в социальных сетях, включая международно-правовой статус цифровых дипломатических архивов, отнесение официальных заявлений, сделанных через аккаунты в социальных сетях, к государству, а также применимость доктрины Таллинского руководства 2.0 к дипломатическим коммуникациям. В статье также рассматривается национальная практика Республики Узбекистан, в частности Стратегия «Цифровой Узбекистан 2030» и соответствующее законодательство об электронном правительстве, в качестве примера того, как развивающееся государство интегрирует цифровые инструменты в свой дипломатический аппарат. Автор выявляет ряд правовых пробелов и предлагает направления их устранения на международном и национальном уровнях.

Ключевые слова. цифровая дипломатия, международное право, Венская конвенция о дипломатических сношениях, кибердипломатия, дипломатический иммунитет, кибербезопасность, дипломатия в социальных сетях, консульские услуги, ответственность государства

Annotation. This article examines the role of digital technologies in modern diplomatic practice from the perspective of international law. It analyzes the evolution from traditional to digital diplomatic instruments, the extent to which the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963 accommodate digitally mediated diplomatic and consular communication, and the specific legal challenges arising from the cybersecurity of diplomatic missions, digital consular services, and social media diplomacy. Particular attention is paid to the international legal status of digitally stored diplomatic archives, the attribution of official statements made through social media accounts, and the applicability of the Tallinn Manual 2.0 framework to diplomatic communications. The article also examines the national practice of the Republic of Uzbekistan, in particular the Digital Uzbekistan 2030 Strategy and related electronic government legislation, as an illustration of how a developing state is integrating digital instruments into its diplomatic apparatus. The author identifies several regulatory gaps and proposes directions for their resolution at both the international and national levels.

Keywords. digital diplomacy, international law, Vienna Convention on Diplomatic Relations, cyberdiplomacy, diplomatic immunity, cybersecurity, social media diplomacy, consular services, state responsibility

Introduction. The last three decades have witnessed a fundamental transformation in the conduct of international relations, driven primarily by the rapid development and diffusion of digital technologies. Diplomacy, traditionally understood as the management of relations between states through official representatives operating within formalized channels of communication, has not remained untouched by this transformation. The emergence of what scholars variously term “digital diplomacy,” “e-diplomacy,” or “cyberdiplomacy” reflects a

broader shift in the methods, instruments, and even the substance of diplomatic practice [3; 4].

This article examines the role of digital technologies in modern diplomatic practice from the perspective of international law. The analysis proceeds along three principal lines of inquiry. First, it considers how digital technologies have altered the conceptual and practical framework of diplomatic activity, tracing the evolution from traditional to digital diplomatic instruments. Second, it examines the extent to which the existing international legal framework, in particular the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963, accommodates and regulates digitally mediated diplomatic communication. Third, it addresses the specific legal challenges that arise from the use of digital technologies in diplomatic practice, including cybersecurity of diplomatic missions, social media diplomacy and its implications for the principle of non-intervention, and the protection of diplomatic data. The article also draws on the national experience of the Republic of Uzbekistan, whose Digital Uzbekistan 2030 Strategy provides a useful illustration of how a developing state is integrating digital instruments into its foreign policy apparatus [14].

Conceptual Framework: From Traditional to Digital Diplomacy. Diplomacy in its classical form has historically relied on direct, largely confidential communication between authorized representatives of states, conducted through established channels such as diplomatic notes, personal meetings, and formal correspondence protected by the rules of diplomatic privileges and immunities [1]. The digitalization of diplomatic practice does not replace these traditional instruments so much as it supplements and, in certain respects, transforms them. Manor identifies digital diplomacy as encompassing the use of digital platforms, primarily social media and dedicated online tools, by ministries of foreign affairs and diplomatic missions to conduct public diplomacy, gather information, and communicate with foreign publics and other states [4, C.12-18].

Three broad functions of digital diplomacy can be distinguished. The first is informational, involving the dissemination of a state's positions and narratives to foreign audiences through official websites and social media accounts. The second is operational, covering practical applications such as electronic visa systems, online consular registration, and digital archiving of diplomatic correspondence. The third is representational, referring to the use of digital platforms as a genuine forum for diplomatic signalling and even negotiation, exemplified by instances of "Twitter diplomacy" in which formal statements of foreign policy have been issued through social media accounts of heads of state or foreign ministries [12, C.412-415].

The table below summarizes the principal distinctions between traditional and digital diplomatic instruments as reflected in the

specialized literature [3, C.34-41; 6, C.22-27].

International Legal Basis for Diplomatic Communication in the Digital Era. The principal international legal instrument governing diplomatic relations, the Vienna Convention on Diplomatic Relations of 1961, was drafted in an era that could not have anticipated electronic communication in its contemporary form. Nonetheless, several of its provisions are, by their general formulation, capable of extending to digital means of communication. Article 27 of the Convention guarantees the free communication of the mission for all official purposes and provides for the inviolability of the official correspondence of the mission, without specifying the technical means through which such correspondence is conducted [1]. On a purposive reading, this provision extends to electronic mail, encrypted messaging systems, and other digital channels used by diplomatic missions for official communication, since the object and purpose of Article 27 is to protect the confidentiality and integrity of diplomatic communication regardless of its technical form.

A more difficult question concerns the inviolability of digital archives and electronic data held by a diplomatic mission. Article 24 of the Vienna Convention provides that the archives and documents of the mission shall be inviolable at any time and wherever they may be [1]. Applying this provision to digitally stored data raises the question of where such data is considered to be located when it is stored on servers outside the territory of the receiving or sending state, for example through cloud-based storage services operated by third-party providers. The Convention does not address this scenario, and state practice on the point remains limited and inconsistent [6, C.55-61].

The Vienna Convention on Consular Relations of 1963 contains analogous provisions concerning consular archives and communications, extending to digitally conducted consular functions such as electronic visa processing and online registration of nationals abroad [2]. The growing practice of "virtual consulates," offering consular services exclusively through online platforms without a corresponding physical presence in the receiving state, raises a related question as to whether such arrangements fall within the scope of consular relations as regulated by the 1963 Convention, or whether they require separate treatment under general international law principles governing state jurisdiction and consent [7, C.48-53].

Cybersecurity and the Protection of Diplomatic Communications. The increased reliance of diplomatic missions on digital infrastructure has correspondingly increased their exposure to cyber threats, including unauthorized interception of communications, hacking of diplomatic databases, and coordinated cyber-attacks attributed to state and non-state actors. Where such incidents are attributable to another state, they raise questions of state responsibility under general international law, in particular whether interference with

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diplomatic digital communications constitutes a violation of the inviolability guarantees of the Vienna Convention on Diplomatic Relations, and whether it may additionally engage the customary international law prohibition on intervention in the internal affairs of states [8, C.168-175].

The Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations, prepared by an international group of experts at the invitation of the NATO Cooperative Cyber Defence Centre of Excellence, addresses this question directly. Rule 41 of the Manual affirms that a state must not knowingly allow cyber infrastructure located in its territory to be used to conduct cyber operations that violate the diplomatic and consular privileges and immunities of another state, while Rule 39 confirms that cyber operations directed against the digital archives, documents, or official correspondence of a diplomatic mission may constitute a violation of the inviolability obligations under the Vienna Convention on Diplomatic Relations [8, C.202-210]. While the Tallinn Manual is not itself a binding source of international law, it represents an influential restatement of how existing rules of general international law, including diplomatic law, apply to cyber operations, and it has been referred to in the work of the United Nations Group of Governmental Experts on responsible state behaviour in cyberspace [11].

The 2021 Final Substantive Report of the Group of Governmental Experts affirmed that international law, including the Charter of the United Nations, applies to state conduct in cyberspace, and it recommended a set of voluntary, non-binding norms of responsible state behaviour, including a norm against knowingly allowing one's territory to be used for internationally wrongful cyber acts [11]. Although these norms remain non-binding as a matter of positive international law, they are increasingly cited by states as evidence of an emerging consensus regarding the applicability of established principles, including diplomatic inviolability, to the digital domain [10; 11].

Where a cyber-attack on a diplomatic mission's digital infrastructure is attributable to a state under the customary rules of attribution codified in the International Law Commission's Draft Articles on Responsibility of States for Internationally Wrongful Acts, the injured state may invoke the responsibility of the acting state and seek cessation, assurances of non-repetition, and reparation [18, C.34-40]. In practice, however, the technical difficulty of attributing cyber operations with the degree of certainty required by international law continues to constitute a significant obstacle to the effective enforcement of these obligations [6, C.88-94].

Digital Consular Services and E-Diplomacy in Practice. Beyond questions of cybersecurity, digital technologies have transformed the practical delivery of consular services. Electronic visa systems, online passport renewal, and digital registration of nationals

residing abroad have become standard features of contemporary consular practice in a growing number of states. These developments generally raise fewer novel questions of international law than the cybersecurity issues discussed above, since they largely represent a change in the technical means through which established consular functions, as enumerated in Article 5 of the Vienna Convention on Consular Relations, are performed, rather than a change in the substance of those functions [2].

Nonetheless, certain legal questions merit attention. First, the digital processing of visa applications and consular registrations necessarily involves the collection and cross-border transfer of significant volumes of personal data, raising questions of data protection that are not directly addressed by either Vienna Convention and must instead be resolved through domestic data protection legislation and, where applicable, bilateral or regional data protection agreements [7, C.61-66]. Second, the increasing automation of visa decision-making processes, including the use of algorithmic risk-assessment tools in some states' visa systems, raises administrative law questions concerning transparency, non-discrimination, and the right to an effective remedy that fall largely outside the traditional scope of diplomatic and consular law but increasingly intersect with it [6, C.101-108].

Social Media Diplomacy and Public International Law Implications. The use of social media platforms by heads of state, foreign ministries, and diplomatic missions has become one of the most visible manifestations of digital diplomacy. Official statements issued through social media accounts, while informal in form, are increasingly treated by other states and international actors as authoritative expressions of a state's position, a development that Duncombe describes as blurring the traditional distinction between informal political communication and formal diplomatic statement [12, C.415-420].

This development carries several implications for public international law. First, statements made through official social media accounts of state organs may, depending on their content and the authority of the organ concerned, be attributable to the state for purposes of establishing international responsibility, including in relation to the prohibition on the threat or use of force and the principle of non-intervention in the internal affairs of other states [18, C.15-20]. Second, the rapid and largely unmoderated dissemination of information through social media diplomacy creates elevated risks of disinformation and misinformation in international relations, including the deliberate dissemination of false statements attributed to foreign officials through fabricated or compromised accounts, a phenomenon that existing international law addresses only indirectly, primarily through the general principle of non-intervention and, in extreme cases, through the prohibition of hostile propaganda under specific treaty regimes [9]. Third, the informal and instantaneous character of social media

diplomacy complicates the traditional diplomatic practice of controlled, carefully calibrated communication, increasing the risk of unintended escalation in inter-state relations arising from statements that were not subject to the deliberative processes traditionally associated with formal diplomatic correspondence [4, C.142-149].

National Practice: Digital Diplomacy Initiatives in the Republic of Uzbekistan. The Republic of Uzbekistan provides an instructive example of a state actively integrating digital technologies into its foreign policy and diplomatic apparatus. The Digital Uzbekistan 2030 Strategy, approved by Presidential Decree No. PF-6079 of 5 October 2020, establishes the digitalization of public administration, including foreign policy institutions, as a strategic priority, envisaging the expansion of electronic government services and the digital transformation of state agencies, among them the Ministry of Foreign Affairs [14]. Within this framework, the Ministry of Foreign Affairs of the Republic of Uzbekistan has developed electronic consular services, including online registration for consular assistance and electronic visa application procedures for a growing number of foreign nationals, reducing reliance on in-person consular appointments and streamlining cross-border mobility [14].

The Law of the Republic of Uzbekistan “On Electronic Government,” adopted in 2015 and subsequently amended, together with the Law “On Electronic Document Management” of 2020, provides the general domestic legal basis for the digitalization of state administration, including, by extension, the operations of Uzbekistan's diplomatic and consular missions abroad [15; 16]. These instruments establish the legal validity of electronic documents and digital signatures, a precondition for the effective digitalization of consular and diplomatic correspondence, and they align, in general terms, with the broader international trend toward the legal recognition of electronic diplomatic and consular instruments discussed above [15; 16].

At the same time, Uzbekistan’s digital diplomacy practice illustrates the general legal gaps identified in this article. There is, to the author's knowledge, no specific domestic legal provision addressing the international legal status of digitally stored diplomatic archives held outside the national territory, nor a dedicated legal framework governing the attribution of official social media statements made on behalf of Uzbekistan's diplomatic missions. These gaps are not unique to Uzbekistan; they reflect the broader, as yet unresolved, state of international and domestic legal regulation of digital diplomacy generally [6, C.115-120].

Legal Gaps and Challenges. The preceding analysis indicates that the existing international legal framework governing diplomatic relations, developed principally in the mid-twentieth century, addresses digital diplomatic practice only indirectly, through the purposive interpretation of general provisions that were not drafted

with digital communication in mind. Several specific gaps can be identified. First, neither the Vienna Convention on Diplomatic Relations nor the Vienna Convention on Consular Relations contains an explicit provision addressing the territorial location of digitally stored diplomatic and consular data, a question of increasing practical significance given the widespread use of cloud-based storage by diplomatic missions [1; 2]. Second, the attribution of official statements made through social media accounts remains governed by general rules of state responsibility that were not designed with the specific characteristics of social media communication, including its informality, speed, and susceptibility to impersonation, in mind [18]. Third, the applicability of general cybersecurity norms, including those articulated in the Tallinn Manual 2.0 and the reports of the Group of Governmental Experts, to diplomatic missions specifically remains a matter of doctrinal interpretation rather than settled treaty or customary law [8; 11].

Conclusion and Proposals. The analysis presented in this article demonstrates that digital technologies have become an integral component of modern diplomatic practice, transforming the means through which diplomatic and consular functions are performed while leaving the underlying international legal framework largely unchanged in its formal terms. This creates a growing gap between diplomatic practice and the international legal instruments intended to regulate it, a gap that is likely to widen as digital instruments become further embedded in diplomatic activity.

Several proposals may be advanced. First, consideration should be given, at the level of international law-making bodies such as the International Law Commission, to the development of interpretive guidance clarifying the application of the inviolability provisions of the Vienna Conventions of 1961 and 1963 to digitally stored diplomatic and consular data, including data held by third-party cloud service providers [1; 2]. Second, states should consider developing, whether through bilateral practice or multilateral initiatives, clearer rules on the attribution of official statements made through social media accounts of diplomatic missions and state organs, in order to reduce uncertainty regarding state responsibility for such statements [12; 18]. Third, at the national level, the Republic of Uzbekistan could usefully consider supplementing its existing electronic government legislation with specific provisions addressing the legal status of digitally stored diplomatic and consular archives and the attribution of official digital communications of its diplomatic missions, building on the general framework already established by the Digital Uzbekistan 2030 Strategy and the Laws on Electronic Government and Electronic Document Management [14; 15; 16].

In conclusion, the digitalization of diplomatic practice represents an ongoing and, in important respects, still unfinished

process of legal adaptation. While digital technologies have considerably enhanced the efficiency, accessibility, and reach of diplomatic and consular activity, the international legal framework governing diplomacy has yet to be comprehensively updated to reflect this transformation. Continued doctrinal research, together with the gradual accumulation of state practice, will be necessary to clarify the application of established principles of diplomatic law to the digital environment in the years ahead.

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