Respectable and professional? A review of financial and economic misconduct in diplomatic relations

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Abstract

This article seeks to encourage a more thorough reflections on the involvement of diplomatic agents and international civil servants in white-collar crime. How have diplomatic agents and international civil servants been involved in financial and economic crime? How have diplomatic privileges and immunities been abused? What barriers to investigation and prosecution do special diplomatic entitlements create? Driven by these questions, the theoretical part of the article delves into the study of diplomatic privileges and immunities based on a review of academic literature on the topic and relevant international law, primarily the Vienna Convention on Diplomatic Relations. The empirical part presents a qualitative analysis of several case studies of offences committed by diplomatic agents and international civil servants in the course of their official duties. The findings of the article shed light on the risks of and possible responses to crimes committed by persons with diplomatic immunities and privileges, a breach of which is difficult to identify and prosecute.

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1. Introduction

As of 2014, the Vienna Convention on Diplomatic Relations (VCDR) has been ratified by 189 states, all of which have demonstrated commitment to its provisions as it relates to diplomatic relations between independent countries. Although the provisions of the VCDR have indeed effectively served as essential principles for diplomatic relations for several decades, misconduct by diplomatic missions and their employees has been brought to severe criticism in recent years.
Mass media have drawn attention to protected diplomats' civil violations of traffic rules (parking offences, reckless driving, drunk driving, etc.) and criminal offences, such as visa malfeasance and forgery of visas (Kedmey, 2014; Malkin, 2014). Cases of drug trafficking and smuggling of excise commodities, such as alcohol and cigarettes, committed by diplomatic personnel have also been reported (BBC, 2015; Cockroft, 2014).

Despite mass media's bountiful coverage of diplomatic misconduct, academic research on this topic has been scarce. The main objective of this article is to study the involvement of diplomatic agents and international civil servants in white-collar crime. How have diplomatic agents and international civil servants been involved in white-collar crime? How have diplomatic privileges and immunities been abused for private gain? What barriers to investigation and prosecution do special diplomatic entitlements create? What are the potential remedies to respond to the abuse of diplomatic privileges and immunities?

Driven by these questions, the theoretical part of the article delves into the study of diplomatic misconduct as a form of white-collar crime based on a review of relevant academic literature and international law. The empirical part presents a qualitative analysis of several case studies of offences committed by diplomatic agents and international civil servants in the course of their legitimate activities. Because white-collar crime can take a multiplicity of different forms, this article focuses on financial and economic offences.

The case studies offered in the article are supported by data collected based on a triangulation\(^1\) of primary (semi-structured interviews) and secondary sources (academic literature, official reports, and the news media). The article ends with a discussion of the risks associated with the abuse of diplomatic immunities and privileges, evaluates the capacity of law enforcement to respond to diplomatic misconduct, and elaborates on some of the possible countermeasures to this kind of elite deviance.

Although the article does review some aspects of international law as it relates to the diplomatic practice, an in-depth legal analysis unfortunately falls outside the scope of this article. The article presents a concise review of relevant provisions of the Vienna Convention on Diplomatic Relations (VCDR) and other related treaties, but the main objective is to conduct a comprehensive analysis of the crime opportunities available to diplomatic agents of various ranks and international civil servants in the course of their official duties and shed light on the commission of such unlawful acts as cash smuggling, bribery, fraud, insider trading, and money laundering.

Despite the dearth of research relating to the involvement of diplomatic agents in white-collar crime, studying this kind of deviant behavior is important because diplomatic misconduct involves tangible and intangible losses. In most cases, diplomatic crime is based on attempting to secure an illegal gain or advantage, which siphons national wealth away and condones activities that threaten global peace and security. Diplomatic misconduct also undermines international reputation of diplomatic missions and international organizations and challenges commitments towards effective diplomatic relations geared by members of the diplomatic corps. The findings of the article are expected to help develop appropriate responses to crimes committed by persons with diplomatic privileges and immunities, a breach of which is difficult to identify and prosecute. It is also hoped that the article will be useful for opening up a new area for scrutiny embedded in the debate on white-collar crime and elite deviance.

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\(^1\)Triangulation involves using multiple data sources. Due to considerable gaps in data and their limited reliability, triangulation is used to ensure that the qualitative analysis is rich, robust, and comprehensive.
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