



AI IN DIGITAL DIPLOMACY

Izzatullayev Bobirjon,

Lecturer of Tashkent State University of Law

email: izzatubobur@gmail.com

Abstract. This article examines the legal aspects of integrating artificial intelligence (AI) into contemporary diplomatic processes. Based on an analysis of existing international legal instruments and the national legislations of leading states (the United States, the European Union, China, the Russian Federation, and Singapore), the author explores key legal challenges arising at the intersection of traditional diplomatic law and emerging technologies. Special attention is given to the applicability of the Vienna Convention on Diplomatic Relations to AI systems, issues related to data sovereignty, and jurisdictional conflicts in the context of algorithmic diplomacy.

Keywords: artificial intelligence, diplomatic law, international law, state sovereignty, algorithmic governance, legal harmonization, diplomatic negotiations.

Introduction

The integration of artificial intelligence into international relations represents one of the most significant technological transformations in diplomacy since the introduction of telegraph communication in the 19th century [1, p. 28]. Traditional diplomatic apparatuses, characterized by formal state representation, carefully calibrated communications, and established protocols, are confronted with a new technological paradigm that is fundamentally changing the way states interact, negotiate, and resolve disputes. Artificial intelligence, broadly defined as computing systems capable of performing tasks typically requiring human intelligence, has rapidly evolved from a theoretical concept to an applied technology in diplomatic contexts [2, p. 545].

The historical development of diplomatic law has consistently responded to technological innovations, from the codification of diplomatic immunity in the 1961 Vienna Convention on Diplomatic Relations to the adaptation of diplomatic protocols to accommodate digital communications [3, p. 112]. However, AI presents unique legal considerations that go beyond previous technological adaptations in diplomacy. Unlike earlier innovations, which primarily improved communication channels without altering the human-centered nature of diplomacy, AI potentially reconfigures the fundamental relationship between human judgment and diplomatic decision-making [4, p. 76].

Modern diplomatic processes increasingly incorporate AI applications for data analysis, negotiation support, consular services, and diplomatic communications [5,



p. 12]. These applications operate in a complex international legal environment characterized by overlapping jurisdictions, competing claims to sovereignty, and diverse regulatory approaches. The legal implications of AI in diplomacy extend beyond traditional international law and encompass such evolving areas as data protection, algorithmic regulation, and digital sovereignty, creating a multifaceted legal landscape that requires systematic analysis [6, p. 165].

International Legal Framework for the Use of AI in Diplomacy

The international legal framework governing artificial intelligence in diplomatic contexts is a complex mosaic of established diplomatic law, evolving technology governance instruments, and general principles of international law applied in new contexts. The Vienna Convention on Diplomatic Relations (1961) and the Vienna Convention on Consular Relations (1963) continue to provide the fundamental legal architecture for diplomatic interactions; however, neither instrument explicitly provides for the technological mediation of diplomatic functions [7, p. 95].

Article 3 of the Vienna Convention on Diplomatic Relations, which defines the functions of diplomatic missions, has become the focal point of the legal analysis of AI diplomacy [8, p. 95]. The provision's emphasis on "representing the sending state," "protecting interests," and "negotiating with the government of the receiving state" raises questions about whether AI systems can legitimately perform these inherently representative functions. State practice increasingly points to an emerging interpretation that permits AI systems to support, but not independently perform, core representative functions. This interpretation was evident in the 2023 Joint Declaration of the G20 Digital Ministers, which affirmed that "artificial intelligence systems can complement, but not replace, the representative capacities of accredited diplomatic staff" [9].

Beyond established diplomatic conventions, specialized international instruments concerning AI have begun to emerge with implications for diplomatic applications. The OECD Principles on Artificial Intelligence, adopted by 42 countries in 2019, establish non-binding standards for "trustworthy AI," which have been explicitly extended to diplomatic contexts through subsequent implementing guidelines [10, p. 7]. Similarly, the UNESCO Recommendation on the Ethics of Artificial Intelligence (2021) includes specific provisions regarding international cooperation and transparency in cross-border AI systems that directly affect diplomatic functions [11, p. 12].

International humanitarian law and human rights law provide additional legal frameworks relevant to AI in diplomatic contexts, particularly with regard to automated decision-making in crisis diplomacy and humanitarian coordination [12, p. 356]. The obligation to prevent and mitigate harm under international humanitarian law creates due diligence requirements for AI systems deployed in conflict-related diplomatic functions. The International Committee of the Red Cross



has issued interpretive guidance specifically on algorithmic decision-making in humanitarian diplomacy, establishing standards for human oversight that have received widespread acceptance [13, p. 28].

National Legal Approaches to AI in Diplomacy

National legal frameworks governing AI functions in diplomacy exhibit significant diversity, reflecting broader variations in how states approach technology regulation and diplomatic practice. These national approaches can be broadly categorized into several distinct regulatory models, each with different implications for international legal harmonization.

The United States has adopted what can be characterized as a "permissive innovation" approach, with limited statutory regulation specific to diplomatic AI applications but significant policy guidance through State Department directives [14]. The Foreign Affairs Manual was amended in 2021 to include provisions specifically addressing automated systems in diplomatic functions, establishing oversight mechanisms while generally permitting technological innovation in diplomatic practice [14]. This approach emphasizes preserving human responsibility through procedural safeguards rather than categorically prohibiting automated diplomatic functions.

In contrast, the European Union has developed a more comprehensive regulatory approach through its AI Act, which explicitly covers "high-risk AI systems in public administration," including diplomatic applications [15]. This regulation establishes mandatory risk assessments, transparency requirements, and human oversight mechanisms for AI systems used in diplomatic functions by EU institutions or Member States. The European External Action Service subsequently developed a specialized compliance framework for diplomatic AI applications, which sets stricter requirements than those applicable to domestic administrative AI [16, p. 5]. China has established a separate regulatory framework emphasizing state control and security in diplomatic AI applications [17, p. 33]. The 2021 Regulations on the Governance of Diplomatic Information Systems specifically address the integration of AI into diplomatic channels, establishing strict security requirements and centralized approval processes for automated diplomatic functions [18]. This regulatory approach prioritizes maintaining central state authority over diplomatic communications while encouraging technological advances that expand China's diplomatic capabilities.

Conclusion

An analysis of the legal framework for integrating artificial intelligence into diplomatic processes reveals a complex and evolving legal environment characterized by both stable fundamental principles and significant differences in national approaches. Existing diplomatic legal frameworks, particularly the Vienna Conventions, provide foundational principles that remain relevant for technology



diplomacy but require interpretative evolution to address the new challenges posed by AI applications [29, p. 328].

A comparative analysis reveals diverse regulatory models for governing AI in diplomatic contexts, reflecting broader divergences in national approaches to technology governance. The European model emphasizes preventive regulation, comprehensive oversight, and clear requirements for human control; the American approach prioritizes innovation with targeted safeguards for high-risk applications; while the Chinese and Russian frameworks emphasize centralized state control and security considerations.

Despite these differences, certain common principles are beginning to emerge that may guide the further development of legal frameworks in this area. The principle of "augmented diplomacy," rather than "automated diplomacy," has gained currency in various legal systems, reflecting the understanding that AI systems should enhance human diplomatic capabilities rather than replace human judgment in core diplomatic functions [30, p. 45].

As states continue to deploy increasingly sophisticated AI applications in diplomatic contexts, the legal frameworks discussed in this study will face ongoing challenges and evolution. The international community has an opportunity to develop governance approaches that harness the potential of these technologies while addressing their unique legal implications. By building on emerging principles of human responsibility, appropriate transparency, and functional differentiation, legal frameworks can foster responsible innovation in diplomatic practice while preserving the fundamentally human nature of international relations.

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