

**School of Social Sciences**

**Department of Criminology**

**Course Code: BJS1102**

**Title: Introduction to Diplomacy**

## **COURSE OUTLINE**

Purpose; to introduce students to principles of Diplomacy

### **Expected Outcomes.**

1. Explain the paradigms of Diplomacy
2. Describe the nature of Diplomacy
3. Discuss the history of Diplomacy
4. Demonstrate an understanding of the modus operandi of Ministry of Foreign Affairs.
5. Appreciate the role of Diplomacy in mediation and negotiations.

### **Unit Content**

Introduction to Diplomacy, definition of Diplomacy, functions; paradigms of Diplomacy; Diplomacy and Relations, Diplomacy and Foreign Policy analysis, Diplomacy and conflict management; Historical Development of Bilateral Diplomacy, Ancient Diplomacy,, medieval Diplomacy,, Westphalia Diplomacy, effects of Bilateral Diplomacy, ; Historical Development of multilateral Diplomacy, ; Congress of Vienna, league of Nations,, united Nations, linkage between Bilateral and Multi-lateral Diplomacy,, influence of the Multilateral Diplomacy on Bilateral Diplomacy, bilateral conditions of multilateral Diplomacy, conceptual linkage between multilateral and bilateral Diplomacy, classification, documents, of international Diplomatic correspondence , introduction to Diplomatic practice, nature and scope of , key terms, process of bilateral Diplomatic negotiations, process of multilateral Diplomacy, Process of Diplomacy and classes of heads of mission embassies; international regimes on Diplomacy

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## **CHAPTER 1**

### **Unit 1; DEFINITIONS OF DIPLOMACY**

#### **INTRODUCTION**

The existence of mankind at a reasonable level of civilization is practically impossible without peace, trade and social relations between nation-states and these things depend upon diplomacy, upon the representation of states and the adjustments of their contacts. This is because, according to Adams Smith in his study of *International Comparative Advantage*, different nations of the world are endowed differently with different potentials and these endowed potentials can only be gained and be made possible through the art of diplomacy. In this way, diplomacy can be defined as “the art of representing states and of conducting negotiations for a better cooperation for peaceful coexistence among nation states”.

#### **OBJECTIVES**

At the end of this unit, you should be able to:

- give definitions of diplomacy by different authors
- give reasons for having different definitions
- explain the meaning of diplomacy

#### **Basic Definitions of Diplomacy**

There is no general definition of diplomacy which can be all embracing or consensual. Consequently, there are as many definitions of diplomacy as there are writers on the concept. However, in this unit we are concerned with basic definitions of diplomacy by relevant authorities of diplomacy. This is in order to have a good fundamental understanding and knowledge of diplomacy and diplomatic relations among nations. *Random House Dictionary* defines diplomacy as: the conduct by government officials of negotiations and other relations between nations; the art or science of conducting such negotiations, skills in managing negotiation, handling of people so that there is little or no ill-feeling. The *Oxford English Dictionary* defines diplomacy as: the management of international relations by negotiations; the method by which these relations are adjusted and managed by Ambassadors and Envoys; the business or art of diplomacy. As already stated, because of many definitions of the concept diplomacy, there is no one definition considered to be comprehensive or universal in nature. Sir Earnest Satow asserts that:

Diplomacy is the application of intelligence and tact to the conduct of official relations between the governments of independent state, extending some times also to their relations with vassal states; or briefly still, the conduct of business between states by peaceful means (Satow, 1962:1). Adams Watson on the other hand believes that: the diplomatic dialogue is the instrument of international society: a civilized process based on awareness and respect for other people's point of view; and a civilizing one also, because the continuous exchange of ideas, and the attempt to find mutually acceptable solutions to conflicts of interests increase that awareness and respect (Watson:1987:20). Some leading diplomats and scholars of international relations have used the word "diplomacy" to mean the practice of international legal principles and norms in international relations. In the words of E.J.J Johnson (Johnson: 1964:11) Although diplomacy might be described as a complex and delicate instrument that measures forces working at epicenters of international relations..., the subtle measures of diplomacy can be used to arrest, ameliorate or reduce, discard misunderstandings and disagreements which precipitate international crises. From the different definitions of diplomacy by these authorities, it is therefore believed that diplomacy is concerned with the management of relations between independent states and between these states and other actors. Diplomacy is often thought of as being concerned with peaceful activity, although it may occur within war or armed conflict or be used in the orchestration of particular acts of violence. The blurring of line, in fact between diplomatic activity and violence is one of the developments of note distinguishing modern diplomacy. The point can be made more generally in terms of widening the content of diplomacy. Certainly what constitutes diplomacy today goes beyond the definitions which sometimes rather narrow politico-strategic conception given to the term. Nor is it appropriate to view diplomacy in a restrictive or formal sense as being the preserve of foreign ministries and diplomatic service personnel. Thus diplomacy should be seen rather to be undertaken by officials from a wide range of domestic ministries or agencies with their foreign counterparts, reflecting its technical content, between officials from international organizations such as International Monetary Funds (IMF) and the United Nations (UN) Secretariat or involve foreign corporations and a host of government transnationally and with or through- Non Governmental Organizations and private individuals.

## **CONCLUSION**

In this unit we have discussed the basic definitions by relevant authorities of diplomacy. These definitions by relevant authorities have given us a good fundamental understanding and knowledge of diplomacy and diplomatic relations among nations-states.

## **SUMMARY**

Diplomacy is the means by which states through their formal and other representatives, as well as other actors articulate, coordinate and secures particular or wider interests using correspondence, private talks, exchange of view, lobbying, visits, persuasions, and other related activities. The art of diplomacy involves tact, and the use of intelligence, and in this role the work of the missions become paramount.

## **ASSIGNMENT**

1. Define diplomacy.
2. Explain diplomacy in accordance with the definition given by Quincy Wright.

## **REFERENCES/FURTHER READINGS**

Wrights, Quincy (1955). *The Study of International Relations* Nicholson, Harold (1952). *Diplomacy* (2nd edition). New York: Oxford University Press.  
Satow, Ernest (1922). *Guide to Diplomatic Practice*. London: Macmillan Publishers.

## **UNIT 2 COMPARATIVE ANALYSIS OF DIPLOMACY AND FOREIGN POLICY**

### **INTRODUCTION**

The interests of nation-states are articulated taking many factors into consideration. Such factors like economic needs and resources, geography, defence requirement and strategies, existing alliances with other states and many factors in foreign policy are taking into consideration. However, the success of foreign policy of any nation-state depends on the nature of diplomacy. It could be said that, while foreign policy is concerned with substance and contents of external relations across the national boundary, diplomacy is primarily concerned with the methodology for implementing the foreign policy objectives of a nation-state.

### **OBJECTIVES**

At the end of this unit, you should be able to:

- give a comprehensive, explanations of diplomacy and foreign policy
- discuss the major differences between foreign policy and diplomacy
- discuss the nature of diplomacy
- explain the peculiar nature of foreign policy.

### **The Nature of Diplomacy**

Joseph Stalin quoted in (Dallin, 1944: 71) had paid his respect to the art of diplomacy in these words: A diplomat's words must have no relation to actions, otherwise what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for the concealment of bad deeds. Sincere diplomacy is no more possible than dry water or wooden iron Stalin in this quotation expressed the traditional attitude of modern dictators towards diplomacy, namely, that it is a means of concealing a nation's real aims and of providing a smoke-screen for actions of vastly different character. Joseph Stalin, in short, took a cynical view of art of diplomacy. While the sentiments of Stalin have some justifications, they do not suggest the real nature of diplomacy, which consists of the techniques and procedures for conducting relations among states; it is in fact, the normal means of conducting international relations. In itself diplomacy, like any machinery is both neither moral nor immoral, its use and value depends upon the intentions and abilities of those who practise it. Diplomacy functions through a labyrinth of foreign

offices, embassies, legations, consulates, and special missions all over the world. It is commonly bilateral in character, but as a result of the growing importance of international conferences, international organizations, regional arrangements and collective security measures, its multilateral aspect have become increasingly significant. It may embrace a multitude of interests, from the simplest matter of detail in the relations between two states to vital issues of war and peace. When it breaks down, the danger of war, or at least a major crisis is real. Nation-states deal bilaterally with one another and meet together in multilateral organizations not only because they have interests in common, but also because they have interests which conflict. Moreover the fact of independence breeds suspicion and doubts. History is full of examples of conflict, duplicity and reversals of policy and everyday fresh examples are emerging. Diplomacy is intimately concerned with these problems and is therefore viewed as an organized pattern of communication and negotiation which enables each independent state to learn from what it also objects to. In modern international societies, diplomacy has become more than an instrument of communication and bargaining. It is an activity which, even if often abused, has a bias towards the resolution of conflicts. Some leading diplomats and specialists have used the word “diplomacy” as the practices of international legal principles and norms in international relations.

Diplomacy with its ever-increasing intricate modalities techniques in all fields of human activity in contemporary period has transformed itself into a well organized scientific discipline and its effectiveness in international politics cannot be over-emphasized.

### **Foreign Policy and Diplomacy**

It is necessary to bear in mind that there is a defined distinction between foreign policy and diplomacy. The foreign policy of a state according to Childs (1948:64) is the substance of foreign relations, whereas, diplomacy is the process by which foreign policy is carried out. Policy is made by different persons and agencies but presumably on major matters in any state, whatever its form of government; it is made at the highest levels, though subject to many different kinds of control. Then it is the purpose of diplomacy to provide the machinery and the personnel by which foreign policy is executed. One is substance; the other is method. One of the most astute students and practitioners of diplomacy in the twentieth century, Harold Nicolson is particularly insistent on calling



attention to this distinction. However, in some cases, his efforts to be very precise in this matter seem to raise further questions. For example, in his interesting study, *The Congress of Vienna (A Study in Allied Unity, 1964)* Nicolson wrote: It is useful, even when dealing with a remote historical episode, to consider where diplomacy ends and foreign policy begins. Each of them is with the adjustment of national to international interests. Foreign policy is based upon a general conception of national requirements... Diplomacy on the other hand, is not an end but a means; not a purpose but a method. It seeks, by the use of reason, conciliation and the exchange of interests to prevent major conflicts arising between sovereign states. It seeks, by the agency through which foreign policy seeks to attain its purpose by agreement rather than by war. Thus when agreement becomes impossible, diplomacy which is the instrument of peace becomes inoperative; and foreign policy, the final sanction of which is war alone becomes operative". The last sentence of the above quotation tends to destroy the nice distinction between diplomacy and foreign policy which Nicolson has made. And it is misleading in that it suggests that diplomacy ceases to function when major international war arises, especially if they lead to war. The object of diplomacy, as of foreign policy is to protect the security of a nation by peaceful means if possible, but by giving every assistance to the military operations if war cannot be avoided. Diplomacy does not cease to function as Nicolson suggests in time of war, although it necessarily plays a different role. In war time, the work of diplomats as of foreign ministers may even expand. The diplomacy of the two world wars of this century provides convincing support for this contention. Diplomatic agents play significant role in the formulation of foreign policy, particularly through periodic reports which they send to the foreign office relating to the affairs and interests of the sending states in the countries to which they are accredited. These reports become inputs or raw materials through which foreign policy is formulated. The importance of diplomacy and diplomatic agents in the formulation of foreign policy is pointed out by Francois de Callie thus: While the final responsibility for all success or failure in diplomacy would seem to rest upon the king and his ministers at home, it is nonetheless true that since these ministers can only act upon information from abroad, the influence which an enlightened diplomat can exercise upon the actions and design of the home government is

very large. Therefore, the responsibility for diplomatic action is in reality shared in about equal degree between the home government and its servants abroad (Callieve, 1952:32).

What the above quotation suggests is that, for a state to succeed in its relations with other states, a sound and harmonious combination of competent diplomacy and pragmatic foreign policy is very necessary.

### **ASSESSMENT EXERCISE**

Criticize the definition of diplomacy as given by Joseph Stalin.

### **CONCLUSION**

It could therefore be said that while foreign policy is concerned with substance and content of external relations across the national boundary, diplomacy is primarily concerned with the methodology for implementing the foreign policy objectives of nation-states. Diplomacy is not policy but the agency for giving effect to policy. Both are complementary to each other since one cannot act without the cooperation of the other. Diplomacy has no separate existence from foreign policy, but the two together form one executive policy-foreign policy determining the strategy and diplomacy the tactics.

### **SUMMARY**

For independent states to succeed in peaceful relations with one another there must be a sound and harmonious combination of competent diplomacy and pragmatic foreign policy in place.

### **ASSIGNMENT**

1. Diplomatic agents play significant roles in the formulation of foreign policy. Discuss.
2. Differentiate between Foreign Policy from Diplomacy.

### **REFERENCE/FURTHER READINGS**

Palmer and Perkins (2007). *International Relations*. (Third Revised Edition). India: A.I.T.B.S. Publisher.

Joseph W. Stilwell (1945). *The Stilwell Paper Arranged and Edited by Theodore H. White*. New York: William Associates.

## **UNIT 3 DIMENSIONS AND SCOPE OF DIPLOMACY**

### **INTRODUCTION**

Diplomacy is the peaceful conduct of relations amongst political entities, their principals and accredited agents. Diplomacy is sometimes regarded as necessary but regrettable at other times with deep respect. Diplomacy has seldom if ever, had a more significant role to play in human affairs than it has at present. The necessity for organized dialogue in an era when relative certainties of a bipolar state system have given way to a disorderly, confused multipolarity is witnessed by the frenetic pace of contemporary diplomacy activities. The collapse of long-established hegemonies and the re-emergence of long-neglected enmities have placed a high premium on the work of those skilled in mediation, negotiation and representation. In the meantime efforts to restructure and revive existing international institutions have tended to focus public attention as much upon the execution and the administration of foreign policy. Some time ago, Lord Strang, a former British diplomat remarked: "In a world where war is everybody's tragedy and everybody's nightmare diplomacy is everybody business". The diplomatic process, its machinery and conventions has grown steadily more complex usually in it fits and starts. Its growth has been a response to the interconnected developments of more complicated governing structures in human societies and the consequentially more complicated things they have wanted to negotiate with each other, or represent to one another. There are also changes occurring in the global distribution of power which follow from changes both in the nature of power itself and consequential changes in its location. Such change brings the risk of conflict in multifarious forms and raises the profile of diplomacy. There are changes too to be seen in the character of the states. The states have been since the seventeenth century, the principal and sometimes the only effective international actor. Now there are more states than ever before, differing more widely in type, size and relative power. This factor alone has greatly increased the quantity of diplomatic activity and the scope of topics that are discussed. Some of these topics are now derived from new economics, financial and technological issues which transcend the traditional role of the states and operate on a global, horizontal basis disconnected from the essentially vertical state structure. Dialogue between old and new sources of power and old and new centers of authority are blurring the distinctions between what is diplomatic activity and

what is not. Such dialogue is also creating an additional layer of diplomacy in which non-state actors communicate both with states and associations of states and other non-state actors and vice versa. The effect has certainly been an explosion of diplomatic and quasi-diplomatic activity.

### **ASSESSMENT EXERCISE**

Give the reasons for the increase in diplomatic dialogue in the present day international relations.

### **OBJECTIVES**

At the end of this unit, you should be able to:

- explain the dimensions of modern diplomacy
- discuss tropical issues of modern diplomacy
- evaluate contents of diplomacy
- identify players in modern diplomacy.

### **Contents of Modern Diplomacy**

One of the most striking aspects of post-war diplomacy is the rapid growth in the volume of diplomatic activity since the end of 20<sup>th</sup> century and beginning of the present 21<sup>st</sup> century. To a large extent this has come about because of the expansion of multilateral and regional diplomacy, much of which is economic or resource related. The changes in volume can be seen in the number of treaties that are concluded among nations annually which doubled since the end of Second World War. The broadening of the international agenda especially since the 1970s into issues concerning trade, technology transfer, aviation, human rights, transnational environmental and sustainable development questions has continued with the increasing addition of novel or revived threats. Examples of the later include global sea-level rise, stratospheric ozone depletion, environmental sabotage, terrorism attacks, money laundering, refugee dumping, transnational stock exchange fraud and black market nuclear materials trade. Underlying the expanded diplomatic agenda are a range of issues concerning the relationship between domestic and foreign policy, sovereignty and adequacy of agreements and arrangements at a bilateral, regional, international or global level. The point can be made more generally in terms of the widening content of diplomacy. At one level the changes in the substantive form of diplomacy are reflected in terms such as dollar diplomacy, oil

diplomacy, resource diplomacy, atomic diplomacy and global governance diplomacy. Thus what constitute the contents of diplomacy today goes beyond the sometimes rather narrow politico-strategic conception given to the term. Nor is it appropriate to view diplomacy in a restrictive or formal sense as being the preserve of foreign ministries and diplomatic service personnel.

### **Players in Diplomacy**

A major feature of modern diplomacy is the enhanced role of personal diplomacy by the head of state or government. Usually, such initiatives are at the expense of the local ambassador, who might have only limited formal involvement for an example, in a special summit. However, whilst the importance of political reporting, part of traditional diplomacy has been eroded by developments in communication, the decline of the role of Ambassadors is over-stated. The role remains important in terms of explanation of policy at crucial (moments, political assessments, involvement in economic and trade work, and participation from time to time in international conferences). The growth of post-war multilateral diplomacy has seen periodic involvement of a wider range of ministries with some involvement in external relations, such as industry, aviation, environment, shipping, customs, health, education and sport. The task for the foreign ministry or otherwise is to co-ordinate both formulation and implementation of international agreements. This is particularly important in technical agreements which choice of presentation, drafting of instructions and follow-up post-conference activities are especially important. Non- state actors have proliferated in number and types, ranging from traditional economic interest groups, through to resource, environmental, humanitarian, criminal and global governance interests. In some instances, Non-governmental organizations are closely linked to official administrations, while others are transnationally linked. Above all the institutionalization of non-governmental organizations in the diplomatic process especially, in multilateral conferences has become an important distinguishing feature of players in modern diplomacy.

### **CONCLUSION**

The expansion of the international community has affected style, procedures, substance and scope of diplomacy. It has brought with it divergent regimes and ideologies. Rather than diminishing, the ideological element has, if anything increased. This necessarily

raises the question; can diplomacy in a broad sense cope? Apart from the East- West dimension, numerous national as well as wider ideologies have been introduced, such as economic. Issues associated with North-South relations which demand economic redistribution and transfer of technology. Although these demands were partly diverted in the 1980s into the promotion of South-South relations between developing countries, they nevertheless remained as an important feature of the diplomatic content of economic confrontation due to the expansion of multilateral diplomacy.

### **SUMMARY**

The continued expansion of the international community after 1945 has been one of the major factors shaping a number of features of modern diplomacy as x-rayed here in the dimension and scope of diplomacy showing continued increase in the content and players in modern diplomacy.

### **ASSIGNMENT**

1. Critically examine the content of modern diplomacy.
2. Identify players in modern diplomacy and explain the reasons for the expansion of diplomatic issues.

### **REFERENCES/FURTHER READINGS**

Keith Hamilton and Richard Langhorne (1995). *The Practice of Diplomacy*. London: Routledge.

Childs, J. R. (1948). *American Foreign Service*. New York: Holt.

## **UNIT 4 HISTORICAL EVOLUTION OF DIPLOMACY**

### **INTRODUCTION**

The beginning of organized diplomacy is the relations among city-states of ancient Greece. By the 5th Century B.C. Nicholson (1939:21) stated: Special missions between Greek city-states had become so frequent that something approaching our own system of regular diplomatic intercourse had been achieved. Thucydides wrote much about diplomatic procedure among the Greeks. For instance, in his account of a conference at Sparta in 432 B.C. the Spartans and their allies considered what action should be taken against Athens. The Romans did little to advance the art of diplomacy by negotiation, but they did make important contributions to international law. In the Eastern Roman Empire, which was established after Constantine had moved his capital to the city that honoured him for many centuries; diplomatic methods were employed with great effect. The Eastern emperors had marked success in playing off potential rivals against each other, and the reports of their representatives at foreign Courts gave them information which they were able to utilize to their advantage. Their representatives therefore became skilled diplomats and trained observers, thus extending the practice of diplomacy to include accurate observation and reporting as well as representation. Until the later 18th or early 19th century, diplomacy more often meant the study and preservation of archives than the act of international negotiation. This conception was especially prevalent in the middle ages. It was in papal and other chanceries, under the direction and authority of successive “master of the rolls” that the usages of diplomacy as a science based upon precedent and experience first came to be established.

### **OBJECTIVES**

At the end of this unit, you should be able to:

- discuss the historical development of diplomacy
- explain the origin of the modern diplomacy
- list the conditions for new diplomacy.

### **The Origin of Modern Diplomacy**

Modern diplomacy as an organized profession arose in Italy in the late middle ages, the rivalries of the Italian city-states and the methods which their rulers used to promote their interests are described in masterful fashion in Machiavelli’s *The Prince*. The Holy See

and the Italian city-states developed systems of diplomacy at an early date. There are views that the Holy See was the first to utilize the system of permanent representation which is the characteristic feature of modern diplomacy. However, the first known permanent mission was established at Genoa in 1455 by Francesco Storza, Duke of Milian (Nicolson: 1939). During the following century, Italian city states established permanent embassies in London and Paris and Francis I of France devised something like a permanent diplomatic mission. However, for over three centuries, the mission was neither adequate nor standardized. Diplomacy was still the diplomacy of the Courts, its object was to promote the interests of the sovereign abroad, by various means, direct or devious, fair or foul and its standards were low and ill-defined. The ambassador then as now, was deemed to be the personal representative of his head of state in a foreign country. An affront to him was an affront to the head of state himself and hence to the nation that they symbolized. In the absence of well-defined rules of procedure, frequent dispute sometimes so bitter as to lead to duels or even to wars arose from questions of precedence and immunity. Ambassadors who attempted to entertain in a style befitting the dignity of their sovereigns often found themselves in dire financial straits, especially if the sovereigns whose dignity they were trying to enhance by sumptuous display neglected to pay them salaries. By the 17th century, permanent missions were the rule rather than the exception and diplomacy had become established profession and a generally accepted method of international intercourse. The rise of nationalism and the nation-states system made such machinery essential, especially after the Peace of Westphalia of 1648 has crystallized and formalized the state system. Diplomats from all European countries as well as noblemen and other countries from all parts of France graced the court of Louis XIV, and gave it that pomp and splendor which dazzled his contemporaries and set a pattern for decades to come. Many other monarchs of Europe tried, but not too successful to copy the “sun king” and to establish their own Courts of Versailles. The diplomacy of the Courts entered its golden age in the eighteenth century. The game came to be played according to understood rules, with a great deal of glitter on the surface and much incompetence and intrigue beneath. Diplomats represented their sovereigns and were often merely the willing tools in the great contests for empire and for European supremacy that were waged in that century. Strong rulers like Peter the



Great of Russia and Frederick the Great of Prussia used diplomacy and force to achieve their ends. The same comment might be made of important ministers of state men like Pitt the Elder and Vergennes.

By the late 18th century, the industrial, American and French revolutions had ushered in a new era of diplomacy and indeed of history. Captains and king passed from the scene in many lands, and the voice of the people began to be heard. The unassuming figure of Benjamin Franklin in the streets of Paris and London, representing a nation in the making, symbolized the coming era of more democratic diplomacy. To attempt to represent a nation rather than ruler imposed more complicated duties on the diplomat. Indeed it called for a new land of diplomat, but the remuneration remained so inadequate that the diplomatic profession was still largely confined to those who has other sources of income. Inevitably, this meant that so-called democratic diplomacy was still carried on by representatives of the aristocracy of wealth and often of rank. As diplomacy became less formal and restricted, its rules became more standardized and more generally accepted. The Congress of Vienna made particularly important contributions in this respect. To place diplomacy on a more systematic and formal basis, the congress laid down certain rules of procedure which are still commonly observed. These rules were embodied in the Regalement of March 19, 1815 and in regulations of the Congress of Aix-la-Chapelle in 1818. The present diplomacy can be said to have started in the nineteenth century, which then demanded new methods as well as new personnel. These methods were defined in many international agreements and became an intricate and generally observed code. Under the aegis of the Holy Alliance and the Concert of Europe, buttressed by the operations of the balance of power system, the game was played according to the new rules with fair degree of success.

## **CONCLUSION**

By the early 20th century, the term democratic diplomacy had come into common use. It seemed to symbolize a new order in world affairs, one in which governments were fast loosing their aristocratic learning and their aloofness and peoples were speaking to peoples through democratic representatives and informal channels. Actually, the new order was not as different from the old as it seemed in the atmosphere of hope that ushered in the present century. While diplomacy has remained a rather esoteric

profession, carried on by men of wealth, power and influence, it is being conducted with the assistance of a growing number of career officers, the elite guard of diplomacy, whose standard of competence and training are being steadily raised. Diplomacy is thus, being put more generally on a professional and non political basis.

### **SUMMARY**

Historically, the Greek city-states contributed tremendously to the development of organized diplomacy. However, as already mentioned, the relations between many city-states of Sparta and Athens were mainly influenced by considerations of internal policy, expediency and defence strategy. Diplomacy has a rich history from the practice among the Greek citystates and other European sovereigns. It has practices that have evolved over centuries, but sometimes modified to suit the modern times.

### **ASSIGNMENT**

1. Historically, the Greeks contributed immensely to the development of diplomacy. Discuss.
2. What are the contributions of the Romans to the development of diplomacy?
3. Assess the practice of the present century diplomacy. What are differences, if any from the practice in 15th and 17th centuries?

### **REFERENCES/FURTHER READINGS**

Harold Nicholson (1939). *Diplomacy*. London: Oxford University Press. Palmer & Perkins (2007). *International Relations*. (Third Revised Edition). India: A.I.T.B.S. Publishers.

## **CHAPTER 2**

### **Unit 1; DIPLOMATIC HISTORY**

#### **INTRODUCTION**

The art of diplomacy is as old as the existence of human communities. Sending of emissaries to open negotiation was a common practice among primitive nations. In many cases their reception and treatment is regulated by international customs. The Greek city states frequently dispatched and received with accreditation emissaries who present their cases openly before the rulers or assemblies to whom they were sent. By the 15th century the principle and method of the Greek city states had developed. As the middle age proceeded, the sovereignty of individual states demanded a condition that credentials be required from an ambassador who wants to be received by a sovereign power. At the beginning of 16th century the practice of accredited diplomatic envoys have started spreading to other countries of Europe in the atmosphere of shifting alliances and dynastic struggles for power. The classical diplomacy was conducted by the members of the ruling class who had more in common with each other than with majority of their own people. It was conducted according to well defined rules and conventions. It was then a personal and flexible type of diplomacy. In the post revolutionary Europe, new objectives arose. Acceptance of an established monarchical order gave way to emphasis on liberty and individual rights. The slogan of the French revolution of 1789 which reverberated through Europe was "*Liberty, Equality, and Fraternity*". Hence forth, diplomacy whole. After World War I, demand grew for open diplomacy that will be accessible for public scrutiny. In the wake of the new emphasis on the sovereignty of the people, the electorate claiming control of the government want to know what agreement was being made with their name. For example, the United States of America refused to participate in the League of Nations in spite of the role played by President Woodrow Wilson. Nowadays the openness of agreement is guaranteed in principle by the United Nations rule that all agreements concluded by member states must be registered and their text deposited with the Secretary General. The irony is that negotiations conducted under the public eye undermine the process of negotiation. By true nature, negotiation must be confidential. This is the essence of diplomacy.

## **OBJECTIVES**

At the end in this, you should be able to:

- discuss developmental stages of diplomacy
- discuss the role of revolutions to the practice of diplomacy.

### **Phases of Democratic Development**

Man evolved from the state of nature which was characteristically primitive and according to Thomas Hobbes, life then was “brutish, short, and nasty”. The rule then basically was the survival of the fittest. Shortly after the primitive society, came the medieval European system, which manifested at the collapse of Roman Empire. This medieval European system was characterized by series of internecine ethnic, religious, political and ideological wars. The medieval period was also a Dark Age and Europe nearly returned to the imperial womb. In other words, the Roman notion that spiritual and secular (political) powers are the same was nearly revived, but for the spread of Islam. Feudalism began to predominate and the manner of loyalty and political obligations began to change; same as the manner of religious obligations. This change of loyalties resulted into a transfer of allegiance from religious to secular authorities and from local to national authorities of government. By the 15th century, the Italian city-state system had developed under clearly secular rulers. Politics to them was not based on religion, but on reasons of the state (*raison d’etat*). Savagery that characterized religious wars had reduced, but was not totally eradicated. ‘Necessary wars’ (interest of the state) replaced ‘Just wars’ (wars for religious justification). Dogmatism was eradicated and the leaders of the Italian city-states unashamedly gave room to compromise. In fact, the origin of good diplomatic practice, establishment of embassies and the attendant privileges could be traced to the Italian-city-states system. Italian city-states established permanent diplomatic missions i.e. embassies, career diplomats and complete privileges and immunities that go with it, whereas the Greeks, Egyptians, Assyrians, and the Romans established ad hoc envoys. When diplomacy failed, the Italian rulers resorted to the whole arsenal of threat, bribe, subversion, assassination, and war ultimately. These wars would not even be fought between individual citizens but between mercenaries that are paid, that is what is known as professional soldiering. The wars were not prominently fought to destroy the opponent so as not to stimulate unfavorable reaction or coalition,

but to strike a desirable balance in order to cause stability in the state system. In view of this, some scholars have argued that the Italian state practice is the bridge between the medieval and the modern international society and state system. The Treaty of Westphalia which ended the thirty-year war which engulfed Europe also gave impetus to modern diplomacy. In fact, some scholars believe that modernity or at least the modern state system started in 1648 when the treaty was signed. Though the Westphalia Treaty was not a panacea or did not result in total termination of wars in Europe, it however gave credence to diplomacy. The treaty brought about the idea of establishing permanent diplomatic missions as well as rules of diplomacy, such as the acknowledgement of diplomatic immunities, extra-territoriality of embassies, which means working in an international space which is immune from the laws of the state.

Another development to modern diplomacy is the Concert System which was an epoch-making event in European periodic summit or conference system meant to discuss or settle matters bordering on common interests. The Concert System started in 1815 when the Napoleonic wars nearly imploded the whole of Europe. Furthermore, in the annals of diplomatic history is the peace conference which was convened after the World War I, i.e. The Versailles Treaty. It also encouraged the notion of self determination in the modern international system. The League of Nations that was instituted shortly after World War 1 could not contain the out break of the World War II. This led to the establishment of the United Nations Organization (UN) in 1945. Although the United Nations (UN) has been handicapped on several international issues, it has been able to weather the storm and the heat generated by the Cold War-super power politics.

## **CONCLUSION**

The history of diplomacy is as old as man himself. Between 700 and 100 B.C, many city states of ancient Greece were noted to have sent and received delegations for some period of time. The sending of ambassadors grew out of the practice of dispatching, particularly in time of war and conflict, heralds who were accorded certain immunities. This became necessary because, with the growth of Greek civilization, the nature of relationship and interactions among many city-states within the same neighborhood became highly complex and competitive in nature, and as such these city-states adopted the practice of

choosing as their ambassadors the finest orators and advocates to plead the cause of their city before the popular assemblies of foreign leagues or cities.

### **SUMMARY**

Before the development of modern diplomacy or organized diplomacy, as it is known today, with the establishment of permanent missions, many embassies were maintained and negotiations performed during the middle ages, but such missions were for a short while. The first step towards the establishment of permanent diplomatic missions was made in Italy where the cities of Florence and Papal Rome were preparing grounds as well as skillful makers of diplomatists.

### **ASSIGNMENT**

1. Give a comprehensive historical development of modern diplomacy.
2. Discuss the contributions of revolutions to present-day diplomacy.
3. What do understand by Diplomatic History?

### **REFERENCES/FURTHER READINGS**

Ray Ofoegbu (1980). *A Foundation Course in International Relations for African Universities*. London: George Allen and Unwin.

Geoffrey Stern (1995). *The Structure of International Society: An Introduction to the Study of International Relations*. London: Pinter Publishers.

Funso Adesola (2004). *International Relations an Introductory Text*. Ibadan: College Press and Publishers.

## **UNIT 2; APPOINTMENT, RECEPTION AND RECALL OF DIPLOMATS**

### **INTRODUCTION**

Diplomats are basically a country's representatives in another country. They are expected under all circumstances to comport themselves very well in the country of their accreditation. This is optimally expected because they are seen as the representatives of their nation and culture. Literally, they are figured as their country's head of state or their people in entirety; because they are the ones being represented abroad and as the head of state, they cannot afford to misbehave. Some scholars have posited that ambassador or diplomats are emissaries sent from their countries to go and tell lies abroad. What this simply means is that they are expected, under all circumstances to polish the character and image of the countries of their accreditation.

### **OBJECTIVES**

At the end of this unit, you should be able to:

- discuss the importance of appointing career diplomats as ambassadors
- explain the students the protocols of receiving diplomatic envoys
- discuss the reasons for re-calling diplomats.

### **Appointment of Ambassadors**

In almost all modern states, the Head of State and Government makes all appointments of diplomats or ambassadors to foreign countries, depending on the constitution of such a country. The appointment is based upon the recommendation of the Minister for Foreign Affairs, the Parliament or the General Assembly. The appointment of diplomatic officers is usually regulated by the constitution of each state. Originally, appointments of Ambassadors are expected to be based on training, educational qualifications, experience and age emanating not only from one, but the combination of all these criteria. Such appointment would benefit immensely from the expertise savvy, and maturity of those appointed. In other words, the appointment of diplomats is expected to be a career thin' i.e., nominate from the vista of career diplomats who are schooled in the arts of international relations. These set of appointees will be at home with the culture and manner of behaviour obtainable between and among states. In selecting career diplomats, Kenya for instance can select from the staff of the Ministry of Foreign Affairs, tutors in Foreign Affairs Academy, or lecturers of political science or international relations in the

nation's tertiary institutions. However, in most developing countries, political appointees have inundated the business of foreign office as diplomats. In other words, ambassadorial appointment have often been based on being a member or linchpin of a political party, quota system, or federal character (in federal states) such that architects, business tycoons, and contractors are appointed in preference to career diplomats who are grounded in interstate behaviour and etiquette. These non-professional diplomats in most cases commit blunders in form of combative dispositions, name calling and other behaviour that could tarnish the image of the country abroad.

### **Reception of Diplomatic Officers**

It is the universally accepted principle that any state which has full sovereignty has the absolute right as a practical political necessity to send diplomatic officers, and the obligation to equally receive such officers to help in conducting their negotiation as well as maintaining their relations with foreign countries on matters of mutual concern. States are also bound by international law to receive diplomatic officers accredited to them from other countries principally for negotiation. In international politics, any full sovereign country which desires its voice to be heard among other countries receives and sends diplomatic envoys without which it would become practically irrelevant and will have no influence in international affairs. As already pointed out, certain individuals appointed as envoys can be rejected by the receiving states for some reasons. International law gives no right to a state to insist upon reception of an individual appointed by it as diplomatic officer. Every modern state can refuse to receive as diplomatic officer, an individual objectionable to it. And any country that refuses to receive an individual officer cannot be compelled to specify the type of objection it has or to justify its reasons for objection. For instance, Italy refused to receive Mr. Keley as Ambassador of the United States of America in 1885 because Mr. Keley protested in 1871 against the annexation of the Papal States. To avoid conflicts arising from the rejection of a diplomatic officer by one country, many countries of the world have adopted the practice of never appointing an individual as ambassador until it has ascertained before hand whether the individual to be appointed would be personagrata. Based on international law, a country which does not object to appointment of a certain individual when, its opinion was asked before hand is definitely bound to receive such individual as diplomatic officer. Similarly, in a situation



where a particular state does not object to the reception of an individual as diplomatic officer accredited to such state, his letter of credence is received from him by the Head of State and government of that country, and then a red-carpet reception organized for him by the host country. It would be noted that, the mode of reception accorded a diplomatic officer differs accordingly, depending on the class to which the officer in question belongs. The official recognition accorded to the diplomatic officer makes him to be officially recognized and equally enable him to officially commence the exercise of his functions. The tenure of a diplomatic officer is considered not from the time he was received but from the time when his credentials were handed over to him on leaving his home state.

### **Recall of Diplomats**

To recall a diplomat means that the country that sent him wants him either to return home briefly or for a very long time; which could be caused by any of following:

(a) A recall to briefly consult with him on a particular burning issue of commercial or political importance. For instance, the Nigerian Ambassador to the Republic of South Africa was recalled when late General Sani Abacha and (Dr) Nelson Mandela were pouring venom on each other as a reaction to the hanging of Ken Saro- Wiwa and eight other Ogoni activists hanged on November 10, 1995 as well as series of human rights violation in Nigeria under the administration.

(b) A recall could be on account of misdemeanor of a diplomat. For instance, if a diplomat is accused of any criminal act such as smuggling or drug peddling. Though this rarely happens, because luggages belonging to diplomats are often exempted from law enforcement agents' checks, due to the diplomatic immunity they enjoy.

(c) Another account on which a diplomat could be recalled is if a diplomat is religiously sanding the ground of his own country as directed from home. If this position is not comfortable to the country where he is accredited to, and he is either declared *a persona non-grata*, or the environment is no longer safe enough for him to properly carry on with his duties, he would be withdrawn or recalled. This was the case in Nigeria when Western countries such as United States of America, Canada, etc recalled their ambassadors, because they were constantly condemning the repressive rule of the late General Abacha. It is important to note that the recall of a diplomat is a pointer to the

beginning or actual deterioration of the relationship between or among countries. It should also be noted that globalization has facilitated the recall of envoys in contemporary times.

### **CONCLUSION**

As mentioned in the discussion above, the beginning of a diplomatic mission starts immediately when the letters of credence are presented to the Head of the receiving State. This continues as long as the Heads of the sending and receiving States maintain their relationship. In contemporary periods, all Foreign Officers must be prepared, as far as the complex nature of international relations is concerned, to face unexpected situations where they may have to terminate or be recalled overnight by the home ministry.

### **SUMMARY**

Diplomacy is an integral part of international relations. Consequently, there is almost on daily basis diplomatic traffic between and among sovereign states in the international system.

### **ASSIGNMENT**

1. The appointment of diplomatic officers is based upon the recommendation of the Minister of Foreign Affairs, the Parliament or the General Assembly. Discuss.
2. Give reasons from your understanding of this unit why diplomats can be recalled.

### **REFERENCES/FURTHER READINGS**

Nicolson Harold (1946). *The Congress of Vienna: A Study in Allied Unity: 1812-1822*. New York: Harcourt, Brace.

## **UNIT 3 ;CHARACTERISTICS/QUALITIES OF GOOD DIPLOMATS**

### **INTRODUCTION**

There are many qualities that are expected of a good or successful diplomat. However, it must be noted that some people are born diplomats, while others just acquire the status. An indeed, a diplomat must therefore, possess the following attributes as prescribed by Harold Nicholson (1963:126). .... *Truth, accuracy, calmness, patience, good temper, modesty, loyalty, intelligence, knowledge, discernment, prudence, hospitality, charm, industry, courage, and tact.* These qualities are really are a package and they are not all package in an average person.

### **OBJECTIVES**

At the end of this unit, you should be able to:

- discuss the qualities expected in a good diploma
- discuss the dangers in appointing non professionals as ambassadors
- give reasons why a career in the Foreign Office is an enviable or noble one.

### **Characteristics of a Diplomat**

The level of success of the diplomacy of any nation states depends heavily upon the nature and qualities of diplomats chosen. In other words, most of the breach of diplomatic relations is caused by the attitudes of the diplomatic envoys. For that reason, a diplomat is required to have a balanced mind, amicable disposition, ability to withstand stress, reasonable tact and skill to assess and deal with a number of issues and problems. Diplomacy as a profession demands great personal qualities, charm and intellectual incisiveness, and as such, a diplomat must have proven abilities to win the confidence of the receiving state and goodwill of its people. Moral influence is the most essential qualification of a diplomat and he must be a man of the strictest honour if the government to which he is accredited and his own government are to place explicit confidence in his personality to continue the relations. However, some of the qualities of a diplomat, according to Harold Nicolson (1956:35) have to do with moral influence founded on seven specific diplomatic virtues.

- a. Truthfulness
- b. Precision
- c. Calmness

- d. Modesty
- e. Good temper
- f. Patience, and
- g. Loyalty

As a result of the complex nature of modern diplomacy and international relations, a successful diplomat should always rely on factual situations, watch things as an observer and employ high degree of precision in his dispatches to his home government vis-à-vis the receiving state. He should always attempt to win the confidence of his government as well as the affections of the people. Again, a diplomat should be a scholar, well-versed in history, political science, geography, military science, economics, international relations etc. A diplomat in charge of a particular embassy has to realize that he should be able to inspire and coordinate the team of other officials of the embassy or mission. He has to keep watch on all the members of the mission. His responsibility include coordination of the work of various officials like military, naval, air, commercial, financial, agricultural and labour advisers attached to him. A diplomat must necessarily be ambivalent in order to be successful in his career and avoid breach of diplomatic relations. Another attribute of a good diplomat is his readiness and ability to prepare dispatches both to his government and the state he is accredited to, in a much more precise and appropriate language. He has to express his writings in well-articulated words without being offensive in content, but very straight-forward and clear in substance. This means that, any letter he is sending either to his home, state or receiving state must be carefully scrutinized to avoid improper usage of words, consciously or unconsciously, in what he intends to convey. In summation, a diplomat must judge accurately and appropriately the likely behaviour, reaction and actions of others, and appreciate their views with a clear sense of accuracy and equally present them to his government. This is the best way to ensure mutual understanding between states for continued cordial diplomatic relation. Moreover, a diplomat should be sociable and penetrating, more or less a cosmopolitan, because he should be able to adjust himself to the conditions in his state of accreditation even when the prevailing conditions is not conducive. In other words, he should be able to familiarize himself with the tradition, customs, language and circumstances of the state

he is accredited to, and equally conduct himself in such a way as a good friend of the receiving state.

### **Qualities of a Good Diplomat**

Apart from the recent developments especially in developing countries, consideration for performance and efficiency, a good diplomat is expected to possess some sterling qualities which include:

**a. Eloquence** - That is ability to talk fluently without inhibition and the ability to carry along his audience without making them easily bored. If the diplomat is knowledgeable on a wide range of issues, the more fluent he will be able to explain same to people. So a good diplomat is expected to be fluent and eloquent so as to be appealing to his hosts. A good diplomat is also expected to be clever enough to know what to say at any point in time to provoke discussion and thus make him get the information that is needed by his government or that will be beneficial to his home government.

**b. Intelligence** - A good diplomat is expected to be mentally alert, and sound. This way, he will be able to discern when to talk or keep quite. He will be able to decipher what he is expected to report and which to leave out to the government he is representing. He should be intelligent enough to know where to go and when to go there so as to source the much needed information.

**c. Multilingual** - A good diplomat is expected to be proficient in more than one international language. If he is multilingual, he will readily understand other people in his country of posting so also they will easily understand him. Apart from that it will be very easy for him to make friends and be accepted by citizens of his host country. This way, he will be able to discharge his duties efficiently. However, one is not saying here that diplomats that are not multilingual are not efficient, as there are interpreters in diplomatic meetings and conferences, but the issue is that sometimes, interpreters might not be fast enough or leave out some crucial details. However, the fact cannot be denied that a diplomat that is multilingual stands the chance of performing than his counterpart who is not.

**d.) Decency** - Another quality of a good diplomat is decency. Diplomats are expected to be of good conduct. He should be a person that does things with moderation. His manners and approach to issues must be quintessential. He should not be given to recklessness in

speech and conduct. Since this is expected of even ordinary person without the diplomatic garb, the more reason why diplomats are expected to be a perfect example of decency.

### **CONCLUSION**

The qualities of good diplomats are by no means limited to what we have outlined in this unit. However, it should be emphasized that globalization, particularly the revolution in information technology has greatly affected the conduct of diplomacy. It has facilitated leader to leader diplomacy and consequently heads of government are becoming their own diplomats. The more friends a diplomat makes in a country he is posted, the wider the opportunities that will be opened to him, the broader the scope of his chance to gather information for his country, and the less cumbersome the avenue for negotiation for the country he is representing.

### **SUMMARY**

Moral influence is the most essential qualification of a good diplomat, and he must be a man of the strictest honour if the government to which he is accredited and his own government are to place confidence in his personality.

### **ASSIGNMENT**

1. Write short notes on the following qualities of a good diplomat  
(a) Intelligence (b) Decency (c) Eloquence
2. Globalization, particularly the revolution in information technology has greatly affected the conduct of diplomacy. Why?
3. Discuss the characteristics of a good diplomat. .

### **REFERENCES/FURTHER READINGS**

Harold, Nicolson (1956). *Evolution of Diplomatic Method*. New York: The Macmillan Company.

## **UNIT 4; FUNCTIONS OF DIPLOMATIC MISSIONS**

### **INTRODUCTION**

A diplomat is at times spoken of as “the eyes and ears of his government” in other countries. His chief functions are to execute the policies of his own country, to protect its interest and its nationals, and to keep his government informed of major developments in the rest of the world. On the other hand, diplomats refer also to all the public servants employed in the diplomatic affairs whether serving at home or abroad. Strictly speaking the political head of the ministry is also a diplomat. His functions are that of a responsible state- man conducting the affairs of his country with other states.

### **OBJECTIVES**

At the end of this unit, you should be able to:

- discuss the roles and services expected of foreign missions
- discuss the duties of Ministers of Foreign Affairs and the ambassadors
- explain the importance of maintaining foreign missions by the home government.

### **Diplomatic Functions**

There are many functions performed by a diplomat, some of these include: diplomatic representation, protection of his nationals, exchange of roles on matters of mutual interest, political and parliamentary negotiations, and most importantly, preservation and projection of the national interests of his country generally. The functions of diplomatic missions are spelt out in the Vienna convention of 1961. Article 3 of the convention states as follows: The functions of a diplomatic mission can consist of the following:

- a. Representing the sending state in the receiving state.
- b. Protecting in the receiving state the interest of the sending state and its national within the limits as permitted in the international law.
- c. Negotiating with the government of receiving state
- d. Ascertaining by all lawful means conditions and developments in the receiving state and reporting them to the sending state.
- e. Promoting friendly relations between the receiving and sending states and developing cultural, social and technological relations. It goes on to say that nothing in the present convention shall be misconstrued as preventing the performance of the consular functions by a diplomatic function. Consular functions consist of issuing passport and other

traveling documents and acting as notary public. In the discharge of these functions, the head of mission will be consulted either by permanent members of diplomatic service especially trained by Ministry of Foreign Affairs or other officers belonging to ministries of government. In an address before the American/Japan public in Tokyo, on November 22, 1938 Joseph C. Grew, United States Ambassador to Japan, observed that the work of a diplomat is a heavy responsibility. Said Grew, He must be, first and foremost, an interpreter, and this function of interpreting acts both ways. First of all he tries to understand the country where he serves – its conditions, its mentality, its actions, and its underlying motives, and to explain these things clearly to his own government. And then contrariwise, he seeks means of making known to the government and the people of the country to which he is accredited the purposes and hopes and desires of his native land. He is an agent of mutual adjustment between the ideas and forces upon which nations act Simon & Schuster, (1944: 262). The work of a diplomat may be broken down into four basic functions

(i) representation (ii) negotiation (iii) reporting and (iv) the protection of the interests of the nation and of its citizens in foreign lands. These functions, as we shall see are closely interrelated.

### **Representation**

A diplomat is a formal representative of his country in a foreign state. He is the normal agent of communication between his own foreign office and that of the state to which he is accredited. In the eyes of many citizens of the country in which he is stationed, he is the country he represents, and that country is judged according to the personal impression he makes. The diplomat must cultivate a wide variety of social contacts, with the ranking officials of the foreign office and of the foreign government in general, with his fellow diplomats, with influential persons in all walks of life, and with articulate groups in the country. Social contacts can be enjoyable, stimulating and profitable; they can also be hard on the stomach as well as on the pocket book, trying to the diplomat's patience as well as to his intelligence. Whatever else they may be, they seem to be an inescapable adjunct of the important duty of representation. Although these contacts have tended to become less formal, they have at the same time broadened in scope. Ambassador Grew, a career diplomat of long experience, referred to them as “the x-ray language vibrating



beneath the surface of the spoken and the written word” which is simply a diplomatic way of saying that trained-mixer-observer-auditor can often pick up information or intelligence of great value in-or from conversation at social function. In the cause of representing his country a diplomat equally provide necessary information and advice to foreign policy decision-makers which have helped to shape the direction of foreign policy adopted. This is because such information is based on the spot assessment, experience and observation. It should be observed that, the extent to which such advice and information made available by ambassadors and diplomats abroad are considered and consequently acted upon is determined by attitude, values, biases and image of the policy makers as well as the prevailing domestic factors.

### **Negotiation**

Virtually a synonym for diplomacy, negotiation is *per excellence* the pursuit of agreement by compromise and direct personal contact. Diplomats are by definition negotiators. As such, they have duties that, as described by Mr. Childs, include “the drafting of a wide variety of bilateral and multilateral arrangements embodied in treaties, conventions, protocols, and other documents of political, economic and social nature. Their subject matter ranges from the creation of the international security organization, through territorial changes, establishment of rules to govern international civil aviation, shipping and telecommunications, and the adjustment of international commercial relationships, such particular matters as immigration, double taxation, water way rights, tourist travel, and exchange control. Almost the entire gamut of human activities is covered. Childs (1948:64). However, because of the developments in communications and the increasing resort to multilateral diplomacy, as well as for other reasons, diplomats do not play as great a role in international negotiations as they once did. Most agreements between states are still bilateral and are concluded through negotiation between the foreign offices by the use of ordinary diplomatic channels. But the major international agreements, especially those of multilateral character, are usually negotiated directly by foreign ministers or their special representatives often at international conferences. Diplomats also have less latitude than they once enjoyed, they are now bound more closely to their foreign offices by detailed instructions and constant communication by cable, diplomatic pouch, and transoceanic telephone, although their stature has been

somewhat reduced, they are more than glorified messenger boys at the end of a wire, and the value of the personal factor in diplomacy is still very great.

### **Reporting**

Reports from diplomats in the field are the raw materials of foreign policy. These reports cover nearly every conceivable subject, from technical studies to appraisals of the psychology of nations. Diplomats must, above all be good reporters, if they have the ability to estimate trends accurately, if they keep an eye out for all useful information, and if they present the essential facts in concise and intelligible form, they may be worth a king's ransom. According to a publication of the United States Department of state on the American Foreign Service, diplomats are expected to "observe, analyze, and report on political, social and economic conditions and trends of significance in the country in which they are assigned. Some major subjects of these reports are legislative, programs, public opinion, market conditions, trade statistics, finance, production, labour, agriculture, forestry, fishing, mining, natural resources, shipping, freights, charters, legislation, tariffs and laws. Diplomats prepare thousand of reports of this sort every year.

### **Protection of Interests**

Although a diplomat is expected to get along with the authorities of the state to which he is accredited - that is, he must be persona grata to the government of a state he is also expected at all times to seek to further the best interests of his own country. However selfish this approach may seem to be, it is the bedrock of the practice of diplomacy. While it is assumed that the interest of each state will be so interpreted that they will harmonize with those of the international community, it is not the function of the diplomat to make the interpretation. His duty is to look after the interest of his country as interpreted by policy-makers back home and in accordance with treaties, other international agreements, and principles of international law. He also has the more specific duty of attempting to assist and protect businessmen, seamen and all other nationals of his own country who are living or traveling in the country in which he is stationed or who happen to have interests there. He seeks to prevent or correct practices which might discriminate against his country or its citizens.

### **ASSESSMENT EXERCISE**

What are the major functions of a diplomatic mission in the 21<sup>st</sup> Century?

## **CONCLUSION**

Every diplomatic mission must discharge certain basic functions in the course of his dealings with the President or the Head of the receiving state and his other officials. Basic functions of a diplomat include; diplomatic representation, protection of his nationals, preservations and projection of the national interests of his country, and more importantly, ascertaining, by all lawful means, conditions and developments in the receiving state and reporting thereon to the government of his own state. In carrying his functions, the diplomat should be sociable and penetrating, more or less a cosmopolitan because he should be able to adjust himself to the conditions in his state of accreditation even when the prevailing political, social, religious or economic system is not conducive. He should be able to familiarize himself with the tradition, customs, language and circumstances of the state he is accredited and equally conduct himself as a good friend in order to get the best from the receiving state for the interest of the sending state.

## **SUMMARY**

Diplomats are regarded as the eyes, and ears of their governments in other countries. Their main functions are to execute the policies of their own countries, to protect their interests and their nationals, and to keep the home government informed of major developments in the rest of the world. These functions are broadly broken into four basic functions:

- (i) representation
- (ii) negotiation
- (iii) reporting and the protection of the interest of the home government in the accredited states.

## **ASSIGNMENT**

1. Outline the functions of diplomatic missions and write short notes on any two.
2. Reporting is one of the functions of diplomats, what makes a diplomat a good reporter?

## **REFERENCES/FURTHER READINGS**

Denett, Raymond and Joseph Johnson (ed). (1952). *Negotiating With the Russians*. Boston: World Peace Foundation.

Palmer and Perlans (2007). *International Relations, the World Community in Transition*. India: A.I.T.B.S Publishers.

## **CHAPTER 3; THE PRACTICE OF DIPLOMACY**

### **UNIT 1; TYPES OF DIPLOMACY**

#### **INTRODUCTION**

Diplomacy is a primary political instrument nation states use in pursuit of national interests in their relations with other nations. In this unit, we will study the various types of diplomacy or combination of diplomacy that a country may use to achieve its goals in the international system. In addition, we will treat the advantages and disadvantages of employing any of the types of diplomacy to nations applying them at a particular point of time.

#### **OBJECTIVES**

At the end of this unit, you should be able to:

- discuss the different types of diplomacy
- explain the meaning of personal diplomacy
- identify the categories of people who can be accepted by nations for
- personal diplomacy
- evaluate the importance of diplomacy.

#### **Permanent Traditional Diplomacy**

Permanent traditional diplomacy is when permanent traditional structures are used in diplomatic discussions. That is, all diplomatic discussions must involve the state's Ministry of Foreign Affairs through its minister, Ambassadors, Charge de affairs, Protocol, Information Attaches, etc. The head of government would normally allow the Foreign Affairs Minister make all the pronouncements, on behalf of the state whenever the Head of Government wants to make such pronouncements. The Minister or the Legislature must also have an input. In case of change of government, this structure is not altered, although personnel may change such as the Ministers and Ambassadors sometimes. No matter how radical or revolutionary a regime may be it cannot afford to change the structure all a time.

#### **Conference Diplomacy**

Under conference diplomacy discussions are carried out through various conferences. This is particularly over issues that go beyond the power of individual states. Organizations such as the Economic Community of West African States (ECOWAS),

African Union (AU), United Nations Organization (UNO), Non-allied Movement (NAM), European Union (EU), the Commonwealth of Nations, Arab League, World Trade Organization (WTO) etc hold annual summits and extra-ordinary summits on general or specific issues concerning World Peace and Security. Consequently, before ECOWAS launched the ECOWAS Monitoring Group (ECOMOG), it met, discussed and approved military monitoring action on Liberia to curtail conflict and promote harmony in the war torn area. The AU annual summits normally highlight African problems with possible solutions. With one voice they call on the international community to resolve crisis on economic matters. Within the OAU as AU was then called, there was the Committee on Southern Africa Liberation and Apartheid. There is also a mediation and reconciliation committee within the present AU with peacekeeping missions. One problem with AU however, is the inability of its leaders to put weight behind agreed actions. This was the reason why it failed in its peacekeeping mission in Chad, where Nigeria was abandoned to bear the burden.

#### **Parliamentary Conference Diplomacy**

Each state constitution recognizes the importance of establishing committees on foreign affairs. It normally debates foreign affairs issues and pass them on to whole house for general debate. As it is normal, parliament must ratify treaties signed by the Head of Government. The inability of Nigeria's Supreme Military Council to ratify the cessation of the Bakasi Peninsula to Cameroun by Gowon led to the protracted case between the two countries until the ratification of the World Court judgement by the present Senate in July, 2008.

#### **Ad Hoc Conference Diplomacy**

This is a temporary diplomatic format set up by states or organizations for specific purposes, and it terminates after the purpose might have been achieved. For example, the OAU's Apartheid Committee which Chief Olusegun Obasanjo was one time co- hairman, Eminent Persons Group on South Africa etc. As soon as apartheid was crushed in 1994, the ad hoc committees were disbanded.

#### **Personal Diplomacy**

This is a diplomatic style where the Head of State or the Foreign Affairs Minister side-tracks the permanent traditional structure for personal initiative. This entails diplomatic

shuttles and allies, traveling from one country to another for image laundering and other matters. Although journeys are usually in the company of staff of relevant ministries, the promises by the envoy are made out of his volition. General Yakubu Gowon and Chief Olusegun Obasanjo are the best examples in Nigeria. During one of the diplomatic shuttles Gowon promised to pay the salaries of Grenada civil servants for six months. The danger in this type of diplomacy is that the environment he visits easily influences a weaker leader. But for strong leaders it is difficult. This was why the expectations of the Nigerian Government were high that Margaret Thatcher's visit to Nigeria may influence her thinking over apartheid in South Africa. However, Nigeria miscalculated because Britain believes in following the traditional policy-making process.

### **Economic Diplomacy**

This is the means by which government influences and controls certain productive arms of government in concert with the private sector interest in the economies of other countries for her domestic benefit, which are economic and political. The concept dates back to 1580 when the policy of technical assistance was in vogue for the objective of promoting export markets. There is offensive economic diplomacy where a country in pursuit of its international relations, with its buoyant economy is not only ready to change the course of events and situations, but also has the capability to strike first at any instance when its national economic interest is at stake. This may entail the extension or denial of financial benefits, petroleum products, food supplies, the granting or denial or withdrawal of trade concessions, the establishment or disinvestment of foreign investment etc. Nigeria, for example, nationalized British Petroleum (BP) assets in Shell PDC on August 2, 1979 over the issue of Zimbabwe's independence. The Arab State's oil embargo of 1973 was to pressurize the Western World. The Monroe Doctrine, Marshal Economic Plan and Brezhnev Doctrine are other examples. There is also the Defensive Economic Diplomacy, where a country that is exploited and objectified reacts violently at its opponents and tries to force them out rather than succumb to servitude. A country may want to be a master of itself. For example, Japan, China, Cuba, Nicaragua, etc. put up struggles to sustain their sovereignty. There is also the need to restructure the existing international economic order.

## **CONCLUSION**

In this unit, we have studied the various types of diplomacy showing their strong and weak points. Thus we can agree that economic type of diplomacy is the most effective type of diplomacy a nation state can use to achieve its economic desire in international relations. However, it is important to note that economic diplomacy is only effective for a nation that is economically buoyant.

## **SUMMARY**

Types of diplomacy include: permanent traditional diplomacy, personal diplomacy, permanent conference diplomacy, multilateral diplomacy, parliamentary conference diplomacy, ad hoc conference diplomacy, revolutionary diplomacy and economic diplomacy.

## **TUTOR-MARKED ASSIGNMENT**

1. What is economic diplomacy?
2. Discuss the various types of diplomacy you have studied in this unit.
3. Evaluate the importance of personal diplomacy. What are the advantages?

## **REFERENCES/FURTHER READINGS**

Osita & Ngozi (2005). Diplomacy in Idachaba (ed.) *Introduction to International Studies*.

## **UNIT 2; DIPLOMATIC NOMENCLATURES**

### **INTRODUCTION**

The word diplomat has been used in a loose and rather general sense to include all members of the foreign services of all nations, and particularly those acting as chiefs of mission. However, not all diplomacy are carried out by diplomats. In a sense, every citizen of a state who travels to another country is a diplomat, sometimes not a very good or skillful one. In a professional sense, diplomats include two main groups: diplomatic officers and consular officers. All the diplomatic functions which have been described in unit 2 of this module are performed to a greater or lesser degree, by both groups, but generally speaking, diplomatic officials specialize in representation and negotiation, whereas consular official are particularly concerned with the protection of the interests of the national of their country. Reporting is an important function of both groups.

### **OBJECTIVES**

At the end of this unit, you should be able to:

- explain the administrative structures that make up diplomatic missions
- explain the hierarchies of diplomatic missions
- discuss the specification of functions that exist in foreign mission
- identify the links between foreign missions and foreign affairs.

### **Classification of Diplomats**

The success or otherwise of diplomacy in any nation state depend greatly upon the choice of its diplomatic officers, their abilities, and competence to discharge their duties accordingly. The designation of diplomatic officers to assist in implanting the foreign policy of a particular country started in March 17, 1815 during the Congress of Vienna and was later publicized in the supplementary rule of Congress of Aix-la-Chapelle on November 21, 1818. According to the supplementary of Congress of Aix-la-Chapelle, four distinctive categories of diplomatic officers were established thus:

- a. Ambassadors, Legates and Nuncios
- b. Envoys, Ministers or other persons accredited to sovereigns
- c. Minister's resident, accredited to sovereigns.
- d. Charges d'affairs, accredited to the ministers for foreign affairs.



The classification has helped governments of one country in accrediting an envoy to another country to actually indicate in brackets the class or category in accordance with the 1815 – 1818 classification. It should be noted that the privileges of diplomatic agents may be the same materially, but they differ in rank and honour, and are therefore treated separately. Ambassadors are personal representatives of the governments of their nation-states. The title of “*Excellency*” is attached to Ambassadors because, they can always ask for an audience from the President or the Head of Government of the state to which they are accredited. The Ministers and Envoys are not seen as personal representatives of their states because they cannot at all times ask for an audience with the president or head of state of the country to which they are accredited, hence, they do not enjoy all the special honour accorded the Ambassadors. Again, unlike ambassadors who receive the title of “*Excellency*” by right, ministers are accorded such title only by courtesy. Next to the above class of diplomatic officers, are Ministers’ Presidents who enjoy less honour and cannot be titled “*Excellency*” even by courtesy.

The next category is Charges d’affaires, who, unlike the others accredited from one Head of Government to another Head of Government, is usually accredited from one foreign office to another. Their level of honour is also lower. According to Article 2 of the Havana Convention of February 20, 1928, diplomatic officers can further be classified as ordinary and extraordinary. Those who represent the government of one country in another on permanent basis are classified as ordinary; and those who are fully entrusted with a special mission or accredited to represent the government of one country in international conferences and congresses or international organizations are classified as extraordinary. For purpose of classification, all the envoys accredited to a particular country constitute a body known as the “Diplomatic Corps” usually headed by the “Doyen” that is the oldest ambassador. The body acts as a watchdog over the rights, privileges and honours accorded envoys. The classes of diplomatic agents exchanged between two countries are usually agreed between the governments concerned. Customarily, agents of the same class are exchanged.

## **Diplomatic Personnel**

The title “*High Commission*” is the same thing as “Ambassador” The Ambassador/High Commissioner is referred to as the head of mission or principal representative. He has the responsibility for over-all execution of diplomatic functions. Thus, top positions in the diplomatic service are held by the chiefs of mission, most of whom have the rank of ambassador/high commission or minister. The various ranks of the diplomats who form the diplomatic hierarchy are still based on the rules agreed on at the Congress of Vienna in 1815. The number of ambassadors, the highest diplomatic officers, has greatly increased in recent years. The United States, for example, refused to appoint any ambassador until 1893, because it was felt that this title was too suggestive of monarchical diplomacy. Until very recently, the United States had more ministers than ambassadors abroad, but today there are only a few ministers in the American Foreign Service. Ambassadors and ministers together constitute only a fraction of the total number of diplomats, most of whom are career officials or non career specialists. Unlike the upper diplomatic hierarchy, there is no agreed basis for classifying all these lesser diplomats, but at least, three ranks are widely recognized. These are:

(1) counsellors of embassy or legation, who rank highest among diplomatic staff members;

(2) secretaries of an embassy or legation usually ranked as first, second and third secretaries, and attachés who may be junior career officers or non career persons serving in a diplomatic capacity on a temporary basis including- commercial, agricultural, military, naval, air petroleum, cultural, press, and other attaches. Within this generally accepted framework of Foreign Service each country has many distinctive features. In America the foreign service act of 1946 divided the American foreign service into five main categories:

(i) chiefs of mission divided into four classes for salary purposes;

(ii) foreign service officers, the elite corps of the American foreign service, divided into seven classes (a top category of career ministers, plus classes (i-vi),

(iii) foreign service reserve officers in six classes, who are assigned to the service on temporary basis (no more than four consecutive years); (iv) foreign service staff officers and employees, in 22 classes, who perform “technical, administrative, fiscal, clerical or

custodial” duties; and (v) Alien clerks and employees personnel of the United States foreign service nearly half of whom are alien employees number over 20,000 In the United Kingdom, a new diplomatic service, comprising some 6,400 civil servants was created in January 1, 1965, to absorb the personnel in the former Foreign Service, Commonwealth Service, and Trade Commission Service. This new service has its own grade structure, comparable to the grades of the administrative class, the executive class, and the clerical classes of the Home Civil service.

### **Diplomatic Duties**

The Ambassador of every country is the head of every diplomatic mission. He organizes reception parties for new envoys or other dignitaries to the country of his accreditation. He promotes understanding and friendly relations between his home and host country, through exhibition, reception and entertainment. He assigns representatives to other members of mission and co-ordinates their activities. He represents his country in important events in his country of accreditation and he is to do so with dignity by studying the local issues of the host country. He participates in negotiations or agreement between his country and host country and signs important agreement on behalf of his government. He fraternizes with other diplomatic representatives (ambassadors). In big missions, the next ranking officer is the minister; he is the deputy head of mission. In addition to having specific schedule of duties e.g. political, economic work, he assists the head of mission in supervising and co-coordinating the functions of other officers. In addition to specific functions assigned to them, diplomatic officers receive delegations from home and participate in their meeting with host authorities. They liaise with host ministry’s officials and organizations. They fraternize with other members of other diplomatic missions at their own level. They represent the head of mission at functions which he is unable to attend personally.

One key position worthy of mention is the Head of Chancery. In a small mission, he is usually the next ranking officer to the ambassador but in large missions, he will not necessarily be as there will be more senior officers in the mission. Among other things, the head of chancery is in charge of the entire administration and the finance of the embassy. He authorizes expenditures, signing cheque together with the finance attaché. He supervises the hiring, deployment and firing of local staff. He sees to the regular

submission of annual report to the head quarters. In small missions, it is the executive officer who is responsible for signing of cheque and consular matters.

### **Consular Duties and Personnel**

Consuls are part of the foreign service of a country. They often perform diplomatic as well as consular functions, but their duties are different from those of diplomatic service. They form a separate branch of the Foreign Service, even though diplomatic and consular officials are interchangeable in most foreign services at the present time. Historically, the consular service is older than the diplomatic service, since it is concerned largely with two general functions which were of importance long before the rise of the nation state system and the beginning of organized diplomacy. These functions pertain to commercial and business relations and to services to nationals. The specific duties under the first general function include many activities in the promotion of trade, periodical and special reports, replies to trade inquiries, settlement of trade dispute, certification of invoices of goods shipped to the country, the consular officially represents, enforcement of provisions of treaties of commerce and navigation, and of regulations regarding plant and animal quarantines, sanitation and disinfectants, protection and promotion of shipping, entrance and clearance of ships and aircraft and other duties related to international commerce. The second function refers to the varied work of consuls in many of the above respects but also to their work in helping nationals who live or are traveling to the country to which the consular is sent. These duties include welfare and whereabouts cases, funeral arrangements, and settlement of estates of nationals dying abroad; services to nationals who for any reason run foul of local authorities or violate the laws of the foreign country, protection and relief of seamen (a very special function) notaries services, services to veterans, and the like. Consuls are usually divided into five classes (i) consuls general (ii) consuls; (iii) vice consuls of carrier; (iv) vice consuls not of carrier; and (v) consular agents.

The first three classes are carrier Foreign Service officers who are assigned to duties as consuls general, consuls or vice consuls; the last two are non carrier officers, who may be promoted from the ranks of the clerical staff or who in the case of some consular agents, may not even be citizens of the country which they represent. Consuls general have

supervisory powers over a large consular district or several smaller districts but not necessarily over a whole country and over the consular officials within their area.

### **ASSESSMENT EXERCISE**

Explain administrative chains of diplomatic mission.

### **CONCLUSION**

The designation of diplomatic officers to assist in implementing the foreign policy of a particular country started in March 19, 1815 during the Congress of Vienna and was later publicized in the supplementary rule of the Congress of Aix-la-Chapelle on November 21, 1818 and according to the congress four distinctive categories of diplomatic officers were established.

### **SUMMARY**

In a professional sense, diplomatic missions include two main groups; diplomatic officers and consular officers. All the diplomatic functions are performed to a greater or lesser degree, by both groups, but generally speaking, diplomatic officials specialize in representation and negotiation, whereas consular officials are particularly concerned with the protection of the interests of the nationals of the country.

### **ASSIGNMENT**

1. Who is the head of diplomatic mission?
- 2 Briefly explain administrative chains of a diplomatic mission.
3. Write all you know about the duties of a consular officer.
4. Name the five classes of consuls and state their functions.

### **REFERENCES/FURTHER READINGS**

Satow and Stuart (1952). *American Diplomatic and Consular Practice*. (2nd ed.) New York: Appleton Century Crofts.

## **UNIT 3; DIPLOMATIC IMMUNITIES AND PRIVILEGES**

### **INTRODUCTION**

The broad outlines of customary international law regarding the privileges and immunities of diplomats, their property, premises and communication were established by the middle of 18th century. This features in the writings of such jurists like Motifegiu Voltel. Diplomatic immunities and privileges refer to exemptions from criminal, civil and fiscal jurisdiction of the receiving state as founded in the customary practice of many cultures. They enable ambassadors and their staff to act independent of any local pressures. Thus, it is very essential for the conduct of relations between sovereign states. They are given on the basis of reciprocity which have proved the most effective guarantee of observance. The modern law on diplomatic privileges and immunities is the Vienna Convention in diplomatic relation 1961. It represents a codification of customs and usages with regard to the treatment of diplomatic envoys. The preamble of the Convention says: “the purpose of the privileges is not to benefit individual but to ensure efficient performance of function of diplomatic missions as representing states”. However, customary international law continues to govern issues not expressly regulated by the convention. Articles 22 to 41 of the Convention deal with the privileges and immunities of diplomatic missions.

### **OBJECTIVES**

At the end of this unit, you should be able to:

- state some special attributes of diplomatic mission
- list some of the privileges and immunities as regards diplomatic envoys
- enumerate some of the rules concerning relations with envoys
- discuss the environment of diplomatic activities and relations with receiving states and governments.

### **Reasons for Immunities**

Certain privileges and immunities are extended to diplomats which are not granted to private citizens. The reason for this special status is largely of two folds:

- (i) diplomats are personal representatives of their heads of states and also in effect, if not in form, of their governments and hence of the people of their own countries;

(2) in order to carryout their duties satisfactorily, they must be free of certain restrictions which local laws would otherwise impose. Ordinarily they enjoy exemption from direct taxes and customs duties from the civil and criminal jurisdiction of the countries to which they are accredited, and in fact, from the laws of the foreign state in general. They themselves, their families, and the members of their staff are personally inviolable. Embassies and legations, with all furnishings and their archives, are regarded as part of the national territory of the states which diplomats represent and are therefore immune from molestation by officials of the states or the local governmental units in which the properties are usually located. The same rights and privileges were extended to officials of the League of Nations and delegates to it, and they are now similarly extended to the United Nations. Consuls are not generally accorded as many rights and privileges as diplomats, and their status is regulated more by agreements between governments or by courtesy privileges than by well established rules of international law. In certain instances, they are extended all the privileges and immunities of diplomats, usually when they perform diplomatic as well as consular functions. On the other hand, non carrier consuls receive few if any immunities. Almost invariably consular offices and archives are regarded as the property of the nations which the consuls represent and are therefore in a sense extra-territorial. Consuls are usually exempted from local taxes and customs duties but except for the giving of testimony in civil cases, they are customarily held to be subject to the laws of the state of their residence. There are, of course, many variations and exceptions to the generally recognized status of diplomatic and consular officials as here described. The Vienna Conventions 1961 and 1963, to which reference has already been made, constituted an effort to state the commonly accepted rules regarding the status of such officials, but even these conventions have not received universal acceptance. Moreover, cases are always arising in which diplomats and consuls are alleged to have abused their privileges or in which a state is alleged to have violated the immunities of these representatives or their residences. Some cases are relatively minor - as for example, traffic violations involving no injury to persons - but they may cause bad feeling on the part of local officials or the populace, or both, and even on the part of the government concerned. The United States granted full diplomatic privileges and immunities to United Nations officials and delegates over the protests of articulate groups

in country and in the congress. However, during the Cold War head centres for subversive and espionage activities, and there was considerable feelings that strong measures should be taken, including search of the premises if necessary, although this would have been impossible under existing agreements. According to international law, diplomatic and consular officials are strictly forbidden to engage in espionage.

### **Theoretical Bases of Immunities and Privileges**

There are three theories for the development of privileges and immunities. These are (a) the extraordinary territoriality, (b) representative character and (v) functional necessity theory

#### **a. Extraordinary Territoriality Theory**

This theory was propounded by Hugo Grotius who stated that by certain functions, ambassadors are in the place of those who send them, and as it were, this is extra-territorial. However, this theory has long since been discarded. Sir Cicil Hurst during a lecture in 1926 at Cape Academy of international law declared the theory as untrue and that it has been definitely repudiated by modern writers and court decisions.

**Court Decision:** In *Redwan v. Redwan*, an English Court rejected the extra-territoriality theory. Mr Justice Cumming Brusel ruled that Egyptian consulate in London was not part of Egypt and therefore the divorce obtained at the consulate was not obtained outside London.

Again in *R. v. Turnbull*, the Supreme Court quashed the argument by the defence counsel that an act against an embassy in a receiving country is a part of the sending country. He therefore held that, an embassy is not a part of the territory of the sending state.

#### **b. Representative Character Theory**

This theory predicates that the privileges and immunities enjoyed by diplomatic agents is on the conception that diplomatic mission personifies the sending state. Thus, an ambassador is accorded the same degree of immunities and privileges in his country of accreditation as are due to the sovereign he represents.

#### **c. Functional Necessity Theory**

This theory justifies the provision of privileges and immunities on the ground that they are necessary to enable the diplomatic mission to perform its function. The International Law Commission stated in its 1958 report that in considering the draft of the Vienna



Convention, it was guided by the functional necessity theory, while also bearing in mind the representative character of the ambassador and the mission itself.

### **Provisions of the Vienna Convention on Diplomatic Immunities and Privileges**

Articles 22 to 41 of the convention deal with privileges and immunities of diplomatic missions. Article 22 (i) states that the premises of the mission shall be inviolable; the agents of the receiving states may not enter them except with the consent of the head of mission. Article 22 (2) states the receiving state is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impendent of its dignity. However, in Satow's view, the appropriate steps used in the context imply that the extent of protection must be proportionate to any perceived danger. The judgment of the International Court of Justice in the US diplomatic and consular staff in Iran case in 1980 is relevant here (upheld the principle of inviolability of missions). The issue of inviolability of diplomatic premises also arose in 1984, when shots were fired from Libyan People's Bureau in London at demonstrators outside the bureau killing a female police officer. The British government refrained from authorizing entry into the premises of the Libyan mission, instead it asked for the recall of the staff of the Bureau, and thus complying strictly with the principle laid down by International Court of Justice. Article 23 exempts the premises of the mission from all taxes except for the services rendered like water bills, light bills etc. Article 24 states that diplomatic archives and documents must not be searched even on transient. Closely related to this is article 27 which prohibits the opening or detention of diplomatic bags by host authorities. Such bags must be clearly marked as diplomatic bag and should contain only official documents and articles. Article 26 enjoins receiving states to grant the diplomats the freedom of movement in his territory except zones regarded as security zones. Article 29 accords inviolability to the persons of a diplomat. The host state must treat him with due respect and protect him. The host state shall take all appropriate steps to protect him from danger or attack. Appropriate steps used in this concept do not mean surrendering to kidnappers. Ambassador Count Von Spreti was kidnapped in 1970. The kidnappers requested for a ransom which the government refused and he was consequently murdered. Article 30 confers inviolability and protection also on private residence of a diplomat. Under article

31, a diplomatic agent shall enjoy immunity from criminal, civil and administrative jurisdiction of the receiving state, except in respect of actions relating to private immovable property, succession matter, and action relating to private professional or commercial activity.

The immunity of a diplomat may be waived. The waiver must be in writing. It can also happen when the embassy institutes an action; the immunity of the diplomat to testify can be waived only for the period of the case. Diplomats are also exempted from all taxes and custom duties even for good which he imports into the country for his personal use. Article 41 enjoins all diplomats to respect the laws and regulations of the receiving state. They must not interfere in internal affairs of the receiving state. They must obey all the laws e.g. they must insure their cars. In *Dickinson v. Delsolan*, an insurance company refused to pay for a car damaged by a diplomat on the ground that the diplomat enjoys immunity, the court held the company liable. Article 41(3) states that the premises of a diplomatic mission must not be used in any manner incompatible with the functions of the mission. Dena is of the view that in the last resort, a receiving state which is sufficiently sure of evidence of abuse should risk a violation, if it believes its essential security is at risk. In 1973, the Iraq Ambassador was called to the Pakistan foreign ministry and told that arms were being brought into Pakistan under diplomatic immunity and that there was evidence that they were being stored at the Embassy of Iraq. The Ambassador refused permission for a search, in the presence of the ambassador, a raid was conducted on the embassy by armed police men who found huge consignment of arms stored in crates. The Pakistan government sent a strong protest to the Iraq government and declared the Iraq Ambassador *persona non grata* (*an undesirable person*) and recalled their own Ambassador in Iraq. Article 42 prohibits the involvement of a diplomatic agent in professional or commercial activity.

### **ASSESSMENT EXERCISE**

Critically examine the importance of immunities and privileges.

### **CONCLUSION**

Diplomatic envoys enjoy certain privileges and immunities which are not granted to private citizens. This is because; diplomats are personal representatives of their heads of states and also the government and peoples of their country. Secondly, in order to carry

out their duties satisfactorily and efficiently, they must be free of certain restrictions which local laws would otherwise impose. These immunities and privileges are contained in the 1963 Vienna Convention.

### **SUMMARY**

The broad outlines of customary international law regarding the privileges and immunities of diplomats, their property, premises and communication were established by the middle of 18th century. These feature in the writings of such jurists like Montequi Voltel. However, the modern law on diplomatic privileges and immunities is the Vienna Convention of 1961. Articles 22 to 41 of the Convention specify these immunities and conventions.

### **ASSIGNMENT**

- 1.a. What do you understand by diplomatic immunities and privileges?
- b. Can diplomat immunities/privileges be waved?
2. State the theories of diplomatic immunities and privileges you have studied.

### **REFERENCES/FURTHER READINGS**

Vienna Conventions on Diplomatic Relations, 1961. Nicolson, Harold (1963). *Diplomacy*, (3rd ed). New York: Oxford University Press.

## **UNIT 4; BREACH OF DIPLOMATIC RELATIONS**

### **INTRODUCTION**

The beginning of a diplomatic mission starts immediately when the letters of credence are presented to the head of the receiving state. This continues as long as the head of the sending and receiving states maintain their relationships. In contemporary periods, all foreign officers must be prepared, as far as the complex nature of international relations is concerned, to face unexpected situations where they may have to terminate overnight the diplomatic mission in the receiving state. According to International Convention and Pan American Convention signed in Havana on February 20, 1928 and reinforced under Vienna Convention on diplomatic relations signed in 1961, a diplomatic mission can be terminated under the reasons mentioned in Article 25 of the Pan American Convention.

### **OBJECTIVES**

At the end of this unit, you should be able to:

- discuss the meaning and effects of declaring a diplomat *persona non grata*
- discuss modalities involved in severing diplomatic relations between two countries
- list some issues that can result in breaching of diplomatic relations between nations.

### **The Meaning of Diplomatic Breach**

A breach of diplomatic relations is usually announced unilaterally. It indicates a strong objection by governments to an action by another government. This step does not necessarily imply an intention of going to war. Since the Second World War, there have been instances of the formal break of diplomatic relations. During the Anglo/Iranian disputes of 1951, Iran broke relations with the United Kingdom and resumption took place in December 1952. Also in 1956, Saudi Arabia broke diplomatic relations with Britain and France over the Suez crises. The relations were not restored until 1962. The conduct objected to, is most usually felt to be directly injurious to the state breaking relations. However, relations may also be broken as a protest against a policy of the other state in a matter of general concern. In 1965, for example, some African States severed relations with the United Kingdom because of resentment over the United Kingdom's handling of Rhodesia's unilateral declaration of independence. In 1961, Nigeria broke off diplomatic and commercial relations with France in protest against France's test of atomic bomb in Sahara desert. Breach of diplomatic relations does not mean total

stoppage of transactions between the countries concerned. Arrangements are usually made for opposing interests to be looked into by a third party. For example, when diplomatic relations between Egypt and United States of America broke down in 1967, at the beginning of the war between Israel and Arab States, the handling of American interests in Egypt was taken over by the Spanish embassy in Cairo while the Indian Embassy assumed same for Egypt in Washington D.C. A recent development is the opening of the countries interest section in another embassy when there is rupture in diplomatic relations. Fore example, when France broke off diplomatic relations with the United Kingdom in 1976, a British interest section of French Embassy in Regkjuvan was established, consisting of all the members of the former United Kingdom embassy except the Ambassador and they carried on business as usual.

### **Persona Non Grata**

The process by which an ambassador and other diplomatic agents who is personally unacceptable to the receiving state are removed has been known under various descriptions; such as expulsion, request or recall. The modern procedure is known as persona non grata. In Article 9 of Vienna Convention on diplomatic relations of 1961, it is stated that the receiving state may, at any time without having to explain its decision, notify the sending state, that the head of mission or any member of the diplomatic staff of the mission is persona non grata. In any such case, the sending state shall as appropriate either recall the person concerned or terminate his function with the mission. Article 9(2) states that if the sending state refuses or fails within a reasonable period to carry out its obligation under paragraph one of this Article, the receiving state may refuse to recognize the person concerned as a member of the mission. In most cases, the reasons for declaring a diplomat persona non grata are known to both receiving and sending states. But they are discussed in diplomatic correspondence. The diplomat may have committed a serious offence. For example, forgery, it may be interference in the receiving states internal affairs, or he may have caused offence by his personal manner, attitude. One of the most dramatic cases of persona non grata occurred in 1971, when the British government asked for the withdrawal of 105 Soviet diplomats within two weeks. In 1976, the Libyan Ambassador to Egypt was declared persona non grata for distributing pamphlets hostile to the late President Sadat of Egypt. Also in 1976, the North Korean Ambassador and his

six staff were expelled from Denmark for smuggling and illegal sale of alcohol, cigarette and drugs. The actions of the diplomats amounted to abuse of diplomatic privileges. Another case occurred in Nigeria, when Nigeria asked the British Government to recall her Ambassador in Nigeria, Sir Lequeste, sequel to his acts of insensitivity following the assassination of General Murtala Mohammed in February 1976.

### **Termination of Diplomatic Mission**

According to international convention and Pan American Convention reinforced under the Vienna Convention on diplomatic relations of 1961, a diplomatic mission or agent can be terminated for the following reasons mentioned in Article 25 of the Pan American Convention.

- a. By the official notification of the officer's government that the officer has terminated his functions,
- b. By the expiration of the period fixed for the completion of the mission
- c. By the solution of the matter, if the mission had been created for a particular question;
- d. By the delivery of passports to the officer by the government to which he is accredited;
- e. By the request for his passports made by the diplomatic officer to the government to which he is accredited.

Again, according to Article 43 of the Vienna Convention on diplomatic relations, the functions of a diplomatic agent can be terminated on: e. Notification by the sending state to the receiving state that the function of the diplomatic agent has come to an end, f. On notification by the receiving state to the sending state that in accordance with paragraph 2 of Article 9, it refuses to recognize the diplomatic agent as a member of the mission. In the same Vienna Convention, Article 44, stated that: "the receiving state must, even in case of armed conflict, grant facilities in order to enable persons enjoying privileges and immunities, other than nationals of the receiving state and members of the families of such person irrespective of their nationality, to leave at the earliest possible moment. It must, in particular, in case of need place at their disposal the necessary means of transport for themselves and for their property". Once a notification is given by both the sending state and receiving state, regarding the termination of a diplomatic mission, the diplomatic officer adopts a formal procedure to leave the receiving state. In a normal situation (in the absence of war, hostility or diplomatic rapture between the two states),

the formal procedure is to request the head of the receiving state to grant him a farewell audience. The importance of granting farewell audience is to cordially send the diplomatic officer back to sending state in accordance with the dignity and status accorded to the two states.

In the farewell audience granted by the head of the receiving state, a formal exchange of greetings between the two countries will be made. The head of the receiving state on receipt of the letter of recall will grant “re-credential” and in the process register his satisfaction on the official conduct of the diplomatic officer and possibly regrets for his departure. There are two methods of termination of a diplomatic mission – recall and dismissal. In terminating diplomatic mission through recall, the receiving state will have to wait for the orders of the sending state recalling the diplomatic officer. But in dismissal without notice, which is done in cases of a serious character which endanger the safety and security of the receiving state, or which are so flagrant that the stay of the envoy on the territory is fatal and undesirable in the interest of the receiving state” Murty (1968:96), there is no procedure adopted, it is the duty of the sending state to make immediate arrangements for the termination of the diplomats stay in the receiving state. Articles 45 and 46 of the Vienna Convention on diplomatic relations have made enough provisions for the temporary protection of the interests of the diplomatic agent, officer, his family, property as well as other members of the mission in case there is a termination of diplomatic relations between two sovereign states.

## **CONCLUSION**

The primary objective of diplomacy is to achieve settlement of disputes as much as possible by negotiation through peaceful means, and hence, it is expected that every nation state should attempt to pay needed attention to the interests of peace, and if need be should sub serve their national interests to international peace, instead of breaking off diplomatic relations between states. This can only be realized by appointing born diplomats with best diplomatic qualities instead of those who just acquire the status.

## **SUMMARY**

The breach of diplomatic relations may result from either the formal request of the receiving state for political reason or for reasons of gross misconduct of the diplomat, or due to his activities endangering the safety and security of the receiving state. Recalls

may also be affected due to dissatisfaction of the sending state in regard to the performance of the diplomat in the receiving state or misunderstanding between the two states.

### **ASSIGNMENT**

1. Enumerate the characteristics of a good diplomat.
2. What is the effect of declaring a diplomat “persona non grata”?
3. What reasons can you use to justify the breach of diplomatic relations?
4. Under what circumstances may a diplomatic mission be terminated?

### **REFERENCES/FURTHER READINGS**

Nicolson, Harold (1956). *The Evolution of Diplomatic Method*. New York: Oxford University Press.

Adam, Watson (1984). *Diplomacy: The Dialogue between States*. London: Methven.



## **CHAPTER 4 ; DIPLOMACY IN A CHANGING WORLD**

### **UNIT 1 DIPLOMACY AT THE UNITED NATIONS**

#### **INTRODUCTION**

The United Nations being an association of sovereign countries in which the members are pledged under a charter to work for certain common ends, cannot be a place for the exercise of diplomacy in the classical sense – the conduct of business between states on a basis of national interest.

The conception at the root of this world organization is that members far from using it as a place to further their national interests, should subordinate those interests to the attainment of certain ends assumed to be in the common interests of all - peace with justice, development of friendly relations among peoples and the promotion of the social and economic advancement of peoples. In theory, members should all be outbidding each other for these ends, but the practice has fallen short of the theory and it is in fact true to say that at present, diplomacy in the classical sense is commonly practiced at the United Nations. In another sense, diplomacy is defined as the practice of solving international disputes by peaceful rather than warlike means that is by the methods of negotiation and conciliation. Diplomacy in this sense is a proper international activity at the United Nations and indeed an activity basic to the purposes laid down in the Charter. Although, much genuine effort is devoted to utilizing the great potential of the United Nations for negotiation and conciliation, and the results have been encouraging, the other practice – utilization of the United Nations for national interests – has been followed by many member states, to the detriment of the practice of negotiation and conciliation and of the operation of the organization as a whole.

#### **OBJECTIVES**

At the end of this unit, you should be able to:

- explain the organization of the UN
- discuss ways the world body is being misused by the powerful nations
- distinguish between open and private diplomacy
- list the main functions of the UN in diplomatic relations among nation states.

#### **The Nature of United Nations**

The complexities of the international activity pursued at the United Nations are derived from the nature of the organization itself. The United Nations is a free association of sovereign countries. Containing as it does 82 members; it now comes near to representing the totality of the countries of the world with their many diverse traditions, institutions and interests. It is not a condition or an alliance with specific and binding conditions. This of course is how it differs fundamentally from other international organization such as the North Atlantic Treaty Alliance where certain nations have joined together for well defined common objectives and where decisions can be made and are taken in the common interest. If the United Nations functioned with theoretical perfection and all its members conducted their international affairs through the United Nations, and subordinated their national interests to the requirements of the UN Charter, there would be no need for such other regional organizations. But this postulates an ideal, friction-free world, and the framers of the charter themselves recognized, in Article 51 and 52, the justification of such collective security arrangements in present conditions. In practice, the United Nations has not developed as the United States who conceived the project, planned and hoped. The plan and hope was that it would provide an international forum in which all members would co-operate for the common ends. Difficulties have arisen from a number of factors, in the forefront of which must be placed the way the most powerful nations have treated the United Nations as place for the promotion of their national interests. There have been the distortions of the aims of the charter in favour of anti-colonialism and ultra-nationalism which has complicated the task of the so-called colonial powers in making the contribution which they wish to make for the purposes of the charter. And finally, there has developed a double-standard of behaviour as applied to different parts of the world. Despite all these complications, the United Nations has made and is making an essential contribution to international peace and stability, but in order to understand how it really work and how diplomatic activity is conducted at the United Nations, it is essential to prove that the task of international diplomacy is complicated by the factors enumerated.

## **Misuse of the United Nations**

The difficulties with world powerful nations, as reflected at the United Nations, have arisen from the fact that these major members have blocked so many serious efforts to deal with world problems and lately have even exploited the organization as a vehicle for their own national ambitions. This has caused the democratic world to spend much time and effort in circumventing and countering these tactics. This has been a major task for diplomacy and has complicated efforts to move towards the objectives which the founders of the United Nations had in mind. Perhaps, the greatest damage to the effectiveness of the organization has resulted from the behaviour of the permanent members in the Security Council, where they have the veto. The Security Council was intended to be an executive arm with major responsibility for peace and security. The Security Council has been gravely handicapped in this role by the misuse of the veto power by the permanent members in order to frustrate some moves genuinely designed to preserve peace and security, or to promote some particular national aim of their own. In the wider forum provided by the General Assembly during its annual three months session, much time has been wasted and useful initiatives has come to nothing owing to the propagandist use to which these meetings were turned to especially during the Cold War era. The Soviet line was to play on the fear of war, using the slogan of peaceful co-existence, and presenting themselves as the true apostles of peace and progress and the western powers as aggressive trouble-makers and imperialists. Opportunities were not lost to intensify this propaganda effort by capitalizing their remarkable advances in science and by alternating peace propaganda with intimidation. With the end of cold war and the demise of the Soviet Union, United States of America has turned itself into the policeman of the world using the United Nations as an instrument to actualize its national interest. There is hardly any distinction now between US decisions and the decisions of the Security Council. In the United Nations, the task is not only to counter this kind of propaganda but in spite of it to create and maintain conditions favorable to conciliation and agreement. This requires considerable effort and unremitting patience. Conciliation and agreement is indeed the main function of the United Nations. Until the international situation improves to the extent of the major countries especially the permanent members of the Security Council working together and the United Nations being given executive

power for the collective security, the belief i.e. that more emphasis should be laid than at present on the main functions of the United Nations, a world forum and clearing house for ideas, a place where countries are influenced by the opinions of other countries and by world opinion, a center where foreign representatives can meet, talk quietly and get to know each other. The General Assembly was conceived by the founders of UN as having that function, while the Security Council was to be primarily the organ concerning itself with matters of peace and security. There is a real danger in attributing to the General Assembly executive attributes which properly belong to the Security Council. The world with its hundreds of separate nations is not a unity, but diversity. It is diverse by race, creed and national interests. The United Nations, being an association of sovereign nations cannot do more than reflect the sum total of international relations as they actually exist. At present, there are cleavages of varying depths between the nations, and these cleavages inevitably are reflected in the United Nations. It would be a self-delusion to postulate a unity that does not exist and to entrust to the United Nations as it stands the powers of world executive. The goal is that degree of the world unity which will ensure cooperation instead of rivalry. This should be furthered by recognizing the United Nations as it is with its present limitations. By understanding its immense potentialities we shall reduce the differences that divide the nations of the world today.

### **Open Debate and Private Diplomacy**

These are less clear-cut issues where strains are liable to arise for friendships within the free world when a matter is raised in the United Nations. The difficulties arise largely from the simple fact that they are raised in the United Nations. The United Nations proceedings are public and its decisions are taken by voting. This has value when some broad issues of international concern are being debated. But when it is a specific issue affecting the vital interests of a major power, this open procedure can prove awkward. A problem which might be solved by the old fashioned methods, of private non publicized diplomacy, often becomes intractable when debated in the United Nations. A relatively minor problem becomes magnified out of proportion to its true importance owing to the clash of differing views in the debate at the United Nations. But private diplomacy is not unfashionable; it has come to be regarded as positively immoral. This is perhaps because private diplomacy smells of secret diplomacy, and secret diplomacy in the popular mind

is plotting behind people's backs. Yet "open covenants privately arrived at" is often the best method of agreement. Covenants are often not arrived at all if they have to be reached through the medium of public debate. The moral for diplomacy at the United Nations is more restraint in advocating the treatment of thorny questions in public debate and greater use of the many alternative media available in the flexible organization of the United Nations. Nonetheless, private diplomacy is quietly and regularly pursued at the United Nations as well as diplomacy by public debate. The experience is that a preliminary phase of such behind the scenes preparation for the public debate in the council, committee or plenary, is normally the best way of reaching a good result. The helpful role of the Secretary-General in this kind of activity is of very great value. But the view of the majority of the United Nations seems to be that freedom of public discussion must be untrammelled and that every matter is debatable at the United Nations if a member government wishes to bring it up. However, I suggest that the United Nations should be rather more selective in its choice of matters to discuss. It should consider carefully whether discussion of a particular problem brought before it by a member nation is going to be helpful to the finding of a peaceful solution or whether discussion is against the terms of the charter itself and is just going to give one of member nations a chance to make propaganda against another group. It would be foolish not to recognize that discussion of some problems at the United Nations may actually hinder the interests of peace and stability in the area concerned. An incidental result of indiscriminate discussion at the United Nations is that a strain differing positions have to be advertised publicly on questions which would otherwise never have been raised in public at all. The tradition of private diplomacy between individual states was a tradition of mutual respect. This was not merely because its practitioners believed in mutual respect as a virtue in itself; they also found that it helped them to bring their business to a successful result. When diplomacy becomes public, this respect is harder to achieve. If every time a diplomat shakes hands with his rival or opponent a photograph of the event appears in the next day's paper with a political implication, then he may decide that it is safer not to shake hands. If an impolite speech wins bigger headlines than a polite speech, there is obviously a temptation to make it. But it is still true that mutual respect is a valuable adjunct to diplomacy. It is indeed essential in the give and take to multilateral diplomacy

in a universal organization, which by its very nature is designed to further, not the interests of individual countries, but the common interests of all. These differences are accentuated by the procedure in the United Nations – unavoidable in public debate, of expressing an opinion by a vote. A vote can be for, or against, or an abstention. If for example, the United Kingdom votes for and the United States against, this advertises a serious difference. If one votes for or against and the other abstain, it is clear to the world that some differences exist.

I do not however, take a negative line about public discussion at the United Nations. In a world in which public opinion strongly influences the shaping of policy by governments, discussions at the United Nations can be an immensely influential force even if it produces no immediate definite decisions. If this force of public opinion is used selectively, it can be extremely valuable in bringing the pressure of world public opinion to bear when it is needed.

#### **ASSESSMENT EXERCISE**

Examine the contributions of open debate and private diplomacy in ensuring world peace and security.

#### **CONCLUSION**

The United Nations will make its best contribution in ensuring international peace and security by running its affairs in accordance with the structure laid down at San Francisco in 1945, which provides a flexible balance between the major organs of the organization. Thus, there is the need to develop certain techniques to respond to the unsettled state of international relationship and the peculiar condition of an all nation open forum. In any worthwhile diplomatic activity, there are three stages viz: (i) appraisal of the facts of the case, (ii) determination of best course to pursue and (iii) a conclusion which is widely acceptable as possible not only to governments but also to world opinion. It often occurs at the United Nations that these processes, essential for a good result, are either ignored or become bedeviled by emotion or propaganda. The would be cure is then worse than the disease. When the emotions rule, the true purposes of the UN are liable to be lost sight of, and international diplomacy becomes diplomacy by slogan. The actions cannot be harmonized by plans for peace at any price or denunciations. The result is rather to increase international tension and embitter, not improve relations between peoples.

## **SUMMARY**

The basic function of the rather special kind of diplomacy which operates in a universal organization whose proceedings take place in public, is to arrange that the problems which come within its purview are dealt with by the methods most likely to conciliate the diverse interests involved and most conducive to agreement; diplomacy by patience and planning and not diplomacy by slogan, diplomacy based on genuine regard for the charter as a whole and not diplomacy that picks and chooses according to the tactical advantage of the moment. If the nations can work out a generally acceptable diplomatic approach on these lines at the United Nations, there is hope to develop peaceful methods of resolving disputes and promote understanding between peoples at a moment in a world history when it has never been so important to find an alternative to agitation and strife.

## **ASSIGNMENT**

1. Compare and Contrast open debate and private diplomacy
2. What are the advantages of open debates?
3. Explain the nature of the United Nations.
4. What are the factors contributing to the misuse of the United Nation?

## **REFERENCES/FURTHER READINGS**

Hamilton and Langhorne (1995). *The Practice of Diplomacy*. (Canada: Routledge Publishers).

## **UNIT 2; THE CHANGING NATURE OF DIPLOMACY**

### **INTRODUCTION**

Diplomacy is often thought of as being concerned with peaceful activity, although it may occur for example within war or armed conflict or be used in the orchestration of particular acts of violence, such as over flight clearance of an air strike. The blurring of the line, in fact between diplomatic activity and violence is one of the developments of note distinguishing modern diplomacy. The point can be made more generally too, in terms of the widening content of diplomacy. At one level, the changes in the substantive form of diplomacy are reflected in terms such as dollar diplomacy, oil diplomacy, resource diplomacy, atomic diplomacy and global governance diplomacy. Certainly what constitutes diplomacy today goes beyond the sometimes rather narrow politico-strategic conception given to the term. Nor is it appropriate to view diplomacy in a restrictive or formal sense as being the preserve of foreign ministries and diplomatic service personnel. Rather diplomacy is undertaken by officials from a wide range of domestic ministries or agencies with their foreign counterparts, reflecting its technical content, between officials from different international organizations such as International Monetary Fund (IMF) and the United Nations (UN) Secretariat, or involves foreign corporations and a host of government transnational and with or through nongovernmental organizations and private individuals. In this unit, we are concerned with discussing some of the main changes which have taken place in diplomacy since the ending of nineteenth century which is the starting-point for the overall study.

### **OBJECTIVES**

At the end of this unit, you should be able to:

- explain the changes that have taken place in diplomacy within the period under study
- identify the modern players in diplomacy
- discuss Diplomatic Setting
- analyze the content of modern diplomacy

### **Developmental Changes in Diplomacy**

In discussing the development of diplomacy an over-view of the period will help to give some perspective in which to consider certain of the major changes which have taken place. Harold Nicholson's analysis, written in 1961 in foreign affairs on the theme



“Diplomacy then and now” is coloured especially by the impact of the cold war, the intrusion of ideological conflict into diplomacy and its effect on explanation, and the transformation from the small international elite in old style diplomacy to a new or democratic conception of international relations requiring public explanation and open diplomacy despite its growing complexity. A further striking change for Nicholson was in values, especially in the loss of relations based on creation of confidence and the acquisition of credit. Writing shortly after Nicholson, Livingston Merchant noted the decline in the decision-making power of the ambassador but the widening of his area of competence through economic and commercial diplomacy, the greater use of personal diplomacy and the burden created by multilateral diplomacy, with its accompanying growth in the use of specialists. Writing at the same time, Panger additionally drew attention to methods, commenting on the volume of visits and increases in the number of treaties. Adam Watson in reviewing diplomacy and the nature of diplomatic dialogue noted the wide range of ministries involved in diplomacy, the corresponding decline in the influence of foreign minister, the increase in the direct involvement of heads of government in the details of foreign policy and diplomacy and the growth in the importance of the news media.

### **Diplomatic Setting**

The continued expansion of the international community after 1945 has been one of the major factors shaping a number of features of modern diplomacy. The diplomatic community of some forty-odd states which fashioned the new post-war international institution – the United Nations, had tripled in less than a quarter of a century. A third phase of expansion occurred after 1989 with the break-up of the former Soviet Union and Yugoslavia. The expansion in membership has affected diplomatic styles and altered the balance of voting power within the UN General Assembly. The growth in number of states, and hence interests and perspectives has continuously fashioned the agenda of issues addressed by the Assembly. This has led to the emergence of UN Conference Management styles, lobbying and corridor diplomacy. Other features such as the institutionalization within the UN of G – 77, have also had a significant influence on the development of the way in which diplomacy is conducted within the UN. Another important effect of expanded membership has been the entry into force of conventions. For

example, the entry into force of the 1982 Law of The Sea Convention was triggered by smaller members of the UN, such as Honduras, St. Vincent, and eventually Guyana in November 1993 without ratification or accession at that time by the major powers. Although the possibility of conventions entering into force without the participation of major players remains in some instances, e.g. The Montreal Protocol on Ozone Depleting Substances. Thresholds or specific barriers to entry into force have been created in some agreements. The continued development of regional multilateral diplomacy further distinguishes diplomacy from the 1960s onwards. Most regional groupings are economically based. As an illustration of economically based institutions, the Association of South-East Asian Nations (ASEAN) is an interesting example of a regional institution which has remained essentially concerned in its diplomacy with economic issues rather than expanding into defence during the Cold War period. The end of the Cold War by 1990 – 91 created opportunities for the extension of ASEAN's regional diplomacy vis-à-vis other South-East Asian States.

### **Modern Players in Diplomacy**

In the first instance, a marked change of modern diplomacy is the enhanced role of personal diplomacy by the head of state or government. Frequently, such initiatives are at the expense of the local ambassador, who might have only a limited formal involvement, for example in special summits. However, it can be argued that whilst the importance of political reporting, part of traditional diplomacy has been eroded by developments in communications, the decline of the role of ambassador is overstated. The role remains important in terms of explanation of policy at crucial moments, political assessments, involvement in economic and trade work, and participation from time to time in international conference. Secondly, the growth of post-war multilateral diplomacy has seen periodic involvement in external relation; such as industry, aviation, environment, shipping, customs, health, education and sport. The task for the foreign ministry is to establish in effect a lead position or otherwise co-ordinate both the formulation and implementation of international agreements. This is particularly important in technical agreement where choice of presentation, drafting of instructions and follow-up post conference are especially important. Furthermore, non-state actors have proliferated in number and type, ranging from traditional economic interest groups through to resource,

environmental, humanitarian, criminal and global governance interest. In some instances, non governmental organizations are closely linked to official administrations, while others are transnational linked. Above all, the institutionalization of non-governmental organization in the diplomatic process especially in multilateral conferences has become an important distinguishing feature of recent diplomacy.

### **Contents of Modern Diplomacy**

One of the most striking aspects of post-war diplomacy is the rapid growth in volume of diplomatic activity since the end of 1960s. To a large extent, this has come about because of the expansion of multilateral and regional diplomacy much of it economic or resource related. At a national level, the changes in volume can be seen, for example, in United States diplomatic practice, it annually now concludes over 160 treaties, and 3,500 executive agreements. The broadening of the international agenda especially since the 1970s into issues concerning trade, technology transfer, aviation, human rights, and transnational environmental and sustainable development questions have continued with the increasing addition of novel or revived threats. Examples of the latter include global sea level rise, stratospheric ozone depletion, environmental sabotage, money laundering, and refugee dumping, transnational stock exchange fraud and block market nuclear materials trade. Underlying the expanded diplomatic agenda are a range of issues concerning the relationship between domestic and external policy, sovereignty and adequacy of agreements and arrangements at bilateral, regional, international or global level.

### **New Diplomatic Process**

The use of consensus decision making in international conferences rather than unanimity or majority voting is a marked feature of multilateral conference diplomacy. The consensus has significantly influenced both the processes and types of outcomes of multilateral negotiations. Consensus decision-making tends to produce frenetic, final phase negotiations, framework type of agreements and excessively qualified obligation. Changes in the processes of multilateral conferences, since 1990, have been influenced by several other factors. The break-up of the Soviet Union has meant the end of special voting and other provision for the socialist block in multilateral conferences, and led to new disputes over categories of countries. The G-77 has opposed any additional

provision for the so-called ex-socialist countries in transition, arguing that G-77 members are also developing economies in transition. A second notable factor is the difficulty the G-77 has experienced in developing new economic ideologies in a highly fractionalized and unstable international system, which has lost one of its key defining structural features the East-West division. The division acted as a kind of reference point for not only the Non-Aligned Movement (NAM), but also the G-77 itself. Thirdly, multilateral conferences have been distinguished by fewer group sponsored resolution and changes in implementation procedures. The trend of informality in conferences is directly linked to the decline of blocs or large groupings, growing individuality of states, especially in technical negotiations, and ad hoc or shifting coalitions of interests. A noted exception to the decline of blocs is the EU. One of the important effects of EU enlargement is to largely take out of play Sweden, Austria and Finland, who as non-EU members performed active roles in multilateral conferences, as conference officers, chairing working groups, drafting and brokering roles. A further exception is the continued use within the UN systems of politico-geographical groupings for the election of conference officers and heads of organizations, (e.g. World Trade Organization (WTO), World Health Organization (WHO)). The election particularly has become a source of enhanced dispute as states seek access and control of strategic multilateral institutions. International agreements have been influenced by two other important factors; the decline in the role of international law commission in preparing treaties and the growing use at a global level of soft law instruments such as Action Plans and framework agreements, influenced by the international and regional practice of UN specialized agencies such as United Nations Environmental Organization (UNEP), United Nations Conference on Trade and Development (UNCTAD).

### **The Implications of the Changes in Diplomacy**

The expansion of the international community which started by last century has affected style, procedures and substance of diplomacy. By early 1960s, there were still fewer than 100 independent states, although this rose from 159 by 1985 to 190 by 1996. It has necessarily brought divergent regimes and ideologies. Rather than diminishing, the ideological element has, if anything increased. It necessarily raises the question; can diplomacy in a broad sense cope with these changes? Apart from the East-West

dimensions, numerous national as well as wider ideologies have been introduced, such as those on economic kind associated with North-South relations, which demand economic redistribution and the transfer of technology. Although, these demands were partly diverted in the 1980s into the promotion of South-South relations between developing countries, they nevertheless remained as a marked feature of the diplomatic setting of economic confrontation. Furthermore, diplomatic methods have undergone profound changes in the past decade than in any other period of diplomatic relations. The decline of East-West type summit diplomacy during the 1980s, though not absolute since the formal could be revived, was a direct function of the internal weakness of the Russian Federation. On the other hand, the loss of significance of global North-South negotiating structures, particularly the demise of United Nations Conferences on Trade and Development (UNCTAD) has shifted the arena of North-South conflict into the World Trade Organization (WTO). In terms of international security, diplomatic methods have been above all distinguished by multiple and competing security agencies such as NATO, UN and EU. International agreements have become increasingly informal, accompanied correspondingly by unilateral actions. An important new strand in modern diplomacy is the so-called governance diplomacy, involving four elements. These include ad hoc global conferences e.g. Habitat II, follow-up environment conferences, UN domestic security operations, and global co-coordinating institutions such as the Commission on Sustainable Development. Finally, the development of governance diplomacy has been accompanied by increasing conflict between international institutions over responsibility and budgetary control of this form of diplomacy. Apart from this, the growth of state and other actors in the international community is reflected in the policies of sub-national actors which are projected often violently, on to the international arena.

## **CONCLUSION**

The procedures of diplomacy have undergone several important changes, particularly in terms of the effects of the demise or decline of traditional blocs, the emergence of shifting or temporary conditions in multilateral diplomacy and the extensive use of informal, interim and short-term arrangements.

## **SUMMARY**

The agenda of diplomacy in terms of the volume of bilateral and multilateral meetings, and the range of issue areas has continued to undergo considerable expansion during a period of uncertainty over the role and functions of established international institutions, alliances and other arrangements.

## **ASSESSMENT EXERCISE**

Examine the implications of the changes of diplomacy experienced in 20th century.

## **TUTOR-MARKED ASSIGNMENT**

1. What do you understand by diplomatic setting?
2. Discuss the developmental changes in diplomacy of the 20<sup>th</sup> century.
3. Examine the implications of the changes in diplomacy.
4. In your own words, explain the following:  
(a) New diplomatic process (b) Content of modern diplomacy

## **REFERENCES/FURTHER READINGS**

Humphery, T. (1973). *Diplomatic Channels*. London: Macmillan. Adam, W. (1984). *Diplomacy: The Dialogue between States*. London: Methuen.  
Livingstone, M. (1964). *New Techniques in Diplomacy*, in E.A.J. Johnson (eds). *The Dimensions of Diplomacy*. Baltimore: John Hopkins Press.

## **UNIT 3 ;THE USE OF REGIONAL ORGANIZATIONS IN DIPLOMACY**

### **INTRODUCTION**

Traditional international society was organized, every state acting separately in resolving conflicts with other states. As relations increased, it became necessary to regulate and set common standards through bilateral and later multilateral diplomatic conferences. The movement towards organized society probably dates back to the congress of Vienna 1815 which marked the end of the Napoleonic wars. It was the first attempt to create a standing conference of European powers to deal with problems and streamline their policies. Many diplomatic conferences were held between 1820 and 1885 in Europe, the last one dealt with the sharing of African territories among certain European powers. Achievements during the period included cooperation in communication, transport, public health and economic fields. Consequently, one of the promising developments of the twentieth century in interstate relations has been the proliferation of international organizations. For the first time in history, permanent organization of a nearly universal type emerged. Perhaps, the word “permanent” may hardly be justified, the League of Nations lasted for only about a quarter of a century, with an effective period of barely fifteen years, and the future of the United Nations, after more than five decades of active existence is still very uncertain. International institutions may be classified as universal or global and regional according to whether they concern the universe as a whole or only part of it. However, this unit is concerned with regional organization activity at the international political arena.

### **OBJECTIVES**

At the end of this unit, you should be able to:

- discuss the contributions of regional organization to the actualization of national interests of member states
- discuss the contributions of regional organizations to peaceful coexistence of sovereign nations
- explain the meaning of Associative Diplomacy
- discuss the activities of ECOWAS and the Organization of American States (OAS).

### **Associative Diplomacy**

One of the striking aspects of the evolution of modern diplomacy is the relations which regional organizations develop with other regional organizations, international institutions, groups of states and individual states. The attempts by individual states or groups to develop significant links within a treaty and institutional framework, with other states or groupings beyond merely routine transactions can be described as associative diplomacy. Associative diplomacy serves one or more of a number of purposes, including the creation of a larger groupings, the coordination of policies and mutual assistance within the group. Other purposes are maintenance of the political, economic or security influence of the primary groupings limiting the actual or potential coercive power of other groupings (damage limitation) and enhancement of the identity of individual members in the grouping. There are generally four main elements in associative diplomacy, these include the institutional and treaty framework, regular meetings of senior political leaders and officials, some measure of coordination of policies and schemes to promote economic relations of the group such as trade credits, generalized scheme of preference (GSP), project aid and financial loans.

Associative diplomacy can involve one or more of the major sectors of public policy, including, Socio-cultural exchanges, economic (trade, technical and financial assistance), political and security relations. It is possible to distinguish therefore, various types of associative diplomacy, such as for example aid project dominated (e.g. ACP — African, Caribbean and Pacific Countries). Mixed Economic Security (e.g. ASEAN dialogues) Economic (e.g. EU associate members), Security (e.g. NATO extension via partnership for peace).

### **Pacific Settlement and Regional Organization**

The United Nations Charter (Article 33) commends the settlement of disputes between nations not only by conventional methods and through the normal channels of diplomacy but also by resort to regional agencies or arrangement, or other peaceful means. It also provides in Article 52, that the members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to Security Council. The charters of all regional



arrangements contain some provisions for the pacific settlement of disputes among the participating states in the spirit of the United Nations. Thus, associated with today's general international organization — the United Nations are many lesser organizations, some of which as the specialized agencies, are equally broad in membership but more limited in function, while others, as the Economic Commission for Europe, are both regional and specialized. Outside the United Nations structure, regional organization of a general character, as the Organization of American States, the North Atlantic Organization and African Union, (formerly Organization of African Unity) and some more specialized in function as the Organization For Economic Corporation and Development, Economic Community of West African States, and the South Pacific Commission are also numerous and active.

In addition to the scores of public international organizations concerned with almost every conceivable aspect of international relations, hundreds of private international organizations (the so-called non organizations) such as the International Red Cross or Rotary International or the international Chamber of Commerce, play useful although less publicized diplomatic roles.

### **The Organization of American States and Security**

The Charter of OAS devote an entire chapter to the pacific settlement of disputes (chapter iv) and a special treaty, known as the Pact of Bogota contains elaborate provisions for peaceful settlement of disputes. The eight chapters of the pact are entitled as follows: (i) General Obligation to Settle Disputes by Pacific Means (ii) Procedures of Good Offices and Mediation (iii) Procedures of Investigation and Conciliation (iv) Judicial Procedure (v) Procedure of Arbitration (vi) Fulfillment of Decisions (vii) Advisory Opinions (viii) Final Provisions Under the Pact of Bogota, every American state is obligated to settle all its disputes by peaceful means, various organs and agencies of the Organization of American States, notably the Meeting of Consultation of Ministers of Foreign Affairs and the Council have been authorized to act on behalf of the organization in dealing with inter-hemispheric disputes. While the pattern of OAS action has been pragmatic, it has tended to emphasize; first a mutual accommodation among the protagonists themselves, secondly, a process of independent of fact finding by investigators accountable to the OAS directly, third, direct mediation or conciliation by an OAS body, fourth, a judgment

of responsibility directed against one of the parties, if the OAS suggestions for settlement were rejected, fifth, the imposition of sanctions in case the states continued to be recalcitrant. This list suggests that, if necessary, the OAS may move from procedures of peaceful settlement to those of collective action, a process also clearly envisaged in chapters vi and vii of the United Nations Charter. In general, the organization of American States has been rather successful in dealing with the practice of formulating revolutions neighbouring against governments, the most persistent precipitant of Inter-American conflict in the late 1990s. It later resorted to sanctions against the Dominican Republic in the last days of Trujillo regime and against Cuba after the majority of the member states of the OAS were convinced of the reality of Fidel Castro's alignment with the Soviet Union. But in other aspects of the Cuban case and in reactions to unilateral United States intervention in the Dominican Republic in 1965, many OAS members have demonstrated a reluctance to apply sanctions against a member state, whatever the provocation. They are very sensitive to any violation real or alleged of the principle of non intervention and they are rather dubious about collective action by the organization which to them smacks of collective intervention.

### **The Economic Community of West African States (ECOWAS) and Security**

Under Article 58 of ECOWAS Treaty members undertake to “safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region.” They also undertake to establish appropriate mechanisms for the prevention and resolution of intra and interstate conflicts. They undertake to employ appropriate methods of dispute resolution – such as good offices, conciliation and mediation and establish a regional peace and early warning system and peacekeeping forces where appropriate. The Protocol on Non-Aggression 1978 obligates states to refrain from the threat to use of force against the territorial integrity or political independence of states and not allow their territories to be used by foreigners for such purposes. The protocol relating to Mutual Assistance on Defence 1981 strengthens security in the event of external aggression or internal armed conflict engineered and supported from outside. Events in Liberia provided the opportunity to test the effectiveness of the sub-regional security arrangements. A civil war broke out in 1989 and witnessed inter tribal atrocities. Nigeria intervened to mediate and initiated a proposal at the 13th Session of ECOWAS for a

standing mediation committee which also had the blessing of the African Union. Consequently, the ECOWAS Monitoring Group (ECOMOG) was founded to monitor and enforce a ceasefire with troops contributed by Nigeria, Ghana, Sierra-Leone, Gambia, Republic of Guinea, Mali and later Burkina Faso and Cote d'ivoire. A few troops were sent by Tanzania and Uganda. At a time, Nigeria contributed 12,000 troops and carried 70 percent of the total expenditure of the troops. The United Nations initially maintained minimal presence through the UN observer Mission in Liberia (UNAMIL) as a token support for ECOMOG. A ceasefire was followed by democratic elections in 1997 with Charles Taylor as the Head of Government of National Unity and Reconciliation. Insecurity however, persisted after a lull and in order to secure the progress made, satisfy the rebels, Charles Taylor had to leave on exile in 2003. As the cost of peacekeeping mounted, the UN took over the operations.

In 1997, rebellious troops forced the president of Sierra-Leone to flee. ECOWAS failed to secure a peaceful resolution and had to move ECOMOG into Sierra-Leone to counter the military adventurers. The rebels fled into the hinterland and maintained a regime of terror, amputating limbs, committing rapes and forcing children into their ranks. At the end of the civil war, the UN set up a joint UN – Sierra- Leone Tribunal to try the leaders most responsible for the atrocities and the violations of International Humanitarian Law. The Protocol on Mechanism for Conflict Prevention, Management, Resolution, Peace keeping and Security 1999, was adopted to enhance peace in the sub-region. One of the supporting organs of the mechanism is the Council of Elders of 32 eminent and high respected persons with the mandate to mediate, conciliate and arbitrate disputes when the need arises. At the request of the Executive Secretary or the Mediation and Security Council, they can conduct political and diplomatic missions to member states. The Council of Elders uses in its functions, reports, analyses and data collected from the General Observation and Monitoring Centre at Abuja and from the four zonal observation Bureaux. Insecurity in the sub-region has come, not so much from outside, as from internal bad governance. This emphasizes the importance of the Protocol on Democracy and Good Governance 2001, which lays down the benchmarks for good administration, the disregard of which has been the major cause of instability, insecurity and underdevelopment. This Protocol should be given the widest publicity and close study so

as to effectively check government excesses and shortcomings. It will raise public expectations of both the government and the citizenry.

### **ASSESSMENT EXERCISE**

Critically examine the activities of Regional organization in ensuring international Peace and Security.

### **CONCLUSION**

From our discussion in this unit, one can conclude that one of the most promising development in the history of international relations that led to the emergence of international organization is the need by states to find a situation where they can have a common ground to face the societal differences that is threatening the world, especially in this nuclear period and weapons of mass destruction. This has resulted to emergence of multitude of regional organizations, international administrative agencies or public international union in the later half of the nineteenth and early twentieth centuries. They arose in response to the growing need for cooperation in economic, social and security problems which could not be handled satisfactorily by states alone or without planned organization.

### **SUMMARY**

The relative peace today in the world lies in the strength of international law, international organizations and more importantly regional organizations. In short, global violence is being reduced due to the successful application of international law and the effectiveness of international and regional organizations. This is shown in the activities of the United Nations to ensure peaceful co-existence among all nations and in the roles of regional organizations like ECOWAS and the OAS that coordinates state relations within their regions. Both methods help competitive states to cooperate less violently or non-violently.

### **ASSIGNMENT**

1. State the reasons for the formation of regional organizations.
2. With the emergence of regional organizations, is the United Nations still relevant?
3. Differentiate between Non-Governmental Organization (NGOs) and International Organizations

## **REFERENCES/FURTHER READINGS**

Bowett (1975). *The Law of International Institution.*

## **UNIT 4 ;THE EUROPEAN UNION AND DEVELOPMENTS IN DIPLOMATIC METHODS**

### **CONTENTS**

#### **INTRODUCTION**

The European Union (EU) is the most highly developed regional bloc in the world. No other trade bloc has a common parliament, few have a common external tariff, and none is seriously contemplating a common currency or common defence policies. Because of the highly integrated nature of the European Union, and its supranational characteristics, it is sometimes described as having deep regionalism. By-contrast, the vast majority of the world's regional international organizations are much more intergovernmental in nature. The European Union expansion in 2004 is viewed with a mixture of admiration and hesitation by the international community. If one plots the trend of political and economic integration in European Union history, one will get the impression that, there would soon be a UnitedStates of Europe or U.S.E. Since its founding in the 1950s, the EU has integrated more and more, an increasing number of policy are within the EU's jurisdiction, including monetary policy, and others, such as common foreign and security policies are being addressed more forcefully. In addition, EU decision making is occurring more often at supranational level with more powers granted to European Parliament and greater use of qualified majority voting in the council. These centralizing developments of greater policy coordination and surpanationalism are known in EU jargon as deepening and the world is observing with suspicion.

#### **OBJECTIVES**

At the end of this unit, you should be able to:

- discuss the activities of European Union
- discuss the implications of the emergence of such strong regional bloc to world security
- identify the expansion trends in the European Union
- compare the activities of European Court of Justice and other International Courts of Justice.

#### **The Origins of the European Union**

After a century of warfare between empires and states, the European countries agreed to create the most comprehensive set of international institutions of all times. There are five

main reasons why countries with a historical background of rivalry and war chose to work together. The first three reasons are primarily economic; the others are more political and military in nature.

First, European cooperation began in the late 1940s with the need to rebuild war torn economies. Many European countries realized that going it alone would not be sufficient to transform their struggling economies. Assistance from the U.S. Marshall plan was helpful in this regard.

Second, a lesson from the Depression era and from World War II was that when states create significant barriers to trade, economic conditions worsen and international relations become tense. Thus, the Europeans sought to lower internal trade barriers and enhance economic competition.

Third, the six founding European Union States as well as the states that joined later, recognized the benefits of economies of scale that is, they saw the advantages of combining their resources in order to become more competitive internationally. Recently, this issue has become particularly important in the context of competition with the United States, Japan, and the newly industrializing countries (NICs) of Asia.

Fourth, a more cohesive Western Europe was viewed as being better able to prevent the spreading of communism, which was threatening on two fronts. In the 1950s, Western Europe was concerned about an invasion by the Soviet Union and its allies. In addition, communists' parties had made strong inroads in the domestic politics of some European countries, notably, France and Italy. During the World War II the French and Italian communists underground has fought heroically against the Nazis and the post war electorate rewarded them with many votes.

Fifth, in the immediate post - World War II, period, many feared a resurgent Germany, the country that has been fully or partially responsible for three major wars in Europe in two generations (1870 – 1945). By integrating Germany economically and militarily into the European Union, it was hoped that German militarism would be tamed and World War III would be less likely to occur.

### **The Expansion of the European Union**

Jean Monnet and Robert Schuman, considered as the Fathers of the European Union, and others recognized these favorable factors and believed that a cooperative and peaceful

Europe could be built step by step. They supported the notion of functionalism which later inspired many supporters of European integration. According to functionalism, a shared transnational technical problem such as the need to rebuild the war torn industries of Europe, can lead to the formation of common institutions that perform important economic, social and technical functions to solve the problems. If these institutions succeed, the theory goes – inevitable pressure is put on states to yield sovereignty. The early decisions and experiences in one functional context were expected to spill over into other functional areas regardless of territorial borders, eventually involving interest groups, parties, and greater inter-bureaucratic contact. In turn leaders would begin to press for strengthening and expanding the functions of supranational institutions to perform those tasks. As a result, it was predicted that European states, industries and individuals would shift their political loyalties and look increasingly to the European Union. Thus, European Union is a unique phenomenon in the history of the world, especially because it brings together states that, throughout history have waged war against one another. For example, Germany and France went to war in 1870, and almost all Europe fought in World Wars I and II. What began in the 1950s primarily as an economic oriented organization of six West European Countries has evolved into the most complex and integrated set of institutions anywhere in the world. The EU now comprises 25 democratic member countries from west, central, and Eastern Europe representing 455 million people. The broad scope of the EU's responsibilities is reflected in its three "pillars". The economic aspects of the EU make up the first pillar in its framework. Most EU laws deal with economic matters among the member-states. In addition, several EU countries have pushed economic cooperation to such an extent that they have even created their own currency, the *euro*. To manage the euro, the EU established the European Central Bank. So far, 12 EU member-states have given up their national currency in favour of the euro. The countries that joined the EU in 2004 are expected to adopt the euro. Thus, for example there are no more French Francs, German Deutsche marks and Italian lira. Through the EU's second pillar, justice and home affairs, the EU states coordinate their policies to tackle immigration and drug trafficking and to cooperate more on border controls. This area has grown in importance with the threat of terrorism. As part of the common foreign and security policies pillar, the EU seeks



cooperation in foreign policy and military matters. The EU also has highly developed institutions including a trans-European parliament and court of justice. Consequently, no other international organization so far, can match the European Union in depth of institutional structure or the scope of policies under jurisdiction.

### **The European Court of Justice**

The EU judicial branch contributed in making the EU unique among all other International Organizations. In short, no other international organization in the world has such a court of justice. World War II taught many Europeans that international relations should be driven by law, not by power. The Europeans also came to understand that common policies require a common legal framework. As a result by the start of the twenty-first century, the EU had built up an impressive body of legal documents.

In 2004, however, the EU completed work on its first constitution, designed to amalgamate the various treaties and acts that had accumulated since the founding of the Union in 1957. In the process of ratification by the EU member-states, the constitution is designed to streamline the legal process and institutional arrangements. At the apex of the EU's legal system is the European Court of Justice (ECJ), made up of 15 judges. The ECJ is assisted by nine advocates general. They are all appointed by the member-states and serve renewable six year terms. The extended EU's legal system consists of the Court of First Instance, the Court of Auditor, and a Parliamentary Ombudsmen (who hears complaint made against EU institutions). The ECJ is the ultimate arbiter of laws made by the EU. ECJ rulings cannot be appealed. The rulings are binding citizens of European Union as well as on the governments of the EU. When EU law conflicts with the laws of a national government, EU law takes precedence. The ECJ is also more than a toothless body of judges unable to impose their will. Member-states or companies that do not comply with ECJ rulings can be fined. Sometimes, these fines can be rather large. In 1997, for example, Germany and Italy were fined by the ECJ for not complying with EU environmental legislation. For not complying with laws protecting wild birds, ground water and surface water, Germany was fined \$31,420 and had to pay about \$15,000 each day it delayed implementing the EU law. Italy did not implement legislation on waste and radiation protection and had to pay a fine of about \$125,000 plus \$100,000 for each day it delayed. EU law can also target non-EU companies. For example, the EU fined Microsoft

\$613 million in 2004 and ordered the company to offer a version of its Windows Operating System without the Windows Media Player software within 90 days of the ruling. When countries create much international legal structure, it of course, implies that member-states have given up a significant portion of their sovereignty.

### **The Implications of the Emergence of European Union as a Bloc in Multilateral Diplomacy**

One of the most striking features of developments in diplomatic methods is the emergence of the EU as a bloc actor in multilateral technical diplomacy. While the Maastricht Treaty set out in the Title V of the Treaty provisions for a common foreign and security policy, it is within the field of technical diplomacy rather than traditional foreign policy that the EU has increasingly acted *au communautaire* on the basis of the treaty of Rome, Single European Act and decisions of the European Court of Justice, within areas of community competence. These areas include the common fisheries policy, transport and some international trade and environmental policy. In areas where the community has competence, member-states are represented by the commission in international negotiations. In certain residual policy area, for example some international trade policy in the Uruguay Round framework, there is mixed or joint competence. Difficulties have arisen over definition of what matters fall within community competence between member states and the commission, in areas such as trade policy including restrictions on exports, civil aviation and immigration. In civil aviation sector, for example, disputes have occurred over bilateral air transport agreements under negotiation or concluded by non-community members with individual community members e.g. US-UK, US – Finland, Austria, Sweden. The commission opposed bilateral agreements and sought a mandate from EU Transport ministers to negotiate air transport agreements on a bloc basis. The implications of community competence in technical diplomacy for the EU are numerous.

First the negotiation on a bloc common line or position generally involves a lengthy, clearing process before daily sessions of a multilateral conference or meetings of an international or regional institution. Thus, the balance of EU diplomatic effort tends to be shifted to intra-bloc negotiations. The cleared position is invariably on a lowest common denominator basis.

In the second place, representation by the Commission in effect reduces the negotiating capacity of individual members-state and potential effectiveness, in that negotiation is not conducted by a professional diplomatic service.

Thirdly, in areas of community competence member-states cannot take part in plenary or other debates of a conference, initiate proposals or broker compromise in open session. In practice, the effect is to take out of plenary and informal conference processes European players with varying interests, diplomatic skills and traditional roles. The effect is well illustrated by Sweden's non-role at the third session of the UN conference on Straddling and Highly Migratory Fish Stocks following entry into EU in 1995. Prior to that, Sweden as an active neutral power has played a prominent role at the conference. The effective removal of individual European players from parts of the conferences of negotiations has altered the dynamic of multilateral conference in a number of respects. As a bloc actor, the EU cannot easily perform broker or moderate roles, especially in debates during fluid plenary or working group sessions, initiate flexible proposals. Multilateral conferences also lose the drafting input of individual European states. As a bloc, the EU tends to be susceptible to general attack if it opposes or appears intransigent on a particular issue, and as a result therefore, often does not adopt a position; consequently, appearing passive or quiescent, for the sake of its bloc image.

One of the other reasons for EU non-position as earlier noted, is the internal clearing debate the EU undertakes on a daily basis during multilateral conferences. The excessive diplomatic time devoted to these internal debates means that not only is the EU conducting a conference within a conference, but its positions are often out of phase with other conference initiatives. The EU's bloc composition also means that its negotiating style is one of tabling its own lowest common denominator amendments rather than acting strategically. An indirect effect of these developments is to allow wider latitude for small or non-traditional players in multilateral conferences e.g. New Guinea, Morocco and Uruguay. The EU's bloc presence has not led to obvious counter-blocs so far but the bloc approach has been imitated to some extent, for example the South Pacific Forum.

### **ASSESSMENT EXERCISE**

Assess the activities of the European Court of Justice.

## **CONCLUSION**

The European Union is the most highly developed regional organization in the world. No other bloc has a common parliament, few have a common external tariff and none is seriously contemplating a common currency or common defence policies. By contrast, the vast majority of the world's regional international organizations are much more intergovernmental in nature. This has serious implications for diplomatic negotiations in the 20th century.

## **SUMMARY**

The balance of European Union diplomatic efforts tends to be shifted to intra-bloc negotiation. The cleared position is invariably on a lowest common denominator basis. The European Union has proven itself as a community, an outcome of functionalism, and of gradual integration of states, whose actions are mediated by Supranationality, and may one day become a major political community. This has implications for global politics and negotiations.

## **ASSIGNMENT**

1. Give the reasons for the establishment of the EU.
2. What are the implications of the emergence of EU as a bloc in multilateral diplomacy?
3. Critically assess the expansion of the European Union.

## **REFERENCES/FURTHER READINGS**

- Spender, P. (1969). *Exercises in Diplomacy, the Angus Treaties and the Colombo Plan*. Sydney: University Press.
- Barston, R.P. (1969). *Modern Diplomacy*. Addison Wesley: Longman Ltd.