

DIPLOMACY AND VIENNA CONVENTION ON DIPLOMATIC RELATIONS

The extent to which Diplomacy and the Vienna Convention on Diplomatic Relations have contributed to a consolidation of 'international society ' and the maintenance of international order.

Abstract.

With changing times, countries are becoming interdependent on each other and creating a global village where resources and information is shared among leaders and citizenries. The effect of this global change is the need for structures that foster competitiveness, while also ensuring mutual understandings between nations that share commonness.

Diplomacy, under the guidance of the Vienna Convention on Diplomatic Relations has eased the way nations relate and reach out to each other. Diplomacy has opened doors for exports while providing opportunities for importation for goods not found within the borders!

However, there is still room for more as far as political tensions between nations is concerned! We still have animosity among nations that threaten to divide the globe into factions. For instance, in recent times we have seen Russia Vs Ukraine and Israel Vs Palestine.

Diplomacy

Diplomacy is defined as the art or practice of negotiating and conducting dialogues via carried measures between nations, groups or people to influence the international systems' decisions, behaviours and events. This is meant for promotion of peace among states and for avoidance of wars and violence. (Mamchii, 2023)

Purpose

Diplomacy is aimed for conducting international relations through dialogue and negotiation to advance constructive relations between countries. Diplomacy secures a cooperative agreement that achieves a win-win situation between factions in the best way possible.

Diplomacy emanates from the era of secret deal-making and conspiracy under monarchical authority to a transparent democracy and a bewildering array of both domestic and international politics.

History of Diplomacy: The Ancient World

Some elements of Diplomacy predate recorded history. Early societies had some attributes of states even as the first international law emanated from intertribal relations. Tribes negotiated marriages, hunting, trading, alliances against common enemies etc. Messengers were accredited, sacred and inviolable. They carried some emblem or authority sceptres such as a message stick and were received with ceremonies!

Middle East, the Mediterranean, China and India provide the earliest knowledge of Diplomacy. Records from as early as 2850 BCE show treaties between Mesopotamian cities. Thereafter, Akkadian or Babylonian became the first diplomatic language, serving as the international tongue of the Middle East until it was replaced by Aramaic.

The oldest treaties of whose full texts exist from about 1280 BCE, were between Ramses II of Egypt and Hittite leaders. There is colossal evidence of Assyrian diplomacy in the 7th century and largely in the Bible, where relations of Jewish tribes with each other and other nations are recorded.

The United Nations and the Changing World Order

In 1946, the UN replaced the League of Nations. It had a membership of 51 states from Inception and by the beginning of the 21st century, the membership almost quadrupled. However, new states and micro-states were mostly undeveloped and technologically strained, and had limited pool of academic elites for establishing modern diplomatic corps.

According to former Indian Representative, Arthur Lall, the UN was "a forum and not a force". It was useful mainly for its specialized agencies and as a forum for propaganda and a venue for quiet contacts. It played only a marginal part in major conflicts. The Secretaries General made

intense efforts to solve serious but secondary problems like resettlement of refugees and war victims.

1953-1961 UN Secretary General, Dag Hammarskjöld described UN's role as "a complement to the normal diplomatic machinery of the governments that are its members and not a substitute."

Functions of Diplomacy and applicability

Diplomacy is initiated and facilitated by diplomats. All the stages and functions therein are performed by them. (Mamchii, 2023) The functions of diplomacy include the state's representation and negotiation, the gathering of information, and the promotion of peaceful ties between nations. The following are the functions of diplomacy, and how are these performed:

1) Negotiation and State Representation

The most pivotal functions of diplomacy are negotiations and state representation. For a successful negotiation, finding a common ground between states is also a vital part of diplomacy as the aim is to arrive at a win-win situation between the subject factions.

2) Collection and Evaluation of Information

The collection of information to identify and assess the objectives of the foreign policy of receiving state by all lawful means constitutes an important function of diplomacy. When the data is sent back to their home nation, the Foreign Ministry evaluates it and decides what foreign policy should be implemented. Diplomatic missions are concerned with obtaining information. Then, political leaders decide which course of action is best for their country.

3) Economic, Political, and Cultural Relations

Development of economic, political, and cultural relations between two nations to promote friendly relations among nations is another key responsibility of diplomats. For example, after WW II, the United States and Britain focused their foreign policy on stemming and pushing agendas against communism.

4) Facilitating the Implementation of International Law

Diplomacy plays an important role in enforcing or facilitating the implementation of international law. The role of the diplomat is to advance the international law that is meant to broker common jurisdictions among nations. Negotiations and representations are confined under the statutes of international law as specified in Vienna Convention on Diplomatic Relations agreement.

Types of Modern-day Diplomacy

Modern diplomacy is open and transparent, unlike traditional covert methods. Various types of

diplomacy exist, including:

1) Public Diplomacy

Interact with foreigners to build relationships and shape public opinion. Use cultural, economic, and educational exchanges as soft power to foster understanding between nations. Reach out through media and communication.

2) Economic Diplomacy

Economic diplomacy uses a state's resources to promote national interests through trade, investment, finance, and development. It encourages global cooperation, job creation, and prosperity while resolving conflicts and improving diplomatic relations between nations.

3) Cultural Diplomacy

Entails sharing of ideas, art, data and information, and other elements of culture among states and their inhabitants in order to improve mutual commonness. The aim is to increase public support for political and economic objectives by helping citizens of a foreign country become familiar with its principles and institutions.

4) Science Diplomacy

Science and technology are used to improve global collaboration, address issues such as food security, climate change, and pandemics like COVID-19, and promote scientific cooperation and information exchange.

5) Cyber Diplomacy

Using technology to advance diplomacy and foreign affairs, including social media, websites, and online platforms for debates, connections, and global collaboration. Cyber diplomacy addresses global issues like data privacy, cyber security, and digital infrastructure.

6) Energy Diplomacy

Energy diplomacy uses diplomatic relationships to advance and defend nations' interests in the energy industry. It involves negotiating international treaties on energy matters and managing national energy policy, including promoting energy security, lowering costs, and fostering sustainable development.

7) Regional Diplomacy

Regional diplomacy is the conduct of relations between nations in a specific geographical area. It's important due to interdependence and globalization.

8) Education Diplomacy

Education improves international relations and intercultural understanding through international faculty, students, and program cooperation. Cross-border research offers solutions for global issues.

9) Health Diplomacy

Diplomatic techniques address global health issues like pandemics and healthcare access. International collaboration, such as sharing vaccines during Covid-19, enhances outcomes in global health.

10) Sports Diplomacy

Sports diplomacy promotes communication and collaboration across countries, cultures, and people through athletics. It can also advance environmental conservation, gender equality, human rights, and social and economic growth. EPL players bend knees to send anti-racism messages.

How Does Diplomacy Work?

Diplomacy involves exchanging views to reach a mutual agreement, often through negotiations. Compromises are necessary as both parties can't get everything they want. Foreign diplomats like Martti Ahtisaari can help bridge gaps and find common ground for lasting agreements.

Foreign diplomats, like Martti Ahtisaari, can facilitate negotiations. Ahtisaari helped Namibia gain independence from South Africa in 1990 by acting as an impartial mediator and finding common ground for a lasting agreement.

Parties signed a treaty after negotiating. Noncompliance may lead to sanctions and expulsion, as seen in Nicaragua's suspension of ties with Israel in 2010.

Diplomacy crucial for global relations.

States use diplomacy to establish their positions in international relations. Through negotiations and dialogue, states aimed at identifying shared interests as well as points of contention. Most often in international relations, states come to an agreement after discussions and portray the behaviors and principles that are deemed "acceptable," and advantageous for both parties. This works through soft power, due to the fact that these tactics are not forcibly imposed.

Secondly, diplomacy can be used to obtain intelligence. The purpose of this information is to determine and assess the state's foreign policy objectives. Moreover, diplomacy can be used to increase political, economic, and cultural harmony. This collaboration offers adequate ways for their states' national interests to be attained.

Finally, diplomacy is employed to uphold international law, which influences national policies about behavior and international cooperation. Guidelines are provided by the legislation for preserving jurisdictions over diplomatic missions, treaty negotiations, and government-to-

government exchanges.

In summary, diplomacy is a crucial tool for managing crises in the realm of international relations. It serves as a means of establishing a common ground for cooperation among the nations involved in negotiations. By facilitating discussion and compromise, diplomacy can help to prevent conflicts from escalating and promote peaceful resolutions to disputes. Ultimately, it is through the use of diplomatic channels that countries can work together to achieve mutual goals and maintain stability on the global stage.

Vienna Convention on Diplomatic Relations

In 1961 the UN Conference on Diplomatic Intercourse and Immunities adopted the Vienna Convention on Diplomatic Relations to replace the 19th-century rules of Vienna and Aix. It specifies three classes of heads of mission: (1) ambassadors or nuncios accredited to heads of state and other heads of missions of equivalent rank, (2) envoys, ministers, and internuncios accredited to heads of state, and (3) *chargés d'affaires* accredited to ministers of foreign affairs. A *chargé d'affaires ad interim* is a deputy temporarily acting for an absent head of mission.

Some diplomatic classes changed in the 20th century, including the introduction of "plenipotentiary representatives" by Russia. Libya sent Peoples' Bureaus and the Vatican appointed pro-nuncios for special missions. The title of pro-nuncio was created to enter into the first class.

Ambassadors are titled "extraordinary and plenipotentiary," but it's just a title. They receive special powers to sign treaties. The senior ambassador is the *doyen*, who speaks for the diplomatic corps as needed.

Rights and privileges

Diplomats and their aides receive privileges and immunities, including inviolability in the host state, exemption from taxes and military obligations, and immunity for personal belongings. This began when rulers realized that messengers could not safely negotiate without reciprocal hospitality. Some exemptions may be waived, such as parking tickets.

Embassies are extraterritorial, meaning they are part of the sending state's territory. Firefighters cannot enter without consent. Political asylum is not established in international law except in Latin America. Host countries are responsible for embassy security, but some have failed to provide protection during times of turmoil. Examples include attacks on the British and American embassies in Jakarta, Beijing, and Tehran.

Host countries are responsible for embassy security, but some have failed to provide protection in times of revolutionary turmoil. Examples include the sacking of the British embassy in Jakarta in 1963, invasion of the British embassy in Beijing in 1967, and the Iranian hostage crisis at the American embassy in Tehran in 1979.

Credentials

Appointing a new head of mission is a complex process. The envoy's name is informally sounded to avoid embarrassment. If the host country doesn't object, formal application for consent is made by the envoy being replaced. The new ambassador presents their letter of credence to the head of state and can deal with the foreign ministry after providing a copy of credentials privately to the foreign minister.

Presentation of credentials determines an ambassador's order of precedence and includes a short speech or small talk. Consuls are merely notified and have some diplomatic privileges, but their primary functions are fostering commerce and aiding nationals in difficulty.

Diplomatic tasks

Diplomatic missions have five main functions: representing the sending state, protecting its interests and nationals, negotiating agreements, reporting on host country developments, and promoting relations. They also provide public services for nationals. Junior staff offer services to citizens while attachés engage in protection and promotion. The ambassador oversees all tasks and is heavily involved in trade promotion. Daily activities include reporting, analyzing, and negotiating.

Reports are filed via encrypted telegram, email, fax, or phone. Ambassadors must predict and analyze developing crises by gathering information from various sources and using their expertise. They advise their government and provide detailed briefings on conversations with foreign officials.

The ambassador negotiates as instructed by the foreign ministry, who sets the topic and timing of initial overtures, diplomatic strategy, and broad tactics. Negotiation aims to advance interests but may not lead to agreement. The negotiator is free to use tactics they deem best.

Negotiations have common interests and disagreements. Two approaches include tackling issues piece by piece or establishing agreed principles at the outset.

Negotiations involve high initial demands and slow concessions to avoid appearing too eager. Testing the other side's will is common, but lying is not advised. Coercive diplomacy and compensations can speed up agreements, as can well-timed warnings and deadlines.

Negotiations depend on the relationship between states, power balance, motives, and goals. Creating new institutions or transferring authority is challenging. A negotiator must be reliable, credible, honest, fair, patient, and even-tempered. They use timing, threats, warnings or concessions to persuade the other party. Smaller issues are tackled first to build agreement while harder ones are postponed. Through trial and error and proposal/counterproposal, a diplomat keeps talking until an agreement is reached.

Effective diplomatic negotiators must display reliability, credibility, honesty, fairness, and strive

to understand the other side's concerns. They need stamina, precision, clarity, courage, patience, an even temper, and a sense of timing. Negotiators may use calculated impatience or anger as tactics and sometimes use third parties to facilitate initial contact or press sides towards agreement. Persuasion, flexibility, tenacity, creativity in devising new solutions or reframing issues are important skills. Smaller issues are tackled first to build agreement while harder issues are postponed. The process involves proposal and counterproposal with inducements and pressure until an agreement is reached through trial and error.

Multilateral negotiations are more complex than bilateral ones and involve subsidiary negotiations in small groups. Representatives of small states can play important roles, as seen with Martti Ahtisaari aiding American-led negotiations to end South African colonial rule in Namibia and bringing about a peace settlement in Kosovo. Kofi Annan acted as the principal intermediary with the Iraqi government during the Persian Gulf War to secure the release of Western hostages. Decisions are reached by unanimity, majority or consensus. Changes are often made to apply across the board, such as tariff cuts.

Iraq's refusal to end its occupation of Kuwait and the Israel-Palestinian conflict's failed negotiations show that war can be the result when talks fail. The state often resorts to violence when dialogue fails.

Diplomatic agreements

Successful negotiations result in international instruments, such as treaties. These written agreements between states are binding and registered at the UN. They can be bilateral or multilateral, and signed by international organizations as well.

Conventions are international agreements made under the UN or Council of Europe. They need to be ratified and approved by legislative bodies, with different requirements in each country. Ratifications are exchanged for bilateral treaties, while others are deposited until a specified number have been received.

Bilateral agreements are less formal than treaties and focus on narrow technical issues. They involve governments or departments, sometimes with nongovernmental entities like banks. Executive agreements are used by the US to maintain secrecy and avoid ratification.

Protocol changes or extends existing agreements, may include application details or technical annexes, and can substitute for bilateral agreements or exchange of notes.

Post-WWII, over 2,500 multilateral treaties emerged, surpassing those of prior 350 years. As global interdependence grew, so did this trend. Conferences usually negotiate these agreements, which can be extensive.

Conclusion

In conclusion, we can deduce that, Diplomacy is the glue that holds the nations together and its

DIPLOMACY AND VIENNA CONVENTION ON DIPLOMATIC RELATIONS

fruits have made the present-day world to be referred to as "One global village" given the ease with which information can be shared from one country to the other in a very short time.

Vienna Convention on Diplomatic Relations provided a platform and rules of engagement between countries that quickened reach-outs between countries! This, fostering global order through collaborations and interdependencies.

DIPLOMACY AND VIENNA CONVENTION ON DIPLOMATIC RELATIONS

Reference:

1. Oleksandra Mamchii, 27 March, 2023. <https://bestdiplomats.org/types-of-diplomacy/>
2. <https://www.britannica.com/topic/diplomacy/History-of-diplomacy>
3. https://en.m.wikipedia.org/wiki/Vienna_Convention_on_Diplomatic_Relations