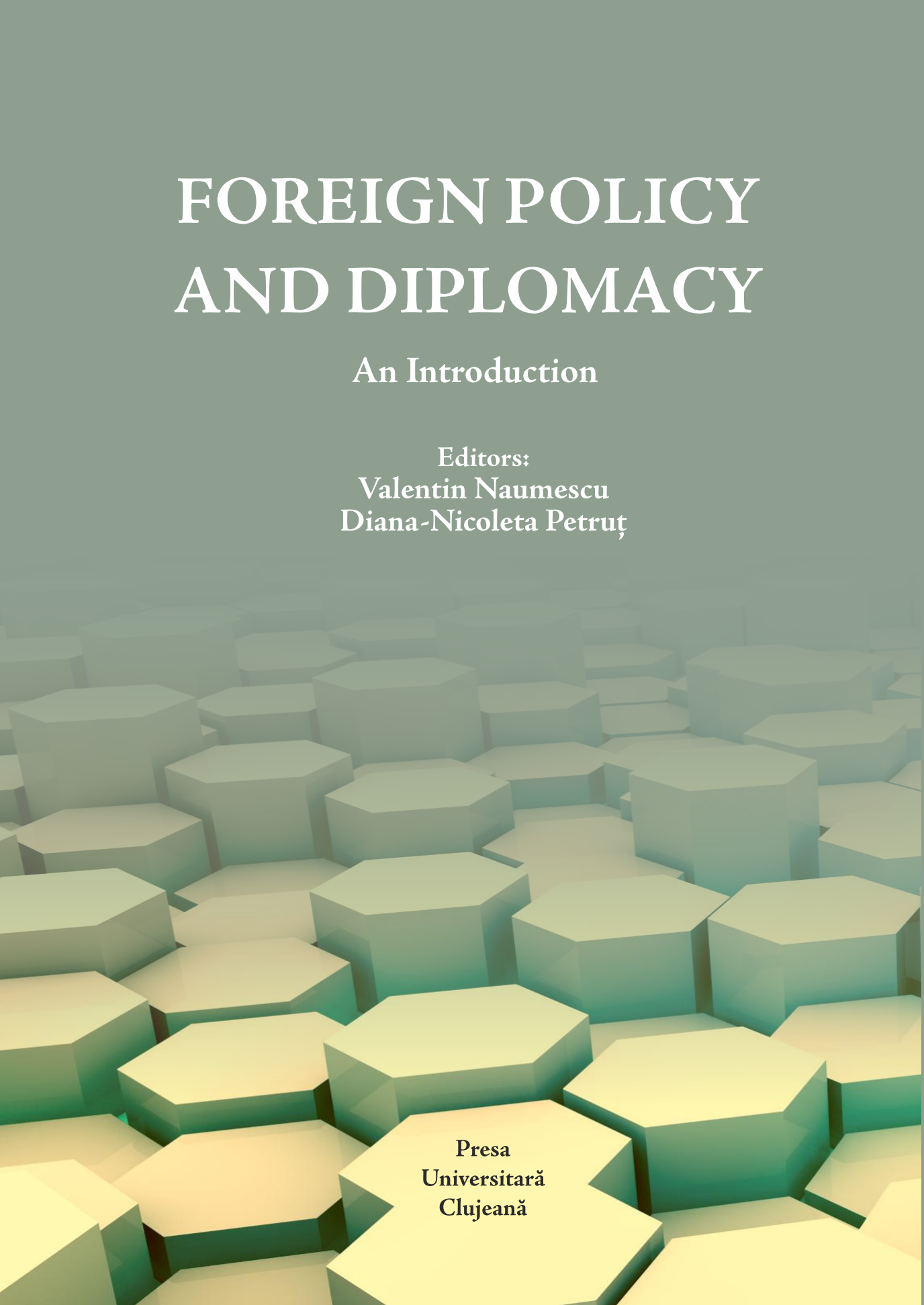
FOREIGN POLICY AND DIPLOMACY

An Introduction

Editors:
Valentin Naumescu
Diana-Nicoleta Petruț



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1. Introductory Concepts. Actors and Decisions in Foreign Policy and Diplomacy

VALENTIN NAUMESCU

Foreign policy and diplomacy go hand in hand and are usually studied together, although they are significantly different in terms of theory and practice. Both of them have their own definition(s), levels of decision and goals, outcomes and assessment criteria, meanings and portfolios.

In simple words, foreign policy is about politics, while diplomacy is bureaucracy (specialized public service within central administration). At least this is the European largely accepted understanding, unlike American authors who see "diplomacy" on a more political dimension, in fact using the two concepts interchangeably.

More often, the academic discipline is studied in universities as Foreign Policy Analysis, which is fairly similar to Foreign Policy and Diplomacy though it has a specific focus on public policy mechanisms and decision-making process in the field, rather than on aspects related to diplomacy. We encourage in this book the "orthodox" idea that "Foreign Policy" and "Diplomacy" represent different fields and activities, in the sense that bureaucratic (professional) diplomacy is subordinated and it comes to fulfil the strategy, political objectives and instructions of the government's foreign policy.

A potentially qualitative diplomacy doesn't necessarily have the most appreciated foreign policy or government strategy behind (see the cases of authoritarian regimes with skillful diplomats) while a foreign policy based on great objectives is not always supported by an effective diplomatic service (see the case of the European Union's diplomacy in the first years after the European External Action Service was established). Other combinations of these "plus and minus" possibilities are also to be taken into consideration, based on historical examples. Needless to say that the ideal situation of having a "good foreign policy" and a "good diplomacy" is what every nation would like to see at work, serving its interests.

Sometimes even statesmen and high-ranking diplomats (not to mention journalists or ordinary public) use these concepts interchangeably. Especially in the United States, diplomacy is seen as foreign policy and vice-versa. Henry Kissinger, in his famous book[1], uses diplomacy rather as international politics. This usage does not emerge from the classical view of foreign policy and diplomacy, though it definitely corresponds to a specific, traditional American approach.

Respecting the conceptual "orthodoxy" in the realm, diplomacy is nevertheless defined as the peaceful and technical implementation of the foreign policy objectives or strategy of a certain state in relation to others. In contrast to this, "war is the continuation of politics by other means", according to a popular say assigned to Carl von Clausewitz[2]. The complete failure of diplomacy means war. Therefore, the war becomes the opposite of diplomacy and, according to Clausewitz, the "continuation" of international politics (foreign policy) when all diplomatic endeavors and efforts have failed.

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[1] Henry Kissinger, *Diplomacy*, New York: Simon & Schuster, 1994.

[2] Carl von Klausewitz, *On War*, London: Kegan Paul, Trench, Trubner & C., 1918.

The concept of foreign policy is not a unitary one, and the same plurality of definitions we see for the term diplomacy. According to G.R. Berridge and Alan James, foreign policy is:

"(1) The political and security policies adopted by a state in relation to foreign entities (states or organizations);

(2) All of the public policies (including economic policies) adopted by a state in relation to the outside world"[3]. The latter is obviously a broader approach, and it refers to everything a government does to promote its national interests abroad. However, there are still states which do not include their international trade department in the Ministry of Foreign Affairs.

There are also several definitions of diplomacy. Berridge and James identify four possible dimensions in which the term can be used[4]:

1. The *conduct of official relations* between sovereign states through the medium of official representatives based home or abroad, the latter being either members of their states' diplomatic service or temporary diplomats. The largest sector of diplomacy consists of the dispatch of diplomatic missions to foreign states (bilateral relations). Diplomacy also includes the stationing of representatives at international organizations (multilateral diplomacy). Diplomacy is the main means by which states communicates to each other, enabling them to have regular and complex bilateral relations. The term "diplomacy" was coined by the British parliamentarian Edmund Burke in 1796, although the system of activities related to diplomacy is much older. Cardinal Richelieu, the first minister of the French King Louis XIII, used in 1626 the term "négociation continuelle". The first dispatched

[3] G.R. Berridge and Alan James, *A Dictionary of Diplomacy, Second Edition*, Basingstoke and New York: Palgrave Macmillan, 2003, 107.

[4] *Ibidem*, 69-70.

(resident) diplomatic missions were established in the Italian city states (Venice etc.), in the late 15th century;

2. The *use of tact* in dealing with people or difficult situations;
3. Any attempt to *promote international or domestic negotiations*, related to inter- or intra-state tensions, crises or conflicts (the latter two meanings are not necessarily related to professional diplomacy, but to a "diplomatic" approach);
4. *Foreign policy*, especially in the United States. However, this meaning is somehow confusing and could obscure the differences between the political decision and government strategy regarding other states (the real foreign policy), and the technocratic means by which these political decisions, national interests and specific goals are implemented (the diplomatic procedures and mechanisms).

Foreign policy and diplomacy use a number of key concepts.

1. **The Ministry (Department) of Foreign Affairs** is usually the government department in charge of conducting the state's foreign policy and diplomacy. The name of the department can vary from one country to another, and so does the influence, political and administrative profile or internal organization. Sometimes it covers the entire international activity of a state (including the foreign trade and international commerce policies), other times addresses only the political and security dimensions;
2. **Bilateral diplomacy** is the dimension of diplomacy dealing with the relations between two sovereign states;
3. **Multilateral diplomacy** (sometimes named "conference diplomacy") is the dimension of diplomacy dealing with promoting national interests at the level of international organizations (the United Nations and its specialized organizations, the European Union, the North Atlantic Treaty

Organization, Council of Europe etc.). It is often carried out through permanent representatives;

4. **Ambassador** is the term used to designate the *highest level of diplomatic representation* (function) or the *highest diplomatic rank* (professional level) of a diplomatic agent. One could have the function but not the rank or vice versa. Most frequently, an ambassador is the accredited head of the diplomatic mission (embassy) of a state in another state. The UK heads of diplomatic missions to Commonwealth countries are named High Commissioners (in these cases both countries have the same head of state). The credentials (often called letter of credence) are submitted to the head of the receiving state. Though the level of representation in this case corresponds to the one of ambassador (therefore this is the official title of that diplomatic agent during his/her term of duty), the professional rank hold by the titular at home could be a lower one: minister plenipotentiary, minister counselor etc. Nevertheless, the reverse situation is also possible: there are cases when the head of the diplomatic mission is not an accredited ambassador, but an acting chief of mission (see chargé d'affaires). Within the central unit of the Ministry of Foreign Affairs, where the leading administrative positions are different than in the diplomatic service (director general, director, deputy director, head of unit etc.), the term "ambassador" refers to a professional having the respective diplomatic rank, no matter his/her current administrative role is. The term ambassador is also used for the permanent representative of a state to international organizations such as the United Nations, NATO etc.
5. **Consul general** has also two meanings: the *head of a consulate general* (see consular offices) and the *highest consular rank*;

6. **Diplomatic missions** are resident institutions (branches) with recognized diplomatic status (immunity and privileges), meant to represent the interests of a state on the territory of another state. Though the classical meaning of missions refers only to *embassies*, current approaches include a wider range of representative entities, such as *consular offices, permanent representative offices, and cultural institutes*. However not all resident representative offices of a state abroad are diplomatic offices, such as tourism offices, trade chambers etc.
7. **Chargé d' affaires** is the term designating a temporary or permanent head of diplomatic mission (embassy) without letter of credence as ambassador. In the absence of the ambassador, a member of the mission (usually the diplomatic agent with the highest rank) takes charge for the representation and administrative duties as acting (temporary) head of mission. Sometimes the states intentionally keep the level of representation at the one of chargé d' affaires for a long time (several years), for one reason or another. Unlike the ambassador's letter of credence, the credentials of the acting heads of missions are signed by the ministry of Foreign Affairs of the sending state and are deposited at the counterpart department.
8. **Embassy** has two possible meanings: the diplomatic mission headed by an ambassador or chargé d' affaires, or the building that hosts a diplomatic mission.
9. **Consular offices (posts)** are recognized resident posts of the sending states, usually having diplomatic status (namely all privileges and immunity of diplomatic agents), dealing with consular activities, and representing interests of consular nature (see consular functions). Depending on the level of representation of its head, they are named: consulate general, consulate, vice-

consulate. From the perspective of their professional and hiring status, there are two main categories of consular offices, operated by career or honorary consuls. The career consuls are usually professional (permanent) diplomats paid by the ministries of Foreign Affairs, empowered with all consular authority, while honorary consuls are appointed from the locals on a pro-bono basis (being a co-national of the sending state or a citizen of the receiving state), also empowered with capacity of representation but delivering limited or non-consular services. According to recent and flexible approaches, the career consulates are considered diplomatic missions, together with embassies.

10. **Consular functions** refer to: a) a large variety of services delivered to its co-nationals, from charged notary public documents and consular services (issuing passports, powers of attorney, police clearing, citizenship issues, birth certificates, solemnizing marriages etc.) to consular assistance for those who face difficult situations (visiting them in prison, making sure that they are legally treated and non-discriminated, providing them with useful information and advice); b) consular services to foreign citizens (issuing visas etc.); c) representing the commercial interests of the sending state; d) improving cultural and academic collaboration between local institutions and the ones from the sending state; e) acting as observers of the receiving state's political and societal developments and providing the home Ministry of Foreign Affairs with relevant information (like diplomatic agents in embassies do), especially in the case when the consuls reside in other cities than in the capital, where the embassy is located.
11. **Accreditation** means, in a classical approach, furnishing a head of mission with credentials. Letter of credence for ambassadors

(from the sending head of state to the receiving head of state) and letter patent for consuls general (from sending government to receiving government, followed by the issuance of an exequatur) are traditional forms of accreditation that are presented by respective heads of mission when arriving at post. In a broader perspective, accreditation is similar to any appointment of a diplomatic agent to a recognized diplomatic mission abroad.

12. **Ad interim** indicates that a diplomatic position is assumed temporarily (e.g. chargé d' affaires or acting head of mission).
13. **Recall** is a temporary or permanent withdrawal of a head of mission. The former suggests a dissatisfaction of the sending state with certain actions or attitudes of the receiving state, while the latter usually means the normal end of the tour of duty of an ambassador or consul general.
14. ***State visits*** are the highest public profile visits of a head of state to other heads of state, in which the receiving state offers to the guest its *highest level of diplomatic protocol*. The duration of a state visit is generally two or three days (at least one night spent on the territory of the receiving country), including high level welcoming at the airport, ceremonial pomp and usually a military review. The visiting head of state is accompanied by several members of the government, called "ministers-in-attendance". Although state visits do not necessarily end with a conclusion or final declaration (like summits), the symbolic dimension is the one that prevails, suggesting a high recognition of the guest and the importance granted to that country. An invitation is required. The cost of the visit is covered by the receiving state.
15. ***Official visits*** are also formal visits abroad paid by heads of state and heads of government to their counterparts. A certain level of national protocol and ceremony is bestowed. An official visit

transmits an important political message on the good bilateral relations between the two countries. An invitation is required. The cost of the visit is covered by the receiving state.

16. ***Working visits*** are the lowest level of formal visits abroad, with a minimum of protocol on behalf of the receiving country, paid by heads of state, heads of government or ministers. No ceremony is organized. However, the political, economic or security related discussions could be consistent and of great importance for the future of bilateral relations.
17. ***Unofficial or private visits*** are paid by dignitaries for personal purposes (medical treatment, tourism, sports, shopping etc.) and do not imply any form of protocol. However, in the case of high dignitaries (heads of state or government) even the private visits should be notified to the local authorities, especially for personal or family security reasons.
18. The ***agreement*** is required, under the provisions of the Vienna Convention on Diplomatic Relations (1961), for dispatching a head of mission (ambassador) to other countries. It means the agreement of the receiving state (head of state or government) in relation to the person nominated as ambassador. Usually, the procedure of agreement is discretely fulfilled through diplomatic channels before public announcement, in order to avoid the embarrassing situation in which a nominated head of mission is not accepted by the receiving state.
19. **Attaché** has usually one of the two following meanings: a) an accredited member of a diplomatic mission, not necessarily a career (permanent) diplomat with the Ministry of Foreign Affairs but serving as a diplomat for a limited term of duty and with specific activities under the coordination of other departments, e.g. military attaché, interior attaché, trade attaché, cultural

attaché etc. b) a junior diplomatic agent in the Central of the Ministry of Foreign Affairs, having the first diplomatic rank from the bottom of the professional hierarchy.

20. **Nuncio (apostolic nuncio)** is the resident (permanent) representative of the Pope, with the rank of ambassador of the Vatican City State in the receiving state.
21. **Diplomatic ranks** indicate the level of seniority (professional level) of a career diplomatic agent in the professional hierarchy. The hierarchy of diplomatic ranks can differ a little from one country to another, though the following ranks are usually met in most of the diplomatic systems (descending order): *ambassador, minister plenipotentiary, minister-counselor, diplomatic counselor, first secretary, second secretary, third secretary, diplomatic attaché.*
22. **Consular ranks** indicate the level of seniority in the consular hierarchy. In descending order, they are *consul general, consul, vice-consul*, while some countries start with the level of (junior) consular agent or pro-consul (an older term).
23. **Telegram (cable)** is a form of classified diplomatic communication (eventually a printed out message) originally sent from a telegraph, the information being protected based on a secret code known as *state cipher*. The telegrams are outward (from the Central of the Ministry of Foreign Affairs to one or more diplomatic missions) or inward (from a mission to the Central). It contains information with a variable level of secrecy (classification) and urgency, which therefore cannot be sent neither "in clear" (e.g., email, fax or posted letter) nor through "diplomatic bag".
24. **Diplomatic courier** is an employee of the Ministry of Foreign Affairs, without diplomatic rank (not a diplomatic agent) in charge with transportation of diplomatic bag from Central to diplomatic missions or vice-versa. An officially certified

document called "way bill" is required in order to indicate which luggage is part of the diplomatic bag and which one is personal. The former cannot be checked by custom authority, while the latter has ordinary regime. The diplomatic courier is entitled to immunity and personal inviolability, meaning that he/she cannot be detained or arrested.

25. **Order of precedence** is the descending order of official statuses recognized by a state protocol. It can be defined from at least two different perspectives: the precedence of foreign diplomats in a receiving state or the precedence of dignitaries within their state. When dignitaries or diplomats are aligned at ceremonies, they should literally respect the order of precedence. Especially the order of precedence for foreign heads of missions is supposed to stir controversy if it's not clear or strictly respected. Each state decides upon its order of precedence, but usually the ambassador who has been longest in the respective capital city is in the front of the precedence line. Instead of letters of credence, the head of consular posts are ordered based on the date of their exequatur granted by the receiving government, with honorary consuls ranking after career heads of consular posts. As for the national symbolic hierarchy, as an example, France has the following order of precedence: 1. The President of the Republic; 2. The Prime Minister; 3. The President of the Senate; 4. The President of the National Assembly; 5. Living former Presidents of France (descending from past to present times); 6. The members of the Government (the order of ministers is decided by the President of the Republic); 7. Living former Prime Ministers; 8. The President of the Constitutional Council; 9. The Vice-President of the Council of State; 10. The President of the Economic, Social and Environmental Council; 11. The Defender of Rights; 12. The

members of the National Assembly; 13. The senators; 14. European Parliament members; 15. The President of the Court of Cassation; etc.

26. The ***alternate*** is the term used for the original exemplary of a signed treaty (or any other document/international agreement in which the respective country is part) with the name of its signatory high ranking official (head of state, head of government, foreign minister etc.) on the first position. Symbolically, the signatories thus alternate in the honor position in the preamble of the document. The number of alternates is always equal to the number of signing parties.
27. **Casus belli** is an act or event that could precipitate or be used as justification for starting a war (but not the real cause of the war).
28. A **truce** is a temporary *stop of fighting*, not on a written basis, fragile and unstable, usually preparing the negotiation of a ceasefire.
29. **Ceasefire** is a temporary or permanent negotiated *agreement to stop fighting* in a defined perimeter of military confrontation. No forward movement of troops' positions or armaments of all combatants is allowed from the moment of ceasefire. A "ceasefire-in-place" is considered as an opportunity or first step towards a future armistice or even peace treaty.
30. **Armistice** is a permanent, negotiated, and written *end of the war* (but still not a state of peace). For example, the Korean War ended only with an armistice (1953) but the parties still have not signed a peace treaty, which means that the conflict between them still exists.
31. **The peace treaty** represents a negotiated, permanent solution to the dispute. From that moment, the signing parties do not have that conflict anymore.

32. **Arbitration** is a settlement of a dispute through the decision of an accepted ad-hoc tribunal. The members of the arbitral tribunal are selected from the list of the Permanent Court of Arbitration. This procedure of pacific settlement of a dispute is possible only when the two or more involved states have agreed in advance to ask for a decision of the arbitral tribunal. Therefore, the agreement is sometimes called compromise.
33. **Balance of power** is a traditional concept of the realist school of international relations which refers to the distribution of power between the states in a region or at global level, at a given time. It is based on the conviction that states are egoistical and only pursue their own interests in relations to other international actors. In order to avoid war, none of the states should have enough power to dominate all other states. From this "anarchical" competition between states can result conflicts. Therefore, the preservation of the status quo (most often through alliances), consider the realists, is better than any "adventurous" attempt to change the distribution of power at regional or global level. The origin of the European classical (state-system based) balance of power is the Congress of Vienna (1815). In the twentieth century, after the failure of "concert of nations" and the League of Nations, the concept of collective security and constructivist theory seemed to replace the old idea of the balance of power. However, in the last years more and more authors suggest the return to (neo)-realism and the method of balancing the distribution of power. Among classical realist and neorealist authors: Hans Morgenthau, Carl von Klausewitz, Kenneth Waltz, John Mearsheimer, Henry Kissinger etc.
34. **The Common Foreign and Security Policy** (CFSP) inaugurated by the Treaty of Maastricht (in effect since 1993), is basically the name

for the foreign policy of the European Union. It used to be one of the three pillars of the European Union. After the Lisbon Treaty (2009) and the establishment of the European External Action Service (EEAS), the European foreign policy and its newly created diplomatic corps is chaired and represented by a High Representative.

35. **Vienna Convention on Diplomatic Relations** (1961) is the name of the agreement entered into force in 1964, resulted after the international conference in Vienna, in 1961, with 81 participating states. Its purpose was to clarify and codify the existing customary international law regarding diplomatic missions and diplomatic agents, mainly related to privileges and immunities. The Convention has been lately accepted by almost all sovereign states.
36. **Vienna Convention on Consular Relations** (1963), entered into force in 1967, is a largely accepted international agreement resulting from the Vienna conference held in 1963. Its purpose is to clarify and codify the consular issues according to international law, mainly in relation to immunities, facilities and privileges of consular officers and consular posts.
37. **Direct dial diplomacy** suggests interpersonal communication and quick consultation (usually by phone but also through other means) of high dignitaries such as heads of state, EU commissioners, High Representatives, heads of government, ministers etc. over hot issues of bilateral or international agenda, bypassing traditional diplomatic channels of communication represented by ministries of foreign affairs or embassies. Direct dial communication is a growing version of political consultation, especially in the European Union.

38. **Diplomatic passport** is a form of national passport issued by a state to its high dignitaries, diplomatic agents, and their family members in order to provide them with a set of immunities and privileges, according to the Vienna Convention on Diplomatic Relations.
39. **Courtesy call** is a visit paid as a matter of courtesy by a newly arrived head of mission to a high dignitary of the receiving state, other than the head of state (e.g., head of government, foreign minister, other ministers, heads of government agencies or important institutions etc.) after presenting the letters of credence to the head of the receiving state. The moment is used for personal introduction, assuring the highest consideration and best wishes for his/her term of duty.
40. **A farewell call** is a visit paid by a departing head of diplomatic mission to high dignitaries of the receiving state. Farewell calls are less formal than presentation of credentials (sometimes they are not even required, depending on the agenda of the head of state and the substance of the bilateral relations) and have the significance of good ties and satisfaction for the results of the mission.
41. A **Verbal Note** or sometimes "note verbale" (from French) is a written, formal communication between a diplomatic mission and the MFA of the receiving state (or vice versa), between foreign diplomatic missions in the same country or between international organizations and permanent diplomatic representations. The style is strictly formalized, person III, concise, no-frills, with clear information, question, or contents. Verbal notes are rubber-stamped at the bottom, numbered from the first issued each year, and initialed by the person who authorized the transmission, but not signed (non-personal communication).

The decision-making process in foreign policy and diplomacy involves political as well as bureaucratic levels and actors. Usually, the head of state is formally in charge with the foreign policy prerogatives and responsibilities, but presidents and especially monarchs are more and more discreet in interfering with specific political decisions, mainly in the parliamentary regimes. Most of the foreign policy and diplomatic prerogatives are thus transferred to the government. The heads of state use to keep only the ceremonial prerogatives of receiving the letters of credence from foreign ambassadors or hosting receptions on festive occasions.

In the semi-presidential regimes, the presidents are more active in foreign policy, and they really share with the government (the prime minister and the foreign minister) foreign policy decisions. However, a clear distinction between a "pure" foreign and security policy strategy, on one hand, and economic policies of the country on the other hand is difficult to make today. This is the reason why the head of state and the government are actually "obliged" to collaborate in the field of foreign policy.

In the presidential regimes, the head of state is at the same time the head of government. In this capacity, the president is the center of decision and main actor of the foreign policy of that country, being assisted by the foreign minister (secretary of state).

From a classical perspective, the political level of decision in foreign policy and diplomacy consists in a "chain" of dignitaries that are part of the executive branch. These foreign policy decisional actors are, in descending order: the head of state (usually the President, while the monarchs are fulfilling only symbolical and ceremonial prerogatives), the head of government (Prime Minister, Chancellor or President of the Council of Ministers), the Foreign Minister and the Secretaries of State (deputy foreign ministers) in the Ministry of Foreign Affairs.

Below this level of political officials, who are supposed to be replaced with the alternation in power, comes the bureaucracy of

diplomacy that is the diplomatic service. The technocratic part of diplomacy has two components: the Central of the Ministry of Foreign Affairs and the network of diplomatic missions abroad. Each of these parts of the diplomatic system has its own prerogatives and responsibilities, according to national law and diplomatic international law. Whether the political level and the administration of diplomacy are completely separated it's a different story. From one country to another, the political culture can differ significantly. Where there is a tradition of excessive politicization, the administrative level of diplomacy suffers from political interferences or even a total political subordination. Where political level is strictly defined, the bureaucracy can manage its own area of competencies.

In addition to classical government diplomacy, a series of international organizations (IGOs) and non-governmental actors (INGOs[5]) can involve in diplomatic processes. The United Nations, the European Union, N.A.T.O., the Arab League and the African Union are among the most active, influential and largely recognized actors in international diplomacy. The Red Cross, CARE International, Amnesty International, Oxfam, World Vision International, Greenpeace, Doctors Without Borders are some of the most well-known INGOs with different levels of involvement in global or regional diplomacy.

The current international diplomacy is therefore a mix of state and non-state actors. The prevalence of nation-states' interests is still strong and clear but international organizations, both governmental and non-governmental sometimes challenge the supremacy of the nation-state paradigm.

[5] International non-governmental organization.

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2. The Ministry of Foreign Affairs

VALENTIN NAUMESCU

The ministry or department of Foreign Affairs (the Department of State, in the case of the United States of America) is the government department in charge with the implementation of foreign policy and coordination of the diplomatic service. The foreign ministry actually makes the connection between the political level of decision in foreign policy (the head of state and the cabinet/government) and the network of diplomatic missions, but it also relates to foreign diplomatic missions in the capital city of the respective country.

Though the "diplomatic idea" is very old (in the sense of sending envoys between kings) the foreign ministry as an administrative unit did not appear until the 17th century. Cardinal Richelieu, the "Prime Minister" of the French King Louis XIII established in 1626 a small bureau dedicated to *négociation continuelle*, the first institutionalized name of the current diplomacy. As we have mentioned in the first chapter, the British parliamentarian Edmund Burke coined the term diplomacy in 1796.

The Britain's Foreign Office was established in 1782. A Department of Foreign Affairs was created in 1781 by the Continental Congress in the British North America, and that was also for short time the name of the specialized department in the nascent United States of America. However, in July 1789 the Congress of the US changed its name to the Department of State and charged additionally the "new structure" with some domestic responsibilities such as: management of the Mint,

keeping the Great Seal of the United States and taking of the census[1]. Later on, these domestic functions were discharged but the name of the department remained unchanged.

Some of the current names of the foreign ministries are:

- United States of America: The Department of State,
- United Kingdom: Foreign and Commonwealth Office,
- France: Ministry of Foreign and European Affairs,
- Germany: Federal Foreign Office,
- Italy: Ministry of Foreign Affairs,
- Spain: Ministry of Foreign Affairs and Cooperation,
- Romania: Ministry of Foreign Affairs,
- Canada: Department of Foreign Affairs and International Trade,
- Russian Federation: Ministry of Foreign Affairs,
- Brazil: Ministry of External Relations.

With the exception of France, which started 150 years earlier, almost all great powers of the world began to develop departments of foreign affairs in the 18th century. By the end of the 19th century we can hardly find a sovereign state without an institutionalized foreign ministry.

For a number of reasons, the late 19th century and the beginning of the 20th century could be seen as the "golden age" of the ministries of foreign affairs. On one hand, the elitism and lack of transparence of the institution made the foreign department to be perceived as an exclusivist club, dealing with very sophisticated and "not-for-public" issues. With a very few exceptions, the diplomatic agents were recruited from the upper middle class and sometimes from the old aristocracy, however from the rich families which were affording the costs of higher education and foreign languages training. That was the age of an *aristocratic diplomacy*.

[1] G.R. Berridge, *Diplomacy: Theory and Practice,* Basingstocke and New York: Palgrave Macmillan, 2010, p. 7.

The political influence of the ministry was also increasing to its highest level ever. At a time when kings, presidents and prime ministers (chancellors) were gradually transferring their powers and responsibilities to modern, professional government agencies and institutions, nothing seemed to contest the vocation of the department of foreign affairs to elaborate and implement the foreign policy and diplomacy of the state. The traditional distaste of foreign ministries for mixing "pure" political and security affairs with other government policies (for instance, economic and international trade issues) as well as their reluctance in accepting more opening and transparence towards the public or other parts of society (business, industry etc.), represented a pitfall in relation to the challenges of the 20th century.

The disaster of World War I and the change of the world after the 1920s marked *the failure of the aristocratic diplomacy and the beginning of openness to the public, in the context of democratization.* Political democracy in the Western countries required *more public transparency* and control over government affairs and also a broader view on foreign policy and diplomacy, including an economic dimension and a diversification of services provided (e.g., consular services to respond to a greater mobility of people). The monopoly or supremacy of the foreign ministries in the realm of foreign action of a country was thus contested by the new and complex realities. Not only other ministries and government agencies pretended a say in foreign policy, but also intelligence services, corporate sector and civil society claimed to be part of the strategy. Political parties and parliaments asked for a bigger role in foreign policy (other than ratification of treaties negotiated by diplomats) and it was not difficult to get it. Generally speaking, foreign policy and diplomacy were not any longer the exclusive matters of career diplomats but more of a public and democratic interest.

The 20th century also meant, inevitably, *more bureaucracy* and less intellectual and "cultural glitter" in the ministries of foreign affairs. Diplomatic services became more and more administrative entities performing technical tasks while diplomatic agents were assimilated with civil servants. For the most of foreign policy issues, neither the foreign minister nor the ministry at its different levels is the titular of the decision. We might say that this is absolutely normal in a working democracy, where direction and decisions belong to the elected representatives of the people, in other words to prime ministers or elected presidents. However, the *politicization of diplomacy* has pros and cons.

Below the political level represented by the Foreign Minister and a number of deputy ministers (2-5 Secretaries of State) and, in some cases, one more politically appointed Ministers in charge with a major policy but having no portfolio (e.g., European affairs, International Trade, Cooperation, Assistance and Development, Co-nationals Overseas etc.), the foreign department current activities are managed by high-ranking diplomats. The top permanent civil servant is the Secretary General (named "permanent under-secretary" in the British tradition), followed by one or more Directors General. The Political Director is also a key-position in the MFA, for which most skillful, prepared and experienced diplomats are taken into consideration.

The organization chart of the Ministry of Foreign Affairs of France, for instance, reveals a department in which the Minister of Foreign Affairs is assisted by four Ministers with specific responsibilities. These political dignitaries are the Minister Delegate for European Affairs, the Minister Delegate for Development, the Minister Delegate for Francophony and the Minister Delegate for French Nationals Abroad. All four are attached to the Ministry of Foreign Affairs and reports to the Foreign Minister.

Below the level of Secretary General to whom they are directly subordinated, two high ranking diplomats are heading the key divisions of the French foreign policy: the Directorate General for Political and Security Affairs (lead by the "Political Director") and the Directorate General of Global Affairs, Development and Partnerships. More than 40 directors and heads of units are in charge with smaller structures within the two main divisions. On July 1st, 2013, the total staff and agents raised to 14798 (from which tenured positions were 3099 in central administration and 2905 abroad), including 5053 locally recruited staff[2]. The French MFA budget in 2012 was about 5 billion Euros. Both the staff and the budget have decreased with approx. 3% comparing to 2011.

The ministries of foreign affairs carry out a number of important roles and **functions**. According to G.R. Berridge[3], these activities are related to:

- *Staffing and supporting missions abroad;*
- *Policy making and implementation;*
- *Coordination of foreign relations;*
- *Dealing with foreign diplomats at home;*
- *Building support at home.*

Staffing and supporting missions abroad. The network of diplomatic missions, permanent representations, consular offices and sometimes cultural institutes of a state are, to a large extent if not totally under the patronage of the foreign ministry. It is the responsibility of the foreign affairs departments to recruit, train and provide specialized staff to diplomatic missions, with the exception of military attachés or other staff provided by interested departments and agencies. In addition to personnel policy, the ministries of foreign affairs also administer the

[2] For details, see http://www.diplomatie.gouv.fr/en/the-ministry-of-foreign-affairs-158/, accessed March 2014.

[3] Berridge, *op. cit.*, 7-19.

diplomatic missions. From buildings to cars, and from furniture to communication equipment, the department of foreign affairs is in charge with everything is required for a proper functioning of embassies and consulates.

Policy making and implementation. Posting diplomatic agents and consuls is not the only task of the foreign ministry. Giving them specific instructions and policy guidelines is an essential part of the general mission of the department. The implementation of foreign policy thus becomes the key role of the foreign ministry within the government. According to this purpose, foreign ministries are usually structured on two dimensions: geographical directorates and thematic directorates. The former ones are dedicated to continental or regional issues (Asia-Pacific, Africa, Latin America, European Union, Eastern Europe, Middle East etc.) while the latter focus on certain topics (human rights, assistance for development, crisis management, international treaties, consular affairs, francophone affairs, public diplomacy, cultural affairs etc.) or manage relations with international organizations (United Nations, NATO, OSCE etc.). These directorates may have different names and delimitations, according to every country's position on the map and specific issues of interest. For a European country, more specificity can be given to Eastern Neighborhood, Western Balkans etc. while for Japan more attention for structuring directorates is obviously given to China, Korean Peninsula and other Asian sub-regions. Sometimes Africa is treated as a whole and "included" in a single directorate, other times is "divided" into two or more directorates (Northern Africa or Maghreb and Sub-Saharan Africa, Western Africa, Eastern Africa etc.) if the continent presents more strategic or economic significance for the respective state. It's the same with Europe, Asia or North America. Generally speaking, every country pays more attention to its geopolitical vicinities and uses to treat far regions in a compact approach.

There is also another aspect that influences the structure of the Ministry of Foreign Affairs, beyond geographical position. The size of the country and its budget are important factors for defining the human resources and financial possibilities of that state to support a detailed foreign policy.

In the case of the French Ministry of Foreign Affairs, the following geographical directorates and internal units are established: Africa and Indian Ocean Directorate (West Africa, Southern Africa and Indian Ocean, Central Africa, East Africa), European Union Directorate (Germany and Alpine and Adriatic Europe, Western and Nordic Europe, Central Eastern and Baltic Europe, Mediterranean Europe), Continental Europe Directorate (Caucasus and Central Asia, Balkan Europe, Russia and Eastern Europe), Middle East and North Africa Directorate (North Africa, Egypt and Levant, Middle East), Directorate for Americas and the Caribbean (North America, South America, and Mexico, Central America and Caribbean), and the Directorate for Asia and Oceania (South Asia, Southeast Asia, Far East, Oceania).

Whether the great powers have a global view and very sophisticated structures of their foreign affairs departments, small or poor countries can hardly cover the subtle nuances of geopolitics, so that "divide" the world in very simple terms. For instance[4], Senegal has only two geographical directorates (departments), one for Africa and Asia and the other one for Europe, Americas and Oceania, while Barbados has one single geographical directorate, though with distinct desks for Americas, Asia, Europe, Caribbean, CARICOM and Multilateral Affairs.

Regarding the thematic or functional directorates, it is to be mentioned that their importance and extension have increased in the past decades, amid globalization process. There were voices saying that the classical (traditional) geographical delimitation of foreign policy and

[4] *Ibid.*, 12.

diplomacy is obsolete, once globalization generated an intense inter-connectivity of different regions and a quick spread of common issues around the world. With rising interest are seen today "transversal" directorates such as strategy and policy planning, energy security, immigration, drugs, trafficking and international crimes, human rights, cooperation and assistance for development, consular affairs etc. However almost all foreign ministries have both of them, geographical directorates and functional directorates, the former with a deep focus on local political aspects and the latter with a synthesis view on certain issues.

Crises management cells are specialized units for immediate monitoring, coordination and intervention, and prompt information with regard to emergency or difficult situations in which co-nationals are involved overseas: accidents, catastrophes, violent clashes and wars, terror attacks, kidnapping and hostages etc. In the US Department of State, this unit is called "Operations Center", while in Israel is "Situation Room" and in France is "Crisis Centre".

Coordination of foreign relations. Any state develops a variety of relations with other countries, not only the political and diplomatic bilateral relations which are usually conducted through foreign departments and embassies. Other Government Departments (OGDs) use to enter directly in contact with their counterparts, though the MFA always asks them either to use diplomatic channels (via embassies) or at least to inform the MFA about their action. The so-called "direct dial diplomacy" has weakened somehow the classical diplomatic forms of communication and moreover the MFA capacity to overview the entire system of foreign relations of the respective country. Today, from economic, finance and trade departments to transportation, environment, education or culture, not to mention central or commercial banks, local

authorities, universities, companies, sports associations etc. are developing their "own system" of international relations.

A monopoly of foreign relations in the hands of MFAs is obviously impossible today, in the era of open society and online communication. In order to avoid a chaos in international connections or sometimes even conflicting foreign relations developed by OGDs on behalf of the government, MFAs try to keep control over the coordination of foreign relations. This central position of coordinator can be secured through a number of political, technical and bureaucratic measures:

- Recommending OGDs to use diplomatic channels of communication (via Central unit of the MFA or the embassy) when discuss partnerships, agreements, joint programs etc. with their counterparts or at least to notify (to inform) the MFA about own external actions;
- Vetting all international treaties and documents signed by OGDs (legal requirement);
- Placing a senior representative of MFA in all foreign affairs committees, regardless the field of activity (trade, aviation, military, police cooperation etc.);
- Requiring a prior notification of the MFA for all foreign visits paid by senior officials within OGDs;
- Including other departments under the umbrella of the foreign affairs ministry (most frequently the international trade department, the national cultural institute, the agency for co-nationals living overseas etc.)

Using these methods and other possible instruments, the MFA succeeds (to some extent) to keep centre-stage of the foreign relations system and to avoid chaos in the international representation of the state interests.

Dealing with foreign diplomats at home. The Central of the MFA manages the diplomatic relations with foreign embassies and individual members of the diplomatic and consular corps accredited on the national territory. These relations can be in both senses: from foreign embassies to the MFA (verbal notes with regard to questions or solicited information, different local diplomatic initiatives, organizing visits of senior officials from the sending state, announcing arrivals and departures of the mission's members, complains etc. or informal discussions with ambassadors upon request) or from the MFA to diplomatic missions (circular notes with useful information, summoning the ambassador for communicating the position of the MFA in relation to a certain aspect of the bilateral relations etc.).

An interesting aspect of this dimension of activity is suggested by G.R. Berridge. "Well aware of the capacity for intrigue and the information-gathering role of diplomats, governments have treated their official guests with commensurate suspicion since the inception of the resident missions in the second half of the fifteenth century"[5], appreciates the British scholar, giving the examples of the "diplomatic quarters" established in Beijing and Riyadh, "the better to keep their activities under close scrutiny". Obviously, the official reason for gathering all diplomatic missions within a special quarter invokes the "safety" of the diplomats and their family members.

Usually, in the Central of the MFA works a special administrative unit dedicated to foreign missions and dealing with their local issues and interests. This directorate or bureau may have different names and profiles: Protective Liaison Division of the State Department's Bureau of Diplomatic Security (in the USA), Diplomatic Service Bureau (China), Main Administration for Service to the Diplomatic Corps (Russia),

[5] *Ibid.*, 17.

Office of Protocol/Diplomatic and Consular Privileges and Immunities (France) etc.

Building support at home. After the intensive cultural modernization process and social/democratic emancipation in the postwar period, the MFAs have confronted in Western societies (and not only in the West) with an increasing amount of popular dissatisfaction and distrust related to the elitist and exclusivist character of their activity, sometimes blaming the lack of transparency and openness with regard to recruitment methods, high level of spending in diplomacy and privileges offered to diplomatic agents and their families etc.

Generally speaking, the MFAs have had a bad press in the past decades, with the popular tabloids leading the stream. In 2014, to give just a recent example, the French and international public opinion was shocked by a media campaign revealing that former Prime Minister Dominique de Villepin has returned to the MFA, after a 10-year absence, to work one single day in order to get a bonus of 100,000 Euros before retiring[6].

A particular feature of this department is the lack of an internal social-professional category to support the reputation of the institution and the credibility of the state diplomacy at domestic level. Unlike other government departments (based on teachers, medical staff, police officers, troops, farmers, social assisted people etc.) the MFA works only with diplomats, very few in comparison with other social groups and, moreover, not so popular among ordinary people. Accredited journalists invited to special events, receptions or trips abroad are not enough for building this social support.

[6] Agence France Presse, "France's Prime Minister Earned $138,500 for Just One Day's Work" [Report], 11 March 2014, Business Insider, http://www.businessinsider.com/de-villepin-paycheck-2014-3, consulted in March 2014.

This is the reason why, especially in the West, the MFAs started to think more of how **to increase popular support.** A relative openness towards NGOs, academia and cultural institutions, but also towards independent experts and public figures invited to attend different events, conferences and projects, gives a plus of credibility. *Public diplomacy* is also an effective method to show a friendlier image of the foreign affairs departments around the world.

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3. Diplomatic Missions and Consular Offices

VALENTIN NAUMESCU

Under the generous umbrella of the term "diplomatic missions" (or diplomatic representations) we find at least four types of diplomatic branches affiliated to the Ministry of Foreign Affairs or to the government in general. Though with different definitions and functions all diplomatic offices represent the interests of the sending state in relation to the receiving state or with the respective international organization.

The traditional conceptualization of a diplomatic mission makes reference only to the embassy (formerly called "legation") as the representative instrument of bilateral political relations. However, even in the diplomatic day-to-day language, not to mention popular understanding, it is admitted that consulates, permanent representations to international organizations and cultural institutes are also accredited diplomatic institutions of a state, having personnel with immunities and privileges according to the Vienna Conventions on Diplomatic Relations (1991) or Consular Relations (1963).

Summarizing this preamble, the diplomatic missions are classified in the following **four categories**:

- *Embassies;*
- *Permanent representations to international organizations;*
- *Consulates (all ranks of consular offices from consulates general to lower ranks, including honorary consulates);*
- *Cultural centers/institutes.*

Each diplomatic mission has a head (chief) of mission, appointed by the sending state (at different political levels) and communicated to the receiving state. In most cases, the heads of missions are accredited diplomatic agents who presented their letters of credence (ambassadors) or letters patenta (consuls general) to the receiving head of state or receiving government. In most cases, the ambassador is assisted by a deputy chief of mission (DCM), usually the member of the mission with the second highest diplomatic rank.

There are only a few situations in which diplomatic missions are not headed by accredited ambassadors or consuls general, for shorter or longer periods of time. The acting head of mission could be a temporary or permanent chargé d' affaire leading an embassy until the accreditation of the new ambassador[1], while an acting consul general is usually a consul, member of the mission, representing the consulate until the next consul general is appointed.

In the case of ambassadors, after his/her arrival at post, until the head of state receives the letter of credence of the new ambassador, the term used to designate the newly arrived head of mission is agreed ambassador, with some limited prerogatives. This phase could last from a few days to a few weeks or, very rarely, months.

The history of diplomatic missions dates back to the late fifteenth century, when in Western Europe (Italian city states like Venice, Florence etc.) the first resident offices were established. The intensification of economic, military and political relations in the Middle Ages conducted to the idea that having a permanent or resident representation in an important economic and politic center is more practical than organizing frequent temporary missions to one state or another. Moreover, a

[1] Sometimes a state decides to maintain the level of representation of chargé d' affaire for long time, for one reason or another (usually as an attitude regarding the receiving state's policies), so that in this case we speak about a permanent chargé d'affaire.

permanent representative (later called minister plenipotentiary or ambassador) is better integrated in the inner circles of power and influence and has more knowledge about the local realities than an envoy traveling from the sending state. Because France used to be the first great power to establish resident diplomatic missions, some authors consider that modern diplomacy is actually based on the "French system diplomacy"[2]. It was also the time when French gradually replaced Latin as the language of Western diplomacy.

Not all of the great powers agreed with the French system of diplomacy (western style, so to say) from the beginning. Regarding acceptance of resident diplomatic missions, the Ottoman Empire did not accept the system until 1793, while imperial China was reluctant until 1861. The lack of confidence in foreign resident diplomats lasted for centuries and it still represents a matter of suspicion in some parts of the world.

The so-called "French system of diplomacy", defined by Harold Nicolson, refers not only to resident diplomatic missions but also to a number of characteristics of modern diplomacy of the past two centuries, such as: secret diplomacy, professionalization of diplomacy (including recruitment and formation, ranks, promotion, payment and pension upon retirement), use of protocol and ceremonial, order of precedence (based on the date of arrival's notification), verbal notes etc. Also, the sentiment of collegial affinity within the diplomatic corps is inspired by the French tradition of civility among diplomatic agents. In Nicolson's words, "the French method was the best adapted to the conduct of relations between civilized States".[3]

According to art.3 of the Vienna Convention of Diplomatic Relations (1961), **the functions of the diplomatic missions** are:

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[2] Harold Nicolson, *The Evolution of Diplomatic Method*, London: Constable, 1954.

[3] *Ibid.*, 72

- *Representing* the sending State in the receiving State;
- *Protecting* in the receiving State the interests of the sending State and of its nationals, within the limits permitted by the international law;
- *Negotiating* with the government of the receiving State;
- *Ascertaining* by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;
- *Promoting* friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations.

Whether the functions of embassies are more or less the same, the structure and "organization culture" of diplomatic missions differs significantly, consistent with traditions, values, norms etc. of each national diplomatic service.

The size of a mission differs not only from one national diplomatic system to another (depending on the human and financial resources allocated by the sending country for diplomatic purposes, with large countries having usually more staff than small countries) but also in the frame of each diplomatic service, from one capital to another, depending on the political, strategic, economic or consular interests of the sending state on the territory of the receiving state.

For example, a complete chart of an extended embassy dealing with substantial bilateral relations (the Embassy of Germany in Washington D.C.[4]) includes the following departments and sections:

- Ambassador;
- Deputy Chief of Mission (DCM);
- Political Department;

[4] For more details, see http://www.germany.info/Vertretung/usa/en/01 Embassy/Washington/02/AmbDepts.html, consulted in March 2014.

- Economics and Science Department;
- Communications and Culture Department (Press Section, German Information Center USA, Cultural Section);
- Consular and Legal Section;
- Defense Attaché Staff;
- Administration.

The staff of a large embassy can reach tens of accredited members of the mission: diplomatic agents ("political diplomats" and a significant number of consuls and vice-consuls, when dealing with massive communities of nationals) as well as non-diplomatic employees, the latter being either detached from the Ministry of Foreign Affairs (permanent staff) or locals (temporary staff).

On the contrary, some countries could keep a working mission at a minimum level of personnel, in exceptional cases with only one diplomat, when facing budgetary restrictions or dealing with a modest volume of diplomatic and consular tasks in the receiving state.

Large or small, diplomatic missions are more and more affected nowadays in their essential meanings and purposes by a number of impact factors emerging from politics, economy and globalization of communication. The so-called "direct dial diplomacy" gradually replaces traditional diplomatic channels of communication with personal discussions between political leaders. Mainly in the European Union, due to the consistence and diversity of relations and common interests of the member states, presidents and prime ministers use to prefer direct meetings and consultations or even phone calls to get a clear image of the others' approaches, especially over hot issues.

Despite all challenges generated by globalization, the "revolution" of online communication and an increasing mobility of people (political leaders included), the resident diplomatic missions survived and maintained their hard-core roles. However, a process of

adapting to new realities, maybe rebalancing from political and economic reporting to negotiating and lobbying (plus diversifying and making consular services more flexible and accessible) would represent some key points for tomorrow diplomacy.

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4. The United Nations and Multilateral Diplomacy

LAVINIA OPRIŞ

When discussing the complex and intriguing world of diplomacy one needs to take into account that its realm is significantly vaster than what the traditional idea of formalized bilateral relations between two states might suggest. In fact, it can be safely stated that a wide array of multilateral arrangements, organizational or otherwise, is playing an increasingly large role in shaping our world and the way in which we understand interstate relations. Having said this, it is no less true that, without proper argumentation and justification, such a statement runs the risk of becoming an opaque cliché; for this reason, the current chapter aims to delve into the nuances of multilateral diplomacy as illustrated by the specific case of the United Nations, thus shedding some light on the concepts of multilateralism, diplomacy, the UN and, naturally, on the way in which they relate to each other.

In order to achieve this goal, the present chapter has a simple, yet useful and logical structure: the first part offers some essential conceptual clarifications regarding the two key concepts of multilateralism and multilateral diplomacy, while the second section moves on towards outlining a few relevant details concerning the United Nations themselves in order to set the stage for the subsequent discussion on diplomatic representation at this particular international organisation;

for this reason, the aforementioned second section deals only with information that is in some manner connected to the world of diplomatic representation in the form of permanent missions.

As anticipated, the third part adopts a more hands-on approach of the system of diplomatic representation at the United Nations itself, delving into details such as the way in which countries are represented, the privileges and immunities of the representatives and their functions; also included are more abstract considerations regarding the social environment in which diplomats operate, so as to offer a more comprehensive understanding of our subject matter that includes not only theoretical considerations, but also practical elements.

The final section of this chapter sheds some light on the criticism directed at the United Nations' brand of multilateralism, which emphasises salient issues such as legitimacy, transparency and representativeness.

The concepts of multilateralism and multilateral diplomacy

In light of the particular logic outlined above, the first step would be to place the very concept of multilateralism under careful scrutiny, or, more simply stated, to craft a sufficiently comprehensive and suggestive definition of this essential notion. According to John Gerard Ruggie, simply affirming that multilateralism deals with arrangements between three or more states misses an essential point: the number of states in and of itself is not indicative of a multilateral arrangement, seeing as such a characterisation simply lacks an essential qualitative facet; thus, according to Ruggie, "…multilateralism is an institutional form that coordinates relations among three or more states on the basis of generalized principles of conduct: that is, principles which specify appropriate conduct for a class of actions, without regard to the

particularistic interests of the parties or the strategic exigencies that may exist in any specific occurrence."[1] In addition to this, multilateralism as an organizing principle also needs to be approached in terms of indivisibility, which suggests shared costs and benefits for a specific group of actors, and diffuse reciprocity[2] . This latter notion implies that "…the arrangement is expected by its members to yield a rough equivalence of benefits in the aggregate and over time"[3], or, more simply put, the traditional successive give and take of international relations makes way for standing arrangements that have the potential to yield similar results over time and in a principle-governed manner.

What can be noted is that these considerations delineate a broad scope for multilateralism, implying that, far from being the exclusive playing field of those belonging to the organisational club, "multilateralism is a generic institutional form of modern international life, and as such it has been present from the start. The generic institutional form of multilateralism must not be confused with formal multilateral organizations, a relatively recent arrival and still of only relatively modest importance."[4] Therefore, we must bear in mind that institutional arrangements similar to the United Nations represent only one form that multilateralism as an architect of the international system may take, without actually exhausting its explanatory potential. Indeed, "multilateral cooperation can follow an open diplomatic forum of contact and negotiation. Or, multilateral cooperation can be highly institutionalized in such diverse forums as the World Trade

[1] John Gerard Ruggie, "Multilateralism: The Anatomy of an Institution", in John Gerard Ruggie (ed.), Multilateralism Matters: The Theory and Praxis of an Institutional Form, New York: Colombia University Press, 1992, p. 11.

[2] James A. Caporaso, "International Relations Theory and Multilateralism: The Search for Foundations", International Organization, vol. 46, no. 3, 1992, pp. 601-602.

[3] Ruggie, *op. cit.*, p. 11.

[4] *Ibid.*, p. 7

Organization, the North American Free Trade Association, the North Atlantic Treaty Organization, or the United Nations Security Council."[5]

In order to come one step closer to multilateralism as embodied by the UN in its capacity as an international organization, we may now turn to an approach that implies a mental association with the idea of multilateral conferences. More concretely, it would be advisable to take into consideration the fact that "…the term 'multilateralism' is linked to the preference for, and institutionalization of, collective action in resolving problems that arise among several actors or entities through a process of meetings, negotiation, treaty-making and other forms of non-violent interaction."[6] More specifically, conferences generally imply "meetings or reunions of delegations from different states, which have been convened in order to examine common issues."[7] What sets international organizations apart from this admittedly loose background is that they have acquired the status of "standing diplomatic conferences" which have likely achieved their permanent character due to the fact that "…the problem with which they were established to grapple is itself seen as a permanent problem. The paradigm case is the unceasing problem for the UN of preserving international peace without jeopardizing the immediate security of its member states."[8] On a more technical note, it would be useful to turn to certain features that, on top of substantial aspects such as the continuing endurance of their purpose, set international organisations apart: "Multilateral institutions focus attention on the formal organizational elements of international life and

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[5] Charles Doran, "The two sides of multilateral cooperation", in I. William Zartman, Saadia Touval, International Cooperation: The Extents and Limits of Multilateralism, New York: Cambridge University Press, 2010, p. 42.

[6] W. Andy Kinght, *A Changing United Nations: Multilateral Evolution and the Quest for Global Governance*, New York: St. Martin's Press, 2000, p. 38.

[7] Ion M. Anghel, *Dreptul Diplomatic: Diplomația ad-hoc și diplomația multilaterală,* București: Editura Științifică și Enciclopedică, 1987, p. 82.

[8] G. R. Berridge, *Diplomacy: Theory and Practice*, Basingstoke: Palgrave MacMillan, 2010, p. 146.

are characterized by permanent locations and postal addresses, distinct headquarters, and ongoing staffs and secretariats."[9]

In the wider context described here, it follows logically that a simple, yet comprehensive definition of multilateral diplomacy would be: "Diplomacy conducted via conferences attended by three or more states, as distinct from bilateral diplomacy […]. Multilateral conferences vary enormously in size, level of attendance, longevity, and extent of bureaucratization, from small ad hoc conferences to huge ones with a wide-ranging agenda, such as the annual sessions of the UN General Assembly."[10] In contrast, bilateral diplomacy is seen, by the same authors, as both "the conduct of diplomatic relations […] between two states through formally accredited missions" and "any form of direct diplomatic contact between two states beyond the formal confines of a multilateral conference."[11] Bearing in mind Ruggie's observations relating to the salience of principles of conduct, it is nevertheless useful to accept the notion that "multilateral diplomacy is dealing with several governments simultaneously. In multilateral diplomacy, not only does your government deal with several governments at the one time, but those other governments are also interacting with each other."[12] Before going any further, we feel it is our duty to emphasise the fact that bilateral and multilateral diplomacy remain two sides of the same coin, seeing as they do not move in completely separate circles. "Thus, multilateral diplomacy is not different in purpose from bilateral diplomacy; it is merely one of the implements in the toolkit available to governments for coping with issues as they arise."[13]

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[9] Caporaso, *op. cit.,* p. 602.

[10] G. R. Berridge, Alan James, *A Dictionary of Diplomacy* (Second Edition), Basingstoke: Palgrave MacMillan, 2003 pp. 176-177.

[11] *Ibid.*, p. 21.

[12] Ronald A. Walker, *Multilateral Conferences: Purposeful International Negotiation*, Basingstoke: Palgrave MacMillan, 2004, p. 16.

[13] *Ibid.*, p. 21.

Taking everything into account, – and since we may now claim at least a passing familiarity with the concept of multilateralism as the background for a specific type of diplomacy – it is advisable to turn to the task of narrowing the focus of our research to the particularized manifestations of multilateral diplomacy through the United Nations, perceived here as an illustration of their own brand of the key terms discussed throughout this section.

UN – basic facts

Before delving into the intricate and sometimes confusing world of diplomatic representation, it would be a worthwhile undertaking to arm ourselves with some basic knowledge regarding the evolution of the United Nations and its most important characteristics, so as to have a clearer picture of the scene on which an important club of multilateral diplomats enacts the carefully choreographed motions of its trade.

In order not to elude giving credit where it is due, we find ourselves compelled to note that the idea of an organisation with universal membership and a mandate encompassing an impressive range of essential world issues was first brought forth by the architects of the League of Nations, an organization whose demise in the wake of its failure to prevent a devastating war mutated into the birth of the United Nations. Not only did this latter organisation take over the physical properties and assets of the League[14], but it also inherited a large part of its structural arrangements and more substantial aspects such as the vital commitment towards the maintenance of international peace and security.

[14] Leland M. Goodrich, "From League of Nations to United Nations", International Organization, vol. 1, no. 1, 1947, p. 3.

Empirically, after some initial entreaties at the behest of US president F. D. Roosevelt, acting in concert with Soviet and British leaders, "the UN idea was reaffirmed at meetings in Cairo, November 22-26, 1943; in Tehran, December 1, 1943; and at Dumbarton Oaks, August 21 and September 28, 1944. These last sessions established the specific structure of the United Nations Organization with a Secretary General, a General Assembly, a Security Council, and an International Court of Justice."[15] "In 1945, representatives of 50 countries met in San Francisco at the United Nations Conference on International Organization to draw up the United Nations Charter […]. The Charter was signed on 26 June 1945 by the representatives of the 50 countries. Poland, which was not represented at the Conference, signed it later and became one of the original 51 member states. The United Nations officially came into existence on 24 October 1945, when the Charter had been ratified by China, France, the Soviet Union, the United Kingdom, the United States and a majority of other signatories."[16] Although this dry set of facts may seem daunting at first, it is nevertheless indicative of the very elaborate and time-consuming procedures that are needed to elevate a series of ideas coined at various multilateral meetings to the status of a standing conference.

An analysis of the subtle network of interests underlying this seemingly self-evident stream of progress would reveal that the emerging role of the United States as a hegemonic power may very well account for the specific form taken on by the nascent multilateral arrangement that came to be known as the UN. Concretely, whereas isolationism was no longer an acceptable option, the Americans were

[15] Donald A. Wells, *The United Nations: States vs International Laws*, New-York: Algora Publishing, 2005, p. 11.

[16] United Nations Department of Public Information, The United Nations Today, New-York: United Nations, 2008, p. 3, [http://www.un.org/ar/geninfo/pdf/UN.today.pdf], accessed on10 March 2014.

especially reluctant to be bogged down in a complicated labyrinth of bilateral agreements, while at the same time needing to contain the Soviet threat and ensure their future weight in any potential formula of cooperation.[17] It would constitute an undoubtedly stimulating exercise to try and map the complex diplomatic juggling it took the major powers (the United States in particular) in order to ensure that their own brand of multilateralism would become an accepted and trustworthy complementary arrangement to the multiple commitments, bilateral or otherwise, shaping the world of states at that point in time.

The resulting purposes of the United Nations are set forth in the very first article of its Charter and can be expressed as follows: "to maintain international peace and security"; "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples"; "to achieve international cooperation in solving international economic, social, cultural and humanitarian problems and in promoting respect for human rights and fundamental freedoms"; "to be a centre for harmonizing the actions of nations in the attainment of these common ends."[18] In acting towards these goals, members of the organization need to keep in mind principles such as sovereign equality, settling disputes by peaceful means, refraining from using force or the threat of force against any other member state and non-intervention in the domestic matters falling within the jurisdiction of a particular state.[19]

The widely known structural formula of the United Nations is represented by The General Assembly, The Security Council, The Economic and Social Council, The International Court of Justice, The

[17] See Ruggie, *op. cit.*, pp. 26-27, Petru Dumitru, *Sistemul ONU în contextul globalizării: reforma ca voință și reprezentare,* București: Curtea Veche, 2008, p. 69.

[18] Charter of the United Nations, San Francisco, 1945, p. 3, available online at [https://treaties.un.org/doc/publication/ctc/uncharter.pdf], accessed on 19 March 2014.

[19] See United Nations Department of Public Information, The United Nations Today, p. 5.

Secretariat and The Trusteeship Council (defunct as of 1994, when the last territory placed under this regime became independent). Considering the fact that our main focus is not represented by a description of the mechanisms under which these organs operate, we will forego this comprehensive task in favour of providing a feel for the general framework in which diplomats operate at the United Nations.

For instance, the General Assembly, the main deliberative body of the United Nations, meets in yearly plenary sessions that span the September-December interval but may also be convened in extraordinary sessions. Each state is entitled to five representatives and five alternates but may only cast one vote, thus contributing to decisions that are not legally binding and take the shape of recommendations.[20] At the beginning of every annual session, a president, 21 vice-presidents and the chairmen of the seven plenary committees (each committee deals with a specific group of issues) are chosen for that session by the General Assembly.[21]

In contrast, the Security Council is practically a permanent body of the United Nations, consisting of five permanent (the United States, Russia, China, the United Kingdom and France) and ten non-permanent members elected by the General Assembly on a geographical basis as follows: "five seats to states in Africa and Asia, one seat to Eastern European states, two seats to Latin American states, and two seats to the states in the category of Western Europe and Other (WEO)"[22]. The latter members serve for a term of two years, with five new states elected to the

[20] See Stelian Neagoe (ed.), *Instituțiile, organizațiile internaționale și România* (vol. II), București: Editura Institutului de Științe Politice și Relații Internaționale, 2013, pp. 538-540.

[21] See Raluca Miga-Beșteliu, *Organizații Internaționale interguvernamentale*, București: Editura ALL BECK, 2000, p. 180.

[22] W. Andy Knight, "The future of the UN Security Council: Questions of legitimacy and representation in multilateral governance", in Andrew F. Cooper, John English, Ramesh Thakur, *Enhancing global governance: Towards a new diplomacy?*, Tokyo, New York, Paris: United Nations University Press, 2002, p. 26.

Council each year. In any matters outside those of procedure, decisions need a majority of nine votes, with the concurring votes of the five permanent members, who may stymie a decisional process by exercising their right to veto.[23] It is particularly important to mention, with regards to this body, that "…while the decision of the Security Council with respect to enforcement action under Chapter VII is binding upon Members of the United Nations, including those not represented on the Security Council, such decisions cannot be taken without the concurrence of all the permanent members of the Security Council."[24] Moreover, – and this aspect directly impacts the activity of diplomats accredited to the United Nations – the Security Council functions on a permanent basis, which means that its meetings need to be able to take place on short notice every time this might be required due to international circumstances.[25]

In addition to the intrinsic value of hard data, this short exposition is relevant in terms of our previous discussions because "the relationship of the permanent members of [the] Security Council to the rest of the members of the United Nations is an obvious example of 'minilateralism' in practice in the maintenance of international peace and security", with minilateralism defined as "cooperation through smaller group interactions usually involving the most powerful actors in the international system".[26] While the argument for such a formula is predicated in terms of efficiency, we will note, in the last section of this chapter, that this particular arrangement is subject to frequent critique which brings the UN's brand of multilateralism under a lot of unwanted scrutiny.

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[23] See Neagoe, *op. cit.*, pp. 541-542.

[24] See Goodrich, *op. cit.*, p. 10.

[25] Miga-Beșteliu, *op. cit.*, p. 184.

[26] Fen Osler Hampson, "Deconstructing multilateral cooperation", in I. William Zartman, Saadia Touval, *International Cooperation: The Extents and Limits of Multilateralism*, New York: Cambridge University Press, 2010, p. 64.

The Economic and Social Committee deals mainly with social, economic and environmental problems, which it tackles in an annual plenary session taking place alternatively in New York and Geneva; it is comprised of the permanent members of the Security Council and fifty four member states of the UN elected by the General Assembly.[27] Given the fact that at plenary sessions states are mostly represented at the level of ministers and high-ranking officials[28], this structure is not a particularly important operational field for career diplomats. This last statement – with officials replaced by independent judges as representatives – can also be applied to The International Court of Justice which, as its name clearly suggests, represents the judiciary branch of the organisation and is, by necessity, even less amenable to overt diplomatic practices and influence.

In what concerns the Secretariat, the most well-known and high-profile diplomatic considerations relate to the political role of the Secretary-General, who can make use of practices such as good offices to address international conflicts. Also, "the Secretariat maintains a protocol department to assist delegates, officials and others with seating arrangements at formal occasions. This department is responsible for determining the general order of precedence for occasions when delegates, officials and other high dignitaries attend together."[29] As a consequence, the Secretariat, seen here strictly from a diplomatic perspective, represents the interface between the permanent representatives and other delegates when formal occasions are involved.

To conclude, up to this point we have managed to outline the environment which diplomats at the UN have to navigate in an adept manner, thus facilitating the following endeavour of describing the

[27] See Neagoe, *op. cit.,* pp. 543-544.

[28] Miga-Beșteliu, *op. cit.,* p. 192.

[29] Lord Gore-Booth, Desmond Pakenham (eds.), *Satow's Guide to Diplomatic Practice,* London and New York: Longman, 1979, p. 26.

complicated and provocative character of diplomacy in the context of an organization like the UN.

Diplomacy and diplomats at the UN

One possible point of departure for this section would be to consider diplomacy itself an institution "understood broadly as a relatively stable collection of social practices consisting of easily recognized roles coupled with underlying norms and a set of rules or conventions defining appropriate behaviour for, and governing relations among, occupants of these roles."[30] This definition suggests that our current task would implicitly be to identify the particular social practices and roles underlying diplomatic activity at the United Nations, so as to become better acquainted with the sometimes mysterious and murky environment that diplomatic actors thrive or flounder in. At a glance, even the most basic background information available would reveal that "…two particularities of permanent representation in an international organization stand out. First, it consists largely of 'group diplomacy,' that is, diplomacy that happens in front of other delegates, forming a more-or-less tightly knit community or association. Of course, corridor and bilateral negotiations abound, but a significant portion of multilateral interactions is conducted in the open, in front of other members. Second, multilateral diplomacy in an international organization entails regular, face-to-face interaction in a generally promiscuous and partially closed environment."[31] As a consequence, it would not be too far-fetched to assume that an approach in the terms described above would yield

[30] Christer Jönsson, Martin Hall, *Essence of Diplomacy*, Basingstoke: Palgrave MacMillan, 2005, p. 25.

[31] Vincent Pouliot, "Diplomats as permanent representatives: The practical logics of the multilateral pecking order", *International Journal,* 2011, pp. 546.

interesting results on such a distinct, fluid and sometimes even restrictive scene.

In keeping with the atmosphere set in the previous paragraph, we begin by stating that this closely-knit environment is, in the case of the UN, populated by permanent missions which, much like regular diplomatic missions, consist of diplomatic staff, technical and administrative staff and service staff, with the head of the mission known as a permanent representative but more often than not assimilated with the classical ambassador in terms of rank, role and status.[32]

Initially, the Convention on the Privileges and Immunities of the United Nations (1946) referred to representatives of member states and admitted diplomatic immunities only with regard to the exercise of their official functions, whereas in the Headquarters Agreement (1947), full diplomatic immunities were granted for permanent representatives.[33] According to the Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character[34] (done in 1975, but not yet in force), the diplomatic staff of permanent missions at international organisations enjoys privileges and immunities akin to those of regular diplomats. As a result, we may infer that the status of permanent representatives and their diplomatic staff solidly integrates them into the world of diplomacy, even though the nature of their daily activities sometimes deviates from what tradition may dictate.

As a case in point, at the United Nations, "a diplomat serving in a delegation will attend a great many meetings – again unlike normal diplomatic proceedings in most national capitals. A proportion of these

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[32] See Emilian Manciur, *Protocol Instituțional,* București: Editura comunicare.ro, 2002, p. 28.

[33] See Ion M. Anghel, *Dreptul diplomatic și consular*, București: Lumina Lex, 1996, pp. 278-279.

[34] Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character, 1975, available online at [http://legal.un.org/ilc/texts/instruments/english/conventions/5_1_1975.pd f], accessed on 20 March 2014.

meetings, such as Committees of the General Assembly, will be in public. Normally the press will not be there, but if there is a flare-up, it will certainly appear. In that case the diplomat needs the capacity to think and talk not only in the diplomatic but also in the political and public relations dimension."[35] As we can easily see, the impressive range of diplomatic activities requires a comprehensive arsenal of skills on the part of the diplomat, not only in terms of being in the public eye on a regular basis, but also as an occasional political agent who needs to express opinions with the instruments pertaining to the political realm without having time for further consultations. In other words, "…the multilateral diplomat represents her government in the eyes of others, but, being in a permanent state of negotiations, she also ends up governing, given the local compromises, creative policymaking, and horse-trading that happens on the ground."[36]

Even though permanent missions may have at least a theoretical reprieve when the General Assembly is not in session (not to mention the fact that the permanent representative is not always appointed as a head of the delegation accredited separately to each session of this body) the representatives of states serving on the Security Council are placed in a constant state of alert: "Except on unusual occasions, the Security Council is staffed by members of the permanent mission, and the Permanent Representative to the United Nations represents his state in the Council. By provision of the Charter every member of the Security Council must keep a permanent representative in New York since the Security Council is organized to meet on 24-hour notice or less at the call of any UN Member."[37] This provision is once again an indicator of the fact that diplomats accredited to the UN are forced to live and work in close

[35] Gore-Booth, Pakenham (eds.), *op. cit.,* p. 312.

[36] See Pouliot, *op. cit.,* pp. 550.

[37] Richard F. Pedersen, "National Representation in the United Nations", *International Organization,* vol. 15, no. 2, 1961, p. 256.

quarters, thus forming a social microcosm with its own rules and preoccupations.

Of particular interest and importance within this individualized social environment is the matter of precedence, which is meant to save a lot of grief and administrative energy and preclude any possible disputes regarding status. In the specific case of the United Nations, the concept of 'order of precedence' can refer to two different issues: the precedence between officials of the organization and that between delegations of member countries. "As regards the first, the President of the General Assembly is held to be the most senior, followed by the Secretary-General and the Chairman of the Security Council in that order. There follow the Chairman of the Economic and Social Council, the Vice-Presidents of the General Assembly and the Chairmen and Vice-Chairmen of the Assembly Committees."[38]

In what concerns the latter issue, the established practice, at least when it comes to General Assembly reunions, is placing the delegations of all countries in alphabetical order, with the one opening the list to be chosen by lot.[39] This particular practice, beyond saving time on technical issues, serves the function of emphasizing, at least formally, the principle of sovereign equality between states.[40]

Apart from these considerations pertaining to the realm of protocol, the unique character of multilateral conferences means that "in the United Nations and at other conferences, the discussion and negotiation formula is quite different. The spokesman for a government in plenary sessions or in important committees may well be a politician or someone specially chosen for his or her expertise from outside official ranks. In that case, diplomatic officers form what is conveniently

[38] Gore-Booth, Pakenham (eds.), *op. cit.,* p. 26.
[39] See Ioana Vârsta, *Protocol și etichetă diplomatice,* București Editura C. H. Beck, 2011, p. 32.
[40] See *Ibid.*, pp. 124-125.

described as a 'second row.' In other words their function will be to advise continuously on what is being said, done and contemplated by other delegations and by the United Nations Secretariat."[41] Without delving into the potential frustrations this situation may cause for an experienced career diplomat, it is nonetheless useful to note the fact that it hints at the peculiarities of diplomacy at standing multilateral conferences, as well as at the major importance attributed to the function of information gathering and to the advisory role of missions in the case of multilateral fora such as the UN.

This last argument brings us nicely to the next point on the agenda, an aspect that has only been touched upon until now in terms of negotiating, dealing with the public relations aspect and obtaining precious information: the functions of diplomatic representation at the United Nations, which will now be discussed in a more coherent and organized manner. The disagreeable (at least to state actors who do not wish to see their cities invaded by a slew of privileged representatives) Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character lists the following functions as pertaining to the permanent mission: "ensuring the representation of the sending State to the Organization; maintaining liaison between the sending State and the Organization; negotiating with and within the Organization; ascertaining activities in the Organization and reporting thereon to the Government of the sending State; ensuring the participation of the sending State in the activities of the Organization; protecting the interests of the sending State in relation to the Organization; promoting the realization of the purposes and principles of the Organization by cooperating with and within the Organization."[42]

[41] Gore-Booth, Pakenham (eds.), *op. cit.,* p. 313.

[42] See Vienna Convention…, pp 6-7.

This short enumeration constitutes a good foundation for further discussion, accentuating the representative role of the mission which guards the national interest, as well as the information gathering angle. It is, of course, not that hard to imagine how diplomatic representatives living in a tightly-knit community and constantly coming in contact with each other may be able to quickly access a large pool of information regarding the position of foreign delegations and governments on matters ranging from those pertaining to organization affairs to those dealing with potential opportunities and threats coming from other countries.

It is not surprising that this prime position in the centre of events allows delegations to surpass the role of simple advisors and gain a rather firm footing in what concerns influencing policy-making and political decisions, even when they do not represent the key negotiators or are more directly involved in the pre-negotiations stage. "As a source of information on the attitudes of other governments and delegations, as an agency of the government professionally concerned with effective use of the United Nations in foreign policy, and as a tactically minded unit which may be able to predict whether certain lines of policy may or may not be successfully carried out, a delegation is likely to exert substantial influence on policy formulation throughout the consideration of any individual issue."[43]

In what concerns the so-called press angle, it is noteworthy that diplomats at the UN simultaneously speak to domestic publics, foreign publics, foreign governments and delegations. This is why they constantly need to calibrate their words so as to present a positive image of their country, while ensuring that good intergovernmental relations are maintained.

[43] Pedersen, *op. cit.,* pp. 259.

Last but not least, "often the most effective way of influencing the behaviour of another party is to enter into a contractual agreement with them,"[44] and we can safely assert that the UN is probably the most well placed international forum when it comes to such undertakings, especially since it enables states to form coalitions, to exert pressure on each other and to confront their agendas and positions on a regular basis through their representatives.

In conclusion, while we are not so presumptuous as to claim to have exhausted all facets relating to multilateral diplomacy as embodied through the specific case of the UN, we have arguably managed to paint a suggestive picture of the diplomatic system acting and reacting within the confines of this international organization. The last section of this chapter parts ways with the rather didactic spirit of the previous parts, endeavouring to shed light on some of the criticism attributed to our subject organisation as a key proponent of present-day multilateralism.

Criticism of UN multilateralism

In spite of, or maybe especially due to its high-profile international position, the UN is a subject of vociferous and constant criticism as an organisation that can no longer respond to the increasingly varied issues plaguing the world in an era of globalization which requires coordinated responses to a staggering number of situations with a novel face, such as economic crises, internal conflicts, humanitarian situations, terrorism or poverty, to name just a few.

Perhaps the most frequent source of critique is the organisation's perceived lack of transparency and legitimacy, the latter of which stems from accusations pinning the Security Council as an ultimately unrepresentative reflection of world politics. Even more concerning is the

[44] Walker, *op. cit.*, p. 18.

fact that, despite the numerous pushes for some type of substantial and significant transformation, "…reform has become an approach to change bent on preserving the status quo in the organization to the greatest extent possible. This can be detrimental to an organization that is facing a major crisis and which may not have the luxury of engaging in a disjointed, slow and drawn out modification strategy."[45] A more prosaic indicator of this reality is that the only palpable transformation underwent by the Security Council was the 1965 reform, when the number of non-permanent members was raised from 6 to 10, with the permanent member structure and veto remaining unchanged.

As far as the matter of transparency is concerned, our admittedly brief foray into the fascinating world of diplomats accredited to various UN bodies may easily point us towards the source of the problem. As we have seen, diplomats interact with each other on a regular basis in a closed-off environment, a situation which undoubtedly leaves room for manoeuvre, bilateral trades and backchannel consultations that elude public scrutiny. One example of the concrete manifestation of this supposition is the proliferation, especially beginning with the 1990s, of so-called "informal groups of states" such as groups of friends consisting of like-minded states involved in peace-making and peacekeeping efforts or contact groups comprised of occasional willing states that may have their own agenda[46]. Obviously, the presence of structures that operate in a complementary or even parallel manner to formal arrangements may discredit them or cause the public to regard the less up-front decision-making processes with suspicion or as a supremely unsavoury aspect of UN activity.

[45] Knight, *A Changing United Nations*…, p. 49.

[46] See Jochen Prantl, "Informal Groups of States and the UN Security Council", *International Organization,* vol. 59, no. 3, 2005, pp. 559-592.

On top of this, "supporters of reform claim that the Security Council comes nowhere near to reflecting the distribution of either power or diversity among the world's regions and, therefore, lacks authority […]; besides, the less-developed countries have no permanent representation at all."[47] Indeed, "from a geopolitical perspective, four out of the five permanent members on the Council are European or linked through history to Europe. China is the only permanent member not from the industrialized world. None of the permanent members is from the southern hemisphere. Therefore, one can appreciate the calls of several third world states for the inclusion of a number of countries representing the developing world – "the South" – in the permanent category of the Council."[48]

In fact, this constitutes a rather accurate summary of the gist of complaints raised with regard to the Security Council and its flawed structure which has given rise to numerous proposals, recipes and formulas for reform over the years. A well-known example is represented by pressures to include Germany and Japan as permanent members of the Security Council, bearing in mind the fact that these two countries "together are now able to offer a contribution to the maintenance of international security comparable to that of the United States, and greater than any of the others."[49] Other types of proposals stipulate an increase in the number of non-permanent members of the Council, while some see adding more permanent seats with or without a veto right as the solution, most of them emphasizing the need to endow countries from "the Global South" with more decisional weight, whether they are populous states from Africa or upcoming global actors such as India or Brazil.

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[47] Berridge, *Diplomacy*…, p. 151.

[48] Knight, *The Future*…, p. 25.

[49] Bruce Russett, Barry O'Neill, James Sutterlin, "Breaking the Security Council Logjam", *Global Governance*, vol. 2, no. 1 1996, p. 68.

It is, however, not our purpose to detail the technical aspects of these formulas; suffice it to say, there is a constant stream of pressure for change in the direction of a more representative (and consequently legitimate Council), which in turn has to answer to claims regarding the loss of efficiency because of a more complicated structural arrangement; this latter concern is indeed very real considering that even now the risk of arduous negotiations, deadlocks or protracted diplomatic struggles is a tangible possibility, further complicated by the veto power of permanent members. One can only wonder what might happen on the diplomatic plane if more and more actors are brought to the decision table and asked to cast their vote on high-stakes international issues, especially when quick and decisive action is needed to prevent hazardous or even destructive consequences.

A possible solution would be to channel claims for representative bodies through different structural frameworks, which would entail "a role for more direct representation, perhaps through the medium of a parliamentary assembly or through a network of national parliaments."[50] On the other hand, it is hard to imagine that the current commitment to the status-quo, combined with a reluctance to thicken the already nebulous web of UN instruments, allows for such digressions to the original model to become an integrated, accepted and commonplace phenomenon. Therefore, the challenge that needs to be tackled in the future is the adaptation of an organisation that is already stretched thin to the numerous demands placed on it by way of its quasi-universal mandate.

The success of all attempts at organisational change remains dependant on their ability to maintain a delicate balance between transparency, legitimacy and efficiency, which means that diplomats

[50] Simon Maxwell, "How to Help Reform Multilateral Institutions: An Eight-Step Program for More Effective Collective Action", Global Governance, vol. 11, no. 4, 2005, pp. 420-421.

engaging in such activities at the UN walk an incredibly fragile tightrope wrought with traps and blockades more often than not.

Conclusion

To sum up, the aim of this chapter was to offer an overview of multilateral diplomacy in the particular context of the United Nations. In order that this task may be properly fulfilled, a clear definition of multilateralism has been advanced, with a view to demonstrating that organisations such as the UN represent only one of many possible manifestations of the broader concept. Furthermore, we have also endeavoured to offer a feel for the history and functioning of the UN, with a view to depicting this organisation as a backdrop for a certain type of diplomatic activity which may safely boast its own intriguing peculiarities. Last but not least, we have also presented a sample of the critique assaulting the UN's brand of multilateral diplomacy, which serves not only to highlight the impact and notoriety of the organisation and the need for a more effective multilateral formula, but also the intricacy of the world that diplomats have to navigate. It is our hope that this exposition has managed to raise an interest in the matters touched upon within these pages and, at the same time, to offer a suggestive and nuanced reflection of our subject matter.

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5. Diplomatic Negotiations

DIANA-NICOLETA PETRUȚ

Introduction

This chapter aims to offer a comprehensive overview of the process of diplomatic negotiations, perhaps one of the most complex and important tools of diplomacy. To do so, it will start by offering a definition of the concept of negotiations and explaining how it has emerged and developed. Then, the chapter is structured into three sub-chapters, each of them focusing on one stage of the negotiation process. The first sub-chapter deals with the pre-negotiations, by analysing the various elements and conditions that need to be established in order for negotiations to begin. The second sub-chapter tackles the formula stage, including its definition, characteristics, examples, and the approaches of negotiation. Finally, the third sub-chapter examines the details stage, by explaining why it is the most difficult one and what strategies can negotiators use to achieve their objectives.

First and foremost, it is crucial to understand what the concept of negotiation means. While there are many different definitions, William Zartman describes negotiation as "a process by which the parties combine their divergent positions into a single agreed outcome".[1]

[1] William Zartman, Guy Olivier Faure, "The Dynamics of Escalation and Negotiation", in William Zartman, Guy Olivier Faure (eds.), *Escalation and Negotiation in International Conflicts*, Cambridge: Cambridge University Press, 2005, p. 4.

Historically speaking, negotiations have been linked to the political evolution of the world. A key development in this regard dates back to the 17th century, when the Cardinal of Richelieu coined the concept of "négotiation continuelle" (continuous negotiation). In his view, continuous negotiation has two interrelated meanings. The first meaning is "having diplomatic agents everywhere and at all times"[2], who negotiate ceaselessly, either openly or secretly, which makes references to what was later going to become the modern embassy. The second meaning refers to "ceaselessly pursuing achievement of agreement on all outstanding questions"[3], representing a more modern view of negotiations, as a means of reaching decisions and agreements between states.[4] While a historical overview of how negotiations have developed is beyond the scope of this chapter, this moment is still significant and worth noting, because it showcases the initial stages of diplomacy and negotiations.

Nowadays, in international politics, negotiations represent an integrated part of the system of international relations, where different and interrelated actions between different types of diplomatic activities take place, each one influencing the other. Political analysts and international relations specialists are interested in the way in which negotiations fit within the broad concept of foreign policy. The actors are the governments, whose actions are directed by the political prerogatives and structural elements of the international system. Negotiation is a type of interaction between national representatives, influencing interstate relations. For political decision-makers, international negotiation is one

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[2] G. R. Berridge, "Richelieu", in G. R. Berridge, Maurice Keens-Soper, T. G. Otte (eds.), *Diplomatic Theory from Machiavelli to Kissinger,* Basingstoke: Palgrave Macmillan, 2001, p. 74.

[3] *Ibidem.*

[4] Lavinia Opriș, "Diplomatic Negotiations", in Valentin Naumescu (ed.), *Foreign Policy and Diplomacy – An Introduction,* Cluj-Napoca: Editura Fundației pentru Studii Europene, 2014, p. 80.

of the various instruments of developing and implementing foreign policy, other types including: official and unofficial diplomatic communications, ministerial meetings, meetings of international organisations, summits.[5]

Especially since the end of the Cold War, the number and complexity of international negotiations has grown exponentially, gaining new dimensions, as alternatives to the settlement of disputes through coercive means.[6] International negotiations are a permanent feature of international organisations, such as the United Nations (UN), the North Atlantic Treaty Organisation (NATO), the Organisation for Security and Cooperation in Europe (OSCE), to name but a few. Regional negotiations are conducted in the European Union at various levels: between the Member States, between the EU institutions themselves, between the EU institutions and Member States, between the EU and its neighbouring or tertiary states. Of course, regional negotiations can happen in other parts of the world, such as South-East Asia, the Middle East, Latin America and the Caribbean, etc. At individual level, states can initiate bilateral negotiations in areas such as security, trade, consular affairs, art, science, education, and the list can go on.[7]

Having understood what negotiations are and why they are so important, we can now move one step further by analysing the various their various facets and the stages that they imply. To do so, we consider the definition of William Zartman and Geoff Berridge, who characterise negotiations as a process consisting of three stages: the pre-negotiations,

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[5] Melania-Gabriela Ciot, *Negocieri Internaționale*, Cluj-Napoca: Presa Universitară Clujeană, 2021, p. 35.

[6] Victor A. Kremenyuk, "The Emerging System of International Negotiation", in Victor Kremenyuk (ed.), *International Negotiation: Analysis, Approaches, Issues*, 2nd edition, San Francisco: Jossey-Bass, A Wiley Company, 2002, p. 23.

[7] *Ibidem.*

the formula stage, and the details stage[8], which will be analysed throughout this chapter.

1. Pre-negotiations

The pre-negotiations, or *talks about talks*, are the first stage of the negotiation process, despite their somewhat misleading name. They represent all of the activities conducted before the first stage of "around the table" negotiations.[9] Pre-negotiations can be broken down into three sub-stages[10]:

- agreeing the need to negotiate,
- agreeing the agenda,
- agreeing the procedure.

This is the stage that paves the way for the subsequent phases of negotiation and its importance should not be played down, because a failure to agree on any of these aspects can lead to the disintegration of the whole negotiation process.[11]

William Zartman notes that "pre-negotiation begins when one or more parties considers negotiation as a policy option and communicates this intention to other parties. It ends when the parties agree to formal negotiations […] or when one party abandons the consideration of negotiation as an option".[12]

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[8] William Zartman, *Negotiation and Conflict Management: Essays on Theory and Practice*, London, New York: Routledge, 2008, p. 59.

[9] Roy J. Lewinski, Bruce Barry, David Saunders, *Negotiation*, 8th edition, New York: McGraw Hill, 2020, pp. 27-28.

[10] *Ibidem.*

[11] Lavinia Opriș, *op. cit.*, p. 82.

[12] Zartman, *op. cit.*, p. 119.

1.1. Agreeing the need to negotiate

As the name suggests, this is the moment when the parties agree that negotiation may lead to a viable solution to the conflict. However, this is not as straightforward as one might think, as there are many factors and conditions that influence the decision to negotiate.[13]

First of all, the parties involved in a conflict (economic, military, or conducted through propaganda) need to be convinced that a stalemate, or an impasse exists. In other words, each side has veto rights over the result desired by the other party[14], so there is no way to advance the situation.

Secondly, the parties have to agree that negotiation is the only reasonable way to move forward. This implies that other unilateral means of achieving the desired result have proved to be unfeasible and the current predicament is too uncomfortable and costly to be maintained.[15]

Thirdly, the parties have to understand that it is the right time to negotiate an agreement, rather than continue with the given situation. In other words, a negotiated solution is better than maintaining the status quo, and the gains that come through the negotiation outweigh the concessions that have to be made to reach an agreement.[16] Zartman introduced the concept of a ripe moment to explain this scenario – the parties acknowledge the existence of a mutually hurting stalemate, ideally associated with an impending, past, or recently avoided catastrophe.[17] The prospect of a catastrophe brings urgency to the situation and compels the parties to convene at the negotiating table.

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[13] Opriș, *op. cit.,* p. 83.

[14] Lewinski, Barry, Saunders, *op. cit.,* p. 29.

[15] Opriș, *op. cit.,* p. 83.

[16] *Ibidem.*

[17] William Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments", in John Darby, Roger Mac Ginty (eds.), *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, Basingstoke: Palgrave Macmillan, 2003, p. 19.

Thus, in order for negotiations to begin, all the parties involved have to understand three key messages[18]:

- besides issues of conflict, they also have common interests;
- disaster cannot be avoided unless negotiations take place;
- a possible solution exists (negotiating the given issue can be linked to another negotiation where the opposing sides are involved, creating the possibility for exchanges).

1.2. Agreeing the agenda

Once the need to negotiate has been agreed upon by all parties, the next step is to establish the topics that will be discussed, as well as the order in which they will be tackled.[19] As such, the diplomatic agenda is an ordered list of issues that will be negotiated.

Depending on the items and their order, an agenda can be neutral, favourable, or prejudicial towards one party. This is because one of the actors involved might gain an advantage by including the issues, definitions and ordering the items on the agenda to suit his/her interests, leaving their counterpart in a weaker position, because they have failed to take the importance of agenda setting into consideration. Also, the topics that a party wants to add to the agenda and their order offer important clues regarding their interests and position during the negotiation. If they insist that a certain issue be given priority, it becomes clear that they have a special interest in that particular issue over others, an aspect that skilled negotiators can easily notice and use to their advantage. Thus, a negotiator should be careful not to give away their interest and position so early on in the game. [20]

[18] Ciot, *op. cit.,* p. 38.
[19] Opriș, *op. cit.,* p. 89.
[20] Opriș, *op. cit.,* pp. 89-90.

In terms of content, an agenda can be detrimental to a party for three main reasons[21]:

a) The language of the agenda can indicate that the party has already made a concession by agreeing to place an issue on the agenda or to define it in certain terms.
b) The agenda can be used as an instrument for propaganda if it becomes public. One of the parties can propose items to be added to the agenda, even if they know that the other side would never agree to give concessions, in order to advance its own interests.
c) An agenda that is too general or imprecise might leave room for one party to bring into discussion certain topics that the other side would not have otherwise agreed to negotiate, which is why vagueness should be avoided.

With regards to the order of the agenda items, all parties will want their interests to be placed on the agenda on the first positions, to make sure they will gain concessions from the other side before they have to concede in turn. This is because, if their interests are placed at the end of the agenda, even if they give concessions to the other party on certain items, there are no guarantees that this goodwill will be reciprocated.[22] Thus, in order to avoid such a scenario, there are two main methods that the parties can employ:

- Alternating points – one party places an item of interest on the agenda, then the second party places their item of interest on the agenda, then the first party continues, and so on, until all their interests appear on the list. This way, the agenda is ordered in a balanced manner, so no party has to wait and concede too much before their interests come into discussion. This method is used

[21] G. R. Berridge, *Diplomacy: Theory and Practice*, 4th edition, Basingstoke: Palgrave Macmillan, 2010, pp. 31-32.
[22] *Ibidem.*

when the parties have good relations and there is a high level of trust between them.

- The principle of "nothing is agreed until everything is agreed" – the parties put the agreed points to the side for future reference, but only come to a final agreement once they have discussed all the items on the agenda. This means that the parties can calculate a balance in advance and make concessions without fearing unacceptable losses, but also that any single obstacle can dismantle the whole negotiation if it is not overcome.[23] This method is utilised when there is deep mistrust and difficult relations between the parties, and every point on the agenda is crucial.

1.3. Agreeing the procedure

Once the agenda has been agreed upon, the last sub-stage of pre-negotiations deals with the procedure, which refers to four technical aspects: the format, the venue, the delegations, and the timing.[24]

a) The format

The format refers to whether the negotiations will be *direct* (face-to-face) or *indirect*. If there are more than two actors involved, another aspect is whether the negotiations will be in the form of a series of bilateral discussions, a multilateral conference, or a combination of both.[25]

Obviously, the direct format is preferable, but it can only be applied if the actors have good relations. Otherwise, when the sides perceive each other as rivals or enemies, intermediation by a third party is necessary to bring the parties together. This intermediary action can take three different forms: proximity talks, good offices, or mediation.

[23] Opriș, *op. cit.,* pp. 91-92.
[24] *Ibidem.,* pp. 92-93.
[25] *Ibid.*

Proximity talks take place when the parties are very close to each other, in different rooms of the same building or adjacent buildings, and a chair calls them one at a time for discussions. Good offices are usually offered by an invited person or organisation who has to provide the necessary facilities for negotiations, including advice on procedure, but cannot interfere with the discussions and make proposals. Mediation requires the third party to go one step further and actively suggest possible solutions that can be proposed to the parties involved in discussions.[26]

b) The venue

In case of good relations between the parties, the venue is not that important, as essentially there are two possibilities: home or away. However, the question of the venue becomes salient when the sides involved are rivals. This is because, if a state is able to persuade a rival state to send a delegation on the first state's territory, this will be more convenient for the host state, and will also suggest which is stronger.[27] Negotiating at home offers quite a few advantages: the needed specialists are always available, the costs are reduced, it is easier to maintain secrecy, and the host can have an influence over the environment in which negotiations take place.[28]

In order to avoid controversies over the chosen venue, there are three possible solutions[29]:

- The alternation of the capital cities, so that each side can host sequentially and enjoy the advantages that this implies;

[26] *Ibid.*, pp. 93-94.
[27] Ciot, *op. cit.*, p. 46.
[28] G. R. Berridge, *The Counter-Revolution in Diplomacy and Other Essays*, Basingstoke: Palgrave Macmillan, 2011, pp. 87-88.
[29] G. R. Berridge, *Diplomacy: Theory and Practice*, 4th edition, Basingstoke: Palgrave Macmillan, 2010, pp. 37-38.

- A neutral territory, such as Switzerland or Austria, which are neutral states under international law;
- Meeting halfway, in a capital city that is equally distant from both countries but being careful that the host country does not take any sides in the dispute.

c) The delegations

In terms of delegations, it is important to consider the level of representation, the composition, and the size of the delegation. Regarding the level of representation, if the discussions need to be conducted at ministerial or other official level, this aspect is established during this stage of pre-negotiations, but it is important to remember that, the higher the level of representation, the more priority will be given to the discussions, and a rapid progress will be expected. It is recommended that the level of representation to be equal on both sides, although this is not always respected. One answer to solve this issue could be having mixt delegations. Also, there are disparities between states, as the Great Powers are usually under-represented when they are negotiating with smaller states.[30]

The composition is also very important, because it can lead to tensions if one of the parties refuses to negotiate with a specific person or group, such as: terrorist groups; factions that seek independence from a certain state; blacklisted persons. Also, a state might be reluctant to enter discussions with another actor if there is bad blood between them due to past conflicts.[31] Tensions might also arise if a participant to a multilateral negotiation does not recognise another, such as the US refusal to

[30] Ciot, *op. cit.,* pp. 49-50.

[31] David Bloomfield, Charles Nupen, Peter Harris, "Negotiation Processes", in Peter Harris, Ben Reilly, *Democracy and Deep-Rooted Conflict: Options for Negotiators*, Stockholm: International Institute for Democracy and Electoral Assistance, 1998, pp. 74-75

recognise communist China at the Geneva Conference regarding South-East Asia in 1954.[32]

When it comes to size, the delegation should not be too small, giving the impression of a lack of seriousness and priority towards the negotiation, nor too large, because it can lead to serious security and accommodation issues.[33] While there are no rigid standards, an ideal delegation should comprise of 4-8 members.

d) The timing

The final procedural aspect that needs to be clarified is the timing, which refers to the moment when negotiations should start, and whether a deadline for their conclusion is established. Let us go back to Zartman's concept of "ripe moment", when the parties perceive the existence of a mutually hurting stalemate and the possibility for a negotiated solution that is more advantageous than the status quo. Favourable circumstances do not usually last for a very long time, so when they do appear, the opportunity for starting negotiations should be seized. However, this might not be as easy in practice as it sounds, because practical arrangements require time: documents need to be prepared and consultations need to be conducted, prospective negotiations could coincide with other scheduled events, while some dates need to be avoided because they bring painful or sensitive memories for one of the sides.[34] Also, aspects such as the electoral cycle, economic growth or depression, and national or religious holidays should be taken into account.

[32] Ciot, *op. cit.*, p. 50.

[33] *Ibidem*, p. 49.

[34] G. R. Berridge, *Diplomacy: Theory and Practice*, 4th edition, Basingstoke: Palgrave Macmillan, 2010, p. 42.

2. The formula stage

Once the pre-negotiations have concluded, it is time to move to the second stage of the negotiation process, the formula stage. A formula represents "the broad principles of a settlement". Other terms for it include "guidelines", a "framework for agreement", a "set of ideas".[35] In other words, a formula is a broad framework on which the final agreement is built.

A successful formula should have 4 main characteristics[36]:

- Simplicity – it helps negotiators to express what they want to achieve in accessible terms, which is especially important for the public opinion;
- Comprehensiveness – the formula has to be sufficiently inclusive so that all relevant issues can be addressed;
- Balance – it needs to be equitable in terms of the interests and potential gains of all sides;
- Flexibility – it leaves enough space for manoeuvring during the talks.

One very famous formula was "one country, two systems", used in the British-Chinese negotiations regarding the return of Hong Kong to China in 1997.[37] Another notorious example is "land for peace", which was the basis of Arab-Israeli peace negotiations following the Six-Day War of June 1967. This meant that if Israel would withdraw from the occupied Arab territories, including the occupied Palestinian land, the Arabs would make peace with Israel.[38]

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[35] G. R. Berridge, Alan James, *A Dictionary of Diplomacy*, 2nd edition, Basingstoke: Palgrave Macmillan, 2003, p. 108.

[36] Opriș, *op. cit.*, p. 102.

[37] *Ibidem*, p. 101.

[38] Ziad AbuZayyad *Politics, Economics and Culture*, vol. 19, no. 3, 2014, accessed September 2022, available at https://pij.org/articles/1536/israel-and-palestine--last-chance-for-the-bilateral-process., "Israel and Palestine – Last Chance for the Bilateral Process", *Palestine-Israel Journal of Politics, Economics and Culture*, vol. 19, no. 3, 2014, accessed September 2022, available at https://pij.org/articles/1536/israel-and-palestine--last-chance-for-the-bilateral-process.

The formula stage is crucial because this is when the actors establish, in the broadest of terms, where they want to go and what shape the final agreement will take. Even more, the formula should refer to at least three aspects: a common perception or definition of the conflict, cognitive referents that imply a solution, and a criterion of justice and equity.[39]

Since a good formula has to respect all of these requirements, it can be no doubt that coming to an agreement with regards to it is quite a complex task that negotiators have to attain. As such, two main approaches of negotiation can be employed at this point: the deductive or the inductive approach. The deductive approach refers to agreeing on a general framework for the solution first, and then establishing the concrete details, which are deduced from it. In other words, it implies moving from the general to the particular and is the most logical way of negotiating, but it only works when the parties have good relations and trust each other. This approach was used in the case of the European Union, as a construct for European integration that took some form of political union from the very beginning.[40]

In contrast, the inductive approach begins with a small agreement on the initial details, which will provide the basis for further progress. This is why it is also called step-by-step diplomacy, since it involves moving from the particular to the general. The inductive approach is favoured in situations where there is deep mistrust and suspicion between the parties, because it enables agreement to be reached on relatively uncontroversial topics first, before tackling the very sensitive ones. The most famous advocate of this approach is Henry Kissinger, who saw step-by-step diplomacy as a series of interim agreements, merging into a continuum, and favoured moderation and pragmatism in

[39] Gavin Kennedy, *Essential Negotiation*, London: Profile Books Ltd., 2004, p. 84.
[40] Opriș, *op. cit.*, p. 103.

negotiations. In his view, actors should not aim for too much at once, because it might turn against them and lead to losses on all fronts. However, this approach might take a long time and a lot of bargaining and manoeuvring of the most important issues, which is not always acceptable to all the actors involved.[41] For example, Kissinger used the inductive approach during the Arab-Israeli negotiations following the Yom Kippur War of October 1973. He reminded the Israeli Prime Minister, Golda Meir, that the dispute had to be managed using the elements on hand, famously affirming: "the question is whether you want justice, or you want the prisoners". Disengaging the agreement did not intend to solve the Palestinian issue, only to lead to it, by creating trust in smaller aspects, until the more complex problem could be approached.[42]

3. The details stage

After reaching an agreement on the formula, negotiations can move to the third stage, namely the details stage. This is the point when the formula, or the general framework for the agreement, is discussed and established to the smallest details. During this stage, the terms of the final agreement have to be very specifically defined and delineated, exact figures and a calendar for implementation need to be established, borders have to be clearly drawn in case of territorial disputes, the actors who will carry out each provision have to be identified, and so on.[43]

Thus, due to the fact that so many facets of the accord need to be negotiated during the details stage, it becomes apparent that it is the most difficult and complex phase of the negotiations and can lead to their

[41] *Ibidem*, p. 104.
[42] Ciot, *op. cit.,* p. 67.
[43] Opriș, *op. cit.,* p. 107.

failure if it is not handled properly. An example to illustrate this point is the failure of the Cypriot negotiations of 1974, based on the formula "land for federation". The common perception was that a federation uniting the Greek Cypriot and Turkish Cypriot communities would be the solution to the situation of the island. However, the talks broke down because crucial details such as the status of the two communities, the size of their land, or their legislative and executive representation could not be convened upon by the two sides.[44]

According to Berridge, there are five key reasons why this stage is so difficult, which will be shortly discussed. First of all, the number and complexity of the issues that are negotiated increase significantly, creating the need for larger delegations to be involved, which in turn can lead to disagreements. In other words, the details are more complex than the pre-negotiations and the formula stage.[45]

Secondly, there is no more room for vagueness or manoeuvring, since the terms of the agreement have to be clearly defined, otherwise misunderstandings can arise from different meanings attached to the negotiated terms. However, these definitions are not neutral with regards to the interests of the parties involved, which can cause further difficulties to reach consensus.[46] For example, during the Strategic Arms Limitation Talks (SALT I), which began in November 1969, the term "strategic weapons" caused a serious contention between the American and Soviet sides. The Americans defined strategic weapons by their technical capabilities, wanting to negotiate limits on nuclear systems with intercontinental ranges, because these were the only Soviet arms that threatened US security. By contrast, the Soviets saw as strategic weapons those that threatened the security of the USSR, no matter where they were

[44] *Ibidem*., p. 108.
[45] G. R. Berridge, *Diplomacy: Theory and Practice*, 4th edition, Basingstoke: Palgrave Macmillan, 2010, pp. 49-50.
[46] *Ibidem.*

deployed, so they insisted on including the intercontinental missiles of NATO countries as well.[47]

Thirdly, the details phase takes a very long time, sometimes more than the pre-negotiations and the formula stages together. This happens because it implies the participation of various specialists, who do not always have the political authority to reach decisions, so they have to engage in consultations with the political factors at home and come back and forth to the negotiation table.[48]

Fourthly, one of the parties might try to manipulate a very flexible formula in their favour, in order to gain an advantage. They might try to gain during the details stage what they have failed to gain during the formula, through means such as: manipulation of data information, ground measurements, concealing important aspects, using different methods and systems of partition, their own equipment, altered maps, etc.[49]

Lastly, this stage is the point of no return, the moment of truth. The provisions of the agreement have to be implemented as they are, they can no longer be changed, so there is no more room for errors. The only way of avoiding a regrettable situation at this point is to block the agreement altogether, before it is signed by the parties.[50]

It is also important to note that, although the details stage is the most complex of all, its advantage lies in the fact that an accord is less likely to crumble due to contentions over its interpretation. Fundamentally, the clearer the provisions of the final agreement, the less likely it is for new conflicts to arise between the parties during its implementation.[51]

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[47] Stephen M. Millet, "Forward-Based Nuclear Weapons and SALT I", *Political Science Quarterly*, vol. 98, no. 1, 1983, p. 79.

[48] Berridge, *op. cit.*

[49] *Ibidem.*

[50] *Ibid.*

[51] Opriș, *op. cit.,* pp. 109-110.

As has been stated repeatedly until this point, a negotiation essentially involves exchanges between the parties, the giving and receiving of concessions. This requires a high level of creativity because concessions cannot be given at random, but they have to be made in such a way as to enhance one's position.[52] This is where the strategies of negotiation come into play, as skilled negotiators have to adapt to the situation and think outside the box in order to find innovative solutions.

Essentially, the strategies refer to the manner in which the issues on the agenda are taken into account during the discussion. There are two main strategies of negotiation, namely: "one by one" and "exchanging points". The "one by one" strategy, as the name suggests, refers to approaching each individual item on the agenda separately, and reaching a compromise on all the issues at hand. The end result will be somewhere in the middle with regards to what the two parties wanted, so a mediocre achievement that will not satisfy any side.[53]

In opposition, the "exchanging points" strategy involves exchanging concessions on separate, but related issues. A great negotiator should be able to anticipate future losses and offer them as concessions in exchange for other points of interest. The result of this strategy for each side is gaining half of what it wanted initially, but also accepting half of what the other party wants.[54]

In effect, one of the most complex dilemmas of negotiators is whether they should take a tough or accommodating position. This is because skilled negotiators have to attain their objectives, but also to be adaptable at the same time, so there is a fine balance between rigidity and flexibility that they have to maintain. On one hand, a tough stance will result in an advantageous deal, but it also decreases the chances of

[52] *Ibidem.*

[53] William Zartman, *Negotiation and Conflict Management: Essays on Theory and Practice*, London, New York: Routledge, 2008, pp. 21-22.

[54] *Ibidem*, p. 51.

reaching an agreement. On the other hand, a softer position increases the chances of reaching an agreement, but its terms might not be the most beneficial. Thus, negotiators have to be very careful, so that they are not too rigid, and the talks break down, nor too flexible that they appear weak and easy to take advantage of.[55]

When they do offer concessions, a technique that negotiators can use is to make a show off this action, by overemphasising the value of what they are giving, in order to gain more in return. As such, they should strive to present what they are conceding as positively as possible, so that the other side believes they have gained something very important, and this has caused severe harm to their opponent. This is connected to the tactic of conceding a point which you have already anticipated you will have to offer anyway and convincing the other side that they have received a very good deal, thus enhancing your reputation of good faith and the likelihood of an advantageous accord.[56]

Conclusion

To conclude, this chapter has aimed to offer a comprehensive overview of the process of diplomatic negotiations and to describe why it is one of the most complex and important tools of diplomacy. To do so, it has started by offering a definition of the concept of negotiations and explaining how it has emerged and developed. The three sub-chapters have each focused on one stage of the negotiation process. The first sub-chapter has dealt with the pre-negotiations, by analysing the various elements and conditions that need to be established in order for negotiations to begin. The second sub-chapter has tackled the formula stage, including its definition, characteristics, examples, and the

[55] Opriș, *op. cit.,* pp. 111-112.
[56] *Ibidem*, pp. 112-113.

approaches of negotiation. Finally, the third sub-chapter has examined the details stage, by explaining why it is the most difficult one and what strategies can negotiators use to achieve their objectives. As it can be inferred, this process is very fragile and can disintegrate at any stage if not handled properly. The skills, knowledge and tactics of the negotiators play a key role in this regard, as negotiating is a very tricky game, which is won only by those who know how to play their cards well.

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6. International Organizations, Summits and Conferences

DAN PETRICA

International organizations

By now, we know that diplomacy is the art and practice of conducting negotiations between representatives of states, who are involved in a constant debate, on a wide spectrum of issues, covering nearly all aspects of social life. States take part in a process of perpetual communication at the level of officials. These talks can take many forms, each being related to a certain format or framework, pre-arranged or impromptu. While scheduled meetings, telephone calls or videoconferences provide the best results in urgent matters, other formats are utilised constantly in international politics, to ensure the endurance of long-term relationships. This chapter will shed light on these secondary formats, which allow for an unbroken negotiation of roles and of policies, following the ultimate goal of maintaining stability within the system and resolving localized or overall systemic deficiencies.

While both terms, "international" and "organization", have received much critique throughout time[1] – with the first term being seldom replaced with "transnational" or "intergovernmental" and the

[1] See Clive Archer, *International Organizations*, Routledge, London, 2001, pp. 1-2.

latter with "institution" – with the purpose of not creating confusion, we prefer the combination "international organization" when relating to a type of permanent body created by a minimum of three states. This approach involves a formal system of rules and objectives, a rationalized administrative instrument[2] , while embedding "a technical and material organization: constitutions, local chapters, physical equipment, machines, emblems, letterhead stationery, a staff, an administrative hierarchy and so forth"[3].

A second disambiguation needs to be made, before entering the subject matter even further, as to pinpoint the exact meaning of the concept "international organization" used throughout this chapter. According to the Penguin Dictionary of International Relations, there are two categories of international organizations: international non-governmental organizations (INGOs) and international governmental organizations (IGOs)[4]. This part of the paper will use the generic concept "international organization" only to refer to the latter.

International organizations are, to a large extent[5], permanent conferences in which negotiation, problem solving and policy making occur. They are governed by regulations and competences usually stipulated within their charters, follow an a priori set of rules of engagement and generally have a clear mission, or number of missions. Being founded by treaties between states, the missions and powers of any organization are clearly written down, alongside the rights and duties of every member. New members, when adhering, express their willingness

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[2] Philip Selznick, *Leadership in Administration: a Sociological Interpretation.* Evanston, IL: Row,1957, p. 8.

[3] Maurice Duverger, *Party Politics and Pressure Groups*, New York: Thomas Y. Crowell, 1972, p. 68.

[4] Graham Evans and Richard Newnham. *Penguin Dictionary of International Relations*, New York: Penguin, 1998, p. 270.

[5] The EU is, arguably, an exception. It is an international organization, but its particularities demonstrate that it is more than a standing/permanent conference.

to accept the status granted by these treaties, rights and obligations altogether. In an overwhelming number of international organizations, all entitlements and duties of members are known when treaties are signed, but in some cases – such as that of the United Nations[6] – new obligations can be created, and a certain degree of risk is involved for adhering states.

Not all international organizations exist as a result of a treaty: the Association of Southeast Asian Nations (ASEAN), was established by the Bangkok Declaration of 1967 and, only in 2007, after several rounds of enlargement, did it adopt a charter.

Furthermore, international organizations are subjects of international law, separate subjects from states[7]. Subsequently, they are legally responsible for their actions and not their member states.

International organizations have a long-standing history. The earliest ancestor of the modern-day international organization is said to be the Delian League, an association of Greek city states founded in 478 BC[8] , serving the main purpose of facilitating military cooperation and creating a common defence system against enemies and invaders[9]. Some authors argue that even the Roman Empire, after Emperor Constantine's conversion decree, acted as a political and legal unit similar in many ways to modern international organizations[10]. This model survived well into the Middle Ages, when the western popes took on the role of both spiritual leaders and high-ranking state representatives, transforming the church into an international political entity. After the birth of the

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[6] Articles 25, 39, 49 of the UN Charter give the Security Council the authority to create new legal obligations for UN member states.

[7] See the 1986 Vienna Convention on the Law of Treaties between International Organizations.

[8] Thomas Martin, *Ancient Greece: From Prehistoric to Hellenistic Times*. Yale: Yale University Press, 2001, pp. 47-49.

[9] Thomas D. Zweifel, *International Organizations and Democracy: Accountability, Politics and Power*, Colorado: Lynne Riener Publishers, 2006, p. 30.

[10] *Ibid.*, p. 31-32.

Westphalian modern nation-state, the Western Empire of Christendom slowly collapsed.

In 1920, however, after the Versailles Peace Conference, the League of Nations was born. The League of Nations might have not been the first IGO, but it can surely be considered the first notable one. In the preamble of the League's construction, the victors of World War I negotiated amidst themselves and with several non-governmental institutions and national interest groups, with the purpose of creating an institution that promotes security and the perpetuation of peace, while also tackling socio-economic problems. The extended cooperation before and during the war, especially among European allies, had created the impression that the League of Nations was the perfect vehicle to secure all aforementioned objectives.

Of course, before the heads of states met in Versailles, some invaluable transformations had taken place inside the nations and at an international level, creating conditions for the emergence of such a trans-national political construction. The more notable evolutions were the expansion of public unions – that had become internationally active – and the extension of the international non-governmental organizations' networks.

Although the League of Nations proved its limits by failing to meet its key objective – that of maintaining peace – its short history provided useful lessons for the construction of future international organizations and was directly conducive to the birth of the United Nations.

Contrary to classical realism's core arguments[11], international organizations have a paramount role in the global arena, being

[11] See John Mearsheimer, "The False Promise of International Institutions", International Security, winter 1994/1995, pp. 5-49 and Kenneth Waltz, "Structural Realism After the Cold War," International Security, Vol. 25, No. 1, 2000, pp. 5-41.

specialized entities which, in certain circumstances, are more important than state actors.

True to realist claims, however, is the undisputable fact that states prove a strong inclination to act according to their own interests – the main of which is survival – and, consequently, prefer to mimic compliance with international legal norms, even when breaking them. In other instances, when disputes arise between counterparts, there is a reluctance to admit own guilt[12] and blame is cast from one state to another. International organizations, to a great extent, are not equipped with coercive legal bodies, and have no authority in dealing with matters of non-compliance; the World Trade Organization (WTO) and the European Union (EU) being two examples of IGOs that have such bodies at their disposal. In the absence of dedicated mechanisms that enforce compliance, persuasion by other states can prove efficient. This involves sessions of negotiations and can seldom prove difficult.

A state ultimately functions selfishly within the system, its legitimacy of governance being one-sided[13]. It has to attend to its interests, which, in many cases, can be detrimental to other states pursuing different, even opposite, objectives. From the overall perspective of international law, the distribution of state power and this configuration of interests create certain restrictions that cannot be surpassed[14]. Even from a general perspective, it becomes immediately identifiable how such an arbitrary system is not stable and can lead to war at any time. International organizations have been designed to solve the issues presented. Moreover, they try to offer both a rectification of state failures in key fields and a way of pursuing systemic revision. It is

[12] Ian Hurd, *International Organizations: Politics, Law, Practice,* New York: Cambridge University Press, 2014, p. 3.

[13] Finn Seyersted, *Common Law of International Organizations*, Leiden: Brill, 2008, p. xvii

[14] Jack Goldsmith and Eric Posner: *The Limits of International Law*, New York: Oxford University Press, 2005, p. 13

fair to say, then, that the creation and constant development of international organizations answers to the call for good governance; thus, it all becomes a question of function: as long as international entities move towards achieving a better governance of the global system, they are to be perceived as benign actors.

Although this view of an anarchic world is accepted, to some extent, by liberal institutionalists, they stress that institutions are invaluable[15] because they facilitate cooperation between states and assist in maintaining credible commitments made by the same actors.

As hinted before, these entities take various forms and shapes according to the specific issues they tackle or, in other words, according to their functionality. Consequently, we can identify a multitude of organizations: from those dealing with trade, such as the World Trade Organization (WTO) to those involved in security and cooperation, for example the Organization for Security and Cooperation in Europe (OSCE).

A secondary categorization can be achieved in terms of geographic spread. While some organizations are global, accepting members from all over the world and enticing them in discussions about the overall structure of international relations, most of these entities act at a regional level and can, therefore, be grouped according to the region in which they operate. From the numerous European IGOs we feel the need to present a few examples: the Council of Europe, the European Free Trade Association, and – probably the most notable, complex and active such actor – the European Union. The organizations from Africa include: the African Union, the Common Market of East and Southern Africa (COMESA), or the Economic Community of West African States. Asia also has noteworthy representatives, such as the Arab League, the Arab

[15] Robert Keohane, "Rejoinder to Mearsheimer: The False Promise of International Institutions," *International Security,* Winter 1994/1995, pp. 5-49.

MAGHREB Union, the Asia-Pacific Economic Cooperation (APEC) and ASEAN. In America, we encounter the Andean Community, the Caribbean Community and the Central American Parliament. The purpose of this chapter is not, however, to provide an all-inclusive account of regional IGOs –which would certainly prove beyond reach. The presented organizations are but a few actors constructed to ensure the perpetuation and efficiency of diplomatic relations between neighbouring countries and regional partners. The general objectives of regional organizations can, of course, be deduced with certain ease. Rallying neighbouring countries together and inviting them to tackle specific issues of interest encourages a better understanding between states at a regional level and, concomitantly, provides the impetus for a stronger articulation and representation of aggregated regional interests in the wider international environment. Simply put, regional bodies encourage cooperation between their members. Member states can later advertise what has been decided upon, at the level of larger organizations. Moreover, regional organizations can also kick-start bilateral negotiations, by providing time for participants to discuss outside the formal agenda[16].

Some organizations are "free for all", meaning that any member can adhere to them, while others restrict membership. Furthermore, some IGO's give an equal status to all members, while others – such as the UN Security Council – give some members a higher status and, subsequently, weighted votes or the ability to veto proposals.

Even in terms of scale and budgets, IGO's differ significantly: institutions such as the World Bank have extended budgets, large staffs and deal with numerous issues, while others are small-scale, with small budgets and staff. The latter generally tackle one or few issues.

[16] G. R. Berridge, *Diplomacy: Theory and Practice,* Fourth Edition, New York, Palgrave, 2010, pp. 144-145.

In the following part, the European Union will be analysed, in order to get an account of its history, mission and ways of functioning and to allow approaching two other remaining mechanisms of diplomatic engagement, namely summits and ad-hoc conferences.

The European Union – The case of a special international organization

The European Union is one of the, if not the most prominent organization in the world, due to its purpose, modus operandi and budget. Of course, there are those who question the EU's adherence to the club of international organizations, but, for the time being, we will not linger on the question, simply stating that: in virtually all aspects, the EU follows the guidelines of what an international organization is all about, if such guidelines have ever been created. Curtin and Dekker argue that the legal system of the EU can only be analysed through legal concepts used for international organizations[17], while others refer to its cooperative nature and its supranational character[18] when integrating the EU in the category of IGOs.

To date, the EU is comprised of 28 (27 after Brexit) very diverse member states. In terms of population, the countries vary immensely, from the largest, Germany, which has more than 80 million inhabitants to Malta, the smallest, having just under half of a million citizens. Any comparative analysis of member states demonstrates that they are very diverse, as they differ in language, culture, traditions and historical experiences. While relations between states are sometimes marked by disputes and disagreements, all members of the EU advocate the same

[17] D. Curtin and F. Dekker, "The European Union from Maastricht to Lisbon: Institutional and Legal Unity out of the Shadow", in P. Craig and G. de Burca (eds.), *The Evolution of EU Law,* Oxford: Oxford University Press, 2011, p. 163.

[18] G. Schermers and N. Blokker, *International Institutional Law: Unity in Diversity*, Leiden: Martinus Nijhoff Publishers, 2011, pp. 55-57

basic principles that stood behind the creation of the organization in the first place: maintaining peace, cooperation and providing aggregate external responses and actions. The international organization works to further the common objectives of its members by influencing the behaviour of external actors and institutions.

The EU is not issue specific, although at its birth, the organization – then The European Coal and Steel Community – pursued the main goal of creating a common market for steel and coal, thus annihilating competition in these areas and eradicating the possibility of war. It needs to be stated that these developments occurred in the 1950s, when the wounds of World War II had not yet been closed, and that the rivalries in resource extraction had influenced, among other factors, the outbreak of war. Due to the wide array of policy areas pursued, it has been argued that the EU bares a strong resemblance to a proto-state more than it does to an organization. However, as we mentioned earlier, international organizations don't necessarily have to be issue-oriented; they can pursue various ends in a multitude of areas.

The main bodies that support the organization are the European Parliament, the European Commission, the European Central Bank, the European Court of Auditors, the Court of Justice of the European Union, the Council of Ministers and the European Council. The central role of all these bodies, but especially of the last two intergovernmental institutions, is what strengthens the claim that the EU belongs on the list of international organizations and not that of states. All of the aforementioned bodies work for the better functioning of the EU and have different tasks and attributions. The three main institutions – the Parliament, Commission and European Council – have distinct presidents.

The backbone structures of the EU bear strong resemblance to those of states. The European Commission, at first glance, seems to be the

executive body. However, it is not a purely executive organ, although it can propose new executive acts. The Commission is also a law-maker, but law-creation is usually a result of extensive consultation with experts from Member states, the process being known as "comitology"[19].

In addition to previous statements, the fact that the members of the European Parliament are elected through direct suffrage[20] shows striking similarities with national parliaments – namely with the lower chambers. The Council of the EU is also a hybrid organ, having legislative and executive powers, similar to the upper chambers of national legislatures[21].

Despite structural similarities with modern states, the EU's powers are limited in key policy areas, while others, such as taxation, justice or law enforcement, fall under the strict responsibility of member states. There is no Union police, no permanent army of the EU, and no taxes are collected by the organization.

Although the EU has powers in various fields, it is fair to say that its mandate is mainly focused on economic issues, or better put "on the regulation of policy externalities resulting from cross-border economic activities"[22]. Thus, the main constitutional powers of the Union can be identified in the areas of trade, monetary policy, environment and competition[23]. In other areas, such as welfare programs, the EU does not have any responsibility. It does, however, utilize redistributive programmes. Structural and Cohesion Funds, as well as Regional

[19] Tsebelis, George and Geoffrey Garrett, "Legislative Politics in the European Union," *European Union Politics*, Vol. 1, No. 1, 2000, pp. 9-36.

[20] Damian C. Hamlers, Gareth Davies and Giorgio Monti. *European Union Law.* Cambridge, UK: Cambridge University Press, 2010, p. 27.

[21] Markus Jachtenfuchs, "Democracy and Governance in the European Union," *European Integration Papers,* Vol. 1, No. 2, 2002, Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=302660, Retrieved 15.04.2014

[22] Andrew Moravcsik, "In Defence of the „Democratic Deficit": Reassessing Legitimacy in the European Union." *Journal of Common Market Studies*, Vol. 40, No. 4, 2002, p. 607.

[23] *Ibid.*

Development funds have an important impact on the redistribution of financial resources[24]. Aiming to reduce regional disparities, the EU allocates funds, generally destined for poorer regions, but not limited to them. Separate funds are also available under the Common Agricultural Policy, destined to help the development of rural areas and, by subsidizing farmers, to create a competitive agricultural sector. Although the EU does not have its own standing army, there have been slight results in creating military capabilities for the Union[25]. Instead of creating a permanent army, each EU member relies on the mutual defence clause of the Treaty of Lisbon[26]. Considering that 20 of the 27 member states are also members of NATO, establishing a permanent military structure is not necessarily a key priority for the EU. Following Max Webber's arguments[27], one can observe that EU member states still have monopoly on the legitimate use of force, hence we can conclude that the EU is not a state, nor is it a federation.

However, the EU is different from other international organizations, due to its supranational characteristics, that transcend the classical model of intergovernmental cooperation attributed to these types of entities. In key political and economic areas, sovereignty is ceded by member states upwards, to the Union of states. While policy instruments are still available nationally in many domains, the EU has taken control over essential policy areas, including, but not limited to trade or competition.

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[24] Brent Borell and Lionel Hubbard, "Global economic effects of the EU Common Agricultural Policy," Economic Affairs, Vol. 20, No. 2, 2000, p. 18-26.

[25] See Laura Connely. Optional Supranationality: Redefining the European Security and Defense Policy, Middletown, CT: Wesleyan College, 2007.

[26] The clause, found in Article 42(7) of the Treaty of Lisbon provides that if a Member State becomes the victim of armed aggression on its own territory, all other members will use the totality of their powers to aid it.

[27] See Max Weber, "Politics as a Vocation" in Max Weber, *Weber: Political Writings*. ed./trans. P. Lassman and R. Speirs. Cambridge: Cambridge University Press, 1919.

Admittedly, cooperation and the furthering of general interests are prerequisite for the EU to function. Specific interests of members pale in importance compared to the overall interest of the organization[28].

By now, we have demonstrated that the EU is an international organization, but now we must assess how it withstands categorization according to the typologies presented in the previous sub-chapter.

Inside the EU, Union Law reigns supreme, being not only binding upon the states, but taking precedence over domestic law[29]. A complex set of mechanisms can be invoked in the case a treaty or law is breached by a member state. In matters of compliance, the EU has some authority, and a procedure of non-compliance is available in case a member fails to uphold the obligations that derive from entering the Union. This is called "infringement procedure" and it implies several steps, the latter coming into play if the former is deemed unsuccessful. These steps are: pre-litigation, detailing the infringement and, as a last resort, litigation, which is decided at the European Court of Justice[30]. The European Court of Justice can also judge the failure to act of one of the EU's numerous institutions, or can void a measure.

From a functional perspective, the EU is not a single-issue organization, rather it is one that stresses collaboration in different fields: economic, environmental, social, etc. Constant negotiation is conducted throughout all these policy areas concomitantly and new rules and norms are set by representatives of member states and by the Union's legislative bodies: the European Parliament, the Council of the EU and the European Commission.

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[28] Matthew Gabel, "The Endurance of Supranational Governance: A Consociational Interpretation of the European Union," *Comparative Politics,* Vol. 30, No. 4, 1998, pp. 463-475.

[29] Joanne Scott and David M. Trubek, "Mind the Gap: Law and New Approaches to Governance in the European Union," *European Law Journal*, Vol. 8, No. 1, 2002, pp. 1-18.

[30] "Infringement Proceedings", Europa.eu, last modified 23 January, 2013 http://ec.europa.eu/community_law/infringements/infringements_en.htm, accessed 14 May 2014

In terms of geographic spread, the EU has one principle embedded in its very name: member states are located on European territory. Although "diversity" is a term that best defines the peoples of Europe when taken together, their adherence to similar values, their common history and their overwhelming affiliation to Christianity is what brings them together.

The EU is not "free for all", meaning that not all European States can join, at least not at one particular stage. The process of European integration requires several steps to be taken by a state in order to become a full-fledged member. Twelve states are founding members of the EU; all other sixteen (fifteen after Brexit) have gradually attained member status. The organization's newest member is Croatia, which was accepted in 2013. To date, candidate states include Turkey, North Macedonia, Montenegro, Albania, Serbia, Ukraine, and Moldova. Morocco stands proof to the claim that the EU is not free for all. Its application for membership was rejected in 1987 by the then European Communities.

The scale of the EU is immense, compared with other IGOs. It encompasses numerous institutions and inter-institutional bodies and over 40 agencies. For the period 2014-2020 its average annual budget was €142bn[31].

To conclude this part, the EU is a prominent international organization, different from any other in this category: its available budget is immense, it comprises a large number of institutions and is limited in geographic spread. Additionally, it retains the power to decide in multiple policy areas, has at its avail instruments that ensure its members are compliant and is somewhat restrictive when it comes to new members.

[31] "Budget", Europa.eu, last modified 9 April, 2014, http://europa.eu/pol/financ/index_en.htm, accessed 14 May 2014.

Conferences

International conferences provide another paramount mechanism for diplomacy. Conferences are convened by two or more states and amongst their attendants one can identify numerous governmental personalities. The main difference between conferences and summits resides in who can attend: while in the case of the former, high-ranking officials, experts and, increasingly, members of civil society and other stakeholders are accommodated at the negotiation tables, the latter only permits heads of state and government to participate. In short, conferences have a wider pool of participants.

Conferences vary greatly in topic, purpose, size, level of attendance or longevity; even the level of bureaucratization differs from one to another[32]. An entirely new level of differentiation splits conferences into two main groups: permanent and ad-hoc.

It needs to be noted that multilateral diplomacy based on conferences is the offspring of the international system's enlargement. In the 19th century, states multiplied, thus a new mechanism to deal with particular issues arising between some of the actors needed to be created. The further expansion of conferences aided the development of international organizations in the century that followed. International organizations are conferences that have attained a permanent status, due to a multitude of factors. The most worth mentioning such factor is that the policy areas they cover present permanent challenges for state actors, subsequently, permanent policy-making and policy-restructuring processes need to take place. In recent times "intercourse via conference unconnected to an international organization has expanded"[33], numerous issues being dealt with in ad-hoc meetings.

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[32] Berridge, *op. cit.,* p. 142.

[33] Volker Rittberger, "International Conference Diplomacy: A Conspectus", in M.A. Boisard and E.M. Chossudovsky (eds.), Multilateral Diplomacy, The Hague, Kluwer Law International, 1998, p. 15.

A conference has the advantage of being issue-oriented. It usually brings together all the parts interested in one particular subject and encourages an informal approach[34]; nonetheless formalism is visible in the case of structured, permanent conferences. A conference has a president, which usually stands to benefit from its success and an allocated timeframe in which negotiations need to be conducted.

Some international organizations, such as the United Nations, the International Monetary Fund or the OECD are permanent conferences. Others have, arguably, become more than permanent conferences, through the elaboration of numerous mechanisms that go far beyond classical models of intergovernmental cooperation. While the EU, for example, might be considered by some a standing conference, due to its complex nature, it is actually a unique entity, encompassing several permanent conferences and summits. It is, nonetheless, an international organization. These types of conferences have been tackled in the first part of the chapter and there is no need for further emphasis on the subject, rather, some attention will be given to ad-hoc conferences.

A preparations or pre-negotiations stage is always necessary for any conference. A preparatory committee –itself an intergovernmental body – is entrusted with preparations, which include: drawing up an agenda, reaching an agreement on the procedure to be followed, providing an initial assessment of the specific topics which will be discussed and the preparation of draft documents[35].

Procedural aspects are sometimes challenging. While in the case of international organizations the locus, or venue is problematic for a lesser or more extended period of time – followed by acceptance – in the case of ad-hoc meetings, there is not enough time to deliberate endlessly

[34] Berridge, *op. cit.*, p. 143.

[35] For a detailed account of the stages of diplomatic negotiation, including pre-negotiations see the chapter on negotiations.

on a country, locality or exact building, thus picking a location to accommodate all participants often implies a fast paced pre-negotiation process, which is heavily reliant on the willingness of others to accept both proposals arising from volunteering countries, and the will of a majority. A conference also needs a budget, and the state that insists on having such an event on its own territory generally becomes the primary sponsor, although it seldom attracts other sponsors from the pool of states interested in the subject to be tackled. Usually, some strategic places around the world are chosen, because they possess the infrastructure, accommodation facilities and the man-power to organize conferences.

Berridge explains that the importance of the venue derives from the custom of having the foreign minister of the host country preside the conference. As presidents have serious duties, including stating the goals of the event, delivering the opening speech and chairing plenary meetings, to name but a few, it becomes of interest for states to hold such a position of influence[36].

Participation can also prove problematic: the sponsors chose whom to invite and whom to leave aside. This entails challenges: although it is customary to invite states that have a clear stake in the problems debated, it is sometimes in the interest of the sponsoring states to avoid inviting possible opponents, as to make their own missions easier[37]. In other cases, no act of malice, nor of self-interest is involved and certain states do not receive an invitation to attend particular events, due to their perceived lack of preoccupation with the subjects to be discussed. Some conferences are open-to-all, subsequently the problem described above never appears, while others allow a limited number of active participants, but an indefinite number of observers. Participation

[36] Berridge, *op. cit.*, p. 149.
[37] *Ibidem*, pp. 150-151.

to ad-hoc conferences is reliant on the agenda, as an agenda framed in an unfavourable way can prevent a state from participating.

Negotiation is based on two premises: that there is a conflict of interest somewhere and that there is willingness to give something up in order to obtain a long term gain. A mutual accommodation of interests takes place. If one actor does not have access to a negotiation, most notably by exclusion, his interest cannot be accommodated and he finds himself excluded from the whole system of international relations, albeit if only figuratively. Here, we can identify one of the long-standing deficiencies of some of the international conferences, deficiency that has been endlessly attacked and criticized.

Depending on their purpose, international conferences are of five types: informational, deliberative, legislative, executive and pledging[38].

First, where the main purpose is increasing awareness through the exchange of information, we can speak of an informational conference. Deliberative conferences are fora in which discussions ultimately lead to the creation of issue-specific recommendations for governments and/or organizations. A third category comprises legislative conferences, in which the parties draft an international legal document that will need to be ratified at a later time. Executive conferences can aim to deliver one of two results: on the one hand they can make a decision binding upon states or IGOs, on the other, they can provide instructions to the secretariat of an IGO. The last type is the pledging conference, where funding is provided to international programs that offer humanitarian assistance.

Decision-making is understood differently across different conferences: while some advertise the majority rule and are traditionally prone to incline towards voting, in others reaching consensus, or unanimity, is the only way to pass a proposal.

[38] Rittberger, *op. cit.*, p. 21-22.

Summits

The third important topic of this chapter is summitry. Summits are high-level officials' meetings, usually taking place between heads of government or state, and involving extensive media coverage and scrutiny. Generally, the agendas for such meetings are pre-arranged, in order to allow officials to use all available time for discussions. Due to the abundance of high-ranking officials attending, security is also always tight. Arguably, nowadays, international summits are the most common expression for global governance.

The term "summit" was first used with its current political and diplomatic meaning by Winston Churchill in the early 1950's. However, during World War II and the Cold War summits were largely utilised by political leaders, with more or less success. In an attempt to save London from bombing, prior to the Munich conference of 1938, British Prime Minister Chamberlain met with Hitler two times in Germany. The success of these summits was granted by the fact that Hitler lost his nerve during talks in Munich[39]. According to the number of state officials participating in a summit, the meetings can be bilateral, or multilateral. While the first two summits of 1938 had been bilateral, the summit in Munich included officials from France and Italy.

Nowadays, the term "summit" is widely but poorly used by the media, representing any type of meeting between high-ranking officials of two or more states. However, the term can only be applied in the case of meetings held between incumbent heads of state or government, or the highest representatives of international organizations.

[39] David Reynolds, *Summits: Six meetings that Shaped the Twentieth Century*, New York: Basic Books, 2007, p. 37.

A summit is predominantly based on multilateral diplomacy and will set forth the basis for negotiation, discussions and agreement signings. Summits are organized in different places and take place inside the framework and format provided by international organizations such as those presented throughout this chapter. In the global arena, and within organizations, summits are of special value to world leaders because they can demonstrate exactly how they are working to solve a current problem. Being placed in the limelight gives leaders the possibility to "shine", subsequently acquiring popularity both at a national and international level, if talks prove fruitful.

More important than the summit itself, which can partially be substituted with "meeting" or "series of meetings" is the whole process involved in creating and coordinating the event, which starts well before the first meeting takes place. Some professionals from one country meet with their counterparts several times, in order to clarify the agenda and try to find a solution to major disagreements[40].

There are five important functions that a summit fulfils: promoting friendly relations, clarifying intentions, information gathering, consular work and negotiations[41]. The promotion of friendly relations is done through both multilateral grand meetings and the bilateral meetings that take place within the summit's allocated time. As in the case of ambassadors, government leaders sometimes need to clarify their intentions and actions to their counterparts, in order to maintain good relations. This is also a place where information overflows, and the participants to such events can gain a better understanding of the positions and planned actions of other international actors.

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[40] Robert D. Putnam and Nicholas Bayne, *Hanging Together: The Seven-Power Summits,* London and Cambridge, MA: Heinemann and Harvard University Press, 1984, p. 10.

[41] Berridge, *op. cit.,* 162.

According to Berridge, there are three types of summits: serial summits, ad hoc ones and high-level exchanges of view[42].

Serial summits are deemed the most complex, providing the possibility for counterparts to surpass deadlocks by meeting occasionally. In between these meetings, issues arising at the negotiation table can be further reflected upon and debated in the national political sphere. Through repetition, the rules of engagement also become clear and protocol ends up taking less, granting negotiations more time. Serial or successive summits also allow counterparts to reach a greater depth in their discussions, but this generally depends on the length of each summit and their frequency. Some examples of serial summits include the Franco-German summit, which started in 1963 and normally meets at least twice a year. An US-EU summit takes place on a yearly basis, the same being true in the case of the G7 organization. Other advantages of successive summits are mostly related to the fact that leaders become forcefully aware of the surrounding reality and of what is expected of them. Leaders cannot risk to attend such meetings unprepared, because they need to promote national interest in a convincing matter, thus it is required of them to possess profound knowledge on all issues discussed. In addition, they can negotiate by making package deals. This would not be possible if specialized cabinet ministers met, because they can only use what their ministry has to offer as leverage, while in the case of state leaders, for example, the energy field can be mixed with environment and economy, to create something desirable for counterparts. Momentum is also sustained through serial summits, as leaders usually put pressure on their ministers to finish up whatever remains unresolved in relevant policy areas, in order to avoid pre-configured deadlines[43]. In this way, issues debated within this type of structure usually provide faster results.

[42] *Ibidem*, p. 167.
[43] *Ibidem*.

The European Council is a perfect example of an institutionalized summit. It originated in 1974 and has since transformed greatly; in that transformation changing the face of the international system. The European Economic Community – precursor of the EU – had only held six summits between 1957 – the year of its creation – and 1974. From 1975 onwards, the European Council gathers with regularity at least biannually[44].

Ad-hoc summits are impromptu meetings, which tend to produce more publicity, the reason behind this being the lack of a guarantee of further meetings; as such, postponing something may leave it permanently unresolved. Since ad-hoc summits have a figurative role by design, they are mainly used for the promotion of friendly relationships and the creation of close ties. In this category of summits, the gathering of information is facilitated, as the informal character of talks allows for creating an atmosphere where sincerity comes into play. However, this is not always the case, as negotiations can be tough and extensive, as the Camp David summit of 1978 exemplifies[45]. The more recent summit held at Camp David in 2000 shows us that these meetings can also fail. Nonetheless, ad-hoc summits are created because occasions demand it. It is also important to mention that serial summits find their origins in ad-hoc meetings. If discussions are not productive in an ad-hoc summit and negotiations fail to deliver results, it is hard to imagine that officials would want to repeat the experience. The first Camp David summit shows another possible feature of summitry: whereas most bilateral and multilateral meetings involve direct interaction between counterparts, sometimes mediation is required. In 1978, US President Jimmy Carter

[44] Emmanuel Mourlon-Druol and Federico Romero, "Introduction: analysing the rise of regular summitry", in Emmanuel Mourlon-Druol and Federico Romero (eds.), *International Summitry and Global Governance: The rise of the G7 and the European Council,* 1974-1991, New York, Routledge, 2014, p. 1.

[45] For a detailed account see Reynolds, *op. cit.,* pp. 283-142.

actively mediated between Egyptian President Sadat and Israeli Prime Minister Benin.

High level exchanges of views are more likely to be bilateral, with a miscellaneous agenda and lower profile. They are mainly used for cementing friendly relations and can facilitate trade promotion[46]. These summits are impromptu in most cases: a head of state or government can make an unofficial visit to one country and, in the process, meet with his counterpart. High level exchanges also allow extending cooperation in new domains, if friendly relations had already been established.

Summits must also be differentiated from other diplomatic encounters, such as telephone calls or videoconferences. Moreover, the time and place of the meeting must be agreed by all parts participating in the summit.

Although for analytical purposes, the time spent in meetings by heads of state and government can sum up the definition of a summit, summitry is not limited to the meetings themselves, being rather an aggregated and sustained effort. In the words of Morgenthau: "as instruments for the negotiated settlement of outstanding issues, summit meetings are a supplement to ordinary diplomatic procedures – they are functionally connected with those procedures. They follow ordinary diplomatic negotiations as they are followed by them, each laying the groundwork for the other"[47].

In order to achieve the best result from a summit, some conditions need to be taken into account, as meticulous preparation before the summit commences is key[48]. Sometimes, when summits involve serious negotiations, all the necessary steps of pre-negotiations need to be

[46] Berridge, *op. cit.,* p.173.

[47] Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, New York: McGraw Hill, 1985, p. 122.

[48] Berridge, *op. cit.,* p. 174.

followed[49]. At other times, especially in the case of exchanges of views, preparations are less demanding. The workload of the people delegated to prepare summits depends on the number of officials that attend the event. Even during the summit, some preparations still take place. If a communique is to be issued immediately after the summit, it should be prepared well in advance and prior agreements, about what will be disclosed to the press and what remains secret, need to be reached[50]. Timing and schedule are other valuable aspects that can influence the outcome of any summit.

Among numerous points of criticism related to summitry, one can speak of the costs surrounding organizing a summit, especially in recent times, when they have been surrounded by a great deal of raucous judgement from anti-globalization protesters and issue-oriented opposition groups. The costs with security are often high, particularly when organizing multilateral meetings attended by numerous officials, such as G20 or NATO summits. Given the fact that terrorist organizations have reached the mainstream in recent years and are continuously searching for ways to make strong statements, security at summits needs to be strengthened. These measures undoubtedly prove costly.

Another critique is best explained by the following words: "the art of diplomacy as that of water-colours has suffered much from the fascination it exercises upon the amateur"[51]. The fact that not all diplomatic issues are handled by experts, namely by the staff of embassies and consulates, urges the latter professionals to disregard all others, including heads of state, deeming them amateurs. Although any head of state or of government should possess some sort of charisma – without it, his ascendance to power having been virtually impossible –

[49] For more details see the chapter on negotiations.
[50] *Ibidem*., p.175.
[51] Harold Nicolson, *Diplomacy*, New York: Oxford University Press, 1980, p. 52.

they lack proper diplomatic education and subsequently fall under the scrutiny of professional diplomats.

Being mostly involved in national politics, state leaders are considered poor negotiators, because they pay little attention to details and lack cultural awareness, which are widely regarded by career diplomats as prerequisite characteristics for anyone wishing to be a part of the diplomatic world. Their vanity is also a great minus, since it can lead to deadlocks in discussions. Whenever a deadlock appears at a national level, the head of state or government is usually the ultimate authority; subsequently they can decide however they consider fit or stall. In summits, the situation is complicated by the lack of a higher authority, thus when a counterpart presses for urgency, no viable excuse is available, in order to postpone a decision. Further postponing the issue to consult with others – be them experts, diplomats or members of government – is perceived internationally as a weakness, while an impulsive gesture could prove disastrous.

Final remark

To draw a simple, yet all-embedding conclusion, the following needs to be stated: achieving cooperation, peace and mutual accommodation of interests requires the deployment of any diplomatic mechanism available, be it bilateral or multilateral. Summits and conferences, in all their articulations presented herein, have proven to be essential means of creating and consolidating frameworks in which global governance can unfold. Through their participation in international organizations, states are continuously informed on issues of prime value to their international partners and can push forward for desired outcomes and secure support from other members of the international community. Ad-hoc conferencing provides the possibility

to tackle new or urgent issues arising in various fields, which cannot be approached by organizations, due to a lack of expertize in the field or because appropriate instruments are unavailable. Last, summits allow state leaders to create or cement friendly relations, settle urgent situations or establish the basis for further negotiations.

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7. Public Diplomacy and Cultural Diplomacy

VALENTIN NAUMESCU

Globalization, international politics and soft power: Changing "weapons" and paradigm

Globalization is the emergence and expansion of a multidimensional web of interconnections (interconnectedness), through which people's lives are increasingly shaped by decisions and processes that occur in different places of the world. Usually there are three dimensions assigned to the globalization process: economic, political and cultural globalization.

According to Andrew Heywood:

> "Economic globalization is the process through which national economies have, to a greater or lesser extent, been absorbed into a single global economy. Cultural globalization is the process whereby information, commodities and images produced in one part of the world have entered into a global flow that tends to 'flatten out' cultural differences worldwide. Political globalization is the process through which policy-making responsibilities have been passed from national governments to international organizations"[1].

The transformation of international politics at the end of the Cold War was tremendous and probably beyond any expectation of the late 1980s and prompted a number of considerable quantitative and

[1] Andrew Heywood, *Political Ideologies: An Introduction*, 5th edition, Basingstoke and New York: Palgrave Macmillan, 2012, 21.

qualitative changes in the realm of public policies. These profound changes occurred in Central and Eastern European countries as well as in Western democracies. But globalization went far beyond Eastern Europe and opened to the world large areas in Asia, Africa, or Latin America. Foreign policy and diplomacy were not exceptions but on the frontline of the world change.

The collapse of the Soviet Union and the sudden disintegration of the socialist bloc made the old tools and mechanisms of the Cold War no longer meaningful. While military power and hard security started to lose significance and interest among European nations, soft security (economic, societal, environmental) as well as new ways of promoting strategic, political, economic and cultural interests became real priorities for states and governments, on both sides of the Atlantic.

Though we know today that Fukuyama's thesis regarding the end of history was quite utopian, we still have to acknowledge the immense significance of the victory of liberal democracy and market economy over authoritarian regimes, at least in Europe. The logic of military and ideological confrontation was soon abandoned, while a growing role of dialogue, interaction and cooperation took the centre-stage.

Within this new logic, beyond enlargement and integration slogans and general enthusiasm of early 1990s, the need of a better cultural understanding between West and East created favorable conditions for the development of public diplomacy. At global level, countries from all continents (freed from the ideological constraints of the Cold War) started to address to a larger audience in their attempt to "conquer" new markets and influence other countries without using military force.

Harvard University Professor Joseph Nye introduced the key concept of "soft power", which lies in the ability of a nation to entice, attract, and fascinate other countries and societies so that a country "may

obtain the outcomes it wants in world politics because of other countries admiring its values, emulating its example, aspiring to its level of prosperity and openness – want to follow it"[2].

In a more competitive and globalized economic environment, national governments began to look for adapted, effective tools and resources to sell the image of their countries. From this perspective, the "secret diplomacy" was not for help. The Richelieu's old method of "continuous negotiation" for implementing raisons d'état had to be significantly enriched with public, transparent mechanisms gaining support, ideas and resources from civil society, NGOs, private companies etc.

Globalization and democracy make today the perfect tandem for an extending and diversifying public diplomacy, through which governments attempt to fulfill state interests. A whole range of issues require open policies and public support. To convince investors and attract tourists, any form of transparent action or open campaign intended for public impact became more efficient than cables or diplomatic talks behind the closed doors. According to Daryl Copeland,

> "Most diplomats and international policy managers, however, lack the skills, the experience and the business model required to respond effectively in addressing the full suite of twenty-first century issues. Transformational public diplomacy, by contributing to global development and security through a relentless dedication to meaningful dialogue, cross-cultural understanding and network connectivity, offers one way forward"[3].

When military force became to a large extent unnecessary in post-1989 Europe, the political arsenal of communication had to be changed by the two former rival blocs. It doesn't mean that the West (mainly the

[2] Joseph S. Nye, Soft Power: The Means to Success in World Politics, New York: Public Affairs, 2004, 15.

[3] Daryl Copeland, Transformational public diplomacy: Rethinking advocacy for the globalisation age, in Place Branding and Public Diplomacy, vol. 5, 2, Palgrave Macmillan Journals, 2009, 97.

United States) did not practice "public diplomacy" towards Eastern European population even before the fall of the Berlin Wall through different channels, but communist regimes tried hard to block any form of open communication with ordinary people and "locked the doors" of the system.

In their recent book "Cultural Diplomacy and Cultural Imperialism: European Perspective(s)" (2012), Martina Topić and Cassandra Sciortino explain:

> "While the constituents of public diplomacy are as old as statecraft, it was first used in 1965 to mean efforts of international actors to achieve foreign policy objectives for interacting with foreign publics since the close of the Cold War".[4]

Despite of harsh political censure and ban of Western cultural products, there was an immense appetite for American movies, music and publications in all European socialist countries. The Western culture and lifestyle (if not in real details, at least the myths and clichés circulating among people) starting obviously with the American pop-culture, played a crucial role in the complex battle of antagonistic regimes. The image of the West through cultural products acted as a major psychological weapon, demoralizing and frustrating East European nations.

Defining "cultural diplomacy as one of the most potent weapons in the United States armory", Helena Finn in Foreign Affairs looks back to the years of ideological confrontation with the communist bloc:

> "Early in the Cold War, American efforts at cultural diplomacy were funded by the CIA as well as the State Department's Division of Cultural Relations. Although CIA sponsorship would be inappropriate and counterproductive today that history is a useful reminder of how seriously

[4] Martina Topić and Cassandra Sciortino, "Cultural diplomacy and Cultural imperialism: A Framework for the analysis" in Martina Topić and Sinisa Rodin (editors), Cultural Diplomacy and Cultural Imperialism: European Perspective(s), Frankfurt am Main: Peter Lang, 2012, 10.

> Washington once took the promotion of mutual understanding through cultural exchange"[5].

The new paradigm of the 1990s and 2000s, based on Western institutions' enlargement towards Central and Eastern Europe, made public diplomacy one of the key-tools to achieve strategy and foreign policy aims on both sides of the former Berlin Wall.

The North Atlantic Alliance as well as the European Union benefited from a very positive image among the citizens of the former socialist countries. The level of public support and approval for these two essential institutions of the Western order were way higher in ECE countries (up to 70-80% at the beginning of the post-communist transition) than in many of the NATO or the EU older member states.

The new democracies had to (re)discover the art of open communication with the world. Old forms of communist propaganda became obsolete and useless, both domestically and externally. On a free economic and "political market", a sort of tough competition between Central and Eastern European countries required the development of updated and sophisticated instruments of public diplomacy, with cultural diplomatic strategy among top priorities.

The aspirants to political, military and economic accession suddenly found out the virtues of learning how to sell their image. In order to convince the West about their cultural openness, economic potential and democratic progress, governments in Warsaw, Prague, Bucharest, Budapest or Sofia were stimulated by the new conditions and political mechanisms to come up with improved communication skills, strategies and policies to address Western public, in fact with an effective public diplomacy.

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[5] Helena K. Finn, "The case for Cultural Diplomacy: Engaging Foreign Audiences", Foreign Affairs, 82. 6, Nov./Dec. 2003, 15.

Conceptualizing public diplomacy and cultural diplomacy in the post–Cold War era: "White propaganda"?

Public diplomacy is a relatively new concept, although its ingredients and purposes are very old. The idea of gaining the goodwill of a foreign public (policymakers included) through open, transparent communication and exposure of the most attractive resources instead of practicing unpredictable, never-ending secret talks or even using military force to achieve certain political objectives comes from ancient times and the great kings.

Not only small states try to make them more visible or practice captatio benevolentiae before great powers but also the giants of the world would like to see their image improved, in order to fulfill easier their specific strategies. One can say that public diplomacy is actually not an alternative to classic diplomacy but essentially to the concept of war. It's about persuading someone with beautiful words and peaceful means instead of simply imposing own vision (great powers) or negotiating favorable decisions at high prices (small states). Of course, not everything can be achieved through public diplomacy (cultural diplomacy in particular) but the limits of it were continuously expanded in the past decades, while the approach of military confrontation lost almost completely its popular support in Western societies.

The conceptualization of public diplomacy and cultural diplomacy reveals different perspectives and approaches of the relation between "diplomacy", "public", "culture(s)", "cultural affairs" or "cultural relations", according to different political traditions of Europe, North America or other continents.

Martina Topic and Cassandra Sciortino clarify the distinction as well as the strong ties between the two concepts: "Both the terms public diplomacy and cultural diplomacy are new and sometimes used interchangeably. However, current scholarship generally views cultural

diplomacy as conceptually and practically a subset of public diplomacy. […] The placement of cultural diplomacy within the realm of public diplomacy reflects a massive change in the way cultural diplomacy is currently viewed and applied. […] historically, cultural diplomacy was associated with implementing cultural agreements, rather than with the practice of cultural diplomacy. Despite its position within the domain of public diplomacy, cultural diplomacy is not synonymous with it. […] For instance, the French term 'diplomatie culturelle' designates international cultural policy in Austria, the Netherlands and Sweden; while it refers to cultural relations in Australia, Canada, Singapore, and the U.K."[6].

The successive administrations of the United States have seen public diplomacy and cultural diplomacy as important instruments for promoting American values and interest, during the Cold War and after the disintegration of the communist bloc.

According to a 2005 Report of the Advisory Committee on Cultural Diplomacy of the U.S. Department of State:

> "Cultural diplomacy is the linchpin of public diplomacy; for it is in cultural activities that a nation's idea of itself is best represented. And cultural diplomacy can enhance our national security in subtle, wide-ranging, and sustainable ways. Indeed history may record that America's cultural riches played no less a role than military action in shaping our international leadership, including the war on terror."[7]

Taking into consideration the amplitude of the U.S. cultural diplomatic strategy amid globalization, it is useful to look on the main roles and functions identified by the same special Committee. The

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[6] Martina Topić and Cassandra Sciortino, "Cultural diplomacy and Cultural imperialism: A Framework for the analysis" in Martina Topić and Sinisa Rodin (editors), Cultural Diplomacy and Cultural Imperialism: European Perspective(s), Frankfurt am Main: Peter Lang, 2012, 9-10.

[7] The U.S Department of State – Advisory Committee on Cultural Diplomacy, "Cultural Diplomacy: The Linchpin of Public Diplomacy", September 2005, http://www.state.gov/documents/organization/54374.pdf, consulted in October 2014.

following arguments compose an interesting definition of the American cultural diplomacy seen exactly by those who worked on this strategy:

- "Helps create 'a foundation of trust' with other peoples, which policy makers can build on to reach political, economic, and military agreements;
- Encourages other peoples to give the United States the benefit of the doubt on specific policy issues or requests for collaboration, since there is a presumption of shared interests;
- Demonstrates our values, and our interest in values, and combats the popular notion that Americans are shallow, violent, and godless;
- Affirms that we have such values as family, faith, and the desire for education in common with others;
- Creates relationships with peoples, which endure beyond changes in government;
- Can reach influential members of foreign societies, who cannot be reached through traditional embassy functions;
- Provides a positive agenda for cooperation in spite of policy differences;
- Creates a neutral platform for people-to-people contact;
- Serves as a flexible, universally acceptable vehicle for rapprochement with countries where diplomatic relations have been strained or are absent;
- Is uniquely able to reach out to young people, to non-elites, to broad audiences with a much reduced language barrier;
- Fosters the growth of civil society;
- Educates Americans on the values and sensitivities of other societies, helping us to avoid gaffes and missteps;
- Counterbalances misunderstanding, hatred, and terrorism;

- Can leaven foreign internal cultural debates on the side of openness and tolerance"[8].

The Institute for Cultural Diplomacy in Berlin gives its own clear and effective yet broad definition of this essential subset of public diplomacy, associating cultural diplomacy with "promoting peace and stability through intercultural relations":

> "In an increasingly globalized, interdependent world, in which the proliferation of mass communication technology ensures we all have greater access to each other than ever before, cultural diplomacy is critical to fostering peace & stability throughout the world. Cultural diplomacy, when learned and applied at all levels, possesses the unique ability to influence the Global Public Opinion and ideology of individuals, communities, cultures or nations, which can accelerate the realization of the principles below. By accomplishing the first principle, one enables the second, which in turn enables the third until the fifth ultimate principle of global peace and stability is achieved.
>
> The principles are:
> - Respect and Recognition of Cultural Diversity & Heritage;
> - Global Intercultural Dialogue;
> - Justice, Equality & Interdependence;
> - The Protection of International Human Rights;
> - Global Peace & Stability"[9].

Despite of the present generous appreciations and encouragement, cultural diplomacy and especially the larger field of activities related to public diplomacy didn't have always the same positive echoes.

During the Cold War, public diplomacy was largely associated with ideological propaganda. Both the U.S. and the Soviet Union used it in international relations. "Black" and later on "white" propaganda are therefore the old, respectively the new theoretical approaches for more or less the same category of programs, though under the umbrellas of

[8] *Ibid.*, 1-2.

[9] Institute of Cultural Diplomacy Berlin, "What is cultural diplomacy?", http://www.culturaldiplomacy.org/index.php?en_culturaldiplomacy, consulted February 2014.

different political discourses. There are also authors who accept the existence (persistence) of an ideological stance or certain political interests behind public diplomacy but would prefer to suggest a variety of nuances of grey operating between the (excessively) polarized concepts regarding black and white propaganda. It is the case with David W. Guth and his article Black, White and Shades of Grey: The Sixty Years Debate over Propaganda versus Public Diplomacy:

> "While there is broad consensus in communicating U.S. policies and values to foreign audiences, differences in the role, scope, and administration of overseas information programs dominates the debate. The role the State Department plays in administering these public relations programs, first raised during the Cold War, remains unsolved. In both debates, the president's closest communication adviser appears to have exerted the greatest influence on outcome"[10].

The practice of public and cultural diplomacy in western embassies and consular offices was for a long time maybe less theoretic and more practical, sometimes without a clear conceptualization but definitely with a professional instinct that made the difference.

The Swedish senior diplomat Karl-Erik Norrman, the founder (2002) and first Secretary General of the European Cultural Parliament explains his non-ideological understanding of cultural diplomacy, after a long diplomatic career:

> "To me 'cultural diplomacy' is in a way the 21st Century version of the 'peaceful coexistence' between the two blocs during the cold war 1947-1991. Peaceful coexistence between 'East' and 'West' or between communism and capitalism became necessary when both sides realized that they could destroy each other completely with their nuclear weapons. The coexistence was based on the so-called 'terror balance' between the super powers. But the coexistence became an important basis f or a considerable cultural exchange, which at times could even include exchange of ideas. There were

[10] David W. Guth, "Black, White and Shades of Grey: The Sixty Years Debate over Propaganda versus Public Diplomacy", *Journal of Promotion Management*, Volume 14, Issue 3-4, 2009, 309.

> some limits of tolerance or taboos, e.g., oppositional authors in the Soviet Union and – in certain periods – suspicion of 'communists' in the United States, but generally speaking the area of exchange was rather broad and many programs successful. The relations were based on a considerable amount of mutual respect for each other. Important was that the Artists and other 'cultural actors' felt that in music, dance or visual arts there are no – or only few – national or ideological borders."[11].

With regard to its main functions, Norrman identifies a series of contributions of cultural diplomacy in nowadays international relations: intercultural dialogue, conflict solving and non-violent solutions, promotion of human rights (including rights of women), forum for exchanging ideas, creating intellectual meeting places for various cultures, and nation branding.

Political Strategy, Foreign Policy, Diplomacy, Public Diplomacy, Cultural Diplomacy: The Chain from Political Objectives to the Heart of Foreign Audience

Looking back to the fine and sophisticated mechanisms of cultural diplomatic events and programs, we practically see the whole spectrum of public diplomacy. Behind public diplomacy lays the entire realm of diplomacy and the diplomatic service of a country, which implements the objectives of the foreign policy. But foreign policy itself is nothing else than an instrument for fulfilling the general political strategy of a government in relation to other states. At the end of the day, what cultural diplomacy does is to reflect in a highly refined and distinguished way the essence of the political strategy that a certain government has adopted.

[11] Karl-Erik Norrman, "Definitions, Ideas, Visions and Challenges for Cultural Diplomacy", http://www.e-ir.info/2013/01/03/definitions-ideas-visions-and-challenges-for-cultural-diplomacy/, accessed on September 9, 2013.

In this long chain from political objectives to foreign audience, governments have to engage staff and resources. Statesmen, politicians and strategists initially shape the grand decisions in the framework of political strategy but later on they ask other specialists (diplomats, academics, artists etc.) as well as other strategists (PR experts etc.) to draw specific strategies, campaigns and policies to fulfill the interests of the government. Public and cultural diplomacy are therefore key policies within these intricate efforts. In Daryl Copeland's understanding, "the real issue for policy-makers and diplomats is to extract maximum benefit in service of public interest".

Before declaring "mission accomplished" from the perspective of cultural diplomacy, people involved should always make sure of the impact their action has had on that foreign public. Any positive reaction an event or program got in a certain country is likely to create a larger or smaller effect of captatio benevolentiae for the country which organized that presentation. This is good but not enough. Due to the limited resources any government is able to engage in public and cultural diplomacy, it is recommended that cultural diplomatic strategy should be focused, clear cut, well targeted and not to waste resources in ineffective or unrealistic programs.

Sometimes the structural connections between political objectives and cultural diplomatic strategy are more visible or even "self-evident", sometimes they are more discreet. To give just an example, the programs organized and funded by the U.S. Information Agency (USIA) during the Cold War were largely associated with the ideological confrontation between the two blocs and with the interests of the U.S. government to make America more attractive for publics in the socialist countries. Despite its great outcomes and performances, USIA was abolished in 1999, mainly because it was too much assimilated in the past with a political tool meant for propaganda. USIA was a very successful but

eventually "compromised" institution of the Cold War. The institution died but the idea of cultural diplomacy survived and even flourished around the world.

The Advisory Committee on Cultural Affairs in the U.S. Department of State explains the contemporary meanings of cultural diplomacy:

> "The role of cultural diplomacy is to plant seeds – ideas and ideals; aesthetic strategies and devices; philosophical and political arguments; spiritual perceptions; ways of looking at the world – which may flourish in foreign soils. Cultural diplomacy reveals the soul of a nation, which may explain its complicated history."[12]

The way in which political objectives become part of an efficient cultural diplomatic strategy is one of the benchmarks of skillful diplomatic corps and it sometimes makes the difference between successful and failed systems of cultural diplomacy. The longer or shorter "chain" of decisions, strategies and actions involve a number of decision makers (high ranking officials), professional strategists, PR experts, lobbyists, journalists, components of the civil society (non-profit organizations, cultural institutions, independent artists etc.) but also sponsors. Quite frequently the government shares the costs of public diplomacy programs with the interested "beneficiaries", such as producers and makers, dealers, tour-operators, investors etc.

Political decisions are always on top of this pyramid. A government's certain will has to be converted into visible, accessible and pleasant "faces" of that country, meant to influence in a positive way a targeted foreign audience, including of course the policy makers of the related government. It is actually like a non- or semi-official PR campaign on the territory of another country, managed by the government itself, with a political finality.

[12] The U.S. Department of State, 2005, Cultural Diplomacy…, 7.

For instance, the political objective could be defined as to obtain a favorable public attitude in relation to the general reputation of the country. That kind of general approach corresponds to the branding or sometimes rebranding dimension of cultural diplomacy. This is usually a preparatory phase, when governments intend to start an improvement of political and economic bilateral relations, to negotiate sensitive clauses or affairs with another state, to get closer strategically or to enter a partnership on a specific issue. A rebranding is required when, due to one reason or another, the reputation of the country on a certain foreign or international market is not good enough and the government needs to overcome cultural barriers or clichés regarding the products, behavior, attitude or performances of its people, institutions or economy.

Other times the cultural diplomatic strategy is not necessarily a general one but a limited, focused approach. The focus may be put on a particular topic (e.g., preparing the "field" for an important economic or military project), on a specific social, ethnic, religious or professional group (improving relations with one category or another in the society), a region of the country etc.

The expansion of globalization has facilitated communication but also it has strengthened and made the challenges facing diplomacy way more sophisticated. Not only "good forces" have more chances and opportunities to express on a globalized market but also the enemies of peace, freedom and democracy can organize their networking and spread easier their aggressive ideas. Time and distances are thus compressing for all individuals and organizations. Diplomacy and diplomats are not always successful.

Daryl Copeland addresses the issue of diplomatic failures in contemporary world. In his words, "A panoply of grave threats and challenges, most related one way or another to globalization, has been left festering, or has been addressed by other means, mainly military. The

widespread presence of conflict, a reliance on hard power and threats, the militarization of international policy and the growing number of unresolved global issues all testify to diplomacy's failings"[13] (Copeland, 2009: 98).

Unfortunately, public diplomacy and cultural diplomacy are most frequently reactive not pro-active. Public diplomacy is usually activated by foreign ministries or other government agencies when something went wrong.

Politicians, public opinion, media etc. ask public diplomacy to intervene and fix a deteriorated image. Very few governments are ready to "pay in advance" and develop pro-active strategies and programs, when they think there is no strategic, political or economic interest in relation to a country or no problem to be corrected, just because some day it could be. This is a serious limitation of diplomacy. When programs of public diplomacy are needed, it means there is already something to be fixed. The general perception that cultural diplomacy is called to repair a deficit or carry on a propagandistic demarche creates a problem of credibility.

Globalization transformed diplomacy in a way nobody anticipated a few decades ago. The old, classical government-to-government diplomacy and the use of secret envoys may be of some help in a number of very sensitive and sophisticated files, but for the most issues the public space is the proper environment to debate solutions.

Electronic media, news agencies and an increasing demand for transparency made the world politics almost an online affair. Journalists spread updated information faster than diplomats through their traditional channels of communication. The political and especially the economic global, regional and local dynamics exceed (many times) all classical diplomatic instruments of embassies and consular offices to

[13] Copeland, Transformational Public Diplomacy…, 2009, 98.

address the political events and changes. At least from this perspective, diplomats should therefore "reinvent" their profession, simplify and make it more flexible, and accelerate procedures and actions.

Cultural diplomacy today: Strategy, institutions, mechanisms, resources

The process of economic, political and to some extent cultural globalization transformed diplomacy in many ways. Not only the system of thinking and addressing problems in a new perspective gave the impetus for a new diplomatic approach, but also the acceleration of events, communication and international politics changed the way diplomats have to define their professional mission.

People around the world know today way more and considerably faster than two or three decades ago about what happens in their country as well as in the opposite hemisphere. Within minutes any major event in the world is known everywhere while local politics is reflected on the internet in a pretty accurate and detailed image. The spread of internet access, the expansion of news televisions, the decreasing prices of mobile phones, the success of social media especially among young generation all these characteristics of both the developed and the developing world grew the level of information of ordinary citizens.

Until the "information revolution" took place, starting with the 1990s, as a direct effect of globalization, governments could control to a large extent the amount of information they wanted to deliver to their people. From the perspective of producing and managing information, the diplomatic system was undoubtedly more important than today. Diplomats were informing on a regular basis their governments on what has the president or the prime minister said in a certain country on a theme of interest etc. They were also informing about economic data, social unrest, strikes or important statements of societal leaders. Now you

can find (almost) everything while staying comfortable on a chair and searching on the global or national news agencies' websites. So diplomacy is not any longer about informing the Ministry of Foreign Affairs about public facts in a country, though there is still a discrete part of any process or event in which a good diplomat, having personal sources and a fine sense of managing information, could bring a valuable contribution. It is first of all about analyzing and evaluating that information in a local context.

But diplomacy is not only about informing your own government about recent developments in the country of accreditation. It's mainly about diplomatic action. Current government strategies encourage an active, creative diplomacy with effective programs that really have a local impact on public opinion or improve relations with policymakers. That's why public diplomacy is gaining ground nowadays.

People in the realm of public diplomacy usually know the distinction between black propaganda and white propaganda – the former not admitting its source, while the latter does. As discussed in a previous chapter, public diplomacy is the accepted version of white propaganda intended for foreign publics.

The strategy has considerably evolved since the initial phase of information work, which was central to US and British public diplomacy during the Cold War. G. R. Berridge gives us a good image of what public diplomacy used to mean during those decades:

> "It might be that the term 'information' had some success in camouflaging the propaganda activities of states such as Britain and the United States as far as their broad audiences were concerned, but it is unlikely to have fooled the foreign political classes. It also had other problems. Not only was there a worry that the label failed to convey a sufficient sense of political purpose to its practitioners, but also in some states, such as Turkey, it aroused suspicion of them: since information suggested 'intelligence', it implied that their business was gathering information rather than imparting it – spying. The consequence was that the

> term information work gradually fell out of favor and a fresh euphemism was required."[14]

The dissolution of the notorious United States Information Agency (established in 1953) in 1999, was a sign of this need to rebrand public diplomacy and clearly distance it from politics and intelligence. The new strategy was claiming more transparence, openness and involvement of non-governmental actors and organizations. Because of the suspicion of the public that behind public diplomacy are political interests and the political will of governments, the policymakers had to create and offer a more relaxed, essentially cultural, cool image of their subtle intention to influence foreign audiences.

The number and categories of involved institutions and resources have considerably diversified in the past two decades. Nevertheless, in many countries, the ministries (departments) of Foreign Affairs together with their specialized extensions (cultural centers or cultural institutes) remain the "directors" and also key actors in the national efforts of promoting specific values and interests through cultural means. But they are not alone in this demarche. Non-governmental organizations, private cultural centers and foundations, individual artists, sometimes companies are joining cultural diplomatic campaigns. The public credibility of the delivered messages is therefore improved.

According to a largely accepted perspective of thinking and implementing cultural diplomacy in the present days, the extended list of institutions (actors) involved in the effort of promoting the specific national values and interests through cultural diplomacy consists of:

- Ministries (departments) of Foreign Affairs;
- Ministries (departments) of Culture;

[14] G. R. Berridge, *Diplomacy: Theory and Practice,* Fourth Edition, Basingstoke: Palgrave Macmillan, 2010, 181.

- Public cultural institutes (cultural centers run by governments or autonomous) specialized for foreign publics;
- Cultural institutions (museums, theatres, philharmonics, ballet, opera etc.);
- Non-governmental organizations, associations, foundations;
- Private cultural institutions;
- Private cultural centers, run by ethnic communities living in a country;
- Individual artists;
- Companies.

In addition to national strategies of cultural diplomacy, some international organizations could occasionally develop their own campaigns dedicated to certain programs in which the appeal to culture may be an effective form of promotion. The United Nations (UNESCO, UNICEF or UNDP), the European Union, the North Atlantic Treaty Organization (through its division of Public Diplomacy) or other international non-governmental organizations had in the past good experiences in using cultural diplomacy for their purposes.

The mechanisms of cultural diplomacy are diverse. The traditional form of initiating, launching and conducting cultural diplomatic programs is based on "political command" and is thus part of the foreign policy strategies of a government. Seen and conducted this way, cultural diplomacy is unfortunately rather reactive, usually being asked to "resolve" or diminish political problems (bad reputation, lack of communication and understanding between two nations, historical adversities, clichés etc.) or to improve the trust and attractiveness between two nations, two economies etc.

Other mechanisms of cultural promotion include the "societal cultural diplomacy", with initiatives coming from civil society, companies, academia or cultural institutions which would like to address on new markets.

The "politically inspired" cultural diplomacy usually has a number of advantages but it also has limitations and vulnerabilities. Among the strength points, having the logistical support of the diplomatic system as well as disposable staff and financial resources are definitely a good starting point. Sometimes representing a government gives more credibility to proposed events and a larger audience amongst officials, especially when it comes to developing countries or conservative regimes / societies. But the same characteristic could stir suspicion and reluctance in other cases, when politics is not so much welcome within the targeted community.

The impact of "politically inspired" cultural diplomacy also depends on the traditions of the bilateral relations. Whether the two nations have had good or neutral relations in the past, the sentiment of the public that the program is politically driven and has a political objective is not necessarily disturbing, while in the case of historical rivalry or hostility a non-political approach would probably fit better to the necessities.

The same positive message could sound actually different in a political lecture and in a non-political key. The practitioners should therefore appreciate what kind of "organizer" is best suitable for the local political and cultural context.

Globalizing cultural diplomacy? Case study: The U.S. cultural diplomatic strategy (during and after the Cold War)

One of the most interesting and meaningful cases in the field is that of the U.S. cultural diplomatic strategy and its evolution, during and after the Cold War. Because of the global impact of the United States' policies, we should report on the successive phases of the American cultural diplomacy and explore the political and ideological approaches that founded this strategy.

Although some tentative to sketch a cultural diplomatic strategy of the U.S. administration dated from 1930s (1936 – Convention for the Promotion of Inter-American Cultural Relations), amid the Nazi Germany's intensification of cultural programs in Latin America, the official debut of cultural diplomacy is considered the Information and Educational Exchange Act of 1948.

The motivation of the new legislation and political preoccupations in the early Cold War was highly suggestive:

> "The purpose and objectives of this program are 'to enable the Government of the United States to promote a better understanding of the United States in other countries and to increase mutual understanding between the people of the United States and the people of other countries.' Among the means to be used in achieving these objectives is the international exchange of persons, knowledge, and skills. International exchange of persons and projects constitute an integral and essential technique in attaining the general objectives of this educational exchange program. Persons participating in such projects carry to other countries, and bring back to their own, information, knowledge, and attitudes which through personal experience and personal influence promote a better understanding of the United States abroad and increase mutual understanding between the people of the United States and the people of other countries. These programs play a leading and direct, personalized role in contributing to the exchange of technical services, of knowledge and skills, and of information regarding developments in education, the arts, and sciences."[15]

The U.S. government thus admitted the beginning of a new era in international relations: the one of Soft Power, working in parallel with the military efforts to create the most powerful army in the world (Hard Power). Both dimensions became soon essential for the fundamental political interests of the United States.

The emerging interest in developing cultural diplomatic strategies came as a self-evident consequence of the post-WWII largely recognized

[15] Manuel J. Espinosa, Inter-American Beginnings of U.S. Cultural Diplomacy, 1936-1948, Washington D.C.: Department of State, 1975, 342.

desire of nations to leave in peace and understanding, despite different political affiliations (freely accepted or not) to one of the two rival blocs. "Crossing" national frontiers of the authoritarian regimes (especially with subtle messages of the U.S. government) was unthinkable in other conditions than under the noble umbrella of cultural diplomacy.

Claudio González Chiaramonte analyzed the evolution of the U.S. cultural diplomacy in the Cold War. According to him,

> "Cultural diplomacy is defined as the ample variety of public and private initiatives originating in the United States, and exported abroad with the intention of exerting influence on the cultural and political elites of other countries. […] Under the tight leadership of an interlocked foreign policy elite coordinated by the Department of State, cultural diplomacy turned into an "organic development" of US foreign policy. […] Americans planners aimed at exporting, in fact, more than scientific and artistic paradigms. They promoted the American dream."[16]

The author implicitly recognizes an ideological (yet discrete) connotation of cultural diplomacy. The Fulbright-Hays Act of 1948 opened the possibility for the U.S. administration to engage in cultural and academic exchanges (mainly through granting generous scholarships in American universities for promising foreign elites) and "invest" in ascending young professionals, intellectuals and students. It was a win-win game for both the donor and the beneficiary. However it was not only the Fulbright system of bourses to act as a magnet for foreign educated publics. The non-governmental Ford Foundation successfully joined this policy, though through its own, distinct resources and helped cultural and academic exchanges between the U.S. and other countries.

Sometimes these efforts took exaggerated shapes, especially in the 1950s and 1960s. Chiaramonte believes that:

[16] González Claudio Chiaramonte, "The Evolution of U.S. Cultural Diplomacy in the Cold War", *México y La Cuenca Del Pacífico*, volume 10, issue 28, 2007, 20.

> "Perhaps the most descriptive case of the American decision to mobilize every available resource to fight the Cold War was the initiative of President Eisenhower's closest adviser, to "get Hollywood to understand the propaganda problems of the US and to insert in their scripts and in their action the right ideas with the proper subtlety. This is not a routine problem, but something that has got to be skillfully handled within the context of profitable commercial film production". In addition to the speculative thoughts, the adviser showed a list of the major us film producers that should be called upon for the project."[17]

Other sources indicate that politicization pressures were officially stopped by the White House in 1967. The leading liberal democracy of the Western club continued to use public and cultural diplomacy in the next decades with very good results. In Europe, Asia or Latin America the U.S. strategy introduced culture as an effective instrument of connecting to other nations.

Some notorious examples from 1960s and 1970s need to be mentioned. After President Nixon recognized in 1969 the People Republic of China, first time using its official new name, a relative thaw occurred between the two regimes in 1970. In 1971, a premiere after the 1949 Revolution, an American delegation of tennis players visited China and had a number of matches and public events that stirred large interest, not only in China and in the U.S. but in the whole world. The project is remembered as the Ping Pong Diplomacy. "Never before in history has a sport been used so effectively as a tool of international diplomacy" (Smithsonian, 2002) declared the Chinese Premier Zhou Enlai. The very next year, in 1972, President Nixon paid a visit to China.

Maybe the first real cultural diplomacy event within the American-Soviet limited relations of the Cold War was the New York City Ballet's Tour to the Soviet Union in 1962. The program came after the 1958 "Agreement between the United States of America and the

[17] Chiaramonte, "The Evolution of US Cultural Diplomacy…", 23.

Union of Soviet Socialist Republics on Exchanges in the Cultural, Technical and Educational Fields". After touring Western Europe in the same year with the support of the U.S. Department of State, the founder George Balanchine (choreographer) and his 87 member NYCB had an eight-week tour to five cities in the USSR: Moscow, Leningrad, Kiev, Tbilisi and Baku. The unexpected and severe Cuban missiles' crisis of October 1962 occurred while NYCB was performing in Moscow. Despite of the deteriorated "climate" and political protests in front of the U.S. Embassy, the public at the performance was really enthusiastic and the entire project was a success.[18]

Three years later, globalization and the U.S. cultural diplomatic strategy had another interesting meeting. Danielle Fosler-Lussier is very appreciative with regard to the program which involved the University of Michigan Jazz Band and again the U.S. Department of State: "From January to May 1965 the University of Michigan Jazz Band traveled extensively in Latin America for the State Department's Cultural Presentations Programs. […] The nature of these connections demonstrated that the cold war practice of pushing culture across borders for political purposes furthered cultural globalization – even though the latter process is often regarded by scholars as a phenomenon that began only after the end of the cold war"[19].

All three projects are related somehow to the Cold War and its ideological confrontation. Unavoidable there was a subtle political message in those programs. Beyond that, cultural diplomacy contributed to better cultural understanding and even to the launching of the process of cultural globalization.

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[18] Clare Croft, "Ballet Nations: The New York City Ballet's 1962 US State Department-Sponsored Tour of the Soviet Union", Theatre Journal, 61:3, 2009, 421-442.

[19] Danielle Fosler-Lussier, "Cultural Diplomacy as Cultural Globalization: The University of Michigan Jazz Band in Latin America", Journal of the Society for American Music, 4:1, 2010, 59.

After the Cold War, cultural diplomacy entered a completely new era. The 1990s and 2000s have been two decades of intensive expansion and development of cultural diplomatic strategies. Though globalization is often associated with economy, cultural globalization has been a very important dimension of this complex and multidimensional phenomenon. But the U.S. administration, believes Helena Finn, was far from having only successes in the post-Cold War strategy:

> "Ironically, both the CIA and the U.S. Foreign Service made the same mistake in the 1990s. The intelligence community relied far too heavily on electronically acquired data and too little on what they call 'humint', human intelligence gathered by real, live people. USIA, ordered by Congress to downsize in preparation to consolidation into the State Department, has replaced its overseas diplomatic positions with technology. As a result, local foreign-newspaper editors critical of U.S. policy no longer get visits from a press attaché, let alone invitations to visit the United States, but instead received mass-produced e-mail messages assembled thousands of miles away. […] Technological prowess must never be considered a substitute for people power."[20]

However cultural values, tastes and habits began to converge in the globalized world. Due to massive communication and transparency in the new "media society", people all over the world have nowadays access to more or less the same images and information. Isolated communities are very rare situations, even in the most conservative and traditional societies.

> "Some of the public diplomacy recommendations of the 9/11 Commission, urging the government to engage in the struggle of ideas underway in the Islamic world, dovetail with the imperatives of cultural diplomacy: 'Just as we did in the Cold War, we need to defend our ideals abroad vigorously. America does stand up for its values. The United States defended, and still defends, Muslims against tyrants and criminals in Somalia, Bosnia, Kosovo, Afghanistan, and Iraq. If the United States does

[20] Finn, 2003, 10.

> not act aggressively to define itself in the Islamic world, the extremists will gladly do the job for us."[21]

The cultural diplomatic strategy of the United States is therefore a never-ending adjustment to national and global needs or challenges.

European cultural diplomatic strategies. Case study: European models and Romania's cultural diplomatic strategy after 1989

Europe has a long and rich tradition of cultural exchanges and interferences. For centuries, specific cultural values of different nations or ethnic groups have formed an interactive mosaic, sometimes fuelling tensions and conflicts between them, other times creating a unique cultural landscape, with important legacies and assets for successive generations.

Interculturalism and multiculturalism have a long and complex history on the continent. Whether the first is seen as cross-cultural dialogue or tumultuous interaction between two or more cultural identities in a certain country or region while the latter is rather seen as peaceful but non-interfering coexistence of parallel cultures in a given territory, Europe had plenty of both.

A few years ago, a major political controversy was stirred when Chancellor Merkel, President Sarkozi and Prime Minister Cameron denounced multiculturalism in their countries as a failure, asking instead for more and quick cultural integration of immigrants within the mainstream of respective societies. At that time it was not clear if the "new approach" of the West has been giving attention only to immediate electoral interests or it was really unveiling the failure of the European multiculturalism.

[21] The US Department of State, 2005, 20.

Addressing the recent European issue of interculturalism vs. multiculturalism, Charles Taylor from McGill University brings a critical Canadian perspective: "…the European attack on "multiculturalism" often seems to us a classic case of false consciousness, blaming certain phenomena of ghettoization and alienation of immigrants on a foreign ideology, instead of recognizing the home-grown failures to promote integration and combat discrimination."[22]

Back in the medieval and pre-modern history, cultural diplomacy was not something unknown for those times though cultural exchanges between empires and kingdoms were obviously not benefiting from the present professional conceptualization. The artists (painters, sculptors, musicians, performing artists etc.), and especially philosophers and writers and their influential work always played an important role in shaping the spirit of the royal palaces and chancelleries.

Modernity gave even more power to culture. Because of an increasing public access to cultural resources, the modern revolutionary ideologies (liberalism, nationalism, socialism) as well as the counter-revolutionary doctrine (conservatism) massively used cultural symbols and arguments for persuading people and spreading political messages. Culture and politics formed a paradoxical "couple of forces" in Europe's history.

In the recent era of globalization, the process of cultural convergence became evident, although starts from a superficial level. UNESCO and the European Union, in their study Cosmopolitan Communication: Cultural Diversity in a Globalized Word (2009) conclude that the expansion of the information from the "global North to South" will contribute at highest degree to the convergence of values in

[22] Charles Taylor, "Interculturalism or multiculturalism?", Reset Dialogues on Civilizations, http://www.resetdoc.org/story/00000022267, consulted in December 2013.

the fields of economic integration into world markets, freedom of mass-media and larger access to information, consumption etc.

The political and cultural relations between the nascent European identity and the old national identities are fuelling a never-ending debate in the European Union, starting with its well-known creed, "unity in diversity".

> "When it comes to culture and cultural diplomacy, Europe currently presents a case of an ongoing struggle with one joint cultural policy coming from the fact that cultural policies of different European countries still differ, while, at the same time, these policies always take the national as its foci."[23]

The great European powers used to have their own systems of promoting specific cultural values and interests and, more recently, their language. Especially in the twentieth century, after the collapse of the European empires and the birth of the sovereign nation states, the complex processes of promoting languages overseas became part of a crucial government strategy. An international language means soft power, extra-resources, influence and potential of attractiveness towards those economies. To give just a few examples, British Council, Goethe Institut, Institut Français or Instituto Cervantes, though in different organizational and conceptual approaches, represent today an essential part of the cultural diplomatic strategy of their countries.

The classical paradigm of cultural institutes placed these specialized centers under the administrative and budgetary "umbrella" of the foreign ministries. However in the last two decades there was a significant trend of detaching cultural institutes from foreign ministries and making them independent, non-profit public bodies. The relation with the government is therefore more and more subtle and usually these institutes portray themselves as completely autonomous. The formal separation of cultural institutes from government affairs improved the

[23] Topić and Sciortino, 2012, 18.

level of credibility for most of their programs. A complete and real separation is nevertheless difficult to be implemented, since the budgets usually come from the ministries of foreign affairs, which also hold the vocation of elaborating the general strategy of external action.

In 2006 the European Union National Institutes for Culture (EUNIC) was established, including 31 members from 26 countries:

- Austrian Federal Ministry of European and International Affairs;
- Flemish Department of Foreign Affairs (Flandre/Belgium);
- Wallonie-Bruxelles International (Wallonie and Brussels/ Belgium);
- Bulgarian Ministry of Culture;
- Ministry of Education and Culture Cyprus;
- Czech Centres;
- The Danish Cultural Institute;
- Estonian Institute;
- The Finnish Cultural and Academic Institutes;
- Fondation Alliance Française;
- French Ministry of Foreign Affairs;
- Institut Français;
- Goethe Institut;
- ifa Institute for Foreign Cultural Affairs (Germany);
- Hellenic Republic Ministry of Foreign Affairs;
- Balassi Institute (Hungary);
- Culture Ireland;
- Societa Dante Alighieri (Italy);
- Ministry of Foreign Affairs of Italy;
- Latvian Institute;
- International Cultural Program Center Lithuania;
- Centre Culturel de Rencontre Abbaye Neumünster (Luxembourg);
- Dutch Culture;
- Polish Ministry of Foreign Affairs;

- Instituo Camoes (Portugal);
- Romanian Cultural Institute;
- Slovakian Ministry of Foreign Affairs;
- Slovenian Ministry of Culture;
- Instituto Cervantes;
- Swedish Institute;
- The British Council.

As we can see, the EU member states opted for different institutional arrangements. From a direct government lead cultural diplomacy (through the ministries of foreign affairs and the cultural attaches within embassies, like in Austria, Bulgaria, the Slovak Republic, Slovenia, Cyprus etc.) or autonomous cultural institutes yet still related one way or another with the government and the MFAs (the cases of Romania, Poland, Hungary, the Czech Republic etc.) to almost independent organizations (British Council, Goethe-Institut etc.) or even combined mechanisms of government and non-government cultural diplomacy (France, Italy, Germany, Spain etc.), a wide range of models of cultural diplomacy gives diversity and specificity to European cultural representation and promotion. Usually the countries with strong and traditional interests in promoting their language worldwide have both a form of governmental cultural diplomacy (through embassies, intended for programs with a more pregnant political message) and an independent, language teaching specialized body.

Even for the most independent cultural centers such as the British Council, which pretends to be a fully autonomous institute, there is a subtle connection with the government's foreign policy strategy. As we learn from the Foreign and Commonwealth Office website:

> "The British Council is the UK's international organisation for cultural relations and educational opportunities, building lasting relationships between the UK and other countries. It is an essential part of our international effort to promote British values and interests. British Council

> is an executive non-departmental public body of the Foreign & Commonwealth Office" (FCO, 2013).

EUNIC has about 2000 branches in more than 150 countries all over the world. The composition of these branches (clusters) differs from one country to another and from one city to another, depending on the local cultural diplomatic representation of the EU member states. EUNIC Global is based in Brussels.

According to EUNIC's mission statement:

> "EUNIC's mission is to promote European values and to contribute to cultural diversity inside and outside of the EU through collaboration between European cultural institutes. EUNIC's aim is to expand the role of culture in Europe and to strengthen cultural dialogue, exchange and sustainable cooperation worldwide.
>
> EUNIC is the vital partner for international cultural affairs, because of its special expertise and world-spanning network. Serving as competence pool and think tank for European institutions EUNIC complements EU initiatives and activities in the field of Culture.
>
> EUNIC projects contribute to connecting culture with such key areas as development, ecology, conflict prevention and conflict resolution. The projects also foster innovation and development of creative economies.
>
> Taken together, EUNIC is:
> - An active network implementing shared projects directly or through its members and clusters
> - A learning network sharing ideas and practices between members and other stakeholders
> - A partnering network developing partnerships with like-minded organisations
> - An advocacy network raising awareness and effectiveness of building cultural relationships between people worldwide."[24]

Romania is part of, say, "mid-level" category of European cultural diplomacy. Without an independent global institution specialized in overseas language teaching, Romania has proved nevertheless significant cultural diplomatic ambitions since early 1990s. Nowadays the cultural

[24] European Union National Institutes for Culture (EUNIC), (2013), Who we are, http://www.eunic-online.eu/, accessed December 2013.

diplomatic strategy is achieved mainly through the Romanian Cultural Institute as well as (where there is no branch of the RCI) through the cultural sections of Romanian embassies.

Between 1990 and 2003, the cultural diplomatic strategy was conducted by the Romanian Cultural Foundation, a public body meant to promote specific Romanian cultural values overseas and to rebrand the image and reputation of the post-communist Romania, based on its cultural heritage as well as modern and contemporary culture. In 2003, the Parliament of Romania adopted the law for establishing a new specialized government funded institution, having the right to open overseas cultural centers.

According to the R.C.I. mission statement:

> "The Romanian Cultural Institute, a public body founded in 2003, is tasked with raising the profile of Romanian culture around the world. In order to achieve this, it spreads information and spearheads cultural projects involving Romanian artists and writers.
>
> Furthermore, the Romanian Cultural Institute acts as means through which foreign audiences can experience the products of Romanian culture.
>
> Cultural exports from Romania are, for the most part, facilitated by the institute's 16 foreign branches, located in Berlin, Brussels, Budapest (with a subsidiary in Szeged), Istanbul, Lisbon, London, Madrid, New York, Paris, Prague, Rome, Stockholm, Tel Aviv, Venice, Vienna and Warsaw. These are tasked with organising high-visibility cultural events adapted to suit the tastes of foreign audiences, while at the same time ensuring that a balance be maintained between their uniqueness and an international appeal.
>
> The Romanian Cultural Institute has developed extremely close ties with Romanian minorities in neighbouring countries as well as with the Romanian diaspora. It aims to facilitate their efforts to preserve their own cultural identity while living abroad.
>
> Not only does the Romanian Cultural Institute target cultural circles abroad, it is also very much involved in supporting cultural activities in Romania. It achieves this through non-refundable financing programmes, scholarships and courses in Romanian language and culture. These include the CANTEMIR Programme, the 'Constantin Brâncuşi' and 'George Enescu' scholarships (which take place at the Cité Internationale des Arts in Paris),

residency programmes, scholarships for foreign cultural journalists and research scholarships."[25]

Although with remarkable cultural programs and good foreign performances (audience, articles in international press, favorable comments, assuming the presidency of EUNIC etc.), the Romanian Cultural Institute has been sometimes a target in domestic political confrontations. The opposition parties, despite of several alternations in power in the past decade, use to criticize the "politicization of RCI's events and programs". This is probably due to the political mechanism of appointing the leadership, which may create the perception of a biased selection of programs, though for different arts and fields there are specific panels made up of reputed specialists. The President, two Vice-Presidents and a Secretary General have rather administrative roles and elaborate the strategy of the institution but they are not necessarily members of the selection panels. From 2003 to 2012 the President of the RCI was appointed by the President of Romania (for a four-year term, renewable), while starting with 2012 the head of the institution is designated by the Senate.

The sixteen Romanian cultural centers work as foreign branches of the Romanian Cultural Institute. These branches are however considered diplomatic missions of Romania while their staff, a director and a deputy director included are paid by the Ministry of Foreign Affairs. The director and deputy director of each foreign branch have diplomatic rank. All administrative costs (rentals, utilities, cars, logistics etc.) as well as staff salaries are supported by the Ministry of Foreign Affairs. The "cultural budget" (needed for the local projects of cultural diplomacy proposed by each foreign branch and approved by the central RCI) is provided separately, from a distinct budget allocated annually by

[25] Romanian Cultural Institute, "About RCI", http://www.icr.ro/bucharest/, accessed in December 2013.

the Parliament for the cultural activities of RCI. Briefly, the foreign branches of the Romanian Cultural Institute are operated jointly by the MFA (as administration) and the central RCI, as cultural management.

Concluding these considerations on Romanian strategy of cultural diplomacy, it is to be mentioned that promoting Romanian cultural values (traditional as well as modern values) abroad has been permanently part of the government strategy, since 1990. The approaches and methods have obviously changed significantly in the past twenty years, especially with the leadership inaugurated in January 2005 at RCI and MFA.

Cultural diplomacy in Asia. Case study: Japan and China

Asia is gradually becoming a major region of the international relations system, not only from political and economic perspective(s) but also in cultural terms. The West is giving more and more attention to Asian developments and is pivoting its interests towards this huge, diverse, extremely old in its essence but always young, surprising and emerging continent. Globalization has pushed the frontiers of the Western order to China, India and Asia-Pacific and gave to this incredibly potential region the satisfaction of spectacular economic growth, geopolitical significance as well as hard and soft power.

Although with different political regimes and specific cultural traditions (or maybe mainly for this reason), Asian nations and countries have exerted attraction for Western liberal democracies even before Asia has become a major market. It is well-known the immense public success of the "ping-pong diplomacy" of 1971 (the Chinese tour of the U.S. table tennis team) in the mid-Cold War or the fascination of the modern, cool Japan after the 1964 Summer Olympic Games. South Korea got a tremendous American boost and quickly developed after the Korean

War, based on strategic reasons in an ideologically divided peninsula. At the same time, Asia-Pacific was an exotic but rewarding destination for tourists and investors from western democracies, due to its incredibly natural beauty, almost unlimited economic potential as well as distinct cultural flavor. India came later in the equation of world economy, in the early 1990s, but when the time has come for them they turned pretty fast into a global emerging power, with a massive, continuous growth.

Following the remarkable performances of its economy (the Japanese economic "miracle"), Japan entered a phase of intense rebranding. In the 1970s and 1980s Japan was already an attractive country both for investors and Western tourists. Economy, culture and soft power went hand in hand at Tokyo. The government, local companies and society knew how to mix modernity and tradition, reforms and old values, openness and conservatism in a very specific manner.

In fact, Japan's cultural diplomacy changed dramatically in the 20th century, as its tumultuous history did. After a dominant, aggressive position in its expansive imperial and colonial era, which created a lot of animosity in Asia, Japan undergone a process of self-restriction and discretion inaugurated by the U.S. atomic bombardments, the surrender in the WWII and the American occupation (1945-1952). Only with the 1964 Tokyo Olympics, Japan marked a fresh entry in the modern world. The warm welcome that Japan received from the West encouraged the Japanese government to start cultural rebranding.

Nissim Kadosh Otmazgin describes the way economic success changed Japan's cultural policy:

> "…the cultural policy changed again in the 1990s, following the emergence of Japan as a cultural power not only for its industrial and consumer products but also for its innovative contemporary culture and lifestyle. In this later period, cultural policy became increasingly directed toward economic and diplomatic purposes under such slogans as 'soft

> power' and 'cool Japan', designed to produce more export-oriented cultural commodities and present a friendlier image of Japan abroad. The Japanese government has since been supporting various campaigns introducing Japanese culture in Asia under such frameworks as 'cultural exchange' (bunka koryu) and 'cultural diplomacy' (bunka gaiko)"[26].

Japan used cultural diplomacy in the most effective way a country in its difficult historical position could do. Whether Japan is today one of the best examples of soft power it is partly because of its competitive economy, partly because of its fine culture and specific lifestyle. Politics was rather discrete. The same author considers that in an age of globalization, cultural policy can be counter-productive for the national interests if the respective state becomes too explicit or too interventionist in promoting its political interests through cultural exports. Definitely it was not the case of Japan.

With regard to the increasing usage of the concept of soft power in Asia's international relations, Otmazgin believes that the concept has migrated out of academia and it is now voiced by government officials and civil society in countries like Japan, China or South Korea (I would add on this list India, Malaysia, Singapore etc.), in an attempt to explore new meanings of state authority and influence in a globalized world. Joseph Nye, the prestigious soft power's founding father, first attributed this virtue to the United States, then to other countries from Europe, Japan, India, and China. In all these situations soft power was (is) related to the smart usage of cultural resources and strategic cultural policy in order to get a significant amount of international reputation and influence.

As Nissim Kadosh Otmazgin notes:

> "In China, South Korea, and Southeast Asia, post-colonial cultural policies have typically represented a way for the government to emphasize

[26] Nissim Kadosh Otmazgin, "Geopolitics and Soft Power: Japan's Cultural Policy and Cultural Diplomacy in Asia", *Asia-Pacific Review*, 19:1, 2012, 38-39.

> and reinforce nation-building or prevent the infiltration of 'foreign' cultures regarded as morally harmful or politically dangerous. In the case of Japan, the purpose of cultural policy greatly shifted over the years: from supporting empire-building, to an inward-looking and cautious cultural policy, and more recently to a policy to assist the export and valorization of culture and attain 'soft power'."[27]

After colonization of large zones of Asia in the first half of the 20th century (Taiwan, Korea, Northern China), the "Greater East Asian Co-Prosperity Sphere" was a political concept meant to impose the regional Japanese leadership to the neighboring nations. The Japanese culture, values and traditions were considered morally superior and therefore inculcated in the occupied territories. Intense resentments remained in Asia after the Japanese imperial and colonial age. This is the reason why Japan approached so cautiously its cultural policy and cultural exchanges after in the postwar age.

In the 1970s, the Ministry of Foreign Affairs in Tokyo started to use culture as part of the Japanese foreign policy, mainly through the Japan Foundation. The Diet adopted in 1972 the Japan Foundation Law, establishing thus an effective cultural diplomatic instrument of the government, reflecting the image of a friendly, modern and "cool" country. The institution launched, sponsored and organized numerous programs for academic and cultural exchange, Japanese studies and Japanese language instruction, and a wide range of exhibitions and performances in the fields of music, film, dance, theatre etc. Traditional culture was also represented and enclosed in this cultural diplomatic package: puppet theatre (bunraku), noh theatre, ikebana, tea ceremony (chanoyu) etc.

In the 1980s, the new political approach of "internationalization" (kokusaika), introduced by the Prime Minister Yasuhiro Nakasone had

[27] *Ibid.*, 42

slow but important impact on Japan's openness and contribution to international political community of Western democracies, as well as in Tokyo's cultural policy.

In October 2003, under the influence of the new cultural diplomatic style (less government and more civil society), the Japan Foundation was reorganized and became an "Independent Administrative Institution", in fact an agency meant to engineer cultural and academic programs to complement the government strategy and policy.

The political response of Asia to the new Japanese (cultural) offer was quite reluctant at the beginning and differed significantly from one country to another, due to historical considerations. In South Korea, the Japanese cultural products were banned until 1998. In South Asia (Thailand, the Philippines, Malaysia, Singapore) certain products like anime and manga were banned or restricted because of their allegedly "violent" or "pornographic" character. The Taiwanese government banned the Japanese cultural representation after Tokyo recognized and resumed bilateral relations with the People's Republic of China, between 1972 and 1993.

The concept of soft power was promptly embraced by many of the Asian countries and emerging economies. In fact, "soft power" mechanisms and policies were exercised in Asia well before Joseph Nye's famous conceptualization in 2004. "China's charm offensive" (Joshua Kurlantzick, 2007) and South Korea's (successful) offensive to become a middle power are some of the best examples of utilizing soft power, visible since the 1980s and 1990s.

Among other major dimensions of China's international ascension, Joshua Kurlantzick explains what the Chinese have done in cultural policy:

> "This comes along with much increased promotion of cultural and language studies. China has spent a lot of money promoting language studies, funding the first and second year of universities in 100-150 countries. Particularly in poorer countries, they spend a lot of money promoting Chinese studies in primary schools. If you do well there, you can get a scholarship to go on to university in China. Fifteen years ago there were very few foreign students in China–a certain number of Americans who had come on exchange programs, as well as some African students left over from Mao's time. Now you have 110,000-140,000 overseas students in China. (Some, of course, are students who probably would have liked to study in the U.S. but visas have become more difficult to obtain since 9/11.) Particularly in Asia, China's TV and print media also have become more accessible, and China has begun to invest in the world."[28]

Probably the most important and effective tool of cultural diplomacy for the Chinese government is the Confucius Institute, established in 2004 after the more profiled and consecrated models of Western cultural institutes. The rationale for the Confucius Institute project reflects the official recognition of language teaching as a means of building relationships, enhancing cultural understanding, and promoting trade as well as foreign investments.

Following its economic reforms, growth and modernization as well as its opening to the Western markets, China worked to increase economic opportunities and attract much-needed foreign investments. However, the government realized that foreigners' lack of Chinese language proficiency and understanding of Chinese culture were barriers that hindered foreign direct investment in China. Beginning in 1987, in an effort to reduce these obstacles, Beijing dispatched Chinese language teachers to foreign countries and established the Chinese Language Council International (Hanban) to administer and support, under the guidance of the Ministry of Education, Chinese language programs abroad (Su-Yan, 2013, 22-33). The Confucius Institute contributed to a

[28] Joshua Kurlantzick, "Charm Offensive: How China's Soft Power is Transforming the World", Foreign Policy Research Institute, http://www.fpri.org/enotes/200708.kurlantzick.chinacharmoffensive.html, 2007, consulted in December 2013.

large extent to the expansion of China's soft power, promoting Chinese language and academic collaboration with foreign universities. The "Year of Chinese Culture in France" or the "Chinese Cultural Festival in the United States" are only two major examples of successful and great impact programs in the past.

Analyzing the role of this key institution in rebranding China and reshaping its system of international relations beyond ideological cleavages, Pan Su-Yan addresses the same concept of soft power. The author affirms that:

> "The Confucius Institute project can be understood as a form of cultural diplomacy that is state-sponsored and university-piloted, a joint effort to gain China a more sympathetic global reception. As such, the Confucius Institution project involves a complex of soft power techniques. However, it is not entirely representative of soft power capability, because the problems embedded in the project and in the wider society run counter to the Chinese government's efforts to increase the Confucius Institutions' attractiveness and popularity."[29]

What about the political meaning of cultural diplomacy in China's international relations? How does it reflect in the contents, dynamics and finality of Beijing's foreign policy and its relation with the great powers of the world? Referring to the Chinese-U.S. bilateral relations, Professor Philip Seib, Director for the Center on Public Diplomacy at University of Southern California, believes that:

> "Competition without conflict is a reasonable goal for those shaping the U.S.-China relationship. The cultures of both countries will influence the likelihood of achieving this outcome, and so it is the responsibility of public diplomacy practitioners to elevate the political sophistication of cultural diplomacy."[30]

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[29] Pan Su-Yan, "Confucius Institute: China's cultural diplomacy and soft power projection", Asian Education and Developmental Studies, 2:1, 2013, 22.

[30] Philip Seib, "China's Embrace of Cultural Diplomacy", The Huffington Post, http://www.huffingtonpost.com/philip-seib/chinas-embrace-of-cultura_b_1558852.html, 2012, consulted in December 2013.

However, it is good to mention that the Confucius Institute did not solve all the problems that the image of communist China has in the world. International monitoring agencies and western governments still warn about the regime's abuses. From the limitation of human rights to the oppression against political dissidence, many things remain to be done in the future in order to introduce individual freedoms.

The large diffusion and quick dissemination of cultural products such as music, dance, movies, television, fashion, food etc. also pose a very interesting dilemma for governments: how to maintain national cultural policies with specific goals and strategies while the cultural flows are actually globalizing exchanges and transfers between nations? The cultural flows are naturally bidirectional and one cannot take only the benefit of "exporting influence" to other countries but also be prepared for foreign cultural influences.

In the age of globalization, cultural ideas and products spread on large areas, interact and mix with other ideas and products, sometimes generate hybrids so eventually governments cannot exercise full political control over these cultural exchanges and mutual influences. It is like a terribly powerful process that they initiated some decades ago and now goes ahead on its own. While Japan, China, South Korea, India and other countries in Asia intensively export their culture on the continent and all over the world, they are also inevitably importing considerable amounts of cultural products from the United States, Europe, and obviously from other Asian areas.

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8. Economic Diplomacy

DAN PETRICA

Introduction

Economic diplomacy, as a distinct mechanism of promoting economic interests abroad, has long been ignored by members of the academia and practitioners of diplomacy alike. It was cast away in the field of "low politics" and economists were left to tackle the issue, using their specific instruments. However, in light of the changes in the world system – in the global economic environment specifically – theorists of International Relations have shifted their views to include the subject in their work. This shift of interest takes place in the context of new international developments, such as globalization and the series of recent worldwide economic crises. Diplomacy could not remain an object of study by itself, an all-embedding representation of high-politics, rather new dimensions were uncovered and a new meaning of the term was forged.

Globalization sweeps across the world, connecting states, their actors, non-state actors and international institutions with multidimensional threads. In a deeply intertwined world, the classical differentiation between the social, political, cultural and economic environments – both at the domestic and international levels – was abandoned and a broader horizon was identified, allowing one to assess

how each field influences the other, and how all work for the promotion of state welfare.

Negotiation is central to fulfilling the objectives of an economic foreign policy. Negotiations are constantly conducted between all the actors of the international arena, encompassing bilateral and multilateral dimensions.

This chapter will deal with the main actors, or networks of actors involved in economic diplomacy, underlining recent transformations in their roles and behaviours. The instruments of economic diplomacy available to each actor will be investigated, although the paper does not intend to provide an exhaustive account.

Definitions and further details

Economic diplomacy has a number of definitions, each of them unveiling specific characteristics of this practice.

If diplomacy is an instrument used to attain foreign policy objectives by peaceful means – such as dialogue and negotiation – economic diplomacy is employed to attain those foreign policy objectives which relate to the economic interests of the state.

Nicholas Bayne, diplomat and economist, considers it a "method by which states conduct their external economic relations. It embraces how they make decisions domestically, how they negotiate internationally and how the two processes interact"[1]. This definition takes into account the two essential dimensions of economic diplomacy: policy and implementation. Policy is created by the institutions of government in collaboration with the private sector and other stake holders in society. Its implementation falls under the prerogatives of the

[1] Nicholas Bayne, "Financial Diplomacy and the Credit Crunch: The Rise of Central Banks," *Journal of International Affairs*, Fall 2008, Vol. 62(1), p. 1.

ministry of foreign affairs, other ministries and agencies of government and is deeply connected with the international arena. If the majority of policies created by government are to be implemented domestically, foreign policy is aimed towards the international environment and needs to take into account a distinct set of variables when creating patterns of interaction.

In pursuit of economic diplomacy, governments begin to harmonize their policies on foreign affairs and their international trade portfolios. At the same time, they seek to attract foreign direct investment, constantly competing with other states who wish to secure the same gains. State governments also advocate for increased trade in an effort to strengthen the productive resources of the country, empower their economies and enable sustainable development.

In a globalized environment, however, Bayne's definition needs further developing, mainly because it fails to address all other actors of the international arena, each with specific interests and specific methods of shaping foreign policy, and with diverse capabilities in aiding or impeding its implementation. At the same time, some actors pursuing their own agendas have developed diplomatic roles, operating under state coordination or outside it. Non-governmental organizations use newly acquired diplomatic roles to economically empower citizens – especially of the developing countries – and to safeguard the protection of their interest from malign actors and their actions. The business sector is involved in public-private partnerships, struggling for the accommodation of its members' agendas in the stages of foreign-policy creation, while aiding policy implementation through various mechanisms. Transnational companies utilize diplomatic means to protect their interests and secure profit on foreign markets. At the same time, international institutions create specific frameworks in which processes of economic diplomacy can take place. Their rules and

regulations are created to promote equal opportunities for all the entities present in the international environment.

All these new actors and their interactions shed light on the various components of economic diplomacy. The vast body of literature in the field uses concepts such as "commercial diplomacy", "business diplomacy", "financial diplomacy" and several other strings and sub-strings; however, for the scope of this paper, the analysis of all possible integer parts of economic diplomacy has been abandoned, and we will focus on economic diplomacy as a holistic concept.

Brief history of economic diplomacy

Economic interest constituted the driving force for establishing political relations between states for millennia. The oldest documented account of a trade relationship relates to the exchanges of goods that took place between ancient civilizations of Egypt and East Asia starting with the 15th century BC[2]. The Silk Routes connecting Europe, China and India are yet another example of how trade encouraged the development of political and economic relations between distant civilizations in antiquity[3]. Through these roads, which sometimes were nothing more than series of caravan tracks, the West and East became connected, and networks of trade continuously developed for centuries.

Trade is surely an important mechanism through which states engage other states to form economic relations and create the possibility for diplomacy. However, some specific tools available to economic diplomacy, which are closer to theorists of international relations, can be traced throughout history. Thucydides speaks of economic sanctions in

[2] See Raymond Cohen and Raymond Westbrook (eds.), *Amarna Diplomacy: The Beginnings of International Relations,* Baltimore: John Hopkins University Press, 2002.

[3] Jerry Bentley, *Old World Encounters: Cross-Cultural Contacts and Exchanges in Pre-Modern Times,* New York: Oxford University Press, 1993, p. 32.

his work The History of the Peloponnesian War. In an effort to counter Sparta's influence, Athens imposed an embargo on its ally, Megara[4], in the 5th century BC. This had various economic repercussions on both Athens and Megara.

Shifting back to trade, we must admit that it provided not only the impetus for agreement and friendly relations between counterparts, but also an impulse for war. Interested in finding new trade routes and gaining easier access to trade partners, European countries sent explorers across the oceans[5]. Colonization soon followed and conflict often erupted between European powers seeking the domination of certain regions. The long history of colonialism tends to prove that the flag follows trade.

In an effort to deal with varied problems that could arise in trading ports, merchants needed some form of representation. Thus, around the 12th century, consuls appeared, embracing the role of spokespeople of the merchants in their relation with local authorities. In the Ottoman Empire, the early consuls were also magistrates, allowed to resolve internal issues arising in merchant communities[6]. It was only later that consuls became public servants, with clear political duties.

Mercantilism as an economic practice shows yet another form of economic diplomacy. Pursuing the maximization of power, European states, between the 16th and 18th centuries, opted for the accumulation of wealth through several economic policies that included: granting export subsidies, denying colonies the right to trade with other nations and imposing high tariffs, especially on finished products. While

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[4] Brendan Taylor, *American Sanctions in the Asia-Pacific*, London: Routledge, 2009, p. 14

[5] Kishan S Rana and Bipul Chatterjee, "Introduction: the role of embassies", in Kishan S Rana and Bipul Chatterjee (eds.), *Economic Diplomacy: India's Experience*, CUTS International, 2011, p. 6.

[6] G. R. Berridge, *Diplomacy: Theory and Practice*, Fourth Edition, New York: Palgrave, 2010, p. 126.

increased wealth translates into increased power, mercantilists relied on securing relative economic gains[7].

Relative gains are still a factor of modern economic diplomacy, but states mostly channel their energies to secure absolute gains through cooperation. The overwhelmingly liberal international order advertises diplomatic mechanisms that oppose aggressive mercantilism[8]. This order has been gradually promoted through the creation of international organizations after World War II. Multilateral economic fora are well equipped for creating rules and regulations, thus providing their members clear frameworks in which they can pursue their economic interests in non-invasive ways.

The actors of Economic Diplomacy

1. State actors

While we often use the term "state" to define one of the main actors in international relations, the state itself is not a monolithic structure, and in order to approach subjects such as diplomacy or international relations, it does not suffice to bring the concept of state into the equation, but we must rather focus on the diverse entities within the state. Of course, nation states are involved in a constant competition to secure economic gains, but it is their institutions, operating both nationally and internationally, that are the bodies which create and try to effectively implement foreign policies.

Traditionally, the Ministry of Foreign Affairs (MFA) retained the main attributions in the creation of foreign policy –together with the head of government and the legislative in some countries – regardless of the

[7] See Kenneth Waltz, *Theory of International Politics*, Mc Graw-Hill, 1979.

[8] Stephen Woolcock, "Factors shaping economic diplomacy: an analytical toolkit", in Stephen Woolcock and Nicholas Bayne (eds.), *The New Economic Diplomacy: Decision-Making and Negotiation in International Economic Relations*, Third Edition, London: Ashgate, 2011, p. 19.

sector this policy was destined for. In recent times, however the MFA has seen itself stripped of many of its prerogatives by other ministries and their agencies[9]. While this may not be particularly visible when referring to diplomacy in general, it is striking if we were to move the discussion to the domain of economic diplomacy.

The subject matter of economic diplomacy has grown exponentially as globalization accelerated; accordingly, the lead ministry, which conducts foreign negotiations and is to be held accountable for their outcome, has seldom become the one responsible for the specific policy area discussed: be it trade, finance, agriculture, etc. The budget of this ministry will also have to bear the costs. The MFA, of course, does not stand by and tries to maintain a coordinating role, if exclusivity in matters of foreign policy is no longer attainable. Consequently, in the domain of economic diplomacy, we can speak of a whole system of actors that are actively involved in the creation and implementation of foreign policies. The concept of "national diplomatic system"[10] allows one to move beyond the idea that the diplomatic world is limited to the MFA and enables a deeper exploration of the actors and the processes it accommodates. The field of economic diplomacy, has, of course, a system of its own.

The first foreign ministry had been established in France in the late 16th century; however, it was only in the 19th century that foreign ministries achieved a certain degree of sophistication[11]. To a large extent, early foreign ministers expressed aversion towards commerce and other components of economic diplomacy, most of them belonging to the

[9] Throughout the chapter we will use the term "ministry", common to European literature in the field, in detriment of the American term "department".

[10] Brian, Hocking, "The Ministry of Foreign Affairs and the National Diplomatic System", in Pauline Kerr and Geoffrey Wiseman (eds.), D*iplomacy in a Globalizing World: Theories and Practices*, New York, Oxford University Press, 2012, pp. 123-140.

[11] Berridge, *op. cit.*, p. 7.

higher social strata. In the second part of the 20th century, the situation changed dramatically, and disregarding economic diplomacy was no longer a possibility. In the meantime, the MFA had grown in dimension and complexity, embedding both career diplomats and bureaucrats. Diplomacy as a profession has recently suffered changes. The role of the diplomat, his required qualifications and what is expected from him are involved in a process of continuous transformation. This is also true for the MFA's civil servants. The MFA faces contestation from other important line ministries, which deal with specialized policies. They come in direct contact with their counterparts from other states and a form of accelerated bilateral negotiation emerges, resulting in furthering the interest of the state they represent. Foreign policy implementation can now be achieved through exchanges of officials specialized in a certain domain, and although the MFA strives to organize and coordinate these meetings or exchanges, it is not always offered the possibility to do so. To counter the influence exerted by other ministries, in certain states, the MFA can require prior notice in case any official visit abroad is planned.

In the case of multilateral economic diplomacy, specialized ministries now demand to deal directly with standard setting institutions such as the World Bank or the International Monetary Fund (IMF). The Ministry of Finance and the Ministry of Economy are at the present time the leading bodies in government negotiations with the two international institutions. When dealing with the World Trade Organization (WTO), a state's government is usually represented by the Ministry of Trade. Various other international institutions deal with ministries with which they share a common specialization.

When it comes to trade promotion, embassies and consulates can provide the first stimulus for a possible foreign partner. In the same way, mission officials can motivate diverse agencies from their sending country, such as trade associations and private enterprises. A diplomat

in post has the advantage of being the first to spot an opportunity and can flag it for further action[12]. Attaches of other ministries are of course available to both embassies and consulates and can report back to their sending institutions, allowing these entities to act. To limit the possibility of ministerial action outside the control of the MFA, regulations can be imposed, forcing the above-mentioned attaches to only report back through the ambassador.

Some states, in light of the increasing importance of economic diplomacy, have created hybrid ministries that incorporate diplomats, commercial actors and economists. Trade promotion is one of the chief prerogatives any state has when pursuing economic development, thus foreign affairs have sometimes become associated with trade at a ministerial / departmental level. In Australia, the Department of Foreign Affairs and Trade was created in 1987, by merging two departments with separate prerogatives. In a bureaucratic effort to obtain coordination and integration, Canada and New Zeeland have also merged the two ministries. In Belgium, the Ministry of Foreign Affairs, Foreign Trade and Development Aid has a third dimension, highlighting that offering others development aid is a priority, which comes directly after the promotion of trade – particularly exports – and inward investment mobilization. In the case of Norway and other Scandinavian countries the MFA retains similar prerogatives, including those involving foreign aid. Developed countries give foreign aid to developing states for a multitude of reasons[13], but in the context of economic diplomacy, aid is generally a form of reward, an incentive to act in a desired way or a means to facilitate commercial ties.

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[12] Rana, 2011, *op. cit.,* p.10.

[13] For a detailed account see Carol Lancaster, *Foreign Aid. Diplomacy, Development, Domestic Politics,* Chicago: University of Chicago Press, 2007.

Nevertheless, not even by directly linking commercial activity with foreign representation at a ministerial level, can the newly formed body hold exclusivity in any of the two domains. A network of other ministries and agencies, dealing with issues that range from finance to the environment are active in the international arena, conducting exchanges, dialogue, and negotiation with foreign partners, which are not necessarily direct counterparts[14]. Some states, pursuing a better coordination of economic foreign policy, have created joint bodies at a sub-ministerial level. This is the case in the UK or the Czech Republic[15].

While in some circumstances, the MFA lacks the authority it once had, when a state uses economic sanctions to coerce another, the ministry retains a leading role[16]. It doesn't matter if sanctions restrict trade and travel or imply the use of an embargo, officials within the MFA are the ones who need to coordinate the efforts of imposing them. Examples of sanctions include those imposed by the United States on Iran since 1995, or the European Union's 2014 and 2022 sanctions against Russia.

At the same time, the MFA has an important role in G7 summits, which have a diverse agenda and cover a wide range of economic subjects. A small team of "sherpas" prepares each summit in advance, holding multiple pre-summit conferences in order to set the agenda. The lead sherpa is directly nominated by the head of government and is assisted by a varying – but small – number of "sous-sherpas", which are experts and career diplomats from the ranks of the MFA[17].

While globalization was directly responsible for the multiplication of actors, regionalization has also made it possible for regional bodies to

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[14] Berridge, *op. cit.,* p. 15.

[15] Donna Lee and Brian Hocking "Economic Diplomacy" in Robert A. Denemark (ed.), *The International Studies Encyclopedia*, Vol. II, Wiley Blackwell, 2010, pp 1220.

[16] Nicholas Bayne, "Economic Diplomacy in Practice: Domestic Decision-Making", in Stephen Woolcock and Nicholas Bayne (eds.), *The New Economic Diplomacy: Decision-Making and Negotiation in International Economic Relations*, Third Edition, London: Ashgate, 2011, p. 19.

[17] *Ibidem*.

become active in international relations. The purpose for decentralizing power from central government to territorial subsidiaries is ensuring a higher quality of governance. Moving the decision-making process closer to the citizen allows regional and local authorities to better identify needed policies and the ways in which they can be implemented. From the perspective of economic diplomacy, regionalization has empowered regional authorities to act directly in furthering the economic interests of the region. EU member states offer, perhaps, the most evident examples of how decentralization empowers local bodies to enter into contact with other actors and pursue their economic goals through newly developed instruments.

The German Länder[18] have offices in Brussels in the proximity of European institutions, through which they strive to secure political and economic gains. The offices are used for networking, lobbying, gathering information, liaising and advertising the regions[19]. While in the past, some regions across the EU opened offices in order to gain access to structural funds, now, through skillful use of economic diplomacy, they create networks that ensure financial support from the EU. The German Länder, much like the Spanish regions, first established offices in Brussels to consolidate their autonomy, being allocated substantial legislative powers by their states. Regardless of the state they belong to, regional and local offices are capable of acquiring information with regards to future policies in key domains, and by lobbying, can influence the resulting policy. Through networks, regions sharing the same interests can act together in specific policy areas, such as economy or finance. Network creation – achieved even through inter-regional representation – is invaluable when pursuing all types of goals, including economic

[18] The Länder are the area states composing the Federal Republic of Germany

[19] M. Huysseune and T. Jans, "Brussels as the capital of a Europe of the regions? Regional offices as European policy actors", Brussels Studies, Issue 16, 2008, p. 5 http://www.brusselsstudies.be/medias/publications/EN_57_BruS16EN.pdf, accessed 17 September, 2014.

ones. While some regions[20] have direct access to the European Commission and the Council of Ministers, granted their extended legislative powers, others need to resort to classical lobbying techniques. Currently, regional governments and local authorities are creating direct ties to other entities within the system of international relations, demonstrating once again that diplomacy in general, and economic diplomacy specifically, is not necessarily reliant on the MFA.

2. Non-governmental organizations

As representatives of civil society, NGOs have become invaluable when shaping economic foreign policy. A wide range of non-profit organizations fall under this category, from local charity groups to human rights advocates operating internationally, and it is impossible to quantify all actors as to fully grasp how they influence economic diplomacy. However, this part of the paper will mostly focus on entities doing advocacy work directly or tangentially linked to economic diplomacy.

Advances in communication allowed NGOs to become international actors by creating networks and affiliations. Through networking, several issue-oriented NGOs can approach systemic problems, which would prove beyond reach when acting alone. In the same way, through affiliation, an NGO acting domestically gains relevance when backed by giants such as Oxfam or Care International, which deal with trade and business development activities.

In recent years, NGOs have started to realize the political responsibility that derives from their status, and, while some consider themselves purely operational entities, a growing majority embrace their advocacy role. NGOs operate both domestically and at an international

[20] Examples include German, Spanish, Belgian or Austrian regions

level, challenging policy-making institutions nationally and challenging state governments and standard-setting institutions in the global arena. Through campaigns, civil protests and other similar actions they aim to influence public policy on the one hand, and the behaviour of private companies, on the other. International or transnational NGOs focus some of their advocacy work towards international institutions and transnational corporations. Alliances of NGOs have successfully identified areas in which policy has proven deficient and pushed institutions such as the World Bank, the G7 or the WTO to tackle them with priority. Numerous issues have been brought to the negotiation tables of the aforementioned institutions by the active implication of NGOs[21].

One pertinent example of how NGOs have been involved in the international economic policy-making process can be identified in the Doha Declaration. Continuous pressure from a network of NGOs aided the transformation of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)[22], as to incorporate permissive regulations that facilitate access to essential medicines for the citizens of developing countries. NGOs raised public awareness and, through a sustained media campaign, ultimately led to debates within civil society. Deliberations with policy-makers, both formal and informal, proved instrumental in furthering the goal of providing governments in developing countries the possibility to protect public health even under the provisions of the TRIPS Agreement[23]. Due to the involvement of

[21] Duncan Green and Phil Bloomer, „NGOs in Economic Diplomacy", in Stephen Woolcock and Nicholas Bayne (eds.), The New Economic Diplomacy: Decision-Making and Negotiation in *International Economic Relations,* Third Edition, London: Ashgate, 2011, p. 117.

[22] TRIPS is an international agreement of the WTO which sets minimum standards in the field of intellectual property

[23] See Hannah Murphy, T*he Making of International Trade Policy: NGOs, Agenda Setting and the WTO,* UK, Edward Elgar Publishing, 2010, pp. 164-166.

NGOs, public health norms triumphed over stringent intellectual property rights.

NGOs also become more visible in the sphere of economic diplomacy when handling issues such as labour rights in transnational corporations. Through a mix of public pressure and effective lobbying, NGOs continuously exert influence on the International Labour Organization (ILO), which leads to a series of better working conditions throughout the organization's 185 member states.

Nationally, in the field of economy, NGOs unofficially supervise economic policies and budgets and advertise the efficient allocation of funds, consequently protecting the interests of citizens.

The same process takes place in the international arena, where traditional actors – states and institutions – encounter numerous challenges. The "stick and carrot" approach, generally utilized by states in coercion processes has been added to the practices of NGOs. Civil society representatives provide incentives for businesses to adopt industry best practices, while threatening with boycotts and negative media campaigns, any failure to do so[24]. While boycotts do not necessarily concern market aspects, their impact on a company's shares and overall reputation makes them a powerful economic tool.

Boycotts are not only directed at companies; their objective may also be the modification of a state's behaviour. A number of Palestinian NGOs launched the "Boycott, Divestment and Sanctions" (BDS) campaign in 2005, destined to stop Israel's violations of international law. Besides the boycott of Israeli products, the campaign called for the exclusion of Israel from a number of international bodies and the withdrawal of foreign investment from Israeli firms and companies

[24] See F.G.A. de Bakker, F. den Hond, "Activists' influence tactics and corporate policies", *Business Communication Quarterly*, Vol. 71(1), pp. 107-111.

operating in Israel[25]. Since 2005, NGOs from Europe and North America have adhered to the campaign, influencing businesses in their home countries and even national governments. The three main goals of the campaign are to end Israeli occupation of Palestinian land, to put an end to racial discrimination against Palestinian citizens and to allow Palestinian refugees to return to their homes[26].

In some instances, NGOs enter partnerships with businesses in an effort to pressure other actors. Together, they can exert pressure on other firms, achieving a change in the latter's business ethics, or they can convince state authorities to provide policy changes in areas of interest to both partners.

In their constant struggle to influence policy, be it domestic or international, NGOs use a variety of approaches, some of them described above. These tactics fall under two categories: formal and informal advocacy. While formal advocacy actions such as creating petitions, conferences and media campaigns have an important role in generating awareness with regards to one issue or another, the informal processes can frequently be more effective in eliciting change. Informal advocacy uses tools as backdoor negotiations and mediation between policy-makers and coalition leaders, being less visible to the public[27].

Some NGOs advertise systemic changes and vocally oppose international institutions with standard setting functions in international economy, particularly the IMF, World Bank and WTO. The institutions are deemed undemocratic and biased, accommodating the interests of the developed world in detriment of those of developing countries. Other NGOs try to operate within the frameworks of international

[25] Charles Tripp, *The Power and the People: Paths of Resistance in the Middle East*, Cambridge University Press, 2013, p.125.

[26] Omar Barghouti, *BDS: Boycott, Divestment, Sanctions: The Global Struggle for Palestinian Rights*, Chicago, Haymarket Books, 2011, p. 49.

[27] Green and Bloomer, *op. cit.*, p. 115.

organizations, assisting developing countries with information and participating in negotiations, when participation is permitted.

3. The Private Sector

As previously stated, in order to be successful in economic diplomacy, states have realized that the MFA cannot act alone. It has been supplemented at first by other state ministries and agencies but, since this has not sufficed, other actors have been approached out of necessity. The private sector has thus been engaged via the creation of public-private partnerships. Chambers of commerce and industry, private firms and the financial sector have transformed from mere stakeholders into active actors, immersed in the advancement of economic interests abroad[28]. In order to promote foreign policy, these actors first need to see their interests accommodated, consequently they are also active in policy creation. For the partnership to work, state institutions need to be constantly commited to negotiations with the private sector, albeit this can sometimes prove problematic. Large firms have different interests from small businesses and, at the same time, interests differ across business sectors[29]. While sectorial associations are very capable in organizing their members, conflict usually arrives when general, cross-sectorial policies are brought into discussion. In this case, associations with the highest lobbying capacities usually obtain the most, getting to shape foreign economic policy in their favour.

Abroad, networks of business groups and diplomats work together to promote investment and trade, which are invaluable for the

[28] Kirshan S Rana, "Economic Diplomacy: the Experience of Developing Countries", in Stephen Woolcock and Nicholas Bayne (eds.), *The New Economic Diplomacy: Decision-Making and Negotiation in International Economic Relations*, Second Edition, London: Ashgate, 2007, p. 202.

[29] Bayne, 2011, *op. cit.*, p. 45.

governments of sending states and domestic businesses alike. Attracting foreign investment translates in new jobs, consequently new sources of revenue from taxation become available to the government. The government can use newly acquired funds to build infrastructure which will be utilized by the private sector. Analogous to the way in which NGOs act to protect the interests of the citizens, private actors involved in commercial diplomacy advocate for their own interests.

When bilateral and multilateral trade agreements are negotiated, businesses need to participate, because they will be directly affected by the outcome. Thus, it is impervious for them to be active, and try to shape agreements in accordance with their interest. Private companies are the main stakeholders of trade agreements, and usually possess the most relevant information, hence state officials should actively pursue their involvement in negotiations. During the General Agreement on Tariffs and Trade (GATT) Uruguay Round, India's government officials participated in the negotiations without the expertise of business partners and industry associations. This strategy proved to be costly[30], and further emphasized the need to involve the business sector in trade-related international endeavours and, generally, in the sphere of economic diplomacy.

Businesses are not only relevant when trade activities are concerned, they are also important in the promotion of tourism – which is yet another key objective of foreign policy, especially for developing countries. While states invest in branding campaigns to attract tourists, representatives of the tourism industry attend international fairs and create media campaigns, advertising the country and drawing in tourists and revenue. Business actors from the tourism industry also band together to maximize their influence in regional and transnational institutions. Of course, these practices are not limited to one industry, as

[30] Rana 2007, *op. cit.*, p. 215.

businesses from every economic field create national and international associations. These groups can attract structural funds from the EU in order to develop specific economic sectors, push for the free circulation of workers in the International Migration Organization or pursue further trade liberalization inside the WTO.

As in the case of state actors and NGOs, globalization created the condition for companies to "go global". We have to keep in mind that the universal goal of companies is making profit, thus if the possibility of profit arises on some foreign market, the company acts to seize it.

Companies that have expanded their businesses in other states are developing diplomatic functions of their own. While some transnational companies still mainly operate inside the diplomatic network of one state –usually where their headquarters are located – others have separated their interests from the state's and prefer standalone action, which implies creating ties with one actor or another, depending on the requirements of a certain circumstance.

International businesses increasingly operate within frameworks created by standard setting organizations. It does not suffice for a transnational corporation to know the rules and regulations in the countries where it operates, international standards also need to be taken into account and respected; as a result, corporations move to secure the support of states through formal and informal negotiations, seeking to shape international norms in their favour. Conducting business in several states allows them to negotiate with a wider pool of state actors. This ultimately translates into more possible partners lobbying for their interests at the level of international institutions.

4. International organizations

International organizations are key actors of diplomacy. However, not all policy sectors present the same potential for coordinated policy-

making at the level of institutions. Security issues seem least manageable, while economic matters, amongst others, have been approached with greater ease by institutions aiming to create synchronized joint-policies.

As in the case of domestic economic policy, international trade and financial flows need to be regulated in order to proceed smoothly. Standard setting organizations offer the possibility to create rules and norms that facilitate the interaction between states and between the private actors operating on their territories. Shaping institutions is one difficult task for states, but at the end of the day it can prove the most effective one when trying to advance national economic goals. This being said, not all states have the same capabilities to influence organizations. While some can exert enough pressure and manage to shape international policy towards a desired outcome, others need to band together in pursuit of a common interest.

Following World War II, the United States grabbed the unique opportunity to create international economic institutions that would ensure a long-lasting promotion of its interests. The Bretton Woods system came to existence in 1944 and the following year, its institutions, the International Bank for Reconstruction and Development (IBRD) and the IMF became operational. The system elaborated rules for economic relations between states, without affecting their autonomy. A state could pursue whatever policies it deemed fit if those policies did not have negative impacts on other states. When the GATT was created in 1948, trade issues were clearly differentiated from all others, the institution having no prerogatives in creating rules for the latter. GATT encouraged state governments to pursue non-discriminatory policies and practices towards imported goods.

The two main institutions created by Bretton Woods outlived the system itself. To date, the IMF is a crucial institution of the global

economic system. Its role in the recent economic crisis is undeniable, as it provided funds for numerous countries facing financial hardships. But the IMF delivers much more than giving loans to troubled states: it supervises the free exchange of currencies by all its members and, at the same time, makes sure that states create fiscal and monetary policies that are in line with the interests of all members of the institution. Seldom, it acts as advisory body, negotiating economic policy changes with domestic policy-makers. The IMF's pool of resources comes from its members, through proportionate quota subscriptions. Simply put, richer states contribute the most to a fund which can later be used by all. The quotas are also proportionate to the number of votes each member receives[31]. The importance of the IMF to the world system can be best identified in time of economic crises. The recent economic crisis in Europe can make one understand the IMF's role in economic diplomacy, although lessons can also be drawn from the Asian financial crisis of the 1990s. In Europe, since 2008, several states have relied on IMF's loans for economic relief. More dramatic examples include Iceland – which was once an example of solid monetary and fiscal policy – Greece, Spain and Portugal. When seeking loans, state governments negotiate with IMF representatives a series of policies to be implemented domestically, with the scope of strengthening the state's economy. Recent austerity measures, advertised by the IMF have proved, however, detrimental to some economies, further deepening the financial crisis.

The Bretton Woods conference also created the IBRD, which later became part of the World Bank, alongside the International Development Association (IDA). The World Bank aims to reduce poverty and facilitate the development of poorer countries. With this objective in mind, it offers

[31] Eva Riesenhuber, *The International Monetary Fund under Constraint: Legitimacy of its Crisis Management,* The Hague, Kluwer Law International, 2001, p. 8.

loans to governments that wish to invest in projects for which any other viable source of financing is unavailable.

The Bank secures its funding either by borrowing from markets or through grants received from donor nations. In recent times it works in close cooperation with the IMF, the two organizations relying on each other's expertise. The two fora offer member states the possibility of perpetual communication and permanent negotiation of interests, although they have been criticized on account that they facilitate the implementation of policies favourable to developed states. Inside the IMF's structures, developed countries have an overwhelming majority of votes –accordingly the possibility to shape these institutions in their favour – while developing countries sometimes remain only beneficiaries of international economic policies. In a recent reformist effort, the World Bank's voting system was readjusted to give developing countries more decisional power[32].

The WTO is also perceived by some as an undemocratic advertiser of neo-liberalism[33]. Its aim is to liberalize trade among all its members, but this is the particular issue on which NGOs attack it. Inside the institution, developed states maintain positions of power which have been consolidated in time. While the promotion of trade is a key prerogative for a state in its effort to attain its economic foreign policy agreements, states generally wish to promote exports while limiting imports. The GATT was intended to create rules and regulations which would ultimately lead to the trade liberalization of goods. It had no permanent structure, nor did it provide a permanent framework. In 1995, the GATT was replaced by the WTO, which plans to not only liberalize

[32] Sarah Tenney, Anne C. Salda, *Historical Dictionary of the World Bank*, Second Edition, Maryland: Scarecrow Press, 2014, p. 265.

[33] See Joel Wainwright, "Spaces of Resistance in Seattle and Cancun", in Helga Leitner, Jamie Peck and Eric S. Sheppard, *Contesting Neoliberalism: Urban Frontiers*, New York: Guilford Press, 2007, pp. 179-203.

trade, but also supervise it internationally. While the GATT was mainly focused on the trade of goods, the WTO extends that focus to services and intellectual property. The organization also provides mechanisms for disputing settlements.

Of course, a multitude of international organizations function at a global level, encompassing all state actors and offering frameworks in which the instruments of economic diplomacy can be deployed by states, non-state entities and private businesses. From plurilateral institutions, such as the G20 or the Organization for Economic Cooperation and Development (OECD), to multilateral organizations – some of which are briefly presented above – all these international bodies facilitate cooperation on financial and economic issues and reaching universal standards of interaction between states. Through their functions, they provide a much-needed system of governance in which all state actors can pursue their economic goals.

We will not dwell on the subject any longer, as the chapter on International Institutions, Summits and Conferences offers more information on the processes of multilateral governance.

Conclusion

Trade has offered the impulse for establishing and continuing relations between separate territorial entities for millennia. A modern state's foreign economic policy generally includes two objectives: promoting trade – especially exports – and attracting investments. Giving or receiving aid, promoting tourism and other secondary objectives can also be pursued, but they are rather specific to diverse states. All these objectives can be tackled trough economic diplomacy, a field which has gained importance for scholars and practitioners alike only in modern times.

In a constantly evolving international climate, marked by globalization, one needs to evade the state-centric security nexus, and focus on the vast network of inter-linking actors that participate in the articulation and furthering of the economic interests of states. Only in this way, can the economic diplomacy be effectively tackled. State entities no longer hold a monopoly on economic diplomacy and, presently, have to engage in partnerships with non-state actors.

Globalization has broadened economic interdependence between all types of actors at an international level, but at the same time, it has modified the dynamics of institutions operating domestically in the field of economic diplomacy. Official agents of the state, traditionally involved in the implementation of foreign policy – such as foreign ministries – receive contestation from other state actors, which try to gain important roles, especially when economic and financial interests are at stake.

Non-governmental organizations (NGOs), on the other hand, represent the interests of the citizens directly, which, in their view should take precedence over state interest. NGOs operating domestically argue that economic policy should be created with the goal of assuring economic empowerment and better living conditions for the citizens of one state, while representatives of civil society operating internationally aim to achieve the aforementioned goals universally.

Firms have come to realize that what a state achieves in terms of foreign economic policy has a direct impact on their livelihood. A whole sector of industry can flourish or suffer as a result of a government's decision to adhere to an institution or ratify a trade agreement. Accordingly, national businesses have become active players nationally, lobbying for specific policies. Trade unions and chambers of commerce have found ways to make their voices heard internationally. Moreover, multinational corporations, which are no longer linked to one particular

state, approach multiple state actors with the objective of securing support in the international environment.

International organizations are invaluable, providing frameworks in which constant negotiations are conducted, resulting in treaties and agreements. The rules created within these international fora assist states in their interaction with likewise and different entities involved in economic diplomacy. While some organizations facilitate cooperation and supervise economic and financial policies, others, most notably the IMF and the World Bank, also offer member states the expertise and the funds needed to create and implement economic policies.

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9. Diplomatic Protocol

LAVINIA OPRIȘ

In dealing with matters of diplomatic protocol, this chapter attempts to shed some light on a matter that – in spite of being perceived by some as obsolete and indicative of excessive and burdensome formality – is actually of vital importance in regulating diplomatic interactions between nations and their representatives.

What is an ambassador required to do upon his arrival at a new post? How should a diplomat dress and act when invited to an official social event? How does one seat guests at the table for an official dinner? Are gifts required on formal occasions? What happens when a formal visit at different levels occurs in a foreign country? How should one address diplomats appropriately according to their rank? This list of dilemmas could of course go on, but two important aspects need to be kept in mind from the very beginning: firstly, while some of these issues may seem trivial at a first glance, they are nonetheless essential for the conduct of smooth, incident-free diplomatic relations and, secondly, it falls within the realm of protocol and etiquette rules to offer a trustworthy guide for dealing with such situations.

In order to offer a preliminary background in the aforementioned area of diplomatic protocol, this chapter will focus on a few aspects organised along the lines of the following structure: the first section offers a series of conceptual clarifications that constitute a necessary pre-requisite for understanding basic considerations regarding our current

field of study, as well as subsequent discussions and clarifications included throughout the chapter.

The second part focuses on a succinct history dealing with the evolution of diplomatic protocol so that we may understand not only how the present rules came to be, but also the way in which their importance was shaped and promoted throughout the centuries. As a logical continuation, the third section outlines in a clearer and more direct manner the functions of diplomatic protocol within the broader world of diplomacy nowadays, thus illustrating the actual results of the previously mentioned historical development.

Last but not least, the chapter ends with a succession of practical examples of situations when protocol, ceremonial or etiquette rules come into play; by necessity, our descriptions are limited to a number of illustrative cases, as it would be an endeavour far beyond the scope and purpose of this admittedly short and somewhat restrictive exposition to exhaust the list of possibilities where protocol rules apply.

Key concepts

As stated in the introduction, this part is constructed as a mini-glossary meant to clarify the meaning of and emphasise the difference between some key notions which constitute the basic foundation for any discussion related to matters of protocol. Therefore, the list to be covered within these pages includes the concepts of protocol, etiquette, order of precedence, ceremony and international courtesy, which will be treated separately, even though in reality they combine to offer a coherent set of rules for official international interactions.

Etymologically, the word 'protocol' draws its origins from two words in ancient Greek, prôtos and kollào, which, roughly translated, mean 'what is glued first'. In the sixth century, the word referred to the

"first page of an official document which authenticated its origin", while later on, in the seventeenth century, it came to mean a set of formulas that served as a guide in correspondence between persons of different rank[1]. Even then, we can notice that there were strong hints as to the present meaning of the word as understood throughout this chapter, at least in what concerned its substance as dealing with some form of official interactions.

However, the last observation brings us nicely to the next point of our explanation: before fully immersing ourselves in the fascinating and often confusing world of rules governing international interactions, we first need to observe and bear in mind the fact that "the word 'protocol' may accordingly, depending upon the context in which it is used, signify 'an addition to a treaty, a summary of official proceedings or a technique of the proper method of doing things, including official etiquette."[2] Therefore, within these pages, protocol is taken to mean "rules of diplomatic procedure, notably those designed to accord to the representatives of sovereign states and others, as well as different classes of officers within them, the treatment in all official dealings to which their recognized status entitles them."[3] This is why, in matters of international status and prestige protocol is a decisive organizing factor, which includes acceptable norms of behaviour in relations between and within sovereign states, encompassing established matters of precedence, etiquette and ceremony so as to ensure a fluid conduct of all international events and day-to-day interactions, regardless of their degree of formality.

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1 See Ioana Vârsta, *Protocol și etichetă diplomatice*, București Editura C. H. Beck, 2011, p. 4.

2 Lord Gore-Booth, Desmond Pakenham (eds.), *Satow's Guide to Diplomatic Practice*, London and New York: Longman, 1979, p. 243.

3 G. R. Berridge, Alan James, *A Dictionary of Diplomacy* (Second Edition), Basingstoke: Palgrave MacMillan, 2003, p. 217.

As yet another facet of required public behaviour, the concept of etiquette "aggregates the conventional rules of polite behaviour in daily life, in society and in the context of public life", with the key aspect that differentiates it from protocol being the fact that, while both deal with public life, protocol deals with institutional relations, whereas etiquette deals with individual ones[4].

The concept was placed on the path of acquiring its current meaning by an occurrence which took place at the court of Louis XIV: the king's gardener posted inscriptions to keep people off his newly planted lawns, which were disregarded by nobles at the time; as a consequence, he managed to receive a royal decree making the 'etiquettes' mandatory[5]. As it can easily be inferred from this anecdote, the notion of etiquette understood as a set of rules governing behaviour had already gained substantial ground by that point in time.

As for nowadays, it needs to be kept firmly in mind that it is not actually possible "to give a detailed description of the etiquette governing presentations, exchanges of visits and the many other formal courtesies connected with precedence. Precise information applicable to the local situation is always to be obtained from the Protocol, or Ceremonial, Department of the Ministry of Foreign Affairs…"[6] In other words, there is no universal guide to etiquette and diplomats serving in foreign countries always need to be aware of the local custom so as to make their lives smoother by knowing exactly how they are supposed to deal with local officials or act at formal occasions.

The notion of ceremony, as a subset of its common meaning, "indicates the succession of acts at a civilian, military or religious solemnity and determines the exterior manifestations, creates the setting

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[4] See Vârsta, *op. cit.*, p. 33.

[5] Oana Iucu, "Diplomacy and Diplomatic Protocol", *Manager Journal*, no. 8, 2008, p. 19.

[6] Gore-Booth, Pakenham (eds.), *op. cit.*, p. 164.

and atmosphere in which they are to take place, and shows what needs to be done by those who preside over or conduct a ceremony."[7] More simply put, this concept refers to "the special actions and formal words traditionally used on particular occasions,"[8] thus reflecting the fact that, at solemn events, a carefully scripted and executed choreography is needed and virtually nothing can be left to chance, which is the reason why ceremony comes into play.

International courtesy refers to norms that, while not actually mandatory from a legal perspective, bring a definite advantage through their observance for the smooth conduct of inter-state relations[9]. In other words, these particular norms are complementary to the rules discussed up until this point, with the primary role of amplifying a positive nuance in international interactions.

The last concept that we attempt to clarify throughout these pages is also probably the most contentious, at least from a historical perspective, which is why it has been left for the end of the section, when at least the initial steps towards constructing a relevant and necessary theoretical background in the field of protocol have already been undertaken.

To begin with, it needs to be stated that the term order of precedence can be taken in two different ways: firstly, it refers to "the order in which diplomatic agents, when present in that capacity, are ranked."[10] As will be seen in the next section of this chapter, this aspect has caused numerous conflicts and disputes over the years, as it has always carried within it an overt link with sensitive matters such as national prestige and importance, which usually reflected directly upon

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[7] Emilian Manciur, *Protocol Instituțional,* București: Editura comunicare.ro, 2002, p. 13.

[8] Della Summers (director), *Longman Dictionary of Contemporary English*, Essex: Pearson Education Limited, 2003, p. 239.

[9] Manciur, *op. cit.,* p. 14.

[10] Berridge, James, *op. cit.,* p. 2010.

the status of the monarch. The second meaning that can be attributed to this concept refers to precedence within a state, thus clarifying the ranking of the officials and dignitaries of a country.

In what concerns the first interpretation, the previously mentioned disputes have been laid to rest with the establishment of more neutral rules regarding precedence after the 1815 Congress of Vienna, when "it was agreed that diplomatic representatives should take rank according to the date of the official notification of their arrival."[11] In this interpretation, the longest serving diplomat is "accorded the highest seniority"[12] and, in addition to the requirement of official notification, seniority among diplomatic agents is also determined according to "the acceptance by the Ministry of Foreign Affairs of the true copy of their credentials, or of the presentation of their credentials, whichever is the practice prevailing in the receiving state."[13]

Within a capital, the diplomats who are charged with representing different states find themselves members of a community known in English as the 'diplomatic corps'[14], with a Dean of the Diplomatic Corps, who has earned his or her position "by virtue of longevity as his/her country's representative."[15] In what concerns heads of missions themselves they are, according to the Vienna Convention on Diplomatic Relations, divided into three classes that bear significance as a means of differentiation exclusively in matters of precedence and etiquette: "(a) that of ambassadors or nuncios accredited to Heads of State, and other heads of mission of equivalent rank; (b) that of envoys, ministers and

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[11] Harold Nicolson, *Diplomacy*, London, New York, Toronto: Oxford University Press, 1942, p. 181.

[12] G. R. Berridge, *Diplomacy: Theory and Practice*, Basingstoke: Palgrave MacMillan, 2010, p. 105.

[13] Gore-Booth, Pakenham (eds.), *op. cit.,* p.163.

[14] Berridge, *op. cit.,* pp. 106-107.

[15] Foreign Service Institute, Protocol for the Modern Diplomat, 2011, p. 10, available online at [http://www.state.gov/documents/organization/176174.pdf], accessed on 3 May 2014.

internuncios accredited to Heads of State; (c) that of charges d'affaires accredited to Ministers for Foreign Affairs."[16] As a further guide in understanding the complicated world of diplomacy, we also need to be aware of the overall classification of diplomatic ranks, as it carries a significant influence in situations where precedence needs to be determined: ambassador, minister plenipotentiary, minister counsellor, diplomatic counsellor, first secretary, second secretary, third secretary and diplomatic attaché.

Therefore, diplomats constitute a miniature social system in its own right, in which rules that need to be internalized and carefully observed play a crucial role and represent the primary interface in all activities of a social nature; in this context, being familiar with matters of precedence ensures that these types of transactions run smoothly; in order to add more clarifications to such a statement, this particular issue will be dealt with in more detail in the third section of this chapter, dedicated to describing the functions fulfilled by diplomatic protocol in general.

At international conferences such as the reunions of the General Assembly of the United Nations, the established practice is placing the delegations of all countries in alphabetical order, with the one opening the list to be chosen by lot[17] or by other previously agreed upon means. The language which is generally used for this procedure is English, unless otherwise preferred by the parties involved[18].

Within countries, there is usually a national list detailing the order of precedence, with each state having its own rules and practices in this regard. For instance, in France the aforementioned list begins as follows: 1. The President of the Republic; 2. The Prime-Minister; 3. The president

[16] Vienna Convention on Diplomatic Relations, Article 14, available online at [http://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf], accessed on 14 January 2014.

[17] See Vârsta, *op. cit.,* p. 32.

[18] See Gore-Booth, Pakenham (eds.), *op. cit.,* p. 232.

of the Senate; 4. The president of the National Assembly; 5. Former presidents of the Republic[19]. Variations of such an enumeration arguably exist within each state and should therefore be carefully studied by those interacting with officials at formal occasions, so as not to commit disgraceful blunders with regard to precedence.

Taking everything into consideration, we are now aware of the meanings of key concepts populating the realm of diplomatic protocol, as well as of the main differences between these terms. Our next task is to see how exactly they have been shaped by historical evolution in order to acquire the meanings we are familiar with nowadays and how their significance has evolved over the years from a mantle of power and even personal prestige of the monarch to a more tame definition generally alluding to appropriate rules of behaviour.

Historical background

A brief foray into the historical evolution of diplomatic protocol is bound to reveal not only fascinating anecdotes that may be a thing of the past in form but are very much alive in substance, but also the fact that the modern and simplified rules of today can trace their ancestry in a direct line to those put forth and observed by our ancient and medieval forefathers.

According to Harold Nicolson, incipient ground rules were probably laid down when the first tribes of savages realized that they needed to talk to their rivals and "it must have become obvious that such negotiations would be severely hampered if the emissary from one side were killed and eaten by the other side before he had had time to deliver his message."[20] As such, even at times when human relations found

[19] See Manciur, *op. cit.*, p. 15
[20] Nicolson, *op. cit.*, p. 17.

themselves in the most rudimentary of forms, it was to be expected that, through their very existence, human contacts between those who had good cause to be suspicious of each other required some sort of basic regulation so as to avoid the materialization of that Hobbesian state of "war of all against all".

Later on, at the time of the eighteenth-century BC negotiations between Mari and Hammurabi's Babylon there were clear ceremonial acts surrounding the conclusion of negotiations, so as to ensure that treaties in their ancient version written on tablets would be observed under threat of divine penalty. "In separate ceremonies at which solemn oaths were sworn to the gods, invoking dire punishment on a possible violator, the kings and accompanying ambassadors each sacrificed an ass, halved it, and walked between the pieces."[21] Whereas such displays no longer take place, it is nevertheless true that, even nowadays, solemn occasions involve some form of ceremony that, while no longer used as a means of enforcement, can be seen as fulfilling symbolic functions and emphasising the psychological impact of rituals.

In fact, the idea of a common language and common gestures, also encountered on modern ceremonial occasions, emerged as a necessity detailing shared meanings that governed social interactions between actors representing different nations. For instance, "various expressions of deference adhered to what scholars of the Ancient Near East call 'prostration formulae'. Kings or vassals 'touched the hem' of the receiver's garment, 'fell at their feet', or considered themselves 'dirt under their sandals'."[22] A further example in this vein would be that, in what concerns matters of official communication, there was already an

[21] Raymond Cohen, Paul Meerts, "The Evolution of International Negotiation Processes", *International Negotiation*, no. 13, 2008, p. 151.

[22] Christer Jönsson, Martin Hall, *Essence of Diplomacy*, Basingstoke: Palgrave MacMillan, 2005, p. 45.

established pattern for Hittite treaties as early as the sixteenth century BC[23].

In eight century BC Ancient China there were already clear formalities in place for offering gifts and, in the same period, there is evidence that a great emphasis was placed on rigid, complicated and strongly ritualized ceremonies which were ultimately a symbol of power and status[24]. In fact, the greatly renowned and vastly celebrated scholar Confucius has also paid great attention to ceremonial matters, leaving behind a work in this field detailing 112 ceremonies grouped, in turn, into five categories[25].

Moreover, according to Nicolson, by the fifth century BC, the ancient Greeks had also developed some form of constant diplomatic relations, which were regulated by law and included a list of immunities for representatives of diplomatic missions; this system was later passed on to the Romans who, in the words of the same author, preferred more brutal methods than those of negotiation and diplomacy and are therefore more well-known for their theoretical contributions to the development of modern international law; it should be noted, for instance, that it was the Romans who enshrined principles such as the validity of contracts, which were later on reflected in the domain of international treaties[26].

Later on in history, the Byzantines were also notable through their preoccupation with matters of protocol.

> "In fact, one emperor, Constantine Porphyogenius wrote a detailed Book of Ceremonies, which apparently served as a manual for his successors. Byzantium pursued a 'diplomacy of hospitality', a routine of lavish receptions and banquets at the palace with a large number of foreign guests

[23] *Ibid.*, p. 46.
[24] *Ibid.*, p. 47.
[25] See Vârsta, *op. cit.*, p. 8.
[26] Nicolson, *op. cit.*, p. 22-23.

in attendance whose obvious purpose was to create an impression of greatness and world power."[27]

This statement, while introducing us in the atmosphere of the time, also has the merit of offering a clear indication of the sometimes veiled but often overt display of power, prestige and status that eventually came to be inherently associated with solemn occasions throughout Europe in the era of absolute monarchies.

While The Middle Ages following the collapse of the Western Roman Empire in 476 AD were not particularly rich in terms of international interaction, there is proof that, even outside the Byzantine court, preoccupations with protocol did not fall to the wayside. As early as the twelfth century, there were documents originating in Western Europe detailing protocol norms in the unified Irish kingdom of Tara, with clear rules as to how guests were to be seated at the table and which piece of meat they were entitled to receive as a result of their position in the hierarchy[28].

More tangible progress towards modern diplomacy as it is known to us today was, however, registered in a different region of Europe that was not quite a cohesive part of the feudal system dominating at the time. In the thirteenth and fourteenth centuries, a diplomatic network began to develop among Italian city states, which were strongly interconnected through both interests and enmity; in fact, they became virtual pioneers in the matter of appointing permanent ambassadors, with the first such mission of a permanent character registered in the second half of the fifteenth century in Genoa[29]. Also relevant on this track towards the enshrining of permanent representation was Richelieu with his concept of négotiation continuelle (continuous negotiation); he envisioned

[27] Jönsson, Hall, *op. cit.,* p. 47.
[28] Manciur, *op. cit.,* p. 11.
[29] Nicolson, *op. cit.,* pp. 29-30.

permanent representation in all states as an indisputable asset for supervising unpredictable neighbours, even when an immediate interest could not be foreseen and the subjects were hostile[30]. It is, however, interesting to note that the use of the term 'diplomacy' itself with the current meaning of managing or conducting international relations was a much later phenomenon, with the first one to promote this interpretation being Edmund Burke in the late eighteenth century[31].

While not strictly related to protocol, these observations are nevertheless necessary for a proper understanding because they set the stage for the numerous disputes that accompanied the evolution sketched in the previous paragraph. More to the point, the seemingly linear development of diplomacy as we know it today was the background for bitter conflicts directly tied to the issue of precedence which was, in turn, used as a means to herald one's own importance on the international stage. The first attempt at a solution came from the Holy See, with a 1504 list often attributed to Pope Julius II which placed the Pope, by default, as head of the list, followed by the Emperor of the Holy Roman Empire, his heir-apparent and the kings of France, Spain, Aragon, Portugal, England etc.[32] Even with this new status quo more or less in place, precedence still remained a very sensitive issue and was associated with key values such as national pride and honour, as the following anecdote proves.

A notorious event took place in 1661, when the Swedish ambassador arrived in London and, as per tradition, coaches of foreign representatives were sent to meet and accompany him on the occasion. However, what should have been a solemn and incident-free occasion quickly devolved into violence with dire far-reaching consequences.

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[30] G. R. Berridge, "Richelieu", in G. R. Berridge, Maurice Keens-Soper, T. G. Otte (eds.), *Diplomatic Theory from Machiavelli to Kissinger*, Basingstoke: Palgrave MacMillan, 2001, p. 74.

[31] Nicolson, *op. cit.*, p. 28.

[32] See Gore-Booth, Pakenham (eds.), *op. cit.,* p. 20.

> "The Swedish envoy landed, entered the royal coach which had been sent to meet him, and drove off. The French Ambassador's coachman edged his horses immediately behind the Swedish equipage, an action which was regarded by the coachman of the Spanish Ambassador as a direct insult to the King of Spain. A struggle ensued which (since each coach had been accompanied by some 150 armed men) assumed serious proportions. The French coachman was pulled from his box, two of the horses were hamstrung, and a postilion was killed. Louis XIV thereupon severed diplomatic relations with Spain and threatened to declare war unless a full apology were given and the Spanish Ambassador in London were punished. The King of Spain, anxious to avoid hostilities, agreed to make the necessary apologies and reparation."[33]

While such a battle over prestige might seem completely out of place today, it made perfect sense in the given context: for the French, it is very probable that simply yielding to the Spaniards represented nothing short of an outright admission that their king was inferior to the Spanish one, which was, of course, untenable. In contrast, the actions of the Spaniards represented an unthinkable insult for the French king, who even went as far as to discontinue diplomatic relations with Spain and to entertain military actions unless his demands were met. This is, obviously, not a singular event, but it is not our purpose here to catalogue such stories, but merely to demonstrate the overwhelming importance attributed to matters of precedence over the centuries.

Such disputes were finally laid to rest in 1815 at the Congress of Vienna, when, as stated previously, seniority became the criterion on which the order of precedence among diplomats was based. Of course, dissatisfaction was not eradicated but was actually compounded by the division of sates into classes, with the so-called Great powers attracting the envy and sometimes contempt of the other nations. Another instrument established within the same timeframe discussed in these last few paragraphs was the alternat, which was a yet another means for

[33] Nicolson, *op. cit.*, p. 180.

nations to avoid friction among themselves due to unseemly disagreements over precedence.

> "The alternat consisted in this, that in the copy of the document or treaty which was destined to each separate Power, the names of the head of that state and his plenipotentiaries were given precedence over the others, and his plenipotentiaries' signatures also were attached before those of the other signatories. Thus each Power occupied the place of honour in turn."[34]

After this rather turbulent period, the diplomatic system in general and rules of protocol in particular moved slowly but surely towards their current forms, with a solid basis already established through the laborious development tracked up until this point. After the First World War which cast diplomats and their methods into a rather bleak light, there was the so-called transition from 'old', secret diplomacy to 'new', more open diplomacy which, according to Nicolson, could not overshadow the continuous character underlying the gradual evolution of European diplomacy[35]. A more interesting development occurred after the Second World War, with the emergence of the United Nations as an institution that insisted on the principle of sovereign equality between states. After this period, rules of protocol ceased to be an expression of a prideful national image and became more simple and similar, with European norms as a definite source of inspiration. In addition to this, a unification of basic diplomatic guidelines took place in the form of a single legal document that clearly defines diplomatic privileges and immunities, namely The Vienna Convention on Diplomatic Relations, adopted in 1961 (in force since 1964).

After this brief summary of a very rich and intriguing history, we can now safely claim that we are familiar with how modern rules of protocol gained their current substance and with the reason why their

[34] Gore-Booth, Pakenham (eds.), *op. cit.,* p. 24.

[35] See T. G. Otte, "Nicolson", in G. R. Berridge, Maurice Keens-Soper, T. G. Otte (eds.), *Diplomatic Theory from Machiavelli to Kissinger*, Basingstoke: Palgrave MacMillan, 2001, p. 157.

importance lingers even in an era when quick communication, expediency and efficiency have become a currency that is arguably valued above all else. The next section will attempt to find out what the functions of modern protocol are, now that it has lost its vaunted role of showcasing a nation's position on the international stage.

The role of diplomatic protocol

First and foremost, if we were to consider the numerous disputes that took place among diplomats with regard to precedence, it is quite easy to imagine what an administrative nightmare it would be to organize a modern international reunion, be it bilateral or multilateral, if a pre-determined set of coherent and widely accepted rules was not already in place. For instance, if precious time at each plenary session of the General Assembly of the UN were taken up by interminable discussions on small technicalities such as seating the delegations at the table, it is conceivable that little time would actually be left to tackle the more urgent problems on the agenda; of course, this situation would be even worse if we were dealing with a Security Council meeting that required swift and decisive action.

Consequently, protocol "has always had an important task: that of making it unnecessary for diplomats to argue afresh about procedure each time they meet, thereby enabling them to concentrate on the substantive issues that divide their governments."[36] Although our example has concentrated on the United Nations in order to gain more illustrative force, the same is, of course, true for instances of bilateral meetings, where disputes such as those already described would not only take up valuable time that could be used more productively, but would

[36] Berridge, *op. cit.*, p. 105.

also cause representatives to become weary and suspicious of each other's motives.

Apart from this, rules of protocol are also an important means of communication between and within states. For instance, looking at a state's internal rules of protocol and order of precedence can provide valuable clues as to its institutional hierarchy for outsiders, while also helping citizens interact with authorities in a more orderly fashion[37].

On top of all this, the observations included up to this point help us easily infer that protocol also has a very strong social function, constituting a guide for public institutional interactions that helps tremendously in avoiding offensive mistakes or fruitless disputes over matters of prestige, such as the ones described in the previous part of the chapter. When doubts exist, it is indicated to fall back on pre-existing rules of protocol, which are either international in nature or are made easily accessible for diplomats accredited to foreign capitals. With such instruments at their disposal, diplomats know in advance how they are expected to behave at formal occasions or ceremonies so as to reflect and reproduce the widely accepted status quo.

Lastly, the more objective procedures that have emerged related to establishing precedence hint at the commitment that exists, at least at a formal level, towards affirming the sovereign equality of nations through avoiding any bias that may result from protocol arrangements[38]. This way, for example, the dean of the diplomatic corps from any foreign capital can be the representative of a small, less visible state, provided he or she has served the longest time as representative of his or her country in that respective capital. Similarly, there is very little room for disagreement at international conferences where, instead of an order of precedence reflective of the influence that each delegate carries, a more

[37] See Vârsta, *op. cit.*, p. 30.
[38] See *Ibid.*, pp. 124-125.

neutral solution is preferred based on such non-committal criteria as the alphabet and the drawing of lots.

To conclude this part, it is obvious that diplomatic protocol fulfils a set of essential functions that, as a general rule, make life less complicated for diplomats and national officials. The last task that is left to us in this chapter is to identify the domains in which these functions manifest themselves in an overt manner, so as to have a clearer and more comprehensive picture of the significant place occupied by protocol on the colorful and carefully arranged stage of diplomacy.

Protocol – practical applications

By reaching the last section of this chapter, we have arguably come full circle, as we are now equipped with a set of preliminary tools necessary to understand the intricacies involved in answering the list of questions included right at beginning of the introduction. Of course, offering a proper presentation based on the aforementioned queries requires quite a lot of study of protocol and etiquette rules in place in each country, but we may nevertheless offer some basic examples that can shed some light on how the theory included in this chapter manifests itself in practice.

Since our highly anticipated examples may cover quite a lot of ground in terms of the protocol involved, there is no pre-determined starting point that would be logical above all others: the importance of observing pre-established rules and norms is constant on all the occasions that will be listed in the following pages.

As a consequence, we may start with a case that attracts quite a lot of public attention, especially due to extremely enthusiastic media coverage: what happens when a foreign dignitary comes to visit and what is the significance of the ceremony we usually see displayed on our

television screens? First of all, before launching ourselves into any descriptions, it is important to differentiate between different types of visits that may take place, so as to be better prepared to associate the captivating images we see with the proper type of occasion; in fact, there are four different types of visits which involve varied degrees of ceremony: state visits, official visits, working visits and private visits.

State visits are the most visible, can only be undertaken by heads of state at the invitation of their foreign counterparts and involve the highest level of ceremony. Generally, the high-profile guest is met right at the airport or train station by the receiving head of state or his representative, with a delegation of officials including the ambassadors of the two countries from the respective capitals of the two states; there is a red carpet involved and a review of the guard of honour, with the visit lasting, as a rule, at least two days; during this time, there is an official dinner organised by the hosts and, usually, also a response in the same vein from the guest[39]. As a case in point, state visits in the United Kingdom would assume the following pattern:

> "Each visit lasts from a Tuesday to a Friday, and the visiting Head of State stays either at Buckingham Palace, Windsor Castle or, occasionally, The Palace of Holyrood House in Edinburgh. During the visit, the Head of State will meet the Prime Minister, government ministers, leaders of the political parties, heads of diplomatic missions in London and leaders of commerce and industry. The Head of State will attend a State Banquet in his or her honour and host a banquet in turn. One day is spent by the visiting Head of State outside London or Edinburgh, visiting places or organisations of interest so that they can see various aspects of British life. Even when Heads of State visit Britain less formally, they are nearly always entertained or received by The Queen."[40]

[39] See Vârsta, *op. cit.*, pp. 207-210.

[40] The Queen's Body Guard of the Yeomen of the Guard, State Visits, available online at [http://yeomenoftheguard.com/state_visits.htm], accessed on 31 July 2014.

As we can see, the steps involved are, beyond what is seen by the public, rather complicated and carefully choreographed, thus representing an interesting and often quite engaging display of protocol. As for the other three types of visits, the level of protocol and ceremony involved for each type decreases in a descending order, and they are also no longer restricted to heads of state, as officials such as the head of government may also be the main actors (this does not, however, exclude heads of state).

A process that happens away from the public eye – but carries a lot of importance for diplomats and state officials alike – describes what happens after an ambassador that has already received the agreement of the receiving state first arrives on its territory and needs to present his or her letters of credence to the head of state.

To begin with, protocol rules come into force from the very moment of their arrival at the airport: in Romania for instance, the new chief of mission is met by the director of the Protocol Direction or his deputy, except in cases when his arrival takes place on Saturdays, Sundays, official holidays, other non-working days or in the interval from 8p.m. to 8a.m., in which case the director or his deputy will pay a courtesy visit to the chief of mission on the next working day following their arrival[41].

After these first initial steps, the head of mission is required to present a copy of his letters of credence, generally to the leadership of the Ministry of Foreign Affairs. After this step, they are limited in the functions they may perform publicly until the day of the official presentation of the letters of credence to the head of the receiving state.

[41] Ministerul Afacerilor Externe, Direcția Protocol, Ghid de protocol pentru misiunile diplomatice, oficiile consulare şi reprezentanţele organizaţiilor internaţionale acreditate în România, 2010, pp. 4-5, available online at [http://www.mae.ro/sites/default/files/file/pdf/Indrumar_protocol_2010.pdf], accessed on 22 July 2014.

In France for instance, a true copy of the credentials is presented to the Chief of Protocol, with the Protocol Department being responsible for notifying the head of mission of the date when they will present their letters of credence to the head of state; according to French custom, these credentials ceremonies take place with groups of five new ambassadors. Until such a time, the new chief of mission is not permitted to grant interviews, visit government officials or the presidents of the National Assembly and the Senate[42].

Another interesting aspect that ties in nicely with the content of this chapter is that, although the rules for establishing the order of precedence are quite firm, The Vienna Convention on Diplomatic Relations still accords some leeway to states who wish to grant the position on top of the list to the representative of the Holy See[43], such a practice being upheld, for example, in Poland[44].

It should also be noted that, apart from occasions like the ones referred to previously, protocol norms also guide more routine, day-to-day interactions such as the apparently simple matter of addressing ambassadors or other diplomats with the proper title garnered as a result of their position. Using the formula 'Excellency' (Your Excellency, His/ Her Excellency) when addressing ambassadors is indeed a sign of great consideration[45], but there are countries where a more simple title has been adopted, such as the United States, where the normal address is 'Mr./Madam Ambassador' or 'Ambassador (surname)'; nevertheless, the

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[42] The Ministry of Foreign Affairs, Arrival of a new Ambassador, available online at [http://www.diplomatie.gouv.fr/en/the-ministry-of-foreign-affairs-158/protocol/taking-up-your-post/article/arrival-of-a-new-ambassador], accessed on 22 July 2014.

[43] Vienna Convention on Diplomatic Relations, Article 16, Paragraph 16(3), available online at [http://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf], accessed on 14 January 2014.

[44] Ministry of Foreign Affairs Republic of Poland, Order of Precedence of Heads of Missions, available online at [http://www.msz.gov.pl/en/ministry/diplomatic_protocol/order_of_precedence_of_heads_of_missions/], accessed on 22 July 2010

[45] See Vârsta, *op. cit.*, p. 52.

British ambassador is still addressed as Sir or Lord should he hold such a title; in the case of a Chargé d'Affaires, he or she is referred to as 'Mr./ Ms./ Mrs./ Madam (surname)', while a minister or other officials are addressed as 'Mr./ Madam (surname)'[46].

Even on occasions that are a chance for virtually everyone to forget about social requirements temporarily and relax (such as parties), diplomats must still be aware of certain etiquette rules that need to be observed and go as far as deciding how guests sit at the table, for instance. "The order of precedence at mixed parties normally begins for the ladies on the right of the host, and for the gentlemen on the right of the hostess, and proceeds thus from opposite ends towards the middle of the table, male guests alternating with female."[47] Therefore, for the most important male guest the seat of honour is most often on the right of the hostess, while for a female guest in a similar position the seat of honour is on the right of the host.

At formal occasions there is also usually a receiving line when guests arrive so that each can be met personally by the hosts; this atmosphere of elegance and distinction is completed by an official dress code that must be followed and varies in accordance with the specific event that the guests attend, applying even to more casual circumstances, not to mention the fact that guidelines exist for special moments at parties such as making toasts. While this unexpected regulation may give an impression of stiffness at a cursory glance, it is in fact a means of ensuring that offensive mistakes are avoided and that a friendly and secure environment is created for interactions among those comprising the diplomatic corps and between the latter and local officials.

In addition to this, clear rules can also be encountered on other occasions such as sending and addressing invites, exchanging gifts,

[46] Foreign Service Institute, *op. cit.,* p. 4

[47] Gore-Booth, Pakenham (eds.), *op. cit.,* p. 165

exchanging business cards or eating at the table. Even if we were to describe all of these in detail on top of the examples which have already been depicted, we would only manage to skim the surface of our subject matter as the details included here were ultimately incomplete general considerations which bear the caveat that local sensibilities and particularities must always be observed. This being said, the enumeration included in this section was not meant to be exhaustive, but merely to constitute an invitation for the reader to further explore the intricate, yet fascinating world of diplomatic protocol.

Conclusion

To sum up, this chapter was meant to lay the foundations for a more comprehensive and detailed study of diplomatic protocol. In line with this objective, it has included a series of simple explanations regarding key concepts, a brief history shedding some light on how the rules we are familiar with nowadays have come into being, a description of the role played by diplomatic protocol on the fluid and restless stage of international relations and, last but not least, a short exposition of practical examples so as to bring the theory closer to our daily indirect experiences regarding the world of diplomacy.

It is our hope that, apart from offering coherent and logical explanations, we have managed to construct this chapter as an enticing invitation for further reading and, at the same time, to convey the vital importance of being constantly aware of protocol rules so as to better understand not only the expectations regarding the behaviour of diplomats, but also the way in which, for each occasion, there is a carefully and meaningfully constructed script that needs to be followed to the letter.

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10. The European External Action Service

DAN PETRICA

Introduction

Although the practice of negotiation between distinct entities has existed since immemorial times, modern diplomacy is often associated with the changes brought about by the Westphalian state system. In the past, states, as the only actors of diplomacy, engaged other states, pursuing a multitude of interests and hoping to obtain, for the most part, economic gains and security from exterior threats. Developments in the last few decades demonstrate that state actors can no longer hold monopoly on diplomatic practices, as new entities operating in the international environment continuously exert pressures on them. The construction of international organizations equipped states with the means to negotiate specific interests in certain frameworks, which have proven to be conducive to results.

Since the creation of the European Union, the organization has come a long way, encompassing a number of institutional dimensions that had been incomprehensible when the first European Economic Communities were designed. The economic dimension of the EU remains paramount, especially in light of the recent economic climate, but currently, the intergovernmental institution provides a framework for policy creation and a number of instruments that support policy implementation in other key fields. Its invaluable standard setting

functions are now complemented with other mechanisms. Under the Treaty of Lisbon, the EU received powers to tackle foreign policy issues in an innovative way, through the creation of the function of High Representative and the subsequent development of a service to act in his/her aid, namely the European External Action Service (EEAS).

This chapter provides an analysis of this fairly recent EU body, the EEAS. In what follows, we will give a brief description of what the EEAS is, we will go through the historical background and the stages of its creation, examine its chief, staff and structure and supply information about the delegations it coordinates around the world. The last part of the chapter deals with the way in which the EEAS operates in one of its key domains of activity, namely crisis management.

An overall presentation of the EEAS

The EEAS is the diplomatic arm of the European Union, being created based on the provisions of the Treaty of Lisbon. It is one of the major innovations in the field of foreign relations, because it seeks to promote an aggregate foreign policy of all member states of the EU, whilst not replacing the institutions each member state has at its avail, nor intervening in any member state's capacity to achieve the foreign policy goals it deems fit.

While the European Commission, the European Parliament and the Council of the EU (Council[1]) are full-fledged institutions, the EEAS, as its name portrays, is a service, functioning autonomously. It was established to provide an institutional apparatus for the Union's High Representative for Foreign Affairs and Security Policy (HR). Furthermore, the EEAS assists the President of the European Council and

[1] 'Council' refers to the Council of the European Union. When we refer to the European Council, the full term is used.

the Commission – including its President – in specific matters of foreign relations[2]. Despite the fact that the body was clearly intended to be sui generis, in practice, it is inter-institutional of sort: while it is separate from the General Secretariat of the Council of EU and from the Commission[3], it needs to enter into service arrangements with the above mentioned bodies and with others[4].

The EEAS is not to be considered a Ministry of Foreign Affairs (MFA) of the EU. On the one hand, it lacks the full diplomatic apparatus of national MFAs and, on the other, it exceeds the role of any foreign ministry. Diplomats, bureaucrats, military staff, experts and others –with backgrounds in domains ranging from humanitarian aid to crisis management – all work under the same roof, making the EEAS resemble a super-ministry.

The success of the EEAS is largely dependent on its relationship with EU member states. In order to deliver what it proposes, namely coherency, it needs to secure the support of EU members, which can sometimes prove difficult. Bilateral agreements between states should remain under the exclusivity of member states themselves but, in other instances, coagulated external policies are called for. Still, there is a certain degree of uncertainty with regards to how member states will decide to act in relation to the EEAS, as the first years of activity have shown mixt results. For the Service to be effective, national experts need to contribute to policy formulation and, at the same time, MFAs, together with other ministries and agencies of government, must aid policy implementation at a domestic level, but also internationally, through their overseas diplomatic missions. The EEAS is not to be perceived as a

[2] Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service, (2010/427/EU), O.J. 2010, L201/30, Art. 2(2).

[3] *Ibidem*, Art.1(2).

[4] *Ibidem*, Art. 1(3).

replacement for the diplomatic instruments available at state level, being rather an extension of those instruments.

The European Union maintains diplomatic relations with nearly all of the world's countries through EU Delegations, which could be considered 'EU embassies'. These delegations have similar functions to those of an embassy, and starkly resemble the way in which the latter are organised. However, member states' own embassies continue to provide diplomatic and consular services for their citizens abroad, as well as fulfil all other functions deriving from their status. Most delegations manage relationships with a single country, though some are responsible for multiple states belonging to a certain region.

Besides the delegations operating on the territory of states – and covering those territories or particular regions – some have been assigned to organizations, such as the UN or the WTO. Delegations sometimes conduct their work in close cooperation with national embassies of member states in third countries.

The EEAS operates in a number of fields, all being an integer part of the EU's foreign policy, or associated with security and defence. Its actions can be best observed when dealing with crises in its immediate neighbourhood, but their service has several other dimensions: it helps the EU deliver humanitarian aid, strengthen ties with its southern and eastern neighbours[5], prevent conflict and keep peace[6] – to name just a few. In all these fields and others, the EEAS struggles to bring coherency to the EU's actions. Nonetheless, it is limited in some domains directly linked to external relations; one of them being trade. The EU diplomatic corps is not responsible for conducting trade, nor is it the chief body in any specific trade-related issue. In addition, the EEAS has few

[5] In this sense it offers coherence to the European Neigbourhood Policy.

[6] One example in this sense would be the European Union's Training Mission in Mali, in which 26 EU member states participate.

prerogatives vis-à-vis development[7] and EU enlargement policies, albeit it coordinates with the Commission in these latter fields, in order to ensure that common objectives are pursued by both entities.

Historical background and the creation of the EEAS

The idea of a new diplomatic service originated in the Convention on the Future of Europe, 2001-2003, and later became part of the Constitutional Treaty. In the European Constitution, a common and coherent external relations department was first sketched in Article III-296[8]. The Constitutional Treaty, which had been adopted by an Intergovernmental Conference in 2004, needed to be ratified by all member states of the EU. In some member states, based on national constitutional provisions, a referendum was the only way to decide the fate of the Treaty's ratification. The Constitution was abandoned, due to the negative results of the referenda in both the Netherlands and France. However, this major setback did not impede European policy-makers from drafting a new treaty. The provisions regarding the creation of the EEAS, respective the position of the High Representative for Foreign Affairs and Security Policy were reviewed and transposed into the Treaty of Lisbon, which entered into force on 1 December 2009. The EEAS was created under Article 13a, paragraph 3, which states:

> "In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a decision of the

[7] The EEAS and EuropeAid jointly prepare multi-annual strategies and programmes, which specify where EU development assistance will be distributed.

[8] See Treaty Establishing a Constitution for Europe, 16 December 2004, 2004 OJ C310/1.

> Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission."[9]

The Treaty of Lisbon amended the Treaty on the European Union (TEU); as such, the article above has been incorporated in the latter piece of legislation[10].

The reason behind the establishment of the EEAS is a lack of coherent action from the part of EU member states in matters of foreign policy. The Union's foreign affairs expertise was scattered across several institutions and directorates and needed to be brought together in order to deliver a better performance. Maintaining disparate structures within the European Commission and the Council implied the impossibility to take into account all dimensions of external action, due to cross-institutional boundaries. Moreover, under the rotating Presidency of the Council of the EU, it had become inherently difficult to create a strategy as every six months the Presidency rotated and new agendas replaced the old ones, in detriment of continuity.

It becomes obvious that the EU, through the creation of the EEAS, does not intend to replace the voices of member states in matters of foreign policy. Rather it seeks the coordination of such diplomatic issues on which cooperation is possible between member states and which largely affect the whole of the EU.

Once the legal basis for the EEAS had been set, making the body a reality implied a difficult process of inter-institutional bargaining, to which the acting HR, Catherine Ashton, was highly dedicated.

Member states, when creating the EEAS under the Treaty of Lisbon, had left some issues to be dealt with at a later time, which proved

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[9] Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, 13 December 2007, 2007 OJ C306/01.

[10] Consolidated Version of the Treaty on European Union, 30 March 2010, 2010 OJ C83/13, Art. 27(3).

to entail both advantages and disadvantages. The vagueness of Article 27 of the TEU was advantageous because pragmatic solutions could be reached through negotiation. Under its provisions, the HR could have, for example, utilized other services she deemed fit in order to pursue established goals[11]. In addition, the body of text does not limit the EEAS to "serving one master", rather, the Commission or any other able institution could have used the resources of the service. To clarify the prerogatives, modus operandi and the limitations of the EEAS, a decision of the Council was needed.

The acting HR, Catherine Ashton submitted a proposal for a Council Decision on 25 March 2010, which later failed to obtain the approval of the European Parliament (EP). The Parliament wanted to gain oversight of the new body, and in this sense formulated a number of concerns. The new Service –in the way it was initially proposed – was seen as having no political accountability. In addition, the EP remarked that the way in which the EEAS was conceived involves an inadequate budgetary and financial responsibility[12]. In short, the Parliament desired to have control over the EEAS's budget and to somehow oversee the appointments which were to follow. As without the support of the Parliament the EEAS could not come to fruition, concessions needed to be made. The Commission, on the other hand, was interested in retaining as many competences as it could, especially in crucial domains, including, but not limited to trade, developement and energy. The Council, representing the interest of member states, wanted to keep the EEAS apart from the Commission in order to preserve the Common

[11] Urfan Khaliq, "The external action of the European Union under the Treaty of Lisbon", in Martin Trybus and Luca Rubini (eds.), *The Treaty of Lisbon and the Future of European Law and Policy,* Edward Elgar Publishing, 2012, p. 255.

[12] *Ibidem*, p. 256.

Foreign and Security Policy's (CFSP) intergovernmental character[13]. Negotiations were carried out between the HR and the three major institutions – Commission, Parliament and Council – and, in the end, agreement was reached[14].The Parliament gained powers over the administrative budget of the EEAS, as well as over the budget for external relations. It further insisted that the HR occasionally report to the institution and that heads of delegations and other special representatives, before taking up their posts, attend informal meetings with its Foreign Affairs Committee[15]. This was yet another concession made by the HR. The Commission maintained its authority in areas it sought to do so, while the Council was satisfied with the fact that the EEAS was not monopolized by the Commission.

After the exhaustive negotiation process had ended, the EEAS was formally launched on 1 December 2010. It became fully operational on the 1st of January, the following year. It is headquartered in Brussels.

The High Representative for Common Foreign and Security Policy

The High Representative is appointed through a complex procedure, to which the three major institutions of the EU participate. The European Council issues the appointment, while the President of the Commission and the European Parliament need to provide consent. In practice, this means that the HR acts under a joint political leadership, of both the President of the Commission and the President of the European

[13] Olaf Wientzek, "The European Action Service: A Difficult Start of an Innovative Institution", KAS International Report, Konrad Adenauer Stiftung, Berlin, 18 September 2013, p. 82, http://www.kas.de/wf/doc/kas_35436-544-2-30.pdf?130919144019, accessed 11 October 2014.

[14] For a detailed account of the negotiations see Finn Laursen, "The European External Action Service: The Idea and its Implementation" in Finn Laursen (ed.), *The Eu's Lisbon Treaty: Institutional Choices and Implementation,* UK: Ashgate Publishing Limited, 2012, pp. 179-185.

[15] *Ibidem*, p. 186.

Council. In November 2009, Baroness Catherine Ashton became High Representative[16], exercising the functions previously held by the rotating Presidency, the High Representative for CFSP and the European Commissioner for External Relations pre-Lisbon.

The HR conducts the CFSP, which includes the Common Security and Defence Policy (CSDP). He/she can influence policies by making proposals and needs to safeguard that the Union's external action is consistent. In this regard he/she is mandated by the Council[17].

The HR is the chair of the Foreign Affairs Council[18] – a monthly meeting of member states' foreign ministers – and Vice President (VP) of the European Commission. This, nevertheless, is not a fusion of two jobs, rather the two are assigned to the same person[19]. The two functions must be carried out without prejudice to the normal tasks of both the General Secretariat of the Council and of the European Commission[20]. Chairing the Foreign Affairs Council allows the HR to set the agenda for meetings and to coordinate negotiations within these meetings, steering them in a particular direction. It is one instance where the HR can utilize his/her policy-shaping powers. Despite the fact that the HR chairs the Foreign Affairs Council, he/she does not have voting rights, leaving policy-making, in its stricto senso, in the exclusive domain of member states.

Besides chairing the Foreign Affairs Council, the HR is also chair of the Defence and Development ministers meetings, the head of the EU's Institute for Security Studies and of the European Defence Agency.

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[16] Ashton's mandate ended with the appointment of Federica Mogherini as new HR on 30 August 2014.

[17] Council Decision, *op. cit.,* Art. 2(1).

[18] Treaty on European Union, *op. cit.,* Art. 15(6).

[19] B. Crowe, Foreign Minister of Europe, UK: the Foreign Policy Centre, 2005, p. 3.

[20] Council Decision, *op. cit.,* Art. 2(1).

Staff of the EEAS

The HR, after creating the EEAS, first needed to staff the Service. Selection procedures were created by HR Ashton, and the whole recruitment process was facilitated by representatives of the member states, Council and Commission[21].

The staff of the EEAS comprises officials and servants of the EU initially holding positions in the departments that served under the Council or Commission. In addition, the EEAS had the capacity to draw in personnel from the diplomatic services of member states, making them temporary agents[22]. In doing so, the EEAS risked to have on their staff people furthering the interests of their sending states, in detriment of Union interests. A provision of the Council Decision explicitly forbids members of staff to represent the interests of one particular member state, take instructions from any institution or agency of a state or be on anybody else's payroll[23].

Some non-discrimination clauses were also provided in the Council Decision. Recruitment would be primarily based on merit but, at the same time, all member states needed to have a balanced representation. Concomitantly, gender balance was to be achieved[24]. Furthermore, temporary agents drafted from the diplomatic services of member states had to be treated equally to permanent Union staff[25], to represent at least a third of the total number of staff when the EEAS reached full capacity[26] and to be reinstated in their original functions after working inside EEAS structures[27].

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[21] *Ibidem*, Art. 6 (8)
[22] *Ibidem*, Art. 6 (2).
[23] *Ibidem*, Art. 6(4).
[24] *Ibidem*, Art. 6(6).
[25] *Ibidem*, Art. 6(7).
[26] *Ibidem*, Art. 6(9).
[27] *Ibidem*, Art. 6(11).

In order to achieve its main goal – namely to assist the HR in carrying out the Union's Common Foreign and Security Policy – the EEAS transferred a number of administrative entities from the General Secretariat of the Council and from the European Commission. These newly acquired departments and their staff formed the backbone of the EEAS.

From the Council, the EEAS received its Policy Unit, CSDP and crisis management structures[28], the Directorate-General for External and Military Affairs and the officials of the General Secretariat of the Council on secondment to European Union Special Representatives and CSDP missions. These departments cover, almost exclusively, the CSDP. The Commission transferred the Directorate-General for External Relations (DG RELEX), the External Service – both with some exceptions – and a small part of the Directorate General for Development[29]. In this way, it becomes clear that the portfolio of the HR is limited to external relations, the Commission maintaining its powers over trade, development, enlargement and humanitarian aid through the use of its remaining directorates[30].

On the 1st of January 2010 a total number of 1114 employees were relocated from the Commission and integrated into the EEAS's structures, while 411 were taken from the Council. An additional 118 new posts were created, which incorporated staff recruited from member states[31]. Since then, the EEAS has constantly hired personnel.

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[28] The staff in the SITCEN supporting the Security Accreditation Authority was not transferred.

[29] For a detailed list of all departments and functions transferred see the provided Annex to the Council Decision.

[30] Piet Eeckhout, "The EU's Common Foreign and Security Policy after Lisbon: From Pillar Talk to Constitutionalism" in Andrea Biondi, Piet Eeckhout and Stefanie Ripley (eds.), *EU Law after Lisbon,* Oxford: Oxford University Press, 2012, p. 288.

[31] European Commission, "A new step in the setting-up of the EEAS: Transfer of staff on 1 January 2011", Europa.eu, 21 December 2010, http://europa.eu/rapid/press-release_IP-10-1769_en.htm?locale=en, accessed 22 September 2014.

Moreover, after the first staffing phase had concluded, a corporate board was created and managing directors were appointed, alongside other senior managers[32].

The block transfer of bodies to the EEAS proved to be troublesome, because the configurations of those bodies did not match the criterion established by the Council Decision with regards to gender balance. Moreover, the quota set for temporary agents could not be attained in the first years since the EEAS became operational. Serious efforts have been made in order to ensure that both women and temporary agents are recruited in order to meet both criteria.

About Delegations around the globe

To date, The EU is represented through 140 Union Delegations in third countries and at the level of international organizations. For over 50 years, the delegations – whose number has gradually grown – had conducted information gathering about host countries under the European Commission, being supplemented by the liaison offices of the Council. After the launch of the EEAS, the new body transferred all these missions from the Commission and the Council.

Each delegation is run by a Head of the Delegation, appointed directly by the HR. If delegations resemble embassies, their heads are to be seen as ambassadors of the EU. The head of the delegation has authority over all its staff, which are, generally, employees of the EEAS[33]. He is also responsible for the overall management of the delegation, staff and actions included, and can be held accountable by the HR. The EEAS, together with the HR offer instructions that direct delegation heads but,

[32] Council Decision, *op. cit.,* Art 4.
[33] Council Decision, *op. cit.,* Art. 5(2).

in certain circumstances, the Commission can also take the handles of the structure and steer it towards achieving a particular objective.

While most delegations operate separately from embassies of member states, some share resources with national diplomatic missions. This is the situation in Abuja, Nigeria, where a number of member states operate in the same compound with the EU delegation, sharing some facilities, including visa services[34].

The HR has the authority to open and close delegations, but agreement must be reached with the Council and the Commission in any of the two cases[35]. Moreover, it is the HR's obligation to ensure that Union delegations are granted the rights and immunities guaranteed by the Vienna Convention on Diplomatic Relations[36]. Admittedly, this does not come without complications: the EU is not a state, thus it lacks some of the instruments traditionally available in the diplomatic toolkit of states. The EU cannot recognize other states, nor provide their diplomats with rights and immunities on the whole of its territory. Additionally, interaction with third states is rendered difficult by the fact that EU diplomats have no Union passports at their disposal, relying on member states for papers. This being said, the EU provides laissez-passers documents for its diplomatic corps, similar to those issued by the UN. Accreditation procedures for heads of EU delegations duplicate those available in the case of state-to-state interaction. In the same way, the functions of EU delegations are equivalent with those of diplomatic missions of states[37], in areas in which the EU has similar competences with states.

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[34] Henry G. Schermers, Niels M. Blokker, *International Institutional Law: Unity Within Diversity*, Fifth Revisited Edition, Leiden: Koninklijke Brill NV, 2011, p. 1178.

[35] Council Decision, *op. cit.,* Art. 5(1).

[36] *Ibidem*, Art 5(7).

[37] For the functions of diplomatic missions available to states see The Vienna Convention of Diplomatic Relations, Apr. 18, 1961, 500 UNTS 95 Art. 3(1).

The last EU Delegation to open in 2013 was in Abu Dhabi. In Suriname, New Caledonia and Vanuatu delegations have been closed the same year, while the Delegation in Croatia became a Commission office[38] after the country attained EU membership.

The role of EU delegations is to coordinate EU external policies, represent the interests of the entire Union in third countries around the globe and offer support with regard to the diplomatic and consular protection of EU citizens.

Delegations are also invaluable information providers. They gather information about third parties' diplomatic aims, the agreements they establish and the issues they negotiate, both bilaterally and in the framework of international organizations. While the largest members of the EU, such as France and Germany are not reliant on the information provided by the EEAS – granted they have strong diplomatic networks themselves – smaller stakeholders within the EU find the services provided by Delegations very useful[39]. EU Delegations offer a global coverage, and are often present where member states don't have diplomatic missions; in these instances, constituting the only reliable mechanism for receiving information available to states.

From time to time, the Executive Secretary General of the EEAS can request that any delegation be audited. Financial and administrative audits are conducted by, or with the help of relevant Commission departments[40].

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[38] European External Action Service, 2013 Annual Activity Report, 09 April 2014, p.7, http://eeas.europa.eu/background/docs/annual_activity_report_2013 _en.pdf, accessed 16 September 2014.

[39] See Mario Telò and Frederik Ponjaert (eds.), The EU's foreign policy: what kind of power and diplomatic action?, Aldershot, Hampshire, Ashgate Publishing, 2013.

[40] Council Decision, *op. cit.,* Art. 4(5).

EU Delegations to International Organisations. The case of Vienna

Within international organizations, a vertical coordination of the EEAS with member states is often a challenge. For example, in the UN Security Council, the EU has no representation, while it is an observer in the General Assembly. Inside the WTO, the EU acquired membership status, but it has no extended privileges compared to its 27 composing states – also members of the organization. Delegations to the International Organizations, be them in Vienna, New York or Addis Ababa become invaluable bodies, which can ensure that the common voice of Europe is heard inside international organizations.

The Delegation to the International Organizations in Vienna was established in 1979, serving initially as a Delegation of the European Commission. It ensures that the EU is represented at the United Nations Organisations (most notably UNDOC, IAEA, UNIDO and CTBTO), at the OSCE and at other international organisations headquartered in the Austrian capital[41].

Besides ensuring representation, the Delegation needs to identify appropriate forms of cooperation that allow a consolidation of existing relations and the creation of new partnerships. The coordination of member states is also impervious, as there is a need for a harmonized point of view in matters of foreign policy and security[42]. While EU delegations can provide coordinated points of view, national delegations are also very important. Upon reaching common ground, member states can use their national delegations to endorse the collective interests they pursue. This mechanism of pushing policy objectives from two sides can prove useful especially when member states have some kind of leverage in the institution they approach.

[41] "The Role of the EU Delegation", Europa.eu, http://eeas.europa.eu/delegations/vienna/about_us/delegation_role/index_en.htm, accessed 6 October 2014.

[42] *Ibidem*.

Delegations are also used for self-endorsement. Although the EU is one of the major global actors there is still reason to spread information about its intentions, planned policies and even about its values. These values, alongside interest and principles –such as democracy or respect for human rights – also need to be safeguarded, and this can be achieved through the work of its delegations[43]. In addition, the Delegation ensures the representation of the EU in political meetings, be them bilateral or multilateral.

These tasks fulfilled by the EU Delegation to the International Organizations in Vienna are quite general in nature, and most of them are common to many, if not all the delegations to multilateral organizations. Of course, given the fact that each delegation deals with specific international organizations, the performance of specific tasks is also required by all of them.

Across the globe, there are eight delegations to international organizations located in: Addis Ababa (Delegation to the African Union), Geneva (Delegation to the UN organizations and the WTO), Jakarta (Delegation to ASEAN), New York (Delegation to the UN), Paris (Delegation to UNESCO and the OECD), Rome (Delegation to UN organizations, Food and Agriculture Organization, IFAD and WFP), Strasbourg (Delegation to the Council of Europe) and Vienna – which has already been briefly tackled[44].

Each delegation has the primary task of reconciling the positions of member states. While this is attainable with certain ease on some issues, members still diverge on others. The perfect example of divergence is the way in which member states voted on Resolution 1973 inside the UN Security Council in 2011. The Resolution –which proposed

[43] *Ibidem*.

[44] A detailed list of all delegations to international organizations across the globe can be found on the EEAS website, http://www.eeas.europa.eu/delegations/index_en.htm, accessed 17 September 2014.

establishing a no-fly zone and urged for a ceasefire in Libya – was sponsored by France and the UK. Nonetheless, Germany abstained during the voting process.

The EEAS and crisis response

The EEAS is the "manager" of general foreign relations, security and defence policies. It aims to instil coherence and efficiency in EU's external action, thereby increasing the Union's influence in the world. The Service helps achieve a coordination of EU foreign policy, being most visible, in recent times, in key domains such as crisis response.

One paramount function of the EEAS is that it enables the coordination of EU member states when responding to crises in third countries. In this field, the Crisis Response and Operational Coordination Department is a key actor because it activates the EEAS's crisis response system (CRS). The Department comprises three divisions: Crisis Response Planning and Operations, the EU Situation Room and Consular Crisis management. Together, they ensure 24/7 monitoring and the overall planning and coordination of crisis related activities[45]. Nonetheless, a combination of other thematic and geographic departments are utilized when it comes to crisis management[46].

The crisis response system covers situations occurring in third countries and on the territories of EU member states. Crisis prevention structures are constantly operational, but response teams are also available for when events unfold. When responding to a crisis, the EU has at its disposal both military and civilian capabilities.

EEAS's capacity to tackle worldwide crises became evident in 2011. The Arab Spring emerged, changing the political landscape in the

[45] Council Decision, *op. cit.,* Art. 4.

[46] EEAS 2013 Annual Report, *op. cit.,* p. 4.

immediate vicinity of the EU. The common positions of the EU on a wide spectrum of issues can be, to some degree, attributed to the work of the EEAS and that of the HR. Several actions were used by the EU in its effort to promote democratic change and peaceful transitions of power across the states in which revolts were taking place. These actions included: imposing sanctions against known associates of the former Tunisian President Ban Ali, facilitating talks between power and opposition in Yemen and suspending bilateral cooperation programs with Syria's government. During the crisis in Libya, the EU called for President Gaddafi to step down, after a common position had been reached in this sense at an Extraordinary European Council. Coercive measures, such as an arms embargo, a ban on visas or the freeze of Gaddafi's assets were supplemented with humanitarian assistance funds[47]. Plans for a humanitarian action in Libya had been drafted, but the HR insisted for an UN request in this sense; since the request never came, the action was abandoned[48].

It is difficult to assess the impact that the EEAS had in the countries of the Arab Spring, nonetheless, this is far beyond the scope of this chapter. Clearly, common action at the level of the EU can be identified, whilst in earlier instances the member states had reigned supreme in both policy creation and external political action. The success of EU policies aimed towards promoting democratic governments across northern Africa can be attributed in some part to the "coherent" way in which the member states chose to act. Failures, such as in the case of Syria cannot be explained by claiming a lack of an aggregate response, rather they are the result of external factors.

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[47] European External Action Service, 2012 Annual Activity Report, 11 October 2012, p. 9-11, http://eeas.europa.eu/background/docs/20121017_eeas_aar_2011_en.pdf, accessed 24 September 2014.

[48] Olaf Wientzek, *op. cit.,* p. 87.

The more recent crisis in Ukraine allows us to observe the way in which EU member states operate jointly. Under the provisions of several Council Declarations[49] sanctions have been imposed –and continuously reinforced – on individuals and other entities whose actions are perceived to be threatening the territorial integrity of Ukraine. Travel bans and asset freezes are particularly directed against individuals in an attempt to deter them from further aggression, while trade bans on goods originating from the Crimea/Sevastopol area are designed to prohibit the development of infrastructure in the illegally annexed territory. The EU also imposed sanctions destined to restrict trade with Russia in some areas, limit its access to European capital markets and prohibit its institutions to secure financial transactions. EU's response to the crisis in Ukraine demonstrates that the EEAS is now fully operational; it acts as a coordinating body of the whole Union and can implement the CFSP. Briefly, it successfully performs the tasks it has been given by its mandate. Moreover, non-member states of the EU have adhered to its practices and decided to apply the same sanctions against Russia; examples include Switzerland, Albania or Norway. In this sense, the EU, acting as one entity, is more attractive to possible partners. It can be a stronger coalition leader than any of its member states and can band-wagon external actors behind with lesser difficulty.

While the work of the EEAS is no way near perfect, its operations clearly provide the framework and the impetus for a common stance of the EU. Without it, coordination would, arguably, still be possible but would involve serious work for all EU institutions and member states alike.

[49] Council Decisions are continuously amended by Council Regulations and Council Implemented Regulations. For an updated account see Maya Lester and Michael O'Kane, "EU Sanctions in Force: Russia", europeansanctions.com, http://europeansanctions.com/eu-sanctions-in-force/russia/, accessed 29 October 2014.

Conclusion

The Treaty of Lisbon established the European External Action Service as a new body which aids the EU's High Representative in conducting the Common Foreign and Security Policy. The EEAS is a sui generis service but, at the same time, it is deeply intertwined with the major institutions of the EU – most notably with the European Commission. As the Commission retains control over a number of domains inherently related to external relations (trade, development aid, environment, energy etc.), the EEAS needs to work closely with the institution, to ensure that policies are coordinated across all sectors relevant to foreign policy. Furthermore, the EEAS is constantly engaged with the Council of EU through the work of the Foreign Affairs Council chaired by the HR. The European Parliament is also an important partner for the Service, as it exercises control over EEAS budget and requires information from the service on a regular basis.

The EEAS is composed of EU delegations to third countries and to international organizations, through which representation is achieved. These delegations are supported by diplomatic instruments available at state level and, in turn, support the latter, most notably, by providing information and facilitating the coordination of policies.

Another component of the EEAS is its administration. The HR is the highest authority in the Service, but a corporate board and several high-ranking managers coordinate the everyday duties of staff inside directorates and departments. Some directorates and departments have a geographic dimension, while others are issue-related.

The recent crises in northern Africa and Ukraine prove that the EEAS is paramount in crisis management, although further improvement is vital. To conclude, the Service, with its flaws, numerous dimensions and complicated mechanisms is an overall provider of coherence, thereby, of effectiveness in EU foreign policy.

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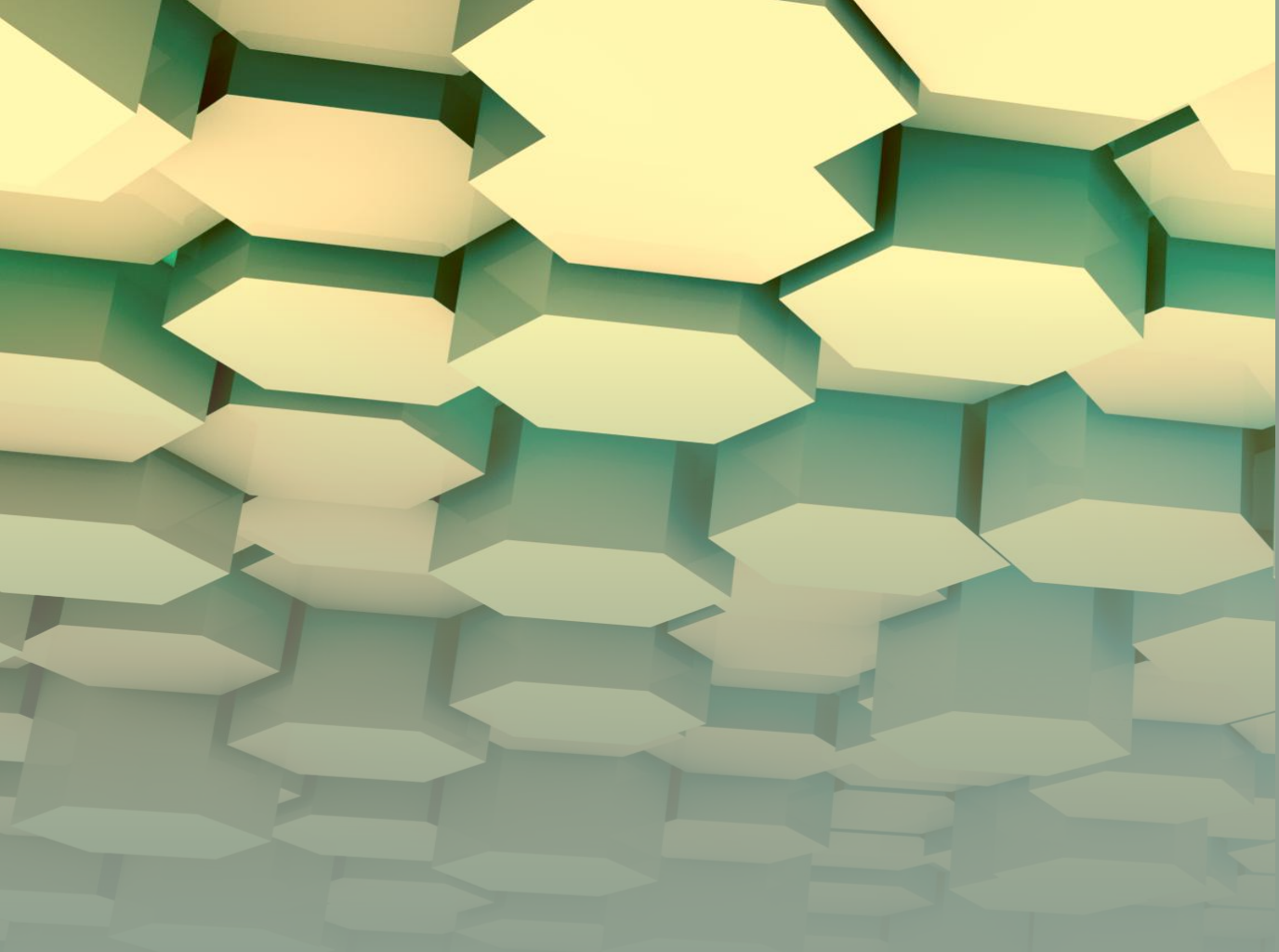

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