

Lecture 3 | Part 1

Subject: The Functions of Diplomacy and Diplomatic Missions

KEYWORDS:

Diplomatic Functions | Coercions | Persuasion | Adjustment | Compromise | Agreement | Political & Non-Political Objectives | Threats | Device & Means, Tools | Foreign Policy |

Questions to be addressed:

- What are the role and functions of the Head of Missions?
 - What are the Functions of Diplomatic Missions?
 - What are the main Means / Devices of diplomacy?
 - What are the Objectives of Diplomacy?
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Role & Responsibilities of the Head of Mission

1. The formulation of diplomatic policy.
2. Transmitting to the host government the views of his own government on important matters of common interest and common policy.
3. Acting as the channel of communication between the two in such matters.
4. Reporting to his Ministry on events of political or economic significance, whether they are of direct significance (e.g. the national budget, or ministerial changes) or of indirect significance (e.g. changes and trends in social or economic conditions).
5. . commenting on the views of third parties in the country (e.g. articles from the local press, opinions of other diplomats);
6. Being aware of the people of influence and the sources of national power in the state in which he is serving.

7. Conducting himself in his official and personal behaviour in such a way as to bring credit to his country.
8. Cultivating as wide and as varied a circle of friends as is possible in order to be able to fulfil (1), (3), (4) and (5) above.

What are the Functions of Permanent Diplomatic Representations (Resident Diplomatic Missions)?

According to the Article 3 of Vienna Convention on Diplomatic Relations, the following are the main functions of Diplomatic Missions;

1. Representation

'Representing the sending State in the receiving State' **Article 3 (1,a).**

A diplomat formally represents his country in a foreign state. S/He is the normal agent of communication between her/his home office and that of the state to which he is accredited. Her/ His representation is legal and political. S/He can vote in the name of her/his government. Of course, in doing so S/he is totally bound by the directions of her/his home office and the foreign Policy of the nation.

Types of Diplomatic Representations:

a) Ceremonial/Symbolic Representation:

The diplomats of a nation are the symbolic representatives of the state and they represent their state and government in all official ceremonies and functions as well as in non-official, social and cultural functions held in the place of their postings. Such as participating in Military ceremony, National or Independence Day of the receiving states, Funeral, natural disasters.

b) Legal Representation:

Representing its state (Sending state) in the international conferences and organization and voting on its behalf concerning the legal matters.

c) Political Representation:

Diplomats are representing their state politically by participating in transmitting the foreign policy of their state. In this case, there are considers as a focal point (Communication channel) in introducing the center of the decision making body of their country to the state in which S/he working and to the world.

2. Negotiations

'Negotiating with the Government of the receiving State'. **Article 3 (1.c).**

To conduct negotiations with other states is a substantive function of diplomacy. Generally saying, diplomats are by definition negotiators. They are the channels of communication which handle the transmission of messages between the foreign ministries of the parent state and the host state. Along with the nature of the message, the manner and style of delivering the message greatly influences the course of negotiations. It is mainly through negotiations that a diplomat seeks to secure agreements and compromises over various conflictual issues and problems among states.

3. Protecting Interest of its state and its Nationals.

'Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law' **Article 3 (1,b)**

Diplomacy is always at work for protecting and promoting the interests of the nation and its people (its Nationals) living abroad. Protection of interests is the "bedrock of the practice of diplomacy." It works to secure compatibility out of incompatibility through accommodation, reconciliation and goodwill.

A diplomat always attempts to prevent or change practices which S/he feels are discriminatory to the interests of his country. It is her/his responsibility to protect the persons, property and interests of such citizens of his country as are living in the territory of the state to which he stands posted.

4. Reporting & Collecting information, observation on the development in the receiving country.

'Ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State'. **Article 3(1,d).**

One of the most traditional function or tasks of diplomatic missions is Reporting. Reporting involves the observation of the political, economic, military and social conditions of the host country and the accurate transmission of the findings of the diplomat to her/his home country. The political reporting involves a report about the assessment of the roles of various political parties in the politics of the host country. It seeks to assess the friendliness or hostility of the various political groupings towards the home state, and the power potential of each party or organization.

Economic reporting involves sending of reports to the home office containing general information about the economic health and trade potential of the host country. In addition, Military reporting involves an assessment of the military might, intentions and capabilities, and the strategic importance of the host country.

The level of social and cultural conflicts among the people of the host country and the level of social harmony and cohesion are assessed for determining the level of stability of the host country. Thus, reporting is an important and valuable function of diplomacy.

Key Features of Diplomatic Reports:

Types of reports are different related to the time and topic of the report.

Therefore,

1. Timing: Reports can be sent on Weekly basis to the host state generally. However, in case of any update, developments or events that may occur in the receiving state that report needs to be delivered as soon as possible, otherwise it will lose its value. Or Special report concerning signing of an agreement, negotiations, Reform bill, Commercial and cultural protocol) diplomats need to prepare special report on these matters.
2. Reports needs to be full of information that include confidential and trusted information and correct data as well as to be comprehensive. The report should have a preface by highlighting the key information and subject in the report.
3. Methods of delivering and sending reports in the sending state:

- In writing: this is the general rule and it can be sent on weekly basis through Diplomatic bags in which the latter has diplomatic immunities.
- Orally (verbally): When head of the mission will be invited back to the capital of the sending state. S/he can share verbally any developments in the receiving state to the head of the State (President) or the minister of Foreign affairs. Or during the attendance in the international conferences of the diplomatic missions where minister of Foreign affairs attends.
- Information gathering through Legal and authorized Sources, in accordance to the Vienna convention on Diplomatic Relations article (3,1/d) missions are obliged to collect and gather information through agreed and accepted methods with receiving state that are legal channels and sources. Information gathering can be through the following ways;
 1. Official sources, the governmental channels in which diplomats contact such as (Formal Meeting and interviews, or through the ceremonies and events that the diplomats will be invited to.
 2. Media and Press: like (Magazine & Newspapers, Journals, TV broadcasts and Radio, News agency, Internet, Social Media.
 3. Secret Interviews; with key figures, groups, party or organization that in which they have common thoughts and opinions.
 4. Personal relations; public and personal relations of the diplomats is another source of collecting important information, in which sometimes it led to the solution of the such challenging problems that was not easy to be tackled through official channels.
 5. Content of the report:
 1. drafting and registering the information related to the events (comprehensive, short and clear).
 2. Analyzing the situation based on the information.
 3. Prediction by studying all the dimensions of the situation, expected and predictable reactions.
 4. recommendations and suggestions by taking necessary steps and actions related to the topic of the report.

5. Promoting friendly relations.

'Promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations'. **Article 3 (1,e).**

The key function of diplomatic representation is to enhance and promote bilateral relations between both states. Through expressing support and facilitation related to all the necessary procedures required for Commercial, Economic, scientific, cultural, military exchange that is consider as mutual interest between both parties.

6. Observing the obligation of the host state.

It is the duty of the diplomatic missions and diplomats to observe and follow up related to the commitments of the receiving state towards the sending state. In case of lack of cooperation and commitment to the implementation of the obligation. The mission not allowed to act or interfere immediately rather than following the official channel through the related body which is Ministry of Foreign affairs in order to deal and communicate with the receiving state. However, if the Ministry (MFA) authorized the mission the it can directly take necessary actions with the receiving state.

7. Respecting laws of the host state.

Diplomats and diplomatic missions must respect law and rules of the receiving state in which the mission is operating. Therefore, it is necessary that the mission respect the constitution, the political system and not acting in away that count as intervention in the internal affairs and do not create any kind of conflict or problem. For instance, not supporting any party or groups (Opposition or rebellious groups, military coups, political propaganda) against the host state especially that is also not reflecting the policy of the sending state.

8. More additional work.

‘Nothing in the present Convention shall be construed as preventing the performance of consular functions by a diplomatic mission’. **Article 3 (2)**.

despite the above functions, the diplomatic missions are authorized also to carry outs:

1. Administrative services in accordance with the local rule and laws of its state. For instance, services related to its nationals in the receiving state such as issuing (Birth, death and Marriage certificate, issuing VISA or any

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such Notary services). However, in principle these tasks are the Consular functions. But in case the state is lack of consulate the Diplomatic mission are authorized to play this role.

2. Also, the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

(Article 45/c).

3. Finally, A sending State may with the prior consent of a receiving State, and at the request of a third State not represented in the receiving State, undertake the temporary protection of the interests of the third State and of its nationals, in accordance with **Article 46.**