

Lecture 4

Subject: The Conduct of Diplomatic Relations in the Absence of a Full Diplomatic Mission

And

The Withdrawal or End of the Diplomatic Mission

KEYWORDS:

*Absence of Diplomatic Mission | End of the Diplomatic Mission | Withdrawal of the Diplomatic Mission |
Third State*

Questions to be addressed:

- Do states maintain Diplomatic Missions all around the world?
- In the Absence of a full Diplomatic Mission, how state conduct or preserve its interest in a country? what are the alternative procedures?
- When or in which Cases task of the Diplomatic Mission will be ended or withdrawn?

The Conduct of Diplomatic Relations in the Absence of a Full Diplomatic Mission

- Do states maintain Diplomatic Missions all around the world?

No state maintains a diplomatic mission in every capital in the world;

most have to be selective, and balance their national interest against the cost involved. The problem of not having full diplomatic representation in a particular state can be resolved in any of four ways or we can ask:

- When a state has the desire to build diplomatic relations with others and cannot establish a permanent or full mission with others, what are the alternative procedures?

Answer: in accordance with **Article 5** of the Vienna Convention on Diplomatic Relations, there are **four methods** (alternatives):

1. By requesting a government that is represented by a permanent mission in the state concerned to act on its behalf, which it may do with the approval of that state.
2. By accrediting one of its heads of mission resident in another state as a non-resident or 'visiting' head of mission in the state concerned.
3. By establishing a diplomatic mission headed by a duly accredited non-resident head of mission, but with chargé d'affaires ad interim where the head of mission has not his permanent seat.
4. By accrediting a very senior official (e.g. the Permanent Secretary of the Foreign Ministry) as a non-resident or 'visiting' head of mission in a number of states while maintaining his residence in his own capital.

End of the Task and the withdrawal of the Diplomatic Missions

- In Which cases or circumstances the task of the Diplomatic Mission will be ended?

First: End and Completion of Special Mission.

Special missions are temporary missions. Therefore, their tasks end when the mission completes its tasks.

Second: End of the Task of Permanent Diplomatic Mission.

The following situations lead to the End and withdrawal of the Permanent Diplomatic Missions (Resident Diplomatic Representation):

1. Closing of the Diplomatic Missions:

In certain instances, diplomatic missions may be withdrawn as a result of mutual agreement between the states concerned, for example on the grounds

that changed circumstances have resulted in the missions being unnecessary or uneconomic.

2. Nonexistence of the Sending State of the Diplomatic Missions.

2.1: Unification of the state with another state (states).

In this case, the task of the Permanent (Resident) the diplomatic mission ends when the sending state united with another state (states). Accordingly, one of the diplomatic missions will be ended.

2.2: Division of the Sending State:

If the sending state divided, automatically all its diplomatic missions will be concluded. None of the new states will maintain the old diplomatic missions, ONLY if the original and the main state exist and many states separated from it. For example; when the Soviet Union collapsed and in 1991 a number of states detached from it but Federal Russia kept all resident missions of the Soviet Union. However, but newly established state will not keep its old diplomatic mission (Permanent Diplomatic Representation).

3. Nonexistence (Absence) of the Host State.

When the host state where the diplomatic mission sent to not exist anymore 'Despite the reason behind its non-existence either united or integrated with a state or being divided' the diplomatic mission will stay on its headquarters as representative of its state. If the capital of the host state changed to a new place then the mission will be sent to the new capital as the representation of the sending state. If the sending has two diplomatic missions in two different states and these two states united then both missions will be integrated and send to the new capital. For instance, in 1990 when Yemen united, all diplomatic missions joint of Aden united and sent to the Sanaa as the new capital of Yemen.

4. Breaking off Diplomatic Relations between both States.

Generally, each country at their foreign ministry assess the level and status of their diplomatic relations with such a state either its Good, excellent, challenging. If defined as bad relation this will lead to the break off the diplomatic relations between both parties and end of its diplomatic missions' activities.

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The end of diplomatic relations means the announcement in which the states declare it and decide to end its permanent representation (Resident Diplomatic mission) by withdrawing their missions.

Termination of diplomatic relations can be either a single act or collective action. Example: Organization of African Unity (AU) during the war in 1967 and 1973 decided to breakdown relations with Israel as an expression of condemning its policy against the Arab countries.

In fact, breakdown of diplomatic relations in accordance with article 41 of the UNs Charter considers one of the toughest and hardest procedures but non-military action in which United Nations Security Council is in the position to request UNs member state to implement it against any state that threatens both International Peace and Security.

Missions may also be withdrawn as a deliberate act of foreign policy. As a consequence of breaking off of diplomatic relations as a threat to go on war. But at the present day, states use the same action not as a threat but as a protest.